

Swindon Borough Council

Planning Committee

Tuesday, 10 November 2015

Council Chamber, Civic Offices

At 5.30 p.m.

Conservative Councillors

*Colin Lovell
Vera Tomlinson
Nick Martin
Alan Bishop
Kevin Parry
Eric Shaw
Cathy Martyn
Timothy Swinyard*

Labour Councillors

*Abdul Amin
John Ballman
Teresa Page
Peter Watts
Paul Baker
Steph Exell*

Liberal Democrat Councillors

Stan Pajak

(Copy to all other Members of the Council – For Information)

Committee Officer: Iain Tucker (Telephone 01793 463605)
email: itucker@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street,
Swindon, SN1 2JH (Telephone 01793 445500)

PLEASE NOTE: AN ADDITIONAL INFORMATION SHEET CONTAINING ANY INFORMATION RECEIVED AFTER PUBLICATION OF THIS AGENDA WILL BE PLACED IN COUNCILLORS' PIGEONHOLES FOR DELIVERY ON THE FRIDAY IMMEDIATELY BEFORE THE MEETING.

PUBLIC COPIES OF THE ADDITIONAL INFORMATION SHEET WILL BE AVAILABLE ON THE COUNCIL'S WEBSITE AND FROM APPROXIMATELY 5.30 PM IN THE COUNCIL CHAMBER.ON THE DAY OF THE MEETING

AGENDA

1. Apologies for Absence

2. Declarations of Interest

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

3. Minutes (Pages 1 - 2)

To receive the minutes of the meeting held on 13th October 2015

4. Public Question Time

See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.

5. Determination of Planning and Related Applications (Pages 3 - 5)

6. S/15/1104/EDSN Alterations and extensions to include: extension to and use of garage and part of dwelling as a child minding facility, erection of two storey front extension, car port to side, single storey rear extension (sui generis).Cradlebridge House, The Pitchens, Wroughton (Pages 6 - 25)

7. S/15/0467 Erection of 5 no dwellings, a detached garage and construction of a new vehicular access.Land at Nursery Close, Wroughton, Swindon (Pages 26 - 42)

8. S/OUT/15/1025/HC Outline application for the erection of up to 52 Dwellings, with associated car parking, landscaping and public open space. Means of access not reserved.Land at Lady Lane, Swindon (Pages 43 - 68)

9. S/15/0155/IH Erection of 1no. detached dwelling and associated works The Bungalow, Ridgeway Farm, Hackpen Lane (Pages 69 - 92)

10. Blackthorn Lane, Haydon Wick, Swindon (Pages 93 - 107)

Date of Despatch: 02 November 2015

Key:

Officers:

HP - Head of Planning

Public Question Time - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

Access Arrangements – *The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL

NEW GUIDELINES - PLEASE READ

IF YOU HAVE COME TO SPEAK ABOUT AN APPLICATION THAT INTERESTS YOU PLEASE READ THE FOLLOWING GUIDELINES. THEY EXPLAIN HOW THE COMMITTEE DEALS WITH EACH ITEM. THESE GUIDELINES ONLY APPLY TO APPLICATIONS LISTED ON THE MAIN SCHEDULE IN THE AGENDA

- 1. THE COMMITTEE CHAIR CALLS THE ITEM**
- 2. PLANNING OFFICER PRESENTS THE APPLICATION**
- 3. WARD COUNCILLORS MAY SPEAK**
- 4. APPLICANTS AND/OR AGENT (5 MINUTES MAXIMUM IN TOTAL) WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**
- 5. PUBLIC SPEAKERS (INCLUDING PARISH COUNCIL)- WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**

(MAXIMUM 5 MINUTES EACH UP TO 2 SPEAKERS, IF MORE THAN 2 THEN MAXIMUM 10 MINUTES TOTAL SPEAKING TIME FOR ALL SPEAKERS)
- 6. COUNCILLORS WHO HAVE DECLARED PERSONAL OR PREJUDICIAL INTERESTS MAY SPEAK**
- 7. MEMBER ONLY DISCUSSION, INCLUDING ANY FURTHER QUESTIONS TO OFFICERS OR ANYONE ELSE WHO HAS SPOKEN**
- 8. A PLANNING OFFICER WILL CLOSE THE ITEM BY COMMENTING ON ISSUES RAISED BY MEMBERS**
- 9. VOTE**
- 10. CHAIR BRIEFLY EXPLAINS DECISION IF NECESSARY**
- 11. NEXT BUSINESS**

THE 10 MINUTE MAXIMUM PUBLIC SPEAKING PERIOD WILL BE YOUR ONLY OPPORTUNITY TO SPEAK, UNLESS MEMBERS OF THE COMMITTEE WISH TO ASK YOU QUESTIONS UNDER GUIDELINE 7.

SPEAKERS WHO MERELY REPEAT POINTS ALREADY MADE BY OTHERS MAY BE ASKED TO STAND DOWN.

IF THERE IS MORE THAN ONE PERSON WISHING TO ADDRESS THE COMMITTEE EITHER AS AN OBJECTOR OR SUPPORTER, THEY ARE EXPECTED TO NOMINATE A REPRESENTATIVE FROM THE SPEAKERS LISTED TO REPRESENT THEIR COLLECTIVE VIEWS.

THE CHAIR AND THE COMMITTEE HAVE THE DISCRETION TO DEPART FROM THESE GUIDELINES, BUT WILL IN MOST CASES EXPECT ALL PARTIES TO ABIDE BY THEM.

PLANNING COMMITTEE

TUESDAY, 13 OCTOBER 2015

PRESENT: - Councillors Abdul Amin, John Ballman, Colin Lovell (Chair), Vera Tomlinson, Peter Watts, Nick Martin, Alan Bishop, Kevin Parry, Eric Shaw, Cathy Martyn, Stan Pajak, Timothy Swinyard and Steph Exell.

Apologies for absence were received from Councillors Teresa Page and Paul Baker.

76. Declarations of Interest

Councillors Shaw and Martyn declared personal and prejudicial interests in respect of Items no. 6 and 7 on the agenda (S/OUT/15/912 and S/OUT/15/1204 refer) and left the room during the voting and discussion thereon.

77. Minutes

Resolved – That the minutes of the meeting held on 8th September 2015 be confirmed and signed.

78. Statement by Labour Party Councillors

Following reports in the local press, attributed to Labour Group concerning planning application reference S/OUT/15/912 on the meeting's agenda, Councillor Peter Watts read out a written statement that he had not pre-determined or formed any conclusions about any of the planning applications on the agenda. All other members of the Labour Group present (Councillors Amin, J. Ballman and Exell) also confirmed the same.

79. Public Question Time

Kareen Boyd, Old Town, Swindon asked what would happen if Councillors had pre-determined a planning application.
The Head of Conveyancing, Environment and Contracts responded at the meeting.

80. Determination of Planning and Related Applications

The Committee considered: -

- (a) Applications for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services, Heritage and Libraries
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments of Councillor Crabbe in respect of applications numbered S/OUT/15/912 and S/OUT/15/1204
- (e) The comments of Councillor Heenan in respect of application numbered S/15/623
- (f) The comments of the following interested persons:

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/OUT/15/912	Chris Kennedy John McKewan Roy Brinton	Wroughton Parish Council 15 Marlborough Road 3 Oneshot Close
S/OUT/15/1204	Jeff Richards Nick Moon Chris Kennedy	Agent 5 Petter Close Wroughton Parish Council
S/15/467	Glen Godwin Chris Kennedy Gary Hodge	Agent Wroughton Parish Council 1 Kingswood Close
S/15/623	Chris Roberts Anna Cole] 2 ½ mins each Agent] 2 ½ mins each
S/15/1373	Aaron Thornton	Applicant

Resolved – (1) That permission be refused in respect of applications numbered S/OUT/15/912 and S/OUT/15/1204 for the reasons set out in the Committee reports

(2) That consideration of application numbered S/15/467 be deferred to allow further consultation.

(3) That the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to grant permission in respect of application numbered S/15/623 subject to appropriate conditions, and in consultation with Ward Councillors.

(4) That permission be granted in respect of application numbered S/15/1373 subject to the following conditions:

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

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

2. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing buildings. Such facing materials shall be retained thereafter in their approved form.

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

3. This approval shall be in respect of drawing 46-15 Sheet 1, 46-15 Sheet 2, 46-15 Sheet 3, 46-15 Sheet 4, 46-15 Sheet 5 and 46-15 Sheet 6 received by the Local Planning Authority on 21st August 2015.

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

Determination of Planning and related Applications

**Planning Committee
2015**

Date: 10th November

Author:	Head of Planning and Regulatory Services
Wards:	All Wards
Locality Affected:	All Locality Area
Parishes Affected:	All Parish Area

1. Purpose and Reasons

- 1.1 To determine the planning and related applications in the Committee reports that follow this report in the Committee Agenda, as may be amended by the additional information sheet circulated before the meeting

2. Recommendations

The Committee is recommended to:

- 2.1.1 determine the applications set out in the Committee agenda in accordance with the recommendations set out in the reports, including, where relevant, the additional information.

3. Alternative Options

- 3.1 The Committee could choose not to determine the Planning applications

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 There would be financial implications if, following a refusal to grant planning permission or the grant of conditional permission, costs are awarded against the Council on appeal. However, this would only happen if the Council was adjudged to have acted unreasonably

Legal and Human Rights Implications

- 4.2 There are no staffing implications. No comments have been received from relevant trade unions, unless specified in the attached schedule.
- 4.3 Human Rights considerations have been taken into account in compiling the reports. It is considered that the recommendations of the reports are compatible with Convention rights and that in accordance with the principle of proportionality any interference with the Convention rights of individuals is justified by the overall benefit to the community.

Further information on the subject of this report can be obtained from Contact Person, Direct Dial Telephone Number, Employee@swindon.gov.uk.

Determination of Planning and related Applications

**Planning Committee
2015**

Date: 10th November

5. Appendices

- 5.1 Appendix 1 - Documents which may be relied on in the preparation of the application reports
- 5.2 Schedule of planning and related applications reported to this Committee for the first time.

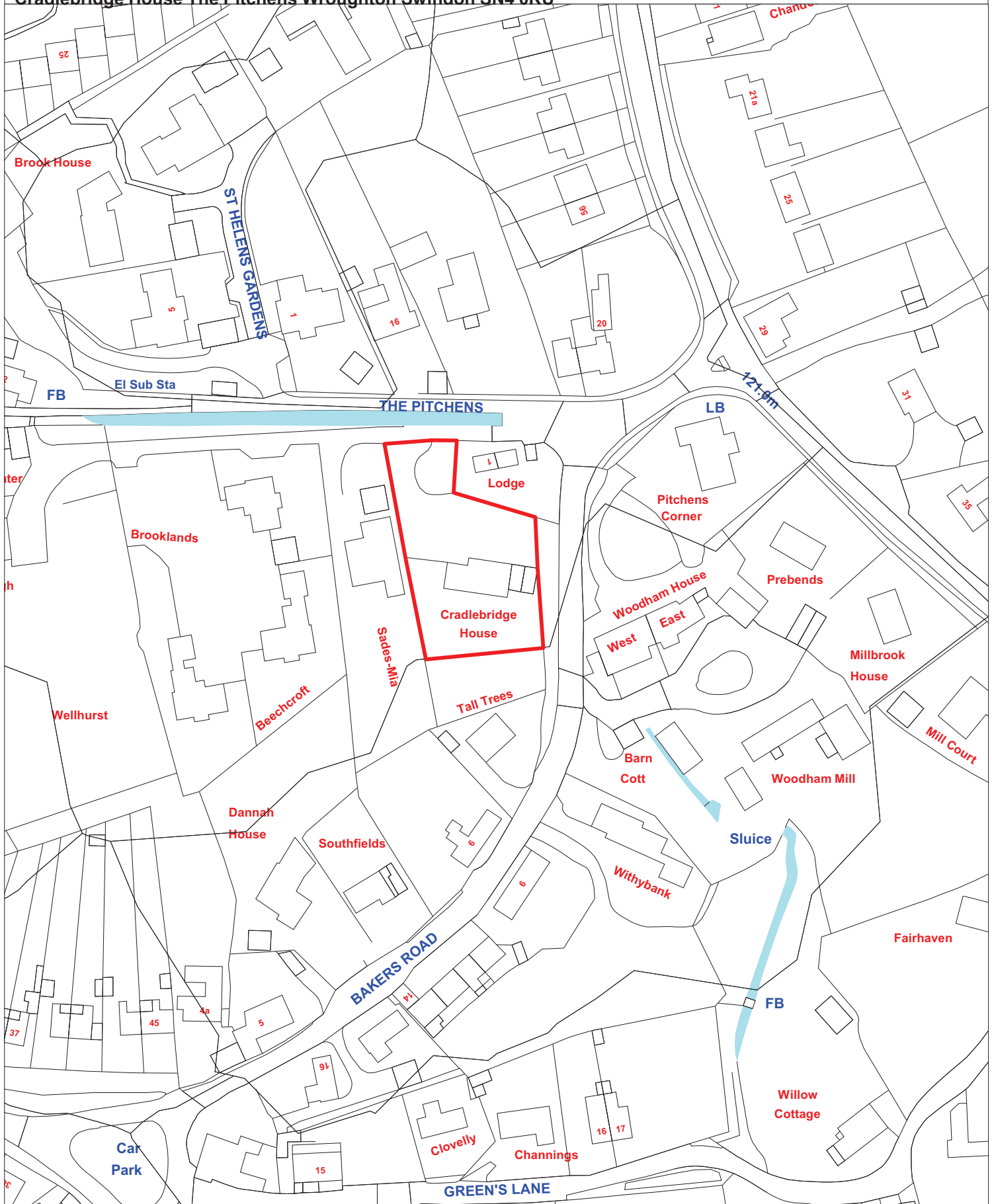
APPENDIX 1

DOCUMENTS WHICH MAY BE RELIED ON IN THE PREPARATION OF THE APPLICATION REPORTS

1. The approved Development Plan, consisting of
 - Swindon Borough Local Plan 2026, (2015), and the Swindon Borough Local Plan 2026 Policies Map (2015)
 - Wiltshire and Swindon Minerals Core Strategy, (2009)
 - Wiltshire and Swindon Minerals Development Control Policies DPD (2009)
 - Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, (2013)
 - Wiltshire and Swindon Waste Core Strategy, (2009)
 - Wiltshire and Swindon Waste Development Control Policies DPD, (2009)
 - Wiltshire and Swindon Waste Site Allocations Local Plan, (2013)
 - Swindon Central Area Action Plan, (2009)
2. Adopted Supplementary Planning Guidance Notes, Supplementary Planning Documents and Development Control Guidance Notes
3. The National Planning Policy Framework, (2012); and policy statements, guidance and DCLG circulars that support the National Planning Policy Framework
4. Ministerial Statements and other guidance material to the consideration of applications
5. Relevant appeal decisions and case law
6. Relevant planning history, case files and related correspondence including the views of statutory consultees
7. Any emerging relevant Development Plan Documents

Alterations and extensions to include: extension to and use of garage and part of dwelling as a child minding facility, erection of two storey front extension, car port to side, single storey rear extension (sui generis).

Cradlebridge House The Pitches Wroughton Swindon SN4 0RU



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

S/15/1104

Alterations and extensions to include: extension to and use of garage and part of dwelling as a child minding facility, erection of two storey front extension, car port to side, single storey rear extension (sui generis).

Cradlebridge House The Pitches Wroughton Swindon SN4 0RU



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

NOTES:
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Revisions:	
Rev.	Date
A	15/02/15
B	03/03/15
C	23/03/15
D	15/02/15

ALPHA

PROPERTY SERVICES

Address:

Cradlebridge House

Wroughton SN4 0RU

Project:

Proposed Extension

Drawing:

Proposed Site Plan

Scale:

1:500 @ A3

Date:

January 2015

Number:

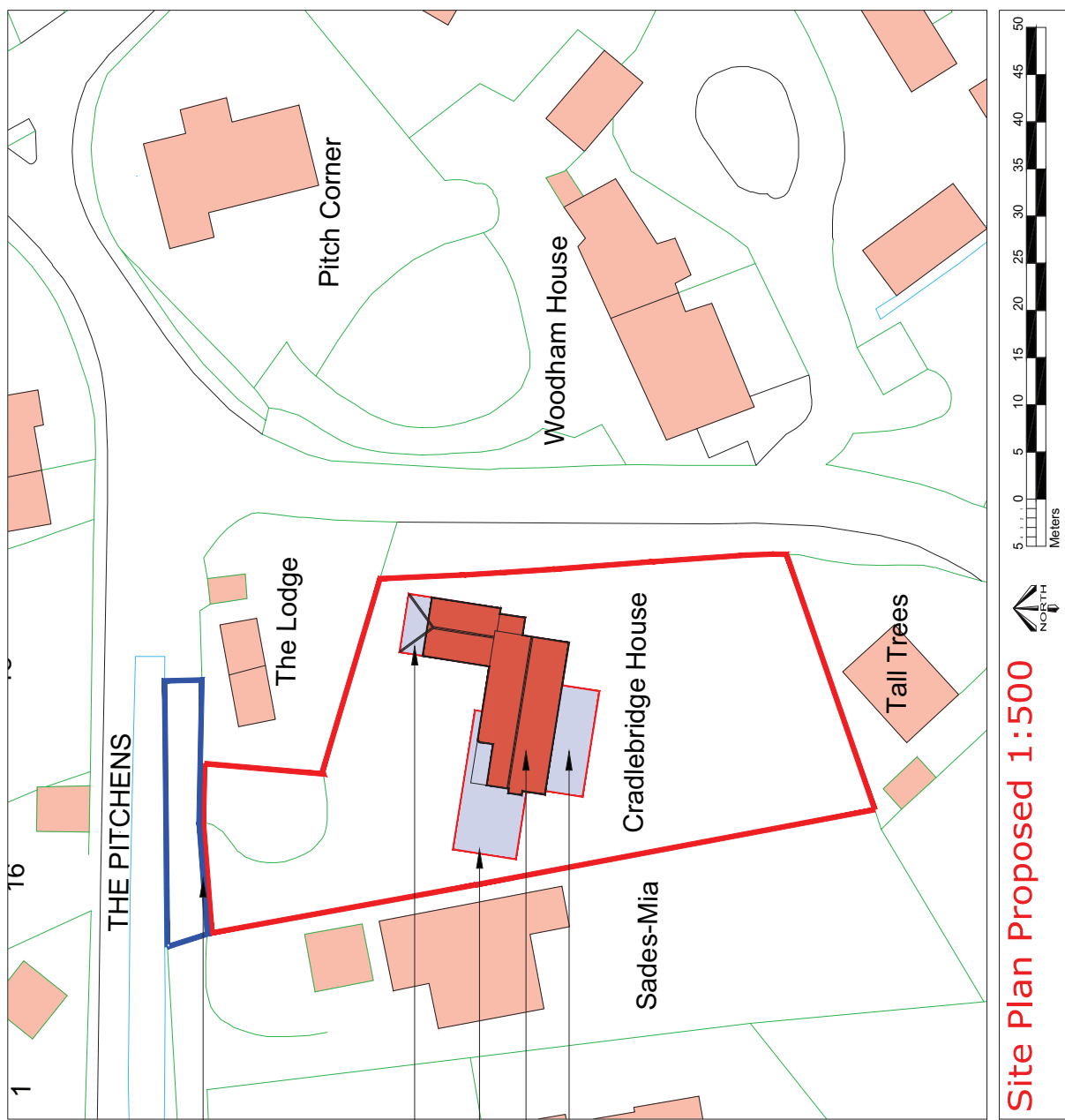
15/02 02

Bridge House, 14 Wharf Road, Wroughton, Swindon, Wiltshire, SN4 3LB

01753 67771

36 16 40

Email: alpha.property@alpha.com



Site Plan Proposed 1:500

Red line denotes site boundary

Blue line denotes Right of Way

Crown Copyright. All rights reserved. Licence no. 100019980

Existing access from The Pitches

Small extension to child minding facility

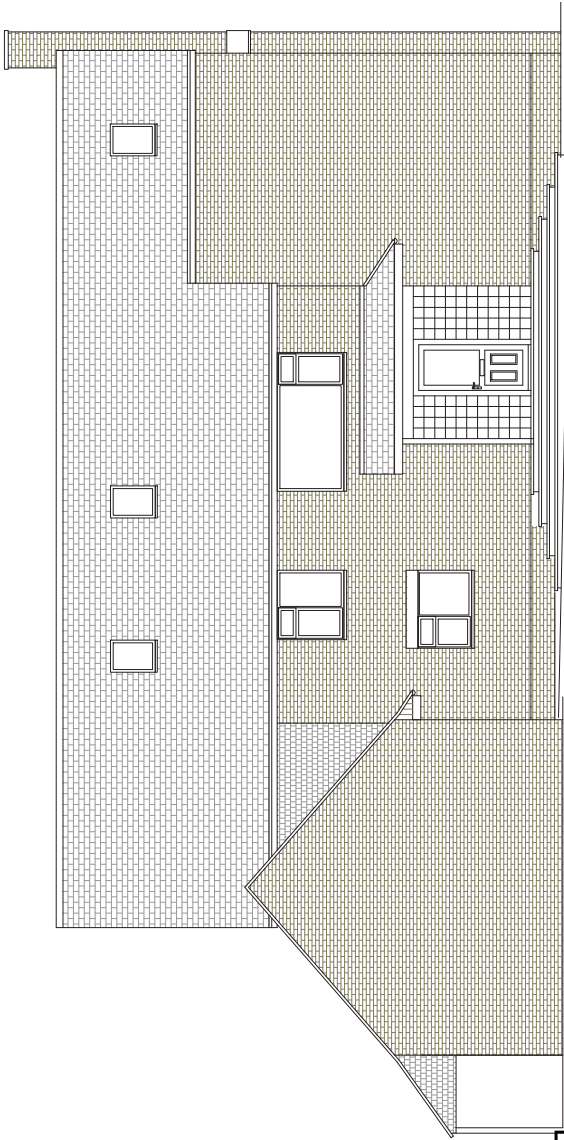
Outline shows proposed carport

Existing dwelling

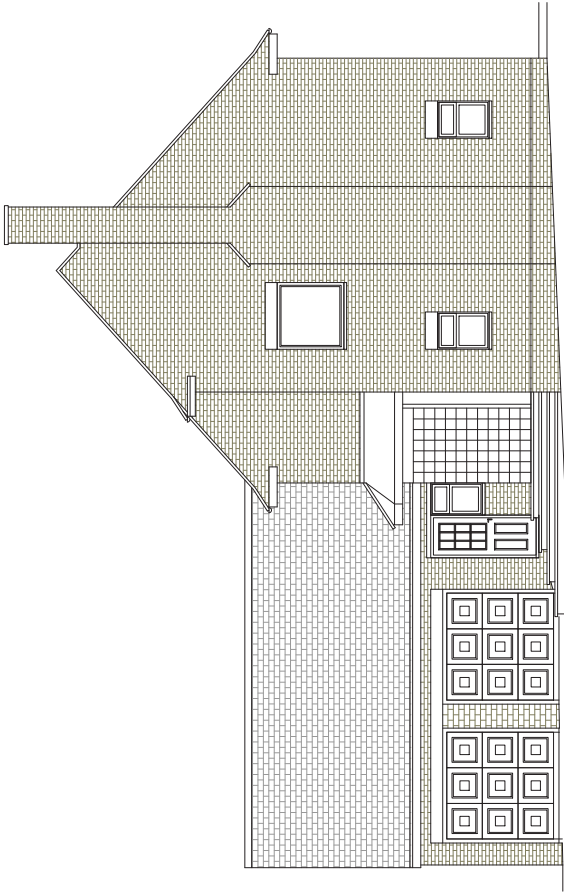
Permitted development

Page 8

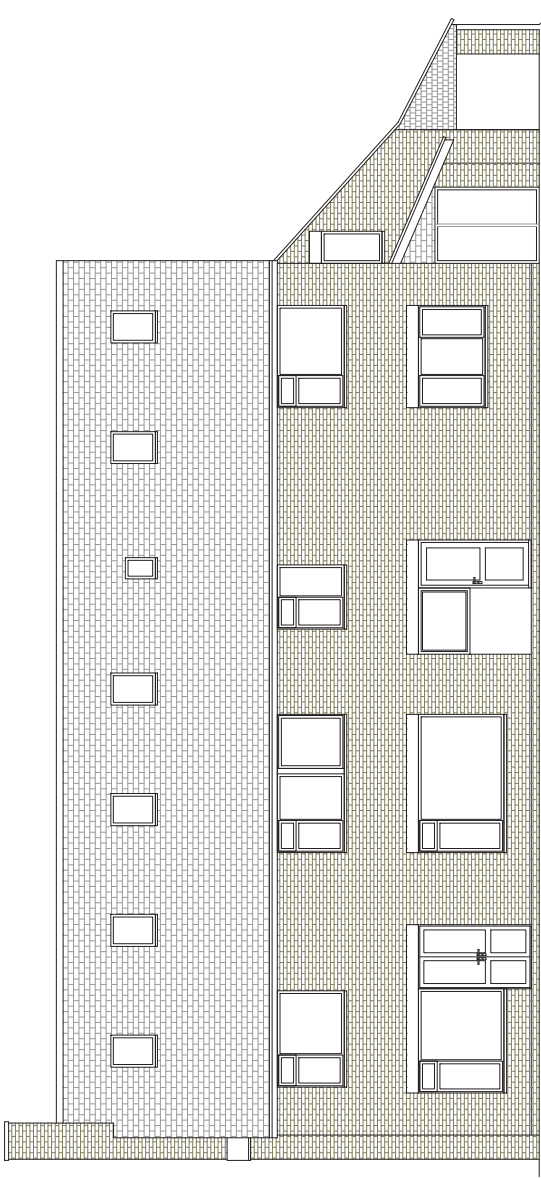
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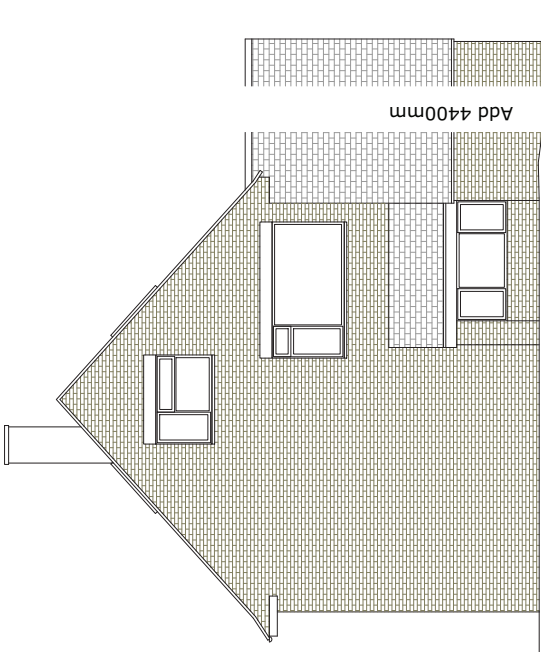
North Elevation



East Elevation



South Elevation



West Elevation

Revisions:

Rev. Date Description

ALPHA
PROPERTY SERVICES

Address: Cradlebridge House
Wroughton SN4 0RU

Project: Proposed Extension

Drawing: Existing Elevations

Scale: 1:100 @ A3

Date: January 2015

Number: 15/02 04

Bridge House 14 Wharf Road Wroughton Swindon
Wiltshire SN4 9LD
Email: info@alphaproperty.com Tel: 07771 36 16 40



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Revisions:	Rev	Date	Description
	A	15/02/15	Amended Scheme

ALPHA
PROPERTY SERVICES

Address: Cradlebridge House
Wroughton SN4 0RU

Project: Proposed Extension

Drawing: Proposed Elevations
Scale: 1:100 @ A3

Date: January 2015

Number: 15/02 07

Bridge House 14 Wharf Road Wroughton Swindon
Wiltshire SN4 9LD Tel: 07771 36 16 40
www.alpha-property.com

Natural timber cladding
between windows

New double car port and
porch extension in best
match brick and concrete
tiles.

Existing garage
extended to form
re-sited child
minding facility.

North Elevation

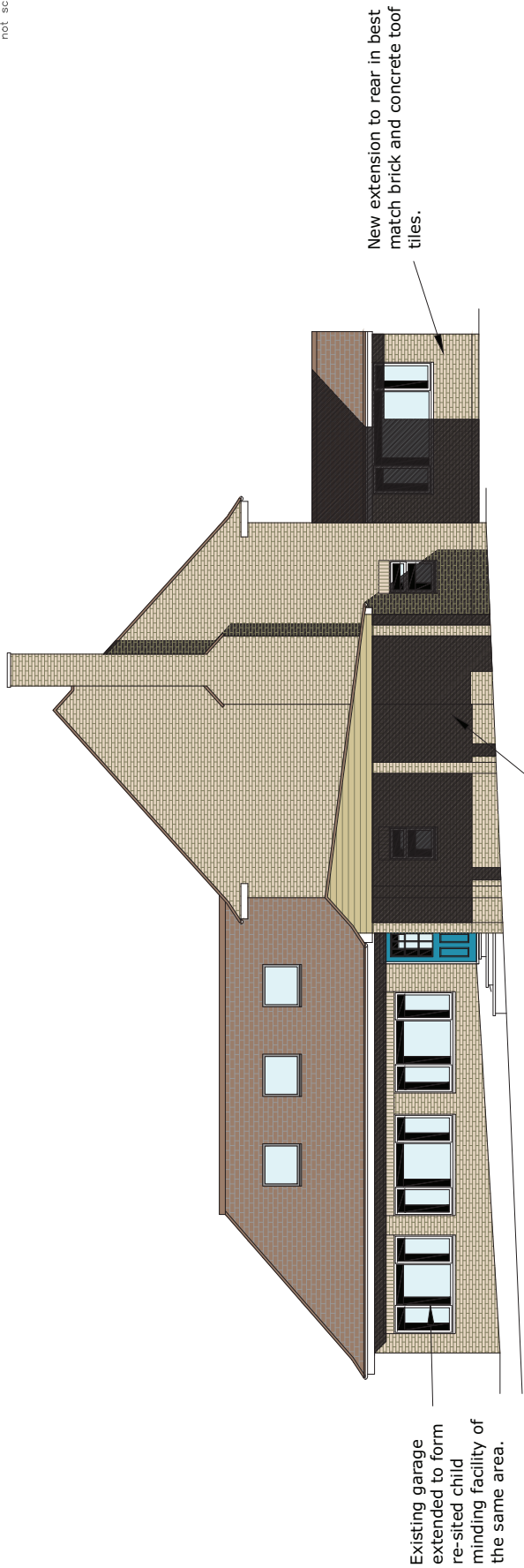
New double car port and
porch extension in best
match brick and concrete
tiles.

New extension to rear in best
match brick and concrete tiled
roof.

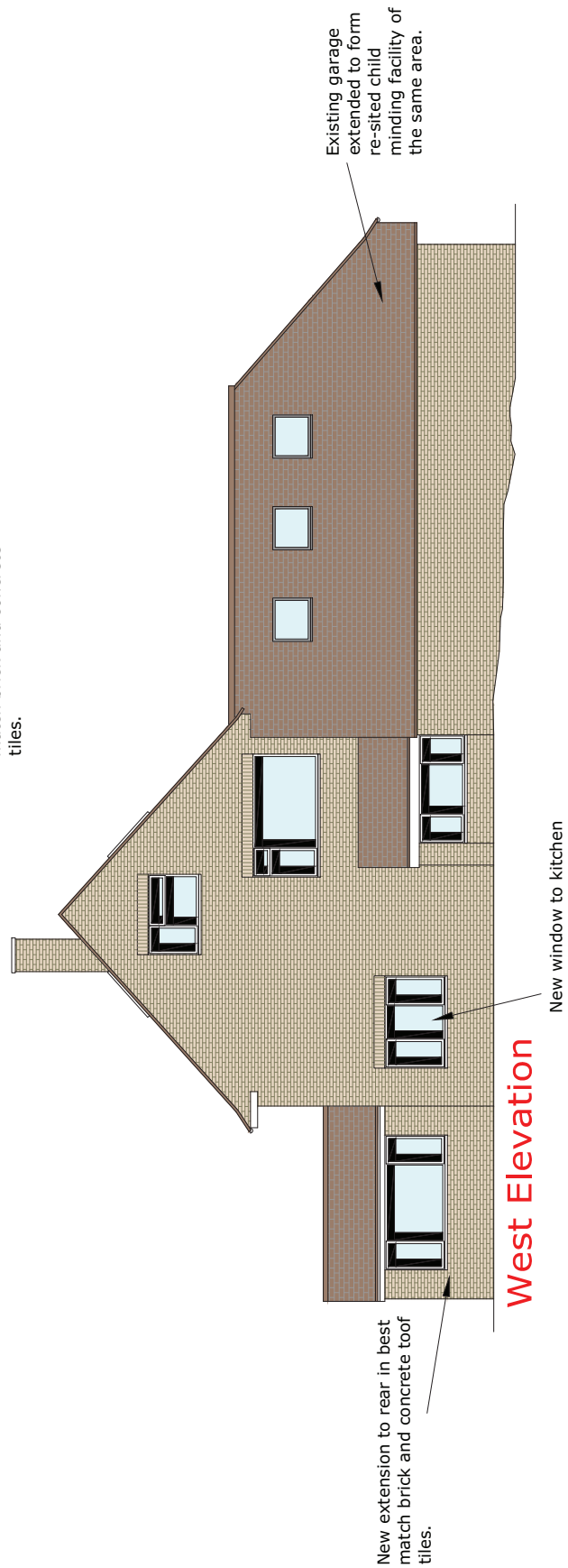
South Elevation



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East Elevation



West Elevation

Revisions:	Rev	Date	Description
	A	18/06/15	Amended Scheme

ALPHA
PROPERTY SERVICES

Address: Cradlebridge House
Wroughton SN4 0RU

Project: Proposed Extension

Drawing: Proposed Elevs E & W
Scale: 1:100 @ A3

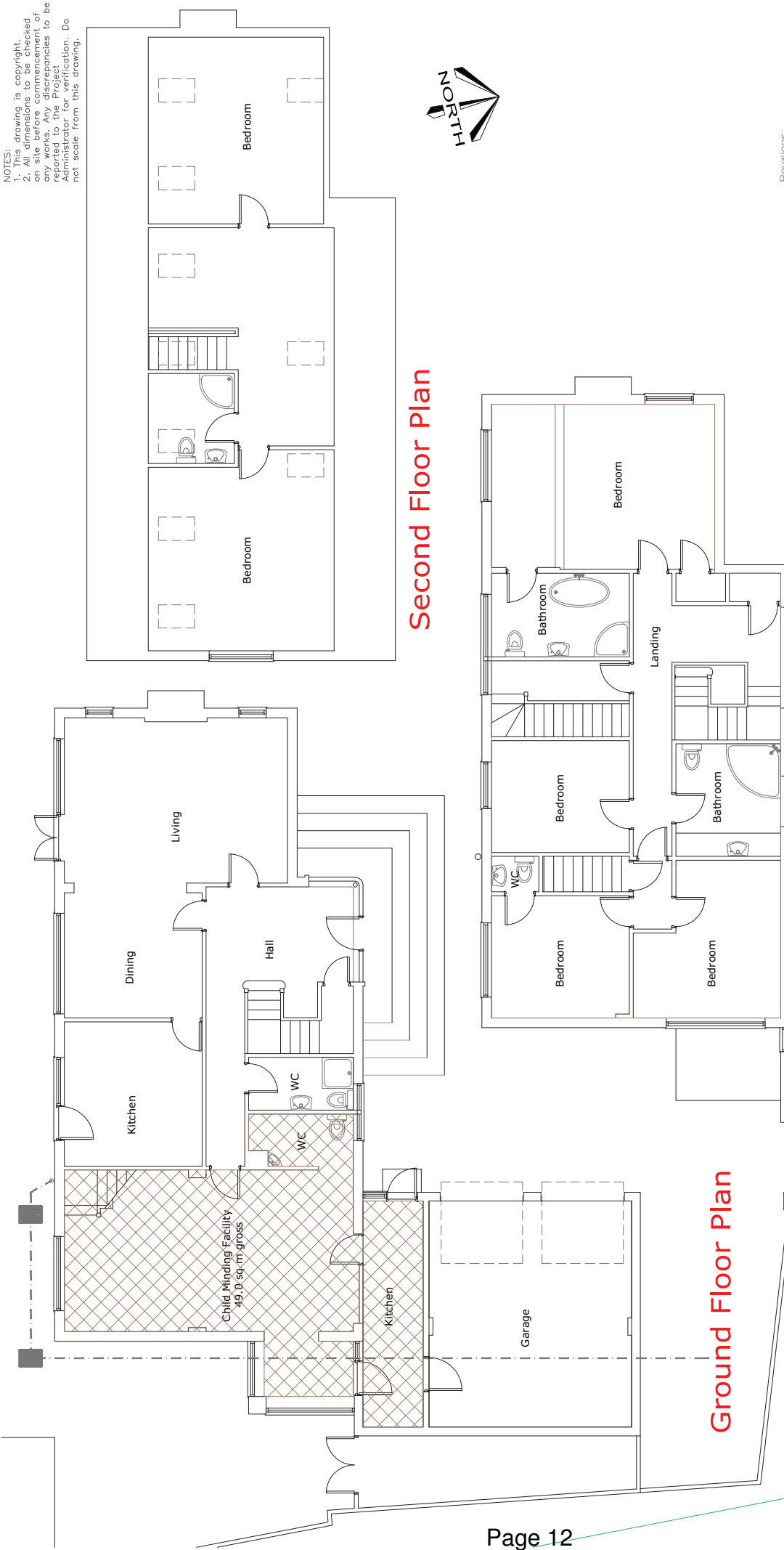
Date: January 2015

Number: 15/02 08 A

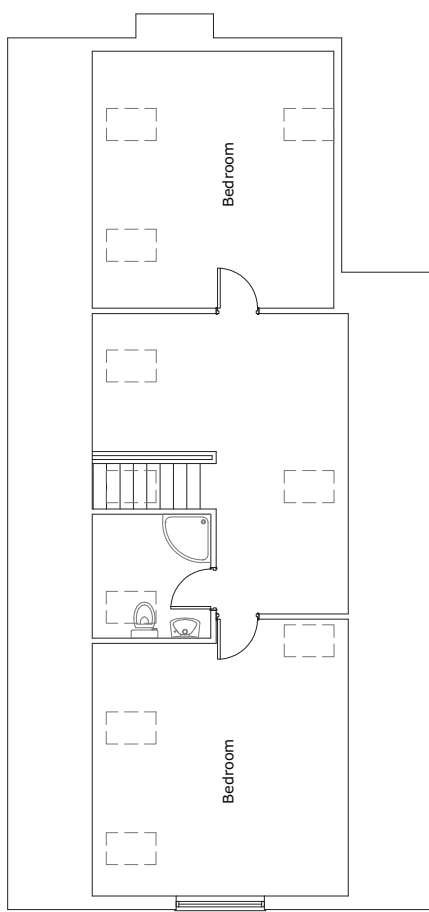
Bridge House 14 Wharf Road Wroughton Swindon
Wiltshire SN4 9AL
Tel: 07771 36 16 40
Email: info@alphaproperty.com



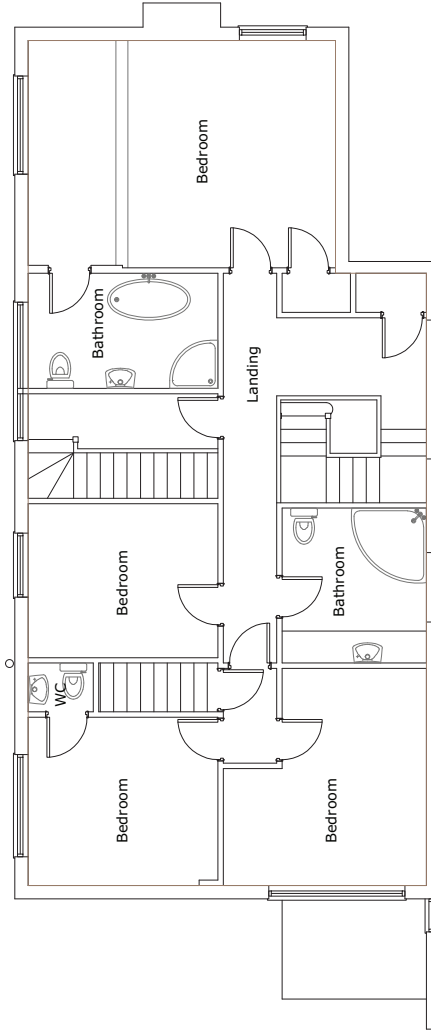
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Ground Floor Plan



Second Floor Plan



First Floor Plan

Revisions:
Rev. Date Description
A 23/08/15 Child Minding area added

ALPHA
PROPERTY SERVICES

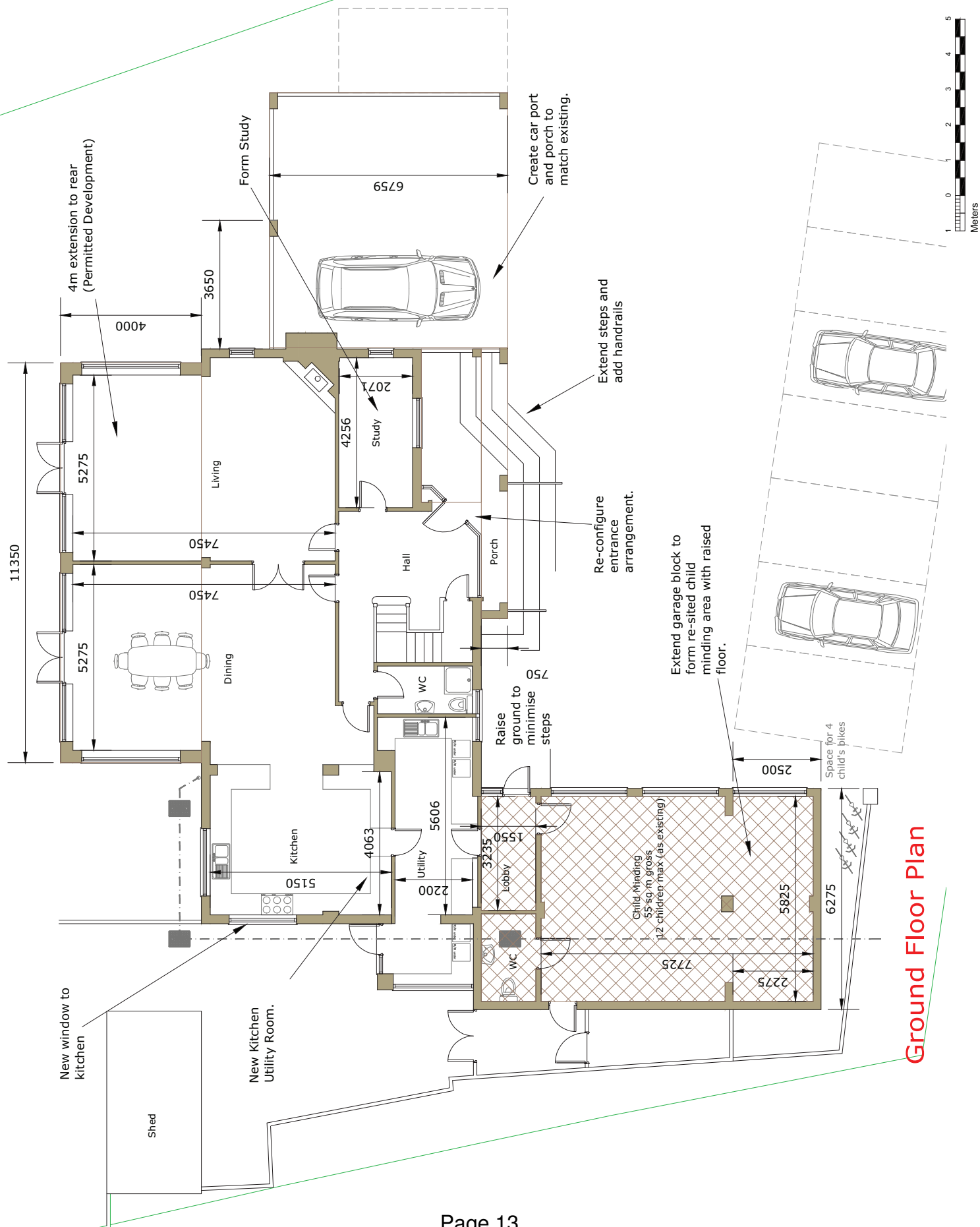
Address: Cradlebridge House
Wroughton SN4 0RU
Project: Proposed Extension

Drawing: Plans Existing
Scale: 1:100 @ A3
Date: January 2015

Number: 15/02 03 A
Bridge House 14 Wharf Road Wroughton Swindon
Wiltshire SN4 9LD Tel: 07771 36 16 40
Email: info@alphaproperty.com



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Revisions:	Rev	Date	Description
A	20/04/15	Drawings added	
B	20/04/15	Drawings added	
C	20/04/15	Child minding area finished	

ALPHA
PROPERTY SERVICES

Address: Cradlebridge House
Wroughton SN4 0RU
Project: Proposed Extension

Drawing: GFPlan Prop
Scale: 1:100 @ A3
Date: January 2015

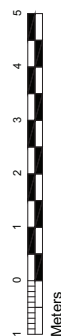
Number: 15/02 05 C
Bridge House 14 Wharf Road Wroughton Swindon
Wiltshire SN4 9LD Tel: 07771 36 16 40
Email: info@alphaproperty.com

Ground Floor Plan

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First Floor Plan



Revisions:	Rev	Date	Description
	A	20/04/15	Dimensions added
	B	02/05/15	Permitted extension

ALPHA
 PROPERTY SERVICES

Address: Cradlebridge House
 Wroughton SN4 0RU
 Project: Proposed Extension

Drawing: FF Plan Prop
 Scale: 1:100 @ A3
 Date: January 2015

Number: 15/02 06 B
 Bridge House 14 Wharf Road Wroughton Swindon
 Wiltshire SN4 9AL Tel: 07771 36 16 40
 email: info@alphaproperty.com



COMMITTEE REPORT

Item Number: 6

Ward: Wroughton and Wichelstowe

Application Number: S/15/1104/EDSN

Parish: Wroughton

Proposal: Alterations and extensions to include: extension to and use of garage and part of dwelling as a child minding facility, erection of two storey front extension, car port to side, single storey rear extension (sui generis).

Site Location: Cradlebridge House, The Pitchens, Wroughton

Case Officer: Mr Edward Snook

Agent:

Mr Mark Campbell
Campbell Town Planning
21 Hawkins Street
Swindon
Wiltshire
SN2 2AQ

Applicant

Mr & Mrs Spry
Cradlebridge House
The Pitchens
Wroughton
Swindon
SN4 0RU

Officers Report

1 Background:

1.1 This application is brought before planning committee at the request of Wroughton Parish Council and Cllr Crabbe.

2 Planning History:

2.1 S/14/1006: Change of use of part of the residence from dwelling (Class C3) to a child minding facility (Class D1) (GRANTED). (August 2014)

2.2 S/LDP/14/1007: Certificate of Lawfulness (Proposed) for a loft conversion, erection of a single storey rear extension and first floor in-fill (GRANTED).

2.3 S/15/0322: Erection of single storey and two storey front, side and rear extensions, conversion of garage into business space and erection of dormer windows (WITHDRAWN).

3 Summary of Recommendation:

3.1 That planning permission be **GRANTED** with Conditions

4 The Proposal:

4.1 The application seeks to gain planning permission for the change of use of part of the

dwellinghouse (Class C3) to a child minding facility (Class D1). The proposal also includes an extension to the existing garage, a two storey front extension, single storey rear extension, front canopy and car port to the side.

4.2 The application proposes to convert and extend the existing garage for the use as a child minding facility (Class D1). The total area converted would be 59 square metres and is proposed to be used for up to 12no. children. The extension to the existing garage would project 2.5 metres from the existing side elevation and have a hipped roof. It is proposed that roof area above the nursery would be used as a gym area (private domestic use).

4.3 The proposed two storey front extension would in-fill the front north-west corner of the host dwelling. It would be 1.7 metres deep and 4.3 metres wide and merge with existing roof arrangement. The single storey rear extension would have a pitched roof and project 4 metres from the existing rear elevation.

4.4 The car port would project 7.2 metres from the existing west side elevation and would have a maximum height of 3.8 metres. A canopy is proposed to run part width across the front elevation and carport.

5 The Site and Surroundings:

5.1 The property is a detached dwelling located on relatively large plot in the village of Wroughton. The driveway leads from a private road which serves a total of eight properties. There is an attached double garage to the front and large private amenity area to the rear. Part of the ground floor is currently used as a childminding facility.

5.2 The application site is located within Wroughton Conservation Area and is adjacent to a listed building (The Lodge).

6 Representations:

6.1 Conservation: No objections.

6.2 Highways: No objections; subject to conditions.

6.3 Neighbours:

- 7no. neighbouring properties including 17 The Pitches, Beechcroft, Brooklands, Mill Court, The Lodge, Sedes Mia and Woodham House West have objected to the planning application. The reasons for the objections are summarised below:

- Inappropriate location for a commercial business. This would set a precedent for further commercial development.
- Would result in an increase in vehicle and pedestrian movements causing congestion and safety concerns.
- The access to the property is down a private narrow road without any pavement. This is inadequate for large commercial vehicles and permission to use the private road has not been given.
- The size and type of the business is not suitable for this particular residential area, being a conservation area.

- The noise from the child minding facility would be disruptive and detract from the quiet enjoyment of existing residents. This would have a negative impact on the conservation area.
- Concerns that it is a commercial nursery rather than a small childminding facility.
- The increase in vehicles is dangerous, particularly due to the proximity of some properties and boundaries to the road.

- 18no. letters of support were received for the application. The reasons are summarised below:

- That the existing use as childminding facility is essential to the early years development within Wroughton.
- Parents rely on the facility to provide care for children. It offers a convenient and flexible option for parents, many of which walk to it due to its location.
- Supports the local sustainable transport plan. The impact on the highway would be minimal.
- The number of children proposed is not considered to impact existing amenity levels. There is currently no restriction on the property being used by a large family.
- The property is not visible from the public highway and would not impact the conservation areas heritage.
- Good links with local pre-schools.
- Children enjoy going there and having a home setting is a benefit. It is in a quiet and safe location.
- Easy to access with good parking facilities.
- The wording in condition 6 of S/14/1006 is not consistent with the highways officer's recommendation.

6.4 Ward Councillor: Cllr Crabbe has raised the following concerns with the proposed development:

- The potential increase in traffic would have an adverse impact on No. 1 The Lodge due to the proximity of the front door to the highway.
- The access to the property is down a private narrow road without any pavement. This is inadequate for large commercial vehicles and permission to use the private road has not been given. This is also a concern for pedestrians using the route.
- There are strong neighbour and Parish Council objections.
- The works would intensify the small level childminding activities to a nursery. This is inappropriate in an exclusively residential area.
- Concerns about the previous planning application and likely to be objections once the temporary consent expires.
- The roads are inappropriate for an increase in traffic.

6.5 Wroughton Parish Council: Object to the proposed development on the following grounds:

- Loss of amenity to neighbouring properties due to increased noise from children and traffic.
- The use of the private road for commercial use is not permitted.
- Increased traffic and parking issues.

- The extension to the garage to form a gym and the proposed car port would project forward. The adopted SPD does not favour front extensions.
- The existing set back to the front of the dwelling would be lost as a result of the infill.
- Unclear why the floor area of the nursery needs to be expanded if the number would remain at 12no. children.
- The Parish Council is opposed to application S/14/1006 which set a precedent for commercial use in the conservation area.
- In reference to the revised consultation, Wroughton Parish Council maintain their objection. In the event that consent is granted they have suggested restricting the number of children to 12no. and restricting the use to the current applicant.

7 Planning Considerations:

Policy

7.1 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England and Wales and how these are expected to be applied. Paragraph 56 in particular refers to the importance of high quality design and its role in delivering sustainable development. Paragraph 37 of the NPPF states "planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities."

7.2 The relevant policies of the adopted Swindon Borough Local Plan 2026 for this proposal are:

- *Policy SD1 - Sustainable Development Principles* seeks to enable the delivery of sustainable development and support sustainable communities within the Borough.
- *Policy SD2 - The Sustainable Development Strategy* sets out the development strategy for the Borough.
- *Policy SD3 - Managing Development* advises that a positive approach will be taken towards development proposals which are in favour of sustainable development.
- *Policy DE1 - High Quality Design* seeks to ensure that the development is of a high quality design without harming the existing amenity levels of the surrounding land uses.
- *Policy CM1 - Education* seeks to meet the long-term early years needs through the provision of nursery facilities at all new primary schools and the provision of facilities by the private and voluntary sector.
- *Policy TR2 - Transport and Development* seeks to ensure that sustainable modes of transport are encouraged and that the access and parking provision for developments are acceptable.
- *Policy EN10 - Historic Environment & Heritage Assets* seeks to ensure development proposals conserve or enhance heritage assets.

7.3 Supplementary Planning Document 'Residential Extensions and Alterations' (2011) is also a material planning consideration.

Principle

7.4 Policy SD1 aims to deliver sustainable development by ensuring development

proposals promote a number of criteria including high quality design; healthy, safe and inclusive communities; conserving the natural, built and historic environments; contribute to the retention of jobs; and to be accessible. Policy SD2 supports the government objectives for sustainable development in the most accessible locations, whilst Policy SD3 seeks to take a positive approach towards proposals and to secure development that improves economic, social and environmental conditions, and promotes health and well-being. The proposed development is in a residential area, within the Wroughton settlement boundary. It is located approximately 0.5 km from the Wroughton Local Centre and as such is considered to be well located in terms of its catchment population. Its proximity to residential properties and public transport networks is such that sustainable modes of transport could be encouraged; and as a result the development is considered in principle to be in a sustainable location.

7.5 The proposed childminding facility would operate from the existing garage, which would be converted into a room primarily for this use. It is understood that the children would also additionally have access to the kitchen/utility rooms and to the rear garden. The remaining areas of the house would primarily remain as a dwellinghouse (Class C3), to be occupied by the applicants of this application. The childminding element would have a maximum of 12no. children present at one time. The applicant (Beverley Spry) and one full time assistant currently care for the children at the facility, whilst a student studying childcare at Swindon College also provides additional support as well as gaining experience. It is anticipated that this arrangement would continue.

7.6 The provision of childminding facilities within residential areas is not unusual and they are considered to form an important community facility for the surrounding area. The facility would also contribute towards the long term needs of early years provision within the borough, in accordance with Policy CM1 of the Swindon Borough Local Plan 2026. It is considered to be well located in terms of its catchment population and to encourage sustainable modes of transport, whilst it would also contribute to the employment of 2no. full time working adults. The principle of the mixed use proposal is therefore considered to comply with the provisions of the NPPF and Policies SD1, SD2, SD3 and CM1 of the Swindon Borough Local Plan 2026.

Design

7.7 The application proposes several alterations to the existing property, including an extension to the existing garage, two storey front extension, single storey rear extension and carport to the west side elevation. The extension to the existing garage would project 2.5 metres from the north side elevation, incorporating a hipped roof and matching materials. The existing garage doors on the front would be replaced with windows to allow for the garage space to be used for the childminding facility. An additional floor would be added and several windows would be installed within the existing roof to enable the roof area to be utilised as a gym. Although located forward of the existing front elevation, it is not considered to form a prominent or incongruous addition to the host dwelling.

7.8 The existing dwelling has a small indent on the front elevation. The proposed two storey front extension would measure 4.3 metres by 1.7 metres, in-filling this area. Although the 'Residential Extensions and Alterations' SPD suggests front extensions are largely unacceptable; this particular extension would in-fill an existing corner of the host property. It is not considered to form a dominant or inharmonious addition, nor would it extend the full

width of the front façade. The proposed single storey extension would have a pitched roof and project 4 metres from the existing rear elevation. Although the pitched roof would be perpendicular to the main roof ridge, the height and positioning of the extension is not considered to form a harmful addition. Both additions would be constructed from materials to match the host property.

7.9 The proposed carport would be single storey in nature, with a shallow pitched roof. It would have an open side and be located 2 metres from the shared boundary with Sades-Mia. In accordance with the adopted Residential Extensions and Alterations SPD, the proposed car port is less than half the width of the existing property and would form a relatively subservient addition to the host dwelling.

7.10 The proposed alterations are not considered to form prominent additions, nor adversely impact the appearance of the host dwelling. Although positioned on higher land than 'The Pitches', the host property is partially screened from the highway. The proposed development is therefore considered to comply with the provisions of the NPPF and Policy DE1 of the Swindon Borough Local Plan 2026, in that they do not materially harm the character or appearance of the host dwelling or streetscene.

Conservation

7.11 Special attention has to be paid to the desirability of preserving the setting of the building

A listed building as a heritage asset possesses significance which the NPPF defines as its value to this and future generations because of its heritage interest. Significance derives from its physical presence and also from its setting. The NPPF defines setting as the surroundings in which the asset is experienced. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Given the size, scale and location of the development in relation to the Lodge, whilst it is relatively close to the listed building, given the substantial screening / planting between the properties it is considered that there is no adverse impact on the setting of a listed building. Accordingly the proposal does not conflict with adopted Swindon Borough Local Plan 2026 Policy EN10 or the NPPF in this respect

7.12 The development is located within the Wroughton Conservation Area, therefore the requirement of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area applies. The design, scale and positioning of the proposed alterations is such that the development is considered to preserve the character of this part of the conservation area in accordance with Policy EN10.

7.13 By virtue of the scale, design and positioning of the extensions, the proposed external alterations to the host property are not considered to detract from the character or appearance of the host dwelling. Further to this, Cradlebridge House in particular is not considered to contribute positively to Wroughton Conservation Area, whilst there are no objections from the conservation officer.

7.14 Several comments suggest that the use as a childminding facility is not being in keeping with the conservation area. It is acknowledged that there are concerns particularly with respect to increased traffic movements and noise; however the facility has been operating at this level for approximately 18 months, without any apparent harm caused to the existing character or appearance of the Wroughton Conservation Area. The nature of the business is such that the journeys to and from the facility would primarily be staggered and are unlikely to all be at the same time. The continued use of the childminding facility for up to 12no. children is therefore not considered to cause an unacceptable intensification of use to the area, so as to materially harm the character or appearance of the Conservation Area.

Amenity

7.15 The proposed extensions to the existing garage and front of the property would be positioned sufficiently away from the shared boundary with The Lodge. Although set on higher ground, the extension to the garage would be hipped away from the shared boundary, whilst there is screening positioned between the properties. As a result, these alterations are not considered to cause material harm to the amenity levels of this neighbouring property. The extensions are no overbearing and do not result in loss of privacy.

7.16 The proposed car port would be positioned to the west side of the existing premises, approximately 2 metres from the boundary with Sedes Mia. It would have a maximum height of 3.9 metres and would be open on the side elevation. Although Sedes Mia is positioned approximately 1.5 metres from the shared boundary; by virtue of its scale and positioning the proposed car port and front extension are not considered to harm the amenity levels of the neighbouring property, particularly in terms of loss of light, outlook or privacy.

7.17 Various comments have referred to the potential noise impact from having up to 12no. children on the premises at one time. Although it is inevitable that there will be some noise from the children, they are unlikely to be materially different to those of a large family utilising the property. The childminding use seeks to operate on weekdays between 7:30am and 6:30pm and not at all on weekends. As a result, it is considered that there would not be an unacceptable impact on the amenity of the neighbouring properties, particularly in terms of noise. A condition is proposed to restrict the operating hours of the childmind facility element of this application.

7.18 The proposed gym on the first floor of the garage we be used solely by the applicants and as such would be ancillary to the host dwelling. As a result, the addition of the gym to the host property is unlikely to significantly alter the current use. To ensure the gym remains ancillary in nature, a condition is proposed to tie it to the host dwelling.

7.19 The proposed change of use and alterations are not considered to cause material harm to the amenity levels of the surrounding properties and as such are considered to accord with Policy DE1 of the Swindon Borough Local Plan 2026 and provisions of the NPPF (2012).

Highways

7.20 The site entrance would remain the same as at present and is accessed from the

driveway sloping upwards from The Pitches. Access to the site from the public highway is over a short stretch of private highway, currently without any pavement. Although some comments have referred to the potential danger for pedestrians using The Pitches, the access to Cradlebridge House is approximately 20 metres along the single track; as a result the pedestrians and vehicles using this access are unlikely to be on the road for a significant amount of time. The Pitches currently serves 8no. properties and as a result does not experience particularly heavy use.

7.21 Within the supporting information, a breakdown of the current childminding facility travel arrangements is provided. This suggests that the children currently attending the facility are dropped-off and collected by a variety of different modes of transport. The nature of the business is such that there is a flexible arrangement for parents; as a result vehicle movements are likely to be staggered. It is noted that there are likely to be peak times prior and post the standard working day; however it is considered unlikely that more than several parents would be arriving/departing by car at one time. The proposed development is therefore not considered to intensify the use of the property to an extent that would result in an unacceptable harm being caused to the use of the existing road and access. Officers have witnessed a mini bus leaving the site.

7.22 The previous application granted temporary consent for a childminding facility at Cradlebridge House. This scheme does not propose to increase the number of children at the premises at one time, whilst the same number of parking spaces would be on site. It is therefore considered that there would be sufficient parking space on site to accommodate parking for both the host dwelling and childminding facility, without the need for vehicles to park on the public highway. The application is therefore considered to comply with Policy TR2 of the Swindon Borough Local Plan 2026.

7.23 Various supporters of the proposal have suggested that they don't see any other vehicles when picking up their children.

Other Matters

7.24 It is noted that objections have been raised on the grounds that the floor area to be used for the childminding facility has increased from the previously approved scheme and that this could lead to an expansion of the facility. The increased floor space would be minimal, whilst the condition restricting the number of children at the facility at one time would be restricted to 12no. children. It is therefore considered that this increase would not result in an intensification or expansion of the current operations in terms of numbers.

7.25 Several comments have referred to the formation of a commercial business within a residential area and that this may set a precedent for future businesses. This particular proposal is for a childminding facility and as such the proposed use would retain a degree of similarity with the existing dwellinghouse. Each planning application is also determined on its own merits, so it is not considered that this application would set a precedent for commercial proposals in the future.

7.26 Within the submitted comments, several suggest that the private road (The Pitches) could not be used by the people attending the childminding facility. Although this is considered to be a private issue, the applicants have presented evidence which suggests

there is no restriction on the use of the road. It is also suggested that were the application granted consent, that the highway should be brought up to an adoptable standard. Due to 'The Pitches' being within private ownership, it is outside of the realms of the planning application to insist that this be resurfaced.

8 Concluding Comments:

8.1 The proposed development is considered to be located within a sustainable location, without harming the character or appearance of the host property, streetscene or Wroughton Conservation Area. The proposed access and parking arrangement is considered to be acceptable.

The previous permission was granted on a temporary basis in order to judge the effects of the use. It is noted that objections have been made to this scheme but there is little evidence of any problems that have been experienced in the last 12 months. There is not considered to be any material harm caused to the amenity levels of the surrounding properties. The proposed change of use and alterations to the host dwelling are therefore considered to comply with the relevant policies of the Swindon Borough Local Plan 2026 and the provisions of the NPPF (2012); as such planning permission should be granted.

9 Recommendation

9.1 That planning permission be **GRANTED** with Conditions

Conditions

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

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

2. Notwithstanding the natural timber cladding on the approved plans, the development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing buildings. Such facing materials shall be retained thereafter in their approved form.

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

3. The premises shall not be used in connection with the development hereby permitted, outside the following hours:-

07:30 to 18:30; Monday - Friday,
and not at all on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of the area.

4. The permitted use shall have no more than 12no. children on the premises at one time.

Reason: To safeguard the amenities of the area.

5. The use hereby permitted shall be limited to a mixed use development comprising residential (Class C3) and childminding facility (Class D1).

Reason: To safeguard the amenities of the area.

6. The gym hereby permitted, shall only be used for purposes ancillary to the residential use of the main dwelling (Cradlebridge House) and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities of the area.

7. The childminding facility (Class D1) hereby permitted shall be operated by and in conjunction with the occupiers of Cradlebridge House, and not be operated by any other person.

Reason: The nursery and residential uses taking place within the same property are interlinked using shared parts of the dwelling and as such it is not considered suitable for use as a nursery with no relationship to the occupation of Cradlebridge.

8. No construction works for the erection of the extensions hereby permitted shall take place outside the hours of 0800 - 1800 Monday to Friday, 0900 - 1300 on Saturdays and no work at all shall take place on Sundays and Bank Holidays.

Reason: In the interests of amenity.

9. Notwithstanding the provisions of the Town and Country Planning General Development Order 2015 (or any order revoking and re-enacting that Order), the use of the car-port hereby permitted shall be restricted to parking of motor vehicles and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interests of highway safety

10. The areas allocated for all parking and associated turning on the submitted plan shall be kept clear of obstruction, and shall not thereafter be used for any other purpose.

Reason: In the interests of amenity and highway safety

11. Secure parking facilities for 4no. child cycles, as shown, shall be retained and maintained thereafter for the duration of use.

Reason: In the interest of cycle user safety and transport sustainability

12. This approval shall be in respect of Drawing No. 15/02 04, Drawing No. 15/02 06B, Drawing No. 15/02 07A, Drawing No. 15/02 08A and Drawing No. 15/02 11 received by the Local Planning Authority on 6th July 2015; Drawing No. 15/02 01A received by the Local Planning Authority on 10th August 2015; Drawing No. 15/02 03A and Drawing No. 15/02 05C received by the Local Planning Authority on 1st September 2015; and Drawing No. 15/02 02D received by the Local Planning Authority on 21st October 2015.

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

Informatives

1. The development constitutes Community Infrastructure Levy 'CIL' liable development. It is possible that an exemption from payment of CIL can be applied for in accordance with the Community Infrastructure Levy (England and Wales) CIL Regulations 2010 (as amended) Regulation 42A. A valid exemption claim is only valid for the direct benefit of the named person deriving benefit from the submitted claim. CIL is a mandatory financial charge on

development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced, and subsequently payment made in accordance with the requirements of any CIL Demand Notice issued.

End of Report

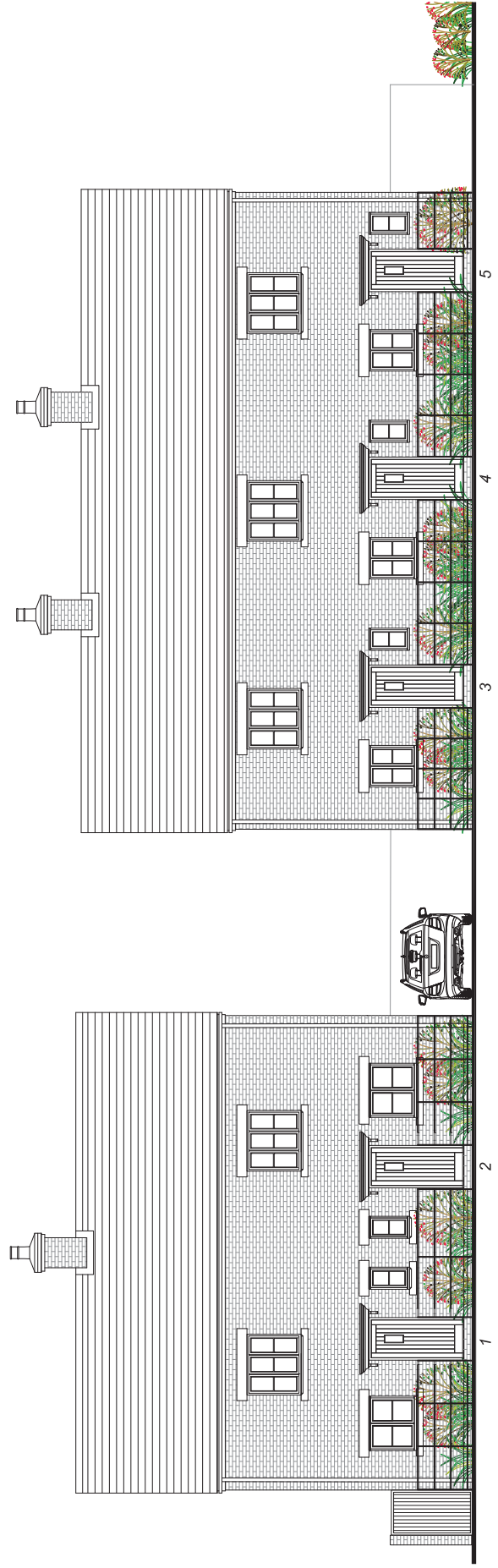


PROJECT:	NURSERY CLOSE, WROUGHTON		
DWG TITLE:	EXISTING SITE LAYOUT		
SCALE:	1:500@A4	DRAWN: BT	CHECKED:
DWG NO:	14.039.99	REV:	DATE: 27.02.15

NOTES:
1. This drawing is to be used for the design of the building.
2. It is the responsibility of the client to ensure that the building is constructed in accordance with the design.
3. All dimensions are given in millimetres and shall be rounded up to the nearest millimetre.
4. The drawing is to be used for the design of the building.
5. The drawing is to be used for the design of the building.

REVISIONS

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ERIC COLE ARCHITECTURE

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PROJECT:	NURSERY CLOSE, WROUGHTON
DWG TITLE:	STREET SCENE
SCALE:	1:100@A3
DRAWN BY:	BT
CHECKED:	
DWG NO:	14.039.16
REV:	
DATE:	JUNE 2015



NOTES
 1. Stated dimensions must not be taken from this drawing.
 2. This drawing must be read in conjunction with all relevant drawings, documents and information prepared by the Architects, other Consultants and Specialists.
 3. Any discrepancies on this drawing must be referred to the Architects and clarification obtained before any action by others and prior to commencement of work.
 4. All dimensions must be checked on site before any action by others and prior to commencement of work or the preparation of Specialist drawings.
 5. The change of this drawing remains with the Architect.
 6. If in doubt, ask.

REVISIONS

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New double garage, refer to drawing 14.039.15

New 900mm high brick wall with additional 900mm timber infill panels on top (1.8m total height) to match existing.



ERIC COLE ARCHITECTURE

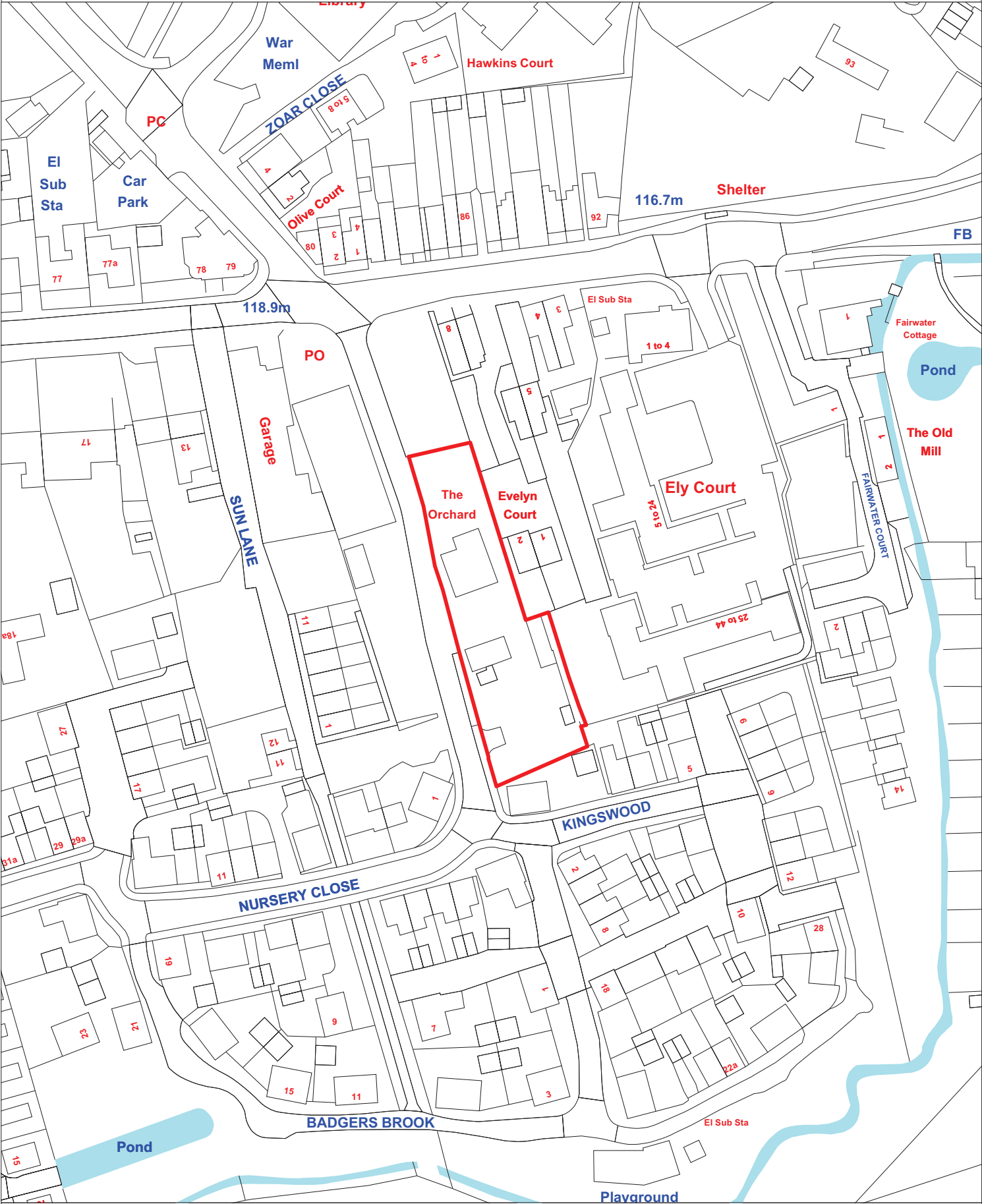
Eric Cole Ltd. 15 The Woolmarket, Cirencester, Gloucestershire GL7 2PR
 T: +44 (0)1285 641234 E: mail@ericcole.co.uk W: www.ericcole.co.uk

0 25m

PROJECT:	NURSFY CL 05F, WROUGHTON
DWG TITLE:	PROPOSED SITE LAYOUT
SCALE:	1/500BA4
DRAWN:	BT
CHECKED:	
DWG NO:	14,039,100
REV:	N
DATE:	JAN 2015

Erection of 5 no. dwellings, detached garage, construction of new vehicular access

Land At Nursery Close Wroughton Swindon



Erection of 5 no. dwellings, detached garage, construction of new vehicular access

Land At Nursery Close Wroughton Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.



COMMITTEE REPORT

Item Number: 7

Application Number: S/15/0467

Ward: Wroughton and Wichelstowe

Parish: Wroughton

Proposal: Erection of 5 no dwellings, a detached garage and construction of a new vehicular access.

Site Location: Land at Nursery Close, Wroughton, Swindon

Case Officer: Heather Carlisle

Agent:

Mr Glenn Godwin
Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

Applicant:

Hannick Homes & Developments Ltd
C/o Agent

Officer Report

1. Background:

This application has been brought before Planning Committee at the request of Councillor Martyn due to concerns of a local resident.

This application has been subject to a revision whilst it has been under consideration. This follows an objection from officers and the Parish Council to the initial proposal. This was amended and subject to a further period of consultation (revised scheme submitted 3rd July 2015). As a consequent of the revisions, Wroughton Parish Council has withdrawn their objection; however Cllr Martyn subsequently requested that the application be considered by members of the Planning Committee.

This application was deferred at the October planning committee to enable further consultation to take place relating to additional submitted highway information relating to the access and associated matters.

2. Summary of Recommendation:

That the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to GRANT planning permission upon the expiry of the consultation period (11th November)

subject to the Conditions set out in the agenda together with any additional, omitted or amended conditions that may be deemed appropriate.

3. The Proposal:

3.1 Planning permission is sought for the demolition of the existing outbuildings and workshop and the erection of 5 no three bedroom dwellings in two blocks with associated car parking and access. The proposal is to develop the southern part of the site. The development would comprise two terraces of five three-bedroom dwellings. The terraced houses would all be two storeys in height.

3.2 A replacement double brick and tiled garage is also proposed, this to measure 4418mm in height and 6100mm in width and depth. The garage would serve the host property on the site. A 900mm brick wall with additional 900mm timber panels, to matching existing, are proposed along the Nursery Close entrance.

3.3 The development will be located on the north western side of Nursery Close and will be set back from the edge of the highway by 1.5 metres, and would approximately follow the same building line as the other residential developments along Nursery Close. The frontages of the proposed terraced properties would contain areas of small landscaped front gardens. The existing footway would serve the frontages of all the properties. The car parking court would be accessed between plots 2 and 3 and would provide rear access to all of the terraced properties. These properties will have private rear gardens measuring some 7metres in length.

3.4 A further hard surfaced area will be provided at the south end of the development adjacent to plot 5, which will provide two parking spaces for this unit.

4. The Site and Surroundings:

4.1 The site consists of what is in essence the curtilage of a residential bungalow. It lies on the east side of Nursery Close adjacent to the junction with the High Street. The site is divided into two parts, mostly garage and workshop within the southern part, and a garden area to the north part. The site has vehicular access at the southern end of the garden site.

4.2 The site has a brick wall of about 2m in height along the north, west and south boundaries and a close board fence along the east boundary. An established row of trees and hedges are located along the western boundary, which fronts onto Nursery Close.

4.3 Opposite the site is a car park which belongs to the Co-operatives convenience store and is used for their car parking.

4.4 To the east of the site is a mix of residential development, Evelyn Court and Ely Court. Beyond the south boundary lies curtilage of a detached 3 storey house, which has access from Kingswood Road. An existing residential housing development of about 60 properties is located to the south of the site with highway access from Nursery Close.

5. Representations:

5.1 Neighbours: Representations have been received from residents at 1 Kingswood and 8 Nursery Close: Their comments are summarised below:

5.2 Neighbour: 1 Kingswood: Wroughton: Summary of comments to first scheme: Privacy concerns, overdevelopment, no consultation from the developer direct with him, highway safety and traffic, level of daylight and privacy, overlooking from bedrooms, concern for trees on the site, existing oak tree and fruit trees. Additional comments submitted relating to access to the bungalow in Nursery Close.

5.3 Summary of comments from revised scheme: still objects to revised proposal, infringement of privacy, overdevelopment, and separation gap of only 6m.

5.4 No. 8 Nursery Close: Objection to first scheme: not in keeping with surrounding estate, overspill of car parking onto neighbouring estate, concern over existing oak tree within the site and proposed development, beech hedge, concern over development failings in neighbouring estate.

5.5 Revised scheme: additional vehicular access, dismayed by this and loss of border, parking, no visitor parking provided, lack of turning space within parking court, negative impact on trees, additional burden on drainage, landscaping to front of the property, over development, remove plot 5 to save apple trees.

5.6 Manager of neighbouring Co-op store: No objection to the proposal however highlighted the car parking adjoining his store is exclusively for his customers.

5.7 Cllr Martyn: concerns raised from neighbour about separation distance to No 1 Kingswood, visitor parking, overdevelopment, removal of fruit trees.

5.8 Parish Council: Objected to the first scheme: Contrary to Local Plan, Contrary to design policy, drainage concerns, highway concerns and requested application be determined at committee if to be recommended to be granted.

5.9 No objection to the revised scheme subject to visibility splays being acceptable to highways and no noise from the cooling units located on the Co op store.

5.10 Highways: No objection subject to conditions.

5.11 Arboricultural Officer: No objection subject to the tree protection measures are followed as in the submitted report.

5.12 Urban Design Officer: first scheme, no positive frontage, poor quality of amenity in terms of outlook, no defensive space to front, side elevation on Nursery Close does not improve existing streetscene.

5.13 Policy: No objection to the principle of the development.

5.14 Wiltshire Fire and Rescue: Recommendations relating to Building regulations and recommendations to improve safety and property loss in the event of fire.

5.15 Environmental Health Officer: Noise. The proposed 1.8m fence should attenuate sound. Recommend a condition to protect first floor level properties from cooling units located on nearby co-operative retail store.

6. Planning Considerations:

6.1 The planning considerations relating to the proposals relate to the principle of the development, design appearance of the proposed dwellings and highway safety. Relevant policies comprise the National Planning Policy Framework and Swindon Borough Local Plan 2026 Policies SD1 (Sustainable Development Principles), SD2 (Sustainable Development Strategy) DE1 (High Quality Design) and TR2 (Transport and Development).

Principle of Residential Development:

6.2 The Swindon Local Plan 2026 Policies SD1, SD2 and SD3 apply to this development. In particular, Policy SD2(c) (The Sustainable Development Strategy) refers to development outside Swindon and states that rural development will be located primarily at Highworth and Wroughton, which (of the rural settlements), are the most accessible and maintain the largest range of facilities.

6.3 Policy HA1 (Mix, Types and Density) requires housing development to be design led. In particular, densities, house types and sizes should respect the character of the surrounding area.

6.4 Policy RA2 (Wroughton) reiterates the proposal should be in accordance with Policies SD1 and SD2.

Wroughton Neighbourhood Plan

6.5 The revised Wroughton Neighbourhood Plan was submitted to the Borough Council on the 20 October 2015. On checking, this will be subject to a six week consultation period before proceeding to a formal Examination. The plan is at an advanced stage and is considered to be a material planning consideration. The proposed development site is not identified in the submitted Wroughton Neighbourhood Plan.

6.6 The Wroughton Neighbourhood Plan (WNP) sets out how Wroughton can develop in a sustainable way whilst meeting the desires and aspirations of local residents. The policies and objectives of the WNP have been derived from the ideas, views and opinions of Wroughton residents.

Design and Layout:

6.8 Policy DE1 of the Local Plan (High Quality Design) requires high standards of design for all types of development. These should respect existing built characteristics, acknowledged features of importance and existing site conditions. They should be accessible, connected, permeable, legible, inclusive, safe, secure, efficient and adaptable. They should also be appropriate in terms of siting, orientation, scale, massing, materials and details whilst protecting levels of amenity in terms of light, privacy, outlook, noise, disturbance, smell, pollution and space and deliver quality public

realm.

6.9 Extensive discussions have taken place with regard to the design and the revised scheme before Committee is now considered acceptable. The proposed development has been redesigned and relocated on the site taking on board comments from the urban design officer and Parish Council.

6.10 Initial concerns were expressed over the provision of windows of the terrace facing onto the rear of 1 Kingswood Close but this revised proposal has been repositioned on the site and as such there are now no openings within this elevation.

6.11 The design has been constrained by the proximity of the existing dwelling on the site and the Tree Protection Order (TPO) on the oak tree. The development would also be located about 6 metres from the modern housing development to the south. Given the density of the surrounding residential streets it is not considered that this would cause an adverse impact on the amenity of these residential units.

6.12 One of the main issues to be considered is whether the proposed external design is acceptable in relation to the character and appearance of the area in which it is located. The proposal has been amended and the facades are considered to represent an improvement on the previously proposed scheme. Officers have considered the design, and it is considered that the proposal is acceptable on design grounds subject to conditions including the need to submit the proposed facing materials prior to development. As such the proposed development complies with Local Plan Policy DE1.

6.13 The adopted 'Backland and infill Development' SPD identifies a number of requirements for Backland and Infill development. It states that proposals should be 'well laid out and appropriate to the local context and site coverage.' It also advises that new dwellings should appear to naturally 'belong' and make a positive contribution to the area in terms of materials and design. The most satisfactory form of development will look as though it has been planned as part of the original design of the area.

6.14 The proposed terraces would be in character of the local area and the proposal is in accord with the relevant provisions of the adopted Backland and Infill SPD in that it is sympathetic to the local context, character and site coverage and of an acceptable mass shape and proportion.

Impact on Neighbouring Properties:

6.15. The side flank wall of plot no 5 facing number 1 Kingswood is 6m away from the property. This property has an existing brick boundary treatment and no habitable windows above first floor. The separation distances are not uncharacteristic to housing in the immediate adjacent estate. Concerns have been raised by the local ward councillor and the neighbour at number 1 Kingswood regarding the distance between the side wall of plot no 5 and No.1 Kingswood. Although a separation distance of 12m is listed as a minimum separation distance in the Backland and Infill SPD, the separation distance is considered not to apply in this case. Officers consider that the amenity of the adjoining property, which is principally designed to face away from the application site, would not be materially affected. Within the Guidance, under the heading Minimum Distances for Privacy", various minimum distances are set out, including: "*Between*

principal windows of one property and two storey walls of another - 12m”

6.16 This relates to good planning practice to provide adequate privacy/distances where the principal rear elevation of a dwelling with its principal living room windows should be a reasonable distance from any 2 storey wall facing that elevation (12m). In circumstances where the 2 storey wall does not impact on the principal windows of No. 1 Kingswood, the 12m minimum distance is deemed not to be applicable. The windows on the elevation of 1 Kingswood facing plot no 5 belong to a kitchen. This room has secondary window and a door on property's east elevation, as such the development would not represent a significant harm of that property's amenity.

6.17 Officers acknowledge that there is an existing 1.8m high brick boundary treatment wall surrounding No.1 Kingswood adjacent to the development site. It appears that this property was designed with its principal elevations fronting the streets and onto the private garden area to the east. There are limited secondary windows in the north elevation facing the proposed development. It is not considered that the proposal would cause a detrimental effect upon the amenity of the occupiers of 1 Kingswood. However there would be some degree of loss of daylight to the kitchen and a slightly altered outlook. To ensure that there are no privacy issues between plot no 5 and number 1 Kingswood, a condition will be attached to prevent new openings to be inserted into the side wall of plot no 5.

6.18 The proposed development has been significantly altered from the original proposal and by virtue of its siting, and the fact that no windows would be provided within the end elevation of Plot 5, it is not considered the proposal will significantly harm the outlook or result in an unacceptable loss of light for the neighbouring occupants.

6.19 The Environmental Health Officer has raised a "slight" concern regarding the likely impact of noise from the condenser units located to the rear of the Co-op on the proposed development. The proposal includes a 1.8m fence which will attenuate sound to the ground floor from the condenser units. However, the first floor rooms will receive no such mitigation. A pre-habitation validation survey condition is proposed to ensure criteria for noise are met.

6.20 The proposal is in accord with the relevant provisions of the National Planning Policy Framework (NPPF), and Policy DE1 in that there is no significant visual intrusion, loss of amenity, light, privacy or noise nuisance.

Landscaping and Trees:

6.21 A single large mature English oak tree (*Quercus Robur*), which is subject to a tree preservation order, will be retained as part of the development and consequently the car parking spaces will be retrofitted around this tree to ensure that the tree remains undisturbed and protected. The Arboricultural officer has no concerns subject to the development being carried out in accordance with the details stipulated in the submitted arboricultural report. A condition is proposed that would ensure the requirements set out in the arboricultural report are adhered to.

6.22 Neighbours have made reference to the existing fruit trees which are located adjacent to the southern site boundary, these fruit trees are not protected and can be

removed at any time. It is considered that a condition seeking a detailed landscaping scheme and boundary treatments will be sufficient in this instance to ensure the planting and railings to the front gardens are characteristic to the setting. One neighbour has expressed concerns regarding the loss of the existing established 2m Beech hedge along Nursery Close. This hedge is not protected and as such can be removed at any time. A condition is proposed to ensure suitable replacement planting.

Highway Condition and Parking:

6.23 Although the proposed development is relatively small-scale; the site, which will be accessed via Nursery Close, off the High Street in Wroughton, also serves a housing development of approximately 60 houses. Furthermore the site would be situated opposite Co-Op's customer car park. There is a potential issue for disruption during construction to residents, Co-op customers and other traffic and therefore the proposed development will need to comply with Policy TR2 (Transport and Development). The applicant makes reference to visitor parking at the nearby Co-op store, however this is for the use of the Co-Op store customers. Highway Officers have raised no objection, advising that the Parking standards state that in certain circumstances the Council will consider lesser numbers than defined within the Parking document. Highways officers consider the provision to be it acceptable without the need for a visitor spaces to be provided.

6.24 A neighbour has raised concerns regarding the reduced visibility splays and the location of the survey equipment (approximately half-way along the road) and its proximity to a nearby speed table. Highway officers have confirmed that the relevant portion of Nursery Close to this application is 130m in length with traffic lights at the northern end and a junction at the southern end. There are four commercial (shops/café) car-parks along this stretch as well as an off-road car park serving a block off flats and the existing application site access. These give rise to a significant proportion of number of access/egress points and lowered kerb lengths. In addition, as mentioned above, towards the southern end (approximately two-thirds down) is a low speed table which also serves as level crossing point for pedestrians. Officers conclude that the siting chosen, approximately halfway along the most relevant stretch, is on balance, and in context, considered valid and indicative. The average speeds observed are not unreasonable given the localised conditions and layout. The data that has been submitted is considered to be a fair representation. Issues regarding the reduced visibility splays have now been resolved and therefore the visibility splays agreed are considered acceptable for both aspects of the application.

7. Community Infrastructure Levy:

7.1 The Council's Community Infrastructure Levy (CIL) charging schedule came into force in April 2015 whereby development comprising 100 square metres or more of new build floor space incurs a mandatory charge towards meeting the total cost of infrastructure required to support development within the Borough. The proposed development constitutes Community Infrastructure Levy liable development at a rate of £55 per square metre.

8. Other Matters:

8.1 The objections received have been considered within the body of the report, however one neighbour raised concerns that the developer did not consult with them prior to submitting the application to the Local Planning Authority. However, Officers consider that our consultation procedures have been correctly followed. Also a neighbour raised concerns relating to the 'failing' in the adjacent development; however this is not a consideration of this planning application.

9. Concluding Comments:

9.1 The proposed development is within the Wroughton settlement boundary. The proposal occupies a suitable location and the proposed development of an appropriate scale. Whilst concerns have been raised to some of the design elements relating to amenity these are considered to have been overcome. It is considered the development would not pose any undue harm to residential amenity, would not have a detrimental impact on the immediate area and would not create any unacceptable impacts with regards to highway safety. As such this proposal is compliant with adopted Policies SD1 (Sustainable Development Principles), SD2 (Sustainable Development Strategy) DE1 (High Quality Design) and TR2 (Transport and Development) of the Swindon Borough Local Plan 2026 (2015).

Recommendation

That the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to GRANT planning permission upon the expiry of the consultation period (11th November) subject to the Conditions set out in the agenda together with any additional, omitted or amended conditions that may be deemed appropriate.

Conditions

Time Limit:

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

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

External Materials:

2. Prior to the commencement of works above ground level in connection with the development hereby permitted, details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

Boundary Treatments:

3. No dwelling shall be occupied until a scheme for the treatment of the boundaries to include a plan indicating the positions, design, materials and type of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the first occupation of any dwelling or in accord with an agreed timetable and shall be retained in the approved for for so long as the development hereby permitted remains on the site.

Reason: In the interests of the amenities of the area.

Slab Levels:

4. Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason: To ensure the details and appearance of the development is acceptable

Temporary Access:

5. No site development works, or use by site traffic, shall take place until a scheme for the provision of a temporary access and parking, turning, loading, unloading, and storage areas for site operatives and construction traffic, and for the on-site wheel cleaning facilities to be used by all operatives so to prevent mud and detritus being brought on to the public highway for the duration of site works, has been submitted to and approved in writing by the local planning authority. Construction and site works shall be carried out in accordance with the approved scheme for the duration of the works.

Reason: In the interests of highway safety

SUDS:

6. Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, inclusive of SUDS, so as to prevent its discharge onto the highway or neighbouring properties, shall be submitted to and approved in writing by the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

Dropped Kerb:

7. The approved accesses to the development shall be by means of dropped kerb crossings.

Reason: Visual acceptance by road users to this being a private access

Visibility Access:

8. The development hereby permitted shall not be occupied until the visibility splays are constructed and laid out in accordance with details and plans submitted to the Local Authority. The visibility splays shall thereafter be retained and maintained free of obstruction at all times.

Reason: In the interests of highway safety

Consolidated Assess:

9. Before the development hereby approved is first occupied, properly consolidated and surfaced accesses (not loose stone or gravel) shall be constructed for the existing property and the approved development for a minimum of 6.0m beyond the highway boundary, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety

Turning Area:

10. The dwellings hereby approved shall not be occupied until the turning areas shown

on the submitted plan has been properly consolidated and surfaced to the satisfaction of the Local Planning Authority. Such turning areas shall not thereafter be used for any other purpose.

Reason: In the interests of highway safety

Existing Assess:

11. The development hereby approved shall not be occupied until the existing access has been reinstated as raised footway and its use as an access permanently abandoned, in a manner to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety

Use of Garage:

12. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order), the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: To safeguard the amenities and character of the area and in the interests of highway safety

Car Parking Spaces:

13. The area allocated for 10no. parking spaces and associated turning on the submitted plan shall be provided in accordance with Swindon Borough Councils Parking Standards. These parking bays shall be kept clear of obstruction, and shall not thereafter be used for any other purpose.

Reason: In the interests of amenity and highway safety

Landscaping:

14. The dwellings shall not be occupied until a scheme of landscaping to include a planting schedule and time table of works, has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented in accord the approved timetable.

Reason: In the interests of amenity.

Replacement Planting:

15. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

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

Protective Fencing:

16. Works on site in connection with the development hereby permitted, relating to the protective fences to safeguard the oak tree which is to be retained shall be erected in accordance with the current BS 5837 as detailed within the submitted arboricultural report and in situ until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.

Reason: To ensure that adequate protection is afforded to the trees and/or hedges on the site.

Hard Landscaping:

17. No dwelling shall be occupied until the hard landscaping of the site including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, have been carried out in accord with details that have first been submitted to and approved in writing by the local planning authority in writing.

The development hereby permitted shall be carried out in accordance with these approved details.

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

Sound Attenuation:

18. Prior to the occupation details a pre-habitation validation survey of the internal noise levels experienced in first floor bedrooms emanating from the cooling units on the nearby Co-Op shall be carried out at the nearest new property and shall be submitted in writing to the Local Planning Authority for their approval and such approval has been received. Any sound attenuation measures that may be identified to mitigate noise shall be implemented prior to the occupation of the development and shall be retained thereafter in the approved form.

Reason: In the interests of the amenity

Windows:

19: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order amending, revoking or re-enacting that Order, no windows to be installed in the south (side) elevation of Plot 5 or the north (side) elevation of Plot 1.

Reason: In the interests of amenity.

Drawing numbers:

This approval shall be in respect of the following drawings:

Dwg no: 14.039.200 Rev A dated 26th March 2015

Dwg no: 14.039.100 Rev N

Dwg no: 14.039.12

Dwg no: 14.039.13

Dwg no: 14.039.14

Dwg no: 14.039.15

Dwg no: 14.039.16

Dwg no: 65005-001 Rev E

Received by the Local Planning Authority on the 2nd July 2015, and information contained with Tree King Consulting Report. Land at Nursery Close, Wroughton Dated March 2015 and Planning Statement by Pegasus Group dated 20th March 2015 CP/GG/CIR.H.0487

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

Informatives

Vehicular Crossing:

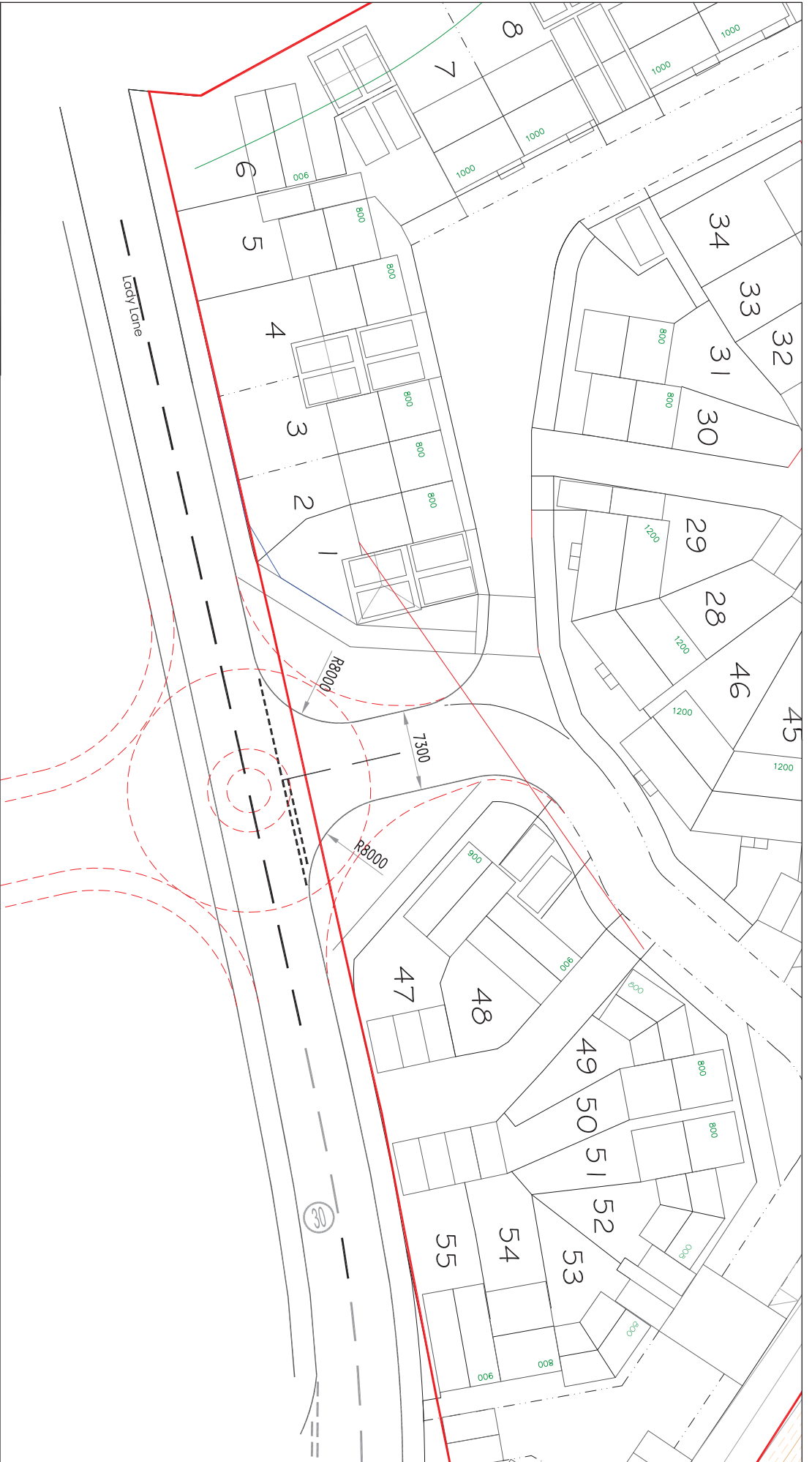
In addition to this consent, the proposed development will require separate Local Highway Authority approval to the construction of the proposed permanent vehicular crossing over highway land. The Applicant is required to obtain this approval **before works commence** and is therefore recommended to contact Swindon Borough Council's Street Works Management Department in this respect as soon as possible.

Street naming and numbering:

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

CIL Liable Development:

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued.



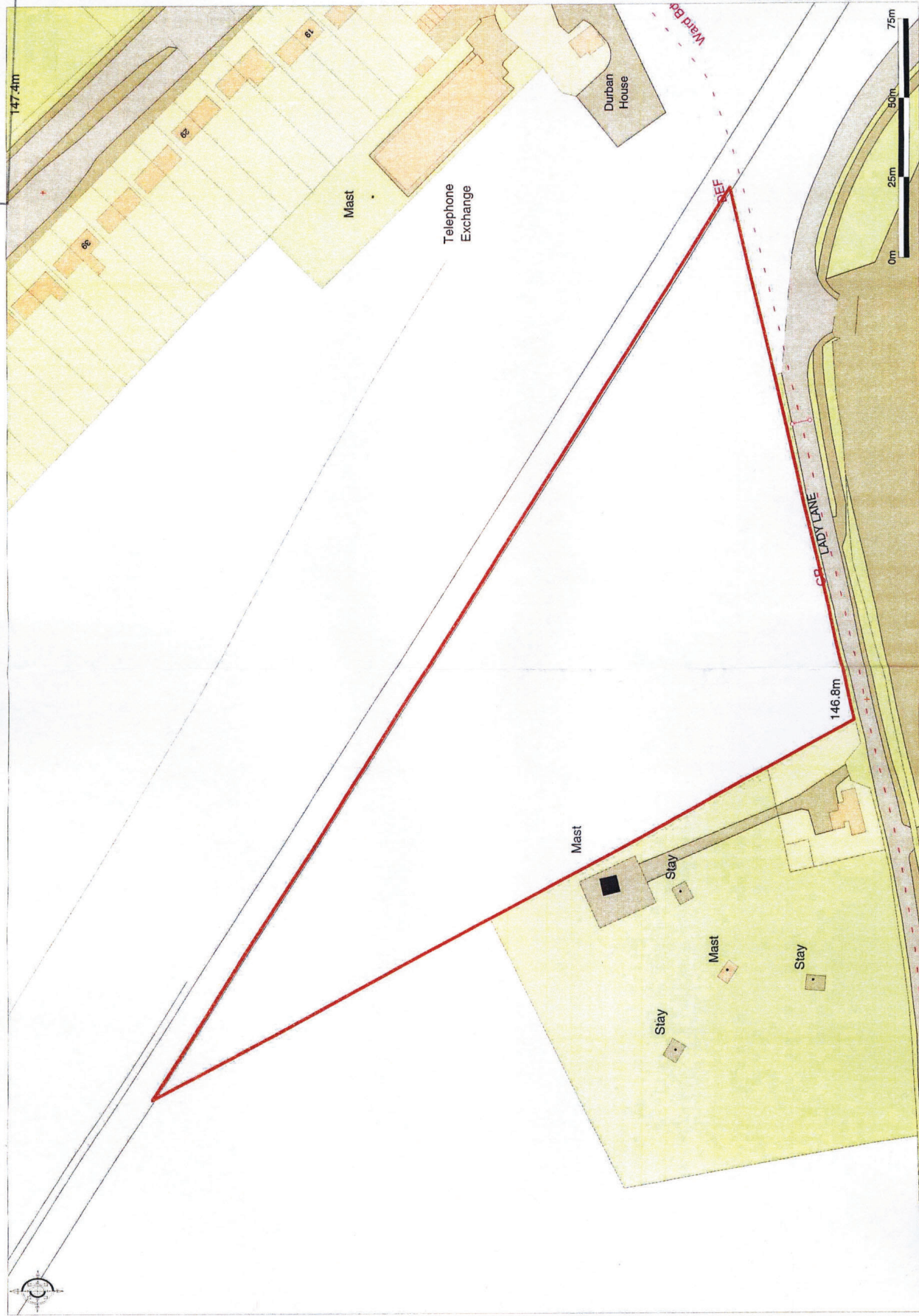
12 Greenway Farm | Bath Road | Wick | Bristol | BS30 5RL
TELEPHONE: 0117 937 4077

PROJECT TITLE			THE TRIANGLE, BLUNSDON		
DRAWING TITLE			PROPOSED ACCESS ARRANGEMENTS - PHASE 1		
DATE	1.9.15	SCALE	1:500	AT A4	STATUS
DRAWN DJA		CHECKED	RW	APPROVED	RW
DRG SIZE	A4	DRAWING NUMBER	TP5366 - SK12		REV

Swindon Borough Council
Planning Department
- 6 JUL 2015
S1001/15/1025

SWINDON BOROUGH COUNCIL
22 JUN 2015
PLANNING DEPARTMENT

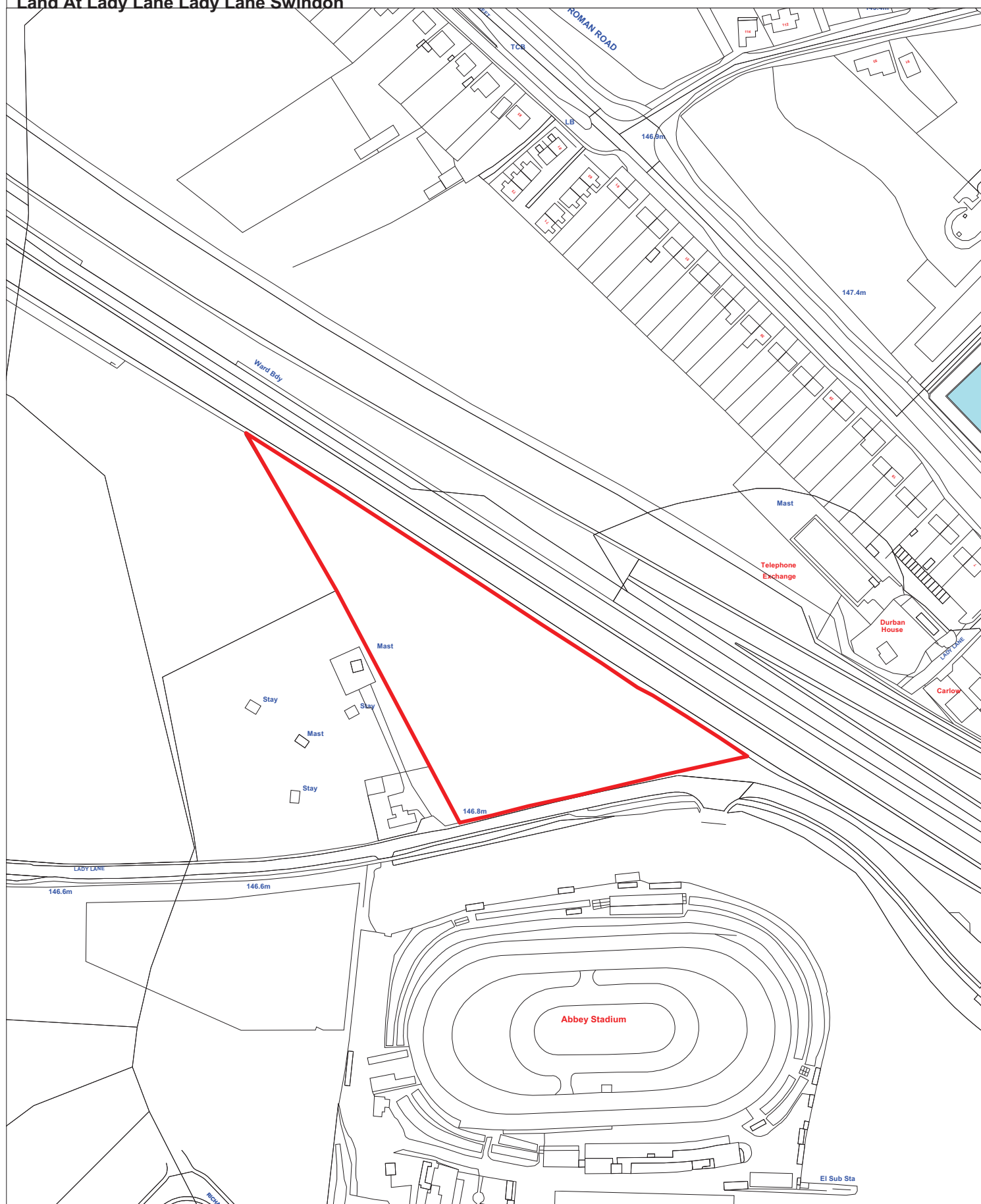
Land at Lady Lane, Blunsdon



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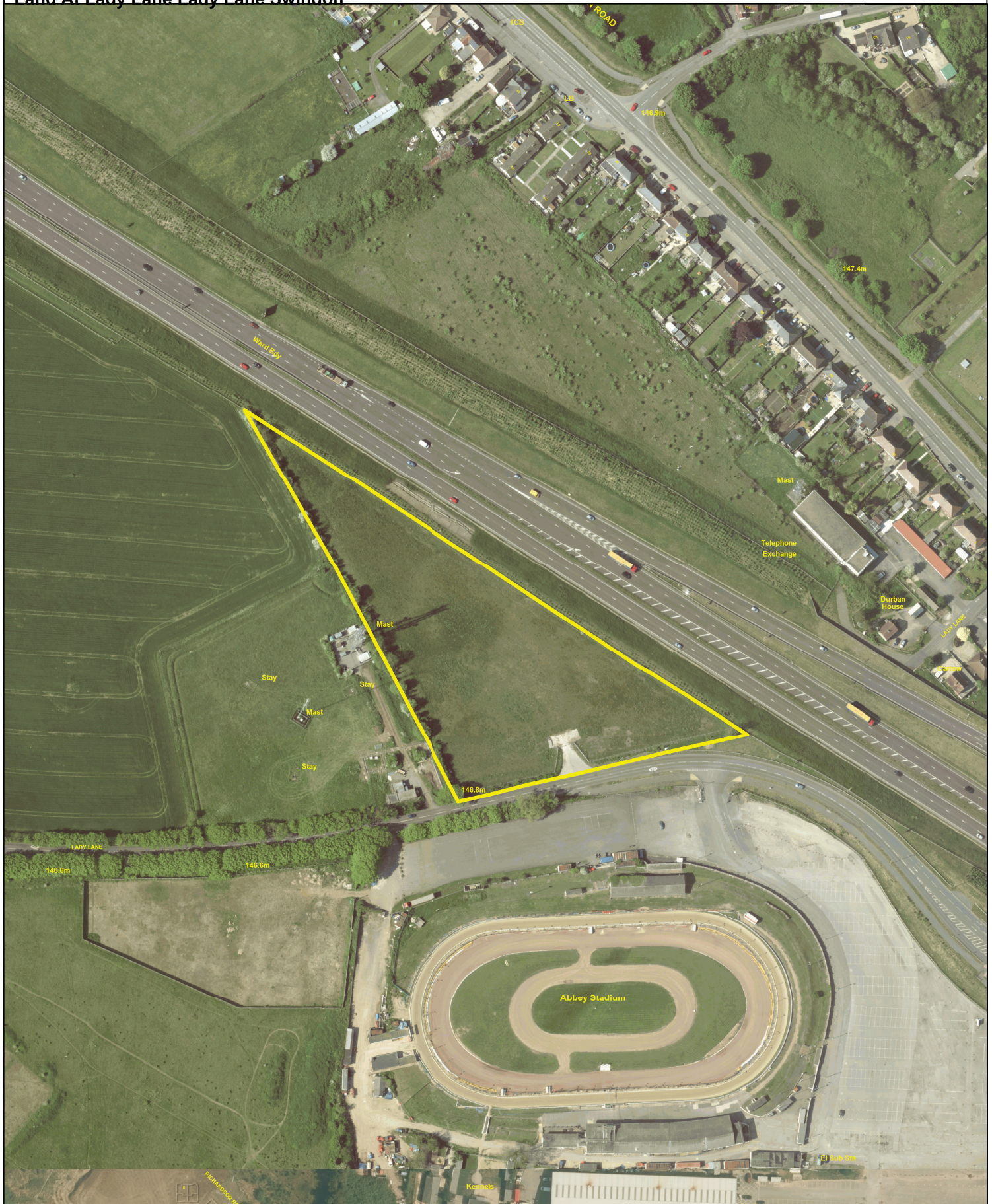
Land At Lady Lane Lady Lane Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

Outline Planning Application for the erection of up to 52 dwellings, with associated car parking, landscaping and public open space. Means of access not reserved.

Land At Lady Lane Lady Lane Swindon



This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

COMMITTEE REPORT

Item Number: 8

Ward: St Andrews

Application Number:

Parish: Blunsdon St Andrew

S/OUT/15/1025/HC

Proposal: Outline application for the erection of up to 52 Dwellings, with associated car parking, landscaping and public open space. Means of access not reserved.

Site Location: Land at Lady Lane, Swindon

Case Officer: Heather Carlisle

Agent:

Miss Abigail Rees
Turley
10 Queen Square
Bristol
BS1 4NT

Applicant

Fairhurst
C/o Agent

Officers Report

1. Background:

1.1 This application has been brought before Planning Committee at the request of Blunsdon Parish Council.

1.2 This application follows the refusal of an outline planning application in January this year (S/OUT/14/1243), which differs from the present application as set out in 1.4 below:

1.3 The previous application was refused for the following reasons:

- Greenfield site outside the defined urban area
- Lack of provision for open space on the site
- Insufficient information to assess impact of noise on amenity of future residents
- No planning obligation has been entered into to secure necessary contributions towards mitigating the impact of the development

1.4 The main difference between the previously refused application and the one currently before Members is a small reduction in the overall quantum, the inclusion of 10 bungalows constructed to lifetime homes standards and 7 detached houses also to lifetime homes standards. The site will also deliver 30% affordable homes.

1.5 Since the original application was refused, an application for development on the adjacent site at Abbey Farm has been approved for 350 dwellings and a primary school. This scheme was considered and agreed by the Planning committee in

March 2015. Once built the Abbey Farm site will provide nearby facilities in terms of primary school and convenience shop.

1.6 **NB** The applicant has appealed the previously refused application S/OUT/14/1243 and this is currently programmed to be determined by way of a Public Inquiry that will take place in the New Year.

2. Summary of Recommendation:

2.1 That the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to GRANT planning permission subject to the completion of a planning obligation to secure the affordable housing that are material to the decision required to support the development, and subject to conditions with authority to vary the content and / or wording of both as appropriate.

3. The Proposal:

3.1 This is an application in outline for up to 52 dwellings, with permission sought for the means of access to the site. All other matters remain reserved for future consideration. The application submission includes an indicative layout plan showing 52 dwellings and associated infrastructure on a green field site of 2.3 hectares in size, located adjacent to Lady Lane and the A419 Blunsdon bypass. The site is vacant which was most recently used as a contractors compound when the bypass was under construction. The site was restored to greenfield condition, following completion of the by-pass.

3.2 Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval the application submission includes an indicative masterplan that demonstrates how the site could be developed. This indicative plan appears to demonstrate the provision of predominately detached and semi-detached dwellinghouses, with a small number of short terraces. The design and access statement indicates that whilst the majority of the dwellings will be two-storey there will be some provision of single-storey and two and half storey properties. The scheme is to deliver up to 52 units.

3.3 The indicative masterplan also shows the provision of public open space to the north central part of the site (450m²), which will provide an informal play area and potential pedestrian link to adjoin the residential site and a landscape bund also to the Eastern boundary of the site.

4. The Site and Surroundings:

4.1 The application site forms a triangular piece of land, adjoining the A419 to the north east, Lady Lane to the south and a telecommunications mast site to the west. The land is relatively flat and open, described on the application form as currently used for agriculture. The site is 2.3 hectares in size.

4.2 South of Lady Lane lies the existing speedway stadium, permission exists in outline to redevelop the site, moving the stadium to the south east and developing the land immediately below the application site for housing and other uses.

4.3 To the west and north of the mast site is a parcel of land known as 'Abbey Farm'. This has recently had approval for an application for 350 dwellings, a school, open space and associated infrastructure.

5. Representations:

5.1 Blunsdon St Andrew Parish Council:

Object to the application and comment:

- The proposals are contrary to Local Plan in not meeting requirements of Policies SD2, HA5 and EN5
- The site is outside the settlement boundary
- Whilst the site is included in the current SHLAA this indicated just 29 dwellings and deliverability in 6-10 years
- Consideration of any development of this site is premature in view of the major impact of development at Tadpole Farm and the Abbey Stadium on infrastructure, both in the immediate and surroundings areas including the town centre.
- The capacity of road junctions in the area is limited already, in advance of already approved major development in close proximity. Approval can only exacerbate a serious traffic and highway issue for Blunsdon village and North Swindon.
- No provisions to ensure medical provisions for residents
- Concerns with regard to adequate water provision and sewage disposal
- Blunsdon Village is the subject of considerable increase in dwellings
- The development is not necessary to meet housing requirements and the negative impact would outweigh any benefits.

5.2 Neighbours:

one letter of impartial observation submitted on behalf of Ramblers Swindon and North East Wiltshire Group. Asking the developers to negotiate with the neighbouring site at Abbey Farm to ensure safe traffic free pedestrian link between the two sites as part of the reserved application process.

5.3 Arqiva: No objection to the principal. Request a condition to be imposed relating to the siting and use of any plant and machinery that may be higher than 10m high.

5.4 Wiltshire Fire and Rescue Service: Suggest a Planning Condition for Fire Hydrants

5.5 Natural England: No objection

5.6 Highways England: No objection.

5.7 Landscape Officer: Notes that the site is in open countryside and not allocated for development.

5.8 Highways Officer: Following the submission of revised plans no Highway objection is raised subject to conditions. Drainage strategy and Flood Risk Assessment is considered acceptable

5.9 Environmental Health Officer: Noise: No objection subject to conditions.

5.10 County Archaeologist: No objections.

5.11 Housing Enabling Officer: The 30% affordable housing proposed is acceptable, Comment regarding the mix and tenure of the units are discussed later in the report.

6. Planning Considerations:

6.1 The main issues to be considered with this application are whether the proposal is acceptable in terms of principle, landscape, noise and amenity, highway matters and infrastructure considerations.

6.2 The main considerations with regard to the determination of this application are the principle of the proposal located outside of the settlement boundary and prematurity, precedence, the impact upon the character of the area, highway safety and the provision of developer contributions and in these respects whether the proposals are in accordance with the provisions of the relevant policies of the Swindon Borough Local Plan 2026, the National Planning Policy Framework 2012 and Planning Practice Guidance 2014. Other issues raised within the representations received will also be covered to include: residential amenity, design/layout and biodiversity.

Adopted Local Plan 2026 (SBLP)

6.3 The Swindon Local Plan 2026 was adopted on 26th March 2015. The following adopted Swindon Local Plan 2026 policies are considered to apply and the degree of their weight in determining this application is discussed in the reasoning below.

- DE1 (High Quality Design)
- SD1 (*Sustainable Development Principles*); seeks the delivery of sustainable development and communities;
- SD2 (*The Sustainable Development Strategy*); aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 (*Managing Development*); seeks to oversee the delivery of sustainable growth;
- HA1 (*Mix, Types and Density*); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that they respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- HA3 (*Wheelchair Accessible Housing*); seeks development proposals for 50 dwellings or more to provide at least 2% of the dwellings to be suitable for occupation by wheelchair users;

- TR1 (*Sustainable Transport Networks*) and TR2 (*Transport and Development*); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- IN1 (*Infrastructure Provision*); deals with infrastructure provision;
- EN3 (*Open Space*); seeks all development to provide or contribute towards public;
- EN5 (*Landscape Character and Historical Landscape*); seeks development proposals to take account of their natural surroundings.

6.4 Also of relevance is Swindon Borough Council's adopted Supplementary Planning Guidance Note: Technical Guidance on Parking Standards (2007), adopted Swindon Borough Council's Open Space Audit (2013).

National Planning Policy Framework 2012 (NPPF)

6.5 The National Planning Policy Framework came into force on 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied.

6.6 Of particular relevance are sections: 4 'Promoting Sustainable Transport', 6 'Delivering a Wide Choice of High Quality Homes'; 7 'Requiring Good Design'; 11 'Conserving and Enhancing the Natural Environment' and 12 'Conserving and Enhancing the Historic Environment'.

Principle of Development

6.7 The Development Strategy is defined in Adopted Local Plan Policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations, whilst protecting the best of the countryside.

6.8 Policy SD2 makes a clear delineation between the parts of the Borough in which the principle of development would be generally acceptable (within settlements) and those where it generally would not (in the countryside). The policy limits development in the countryside, defined as those areas that are not within a settlement boundary.

6.9 Paragraph 12 of the NPPF states that:

Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (added emphasis)

6.10 Paragraphs 196 and 197 of the NPPF state that:

The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

6.11 Paragraph 10 of the NPPF states:

Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

6.12 The adopted Local Plan is the embodiment of sustainable development in the area.

6.13 The applicant's planning statement outlines the economic benefits of the scheme in terms of construction jobs during the build period and the retail expenditure of the future residents. They also cite the potential payments under the New Homes Bonus scheme and Council Tax receipts. However, these could apply to any residential development. The applicants have also submitted a report in support of the application titled "Swindon Housing Needs Assessment". The Statement makes the case that Borough will experience significant changes to the demographic profile; in that the population will continue to "age" as the quantum and proportion of older people increases, relative to the size of the total population. This trend is well understood and reflected in the Local Plan, specifically paragraph 4.267:

As well as a growing population, Swindon Borough is experiencing a large increase in the proportion of elderly residents, which presents a particular challenge in meeting that part of the population's health and social needs.

6.14 Policies CM2 and CM3 of the Local Plan promotes healthy lifestyles and to meet the need for community and health facilities arising from growth and demographic change in the Borough.

6.15 NPPF paragraph 50 states

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should (inter-alia):

- *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*

6.16 Policy HA1 of the SBLP2026 states that there should be a variety of densities, house types and sizes to meet local needs as identified within the Swindon Strategic Housing Market Assessment and in line with the Swindon Borough Housing Strategy. This is further expounded in the supporting text at paragraph 4.107:

This housing needs to be responsive demand, meet future anticipated household and population growth, and address the need for all types of

housing and the needs of different groups of people in the local community, particularly in response to the ageing population and to assist independent living at home.

6.17 The applicant's statement refers to the Swindon Borough Corporate Strategy 2013-15 which has as one of its priorities to find new ways to reduce vulnerability and improve health for all. The Strategy suggests that one way of achieving this is to increase the number of people living at home for longer through supporting people to remain in their own homes or in community based care and reducing the number of new entrants into residential care.

6.18 The applicants also refer to the Swindon's Health and Wellbeing Strategy 2013 – 2016 produced by Swindon's Health & Wellbeing Board (Nov 2013). This identifies that:

- Adults and older people in Swindon are living healthier and more independent lives and more independent lives

6.19 Amongst the priorities to achieve this, are:

- Promote independence and reduce the need for hospital services and long term care

6.20 Officers are mindful of paragraph 50 of the NPPF and the requirement to provide for a range of housing to meet the needs of all sections of the community as set out in the Local Plan. Members may also wish to consider a recent statement by the Housing Minister Brandon Lewis on March 21st 2015 in which he outlined new planning guidance asking councils to take better account of the needs of their older residents when planning new homes in their area. In particular he states:

New guidance will make clear how councils can plan ahead to meet the needs of an ageing population, and consider the types of homes they would need to build locally.

This can include bungalows – but it can also mean retirement housing, 'extra care' housing which offers on-site support, homes designed with older people in mind offering for example, step-free access, downstairs bathrooms, or wider halls and doorways.

6.21 Officers acknowledge there has been a general lack of new residential development accommodation aimed at the elderly population in Swindon as a whole and in North Swindon in-particular.

6.22 In policy terms the considerations include to what extent the sustainable benefits outweigh the harm of being located in the de-facto countryside as defined by the Local Plan, notwithstanding any other aspects.

6.23 The case put forward is that the scheme would provide economic benefits, however officers are not convinced that this proposal is exceptional enough to override a policy objection on these grounds alone.

6.24 However, the Local Planning Authority is mindful of the local and national requirement to meet the housing needs of the population, particularly the elderly, and on balance officers would accept that a reasonable case has been made as to the need for such a development. Therefore the scheme will add to the sustainability of the Borough by providing for a segment of the market largely unmet elsewhere in Swindon. A case could be made for a greater proportion of bungalows on the site but has to be balanced with the general desire to provide mixed communities.

6.25 The proximity to the Abbey Farm development has potential to add to the sustainability of the site in terms of access to services, but is not reason for approval in itself. Once Abbey Farm is developed the proposed site will be constrained on all sides by housing and the by-pass but again not a reason for approval in its own right. Approving development outside the settlement boundary should not be made likely and without the proposed housing mix a policy objection would have been more forthcoming as per the early refused application. However, taking into account the identified need for such housing, officers are of the opinion that an objection in principle is outweighed in favour of the proposal.

Highway Access, Safety and Parking:

6.26 Policies TR1 and TR2 of the adopted Swindon Borough Local Plan 2026 seek to ensure access for developments that is appropriate to the scale, type and location of the proposal without detriment to highway safety, traffic movement and the local environment.

6.27 The applicant has assessed the local highway conditions and incorporated that evidence into the submitted Transport Assessment (TA) in support of the development. The TA also informs the local highway modifications, access design, traffic generation arising from the scheme and the impact upon local highway conditions.

6.28 The Highway Officer is satisfied that the proposed highway works and access are thus deemed to be acceptable as demonstrated in the submitted Transport Assessment and supplementary information.

6.29 The access and associated visibility splays for which permission is being sought is a single arm junction off Lady Lane which is considered to be appropriate and acceptable to serve this development. In addition the submitted plans and details demonstrate that in future, the proposal would not prejudice the construction of a small roundabout at this location to serve this site and the Abbey Stadium site opposite and to the south.

6.30 Highway contributions have been agreed for adjacent development areas, including Tadpole Farm and Abbey Farm. Some of these contributions have been identified for cycle and pedestrian improvements on Lady Lane. It is considered reasonable that this application could also provide or contribute towards similar improvements. Negotiations are on-going with the applicant on this aspect and an update will be provided at the meeting.

6.31 On-site parking numbers and locations are details that would be assessed as part of the future reserved matters. Parking provision would be required to be in accordance with the adopted Technical Guidance on Parking Standards.

6.32 The proposal has been deemed to be satisfactory in terms of drainage and flood risk. However further information will be required to be submitted, dependent upon the final scheme and appropriate conditions are put forward.

Design, Layout and Character:

6.33 The application has been submitted in Outline, with only Means of Access not reserved. However, a plan showing how the stated maximum of 52 dwellings could be accommodated on the site has been submitted. This plan (1291.04) is indicative only and therefore does not form part of the formal consideration of the application.

6.34 It is, however, fair to suggest that the indicative layout submitted gives a good indication about the potential scale and layout of the development proposed. This is borne out by the Design & Access Statement which quotes the dwelling type and mix as shown on the indicative layout.

6.35 Swindon Local Plan policy DE1 states that high standards of design will be required for all types of development. Whilst the layout and form displayed on the illustrative masterplan (i.e. the indicative layout) appears to be acceptable in terms of how this would fit in with the form and character of the area, as the application is outline, full details of the design and external appearance cannot be considered at this stage.

Noise and Residential Amenity:

6.36 Policy DE1 of the Swindon Local Plan 2026 requires consideration of amenity in terms of light, privacy, outlook, noise, disturbance, smell, pollution and space when considering development proposals.

6.37 As the application is in outline details of design and layout cannot be assessed at this stage. Issues of separation distances between dwellings, overlooking, visual dominance and the like thus cannot thus be considered here.

6.38 The site is located to the west of the A419 trunk road and to the north of the Abbey Stadium Speedway and dog racing track. Given these constraints, a noise report has been submitted in support of the application.

6.39 Given that there is permission in outline for the relocation of the stadium and also the development of housing, the environmental noise climate in the area is likely to change. That said, the applicant has demonstrated that the necessary mitigation from any new Stadium will ensure there is no adverse harm to the amenity of the future residents of the site. Further, appropriate mitigation can be incorporated into the dwellings to be constructed on the site to mitigate the impact of current noise.

6.40 Given the proximity to the A419 and the stadium, the Council would need to be sure that the information provided is as accurate as possible in order that the impact of noise on amenity and the mitigation measures can be evaluated adequately.

6.41 Officers have concluded that the proximity of the adjacent road will not lead to any unacceptable issues to future residents in terms of noise disturbance as (subject to appropriately worded conditions).

Biodiversity:

6.42 The National Planning Policy Framework (NPPF) 2012 requires biodiversity and geodiversity to be taken into consideration during the determination of applications. Policy EN4: Biodiversity and Geodiversity of the Submission Local Plan 2026 is relevant.

6.43 An ecology appraisal has been submitted in support of the application, which includes a habitat survey to determine the type, quality and extent of habitats present. Whilst no protected species were discovered on the site, the hedgerow and dense scrub habitat boundaries on the western boundary of the site are concluded to be habitats of ecological value and hence a number of recommendations are made. A condition has been added.

Landscaping and Trees:

6.44 This application for the 52 houses is on a site that is outside the rural settlement boundary in the local plan, however from the landscape stance the character of this site is similar to the adjacent Abbey farm site for which planning permission has already been granted.

6.45 There are no overwhelming policy reasons why this outline application should be refused on landscape grounds.

6.46 A condition has been added to ensure the existing green spine which exists along lady lane continues and is in line with the adjacent Abbey Farm Scheme and acts as a visual buffer to the site frontage for this edge of settlement location. As the application is seeking outline permission, full details of the landscaping of the site are not for consideration at this stage and will be subject to a reserved matters application.

6.47 The implications arising from this are that the siting of the buildings set out in illustrative layout is incompatible with the requirements of the condition. The site is on the edge of the settlement and it is reasonable to ensure that necessary and appropriate mitigation is provided, as the development is not required 'at any price'. The siting of the buildings are not agreed and a note will be appended to the decision to reflect this.

Affordable / Accessible Housing:

6.48 In accordance with policy HA2 of the Swindon Borough Local Plan 2026 affordable housing (AH) will be sought on all suitable sites proposed for development that comprise 15 or more dwellings or sites of 0.5 hectares or more. This application proposes that 30% of the housing will be affordable, which equates to 16 units based on a total of 52 dwellings in a reserved matters submission. The Housing Enabling Officer has advised that this is acceptable. However the tenure mix is still to be agreed. In the event that outline planning permission were to be granted this will be secured through the completion of a planning obligation (S106 agreement).

6.49 As also detailed in adopted Local Plan policy HA3, proposals of more than 50 dwellings shall provide at least 2% of the dwellings for suitable occupation for

wheelchair users. Again, in the event that outline permission were to be granted this could be secured through an appropriately worded planning condition.

6.50 The Borough's policy is to provide a mix of AH units on each site in a 70/30 split between Rented (Social or Affordable) and Intermediate (including Low Cost Home Ownership initiatives). The current mix offered is for 11no. Rented and 5no. Intermediate. The developer is suggesting 15no. Shared Equity units for the AH element and no Rented. The proposed unit mix for the site consists of 2, 3, 4-bed houses as well as 2-bed bungalows.

6.51 These details will be controlled and managed through the Section 106 planning agreement. The committee is requested to authorise the Head of Planning, Regulatory Services, Heritage and Libraries to agree the precise details prior to the grant of permission.

Infrastructure Requirements:

6.52 The development is located within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 2. The standard CIL rate applicable to the development as set out in the adopted CIL Charging Schedule is £55 per square metre of floor space.

Services: Utilities & Water Supply

6.53 Matters regarding water supply, sewerage and drainage will be regulated by Thames Water and the Environment Agency as statutory authorities for those aspects.

6.54 The development may result in additional pressure or demand being placed on the existing sewage and water supplies in the area. In order to comply with the appropriate legislation, the developers will be obliged to recognise such demands and make the necessary provisions in conjunction with Thames Water as supplier that meet the demands of the new development without compromising the statutory service being offered to existing residents.

7. Concluding Comments:

7.1 Notwithstanding the objection set out above from the Blunsdon Parish Council, it is considered that the harm of the proposal is attributed to the fact that it is located outside the identified Swindon urban area boundary and therefore does not form part of proposals identified in the adopted Local Plan.

7.2 The proposal will deliver a significant number of homes that will make a contribution to meeting the need of a sector of Swindon's community and in North Swindon in particular. These benefits are however dependent on the conclusion of satisfactory S106 agreement to secure the relevant matters. Having particular regard to policy HA1 and paragraph 72 of the NPPF, your officers consider that the benefits of the proposals outweigh the harm of developing a greenfield non-allocated site located outside the urban area boundary.

Recommendation:

That the Head of Planning, Regulatory Services, Heritage and Libraries be authorised to GRANT planning permission subject to the completion of a planning obligation to secure the affordable housing that are material to the decision required to support the development, and the necessary highway works to mitigate the impact of the development and subject to conditions with authority to vary the content and / or wording of both as appropriate.

Conditions

Timing and Duration

1 The development hereby permitted shall be commenced either before the expiration of 3 years from the date of this permission or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development with Section 92(2) of the Town and Country Planning Act 1990.

Reserved Matters

2 Approval of the details of the layout, scale, appearance, and landscaping of the development (herein known as the reserved matters) for each development phase or sub phase shall be obtained from the Local Planning Authority prior to the commencement of any development within that particular phase or sub phase. The first application for the approval of reserved matters shall be submitted to the Local Planning Authority before the expiration of 2 years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 5 years from the date of this permission.

Reason: To accord with Section 92(2) of the Town and Country Planning Act as the application is in outline.

Time Limit for Start of Development

3 The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the last of the Reserved Matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended).

Fire Safety

4 The Development hereby authorised shall not commence until details for the provision of a water supply network and/or hydrants to meet the fire-fighting needs of the development (to include installation arrangements and the timing of installation) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be provided in accordance with the agreed details.

Reason: To reduce the risk from fire in the interests of public safety and local resilience.

Control of Noise

5 The proposed residential units shall be designed to meet the indoor ambient noise levels contained in British Standard 8233:2014 (or later versions) which currently require:

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

Reason: In the interests of residential amenity

Control of Noise

6 The proposed development shall be designed so as to ensure that the external noise level does not exceed 55 dB LAeq as per the BS 8233:2014 design criteria for noise levels in external amenity spaces.

Reason: In the interests of residential amenity

Control of Noise

7 Where the specified internal noise levels in bedrooms and living rooms can only be achieved by closing windows, supply air mechanical ventilation shall be provided to the room to a standard of ventilation to be agreed in writing by the Local Planning Authority. All supply air ventilation systems shall be supplied with heat recovery to reduce energy loss in winter and shall be supplied with a heat recovery by-pass in summer. All supply air ventilation systems shall have a standard and boost facility. All the controls on mechanical ventilation systems shall be easily and practically accessible by the occupants of the dwelling.

Reason: In the interests of residential amenity

Control of Noise

8 Where south, south west or west facing windows to bedrooms or living rooms are required to be kept closed to meet the conditioned internal noise levels, all glazing shall be of an approved type to reduce solar gain in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. All agreed works and interventions to secure the noise mitigation shall be maintained thereafter.

Reason: In the interests of residential amenity

Control of Noise

9 Prior to occupation of the residential units, a pre-occupation validation noise survey shall be conducted in order to demonstrate that the noise mitigation measures detailed are effectual in reducing external noise to an acceptable level and a certificate of compliance by an approved acoustic assessor should be submitted to the Local Planning Authority to demonstrate that the standards required under BS 8233:2014 have been achieved. The survey shall demonstrate compliance with the following criteria:

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

Reason: In the interests of residential amenity

Control of Noise

10 Standard hours of work condition, i.e. No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday. There shall be no such working Sundays, Public or Bank Holidays without the prior written consent of the local planning authority.

Reason: In the interests of residential amenity

Tree / Hedgerow Survey and Planting Plan

11 As part of the submission of any landscape reserved matter in any phase or sub phase, a survey and report to detail and show the location, species, crown spread, girth and condition of all trees with a stem diameter of 100mm or greater, and the location, mix and spread of all hedgerows shall be submitted to the Local Planning Authority. The survey and report will indicate those trees and hedgerows that are proposed to be retained, removed or new planting provided/created. All new planting shall comprise local native species and full details shall be submitted to the Local Planning Authority for approval in writing.

Reason: To safeguard landscape features of biodiversity value and aesthetic importance and contribute towards the delivery of a wider Green Infrastructure network.

Retention of Landscaping

12 All landscaping shall be carried out in accordance with the reserved matters approved scheme for each phase or sub-phase of the development; any planting carried out in accordance with these approved details that within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other(s) of similar size and species.

Reason: To safeguard all features of landscape interest in the interests of maintaining biodiversity and aesthetic value.

Wheelchair Accessible Housing

13 Not less than 2% of the total residential development shall provide ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to provide for wheelchair user occupiers in accordance with a plan or schedule, which shall have been submitted to and approved in writing by the Local Planning Authority. These design features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interest disabled people

Tree Protection:

14 No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place within 5 metres of the furthest extent of, the canopy of any tree or group of trees on the site shown for retention on the approved plans. No existing tree shall be lopped, topped, felled, destroyed or wilfully damaged including any damage to roots, without the prior written consent of the Local Planning Authority

Reason: To ensure minimal interference with trees that are to be retained on the land and ensure that damage does not occur to the trees during building operations.

Construction Management Plan / Construction Method Statement

15 No development shall commence on site until a Construction Management Plan has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme for the duration of the works. This Plan shall provide for details relating to:

- Access and parking arrangements for site personnel, contractors, and visitor arrangements for delivery and removal of materials;
- Arrangement for loading, unloading, and storage of plant and materials;
- Provision for wheel washing facilities for construction traffic. It is a requirement of this condition that wheel washing facilities will be used by all operatives exiting the site operating lorries, HGV's, or larger vehicles;
- Arrangements for protecting and/or diverting Public Rights of Way either within the site boundary or adjacent to the site, including any necessary temporary or permanent diversions of those routes;
- A scheme for routing, control of traffic associated with the construction [including arrangements of all HGVs], and temporary signage on Lady Lane during the construction and decommissioning phases.

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety.

Provision for surface water disposal

16 Prior to the commencement of any works on site, details of the provision for the sustainable disposal of surface water within the site, inclusive of SUDS, so as to prevent its discharge onto the highway, shall be submitted to and approved in writing by the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and highway safety

Flood Risk Assessment

17 With the Reserved Matters application(s), a FRA shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the development and its occupants from the risk of flooding, and to prevent the increased risk of flooding.

Strategic Drainage Plan

18 With the Reserved Matters application(s), a strategic drainage plan for the whole site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a strategic drainage plan is provided for the master planned development.

LPA to approve layout before commencement / Section 38 Agreements / APC

19 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

Surfaced Access

20 The proposed roads, including footways and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footway and carriageway to at least base course level between the dwelling and the highway boundary.

Reason: To ensure the development is served by an adequate means of access.

Access off Lady Lane

21 No development shall commence until the new access at Lady Lane, as shown on the 'site Access Arrangement' drawing numbered TP5366-SK12 received by this has been constructed in accordance with the approved drawings.

Reason: In the interest of highway safety.

Car Parking Standards

22 Before the development hereby authorised is brought into use the residential car parking provision conforming to the Borough Council's car parking standards, together with manoeuvring facilities shall be completed in accordance with details and materials to be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of use.

Reason: To enable vehicles to enter and leave the parked areas in forward gear and to be reasonably accommodated within the development site in the interest of amenity and highway safety.

Garage Standards

23 All garages and any associated hard standings to be constructed in connection with the residential development shall conform to the Borough Council's standards. Any garages shall thereafter be retained for the parking of vehicles in connection with the use of the development hereby permitted.

Reason: In the interest of amenity and highway safety.

Hard landscaping

24 Prior to the commencement of works on site in connection with the development hereby permitted, details of the hard landscaping of the site including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, shall have first been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall be carried out in accordance with these approved details.

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

External materials

25 Prior to the commencement of works on site in connection with the development hereby permitted, details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

Boundary treatments

26 Prior to the commencement of works on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented in accordance with a timetable that has first been submitted to and agreed in writing with the Local Planning Authority, and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

Reason: In the interests of the amenities of the area.

Slab levels

27 Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason: To ensure the details and appearance of the development is acceptable.

Trees - protective fences

28 Prior to the commencement of works on site in connection with the development hereby permitted, details of temporary protective fences to safeguard the trees and / or hedges to be retained on the site shall have first been submitted to and approved in writing by the Local Planning Authority, and shall be erected in accordance with the current BSI 5837 and maintained to that standard until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.

Reason: To ensure that adequate protection is afforded to the trees and / or hedges on the site.

No materials stored under telecommunications mast

29 Prior to the commencement of any site any materials, plant, or machinery that may be higher than 10m high shall be submitted to and agreed in writing with the Local Planning Authority 20m of the neighbouring telecommunications mast.

Reason: To ensure safety during building operations relating to the neighbouring telecommunications mast.

Layout

30 No part of the development hereby permitted shall be carried out until a plan at a scale of not less than 1:500 showing the proposed layout of the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the proper development of the site.

Trees

31 No tree or part thereof shall be lopped, topped, felled, destroyed or wilfully damaged including severance of root(s), without the prior written consent of the Local Planning Authority.

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

Gradient

32 The gradient of all internal accesses shall not at any point be steeper than 12.5% (1 in 8) fall towards or 8.5% (1 in 12) fall away from the adoptable highway, for a distance of 5.0m metres from its junction with the adoptable highway.

Reason: In the interests of highway safety

Landscape Acoustic bund

33 Prior to the commencement of works on site in connection with the development hereby permitted, details of the Landscape Acoustic bund shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate protection is afforded to the residents of the site

Landscape buffer along Lady Lane

34 Prior to the commencement of works on site in connection with the development hereby permitted, details a 5m Landscape buffer along Lady Lane shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the appearance of the site is satisfactory

Open space and Play Area

35 No development shall take place until the design and specification and timetable for the provision of the open space and play area is submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved design and specification and timetable for the provision of the open space and play area and retained in the approved form as long as the development hereby permitted remains on the site.

Reason: To ensure that the appearance of the open space and play area is satisfactory.

Ecology

36 Prior to the commencement on site in connection with the development hereby permitted, a scheme shall be submitted to the Local Planning Authority for approval in writing to provide opportunities for ecological enhancement at the site, that could include the creation of new wetland habitats, erecting bird boxes, provision of new opportunities for bats and native planting with any new shrub and tree planting. The landscape management plan shall thereafter be implemented in accordance with the approved details

Reason: To accord with the recommendation of the ecological survey in the interest of the ecological enhancement of the site.

Plans and drawings

37 This approval shall be in respect of the following plans and documents:

Ecological Appraisal dated May 2014. Produced by Hankinson Duckett Associates.
HAD ref: 594.2

Site location Plan 1:1250 dated 6 July 2015

Landscape Walkover assessment June 2014 dated 6th July 2015 Produced by Hankinson Duckett Associates

Air Quality Assessment produced by Entran Ltd dated 6th July 2015

Noise Assessment produced by Entran Ltd dated 6th July 2015

Transport Statement produced by Entran Ltd dated June 2015

Planning Statement produced by Turleys dated June 2015

Design and Access Statement produced by Matthewson Waters Architects dated 6th July 2015

Flood risk assessment and drainage strategy produced by Craddys dated 6th July 2015

Phase 1 and 2 Geotechnical and Geo-environmental report issue 2 dated 6th July 2015

Proposed Access Statement dated 6th July 2015 Dwg no: TP5366-001 REV D

Proposed Access Arrangements – phase 1. Dwg no: TP5366-SK12 September 2015.

Proposed site layout Dwg no 1291.04 dated 6th July 2015

Site Survey Dwg no 1291.05 dated 16th September 2015

Informatives

Wiltshire Fire and Rescue Sprinklers

1 The applicant's attention is drawn to the contents of the Wiltshire Fire and Rescue Service letter dated 27th July 2015 and the recommendations contained therein in relation to the installation of sprinklers.

CIL

2 This development proposal constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before a development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. CIL would remain relevant in the event that planning permission were allowed by planning appeal.

APC

3 The Local Highway Authority require the developer/landowner to provide a surety under the Advance Payment Code (APC) provisions within the Highways Act 1980 (Sections 219 to 225), to ensure the proper implementation of new private highway which may be offered for adoption to the LHA at a later date, either by way of a Section 38 Agreement, or at the request of the frontagers. Further information in this respect may be obtained by contacting Swindon Borough Council's Transport Development Management team.

Street Naming and Numbering

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

Works in Highway

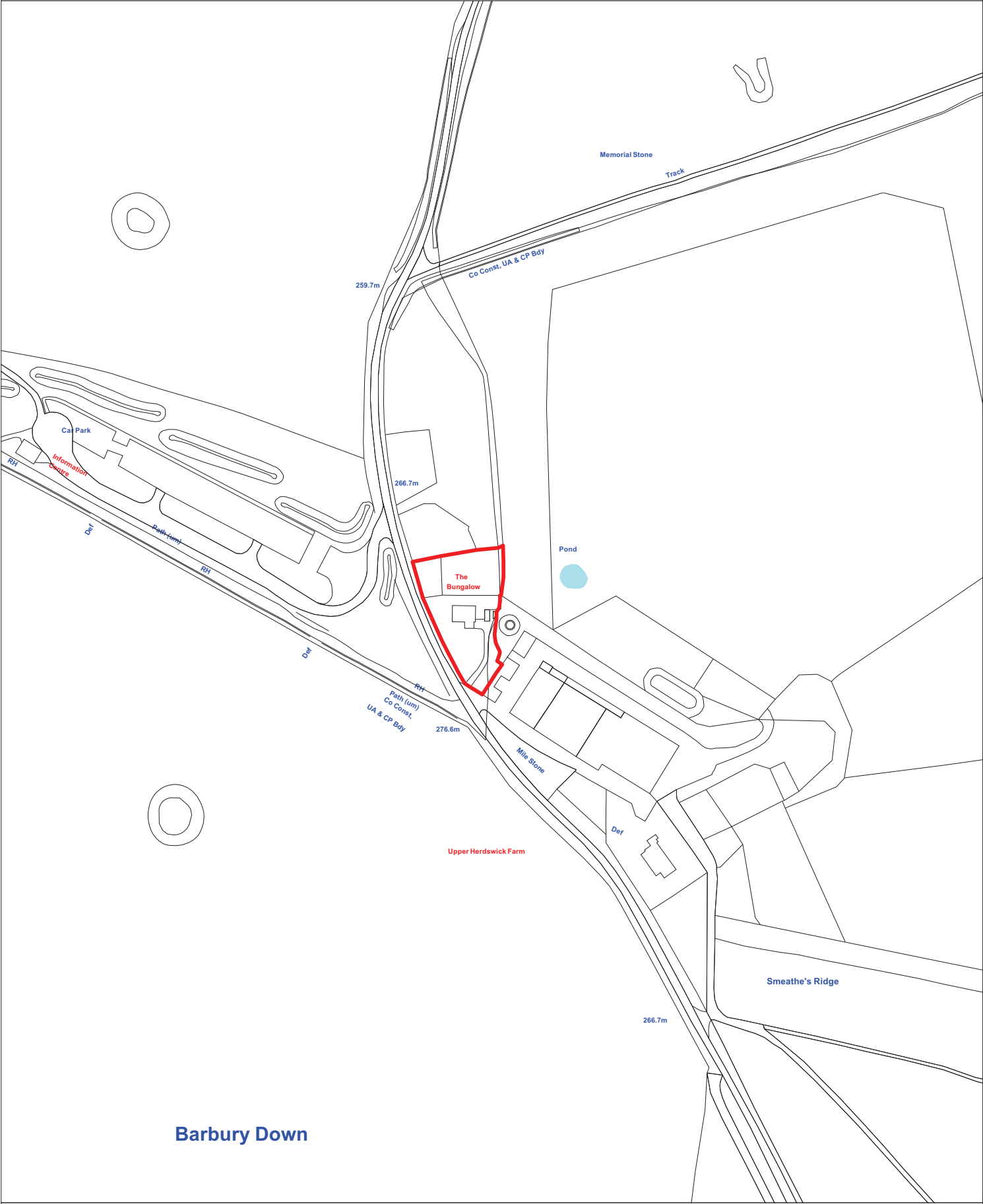
5 In addition to this consent, the proposed development will require separate Local Highway Authority approval for the construction of works in the highway. The Applicant is required to obtain this approval before works commence and is therefore recommended to contact Swindon Borough Council's Street Works Management Department in this respect as soon as possible.

6 The Local Highway Authority require the developer to enter into legally binding agreements to secure the proper implementation of improvements or alterations to existing public highway and for any new works that the developer intends shall be potentially adoptable as public highway. Further information in this respect may be obtained by contacting Swindon Borough Council's Transport Development Management team.

7 In addition to this consent, the proposed development will be served by a junction on Lady Lane that may also serve a larger mixed use development on land to the immediate south, known as 'Abbey Stadium'. The current Planning Application number of that site is S/OUT/14/0833. This larger development includes a major/minor priority junction on Lady Lane that would need to be replaced with the small roundabout junction approved as part of this consent.

Erection of 1no. detached dwelling and associated works.

The Bungalow Ridgeway Farm Hackpen Lane Wroughton Swindon SN4 0QH



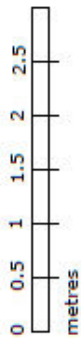
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

Erection of 1no. detached dwelling and associated works.

The Bungalow Ridgeway Farm Hackpen Lane Wroughton Swindon SN4 0QH

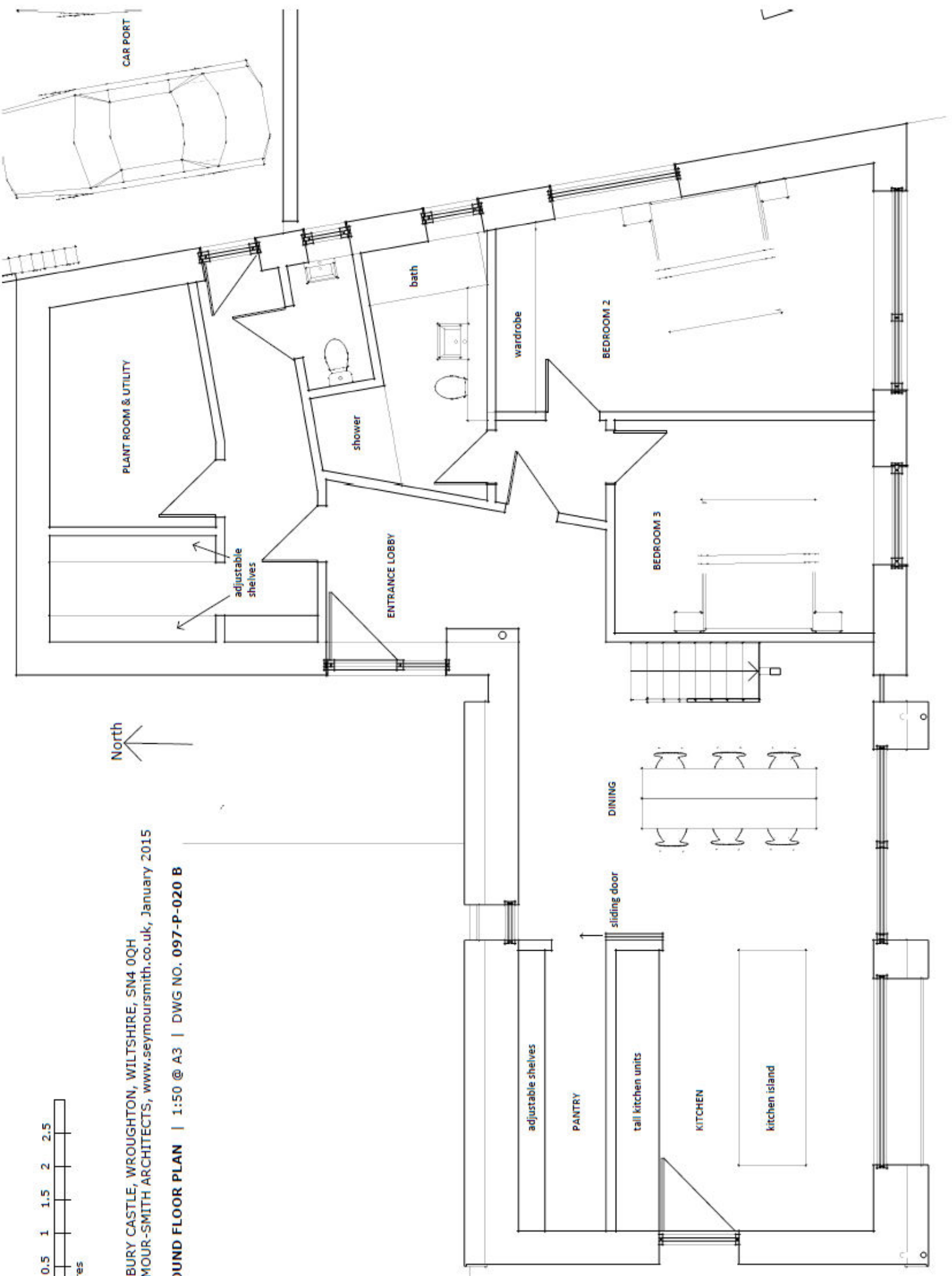


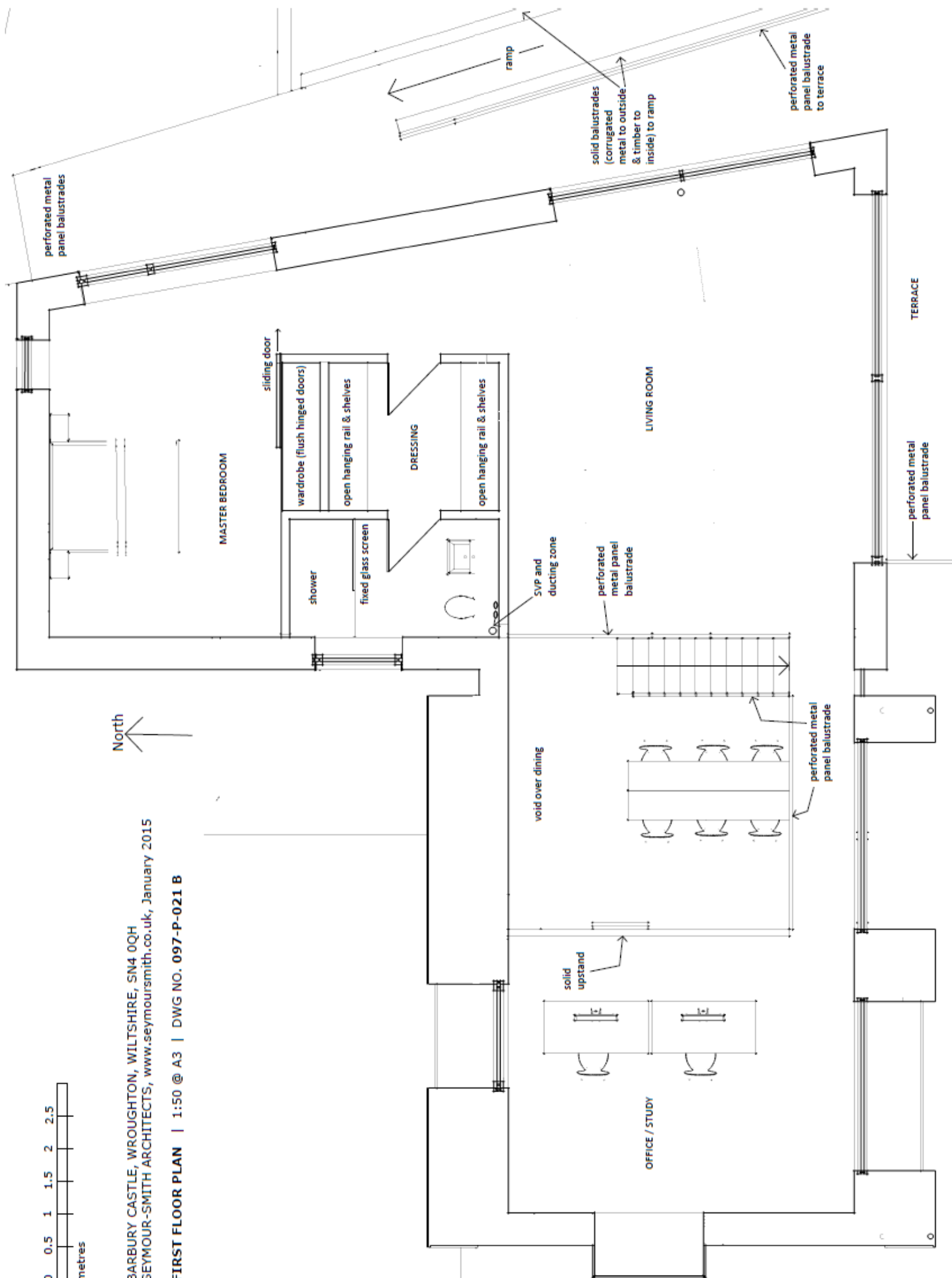
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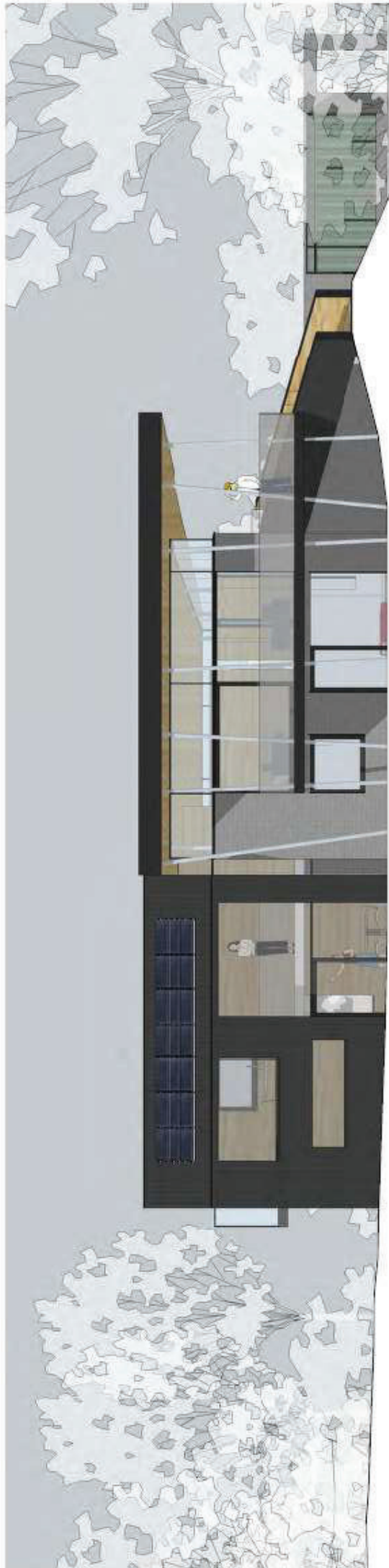


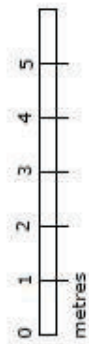
BARBURY CASTLE, WROUGHTON, WILTSHIRE, SN4 0QH
SEYMOUR-SMITH ARCHITECTS, www.seymoursmith.co.uk, January 2015

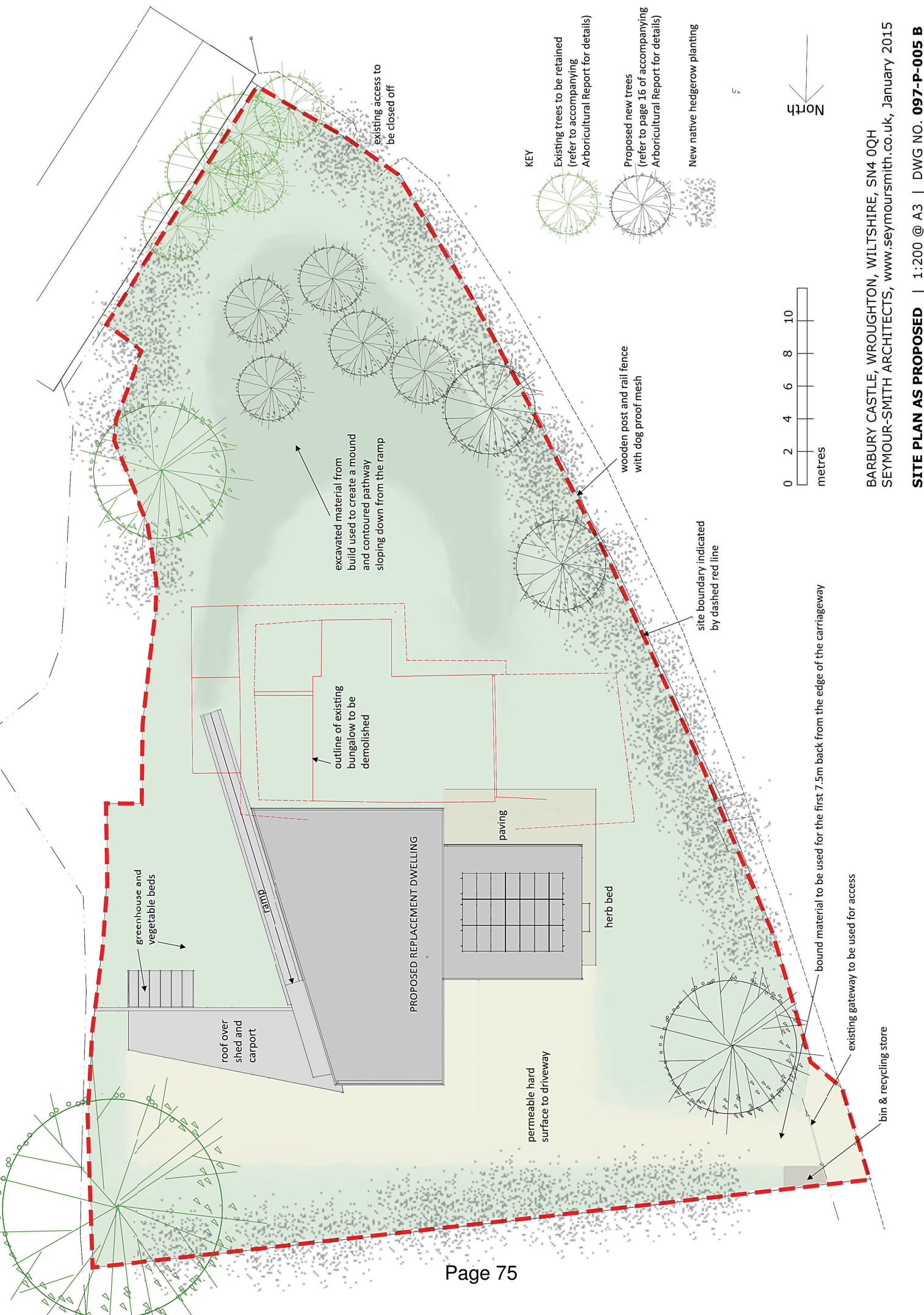
GROUND FLOOR PLAN | 1:50 @ A3 | DWG NO. 097-P-020 B













COMMITTEE REPORT

Item Number: 9

Ward: Wroughton & Wichelstowe

Application Number: S/15/0155/IH

Parish: Wroughton

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

Site Location: The Bungalow, Ridgeway Farm, Hackpen Lane

Case Officer: Mr Ian Halsall

Agent:

Mr Simon Chambers
LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ

Applicant

Mr K Failenschmid
c/o Agent

Officers Report

Background:

i This application has been referred to Planning Committee by the Head of Planning, Regulatory Services, Heritage and Libraries as it represents a development of an interesting and unusual design located in North Wessex Downs Area of Outstanding Natural Beauty (AONB). It relates to a 0.2 hectare parcel of land (approximately half an acre) which was previously owned by Swindon Borough Council and was marketed for redevelopment through the production of a development brief that was approved by this committee for the purposes of development management on the 13 September 2011.

ii The application has received the support of Wroughton Parish Council but an objection has been received from the Director of the AONB Unit. In addition, a thirty eight name petition objecting to the proposal has been submitted to the Local Planning Authority.

Summary of Recommendation:

1 That planning permission be GRANTED with conditions.

The Proposal:

2 Planning permission is sought to demolish an existing derelict bungalow which was previously destroyed by fire and to erect a two-storey three bedroom modernist style dwelling with an integral car port and shed, an attached greenhouse together with the stopping up of an existing point of access to the south and associated landscaping works.

3 The dwelling has been architect designed to an ultra-modernist style and is intended to be highly sustainable by applying “Passivhaus principles”, a German building concept which uses considerably less energy than a conventional building both through its design and construction. This includes a southerly orientation, expansive use of triple glazed windows, very high levels of insulation, a well-sealed building fabric and a mechanical ventilation unit with heat recovery where traditional heating systems are not required and cooling is minimised through the use of shading and cross ventilation through open windows.

4 A complex design, the main part of the dwelling will be roughly T-shaped in layout with large expanses of glazing on the southern and eastern elevations and limited openings on the northern and western elevations. It will comprise two opposing mono-pitched roofs; the main northern oriented section comprising a single ply membrane at approximately 3 degrees incline from horizontal, with the southern roof comprising a corrugated metal surface and incorporating a mixture of identically designed photovoltaic panels to generate electricity and photovoltaic thermal panels to both generate electricity and hot water at a 12 degree incline. The carport will be attached to north eastern side of the house and will incorporate a garden store/shed forming a single storey flat corrugated roof. The guttering will be concealed within the framework of the roof design.

5 The dwelling will be accessed at first floor level via a shallow gradient 17 metre long ramp on the eastern side of the property to the south of the car port with solid corrugated metal balustrades on the outside and timber lining on the inside. This will lead to an open terrace area that occupies the eastern and south-eastern sides of the property with a perforated metal panel balustrade along its edge. The main part of the roof forms an overhang over the terrace supported by ultra slim line pillars, which will incorporate rainwater downpipes. The western wing of the building will have a distinctive 10 degree vertical lean on its northern and southern elevations.

6 The primary materials on the elevations excluding the windows will comprise light weight black corrugated metal cladding around the entire west wing with long thin grey bricks on the remainder of the building together with contrasting warm timber used particularly under the roof soffit, as decking along the terrace and within the ramp.

7 The gross floor area of the main part of the new dwelling will be approximately 300 square metres. The southern elevation measures approximately 17 metres in length and the eastern elevation which follows a 10-degree horizontal angle northwards will be some 13.6 metres long. The western elevation which will include an access door at ground floor level leading into the kitchen measures 7 metres in length before forming a return along the northern elevation of approximately 8.75 metres in length and then taking a further 90 degree angle towards the back of the house, which will contain a plant room and utility area at ground floor level measuring approximately 6.75 metres in length. The remaining northern elevation is approximately 6 metres in length and connects with the carport which is open on its northern side and extends towards the eastern boundary for approximately 12 metres, incorporating the integral shed on the northern side and greenhouse on the southern side.

8 The main part of dwelling excluding the single storey car port element will vary in heights ranging from approximately 5.4 metres on the northern elevation of the east wing to a maximum height on the southern elevation of the same east wing of 6.3 metres.

9 Access to the site will be via an existing gateway on the north-western corner of the plot and a refuse and recycling store will be positioned in close proximity to enable collection from the highway. The northernmost part of the dwelling will be some 9 metres from the northern boundary. This will mainly comprise a gravel driveway and turning area. The western wing, comprising the kitchen at ground floor level and a first floor office/study will be some 9.5 to 12.5 metres from the western boundary with Hackpen Lane, whilst the main part of the garden curtilage which will be extensively landscaped and re-graded will have a depth of some 40 metres from the southern elevation to the existing southern access point which will be closed off.

The Site and Surroundings:

10 The site is located within the nationally designated North Wessex Downs Area of Outstanding Natural Beauty on the edge of the northern escarpment of Barbury Hill which rises steeply to the south from Burderop Down and is some 3 miles southeast of Wroughton and 3 miles southwest of Chiseldon. Barbury Castle, a scheduled ancient monument is approximately half a mile to the northwest of the site along the escarpment edge with Hackpen Hill and Barbury Down to the southwest and the main part of the Marlborough Downs to the south and continuing in a south-eastern direction towards the villages of Ogbourne St. George and Ogbourne St. Andrew.

11 The present derelict and now roofless buff coloured brick bungalow is located some 50 metres southeast of the entrance road and access leading into the public car park of Barbury Castle Country Park. The plot takes a very gentle downward slope to the north east and is accessible off Hackpen Lane, a tree lined by-way which runs along the south-western boundary of the site and also forms a part of the Ridgeway National Trail but which currently contains a number of non-native conifer trees within the application site.

12 Upper Herdswick Farm, a large equestrian centre is located immediately to the southeast of the site and comprises a number of large block work and corrugated steel barns and stables. A recently completed largely timber clad bunkhouse facility with bed and breakfast accommodation, a campsite, stabling and a paddock opposite the entrance of the Country Park car park are located immediately to the north of the application site at Ridgeway Farm. The eastern boundary of the site and that of the adjacent bunkhouse site is well wooded.

13 The application site falls on the administrative boundary with Wiltshire Council and whilst falling within Wroughton at parish level, the eastern boundary of the site also forms the parish boundary with Ogbourne St. George whilst the boundary with Ogbourne St. Andrew is located to the southwest across Hackpen Lane.

Representations:

Parish Council

14 Wroughton Parish Council supports the application.

Wiltshire Council and Neighbouring Parishes

15 No representations have been received.

Members of the Public

16 An objection has been received from one Swindon resident in the SN1 postcode area who raises the following issues:

- The design of the building is inappropriate and insensitive to the historic location.
- It makes a harsh, dominating statement in terms of height, glazing, lights, colour, cladding and panels and deliberate avoidance of natural traditional materials.
- Although landscaped screening is seen to be the way of hiding the building, this cannot be enforced by planning measures and the detractive effect on the landscape will be highly significant unless open views of the building are appropriately reduced.
- The house will have an urbanising effect in the area and will dominate the area.
- Entirely private house offering no public service or facility.
- The criteria set out in the Development Brief has been ignored in that it is not commensurate in form and scale with the existing single storey house, does not share the same footprint as the previous building, uses man-made materials, features uncontrolled numbers of openings and does not share a ridge height similar to the existing bungalow.
- The house is closer to the highway which will do nothing to soften its presence.
- The surroundings are of major national historical and recreational merit and there is a risk that the building will rupture this vital ancient link.
- Hard edged 1970's fantasy architectural design and materials will make it stick out like a sore thumb and be a lighthouse on the hill especially in darker periods of the year and from long distances along the National Trail owing to the predominance of glass.

17 The same objector has also collected a petition, which was received on the 13th April 2015. This contains some thirty-eight signatures including that of the principal objector. The petition states:

“We wish to object to the proposed building S/15/0155 on the Ridgeway lane on the grounds of its size, design and inappropriateness to the historic area on which it is to be built.”

18 The submitted petition was not accompanied by a covering letter stating whether or not those who signed the petition were given the opportunity to view the plans. It is understood that the signatures and the names and addresses of those who signed the petition were taken on a weekend in the vicinity of Barbury Castle Country Park. The majority of those who signed the petition had addresses in the Swindon and northeast Wiltshire areas. Furthermore as The Ridgeway, which passes through Barbury Castle and by the application site is a designated National Trail, there were a small number of signatures from visitors from other parts of the country and these should be considered to be as equally valid. However five names or addresses of the total thirty-eight could not be clearly interpreted or their addresses verified.

19 Following the submission of a Landscape and Visual Report in June as requested by officers, the following additional points were raised by the objector:

- The report is misleading as it only shows views of the site in the height of summer at maximum foliage implying that it will hardly be visible except from the south.
- Much of the existing foliage will be cleared away and there will be no foliage for six months every year.
- Views of the building will be very pronounced particularly as any new trees may take years to develop.
- The building is clearly out of place and will be glaringly visible in a way that the report ignores.
- The house will introduce intrusive artificial light sources to the Ridgeway and views across it.

AONB Unit

20 The AONB Unit represents the executive responsible for supporting and working with the AONB Management Working Group and its Council of Partners, of which Swindon Borough Council is a member. The Director of the AONB Unit has raised an objection to the application on the following grounds:

- The Landscape and Visual Report relies heavily on the presence of blocks of secondary woodland and trees planted around the site. There can be no guarantee that this planting would remain for the life of the proposed building particularly as this woodland is not consistent with the wider character of the Landscaped Character Area of this part of the AONB, which presents a challenge to the open down land qualities and protected landscapes of it and could be removed as part of future enhancements.
- The application ignores the AONB Management Plan 2014-2019 and the relevant policies within it together with the AONB Position Statement on housing which have been enforced by Swindon Borough Council as a member of the AONB Council of Partners.
- Height and massing will bring substantial and inappropriate change to this highly sensitive and very public site, close to one of the most prominent and visited ancient monuments in the Downs.
- There is concern about the building's glazing and the potential for day time reflection and night time light spillage and no indication as to the risks to further afield locations, especially at night.
- The materials do not reflect the local context. The design has merits and may be acceptable in less public and sensitive locations including within the AONB but it is insensitive and unnecessarily prominent. The house appears as if it has been parachuted onto the site.
- Even if screening is accepted there is no guarantee that it will remain as it is in private hands nor do some of the native species such as copper beech inspire confidence.
- Concerns about photo voltaic panels and their impact of the AONB in respect of a new building that is already considered inappropriate when PV tiles could be more preferable.

Heritage England

21 The three Scheduled Ancient Monuments of Barbury Castle hill fort and bowl barrow, Barbury Castle Farm deserted medieval village and the Burderop Down field system and

earthwork enclosure are identified and it is acknowledged that the Council's archaeological advisor has been consulted on a programme of archaeological evaluation of the application site. There are no designated heritage assets within or immediately adjacent to the application site and the proposal will not result in any significant changes to the setting of those notified heritage assets. This is because of the existing and proposed screening around the site, the restriction on zones of view by natural topography and the form and significance of those designated heritage assets. No objection is raised.

Planning Considerations:

Planning Policy

22 This proposal is highly unusual in design and raises the significant question as to whether something so distinctive and unique can be considered appropriate to one of the most nationally important protected landscapes in the country. Design can be a highly subjective issue, however as this committee appreciates planning applications can only be determined objectively on their planning merits in accordance with the adopted development plan, specifically the Swindon Borough Local Plan 2026 (SBLP) adopted in March 2015. Regard must also be had to material planning considerations which include the National Planning Policy Framework (NPPF) published in March 2012 which has carries significant weight as the key planning objective of the Government, together with other material considerations. These include the Wroughton Neighbourhood Plan 2015-2026, published in October 2015; the North Wessex Downs AONB Management Plan 2014-2019 which is referred to in the adopted Local Plan and accompanying Housing Position Statement, published in October 2012; and the Development Brief. The Brief was adopted by this committee in September 2011, which is a material consideration but does not carry any statutory status unlike a Neighbourhood Plan or Supplementary Planning Document

Swindon Borough Local Plan 2026:

23 The application site falls outside the Swindon Urban Area boundary, is not located in any of the secondary towns or villages within the Borough and is a site in open countryside. However, the site has an existing derelict dwelling on the site which, within its unmaintained grounds is currently highly obtrusive and has a negative impact upon the setting of this part of the AONB and a key visitor attraction. The site therefore constitutes previously developed residential land albeit within open countryside. Policy SD2 of the Local Plan (The Sustainable Development Strategy) states that development proposals in rural and countryside locations will be permitted where local needs have been identified through a Neighbourhood Plan or Neighbourhood Development Order, where it supports the expansion of tourist and visitor facilities in appropriate locations where not met by existing facilities and when it is in accordance with other policies in the plan that permit specific development in the countryside.

24 It is understood that the previous dwelling did once offer a small scale refreshment facility in light of its location along The Ridgeway and adjacent to the car park of the country park. However it remains that this site has an existing primary class C3 (dwellinghouses) residential use and was marketed for the purpose of a new free standing residential unit without requiring to provide any ancillary public facilities. The dwelling is proposed to be a private residence and will not have any public function nor will it serve as an agricultural worker dwelling. Therefore the above policy together with policy HA6 (Agricultural Workers

Dwellings) are not considered relevant in this regard. Policy HA7 of the Local Plan (Conversion of Buildings to Residential Use in the Countryside) supports the conversion of some redundant or under used non-listed agricultural buildings subject to a number of criteria, however this specifically does not apply to sites within Conservation Areas or the AONB. It is considered therefore, regardless of its location within the AONB that the proposed reuse of the site for a single residential use can be supported in planning terms. However this is subject to careful consideration over the suitability of its design, appearance and setting to which policies DE1 (High Quality Design) and EN5 (Landscape Character and Historic Landscape) apply respectively.

25 Policy DE1 requires developments to address the objectives of sustainable development through high quality design and place making principles and this should be assessed against the impact of the proposal on the following criteria: a) context and character; in respect of existing built characteristics, acknowledged features of importance (e.g. the AONB) and existing site conditions; b) layout, form and function; in respect to amongst other elements, siting orientation, scale, massing, materials and detailing; and c) amenity; in respect of amongst other criteria, lighting, privacy, outlook, noise and disturbance.

26 Policy EN5 states that proposals for development will only be permitted when they conserve and enhance the intrinsic character, diversity and local distinctiveness of the landscape, have a design and materials that are sympathetic to the surrounding landscape, avoid unacceptable impacts upon the landscape and mitigate any unavoidable negative impacts. In achieving the above criteria, applicants are required to demonstrate how they have taken into account Landscape Character Assessments and assessed the potential impact of the proposal upon, amongst other aspects the existing landscape, form, features, topography and character, views, visual amenity and the landscape setting, valuable historic and heritage area and assets, environmental amenity such as tranquillity and light pollution and the existing social, physical economic and environmental roles and functions of the landscape. Criterion c of policy EN5 also states that proposals that are within the AONB must accord with the relevant criteria set out in the AONB Management Plan and paragraph 115 and 116 of the National Planning Policy Framework.

Wroughton Neighbourhood Plan 2015-2026:

27 The revised Wroughton Neighbourhood Plan was submitted to the Borough Council on the 20 October 2015. On checking, this will be subject to a six week consultation period before proceeding to a formal Examination. The plan is at an advanced stage and is considered to be a material planning consideration. Although outside the settlement boundary of the village, one objective of the plan is to bring disused, derelict and eyesore sites back into use. Policy EN1 states that any development which damages or is considered to have a negative impact on the setting of Barbury Castle, the Ridgeway national Trail and the North Wessex Downs AONB will not be permitted. It should be noted that Wroughton Parish Council supports this application.

National Planning Policy Framework:

28 Paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to landscape and scenic beauty whilst paragraph 116 refers to the potentially harmful effects of major developments only so is not relevant to this

proposal.

AONB Management Plan and Housing Position Statement:

29 The AONB Management Plan states that the Partnership's approach to the provision of new housing is contained within its Housing Position Statement. The threat of incremental housing development outside settlements from unwarranted conversion and redevelopments or unjustified rural works accommodation is highlighted as a key issue in the AONB as is new large free standing dwellings as replacement dwellings in the open countryside, together with the suburbanising influences from new development such as loss of native hedgerows, new fencing and creation of new garden areas and potential of some forms of development such as photovoltaic schemes and the impact on dark skies and tranquillity of high powered external lighting, which is acknowledged as not usually being subject to planning control. The statement concludes that where small scale housing is proposed for the open market these should be limited to edges of secondary larger villages where all landscape and other planning issues have been resolved.

30 The above housing position statement considers that whilst paragraph 14 of the National Planning Policy Framework supports a presumption in favour of sustainable development as is reflected through the Local Plan, it does emphasis that this may be restricted in such areas like AONBs. It states that the use of previously development land within built up areas inside the AONB that are consistent with landscape and settlement character policies are likely to be acceptable and a modest level of housing supply in the AONB is quiet normal and desirable. However no distinction is made to sporadic brownfield sites such as this which are not being developed speculatively, and indeed has been formally supported by this committee for redevelopment through the adopted 2011 brief. However the AONB Housing Position Statement states that just because a proposed new house may not be particularly visible does not mean that it will be acceptable in the countryside and expresses concern that new house building will bring a level of domestication so even if a new dwelling is not particularly visible there will often be a change in the character resulting from new build housing which could lead to a depreciation in tranquillity, isolation or dark night skies which can be too easily lost.

31 Notwithstanding the above, the AONB apply criteria for when new house building may be acceptable where they integrate well into the historical pattern and character of the settlement with specific consideration given to amongst other things scale, building height, roof pitches and layout of an area; that building style should respect local tradition including materials. They should be of a high standard of design as befits a nationally designated landscape and innovative schemes based on sustainable construction principles will be supported although still respecting local styles and materials. External light should be minimal and to be dark night sky compliant.

32 Furthermore whilst the AONB Council of Partners support brownfield land for housing in existing urban areas, such land within the countryside of the AONB outside settlements and away from services and employment should be strictly controlled. New isolated homes should be avoided unless there are special circumstances and any such proposal will need to be considered in relation to paragraph 55 of the NPPF, which supports new dwellings of an "exceptional quality or innovate" nature that reflect the "highest standards of architecture" but in relation to potential harm from visual intrusion and change to character. Finally paragraph xiv of the Statement states that replacement dwellings should be of a scale and

location that does not result in the new dwelling being particularly larger or higher or in a different location compared to the existing, unless exceptional justification and other landscape and ecological benefits can be provided. Such proposals should demonstrate how the quality of the landscape is conserved and enhanced.

Principle of Development

33 Although Barbury Castle is not an existing settlement, it is quite clear that it is a previously developed site and the principle of development can be supported. This is on the strict provision that in deference to the NPPF and AONB Management Plan that any development is respectful of the unique aspects which define its setting as a nationally protected landscape. As has been set out above however, both documents are supportive of exceptional quality, innovative and sustainable design where these are sensitive to the defining characteristics of the local area and significantly enhance the immediate setting. The principle is reflected through the adopted Development Brief, the purpose of which is to provide a planning framework to guide and actively encourage the redevelopment of this derelict and continually decaying site and to secure social and environmental benefits for the locality.

34 The Brief provides guidance on the form of development and use that is likely to be considered acceptable in the event of a planning application being submitted. The Brief specifically states that “all future planning applications will be considered against the background of the approved brief which amplifies extant local planning policy” and “individual schemes that would prejudice the comprehensive development of the site will be resisted”. Although the Brief was adopted in the context of the previous Local Plan, it is considered that it continues to reflect the will of this Council to see the site redeveloped for residential purposes, “one house only, being commensurate with [the] form and layout of the existing property”.

Design

35 On the presumption that the principle of development at this site is acceptable, it is crucial to assess whether the unconventional design of this dwelling will be appropriate to the context and character of the surrounding area or whether it should be ruled out in favour of a perhaps less extravagant design. It is considered that the design of the proposed building is bold in concept and has attributes reflected through its shape, scale, form and materials that could act as showcase for modernist, sustainable construction within the Borough. However the fact that it is proposed to be located in one of the most sensitive landscapes in the country does raise the question as to whether it may be considered to be the right house but in the wrong location.

36 The Council’s Urban Design Officer has expressed that whilst the proposed dwelling is an example of good contemporary architecture that would be constructed, detailed and crafted to create a piece of striking architecture, something that should be expected of one-off houses within the Borough and would be generally very welcomed, it is perhaps too much in contrast with the existing context and character of the site and its immediate surrounds. The proposed form is clearly at odds with the simple, traditional forms that surround the site and whilst those buildings may be less architecturally interesting, they are perhaps more appropriately “shaped” within the immediate landscape as simple agricultural structures. The officer also emphasises that the very intention to have a building of this

contemporary nature is that it should be prominent in order to be appreciated and will indeed be quite visible given its location alongside The Ridgeway and opposite the entrance to Barbury Hill Country Park. On reflection the Urban Design Officer has expressed the view that the design needs to be perhaps more sensitive to this setting and offer a gentle surprise to those who will see it rather than a prominent or striking one.

37 The Development Brief states that it would be expected that the replacement dwelling should be of a similar height to the existing building before it lost its roof at approximately 6 to 7 metres in height and this has indeed been achieved with no part of the new dwelling being higher than 6.3 metres. The Brief does consider that a “well-conceived contemporary design may be appropriate to allow the building to react and respond to this rural landscape”, and cites a previous subterranean modernist building that was approved in 2010 within the adjacent country park to serve as a visitor centre. It considers that ridgelines should be broken up by altering its height to various sections of the building, again which has been achieved, but that openings should be carefully controlled to prevent light leakage yet highlighting the passive solar benefits of positioning larger windows on south facing elevations provided that they are carefully framed and details within the building.

38 Perhaps to the proposal’s disadvantage, the Brief particularly emphasises that traditional materials would be acceptable above man made. However the man-made materials cited tend to include ones that may be more widely deemed to be of a poorer quality rather those higher quality materials that have been proposed and which can be verified through a materials planning condition. As one of the primary materials being used is a form of corrugated sheeting, it could be argued that this is certainly a material that is commonplace to rural areas as found on many agricultural buildings. When considered in context, the Brief acknowledges there is very little in the area to reference existing examples of architecture, certainly before the adjacent camping barn was approved. However it states that if contemporary architecture is to be considered, the same exacting standards of design and architecture will apply as to more traditional buildings and the same principles of size and form should follow.

39 The proposed dwelling, although unorthodox in design and appearance will be constructed on a domestic scale as the building will not exceed the height of the previous bungalow nor will it occupy any significantly larger footprint than its predecessor within the existing residential curtilage. It will be highly sustainable in its construction and how it will be occupied and used, and whilst it has not been suggested through the application that the building is in any way bespoke to the site, which could justify the AONB Unit Director and primary objector’s view that it has been “parachuted” onto the site, it will certainly be unique to the Borough of Swindon and particularly the AONB. Nonetheless despite reservations as to the impact on the setting, the architectural form and sustainable design concepts have been given credit by both by the AONB Unit and the Council’s Urban Design Officer. Therefore it is considered that in satisfying part b of Local Plan policy DE1, the building will be acceptable in terms of its layout, form and function.

Setting and Impact upon the AONB

40 It is clear that the present derelict appearance of the site is highly undesirable, particularly given it is located adjacent to the Ridgeway National Trail and the present ruined bungalow desperately needs to be removed from the site and the landscape cleared of the non-native trees that define its western boundary. Whilst the proposed building is

considered to be of a high quality of design in terms of its individual appearance, it is essential to consider whether the dwelling will satisfy the other criteria of policy DE1 in terms of context and character and amenity and EN5 in terms of whether the development respects the landscape character and the setting of the AONB.

41 The adopted Development Brief states that the scale and massing needs to be planned in order to relate appropriately to the surrounding landscape. The main views in and out of the site are from the south as the remaining boundaries are lined with mature hedgerows, vegetation and trees, albeit some of the existing vegetation should be thinned out and reduced and the non-native trees removed as a means of enhancing the site. Whilst the Urban Design Officer is of the view that the proposed expression of this sort of contemporary building is meant to be prominent in order for it to be appreciated, the Brief affirms given its location, whether of a contemporary or traditional design, as there are only glimpsed views of the current property that any replacement should also be “largely hidden from view”.

42 In order to satisfy concerns about the suitability of the building to its surroundings and the apparent shock of its appearance within this historic landscape context, a Landscape and Visual Impact Assessment (LVIA) has been produced at the request of officers to seek to address this matter. The Council’s Landscape Architect has affirmed that the site is currently discrete and that the development will have a negligible visual impact on the wider AONB. This is provided that the landscape scheme as has been submitted and described in the Landscape and Visual Report is implemented. The site is not visible when approaching the site from the north (from Wroughton) and visibility of the site from the south would require the removal of a considerable amount of hedgerow, which fall outside the application site.

43 The fact that the AONB unit suggests that as part of restoring the open landscape of the North Wessex Downs, future management could potentially result in the loss of such areas of woodland thereby increasing the exposure of the house does not in your officers’ view provide a convincing enough argument to refuse the development of the house in its present context when there is no firm plans to carry out such de-landscaping works on land falling within third party ownership. On a local level the Landscape Officer does not believe that the new planting proposed for the site will be out of character with the existing landscaped features, which whilst not conformant with the wider aspirational character of the Downs are attractive features in their own right on this extreme northern edge of the AONB and will have significant ecological benefits as well as providing that ready-made screen for the development.

44 It is inevitable as with any new development that there will be some degree localised short to medium term change to the setting of a new development as new landscaping develops and matures. One striking transformation for a period of time will be the increased exposure of the site as viewed from Hackpen Lane, part of the Ridgway Trail as the existing non-native conifers are removed and replaced with native planting, albeit not native perhaps to the open remoteness of the main part of the North Wessex Downs. However the building will provide significant visual interest on a domestic scale, whether in subjective terms this form of architecture is liked or disliked and will result in the substantial regeneration of this eyesore brownfield site.

45 With the retention of the existing landscaping outside the site together with the on-site

landscaping proposals, the Landscape and Visual Report concludes that there will be no adverse landscape and visual impacts resulting from this new development. Any potential views will, as the Landscape Officer concurs be limited to close distance views of the site which would be the case with whatever form of redevelopment were to take place at this site. Certainly outside the summer seasons the garden setting and the dark coloured materials will also help to limit any negative effects that the house could have in terms of its massing, enabling the trees to provide a backdrop and lessen any perceived dominance or striking impact. Yet it will offer some significant visual interest to those who may appreciate innovative architecture, within the vicinity of the Country Park and Ridgeway within an existing hamlet of built forms including the adjacent camping barn and equestrian centre and car park. Even in the winter months, the Landscape and Visual Report suggests that the existing high level of tree cover around Ridgeway Farm, the site and the Country Park will restrict inter-visibility between the site and the wider views from the Downs. Re-grading works on site to include setting the slab level of the building lower, bearing in mind that the overall height of the proposed dwelling is slightly lower than the previous bungalow (when it had a roof), and the creation of mounding within the site utilising spoil from excavations will also ensure that the proposed dwelling has a more settled appearance within the site.

46 On the basis of the above it is considered that with due consideration of Local Plan policy DE1, the proposal does respect the context and character of the site and pays sufficient regard to existing site conditions and the context of the AONB landscape. On that basis when considered against policy EN5, it is considered that the character on a localised scale will not harm the present AONB landscape.

47 It is considered therefore that despite the AONB unit's reservations about the impact of this style of development, that with the degree of screening that will be provided it will accord with the guiding principles of the AONB Management Plan, associated Position Statement on housing and those relevant NPPF policies as cross referenced in part c of policy EN5, and that planning permission could not be refused on the basis that the surrounding trees in this small pocket of built development within the Downs, including the Ridgeway Farm barn and the equestrian centre at Upper Herdswick Farm simply may not exist in the future.

Amenity and Impact upon the AONB at Night

48 The final key consideration is the impact of the development on the night time sky. It is a matter of fact that there are already developments within the vicinity of this site where there is night time lighting and residential elements. It should be emphasised that the proposed dwelling remains of a modest scale despite its bold appearance in architectural terms and is in scale with the bungalow dwelling that was previously occupied on this site. The proposal site does comprise a generous expanse of glazing particularly on its south and east elevations; the primary daytime purpose of which is to achieve maximum solar gain to aid energy efficiency. However this does not predetermine that the house, again on its domestic scale will in any way act as a beacon as has been feared.

49 In the first instance, as an energy conscious property, the dwelling will seek to minimise the amount of light it emits, which will be restricted to the property itself and its immediate curtilage. Secondly, the planting will act as a significant screen to further prevent any light spillage. Thirdly, owing to orientation of the roof line, which forms a deep soffit of some 3.15 metres on the southern elevation, this will provide a substantial filter to any potentially escaping light in respect of any habitable parts of the house, whilst other openings will be

generally be significantly recessed within their frames. Notwithstanding the fact that it is unlikely that the light generated by what is still a domestic dwelling will light up the night sky, a condition can be imposed that seeks the approval of a lighting strategy where it will affect the exterior of the building. This will also cover domestic garden and security lights.

50 On this basis and given that no neighbouring properties will be overlooked or in any way overshadowed by the proposal, it is considered that the final relevant parts of policy DE1 in respect of amenity and EN5 in respect of ensuring that the potential effects of the development on environmental amenity have been met, it is considered that there is no conflict with the Local Plan.

Impact on Heritage Assets

51 The site is within close proximity of a number of heritage assets including the three Scheduled Ancient Monuments of Barbury Castle hill fort and bowl barrow, Barbury Castle Farm deserted medieval village and the Burderop Down field system and earthwork. Historic England confirms that they do not consider that the proposal will have any adverse impact upon the setting of those features or have any negative impact on their significance owing to of the existing and proposed screening around the site, the nature of those designated heritage assets and the natural topography. The County Archaeologist has been consulted in respect of the application site and has assessed the submitted Archaeological Evaluation and is satisfied that no further archaeological work is required.

Highways

52 The Transport and Development Officer raises no objection to the development in highway terms subject to conditions relating to the disposal of surface water, ensuring that the entrance to the site is comprised of a properly consolidated material at the entrance to the site, that the parking area is kept clear of obstruction and used only in relation to the dwelling, whilst the existing vehicular access must be stopped up and permanently abandoned.

Concluding Comments:

53 The proposed dwelling is clearly of an unorthodox design and has generated limited levels of opposition and support. On an objective level; the materials, landscape strategy and sustainability credentials do demonstrate that this building is of striking architecture and high quality design. Whether this modernist dwelling is appropriate to the setting of one of the countries most valued landscapes is a more balanced consideration. The house is unashamedly modern, which is reflected through its form and dark, lightweight materials and will remain at a domestic scale, not significantly exceeding a maximum height of 6 metres or occupying any significantly larger footprint than the building it will replace. Given the present setting; a heavily screened and derelict previously residential site that will continue to be partially screened through landscape improvements, it is considered that the proposed dwelling will cause no detriment to the wider setting of the North Wessex Downs, nearby heritage assets or the Ridgeway National Trail.

Recommendation

That planning permission be GRANTED with Conditions.

Conditions

Approved Drawings and Documents

1 This approval shall be in respect of the Survey Drawing, dated April 2014, The Planning, Design and Access Statement; the Site Location Plan, dated 02/02/2015; North and West Elevations (drawing number 097-E-101 B, dated January 2015); South Elevation (drawing number 097-E-110 B, dated January 2015); West Elevation (drawing number 097-E-111 B, dated January 2015); North Elevation (drawing number 097-E-112 B, dated January 2015); East Elevation (drawing number 097-E-113 B, dated January 2015); Ground Floor Plan (drawing number 097-P-010 B, dated January 2015); First Floor Plan (drawing number 097-P-011 B, dated January 2015); Roof Plan (drawing number 097-P-012 B, dated January 2015); Ground Floor Plan (drawing number 097-P-020 B, dated January 2015); First Floor Plan (drawing number 097-P-021 B, dated January 2015); Sections 1-1 and 2-2 (drawing number 097-S-100 B, dated January 2015); Section 3-3 (drawing 097-S-101-B, dated January 2015); Existing Tree Survey (drawing number TSS01, dated August 2014); Proposed Tree Protection / Retention Plan (drawing number TS002, dated August 2014); Arboricultural Survey and Impact Assessment Report, dated August 2014; Ecological Appraisal Report, dated 20 August 2014; Written Scheme of Investigation for a Programme of Archaeological Evaluation all received on the 5 February 2015. Also Further Landscape Information, dated 12.03.2015; Revised Site Plan as Proposed (drawing number 097-P-005 D, dated January 2015) and Archaeological Evaluation, dated March 2015 received on the 16 March 2015. Finally, the Landscape and Visual Report, dated June 2015 and Further Information, dated 26/06/2015 and received by the Local Planning Authority on the 26 June 2015.

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

Time Limit for Implementation

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Slab Levels

3. Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason: To ensure the details and appearance of the development is acceptable

Submission of Details of All Materials

4 Prior to the commencement of works on site in connection with the development hereby permitted, details of all external facing materials, glazing, window frames and doors, all external cladding, bricks, fascias, pillars, roofing materials together with their methods of construction and affixing; the balcony terrace, ramp, interior of carport, greenhouse and refuse and recycling store, together with the photovoltaic panels shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out, retained and preserved in accordance with these

approved details.

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

Landscaping Scheme

5 Notwithstanding the details submitted, prior to the commencement of works on site in connection with the development hereby permitted a comprehensive scheme of landscaping to include a full planting schedule inclusive of native species only (not purple beech) and time table of works, shall have first been agreed in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The scheme shall also include full details of the proposed mounding with respect of its height and gradients. The approved scheme shall be implemented as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

Reason: In the interests of preserving the amenities of the Area of Outstanding Natural Beauty and to ensure the appearance of the development is satisfactory.

Surface Treatments

6 The dwelling shall not be occupied until the hard landscaping and surface treatment of any roadways or other parts of the site which will not be covered by buildings has been carried out in accord with details have first been submitted to and approved in writing by the local planning authority in writing.

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

Drainage

7 Before the development hereby permitted is first occupied, details of the provision for the sustainable disposal of surface water within the site, inclusive of Sustainable Urban Drainage (SUDs), so as to prevent its discharge onto the highway or neighbouring land shall be submitted to and approved in writing and fully implemented to the satisfaction of the Local Planning Authority

Reason: In the interests of amenity and highway safety.

Access to Site

8 Before the dwelling is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed for a minimum of 6 metres beyond the highway boundary, details of which shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

Parking Area

9 The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of a minimum of two cars in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

Stopping Up of Existing Access

10 The existing vehicular access to the south of the site shall be stopped up and its use permanently abandoned and the verge crossing reinstated in accordance with details that

shall be submitted to and approved by the Local Planning Authority. Such works shall be completed prior to first occupation of the dwelling hereby permitted.

Reason: In the interests of highway safety and amenity.

Lighting Strategy

11 Prior to the first occupation of the dwelling hereby permitted a lighting strategy for the property relating to the quantity, position and luminance levels of any external lighting and internal lighting that may be visible from within the curtilage or outside of the site shall be submitted and approved by the Local Planning Authority and shall be implemented and maintained in strict accordance with that strategy.

Reason: To minimise the effect of potential light pollution within the Area of Outstanding Natural Beauty.

Boundary Treatment Details

12 Prior to the commencement of works on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment including gateway entrances shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the building is occupied and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

Reason: In the interests of the amenities of the area.

No Outdoor Storage

13 No goods, plant, machinery or materials shall be deposited or stored, or articles displayed, or processes undertaken, outside any building on the site.

Reason: To safeguard the visual amenity of the area.

Removal of bungalow

Within 3 months of the first occupation of the dwelling hereby authorised, the existing bungalow shall be removed in its entirety and the area made good in accord with the details contained in the landscape scheme required above.

Reason: To safeguard the visual amenity of the area and to ensure the development hereby approved is the only dwelling at this location.

Informatives

CIL Liable Development

1 This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued.

Protected Species

2 This permission does not convey or imply any approval or consent required under the Wildlife and Countryside Act 1981, for protected species. The Wiltshire and Swindon Biological Records Centre has notified the Local Planning Authority of the presence of

brown long-eared bats recorded within c175 metres of the site. The applicant must seek assurance that there are not roosting bats within the vicinity and are advised to contact English Nature with regard to such protected species on the site.

End of Report

Blackthorn Lane, Haydon Wick, Swindon

Planning Committee

Date: 10 November 2015

Author: Board Director, Service Delivery
 Wards: Haydon Wick, Penhill & Upper Stratton, Rodbourne Cheney
 Localities Affected: North and North Central
 Parishes Affected: Haydon Wick

1. Purpose and Reasons

- 1.1 To determine the outcome of an application made under Section 53 of the Wildlife and Countryside Act 1981 to have the path known as Blackthorn Lane, Haydon Wick (hereinafter referred to as “the path”) added to the Definitive Map and Statement (“the map and statement”). See Appendices 8.1.1 and 8.1.2 for the location and site plans.
- 1.2 The application was received following the closure of the path by the landowner Swindon Borough Council (hereinafter referred to as “the Council”) in December 2014. The Head of Highways and Transport has authority under paragraph 279 of the Scheme of Delegations to keep the map and statement under continuous review. However, because the making of a Definitive Map Modification Order (hereinafter referred to as “an order” or “the order”) under delegated powers would counteract the decision made by the Council as landowner to close the path, it is felt that the matter be referred to the Committee to decide whether to allow the application, and thereby make the order, or to refuse the application.
- 1.3 The making of an order to record an additional public footpath is in line with One Swindon in widening participation in a leisure activity, namely walking. It supports the Corporate Business Plan 2015-16 in promoting and encouraging walking as a healthy lifestyle choice; the Local Transport Plan 2011-2026 in developing the infrastructure to encourage walking; and the Rights of Way Improvement Plan in developing a link in the rights of way network to fill gaps in access and to create circular routes.

2. Recommendations

The Committee is recommended to:

- 2.1 Authorise the Head of Highways and Transport to:
 - 2.1.1 Make the order as soon as practicable after determination.
 - 2.1.2 If no objections are received within 42 days, to confirm the order.
 - 2.1.3 If objections are received to the making of the order, which are not subsequently withdrawn, forward the order to the Secretary of State for determination.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

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3. Detail

History and current status of the path

- 3.1 As mentioned in paragraph 1.2 above, the path is owned and maintained by the Council. However, the path is not a highway maintainable at public expense, and currently has no recorded status as a public right of way.
- 3.2 The first Ordnance Survey (hereinafter referred to as O.S.) map on which the path appears is the 1957 edition (revised 1971) 1:1250 version, on which it is shown marked "Track".
- 3.3 The path runs north-northwest for 200 metres from the private road named Blackthorn Lane, off Whitworth Road, which is coexistent with Public Footpath 30 Haydon Wick, upon a narrow strip of land between Whitworth Road Cemetery and the rear of residential properties on the east side of Kennet Avenue. The path allows direct access from Whitworth Road to Seven Fields public open space and local nature reserve.
- 3.4 The path connects with an existing public right of way, designated a footpath and known as Footpath 30 Haydon Wick, part of which runs along the private road of Blackthorn Lane, and which connects Whitworth Road with the south-eastern cul-de-sac of Kennet Avenue, a distance of 90 metres. Footpath 30 provides alternative access from Whitworth Road to Seven Fields via Kennet Avenue, which is adopted highway. An existing cycle barrier on this route should not prevent access by any but the widest mobility vehicles.
- 3.5 The path runs along the bottom of the back gardens of even numbers 20-54 Kennet Avenue, and along one side of 58 Kennet Avenue, which is built at right angles to the other properties. It is important to note that 56 Kennet Avenue does not abut the path on any side of the property, and is not directly affected by it.
- 3.6 The path is unmetalled and unlit. Kissing gates are installed at both ends of the path, those at the northern end having been poorly maintained. In addition, there is a "squeeze-through" stile at the southern end.
- 3.7 A number of residents whose properties abut the path have campaigned for many years to have the path closed, due to the alleged commission of crime and antisocial behaviour directly attributed to the existence of the path.
 - 3.7.1 Alleged crimes include burglary of homes, garages and sheds, and criminal damage, the perpetrators having used the path to enter back gardens.
 - 3.7.2 Alleged incidents of antisocial behaviour include sexual activity, noise, littering, and dog fouling upon the path, and stones and other objects being thrown into back gardens from the path.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

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- 3.7.3 The Council's Community Safety Team has consulted with the Police who can find no statistics for, or evidence of, reported crimes and anti-social behaviour directly related to the existence of the path.
- 3.8 It is believed that the path was temporarily obstructed by a fence in the late 1980s erected by an unknown person, and that Council employees were tasked to clear the obstruction following the posting of a removal notice upon it.
- 3.9 The minutes of the Seven Fields Conservation Group (hereinafter referred to as SFCG), dated 23rd October 1990, refer to recent publicity in the *Evening Advertiser* (now the *Swindon Advertiser*) concerning the possibility of Kennet Avenue residents purchasing the land behind their properties, over which the path runs. See Appendix 8.1.3 relating to all background papers listed below.
- 3.9.1 SFCG sent a letter dated 27th October 1990 to Denys Hodson, Arts and Recreation, Thamesdown Borough Council, objecting to the possible sale of the land.
- 3.9.2 SFCG minutes dated 21st January 1992 refer to continued efforts of the Kennet Avenue residents to have the path closed.
- 3.9.3 SFCG minutes dated 18th March 1992 refer to the possibility of the path being closed, and alternative access to Seven Fields provided via the cemetery.
- 3.10 As a result of the residents' longstanding concerns, the Council, in its capacity as landowner, made a decision in October 2014 to close the path. As the path has no formal status, there was no legal requirement for public consultation before closing the path, and in December 2014 the path was fenced off at both ends to prevent further access.
- 3.11 On 21st January 2015, SFCG and Whitworth Road Residents' Association lodged a joint objection to the Council's closure of the path. Their objection was supported by Penhill and Upper Stratton Ward Cllrs Teresa Page and Joe Tray. A letter was subsequently sent to all ward members for the locality, explaining the reasons for, and the legal basis for, closing the path.

Application to have the path added to the map and statement

- 3.12 An application, dated 2nd March 2015, was made by SFCG under Section 53 of the Wildlife and Countryside Act 1981 (hereinafter referred to as "the 1981 Act") to have the path added to the map and statement as a public right of way. The application was supported by 23 user evidence forms and by documentary evidence.
- 3.12.1 Such additions to the map and statement require the Council, as the surveying authority, to make an order.

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- 3.12.2 Under Section 53(5) of the 1981 Act, any person may apply to the authority for an order under Section 53(2) following the occurrence of one or more events falling within paragraphs (b) or (c) of Section 53(3); and the provisions of Schedule 14 of the 1981 Act set out the process of the making and determination of applications under Section 53(3).
- 3.12.3 Section 53(2) of the 1981 Act allows surveying authorities to make orders to modify the map and statement following an event specified in Section 53(3).
- 3.12.4 One of the events specified in paragraphs (b) or (c) of Section 53(3) of the 1981 Act is Section 53(3)(c)(i), namely, the discovery by the authority of evidence which, when considered with other relevant evidence available to them, shows that a way which is not shown in the map and statement is, or is reasonably alleged to be, a public right of way over land in the area to which the map relates. The application before the Committee is made on this basis.

Evidence in support of application

- 3.13 The application is supported by user evidence to show that the path has been used freely and openly and without challenge or interruption for a period of over twenty years. Statements obtained from 25 witnesses, all current or former local residents, show that the path has been used for purposes of recreation and leisure, and as a route to work and school, since at least 1955, up to the date of closure. For reasons of data protection, a number of documents associated with the application are not included in this report but are available to Councillors on request.
- 3.14 The application is also supported by documentary evidence. This evidence includes extracts from minutes of various SFCG meetings, maps and photographs. A list of material constituting the documentary evidence is attached. See Appendix 8.1.3.
- 3.15 Under s.31(1) of the Highways Act 1980 (hereinafter referred to as “the 1980 Act”), where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.
 - 3.15.1 Under Section 31(2) of the 1980 Act, the period of twenty years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice or otherwise.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

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3.15.2 Under Section 31(3) of the 1980 Act, where the owner of the land over which the way passes has erected a notice, visible by users of the way, that there is no intention to dedicate the way as a highway, and has maintained the notice after 1 January 1934, or any later date on which it was erected, the notice is sufficient evidence to prevent the dedication of the way.

3.15.3 Under Section 31(6) of the 1980 Act, the owner of the land may at any time deposit with the appropriate council a map of the land over which the way passes, indicating what ways over the land, if any, are admitted to be already dedicated as highways, and a statement to the effect that no ways over the land other than those shown on the map are intended to be dedicated as highways. A statutory declaration by the landowner or his successor must follow within twenty years of the original deposit, and every twenty years thereafter, to the effect that no additional way has been, or is intended to be, dedicated as a highway.

3.16 There is no evidence of the Council's intention not to dedicate the path as highway, either by the erection of notices or by a statutory declaration.

Informal consultation prior to the making of an order

3.17 Although the Council is not required in law to consult prior to the making of an order, a period of non-statutory informal consultation, lasting 28 days, was begun on 4 June 2015, outlining the application and the proposal to make an order to add the path to the map and statement.

3.17.1 The consultation comprises correspondence by email or letter, and includes a map showing the proposed route of the path.

3.17.2 The statutory consultees are the Parish Council and the public utilities, and the user groups as specified in Schedule 6 Regulation 7(3) of the Wildlife and Countryside Regulations 1993.

3.17.3 Other consultees include the Members representing the wards of Haydon Wick, Penhill and Upper Stratton, and Rodbourne Cheney, and the residents of nos.20-54 and 58 Kennet Avenue, whose properties abut the path.

Response to the informal consultation (in support)

3.18 The Ramblers' Association supports the application. Its response is summarised as follows:

- The Ramblers welcome the proposal to add the path to the Definitive Map, and have been critical of the lack of consultation in closing the path.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

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3.19 Of the ward members consulted, Cllr Peter Watts (Rodbourne Cheney ward) supports the application. His response is summarised as follows:

- Cllr Watts has been contacted by several residents of Whitworth Road asking when the temporary barriers are to be removed and the footpath reinstated to a suitable standard for pedestrian use. He has received unconfirmed reports that some residents of Kennet Avenue have been tipping on the path and that some rear boundary fences have been erected across the path.

Response to the informal consultation (in opposition)

3.20 Haydon Wick Parish Council (HWPC) opposes the application. Its response is summarised as follows:

- The Planning & Highways Committee of HWPC has resolved to support the residents of Kennet Avenue in their request to continue the closure of the path and for it not to be added to the Definitive Map.

3.21 Of the ward members consulted, Cllr David Renard (Haydon Wick ward) opposes the application.

- Cllr Renard is the Ward councillor lead supporting the Council's decision to close the path.

3.22 Of the nineteen Kennet Avenue households involved in the consultation, eleven have responded and are all opposed to the application. The views of these residents are summarised as follows:

- Resident for 35 years – in that time, witnessed the path evolve into security and environmental hazard – suffered 4 burglaries – entry via rear garden fence – most of year, waist high in nettles and brambles – problem with dog faeces – noise/bad language and antisocial behaviour at night – bottles and stones thrown over fence into garden – at one time, regular occurrence of Police chasing youths along path. Since closure, quality of life has improved and wildlife is flourishing.
- Resident for 17 years – in that time suffered all manner of problems caused by people using path – stones thrown at roof, cracking Velux window – guttering pulled from shed – fence damaged, and workmen repairing fence suffered verbal abuse and threats of violence – path is dumping ground for litter and dog faeces – stolen bikes burned out – maintenance sporadic, but concerned that if path is closed, maintenance will cease altogether, bushes and nettles will take over and area will become dumping ground.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

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- Lives alone – upset by bad language from people using path, heard whilst sitting in garden – path used as toilet and has witnessed evidence of drug use – since closure of path, has seen more wildlife.
 - Resident for 45 years – problems of drug use, litter and antisocial behaviour on path – bottles and cans thrown into garden from path – roof damaged by throwing stones – smell from dog faeces prevented use of garden and open windows in summer – all neighbours suffered from burglaries, including theft of three classic motorcycles with one set alight on path. Return of much wildlife since closure of path.
 - Resident for 45 years – no cemetery behind properties when moved in in 1970 – title deeds stated rear gardens abutted cemetery fence, but only open fields for future extension of cemetery – farm track at rear leading to five-bar gate. Path used for glue sniffing – evidence of drug use – path used for hiding stolen goods – physical attack on young girl – dog faeces cause smell and flies – rubbish thrown over fences – garages and sheds broken into – stolen motorbikes burned out – washing stolen from gardens – antisocial behaviour, including use of path as toilet – path used to escape from Police – most of this went unreported to Police. Since closure of path, feeling of safety and security as many residents elderly – increase in wildlife – no flies and smell from dog faeces.
 - Resident for over 30 years – path has been source of trouble up to closure, since when it has been much more pleasant to live here. In early days, problems with noise from off-road motorcycles – glue sniffing and foul language – break-ins to sheds and garages, theft and damage to properties – personally suffered theft of 4 classic motorcycles, two burned out on path – smell from dog faeces.
 - Resident for over 30 years – born locally and played in fields as a child – path never a right of way, but a farm track later used by construction workers during building of Kennet Avenue – in 30 years as resident, many instances of vandalism, trespass and damage to property, more so in last few years – break-ins and thefts from garages and sheds – both neighbours affected, with motorbikes stolen and damaged – personally suffered so much trespass into garden that he removed rear gate and fenced in for more security. Litter thrown from path into garden – noise and antisocial behaviour especially in summer. Council maintains path at least once a year but sometimes nettles 6 feet high – what cost to the council, when money better spent elsewhere? Greater sense of security since closure of path.
 - Resident for 12 years – does not understand why SFCG wants path opened as it is outside Seven Fields Local nature Reserve – has never seen SFCG clearing litter, dog faeces and nettles on path – annual visit from SBC tractor

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which decimates fauna and creates more litter. Closure of path has created wildlife corridor, and amount of birds has doubled.

- Pensioners, wife caring for ill and disabled husband – his only pleasure is sitting in the back garden, which has been bliss since the path was closed – no more foul language – no more fear of being broken into again – frightened and upset to witness person climb over fence from path and run through garden and into street to escape Police. Return of so much wildlife since closure of path.
- Has observed many incidents of antisocial behaviour over the years – drug use, sexual activity – fear of burglary – aware of neighbours witnessing people accessing their gardens and property via the path – back doors have to be kept locked at all times – observes that most people access Seven Fields via Kennet Avenue and believes path not a significant access to Seven Fields – not well-maintained for majority of year and often overgrown - dog faeces a common obstacle.
- Resident for 8 years – witnessed under-age drinking, drug use and sexual activity on path – caught youth climbing into garden – witnessed Police chasing person along path – knows of several neighbours burgled – path barely used for innocent reasons – most people use Kennet Avenue, as path overgrown in summer and muddy in winter – rarely cut back.

Review of evidence submitted with the application and of responses to the informal consultation

- 3.23 The evidence supporting the application to have the path added to the map and statement is sufficient for officers to consider that the requisite legal tests have been met and that the order should be made by the Council (in its statutory capacity as the surveying authority). The evidence can be summed up as follows:
- The path has been used by the public as of right and without interruption for 20 years or more, in accordance with S.31(1) of the 1980 Act.
 - There is no evidence of the Council's intention not to dedicate the path as highway in accordance with S.31(6) of the 1980 Act, either by the erection of notices or by a statutory declaration.
- 3.24 The Committee's attention is drawn to the responses to the informal consultation from residents, members and statutory consultees in opposition to the application to add the path to the map and statement. There is some indication that opposition to the use of the path by the public has been evident for at least 45 years, due to the alleged use of the path for purposes of crime and anti-social behaviour. It is correctly argued that an alternative route between Whitworth

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Road and Seven Fields already exists via Kennet Avenue, and that this route is equally convenient, if not more so, as it is metalled and lit, which the path is not. It is argued that reopening the path will be severely detrimental to the wellbeing and quality of life of the residents whose properties abut the path.

- 3.25 Notwithstanding the opposition to the application, it is clear that the legal tests for making the order are met by the submission of the evidence summarised at paragraph 3.23 above, which remains uncontroverted. Hence the officers' recommendations at paragraph 2 above.
- 3.26 If the Committee resolves to make the order, the order will be made as recommended at paragraph 2.1.1, following which a formal statutory consultation will be undertaken. If no objections are received within 42 days, the order will be confirmed as recommended at paragraph 2.1.2.
- 3.27 If the Council makes the order and there are unresolved statutory objections, then the order must be submitted to the Secretary of State for determination of confirmation of the order, as recommended at paragraph 2.1.3.
- 3.28 If the Council has not determined the application within 12 months of the application being certified as validly made, the applicant may make a representation to the Secretary of State to determine the application.
- 3.29 Where an order is confirmed and the validity of the order is questioned, an aggrieved person has 42 days after the publication of the coming into effect of the order to challenge its validity on the grounds that the authority has acted outside of its powers and/or that there have been procedural irregularities.

4. Alternative Options

- 4.1 The Committee may decide not to make the order.
 - 4.1.1 In that case the Council must, as soon as practicable, give notice of its decision by serving a copy of it on the applicant and the statutory consultees.
 - 4.1.2 The applicant may within 28 days of service of notice of the decision not to make the order, lodge a notice of appeal with the Secretary of State for determination.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 The one-off costs of making and confirming the Order, including officer time and statutory advertisements are estimated to be £2500.00. These costs, along with the ongoing costs of maintaining the path, will be met out of the Council's existing Rights of Way revenue budget.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights considerations have been fully taken into account in writing this report.
- 5.2.1 It is considered that the recommendations of this report are compatible with Convention Rights and are in accordance with the principles of proportionality; any interference with the Convention Rights of individuals is justified by the overall benefit to the community.
- 5.2.2 The relevant legal provisions, especially those of the Highways Act 1980 and of the Wildlife and Countryside Act 1981 are set out in this report.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 All of the following implications have been considered in the compiling of this report:
- 5.3.1 There are no staffing implications relating to the issues to which this report refers, whether to the making and confirmation of the Order or to the ongoing maintenance of the path.
- 5.3.2 There are beneficial health implications for the general public relating to the use of public rights of way as promoting a healthy lifestyle by increasing physical activity.
- 5.3.3 There are social implications relating to the issues to which this report refers. The residents affected by the existence of the path have sustained a campaign over many years to have the path permanently closed, and a decision to uphold the application and thereby make and confirm the Order may damage community relations and harm the reputation of the Council and its Officers. Conversely, the application is being made by a community group in the interests of the general public, and a decision to reject the application, and the substantial evidence

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contained therein, may also damage community relations and the Council's reputation.

- 5.3.4 There are no economic or rural implications relating to the issues to which this report refers.
- 5.3.5 There are environmental issues relating to the re-opening of the path. Residents whose homes abut the path have reported the return of birds, insects and other wildlife to the path since its closure. The permanent closure of the path will protect and enhance a wildlife habitat.
- 5.3.6 There are implications relating to crime and disorder directly connected to the existence of the path. These are fully set out in the report.

Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has not been completed for this report because relevant issues are covered in the DIA for the Council's Rights of Way Improvement Plan (ROWIP). This can be found on the Council's website and identifies the need for improvement of access to public rights of way for people with disabilities. These considerations are clearly identified in this report.

Risk Management

- 5.5 There are no direct risks arising from this report.

6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Application for a modification to the Definitive Map and Statement, under Schedule 14 of the Wildlife and Countryside Act 1981, which includes:-
 - 7.1.1 User evidence, as detailed in paragraph 3.13
 - 7.1.2 Documentary evidence, as detailed in paragraph 3.14
- 7.2 Responses to the informal consultation, as detailed in paragraphs 3.18 – 3.22.

Further information on the subject of this report can be obtained from Michael Enright, Rights of Way Officer (Mapping), Direct Dial Telephone Number (01793) 466017, menright@swindon.gov.uk

Blackthorn Lane, Haydon Wick, Swindon

Planning Committee

Date: 10 November 2015

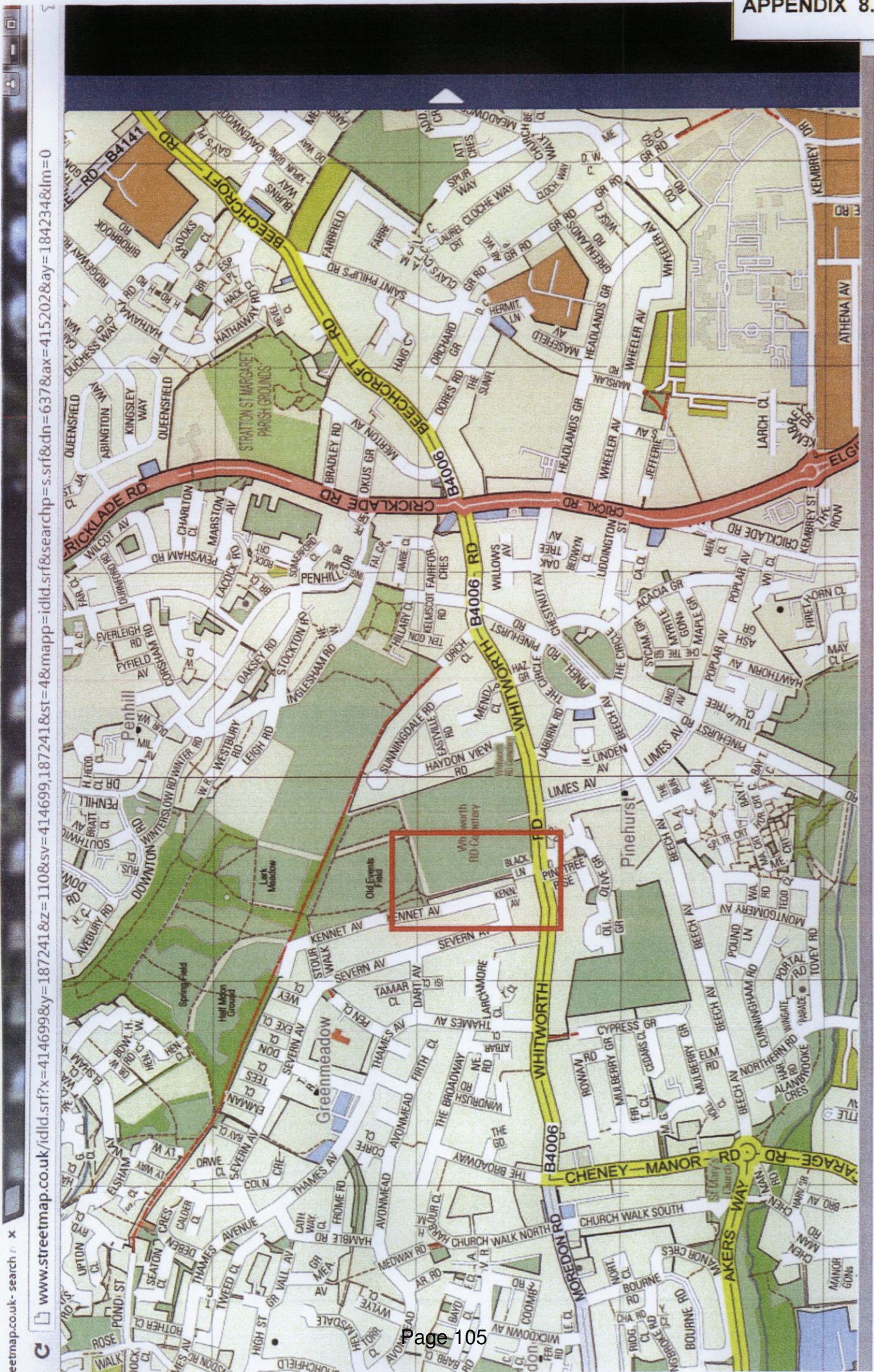
8. Appendices

8.1 Supplementary information.

8.1.1 Location plan of path

8.1.2 Detailed site plan of path

8.1.3 List of maps, minutes of meetings, etc. constituting documentary evidence supporting application

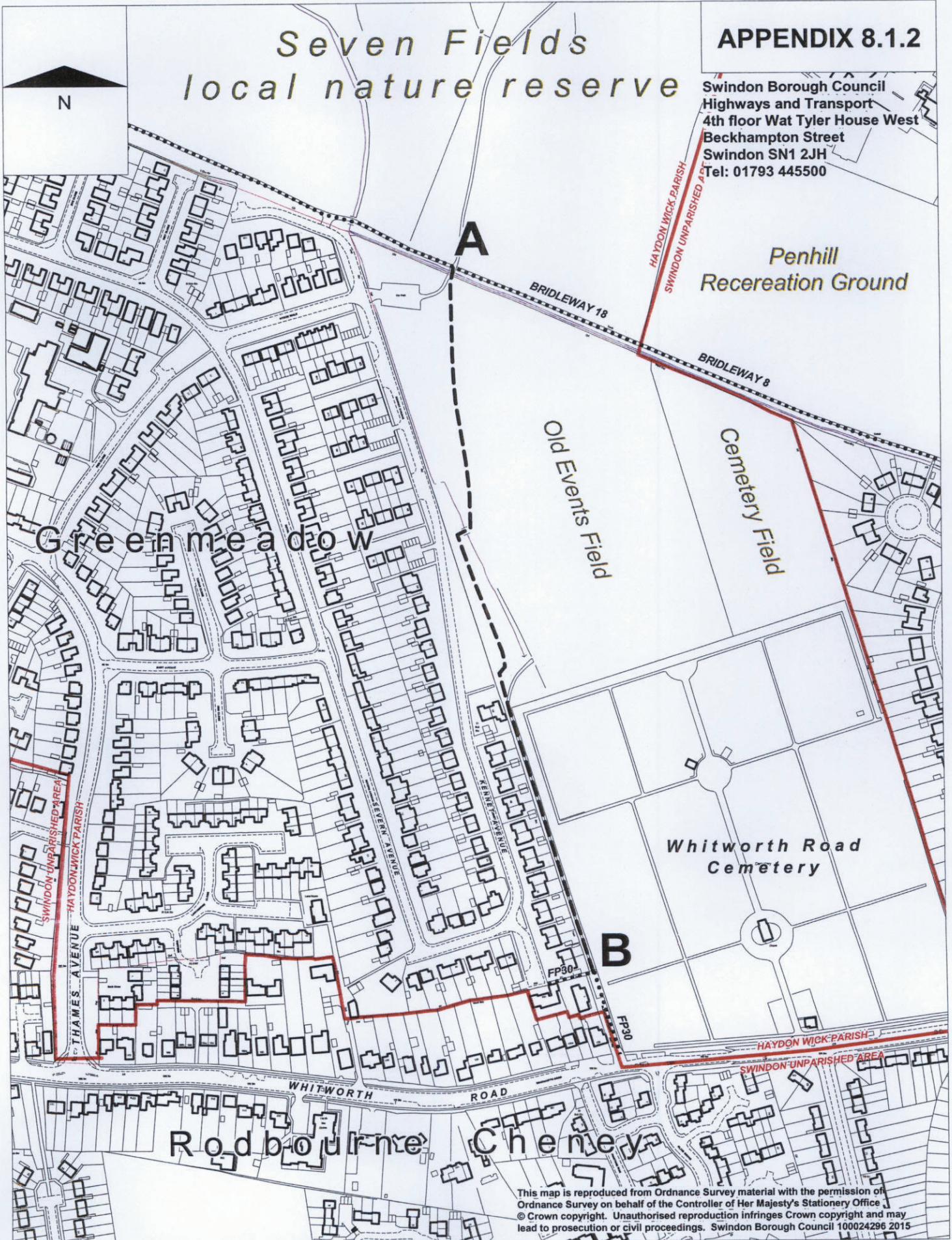


Seven Fields local nature reserve

APPENDIX 8.1.2

Swindon Borough Council
Highways and Transport
4th floor Wat Tyler House West
Beckhampton Street
Swindon SN1 2JH
Tel: 01793 445500

Penhill
Recreation Ground



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Drawing no.HMU/075/17
Footpath 30 Haydon Wick

Grid reference at point A: SU 14664 87782

Footpath proposed to be added
to the Definitive Map (A-B)-----

Existing rights of way:

NOT TO SCALE (reduced from original 1:2500)

**APPLICATION FOR A MODIFICATION TO THE DEFINITIVE MAP AND STATEMENT
Wildlife and Countryside Act 1981 Schedule 14**

SEVEN FIELDS CONSERVATION GROUP

SUPPLEMENTARY EVIDENCE

ITEM	AS NUMBERED BY APPLICANT	DESCRIPTION
1	NO NUMBER	List of materials comprising evidence, and evidence unsupported by materials, prepared by Marilyn Beale on behalf of Seven Fields Conservation Group (SFCG) <i>N.B. this list is misnumbered by the applicant and does not match the numbering of the contents to which it refers</i>
2	1	SBC Seven Fields Local Nature Reserve Leaflet Map
3	2	Photo "Man with a stick" outside 126 Whitworth Road, 1953 (courtesy of Flickr Swindon Collection)
4	3	Thamesdown Borough Council (TBC) report to Arts & Recreation C'ttee 10 August 1989
5	4	Minutes of SFCG meeting 23 October 1990
6	5	SFCG letter to Denys Hodson, TBC, 27 October 1990
7	6	Minutes of SFCG meeting 12 February 1991
8	7	Minutes of SFCG meeting 21 January 1992
9	8	Minutes of SFCG meeting 18 March 1992
10	9	Minutes of SFCG meeting 29 July 1992
11	10	TBC leader's letter to SFCG 23 March 1993
12	11	SFCG letter to TBC 28 July 1993
13	12	SFCG letter (extract) to TBC 5 March 1994
14	13	Extracts of two maps showing "Track"
15	14	Poster for Seven Fields first Summer Festival 15 June 1991
16	16	SFCG press release following occupation by travellers
17	18	Map of ecclesiastical boundary of St Peter Penhill parish (courtesy of Parish Finder)
18	NO NUMBER	Aerial photograph of cemetery and Seven Fields (courtesy of Google Earth)
19	NO NUMBER	Minutes of SFCG Annual Management Walk meeting 1 October 2004