

Swindon Borough Council

Planning Committee

Tuesday, 13 September 2016

Council Chamber, Civic Offices

At 6.00 p.m.

Conservative Councillors

*Vera Tomlinson
Nick Martin
Alan Bishop
Kevin Parry
Cathy Martyn
Timothy Swinyard
Gary Sumner*

Labour Councillors

*John Ballman
Peter Watts
Steph Exell
Derique Montaut
James Robbins*

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)

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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 - 3)

To receive the minutes of the meeting held on 12th July 2016.

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 4 - 6)

6. S/OUT/16/0811 Outline Planning application for 2 no. dwellings with all matters reserved: location: Land Adjacent To Haneneel, Sevenhampton Lane, Sevenhampton (Pages 7 - 18)

7. S/16/0720/TB Erection of 4 no. dwellings and associated works. Land At Church Road, Wanborough, Swindon (Pages 19 - 34)

8. S/16/0960/JROD Erection of an additional storey to provide 5no. flats and associated works. Site Location: Anglia House, 115-118 Commercial Road, Swindon (Pages 35 - 48)

9. S/16/1275/IH Installation of an ATM. (Retrospective). Site Location: Nasza Biedronka Supermarket, Unit 4-6 , 1 - 8 Manchester Road (Pages 49 - 57)

10. S/ADV/16/1276/IH Display of illuminated signage to ATM. (Retrospective). Site Location: Nasza Biedronka Supermarket, Unit 4-6, 1 - 8 Manchester Road (Pages 58 - 65)

Date of Despatch: 05 September 2016

Key:

Officers:

HPRS&H - Head of Planning, Regulatory Services and Heritage

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 Officer 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, 12 JULY 2016

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

8. Declarations of Interest

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

9. Minutes

Resolved – That the minutes of the meeting held on 14th June 2016, be confirmed and signed.

10. Public Question Time

There were no public questions.

11. Determination of Planning and Related Applications

The Committee considered: -

- (a) Applications for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments of Councillor Faramarzi in respect of applications numbered S/TC/16/1038 and S/TC/16/1040
- (e) The comments of Councillor Bob Wright in respect of application numbered S/16/432
- (f) The comments of the following interested persons:-

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/TC/16/1038	Graham Currier	Applicant
S/TC/16/1042		
S/TC/16/1040		
S/TC/16/1070		
S/OUT/16/412	Andrew Miles Chris Kennedy	Agent Wroughton Parish Council
S/16/432	Jessica Phanwises Bob Keech Jan Piechowicz Mr Watkins	Applicant Agent 8 Wills Avenue 5 Wills Avenue

Resolved – (1) That permission be refused in respect of application numbered S/TC/16/1038 for the following reason:

The proposed infrastructure by reason of its height and appearance will form a prominent and intrusive addition to the streetscene and will have an adverse impact on the amenities of adjacent residential properties in Artus Close which cannot be outweighed by the public benefit the infrastructure could otherwise bring to the wider community. As such the proposal represents an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of the National Planning Policy Framework (2012) and policies IN3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

(2) That permission be refused in respect of application numbered S/TC/1042 for the following reason:

The proposed infrastructure by reason of its height and appearance will form a prominent and intrusive addition to the streetscene which cannot be outweighed by the public benefit the infrastructure could otherwise bring to the wider community. As such the proposal represents an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of the National Planning Policy Framework (2012) and policies IN3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

(3) That permission be refused in respect of application numbered S/TC/1040 for the following reason:

The proposed infrastructure by reason of its height and appearance as viewed in context to its siting within a high quality area of public open space which provides substantial visual relief within a dense residential area, will have an adverse impact upon the character, appearance and wider enjoyment of the area by forming a prominent an intrusive addition to the landscape. Furthermore, the amenities of nearby dwellings will be unacceptably harmed by the proximity of the development which cannot be outweighed by the public benefit the infrastructure could otherwise bring to the wider community. As such the proposal is an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of the National Planning Policy Framework (2012) and policies IN3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

(4) That permission be refused in respect of application numbered S/TC/1070 for the following reason:

The proposed infrastructure by reason of its scale, height and proportions as viewed in the context of its siting on a prominent hill top location on the edge of a high quality area of public open space, will have an adverse impact upon the character, appearance and wider enjoyment of the area by forming a prominent an intrusive addition to the open space and the wider landscape. As such the proposal is an unacceptable form of development in terms of its siting and appearance contrary to the material considerations of the National Planning Policy Framework (2012) and policies IN3 and DE1 of the Swindon Borough Local Plan 2026 (2015).

(5) That permission be refused in respect of application numbered S/OUT/16/412 for the reasons set out in the Committee report as amended below:
Amended Reason:

2. delete “submission” before “Swindon Local Plan” and insert “draft” before “Wroughton Neighbourhood Plan”

(6) That permission be granted in respect of application numbered S/16432 subject to the conditions listed in the Committee report with an amendment to the drawing numbers in condition 1 and the deletion of condition 4.

(7) That permission be granted in respect of application numbered S/16/912 subject to the conditions listed in the Committee report.

12. Local Development Order Updates

The Head of Planning, Regulatory Services, and Heritage submitted a report seeking the approval of the Committee to consult on (a) the inclusion of Land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate in the Solar Arrays Local Development Order as a site for solar arrays and (b) alterations to the Honda Local Development Order.

Resolved – (1) That in respect of land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate:

(a) The Head of Planning, Regulatory Services, and Heritage be authorised to publish for consultation the proposal to include land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate in the Solar Arrays Local Development Order as sites for solar arrays;

(b) In the event that no material objections are received, that the Head of Planning, Regulatory Services and Heritage be authorised to proceed to amend the Solar Arrays Local Development Order to include the land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate as having deemed consent for solar arrays;

(c) In the event that material objections are received, that the Head of Planning, Regulatory Services, and Heritage submits a further report to the Planning Committee with a recommendation as to whether the proposal should be pursued.

(2) That in respect of land at Honda:

(a) The Head of Planning, Regulatory Services, and Heritage be authorised to publish for consultation the proposed alterations to the Honda Local Development Order set out in this report;

(b) In the event that no material objections are received, that the Head of Planning, Regulatory Services and Heritage be authorised to proceed to adopt the alterations to the Honda Local Development Order set out in this report;

(c) In the event that material objections are received, that the Head of Planning, Regulatory Services, and Heritage submits a further report to the Planning Committee with a recommendation as to whether the proposal should be pursued.

(3) That the Head of Planning, Regulatory Services, and Heritage undertakes all action as necessary to publicise the proposed changes to the LDOs; and

(4) That the Head of Planning, Regulatory Services, and Heritage be authorised to make minor drafting changes to the content of the documents if required prior to publication.

Determination of Planning and related Applications

Planning Committee

Date: 13th September 2016

Author:	Head of Planning, Regulatory Services and Heritage
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 an 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.

5. Appendices

- 5.1 Appendix 1 - Documents which may be relied on in the preparation of the application reports

Further information on the subject of this report can be obtained from Iain Tucker, Direct Dial Telephone Number, (01793) 463605, itucker@swindon.gov.uk.

Determination of Planning and related Applications

Planning Committee

Date: 13th September 2016

5.2 Planning and related applications reported to this Committee for the first time.

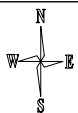
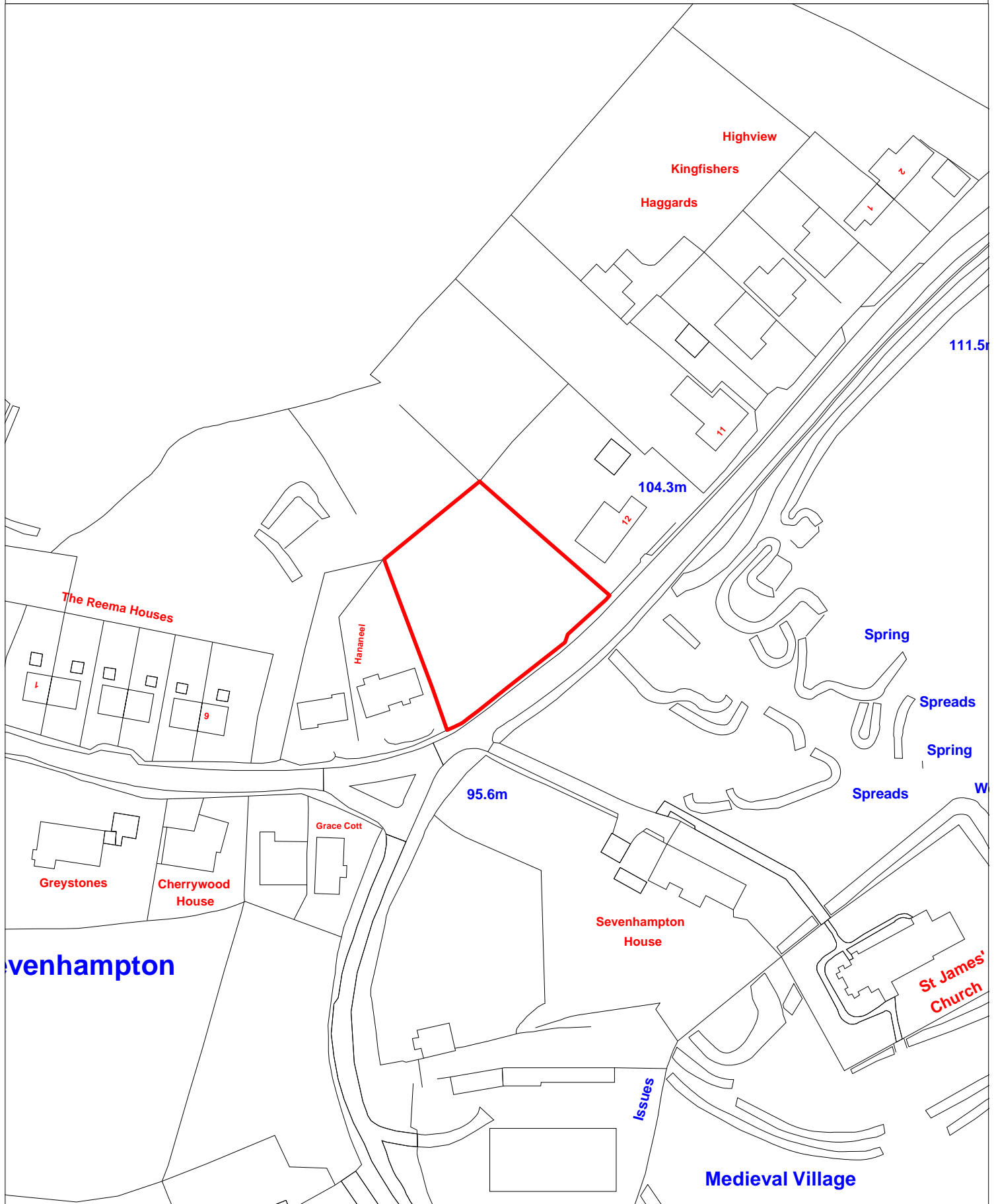
APPENDIX 1

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)
 - Wroughton Neighbourhood Plan (2016): for applications in Wroughton Parish
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

Outline Planning application for 2no. dwellings with all matters reserved.

Land Adjacent To Haneneel Sevenhampton Lane Sevenhampton Swindon SN6 7QA



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.



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In all cases references should be made to the submitted plans.



SWINDON BOROUGH COUNCIL
- 9 MAY 2016
PLANNING DEPARTMENT

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Client
Mr Mark Lewis
5/OUT/16/0811
Project
Opposite Church,
Sevenhampton

Drawing Title
Proposed Block Plan

Scale 1:500@A3
Date 06.05.16
Issuing office Swindon
Drawing No. C12056.16.060
Rev. -
Checked by AH
Drawn by MA



COMMITTEE REPORT

Item Number:

Application Number: S/OUT/16/0811

Ward: Blunsdon And Highworth

Parish: Highworth

Proposal: Outline Planning application for 2no. dwellings with all matters reserved.

Location: Land Adjacent To Haneneel, Sevenhampton Lane, Sevenhampton

Case Officer: Rhian Morris Tel: 01793 466285 Email: rmorris@swindon.gov.uk

Agent:

Mrs Alla Hassan
DPDS Consulting Group
Old Bank House
5 Devizes Road
Old Town
Swindon
SN1 4BJ

Applicant:

Mr Mark Lewis
C/O Agent (DPDS Consulting)

Officer Report

Background

This application has been called to planning committee by Councillor Bishop, because of the planning history.

1 Summary of Recommendation

That planning permission be **REFUSED**

2 The Proposal

2.1 The proposal is for outline permission for two dwellings to the east of Hananeel, Sevenhampton. Whilst the application is an outline application, the information supplied includes some limited illustrative details by way of a site plan and layout, floor plan and other information in respect of proposed materials, boundary treatment etc.

3 The Site and Surroundings:

3.1 The site is located within Sevenhampton Conservation Area and is situated between the property Hananeel and no. 12 Sevenhampton Lane and immediately

adjacent to the road. The site is approximately 0.16ha and has an upward slope which runs south-west to the north east of the site. The site is undeveloped with a low stone boundary wall with mortar capping with walls curved inwards at the entrance at approximately a metre high. The land has an agricultural appearance with an unkempt appearance which appears to have not been actively managed by grazing or similar and is overgrown.

3.2 The village is surrounded by open countryside, mainly in agricultural use, with Wrag Barn golf course to the north west of the site and Roves Farm visitor centre a local tourist attraction. The main (Highworth) road runs east-west through the village. There is a road that heads to the Roves Lane situated opposite the south eastern corner of the proposal site from a grassed 'triangle' junction. These roads reflect the historic street pattern and contribute positively to the areas character and appearance. Immediately opposite the proposal site (south of Highworth Road) are the earthwork remains of a medieval village, now deserted, a designated scheduled monument.

3.3 To the east of the proposed site is a property no. 12 defined as being of local significance making a positive contribution to the areas character and appearance. This is a heritage asset as defined in the NPPF, it conforms to the linear street pattern and is constructed in local vernacular materials of natural stone and red brick. Its location and siting follows the natural topography and is elevated from the proposal site ensuring its high visibility within the village context.

3.4 The proposed site also reinforces the rural character and appearance and provides a north-south green spine from the countryside to the north through to the SM interrupted only by the road bounded by stone walls. The gap afforded by the proposed site is apparent when travelling north, towards the site from the direction of Roves Farm, reinforcing the rural context and character and also highlights the prominence of no. 12.

4 Representations

4.1 Transport Management: The application follows a recent withdrawn application for a similar proposal. No objections subject to conditions.

4.2 Landscape Architect: A Barn Owl has been recorded within 500m of the site. Notes the applicants have recommended the retention of certain trees and conclude that the habitat for the barn owl within 500m of the site is not going to be significantly affected. These birds are afforded protection under the Birds Directive enshrined in law by the Wildlife and Countryside Act (1981). As barn owls are clearly in the vicinity of the proposal if the applicant could be encouraged to provide a suitable nesting site for barn owls this would be biodiversity gain however such a site should not include attaching anything to the existing trees as this could be detrimental to the trees, the proposal should include a bat brick and contribute towards the aims and objectives of policy EN4 of the Swindon Local Plan.

4.3 WCC Archaeological officer: Trial trenching has been carried out and the only features that were found were modern in date. Confirm that no further archaeological work is needed in relation to this proposal.

4.4 Historic England: The application should be determined in accordance with national and local policy guidance and based on specialist conservation advice.

4.5 Forward Planning: Although the site is outside the settlement boundary, due to the provisions of paragraph 49 of the NPPF, this is not sufficient alone to raise a policy objection in relation to this issue. The key consideration is therefore whether the potential adverse impacts on both the setting of the heritage assets and the landscape character outweigh the benefits of providing for the need for higher value homes.

4.6 Conservation Officer: The site is within the Sevenhampton Conservation Area which was designated in 1990 and updated in 2006. A conservation area is designated heritage asset as outlined in annex 2 of the National Planning Policy Framework (NPPF).

The main consideration in assessing this application is the effect of the proposal upon the character and appearance of the designated conservation area, upon setting of the listed buildings and setting of building of local significance.

The submitted Design and Access statement incorporating a Heritage Impact Assessment. It is evident that the proposed site is within the setting of the Scheduled Ancient Monument (SAM) and the listed building. The site makes a positive contribution to the rural character and appearance and contributes to the appreciation and experience of these assets in a rural landscape setting.

The siting and location of the proposed houses nearly fills the entire width of the plot and will be on rising ground and will be very prominent and evident in the street scene and will adversely alter the current open and spacious character of a field. The proposal also includes suggested details to alter the stone boundary wall. These are likely to contribute to the negative cumulative effect of the development.

4.7 Highworth Town Council Comments: Recommend acceptance.

4.8 N The Woodpeckers: The property adjacent to the site formally known as Hananeel. Generally, supportive of the erection of two properties on the derelict land; whilst the land is derelict our property has mature trees and shrubs close to the boundary line and these should be protected during any excavation work both when the land is being levelled and the foundation work. It is not only the sycamore trees next door that provide substantial natural beauty to our garden, but also our trees - object to any cutting of these trees that causes any damage. These appear to be noted as low quality in the survey plan and of minor value.

Not clear whether there is any difference in height between properties, concerned if this blocks out the light. Have two driveway entrances, one of which was intended to be shared with the land adjacent. There is a significant wildlife in the area and this should be safeguarded during construction and hours of works would also be appropriate.

5 Planning History:

T75/0360 - 4 dwellings (outline) Granted.

T75/0429 - dwelling (reserved matters) approved

T86/0130 - Erection of a dwelling (outline) - Granted

S/00/0948 - Erection of a dwelling - withdrawn

S/00/2320 - Erection of a Dwelling GRANTED subject to conditions October 2000 -

not implemented, now expired.
S/OUT/14/1922 - Erection of two dwellings - Withdrawn

6 Planning Considerations

Context

6.1 The application is for outline planning permission for the construction of two detached dwellings, on a greenfield site between Hananeel and no. 12 Sevenhampton Lane, which is part of the Sevenhampton Conservation Area. The village of Sevenhampton does not have a settlement boundary. The site is also within the Highworth Neighbourhood Plan area.

6.2 The Swindon Borough Local Plan was adopted by Swindon Borough Council 2015. The Swindon Borough Local Plan is now part of the Development Plan for Swindon. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.3 The relevant policies are:

SD1 - Outlines principles to enable sustainable development, includes the principles for development to be of high quality design and the conservation and /or enhancement of the built and historic environments.

SD2 - Sustainable development strategy and where development in the Borough will be concentrated.

DE1 - High standards of design are required for all types of development any proposal needs to look at the context and character of the existing built characteristics, acknowledged features of importance and existing site conditions. Additionally, need to look at the layout, form and function of the development.

HA1 - looks at the mix type and density of any development.

TR1 - Sustainable transport networks will try and reduce the need to travel and support and encourage sustainable safe and efficient movement.

TR2 - New development should be located to reduce the need to travel and to encourage the use of sustainable transport;

EN4 - Development will avoid direct and indirect negative impact upon biodiversity, protect and enhance biodiversity and provide net local biodiversity gain.

EN5 - Development will only be permitted where the landscape and historic landscape are protected.

EN6 - Minimise the risk and impact of flooding.

EN10 - The historic environment shall be sustained and enhanced including all heritage assets including buildings, conservation areas, landscape and archaeology.

Principle of Development

6.4 Policy SD2 of the local plan, makes a clear distinction between the parts of the Borough in which the principle of development would generally be acceptable (within settlements) and those where it generally would not (in the countryside). The policy provides exception criteria for permitting development in countryside locations outside the rural settlement boundaries, these are where:

- local needs have been identified and allocated through a Neighbourhood Plan
- or Neighbourhood Development Order; and/or
- it supports the expansion of tourist and visitor facilities in appropriate locations

where identified needs are met by existing facilities in a rural service centre; or

- It is in accordance with other policies in this plan permitting specific development in the countryside.

6.5 The site is not within a settlement boundary location and does not meet any of the criteria above and is therefore contrary to policy SD2 (the Sustainable Development Strategy) of the local plan.

6.6 In light of the recent appeal decision in respect of land at Berkeley Farm, Wroughton (APP/U3935/W/15/3035660), and the Council at present cannot demonstrate a 5-year supply of housing in accordance with the NPPF. Paragraph 49 of the Framework is therefore invoked and relevant policies for the supply of housing in the local plan should not be considered up-to-date. At the present time the element of Policy SD2 referring to settlement boundaries cannot be considered as reason for refusal alone.

6.7 In respect of the Highworth Neighbourhood Plan, the Town Council has completed its Reg. 14 consultation on the draft plan. The Neighbourhood Plan identifies two housing allocations to meet the residual need for housing as set out in Policy SD2 of the Local Plan. The plan does not allocate the proposed site. An emerging neighbourhood plan is a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Given the relative early stage the Highworth Neighbourhood Plan has reached, little weight can be attributed to it at present. Sevenhampton does not have a bus services, nor are there any facilities to meet the day-to-day needs of the community. One of the principles of sustainable development as expressed in Policy SD1 is that development should be accessible by walking cycling and/or public transport.

6.8 With regard to residential development in the countryside NPPF paragraph 55 applies. The paragraph seeks to promote sustainable development in rural areas stating:

'housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent optimal viable use of a heritage asset or would be appropriate enabling development to secure the future heritage assets; or
- where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.'

6.9 The proposed development is within a rural location and is considered in an isolated area, with the nearest services in the neighbouring town of Highworth. There is also little evidence to suggest the proposed development would meet the special circumstances detailed in NPPF paragraph 55. However it is accepted that the site is not isolated from other buildings in the village.

Planning History

6.10 Planning permission has been granted for a house on part of this site in 2000 (S/00/2320) but this was not constructed and it has now lapsed and since then there have been many changes to the legislation and now there is a greater requirement on the LPA to protect heritage assets. The site is within a conservation area, no. 12 Sevenhampton Lane is a designated heritage asset and opposite the site is a listed building.

Heritage Assets

6.11 The Planning (Listed Building & Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and special attention to preserving or enhancing the 'character or appearance of the Conservation Area'. These duties are reflected in the NPPF which sets out the government's policies on the historic environment, the relevant development plan policy is EN 10 relates to historic Environment & Heritage Assets.

6.12 The site is adjacent to Sevenhampton Lane and no topographical plan (existing or proposed) has been supplied however there is a significant change in levels with the land rising north and north-eastwards from where it meets the road. The location and topography ensures the sites high visibility and prominence within the Sevenhampton Conservation Area (SCA). The land level to the east rises significantly where it adjoins the adjacent property, no. 12 situated significantly higher than the proposal site and the road and is highly visible. Number 12 to the east of the proposed site is a building of local significance, making a positive contribution to the areas character and appearance.

6.13 The site provides a 'gap' in the rural street scene which enables a view of the agricultural land to the rear. This view reinforces the rural setting and character of the designated conservation area, contributed to by the significant tree in the north-west corner of the site and other trees behind.

6.14 The site is secured by a natural stone wall to the south and east, the southern wall is approximately 1+ metre high and appears to act as a retaining wall to the land behind. The stone wall boundary walls are noted as being a significant feature and element positively contributing to the character and appearance of the SCA. The proposed scheme would be harmful; eliminating the contribution the open gap streetscape site makes to the areas rural character and appearance. It suggests

alterations to and widening of this access which further adds to the prominence and thus the harm.

6.15 Immediately opposite the proposed site (south of Highworth Road) are the earthworks remains of a medieval village, now deserted. These are designated as scheduled ancient monument (SM). It encompasses a large area east and west of the road that heads southwards towards Roves Farm. The SM also includes the land occupied by the Church. The land and the presence of the earthworks make a positive contribution to the character and appearance of the designated conservation area and reflect the historic development of the village. It also affords a spacious and open setting to the Church of St James and Sevenhampton House which are two of Sevenhampton's listed buildings.

6.16 The gap in the streetscene signifies the reduction in built form. The built form is restricted to the northern side of the road and none to the south with the exception of the Church and Sevenhampton House which are set back within the SM area. It is considered that the lack of development to the south reflects the presence of the SAM and reinforces the open spacious and rural character of this part of the Conservation Area.

6.17 The proposed site also reinforces the rural character and appearance and provides a north-south 'spine' from the countryside to the north through to the SM interrupted only by the road bounded by stone walls. This gap enables visual connectivity to the area defined as important green space which runs parallel to the rear of the properties along the main road on the north side.

6.18 It is considered that this development would cause adverse harm to the character of the conservation area and would fail to preserve its character or appearance and fail to preserve the setting of nearby listed buildings and the setting of a Scheduled Ancient Monument. The development is therefore contrary to Policies DE1 and EN10 of the adopted Swindon Borough Local Plan and the provisions of NPPF.

6.19 However, it is important for members to note, as they did in refusing 14 houses in the AONB in July, that the requirement in Paragraph 14 of the NPPF, to grant permission for development where a plan is considered to be out of date, does not apply to sites where specific policies in the framework indicate that development should be restricted. This includes areas where Heritage assets are affected, such as Conservation Areas, listed buildings and Scheduled Monuments, as is the case here.

Access

6.20 Access is proposed to be from the main road, which is subject to 30mph speed limit. There could be sufficient space within the site for 4 car parking spaces for each dwelling and could include a garage for each dwelling.

6.21 The stone boundary walls are an important feature in the street scene and have a unifying effect on the surrounding dwellings. However, the applicants are proposing to demolish the boundary to allow for the appropriate visibility splays.

Landscape

6.22 The arboriculture report supplied identifies two sycamore trees on the north-west corner of the site that are considered worthy of retention. It is suggested that these could be retained, if permission were to be granted and a condition could protect these.

Conclusion

6.23 The proposed development would contribute further to uncharacteristic development in the village and with the development appearing urban, negatively affecting the rural character and appearance. It is considered that this would have a harmful impact upon the character and appearance of the conservation area and the setting of other designated heritage assets. The duties of the Act are reflected in Section 12 of the National Planning Policy Framework (NPPF) and specifically paragraph 132 notes that great weight should be given to the asset's conservation. Furthermore paragraph 134 states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

6.24 Policy EN10 echoes these statutory tests and the NPPF in requiring that proposals for development affecting heritage assets shall conserve and where appropriate, enhance their significance and setting and development in the vicinity of a listed building, shall not be permitted where there will be an adverse impact on those elements which contribute to their special architectural or historic significance including their setting. The proposal will neither conserve nor enhance the affected heritage assets

6.25 The planning balance in relation to the determination of the application is in terms of whether the adverse impacts of permitting the development would significantly and demonstrably outweigh the public benefits. It is considered that two dwellings would make a very limited contribution to the supply of housing in the locality and the harm identified above coupled with the unsustainable location located within a village with very few local services weighs against the proposal.

6.26 The site is in an unsustainable location outside the settlement boundary, results in less than substantial harm to designated heritage assets that is not outweighed by public benefits and is contrary to the policies of the adopted Swindon Local Plan 2026 and the NPPF

Recommendation

That planning permission be **REFUSED**

Reasons for refusal

1 The proposed development occupies a site located within an unsustainable location outside any defined settlement boundaries. Development of this site fails to comply with EN5 and Policy SD2 of the Swindon Local Plan 2026 that seek to locate new housing development within the Swindon Urban Area and within the settlement boundaries of primary rural settlements and the NPPF of the Swindon Local Plan

2026.

2 The proposed scheme would be harmful; eliminating the contribution the open gap streetscape site makes to the areas rural character and appearance contrary to policy EN5 of the Swindon Borough Local 2026.

3 The proposed development fails to preserve or enhance the character or appearance of the conservation area or the setting upon the setting of listed buildings and Ancient monument heritage assets to the detriment of the visual amenity and is contrary to Policies DE1 and EN10 of the adopted Swindon Borough Local Plan 2026 and the NPPF.

4 The grant of planning permission for the proposed development would harm the Council's strategy for housing growth, and would set a precedent for the release of further inappropriate unallocated sites to the overall detriment of the Council's development strategy as set out in the adopted and emerging development plan. The proposal fails to comply with the National Planning Policy Framework (NPPF) 2012 policies SD2 and RA2 of the Swindon Local Plan 2026 and the Draft Highworth Neighbourhood Plan.

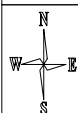
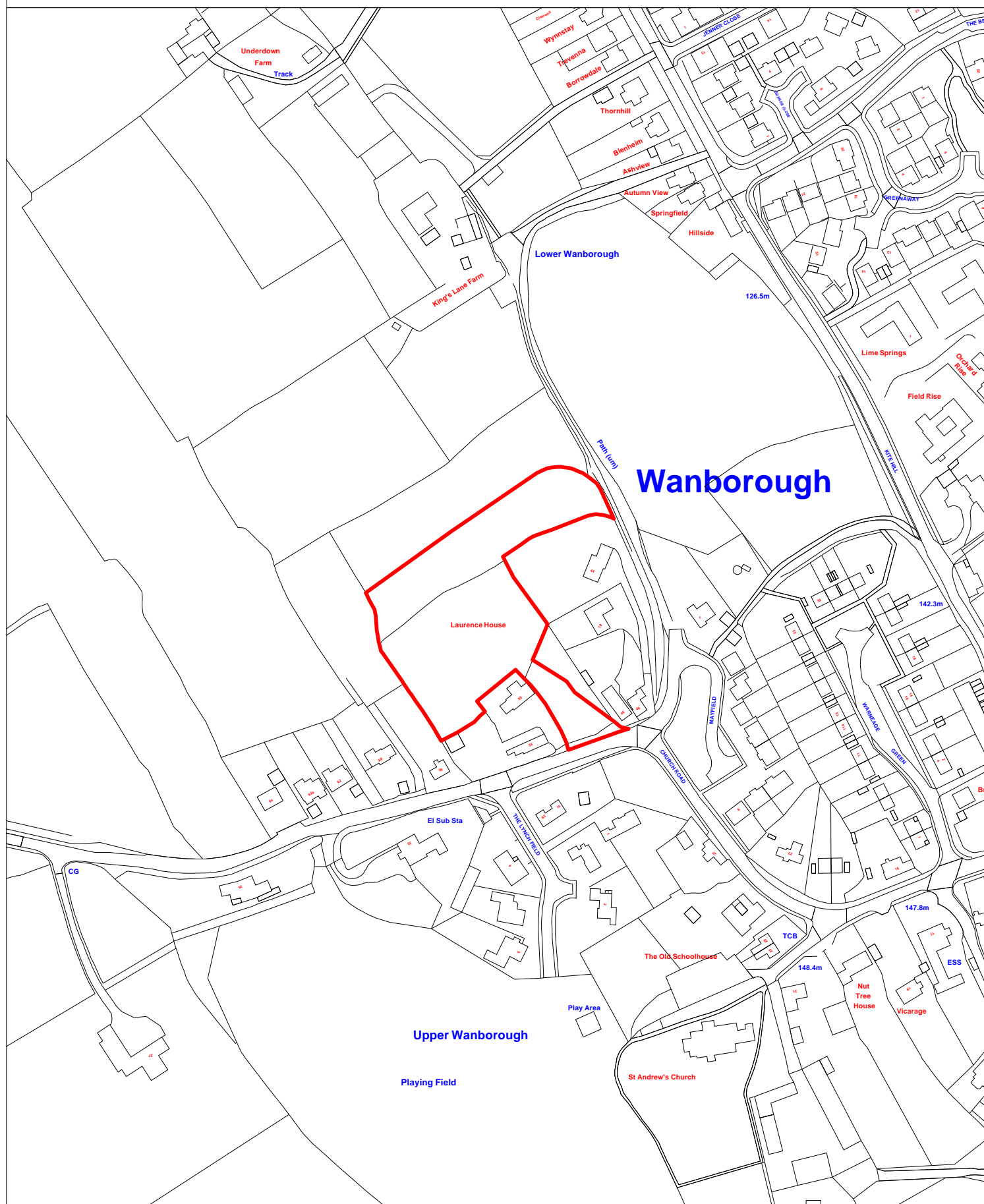
Informatives

1.This refusal is in respect of drawing no. C12056.16.001 ; C12056.26.050 Rev A; C12056.16.060; C12056.16.100; C12056.16.SK200; Design and Access Statement incorporating a Heritage Impact Assessment; Arboricultural report and draft tree protection plan; Historic Environment desk-based assessment;

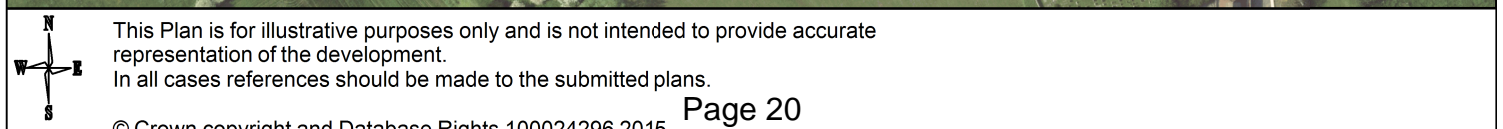
2. This development proposal constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional 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.

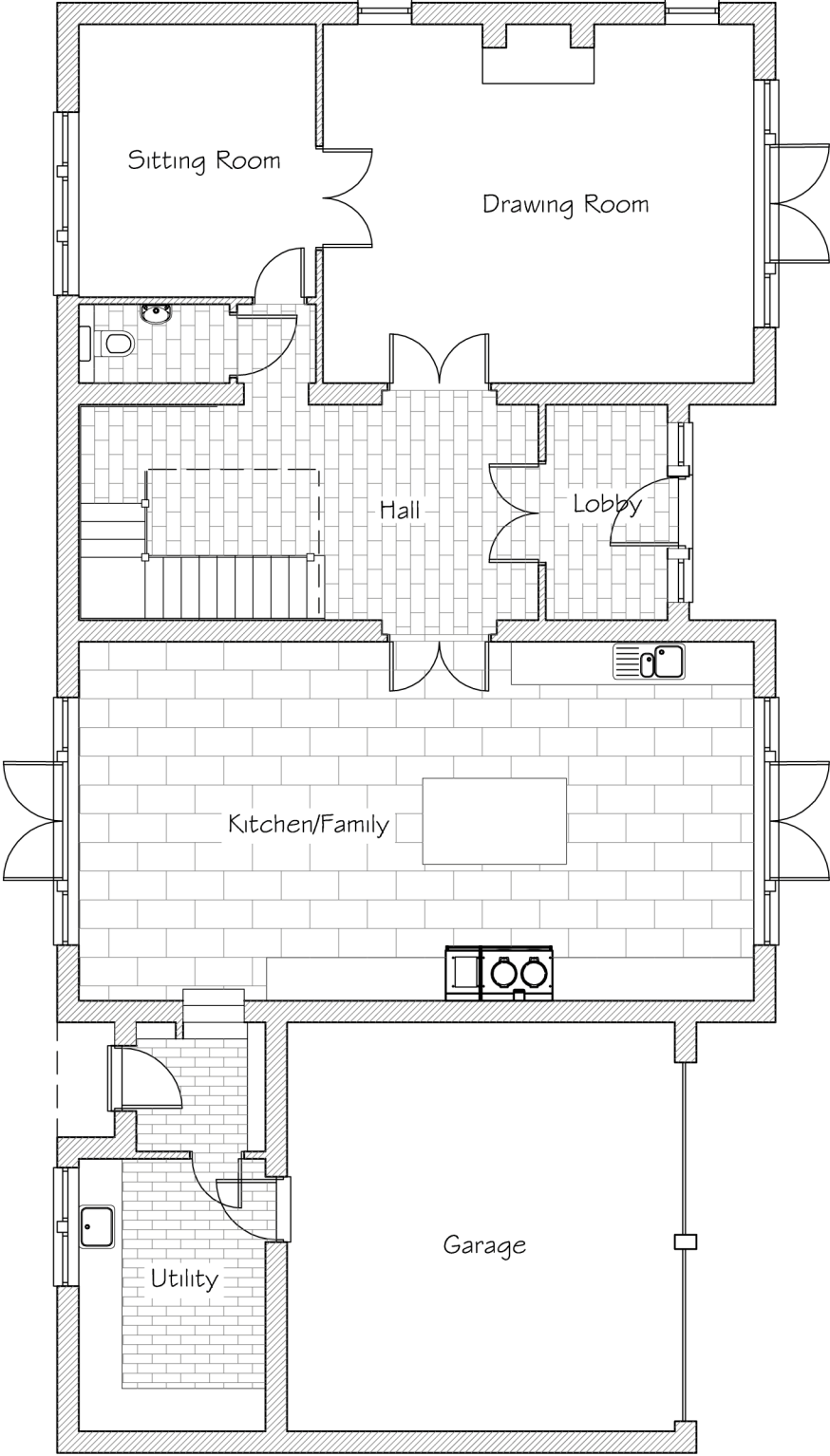
Erection of 4no. dwellings and associated works.

Land At Church Road Wanborough Swindon

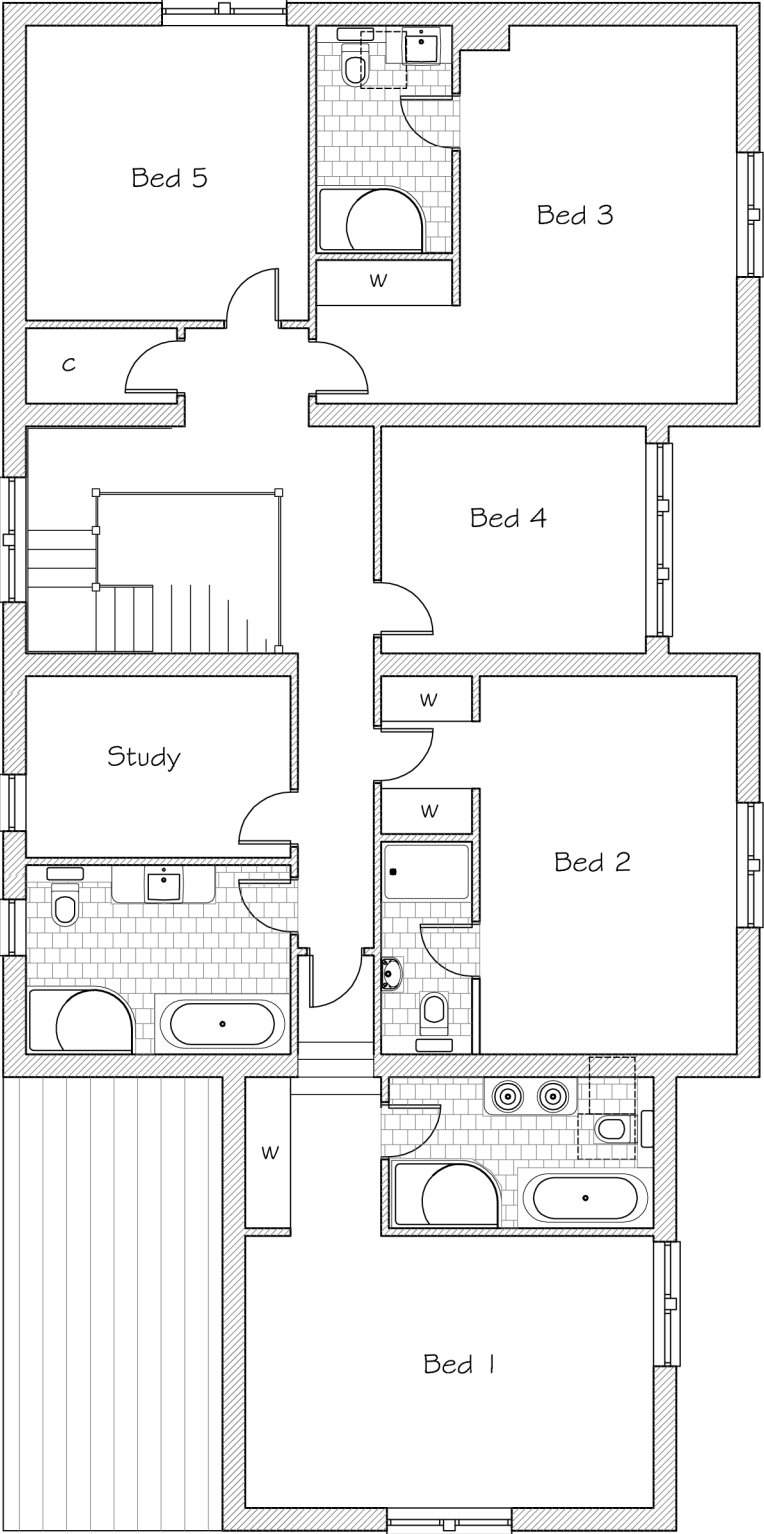


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.





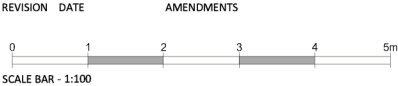
Ground Floor



First Floor

Gl area: 292m² plus garage (+31m²)

PROJECT
Proposed development at Church Road, Upper Wanborough



Plot 2: Floor plans 1:100 @ A3

MATHEWSON WATERS ARCHITECTS

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Chartered Practice

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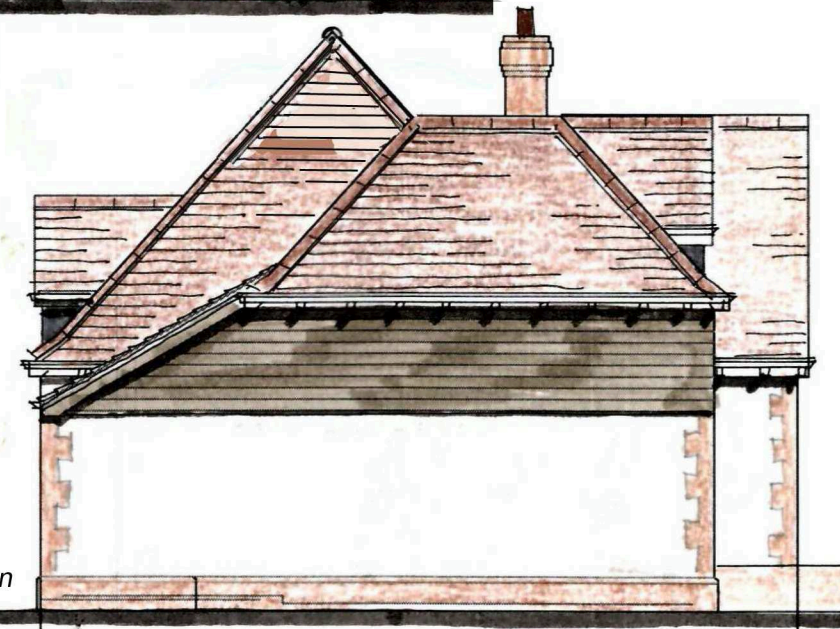
Facing materials:
Red-brown plain clay tiles, natural finish feather-edge
boarding, chalk-colour render and brick quoins.



Plot 2: West elevation



Plot 1: West elevation



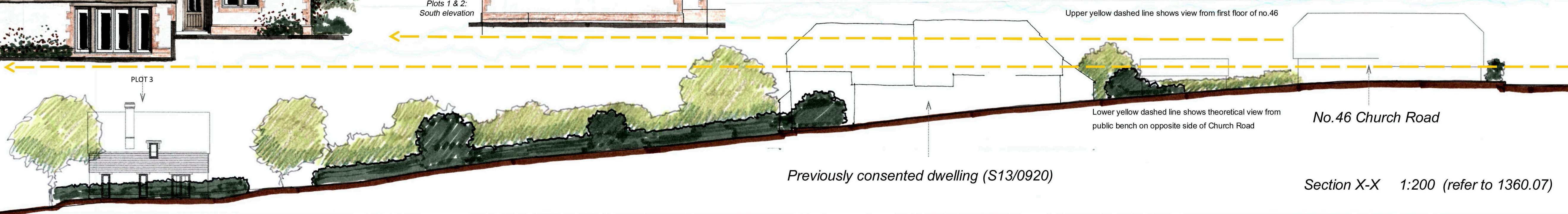
Plots 1 & 2:
South elevation



Plots 1 & 2 : East elevation



Plots 1 & 2 : North elevation



Previously consented dwelling (S13/0920)

No. 46 Church Road

Section X-X 1:200 (refer to 1360.07)

no. 56 Church Road in background

Garage to no. 56

Plot '1'

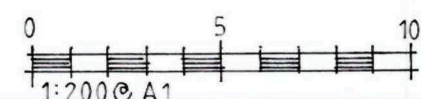
Plot '2'

Yellow dashed line shows view from first floor of no. 56
(The line of this view avoids the roof of plots 1&2)

Disney Cottage

Section Y-Y 1:200 (refer to 1360.07)

No. 50 Church Road
(shaded in foreground)



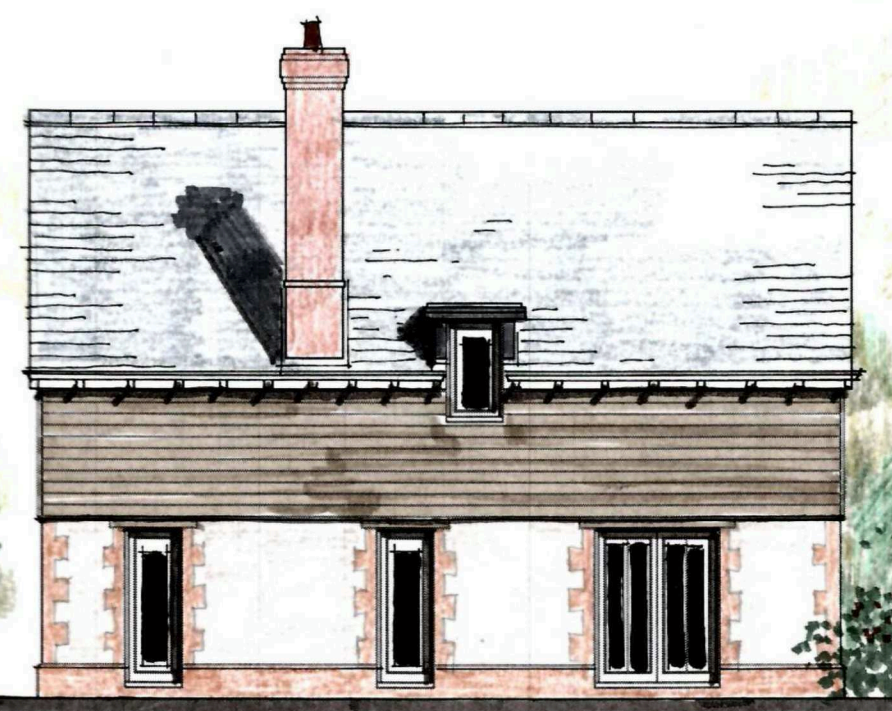
Facing materials:
Dark-grey natural slate, natural finish feather-edge
boarding, chalk-colour render and brick quoins.



Plots 3 & 4 : South elevation



Plots 3 & 4 : North elevation



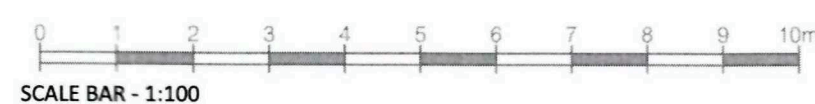
Plots 3 & 4 : West elevation



Plots 3 & 4 : East elevation

Land at Church Road, Upper Wanborough

REVISION DATE AMENDMENTS



SCALE BAR - 1:100

Proposed elevations
MATHEWSON WATERS ARCHITECTS
1:100 @ A1
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Land at Church Road, Upper Wanborough

REVISION	DATE	AMENDMENTS
01	03/16	Initial design

SCALE BAR - 1:500

0 10 20 30 40 50m

Proposed site layout

MATHEWSON WATERS ARCHITECTS

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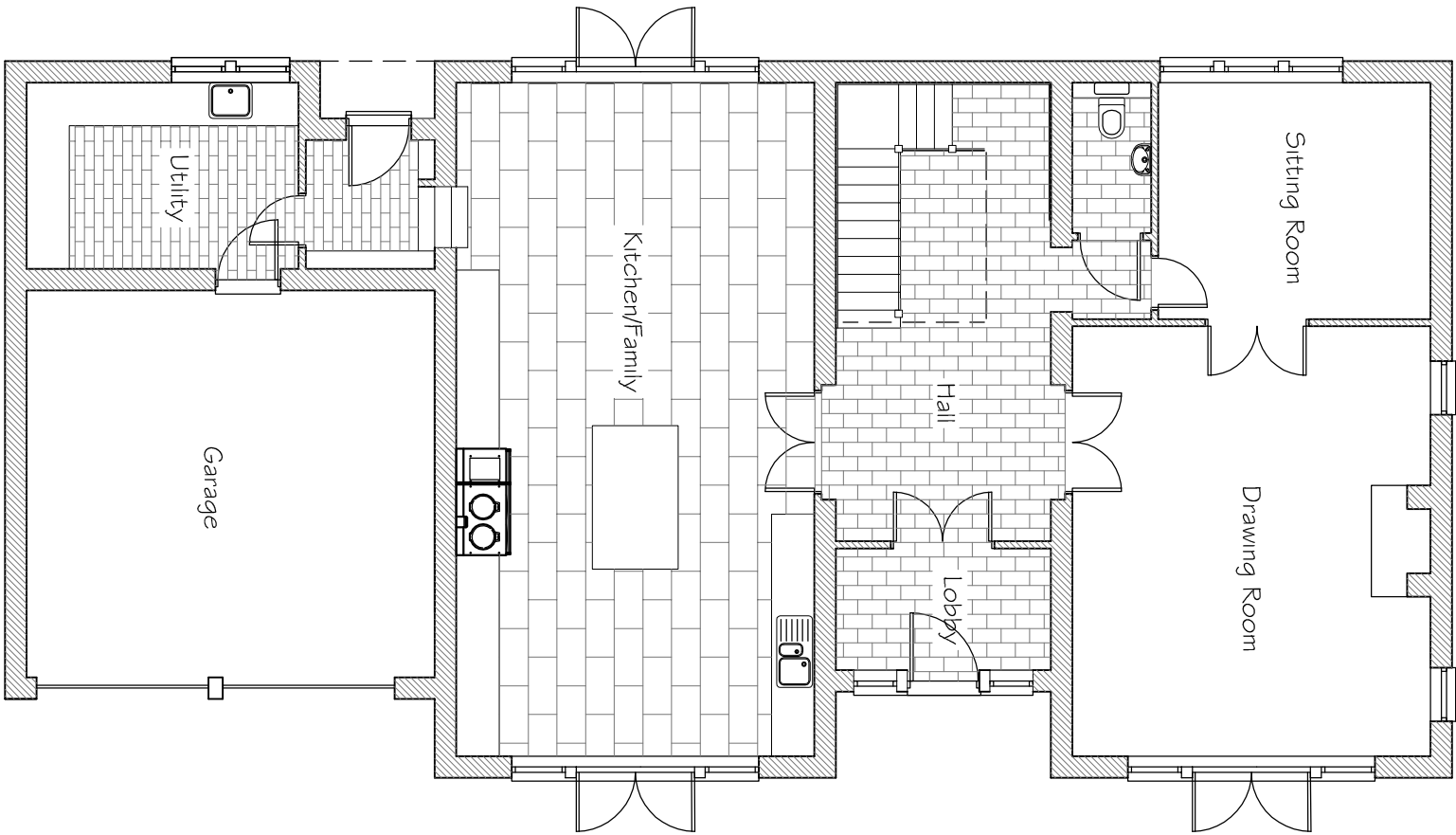
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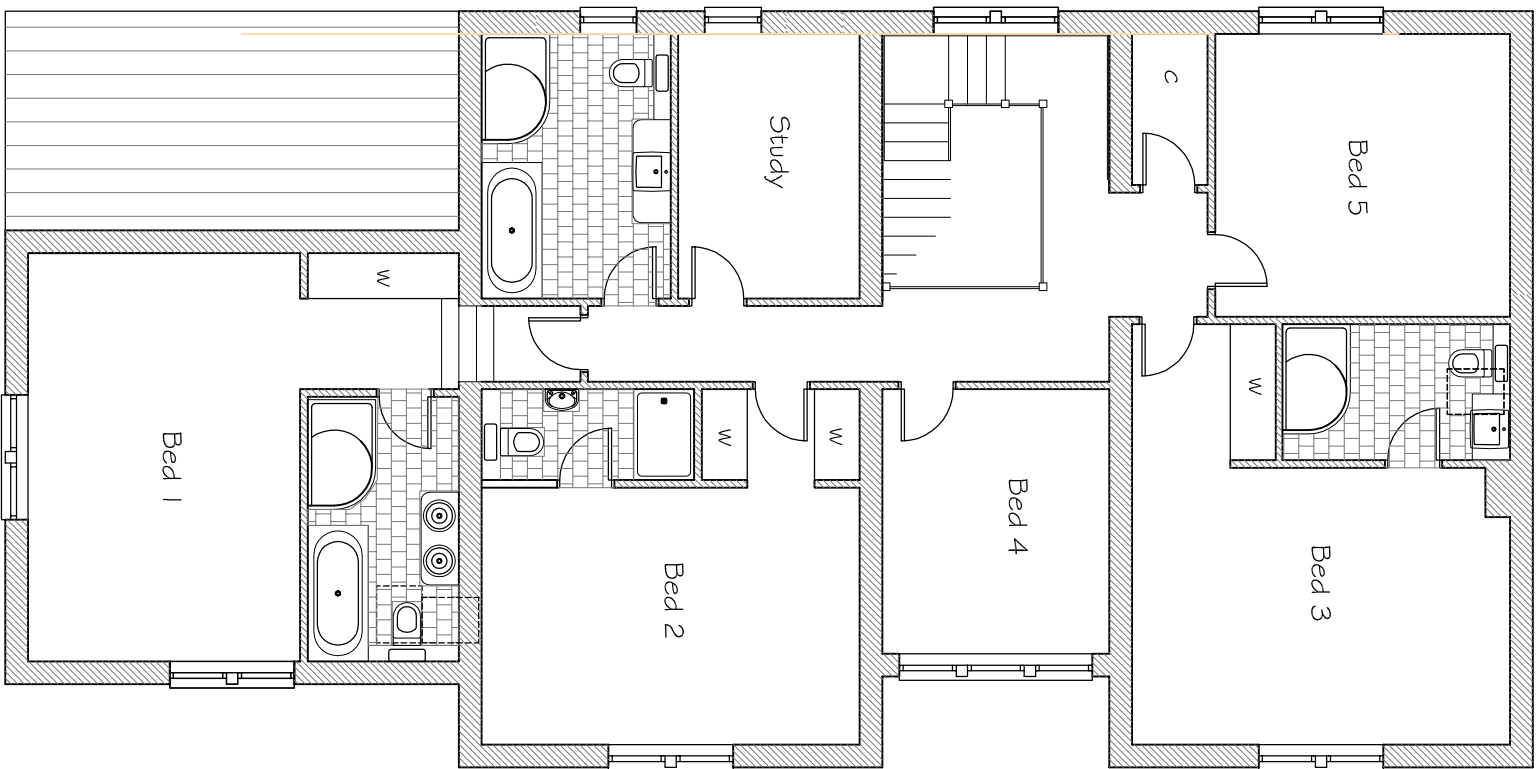
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Ground Floor



First Floor

G1 area: 292m² plus garage (+31 m²)

Proposed development at Church Road, Upper Wanborough

PROJECT

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REVISION DATE

AMENDMENTS



1:100 @ A3

RIBA

Chartered Practice

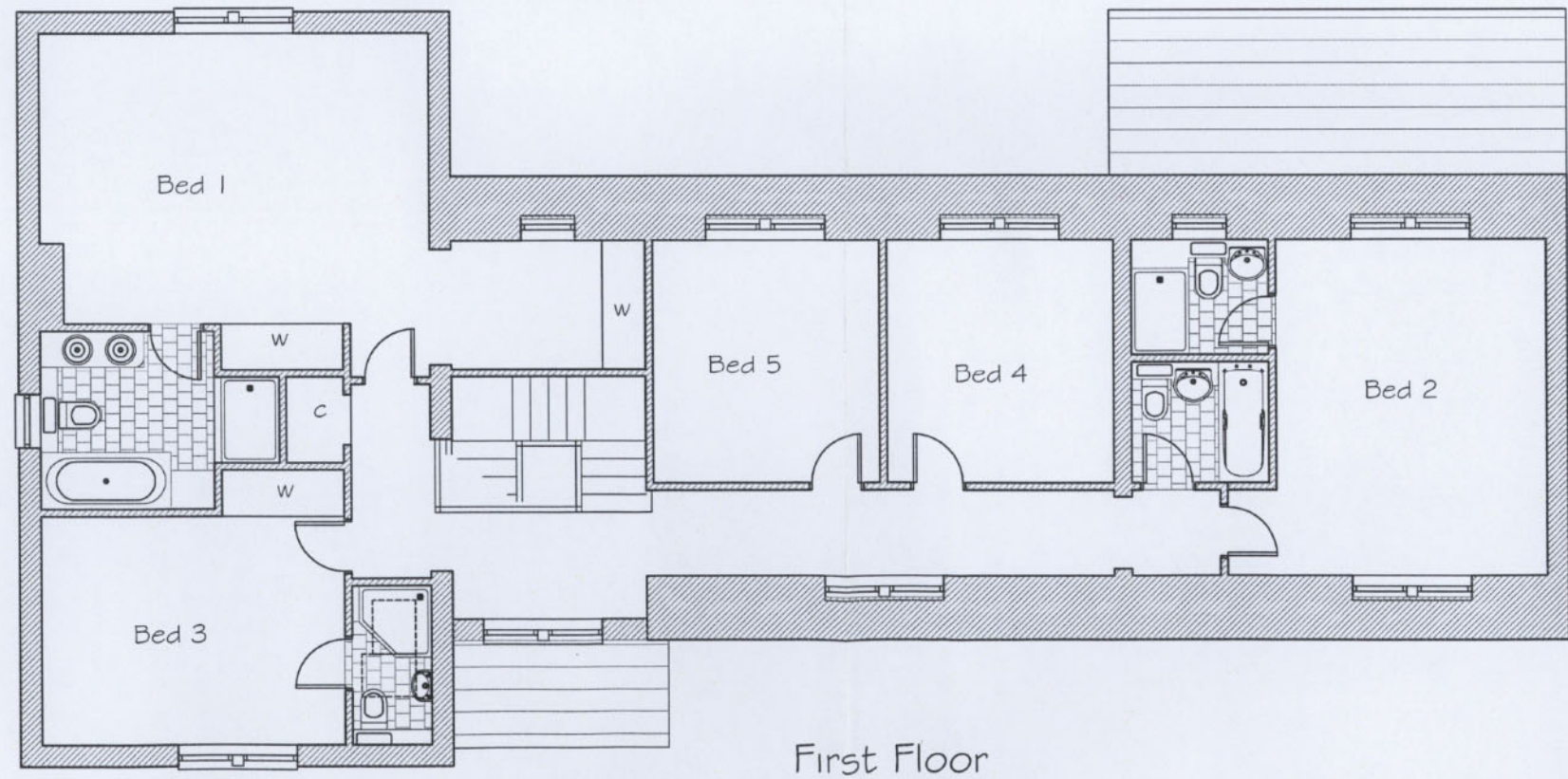
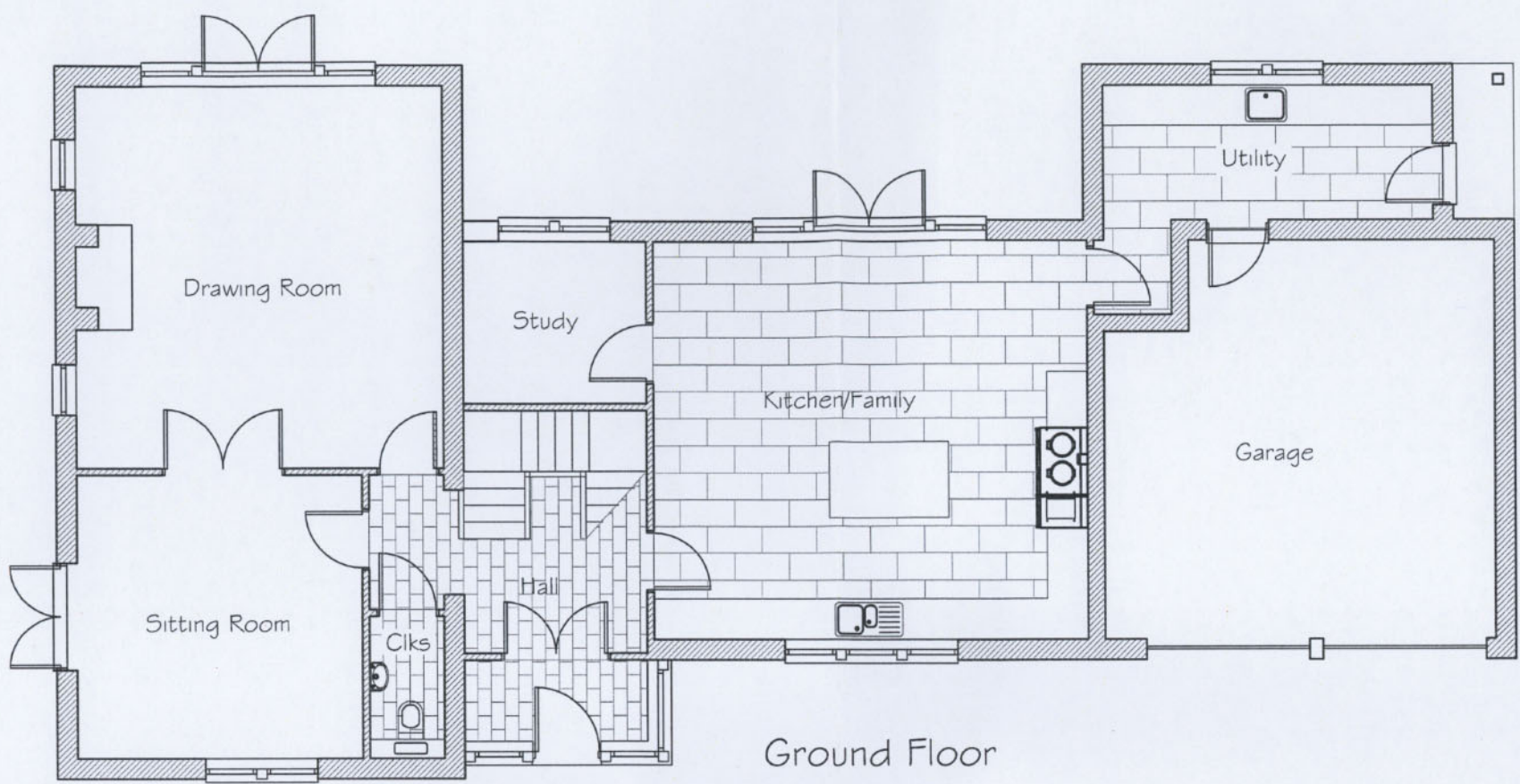
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1360.12

Plot 1: Floor plans

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Swindon Borough Council
Planning Department
22 APR 2016



Gl area: 253m2 plus garage (+33m2)

S/6/0720

Plots 3 & 4: Floor plans 1:100 @ A3
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MW



COMMITTEE REPORT

Item Number:

Application Number: S/16/0720/TB

Ward: Ridgeway

Parish:

Wanborough

Proposal: Erection of 4no. dwellings and associated works.

Site Location: Land At Church Road, Wanborough, Swindon

Case Officer: Tom Buxton

Contact Details: Tel: 01793 466240 email: tbuxton@swindon.gov.uk

Agent:

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

Applicant

Fairhurst UK Ltd

C/O Agent

Officers Report

Background:

1 This application is brought before planning committee at the request of Cllr Toby Elliott.

Summary of Recommendation:

2 That planning permission be REFUSED.

The Proposal:

3 This application seeks full planning permission for the erection of 4 detached two-storey dwellings and associated works.

4 The proposed new cul-de-sac of dwellings would be accessed from a new road leading off from Church Road. Each of the dwellings would have approximate maximum footprint sizes of 21 metres in length by 10 metres in width. The ridge height of the units would range from 7.5 to 8.5 metres. Each of the properties would benefit from a double garage.

The Site and Surroundings:

5 The site is several predominantly open fields, the most southerly of which fronts Church Road with the remaining ones being located further north and beyond Nos 52 and 44 Church Road. The site is bounded by hedgerows and rough shrubbery as well as some more mature trees, such as to the north east corner.

6 The majority of the site is located within the Upper Wanborough Conservation Area.

7 The surrounding area is rural in character. To the north are further open fields and to the south is Church Road adjacent to which are sited residential properties in the form of detached houses. Disney Cottage to the south (and west) of the site is a grade II listed building as is Bramble Cottage to the east. In addition No. 50/52 Church Road, to the south/west of the site is classified as a building of local significance.

Site History:

8 Planning permission was refused under reference S/12/1192 in 2012 for a single house directly adjacent to the location of the now proposed access road.

9 Planning permission was granted for a single (smaller) house in a similar location under reference S/13/0920 in 2013. This dwelling has not been constructed and the consent expires later this year.

Representations:

10 Neighbours:

Original Plans:

8 representations of objection received, one each from the following properties: - Nos 29, 44, 46, 56, 60 and 62 Church Road and 2 from No. 54 Church Road. Each representation contained one or more of the following concerns: - loss of designated important green space, that proposal is sited outside of the settlement boundary and thus contrary to the emerging Neighbourhood Plan, that proposal would detrimentally impact upon conservation area, access/highway safety (inadequate visibility), traffic dangers, contrary to Local Plan (including Policy DE1 – Design) and NPPF, design is out of keeping (failing to respect context, character & scale of settlement), impact upon setting of village and alteration of village view and that Wanborough doesn't need more houses.

Revised Plans:

6 representations of objection received, one each from the following properties: - Nos 29, 44, 50, 54, 56 and 60 Church Road. These representations largely re-iterated the objections/concerns made above and detailed that the changes are small and hence their previous comments still stand. In addition the following points were made: pleased to see (and endorse) comments of Historic England and the Conservation Officer, suggest that housing shortfall should not be an overriding consideration, impact upon and potential damage to listed buildings.

11 Parish Council:

Original Plans:

Strongly object to proposal for the following reasons:

- Development is outside settlement boundary
- Loss of 'Important Green Space' within conservation area
- Detrimental visual impact on rural setting of the village
- Development is not 'infill' or 'backland' and will set precedent for further development within green spaces around the village.
- Wanborough Neighbourhood Plan (WNP) rejected the proposal within its emerging plan due to detrimental impact upon village. Plan has gone through first stage of consultation and has allocated land for development in areas that will not impact upon the village. There is thus no further requirement for new developments within the village.

- The site is allocated within the WNP as a green space that should be protected.
- The access is on a sharp corner, visibility is poor and would not be suitable.
- Only 4 dwellings would not make a significant difference to SBC's 5 year housing shortage.
- The site is not sustainable.

Revised Plans:

Comments and objections remain the same as above. Feel that revisions are only minor amendments and do not change any of the original objections.

12 Conservation Officer:

Object to the application on the basis that the location, layout and form of development would negatively affect the character and appearance of the conservation area.

Furthermore the development would fail to preserve the rural setting of the built heritage assets. In considering the NPPF and the contribution of the historic environment in promoting sustainable development it is recommended that there is harm which does not demonstrate public benefit or other contribution to outweigh that harm as required by the NPPF and adopted SBLP policy EN10.

13 Landscape:

The site is outside the settlement boundary thus in the countryside specifically in the Mid Vale Ridge Local Landscape Character Area, consequently would have expected the application to have been accompanied by a proportionate LVIA. The applicant has not superimposed the proposed layout on the topographical survey but officer's judgement is that the proposed housing would spill down the slope making the development visible from the vale and compromising the hilltop location of the setting of the original village core.

14 Arboriculture:

Concerns expressed regarding proposed works to 2 ash trees to the north east corner of the site in terms of 1) the level of reduction to the south side of both trees is heavy and more than would normally be recommended and 2) the pressure upon occupancy of the nearest proposed house would be high as the trees will dominate this plot.

15 Highway Officer:

No objections raised.

16 Forward Planning Officer:

The planning balance in relation to the determination of this application is in terms of whether the adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole. Particular attention is drawn to Policies EN10 and EN5 of the adopted SBLP in respect of the Conservation Area and Landscape setting respectively.

17 Historic England:

This development of an area of land intentionally included within the Conservation Area boundary for its preservation of views and rural hilltop setting will detrimentally alter the character and will therefore cause harm to the designated asset. Likewise, views into the settlement see the spire and tower (of the church) sitting prominently behind a screen of foliage, and largely undisturbed by development - this loss of rural, open space will consequently be altered by modern built form and will see its defining pastoral hilltop setting encroached upon by urbanisation. Conclusively it is considered that this proposal is contrary

to paragraph 134 of the NPPF and the harm should be weighed against any public benefits gained.

Dorset and Wiltshire Fire and Rescue Service:

18 Recommend the use of domestic sprinkler systems as well as pointing out building regulations requirements.

19 Thames Water:

No objections regarding waste water but advise there maybe public sewers crossing the site. With regard to surface water drainage, TW advise that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. With regard to water infrastructure capacity there are no objections to the application subject to a suggested condition.

20 Archaeology:

The site is an archaeologically sensitive location. Advise that a full archaeological evaluation is undertaken prior to determination of the application.

Planning Considerations:

21 The relevant considerations are: the principle of the development, the impact upon the character of the conservation area, the impact upon the setting of the adjacent listed buildings and building of local significance, residential amenity, highway related issues and archaeology. Of relevance in this regard are Policies DE1, EN5, EN10, SD2 and TR2 of the adopted Swindon Borough Local Plan (SBLP) 2026, the adopted Swindon Residential Design Guide and the NPPF.

Principle:

22 The site is located outside of the settlement boundary of Wanborough and therefore the proposal is contrary to Policy SD2 (the Sustainable Development Strategy). In light of the recent appeal decision in respect of land at Berkeley Farm, Wroughton (APP/U3935/W/15/3035660), the Council at present cannot demonstrate a 5-year supply of housing in accordance with the NPPF. In some less sensitive locations such as Berkeley Farm Paragraph 49 of the NPPF advises that the relevant policies for the supply of housing in the adopted Local plan should not be considered up-to-date. However, it is important for members to note, as they did in refusing 14 houses in the AONB in July, that the requirement in Paragraph 14 of the NPPF, to grant permission for development where a plan is considered to be out of date, does not apply to sites where specific policies in the framework indicate that development should be restricted. This includes areas where Heritage assets are affected, such as conservation areas and listed buildings as is the case here.

23 In respect of the Wanborough Neighbourhood Plan, the Town Council has completed its Reg. 14 consultation on the draft Plan. The Neighbourhood Plan identifies four housing allocations to meet the residual need for housing as set out in Policy SD2 of the Local Plan. The plan does not allocate the application site. Guidance on the weight to attribute to an emerging Neighbourhood Plan is provided in PPG: "An emerging neighbourhood plan may be a material consideration. Paragraph 216 of the National Planning Policy Framework sets out the weight that may be given to relevant policies in emerging plans in decision taking. Factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies". Given the relative early stage the

Wanborough Neighbourhood plan has reached it is considered that little weight can be attributed to it at present.

24 In relation to residential development in the countryside, the NPPF, paragraph 55 states to promote sustainable development in the countryside housing should be located where it will enhance or maintain the vitality of rural communities, for example where there are groups of smaller settlements. Although the site is relatively well located to access a pub and bus services, there are limited facilities within walking distance as most of the facilities are within Upper Wanborough, including a convenience store/post office, primary school etc. That has to be balanced against the NPPF and SBLP requirement to consider the impact upon designated heritage assets

Impact Upon Conservation Area

25 The adopted conservation area map highlights that the proposal site is an important green (open) space and this is further noted in the associated adopted 'Upper Wanborough Conservation Area Appraisal'. The appraisal cites that it is part of the characteristic of the "rural setting of the village on a promontory above the Upper Thames valley with significant views of both Liddington Castle to the south and the low-lying plain to the north", further noting: "Views out of the conservation area reinforce Upper Wanborough's distinct location between rolling chalk downland and level plain. There are good views to the north from the public footpath between Wheelwrights and The Cottage, and from the western end of Church Road (in particular, from beside the Grade II listed property The White House, No 46 Church Road)." It is noted that the 'White House' was the former name of 'Bramble Cottage'. The value of this vantage point is evidenced also by the presence of a public bench situated on the south side of Church Road to enable the open view to be appreciated.

26 It is considered that the hilltop topography of the area makes a significant contribution to the area's character and this is something that is highlighted within the adopted conservation area appraisal, in particular with regard to the boundary of the conservation area which is "drawn widely around sloping land north of The White House and Disney Cottage to safeguard the hilltop setting of the village". This reinforces the desire to give special protection to not only the site but the sloping land to the rear (north).

27 To construct a modern cul-de-sac in this location would significantly diminish both the openness and the associated views and cause harm to the character and appearance of the conservation area contrary to Policy EN10 of the adopted SBLP and the adopted Residential Design Guide. This harm attracts significant weight as a disadvantage of the proposal. Furthermore an Inspector in assessing an appeal for a new dwelling on land to the west of Disney Cottage in 2007 concluded that an encroachment into the surrounding countryside would be to its detriment and would "unacceptably erode the rural setting of the area" concluding it would conflict with local plan policy. Here this encroachment into the currently open space afforded to the listed cottages would also fail to preserve their settings contrary to local plan policy EN10, as discussed further below.

28 The Arboricultural Officer has highlighted concerns regarding the proposed heavy reduction of the two ash trees to the north east corner of the site. Whilst regrettable in that the appearance of the trees would be impacted upon and that the loss would allow for increased visibility into the site it is not considered that this constitutes a separate reason for refusal. The reason for this is that the trees are proposed to be retained at present and it is hoped that the reduction would lessen the chances of future pressure for complete removal

once plot 4 becomes occupied.

29 Whilst the proposal site falls within part of the Mid Vale Ridge Landscape Character Area (as identified within the adopted Local Landscape Character Area) it is considered that the main impact of the development will be to the character of the local conservation area (plus other negative impacts as detailed below) and that it is unlikely that an unacceptable impact will be created upon the wider landscape character area itself.

Impact Upon Listed Buildings/Building of Significant Local Interest:

30 As detailed above the proposal site is located between 2 listed buildings; Disney Cottage to the south west and Bramble Cottage to the east. In addition No. 50/52 Church Road, to the west of the site is identified as a building of significant local interest. Part of the setting of these important buildings is the 'open' green space (as highlighted on the conservation area map) that forms the majority of the application site. The application site in its current form thus makes an important and positive contribution to the setting of these surrounding buildings allowing for the open historic hilltop character in relation to the older layout of the village to be appreciated.

31 This openness and the contribution the rural character makes to the setting of the buildings is experienced from varying vantage points, both within and external to the proposal site. The proposed development would significantly encroach upon the current sense of openness relating to the setting of the listed buildings and weaken the generally linear development pattern of the conservation area to an unacceptable degree. The loss of this historic relationship between the cottages and the rural character countryside would have an adverse effect on their setting. Whilst mindful of the development granted via application S/13/0920; to intensify the change, the intrinsic form of the land from that of an open field to a modern cul-de-sac would be harmful to the setting of these important buildings. Here this encroachment of development into the currently open space, the setting afforded to the listed cottages would fail to preserve or enhance their setting.

32 Section 66 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires the decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In the event of the harm being deemed less than substantial (i.e. even if some harm is found) the NPPF requires that such harm should be weighed against the public benefit.

33 SBLP policy EN10(c) requires that development in the vicinity of a listed building, shall not be permitted where there will be an adverse impact on those elements which contribute to their special architectural or historic significance, including their setting. In this case it is deemed that the reduction/loss of the green open space would cause harm to the settings of the identified buildings and as such would fail to satisfy adopted Local Plan Policy EN10.

34 The NPPF requires a local planning authority to consider the impact of the development upon heritage assets (the conservation area, listed buildings and the building of local importance). To assist members with context, the NPPF provides an example of substantial harm as the complete demolition of a listed building. In most other cases where any harm at all is found, this is defined as less than substantial harm it is appropriate to refer to Paragraph 134 of the NPPF. This states that "Where a development will lead to less than

substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". In this case, although the applicant argues that the development will provide a public benefit in terms of the provision of 4 'executive homes' it is argued that this is not a significant public benefit and will certainly not outweigh the harm identified above. There are no other public benefits. No acceptable reason has been put forward why this important designated site - a site where the planning committee has endorsed the importance and significance of the open space to the character of the conservation areas, in adopting the conservation appraisal - should be developed.

Impact Upon Neighbouring Amenity:

35 The proposed dwellings would be adequately spaced from the site boundaries to mean that no unacceptable impact would be created upon existing residential properties that adjoin the site in terms of overlooking, visual dominance or loss of light.

36 It is also necessary to consider the amenity of the future occupiers of the new houses to ensure there will be adequate access to light and suitable privacy levels. With regard to the former, the close proximity of a willow tree to the north facing bedroom window of plot 2 is not ideal. The pollarding of this tree is likely however to mean that this bedroom has appropriate access to light. Should future occupiers of this plot however seek to remove this tree in order to allow more light in and provide a better outlook this would open up further views into the site from the north.

37 Several of the bedroom windows of plot 4 would also be located in close proximity to existing northern boundary trees. In this case the 2 ash trees to the north east corner of the site will almost about the eastern part of the rear elevation of plot 4. As detailed above the application proposes to substantially cut back these trees, presumably in attempt to allow more light into the rear of the property. Again, such a relationship is not ideal in terms of access to light (and to a lesser extent outlook). However whilst the cut back of these trees is regrettable in terms of the resulting appearance of them plus the opening up of further views of the development, this would mean the occupants are more likely to benefit from acceptable light levels to the rear and is not deemed to constitute a separate reason for refusal.

Highway Issues:

38 The scheme proposes a new highway access from Church Road. The Highway Officer is satisfied that adequate visibility will be available in both directions to mean that it will not raise any concerns regarding highway safety.

39 Each of the proposed dwellings would benefit from at least the required minimum of 3 car parking spaces (as required by the adopted Technical Guidance on Parking Standards SPD) plus suitable turning space. In summary it is deemed that the proposal is acceptable with regard to highway safety.

Archaeology:

40 As highlighted by the County Archaeologist the site is located within an archaeologically sensitive location, hence the requirement for a full archaeological evaluation (prior to the determination of the application). This evaluation has now been carried out and the County Archaeologist is satisfied that no further works are required in this respect.

Ecology:

41 An ecological appraisal and reptile survey were submitted in support of the application. The documents detail that although some of the mature trees have the potential to provide bat roost there is no evidence of protected species on site. It is noted that the appraisal and survey are now almost 2 years old. Has the LPA been in a position to support the application it would have requested updated documents in this regard.

CIL:

42 If the LPA were in a position to support the application the development would be liable to a CIL payment based on £55 per square metre as per the approved Community Infrastructure Levy Charging Schedule (April 2015).

43 In addition had the LPA been in a position to support the application Policy HA2 – Affordable Housing of the adopted Local Plan would apply. The Policy details that where a site is over 0.5 hectares in size a target of 30% affordable homes should be provided on-site or where it can be robustly demonstrated, a proportionate contribution should be provided towards affordable homes off-site where on-site provision is not suitable.

Other:

44 With regard to the comments made within the representations section that have not already been covered the following is noted. The access is deemed to be acceptable for the number of dwellings proposed and hence capable of accommodating the associated numbers of vehicles. There is no reason to suggest that any unacceptable issues will result in terms of 'traffic' generation for the 4 dwellings proposed (plus the one already approved). There is no evidence to suggest that listed buildings will be damaged during construction works. With regard to the comments made by Wiltshire Fire and Rescue the use of sprinklers could be added as an informative if the application were to be recommended for approval.

Conclusions:

45 In conclusion to the above it is necessary to carry out a planning balance exercise in which any benefits of the scheme must be weighed against any adverse impacts caused. In this case it is acknowledged that the development will bring about a small social benefit in terms of the provision of 4 new houses. However it considered that this benefit would be significantly and demonstrably outweighed by the adverse impacts that will be caused in terms of: the detrimental impact to the character and appearance of the conservation area and the setting of the adjacent heritage asset buildings (both designated and non).

46 In summary the proposed development would result in a detrimental impact being created upon the character and appearance of the conservation area and the setting of the adjacent listed buildings and building of significant local interest. It is contrary to adopted Local Plan Policies DE1 and EN10, the NPPF and the adopted Swindon Residential Design Guide and the NPPF.

Recommendation

45 That planning permission be REFUSED.

Reasons

- 1) By reason of the development of this site, designated as an important green (open)

space in the conservation area, the proposed development would result in less than substantial harm to designated heritage assets as it would fail to preserve or enhance the character or appearance of the Upper Wanborough Conservation Area and fail to preserve the setting of adjacent listed buildings and building of significant local interest contrary to Policies EN10 and DE1 of the adopted Swindon Borough Local Plan 2026, the Swindon Residential Design Guide and the NPPF.

Informatives

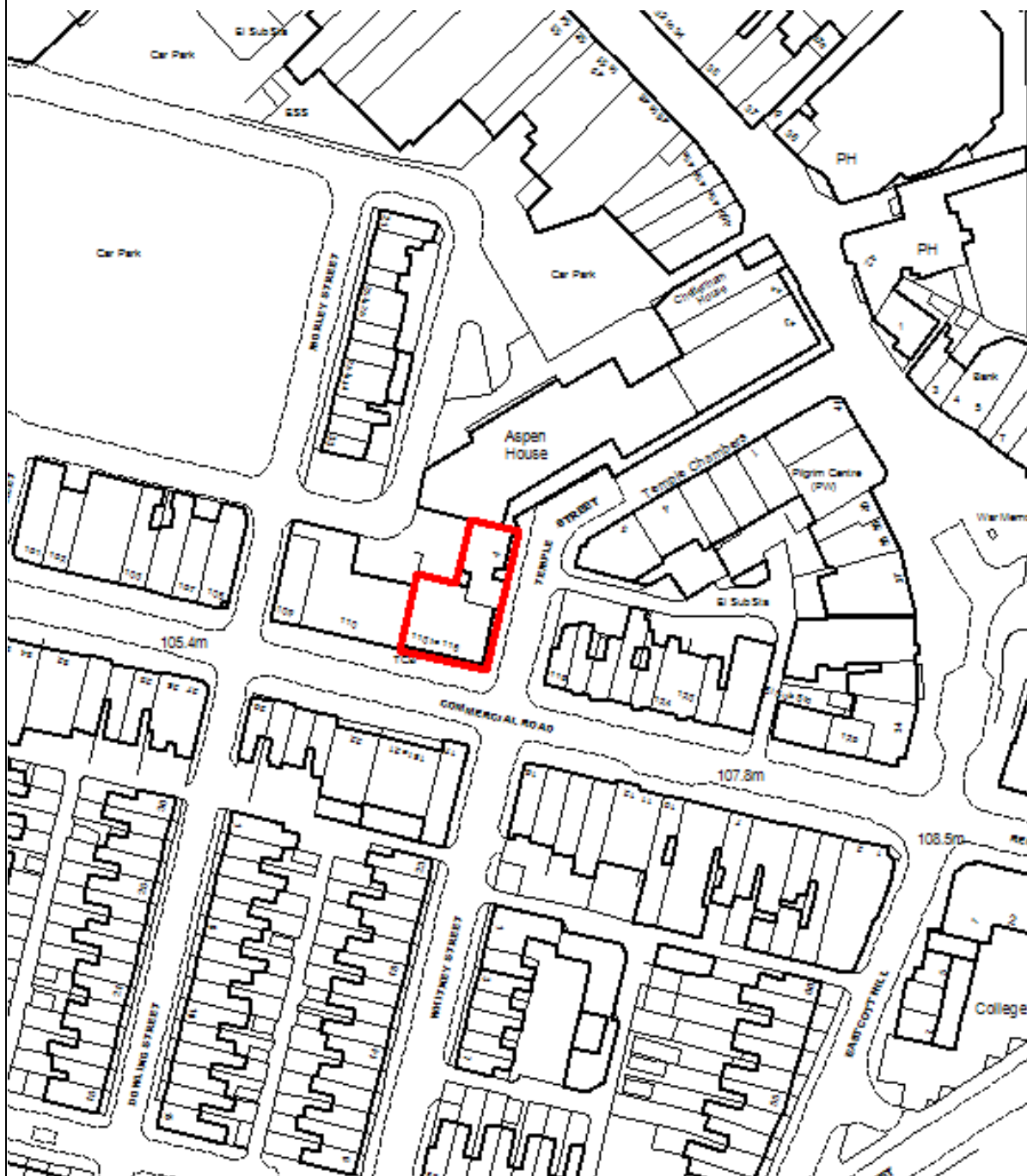
- 1) This decision shall be in respect of the site location plan and drawing numbers: 2968/SK01 D, 14154-200-001 and 1360.05-A received by the Local Planning Authority on 22nd April 2016 and drawing numbers: 1360.06-B, 1360.11-C, 1360.12, 1360.04-B and 1360.08-A received on 7th July 2016.
- 2) This development 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.

End of Report

S/16/0960

Erection of an additional storey to provide 5no. flats and associated works.

Anglis House 115-118 Commercial Road Swindon SN1 5PL



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In all cases references should be made to the submitted plans.

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S/16/0960

Erection of an additional storey to provide 5no. flats and associated works.

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PROPOSED FRONT ELEVATION 1:200



PROPOSED COMMERCIAL STREET ELEVATION 1:200

BROOKS / MURRAY

ARCHITECTS

8-10 NEW NORTH PLACE
LONDON EC2A 4JA

TEL 020 7739 9955
FAX 020 7739 9944

architects@brooksmurray.com

CLIENT:
Pearl and Coutts

JOB:
Temple House

DATE: **Sept 2015** SCALE: **1:200**

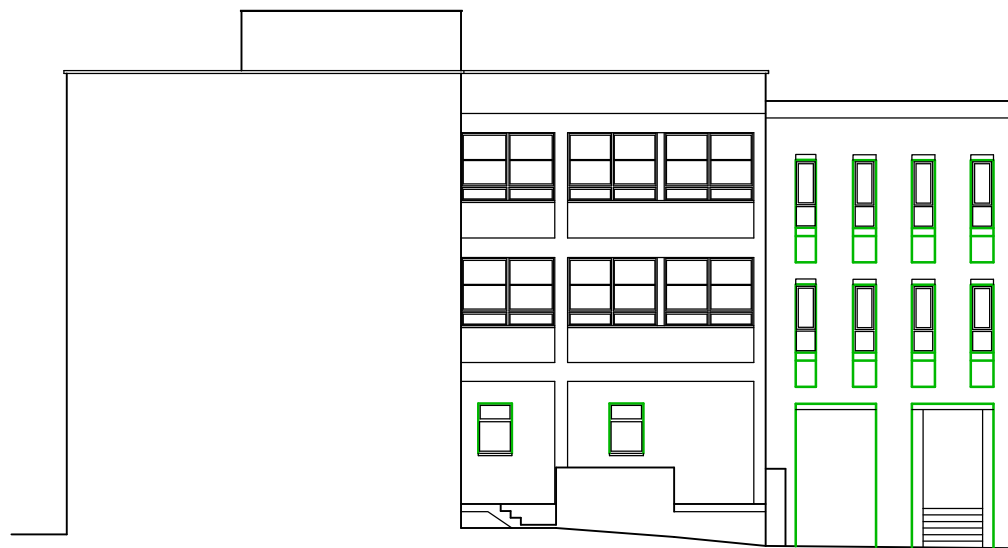
DRAWING TITLE:
**EXISTING FRONT &
COMMERCIAL RD
ELEVATIONS**

DRAWING NUMBER:
981.22 - 004





REAR ELEVATION 1:200



PROPOSED SIDE ELEVATION 1:200

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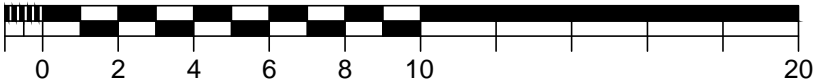
CLIENT:
Pearl and Coutts

JOB:
Temple House

DATE: **Sept 2015** SCALE: **1:200**

DRAWING TITLE:
**EXISTING
SIDE + REAR ELEVATIONS**

DRAWING NUMBER:
981.22 - 005





PROPOSED COMMERCIAL STREET ELEVATION 1:200

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PROPOSED COMMERCIAL STREET ELEVATION 1:200



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JOB:
Temple House

DATE: **April 2016** SCALE: **1:200**

DRAWING TITLE:
**PROPOSED FRONT &
COMMERCIAL RD
ELEVATIONS**

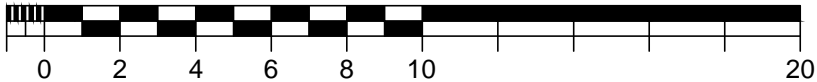
DRAWING NUMBER:
981.22 - 201



PROPOSED REAR ELEVATION 1- 1:200



PROPOSED REAR ELEVATION 2- 1:200



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CLIENT:
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JOB:
Temple House

DATE: **April 2016** SCALE: **1:200**

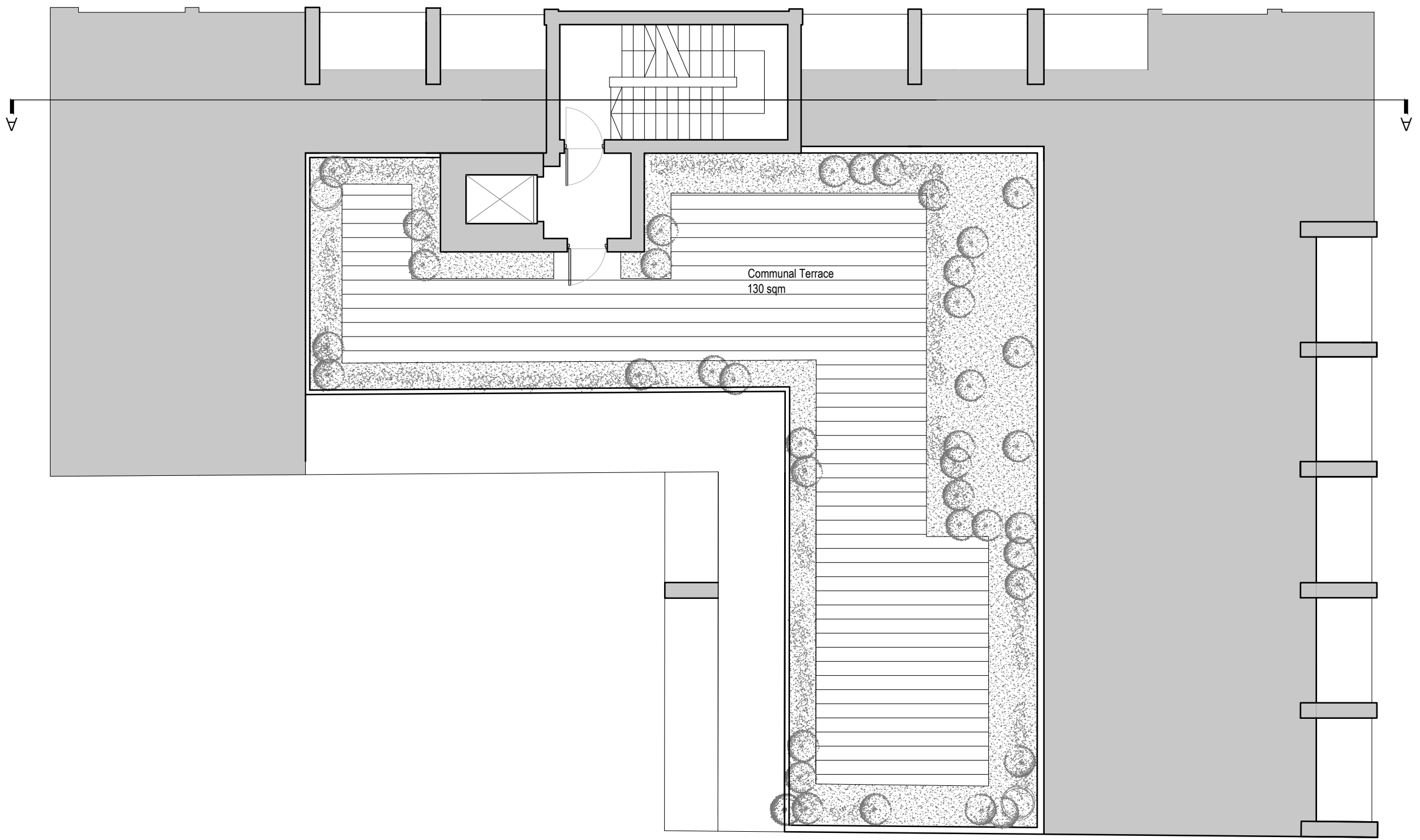
DRAWING TITLE:
**PROPOSED REAR &
SIDE ELEVATION**

DRAWING NUMBER:
981.22 - 202

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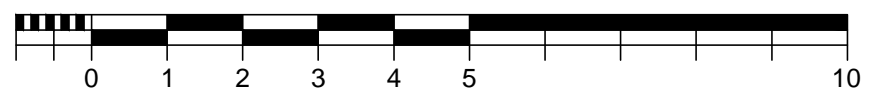
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architects@brooksmurray.com

CLIENT:	Pearl and Coutts
JOB:	Temple House
DATE:	April 2016
SCALE:	1:100
DRAWING TITLE:	PROPOSED ROOF FLOOR PLANS
DRAWING NUMBER:	981.22 - 102 REV 2

PROPOSED ROOF PLAN 1:100

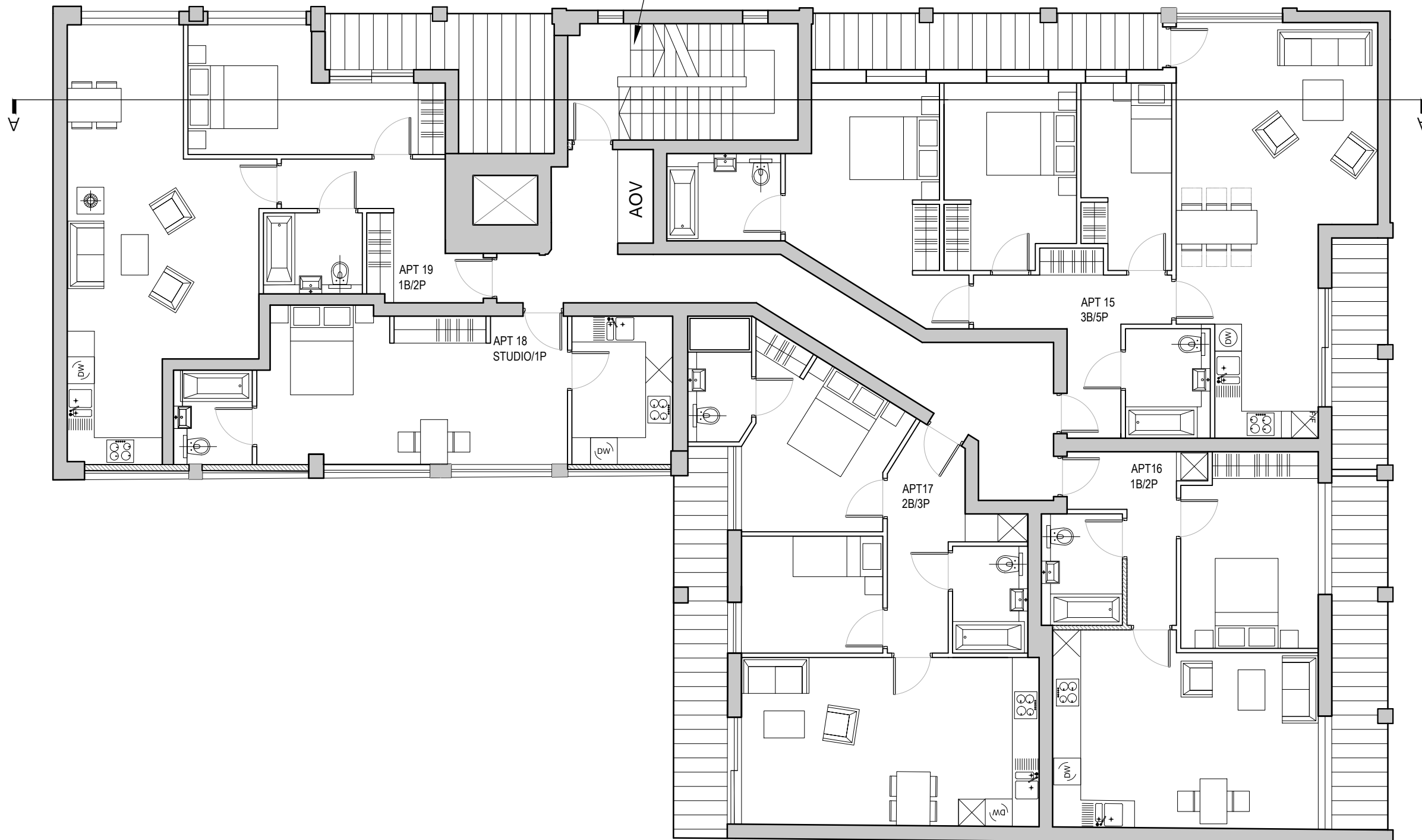


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Maximum escape distance
justifiable due to AOV in hall



PROPOSED FIRST FLOOR PLAN 1:100



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architects@brooksmurray.com

CLIENT:
Pearl and Coutts

JOB:
Temple House

DATE: **Sept 2015** SCALE: **1:100**

DRAWING TITLE:
**PROPOSED THIRD
FLOOR PLANS**

DRAWING NUMBER:
981.22 - 101

area of the terraced is set in from the edges and is of a reduced foot print so that it will not cover the whole roof space of the building.

4. The Site and Surroundings

- 4.1. The application site comprises a former office block that benefits from approval for the conversion of the first and second floors into flats via permitted development rights. On the ground floor there are two estate agents and a shop. Attached to the proposal site to west is 114 Commercial Road, to the north is 4 Temple Street. The proposal site is on the junction with Temple Street and Commercial Road.

5. Representations

- 5.1. Neighbours: No comments received
- 5.2. Ward Members: Objection due to the height of the proposal.
- 5.3. Highways: No objection subject to conditions
- 5.4. Environmental Health: No objection subject to conditions
- 5.5. Design: No objection subject to the materials that are proposed.

6. Planning Considerations

- 6.1. The key considerations relate to the design and appearance of the proposal in relation to the surrounding area.
- 6.2. The Government launched the Planning Practice Guidance web-based resource on 6 March 2014. In this case it is considered that the Planning Practice Guidance does not provide any further new guidance that would materially affect the advice contained in the NPPF.
- 6.3. The NPPF within the Core Planning Principles states that planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.4. The relevant policies in the adopted Swindon Borough Local Plan 2026 adopted on the 26th April 2015 are DE1 and TR2
- 6.5. Policy DE1 (High Quality Design) states that high standards of design are required for all types of development. Proposals for development shall respond to should address the objectives of sustainable development through high quality design and place-making principles in respect of, context and character, layout, form and function of the development, amenity and quality of the public realm.
- 6.6. CAAP Policy 13 (Development Requirements for the Retail Core) of the Adopted Central Area Action Plan (2009) states that within the retail core development should make use of floorspace above the shops, for residential, office and other uses that would contribute to the vitality and vibrancy of The Retail Core throughout the day and into the

evening.

7. Principle of the development

- 7.1. It is considered that the development of an additional floor in this location is acceptable in principle. Policy CAAP13 states that floorspace above shops and other uses within the retail core should be for residential to contribute to the town centre. Currently the 1st and 2nd floors of the building have been converted to residential, and the additional flats would further assist vitality. The much needed residential accommodation is in a sustainable location and is in conformity with Policy CAAP 13 of the Central Area Action Plan.

8. Impact on the streetscene

- 8.1. Within Commercial Road there are different heights and designs of buildings of different ages and periods in the street with different materials used facing the buildings. This proposal would make it marginally taller than the other buildings in its section of the street. The facade of the whole building is to be updated to tie into the new floor, the facade is to be faced in rendered panels. This will ensure a cohesive finish rather than a 'bolted on' addition. Materials will be agreed prior to commencement. This will update and improve the appearance of the whole building and it is considered that there will not be a significant adverse impact on the streetscene.
- 8.2. The roof a terrace is proposed for the residents of the property. To ensure that this does not have an impact on the rest of the street it is set back from the building edge and therefore will be barely visible from the street level. The site has been viewed from 360 degree perspective and from the vantage points it can be seen from, it is not considered to be disrupted to the local built form.
- 8.3. It is considered that there would be no adverse impact on the streetscene and the proposal is in conformity with Policy DE1 of the Swindon Borough Local Plan 2026 (2015).
- 8.4. In the Swindon Town Centre Masterplan (2013) states that within the study area 1 (Granville Street) one of the site principles is to improve the building stock on commercial road through redevelopment. It is considered that this development will improve the building and thus accord with aims of the Town Centre Masterplan.

9. Amenity issues

- 9.1. Concerns of noise impact upon the future residents can be controlled by condition (see proposed conditions).
- 9.2. Due to the location of the building there would be no impact on the amenity of the neighbouring properties by reason of overlooking or loss of privacy. There is not considered to be any harm caused to the amenity of others as a result of this scheme.

- 9.3. Therefore the proposal is considered to be in conformity with Policy DE1 of the Swindon Borough Local Plan 2026 and the NPPF in regards of the impact on the amenity of existing and future residents.

10. Highways

- 10.1. The proposal is located within sector 1 as defined by the SBC Parking Standards Guidance. Therefore there would not be a requirement to provide additional car parking. Additional cycle storage is required and this is secured by condition. The proposal is in conformity with Policy TR2 of the Swindon Borough Local Plan 2026.

11. CIL

- 11.1. The development is liable to a CIL payment based on £55 per square metre as per the approved Community Infrastructure Levy Charging Schedule (April 2015).

12. Concluding Comments

- 12.1. The proposed provides much needed residential accommodation. The scheme is considered appropriate in this sustainable and central location and will result in improvements to the building's façade. The amenity of the existing and future residents would not be impacted upon. The development is compliant with Policies DE1 and TR2 of the adopted Swindon Borough Local Plan 2026 and the NPPF. Therefore it is recommended that planning permission be approved.

13. Recommendation

- 13.1. That planning permission be **GRANTED** with conditions

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.

Drawings

2. This approval shall be in respect of drawing 981.22-001, 981.22-002, 981.22-003, 981.22-004, 981.22-005, 981.22-102 rev2, 981.22-201, 981.22-202, 981.22-301 and Design and Access Statement received by the Local Planning Authority on 8th June 2016. Drawing 981.22-101 received by the Local Planning Authority on 9th August 2016.

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

Facing Materials

3. 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.

Noise survey – external noise

4. Prior to occupation of the residential units, a pre-occupation validation noise survey has been carried out to assess that the noise mitigation measures incorporated in the construction are effectual in reducing the effects of external noise to an acceptable level. The findings of the survey together with a certificate of compliance by an approved acoustic assessor shall be submitted to the Local Planning Authority in writing 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

External amenity space 55dB LAeq

Reason: In the interests of the amenity of residents.

Control of Noise

5 Where the required internal noise levels in bedrooms and living rooms referred to in condition 4 can only be achieved by closing windows, supply air mechanical ventilation shall be provided to the room(s) in accord with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of residents.

Retention of cycle spaces

6. The cycle parking spaces shown on the approved plan shall be kept clear of obstruction and retained only for the parking of cycles in connection with the development hereby permitted.

Reason: To ensure that satisfactory provision is made for the parking of vehicles off the highway at all times.

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.

Property Registration

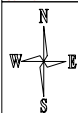
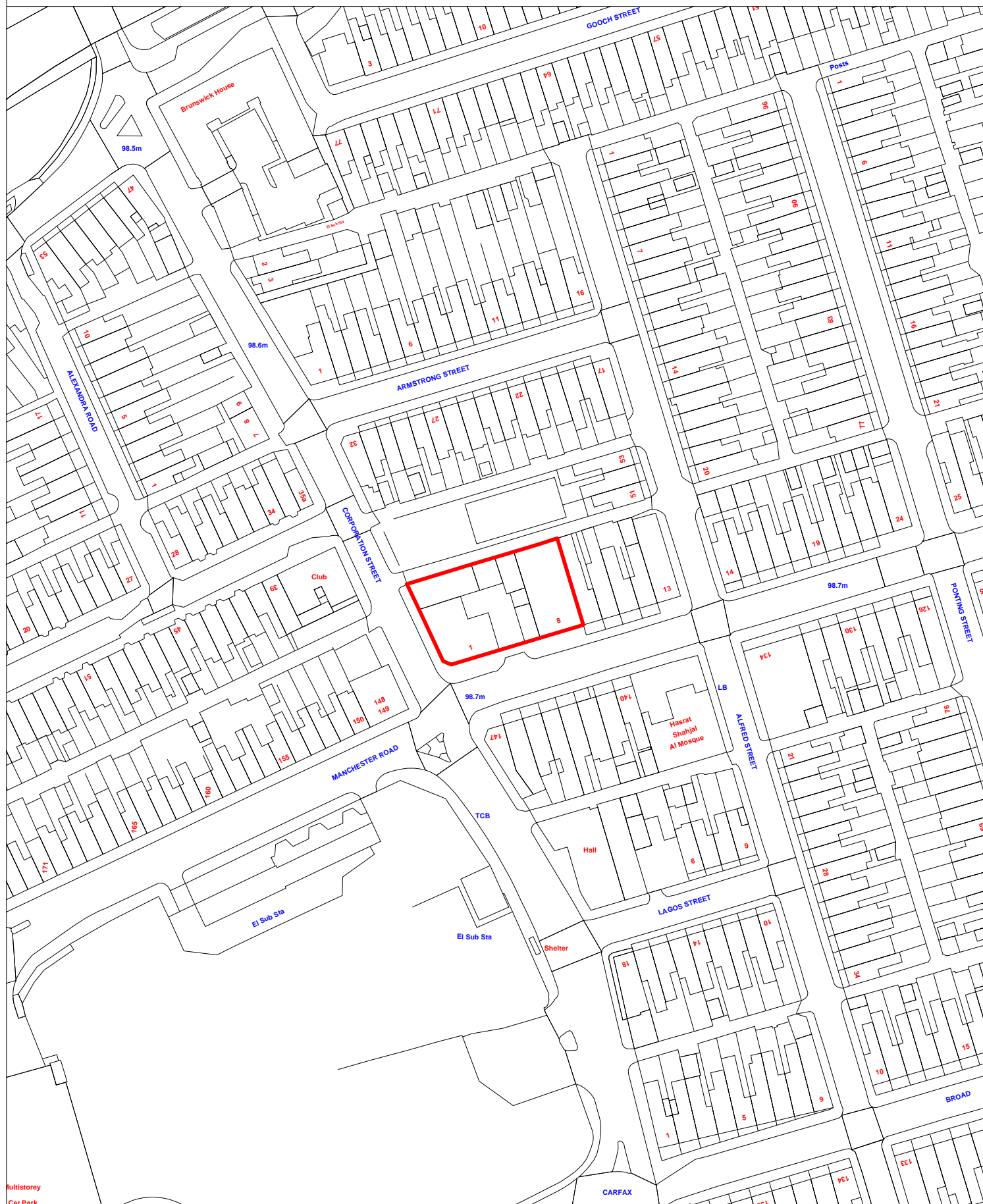
2. In addition to this consent, please contact gazetteer@swindon.gov.uk or ring 01793 466378 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of

properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the borough.

End of Report

Installation of an ATM. (Retrospective).

Nasza Biedronka Supermarket Unit 4-6 1 - 8 Manchester Road Swindon SN1 2AB



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In all cases references should be made to the submitted plans.

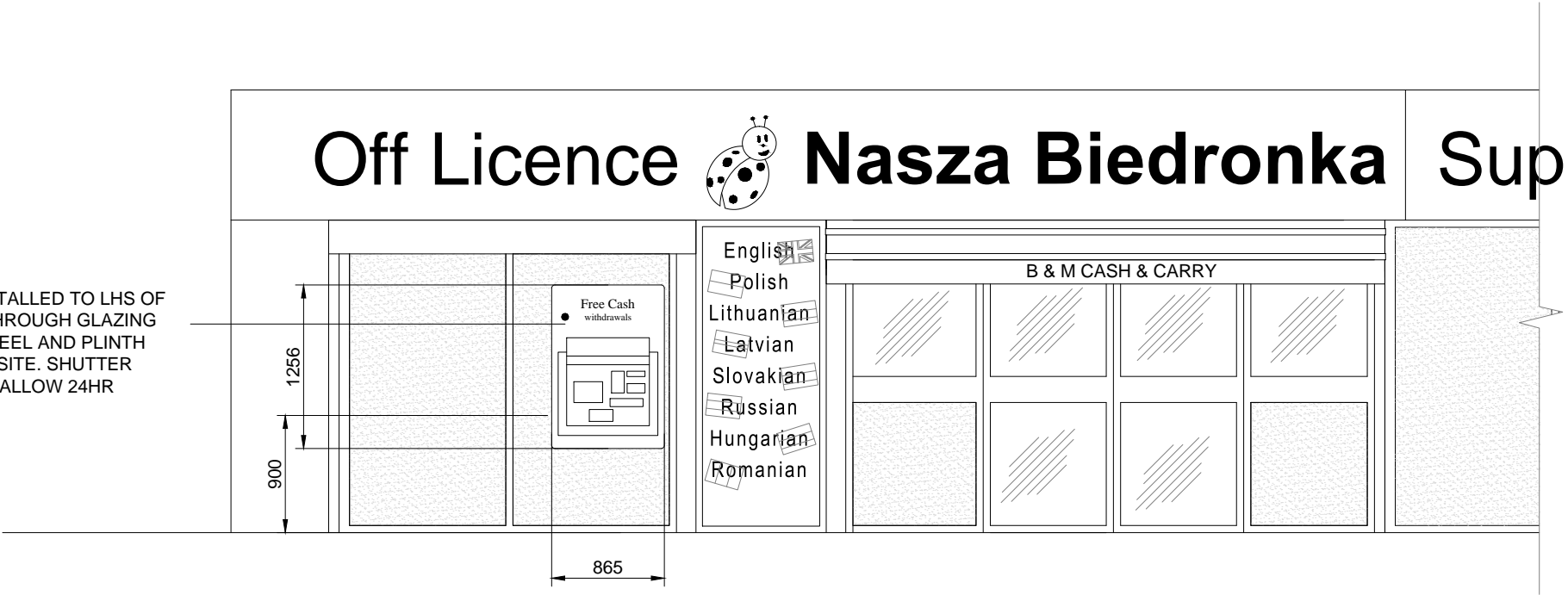
Installation of an ATM. (Retrospective).

Nasza Biedronka Supermarket Unit 4-6 1 - 8 Manchester Road Swindon SN1 2AB



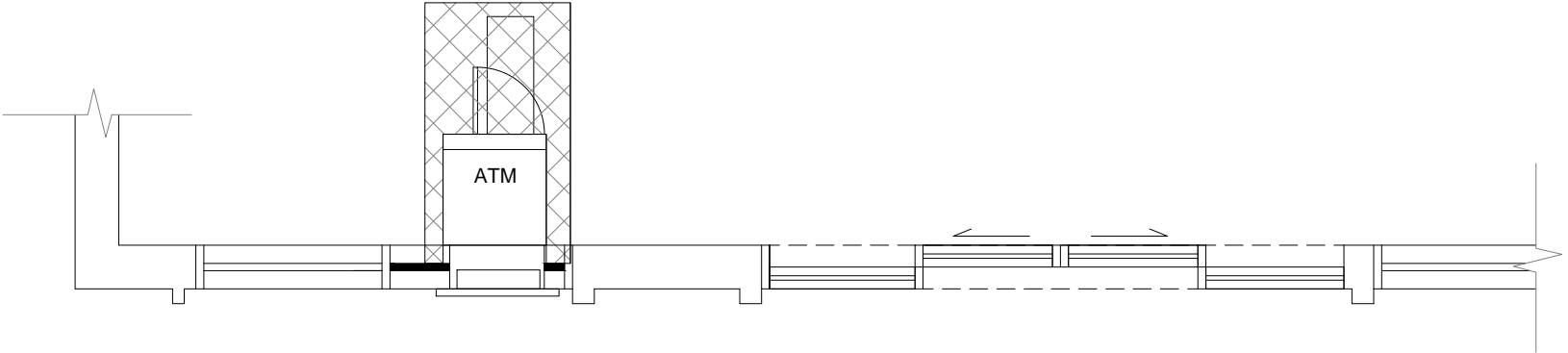
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In all cases references should be made to the submitted plans.

NEW ATM INSTALLED TO LHS OF ENTRANCE THROUGH GLAZING WITH NEW STEEL AND PLINTH WITH COMPOSITE. SHUTTER MODIFIED TO ALLOW 24HR ACCESS

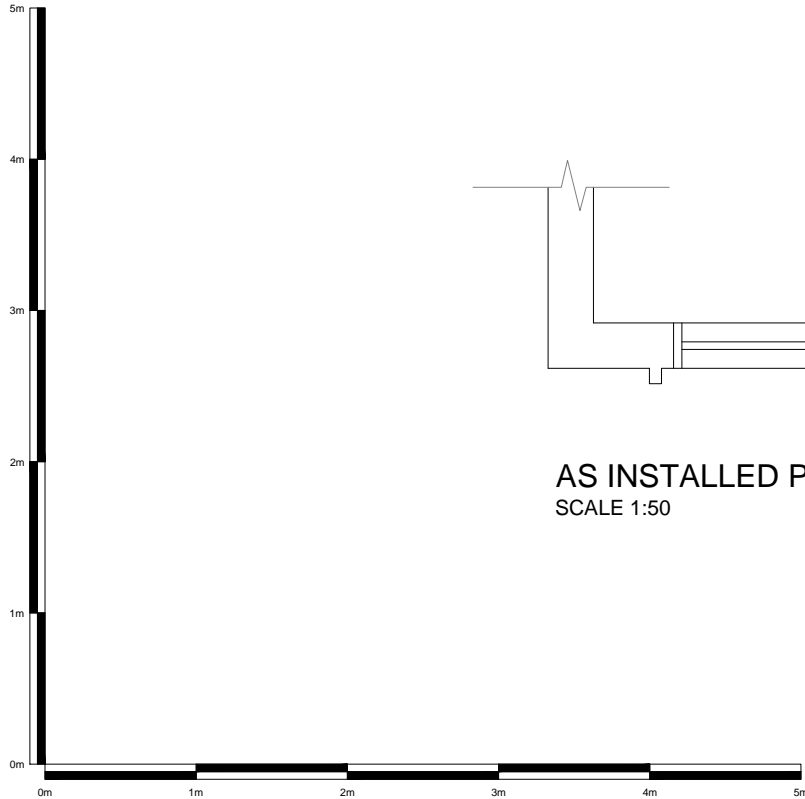


AS INSTALLED FRONT ELEVATION
SCALE 1:50

NOTE: HATCHED AREA DENOTES SERVICE ZONE



AS INSTALLED PART PLAN
SCALE 1:50



1. ALL MEASUREMENTS/DIMENSIONS TO BE CHECKED ON SITE PRIOR TO UNDERTAKING ANY WORKS.

REV.	DATE	BY	DESCRIPTION



NoteMachine UK Ltd

Elvicta Business Park, Crickhowell, Powys, NP8 1DF
Tel: 01873 811 634 Fax: 01873 811 552

CLIENT
Nasza Biedronka Supermarket (TTW)

TITLE
AS INSTALLED ELEVATION AND PLAN
CONVENIENCE STORE
4 - 5 MANCHESTER ROAD
SWINDON, SN1 2AB

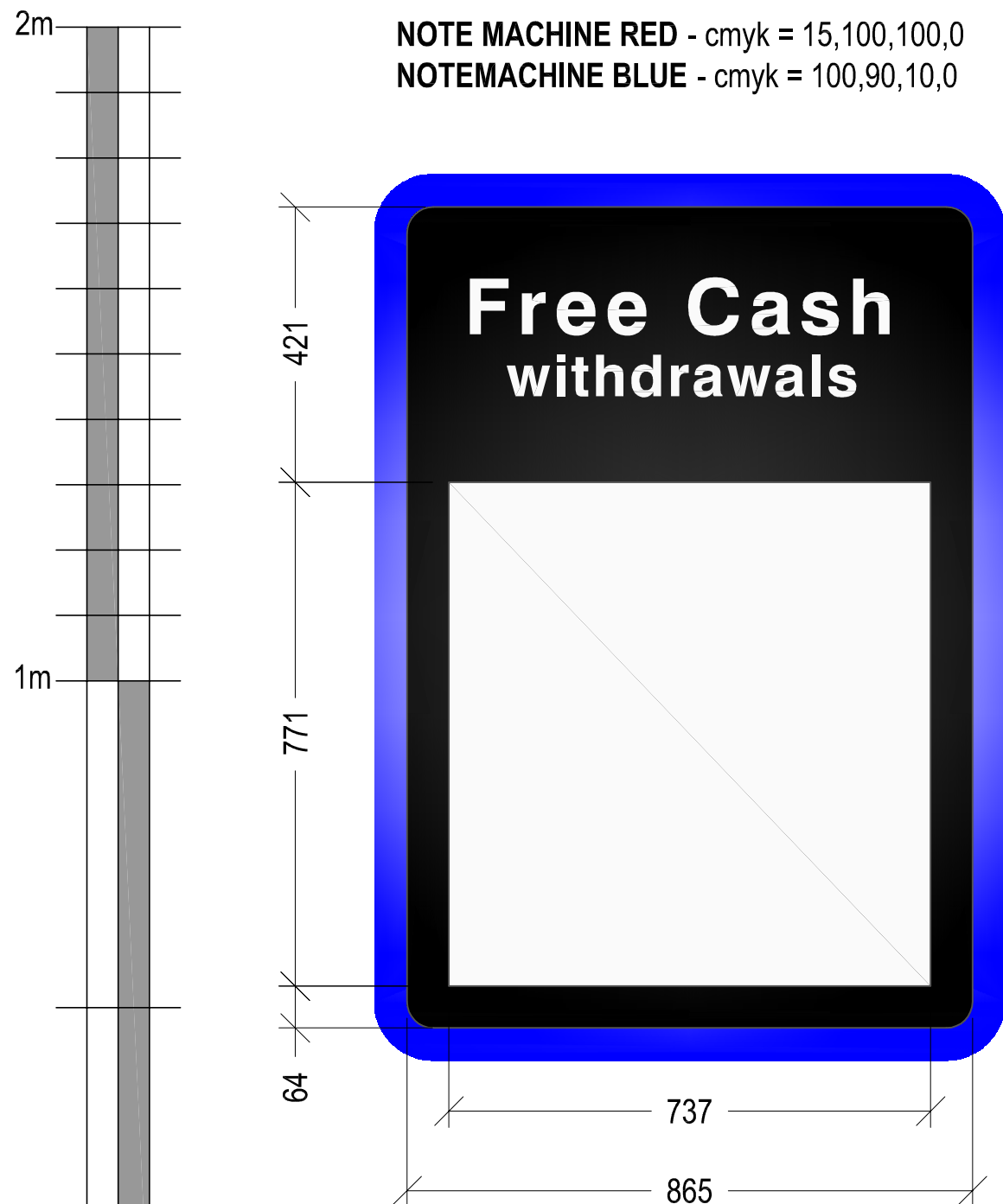
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CHECKED BY	DATE	APPROVED BY	DATE

DRAWING No. 31967-03-002	REVISION 0
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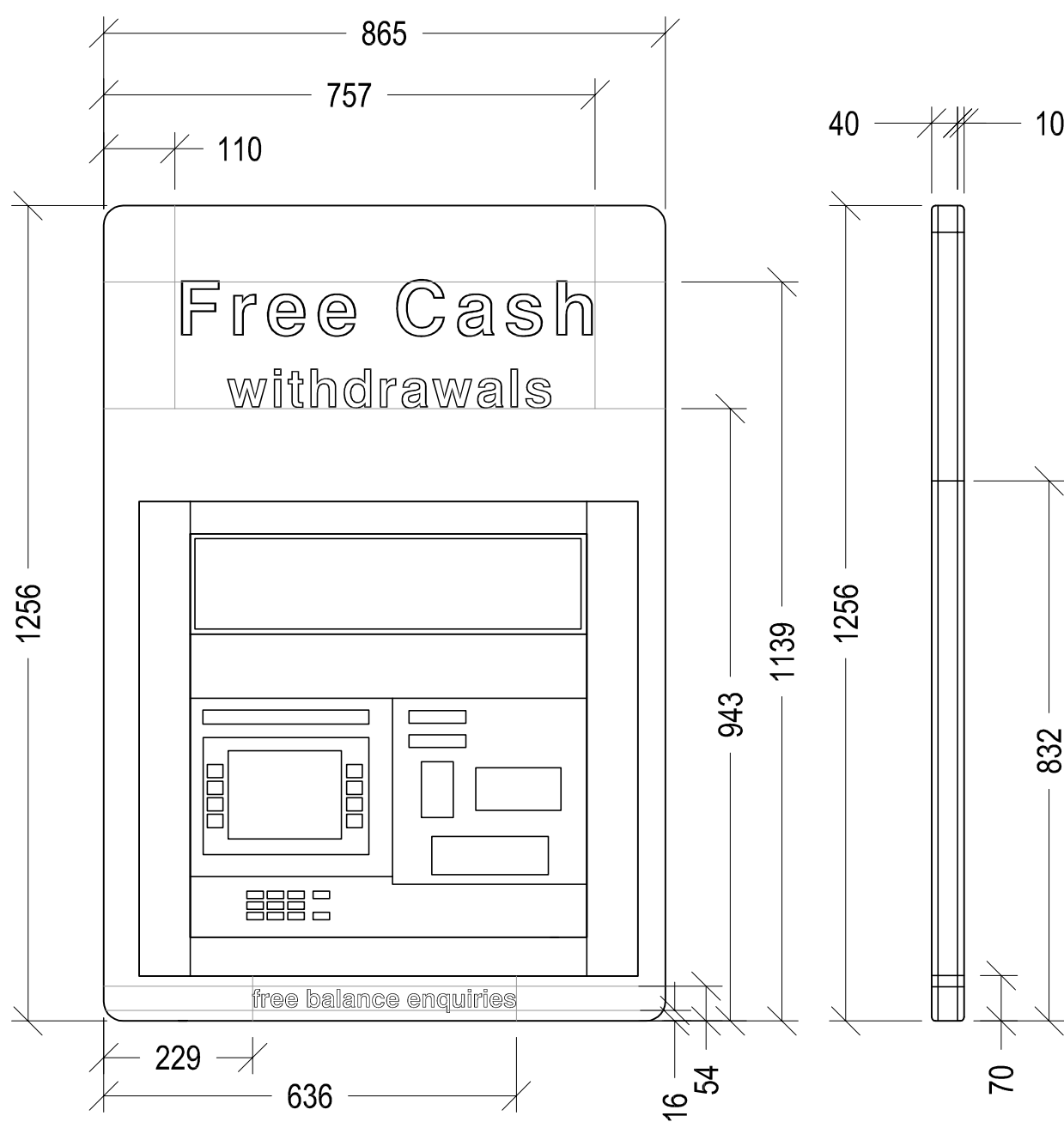
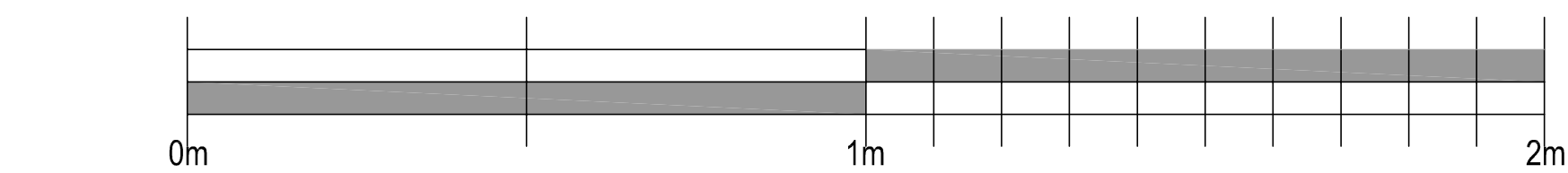
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NOTE MACHINE RED - cmyk = 15,100,100,0
NOTEMACHINE BLUE - cmyk = 100,90,10,0



TYPICAL FASCIA
Scale 1:10



NOTE MACHINE

Date:	Comments:	By:
31-03-15	Scale Bar added to drawing.	CM

GENERAL NOTES:
1) All dimensions in millimeters unless otherwise stated.

Project:
NOTE MACHINE

GENERAL SITE INSTALLATION
ARRANGEMENTS

Drawing Title:
TYPICAL FASCIA ELEVATIONS

Ref:	Date:	Rev:
NM-GA-F1	02-07-2014	A
Scale:	Paper:	Date Rev:
1:10	A3	31-03-2015



COMMITTEE REPORT

Item Number: 4

Ward: Central

Application Number: S/16/1275/IH

Parish: No Parish

Proposal: Installation of an ATM. (Retrospective).

Site Location: Nasza Biedronka Supermarket, Unit 4-6 , 1 - 8 Manchester Road

Case Officer: Mr Ian Halsall

Contact Details: Tel: 01793 466033 Email: ihalsall@swindon.gov.uk

Agent:

Applicant

Ms Jan Clark
Notemachine UK Ltd
Russell House
Elvicta Business Park
Crickhowell
NP8 1DF

Officers Report

Background:

i This application for Planning Permission together with an associated application for Advertisement Consent (application number S/ADV/16/1276) has been referred to Planning Committee owing to concerns expressed by two of the Central Ward members over highway safety.

Summary of Recommendation:

That Planning Permission be **GRANTED** subject to conditions.

The Proposal:

1 This is a retrospective planning application for the retention of an Automated Teller Machine (ATM) positioned in the front window of a local supermarket at the premises listed as Units 4-6 at 1-8 Manchester Road. The machine is externally accessible at the front of the store and is of a conventional ATM design measuring 865mm in width, 1256mm in height and will be 900mm above ground level. An illuminated sign surrounds the machine and is subject to a separate application for Advertisement Consent which is also on this agenda.

The Site and Surroundings:

2 1-8 Manchester Road is a large corner plot located just outside the town centre of Swindon. It comprises a collection of buildings that had previously been merged into one larger unit but have now been subdivided again into three separate businesses. The easternmost part of the site comprises an established A1 retail unit, presently operating as a supermarket specialising in international food products.

3 The site falls on the corner of a signal controlled junction and is subject to parking restrictions. The building is set back on the Manchester Road frontage from the back of the highway, which provides a forecourt area. Quite recently a number of Sheffield looped bicycle racks have been installed within this forecourt to provide cycle parking but also to prevent motor vehicles from parking within it.

Representations:

4 Ward Members: Councillor Bob Wright and Councillor Julie Wright object to the application on the basis of complaints that were raised with them by the Broad Green Community Council about users of the ATM, which operates twenty-four hours a day who are arriving by car and parking on the pavement. In addition concerns are also raised about the light from the premises shining into properties across the road and disturbing residents.

5 Residents Groups: The Chairperson of Broad Green Community Council has objected to the application as light is causing a problem to some of the houses opposite and the ATM encourages a person to park on the pavements which is noisy and dangerous.

6 Neighbours / Members of the Public: No representations have been directly received by the Local Planning Authority.

Planning Considerations:

Planning Policy:

7 Swindon Borough Local Plan 2026, adopted March 2015

- SD1 Sustainable Development Principles
- DE1 High Quality Design
- EC3 The Role of the Centres and Main Town Centre Uses
- TR2 Transport and Development
- CM4 Maintaining and Enhancing Community Facilities

8 Swindon Central Area Action Plan, adopted February 2009

- CAAP19 Local Centre Boundaries

9 National Planning Policy Framework, March 2012

Retention of a Community Facility

10 The ATM is located in the frontage of an existing A1 retail unit. The premises are located within the established Manchester Road Local Centre, the purpose of which is to provide shops and services that meet the day to day needs of local residents primarily within easy

walking distance without the need to travel. In the absence of any bank in the vicinity and without the need to walk or drive to a town centre location, the ATM is considered to provide a valuable community facility for local residents. Local Plan policy CM4 supports proposals for new or extended community facilities particularly where they are located within settlements, are accessible for all and promote social inclusion, and where possible they can be co-located with other community uses. It is therefore considered that the principle of retaining the ATM in this location within a defined local centre can be supported in planning terms.

Highway Safety

11 Two of the local Ward Members and the Community Council have emphasised their concerns about motorists. Drivers are reported to regularly pass through the area mount the kerb and park on the pavement whilst making use of the ATM facility, thereby causing an obstruction to pedestrians and the free flow of traffic in an area that is close to a busy signal controlled junction and subject to a traffic regulation order by way of double yellow lines. Whilst this is a concern in general terms, the fact that approval of this facility could lead to individuals committing traffic violations is not a material planning consideration. The Transport and Development Manager has affirmed that the Local Highway Authority cannot recommend refusal of a planning application on the basis that someone may then do something unlawful.

12 It is also pertinent to note that no planning permission would be required to install the ATM within the retail premises. However, although an internal installation may restrict the times that the facility can be used, based on shop opening times, it could still lead to violations of traffic orders if people were minded to park unlawfully on the pavement and withdraw cash or even remain longer whilst shopping within the premises. Whilst there are potentially concerns about limited resources to enforce such violations, this is not a planning consideration. This view was reinforced by an appeal inspector who allowed an appeal for ATM in Victoria Road in 2006, despite concerns of parking on double yellow lines adjacent to a bus stop. He confirmed that is subject to controls by the appropriate authority (not the planning authority) .

13 Highway officers have considered the merits of the application in transport and highway safety terms and after considering the functional design and the siting of the machine well off the carriageway edge, on a private forecourt are satisfied that sufficient and acceptable clearance and access remains for all users of the footway, including wheelchair and mobility scooter users and those with pushchairs. They consider that it will not cause any undue interruption or impedance and is consistent with the siting of most ATM facilities within a street setting. The Local Highway Authority therefore raises no objection subject to the facility being removed within three months of any cessation of use.

Amenity

14 The amenity considerations of this proposal appear to relate to concerns about excessive light pollution and it is unclear as to whether the concerns relate to wider light pollution issues caused by shop fascia signs for example rather than the ATM itself. The advertisement panel that surrounds the machine and its lighting will be considered as part of the Advertisement Consent application which is also on this agenda. Concerns about the wider effects of lighting on residents must be investigated separately and does not have any

direct relevance to the application that the planning committee are being asked to consider in respect of the ATM only. The illuminated / signage element is subject to a separate application, also on this agenda.

15 As part of a Local Centre in a central part of the Swindon urban area, albeit where commercial uses are located in the same proximity as residential properties, the applicant states that the maximum lighting level which is emitted from the internal illuminated lettering “free cash” and a blue LED halo that surrounds the sign will be no more than 100 candelas per metre. This is considered to be well within lighting levels for this location, (800 candelas) and will therefore not directly cause any unacceptable amenity issues.

Concluding Comments:

16 Whilst the ATM is causing some concern about the parking behaviours of some of its users, Planning Permission cannot be refused on the basis that it may attract unlawful activities such as parking on the pavement as this is a matter that is enforced by other powers. The site frontage is already protected by bollards at the carriageway edge, designed to discourage pavement parking. It does however also provide a long established vehicular access to the premises, which cannot be blocked. The ATM is considered to be a valuable community facility within a local centre location and will not otherwise generate any detrimental highway safety or amenity issues in its own right. It is considered to accord with the adopted SWINDON Local Plan 2026, the Central Area Action Plan, and the NPPF. It must be emphasised that wider concerns about the effects of reported light pollution cannot be considered as part of this application and such issues will need to be investigated separately by Planning Enforcement officers to ascertain whether there have been any other breaches of the planning regulations.

Recommendation:

That Planning Permission be **GRANTED** subject to conditions.

Conditions

Approved Plans

1. This decision shall be in respect of the Site Location Plan, Block Plan, Design and Access Statement, Typical Fascia Elevations (drawing number NM-GA-F1 revision A, dated 31-03-2015); Original Elevation and Plan (drawing number 31967-03-001, dated 08/07/16) and As Installed Elevation and Plan (drawing number 31967-03-002, dated 08/07/16) and received by the Local Planning Authority on the 28th July 2016.

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

Removal and Restoration after Cessation of Use

2. The ATM kiosk and all associated fixtures, fittings and installations shall be removed within 3 months of operational cessation and the highway fully reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

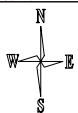
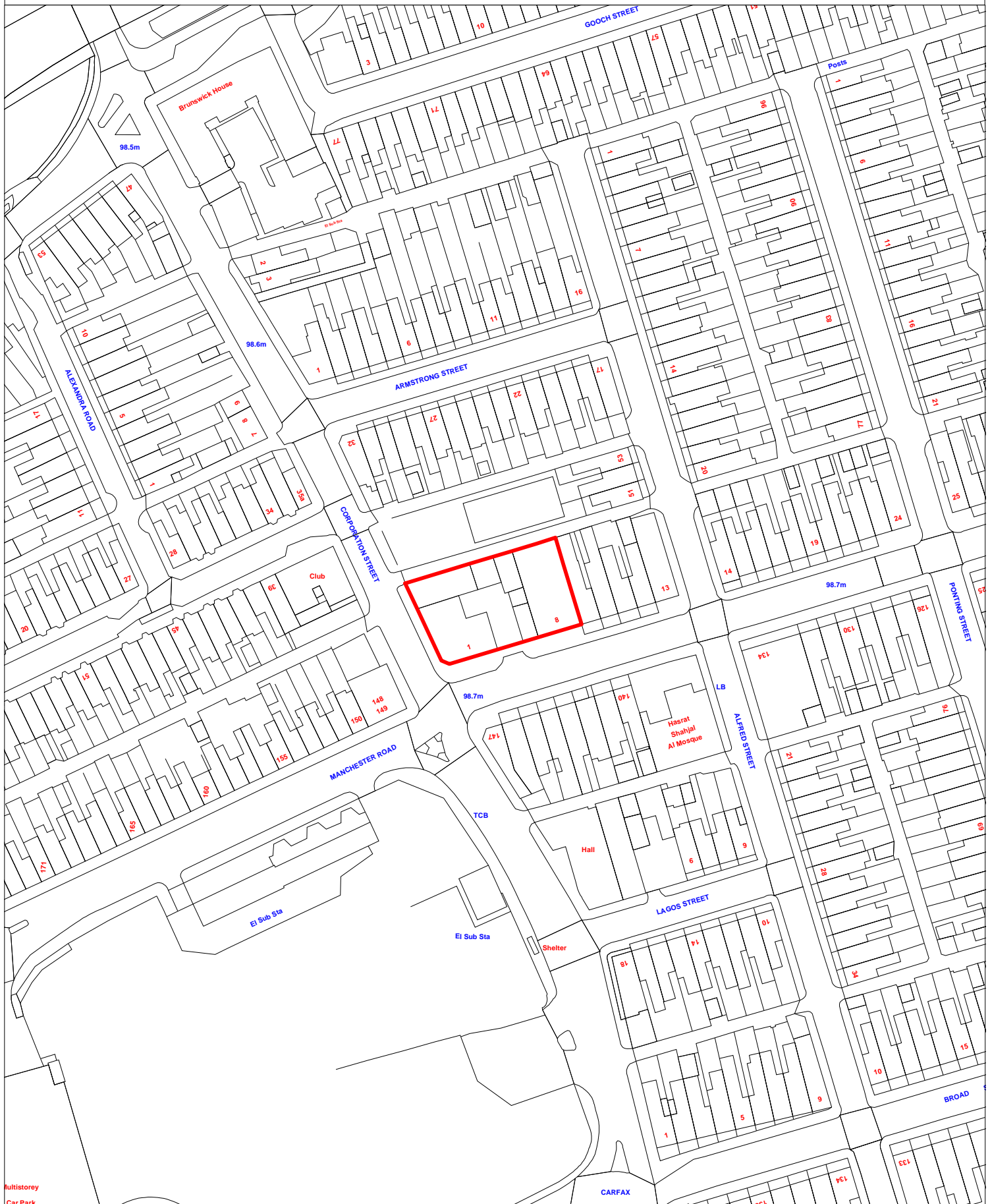
Informatives

1. The development proposed does not constitute Community Infrastructure Levy (CIL) liable development as the proposed works fall outside the 'meaning of development' for CIL purposes in accordance with the Community Infrastructure Levy (England and Wales) CIL Regulations 2010 (as amended) Regulation 6.

End of Report

Display of illuminated signage to ATM. (Retrospective).

Nasza Biedronka Supermarket Unit 4-6 1 - 8 Manchester Road Swindon SN1 2AB



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.

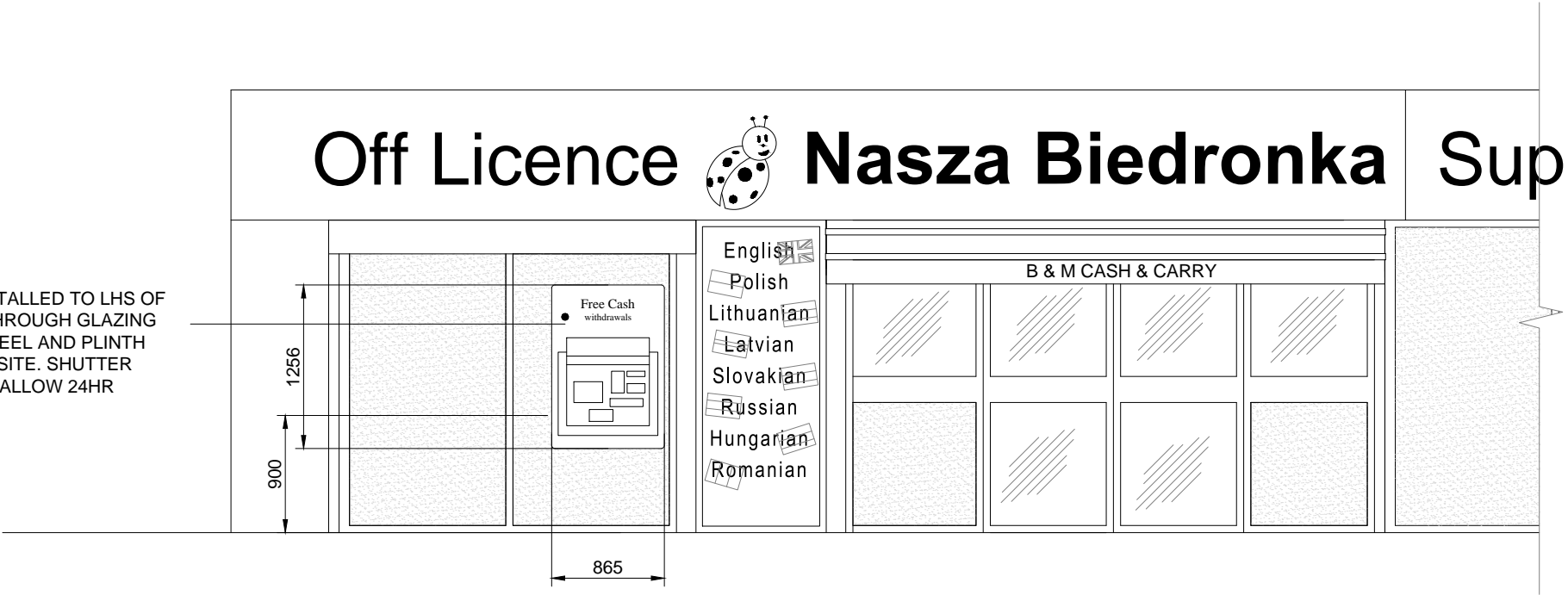
Display of illuminated signage to ATM. (Retrospective).

Nasza Biedronka Supermarket Unit 4-6 1 - 8 Manchester Road Swindon SN1 2AB



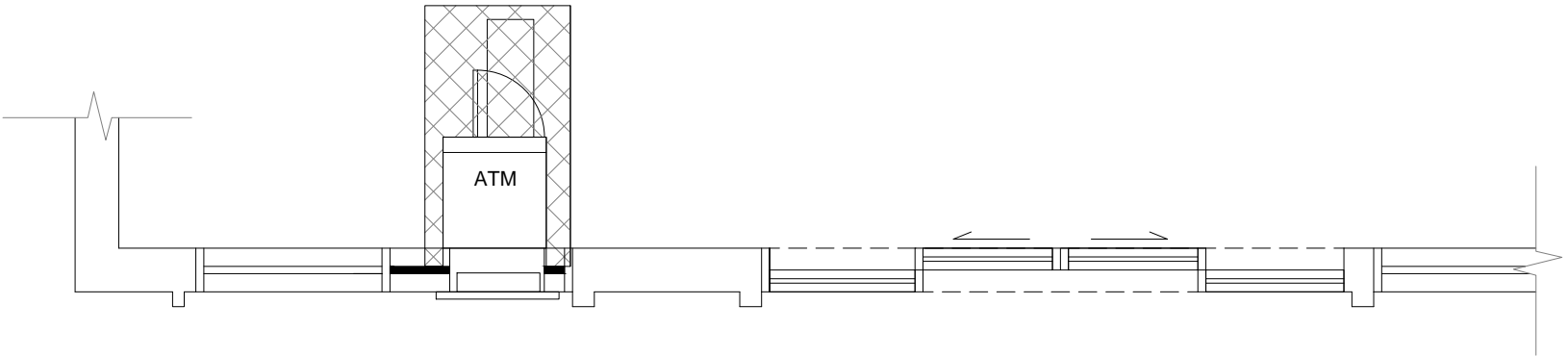
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

NEW ATM INSTALLED TO LHS OF ENTRANCE THROUGH GLAZING WITH NEW STEEL AND PLINTH WITH COMPOSITE. SHUTTER MODIFIED TO ALLOW 24HR ACCESS

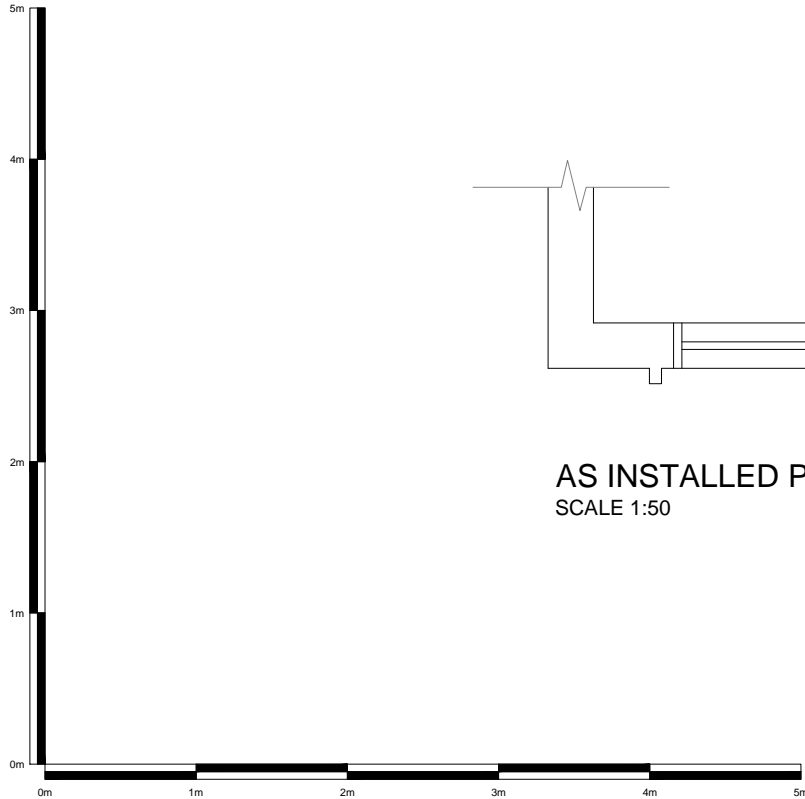


AS INSTALLED FRONT ELEVATION
SCALE 1:50

NOTE: HATCHED AREA DENOTES SERVICE ZONE



AS INSTALLED PART PLAN
SCALE 1:50



1. ALL MEASUREMENTS/DIMENSIONS TO BE CHECKED ON SITE PRIOR TO UNDERTAKING ANY WORKS.

REV.	DATE	BY	DESCRIPTION



NoteMachine UK Ltd

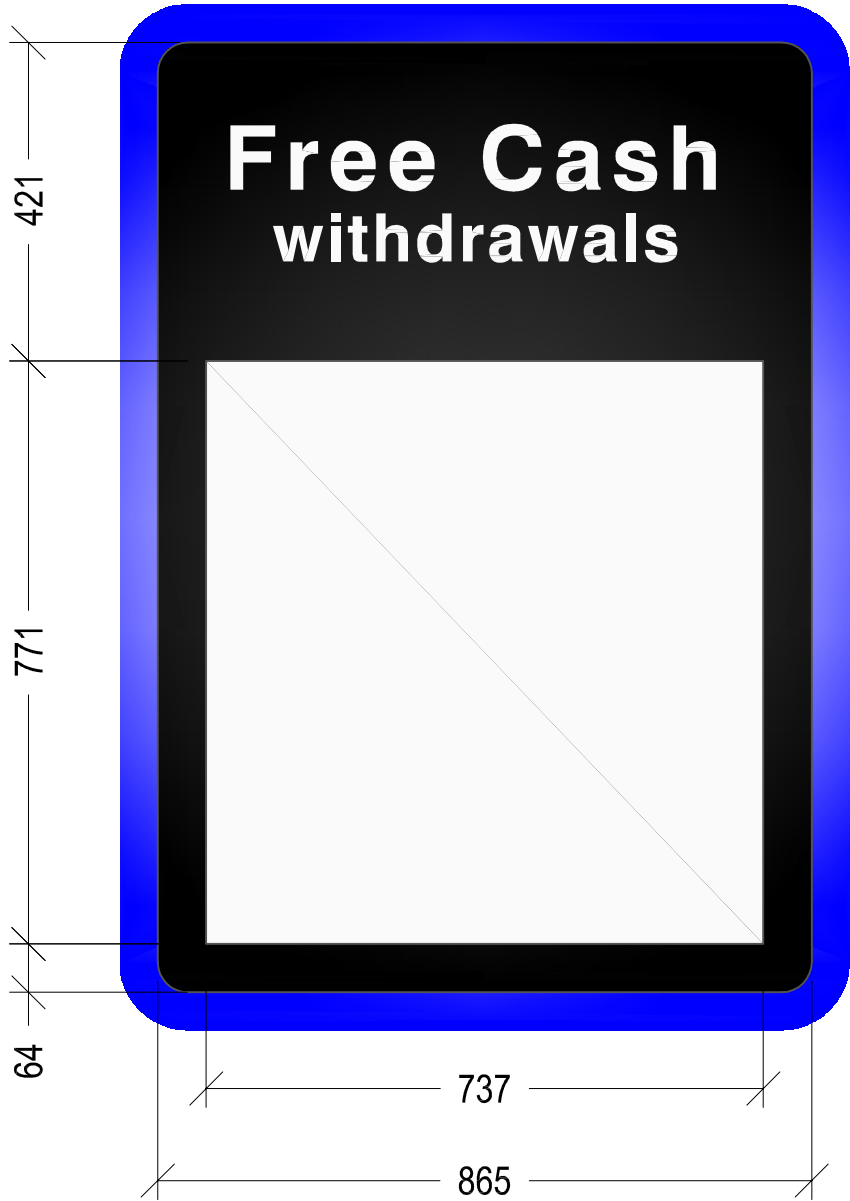
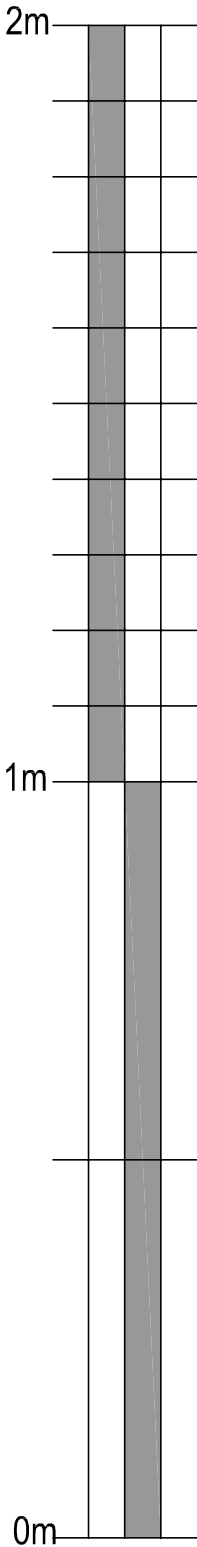
Elvicta Business Park, Crickhowell, Powys, NP8 1DF
Tel: 01873 811 634 Fax: 01873 811 552

CLIENT Nasza Biedronka Supermarket (TTW)			
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CHECKED BY	DATE	APPROVED BY	DATE
DRAWING No. 31967-03-002			REVISION 0

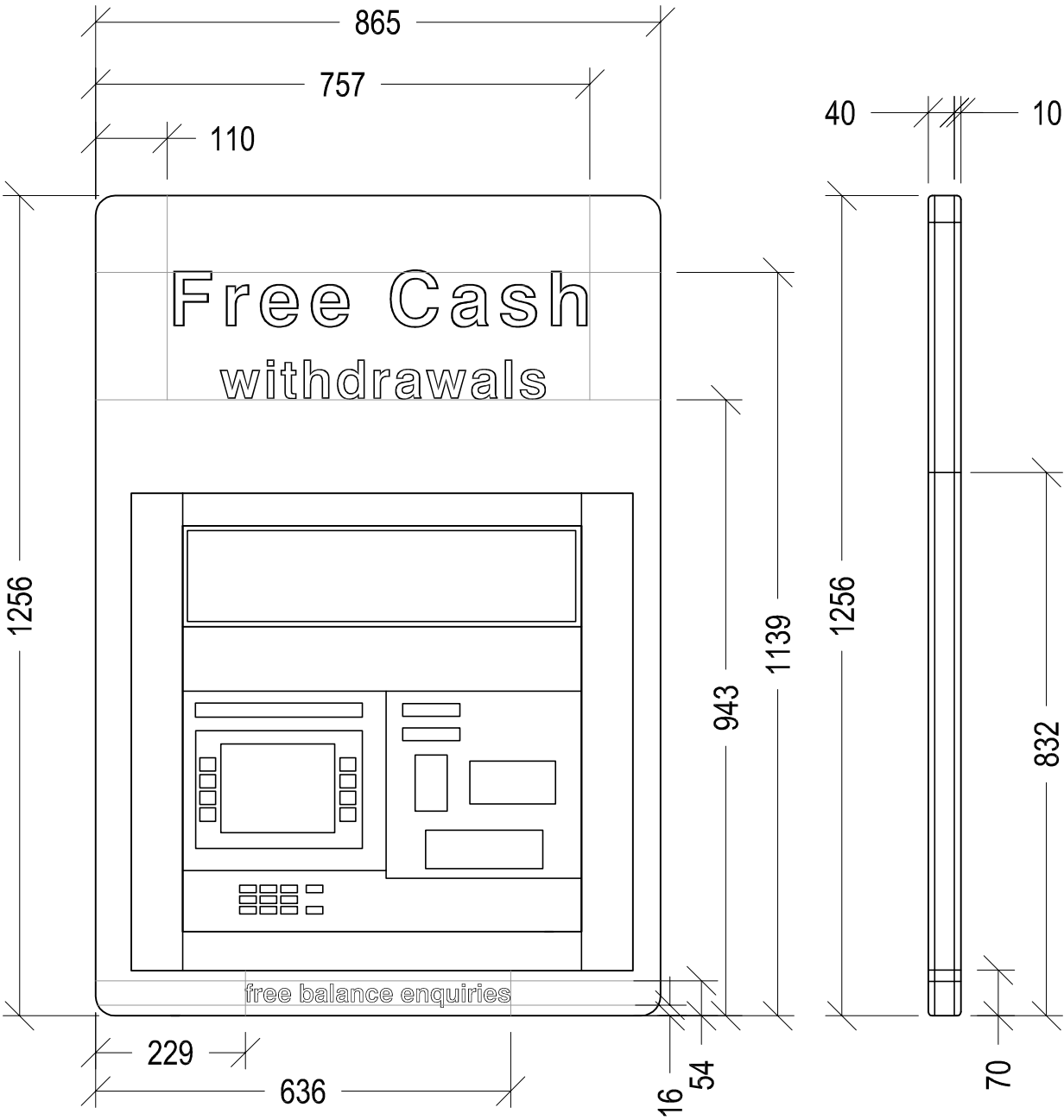
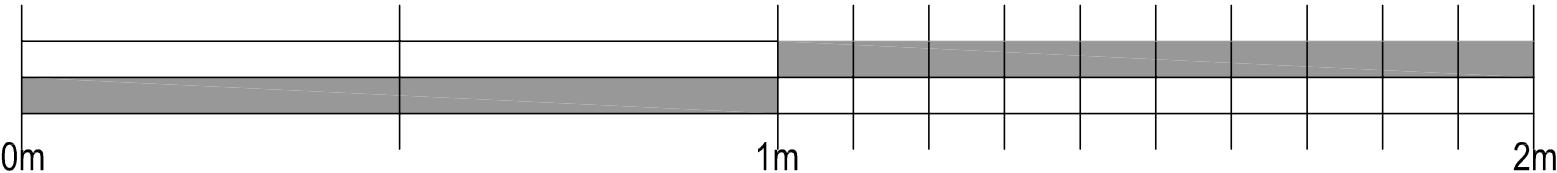
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SURROUND COLOUR - cmyk = 0,0,0,100 (black)

NOTE MACHINE RED - cmyk = 15,100,100,0
NOTEMACHINE BLUE - cmyk = 100,90,10,0



TYPICAL FASCIA
Scale 1:10



NOTE MACHINE

Date:	Comments:	By:
31-03-15	Scale Bar added to drawing.	CM

GENERAL NOTES:
1) All dimensions in millimeters unless otherwise stated.

Project:
NOTE MACHINE

GENERAL SITE INSTALLATION
ARRANGEMENTS

Drawing Title:
TYPICAL FASCIA ELEVATIONS

Ref:	Date:	Rev:
NM-GA-F1	02-07-2014	A
Scale:	Paper:	Date Rev:
1:10	A3	31-03-2015



COMMITTEE REPORT

Item Number: 5
Application Number:
S/ADV/16/1276/IH

Ward: Central
Parish: No Parish

Proposal: Display of illuminated signage to ATM. (Retrospective).

Site Location: Nasza Biedronka Supermarket, Unit 4-6, 1 - 8 Manchester Road

Case Officer: Mr Ian Halsall

Contact Details: Tel: 01793 466033 Email: ihalsall@swindon.gov.uk

Agent:

Applicant
Ms Jan Clark
Notemachine UK Ltd
Russell House
Elvicta Business Park
Crickhowell
NP8 1DF

Officers Report

Background:

i This application for Advertisement Consent together with an associated application for Planning Permission (application number S/16/1275) has been referred to Planning Committee owing to concerns expressed by two of the Central Ward members over public safety and the impact upon the amenity of local residents.

Summary of Recommendation:

That Advertisement Consent be **GRANTED** subject to conditions.

The Proposal:

1 This is a retrospective application for Advertisement Consent submitted under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the display of illuminated signage associated with an Automated Teller Machine (ATM) positioned in the front window of a local supermarket at the premises listed as unit 4-6 at 1-8 Manchester Road. The machine is externally accessible at the front of the store and is of a conventional ATM design measuring 865mm in width, 1256mm in height and will be 900mm above ground level and the application seeking permission for this is also on this agenda.

2 The illuminated sign surrounding the machine and comprises of black acrylic panel with a blue surround measuring 1256mm in height by 865mm in width and comprises white lettering measuring no more than 90mm that is internally illuminated displaying the words “Free Cash Withdrawals”. The blue surround is highlighted by a LED strip to provide halo lighting.

The Site and Surroundings:

3 1-8 Manchester Road is a large corner plot located just outside the town centre of Swindon comprising a number of buildings that had previously been merged into large unit but have now been subdivided again into three separate businesses. The easternmost part of the site comprises an established Use Class A1 retail unit, presently operating as a supermarket specialising in international food products.

4 The site falls on the corner of a signal controlled junction and is subject to parking restrictions. The building is set back on the Manchester Road frontage from the back of the highway, which provides a forecourt area. Quite recently a number of Sheffield looped bicycle racks have been installed within this forecourt to provide cycle parking but also to prevent motor vehicles from parking within it.

Representations:

5 Ward Members: Councillor Bob Wright and Councillor Julie Wright object to the application on the basis of complaints that were raised with them by the Broad Green Community Council about users of the ATM, which operates twenty-four hours a day who are arriving by car and parking on the pavement. In addition concerns have also been raised about the light from the premises shining into properties across the road and disturbing residents.

6 Residents Groups: The Chairperson of Broad Green Community Council has objected to the application lights are causing a problem to some of the houses opposite and the ATM.

7 Neighbours / Members of the Public: No representations have been directly received by the Local Planning Authority.

Planning Considerations:

8 Given this application is for Advertisement Consent and not Planning Permission, only matters of amenity and public safety can be considered. Regard is given to the policies in Development Plan only in so far as they are material. Policy DE1 of the adopted Swindon Local Plan 2026 (2015) is relevant and regard must also be had to the relevant paragraph of the National Planning Policy Framework, March 2012. Paragraph 67 states that advertisements should be subject to control only in the interests of amenity and public safety. The regulations suggest that factors relevant to amenity include the general characteristics of the locality.

9 Two of the local Ward Members and the Community Council have emphasised their ongoing concerns about motorists. Drivers passing through the area are reported to be regularly parking on the kerb whilst making use of the ATM facility; thereby causing an obstruction to pedestrians and the free flow of traffic in an area that is close to a busy signal controlled junction and subject to extensive parking restrictions through double yellow lines.

This matter is also discussed as part of the planning application S/16/1275. The issues of parking unlawfully is discussed in the ATM application, but it is important to draw members attention to the fact that this is not a matter for the LPA. This view was reinforced by an appeal inspector who allowed an appeal for ATM and advertisements, in Victoria Road in 2006, despite concerns of parking on double yellow lines adjacent to a bus stop. He confirmed that is subject to controls by the appropriate authority (not the planning authority).

10 In its own right, Highway officers are satisfied that the proposed illumination will not represent any significant distraction or disruption to passing traffic and will not represent a bright enough light to disturb local residents.

11 Although it is not clear, the representations that have been received appear to relate to wider concerns about light pollution emanating from the premises rather than simply the ATM advertisement itself. Those issues cannot be considered as part of this application and will need to be investigated separately by Planning Enforcement officers to establish whether any breaches of the planning regulations have taken place.

12 The applicant states that the illumination of the ATM only will not exceed 100 candelas per metre. This is considered to be well within the guidelines as recommended by the Institution of Lighting Engineers Technical Report No. 5 (third edition) for an inner urban location such as the Manchester Road area which is also a Local Centre and comprises a number of businesses. Given that the location is fairly central within the town, well lit by street lamps, close to traffic signs and traffic lights and illuminated shops windows and signs, the urban nature means that luminance of 800 candelas would be acceptable and not be expected to cause the problems described by the objectors. In short, colleagues in highways have advised that the luminance levels are well within the guidelines produced by the Institute of lighting engineers and given that evidence they could not sustain or justify a refusal on grounds of light pollution.

13 It is therefore considered that although concerns from residents have been reported relating to wider light pollution issues, the illumination of the ATM in its own right is not considered to have any unacceptable impact upon the amenities of residents, the nearest of which are some 18 metres away.

14 The luminance level of the advertisements not expected to be a distraction to passers-by and therefore the signage is not considered to give rise to concerns of public safety.

15 Given the analysis and findings above, it is considered that the proposal accords with the provisions of the NPPF that states that the local planning authority should only be subject to detailed assessment where they will have an appreciable impact on a building or its surroundings Policy. The proposal is also considered to accord with local plan Policy DE1 in that the proposal is in context and character with its surroundings and does not have an adverse impact upon amenity

Concluding Comments:

15 The signage associated with the ATM is not considered to have any amenity or public safety implications in its own right with the impact of the actual ATM and the parking implications that have been reported being considered as part of the Planning Application

(S/16/1275). Wider concerns relating to light pollution must be considered separately from this application for Advertisement Consent and outside of this committee. The luminance level of the signage for the ATM is considered to be appropriate to the location and will not generate any unacceptable amenity issues to nearby residents.

Recommendation:

That Advertisement Consent be **GRANTED** subject to conditions

Conditions

Drawing Numbers

1. This decision is in respect of the Site Location Plan, Block Plan, LED lighting specification, Original Elevation and Plan (drawing number 31967-03-001, dated 08/07/16) and As Installed Elevation and Plan (drawing number 3197-03-002, dated 08/07/16) and received by the Local Planning Authority on the 28th July 2016

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

Static Signage

2. The illumination of the signs hereby permitted shall be static and not be of a flashing type.

Reason: In the interests of amenity and highway safety.

Maximum Luminance

3. The maximum luminance of the sign(s) hereby granted consent shall not exceed the recommended level based on sign size and location in accordance with the Institution of Lighting Engineers Technical Report No. 5 (third edition).

Reason: In the interests of amenity and highway safety.

End of Report