

Swindon Borough Council

Planning Committee

Tuesday, 13 December 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: Rita Glen Gallo (Telephone 01793 463611)
email: RGlen-Gallo@swindon.gov.uk

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

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

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

AGENDA

1. Apologies for Absence

2. Declarations of Interest

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

3. Minutes (Pages 1 - 4)

To receive the minutes of the meeting held on 11th October 2016.

4. Exempt Items - Exclusion of Press and Public

Certain items are expected to include the consideration of exempt information and the Standards Committee is, therefore, recommended to resolve "That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred to in the item listed below, on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph of Part 1 of Schedule 12A of the Act, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information".

<u>Item No.</u>	<u>Paragraph No.</u>
10	1 and 2

5. 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.

6. Determination of Planning and Related Applications (Pages 5 - 8)

7. S/15/1885/HC Change of use from a care home (Class C2) to 11 no. flats (Class C3) with communal lounge and shared laundry, plus single storey extension and 1 no. dormer window and 1no. enlarged dormer window to rear. Sunnymead Residential Home, 25 Croft Road, Swindon (Pages 9 - 28)

8. S/16/1627/TB Erection of 1 no. detached dwelling, 2 no. detached garages and associated works. Land to The Rear of 43 Perrys Lane, Wroughton, Swindon (Pages 29 - 46)

9. Planning Agreements (Pages 47 - 56)

10. Enforcement (Pages 57 - 61)

Date of Despatch: 02 December 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://www5.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, 11 OCTOBER 2016

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

An apology for absence was received from Councillors Stan Pajak.

17. Declarations of Interest

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

Councillor Cathy Martyn made a personal and prejudicial declaration of interest in respect of application numbered S/15/823 and did not take part in the debate and voting in respect of this application.

18. Minutes

Resolved – That the minutes of the meeting held on 13th September 2016, be confirmed and signed.

19. Public Question Time

There were no public questions

20. 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 Courtliff in respect of application numbered S/16/1281
- (d) The comments of the following interested persons:-

S/15/823	Mark Petit	Agent
	Chris Kennedy	Wroughton Parish Council
S/16/913	Dave Dryston	Priors Hill
	Chris Kennedy	Wroughton Parish Council
S/16/1281	Rod Navarette	Agent

Resolved - (1) That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/15/823 subject

to the conditions listed in the Committee report together with any amendments, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation.

(2) That permission be granted in respect of applications numbered S/16/913 S/16/1263 and S/16/1281 subject to the conditions listed in the Committee reports.

21. Wiltshire Council planning application Land South of Tewkesbury Way, Lydiard Tregoze, west Swindon

On consideration of (a) a report of the Head of Planning, Regulatory Services, and Heritage concerning a planning application for the development of 48 dwellings on land south of Tewkesbury Way Lydiard Tregoze, west of Swindon submitted to Wiltshire Council and in respect of which Swindon Borough Council's views were sought, and (b) the comments of Kevin Fisher, Lydiard Heritage Action Group.

Resolved - (1) That the draft letter attached at Appendix 1 to the report be endorsed as Swindon Borough Council's formal response to the consultation by Wiltshire Council, objecting to the planning application on land south of Tewkesbury Way.

(2) That the Head of Planning, Regulatory Services and Heritage, be authorised to submit the proposed response on behalf of Swindon Borough Council and to deal with any matters relating to the application prior to, or subsequent to, Wiltshire Council making a decision on the planning application.

22. New Eastern Villages Planning Obligations SPD

The Head of Planning, Regulatory Services and Heritage, submitted a report summarising the comments received through the public consultation process undertaken in respect of the New Eastern Villages Planning Obligations Supplementary Planning Document, as set out in Appendix 1 to the Committee report, and recommending its adoption, subject to changes made in response to comments received.

Resolved - (1) That the NEV Planning Obligations Supplementary Planning Document, as set out in Appendix 1 to the Committee report, be adopted and made publically available in accordance with the arrangements detailed in paragraph 6.1 of the report.

(2) That the Head of Planning, Regulatory Services and Heritage, in consultation with the Director of Law and Democratic Services, the Chair of the Planning Committee and the Cabinet Member for Strategic Planning, be authorised to make any minor amendments to the content of the documents, prior to publication.

(3) That the Head of Planning, Regulatory Services and Heritage, be authorised to carry out any consultation that may be required for a future review of the SPD and bring a report in respect of the review to this Committee for consideration.

23.

New Eastern Villages Framework Travel Plan

The Head of Planning, Regulatory Services and Heritage, submitted a report summarising the comments received through the public consultation process and recommending adoption of the New Eastern Villages (NEV) Framework Travel Plan Supplementary Planning Document (SPD), subject to changes made in response to comments received.

Resolved - (1) That the NEV Framework Travel Plan Supplementary Planning Document, and associated appendices, be adopted and made publically available in accordance with the arrangements detailed in paragraph 6.1 of the report.

(2) That the Head of Planning, Regulatory Services and Heritage, in consultation with the Director of Law and Democratic Services, be authorised to make any minor amendments to the content of the documents, prior to publication.

(3) That the Head of Planning, Regulatory Services and Heritage, in consultation with the Director of Law and Democratic Services, be authorised to publically consult on any subsequent reviews of the document that may be required, prior to the consideration of any changes.

Determination of Planning and related Applications

Planning Committee

Date: 13 December 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: 13 December 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

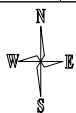
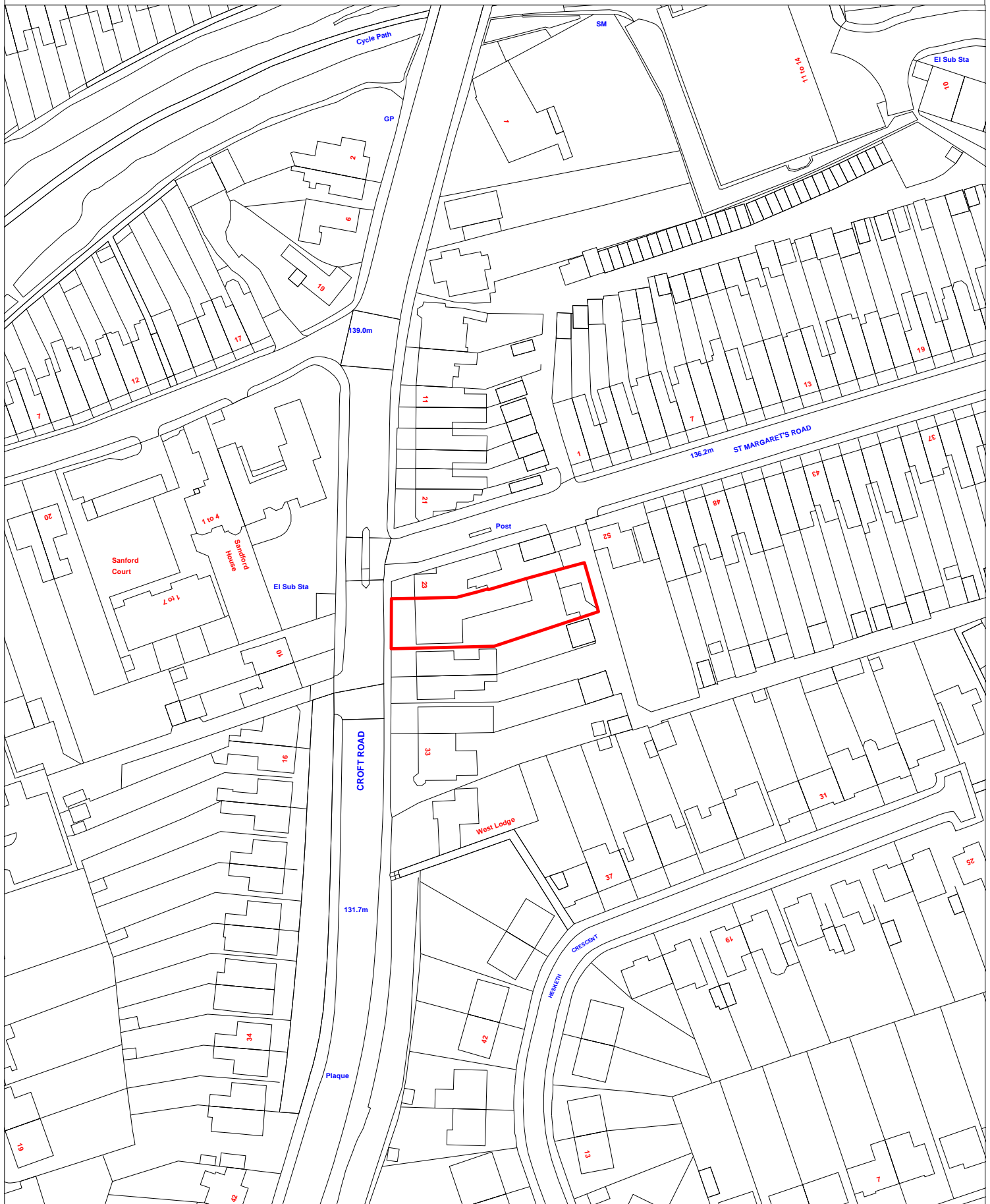
1. The approved Development Plan, consisting of
 - Swindon Borough Local Plan 2026, (2015), and the Swindon Borough Local Plan 2026 Policies Map (2015)
 - Wiltshire and Swindon Minerals Core Strategy, (2009)
 - Wiltshire and Swindon Minerals Development Control Policies DPD (2009)
 - Wiltshire and Swindon 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

S/15/1885

Agenda Item 7

Change of use from a care home (Class C2) to 11no. flats (Class C3) with communal lounge and shared laundry, plus single storey extension and 1no. dormer window and 1no. enlarged dormer window to rear.

Sunnymead Residential Home 25 Croft Road Swindon SN1 4DG

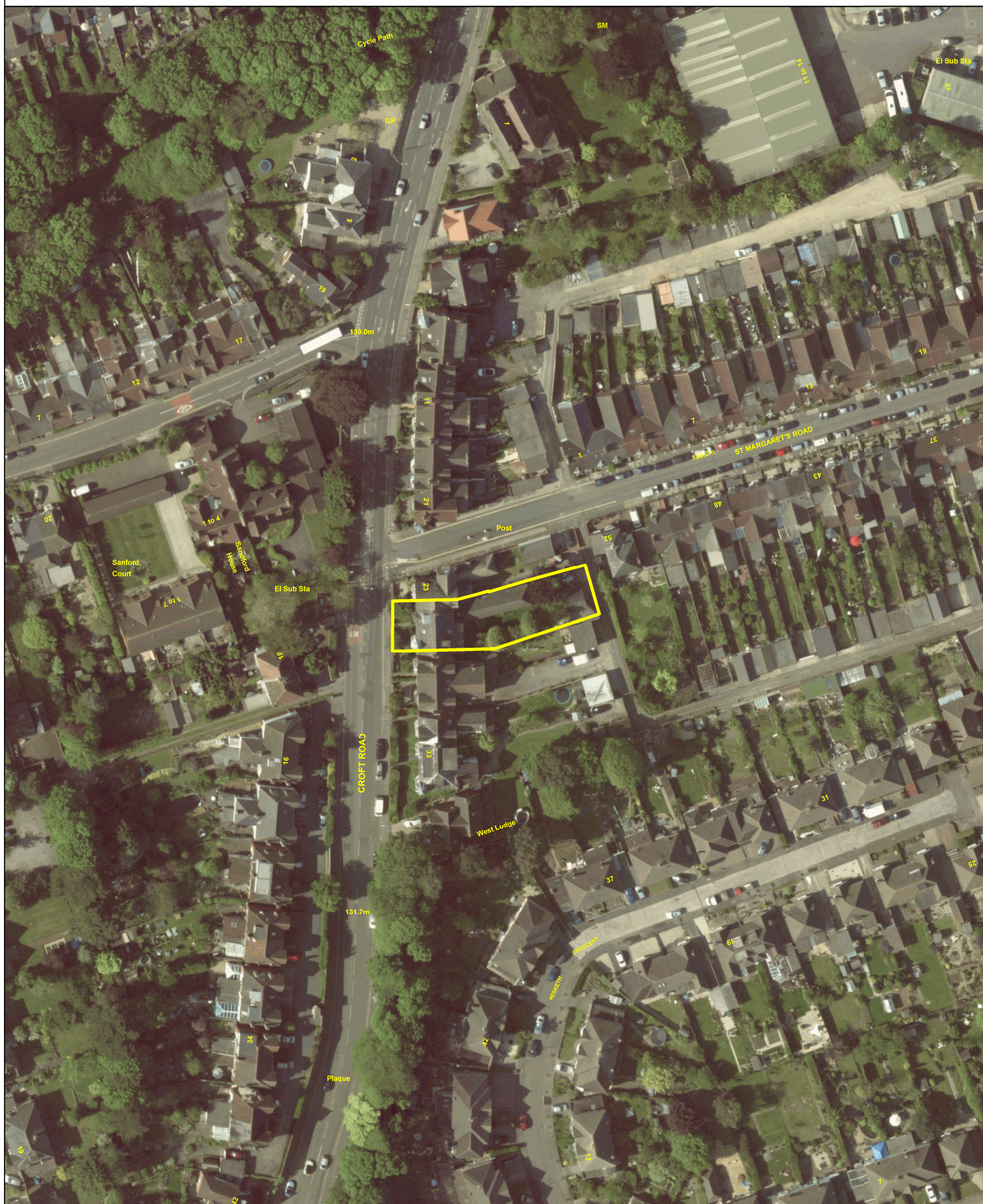


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

S/15/1885

Change of use from a care home (Class C2) to 11no. flats (Class C3) with communal lounge and shared laundry, plus single storey extension and 1no. dormer window and 1no. enlarged dormer window to rear.

Sunnymead Residential Home 25 Croft Road Swindon SN1 4DG



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

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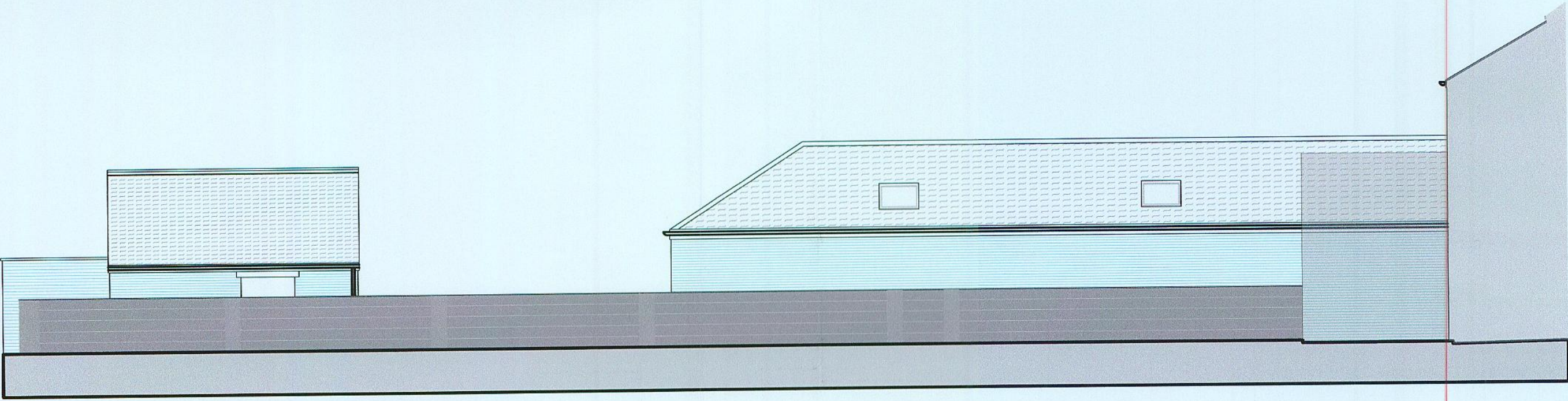
FRONT ELEVATION



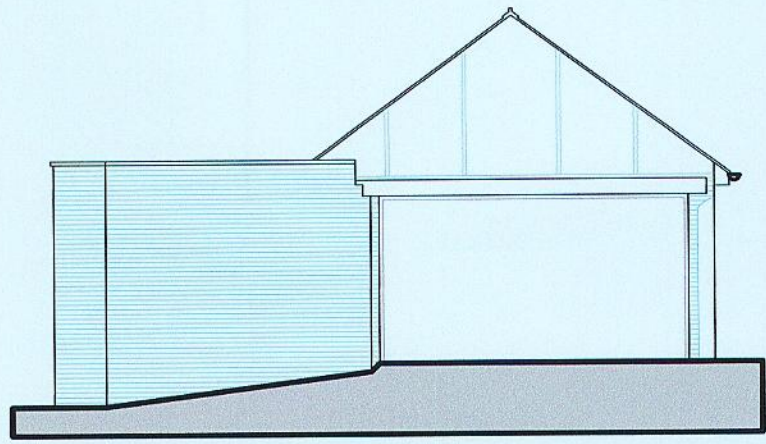
SIDE ELEVATION



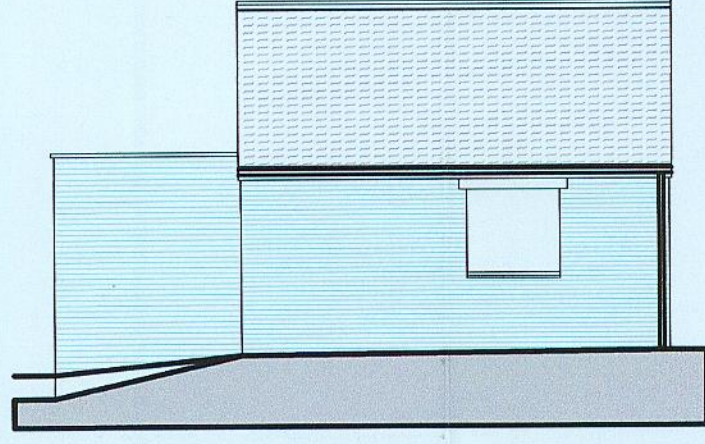
REAR ELEVATION



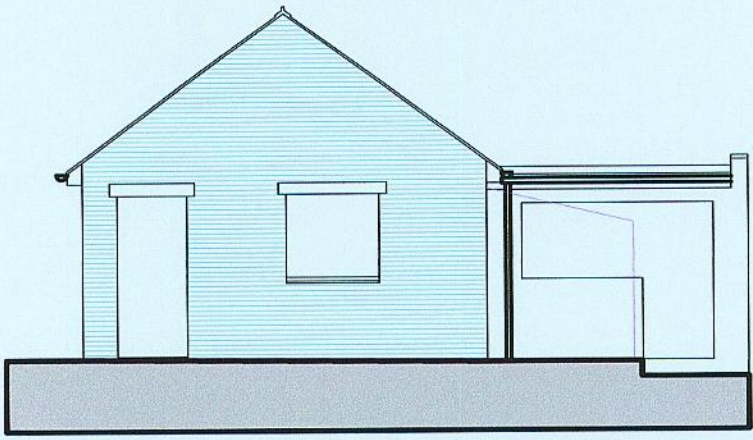
SIDE ELEVATION AS SEEN FROM NO.23



FRONT ELEVATION (GARAGE)



SIDE ELEVATION (GARAGE)



REAR ELEVATION (GARAGE)



SIDE ELEVATION (GARAGE)

GENERAL NOTES

This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialists drawings/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS)8000 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.

Rev Date Description By

Swindon Borough Council
Planning Department
27 NOV 2015
Shishless

Louis de Soissons

ARCHITECTS

London Office | 10 Margaret Street | London | W1W 8RL
Hertfordshire Office | Shoot Lodge | Wandon Green | LU2 8PH
T 020 79792027 | London Office | T 01438 833003 | Hertfordshire Office

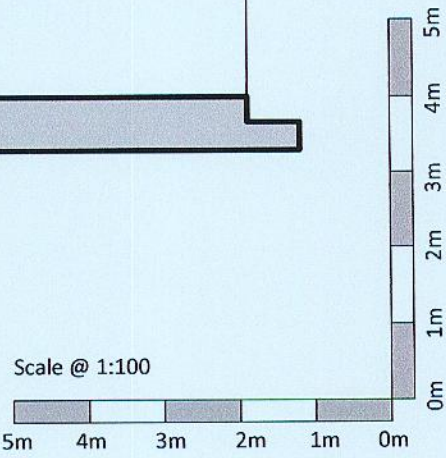
PLANNING

Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Existing Elevations

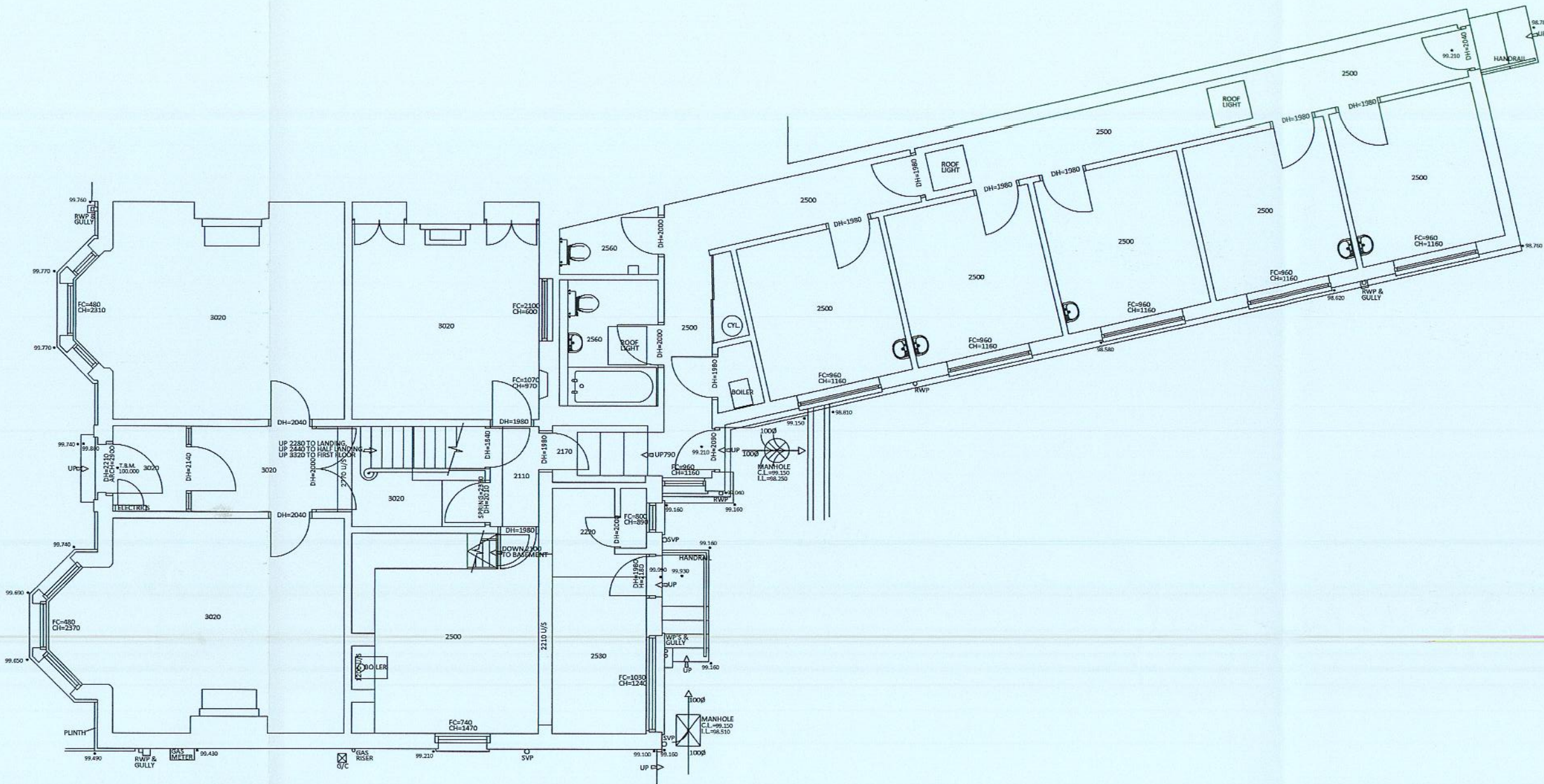
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Job No 2015-13	Drawing No PL005	Revision Note	DO NOT SCALE



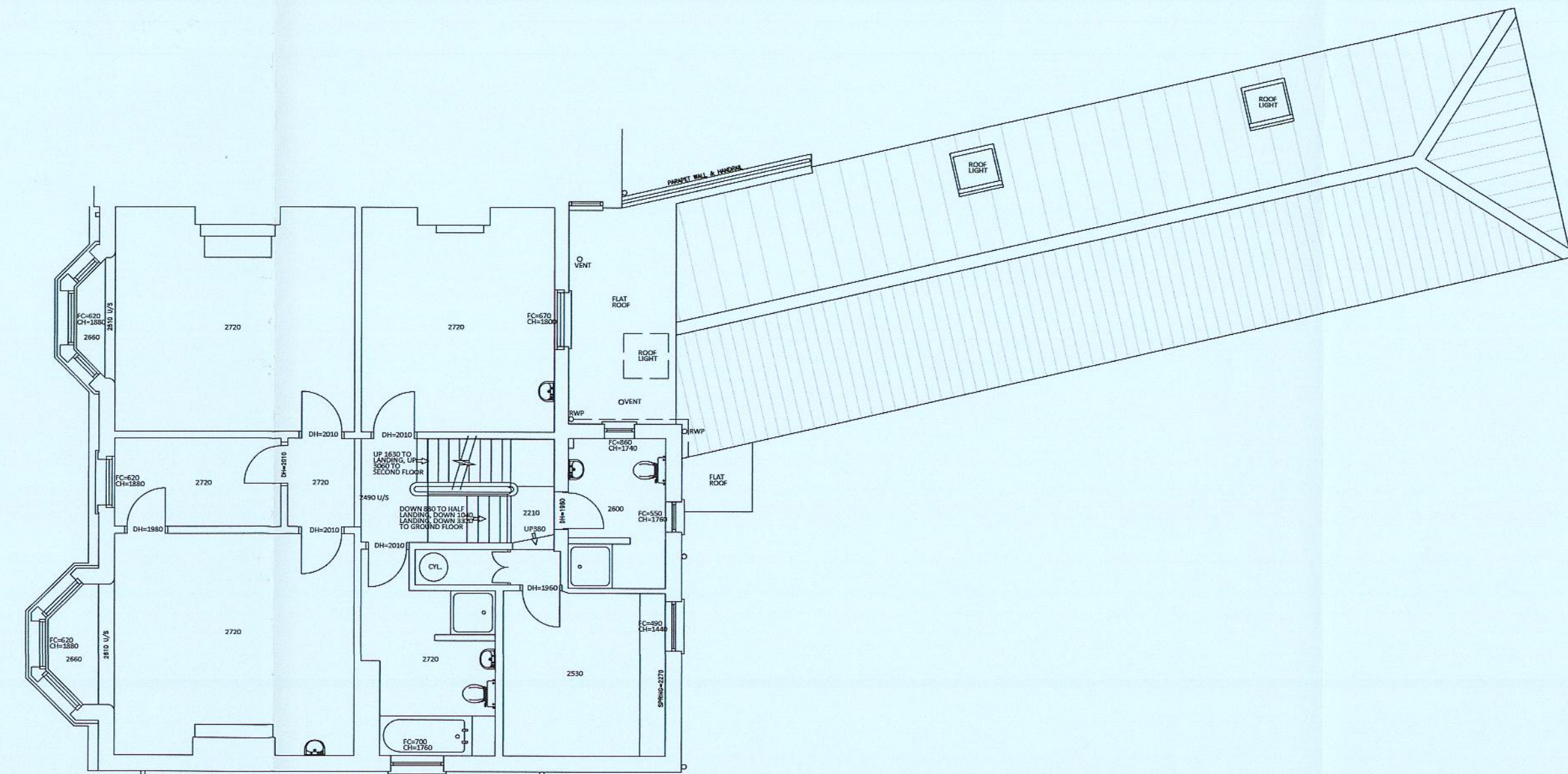
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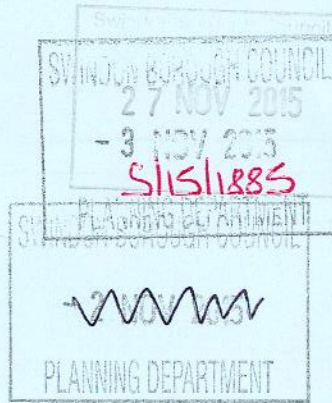
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EXISTING GROUND FLOOR PLAN



EXISTING FIRST FLOOR PLAN

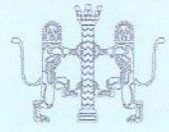


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PLANNING

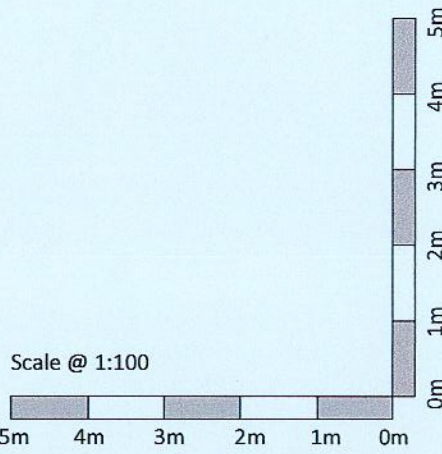


Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Existing Ground Floor & First Floor Plan

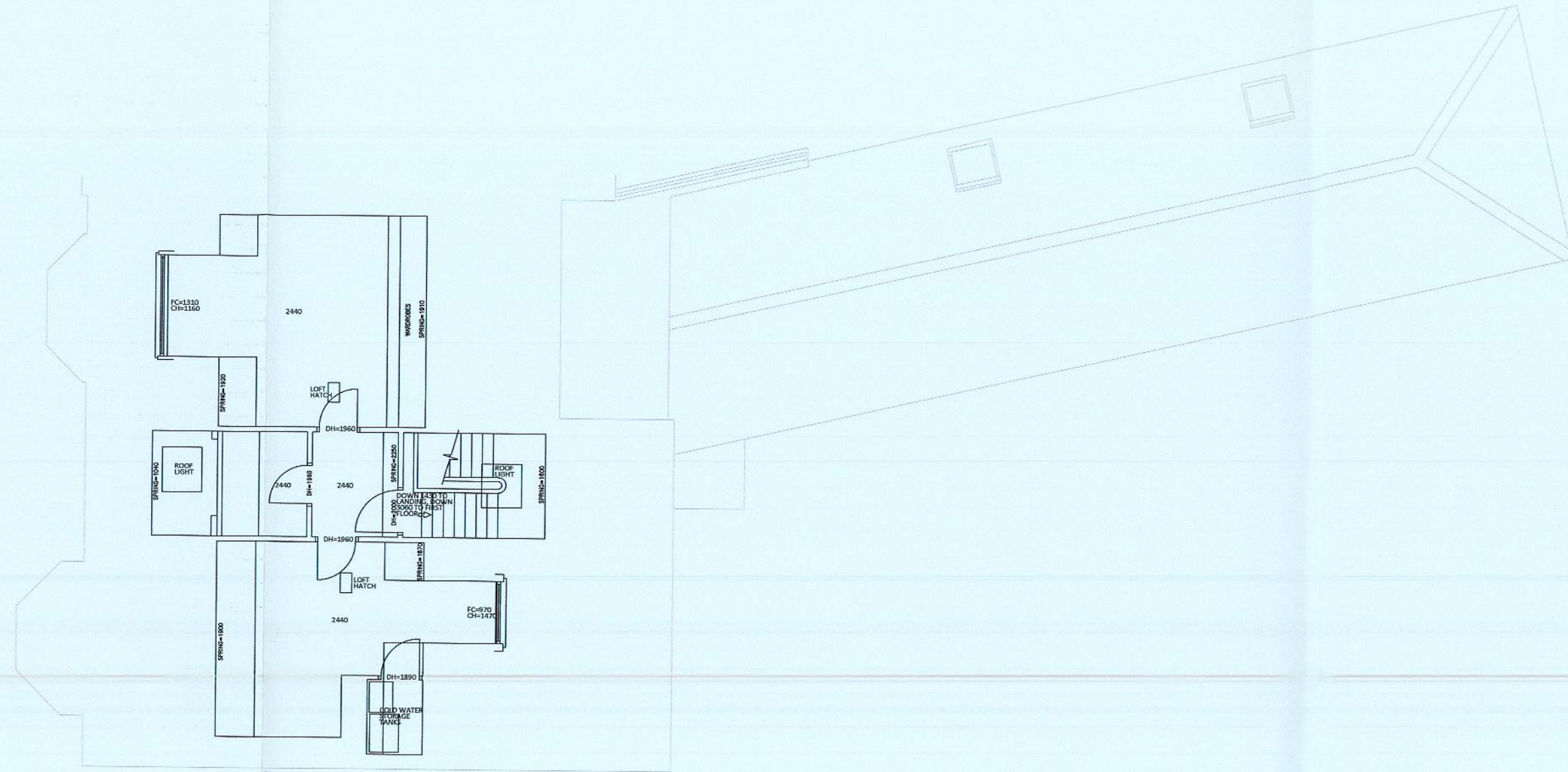
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Job No 2015-13	Drawing No PL003	Revision Note	DO NOT SCALE



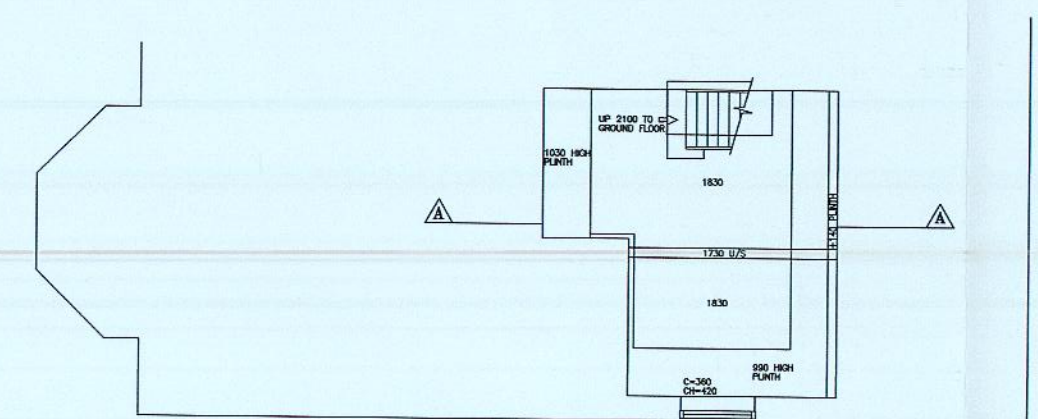
GENERAL NOTES

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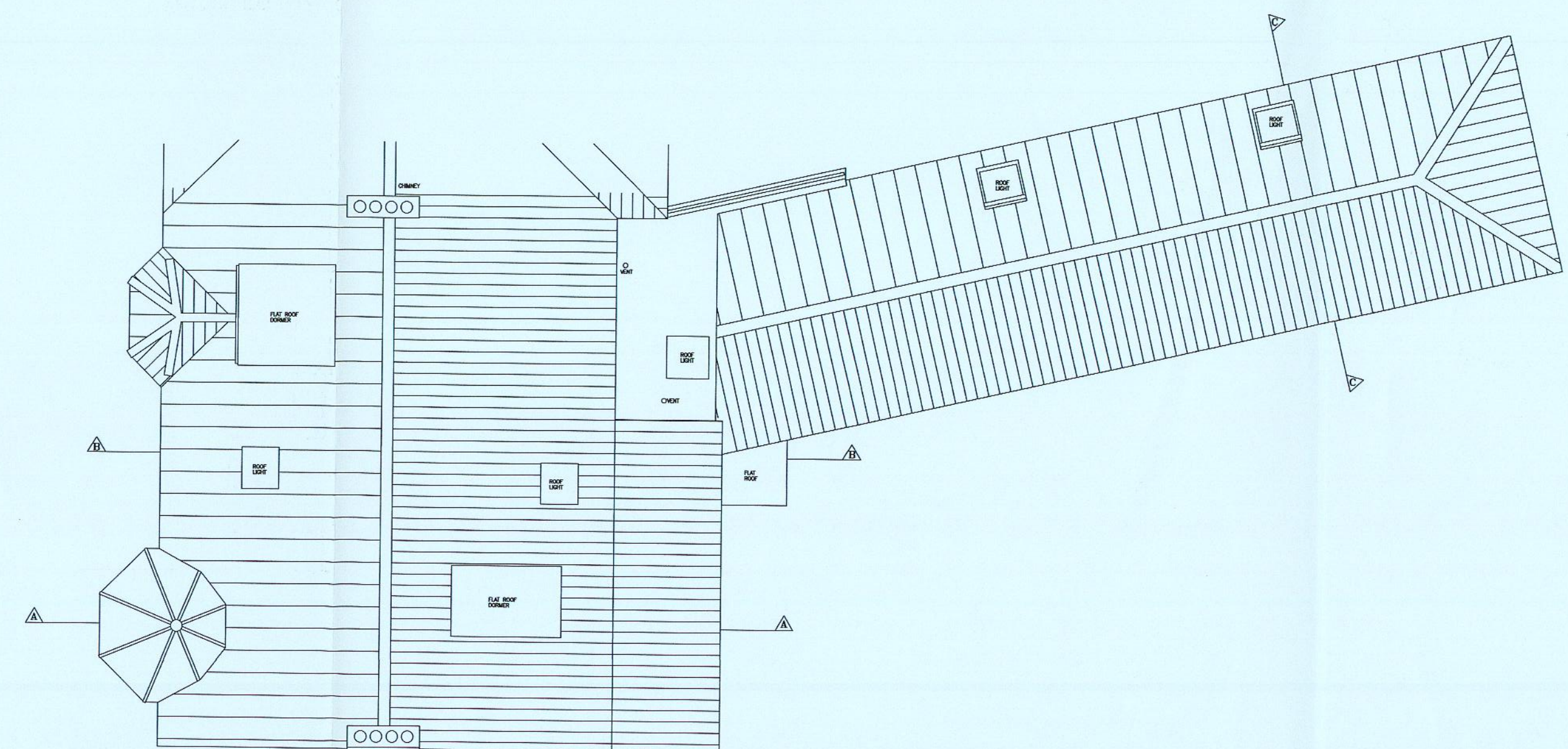
Rev	Date	Description	By
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EXISTING SECOND FLOOR PLAN



BASEMENT



ROOF PLAN



Louis de Soissons
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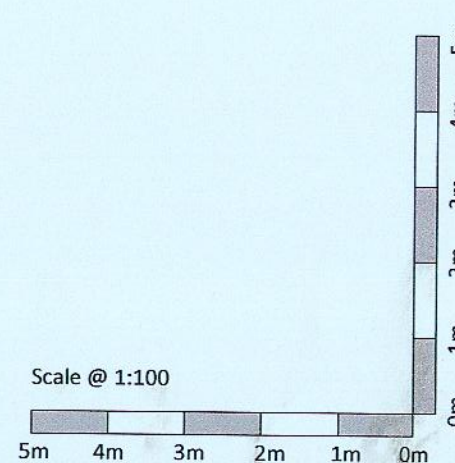
PLANNING

Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Existing Second Floor, Roof & Basement Plan

Drawn SA	Date Oct. t 2015	Checked MRW	Scale @ A1 1:100
Job No 2015-13	Drawing No PL004	Revision Note	DO NOT SCALE



GENERAL NOTES

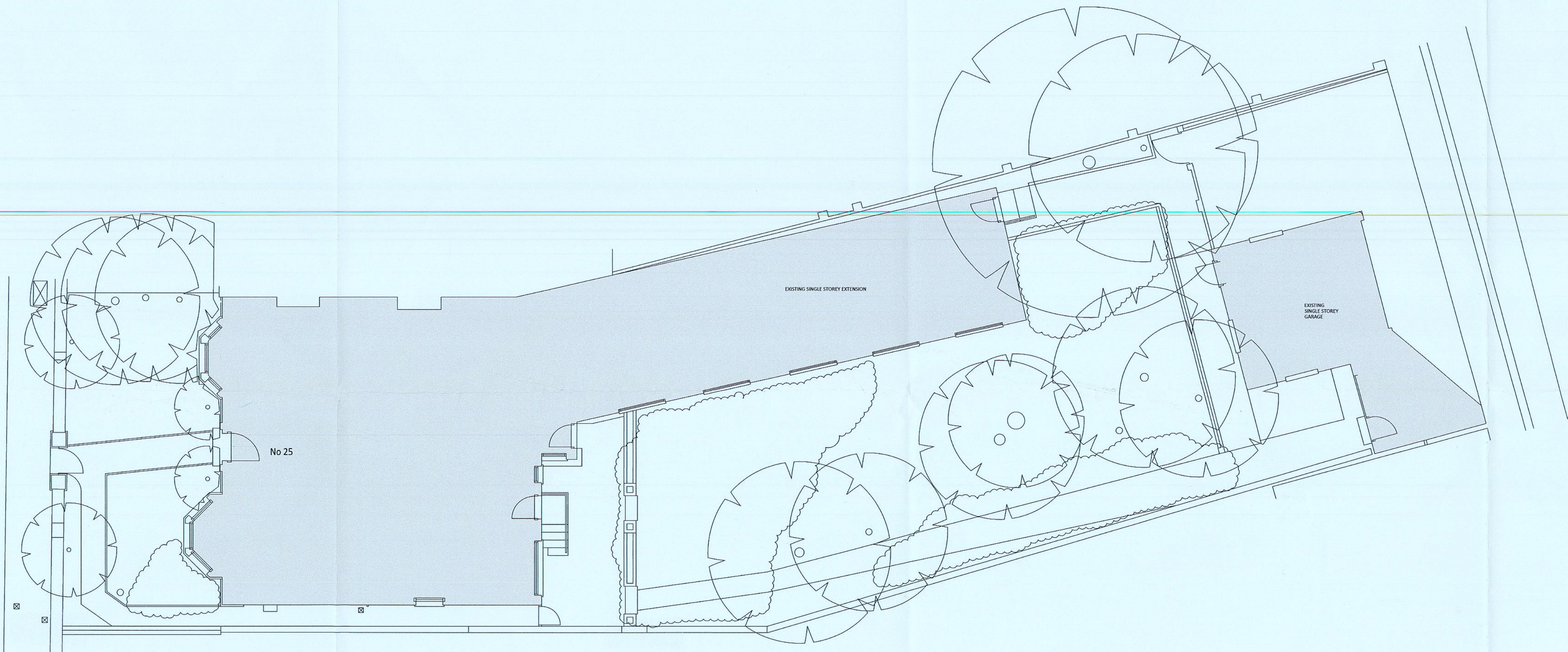
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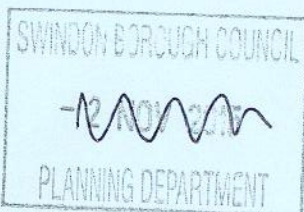
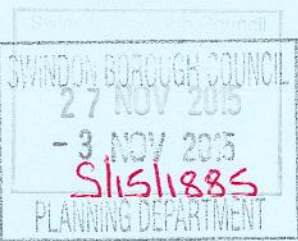
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Rev	Date	Description	By
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EXISTING SITE PLAN

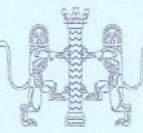


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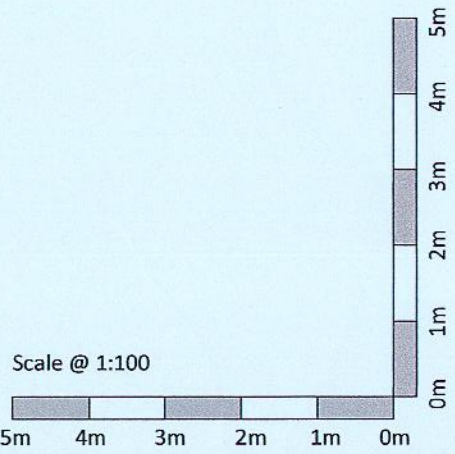
PLANNING



Client
Gurkha Homes Ltd.

Project
25 Croft Road
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Wiltshire
SN1 4DG

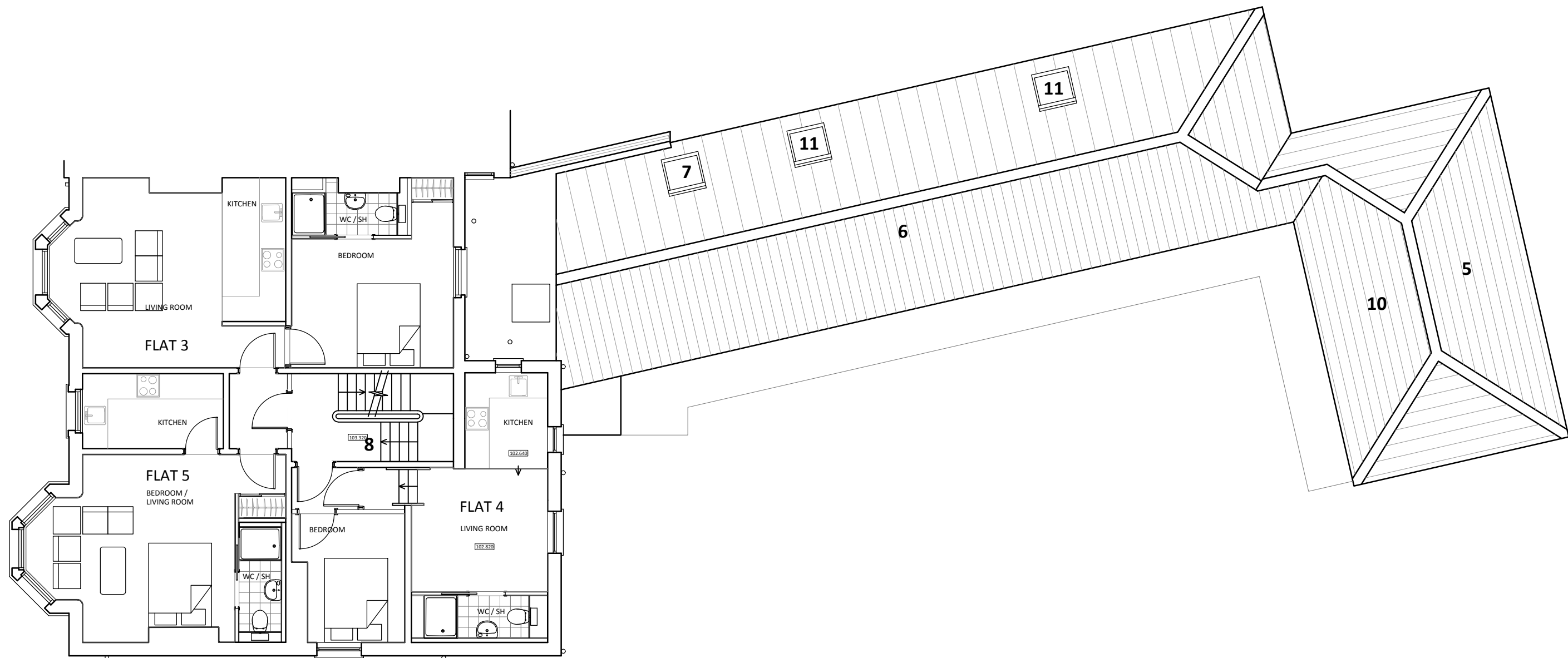
Drawing Title
Existing Site Plan



Drawn	Date	Checked	Scale @ A1
SA	Oct. 2015	MRW	1:100
Job No	Drawing No	Revision	Note
2015-13	PL002		DO NOT SCALE



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

GENERAL NOTES

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Rev	Date	Description	By
A	08.02.16	- CYCLE STORAGE RELOCATED - BIN STORE RE-PLANNED - DISABLED CAR PARKING SPACE OMITTED	SA



LEGEND

- 1 Tarmac to proposed parking
- 2 Proposed conc. slabs to footpath and walkway
- 3 Proposed Brick pavers to front paving
- 4 Proposed Raised vegetable bed
- 5 proposed single storey extension
- 6 Existing single storey extension
- 7 Proposed Velux roof light
- 8 Existing staircase retained
- 9 Existing trees retained
- 10 Proposed grey-brown concrete roof tiles to match existing single storey roof
- 11 Existing rooflights
- 12 All existing windows to be retained unless otherwise noted

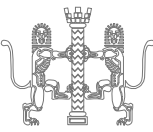
Louis de Soissons

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PLANNING

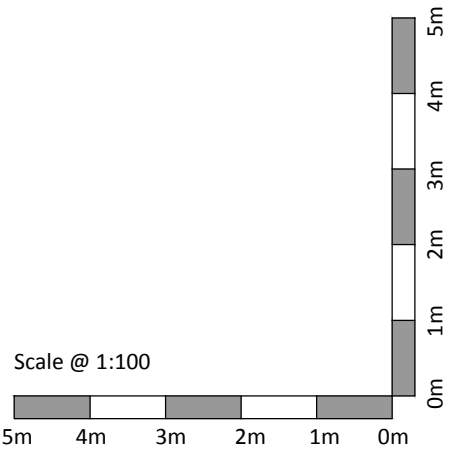


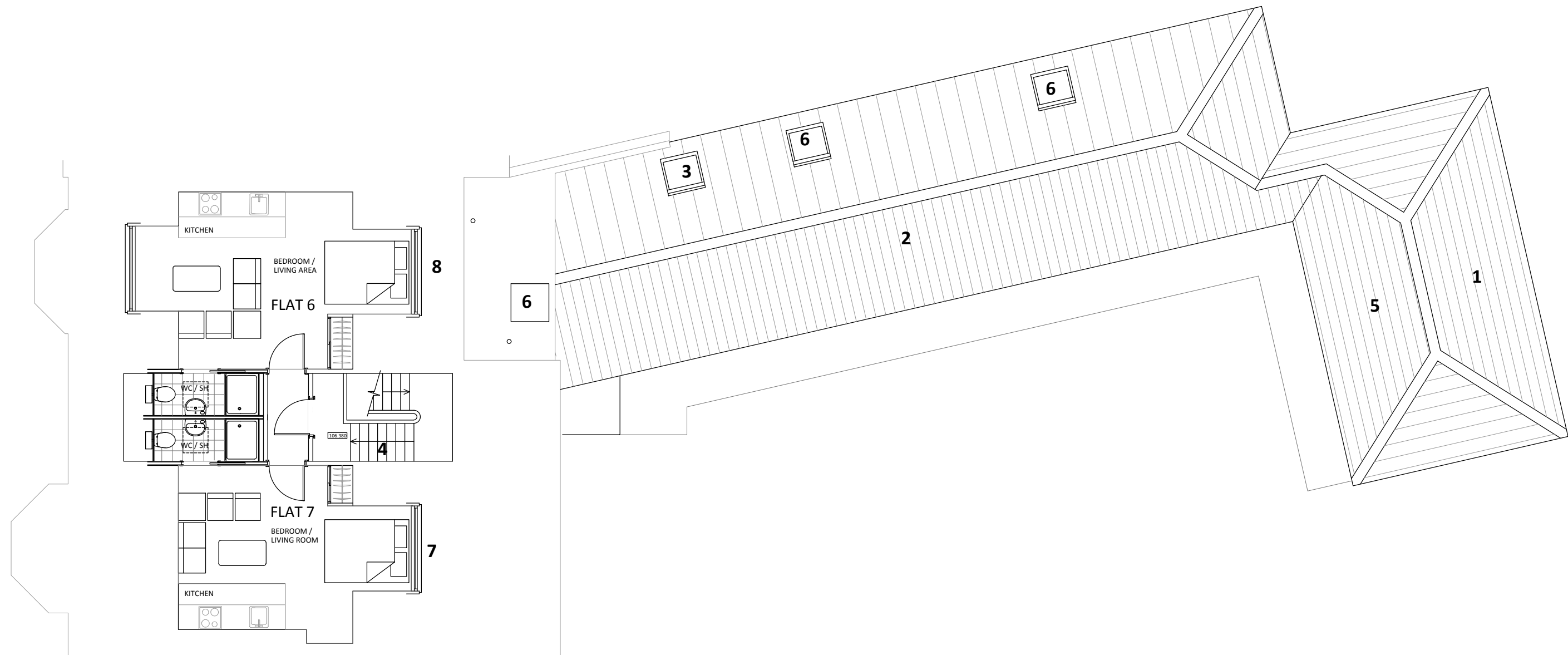
Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

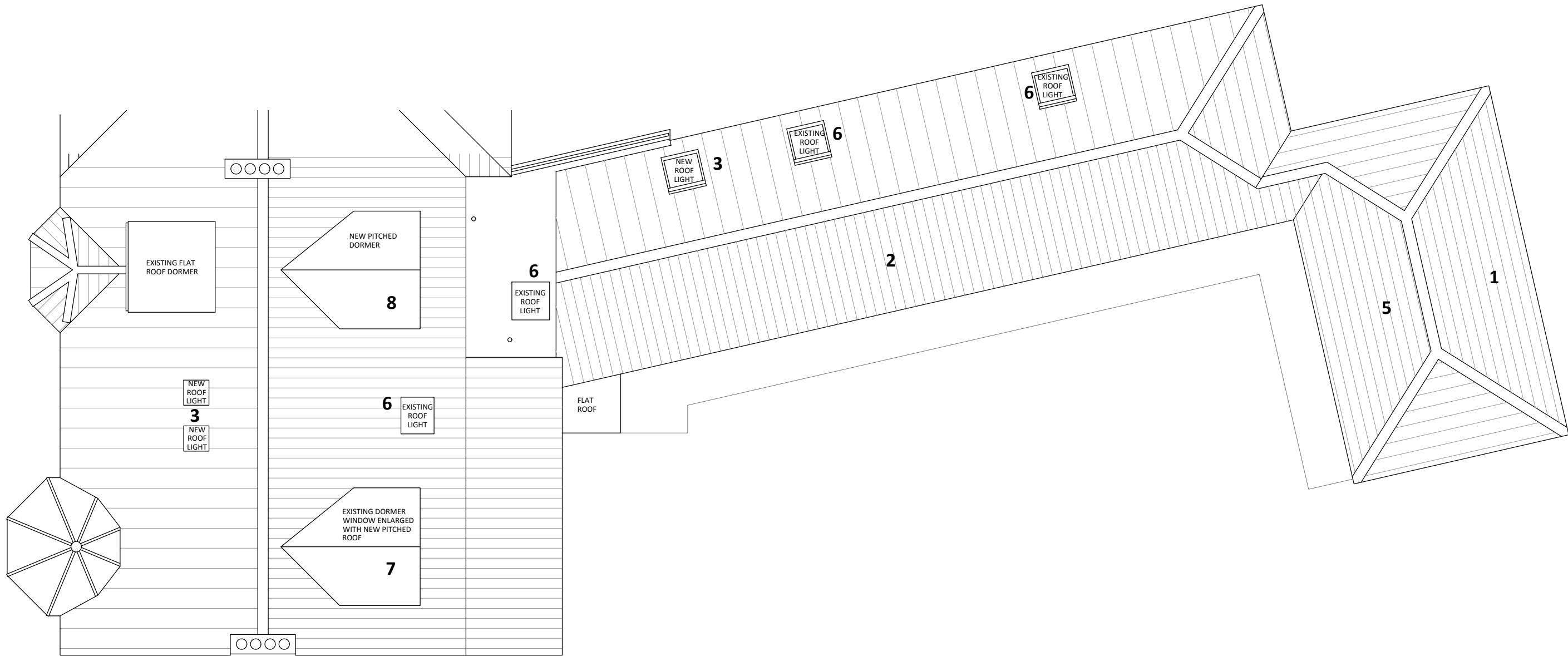
Drawing Title
Proposed Ground & First Floor Plan

Drawn	Date	Checked	Scale @ A1
SA	Oct. 2015	MRW	1:100
Job No	Drawing No	Revision	Note
2015-13	PL101	A	DO NOT SCALE





PROPOSED SECOND FLOOR PLAN



PROPOSED ROOF PLAN

GENERAL NOTES

This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialists drawing/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS)8000 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.

Rev	Date	Description	By
A	08.02.16	PITCHED ROOF ADDED TO NEW AND ENLARGED DORMER WINDOW	SA



LEGEND

- 1 proposed single storey extension
- 2 Existing single storey extension
- 3 Proposed Velux roof light
- 4 Existing staircase retained
- 5 Proposed grey-brown concrete roof tiles to match existing single storey roof
- 6 Existing rooflights
- 7 Existing dormer window enlarged with new pitched roof
- 8 Proposed dormer window with pitched roof and tiled cheeks to match existing
- 9 All existing windows to be retained unless otherwise noted

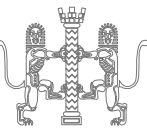
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PLANNING

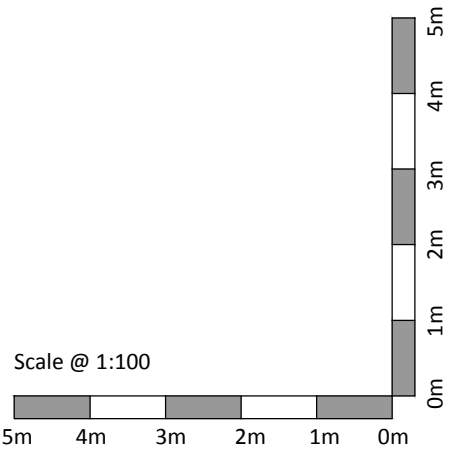


Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Proposed Second Floor & Roof Plan

Drawn	Date	Checked	Scale @ A1
SA	August 2015	MRW	1:100
Job No	Drawing No	Revision	Note
2015-13	PL102	A	DO NOT SCALE





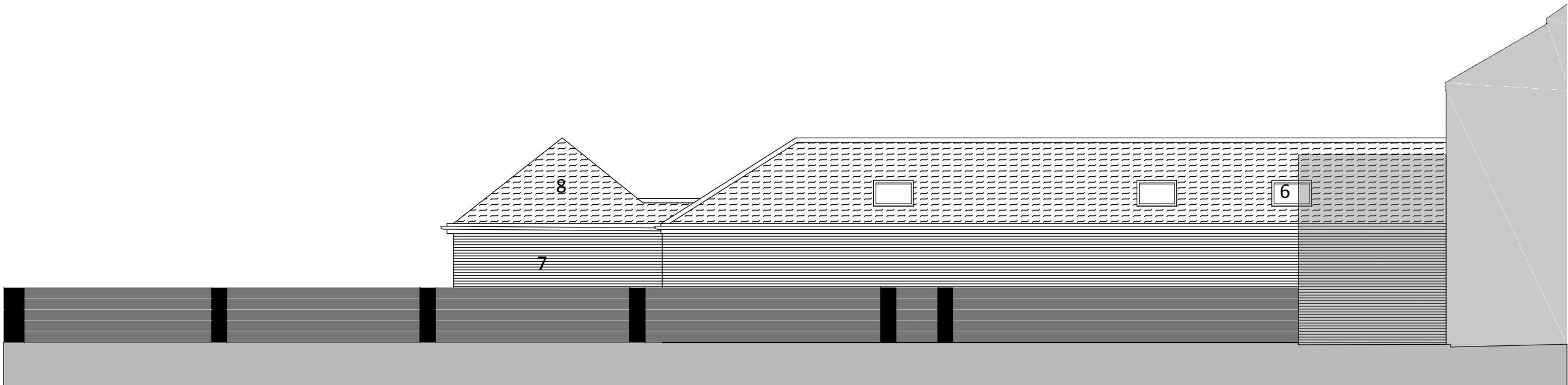
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION AS SEEN FROM NO.23

GENERAL NOTES

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Rev	Date	Description	By
A	08.02.16	PITCHED ROOF ADDED TO NEW AND ENLARGED DORMER WINDOW	SA

LEGEND

- Proposed single storey extension
- Existing dormer window enlarged with new pitched roof
- Proposed dormer window with pitched roof and tiled cheeks to match existing
- Proposed timber framed walkway with polycarbonate roof
- Proposed white UPVC doors & windows
- Proposed Velux rooflights
- Proposed red-purple brickwork to match existing
- Proposed grey-brown concrete roof tiles to match existing single storey roof
- Proposed white fascia to match existing
- New white UPVC window to proposed single storey extension
- All existing windows to be retained unless otherwise noted

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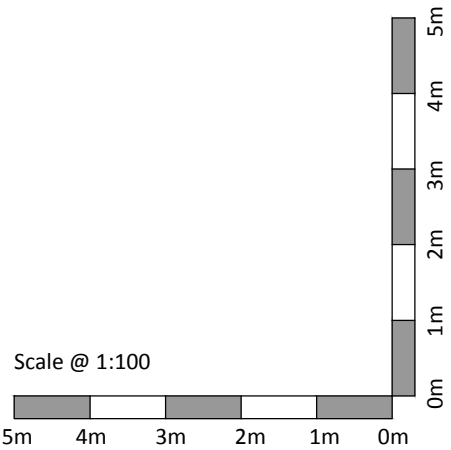
PLANNING

Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Proposed Elevations

Drawn	Date	Checked	Scale @ A1
SA	Oct. 2015	MRW	1:100
Job No	Drawing No	Revision	Note
2015-13	PL103	A	DO NOT SCALE



GENERAL NOTES

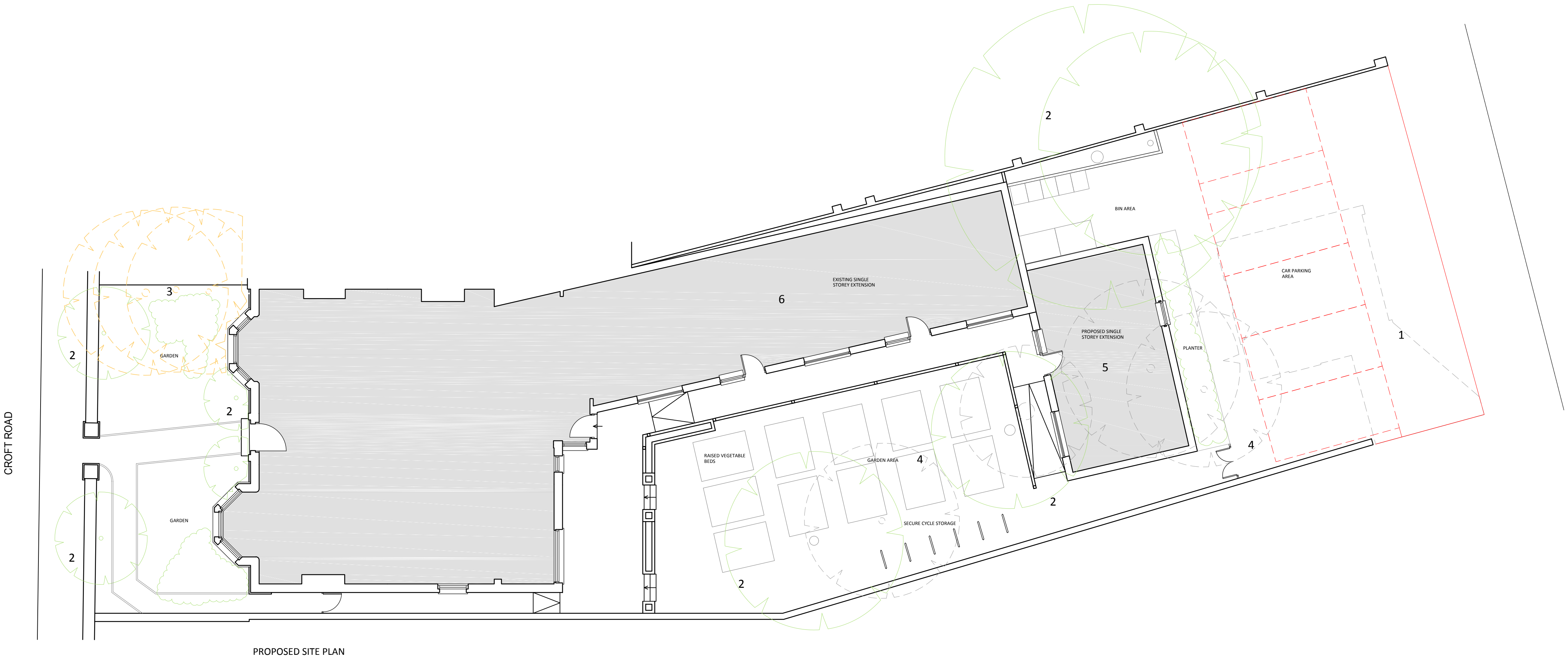
This scheme is subject to Town Planning and all other necessary consents. Dimensions, areas and levels where given are only approximate and subject to site survey. All dimensions are to be checked on site. All feasibility studies are subject to full site survey. This drawing is to be read in conjunction with all relevant consultants and/or specialists drawing/documents and any discrepancies or variations are to be notified to the architects in writing before the affected work commences. All queries relating to design of structural elements are to be referred to the structural engineering consultant for resolution. The workmanship and materials of all trades and building operations shall comply with the recommendations of British Standard (BS)8000 parts 1-16 inclusive and with Approved Document to support Regulation 7 1999 edition (incorporating 2000 amendments) of the Building Regulations 2010. All design and construction is to be in accordance with the Construction (Design and Management) Regulations 2007.

Rev	Date	Description	By
A	08.02.16	- CYCLE STORAGE RELOCATED - BIN STORE RE-PLANNED - DISABLED CAR PARKING SPACE OMITTED	SA



LEGEND

- Existing single storey garage to be demolished
- Existing trees to be retained
- Existing tall conifer trees to be removed
- Existing trees to be removed
- Proposed single storey extension
- Existing single storey extension



PROPOSED SITE PLAN

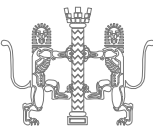
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PLANNING

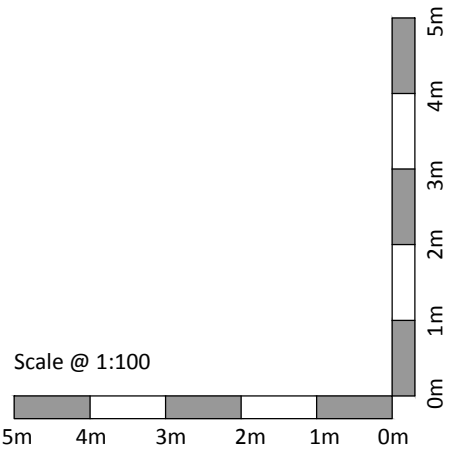


Client
Gurkha Homes Ltd.

Project
25 Croft Road
Swindon
Wiltshire
SN1 4DG

Drawing Title
Proposed Site Plan

Drawn	Date	Checked	Scale @ A1
SA	Oct. 2015	MRW	1:50
Job No	Drawing No	Revision	Note
2015-13	PL100	A	DO NOT SCALE





COMMITTEE REPORT

Item Number: 7

Ward: Old Town

Application Number: S/15/1885/HC

Parish: No Parish

Proposal: Change of use from a care home (Class C2) to 11no. flats (Class C3) with communal lounge and shared laundry, plus single storey extension and 1no. dormer window and 1no. enlarged dormer window to rear.

Site Location: Sunnymead Residential Home, 25 Croft Road, Swindon

Case Officer: Miss Heather Carlisle

Agent:

Mr Shahram Ameryoun
Louis De Soissons Architects
Shoot Lodge
Lawrence End Road
Wandon Green
LU2 8PH

Applicant

Mr Nigel Bailey
Gurkha Homes Limited
Sunnyside Farm
Reading Road
Padworth Common
Reading
RG7 4QN

Officers Report

Background:

1 This application was brought before the Planning Committee at the request of local ward councillors and was discussed at the 8th March 2016 meeting. Members considered the principle of the proposed change of use and the alterations to the property and considered the proposed development would be acceptable subject to the following resolution:

‘That the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission in respect of application numbered S15/1885 upon completion of a planning obligation to ensure tenants of the property do not own or use cars in subject to the conditions set out on the report with the removal of the condition relating to personal permission’.

1.1 In the intervening months since March, negotiations regarding the content of the S106 agreement have progressed slowly and the applicant and the Council have not been able to agree an appropriate wording as this has affected the financial viability of the scheme as funding cannot be achieved on this basis.

1.2 This application is now brought back to the Committee for re-consideration and the original report is repeated below.

1.3 The applicant has submitted a further statement in support of the application which in summary highlights the reasons why the obligations regarding restrictions on access to cars and a personal permission would not enable the project to proceed and cannot be agreed or entered into. Neighbours and those persons who made representations on the application have been informed of this additional information. Within this summary, the applicant advises that the intended occupiers, being members of the Gurkha Association will not drive or have access to cars.

1.4 The applicant has confirmed the Veterans Accommodation Fund arrangement with the government requires the applicant to own and manage the property for at least 15 years (otherwise refund the grant monies). This may give some comfort to local residents. In addition they point out that the property has been empty for some years and if continued will be likely to result in further deterioration of the property. The scheme could help to enhance the local neighbourhood by the re-use of the premises.

1.5 The Gurkha Association is a non-profit making organisation and as such it is unlikely a profit making developers could make the current scheme work. Gurkha Homes was successful in obtaining £330,000 matched funding from the government veterans accommodation fund to help develop a scheme in Swindon, however this funding is time limited. The Gurkha Association have been actively working with Swindon Borough Council over the years to identify and develop a scheme for elderly Gurkha veterans in the Borough. The need to for safe, secure and affordable housing for Gurkhas veterans in the Borough has been recognised.

1.6 Members are reminded the property is on the border of parking zones 1 and 2, where zone 1 would not require parking and the proposed use would have less vehicle movements than the care home use. The proposal will result in a shortfall of some 8 parking spaces when judged against these standards. This may or may not exacerbate any local parking difficulties and this has been raised as a concern by local residents. Members will also note that the current use is as a care home for up to 11 residents.

1.7 The committee is invited to reconsider the application in the light of the additional information. In doing so they should be aware that personal conditions and restrictions on car ownership cannot be imposed. Whilst the application is for 11 flats for Ghurka's, the permission sought is in effect for unrestricted residential accommodation that could be occupied by any persons.

1.8 The proposal will bring an empty property back into occupation and the creation of 11 flats in a highly sustainable location will contribute to the Boroughs housing land supply. In the absence of a 5 year housing Land Supply it is for the Planning Committee to balance the competing interests and in accord with Paragraph 14 of the NPPF which advises local planning authorities to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole.

1.9 It is felt the proposal is brought back to members is finely balanced and officers would be more confident that the impact would be minimal in the event the development proceeds as proposed, i.e. as accommodation for Ghurkha Veterans. Having weighed the considerations it is felt that the benefits of the scheme marginally outweigh the negative impacts and as per the original report recommend that planning permission be GRANTED

subject to the conditions listed at the end of this report but with the omission of the suggested personal condition.

Original Report to the 8th March 2016 Planning Committee

1 This application is brought before planning committee due to the request of Ward Member Cllr Nadine Watts and due to the concerns of the neighbours immediately adjacent to the site regarding lack of car parking.

Summary of Recommendation:

2 That planning permission be GRANTED with Conditions

The Proposal:

3 The proposal seeks a change of use from an existing Use Class of C2 use for a care home into 11 individual one bedroom residential flats (Use Class C3) as defined in the Town and Country Planning Use Classes Order 1987 (as amended).

4 The main part of the building is to be converted to provide a large community area, two flats on the ground floor, 3 flats at first floor level and 2 within the second floor. The existing single storey extension to the rear to be converted into 3 flats and a single storey extension proposed to include one flat. The proposal to consist of a large communal lounge and shared laundry. The proposal will also create a small outdoor communal courtyard garden area. The facility is for Gurkha veterans.

5 External alterations to include enlarging the exiting dormer window within the rear elevation and a new dormer within this elevation. An external walkway to be timber framed with a polycarbonate roofing creating a covered link between the main building and rear proposed extensions and existing extension. A secure cycle store and bin store to be provided. The existing garage to be demolished and hard standing create to create 5 car parking spaces. These spaces to be allocated as visitor spaces.

The Site and Surroundings:

6 The property is a semi-detached Victorian villa style house of brick elevations beneath a pitched tiled roof that has been vacant for some years and lastly used as a private nursing home. The property is a 3 storey vacant elderly person's home located at the north end of Croft Road. The property was originally a residential dwelling. It currently has 11 bedrooms, reception rooms, basement, kitchen and bathrooms. The property is located in a predominantly residential area and is located on the edge of Old Town. To either side of the site are terraced properties and to the east of the site are residential properties which front onto St Margarets Road. To the rear of the property is an alleyway linking St Margarets Road and the garages at the rear of the properties. The property currently has a store room, garage and off road parking for 2-3 vehicles.

7 Since the closure of the application site as an elderly persons home the building has been vacant (over 10 years). The property is not listed and not located within a Conservation Area.

Representations:

8 Comments from: 1 Ecklington, Eldene, 7 Howse Garden, Rodbourne, 169 Whitbourne Avenue, Park North, 7 St Margarets Road, 42 St Margarets Road, 52 St Margarets Road, 45 St Margarets Road, 27 Croft Road, 5 St Margarets Road

9 The concerns raised are summarised below:

Lack of car parking spaces, less HMO's in old Town, this is a HMO, lack of car parking in area, concerned about visitors, concerned if sell property on to non Gurkhas, keep as house, concern Gurkhas (potential residents) will not have cars, condition non-enforceable, add further pressure for car parking on St Margarets Road, over development of the site, unwelcome precedent in the area, waste, overlooking from the rear dormer window, rooms too small, loss of apple tree and extension would be close to maple and rowan tree

10 Pipers Area Residents Association (PaRa): Objection

Unsuitable over development, parking provision is inadequate, precedent for other properties being turned into a HMO or flats

11 The Transport Development Management Officer - Raises no highway objection and suggests conditions regarding parking. This element is discussed in more detail within the report.

12 Aboricultural Officer: No objection subject to conditions being added

Planning Considerations:

13 The key considerations relate to the proposal's compliance with local and national policy with regard to whether the principle of the change of use in this location is acceptable. The design, potential impact upon highway safety, parking provision and neighbouring amenity must also be taken into consideration.

Policy and Legislation:

14 The National Planning Policy Framework (NPPF) (2012) sets out the Government's planning policies for England and how these are expected to be applied. The relevant policies of the adopted Swindon Borough Local Plan 2026 are:

- *Policy SD1 - Sustainable Development Principles* seeks to enable the delivery of sustainable development and support sustainable communities within the Borough.
- *Policy SD2 - The Sustainable Development Strategy* sets out the development strategy for the Borough.
- *Policy DE1 - High Quality Design* seeks to ensure that the development is of a high quality design without harming the existing amenity levels of the surrounding land uses.
- *Policy TR1 – Sustainable Transport Networks* seeks to enable reliable and efficient transport network, promote safety, security and healthy lifestyles
- *Policy TR2 - Transport and Development* seeks to ensure that sustainable modes of transport are encouraged and that the access and parking provision for

developments are acceptable.

15 In addition to the above the Adopted Supplementary Planning Document 'Inclusive Design Access for All' (2011) must be taken into consideration.

Principle:

16 Policy SD1 of the Local Plan states that a number of criteria should be met in order to enable the delivery of sustainable development and support sustainable communities in the Borough. Among these criteria development proposals should be of high quality design and promote healthy, safe and inclusive environments and be accessible by walking, cycling and/or public transport. Policy SD2 aims to focus development primarily within the urban area thereby promoting accessibility and sustainability.

17 The main considerations of the application are the impact on the local highway network and the impact on the amenity levels currently enjoyed in the area. The policies that relate to this application are DE1, TR2, Swindon Borough Local Plan 2026

18 The previous use of the building was for an elderly person's home and the proposed change of use requires limited changes to the external appearance of the main building and therefore limited impact on the built character or appearance of the area. The loss of the garage and addition of rear extension will be discussed below.

Design and Layout:

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

20 This policy seeks to protect existing land uses and neighbouring properties from visual intrusions, privacy and noise disturbance and pollution.

21 Concerns are raised regarding the overdevelopment of the site. In terms of planning the proposed use will have a different impact than the previous use and as such it is considered that there will not be any significant additional impact on the amenities of adjoining residential properties nearby.

22 An argument of change in character of an area might have greater weight if the authorised use of the property was in normal residential use; however this is not the case as the premises had operated as a care home business for many years. The care home details show rooms for up to 11 residents and whilst they would not have cars, visitors, care, medical and support staff would be required to support that use and would be expected to lead to a significant number of comings and goings at all times of the day.

23 There will be no direct loss of privacy or overlooking from the proposed use. In terms of the concerns expressed by neighbours which relate to the new rear dormer window to the

rear. Due to the location of the proposed new dormer window to the rear it is considered that there would be minimal impact on the amenity of the neighbouring properties. In regards of the location of the proposal there would be minimal impact on the availability of light due to the position of both of the new dormer window and enlarged dormers on the host dwelling. The new dormer window which is proposed would face into the rear garden of the host dwelling, due to the 3 stories height of the property it is considered that there would be minimal overlooking into the neighbouring properties. The proposal is considered acceptable in terms of its potential impact on the amenity of the neighbouring properties.

24 The dormers have been redesigned to be more in accord with the guidance set out in the Residential Extensions and Alterations SPD, which states that the siting of dormer windows should harmonise with their surroundings. Officers conclude that, the proposed dormer, enlarging of the existing dormer would appear subservient to the host property and would not harm the surrounding area.

25 The rear extension has been well designed. The current property is an attractive 3 storey and the extension would not appear out of character by being overly large or dominant and would not result in any unacceptable impact being caused upon area of host property. The proposed extension and refurbishment would be an improvement in the overall appearance of the building and therefore have not have any adverse impact on the streetscape or the property and as such accord with the local plan policy DE1 and the provision of the NPPF which encourages good design.

Landscaping and Trees:

26 A Rowan and Maple which is now subject to a tree preservation order will be retained as part of the development and consequently the car parking spaces will be retrofitted around this tree to ensure that the tree remains undisturbed and protected. The Arboricultural officer has no concerns subject to the development being carried out in accordance with appropriately worded conditions. Neighbours have made reference to the existing fruit trees which are located adjacent to the southern boundary, fruit trees are not protected and can be removed at any time.

27 The outdoor area is to have raised kitchen beds and be a communal space for the residents. It is considered that a condition seeking a detailed landscaping scheme and boundary treatments will be sufficient in this instance to ensure the scheme is characteristic to the setting.

Highways:

28 The proposed development has the potential to impact on the Local Highway Network. Therefore Policy TR2 (Transport and Development) is to be applied. The existing car parking space and garage available at the rear of the property will be demolished and car parking reconfigured to provide more car parking on the site (5 spaces). Officers acknowledge that the proposed scheme would be an under provision in car parking to serve 11 flats. However, The Highways Officer had some initial concerns as the principle of the development would, under standard circumstances, be *unacceptable* due to the site's location outside of Sector 1 (defined within the SBC Parking Standard] and the proposed lack of parking within the site. However, considering the prospective residents all being retired Ghurkhas and stated as not having driving licences, granted free bus passes, etc.,

Highway officers would be willing to accept the proposals with the application of a personal permission restriction.

29 As such with this restriction applied, the site could be considered as having minimal highway impact for this specifically proposed use and proposed users only.

The addition of the personal planning permission means that any potential users and different users would require further consideration in future. For example if 11 'normal' flats were proposed the LPA will be able to consider the impact through a further application.

30 The scheme has been amended to provide 5 visitor parking spaces and to facilitate access arrangements from the public backway. The scheme provides adequate individual and refuse and cycle space provision.

31 Highway Officers have also recommended a planning condition be added to secure a formal Travel Plan can be written which can be subsequently approved and provided to future residents.

32 Highway officers have confirmed that Sector 1 as defined in the SBC Parking Standard runs along Newport Street and down a small part of Devizes Road / Croft Road to include properties on Springfield Road and Grovelands Avenue. St Margaret's Road and Croft Road are not included in this area. These boundaries are also reflective of the Resident Parking Zones in the area. Highway colleagues have applied standards which are within the SBC Parking Standard document and Officers are aware that the reason this application is acceptable is due to the specific nature of the intended occupants as 11no. 1-bedroom flats would normally require a total of 13 spaces (11no. allocated bays + 2no. visitor bays) to be provided within the site.

Community Infrastructure Levy:

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

Other Issues:

34 The objections received have been dealt within the body of the report including that of the access and principle. A concern has been raised that the proposal will result in the loss of housing (C3 use). This is not true as the lawful use is a care home. However, a change of use in this area is considered acceptable and in addition the property will continue to have a residential (C3 class) use.

35 A concern has been raised regarding the setting of a precedent; however any approval will not act as legal precedent as all applications are determined on its own merits. It has been suggested that the proposal is a HMO (House in Multiple Occupation). In planning terms this is not correct as the flats are in effect self-contained units.

National Planning Policy Framework:

36 It is considered that this application is consistent with the provisions of the National Planning Policy Framework which would be of benefit to the local economy. It will provide much needed housing and will bring an empty property into use. In addition it accords with the overall presumption in favour of sustainable development where it is in conformity with the development plan and where there are no adverse impacts which would significantly and demonstrably outweigh the benefits.

Concluding Comments:

37 In summary, subject to adequate controls to limit parking demand the proposal is considered to be of a suitable scale set in a sustainable location. In terms of its proximity to local services, facilities, public transport and open spaces. The concerns of local residents are understood but the addition of the personal planning permission means the highway concerns would be to a significant degree that would justify grounds for a refusal. It is considered the development would not pose any undue harm to residential amenity, would not have a detrimental impact on the immediate area and would not create any unacceptable impacts with regards to highway safety. As such this proposal is compliant with adopted Policies SD1 (Sustainable Development Principles), SD2 (Sustainable Development Strategy) DE1 (High Quality Design) and TR2 (Transport and Development) of the Swindon Borough Local Plan 2026 (2015).

Summary of Recommendation:

That planning permission be **GRANTED** with Conditions as set out below

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.

Drawing numbers:

2 This approval shall be in respect of the following drawings:

Dwg no: Proposed Second Floor and Roof Plan: PL102 Rev A

Dwg no: Proposed elevations: PL103 Rev A

Dwg no: Proposed Sections: PL104 Rev A

Dwg no: Existing Sections: PL006

Dwg no: Proposed Ground and First floor Plans PL101 Rev A

Dwg no: Proposed Site Plan: PL100 Rev A

Dwg no: Site Plan and Site Location Plan: PL001 Rev A

Dwg no: Existing Elevations PL005 27th November 2015

Dwg no: Existing Ground Floor and first floor Plan: PL003

Dwg no: Existing Second Floor, roof and Basement Plan: PL004

Dwg no: Existing Site Plan: PL002

Transport Plan Statement October 2015 received 27th November 2015

Design and Access Statement: received 27th November 2015

Received by the Local Planning Authority on the 8th February 2016

Reason: To define the scope of the development hereby permitted, in accordance with

section 72 of the Town and Country Planning Act 1990.

Landscaping:

3 Prior to the commencement of works on site in connection with the development hereby permitted, a scheme of landscaping to include a planting schedule and time table of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented as per the approved timetable.

Hard Landscaping:

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

External Materials:

5 The development (of the buildings) shall be carried out using external facing materials as set out in the Design and Access Statement and drawings PL03 Rev A.

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

Boundary Treatments:

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

Car Parking Spaces:

7 The parking spaces and turning area shown on the approved plan shall be laid out in accordance with that plan and be made available for use prior to the first occupation of the development and shall thereafter be kept clear of obstruction and retained only for the parking and turning of motor vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety.

Protective Fencing:

8 Works on site in connection with the development hereby permitted, relating to the protective fences to safeguard the Rowan and Maple trees which are to be retained shall be erected in accordance with the current BSI 5837 as detailed within a submitted arboricultural report and in situ until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.

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

Travel Plan:

9 A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to occupation of the development. The Travel Plan should give details of a timetable for implementation, and shall be implemented in accordance with the approved scheme.

Reason: In pursuit of sustainable transport objectives.

Tree protection:

10 No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place under the canopy of any tree or group of trees on the site shown for retention on the approved plans. Reason: To ensure that adequate protection is afforded to the trees on/adjacent to the site.

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

Personal Permission:

11 The change of use for the development hereby approved shall only be occupied by Gurkha veterans and their spouse, if applicable, as set out in the application details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway as the site is unsuitable for other uses or users except for the purpose hereby permitted than that hereby approved.

Informatives

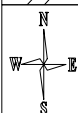
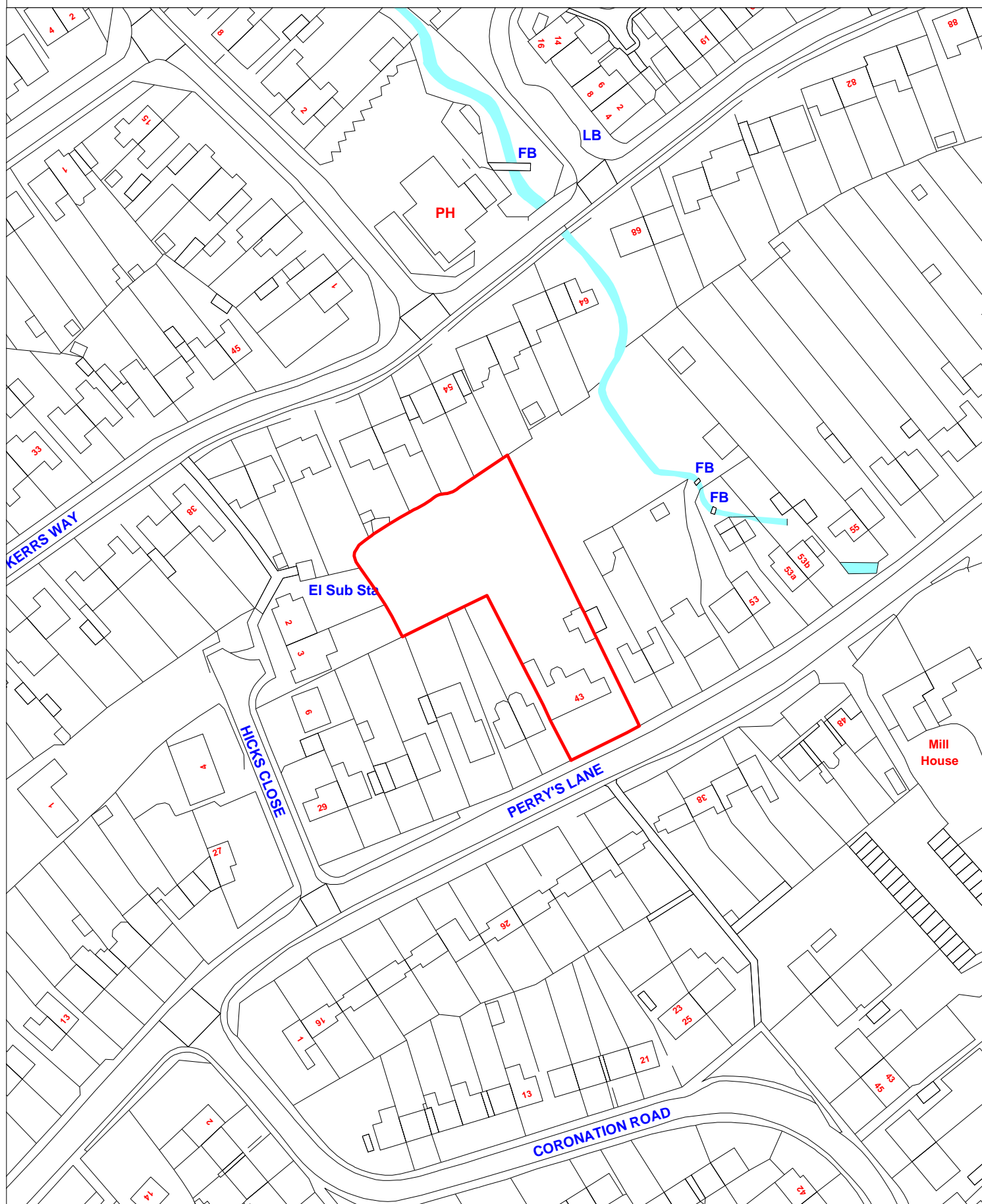
CIL Liable Development:

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

End of Report

Erection of 1no. detached dwelling, 2no. detached garages and associated works.

Land To The Rear Of 43 Perrys Lane Wroughton Swindon SN4 9AZ



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

Erection of 1no. detached dwelling, 2no. detached garages and associated works.

Land To The Rear Of 43 Perrys Lane Wroughton Swindon SN4 9AZ



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.



A line drawing of a house. It has a gabled roof with a chimney on the left side. The front facade is mostly blank, with a small, square window with a cross-hatch pattern in the lower center. To the left of the main house, there is a smaller structure, possibly a porch or a smaller building, with a gabled roof and a small square base.

A simple line drawing of a house. It features a gabled roof, a tall chimney on the left side, and a small porch on the right side. The drawing is composed of black outlines on a white background.

White Upvc Windows


Bi-fold doors

Bi-fold doors

The floor plan shows a central Hall with a staircase. The staircase has 10 steps up (numbered 1-10) and 10 steps down (numbered 1-10). A door labeled 'C' is located near the staircase. The plan includes a Lounge, Snug, Dining Area, Kitchen, WC, Boot Room/Utility, and Study. Various built-in features like a fireplace, bookshelves, and a radiator are also shown.

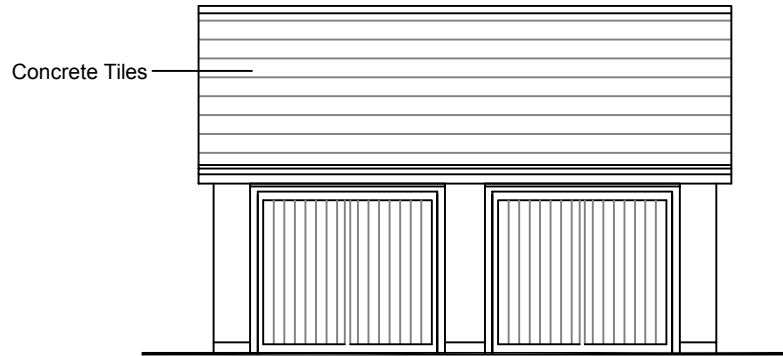
This floor plan shows a symmetrical four-bedroom house. A central landing is reached via a staircase with 10 steps up and 6 steps down. The landing features a central door and two side doors, each with a window. The house is divided into four bedrooms (Bed 1, Bed 2, Bed 3, Bed 4) and two bathrooms. Each bedroom has a window, and each bathroom has a window and a door. The plan also includes a central hall, a kitchen, and a living area. The overall layout is balanced and functional.

SCALE 1:100



0 1m 2m 3m 4m 5m

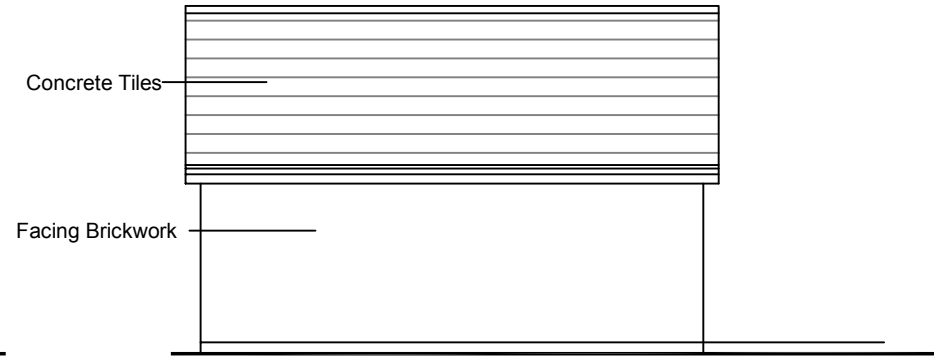
Drawn CE	Chkd ISA	Date Aug '16
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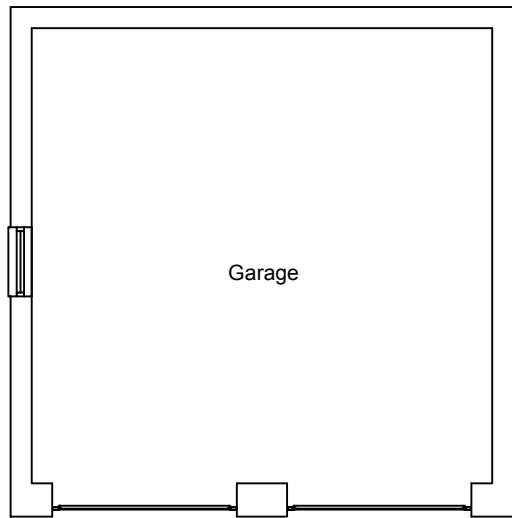
Front Elevation



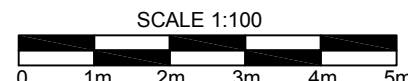
Side Elevation



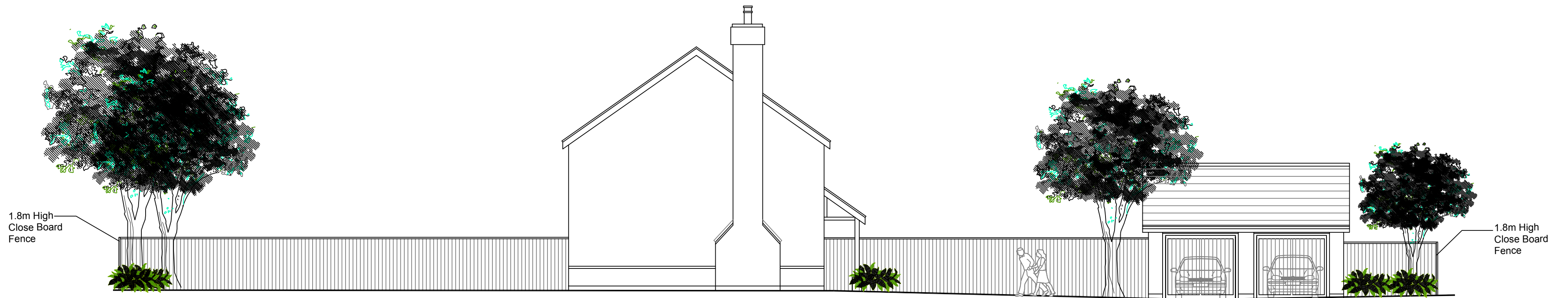
Rear Elevation



Garage

[illegible]

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	Drawing Title						
	GARAGES						
	Job No		152			Rev	
	2044					A	
Client		Scale		Drawn	Chkd	Date	
-		1 : 100 @ A3		CE	ISA	Aug '16	



Plot 1

✓ Plot 1 Garage/store

STREET SCENE A-A

A	02/11/16	Amended as per planners comments.
Rev	Date	Description

- All drawings are copyright
- Report all discrepancies to project administrator
- Do not scale drawing for construction purposes
- All dimensions to be checked on site

Project Title
43 Perrys Lane
Wroughton

Ian Sullivan Architecture Ltd

101 Victoria Road, Swindon, Wiltshire SN1 3BD.
Tel/Fax 01793 612663 - E-mail:- ian.sullivan@btconnect.com

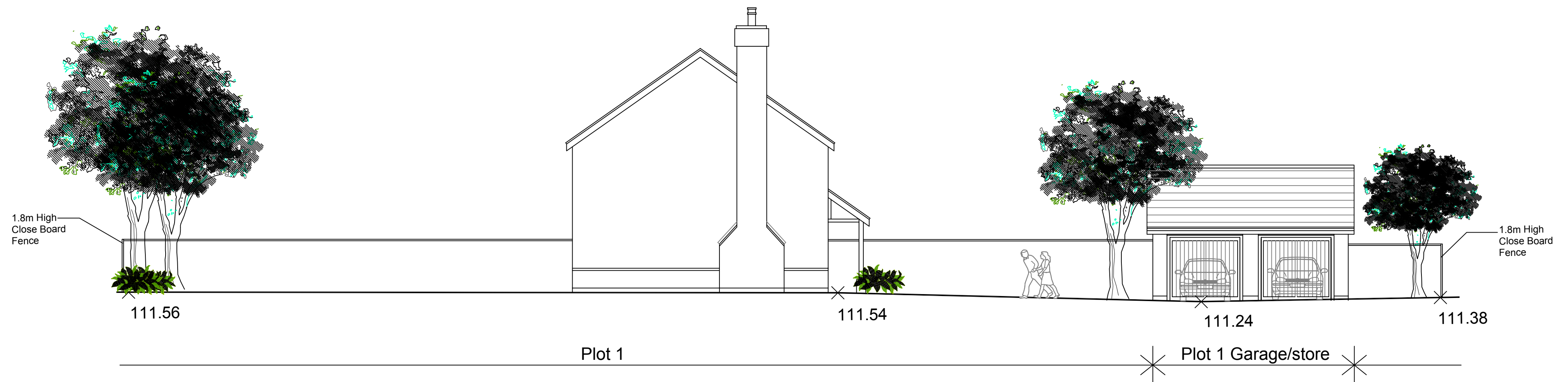
Drawing Title
STREET SCENES

Job No 2044	Drawing No 160	Rev A
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Client	Scale	Drawn	Chkd	Date
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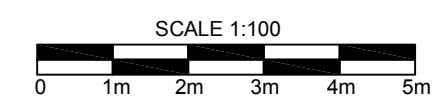
SCALE 1:100

A horizontal scale bar with alternating black and white segments. It is marked with '0', '1m', '2m', '3m', '4m', and '5m' at regular intervals.

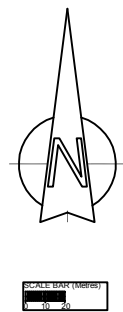


SECTION A-A

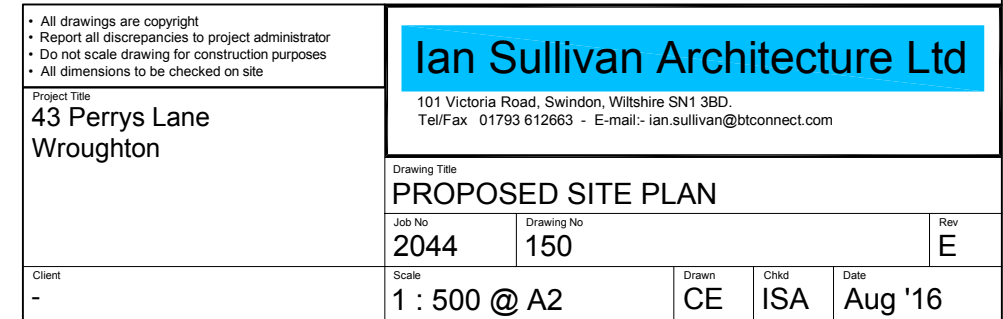
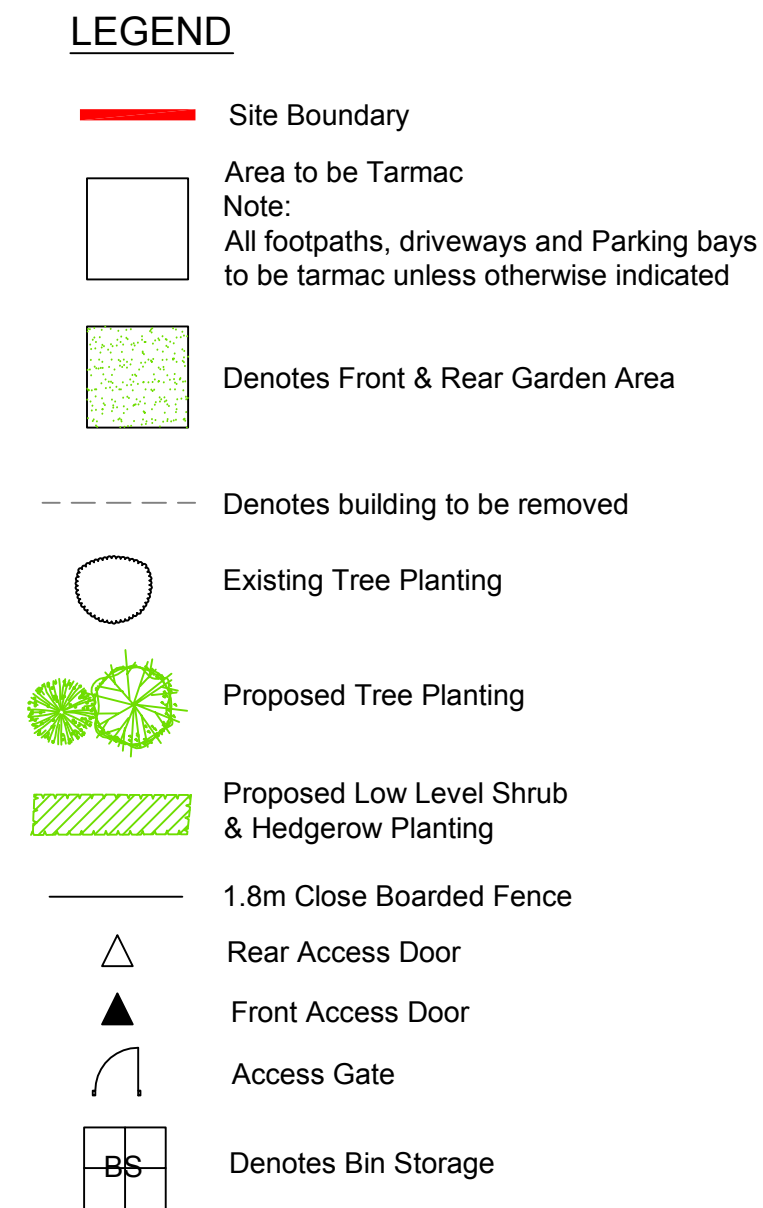
A	02/11/16	Amended as per planners comments.
Rev	Date	Description



<ul style="list-style-type: none"> • All drawings are copyright • Report all discrepancies to project administrator • Do not scale drawing for construction purposes • All dimensions to be checked on site 	<div style="background-color: #007bff; color: white; padding: 10px; text-align: center;"> <h1 style="margin: 0;">Ian Sullivan Architecture Ltd</h1> </div> <p style="text-align: center;">101 Victoria Road, Swindon, Wiltshire SN1 3BD. Tel/Fax 01793 612663 - E-mail: ian.sullivan@btconnect.com</p>				
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	Job No 2044	Drawing No 808	Rev A		
Client -	Scale 1 : 100 @ A2	Drawn CE	Chkd ISA	Date Aug '16	



<ul style="list-style-type: none">• All drawings are copyright• Report all discrepancies to project administrator• Do not scale drawing for construction purposes• All dimensions to be checked on site		<div>Ian Sullivan Architecture Ltd</div> <div>101 Victoria Road, Swindon, Wiltshire SN1 3BD. Tel/Fax 01793 612663 - E-mail:- ian.sullivan@btconnect.com</div>				
Project Title 43 Perrys Lane Wroughton		Drawing Title EXISTING SITE PLAN				
		Job No 2044		Drawing No 101		Rev B
Client -	Scale 1 : 500 @ A2	Drawn CE	Chid ISA	Date Aug '16		





COMMITTEE REPORT

Item Number: 8

Application Number: S/16/1627/TB

Ward: Wroughton And Wichelstowe

Parish:

Wroughton

Proposal: Erection of 1no. detached dwelling, 2no. detached garages and associated works.

Site Location: Land To The Rear Of , 43 Perrys Lane, Wroughton

Case Officer: Tom Buxton

Contact Details: Tel: 01793 466240 E-mail: tbuxton@swindon.gov.uk

Agent:

Mr Ian Sullivan

Ian Sullivan Architecture Ltd

101 Victoria Road

Old Town

Swindon

SN1 3BD

Applicant

Mr Ian Colton

43 Perrys Lane

Wroughton

Swindon

SN4 9AZ

Officers Report

Background:

1 This application is called to Planning Committee at the request of Wroughton Parish Council.

Summary of Recommendation:

2 Planning permission be GRANTED.

The Proposal:

3 This application seeks planning permission for the erection of 1 detached dwelling, a detached garage and associated works. Members will note that the scheme has been revised since originally submitted.

4 The dwelling would be in the form of a two-storey house and would have a footprint measuring 12.5 metres by 8.5 metres with a pitched roof with a ridge height of 8.1 metres. The dwelling would be located to the rear of the site and would benefit from a detached double garage. The garage would also have a pitched roof, the ridge height of which would be 4.5 metres.

5 The proposal would be accessed via an existing highway access point from Perry's Lane along an extended driveway to the side of No. 43 and beyond. It is also proposed that the existing parking area to the front of No. 43 be increased in size slightly by providing additional hard surfacing.

The Site and Surroundings:

6 The site is part of the back garden of No. 43 Perry's Lane, a detached two-storey dwelling that is recognised as a building of local significance. The back garden is large and 'L' shaped and is bounded by a variety of boundary treatments including close boarded

fences, a brick wall and conifer trees.

7 The surrounding area is residential in character. It is made up of detached and semi-detached dwellings.

Representations:

8 Neighbours:

Original Plans

Fourteen representations of objection received, one each from the following properties: Nos. 21, 37, 45, 48, 50, 54 and 58 Kerrs Way, No. 16 Cowleaze, No. 33 Manor Close, No. 2 Mill Lane and two each from the following properties: Nos. 52 and 56 Kerrs Way. Each representation contained one or more of the following concerns: loss of light, loss of privacy/overlooking, noise and light pollution from cars, access width and no access for emergency and service vehicles (including bin lorries leading to knock-on impact to Perry's Lane), cottage (No. 43) could be damaged during works, damage to foundations of No. 43 and No. 45 by heavy vehicles on drive, loss of trees, loss of wildlife habitat and wildlife, over development, traffic congestion, highway safety, height of garage, dwelling is out of line/keeping/character, impact upon security of homes and gardens, traffic and road safety, outlook, more bins on the pavement, plans don't have a scale on them, there are better locations for housing and unwanted cost of neighbours having to change/put up fences.

Revised Plans

Twelve representations of objection received, one each from the following properties: Nos 21, 48, 50, 52, 54 and 58 Kerrs Way, No. 33 Manor Crescent, No. 16 Cowleaze Crescent and 2 from Nos 45 and 56 Kerrs Way. The majority of the representations reiterated the concerns detailed above however the following new concerns were also raised: drop in property value and precedent.

9 Parish Council:

Original Plans

Object to the application for the following reasons:

- Inadequate highway access (too narrow and contrary to Backland and Infill SPD)
- Length of new access road (contrary to Backland and Infill SPD and no passing place)
- Loss of amenity and privacy to neighbouring properties (overlooking)
- It is understood that tandem development will only be allowed in exceptional circumstances.

Revised Plans

Object to the application for the following reasons:

- Inadequate access. At the pinch point the width could be less than 3 metres. The SPD on Backland and Infill Development states that there should be a minimum separation of at least 3 metres from the wall of the original dwelling to the driveway.
- Length of new access road (contrary to Backland and Infill SPD which details that drives of this length MUST be a minimum of 4 metres wide in order to be suitable for use by emergency service vehicles).
- It is understood that tandem backland development should only be allowed in exceptional circumstances and there has been no case made for this.
- The revised position of the residents parking for no. 43 and bin store area will have a negative impact on the street scene of Perrys Lane.

- The new building will mean a loss of habitat for wildlife, especially when there is a colony of bats approximately 300m away from the proposed development.

-There is no clear boundary between the proposed driveway and garden for the new dwelling.

- The proposed dwelling is not in proportion to neighbouring properties.

10 Highways:

No objections raised (although queries raised regarding fire engine access).

11 Arboricultural Officer:

No objections raised to the plans. The large conifers that are proposed to be removed are not in the best condition and will continue to deteriorate so replacement with new trees is the best way forward. The trees with a long term life expectancy are being retained.

12 Landscape:

WSBRC have advised that there is a Priority habitat (Running Water) within 100m of site. Having looked at the documents submitted with the application believe that it is unlikely that the application will have a detrimental impact upon the Priority habitat cited. Whilst bats have not been mentioned, as they are ubiquitous in the Borough it is suggested that the applicant be asked to incorporate bat bricks within the proposed new buildings thereby ensuring that the development makes a small contribution to Policy EN4 of the adopted Local Plan (SBCLP 2026).

13 Dorset & Wiltshire Fire and Rescue:

Advice offered regarding Building Control and recommendations made regarding the installation of sprinklers.

Planning Considerations:

14 The relevant planning considerations are the principle of the development, the impact upon the character of the area and host property, residential amenity and highway safety. Of relevance to the determination of the application are Policies SD2, DE1, EN4, EN10 and TR2 of the adopted Swindon Borough Local Plan 2026, the adopted Swindon Residential Design Guide (2016) and the NPPF. (NOTE: The recently adopted Residential Design Guide supersedes the Backland and Infill SPD).

Principle

15 The proposal site is located within the rural settlement boundary of Wroughton. It is located within a residential area within walking distance of shops, services and public transport links. As such the proposal is deemed to be in compliance with Policy SD2 of the adopted Local Plan and furthermore the location of the site is considered to be sustainable in terms of its location. On these grounds the land is considered to be appropriate for residential development and therefore acceptable in principle alone. There are however a number of other key considerations in order to ensure overall acceptability of the proposal. These will be discussed below.

Impact Upon Character of Area

16 The Council's adopted Residential Design Guide refers specifically to backland developments such as this. One of the key requirements in this document for such

developments to be acceptable is that they respect the character and context of their surroundings (this is also a requirement for all types of development by Policy DE1 of the adopted Local Plan). In this case the proposal would result in a reduction in the garden size of No. 43, however it could be argued that the current garden size and shape is uncharacteristic of the area. The proposed garden length would mirror that of the existing properties to the east and west (with the exception of No. 45 which has an unusually large back garden) and hence it is deemed that this element of the proposal would respect the character and context of the area.

17 With regard to the proposed house itself, the Residential Design Guide refers to tandem developments where a 'new dwelling is placed immediately behind an existing dwelling'. In this case the proposed dwelling would not be located immediately behind No. 43, it would be located over 30 metres away with the majority of it being located within the larger part of the 'L' shaped plot. Furthermore the dwelling would not face the rear of No. 43 (or its neighbours). In this case it is argued that the proposal is able to comply with the principles of Policy DE1 of the adopted Local Plan as is the requirement of this part of the Design Guide. The same section of the guide details that 'proposed developments on small plots or on sites that share the same access will normally be rejected'. It is important to note in this context that the plot size is not small and that the new dwelling and No. 43 would not share an access. Whilst it is acknowledged that the site area falls short of the suggested minimum given in the Design Guide (0.4 ha), as a result of the justification given above and that no harm will result this is not something that can form a sustainable reason for refusal alone.

18 The plot is deemed to be adequately sized to be able to accommodate a dwelling of this size, whilst retaining a sufficient garden for No. 43. Although the footprint of the new dwelling would be slightly larger than that of properties in the adjacent Kerrs Way and Hicks Close it would be similar to No. 43. Whilst its size and design as a relatively large modern dwelling would not mirror the neighbouring properties it would not be read within the same streetscene context but more as a stand-alone individual property. Furthermore it is evident that there is a variety of existing building sizes and architectural styles within the vicinity plus the dwelling would not be prominently visible, if at all from any public vantage point (i.e. from the street). In summary the proposed dwelling would not detract from the character of the streetscene or the wider area in compliance with the adopted Residential Design Guide and the NPPF.

19 The proposed garage would not be significant in footprint size or height. It is noted that during the processing of the application the ridge height was reduced from 5 metres to 4.5 metres. Some of the representations received have pointed out that this is above the height detailed as a maximum with the adopted Residential Extensions and Alterations SPD. The SPD suggests a maximum height of 4.2 metres for garages in order that they be subordinate to the host dwelling and don't result in a negative impact upon residential amenity. It is stressed that the 4.2 metres maximum is guidance and that the proposal is only 30cm above this. Furthermore the garage is to be set in from all the boundaries by at least 2 metres and set back from the road by over 60 metres. In summary the garage would not harm the character of the area and is acceptable in this respect.

Heritage

20 No. 43 Perrys Lane is recognised as a building of local importance. As such it is recognised as a heritage asset (non-designated) and therefore the development is required

to comply with Policy EN10 of the adopted SBLP and section 12 of the NPPF. In this case it is recognised that the development will not be prominently visible when viewed from the highway to the front. The dwelling itself will not be visible at all from the front with there being only long distance views of the proposed garage at the end of the driveway (over 60 metres back from the road). Although the driveway would be visible within the streetscene there is at present a driveway to the side of the house leading to a garage and thus the change will not be significant. The proposal will retain a large rear garden area for No. 43 and there will be a separation distance of nearly 35 metres between the main rear elevation of No. 43 and the proposed dwelling. It is deemed therefore that an adequate level of openness will be retained to the rear of No. 43 thus not negatively impacting upon the setting of the non-designated heritage asset. In summary the proposal would conserve the significance of the non-designated heritage asset in compliance with Policy EN10 and the NPPF.

Residential Amenity

21 The main rear elevation of the closest neighbouring dwelling (No. 50 Kerrs Way) would be located 23.5 metres from the proposed house. Such a separation distance exceeds the minimum of 22 metres set down within the adopted Residential Design Guide. This standard is based on a rear to rear separation. In this case the 23.5 metres is rear to side, with there being no side facing windows proposed within the new dwelling. The separation distance between the first floor windows within the front and rear elevations of the dwelling and the adjacent boundaries would be 18 metres and 17.5 metres respectively. Whilst the adopted Residential Design Guide does not provide a minimum separation distance between first floor windows of new dwellings and private garden space, the now superseded Backland and Infill SPD suggested 10 metres as a minimum. The proposal far exceeds this. In addition to the proposed dwelling exceeding the suggested minimum distances the existing and proposed boundary planting would also aid in softening the impact of the dwelling and further reducing any opportunity for overlooking. On this basis it is considered that the dwelling will cause no unacceptable impact upon the residential amenity of the neighbouring properties in terms visual dominance, loss of light or loss of privacy.

22 The proposed garage would be located in excess of 21 metres from the nearest neighbouring dwelling (No. 54 Kerrs Way) and at least 2.5 metres from any boundary. These factors combined with the existing and proposed planting and the fact that the garage would sit adjacent to the rear most part of the adjacent back gardens means that the garage would not harm residential amenity in terms of visual dominance or loss of light.

23 The extension of the existing driveway to the side of No. 43 and along the eastern boundary of the site would not result in an unacceptable impact being created upon residential amenity either. The scheme proposes, in order to reduce any impact of vehicles using the driveway upon No. 45 (the nearest neighbouring property), that the existing low boundary treatment to the eastern boundary be replaced with a 1.8 metre high fence and that a 1 metre wide planting strip be introduced next to this. Whilst the original plans proposed a separate garage for No. 43 the revised plans now show that the driveway would serve the new dwelling only. As such it is not considered that there will be a significant number of vehicle movements along it. The vehicle movements that will occur will not cause an unacceptable impact upon the amenity of No. 45 in terms of noise or light pollution as a result of the aforementioned boundary treatment changes and the planting strip. It is deemed that the driveway will not harm the amenity of any of the other neighbouring

properties (including No. 43 itself) either.

Highway Safety

24 The Highway Officer has not raised an objection to the proposal. Although there would be a 'pinch point' between the rear corner of No. 43 and the eastern boundary, the driveway would be sufficiently wide to allow for car access to the site. The proposed 5 metre wide access to the frontage would also allow 2 vehicles to pass one another at the site frontage. Access to the site by larger vehicles (service vehicles and emergency vehicles) may prove difficult due to the aforementioned 'pinch point' however this does not constitute a reason for refusal. Delivery vehicles will be able to park on the wide section at the site entrance and it is noted that the applicant will need to fulfil requirements under separate legislation, such as Building Control with regard to the ability for access for firefighting purposes. It is likely that the installation of sprinklers will be required within the house as a result of the likely inability for fire engines to be able to access the dwelling.

25 There is no reason to suggest that the additional vehicle movements associated with 1 additional dwelling will cause any traffic problems within the vicinity and nor is there any evidence to suggest any harm to pedestrian safety will result. As noted above there is already a driveway and garage to the side of No. 43 as well as a separate frontage parking area. Whilst minor amendments are proposed to each the intensification in terms of vehicular movements is likely to be minor.

26 Sufficient off-road parking would be provided for both the new dwelling and No. 43 to mean there would be no need for vehicles to park on Perrys Lane. Space has also been allocated for bins to be stored at the site frontage on collection day to mean there will be no obstruction of the highway. The proposal accords with Local Plan Policy TR2.

Other

27 Wiltshire and Swindon Biological Records Centre have not indicated that there any records of protected species on the site and no other information has come to light to confirm the presence of such. Whilst the concerns of the residents in terms of the loss of wildlife habitat are appreciated the trees and shrubbery are not protected and hence the LPA have no powers to prevent the complete loss of these. However it is not proposed to remove all planting. The majority of the trees that will be removed are in the form of overgrown conifers which the Arboricultural Officer has confirmed are in a poor condition. On this basis, the proposed retention of the trees with a long term life expectancy plus the fact that additional planting is proposed (and will be conditioned as such) it is deemed that no unacceptable landscape or wildlife impacts will result.

28 With regard to the comments made with the representations section that have not already been covered above the following is noted:-

- Loss of property value is not a material planning consideration.
- There is no reason to suggest neighbouring properties will be required to erect new fences.
- Whether there is 'better locations for housing elsewhere' is not a consideration. The application that is for consideration is a house at No. 43 Perrys Lane.
- The submitted plans are all to a recognised scale.
- There is no reason to suggest the security of neighbouring homes will be compromised.
- Each and every application is dealt with upon its own merits and hence permitting this development will not automatically mean that all other backland style proposals in the area will be acceptable.

- Whilst access for construction traffic may be difficult there is no reason to suggest that No. 43 will be damaged during the construction process.
- The 'pinch point' along the proposed driveway will limit the size and therefore weight of larger vehicles (HGVs etc.) that can drive along it. As a result it is not deemed that the development will lead to an unacceptable impact upon the foundations of either No.43 or No. 45.
- The Backland and Infill SPD has been superseded by the Residential Design Guide.
- The 'revised parking area' for No. 43 consists of a small increase in the existing block paved area, all of which would be located behind the existing wall. It is hence difficult to understand how this could result in a detrimental impact upon the streetscene. It is also noted that such works are unlikely to require planning permission.
- The proposed bin area to the frontage is for bins to be stored on collection day only.
- A fence and gate separate the driveway of the new house from the house and garage.

CIL

29 The Council's CIL Charging Schedule was adopted in April 2015. The relevant rate for this development is £55 per square metre.

Concluding Comments:

30 In conclusion, the proposed development is acceptable in principle, will not create any unacceptable impact upon the character of the area or residential amenity, will not harm the character or setting of the non-designated heritage asset and will not result in any highway safety concerns. The application is compliant with Policies SD2, DE1, EN4, EN10 and TR2 of the adopted Swindon Borough Local Plan 2026, the adopted Residential Design Guide (2016) and the NPPF.

Recommendation

31 That planning permission be GRANTED.

Conditions

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

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

2. No works above ground level shall take place regarding the erection of the dwelling hereby permitted until 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.

3. Prior to the commencement of works on site in connection with the development hereby permitted, a scheme of landscaping to include a planting schedule and time table of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented as per the approved timetable.

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

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

4. The dwelling shall not be occupied until details indicating the positions, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the dwelling is occupied and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

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

5. The dwelling shall be constructed in accord with slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land that have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no windows shall be formed in the side elevations of the dwelling hereby permitted at or above first floor level.

Reason: In the interests of residential amenity.

7. No development, including site preparation works, shall commence on site, until a plan has been submitted to the Local Planning Authority for approval in writing to show the provision of a temporary site access and a compound, to provide a parking area for site operatives and construction traffic and for the storage of plant, equipment and materials to be used in the development hereby permitted. Such temporary access and site compound shall be provided on site in strict accordance with the approved details and shall thereafter be maintained during the course of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that roads and footpaths in the vicinity of the development site are kept clear of obstruction in the interests of highway safety.

8. No materials, plant, soil or spoil shall be stored within the limits of Root Protection Area and no burning of materials shall take place within 5 metres of the furthest extent of, the canopy of any tree or group of trees on the site shown for retention on the approved plans.

Reason: To ensure damage does not occur to the trees during building operations.

9. The dwelling and garage hereby permitted shall not be occupied/brought into use until the parking spaces shown on the approved plan have been surfaced, marked out and made available for use. Thereafter the area shall be kept clear of obstruction and shall not be used for any purpose other than the parking of vehicles in connection with No. 43 Perrys Lane and the new dwelling.

Reason: To ensure that satisfactory provision is made for vehicles to be parked off the highway at all times.

10. Access to the development shall be by means of a dropped kerb crossing.

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

11. Construction work associated with the development hereby permitted shall only take place between 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of amenity.

12. This approval shall be in respect of drawing number 100 received by the Local Planning Authority on 9th September 2016, drawing numbers 151 A, 152 A and 808 A received on 3rd November 2016 and drawing numbers 150 E and 101 B received on 29th November 2016.

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

Informatives

1. CIL Liable Development

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

2. In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting www.wfb.org.uk

3. In addition to this consent, please contact gazetteers@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.

4. It is recommended that the applicant/developer incorporate a 1 bat roosting brick within the dwelling hereby permitted.

End of Report

Author: DIRECTOR OF LAW AND DEMOCRATIC SERVICES

Parish / Wards Affected: ALL

Purpose

The purpose of this report is to inform members as to the current position in relation to Deeds of Planning Obligation (i.e. Section 106 Agreement or Section 106 Unilateral Undertaking) authorised by the Council in its role as local planning authority.

Recommendation

Planning Committee is requested to note this report.

1. Reason

To keep members informed as to the current position regarding Deeds of Planning Obligation.

2. Detail

2.1 The attached schedule sets out the current position in relation to Deeds of Planning Obligation.

2.2 Deeds of Planning Obligation are entered into pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) between landowners/developers and local planning authorities which either require the landowner/developer to do something or restricts what can be done with land following the granting of planning permission. These Deeds may:

- Impose restrictions on the land e.g. the surrender of a previous and inconsistent planning consent.
- Impose positive obligations e.g. a Green Travel Plan or the provision of affordable housing.
- Require the land to be used in a particular way e.g. use of part of a housing site for a play area.
- Require money to be paid to the authority e.g. payment for maintenance of play areas or payment of developer contributions towards infrastructure costs.

Further information on the subject of this report can be obtained from Stephen Taylor Director of Law and Democratic Services on Direct Dial No.463012 or Email staylor@swindon.gov.uk.

PLANNING AGREEMENTS

PLANNING COMMITTEE

13th December 2016

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- 2.3 Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL) sets out three tests for a planning obligation to form a reason for grant of planning permission:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 2.4 A developer who enters into a Deed of Planning Obligation must have an “interest” in the land. In other words, he must own the freehold of the land, or have a leasehold interest, or some other legal interest in the land. Ideally a mortgagee must also be bound by the Planning Obligation. The Planning Obligation runs with the land. Any subsequent purchaser of the land affected by the Planning Obligation will therefore be bound by its terms.
- 2.5 If a developer is in breach of any of the terms of a Deed of Planning Obligation, he/she is deemed to be in breach of a covenant. The consequence is that the local planning authority may bring proceedings in the County Court for an injunction to compel the developer to perform the particular obligation. In addition, damages may also be sought. A developer may apply for variation or discharge of an obligation. If the local planning authority agrees, then a Deed of Variation will be entered into by the Council and the Developer.
- 2.6 It is in the interest of the Council that Deeds of Planning Obligation are completed without delay so that planning permissions can be issued and development facilitated. This does, however, also require co-operation from the developer and/or their solicitor in order that agreement can be reached on the terms to be included within the legal documentation.
- 2.7 The Director of Law and Democratic Services aims to present a monitoring report to members every six months.

Alternative Options

- None – the report is for information.

Risk Management

Financial and Procurement Implications

- There are no direct financial or procurement implications.

Further information on the subject of this report can be obtained from Stephen Taylor Director of Law and Democratic Services on Direct Dial No.463012 or Email staylor@swindon.gov.uk.

PLANNING AGREEMENTS

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13th December 2016

Legal / Human Rights Implications

- Legal/human rights implications have been considered in detail in the report dealing with the planning application to which the agreement relates.

Links to Corporate Plans and Policies

- No specific link- this report relates to the exercise of the statutory regulatory powers of the Council

Consultees

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

Background Papers and Appendices

- Appendix – Schedule of Planning Agreements.

Further information on the subject of this report can be obtained from Stephen Taylor Director of Law and Democratic Services on Direct Dial No.463012 or Email staylor@swindon.gov.uk.

LIST OF SECTION 106 AGREEMENTS

December 2016

OFFICER KEY

DD = David Dewart
 DH = David Haney
 ES = Edward Snook
 GM = Graham McIntosh
 HC = Heather Carlisle
 HCO = Helen Cooper
 IH = Ian Halsall
 JABU = Janet Busby
 KMA = Kehinde Awojobi

KC = Kimberley Corps
 NS = Nicola Smith
 RM = Rhian Morris
 RA = Rachael Adams
 SC = Sarah Christie
 SASM = Sarah Smith
 SS = Sarah Screen
 TB = Tom Buxton
 WR = Waheed Rahman

Page 50

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
1.	<p>Land on the north side of Kingsdown Road, Swindon (Catsbrain Farm)</p> <p>Outline application for the erection of Class C2 care home comprising 40 no. bedroom dementia home, 12 no. close care apartments, communal club house</p> <p>S/OUT/14/1879</p> <p>IH</p>	14/10/2015	<p>Agreement to restrict residential development to accommodation falling within Class C2 (Residential Institution) only as defined by the Town and Country Planning (Use Classes Order) 1987 (as amended) with ancillary facilities</p> <p>S106 Agreement completed on 5th May 2016 and planning permission granted.</p> <p>KMA</p>
2.	<p>Chain Testing Works, Kemble Drive, Swindon</p>	25/09/2015	<p>Deed of Variation to an existing Section 106 Agreement varying a condition to the planning permission referenced</p>

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	S/15/1268 ES		S/15/1268 under a section 73 application. Completed 26th January 2016. WR
3.	Former Woolworths House, Dorcan, Swindon 165 Dwellings and associated works. S/OUT/14/2162 RM	29/10/2015	Agreement to secure affordable housing, public open space, allotment provisions and contribution towards highways. Agreement completed on 17th February 2016 and planning permission issued. KMA
4.	Land at Berkley Farm Wroughton Erection of 100 dwellings S/OUT/14/1005		Agreement to secure Affordable Housing and contributions towards open space, playing pitches, Lister Road roundabout and Swindon Rd footway. Agreement completed on 26th November 2015. Planning permission granted on appeal by Planning Inspector. Appeal Ref: APP/U3935/W/15/3035560
5.	Ivy Hotel, Wroughton Demolition of buildings on site and construction of 38 no. residential units of retirement living	28/09/2016	Agreement to secure Affordable Housing contribution. Agreement completed 28 November 2016 Planning permission granted

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	accommodation including communal facilities, guest suite a, landscaping and car parking. S/16/0487 SASM		WR
6.	Land at Marlborough Park, Pipers Way, Swindon A hybrid application for a mix residential development to include – full details of the erection of 91 no. dwellings and 74 no. age restricted retirement dwellings and associated works and outline proposal for up to 313 no. dwellings, public open space and play area S/OUT/2051 and S/OUT/15/2051 IH	10/08/2016	Deed of variation to bind the original Section 106 Agreement, secure alternative provisions on affordable housing requirements and manage the Community Infrastructure Levy transitional provisions associated with the repayment of overpaid contributions. Agreement currently being drafted. WR
7.	WH Smith, Greenbridge Outline planning application for up to 134 no. residential dwellings (use class C3), day nursery / crèche (use class D1) and inter-generational care accommodation (use class C2) S/15/OUT/2087	31/08/2016	Agreement to secure affordable housing and off-site open space contributions. The revised draft agreement is with the developer's solicitors for comments. WR

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	IH		
8.	Land at Lady Lane, Blunsdon Outline application for the erection of 52 no. dwellings with associated car parking, landscaping and public open space S/OUT/15/1025 HC	19/11/2015	Agreement to secure affordable housing and highways, play area, local open space, major open space and outdoor sport contributions. Agreement completed 28th July 2016 Date planning permission granted: 29 th July 2016 WR
9.	Sunnymead Residential Home House, 125 Croft Road, Swindon Change of use from care home (Class 2) to 11 no. flats (class c2) with communal lounge and shared laundry, plus single storey extension and 1 no. dormer window and 1. No. enlarged dormer window to rear and provision of 5 car parking space S/15/1885 HC	14/03/2016	Agreement to ensure tenants of property do not use or own cars. At the request of the applicants, the application is brought back to the planning committee. WR
10	Former Westlea Campus, Chelmsford Road, Eastleaze, Swindon	05/07/2016	Deed of variation to amend the affordable housing provisions in the original Section 106 Agreement.

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	Hybrid Planning Application for mixed use development and associated works to include - full details of a retail food store (class A1) with associated access, car parking and landscaping and an outline proposal for up to 70no. residential units (class C3) S/OUT/14/0568 and S/RES/151280 HC		Waiting for developer's solicitor to confirm the final agreed form of the Deed before circulating deed for signing. WR
11	Hills Housing Site, Land at Ermin Street, Blunsdon Outline application for the erection of 61 no. dwellings with provision of open space, allotments and associated works S/13/1223 RA		Deed of Variation to vary the original Section 106 Agreement to reduce the time periods contained in the affordable housing provisions linked to the bank's exercise of power of sale Agreement completed 31 October 2016 WR
12	Great Western Academy, Land lying to the north of Grove Farmhouse, Tadpole Lane, Blunsdon New educational development consisting of a secondary school and a sports hall, soft and hard surface play areas, car parking and	06/09/2016	Agreement to secure travel plan monitoring fee, ongoing travel programme and cycle shelters Agreement completed 22 November 2016 Date planning permission granted: 23 rd November 2016 WR

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	utilities provisions including associated works S/16/1353 NS		
13	2 Westleaze, Mill Lane, Swindon, SN1 1NU Change of use of attached barn to annexe for ancillary accommodation to main residence S/15/0550 SC	17/05/2016	Agreement to ensure annexe remains ancillary to main dwelling and is not used, rented or sold separately as an individual unit. Draft agreement is with the developer's bank for comments. WR
14	Former Manor Garage, 2-44 (even) Manor Road, Kingshill, Swindon Erection of 22 no. dwellings with associated car parking, landscaping and amenity space S/09/0928 DH	01/09/2016	Deed of variation to vary the original Section 106 Agreement in relation to the bank's obligation under the affordable housing provisions The agreement is with the developer's solicitor for signing. WR
15	Erection of 105 dwellings at Land east of Marlborough Rd, Wroughton S/OUT/15/0912	11/11/2016	Agreement to secure Affordable Housing, Open Space, Allotments and safer routes to school. Matter now subject of an appeal (APP/U3935/W/16/3147902)

	<u>NAME OF S106 & Planning Case Officer's initials</u>	<u>Date Instructions Received</u>	<u>COMMENTS (latest update in box) & Legal Case Officer's initials</u>
	JABU		Inquiry to be held on 10 th to 13 th January 2017. Agreement in preparation KMA
16	Erection of 69 no. dwellings at land at north High Street, Blunsdon S/14/1304 RA		Agreement to secure off-site major open space and outdoor sports contributions, transport contribution, allotment contribution, affordable housing units and public open space. Matter subject of an appeal (APP/U3935/W/15/3133674). Appeal decision date 17 June 2016. Agreement completed 26 April 2016 Date planning permission granted: 17 June 2016 KMA

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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Document is Restricted