

# Swindon Borough Council

## Planning Committee

**Tuesday, 11 April 2017**

Council Chamber, Civic Offices

At 6.00 p.m.

### **Conservative Councillors**

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

### **Labour Councillors**

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

### **Liberal Democrat Councillors**

*Stan Pajak*

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

**Committee Officer:** Shaun Banks (Telephone 01793 463605)  
email: sbanks@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**

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## **AGENDA**

### **1. Apologies for Absence**

### **2. Declarations of Interest**

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

### **3. Minutes (Pages 1 - 2)**

To receive the minutes of the meeting held on 14<sup>th</sup> February 2017.

**4. Public Question Time**

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

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

**6. S/16/2037/BLOWC - Erection of Class A1 foodstore and associated works, Former Even Swindon Infants and Junior School, Hughes Street, Rodbourne (Pages 6 - 30)**

**7. S/16/2024/BLOWC - Erection of 12 no. dwellings and associated works, Former Even Swindon Infants and Junior School, Hughes Street, Rodbourne (Pages 31 - 58)**

**8. S/15/1750/RM - Outline application for the erection of 104 no. dwellings, traffic roundabout, roads and associated works - (Means of Access, Layout and Scale not reserved), Land to the Rear of Woodland View, Wroughton, Swindon (Pages 59 - 87)**

**9. S/OUT/16/1800/RM - Outline application for the erection of 4 no. dwellings and associated works - access and layout not reserved, Land to the rear of 2 and 4 The Broadway, Moredon, Swindon (Pages 88 - 100)**

**10. Proposed Consultation Response on Technical Matters in the Government's Housing White Paper: "Fixing our Broken Housing Market" (Pages 101 - 128)**

**11. Variation to Commonhead S106 Legal Agreement (Pages 129 - 132)**

**12. Protocol for Dealing with Planning and Related Applications and Local Planning and Related Application Validation Lists (Pages 133 - 149)**

**Date of Despatch:** 30 March 2017

**Key:**

**Officers:**

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

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

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

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



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

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

## **WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL**

### **NEW GUIDELINES - PLEASE READ**

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

- 1. THE COMMITTEE CHAIR CALLS THE ITEM**
- 2. PLANNING OFFICER PRESENTS THE APPLICATION**
- 3. WARD COUNCILLORS MAY SPEAK**
- 4. APPLICANTS AND/OR AGENT (5 MINUTES MAXIMUM IN TOTAL) WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**
- 5. PUBLIC SPEAKERS (INCLUDING PARISH COUNCIL )- WHO HAVE NOTIFIED THEIR INTENTION TO SPEAK ON THE ITEM TO THE COMMITTEE CLERK BY 12 NOON THE DAY BEFORE THE MEETING.**  
  
**(MAXIMUM 5 MINUTES EACH UP TO 2 SPEAKERS, IF MORE THAN 2 THEN MAXIMUM 10 MINUTES TOTAL SPEAKING TIME FOR ALL SPEAKERS)**
- 6. COUNCILLORS WHO HAVE DECLARED PERSONAL OR PREJUDICIAL INTERESTS MAY SPEAK**
- 7. MEMBER ONLY DISCUSSION, INCLUDING ANY FURTHER QUESTIONS TO OFFICERS OR ANYONE ELSE WHO HAS SPOKEN**
- 8. A PLANNING OFFICER WILL CLOSE THE ITEM BY COMMENTING ON ISSUES RAISED BY MEMBERS**
- 9. VOTE**
- 10. CHAIR BRIEFLY EXPLAINS DECISION IF NECESSARY**
- 11. NEXT BUSINESS**

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

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

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

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

**PLANNING COMMITTEE**

**TUESDAY, 14 FEBRUARY 2017**

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

Apologies for absence were received from Councillors Nick Martin and James Robbins.

**31. Declarations of Interest**

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

**32. Minutes**

Resolved – That the minutes of the meeting held on 13<sup>th</sup> December 2016, be confirmed and signed.

**33. Public Question Time**

No public questions were asked or submitted for this meeting.

**34. 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 Councillors Alan Bishop, Vera Tomlinson and Peter Watts in respect of application numbered S/HOU/16/2167/IH.
- (e) The comments of Councillors Vera Tomlinson, and Tim Swinyard in respect of application numbered S/15/1885/HC.
- (f) The comments of the following interested person:-

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/HOU/16/2018/NIHO	J Gaulton	Applicant

Resolved – That permission to develop be granted in respect of applications numbered S/HOU/16/2167 and S/HOU/16/2018/NIHO, subject to the conditions listed in the Committee Report.

**35. Sustainable Drainage Systems (SuDS) Vision for the New Eastern Villages Supplementary Planning Document**

The Head of Planning, Regulatory Services and Heritage submitted a report summarising the Sustainable Drainage System (SuDS) Vision for the New Eastern

Villages (NEV) Supplementary Planning Document following public consultation and setting out proposed further guidance on the Swindon Borough Local Plan 2016 and in particular policies NC3 and EN6.

Resolved – (1) That the Sustainable Drainage System (SuDS) Vision for the New Eastern Villages (NEV) Supplementary Planning Document be adopted and be made publically available in accordance with the arrangements set out in paragraph 8.1 of the Director's report.

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

### **36. New Eastern Villages Green Infrastructure Strategy Draft Supplementary Planning Document (SPD)**

The Head of Planning, Regulatory Services and Heritage submitted a report updating the Committee on the preparation of the Green Infrastructure Strategy for the New Eastern Villages Supplementary Planning Document.

Resolved – (1) That, subject to (2) below, the New Eastern Villages Green Infrastructure Strategy draft Supplementary Planning Document be endorsed for a six week period of public consultation to commence as soon as reasonably practical in accordance with the arrangements set out in paragraph 8.1 of the Director's report.

(2) That, further to bullet point two of paragraph 1.4 of the Director's report, the New Eastern Villages Green Infrastructure Strategy draft Supplementary Planning Document be amended to read "Protect, acknowledge and enhance the historic environment, including the Scheduled Monument, Earls Court Manor, Great Moorleaze Farm and other listed buildings, and archaeological sites uncovered during preliminary and construction stages".

(3) That the Head of Planning, Regulatory Services and Heritage be authorised, in consultation with the Director of Law and Democratic Services, to update the draft Supplementary Planning Document in accordance with any updated national guidance and to make minor changes to the content of the document, if required, prior to carrying out the public consultation.

### **37. New Eastern Villages (NEV) Island Bridge Vision Draft Supplementary Planning Document (SPD)**

The Head of Planning, Regulatory Services and Heritage submitted a report updating the Committee on the preparation of the New Eastern Villages Island Bridge Vision Supplementary Planning Document.

Resolved – (1) That the New Eastern Villages Island Bridge Vision Supplementary Planning Document be endorsed for a six week period of public consultation to commence as soon as reasonably practical in accordance with the arrangements set out in paragraph 8.1 of the Director's report.

(2) That the Head of Planning, Regulatory Services and Heritage be authorised, in consultation with the Director of Law and Democratic Services, to update the draft Supplementary Planning Document in accordance with any updated national guidance and to make minor changes to the content of the document, if required, prior to carrying out the public consultation.

## **Determination of Planning and related Applications**

**Planning Committee**

**Date: 11<sup>th</sup> April 2017**

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

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### **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.

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

# **Determination of Planning and related Applications**

**Planning Committee**

**Date: 11<sup>th</sup> April 2017**

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## **5. Appendices**

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

**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)

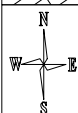
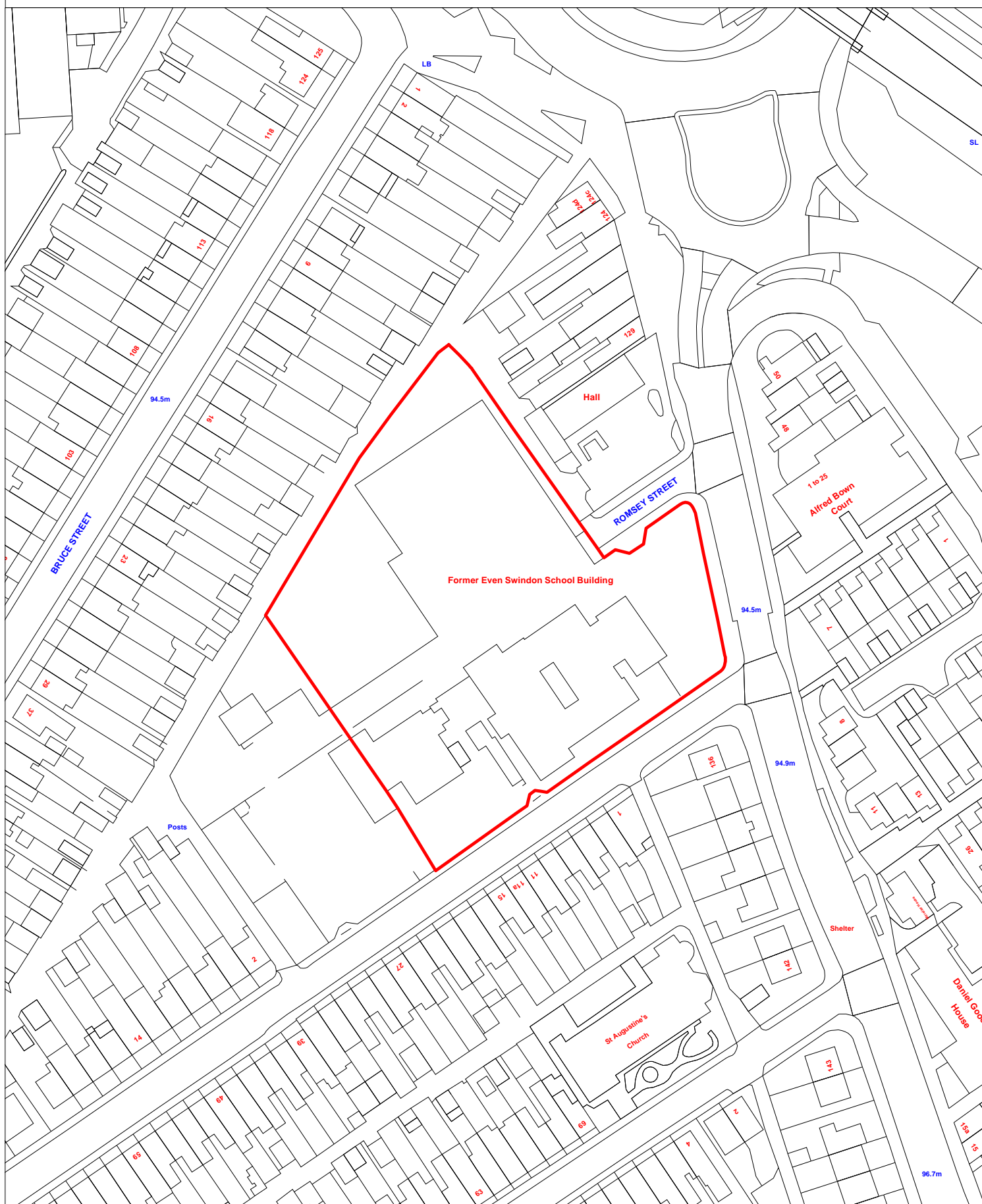
Swindon Central Area Action Plan, (2009)

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

Erection of Class A1 foodstore and associated works.

Former Even Swindon Infants And Junior School Hughes Street Rodbourne Swindon SN2 2ER



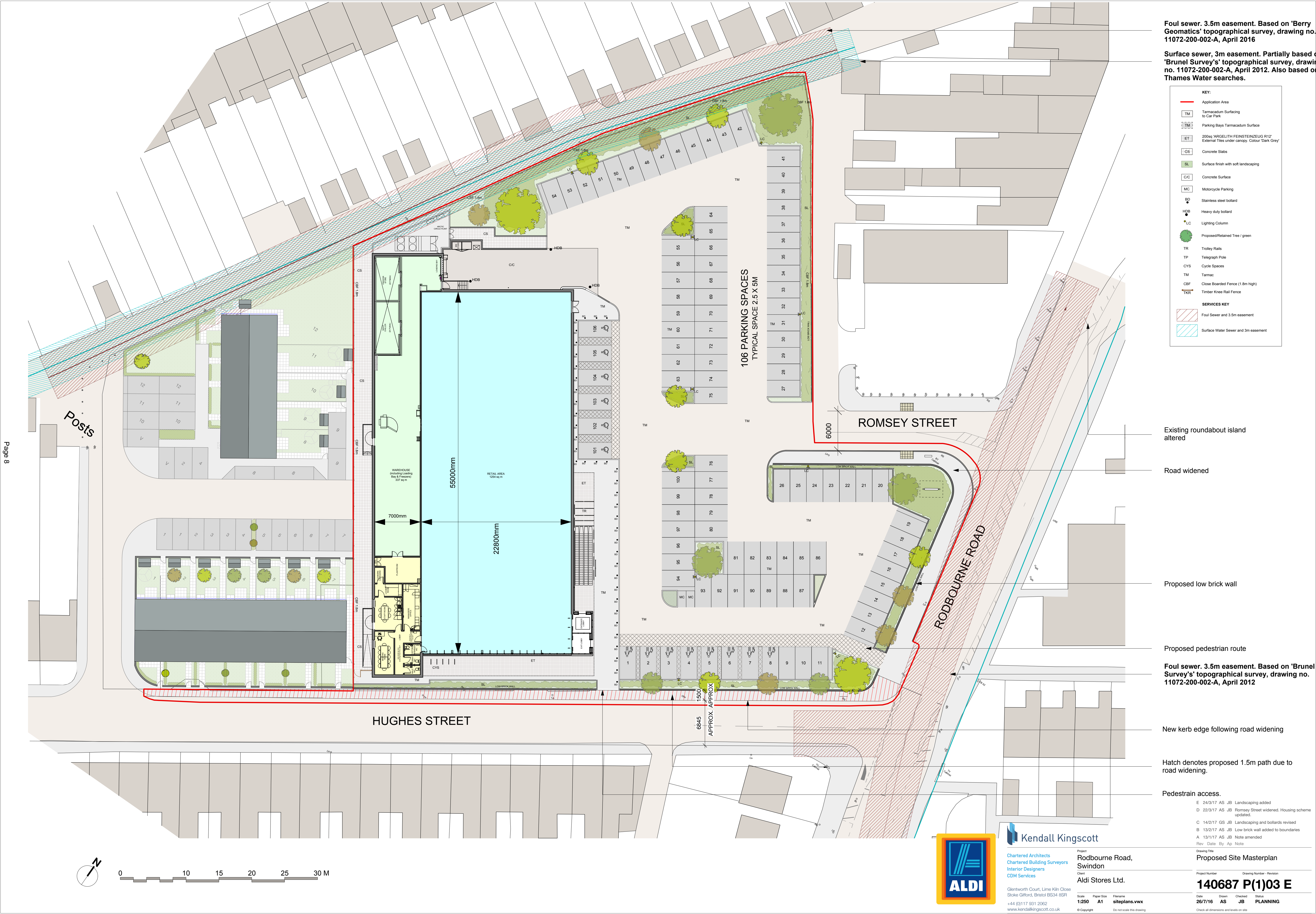
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.  
In all cases references should be made to the submitted plans.





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.





Foul sewer. 3.5m easement. Based on 'Berry Geomatics' topographical survey, drawing no. 11072-200-002-A, April 2016

Surface sewer, 3m easement. Partially based on 'Brunel Survey's' topographical survey, drawing no. 11072-200-002-A, April 2012. Also based on Thames Water searches.

KEY:	
Application Area	
TM	Tarmac Surfacing to Car Park
TM	Parking Bays Tarmac Surface
ET	200sq ARGELITH FEINSTEINZEUG R12 External Tiles under canopy. Colour 'Dark Grey'
CS	Concrete Slabs
SL	Surface finish with soft landscaping
C/C	Concrete Surface
MC	Motorcycle Parking
SD	Stainless steel bollard
HDB	Heavy duty bollard
LC	Lighting Column
Proposed/Retained Tree / green	
TR	Trolley Rails
TP	Telegraph Pole
CYS	Cycle Spaces
TM	Tarmac
CBF	Close Boarded Fence (1.8m high)
TKR	Timber Knee Rail Fence
SERVICES KEY	
	Foul Sewer and 3.5m easement
	Surface Water Sewer and 3m easement

Existing roundabout island altered

Road widened

Proposed low brick wall

Proposed pedestrian route

Foul sewer. 3.5m easement. Based on 'Brunel Survey's' topographical survey, drawing no. 11072-200-002-A, April 2012

New kerb edge following road widening

Hatch denotes proposed 1.5m path due to road widening.

Pedestrian access.

E	24/3/17	AS	JB	Landscaping added
D	22/3/17	AS	JB	Romsey Street widened. Housing scheme updated.
C	14/2/17	GS	JB	Landscaping and bollards revised
B	13/2/17	AS	JB	Low brick wall added to boundaries
A	13/1/17	AS	JB	Note amended
Rev	Date	By	Ap	Note

Drawing Title  
Proposed Site Masterplan

Project Number  
Drawing Number - Revision

140687 P(1)03 E

Date	Drawn	Checked	Status
26/7/16	AS	JB	PLANNING

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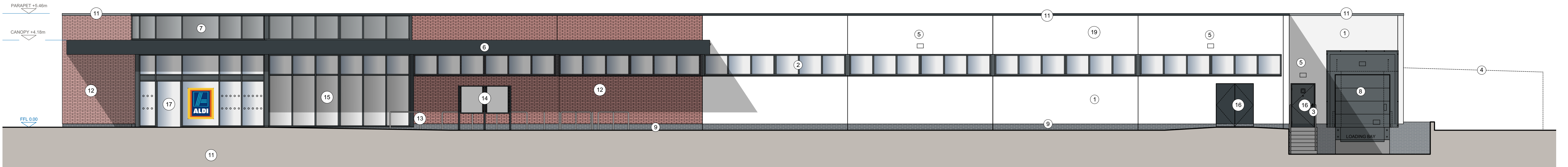
Glentworth Court, Lime Kiln Close  
Stoke Gifford, Bristol BS34 8SR  
+44 (0)117 931 2062  
www.kendallkingscott.co.uk

Project  
Rodbourne Road,  
Swindon  
Client  
Aldi Stores Ltd.  
Scale  
1:250  
Paper Size  
A1  
Filename  
siteplans.vwx  
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Do not scale this drawing

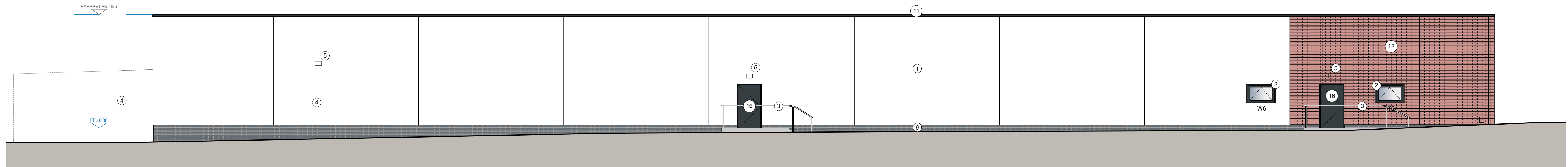


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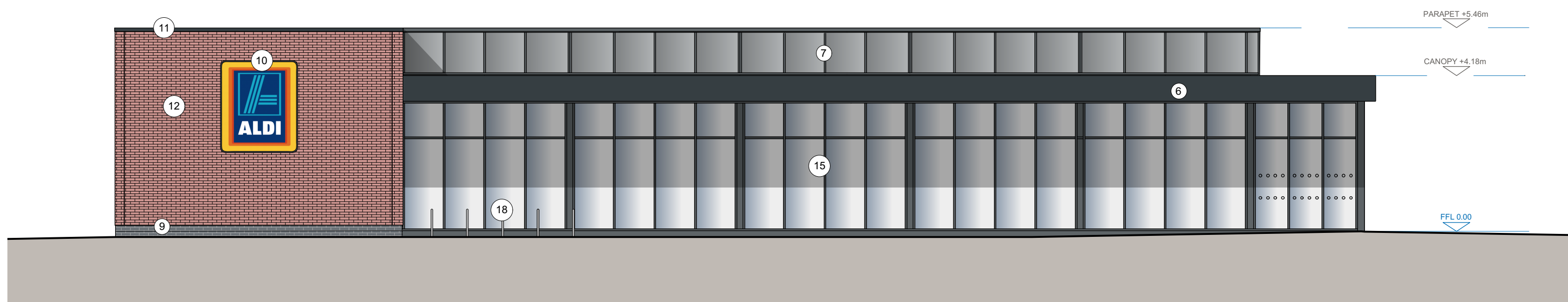




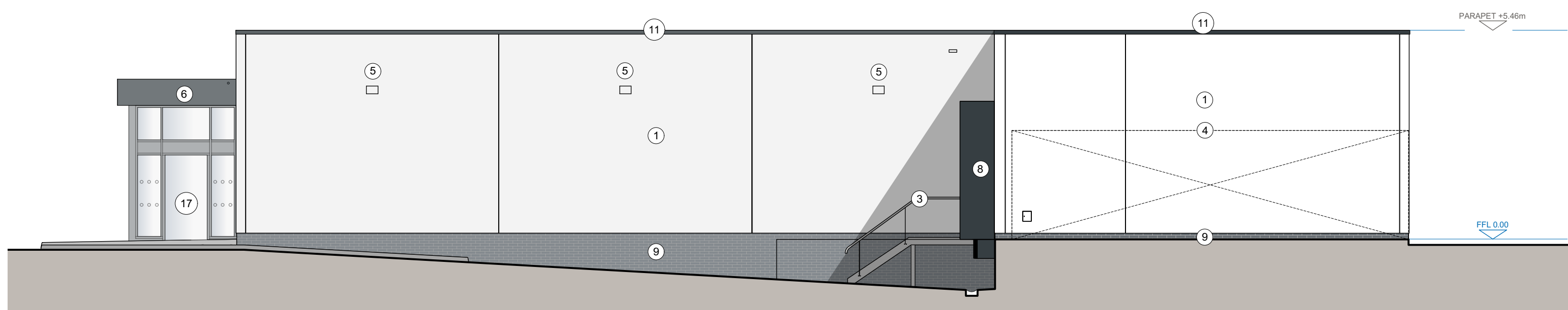
EAST ELEVATION  
1:100 @ A1



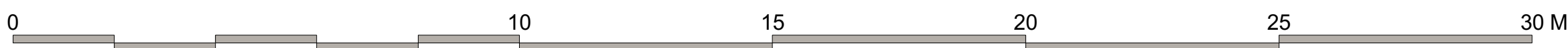
WEST ELEVATION  
1:100 @ A1



NORTH ELEVATION  
1:100 @ A1



SOUTH ELEVATION  
1:100 @ A1



SCALE 1:100 @A1

Notes

1. Walls – Through coloured rendered blockwork wall panels, colour 0500N (White).
2. Windows – Polyester powder coated aluminium, RAL 7016 Anthracite Grey
3. Handrails – Galvanised tubular steel.
4. Galvanised mesh enclosure to refrigeration plant equipment with a lockable door.
5. External Lighting
6. Canopy fascia – powder coated aluminium sheeting, colour Anthracite grey (RAL 7016).
7. False Glazing - Frame colour RAL 7016. Obscure glass colour RAL 7016
8. Sectional overhead door - PVF coated steal (RAL 7016)
9. Brick plinth and low level walls to external ramps. Blockleys Brick Ltd Smooth Black with tarmac Y14 (black) coloured mortar.
10. Wall mounted internally illuminated logo sign - subject to separate advertisement consent application
11. 0.7mm thick membrane coated drip flashing. Colour RAL 7016 (Anthracite).
12. Red facing brick to match the existing context
13. Trolley bay rails - satin finish stainless steel.
14. Aldi Poster Frame - Ral 7016 anthracite grey - subject to separate advertisement consent application
15. Shopfronts – Polyester powder coated aluminium (RAL 7016)
16. Steel Escape Doors - Polyester Powder Coated (RAL 7016) (frame colour RAL 7016).
17. Entrance - polyester powder coated aluminum (Ral 7016)
18. Cycle Hoops - satin finish stainless steal
19. Through colour rendered external wall insulation system colour: 0500N (white).



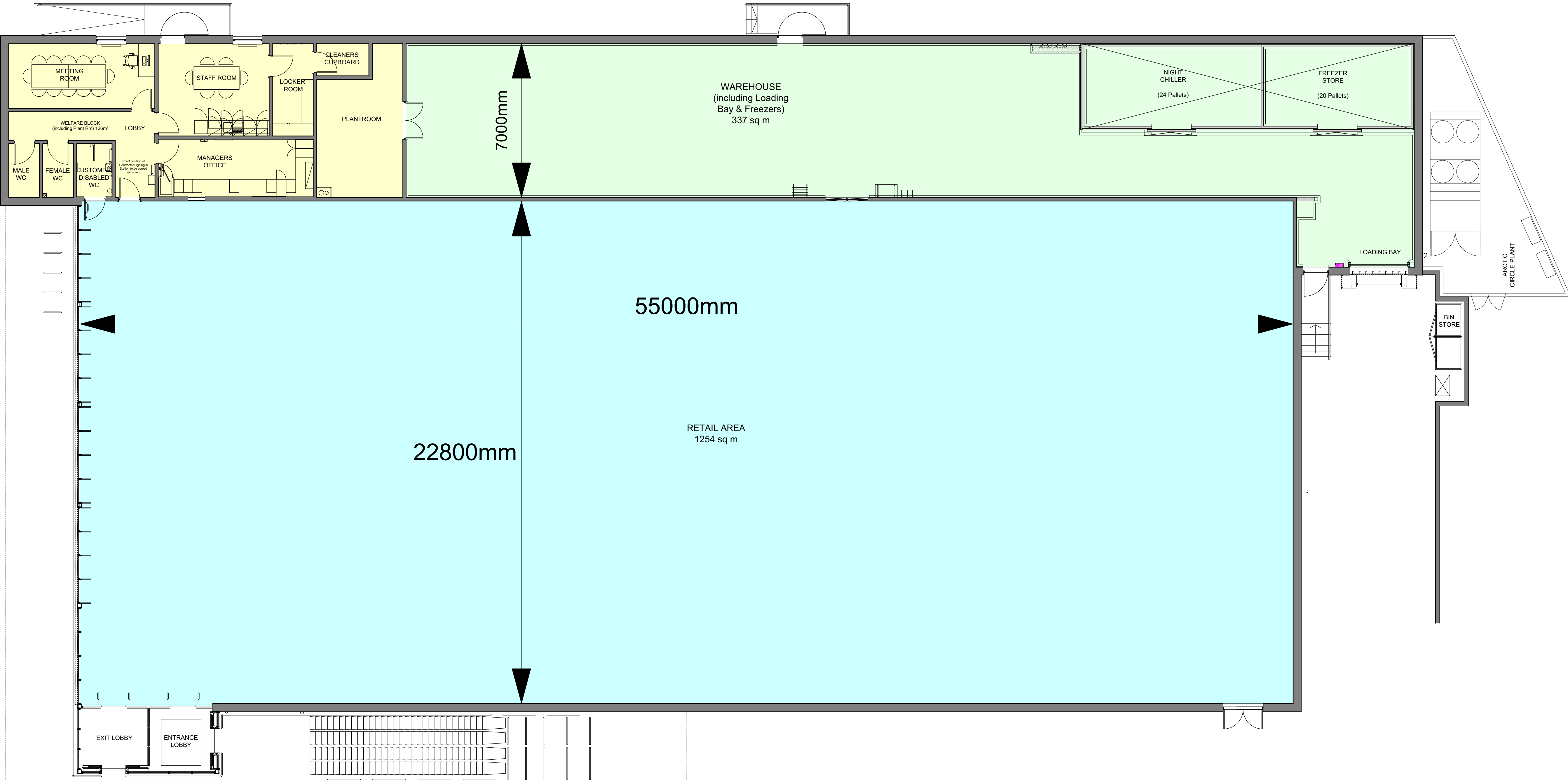
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Project  
**Rodbourne Road,  
Swindon**  
Client  
**Aldi Stores Ltd.**  
Scale  
**1:100**  
Paper Size  
**A1**  
Filename  
**elevations.vwx**  
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B 17/3/17 AS JB Arctic circle position moved. Ramp, stairs and handrails added to rear elevation.  
A 13/2/17 AS JB Brick repositioned around entrance from south east corner.  
Rev Date By Ap Note  
Drawing Title  
**Elevations**  
Project Number  
**140687 P(1)06 B**  
Date  
**28/7/16**  
Drawn  
**AS**  
Checked  
**JB**  
Status  
**PLANNING**  
Check all dimensions and levels on site

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Project: Rodbourne Road, Swindon  
Client: Aldi Stores Ltd.  
Scale: 1:100  
Paper Size: A1  
Filename: floorandroofplan.vwx  
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Rev Date By Ap Note

Drawing Title: Proposed Floor Plan

Project Number: 150800 P(1)04

Date: 25/7/16 Drawn: AS Checked: JB Status: PLANNING

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## COMMITTEE REPORT

**Item Number:** **Ward:** Mannington And Western  
**Application** **Number:** **Parish:** No Parish  
 S/16/2037/BLOWC

**Proposal:** Erection of Class A1 foodstore and associated works.

**Site Location:** Former Even Swindon Infants And Junior School, Hughes Street, Rodbourne

**Case Officer:** Ms Catherine Blow

**Agent:**  
 Mr Taylor Cherrett  
 Turley  
 The Pinncale  
 20 Tudor Road  
 Reading  
 RG1 1NH  
 Berkshire

**Applicant**  
 Lee McCandless  
  
 ALDI Swindon  
 Scimitar Way  
 Swindon  
 SN3 4AL

### Officers Report

#### Background:

1 This application has been brought before Planning Committee at the request of Councillor Exell due to local interest in the scheme.

Summary of Recommendation:

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

#### The Proposal:

3 This application seeks full planning permission for the erection of a retail food store (Use Class A1) with associated access, parking and landscaping.

4 The proposed store would be sited close to the western boundary of the site and would be 33.5 metres in width at its widest point and 64 metres in length. The front of the store would be located on the east facing elevation with the service area located to the north. The store would be designed with a flat roof at a maximum height of 5.5 metres with a modern glazed façade with the inclusion of both brick and render.

5 Access to the site would be gained via Romsey Street with parking spaces for 107 spaces including 6 disabled spaces and cycle racks for cycle parking. The proposal includes the

widening of the Romsey Street/Rodbourne Road access and setting back the frontage of Hughes Street to provide an increase in the width of Hughes Street carriageway and a 1.5 metres wide footpath.

6 The proposal also includes the provision of new boundary treatments and areas of landscaping.

### **The Site and Surroundings:**

7 The site is a Council owned site that was formerly occupied by a school. The school buildings have now been demolished with only the former hardstanding and brick boundary walls on the Rodbourne Road and Hughes Street frontage remaining. The remaining areas of the site are secured with hoarding.

8 The area surrounding the application site is predominantly residential in character and the majority of those properties are Victorian. There are commercial properties fronting Rodbourne Road with a church located close to the eastern boundary. Further south of Hughes Street, there are retail premises in Rodbourne Road forming a Local Centre as designated in the Swindon Borough Local Plan 2026.

9 The site is in close proximity to Bruce Street Bridges, which has recently been reconfigured. Rodbourne Road is a well trafficked, minor route with access to other parts of the Borough via Bruce Street Bridges roundabout.

### **Representations:**

Neighbour consultation:

10 The application was advertised by neighbour card, site notice and press notice. Two representations. These were received from a representative of Co-operative at 2 Rodbourne Road and the occupier of 200 Rodbourne Road. These responses raised the following concerns:

Concerns related to the proposal:

Amenity:

- Light pollution from lighting from the store during hours of darkness;
- Noise pollution associated with deliveries;
- Loss of amenity associated with the increase in traffic associated with the site;
- 

Traffic and Highway Safety:

- Increase in traffic in Rodbourne Road, which is already a heavily trafficked route;
- Increased traffic onto Bruce Street Bridges Roundabout, particularly at peak hours;
- Loss of trade to shops in Rodbourne Road associated with the increase in traffic and waiting time for customers in Rodbourne Road;
- The delivery vehicles would manoeuvre within the customer car park to the detriment of safety;
- 

Impact upon existing businesses in the vicinity:

- Due to the distance from Rodbourne Local Centre, there would be limited linked trips

- between the proposed store and existing stores in the Local Centre;
- The range of goods sold cover frequently bought items in other stores and are not considered to be limited; Therefore, this is not a local exception for out of town retail development required by Policy EC3 of the Local Plan 2026;
- The catchment area is well beyond a walking distance and so the store would be depend upon trips by car and the profitability of the store would depend on trips beyond walking distance;
- The proposal fails to meet the sequential test required by the NPPF and Policy EC3 of the Local Plan as other sites within the town centre have not been properly assessed;
- The assessment of another retail proposed currently being considered by the Council is required to be comparable;
- The cumulative impact of this proposal and others in the Borough has not been assessed fully;
- The ambitions to regenerate the town centre may be undermined as a result of the proposal;
- A new food store in the town centre could improve the current retail offer and stimulate further investment there;
- The impact test has been incorrectly assessed by the applicant;
- The provision of parking within the proposed site would further attract customers away from the retail offer in the Local Centre resulting in a further decline in the retail offer there.

#### General Matters:

- Lack of consultation has been carried out with a limited number of neighbour cards sent;
- The applicant's consultation has been limited and there was a lack of invitation to consultation events for nearby residents and businesses;
- Lack of notice given for consultation meeting prior to the application being submitted;
- The public not aware of the full impacts of the proposed development;
- The feedback collected by the consultation meetings was not an accurate representation of the matters raised;

At the time of drafting this report neighbours had been reconsulted in relation to additional and revised plans received relating primarily to the highway works proposed in Rodbourne Road. This consultation period does not expire until after the publication of this report, on 7<sup>th</sup> April 2017. Members will be updated of any further responses at the Planning Committee.

#### Planning Policy:

11 The initial response raised concern in relation to the applicants' information in relation to the retail impact assessment. Further information was requested for assessment. The proposed development is not within an existing defined centre and so sequential and impact assessment is required to establish whether in principle the proposed use is acceptable. The applicant has responded and submitted amended sequential and impact assessments for consideration.

12 The subsequent consultation response considers that the applicant has demonstrated that the proposed development will not adversely impact upon regeneration of the central area of Swindon and will not undermine harm the vitality and viability of defined centres.

However, the application does not demonstrate the sequential approach to site selection required by the Local Plan and NPPF. The proposal is thus not in accordance with the development plan, but it is considered that other material considerations outweigh that conflict and tell in favour of the grant of permission. Therefore there is no policy objection to the proposal.

#### Highways:

13 The applicant has submitted additional modelling of traffic impacts associated with the site. This modelling has demonstrated that there is a requirement to provide a left turn in land in the northern direction of Rodbourne Road and a right turn lane provided within the southern direction of Rodbourne Road. Subject to this provision the proposed development would have an acceptable impact upon highway safety in accordance with Policies TR1 and TR2 of the Swindon Borough Local Plan 2026. Subject to conditions the proposed development is considered acceptable.

#### Environmental Health:

14 The initial response raised concerns in relation to the information provided within the applicant's submitted acoustic report. Additional information has been provided which demonstrates that, subject to conditions there are no objections to the proposed development.

#### Urban Designer:

15 Concern was raised in relation to the loss of the existing brick boundary wall. It is recommended that this be replaced with a low, brick boundary along Hughes Street and Rodbourne Road to better respond to the surrounding character. The close boarded fence to the northern boundary raises concern in terms of its character and should be replaced with chain link fencing. The response recommended more connectivity to the surrounding area, including Bruce Street and some amendments be made to allow better access for all within the site.

16 Comments have also been made within the response in relation to the design of the store, in particular the use of render and brick panels, which results in a confused appearance and more prominent solar panels on the roof. The Officer recommended the use of a greater proportion of brick to respond to the character of the area.

#### Landscape Team:

17 The response raises concern in relation to the boundary treatment for the site, particularly the close boarded fence and knee rail fencing. This would limit the impact of the proposed landscaping to views from within the site only. It is recommended that the boundary treatment be revised to welded mesh fencing to allow views of the landscaping from outside the site. There are no objections to the proposed development in terms of the impact upon trees within the site or the landscape management plan.

#### Flood Risk Manager:



18 The initial response revealed the application was not adequately supported by the required information to comment on the appropriateness of the scheme in terms of flood risk. Further information has been submitted and the response identifies two matters that require further attention from the applicant. These matters relate to the need to calculate the greenfield run off rates for the site to ensure the discharge rates are below that rate to prevent overwhelming the drainage network. The advice also seeks to ensure that the service provider (Thames Water) is satisfied with the outfalls into the public sewer.

Thames Water:

19 No objections to the proposal on the basis of sewerage water drainage capacity. The response advises of the developers' responsibility to provide adequate drainage on site, including storm water storage and that permissions from Thames Water are required for connections to their network and works in close proximity to their infrastructure. The response states there is also no objection to the proposal on the basis of water infrastructure capacity. They recommend a minimum pressure and flow rate for the new properties.

Planning Obligations Officer:

20 The proposed development, which is a retail scheme includes floorspace which is CIL liable in accordance with the Council's adopted CIL Charging Schedule 6th April 2015.

Contaminated Land Officer:

21 The information submitted by the applicant details potential contamination from tars (from old surfacing) and asbestos, arising from the demolition of old school buildings. No objections subject to conditions ensuring adequate remediation is undertaken.

### **Planning Considerations:**

22 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

23 In accordance with this framework the following issues will be considered:

- Principle of the development
- Design, layout and appearance
- Landscaping
- Amenity
- Highway Safety/Accessibility
- Drainage and Flood Risk
- Land Contamination
- CIL/Developer Contributions

**Policy:**

24 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are to be applied. In respect of this application, the following sections are of relevance to the consideration of this application:

- 1. Building a strong and competitive economy
- 2. Ensuring the vitality of town centres
- 4. Promoting sustainable transport
- 7. Requiring Good Design
- 10. Meeting the challenge of climate change, flooding and coastal change
- Decision taking – paragraphs 186-207.
- Achieving sustainable development – paragraphs 6-17

25 The following Policies of the Adopted Swindon Borough Local Plan 2026 (2015) are considered relevant to this application:

- SD1 '*Sustainable Development Principles*' sets out the development principles which underpin the local plan
- SD2 '*The Sustainable Development Strategy*' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 '*Managing Development*' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 '*High Quality Design*' seeks high standards of design for all development
- EC1 '*Economic Growth through Existing Business and Inward Investment*' seeks to ensure inward investment is encouraged in the right areas of the borough.
- EC3 '*The Role of the Centres and Main Town Centre Uses*' seeks to ensure town centre uses do not detrimentally affect the vitality and viability of existing centres with a preference for location of these uses within the town centre.
- EN6 '*Flood Risk*' seeks to ensure the risks and impacts of flooding are adequately mitigated.
- EN9 '*Contaminated Land*' seeks to ensure that appropriate steps are taken where land is suspected of being contaminated
- IN1 '*Infrastructure Provision*' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure
- IN2 '*Water Supply and Wastewater*' seeks to ensure adequate capacity is maintained.
- TR1 '*Sustainable Transport*' seeks to reduce the need to travel and support and encourage the sustainable, safe and efficient movement of people
- TR2 '*Transport and Development*' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided
- NC3 '*New Eastern Villages – including Rowborough and South Marston Village Expansion*' seeks to provide a new, mixed use district centre.

26 Also of relevance is Swindon Borough Council's development Control Guidance Note: Technical Guidance on Parking Standards (2007).

27 The site is also subject of a Development Brief, "Rodbourne Site 2: Former School" adopted in September 2015. This document demonstrates that the redevelopment of the

land of the former school site for the uses set out in this document is appropriate and supported by the Council. This document included the provision of mixed use development including retail and residential uses.

### **Principle of the development**

28 The site has no designation within the Swindon Borough Local Plan 2026. The site is contained within the urban settlement boundary of the Swindon urban area and was previously occupied by a school, which has been recently demolished. Therefore, the site is located in a sustainable location on previously developed land in accordance with Policy SD2 of the Swindon Borough Local Plan 2026.

29 In addition, the site has been subject to an adopted Development Brief, adopted by the Council in September 2015. This Brief puts forward three alternative schemes for development of the site with potentially appropriate uses that included a retail food store. The proposed development would be broadly in accordance with the principles set out within Sketch Layout B. It states that a retail food store could be acceptable subject to the demonstration that the proposal would complement and not cause harm to the retail offer at Rodbourne Road Local Centre. It also states that any application is required to be accompanied by a Retail Impact Assessment to that the assessment can be fully considered.

30 The proposed retail use, is a main town centre use and therefore, Policy EC3 of the Swindon Borough Local Plan 2026 would apply. This policy states that proposals for town centre uses will be permitted outside of Swindon's Central Area where they do not undermine the regeneration of the central area, do not undermine the vitality and viability of define centres, and demonstrate that a sequential approach has been taken to site selection. The policy also requires a Retail Impact Assessment for all proposals in excess of 600 sq m. The proposed development exceeds this floorspace and has been accompanied by the proper assessment.

31 The Planning Policy Team have assessed the applicant's sequential assessment and that consideration has appraised the sites the applicant has identified as being sequentially preferable sites for town centre uses. These sites are:

- New Eastern Village Centre
- Regent Place (Granville Street, former Aspen House)
- North Star
- Carfax Street/The Exchange (Kimmerfields)
- Vacant units in the town centre (including former BHS)

32 The response from Planning Policy accepts the information from the applicant in relation to the majority of the sites scoped as potentially preferable sites. However, the response disputes the discounting of Kimmerfields and the New Eastern Village Centre as sequentially preferable sites as they appear to be suitable, and available for the broad type, size and range of goods proposed in the current application. In terms of the Kimmerfields site an outline planning permission exists for its redevelopment, that includes 13,471m<sup>2</sup> GIA of retail development, application reference: S/11/0614. The vision for this large, multi-use regeneration scheme sought to attract town centre development. The outline planning

permission retains some flexibility in terms of the proposed uses. This is a material planning consideration which must be weighed against all other matters in relation to its benefits.

33 The response from the Policy Team also considers the allocation of the New Eastern Village district Centre, as detailed in Policy NC3, is also suitable for the kind of store proposed in the current application.

34 In concluding the assessment of the sequential test Officers consider there are two suitable and available sequentially preferable sites, Kimmerfields and the New Eastern Villages district centre. The application thus fails to demonstrate the sequential approach required by Local Plan Policy EC3 and fails the NPPF sequential test.

35 In addition to the sequential test the applicant is required to provide an assessment upon the impact of the proposal upon the vitality and viability of the Swindon Town Centre and other designated centres. The Policy Team has evaluated the impact of the proposal and considers household surveys and anticipated trade diversion for convenience shopping based on spend anticipated in 2019. Their response considers that the proposed development would not represent such a significant diversion of spend away from the Town Centre convenience shops or West Swindon District Centre to result in a significant effect. The assessment provided demonstrates that the proposed development would result in a reduction in spend of approximately 3-3.5%. This reduced spend is not considered to result in a threat to vitality or viability of those centres.

36 The response from the Policy Team states that the most significant effects would be felt by food retail stores in Barnfield Road (Lidl), Shaw Road (Aldi) and Rodbourne Road (Co-op). The Co-op which would see a reduction in spend of 7.1% in 2019. However, the data from the applicant's householder survey suggests that Aldi stores are utilised as main shop destinations, for the weekly shop whereas Co-ops of the size of the store on Rodbourne Road are generally used as 'top-up' food and grocery shopping. By contrast, Aldi stores within the household survey, while attracting some top-up shoppers, feature prominently as main shop destinations. Therefore, the overlap with and diversion from Rodbourne Road Co-op may be less than the raw diversion figures suggest. In addition, there may also be linked trips utilising both the proposed store and other facilities in Rodbourne Road Local Centre. Therefore, on balance it is not considered that the proposed development would undermine the vitality and viability of the local centre in this instance. The conditions attached to any consent granted also need to restrict the spectrum of goods on offer in the storey to maximise linked trips to other food and convenience stores nearby.

37 In addition to the sequential test, part of the impact test requires the Local Planning Authority to assess the impact of the proposal upon existing, committed and planned public and private investment in centres. Swindon Town Centre is considered to be a vulnerable centre with some long standing weaknesses, associated with the poor footfall for comparison and comparison-led retail, less spending and footfall away from the town centre for these uses. There are several significant regeneration projects programmed into the plan period with significant public and private investment to assist in improvements to the town centre environment and business/retail/leisure offer. However, the lack of food retail in the town centre is not considered to contribute to the weaknesses identified. It should be noted that the Swindon Retail and Leisure Needs Study (NLP, 2017) identifies no capacity for convenience retail within the town centre in the period to 2021. Therefore, it is

considered unlikely that a mid-sized convenience supermarket of the broad size and type proposed in the current application will form a component of town centre regeneration in the immediate future. In addition, the proportion of comparison goods can be limited by use of conditions.

38 In addition to the sequential test and the retail test there are other material planning considerations that weigh in favour of the proposed development. These include;

- The development brief for redevelopment the site was adopted following public consultation in September 2015 which includes the provision of a food store of a comparable size. This is a material planning consideration that should be afforded significant weight;
- Although Kimmerfields is suitable, available and sequentially preferable, the Swindon Retail Needs Survey indicates there is limited capacity for additional convenience retail in the town centre. Therefore, a mid-sized convenience retail store is unlikely to form part of the redevelopment of the site;
- The proposed development would be an efficient use of a vacant previously developed site;
- The proximity to potential customers to the store would maximise customers travelling to the store by sustainable means;
- Accessibility of the site close to public transport links to other parts of the borough and to the town centre to maximise customers travelling to the store by sustainable means;
- Additional employment would also be generated as a result of the scheme.

39 The above planning considerations are considered to be adequate to outweigh the conflict with the development plan and the NPPF and therefore, it is considered that planning permission should not be refused on the basis of that conflict. There is also no objection to the proposed development from the Policy Team.

40 The Co-operative (the nearest of their stores is located on the corner of Rodbourne Road and Hawkins Street) has submitted an objection to the proposed scheme on the basis of the potential impact upon their store. Their response highlights the potential competition and the diversion of spend from the Co-op in Rodbourne Road. The response also considers the information submitted by the applicant is an inadequate assessment of the sequential and impact test. It also considers the siting of the store would be located remote from its customer catchment.

41 The matter has been carefully considered and the Policy Team has provided a comprehensive response to the application after requesting additional information from the applicant. It is accepted that the application does not pass the sequential test. In accordance with paragraph 27 of the NPPF the application could be refused on this basis. However, conflict with the NPPF and the development plan is capable of being outweighed if other material considerations weigh in favour of the development. Those additional matters have been carefully assessed above and it is considered that the harm arising, is outweighed by the benefits of the scheme. In order to minimise the potential impact upon the Co-op and other convenience stores in Rodbourne Road Officers have sought to limit the lines of products sold, including an additional restriction to limit the lines of newspapers on sale, and prohibiting the sale of lottery tickets/scratch cards and other services such as a butchers, bakery, bank facilities (excluding a cash dispenser) and tobacco. In addition, the

comparison goods have also been restricted to no more than 20% of the net sales floor to ensure protection of the town centre offer.

42 In concluding this section it is considered that, despite the proposed development failing to pass the sequential test and the objections received, the proposed development would not significantly harm the regeneration of the town centre or the vitality or viability of defined centres. In addition, the proposed development would also bring about other benefits as previously mentioned. Therefore, the proposed development would be acceptable in this instance, based on the individual circumstances of the proposed development and subject to the conditions set out at the end of this report.

### **Design, layout and appearance**

43 The scale, siting and location of the proposed store has not changed since the original application was submitted. There are no objections to the proposal on the basis of those general matters. The design approach, which is a modern, simple building with the inclusion of traditional materials, does not raise any objections from the Urban Design Officer. The Officer commented on detailed matters such as the poor integration of materials within the front elevation and the use of an excessive amount of render rather than brick for the cladding and the use of a wooden knee rail and close boarded fencing for the boundary treatment for the site. The Officer sought an improved design strategy, a higher quality design and a more intensive use of brick. The proposed development has been revised to centralise the brick cladding close to the entrance to the store with render used on less prominent parts of the elevations (close to the delivery bay and the rear elevation). The external appearance of the store is considered to be acceptable and would accord with Policy DE1 of the Swindon Borough Local Plan 2026.

44 The originally proposed boundary treatment included the provision of low level wooden knee rails and close boarded fencing. This resulted in an objection to the proposed development from the Council's Urban Design Officer. However, the boundary treatment has now been amended with the provision of a low (0.6 metres in height) on the frontage of Hughes Street, Rodbourne Road and part of Romsey Street. There would be 1.8 metre close boarded fencing on the boundary of the site adjacent to the rear of the church building fronting Rodbourne Road, as well as the north and west boundaries. This would screen the site from the rear service yards of the properties in Rodbourne Road, the rear access way serving properties on Bruce Street and the development site located to the west. The proposed fencing would also screen the delivery area and plant from public views. This is considered to be an acceptable boundary treatment to enable screening and visibility through the relevant parts of the site. This element of the proposal would provide an acceptable boundary treatment in accordance with Policy DE1 of the Swindon Borough Local Plan 2026.

### **Landscaping**

45 The existing site benefits from a limited amount of vegetative screening close to the boundaries of the site. The Arboricultural Report submitted by the applicant demonstrates the existing trees are all Category C trees or U, which are of modest quality and limited life expectancy. The Tree Officer raises no objection to the removal of the trees. The proposed landscaping scheme includes a mixture of hedging and trees throughout the site and also includes a Management and Maintenance Strategy to ensure long term benefits are

retained. The level of landscaping proposed is considered to be acceptable for the setting of this retail store and the low level boundary treatment on the public frontages would maximise the views of that landscaping, which provides an acceptable softening of the car park and store. Subject to conditions ensuring the implementation and maintenance, the proposed development is considered to be acceptable and in accordance with Policy DE1 of the Swindon Borough Local Plan 2026.

## **Amenity**

46 The information submitted by the applicant details the store opening times to be Monday to Saturday 08:00 until 22:00 and 10:00 until 16:00 (or 11:00 until 17:00) on Sundays. The applicants have advised Officers that the store would be open during public holidays (other than those controlled by other legislation, such as Christmas Day and New Year's Day) for the same duration as Monday to Saturday. These trading hours are considered to be acceptable and are similar to other such uses in the Rodbourne Road area. In order to protect residential amenity of nearby residential occupiers it is considered necessary to restrict opening hours to those applied for, in accordance with Policy DE1 of the Swindon Borough Local Plan 2026.

47 The servicing would take place close to the northern boundary of the site which is adjacent to a vehicular access way serving residential properties in Bruce Street. All deliveries will access the site via Rodbourne Road and Romsey Street. The information submitted by the applicant advises that there would be up to two deliveries per day and the delivery is a one person operation. The delivery times have not been specified and the Noise Report submitted by the applicant does not recommend any mitigation measures in relation to noise.

48 The response from the Council's Environmental Health Officer has recommended that additional mitigation to prevent harm to the amenity of nearby occupiers. This recommends a restriction in the delivery hours and a delivery management plan to reduce noise associated with those deliveries or an additional barrier to further reduce noise past the northern boundary of the site. It is considered necessary attach conditions to any consent granted a restriction for delivery hours to 7am until 7pm Monday to Saturday and to 9am and 5pm on Sundays, with no more than one delivery on Sunday in order to protect the amenity of nearby residents. In addition to prevent noise associated with refrigeration equipment and reversing alarms and other noise arising it is also considered necessary to require the applicant to submit a Delivery Management Plan including other mitigation to reduce noise arising from deliveries. Subject to conditions the amenity of nearby residents would be adequately protected in accordance with Policy DE1 of the Swindon Borough Local Plan 2026.

49 In addition to the noise associated with use of the store and deliveries, the proposal includes the provision of ventilation equipment close to the northern boundary of the site. This equipment and noise emitted has also been assessed in the applicant's Noise Assessment. There are no objections to the proposal subject to the implementation of equipment not exceeding the noise level stipulated in the Noise Report. Subject to conditions, the proposed plant would not significantly harm amenity of nearby occupiers.

50 The car park would also be lit with the use of 6 metre high columns with LED downlights. The canopy and front of the store would be illuminated for safety of the users. There is also

lighting within the proposed delivery area. The applicants have submitted a lighting plan that demonstrates that there would be limited light spillage beyond the site towards the garages within sites fronting Bruce Street and to the front of properties 1-7 Hughes Street. The Design and Access Statement states that lighting would not be illuminated outside of store opening times to minimise light pollution. Subject to conditions restricting the hours of illumination, the proposed lighting would not significantly harm the amenity of nearby residents, in accordance with Policy DE1 of the Swindon Borough Local Plan 2026.

### **Highway Safety/Accessibility**

51 The proposed development would include the widening of Hughes Street for the entire frontage of the former school site, including the adjacent residential site. The proposal also includes some changes to the southern corner of the junction of Romsey Street/Rodbourne Road to widen the access. The initial response from the Highways Team raised concern regarding the lack of information relating to the potential impact upon the traffic within Rodbourne Road and Bruce Street Bridge roundabout. Officers and the applicant's Highway Consultant have worked together in order to investigate an adequate and cost effective resolution to mitigate the potential harm arising from increased traffic from the proposed development.

52 Officers and the applicant have scoped the potential for mitigation measures in Rodbourne Road to minimise the queueing traffic from Rodbourne Road and Bruce Street Bridges. One option explored included the provision of both a left turn lane into the site for northbound traffic in Rodbourne Road and a right turn lane for traffic entering the site from Bruce Street Bridges. The preference would have been to provide both dedicated lanes to enter the site. However, due to the significant cost associated with the left turn lane (which required re-siting of service infrastructure and loss of on street parking) compared to the likely benefit, the Highways Team are not able to insist in the provision of the left turn lane. However, in order to reduce potential queueing of vehicles from Bruce Street Bridges roundabout, there is a requirement for the applicant to provide a right turn in lane. The applicant has agreed this approach and the matter can be controlled by suitably worded conditions and further consents from the Council as the Highway Authority. The proposed development would accord with the requirements of Policies TR1 and TR2 of the Swindon Borough Local Plan 2026.

53 The provision of the right turn lane would remove four on street parking spaces from Rodbourne Road adjacent to Alfred Bown Court, which is a sheltered accommodation complex. However the three on street parking spaces located on the opposite side of Rodbourne Road would remain, with additional unrestricted parking is also available in Manton Street for visitors and carers of this complex. On balance the proposed loss of three on street parking in Rodbourne Road is not considered to result in significant demonstrable harm to highway safety.

54 The level of parking proposed would exceed the parking standards as set out in the Council's parking Standards, which aims to minimise any overflow parking within surrounding streets, which has limited parking or restrictions. The level of parking is considered to be acceptable. The response from the Council's Highways Team seeks to ensure the deliveries, which would utilise the space in the northern portion of the site, close to customer parking, are carefully managed and they seek the submission of a delivery



management plan. This matter can be suitably managed by the use of planning conditions attached to any consent granted.

### **Drainage and Flood Risk**

55 The site is designated as being in Flood Risk Zone 1 and seeks planning permission for a site of less than 1 Hectare in area. Therefore a full flood risk assessment is not required. However, in accordance with Policy EN6 the application is required to be accompanied by a drainage strategy. The applicants have included with their submission a drainage strategy to ensure all sources of water are adequately dealt with in accordance with Policy EN6 of the Swindon Borough Local Plan 2026. The strategy includes the provision of connections to the main drainage network. It should be noted that Thames Water raise no objection to the proposal on the basis of infrastructure capacity.

56 The response from the Council's Flood Risk Manager seeks additional information in relation to drainage rates in order to minimise flooding in the event of excessive rainfall. The proposal includes the provision of storm water storage and hydro-brake to control both the volume and flow rates to minimise surface water flooding. The matters raised by the Flood Risk Manager, relate to the capacity and flow rates associated with the mitigation, which may not be adequate. However, as the mitigation could be suitably provided within the site, subject to Thames Water consent, the proposed development is capable of being acceptable and in accordance with Policy EN6 of the Swindon Borough Local Plan 2026 and conditions could be attached to any consent granted.

### **Land Contamination**

57 The application is accompanied by a desktop survey in relation to potential sources of contamination in accordance with Policy EN9 of the Swindon Borough Local Plan 2026. The Contaminated Land Officer has recommended conditions to ensure any contamination found on the site is adequately mitigated. Subject to conditions the proposed development would accord with Policy EN9 of the Swindon Borough Local Plan 2026.

### **CIL/Developer Contributions**

58 Policy IN1 of the Local Plan 2026 requires all development to make a positive contribution to sustainable growth, meet the cost of infrastructure made necessary by the development and mitigate the additional pressure upon existing infrastructure.

59 The proposed development would provide more than 100m<sup>2</sup> of new retail floor space and is sited within the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule 6th April 2015 Retail Zone 2. Therefore, as this development would be CIL Liable at a rate of £100 per square metre (index linked). The applicant is aware of this obligation and an informative can be attached to any consent granted.

59 There are no other developer contributions required by other policies within the development plan other than the highway mitigation detailed in the section above. The highways mitigation has been detailed on a plan and these matters are controlled by suitably worded conditions attached to any consent granted.

## Concluding Comments:

60 The site is contained within the urban settlement boundary of the Swindon urban area and was previously occupied by a school, which has been recently demolished. Therefore, the site is located in a sustainable location on previously developed land in accordance with Policy SD2 of the Swindon Borough Local Plan 2026.

61 The proposed development fails to pass the sequential test. However the proposed development would not significantly harm the regeneration of the town centre or the vitality or viability of defined centres. In addition, the proposed development would also bring about other benefits such as the provision of jobs, reuse of a vacant site and provision of a food store in a sustainable location. Therefore, the proposed development would be acceptable based on the individual circumstances of the proposed development.

## Recommendation

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

### Conditions

1. This decision shall be in respect of the information submitted to the Council and the following plans:

Plan Type	Reference	Date Received
Block Plan	P(1)03 E	24.03.2017
Proposed Elevation	P(1)06 B	24.03.2017
Proposed Elevation	P(1)07 A	06.03.2017
Sections	P(0)09 A	06.03.2017
Landscaping	1226-01 REV B	06.03.2017
General	HIGHWAYS SK0001	06.03.2017
Sections	P(1)08	25.11.2016
Landscaping	MAINTENANCE AND MANAGEMENT PLAN	25.11.2016
General	BREEAM BRIEFING NOTE	25.11.2016
Location Plan	P(1)01	25.11.2016
Community Involvement Statement		25.11.2016
Other	MJA-P105-4359-A	25.11.2016
Tree Survey/Arb Report	ARB IMPACT ASSESSMENT	25.11.2016
Roof Plan	P(1)05	25.11.2016
Floor Plan	P(1)04	25.11.2016
Block Plan	P(1)02	25.11.2016
NOISE IMPACT ASSESSMENT V1_0		25.11.2016
PLANNING AND RETAIL ASSESSMENT		25.11.2016
Contaminated Land Report	PD/C3237/1247	25.11.2016
Design and Access Statement	Reference Not Supplied	25.11.2016

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

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

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

3. Prior to the commencement of works above ground level in connection with the development hereby permitted, details of all external facing materials, including boundary treatment and surfacing material shall have first been submitted to and approved in writing by the Local Planning Authority. A sample of the brick to be used for the building cladding and boundary wall shall also be submitted to the Local Planning Authority and agreed in writing prior to its implementation. Notwithstanding the details on the approved plan P9(1)03 E, the details shall also include the provision of an elevation drawing to a scale of not less than 1:100 of the proposed boundary wall including the proposed transitional treatment in the vicinity of parking spaces 33 -35 where the brick wall meets the close boarded fence. The development hereby permitted shall be carried out in accordance with these approved details prior to the first commencement of the use of the building hereby approved and retained and maintained in the approved form, without modification. Notwithstanding any provision to the contrary no other boundary treatment shall be provided within the site, unless additional planning consent is granted.

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

4. Notwithstanding the details submitted, and prior to the commencement of the development hereby approved, the details of the surface water drainage strategy shall be submitted and agreed in writing by the Local Planning Authority. The details shall include the demonstration that the strategy can deliver discharge rates either at or below Greenfield runoff rates from the site and the relevant consent from the service provider (Thames Water) have been obtained. Once agreed, the drainage strategy shall be implemented in accordance with the approved details prior to the commencement of the use of the store and retained and maintained in the approved form without modification, unless additional consent is obtained Local Planning Authority.

Reason: To ensure an acceptable drainage strategy is implemented to prevent surface water flooding on the site and surrounding area.

5. All highway improvement works (consisting of the creation of a right turn lane on the southbound carriageway of Rodbourne Road, junction and surfacing works to Rodbourne Road/Romsey Street and the widening and creation of a new footway in Hughes Street) as shown on the submitted plans SK001 received on 6th March 2017 and P(1)03 E received on 24th March 2017, are to be completed prior to the commencement of the first beneficial use of the retail store hereby permitted, in accordance with a full scheme of works for those improvements being first to be submitted to, and approved in writing, by the Local Planning Authority.

Reason: In the interests of highway safety.

6. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure unacceptable risks are removed from the site.

7. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first used as a retail store. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

#### Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 6.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 6.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

8. No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours and duration of any piling operations,
- (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (c) Methodology to prevent detritus being tracked/spilt on land outside the site and mitigation to remove any detritus from land outside the application site (if any road sweeper is to be used a commitment to replace any removed winter road treatments)
- (d) Details of construction access and surface treatment proposed;
- (e) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- (f) Details of any temporary hardstandings;
- (g) Details of temporary hoarding;
- (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
- (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (j) Dust and air quality mitigation and monitoring,
- (k) Water management including waste water and surface water discharge,
- (l) A Site Waste Management Plan,

- (m) Community liaison including a method for handling and monitoring complaints, contact details for site managers.
- (n) details of security lighting layout and design;

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development

9. No work associated with the construction of the development hereby approved shall take place on site pursuant to this planning permission outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturday, with no work on Sundays, bank holidays and national holidays unless otherwise agreed in writing by the Local Planning Authority prior to that work taking place.

Reason: To minimise noise disturbance to the occupants of the residential.

10. Prior to the commencement of the first beneficial use of the retail store hereby permitted, the details of all plant (which is to be installed in the position as shown on plan reference: P(1)03E) shall be submitted to the Local Planning Authority for agreement. The plant installed shall achieve the acoustic performance predicted in Noise Impact Assessment KR05377, issue v1.1, dated 02/02/2017. Once installed the plant shall be installed in strict accordance with the agreed details and maintained in the approved form without modification.

Reason: To ensure the plant is installed to protect the amenity of nearby residents

11. The landscaping scheme as detailed on Plan Reference 1226-01 Rev B received by the Local Planning Authority on 6th March 2017 shall be implemented prior to the commencement of the first beneficial use of the retail store hereby permitted. The landscaping shall thereafter be maintained in accordance with the Landscape Maintenance and Management Plan September 2016 (Rev 0). 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.

12. Prior to the installation of any lighting attached to the west elevation of the approved building, the details of any lighting proposed shall be submitted to and agreed in writing prior to their installation. Once agreed, only the approved lighting shall be installed and retained and maintained in the approved form, without modification. The lighting to serve the remaining parts of the site shall be implemented in accordance with the Lighting Plan reference MJA-P105-4359-A prior to the commencement of the use of the development hereby permitted. There shall be no other lighting provided on any part of the site, outside the building unless previously agreed by this condition or additional consent is granted. In addition, the operation of the approved external lighting shall be restricted to the store opening times only.

Reason: To protect the amenity of nearby occupiers.

13. Prior the receipt of the first delivery to the food retail store hereby permitted, the details of delivery management which shall include measures to ensure the safety of car park users and to minimise noise associated with deliveries shall be submitted to and agreed in writing

by the Local Planning Authority. Once agreed, the site shall be operated in strict accordance with the agreed details for the duration of the operation of the store.  
Reason: To protect the amenity of nearby residents and the safety of the site users.

14. A Travel Plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of the first beneficial use of the development hereby permitted. The Travel Plan should include the methodology for encouraging sustainable travel choices for both staff and customers and a timetable for implementation. Once agreed the development shall operate in accordance with the approved scheme.  
Reason: In pursuit of sustainable transport objectives.

15. Any vehicle associated with deliveries to the store shall not enter the site as outlined in red on Plan P(1)03 E outside the hours of 07:00 - 19:00 Monday - Saturday or 09:00 - 17:00 on Sundays. In addition there shall not be more than two deliveries in any one day on Monday-Saturday and no more than one delivery on any Sunday.  
In the interests of residential amenity.

16. The trading hours of the food store hereby permitted premises shall be limited to the following times:-  
Monday - Saturday - 08:00 - 22:00  
and Sundays - 10:00 - 17:00.  
Reason: To safeguard the amenities of the area.

17. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order, with or without modification), the food store hereby permitted shall be used mainly for the sale of food only and shall be subject to the following limitations:

- i) Not to sell more than 1500 product lines from the unit at any one time [product lines are stated to be each stock keeping unit such that products or items of the same type e.g. baked beans, but of a different brand, weight, size, or shape shall be treated as separate items];
- ii) Not to use more than 20% of the net sales floor space for sale or display for sale of comparison shopping, namely: clothing, footwear household and recreational goods;
- iii) Not to operate or offer for sale any of the following services or items: butchers counter; fresh fish counter; delicatessen/cheese counter; hot food, banking facilities (excluding a cash dispenser); dispensing pharmacy; dry cleaning services including the collection of garments or articles for cleaning off-site; post office services; lottery or scratch card sales; bill payment facilities; photographic shop or booth; café/restaurant; sales of cigarettes and/or tobacco.
- iv) Not to sell more than 6 lines of newspapers (including national and/or local newspapers) and 44 lines of magazines.

Reason: To accord with the applicant's justification and business model and protect the vitality and viability of nearby local centres. Furthermore, any widening of the nature and type of goods to be sold from the premises will require further justification and consideration.

18. Notwithstanding the provisions of the Town and Country Planning Act 1990, Town and Country Planning (Development Management Procedure) (England) Order 2010, The Town and Country Planning (General Permitted Development) (England) Order 2015 or The Town and Country Planning (Use Classes) Order 1987 or any orders revoking and re-enacting those Orders, the proposed retail food store shall be retained as a single (Class A1) retail food store and shall not be subdivided nor any extensions or mezzanines erected.

Reason: To accord with the applicant's justification and business model and protect the vitality and viability of nearby local centres

19. Notwithstanding any provision to the contrary, the windows on the west elevation of the building hereby permitted shall be obscurely glazed and fixed shut below a level of 1.7 metres as measured from finished floor level. Once installed, the windows shall be retained in the approved form without modification. In addition there shall be no other insertion of additional windows and doors into the west facing elevation unless additional planning consent is obtained from the Local Planning Authority.

Reason: In the interests of residential amenity

20. The doors on the west facing elevation (as annotated on plan P(1)06 A) shall be installed with opaque materials that cannot provide any view through and they are to be used as escape doors only and only used in the event of a fire or other such emergency and shall not be used at any other time for any other purpose whether ancillary to the use of the store or not.

Reason: To protect residential amenity of adjacent occupiers.

21. This permission relates solely to the provision of a retail food store and ancillary works associated. It does not relate to any consent for any advertisements or residential development whether annotated on any approved plan or not.

Reason: To ensure clarity of the permission hereby granted.

### **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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto: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. Notwithstanding any detail on the approved plan this consent does not convey any permission to undertake works within the highway. Therefore, the applicant is advised to obtain further advice which can be accessed via the link below.

[http://www.swindon.gov.uk/download/downloads/id/737/information\\_-\\_vehicle\\_crossing\\_application\\_guidelines.pdf](http://www.swindon.gov.uk/download/downloads/id/737/information_-_vehicle_crossing_application_guidelines.pdf)

3. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

4. The applicant is advised to contact Thames Water Utilities Ltd, prior to commencing work on site. Please visit [www.thames-water.com](http://www.thames-water.com) for more information.

5. Where a sweeper is used on the roads around the application site, the developer is responsible to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents

will be in the property of the developer. In the first instance, contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

6. This consent does not authorise any permission for advertisements, for which additional advertisement consent is required, in addition to this planning permission.





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[illegible]





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4. Ben Williams shall be notified in writing of any discrepancies.
5. Drawings have been prepared from computer generated data. No liability is accepted for errors or omissions.

Rev	Date	Reason for Issue	Checked
A	14/09/16	Issued for construction	

10 2 4 6 8 10 12

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HOME DESIGN AND ARCHITECTURAL SERVICES

Address: 20 The Macdonalds, Old Town, Swindon, Wiltshire, SN1 4NA  
Tel: 01753 200201 / 01753 488174  
Email: info@benwilliams.co.uk

Client: Rupert Mark Homes Ltd

Project: Land off Hughes Street, Rodbourne, Swindon

Title: Proposed Site Plan

Scale @ A1:	Date:	Drawn/Checked:
1:200	Sept '16	BW

Drawing No:	Rev:
106/050	A

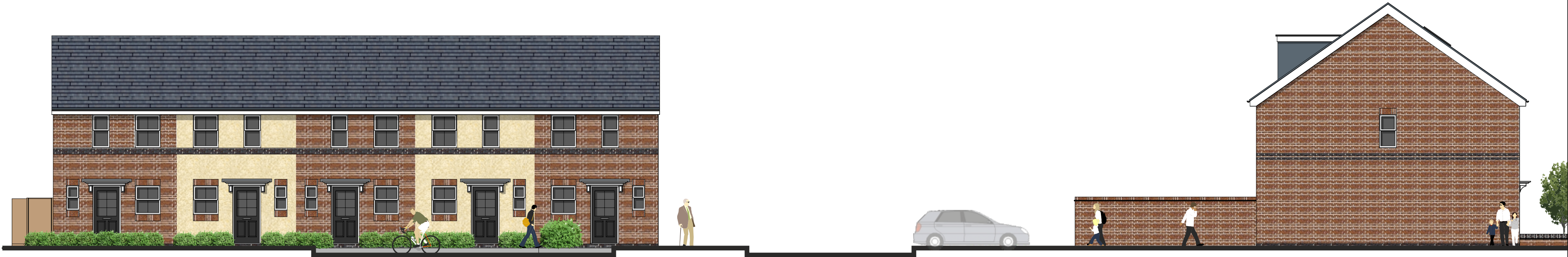
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A	Mar '17	Amendments to scheme following LPA comments	

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ACCESS STREET ELEVATION



HUGHES STREET ELEVATION

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Email: hello@benwill.co.uk

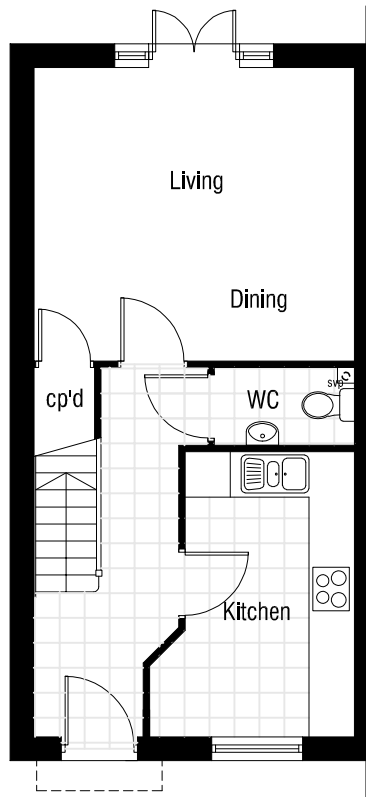
Client:  
Rupert Mark Homes Ltd

Project:  
Land off Hughes Street  
Rodbourne  
Swindon

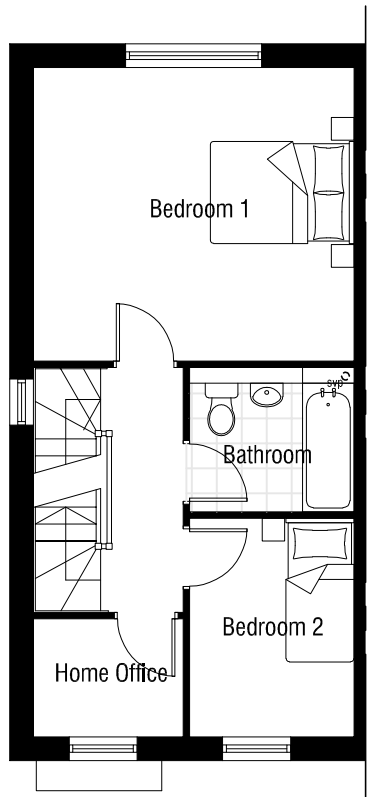
Title:  
Proposed  
Street Scenes

Scale @ A2:	Date:	Drawn/Checked:
1:100	Sept '16	BW
Drawing No:	Rev:	
106/200	A	

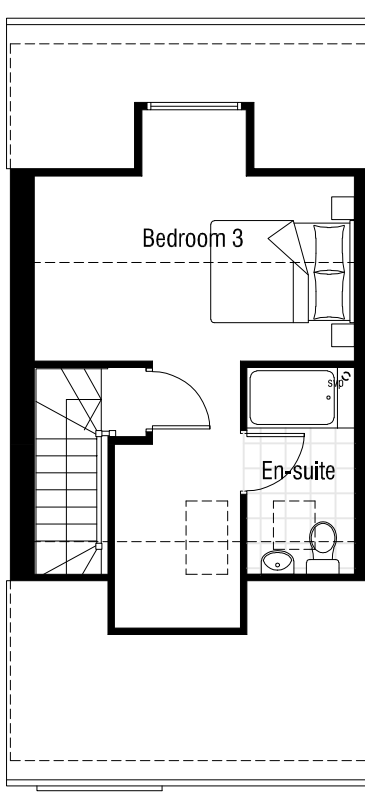




GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

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A	Mar '17	Amendments to scheme following LPA comments	



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

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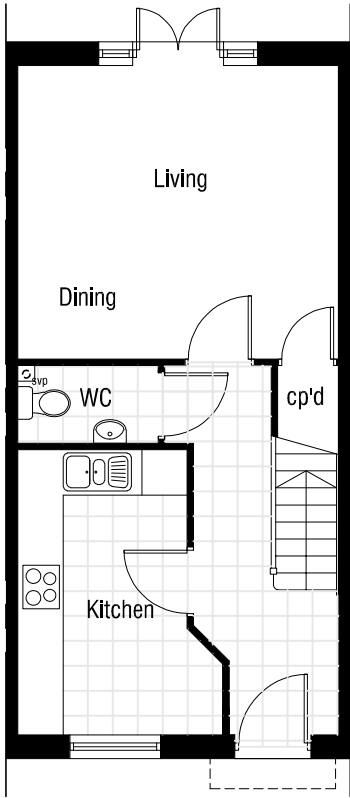
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Email: hello@benwill.co.uk

Client:  
**Rupert Mark Homes Ltd**

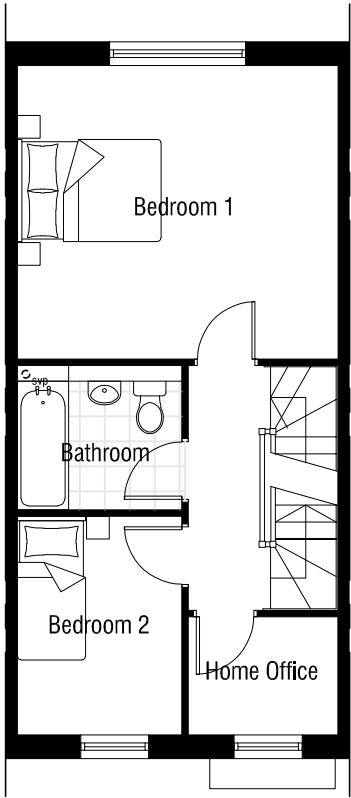
Project:  
**Land off Hughes Street  
Rodbourn  
Swindon**

Title:  
**Housetype C  
General Arrangement  
(Plot 1)**

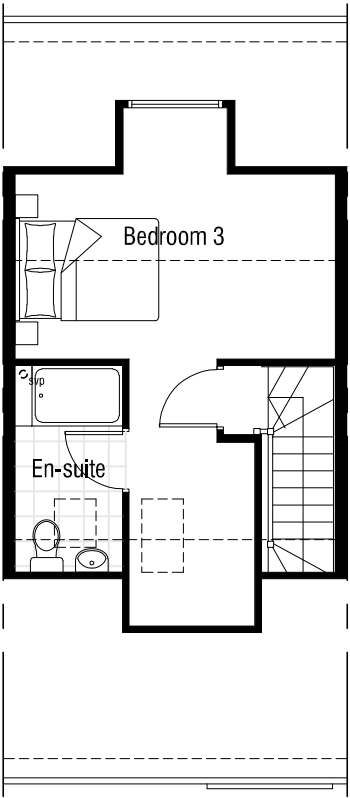
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Drawing No:	Rev:	
106/120	A	



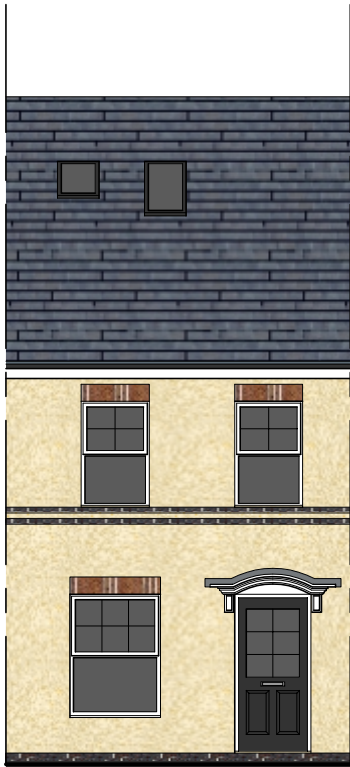
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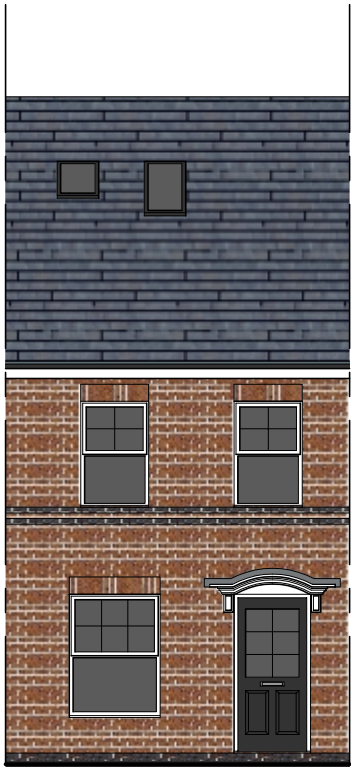
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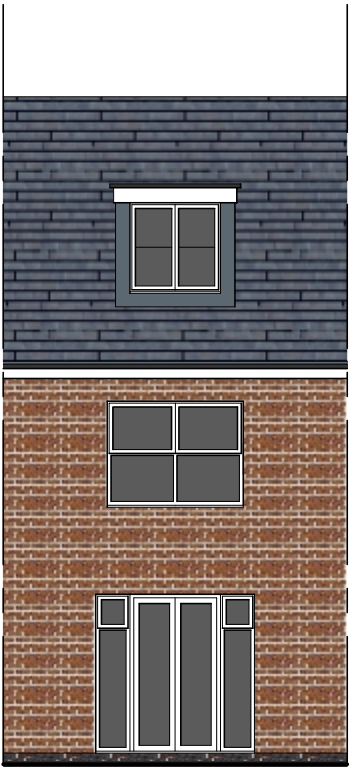
SECOND FLOOR PLAN



FRONT ELEVATION  
PLOTS 2 & 6



FRONT ELEVATION  
PLOT 4



REAR ELEVATION

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Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

0m 1 2 3 4 5

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Client:  
**Rupert Mark Homes Ltd**

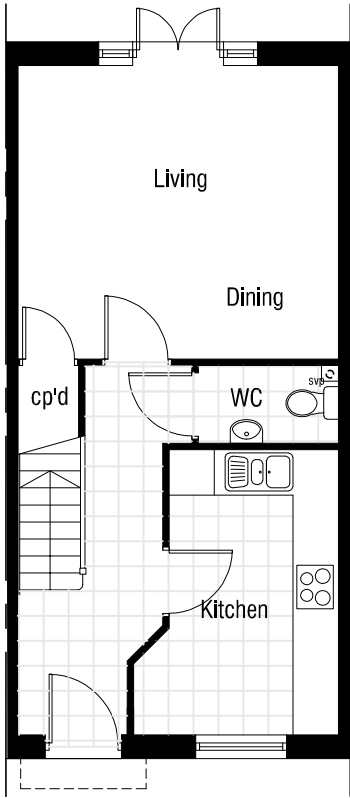
Project:  
**Land off Hughes Street  
Rodbourne  
Swindon**

Title:  
**Housetype C  
General Arrangement  
(Plots 2,4 & 6)**

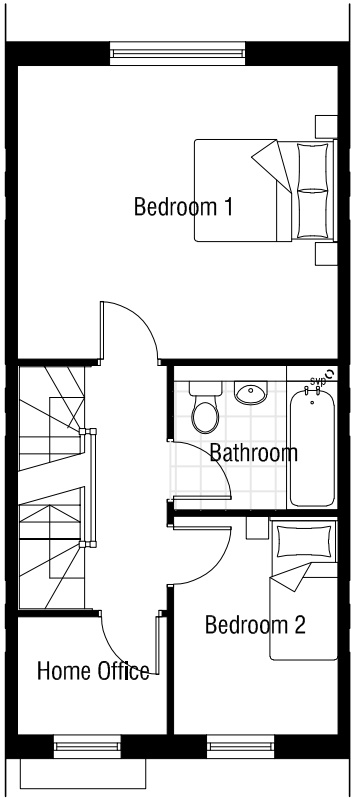
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Drawing No:	Rev:
106/121	A

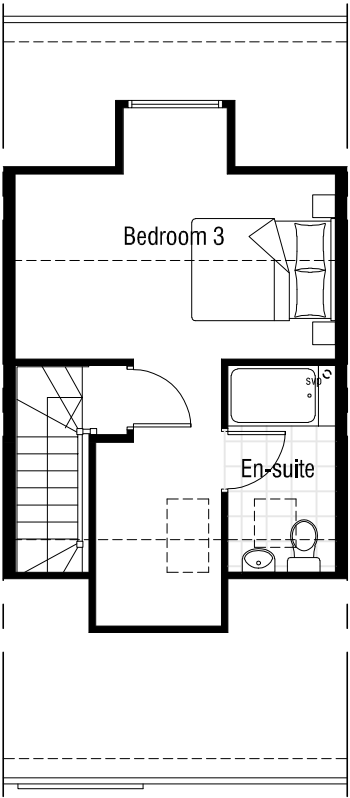
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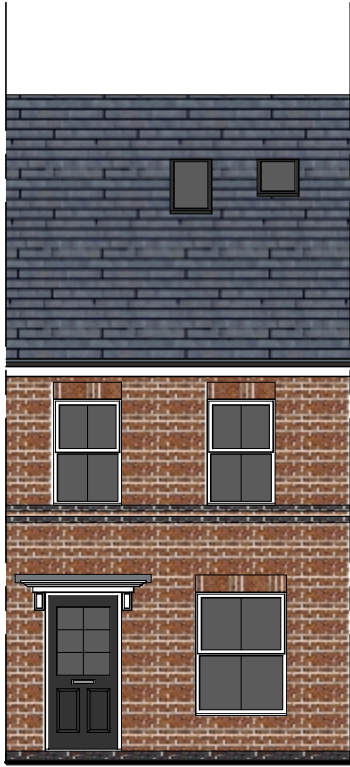
GROUND FLOOR PLAN



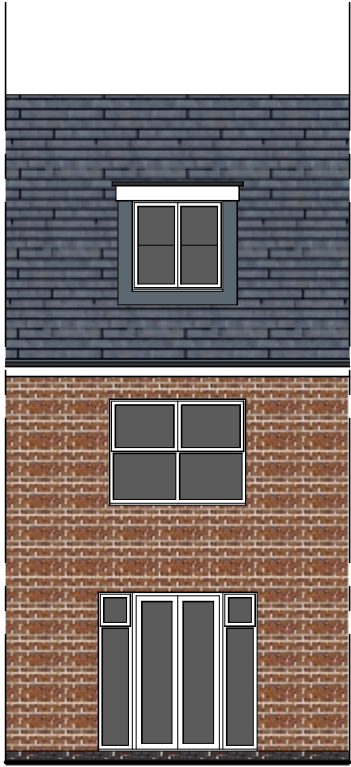
FIRST FLOOR PLAN



SECOND FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION

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Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

0m

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Email:

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Client:

Rupert Mark Homes Ltd

Project:

Land off Hughes Street  
Rodbourne  
Swindon

Title:

Housetype C  
General Arrangement  
(Plots 3 & 5)

Scale @ A3:

1:100

Date:

Sept '16

Drawn/Checked:

BW

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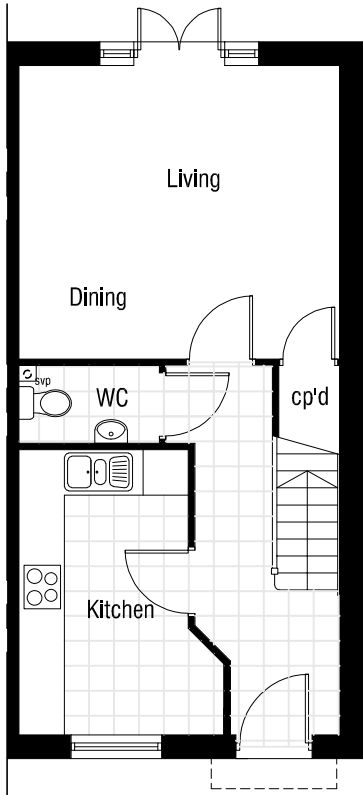
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Rev:

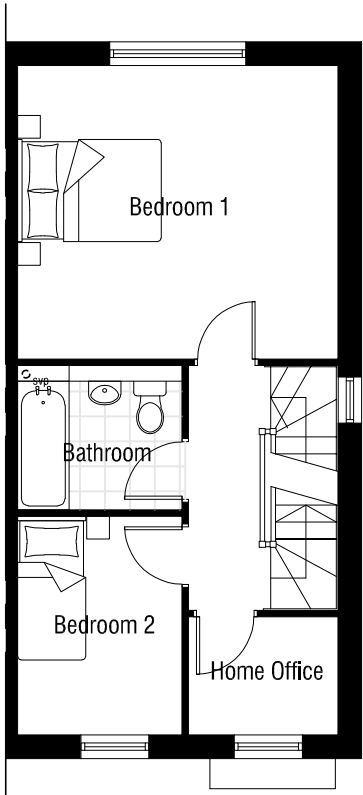
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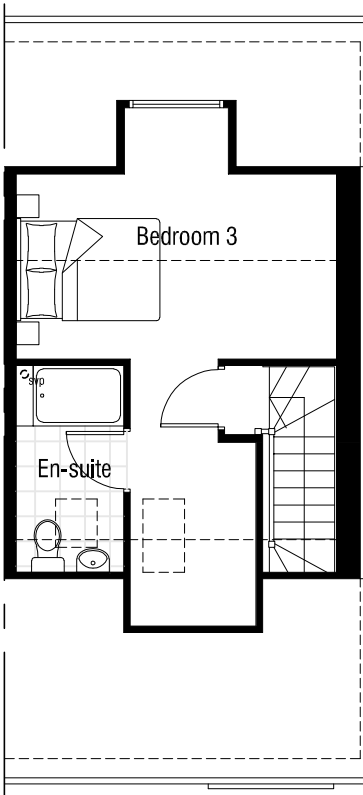




GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

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A	Mar '17	Amendments to scheme following LPA comments	

0m 1 2 3 4 5

N

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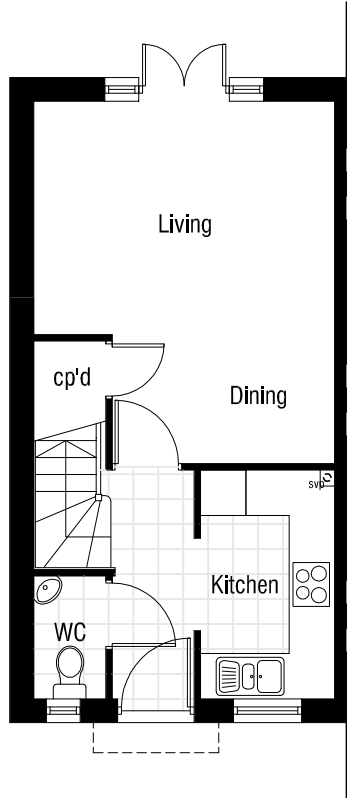
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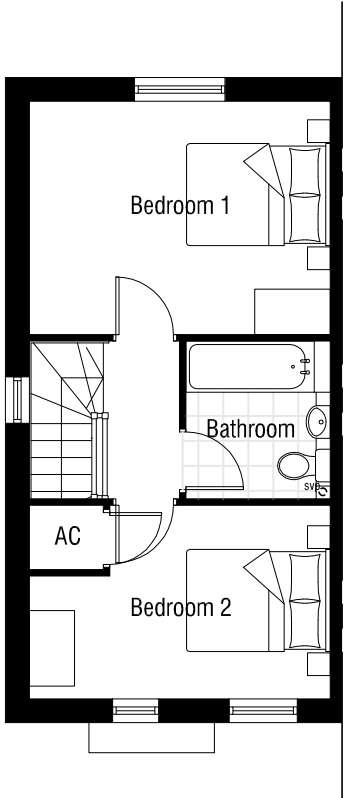
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**Land off Hughes Street  
Rodbourn  
Swindon**

Title:  
**Housetype C  
General Arrangement  
(Plot 7)**

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Drawing No:	Rev:	
106/123	A	



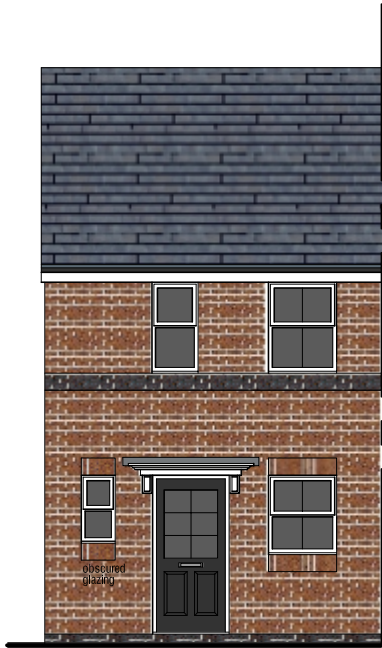
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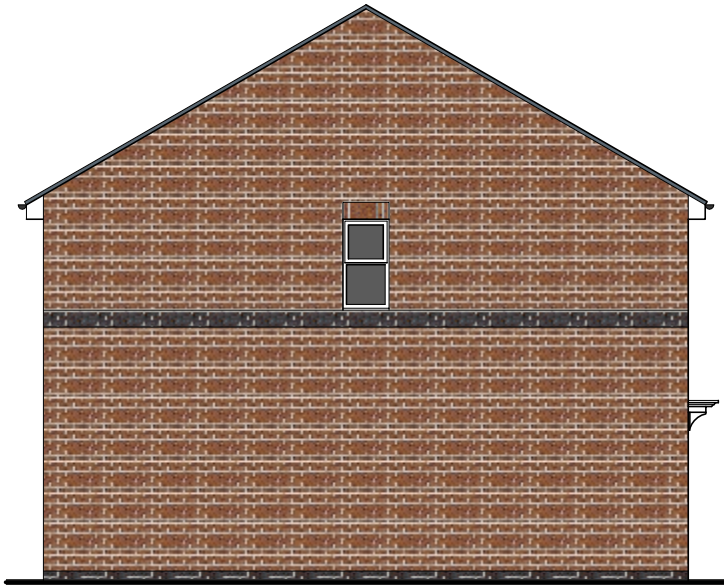
FIRST FLOOR PLAN

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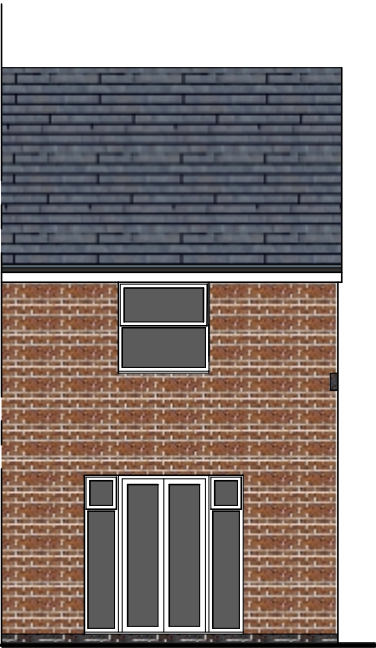
Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

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Email: hello@benwill.co.uk

Client:

Rupert Mark Homes Ltd

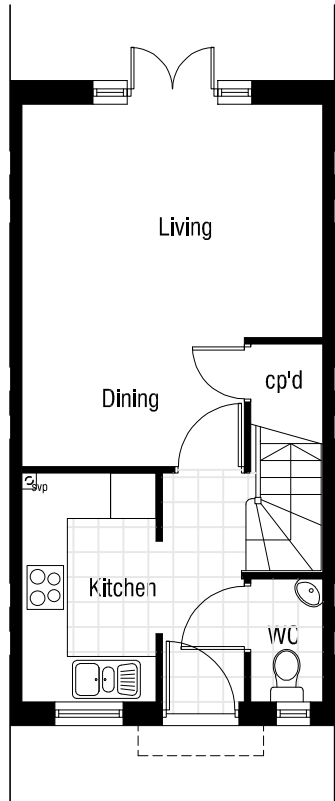
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Land off Hughes Street  
Rodbourne  
Swindon

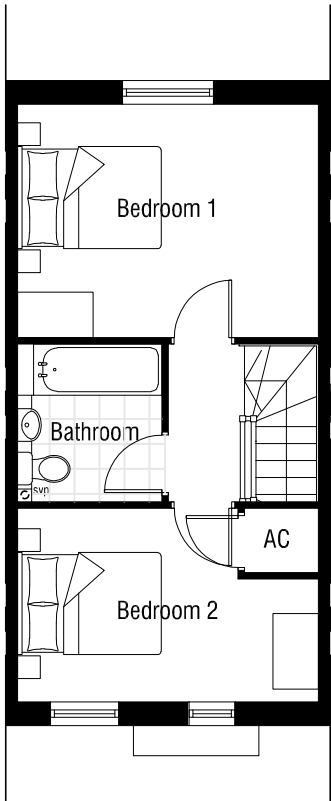
Title:

Housetype A  
General Arrangement  
(Plot 12)

Scale @ A3:	Date:	Drawn/Checked:
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Drawing No:	Rev:	
106/100	A	



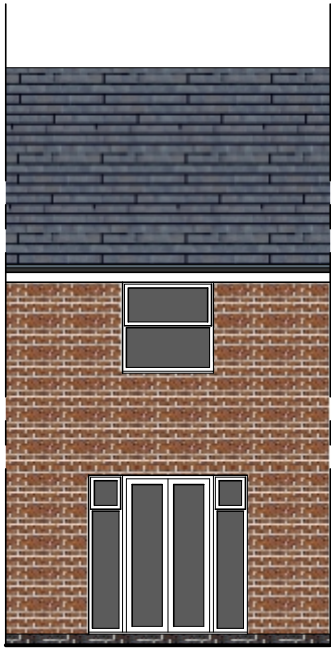
GROUND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION

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Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

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HOME DESIGN AND ARCHITECTURAL SERVICES

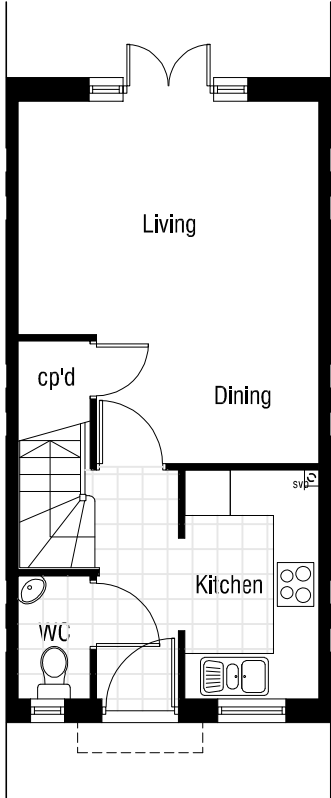
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**Rupert Mark Homes Ltd**

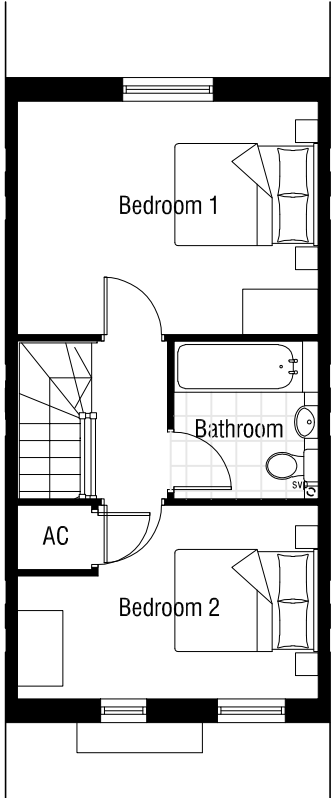
Project:  
**Land off Hughes Street  
Rodbourne  
Swindon**

Title:  
**Housetype A  
General Arrangement  
(Plot 11)**

Scale @ A3: <b>1:100</b>	Date: <b>Sept '16</b>	Drawn/Checked: <b>BW</b>
Drawing No: <b>106/101</b>	Rev: <b>A</b>	



GROUND FLOOR PLAN



FIRST FLOOR PLAN

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Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

0m

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2

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5



FRONT ELEVATION



REAR ELEVATION

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Email:

hello@benwill.co.uk

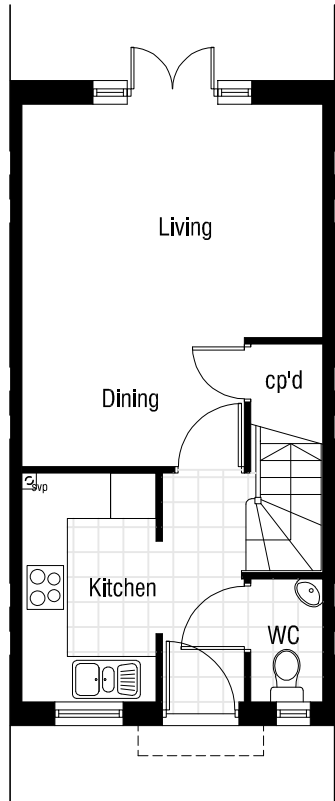
Client:  
Rupert Mark Homes Ltd

Project:  
Land off Hughes Street  
Rodbourne  
Swindon

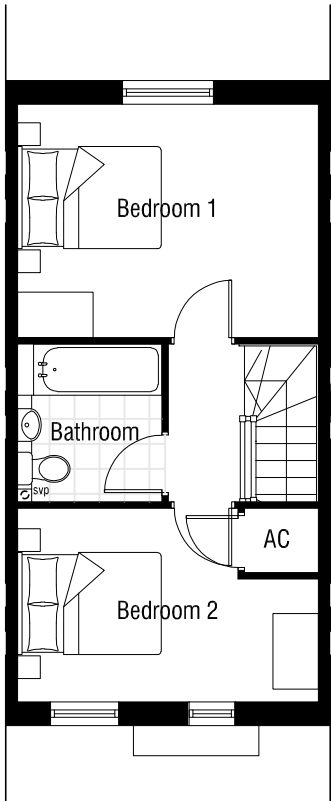
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Housetype A  
General Arrangement  
(Plot 10)

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Drawing No:	Rev:	
106/102	A	





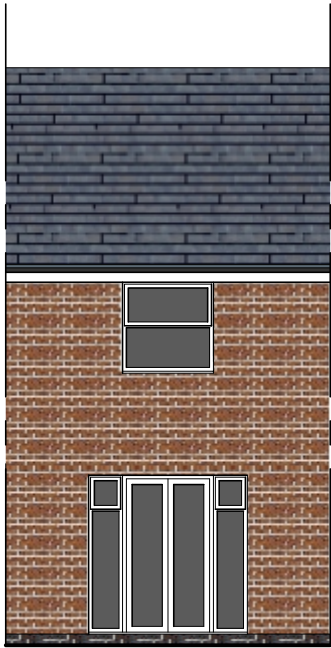
GROUND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION

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Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

0m 1 2 3 4 5

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**BEN WILLIAMS**  
HOME DESIGN AND ARCHITECTURAL SERVICES

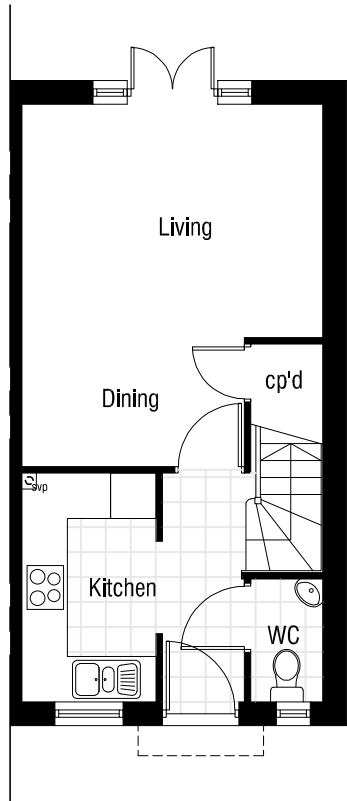
Address: 20 The Marlestons, Old Town, Swindon, Wiltshire, SN1 4NA  
Tel: 01793 920265 / 07944 486178  
Web: www.benwill.co.uk  
Email: hello@benwill.co.uk

Client:  
**Rupert Mark Homes Ltd**

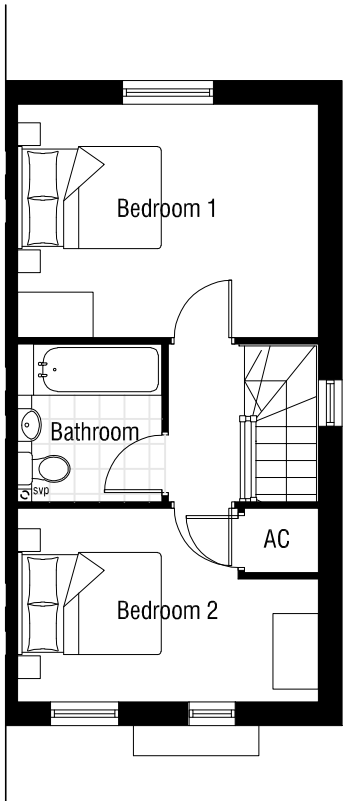
Project:  
**Land off Hughes Street  
Rodbourn  
Swindon**

Title:  
**Housetype A  
General Arrangement  
(Plot 9)**

Scale @ A3:	Date:	Drawn/Checked:
1:100	Sept '16	BW
Drawing No:	Rev:	
106/103	A	



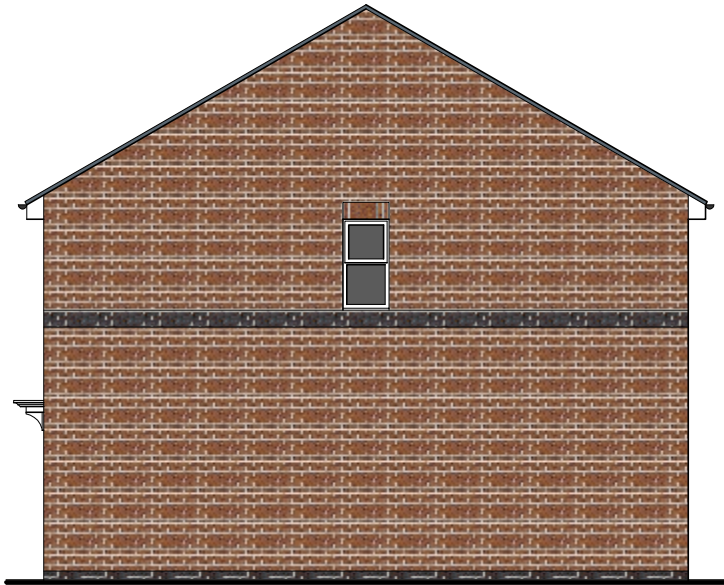
GROUND FLOOR PLAN



FIRST FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

General Notes:

1. Dimensions should not be scaled from this drawing.
2. All dimensions should be checked on site.
3. This drawing is to be read in conjunction with all other drawings, specifications and schedule of works.
4. Ben Williams shall be notified in writing of any discrepancies

Rev	Date	Reason for issue	Checked
A	Mar '17	Amendments to scheme following LPA comments	

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Client:  
**Rupert Mark Homes Ltd**

Project:  
**Land off Hughes Street  
Rodbourne  
Swindon**

Title:  
**Housetype A  
General Arrangement  
(Plot 8)**

Scale @ A3:	Date:	Drawn/Checked:
1:100	Sept '16	BW
Drawing No:	Rev:	
106/110	A	



## COMMITTEE REPORT

**Item Number:**  
**Application Number:**  
S/16/2024/BLOWC

**Ward:** Mannington And Western  
**Parish:** No Parish

**Proposal:** Erection of 12no. dwellings and associated works

**Site Location:** Former Even Swindon Infants And Junior School, Hughes Street, Rodbourne

**Case Officer:** Ms Catherine Blow

**Agent:**  
Mr Ben Williams  
Ben Williams Home Design And  
Architectural Services  
20 The Marlestons  
Old Town  
Swindon  
SN1 4NA

**Applicant**  
Mr Hornby  
  
Rupert Mark Homes Ltd  
89 Groundwell Road  
Swindon

### Officers Report

Background:

1 This application is brought before Planning Committee as the site forms part of the Former Even Swindon Infants and Junior School, which is subject to a separate application for redevelopment as a food store, reference S/16/2037.

Summary of Recommendation:

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

#### The Proposal:

3 The application seeks full planning permission for the erection of 12 new dwellings, with the provision of 26 parking spaces, with access from land adjacent to 2 Hughes Street. The site layout proposes a row of seven properties fronting Hughes Street which would be 2.5 storeys in height (dormers in the rear roof slope). The parking for these properties would be sited adjacent to the rear gardens. There would be a further five terraced properties which would be 2 storeys high sited in the northern portion of the site and orientated perpendicular to the frontage block, with rear gardens facing the eastern boundary.

The Site and Surroundings:

4 The site forms part of the former Even Swindon School site. The application site is located adjacent to 2 Hughes Street and includes the western portion of the former school site only. A separate planning application is being considered for the eastern part of the site (Reference: S/16/2037). The school buildings have now been demolished with only the former hardstanding and brick boundary walls on the Rodbourne Road and Hughes Street frontage remaining. The remaining areas of the site are secured with hoarding.

5 The area surrounding the application site is predominantly residential in character and the majority of those properties are Victorian. There are commercial properties fronting Rodbourne Road with a church located close to the eastern boundary. Further south of Hughes Street, there are retail premises in Rodbourne Road forming a Local Centre as designated in the Swindon Borough Local Plan 2026.

6 The site is in close proximity to Bruce Street Bridges, which has recently been reconfigured. Rodbourne Road is a well trafficked, minor route with access to other parts of the Borough via Bruce Street Bridges roundabout.

Representations:

Neighbour consultation:

7 The application was advertised by neighbour card, site notice and press notice. One response received, from the owner of 2 Hughes Street, raising concern regarding the following matters:

- The proposed access would be located close to the party wall of 2 Hughes Street and therefore confirmation is sought in relation to party wall matters;
- Concern is raised in relation to any damage or reroute of the telephone line that crosses the site.

The proposed development has recently been revised and the expiration of that re-consultation period had not expired at the time of drafting this report. This expires on 5<sup>th</sup> April 2017. Members will be updated should any further representations be received prior the meeting.

Highways:

8 The original consultation response raised no objection to the proposed development subject to the submission of details of all works on the highway being submitted and agreed by the Council. The response also recommended informatives in relation to detailed highway matters. Since the original proposal was submitted and due to the concern in relation to design matters the Highways Team has been re-consulted on those amendments and there are no objections to the revised proposal.

Urban Design Officer:

9 The initial consultation response raised concerns in relation to the original. These relates to:

- The elevations are not in keeping with surrounding development;
- The layout of the rear portion of the site is not in keeping with the prevailing pattern of



development;

- The parking arrangements are poor and remote from the properties they serve;
- The proposed amenity spaces are too small and/or unusable;
- The rear of the site would not provide an acceptable or attractive street scene, which is dominated by parking;

10 Officers have worked hard with the applicant and agent to amend the scheme. The revised scheme raises no objections in terms of design and layout matters.

Landscaping and Trees:

11 The proposed development contains a lack of information in relation to landscaping to enable a full assessment.

Environmental Health:

12 The response highlights the site being adjacent to the site currently being considered for a new retail store (reference S/16/2037). Therefore, consideration is required in terms of potential noise associated with the new use adjacent. The response recommends several noise conditions associated with the adjacent site as well as conditions to ensure adequate acoustic mitigation is installed to prevent harm arising from operational noise of the potential store adjacent.

Contaminated Land Officer:

13 The land is likely to have a similar level of contamination to the adjacent site, which is accompanied by a desktop contamination report. The likely pollutants are associated with demolition of school buildings and may include asbestos and tars associated with former surfacing. The response recommends several conditions to ensure adequate surveys and mitigation is carried out.

Dorset and Wiltshire Fire:

14 No objection subject to compliance with Building Regulations matters.

Thames Water:

15 No objections

Flood Risk Manager:

16 The initial response raised an objection regarding the proposal due to the lack of information submitted. This information was submitted to the Council for review. Further information has been submitted and the response identifies matters that require further attention from the applicant. These matters relate to the need to calculate the greenfield run off rates for the site to ensure the discharge rates are below that rate to prevent overwhelming the drainage network, a management strategy for the suDS after completion and exceedance flow paths. The advice also seeks to ensure that the service provider (Thames Water) is satisfied with the outfalls into the public sewer.

**Planning Considerations:**

17 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

18 In accordance with this framework the following issues will be considered:

- Principle of the development
- Design, layout and appearance
- Amenity
- Highway Safety and Accessibility
- Flood Risk
- Contamination
- CIL and other developer contributions

**Policy:**

19 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are to be applied. In respect of this application, the following sections are of relevance to the consideration of this application:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring Good Design
- Promoting healthy communities
- Meeting the challenge of climate change, flooding and coastal change
- Decision taking – paragraphs 186-207.
- Achieving sustainable development – paragraphs 6-17

20 The following Policies of the Adopted Swindon Borough Local Plan 2026 (2015) are considered relevant to this application:

- SD1 '*Sustainable Development Principles*' sets out the development principles which underpin the local plan
- SD2 '*The Sustainable Development Strategy*' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 '*Managing Development*' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 '*High Quality Design*' seeks high standards of design for all development
- HA1 '*Mix Types and Density*' advises that housing development should be design led and respect the character of the surrounding area
- HA2 '*Affordable Housing*' seeks all developments of 15 homes or more, on sites larger than 0.5 hectares to provide 30% affordable housing

- EN3 '*Open Space*' seeks all development to provide or contribute towards public open space
- EN6 '*Flood Risk*' seeks to ensure the risks and impacts of flooding are adequately mitigated.
- EN9 '*Contaminated Land*' seeks to ensure that appropriate steps are taken where land is suspected of being contaminated
- IN1 '*Infrastructure Provision*' seeks to ensure all new development makes a positive contribution to sustainable growth by mitigating its impacts upon infrastructure
- TR1 '*Sustainable Transport*' seeks to reduce the need to travel and support and encourage the sustainable, safe and efficient movement of people
- TR2 '*Transport and Development*' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided

21 Also of relevance is Swindon Borough Council's development Control Guidance Note: Technical Guidance on Parking Standards (2007), Swindon Borough Council's Residential Design Guide SPD (2016) and The Open Space Audit (March 2014).

### **Principle of the development**

22 The site is set within Swindon's urban boundary and as such the proposal complies with the urban concentration strategy as outlined by Policy SD2 of the Local Plan. The proposed development, in terms of its location, is a sustainable residential development within an existing residential community with good access to a variety of sustainable transport modes. Local Plan Policy HA1 (Mix, Types, and Density) states housing development should be design-led, and in particular that densities, house types and sizes should respect the character of the surrounding area.

23 In addition, the site has been subject to an adopted Development Brief, adopted by the Council in September 2015. This Brief puts forward three alternative schemes for redevelopment of the site with potentially appropriate uses that included residential use of no more than 2.5 storeys with accesses from Hughes Street. The proposed development would be broadly in accordance with the principles set out within Sketch Layout B of that Brief.

24 Taking the relevant policies into consideration together with the Development Brief 2015 the site is deemed, in principle, to be in an appropriate and sustainable location for residential development and it is acknowledged that the proposal would add to the existing mix of housing types within the area.

### **Design, Layout and Appearance**

25 The original submission for 13 dwellings was considered not to be an acceptable form of development. The Urban Design Officer advised that the configuration of the layout for the rear of this site would have been particularly poor and would have caused numerous design issues all contrary to Local Plan Policy DE1 and accompanying Swindon Residential Design

Guide 2016. While the adopted development brief allows for a development of up to 13 dwellings, this should not be achieved through over-development. The cost of poor design and to the detriment of the quality of the environment for future occupiers.

26 Subsequent to the receipt of the advice from the Urban Design Officer, Council Officers have worked with the applicant to amend the scheme to enable an acceptable development to be delivered. This has resulted in the revision of the plans to provide 12 dwellings on the site. This has enabled a significantly improved layout to the northern portion of the site and a significantly improved environment for future occupiers of the scheme, with a more generous level of amenity space and a more appropriate parking layout. The layout of the scheme is considered to be acceptable.

27 The frontage block consisting of a row of 7 dwellings would be two storeys in height with rooms in the roof, with the provision of roof lights and modest flat roof dormer window to the rear. This frontage block would be sited approximately 8 metres from the flank of 2 Hughes Street and residential development is unlikely to continue on this side of Hughes Street due to the potential for redevelopment of that part of the site for a food retail store (planning application S/16/2037). This part of the proposal would have a ridge height that would be approximately 1.3 metres higher than other properties in Hughes Street. However, due to the intervening distance to those existing properties the proposed development is not considered to be out of keeping with the prevailing scale and height. The detailed elevations demonstrate that the proposed dwellings on the frontage would follow the traditional vernacular of the surrounding Victorian properties with the use of both render and brick. The design of the frontage block is considered to be acceptable.

28 The proposed front boundary of the site would be re-sited to enable the widening of Hughes Street which is proposed in the parallel application for a food store (application reference: S/16/2037). It would consist of a low brick wall to enable continuation of the boundary wall proposed at the adjacent site. It is not clear from the plans submitted whether the plans show the boundary wall in the correct position when compared to the adjacent site. However, the exact position of the front boundary treatment can be agreed by conditions attached to any consent granted.

29 The remaining five properties that would occupy the northern part of the site would be two storey in scale and again would be traditionally designed and a more modest scale than the frontage block to reflect its backland position. The rear gardens would be sited adjacent to the eastern site boundary that is likely to be redeveloped for a food retail store. The garden depths would be 11 metres, which would provide an acceptable buffer between the rear of the properties and the site boundaries. The majority of the gardens would be an acceptable size with only plots 8 and 9 having a slightly more modest rear garden, to allow for the provision of parking. On balance the layout of this part of the site is considered acceptable. Again the elevations demonstrate a terraced approach to the external appearance which is considered to be acceptable in this context.

## **Amenity**

30 The proposed dwellings would be provided with an acceptable level of private garden space and there is additional landscaping proposed in communal areas of the site. This is an acceptable level of amenity to enable an acceptable living environment for the future occupiers of the scheme. There is limited information in relation to proposed landscaping

and this has been highlighted by the Council's Landscape Advisor. However, detailed matters in relation to landscaping provision and maintenance can be adequately controlled by condition. Subject to conditions the proposed development would be acceptable in terms of landscaping.

31 There would be limited opportunity for the occupants of Plot 1 to view over the private amenity space of 2 Hughes Street. The frontage block would also follow the same frontage line as 2 Hughes Street. Therefore, the intervening distance of 15 metres between the public frontage of the existing and proposed properties in Hughes Street would not result in any greater overlooking than the existing relationship between odd numbered and even numbered houses in the street. Although the proposed frontage block may result in loss of light to the front of the properties on the south side of Hughes Street, the intervening distance and the location of the site to the north would limit that detrimental impact to an acceptable level.

32 Plots 8-12 would be orientated towards the end of the rear garden of 2 Hughes Street and potentially the rear gardens of properties in Bruce Street. However, the intervening distance of in excess of 21 metres is considered to reduce any potential overlooking to an acceptable level. In addition due to the site layout and siting of the proposal to the east of 2 Hughes Street, there would be limited impact upon the light to 2 Hughes Street's dwelling and rear garden. The proposed relationship with the surroundings is considered acceptable and would accord with the requirements of DE1 and the separation distances contained within the Swindon Residential Design SPD.

33 The adjacent site is likely to be occupied by a food retail store. The proposed layout and design detailed in the planning application (S/16/2037) indicates the rear elevation of the store would face the boundary of this site. The delivery yard would be sited remote from this application site boundary with the warehouse and store room located closest. The warehouse and store room would be enclosed within the proposed store. There are two escape doors and two windows proposed on the proposed retail store. Conditions drafted to be attached to that consent if granted would require the windows to be obscurely glazed and fixed shut above a height of 1.7 metres and the doors would provide emergency access only. This would limit any detrimental impact upon the outlook or amenity of the future occupiers to an acceptable level. In addition, conditions preventing the insertion of additional windows and doors have been used to protect the amenity of the occupiers of this site.

34 The use of the adjacent site would be utilised as a retail food store and as such this use may give rise to noise associated with the use. The Council's Environmental Health Officer recommends conditions to ensure adequate mitigation is incorporated into the scheme to protect the amenity of future occupiers that could arise from the adjacent noise source. Subject to conditions, the proposed development would accord with the requirements of Policy DE1 of the Swindon Borough Local Plan 2026.

### **Highway Safety and Accessibility**

35 The proposed development would result in the upgrade and resurfacing of the existing access located between the former school site and 2 Hughes Street. This would provide the main access into the site, which also includes a narrow access adjacent to 2 Hughes Street and a pedestrian pavement adjacent to Plot 1. The proposal would provide 26 parking

spaces, which equates to the provision of two spaces per dwelling and two visitor spaces. The level of parking and dimensions of the proposed accesses would allow for adequate access to the site for the scale of the proposed development. In addition, there are acceptable visibility splays at the junction of Hughes Street and the internal site junction ensuring adequate safety in accordance with Policies TR1 and TR2 of the Swindon Borough Plan 2026.

36 The site frontage in Hughes Street is included in the application site boundary as outlined in red for the adjacent site (application reference S/16/2037). That application includes the widening of Hughes Street and provision of a pedestrian footway for the entire frontage of this application site.

37 As detailed in the introduction of this report the Council owns the land, being a former school site. However, the land between the school site and 2 Hughes Street is unregistered. The applicant has signed the correct certificate and the application has been advertised in the local press in accordance with the relevant legislation. The Council has not received any response relating to the claim in ownership of the land so this remains in unknown ownership. In order to ensure the proposed development is not prejudiced by a future land owner claim, it is considered necessary to ensure any works within the land of unknown ownership are completed prior to the commencement of the works to construction of the dwelling. This matter can be suitably controlled by condition attached to any consent granted.

### **Flood Risk**

38 The application is accompanied by a drainage strategy to include permeable paving in the access roads and parking areas with connection to existing Thames water drains and sewers. The response from the Council's Drainage Engineer seeks some additional information in relation to the proposed scheme to ensure the proposed drainage scheme is fit for purpose and is maintained after construction is completed. However, the details showed that surface water would be managed with the use of permeable paving for all parking areas and accessways. The site layout has been amended and as such the proposed drainage strategy is out of date. However, the original drainage strategy demonstrates that the principle of permeable paving is acceptable to mitigate any flood risk in accordance with Policy EN6 of the Swindon Borough Local Plan 2026. Subject to a condition requiring additional information as recommended by the Flood Risk Manager to be submitted, the proposal is considered to be acceptable.

### **Contamination**

39 The application is not accompanied by a desktop survey and as such the Council cannot fully consider the matter in accordance with Policy EN9 of the Swindon Borough Local Plan 2026. Nonetheless, in the event of the development obtaining planning permission, the Contaminated Land Officer has recommended a condition could be used to ensure the information is submitted prior to the commencement of the development in site. The inclusion of conditions attached to any consent granted would enable the development to comply with the requirements of Policy EN9 of the Swindon Borough Local Plan 2026.

### **CIL and other developer contributions**

40 Policy IN1 of the Local Plan 2026 requires all development to make a positive contribution to sustainable growth, meet the cost of infrastructure made necessary by the development and mitigate the additional pressure upon existing infrastructure.

41 The proposed development is site within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 2. Therefore, as this development involves the provision of new residential accommodation the scheme would be liable for the relevant payment. The applicant is aware of this obligation and an informative can be attached to any consent granted.

42 Policies HA2 (Affordable Housing) and EN3 (Open Space) require all developments to deliver the required infrastructure or community benefits.

43 Policy HA2 (Affordable Housing) requires all developments of more than 15 dwellings or sites larger than 0.5 Ha the Council will require the provision of affordable housing on site or a financial contribution towards such provision within the Borough. The proposed development seeks planning permission for less than 15 units and the site area is less than 0.5 Ha in size therefore, affordable housing would not be required in this instance.

44 Policy EN3 requires residential developments to provide or contribute towards public open space in line with open space standards set out in appendix 3 of the Local Plan 2026. In addition, the Council has undertaken an Open Space Audit 2014 that assesses the quantity, quality and accessibility of all open space within each ward. The general characteristics of Mannington and West Ward is that there is a significant surplus of open space, which is generally of an acceptable quality. The majority of sites meet the standard in terms of quality, with several playspaces being of a particularly high quality. Open space is generally well dispersed throughout the ward. The site is also close to the boundary with Rodbourne and Cheney Ward and as such there is potential for future residents of this scheme to utilise the open space within the southern part of the adjacent ward to the north. The Open Space Audit states that open space is generally well provided for in that ward with a variety of open space available; in particular many outdoor activities can be enjoyed, including both formal and informal recreation. Therefore, this being the case, it is not considered that the developer would be required to contribute towards the improvement of local open space in this instance.

45 During the consultation period correspondence has been received in relation to a desire to upgrade or replacement of the existing artificial cricket pitch at Mannington Recreation Ground. However, information received from the Parks Development Manager states that the demand for cricket in the Borough is falling and the emerging Playing Pitch Strategy is unlikely to show otherwise. In addition, the Open Space Audit and Assessment Update has assessed Mannington Recreation playground as being above standard in its quality. Therefore, there is no justification to secure monies from this fairly modest development.

### **Concluding Comments:**

46 The site is set within Swindon's urban boundary and as such the proposal complies with the urban concentration strategy as outlined by Policy SD2 of the Local Plan. The proposed development, in terms of its location, is a sustainable residential development within an existing residential community with good access to a variety of sustainable transport modes. Local Plan Policy HA1 (Mix, Types, and Density) states housing development should be

design-led, and in particular that densities, house types and sizes should respect the character of the surrounding area.

47 In addition, the proposal would accord with the principles contained within an adopted Development Brief, adopted by the Council in September 2015. The design, scale and layout would be a high quality development in accordance with Policy DE1 of the Swindon Borough Local Plan 2026 and the stipulations within the Swindon Residential Design Guide 2016. The proposed development would have an acceptable impact upon the highway and the safety of its users. The proposed development would be acceptable in terms of the requirements of the NPPF.

## Recommendation

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

### Conditions

1. This decision shall be in respect of the information submitted to the Council and the following plans:

Plan Type	Reference	Date Received
General	106/100 REV A	21.03.2017
General	106/005	23.11.2016
General	106/101 REV A	21.03.2017
General	106/102 REV A	21.03.2017
General	106/103 REV A	21.03.2017
General	106/123 REV A	21.03.2017
General	106/121 REV A	21.03.2017
General	106/122 REV A	21.03.2017
General	106/120 REV A	21.03.2017
General	106/110 REV A	21.03.2017
Location Plan	106/001	23.11.2016
Design and Access Statement	SEPTEMBER 2016 REVISION A	21.03.2017
Supporting Documentation	PLANNING STATEMENT REV A	21.03.2017
General	106/050 REV A	21.03.2017
General	11072-200-002-A	23.11.2016
General	106/070 REV A	21.03.2017
General	106/060 REV A	21.03.2017
General	106/080 REV A	21.03.2017
Streetscene	106/200 REV A	21.03.2017

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

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

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

3 Prior to the commencement of works above ground level on site in connection with



the development hereby permitted, details of all external facing materials (including samples of bricks, render and roof tiles) 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.

4 Notwithstanding the details submitted, and prior to the commencement of the development hereby approved, the details of the surface water drainage strategy shall be submitted and agreed in writing by the Local Planning Authority. The details shall include the demonstration that the strategy can deliver discharge rates either at or below Greenfield runoff rates from the site and the relevant consent from the service provider (Thames Water) have been obtained. The scheme shall also detail the maintenance strategy for ongoing maintenance to ensure effectiveness of the scheme in the long term. Once agreed, the drainage strategy shall be implemented in accordance with the agreed details prior to the commencement of the use of the development and retained and maintained in the approved form without modification, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an acceptable drainage strategy is implemented to prevent surface water flooding on the site and surrounding area.

5 No development shall take place until details of the extent and specification of the proposed improvements and surfacing of the access road located adjacent to the boundary with 2 Hughes Street between Hughes Street and the access road to the rear of the properties in Bruce Street have been submitted to and approved in writing by the Local Planning Authority. The improvements and surfacing shall be carried out in accordance with the approved details and completed before any works of construction of the dwellings hereby permitted take place.

Reason: To ensure appropriate execution of the proposed works to the access road in the interests of highway safety.

6 Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land, which shall include a section drawing to a scale of not less than 1:100 shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

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

7 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure unacceptable risks are removed from the site.

8 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall

be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first used as a retail store. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

#### Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 7.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 7.

Reason: To ensure any contamination of the site is identified and appropriately remediated.

9 No construction works shall commence until a Construction Environmental Management Plan [CEMP] has been submitted to and approved in writing by the local planning authority in writing. The CEMP should contain or address the following matters:

- (a) Hours and duration of any piling operations,
- (b) Vehicle haul routing in connection with construction, remediation and engineering operations,
- (c) Methodology to prevent detritus being tracked/spilt on land outside the site and mitigation to remove any detritus from land outside the application site (if any road sweeper is to be used a commitment to replace any removed winter road treatments)
- (d) Details of construction access and surface treatment proposed;
- (e) Location and size of on-site compounds [including the design layout of any proposed temporary artificial lighting systems]
- (f) Details of any temporary hardstandings;
- (g) Details of temporary hoarding;
- (h) Method for the control of noise with reference to BS5228 together with a monitoring regime
- (i) Measures to reduce vibration and mitigate the impacts on sensitive receptors together with a monitoring regime
- (j) Dust and air quality mitigation and monitoring,
- (k) Water management including waste water and surface water discharge,
- (l) A Site Waste Management Plan,
- (m) Community liaison including a method for handling and monitoring complaints,

- contact details for site managers.  
 (n) details of security lighting layout and design;

Works on site shall only take place in accordance with the approved CEMP.

Reason: In order to minimise any adverse impacts arising from the construction of the development

10 No work associated with the construction of the development hereby approved shall take place on site pursuant to this planning permission outside the hours of 0800 to 1800 Monday to Friday, 0800 to 1300 on Saturday, with no work on Sundays, bank holidays and national holidays unless otherwise agreed in writing by the Local Planning Authority prior to that work taking place.

Reason: To minimise noise disturbance to the occupants of the residential.

11 Prior to the commencement of any works above damp proof course 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.

12 Prior to the commencement of the development above ground level, the details of mitigation measures to prevent excessive noise from the adjacent site, which has planning permission for a convenience food retail store shall first be submitted to the Local Planning Authority. This information shall demonstrate that the proposed residential units can meet the internal and external ambient noise levels contained in British Standard 8233:2014 (or later versions) once the approved store is in operation. These standards currently require:

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

and any external amenity space(s) should achieve 50dB.

Once agreed the development shall be implemented in strict accordance with these agreed details prior to the occupation of the first dwelling hereby approved and shall be retained in the approved form without modification.

Reason: To protect the amenity of future occupiers.

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

achieved. The survey shall demonstrate compliance with the following criteria:

Resting 35 dB LAeq,16hour  
 Dining 40 dB LAeq,16hour  
 Sleeping 30 dB LAeq,8hour

45dB LAFmax

and any external amenity space(s) should achieve 50dB.

Reason: To protect the amenity of future occupiers.

14 Prior to the commencement of works above ground level on site in connection with the development hereby permitted, details of all external facing materials (including samples of bricks, render and roof tiles) 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.

## 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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto: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. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

3. Notwithstanding any detail on the approved plan this consent does not convey any permission to undertake works within the highway. Therefore, the applicant is advised to obtain further advice which can be accessed via the link below.

[http://www.swindon.gov.uk/download/downloads/id/737/information\\_-\\_vehicle\\_crossing\\_a\\_application\\_guidelines.pdf](http://www.swindon.gov.uk/download/downloads/id/737/information_-_vehicle_crossing_a_application_guidelines.pdf)

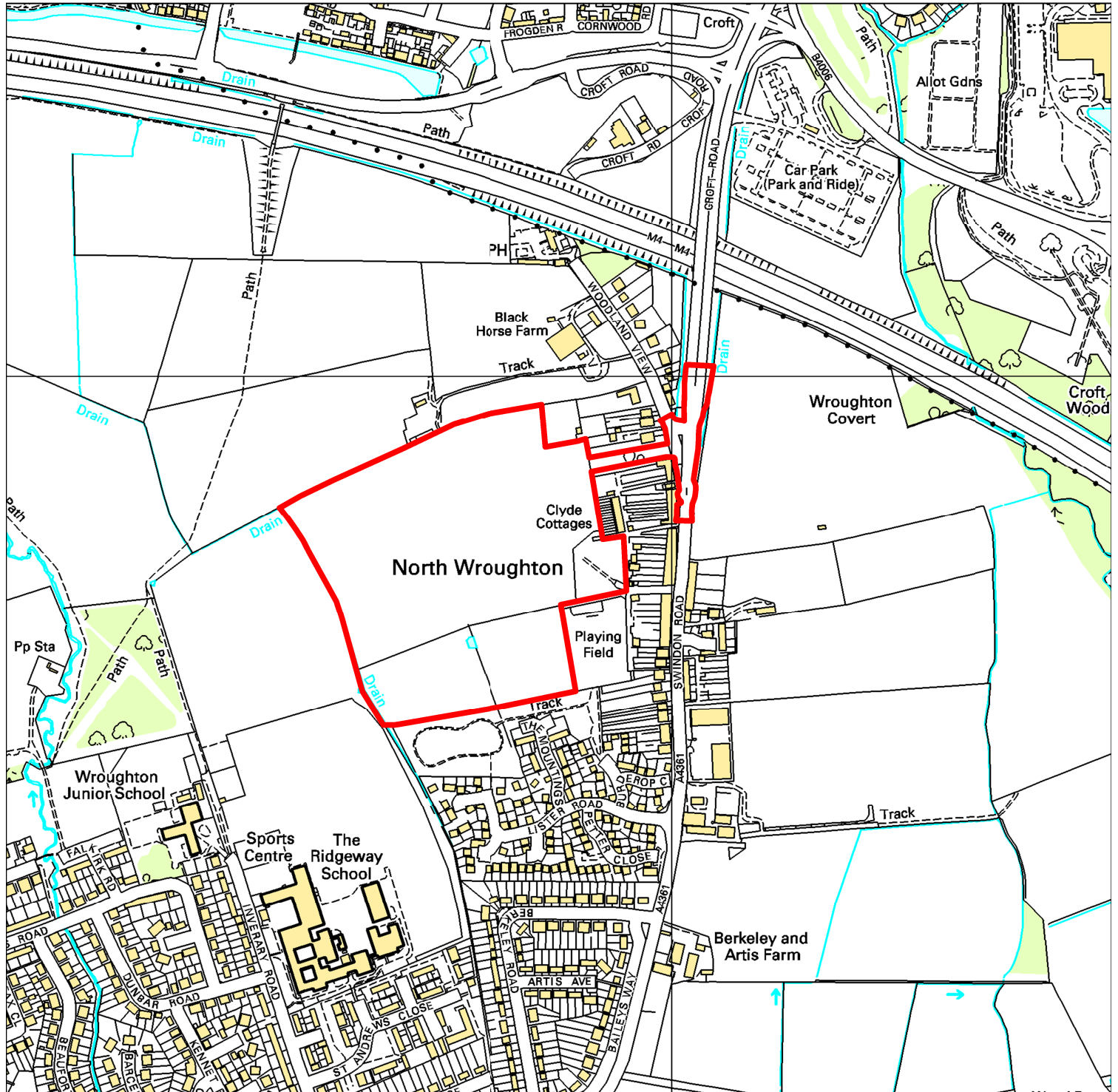
4. The applicant is advised to contact Thames Water Utilities Ltd, prior to commencing work on site. Please visit [www.thames-water.com](http://www.thames-water.com) for more information.

5. Where a sweeper is used on the roads around the application site, the developer is responsible to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

End of Report

Outline application for the erection of 104no. dwellings, traffic roundabout, roads and associated works - (Means of Access, Layout and Scale not reserved).

Land To The Rear Of Woodland View  
Wroughton  
Swindon



This Plan is for illustrative purposes and is not intended to provide accurate representation of the development.

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

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REV:	DATE:	AMENDMENTS:	DRAWN:	CHECKED:
#	08.06.15		IW	SS
A	06.07.15	Amendment to school access. Resulting in 123 Units	IW	SS
B	22.07.15	Amendment Resulting in 123 Units	IW	SS
C	12.08.15	Units reduced, car park and cricket pitch moved	RD	SY/SS
D	21.08.15	Ridge Levels added. Access roads added	RD	SY
E	11.09.15	Numbers reduced for drainage and landscape impact. Roads re-aligned.	RD	SY
F	21.09.15	Turning heads added. Landscape Ecology and Drainage proposals shown	RD	SY
G	30.09.15	Levels increased to accommodate top soil addition	RD	SY
H	06.10.15	Car parking areas resolved	RD	SY
I	16.10.15	Dashed Line removed	QdS	SY
J	30.10.15	Include existing and proposed footpaths	DB	SY
K	05.11.15	Proposed footpath link amended	RD	SY
L	04.03.16	Access to 17 Woodland View Amended	RD	SY
M	01.08.16	Redistribution of affordable units	RD	SY
N	04.08.16	Levels added	RD	SY
O	08.08.16	Roundabout amended	RD	SY
P	03.11.16	General amendments	IW	SY
Q	09.11.16	Amends following input fm trans cons & fr. drains added	IW	SY
R	10.11.16	Amendments to plots 30-33	IW	SY
S	26.01.17	General amendments	IW	SY

KEY	
	Proposed Strategic Landscape
	Retained habitat to support reptile mitigation
	Existing trees to be removed
	Proposed footpath diversion
	Existing footpath (FP 78)
	Other footpath
	Primary (Spine) Road 6m + 2m footpath on both sides
	Secondary (Residential) Road 5m + 2m footpath on one side only
	Shared Surface Min 4.5m + no footpath
	Adoptable Shared Surface Min 4.5m + no footpath
	Visitor Parking
	Woodland View Residents Parking

CLIENT:		Hills UK Ltd	
PROJECT:		Land off Woodland View, Wroughton	
DRAWING:		Proposed Site Layout	
SCALE:	1:1250 @ A2	DWG NO:	1313/P02
DATE:	Oct '15	REV:	S



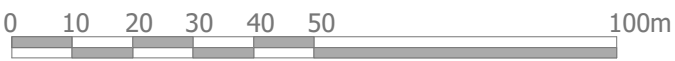
PRO VISION  
PLANNING & DESIGN

• Grosvenor Court, Winchester Road, Ampfield, Winchester, Hants. SO51 9BD  
Tel: 01794 368 698

○ 2 Old Bath Road, Newbury, Berkshire. RG14 1LA  
Tel: 01635 40184

Site Area	= 11.6 Ha approx.
Development Area	= 5.2 Ha approx.
Houses	= 98
Apartments	= 6
TOTAL	= 104
Approx. 21 DPH	

KEY:	
111.35	Slab Level
122.51	Ridge Level



LAND OFF WOODLAND VIEW , WROUGHTON



## COMMITTEE REPORT

**Item Number:** **Ward:** Wroughton And Wichelstowe

**Application Number:** S/15/1750/RM **Parish:** Wroughton

**Proposal:** Outline application for the erection of 104 no. dwellings, traffic roundabout, roads and associated works - (Means of Access, Layout and Scale not reserved).

**Site Location:** Land To The Rear Of Woodland View, Wroughton, Swindon

**Case Officer:** Rhian Morris

**Agent:**

Mr Stephen Young  
Pro Vision Planning & Design  
Grosvenor Court  
Winchester Road  
Ampfield  
Winchester  
Hampshire  
SO51 9BD

**Applicant**

Mr Nick King  
  
Hills UK Ltd.  
C/o Agent

### Officers Report

**Background:**

Wroughton Parish Council request that this application is determined by Planning Committee if the application is recommended for approval.

**Summary of Recommendation:**

That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** Outline planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions that may be necessary and subject to the completion of a Planning obligation (Section 106 agreement) to secure the necessary mitigation.

The applicant has agreed to extend the period in which the application can be determined until 14<sup>th</sup> April 2107. In the event that a further extension of time is not forthcoming to enable the planning obligation to be completed and the decision issued, the Head of Planning, Regulatory Services and Heritage be authorised to refuse the application.

The legal agreement will secure:

- The provision and mix of affordable homes.
- If required, to provide for access through the site, to the adjoining land for the purpose of redeveloping the adjacent site for educational purposes and to facilitate consequential and necessary alterations to the junction with Swindon Road.
- Open space: The timing of the provision of the cricket pitch, pavilion and parking
- and an agreement for the future management / operation of the pitch and pavilion
- Access to the rear of Clyde Cottages to continue to be maintained.

## **1 The Proposal:**

1.1 The proposal is an outline application for 104 dwellings and a cricket pitch, pavilion and parking, with a new access route at the junction with the A4361 and Woodland View. The proposal is in outline with access, layout and scale sought as part of this application. The scheme proposes 8no. one bed flats, 9no. two bed flats, 25no. two bed houses, 42no three bed houses and 20no. four bed houses.

## **2 The Site and Surroundings:**

2.1 The site is located on the northern end of the village of Wroughton, just south of Swindon. The site is 11.6 ha in area and extends westward from the property boundaries of 17 and 19 Woodland View and includes land to the west of the run of Clyde Cottages to 29 Swindon Road to the playing fields associated with Ridgeway School.

2.2 The application site is owned by both Hills Homes Ltd and Wiltshire Council.

2.3 The site is not within a conservation area however there is a listed (Grade II) telephone kiosk in front of 17 Woodland View.

## **3 Representations:**

3.1 Wroughton Parish Council **Original Comments:** No objection in principle to the development of site DP2 designated in the Wroughton Neighbourhood Plan subject to the conditions and amendments/considerations contained in appendix B.

- The Neighbourhood plan has had very few objections.



- The site complies with SBC's Local Plan Policy SD2 and RA2, within a settlement boundary and the layout with open land prevents coalescence with Swindon.
- NPPF – in compliance as it is sustainable development.
- Land to the rear of Clyde Cottages needs to be resolved.
- Agreement needs to be reached with residents, regarding the future of 2 unmade roads with access to properties on Swindon Road and Clyde Cottages.
- More parking is required for residents and the pavilion.
- A suitable location for the listed telephone box needs to be found and moved.
- The position of the roundabout needs to be amended, and there will be an increase in noise pollution and reduced air quality.
- Cycle paths should be provided.
- The community forest needs to be extended.
- The affordable housing should be integrated into the scheme.
- Not clear where re-routed Footpath 78 is shown on the plans.
- Suggest conditions.

3.2 Comments on the **revised plans**: comments remain as above.

### **Transport Development Management:**

3.3 TDM: **Original comments**: The roundabout would need to comply with TD 16/07 'Geometric Design of Roundabouts'. There are a number of issues which need to be addressed regarding the roundabout and the routes leading to it along Swindon Road. A long list of concerns were raised and the applicant should be requested to provide amended plans and supporting information that satisfactory address all the Local Highway Authority's concerns. Should the applicant be unable to provide such amended plans and supporting information, the LHA would be minded to recommend refusal.

3.4 During the process of dealing with the application various revisions have been made to the access arrangements.

### **Comments upon revised details**

3.5 No objections subject to conditions. The application is supported by a Transport Assessment (TA). The sets out the characteristics of the local road network; parking within the site is proposed in accordance with the current SBC guidelines; 202 parking spaces plus 21 visitor spaces are required. The scheme indicates that in relation to the housing aspect, the on plot parking and garaging makes provision slightly in excess of the parking guidelines. Some 21 visitor parking spaces are provided and a further 8 spaces are proposed close to the site entrance off Woodland View, to offset the loss of the existing on street parking. There are also 23 spaces proposed to serve the pavilion. This is considered acceptable.

3.6 Means of access is proposed as a two phase approach. Firstly to serve enable the development but also to provide access to education facilities that may be required as part of Wroughton's Neighbourhood plan. The planning consultant has agreed a two phase approach with the Parish Council, phase

1 is a priority junction as proposed, to serve the proposed residential and pitch development

Phase 2 demonstrates that a roundabout can be accommodated if and when a school comes forward.

3.7 Proposed site layout: the internal layout includes the proposed cricket pitch, emergency and pedestrian/cycle access to Swindon Road, paths are shown to the south of the site connecting with the existing amenity space south of the application site.

3.8 The drawing illustrates the proposed diversion for the existing footpath (78) that crosses the site. The existing footpath (78) is also required to be diverted around plots 54 and 55, which is covered under separate legislation. It has been clarified that the access to Clyde Cottages and merely being repeated, as the width is not being made any worse.

3.9 23 spaces are proposed with the cricket pavilion, these spaces are to accommodate the parking demand of the cricket pitch.

## **Environmental Health Public Protection**

3.10 Recommends that conditions be imposed to secure appropriate mitigation for the future occupants from disturbance from noise, particularly road noise.

### **Contamination Officer (original comments):**

3.11 The outline application for housing and sports fields on and adjacent to the former landfill at Woodland View. This site has been known about because of the complaints received about pollution emanating from the site.

3.12 Much of the land forming this development is known to have received waste deposits and at one time was formally licensed for this purpose. Surrounding land in close proximity, is suspected of being adversely impacted by substances escaping from the landfill site. As far as can be ascertain the wastes are uncontained, meaning that noxious emissions, that is leachate (polluted water) and landfill gases (primarily methane and carbon dioxide) are free to escape from the deposited wastes. In the last couple of years the situation has necessitated Hills constructing a polluted water catchment system, in the North West corner of the landfill to prevent this contaminated water entering drainage ditches that run along the perimeters of the landfill and discharge ultimately to the Wroughton Brook.

3.13 It is unclear what the effect on the waste is from this development, and whether it would encourage the escape of more pollution or whether the existing emission points would change. The surcharging effect of development on landfill can create increased emissions, but the technical information submitted at this time does not consider this, nor the impact on surrounding property.

3.14 Currently do not have enough technical information within the package of application documents to be able to assess the land contamination issues associated

with this development. The information submitted includes soil contamination data, the LPA required assessments of the following:

- The impact of landfill gases on the new development and surrounding development;
- The effect of the new development on the landfill site's hydrogeological regime and the impact on the local hydrology and in turn its wider impact.

3.15 Within the Local Plan there are 2 policies that are relevant:

3.16 Policy EN8: Unstable Land and policy EN9: Contaminated Land

3.17 The information submitted to date points to ground instability but the issue has not been addressed in the planning submissions. EN9 states that "Where a site is affected by land contamination responsibility for securing a safe development rests with the developer and/or landowner". Insufficient information has been supplied to enable us to decide whether safe development can be achieved.

3.18 Additional information was requested and received: Further comments:  
Not all of issues have been addressed, some still outstanding:

3.19 Do not have enough information to decide whether the NPPF and EN9 test of "safe development" in relation to health, the natural environment or general amenity can be satisfied. More information is required to satisfy this test.

3.20 **Further Comments** following receipt of additional information **No objections** subject to conditions.

3.21 The scheme now shows a proposed cut-off trench around 3 sides of the former landfill and in particular area where historically surface leachate emissions have been observed. It has thus addressed some of the concerns and the remainder can now be covered by appropriate conditions.

3.22 Specifically the conditions would need to cover key contaminated land issues. The details of the cut-off trench construction would need to be agreed -in particular the capacity of the system, the details of the makeup of the trenches themselves, as well as protection for the proposed development. The timing of the system's construction is critical in relation to that of the runoff storage basins and thus any pre-commencement items would need to be agreed and completed in advance of the development.

3.23 On the basis that the proposed scheme can be incorporated and further contamination management can be agreed by condition, remove objections to the development.

### **Housing Enabling Officer:**

3.24 The developer is proposing on-site affordable housing (AH) which is welcomed; 30% of units to be AH based on 104 units this would be 31 units not 30 as stated. The AH unit mix proposed too many flats and we do not have a need for 2 bed flats, and suggest the mix is amended.

## **Drainage Engineer**

3.25 **Recommendation:** Refusal - The Surface Water Management Strategy is not in-line with current guidance and policy (Such as the SuDS Manual C753 or Non-statutory SuDS technical Standards and therefore the National Planning Practice Guidance) due to an inappropriate SuDS scheme or lack of SuDS implemented into the Strategy.

3.26 It has not been demonstrated that the development will not increase the risk of flooding elsewhere (This could be that the development is affecting an existing flood flow route or is proposing to remove a section of watercourse) and therefore is contrary to Paragraph 103 of the National Planning Policy Framework (NPPF) and Policy EN6 of the adopted Swindon Local Plan 2026.

3.27 At the time of writing this report, negotiations are ongoing between the application and drainage authority and it is hoped that a solution can be achieved.

3.28 The recommendation is on this basis and appropriate conditions are recommended. It may be that the layout may require amending and as this proposal seeks consent for that layout at this time. An update will be provided at the meeting.

## **Environment Agency:**

3.29 Assessed the application as low environmental risk – No comments.  
Non planning consents - The applicant may be required to apply for other consents directly from us – other consents may be required under regulatory role.

## **Thames Water**

3.30 Surface Water Drainage: It is the responsibility of developers to make proper provision for drainage to ground courses or a suitable sewer. Following investigations Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application, and suggest imposing a Grampian style condition.

3.31 Water comments: recommend an informative is added to the planning permission.

## **Wiltshire Fire and Rescue Service:**

3.32 The Fire Authority will require the provision of water supply and hydrant facilities for firefighting to meet the needs of the development.

## **Highways England:**

3.33 No objections.

## **Landscape and Leisure:**

3.34 The applicants needs to consider the position of the existing ponds and wildlife habitats. The applicant needs to look at the planting given that it is on a former tip site. This is a matter for the landscape reserved matter.

3.35 Pavilion should be oriented away from the direction of the prevailing wind. The pavilion viewing area should not face the setting sun. The overall area for 9 pitches is 111.56 x 115.84m (on the basis that each pitch can be used twice during the season a square with 9 pitches (wickets will allow for up to 18 matches. Consideration needs to be given for an artificial wicket and net facilities and for the storage of maintenance of materials and equipment. Management, maintenance and sustainability need to be considered for the long term viability of the facility.

**Arbocultural Officer:**

3.36 No objection to the proposed tree removal, the trees in question are in poor condition.

**Rights of Way Officer:**

3.37 The proposed rerouting of footpath 78 is mostly along the main road, not an acceptable route as it compromises the PROW and turns it into a pavement. There appears to be scope to divert the footpath along the land south of the cricket pitch, could run along the grass.

**Parks Manager:**

3.38 Confirm that this is not a site that SBC would be looking to adopt – with the current proposals to parish the borough, the model of SBC adopting then leasing the land to the PC is no longer considered appropriate and direct transfer should take place

**1<sup>st</sup> Wroughton Scout Group:**

3.39 Looking for a new home, the existing hut is coming to its natural life. Would like to be involved in discussions regarding the proposed pavilion. We are open minded about sharing with other stakeholders or securing land to build a new scout hut.

**Wroughton Youth Football Club:**

3.40 As a village based club offer football activities to more than 140 young people. We would prefer a multi-use games area. Understand that the cricket pitch will replace the one at the Wier Field. Hills have allowed permission to cars to park on their land and all parking will need to occur on public roads. Some other issues raised as below in the list of neighbour concerns.

**1 Letter of Support:**

3.41 Only suitable location for a development of this size and only a large development can provide the affordable and starter homes the village needs. The cricket pitch and the open space could provide a real heart to the development. There are some traffic; parking; and contamination issues which will need to be addressed.

## 39 Neighbours

3.42 **Objecting** to the scheme – for some or all of the following reasons:

- The land has been identified in the neighbourhood plan as being suitable for development. But the land identified was the brownfield land and not the greenfield site where the majority of the new build is proposed and contravenes the Neighbourhood Plan.
- DP2 development of land at North Wroughton will be supported. This is a mainly brownfield site which is considered to be suitable for a max of 120 houses. The whole ethos of the plan was to avoid greenfield development and two other sites in Wroughton were refused planning permission.
- Putting all the houses on the greenfield site results in overcrowding and the destruction of an area of natural habitat used by villagers for recreational purposes.
- In order to spread out the development, substantial investment would be needed to make the site safe.
- The brownfield is possibly unsafe to build on, the site has been used as a medical dump and the remains of a brickworks and American Army buildings were removed and the site needs to be independently investigated.
- Run off from the brownfield site will also be an issue.
- At a public meeting Hill advised it was possible to build on anything with enough money.
- Substantial screening would be required in terms of fencing and effective planting.
- Policy HA2 affordable houses should be integrated and the affordable housing is mainly 1 bed flats which is out of keeping with the area.
- A cricket pitch and pavilion is unnecessary and there is not a huge demand.
- Insufficient parking for current and proposed uses.
- The strip of land to the rear of Clyde Cottages is used as a community area and has been used for 20+ years.
- Inadequate access to Clyde Cottages for emergency vehicles.
- IT issues have made it difficult to contact the planning department.
- Purchased house due to field and open space to the rear of houses.
- Swindon Road is a narrow road and there are already parking problems.
- The new houses will be taller than existing properties and over shadow houses and gardens.
- The traffic and roundabout will be noisy.
- The two unadopted roads from Swindon Road are currently the only existing vehicular access onto Hills site, concerned that this route will be used for construction traffic prior to the new access route being built. Using this route will reduce the amount of parking available in the area.
- Policy RA2 of the Swindon Local Plan states that Wroughton should maintain its independence from Swindon, by maintaining its independence from Swindon and Wichelstowe.
- Object to the movement of a listed phone box on the entrance of Woodland View.

- Previous appeal sites at Berkley Farm and Marlborough Road were refused planning permission as being inappropriate development in the countryside and contrary to Borough wide policy, these fields are no different and should be given the same support.
- Properties have had water from the land fill running towards existing properties and this has been dealt with by a ditch.
- If this site is going to be developed can it can be a much need cemetery?
- If the land beneath the proposed cricket pitch is eventually suitable for housing more houses would create further traffic issues.
- Cycle paths should be incorporated.
- Should include car parking for existing residents with no parking spaces.
- Going to apply for an 'easement of prescription';
- The affordable housing should be restricted with a sale agreement that they cannot be rented out by property developers.
- This development would alter the rural character of this area.
- The location of the bus stop and pedestrian crossing needs to be reconsidered.
- The current risk assessment undertaken has been undertaken in benign circumstances. Concerned about the hazards associated with a landfill site and the management of a potential incident such as flooding, sinkholes or fire.

#### 4.43 Revised consultation 8 Neighbour commented:

- The new Phase 1 layout will allow for the retention of the current drive way however have concerns with the proposed phase 2 drive way.
- Concerned about noise from the access road.
- Since the TA was submitted there have been changes to the bus services which run through the village and fewer now.
- Traffic from Nationwide u-turns at Woodlands View and makes it difficult to pull out in to the road.

## 4 Planning History:

The northern part of the site has a history of planning permissions with regard to landfill.

S/12/0416 GRANTED Construction of a reed bed on agricultural land. 10.07.2012

S/13/0698 GRANTED Construction of a reed bed on agricultural land. 04.07.2013

S/AMEND/14/1331 APPROVED Non-material amendment to previous permission S/13/0698 for the construction of a reed bed on agricultural land. 26.08.2014

## 5 Planning Considerations:

5.1 The Swindon Local Plan was adopted by Swindon Borough Council on the 26th March 2015. Swindon Borough Local Plan is now part of the Development Plan for Swindon. Planning law requires that applications for planning permission must be

determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 Wroughton Neighbourhood Plan 2016 -2026 (WNP) was made on 14th July 2016 after being approved at referendum. The WNP sets out how Wroughton can develop in a sustainable way whilst meeting the desires and aspirations of local residents. The WNP states that the policies and objectives within the plan have come from the ideas, views and opinions of Wroughton residents for the future of their village. The following policies are considered to apply:

- DP2 - Development of land at North Wroughton, mainly a brownfield site suitable for a maximum of 120 houses; include soft landscaping; sports provision; and future access to any school campus.
- RH4 – development of ‘windfall’ brownfield sites within the village settlement boundary will be supported.
- RH6 - All new development to have safe access for pedestrians cyclists and road vehicles.

5.3 The Swindon Borough Local Plan (SBLP) 2026 and the following policies are considered to apply.

- DE1 (High Quality Design); aims to achieve high design standards for all types of development;
- SD1 (Sustainable Development Principles); seeks the delivery of sustainable development and communities.
- SD2 (The Sustainable Development Strategy); aims to meet Swindon’s development needs whilst protecting the Borough’s most important assets;
- HA1 (Mix, Types and Density); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that the respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- TR1 (Sustainable Transport Networks); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- TR2 (Transport and Development); seeks to ensure development is located/designed to encourage the use of sustainable transport modes and provide access that is appropriate;
- IN1 (Infrastructure Provision); deals with infrastructure provision;
- EN1 (green infrastructure network) sites must provide for the protection of the green landscape.
- EN3 (Open Space); seeks all development to provide or contribute towards public;



- EN4 – (Biodiversity and Geodiversity); seeks to ensure development does not have a negative impact upon such.
- EN5 (Landscape Character and Historical Landscape); seeks development proposals to take account of their natural surroundings.
- EN6 (Flood Risk); the risk and impact of flooding to be minimised.
- EN8 (unstable land) to ensure that where development occurs it can accommodate the specific physical conditions of the land.
- EN9 (Contaminated Land) in considering the risks from contaminated land take account of the risks of and from land contamination and how these can be managed or reduced.
- RA2 (Wroughton) development at Wroughton shall be in accordance with policies SD1 and SD2 and retain Wroughton's identity from Swindon by maintaining separation between Wichelstowe and the village.
- NC1 (g)(Wichelstowe) the character and identity of Wroughton will be protected by a non-coalescence between the settlements.

#### 5.4 Community Infrastructure Levy Charging Schedule (2015)

Swindon Borough Council adopted the Community Infrastructure Levy (CIL) Charging Schedule on March 2015 which became effective from 6th April 2015.

#### 5.5 Supplementary Planning Documents

Swindon Residential Design Guide Supplementary Planning Document (SPD) (June 2016) seeks to ensure that high quality design is realised through development proposals in Swindon. It sets out clear principles and guidelines to enable high quality design and shape new development.

5.6 Also of relevance is Swindon Borough Council's development Control Guidance Note: Technical Guidance on Parking Standards (2007), Swindon Borough Council's Residential Design Guide SPD (2016).

5.7 The Development Strategy for Swindon is clearly defined in the adopted Swindon Borough Local Plan 2026 Policy SD2 (the sustainable Development Strategy). The policy supports the government's objectives of supporting sustainable development in the most accessible locations, whilst protecting the best the countryside.

5.8 Policy SD2, makes a clear delineation between the parts of the Borough in which the principle of development would generally be acceptable (within settlements) and those where it generally would not (in the countryside). Policy SD2 (part c) states outside Swindon, development will be focused primarily at Highworth and Wroughton, which are the most accessible and maintain the largest range of facilities.

5.9 The Local Plan sets out the quantum of development required throughout the Borough over the plan period 2011-2026 including identification of the level of housing required for Wroughton. Reflecting the size and function of Wroughton, the Local Plan

proposes (at least) 150 dwellings at Wroughton over the plan period. The proposal is located outside of, although adjacent to the northern edge of the Wroughton settlement boundary as defined in the local plan and constitutes a relatively large extension to the village on an unallocated site. Policy SD2 (c) goes on to state that development in rural and countryside locations outside the rural settlement boundaries as shown on the policies Map will be permitted where:

- local needs have been identified and allocated through a Neighbourhood Plan or Neighbourhood Development order and/or
- it supports the expansion of tourist and visitor facilities in appropriate locations where identified need are not met by existing facilities in a rural service centre; or
- it is in accordance with other policies in this plan permitting specific development in the countryside.

5.10 The first criteria of policy SD2 (c) is relevant to the application.

5.11 The site is allocated in the WNP for 120 dwellings as allocation DP2 (under WNP Policy RH6) and therefore the principle of housing is considered to accord with the first point of policy SD2 (c). Whilst it is acknowledged that this proposal for 104 dwellings is 16 dwellings less than the allocation of 120 dwellings in the WNP, due to the constraints of the site. The WNP in policy DP2 allocates at least 150 dwellings in accordance with local plan policy SD2. When other permissions (including Berkeley Farm for up to 100 dwellings) are included the planned level of housing delivery in the WNP area comfortably exceeds the minimum 150 dwelling requirement.

5.12 It is acknowledged the proposal is located within walking distance of the centre of Wroughton where there are services and facilities to support the proposal. It is in proximity to primary and secondary school establishments. There is also a regular bus service which serves Swindon Road for access to other services and facilities including employment. Paragraph 55 of the NPPF supports this:

'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'

5.13 The site is within the indicative non-coalescence area as identified in policy NC1(g) (Wichelstowe). The principle of this part of the policy is to protect the character and identity of Wroughton. Whilst it states that land between Wichelstowe and the village shall remain part of the countryside, small scale development within this area will be permitted where it retains and enhances the existing character of the countryside and (in relation to this application) is an essential requirement directly related to the economic or social needs of the rural community.

5.14 The site allocation was tested through the neighbourhood plan examination, which the Independent Examiner considered met with the 'basic condition' of contributing to sustainable development, planning positively for the economic, social and environmental needs of the community.

5.15 The Independent Examiner considered DP2 against NC1 in his report and came to the following conclusions:

"My judgement is that the DP2 allocation has been written so as to have proper regard for the exceptions included within the Local Plan policies and that it would be within the bounds of possibility that a housing proposal could be made to both meet the requirement to address housing need and not compromise the strategic intent of the policy exceptions. For instance a clustered development could better define the urban edge and fund the enhancement of the adjacent countryside. It is reasonable that a community-led Neighbourhood Plan should interpolate between higher level policies whilst still meeting their strategic aims. Transparently the Plan housing site allocation seeks required growth and sustainability."

5.16 It is considered that the fact the allocation was tested at examination and approved by local residents at referendum demonstrates that the proposals are 'an essential requirement directly related to the economic or social needs of the rural community' as per NC1. Furthermore the site-specific policy for allocation DP2 in the WNP requires landscape mitigation measures to protect the views of Wroughton from the north, ensuring that landscape character between Swindon and Wroughton is retained or enhanced. The housing element of the proposals are in line with the Examiner's suggestion of 'a clustered development' along the urban edge, and the cricket ground and landscape mitigation has the potential to enhance the landscape character of the former landfill site.

### **Other Considerations**

5.17 The proposal also proposes that the development will provide 30% affordable housing which is in conformity with Local Plan Policy HA2 (Affordable Housing).

5.18 As detailed in Local Plan Policy HA3, proposals for more than 50 dwellings shall provide at least 2% of the dwellings suitable for occupation for wheelchair users. Therefore, (at least) 2 dwellings should be suitable for wheelchair users, complying to requirement M4(3) (wheelchair user dwellings) of Approved Document M of the Building Regulations 2010.

5.19 Local Plan Policy EN1 (Green Infrastructure) seeks to protect and enhance green infrastructure, including ecologically or visually important existing trees, hedges and woodlands. Additionally, EN4 (Biodiversity and Geodiversity) seeks to protect and enhance biodiversity and provide net local biodiversity gain. It is noted in the Planning Statement that trees and hedgerows at the perimeter of the site are to be retained and reptile refuges and a reed bed will be provided along the northern boundary of the site.

5.20 Policy EN5 (landscape character and historic landscape), provide detailed guidance on landscape character, to protect and enhance the intrinsic character, diversity and local distinctiveness.

5.21 Local Plan policy DE1 (high quality design) the Swindon Residential Design guidance and section 7 of the NPPF, apply in regard to design and amenity. Local plan policies TR1 (sustainable transport networks), TR2 (Transport and Development) and WNP policy RH4 apply. Policy EN6 applies regarding flood risk. Policy EN9 refers to contaminated land and various details have been supplied regarding this.

## **Open Space**

5.22 Local plan policy EN3 (open space) requires that any housing development over 25 dwellings will be required to provide open space provision on site. The site is located in the Wroughton and Wichelstowe ward (as per the open space audit and assessment 2013) and although there is overall surplus of open space within the ward, there is a deficiency of children's play area and outdoor sports facilities in the ward. The application is for 104 dwellings, of which 74 will be market housing and thus are subject to open space developer contributions. The open space and new housing development SPG and developer contributions DCGN sets out the level of contributions required. The scheme proposes 6.9ha of public open space of which 1.9ha is proposed to be a cricket pitch, which exceeds the total requirements.

5.23 The Parks Manager has made it clear that SBC would not want to take on the running and maintenance of the cricket pitch, pavilion and associated parking, it would be up to the owners of the site to take on this or to find a suitable operator. The construction of these, timing and management of their provision is to be secured within the proposed S106 agreement.

## **Listed Telephone box**

5.24 At the junction of Swindon Road and Woodland View is a telephone kiosk that is a grade II listed building, built of six cast iron parts and an aluminum door. Three sides of the kiosk, including the door, did contain large sheets of toughened glass set in rectangular frames with rounded corners. The kiosk has a square plan with a flat roof dome that is glazed with toughened glass on four sides with rectangular panes, again with rounded corners, each bearing the word 'TELEPHONE' on a white background. The kiosk is painted red.

5.25 The kiosk itself is one of 10 x no. 8 Kiosks that are listed nationally (though there are at least 50 of this type still in existence, according to the 20<sup>th</sup> Century Society). 4 of the listed examples are in Swindon Borough (including this kiosk). It is disconnected from the network (there is no handset), though uncertain whether power is still provided to the box (by BT). It is also in a state of disrepair being supported with acroprops

5.26 The works to the access to the site do not result in the need to relocate the telephone box, however Hills are willing to do so in order to assist in its preservation. They have also indicated a willingness to bring it within the wider application site (perhaps alongside the access road or adjacent to the proposed pavilion). Any relocation would need to be the subject of a Listed Building application and require further consideration.

5.27 Telephone boxes are traditionally found on the highway where they are visible and accessible. The introduction of a new road nearby will not materially change this. Accordingly the development is considered to preserve the setting of the listed building and its architectural or historic interest.

3.28 The proposal is considered to have a neutral effect upon the setting of the listed building and causes no harm. The proposal is considered to accord with the NPPF and policy EN10 of the Swindon Borough Local Plan by preserving its significance.

5.29 Drainage; A comprehensive flood risk assessment has been submitted. The drainage engineer has expressed concerns. Negotiations are continuing to secure a suitable scheme that can be conditioned.

**Comments on the main points raised by the Parish Council and residents:**

5.30 Rear of Clyde Cottages. It has been clarified that the access to Clyde Cottages is historic and merely being retained as existing, the width is being retained. The request for a 'standard width road' is noted but this is not something the LPA can insist upon. No further information about the 'easement of prescription has been supplied'.

5.31 Two existing access tracks from Swindon Road. A condition is proposed which will require the developer to supply a construction management plan which will give details of access to the development site. This will ensure an appropriate access is provided to the site.

5.32 Parking for residents of Swindon Road and Woodland View. 8 car parking spaces are included within the proposal close to the entrance to replace the on street parking being removed as part of the development. This is shown on the submitted plans.

5.33 Parking for the pavilion - the 23 spaces shown comply with current guidance and are acceptable.

5.34 Position of road entry from the housing estate on to main carriageway. Junction capacity modelling has been undertaken assessing both the opening year (2018) and five years post opening (2023) and spare capacity is predicted without causing queues on Swindon Road.

5.35 Effect of new road layout on Swindon Road properties. The number of heavy vehicles is unlikely to increase once the development has been completed and residents have moved in, given it is a housing scheme. Amenity issues during construction will be controlled by a Construction Management Plan condition. The 30mph limit is being relocated further to the north as part of the proposals so will include the junction of Swindon Road with Woodland View. The relocation of the speed limit to the north of the motorway would not be able to be justified in highway terms. The issue of possible noise can be addressed by condition.

5.36 Cycling Provision. The estate is designed as a slow speed (20mph) development, in accordance with current design guidance which does not require the separate provision of cycle lanes. The design is suitable for all users including pupils cycling to school in the event that a link is provided in the future.

5.37 Footpath 78. The diversion of the footpaths is controlled under other legislation and the grant of planning permission does not absolve the developer of their responsibility under this legislation. The PROW officer has been consulted on this application.

5.38 WNP policy DP2 includes the whole of this site and is clearly shown on the neighbourhood plan. The proposal shows the houses on the greenfield part of the site, and the density is not considered to be overly high. Whilst the local residents may use the whole of the site for recreation purposes, access to the site could be restricted to just the use of the public footpath. If an application was submitted for further housing on the site, this would be considered on its merits.

5.39 The issue of the historic contamination on the site has been carefully considered by officers and significant additional information has been supplied and officers are now satisfied that this can be controlled by conditions.

5.40 There will be a requirement for planting and boundary treatment to be considered as part of the reserved matters application, policy NC1 of the Swindon Borough Local Plan looks to ensure that the character and identity of Wroughton is protected by a principle of non-coalescence between settlements. The details of the houses will be considered at reserved matters stage.

5.41 There is not a listed building application for moving the listed telephone box as part of this scheme.

5.42 The drainage of the site is being considered as part of the application.

5.43 The applicant has proposed a cricket pitch which is considered acceptable on this site, there has been no consideration of a cemetery on this site.

5.44 As part of the scheme the LPA will be considering the locations of the affordable houses.

### **CIL contributions**

5.45 Policy IN1 of the Local Plan 2026 requires all development to make a positive contribution to sustainable growth, meet the cost of infrastructure made necessary by the development and mitigate the additional pressure upon existing infrastructure.

5.46 The proposed development is site within the Council's adopted CIL Charging Schedule 6th April 2015. Therefore, as this development involves the provision of new residential accommodation the scheme would be liable for CIL, and the relevant informative will be attached to any consent granted.

### **Local new housing developments:**

5.47 Near to the site there are 2 newly permitted housing developments:

- Berkeley Farm: Planning permission granted at appeal for residential development of up to 100 dwellings, granted 15 January 2016. (S/OUT/15/1204).
- Artris Farm – erection of 13. No dwellings and associated works, granted 10 March 2017. (S/15/0823)
- There is also an outstanding application in respect of Land East of Marlborough Road: Outline application for up to 103no. dwellings, including up to 30% affordable housing units, landscaping and a new access from Marlborough

Road - Access not reserved. This is currently waiting for a decision following a public Inquiry, decision due in May 2017.

## **6 Concluding Comments:**

6.1 The site is located outside, although adjacent to the Wroughton settlement boundary and thus is within the countryside; however the site is specifically allocated for development within the recently adopted Wroughton Neighbourhood Plan (WNP) and is therefore the development is considered to be acceptable in principle. The proposal would provide housing and affordable housing in a location that has good access to services and facilities, and therefore help maintain and enhance the services and facilities within Wroughton. The proposals are considered to be in accordance with the development plan as a whole. It would also contribute towards the Council's 5 year housing land supply.

6.2 Policies seeks to protect and enhance the intrinsic character, diversity and local distinctiveness of landscape within Swindon Borough and support that development shall only be permitted where it takes account of this. In addition to EN5 site-specific landscaping requirements apply to site allocation DP2 in the WNP, requiring the development to provide soft landscaping to the north to protect the views into Wroughton from the north and soft landscaping to protect the sports field to the south. This will be secured via the landscape reserved matters.

6.3 The highways Officer has considered the adequacy of the proposal including the access proposal, and parking provision and is satisfied subject to conditions. That the relevant standards are achieved.

6.4 Whilst not being in a high flood risk area, the policies requires a site specific flood risk assessment for a site of this size. Also a drainage strategy is required to meet criterion e) of this policy. A comprehensive flood risk assessment has been submitted and this is still being considered and it is likely that the outstanding issues can be conditioned.

6.5 Local Plan Policy EN9 refers to contaminated land. Given the history of part of the site as a landfill this is an issue which has been thoroughly investigated, before bringing the application before members. The contaminated land officer is satisfied with additional information supplied and now raises no objection subject to conditions. The Environment Agency have assessed the proposal as low risk, however other consents may be required under their regulatory role.

6.6 The proposal includes the provision of 6.9ha of public open space of which 1.9ha will be a cricket pitch and a pavilion with parking and the S106 will be used to ensure that this is provided as part of the development.

6.7 Swindon Borough Local Plan EN3 (Open Space) sets out that any housing development over 25 dwellings will be required to provide open space provision on site. The site is located in the Wroughton and Wichelstowe ward (as per the Open Space Audit and Assessment, 2013) and although there is overall surplus of open space within the ward, and there is an existing equipped play area nearby the proposal is for 104 dwellings, of which 74 will be market housing and thus are subject to open

space developer contributions. The Open Space and New Housing Development SPG and the Developer Contributions DCGN sets out the level of contributions required. However, the scheme proposes 6.9ha of public open space of which 1.9ha will be a cricket pitch, which is considered to be appropriate and adequate provision for this development.

## **Recommendation**

That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** Outline planning permission subject to the conditions set out in the report together with any amendments, omitted or additional conditions that may be necessary and subject to the completion of a Planning obligation (Section 106 agreement) to secure the necessary mitigation.

The applicant has agreed to extend the period in which the application can be determined until 14<sup>th</sup> April 2017. In the event that a further extension(s) of time is not forthcoming to enable the planning obligation to be completed and the decision issued, the Head of Planning, Regulatory Services and Heritage be authorised to refuse the application.

The legal agreement will secure:

- The provision and mix of affordable homes.
- If required, to provide for access through the site, to the adjoining land for the purpose of redeveloping the adjacent site for educational purposes and to facilitate consequential and necessary alterations to the junction with Swindon Road.
- Open space: The timing of the provision of the cricket pitch, pavilion and parking
- and an agreement for the future management / operation of the pitch and pavilion
- Access to the rear of Clyde Cottages to continue to be maintained.

## **CONDITIONS**

1. Prior to the commencement of works on site in connection with the development hereby permitted, details of appearance and landscaping of the development (hereinafter called 'the Reserved Matters') shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990.

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



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

### **Temporary Access and Parking**

3 No site works or use by site traffic shall commence until a temporary access and a site compound to include car parking area for site operatives and for construction traffic has been laid out and constructed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the proper planning of the development in the interests highway safety.

### **Landscape Protection and Maintenance**

4 All landscaping shall be carried out in accordance with the reserved matters approved schemes of landscaping; this shall include a planting schedule, timetable of works, 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. Any planting which, within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced by one of similar size(s) and species within the next planting season.

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

### **Tree Protection**

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

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

### **Construction Management Plan**

6 No development shall commence until a Construction Management Plan for each phase or sub-phase has been submitted to the Local Planning Authority for approval in writing and shall include the following information;

- a) A scheme to show the routes of construction vehicles and vehicles associated within the construction work, for example site operatives and deliveries to and from any part or phase of the development, from the adjacent highway network.
- b) Details of construction operation hours and delivery hours including for site workers;
- c) A method statement for the control of noise, dust, smoke vibration, fumes and debris during construction.

Reason: To ensure the proper planning of the development in the interest of highway safety.

### **Temporary Access and Parking**

7 No site works or use by site traffic shall commence until a temporary access and a site compound to include car parking area for site operatives and for construction traffic has been laid out and constructed in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the proper planning of the development in the interest's highway safety.

### **Wheel Washing**

8 Prior to the commencement of any site construction works, wheel cleaning facilities shall be provided, used and maintained on site for the duration of the site construction all in accordance with details that shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

### **Vehicular Parking**

9. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities, including garages where provided, have been provided in accordance with the submitted plan (drawing no. 1313/PO2 rev S), and those facilities shall be maintained available for those proposes thereafter.

Reason: To reduce the potential highway impact by ensuring that adequate parking and manoeuvring facilities are available within the site.

### **SPEED/TRAFFIC/ON STREET PARKING CONTROL SCHEMES**

10 Prior to first occupation of the development, a speed restriction and parking restriction scheme(s) broadly in accordance with that shown on drawing numbered 4175/204(C) shall be implemented and opened to the public.

Reason: To provide safe and suitable access for all in accordance with Policy TR2 of Swindon Borough Council Local Plan 2026.

### **Junction**

11 No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 100m of the access road, including the junction with the existing public road, associated visibility splays, footways and replacement of street parking bays, has been completed to at least binder course level.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works and for the duration of the development, in accordance with policy TR2 of the Swindon Borough Local Plan 2026.

12. No dwelling on the development hereby approved shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s)

and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To ensure a satisfactory means of access for occupants of the development.

### **Link to school**

13. The area of land in the south of the site between the two storage basins shall be kept available for a future vehicle link to the school site, no item shall be built or placed here until such time as the vehicular access to the school site is implemented.

Reason: In the interests of providing future safe and suitable access to the school site.

### **Contaminated Land, Ground and Surface Water - site assessment**

14 No development shall commence on any phase or area until the following has been completed:

a) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

o A risk assessment to be undertaken relating to human health, groundwater and surface waters and other relevant receptors associated on and off the site that may be affected, and

- Refinement of the Conceptual Model, and
- The development of a Method Statement detailing the remediation requirements.

b) The site investigation has been undertaken and completed in accordance with the details approved by the Local Planning Authority and the risk assessment has been undertaken.

c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters and other relevant receptors, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

d) A scheme to prevent the ingress of landfill gas, including full details of proposed building construction techniques to be incorporated into the development to prevent the ingress of landfill gas.

Reason: To protect the safety of future occupants of the development and to ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

### **Contaminated Land, Ground and Surface Water - remedial works**

15 The remediation requirements in the Method Statement as detailed above pursuant to conditions 14 a) to c) and as may be agreed in writing by the Local Planning Authority, shall be fully implemented before the development is commenced. The remediation requirements in the Method Statement as detailed above pursuant to conditions 14 d) shall be completed before the occupation of the development. Upon completion of the remediation measures detailed in the Method Statement, a report shall be submitted to the Local Planning Authority to verify that the required works regarding human health, ground and surface water and other relevant receptors have been carried out in accordance with the approved Method Statement(s) for those areas. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Residents and Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

### **Reporting of Unexpected Contamination**

16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination.

An assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 15.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 15.

Reason: To ensure any contamination of the site is identified and appropriately remediated

### **Soakaways on Contaminated Ground**

17 No soakaways shall be constructed in contaminated ground

Reason: To prevent pollution of groundwater.

### **Access to dwellings**

18 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriage way to at least base course level between the dwelling and the existing highway.

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

## **Waste and Recycling Storage**

19 No dwellinghouse hereby approved shall be occupied until facilities have been provided for the storage of refuse and recycling materials, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity

## **Utilities**

20 Unless otherwise approved in writing by the Local Planning Authority, no utility metre boxes shall be affixed or installed at the front of any dwellinghouse or to the side of any dwellinghouse where it fronts a highway or footway.

Reason: In the interests of visual amenity

## **Lifetime Homes**

21 Two percent of the dwellings constructed on the site pursuant to this permission shall provide ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to provide for wheelchair user occupiers which shall first be agreed in writing by the Local Planning Authority. These features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interest of disabled access.

## **Maintenance of Streets**

22. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

## **Drainage Strategy**

23. Development shall not commence until a drainage strategy detailing any on and/or offsite drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: the development may lead to sewage flooding, to ensure that sufficient capacity is made available to cope with the new development and in order to avoid adverse environmental impact upon the community.

### **Noise condition (indoor ambient noise levels)**

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

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

55 dB LAeq, 16hour in external amenity spaces

The details shall be supplied to and agreed in writing by the LPA and carried out in accordance with these agreed details.

Reason: In the interest of residential amenity.

### **Noise condition**

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

The details shall be supplied to and agreed in writing by the LPA and carried out in accordance with these agreed details.

Reason: In the interest of residential amenity.

### **Noise condition**

26 Prior to the commencement of any development a BS 4142:2014 (or later versions) assessment should be undertaken to consider the impact of operational noise from the nearby farm, including any plant/machinery on nearby residential premises. Where the rating level of any noise source exceeds 5dB below the background level (LA90), as determined by a BS 4142:2014 assessment, a scheme of noise mitigation should be implemented and maintained.

The details shall be supplied to and agreed in writing by the LPA and carried out in accordance with these agreed details.

Reason: In the interest of residential amenity.

### **Noise condition (traffic noise)**

27 Further acoustic assessment of road traffic noise shall be submitted prior to commencement of any development. This assessment shall consider the impact of road traffic noise on existing properties along Woodland view resulting from changes to the road layout and traffic flow upon implementation of the proposed roundabout. In particular, consideration shall be given to the character component of road traffic noise

as well as the overall sound pressure levels. In addition, the assessment shall further consider and develop the proposed barrier mitigation in respect of lower frequency noise from vehicles passing existing properties via the proposed access road. The details shall be supplied to and agreed in writing by the LPA and carried out in accordance with these agreed details.

Reason: In the interest of residential amenity.

### **Noise condition (noise survey)**

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

Resting 35 dB LAeq,16hour

Dining 40 dB LAeq,16hour

Sleeping 30 dB LAeq,8hour

45dB LAFmax

55 dB LAeq,16hour in external amenity spaces

The details shall be supplied to and agreed in writing by the LPA and carried out in accordance with these agreed details.

Reason: In the interest of residential amenity.

## **INFORMATIVES**

### **Works in Public Highway**

The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

TransportDevelopment@Swindon.gov.uk

### **Estate Road Maintenance**

The applicant is advised that to fully comply with condition ## above, the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

TransportDevelopment@Swindon.gov.uk

## **APC Bond**

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

## **Wheel Wash and Winter**

The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m<sup>2</sup>. Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

## **Street Naming and Numbering**

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

[http://www.swindon.gov.uk/info/20031/roads\\_parking\\_and\\_transport/321/apply\\_for\\_street\\_name\\_or\\_number](http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number)

## **Public Rights of Way 1**

The grant of planning permission does not permit any changes, alterations, obstructions, diversions, closures or additional use by motor vehicles of any public rights of way affected by the proposal, the developer is required to contact the Council's public rights of way team for permission prior to undertaking any works.

## **Public Rights of Way 2**

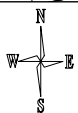
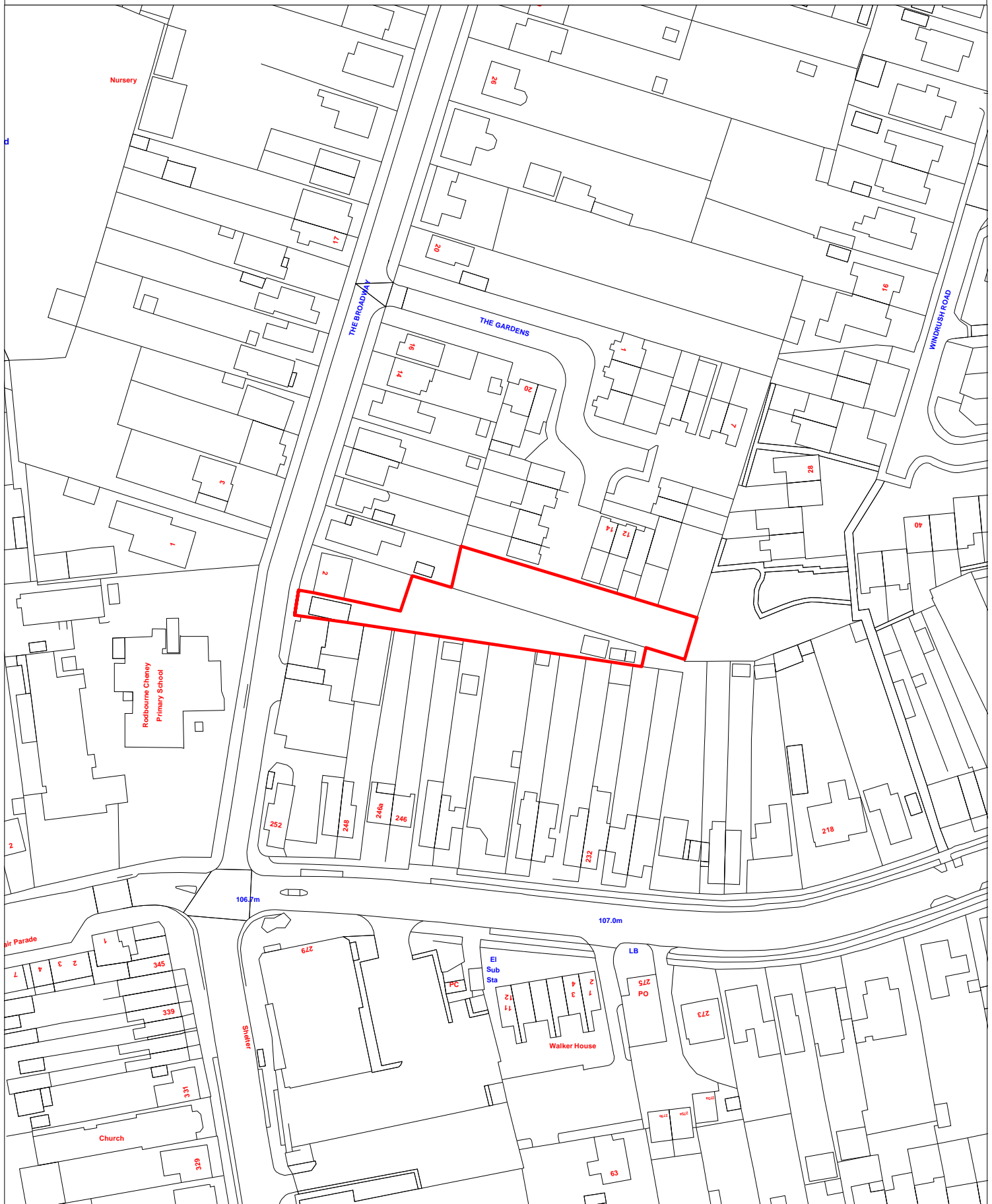
In addition to this consent, the developer will require Local Highway Authority approval in connection with the Public Right of Way. The Applicant is required to obtain this



approval before works commence, and is therefore recommended to contact Swindon Borough Council's Highway Infrastructure Asset Management Department in this respect as soon as possible.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow of 9 litres/minutes at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

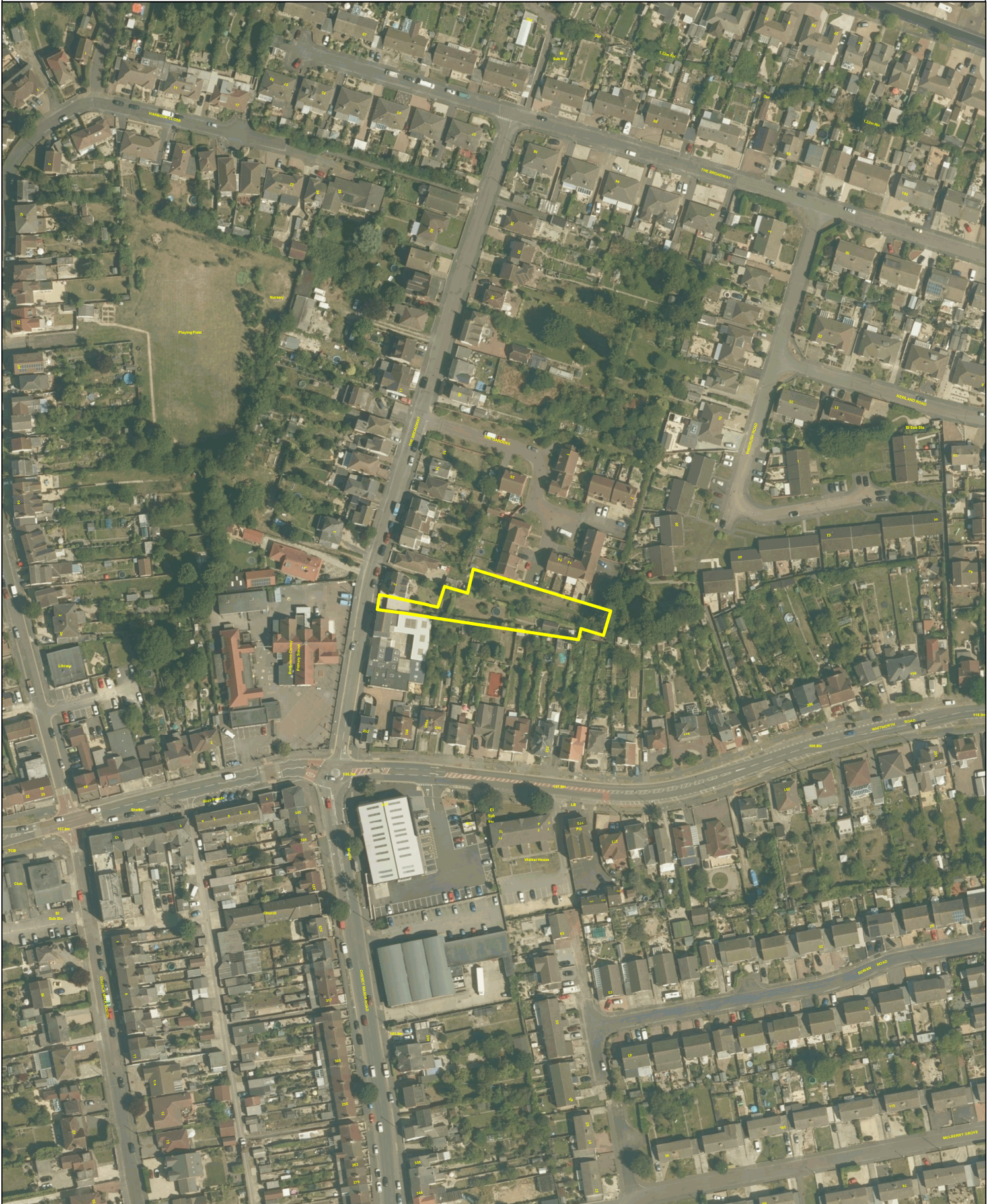
Outline application for the erection of 4no. dwellings and associated works -  
access and layout not reserved.  
Land To The Rear Of 2 & 4 The Broadway Moredon Swindon SN25 3BT



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

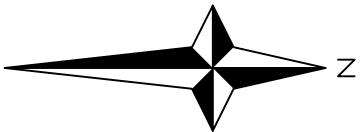
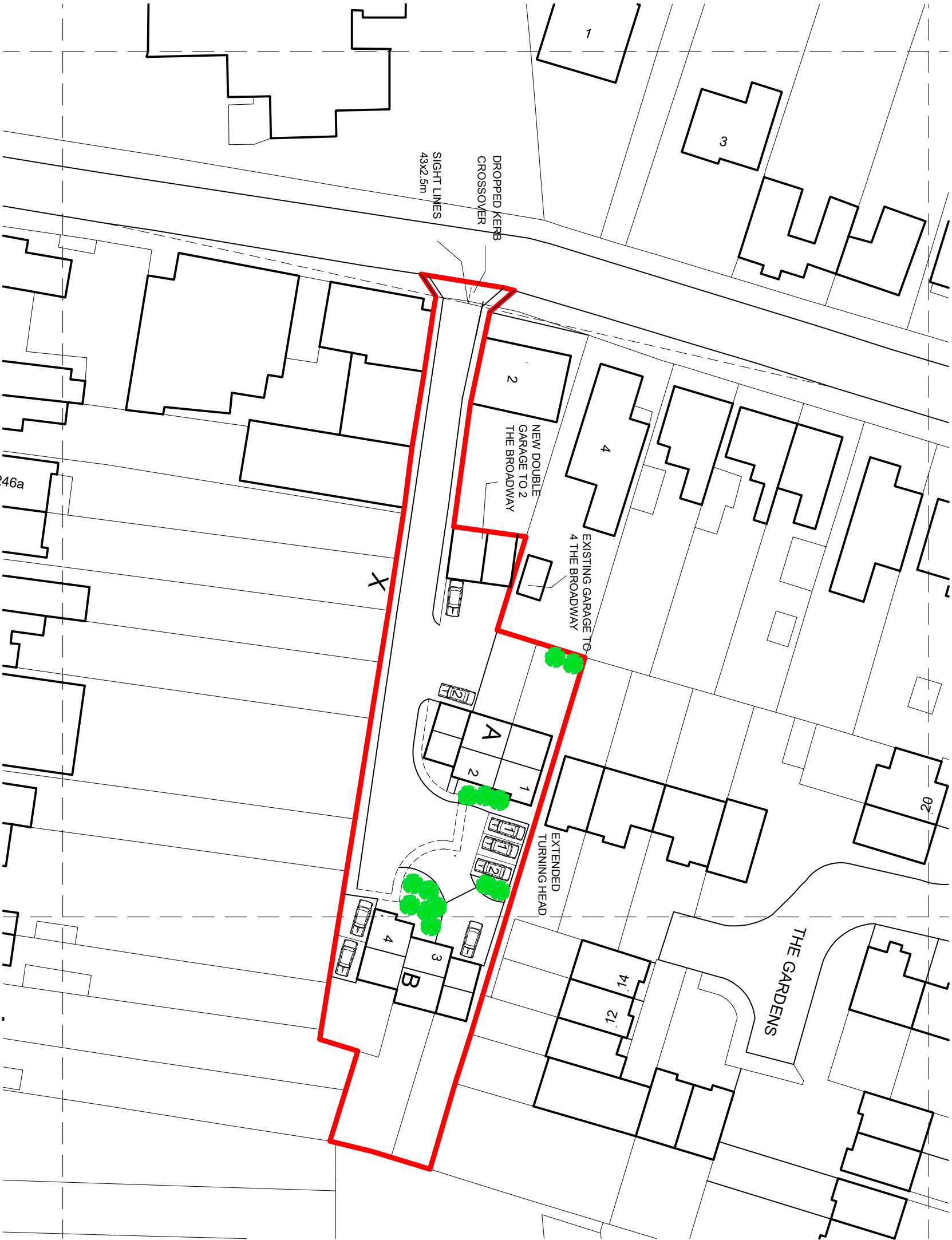


Outline application for the erection of 4no. dwellings and associated works -  
access and layout not reserved.  
Land To The Rear Of 2 & 4 The Broadway Moredon Swindon SN25 3BT



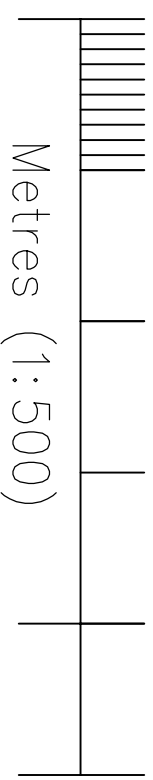
This Plan is for illustrative purposes only and is not intended to provide accurate  
representation of the development.  
In all cases references should be made to the submitted plans.





SITE PLAN 1:500

0 10 20 30 40 50 A3 SHEET



Metres (1:500)

© - Do not scale, report all discrepancies to the Architect

PROJECT		TITLE	
Land to the rear of 2 + 4 The Broadway, Swindon		Site layout	
DATE 18-02-2015	SCALE 1:500	PROJECT 981	DRG no: 05e
<div>MARTIN NORTON ARCHITECTS</div> <div>9 High Street, Eynsham, Oxford. OX29 4HA</div> <div>Tel (01865) 883326 Fax (01865) 883219</div> <div>Mob 07974 107363</div> <div>email:design@norton@outlook.com</div>			

REV E HIGHWAY COMMENTS ADDED 15-02-2017



BLOCK A ELEVATION/STREETSCENE



BLOCK B ELEVATION/STREETSCENE

PROJECT		TITLE		
Land to the rear of 2 + 4		Block A + B		
The Broadway, Swindon		Elevations/street scenes		
DATE	SCALE	PROJECT	DRG no:	
18-02-2015	1:100	981	04e	

REV E GARAGES ENLARGED 30-1-2017

© - Do not scale, report all discrepancies to the Architect

A3 SHEET

MARTIN NORTON ARCHITECTS

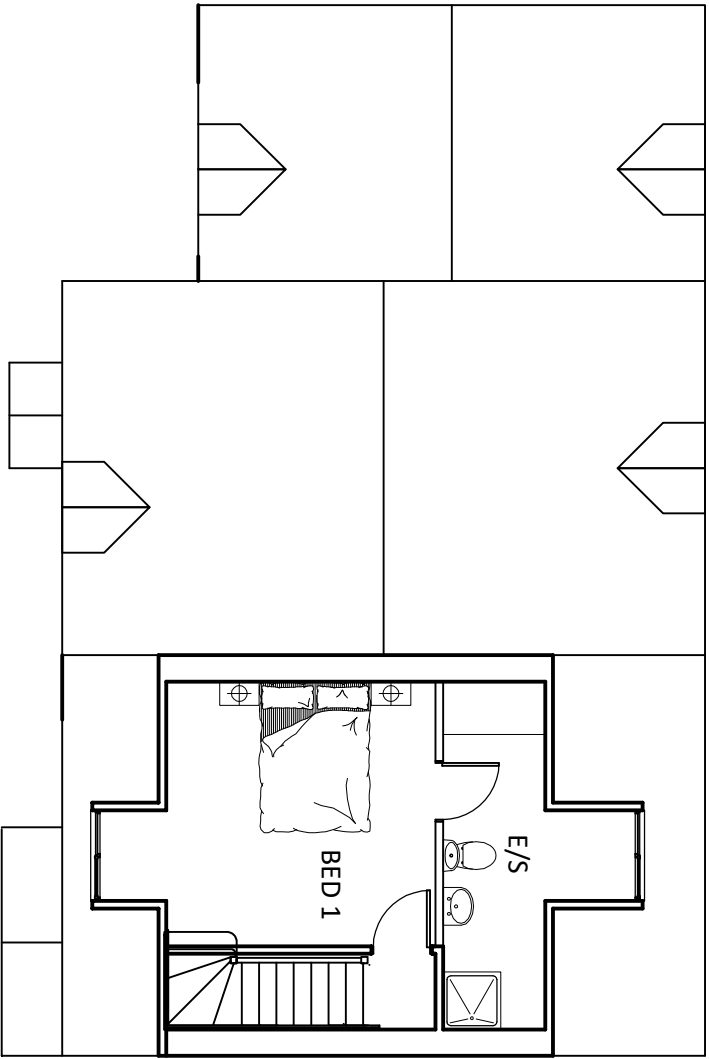
9 High Street, Eynsham, Oxford. OX29 4HA

Tel (01865) 883326 Fax (01865) 883219

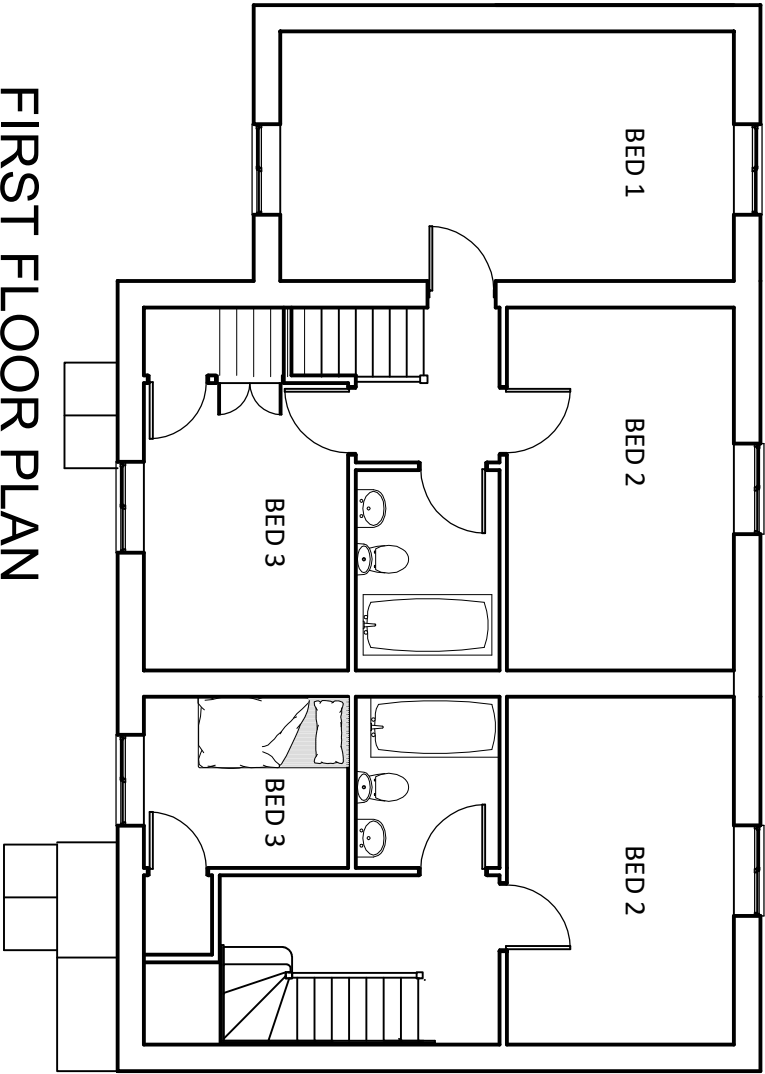
Mob 07974 107363

email:design@norton@outlook.com





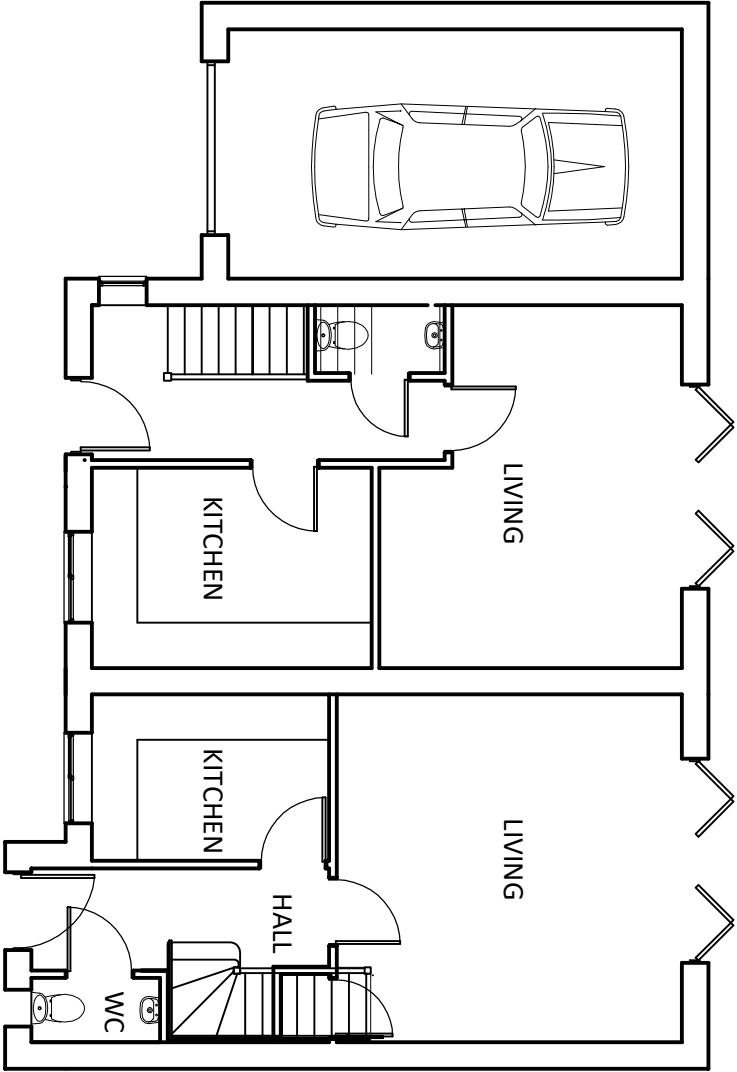
SECOND FLOOR PLAN  
Block A - Block B handed



FIRST FLOOR PLAN  
Block A - Block B handed



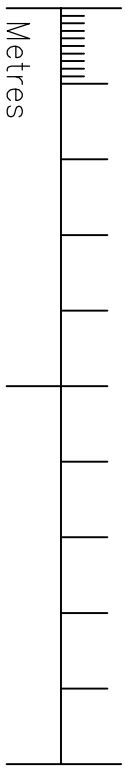
FRONT ELEVATION  
Block A - Block B handed



GROUND FLOOR PLAN  
Block A - Block B handed

INDICATIVE ONLY.  
A3 SHEET

0 10



© - Do not scale, report all discrepancies to the Architect

PROJECT Land to the rear of 2 + 4 The Broadway, Swindon		TITLE Block A/B Plans + Elevations	
DATE 18-02-2015	SCALE 1:100	PROJECT 981	DRG no: 02e
<b>MARTIN NORTON ARCHITECTS</b> 9 High Street, Eynsham, Oxford, OX29 4HA Tel (01865) 883326 Fax (01865) 883219 Mob 07974 107363 email:design@norton@outlook.com			

REV E GARAGES ENLARGED 30-1-2017



## COMMITTEE REPORT

**Item Number:**

**Application Number:**

**S/OUT/16/1800/RM**

**Ward:** Rodbourne Cheney

**Parish:** No Parish

**Proposal:** Outline application for the erection of 4no. dwellings and associated works - access and layout not reserved.

**Site Location:** Land To The Rear Of 2 & 4 The Broadway, Moredon, Swindon

**Case Officer:** Rhian Morris

**Agent:**

Mr Martin Norton  
Martin Norton Architects  
9 High Street  
Eynsham  
Oxfordshire  
OX29 4HA

**Applicant**

Mr Gerry Hall  
  
410 Ferndale Road  
Swindon  
SN2 1DE

### Officers Report

**Background:**

Councillor Moffatt has called the application to planning committee it is considered to be an over development of a backland site; not an appropriate access at the brow of a hill and access adjacent to a school.

**Summary of Recommendation:**

1 That planning permission be GRANTED with Conditions

**2 The Proposal:**

2.1 Outline planning application for a proposed residential development on land to the rear of 2 and 4 The Broadway, with access and layout agreed at this stage. The proposal is to demolish a double garage adjacent to 2 The Broadway and build 4 no. dwellings two with garages and a detached garage to the rear of number 2 The Broadway.

**3 The Site and Surroundings:**

3.1 The site is to the rear of no. 2 and 4 the Broadway and proposes access by removing no. 2's detached garage leaving a 3.8m wide access to the rear gardens. The site runs to the rear of properties on Whitworth Road and to the side and rear of properties known as The Gardens.

#### **4 Representations:**

Rodbourne Cheney Residents Association; Hillier; 4 Neighbours: Object.

- The current plan is not within LDA guidelines, the space is too small; loss of views, sunlit area of private garden for new and existing residents.

Security problems as the gardens will be more accessible.

No details of boundary treatments.

The Broadway is a busy road with only one access.

The businesses of the Cattery and Hillier Funeral Directors are close to the access and visibility is poor.

The access to the site is narrow, large vehicles could damage buildings at the entrance.

Problems with emergency vehicles and larger vehicles gaining access to the site.

Indiscriminate parking on the Broadway creates further hazards.

Concern with infill and impact on adjoining properties and residents.

Access would be better through the existing estate.

Comments on revised plans: Rodbourne Cheney Residents Association; 5

Neighbours; object for similar reasons as above.

Concerned about a ransom strip on the development.

**Transport Development Management:** Original comments: The visibility splay has been demonstrated. The driveway width is insufficient to allow 2 cars to pass. Further consideration is required of the refuse collection point. The SBC parking standard, the minimum dimensions of any car parking space is required to be 4.8m by 2.4m. Garages need to be 6 x 3m internally and 2 spaces per 3 bed property. The plans submitted do not show that the above can be achieved.

Comments on the revised scheme: Following negotiations with the agent; a revised package has been submitted which overcomes the concerns raised. Parking provision is inline with Swindon guidance and design code standards and acceptable provisions in terms of refuse and cycle storage facilities. Therefore, no highway objections as there are no adverse highway safety or user movement impacts.

**Landscape Officer:** No objections to the landscaping aspect. There may be bats in the vicinity and the developers will need to be aware of these and take into account when developing the site.

**Parish Council Comments:** At the time of writing the report, the site is not within a Parished area.

#### **5 Planning Considerations:**

5.1 The main considerations in the determination of this application are:

- o The Principle of development
- o Compliance with Local Plan Policies and the NPPF
- o The impact upon the amenities of the neighbouring residents.
- o The impact upon highway safety.
- o The impact upon the amenities of the neighbouring residents.
- o CIL requirements.

## 5.2 Planning Policy:

### National Planning Policy Framework 2012 (NPPF)

The NPPF is national planning policy that contains advice including that the Local Planning Authorities should ensure that where a development accords with policy, it should be approved without delay.

The following relevant policies from Swindon Borough Local Plan 2026 are considered to be:

SD1 Sustainable Development Principles  
 SD2 The Sustainable Development Strategy  
 SD3 Managing Development  
 DE1 High Quality Design  
 DE2 Sustainable Construction  
 HA1 Mix, Types and Density  
 TR2 Transport and Development  
 IN1 Infrastructure Provision

5.3 The Swindon Borough Councils 'Residential design guide ' Development Supplementary Planning Document (SPD) June 2016, is a material planning consideration, this document was prepared to provide detailed guidance to assist the consideration of backland developments. The SPD ensures that such development makes a positive contribution to local character and protects and enhances the appearance and amenity of existing residential areas;

- Developments must protect amenity and ensure separation distances are safeguarded.
- Developments must feel safe and secure and create high quality places regardless of visibility from public view.
- Small piecemeal schemes and sites assembled in a manner that compromises or prejudices the potential for larger, inclusive and comprehensive development, will not be acceptable.
- Developments should not share the same access as the existing dwellings and should not comprise a series of separate entrances.

### Principle

5.4 The NPPF, para 49 states housing applications should be considered in the context of the presumption in favour of sustainable development and para 14 the supply of the housing land should be approved if it accords with the development plan and this site will contribute to the 5 year land supply.

5.5 This part of Moredon is made up of a large mixture of house types and garden sizes, this scheme whilst not connected to The Gardens to the north relates well to this development. The houses in the Garden's are approx. 10 years old and built

primarily of red brick houses with tiled roofs and gardens which are smaller than older style houses.

5.7 It is considered that the principle of residential development on this site is compliant with the NPPF and the relevant policies of the Swindon Borough Local Plan 2026

5.8 Policy SD1 (Sustainable Development Principles) of the Swindon Borough Local Plan 2026 states the Borough will be looking at high quality design , and minimise and mitigate its impact where it is proposed by providing adequate and accessible services and facilities for the occupiers of the new development.

5.9 Policy SD2 (The Sustainable Development Strategy) of the Swindon Borough Local Plan 2026 ensure that development takes places within the urban areas of the Borough that are in proportion with their size.

5.10 Policy SD3 (Managing Development) of the Swindon Borough Local Plan 2026 aims to oversee the delivery of sustainable growth and change and a presumption in favour of sustainable development and seek to deliver high quality sustainable development; help to facilitate delivery and provide certainty and clarity to developers; community groups and Parish Councils.

5.11 Policy DE1 (High Quality Design) of the Swindon Borough Local Plan 2026 states that high standards of design are required for all types of development. Proposals for development shall respond to should address the objectives of sustainable development through high quality design and place-making principles in respect of, context and character, layout, form and function of the development, amenity and quality of the public realm.

5.12 Policy DE2 (Sustainable Construction) of the Swindon Borough Local Plan 2026 aims to ensure that new developments are designed and constructed to minimise their environmental impact.

5.13 Policy HA1 (Mix, Types and Density) of the Swindon Borough Local Plan 2026 sets out the mix, type and density requirements of housing developments. Housing developments should reflect the character of the surrounding area; should be of a density and provide house types and sizes to meet local needs; and higher densities should be in locations serviced by a range of services and facilities and lower densities should be provided to satisfy the higher end of the market where they are in accord with the context and character of the local area. Paragraph 111 of the NPPF also encourages the effective use of land by re-using land that has been previously developed.

5.14 Policy TR2 (Transport and Development) of the Swindon Borough Local Plan 2026 section h states that parking provision, including secure cycle and motorcycle parking, should be provided in accordance with the Council's adopted parking standards.



5.15 Policy IN1: (Infrastructure Provision) development will need to contribute to the sustainable growth in Swindon and make provision to meet the cost of new infrastructure made necessary by new development.

5.16 The impact upon the amenities of the neighbouring residents:

There is approximately a 1m difference in levels between The Gardens and this site, this site lower than the adjacent site. The house types can be constructed to ensure that there is no impact on the houses to the north and the new development is proposed to be located far enough away from the other housing so that it will not negatively impact on the other dwellings. The indicative plans show that this is possible on the site. To further reduce any potential overlooking of the existing houses a condition is recommended to not allow windows on the side elevation of the plots adjacent to the Gardens. It is not clear what is meant by a ransom strip as the whole of the site is within the ownership of 2 and 4 The Broadway. The Landscape officer has raised concerns about bats in the vicinity and an informative has been added to the planning permission, to make the developer aware as these are protected under legislation.

The impact upon highway safety:

5.17 The access to the site between no.2 The Broadway and the adjacent dwelling, there is no negative impact on the existing houses from vehicles and pedestrians entering and leaving the site. The access is able to accommodate a footpath on either side, and there are no windows on the side elevations of either the dwelling (no.2 of the business (Hillier). The footpaths will also allow for the refuse collection and recycling boxes to be left at the front of the site. Following negotiations with the highway engineer the access to the site has been agreed and there are no issues with the proposed sight lines, when leaving the site.

#### **Comments on the objections raised:**

5.18 The proposal is in outline and the layout is to be agreed at this stage, this shows that the gardens are adequate in size and similar in size to The Gardens, the recent modern development. Details of boundary treatments will be approved as part of the reserved matters application. The views from the existing dwellings will change, but privacy will be retained and the layout shows that the housing can be designed to minimise any impact on the adjacent dwellings.

5.19 Following discussions with the highway engineer the scheme has been revised and the initial concerns overcome and access and egress from the site is acceptable and the sight lines comply with guidelines. The access is wide enough for emergency vehicles to enter the site. Adequate parking is proposed for the new dwellings and the existing dwellings within the site. The Broadway does have a lot of parking along its length but allowing this development will not adversely impact on the use of that road. The access has footpaths on either side so there is little chance of large vehicles damaging the properties at the entrance to the site. This proposal has been submitted with its own separate

#### **Planning History:**

5.20 A previous scheme to develop this land, (S/04/3444), was GRANTED November 2004, for 5 dwellings, however this was for a different layout, scheme etc.

but this was never implemented.

### **CIL Requirements:**

5.21 Swindon Borough Council has an adopted and published Community Infrastructure Levy Charging Schedule. The Charging Schedule becomes effective from 6th April 2015. For information on how this may affect your development proposal please visit [www.swindon.gov.uk/cil](http://www.swindon.gov.uk/cil)

### **Concluding Comments:**

5.22 The principle of development on this site is considered to be acceptable, careful consideration will be given to the design of the scheme when the reserved matters application is submitted, highway issues have been addressed.

### **Recommendation**

That planning permission be **GRANTED** with Conditions

### **Conditions/Reasons**

#### Reserved Matters

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

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

#### Time Limit for Start of Development

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

Reason: accord with Section 92(2) of the Town and Country Planning Act 1990 (as amended).

#### External materials

3 No building or construction works above ground level shall take place, unless in accord with details of external facing materials that 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.

#### Wheel cleaning

4 Before the development hereby permitted is commenced, including site preparation works, details of wheel cleaning facilities shall be submitted to the Local

Planning Authority for approval in writing and shall thereafter be maintained in the approved form during the implementation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

#### Car Parking Standards

5 No dwelling shall be occupied until car parking provision (including garages) for the new dwellings and for number 2 The Broadway conforming to the Borough Council's car parking standards, together with associated manoeuvring facilities have been provided in accordance with the approved details. Such agreed parking spaces shall be retained and maintained thereafter for the parking of cars.

Reason: In the interest of amenity and highway safety.

#### Hard landscaping

6 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, or contained within the Landscaping reserved matters 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 and the interests

#### Slab levels

7 No works for the construction of any building shall take place unless in accord with, details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land that have first been submitted to and approved in writing by the Local Planning Authority.

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

#### No Windows

8 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 other than those hereby approved shall be formed in the side elevations of the dwellings adjacent to The Gardens.

Reason: In the interests of residential amenity.

#### Management Plan

9 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.

## Plans and drawings

10 This approval shall be in respect of the following plans and documents: design and access statement, 4062-GDL-XX-DR-C-001 rev P1; 002 rev P1; 003 rev P1; 004 rev P1; 005 rev P1; 006 rev P1; 007 rev P1 received 9th December 2016. Drawing nos 02e; 04e; 05e; received 19 February 2017 and 06 received 2 March 2017

## Informatives

1. There is a risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) or visit the Bat Conservation Trust website

## 2. 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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto: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.

## **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

**Planning Committee**

**11<sup>th</sup> April 2017**

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Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 The purpose of this report is to advise the Planning Committee of measures contained within the Housing White Paper – "Fixing Our Broken Housing Market", and to seek endorsement of a response to the consultation.
- 1.2 The proposals contained in the Housing White Paper will have significant implications for planning and housing delivery in the Borough. The context for the proposals are low levels of housing delivery nationally. The expectation is that the proposals will assist in speeding up housebuilding in Swindon, particularly for smaller sites, brownfield sites and custom and self-build housing.
- 1.3 The proposals support the Stronger Together outcomes of "a more focused, relevant and effective organisation" and "all resources, both in the organisation and in our communities, working together to meet shared challenges."

### **2. Recommendations**

The Committee is recommended to:

- 2.1 Note the proposed provisions of the Housing White Paper as set out in this Report, and
- 2.2 Endorse Appendix 1 to this report as the Council's technical response to the Consultation and authorise the Head of Planning, Regulatory Services and Heritage to submit this response to the Department for Communities and Local Government (DCLG) as part of the Council's response to the White Paper.
- 2.3 Invite Cabinet to consider this report and the attached response and to add its endorsement of the Council's response.

### **3. Detail**

- 3.1 On 7<sup>th</sup> February 2017, the Government published the Housing White Paper: "Fixing our broken housing market." In this document the Government sets out its plans to increase the supply of housing and enabling more people access to housing through:

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).



# Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"

Planning Committee

11<sup>th</sup> April 2017

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- 3.1.1 Planning for homes in the right places, mainly through local and neighbourhood plan policies;
  - 3.1.2 Building homes faster, through better linkages of housing with infrastructure, addressing skills shortages and speeding up the development management process;
  - 3.1.3 Diversifying the housing market, focussing on different forms of tenure, encouraging more small and medium-sized builders, supporting housing associations and local authorities to build more homes and advocating modern methods of construction; and
  - 3.1.4 Helping people now, but addressing a wide range of housing needs.
- 3.2 The White Paper is a consultation paper, with the focus of the consultation on the first two of these priorities. The consultation runs from 7<sup>th</sup> February to 2<sup>nd</sup> May 2017. A copy of the white paper be viewed online at:
- <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>
- Key proposals – planning for homes in the right places
- 3.3 In order to plan for the right homes in the right places, the White Paper puts forward the following proposals:
- 3.3.1 Enabling spatial development strategies, produced by new combined authorities or elected Mayors, to allocate strategic sites (with agreement of all authorities);
  - 3.3.2 Ensuring that every local authority has an up to date plan in place, with flexibility as to how the plan is set out. There would be no requirement for it to be a single local plan;
  - 3.3.3 Introducing a standard approach to assessing housing requirements;
  - 3.3.4 Ensuring at least 10% of residential allocations in local plans should be 0.5 hectares or less;
  - 3.3.5 Introducing legislation to allow locally accountable New Town Development Corporations to be set up, enabling local areas to use them as a delivery vehicle if appropriate;
  - 3.3.6 Amending national policy so that authorities should amend Green Belt boundaries only when they can demonstrate that they have fully examined all other reasonable options;

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

**Planning Committee**

**11<sup>th</sup> April 2017**

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- 3.3.7 Ensuring local and neighbourhood plans and area action plans set out clear design expectations, but also make it clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans; and
- 3.3.8 Reviewing the Nationally Described Space Standards to ensure greater local housing choice.
- 3.4 In addition, the White Paper recommends amending national policy so that proposals should:
  - 3.4.1 Make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing requirements;
  - 3.4.2 Address the particular scope for high density housing in some urban locations; and
  - 3.4.3 Ensure that the density and form of development reflect an area's character, accessibility and infrastructure capacity.

## Key proposals – building homes faster

- 3.5 In order to build homes faster, the Government plans to invest in making the planning system more open and accessible, tackling unnecessary delays. Key proposals include:
  - 3.5.1 Amending national policy to allow local planning authorities' housing land supply to be set on an annual basis through independent examination in return for accepting higher 5 year housing targets;
  - 3.5.2 Increasing nationally set planning fees;
  - 3.5.3 Consulting on the introduction of fees for planning appeals;
  - 3.5.4 Tackling "unnecessary delays" by prohibiting planning conditions that do not meet the national policy tests, and by ensuring that pre-commencement conditions can only be used with the agreement of the applicant;
  - 3.5.5 Requiring applicants to provide more information about the timing and pace of new housing as part of the planning application process. This is also intended to assist the monitoring process;
  - 3.5.6 Encouraging local planning authorities to consider how realistic it is that a site will be developed when deciding whether to grant planning permission

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"

Planning Committee

11<sup>th</sup> April 2017

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for housing on sites where previous permissions have not been implemented;

- 3.5.7 Amending national policy to encourage local planning authorities to shorten the timescales for developers to implement permissions for housing development from three years to two years, except where shorter timescales could hinder scheme viability or deliverability;
- 3.5.8 Simplifying and speeding up the completion notice process, whereby if development on a site has stopped and there is no prospect of completion, the local planning authority can withdraw planning permission for the remainder of the site;
- 3.5.9 Reviewing compulsory purchase powers to deliver stalled sites;
- 3.5.10 Introduction of a new housing delivery test for local planning authorities, with the first assessment period being for the period April 2014 to March 2017. Where delivery is 95% of the requirement in November 2017, an action plan will need to be prepared by local planning authorities. Also from November 2017, a 20% buffer on top of the requirement to maintain a five-year housing land supply will be made where delivery falls below 85% of the requirement. In November 2018, if delivery is below 25% of the requirement, relevant policies would be deemed out of date, and a presumption in favour of sustainable development will apply. This presumption will apply where an authority does not meet 45% of the requirement in 2019 and 65% in 2020.

## Key proposals – diversifying the market and helping people now

- 3.6 In order to open up the housing market to smaller builders and those who embrace innovative and efficient methods, the Government is proposing to:
  - 3.6.1 Support small and medium-sized builders in growing, including through the Home Building Fund;
  - 3.6.2 Support housing associations to build more, and explore options to encourage local authorities to build again;
  - 3.6.3 Amend the National Planning Policy Framework (NPPF) to introduce a clear policy expectation that housing sites deliver a minimum of 10% affordable home ownership units. It will be for local areas to work with developers to agree an appropriate level of delivery of starter homes, alongside other affordable home ownership and rented tenures;
  - 3.6.4 Promote Building for Rent through changes to the NPPF;

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

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- 3.6.5 Amend the NPPF to allow more brownfield land to be released for developments with a high proportion of starter homes. This will be on employment sites that have been vacant for a long period of time (5 years) and are not strategic employment sites; on some leisure and retail uses; and on the Green Belt in certain circumstances;
- 3.6.6 Introduce a new statutory duty through the Neighbourhood Planning Bill on the Secretary of State to produce guidance for local planning authorities on how they should be meeting the housing needs of older and disabled people; and
- 3.6.7 Clarification that Starter Homes, with appropriate local connection tests, can be acceptable on rural exception sites.

## Current Council Objectives and Policies

- 3.7 The Committee is invited to note that the Council has a number of existing strategies and policies around housebuilding that could be affected by any legislation or changes in policy guidance that follow the White Paper.
- 3.8 The Council's Vision has a priority to "improve infrastructure and housing to support a growing, low-carbon economy. This includes the following housing-related pledges:
  - 3.8.1 Pledge 7: "Build new affordable homes including 200 new Council Homes and 66 units through the Affordable Housing Development programme..."
  - 3.8.2 Pledge 9 "Develop Council-owned brownfield sites at Oakfield, and other sites as they become available, for housing.
  - 3.8.3 Pledge 14 "With Barratt Homes we will build up to 3,500 homes in Wichelstowe..."
- 3.9 In addition, Cabinet has just authorised the creation of a wholly-owned company to design and construct housing on a commercial basis for sale or private market rent (Cabinet Minute 112, 2016/17 refers).

## Proposed Consultation Response

- 3.10 Annex A of the White Paper sets out a number of questions in relation to the proposals. The proposed response to these questions is set out in Appendix 1 to this Report. In many cases it is difficult to assess the potential impact of the proposals on Swindon Borough as they are dependent on detailed matters which themselves will be subject to further consultation. In general many of the proposals are cautiously welcomed, however of particular concern is the proposal

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for the introduction of a delivery test, which could in effect lead to the granting of further housing sites not in accordance with the Local Plan or community led neighbourhood plans.

## Next Steps

- 3.11 If approved this Appendix 1 to this Report will form the response to the Consultation, and will be sent by the Head of Planning, Regulatory Services and Heritage to the DCLG as soon as is practicable a part of the Council's response to the White Paper.

## **4. Alternative Options**

- 4.1 The Council could choose not to respond to the Consultation. There would be a risk of missing an opportunity to influence Government policy on housing delivery.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1 There are no direct financial and procurement implications as a result of this Report, however if the proposals are enacted by Government, the impact on planning fee income, positive or negative, will need to be investigated and quantified.

### Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights.

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

- 5.3 Changes to fee income would directly affect the Council's ability to fund the planning service and retain its current level of staffing. Additional work would be necessary to understand how the planning service could be impacted, and also opportunities to increase fee income once the Government has finalised its proposals.

### Diversity Impact Assessment

- 5.4 As this Report concerns the proposed response to Government consultation document there is no Diversity Impact Assessments (DIA). However should any proposals be carried through changes to Legislation and/or Government

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Guidance, Swindon Borough Council policy documents produced to be in accordance with such changes to national policy, such as the Swindon Borough Local Plan, will be subject to a DIA.

## Risk Management

- 5.5 This report is based on consultation documents prepared by DCLG, and as result of the consultation responses, the proposals may significantly change or be aborted. The Council will need to monitor their progress and respond accordingly in due course.

## **6. Consultees**

- 6.1 The Cabinet Member for Communities and Strategic Planning.
- 6.2 The Head of Finance - Section 151 Officer and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

None

## **8. Appendices**

- 8.1 Appendix 1: Proposed technical response to the Housing White Paper - "Fixing our broken housing market"

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## **Appendix 1: Draft Consultation Response to technical matters in the Government's Housing White Paper**

### **1. Do you agree with the proposals to:**

- a) Make clear in the National Planning Policy Framework that the key strategic policies that each local planning authority should maintain are those set out currently at paragraph 156 of the Framework, with an additional requirement to plan for the allocations needed to deliver the area's housing requirement?**

The strategic priorities set out in paragraph 156 of the Framework require policies to provide:

- the homes and jobs needed in the area;
- the provision of retail, leisure and other commercial development;
- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- the provision of health, security, community and cultural infrastructure and other local facilities; and
- climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

The proposed amendment is essentially an amplification of the first bullet point, and therefore something that Local Planning Authorities already do to some extent. It also has to read in the context of paragraph 47 of the Framework where there is a duty on the LPA to "use the evidence base to ensure that their Local Plan meets the full objectively assessed need for market and affordable housing in the housing market area, as far as it is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of housing strategy over the plan period."

In so much as it adds value to the Framework, Swindon Borough Council have no objection to the proposed amendment with the proviso that as stated in para A.16 of the White Paper "except insofar this requirement will be met through windfall development or more detailed plans". There needs to be a clear link here to the role of neighbourhood plans in making allocations in support of the strategic priorities.

It is important to recognise the role of public bodies in relation to the strategic priorities as specified in paragraphs 178 and 179 of the Framework. As presently written, the Framework places the emphasis on joint working between local authorities. There are a number of statutory and other public sector bodies who have a key role in delivering the strategic priorities. Swindon Borough Council would be supportive of amendments to

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these paragraphs to ensure these bodies have a duty to co-operate in a timely and constructive manner regarding their respective area of responsibility to support growth and the needs of local communities. This should extend not only through the plan making stage, but also through decision making and delivery. This should also include a duty to actively engage with the development industry in a similar manner to the PINS model policy for Local Plans and could be facilitated by amendment to paragraph 194 of the Framework.

## **b) Use regulations to allow Spatial Development Strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority?**

Whilst not currently a proposal that would have a direct impact on Swindon Borough Council it is recognised that such measures could play an important role in supporting housing delivery across an appropriate sub-regional basis. However it should be made clear that such Spatial Development Strategies that allocate strategic sites should be subject to the same independent scrutiny as those identified through local plans, particularly given the potential wider significant impacts that the allocation of strategic sites can have. This scrutiny should include how they meet the requirements of Sustainability Appraisal/Strategic Environmental Assessment and delivery, particularly Infrastructure Planning.

## **c) Revise the National Planning Policy Framework to tighten the definition of what evidence is required to support a 'sound' plan?**

Swindon Borough Council is supportive of the proposal to amend the test of soundness such that a Plan has set out an appropriate strategy rather than the most appropriate strategy. This will help simplify, and therefore shorten, the Plan making process. However additional guidance will be required as to how this sits alongside sustainability appraisal requirements.

In general Swindon Borough Council is supportive of the proposal to tighten the definition of what evidence is required to support a sound plan. Not only should this reduce the length of plan making but also reduce the financial burden on LPAs. This may require a thorough review of the Framework as many of the current evidence requirements originate from within the individual sections of it. Should the proposal be brought forward it should also be made clear that additional evidence produced by third parties not directly related to the key evidence for soundness will not be a material consideration at examination, as at present a lot of time and effort is expended on reacting to such evidence.

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## **2. What changes do you think would support more proportionate consultation and examination procedures for different types of plan and to ensure that different levels of plans work together?**

It is important that there is consistency across the different levels of plans whilst recognising the intrinsic differences in them. Swindon Borough Council is supportive of the increased use of digital tools to improve access to plans and planning data, but would call for additional funding for LPAs to make full use of such tools in a consistent manner across the country.

Swindon Borough Council would support greater involvement of the Planning Inspectorate before the formal examination process. Such early engagement would flag up potential issues before the formal hearing stage and reduce the risk of the Plan being found unsound or the hearing sessions being aborted to be reconvened at a later date.

## **3. Do you agree with the proposals to:**

- a) Amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?**

Swindon Borough Council would be supportive of this proposal. Such policies will need consider the housing needs of a range of people with differing needs. One of the main issues in formulating such policies is the lack of available and reliable data on such groups. Therefore it is recommended that Government funded research is made available to aid understanding of the needs of such groups, including through data collection by the ONS.

- b) From early 2018, use a standardised approach to assessing housing requirements as the baseline for five year housing supply calculations and monitoring housing delivery, in the absence of an up-to-date plan?**

Whilst Swindon Borough Council is generally supportive of such an approach the complexities of arriving at a standardised approach with adequate consultation makes early 2018 an ambitious target. Clarification is sought on whether DCLG will undertake the calculations on behalf of LPAs or the expectation is the LPAs will undertake the work working to a common methodology. To reduce the resource burden on LPAs and to ensure consistency it would be preferable for DCLG to undertake the calculation. Of more concern is, what is meant by an "up-to-date" plan in this context? The Framework should provide a clear definition of what is an "up-to-date" plan. Swindon Borough Council would be supportive of a provision that no plan should be considered to be out

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of date for at least a two year period after adoption. Without such clarity, the issue of whether a plan is up to date will lead to extensive argument at s78 appeal inquiries.

Careful consideration should also be given to Plans at or near examination at the time of the introduction of the standardised approach, and an appropriate transition period or commitment to early review should be introduced.

It is unclear whether the proposal is for the standardised approach to assessing housing requirement is for the LPA area and/or the Housing Market Area. To be consistent with PPG it is suggested the calculation should as far as possible be produced for the relevant HMA.

Where a standardised approach is adopted it should not be subject to challenge through S78 appeal inquiries, unless there are exceptional circumstances.

#### **4. Do you agree with the proposals to amend the presumption in favour of sustainable development so that:**

##### **a) Authorities are expected to have a clear strategy for maximising the use of suitable land in their areas?**

Swindon Borough Council is supportive of the proposal to have a clear strategy to maximise the use of suitable land. However, sufficient flexibility should be permitted to allow the strategy to respond to local opportunities and constraints including landscape and environmental considerations and local infrastructure capacity. Furthermore, such a strategy should not be at the expense of place-making and enabling sustainable communities.

##### **b) It makes clear that identified development needs should be accommodated unless there are strong reasons for not doing so set out in the NPPF?**

Swindon Borough Council is generally supportive of this proposal, but it should be made clear that development needs should be accommodated across the Housing Market Area. Present local authority boundaries may not present the optimum solution to accommodating needs of the area, particularly where tightly drawn round an urban area. The requirement to accommodate development needs should be made after the assessment of the most sustainable strategy to accommodate those needs across the wider HMA.

##### **c) The list of policies which the Government regards as providing reasons to restrict development is limited to those set out currently in footnote 9 of the National Planning Policy Framework (so these are no longer presented**

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**as examples), with the addition of Ancient Woodland and aged or veteran trees?**

Swindon Borough Council is supportive of this proposal

**d) Its considerations are re-ordered and numbered, the opening text is simplified and specific references to local plans are removed?**

Swindon Borough Council is supportive of this proposal

**5. Do you agree that regulations should be amended so that all local planning authorities are able to dispose of land with the benefit of consent which they have granted to themselves?**

Swindon Borough is supportive of this as it should assist in bringing forward publicly owned land for development and boost housing supply.

**6. How could land pooling make a more effective contribution to assembling land, and what additional powers or capacity would allow local authorities to play a more active role in land assembly (such as where 'ransom strips' delay or prevent development).**

Swindon Borough Council has identified land assembly as being one of the critical factors in delivery of large scale housing developments, particularly in light of S106 pooling restrictions on strategic sites and the need to ensure the requisite infrastructure is provided in a fair and equitable manner. Swindon Borough Council would welcome further dialogue on this point. Increased compulsory purchase powers could be one such additional power, as would giving local authorities more development powers.

**7. Do you agree that national policy should be amended to encourage local planning authorities to consider the social and economic benefits of estate regeneration when preparing their plans and in decisions on applications, and use their planning powers to help deliver estate regeneration to a high standard?**

Swindon Borough Council is generally supportive of this proposal, however it should not be at the expense of existing social cohesion. In Swindon there are significant pockets of non-traditional housing that is need of renewal. National policy support for estate regeneration is considered helpful however access to funding for schemes and improved in-house skills and capacity to pursue Compulsory Purchase Orders at LPAs would assist greatly in this regard.

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## **8. Do you agree with the proposals to amend the National Planning Policy Framework to:**

### **a) Highlight the opportunities that neighbourhood plans present for identifying and allocating small sites that are suitable for housing?**

Swindon Borough Council is generally supportive of this proposal, however such allocations are often locally controversial and can lead to divisions in communities. Many organisations preparing neighbourhood plans do not have the skills to identify development sites on a technical basis and rely on simple "popularity" test, which may not lead to the most sustainable outcomes or be supported by the available evidence. The limited financial resources, including the availability of neighbourhood planning grants, are unlikely to be sufficient to pay for professional support to cover such complex matters in all areas.

### **b) Encourage local planning authorities to identify opportunities for villages to thrive, especially where this would support services and help meet the authority's housing needs?**

Whilst understanding the aims as drafted the proposal could lead to unintended consequences. Such opportunities should be in the context of the development strategy across the wider area. Whilst the Council is supportive of the role that development in more sustainable village locations can play in meeting an area's housing need, the overall capacity of village housing allocations should remain proportional to their scale and location in the interests of achieving sustainable patterns of development. Furthermore, there is likelihood developers promoting sites that are not in accordance with the Local Plan will seek to use this provision to advance their sites, specifically through s78 appeal inquiries.

### **c) Give stronger support for 'rural exception' sites – to make clear that these should be considered positively where they can contribute to meeting identified local housing needs, even if this relies on an element of general market housing to ensure that homes are genuinely affordable for local people?**

Swindon Borough Council is generally supportive of this proposal and reflects current policy in the Swindon Borough Local Plan. However it should be made clear that the scale of market housing should be adequately tested and permission refused where the affordable housing quantum is not a significant element of the scheme.

### **d) Make clear that on top of the allowance made for windfall sites, at least 10% of sites allocated for residential development in local plans should be on sites of half a hectare or less?**

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Clarification is sought as to whether this is a reference to 10% of housing sites or 10% of the dwellings on site allocations. If the former, for an area like Swindon which relies on a relatively small number of large allocations to meet its housing needs, the number of small site allocations would be very modest. However if the latter, it could amount to a significant number of small sites which could be very onerous to allocate through the Development Plan. In an urban area such as Swindon, it is likely small sites will be previously developed land and so will benefit from permission in principle in due course, rather than an allocation in a Local Plan. A robust site allocation process will require assessment against a range of criteria and may generate objections not in proportion to their contribution to housing supply thereby impeding the production of the Local Plan.

## **e) Expect local planning authorities to work with developers to encourage the sub-division of large sites?; and**

Whilst diversification of the housing market is to be welcomed, Swindon Borough Council has direct experience of some of the issues raised through the sub-division of large sites. These issues relate to phasing, infrastructure provision and pooling of s106 contributions. It should be made clear that sub-division will only be encouraged after the securing of outline planning permission. The current CIL regulations Reg123 pooling restrictions actively discourage the sub-division of larger sites due to high risk of failing to comprehensively secure infrastructure delivery at the outline planning stage. Therefore the pooling restriction should be lifted to enable the proposal to come forward effectively.

## **f) Encourage greater use of Local Development Orders and area-wide design codes so that small sites may be brought forward for development more quickly?**

Swindon Borough Council has extensive use of Local Development Orders and view them as a useful tool in enabling development. It should be recognised that the production of design codes and local development orders can be very resource intensive for local planning authorities, requiring input from local authority planners, urban designers, landscape architects and sustainable drainage engineers in order to ensure the delivery of quality outcomes. It is important that design codes do not stifle innovation and creativity.

## **9. How could streamlined planning procedures support innovation and high-quality development in new garden towns and villages?**

Swindon Borough Council has extensive experience in planning for large urban extensions. Our experience demonstrates that these developer-led schemes can take

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many years from the initial proposal in a development plan to the first dwellings being occupied (typically 8 to 10 years). In general the Council is supportive of measures to streamline the planning procedures for such large scale developments, so long as they do not undermine the place-making ambitions of the local authority.

To incentivise LPAs and to encourage the development of large scale development proposals (2,000 dwellings or more), including garden towns and villages, in recognition of the time scales involved such allocations should be discounted from the 5 year housing land target until they make a meaningful contribution to the supply.

Alternatively, where such developments are included in a plan, 5 year housing land supply calculations should be calculated using the Liverpool methodology rather than the Sedgefield methodology (the 'Liverpool approach' is to seek to meet any backlog over the whole plan period. The 'Sedgefield approach' is to front load the provision of this backlog within the first five years). This would incentivise LPAs to pursue longer-term strategic scale development instead of prioritising deliverable 'quick wins' to support their 5 year housing land supply on smaller sites that are often not of a sufficient scale to provide the required infrastructure to deliver high quality development. It is important that there are a variety of smaller and larger sites allocated in Local Plans and the Sedgefield methodology militates against longer-term strategic planning at scale.

## **10. Do you agree with the proposals to amend the National Planning Policy**

**Framework to make clear that:**

**a) Authorities should amend Green Belt boundaries only when they can demonstrate that they have examined fully all other reasonable options for meeting their identified development requirements?**

Although Swindon Borough Council does not contain Green Belt land, the Council is concerned that the proposal will lead to further "leap-frogging" of development to "less" constrained areas. Green Belt authorities should look first to the sustainable release of green-belt land before considering less sustainable patterns of growth.

**b) Where land is removed from the Green Belt, local policies should require compensatory improvements to the environmental quality or accessibility of remaining Green Belt land?**

No comment

**c) Appropriate facilities for existing cemeteries should not be regarded as 'inappropriate development' in the Green Belt?**

No comment

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**d) Development brought forward under a Neighbourhood Development Order should not be regarded as inappropriate in the Green Belt, provided it preserves openness and does not conflict with the purposes of the Green Belt?**

No comment

**e) Where a local or strategic plan has demonstrated the need for Green Belt boundaries to be amended, the detailed boundary may be determined through a neighbourhood plan (or plans) for the area in question?**

No comment

**f) When carrying out a Green Belt review, local planning authorities should look first at using any Green Belt land which has been previously development and/or which surrounds transport hubs?**

No comment

**11. Are there particular options for accommodating development that national policy should expect authorities to have explored fully before Green Belt boundaries are amended, in addition to the ones set out above?**

No comment

**12. Do you agree with the proposals to amend the National Planning Policy Framework to:**

**a) Indicate that local planning authorities should provide neighbourhood planning groups with a housing requirement figure, where this is sought?**

Swindon Borough support this proposal as from experience the absence of a housing requirement figure has caused difficulties for Neighbourhood Planning groups. We would welcome guidance and best practice on assigning such figures, including clarification as to whether the requirement figure needs to be in an adopted Local Plan or if the figure can be provided during the Local Plan-making process (for example at Reg 19).

**b) Make clear that local and neighbourhood plans (at the most appropriate level) and more detailed development plan documents (such as action area plans) are expected to set clear design expectations; and that visual tools such as design codes can help to provide a clear basis for making decisions on development proposals?**

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Whilst generally supportive of the aims of the proposal, greater clarification is sought as to how it would work in practice. While local plans are able to set general design policies and principles, successful design is something that understands and responds to the context in which a development is located. The Borough Council favours the use of Supplementary Planning Documents in articulating development principles and in so doing engender support from local communities for development proposals. It should be recognised that neighbourhood planning groups are unlikely to have the expertise to be able to produce design guidance and that they will need help to achieve this.

**c) Emphasise the importance of early pre-application discussions between applicants, authorities and the local community about design and the types of homes to be provided?**

Swindon Borough Council is supportive of this proposal, however there may be local resource implications.

**d) Makes clear that design should not be used as a valid reason to object to development where it accords with clear design expectations set out in statutory plans?; and**

Design issues may be numerous and complex and might not in all cases be covered by the design expectations of the development plan. A simple "no-reason" for objection is too broad brush which may ultimately sanction development which is not in the public interest. 'Aesthetic' considerations are often the point of engagement with the public and to simply state they have no reason to object on such grounds risks alienation from the planning system contrary to the Framework.

**e) Recognise the value of using a widely accepted design standard, such as Building for Life, in shaping and assessing basic design principles – and make clear that this should be reflected in plans and given weight in the planning process?**

Widely accepted design standards, such as Building for Life, can help in the assessment of design quality but require suitably qualified persons to assess these schemes, which might be lacking within local authorities. Swindon is a champion of Design Panels to drive up the quality of schemes particularly from the volume housebuilders, and would encourage the Framework to strengthen the encouragement of their use.

**13. Do you agree with the proposals to amend national policy to make clear that plans and individual development proposals should:**

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**a) Make efficient use of land and avoid building homes at low densities where there is a shortage of land for meeting identified housing needs?**

The Council recognises it is important to make efficient use of land but the location and density of development needs to relate well to existing or proposed infrastructure. Access to usable public open space, as well as private amenity space are also crucial considerations and can be more challenging at higher densities. The proposal could go against the principles of good design and the place-making agenda. There is a risk that a blanket high density policy could stifle the housing market in areas where there is little demand for such housing.

**b) Address the particular scope for higher-density housing in urban locations that are well served by public transport, that provide opportunities to replace low-density uses in areas of high housing demand, or which offer scope to extend buildings upwards in urban areas?**

Swindon Borough Council is generally supportive of this proposal. An important consideration is how higher density development can be delivered within the urban fabric of existing development in the area. It will also be necessary to consider the cumulative impact of multiple higher density schemes in a given area to help deliver mixed and balanced communities.

**c) Ensure that in doing so the density and form of development reflect the character accessibility and infrastructure capacity of an area, and the nature of local housing needs?**

Swindon Borough Council support this point.

**d) Take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances, such as open space provision in areas with good access to facilities nearby?**

Swindon Borough Council has concerns over this proposal. It should be recognised that open space is not just about the quantity but quality of provision. Swindon Borough Council Local Plan includes some flexibility, but with reference to the Open Space Audit which assess quality and quantity at ward level.

Open space and green infrastructure is important to health and wellbeing, as well as having a role in design of schemes and providing for features such as sustainable drainage. In considering the role of existing nearby open spaces, consideration needs to be given to the nature of these spaces, their sensitivity to increased recreational

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demand (e.g. wildlife sites) and the demand already placed upon them. It may not be possible for existing open spaces to absorb the pressure of additional high density development, and as such it is important that all new developments include quality open space provision to meet the needs of their residents.

## **14. In what types of location would indicative minimum density standards be helpful, and what should those standards be?**

Swindon Borough Council is committed to making efficient use of land however the Council does not support indicative minimum density standards as they are too 'blunt' a tool. The appropriate density of any scheme will depend upon a range of site specific factors and therefore it is considered that it would be difficult to set a national requirement for minimum density standards by location. The setting of density requirements should be left to local planning authorities through the development of site specific planning policies or through other forms of planning guidance.

## **15. What are your views on the potential for delivering additional homes through more intensive use of existing public sector sites, or in urban locations more generally, and how this can best be supported through planning (using tools such as policy, local development orders, and permitted development rights)?**

The Council generally supports the intensification/densification of land use on sites but this needs to be informed by an understanding of context and consideration of other planning, highways and design matters. A range of planning tools may be appropriate, and Swindon Borough Council would welcome further dialogue with DCLG on this matter.

## **16. Do you agree that:**

- a) Where local planning authorities wish to agree their housing land supply for a one-year period, national policy should require those authorities to maintain a 10% buffer on their 5 year housing land supply?**

This would only be incentive where an authority can demonstrate a 5-year supply +10%. It adds another % figure into an already complex calculation. For simplicity it would more appropriate to remain with 5% buffer. Furthermore it is not clear if the 10% buffer would apply on top of the existing 5% or 20% buffer included within a 5-year housing land supply figure. If this is the case it will act as a further disincentive for LPAs.

- b) The Planning Inspectorate should consider and agree an authority's assessment of its housing supply for the purpose of this policy?**

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Swindon Borough Council agree with this proposal. Any deliverable sites allowed through Appeal in the subsequent year should be counted towards the five-year supply and Inspectors should be instructed to direct how much of a site will contribute to the 5-years supply in their Reports.

**c) If so, should the Inspectorate's consideration focus on whether the approach pursued by the authority in establishing the land supply position is robust, or should the Inspectorate make an assessment of the supply figure?**

Through Statements of Common Ground a common approach could be agreed with local developers. However, it is acknowledged that the delivery on individual sites is going to be the most contentious issue and therefore the Inspectorate will need to consider these in detail.

**17. In taking forward the protection for neighbourhood planning as set out in the Written Ministerial Statement of 12 December 2016 into the revised NPPF, do you agree that it should include the following amendments:**

**a) A requirement for the neighbourhood plan to meet its share of housing need?**

The proposed wording is unclear in its meaning. It is assumed that it means that a neighbourhood plan meets its requirements as set out in the Local Plan, and if so in general this is supported. It should also apply where an LPA has provided a housing requirement figure to a neighbourhood planning group in an emerging Local Plan as per the response to Question 12 a).

**b) That it is subject to the local planning authority being able to demonstrate through the housing delivery test that, from 2020, delivery has been over 65% (25% in 2018; 45% in 2019) for the wider authority area?**

Swindon Borough Council has significant concerns with this proposal. It introduces another level of testing in addition to the 5-year supply requirement. In respect of Neighbourhood Plans, past delivery in the wider authority area is beyond the control of the neighbourhood plan community and therefore may "penalise" such communities who have invested considerable time and money in the preparation of a neighbourhood plan. Such communities may see little incentive to produce a plan in a local planning authority area that has or likely will fail the delivery test.

Furthermore the 5-year (or 3-year in the Written Ministerial Statement) supply calculation already includes any under-delivery and adds a 20% buffer where under-delivery has been persistent. The Housing Delivery Test therefore 'double counts'

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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under delivery and is arguably unnecessary given that the weighted planning balance (presumption in favour of sustainable development) in NPPF Para 14 applies where the required housing land supply cannot be demonstrated.

## **c) Should it remain a requirement to have site allocations in the plan or should the protection apply as long as housing supply policies will meet their share of local housing need?**

As point a) above the phrase "their share" is vague and open to misinterpretation. Notwithstanding this, in respect of the question, recognising it may not be appropriate for all neighbourhood plans to include site allocations (remote villages or highly constrained areas), the latter would be more appropriate.

## **18. What are your views on the merits of introducing a fee for making a planning appeal? We would welcome views on:**

### **a) How the fee could be designed in such a way that it did not discourage developers, particularly smaller and medium sized firms, from bringing forward legitimate appeals;**

An appropriate fee to cover administrative costs of the Inspectorate would seem fair. A sliding scale of fees based on size of development would be the most appropriate.

### **b) The level of the fee and whether it could be refunded in certain circumstances, such as when an appeal is successful; and**

The level of fee should address the administrative costs of dealing with an appeal based on an assessment of these costs. This element of the fee should be retained whatever the outcome.

### **c) Whether there could be lower fees for less complex cases.**

There could be lower fees for less complex cases if the system was based on the cost to the local planning authority and the Planning Inspectorate in dealing with appeals.

## **19. Do you agree with the proposal to amend national policy so that local planning authorities are expected to have planning policies setting out how high quality digital infrastructure will be delivered in their area, and accessible from a range of providers?**

As with other forms of infrastructure, there is a need for utilities providers to work proactively with local planning authorities to plan for and deliver in a timely fashion the



# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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infrastructure required to support growth. As such, we welcome the reference in paragraph 2.24 to the need for investment in utilities provision to align with local development plans, speeding up timely connections for new homes and non-residential development. LPAs may not have the technical skills/resources to implement the proposal and therefore additional funding may be required to address this point.

## **20. Do you agree with the proposals to amend national policy so that:**

- **The status of endorsed recommendations of the National Infrastructure Commission is made clear?; and**
- **Authorities are expected to identify the additional development opportunities which strategic infrastructure improvements offer for making additional land available for housing?**

The planning and delivery of strategic infrastructure can take many years. Also national infrastructure schemes can cut across many local authority boundaries and housing market areas. To be effective such opportunities need to be identified on a sub-regional basis and often on a longer time-horizon than Local Plans.

## **21. Do you agree that:**

- a) The planning application form should be amended to include a request for the estimated start date and build out rate for proposals for housing?**

While this information would be helpful, the information would have little worth if the developers were not held to account for the information that they provide or if the decision making process were delayed due, for example, to an appeal or an extended period of time required to sign a Section 106 agreement. Many applications are made by companies who specialise in gaining planning permission with the intention of selling the site on to a housebuilder who will then often submit a new planning application to amend the layout and housing numbers and design. In this situation the figures provided on the application would be worthless.

- b) That developers should be required to provide local authorities with basic information (in terms of actual and projected build out) on progress in delivering the permitted number of homes, after planning permission has been granted?**

This would be useful but as with point a) above needs to be backed up with some consequential action for failing to do so.

- c) The basic information (above) should be published as part of Authority Monitoring Reports?**

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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Agree.

## **d) That large housebuilders should be required to provide aggregate information on build out rates?**

It is unclear what the advantage of this proposal is. For monitoring purposes information by land-parcel is critical, not only for planning reasons but also for such things as calculation of tax-base and electoral statistics. Aggregate data at the national level may not adequately reflect local performance which in turn reflects the local housing market.

## **22. Do you agree that the realistic prospect that housing will be built on a site should be taken into account in the determination of planning applications for housing on sites where there is evidence of non-implementation of earlier permissions for housing development?**

The decision on a planning application should remain informed by its conformity with the NPPF, the development plan and any other material considerations. The definition of "realistic prospect" would need to be set out clearly if this approach were to be pursued in order to avoid lengthy legal arguments and planning appeals. Strategic land promoters obtain outline permissions but do not build them out. To demonstrate that there is a 'realistic prospect' that housing will be built on a site, such promoters should ideally have a housebuilder lined up.

## **23. We would welcome views on whether an applicant's track record of delivering previous, similar housing schemes should be taken into account by local authorities when determining planning applications for housing development.**

This is potentially fraught with difficulties and challenges, for example what constitutes as the applicant in past history terms; for example where a development company has been bought by another. There would be nothing to prevent an applicant gaining planning consent and then selling the consent to a developer with a poor track record. In many cases there will be a site specific reason why a scheme has not progressed. As above, some applicants such as strategic land promoters have no track record of delivery as they only obtain permissions to outline stage.

## **24. If this proposal were taken forward, do you agree that the track record of an applicant should only be taken into account when considering proposals for large scale sites, so as not to deter new entrants to the market?**

Notwithstanding the answer to Q23 above, the difficulty of this proposal is that it may mean the site is never brought forward if there aren't sufficient large scale players in the

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# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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market. Additionally, larger scale proposals are more likely to be secured in the form of an outline permission by a strategic land promoter which does not develop sites. In this situation they would have no track record of 'delivery'.

**25. What are your views on whether local authorities should be encouraged to shorten the timescales for developers to implement a permission for housing development from three years to two years, except where a shorter timescale could hinder the viability or deliverability of a scheme? We would particularly welcome views on what such a change would mean for SME developers.**

This could result in a further workload for local planning authorities in assessing and reviewing viability and deliverability exceptions. The requirement, if it is to be introduced, should remain consistent for all. It is unclear what the advantage of the proposal is and it is suggested that further research on the proposal is required.

**26. Do you agree with the proposals to amend legislation to simplify and speed up the process of serving a completion notice by removing the requirement for the Secretary of State to confirm a completion notice before it can take effect?**

The removal of this requirement is welcomed. However, greater use of these powers will only be successful if local planning authorities have the skills and resources to take them forward.

**27. What are your views on whether we should allow local authorities to serve a completion notice on a site before the commencement deadline has lapsed, but only where works have begun? What impact do you think on lenders' willingness to lend to developers?**

The proposal may have some merit in limited circumstances.

**28. Do you agree that for the purposes of introducing a housing delivery test, national guidance should make clear that:**

**a) The baseline for assessing housing delivery should be a local planning authority's annual housing requirement where this is set out in an up-to-date plan?**

Notwithstanding Swindon Borough Council has severe concerns over the introduction of a housing delivery test, the approach to the baseline assessment is agreed.

**b) The baseline where no local plan is in place should be the published household projections until 2018/19, with the new standard methodology for assessing housing requirements providing the baseline thereafter?**

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# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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Agree.

**c) Net annual housing additions should be used to measure housing delivery?**

Agree. This is the accepted approach to the 5-year supply calculation.

**d) Delivery will be assessed over a rolling three year period, starting with 2014/15 - 2016/17?**

A rolling period is the preferred approach. Three years appears to be the most optimum period.

**29. Do you agree that the consequences for under-delivery should be:**

- a) From November 2017, an expectation that local planning authorities prepare an action plan where delivery falls below 95% of the authority's annual housing requirement?**
- b) From November 2017, a 20% buffer on top of the requirement to maintain a five year housing land supply where delivery falls below 85%?**
- c) From November 2018, application of the presumption in favour of sustainable development where delivery falls below 25%;**
- d) From November 2019, application of the presumption in favour of sustainable development where delivery falls below 45%?; and**
- e) From November 2020, application of the presumption in favour of sustainable development where delivery falls below 65%?**

Swindon Borough Council has concerns over the introduction of the delivery test, which appears to be an addition to the 5-year housing land supply target. As written it appears to be a 'punishment' for under-delivery rather than an incentive for positive plan-led development. If introduced, it should be expressly linked to the identification of reserve sites that can be enabled where delivery is not meeting targets. It is suggested that if progressed the test should be delayed for one-year to enable LPAs to incorporate additional sites in their review of Local Plans.

Furthermore the 5-year (or 3-year in the Written Ministerial Statement) supply calculation already includes any under-delivery and adds a 20% buffer where under-delivery has been persistent. The Housing Delivery Test therefore 'double counts' under delivery and is arguably unnecessary given that the weighted planning balance (presumption in favour of sustainable development) in NPPF Para 14 applies where the required housing land supply cannot be demonstrated.

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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## **30. What support would be most helpful to local planning authorities in increasing housing delivery in their areas?**

Swindon Borough Council has recently undertaken an exercise working in trying to understand how housing delivery could be increased locally. Points identified are:

- Support for the Council to bring-forward development on its own land
- Support for SMEs to enter the market
- Examining the way strategic land companies control land-supply
- Support for Local Authority planning departments and other key staff such as highways and drainage
- Infrastructure funding – particularly over the long-term that provides certainty to the private sector to invest and bring sites forward

In particular, Swindon Borough Council has direct experience of the difficulty of the S106 pooling restrictions in the CIL regulations which is likely to imminently slow down delivery on the strategic sites as a consequence of the inability to satisfactorily secure site specific mitigation over the wider development area where there are multiple planning applications coming forward. We therefore request that amendments are made to the CIL regulations to remove the pooling restriction as a matter of urgency to allow the LPA to continue support the granting of outline applications that are a key component of the Council's housing delivery.

## **31. Do you agree with our proposals to:**

### **a) Amend national policy to revise the definition of affordable housing as set out in Box 4?**

It is suggested for clarity that there should be a distinction as to what is defined as affordable housing in general and those "products" which collectively constitute affordable housing. Consideration should be given to aligning the definition of affordable housing to the CIL definition of affordable housing for mandatory Social Housing Relief (not all the proposed typologies are included and most CIL charging authorities are unlikely to switch on CIL Discretionary Social Housing Relief).

### **b) Introduce an income cap for starter homes?**

If Starter Homes are to be a form of affordable housing then an income cap is essential to prevent homes being bought by purchasers who could otherwise buy on the open market. There need to be clear monitoring systems in place to ensure that developers only offer Starter Homes to eligible households.

### **c) Incorporate a definition of affordable private rent housing?**

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).



# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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There is scope to include affordable private rent housing as a form of affordable housing, provided it remains affordable in perpetuity, and it is provided as part of a wider range of affordable housing types and tenures at different price levels to meet locally assessed needs.

If private rent is to assist in meeting housing need, then it needs to be truly affordable. It is also important that, as proposed in the white paper, longer term tenancies are available to enable households to settle and in the interests of sustainable communities.

## **d) Allow for a transitional period that aligns with other proposals in the White Paper (April 2018)?**

This seems appropriate.

### **32. Do you agree that:**

**a) National planning policy should expect local planning authorities to seek a minimum of 10% of all homes on individual sites for affordable home ownership products?**

This proposal is not supported as the percentage of homes on individual sites provided as affordable home ownership should be based on local circumstances and local assessment of need. A blanket threshold may not be appropriate in many areas across the country and LPAs should be able to formulate a policy that acceptably reflects local market conditions without undermining delivery of market housing or other affordable tenures that fall outside of affordable home ownership.

**b) That this policy should only apply to developments of over 10 units or 0.5 ha?**

LPAs should have the flexibility to take into account local circumstances and housing market area characteristics which vary across the country.

### **33. Should any particular types of residential development be excluded from this policy?**

It is suggested some exclusions may be justified such as supported housing with special design features for population with specific needs.

**34. Do you agree with the proposals to amend national policy to make clear that the reference to the three dimensions of sustainable development, together with the core planning principles and policies at paragraph 18-219 of the National**

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

# **Proposed consultation response on technical matters in the Government's Housing White Paper: "Fixing our Broken Housing Market"**

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**Planning Policy Framework, together constitute the Government's view of what sustainable development means for the planning system in England?**

It is considered that the NPPF is sufficiently clear in respect of sustainable development.

**35. Do you agree with the proposals to amend national policy to:**  
**a) Amend the list of climate change factors to be considered during plan-making, to include reference to rising temperatures?**

The Borough Council is supportive of this proposal but requests that sufficient resources are made available to provide technical assistance in this respect.

**b) Make clear that local planning policies should support measures for the future resilience of communities and infrastructure to climate change?**

The Borough Council is supportive of this proposal but requests that sufficient resources are made available to provide technical assistance in this respect.

**36. Do you agree with these proposals to clarify flood risk policy in the National Planning Policy Framework?**

The Borough Council would be supportive of measures to help clarify the national policy approach to flood risk.

**37. Do you agree with the proposal to amend national policy to emphasise that planning policies and decisions should take account of existing businesses when locating new development nearby and, where necessary, to mitigate the impact of noise and other potential nuisances from existing development?**

The Borough Council is supportive of such an amendment. With an increasing pressure to develop existing employment sites to residential, it is important that the remaining businesses are not compromised in their operations by such development.

**38. Do you agree that in incorporating the Written Ministerial Statement on wind energy development into paragraph 98 of the National Planning Policy Framework, no transition period should be included?**

No comment.

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Further information on the subject of this report can be obtained from Phil Smith, 466443, [psmith@swindon.gov.uk](mailto:psmith@swindon.gov.uk).

## Variation to Commonhead S106 Legal Agreement

Planning Committee

11<sup>th</sup> April 2017

**Author:** Head of Planning, Regulatory Services, and Heritage

**Parish / Wards Affected:** Chiseldon / Chiseldon & Lawn

### Purpose

- To seek agreement to enter into a Deed of Variation of the Commonhead S106 Legal Agreement (Planning Reference S/10/0842), which would reduce the affordable housing requirement on the site from 30% to 22% of the total housing units to be delivered, and alter the mechanism for delivery of the Strategic Road Network improvements.

### Recommendation

That the Planning Committee agrees that the Head of Planning, Regulatory Services, and Heritage and the Director of Law & Democratic Services be authorised to enter into a Deed of Variation of the Commonhead S106 Legal Agreement of 23<sup>rd</sup> November 2011 (Planning Reference S/10/0842), which would reduce the affordable housing requirement from 30% to 22% of the total housing units to be delivered on the site.

### 1. Reasons

- 1.1 This item has been brought to Planning Committee by the Head of Planning, Regulatory Services, and Heritage in view of the scale of the proposed changes to the S106 Legal Agreement for the Commonhead development.
- 1.2 The Commonhead development was granted planning permission by the Secretary of State, following a public enquiry (Appeal Decision Ref: APP/U3935/A/11/2155834 in March 2012. The planning permission was subject to a S106 Legal Agreement (dated 23<sup>rd</sup> November 2011).
- 1.3 The Growth and Infrastructure Act introduced a procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. The changes require Councils to renegotiate previously agreed affordable housing levels in S106 Legal Agreements where the applicant can demonstrate that the scheme is not viable. An applicant can appeal if the authority does not modify the planning obligation as requested, or fails to make a determination within a specified time.
- 1.4 Due to rising costs that the developers of the Commonhead Scheme are facing to deliver the upgrades to the strategic highway network, the developers have approached the Council to request a reduction in the affordable housing requirement as they consider that the scale of the s106 packaged entered, is challenging the economic viability of the development.

Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk).

## Variation to Commonhead S106 Legal Agreement

Planning Committee

11<sup>th</sup> April 2017

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### 2 Detail

- 2.1 Outline permission (Ref: S/10/0842) was granted on Appeal (Appeal Decision 19<sup>th</sup> March 2012) for the erection of up to 890 no. residential dwellings, employment (classes B1 & B2), local centre (classes A1-A5), community uses (class D1), primary school, extension to hospital site including provision of land for emergency services, provision of public open space, landscaping, 2 no. vehicular accesses to A4259 (details of eastern access only), site roads and associated infrastructure at Commonhead to the south of Marlborough Road (A4259) and adjoining Great Western Hospital, Swindon.
- 2.2 Reserved Matters approval has been granted for some 769 houses, and as at January 2017 circa 350 of these homes have been occupied.
- 2.3 The Commonhead outline planning permission is subject to a Legal Agreement (dated 23<sup>rd</sup> November 2011). The following Schedules of the Legal Agreement are relevant:
- Schedule 3 requires that “30% of the housing units that are constructed on the development land shall be affordable housing...”
  - Schedule 7 requires improvements to be made to the strategic road network. These improvements are chiefly associated with delivering an upgrade of Junction 15 of the M4.
- 2.4 The applicant has submitted an appraisal of the financial viability of the Commonhead scheme and has requested that the Local Planning Authority considers a reduced package of infrastructure contributions as the site cannot sustain the level of contributions set out in the S106 Legal Agreement.
- Schedule 3: Affordable Housing
- 2.5 The focus for the reduced package of infrastructure contributions proposed is the reduction of the affordable housing requirement from 30% to 22% of the housing units.
- 2.6 To support this request, the applicant has submitted an appraisal of the financial viability of the scheme.
- 2.7 In accordance with adopted policy, the Council has sought an independent assessment of the applicant’s appraisal. The independent assessment concurs with the conclusions reached in the applicant’s appraisal.
- 2.8 The independent assessor has recommended that the Council agrees to the reduction of the affordable housing requirements to 22%.

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Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk).

## Variation to Commonhead S106 Legal Agreement

Planning Committee

11<sup>th</sup> April 2017

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### Schedule 7: Strategic Road Network improvements

- 2.9 A Deed of Variation of the Commonhead Legal Agreement also provides an opportunity to update Schedule 7 Strategic Road Network Work improvement requirements.
- 2.10 Since the Legal Agreement was signed on the 23rd November 2011 there has been a shift from the envisaged delivery of the strategic highway improvements by the developer towards delivery by Highways England (Note: there is the potential that Highways England will provide match funding contributions).
- 2.11 It is recommended that any Deed of Variation amends the Legal Agreement to reflect this shift from delivery of the strategic highway improvements by the developer towards delivery by Highways England.

### Conclusion

- 2.12 Viability is a material planning consideration, which needs to be taken into account in determining any application. This is reinforced in the NPPF, which states that where obligations are being sought that, *LPA's should take account of changes in market conditions over time and wherever appropriate, be sufficiently flexible to prevent planned development being stalled.* [Para 205]
- 2.13 The applicant's viability appraisal has been subject to a robust independent assessment. Your officers would recommend that the conclusions of the independent assessment are accepted and a Deed of Variation entered into on this basis.
- 2.14 It is noted that the wider s106 package contained within the November 2011 Legal Agreement is proposed to be maintained unaltered.

## **4 Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 4.1 The proposed reduction in affordable housing delivered through the scheme is substantial, and represents a significant loss to potential affordable housing delivery in the Borough, equating in a reduction from 267 affordable housing units to 191 affordable housing units (a reduction of 71 units).
- 4.2 The proposed updates to Schedule 7 would reduce the risks for the Council in relation to the delivery of the upgrade of Junction 15.

### Legal and Human Rights Implications

- 4.3 Under the Planning Act s106 (A) a person bound by the obligation can seek to have the obligation modified or discharged after five years.

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Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk).



## Variation to Commonhead S106 Legal Agreement

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- 4.4 The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 set out the procedure for making an application to amend planning obligations.
- 4.5 The Growth and Infrastructure Act (clause 7) inserts new clauses into s106 of the 1990 Town and Country Planning Act that introduces a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. The changes require a Council to assess the viability arguments, to renegotiate previously agreed affordable housing levels in a S106, and change the affordable housing requirement or face an appeal.

### Risk Management

- 4.6 An appeal can be made if the authority does not modify the planning obligation as requested, or fails to make a determination within a specified time.
- 4.7 The application and appeal procedure will assess the viability of affordable housing requirements only. It will not reopen any other planning policy considerations or review the merits of the permitted scheme.
- 4.8 Failure to secure monies through the Commonhead development may put at risk the Highways England monies that the Council are seeking to secure through the Growth & Housing Fund to help deliver the upgrade to Junction 15 of the M4.

### **Consultees**

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.
- Head of Housing and Community Safety

### **Background Paper**

Commonhead S106 Legal Agreement (dated 23<sup>rd</sup> November 2011)

### **Appendices**

None

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Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email [ddewart@swindon.gov.uk](mailto:ddewart@swindon.gov.uk).

**Protocol for Dealing with Planning and Related Applications  
And  
Local Planning and Related Application Validation lists**

**Planning Committee**

**11<sup>th</sup> April 2017**

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Author: Head of Planning, Regulatory Services and Heritage

Wards: All Wards

Locality Affected: All Locality areas

Parishes: All Parishes and Town Councils

**Purpose and Reasons**

**1. Purpose and Reasons**

- 1.1 To seek the Planning Committee's approval of the protocol for the dealing with planning and related applications
- 1.2 A review of the protocol took place in January 2016 when the committee considered and agreed an updated and consolidation of the protocol be carried out and set out in a single accessible document. Members are requested to re-affirm the protocol together with some changes
- 1.3 This update will not affect how Parish / Town Councils and statutory consultees are consulted.
- 1.4 It is considered that procedures should be up to-date and ideally agreed on a regular basis to reflect the current practice and the increased use of IT.
- 1.5 This report will set out current practice and where relevant or appropriate recommends improvements / amendments.
- 1.6 In addition, members are asked to re-affirm the local application validation list. This sets out the information requirements that the Local planning authority consider necessary, at the outset to enable an application to be properly assessed. This was last agreed in 2014 and should be reviewed regularly, to ensure it is proportionate and does not put onerous demands on an applicant whilst ensuring sufficient details are provided to enable applications to be adequately assessed.

**2 Recommendations**

The Planning Committee is recommended to:

- 2.1 Note that the majority of comments are received electronically and agree to discontinue notification (other than by electronic means) to those persons who have made representations of the decision as this will be available via the

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Further information on the subject of this report can be obtained from *Andy Brown* on 466286 or Email [andybrown@swindon.gov.uk](mailto:andybrown@swindon.gov.uk).

# **Protocol for Dealing with Planning and Related Applications And Local Planning and Related Application Validation lists**

**Planning Committee**

**11<sup>th</sup> April 2017**

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- planning pages of the Councils web site. (Paragraph 6.2 of the report refers). 2.2 Approve the procedures set out in Appendix 2 to this report for the purpose of consultation on planning and related applications (“consultation protocol”)
- 2.3 Agree that the application call in period for members be changed to 21 days and that the Councils Scheme of Delegation be amended to reflect this.
- 2.4 Agree that the consultation protocol be circulated to all Borough Councillors and Parish and Town Councils for information.
- 2.5 Agree the Local Application Validation Lists and authorise the Head of Planning, Regulatory Services and Heritage to republish them the council’s web site.
- 2.6 Agree that the Council’s Statement of Community Involvement in Planning be amended at the next review to reflect these changes
- 2.7 Agree the Protocol and authorise the Head of Planning, Regulatory Services and Heritage to publish the protocol in the planning pages of the Councils Web site.
- 2.8 Authorise the Head of Planning, Regulatory Services and Heritage to make any minor or typographical changes as may be necessary.
- 3.0 **Detail**
- The legal position
- 3.1 The requirements for publicising planning applications are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Planning Authority is required to publicise a planning or related application once it has been validated.
- 3.2 In accord with legislation in most cases, a 21 day period is given in which responses must be made. The application details are published online and are accessed via the planning pages of the council’s web site. Once the consultation period has ended, the web site reflects this, and comments are no longer able to be submitted on-line.
- 3.4 There are also statutory publicity requirements for certain categories of development, which include the posting of site notices and publishing details in the public notices section of a newspaper, for example, proposals affecting a listed building and conservation area and major development.

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Further information on the subject of this report can be obtained from *Andy Brown* on 466286 or Email [andybrown@swindon.gov.uk](mailto:andybrown@swindon.gov.uk).

# **Protocol for Dealing with Planning and Related Applications And Local Planning and Related Application Validation lists**

**Planning Committee**

**11<sup>th</sup> April 2017**

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## Consultation with neighbours

- 3.5 The legislation sets out that in addition to certain statutory consultees, adjoining properties must also be made aware and given an opportunity to comment on planning applications. Swindon Borough Council has chosen to do so by notifying the neighbouring properties, i.e. those premises that adjoin the application site. This is done by writing to the properties concerned, informing them of the proposal and providing details of where the details can be inspected and the date by which any comments must be made. All post is sent out via 2<sup>nd</sup> class mail except in exceptional circumstances where first class mail may be used.
- 3.6 This system has generally worked well and has advantages over the alternative of posting of a single notice at or near the property, which affected neighbours may not read.
- 3.7 A period of 21 days is given in which responses must be made. The application details are published online and are accessed via the planning pages of the council's web site. As explained above, when the consultation period has ended, the web site reflects this, and comments are no longer able to be submitted on-line.

## General Consultation Principles

- 3.8 Notifications are sent to neighbouring occupiers whose properties adjoin an application site, whether or not they are residential neighbours.
- 3.9 In the case of a side extension to a house, those properties situated either side and to the front and rear will be notified. In the case of a rear house extension, only those to the side and rear will be notified. Similar principles will apply to a front only extension. Some developments that may have wider / off site impacts may be subject to broader consultation, including the use of site notices.
- 3.10 The position in respect of applications where revised details / plans are received is set out and discussed in more detail below
- 3.11 In short, a revised notification exercise will not take place in each and every situation as the revised impact will need to be judged. If deemed appropriate to do so, notification takes the form of a card as with the original consultation exercise, albeit with a lesser timescale of 14 days allowed for responses.

## Use of IT / electronic media

- 3.12 The Government encourages the use of electronic media and the legislation reflects this by allowing consultation to take place in this format. The department

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takes advantage of IT and notifies most statutory and internal consultees by email. Similarly Parish and Town Councils are notified in this way.

- 3.13 Applicants are encouraged to submit their applications and documents / drawings electronically via the Planning Portal. Swindon currently receives over 50% of its applications in this way.
- 3.14 When an application is made electronically the planning authority may correspond with the applicant in this manner.
- 3.15 The majority of comments received on an application are made electronically, most via the Public Access System where the application details are viewed through the Councils web pages.
- 3.16 Later in this report members will note that correspondence takes place with applicants, agents, developers and objectors / supporters. This will include informing them if the proposal is to be considered by the committee and providing details of the meeting. This may be by electronic means where the contact with the local planning authority is made in this way.. This will enable information to be disseminated much quicker, and will help the council reduce printing / postage costs.

## Consultation with Swindon Borough Councillors

- 3.17 Members are made aware of applications through the weekly list of applications that appears in the Members bulletin, published each week and either emailed or posted to every Councillor. This has been the case for many years, having been agreed by the planning committee as part of the Planning Charter for Development Control. Where members request the weekly list as a standalone document, separate to the Bulletin, it is either emailed or posted to them as they may prefer upon request.
- 3.18 This procedure is also echoed and set out in the Statement of Community Involvement 2013 adopted and agreed by the Council following widespread statutory publicity and consultation.
- 3.19 Councillors will already be aware that from time to time they are formally informed of new applications by written notification similar to that sent to neighbours. Although there is no requirement to do this, it does occur where the case officer is of the view that that a proposal may be locally controversial or is a type of development that Ward Members have expressed an interest in and therefore special attention should be drawn to it.

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- 3.20 This is not a fool proof method as it is unlikely that officers and members will be able to always predict what might happen in respect of any particular application which on the face of it may seem like an innocuous application.
- 3.21 Ward Councillors are only notified where re-consultation takes place following amendments to an application. This is because the amendments would not appear in the weekly list, which only report applications received and determined.
- 3.22 The Planning Department is reviewing its 'back office' processes in conjunction with the 'Uniform' IT system. This has enabled the written notifications to members to be undertaken electronically (by email). At present this will not replace the publicity in the Members bulletin but where contact is made electronically has the advantage of making members aware at an early stage and before the local residents / neighbours receive their notification. The committee is requested to endorse this method of communication. It is acknowledged that some members may express a wish to continue to receive communication in writing.
- 3.23 Planning applications are published online via the Public access pages of the council's website. It is useful to remind Members that they can visit the relevant pages and register to receive daily notification of applications and decisions within their Ward or indeed any other area of the Borough they may have an interest in. Officers can provide assistance if required.
- 3.24 Improvements to process have in some cases enabled delegated planning decisions to be made more efficiently and promptly as soon as the 21 day consultation period has expired. However, this would be at odds with the adopted scheme of delegation which allows members to request that an application be 'called in' to planning committee if the request is made within 28 days of validation. The committee is asked to consider whether the 28 day period should be reduced to 21 days to align with the formal consultation / notification period.
- 3.25 It is up to the members of the planning committee to decide whether they want to change the current process of notifying and consulting members. However, it is the officers' view that the current system should remain, given the information set out in paragraphs 3.23 and 3.24 above.

## Consultation with Parish and Town Councils

- 3.26 The process of notifying Parish and Town Councils follows closely that for notifying neighbours, described earlier in this report. They are notified of applications within their area and are given 21 days to respond and 14 days when notified of revised plans.

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- 3.27 The procedure is also contained in the Swindon Borough Parish and Town Council Charter 2015, agreed by the Parish and Town Councils, and the Swindon Area Committee of the Wiltshire Association of Local Councils in January 2015.
- 3.28 The Charter also confirms the ability of Parish and Town councils to request that applications be determined by the planning committee rather than by officers under delegated powers. This echoes the relevant clause in the Councils scheme of delegation **but does require reasons to be given for the request as to why a particular application is considered to raise significant planning issues or is locally controversial.**
- 3.29 Parish and Town Councils are consulted using electronic media as described in above.

## Consultation following receipt of revised details / amended plans

- 3.30 A proportion of the applications dealt with are subject to revisions. The legislation does not require any further consultation to be carried out in such cases. However, along with most other local planning authorities, this council does so and this is generally regarded as good practice.
- 3.31 A revised notification exercise will not take place in each and every situation as the revised impact will need to be judged. If deemed appropriate to do so, notification is made in writing as with the original consultation exercise albeit with a lesser timescale of 14 days is allowed for responses.
- 3.32 Officers recognise and acknowledge the importance of notifying neighbours, which is to enable those affected to be aware of and to be able comment on a scheme. In each case a judgement has to be made whether further consultation is necessary and if so whether it should be a 'wholesale' exercise or be proportionate to the impact of the revisions.
- 3.33 The following are examples where revisions would not normally lead to a further round of consultation being carried out:
- The revisions mitigate, address or overcome objections.
  - The revisions reduce the scale or impact of a scheme to which no comments have been received.
  - The revisions amend part of a scheme where no additional impact arises and upon which no concerns have been raised,

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- 3.34 When it is deemed appropriate that a revised consultation exercise takes place, the notifications will be limited to.
- Those properties that lie adjacent to the location of the amended proposals.
  - Those properties directly affected by the location of the amended proposals.
  - Those who have written in already and expressed concerns at the matters being amended – unless their stated concerns have been addressed
- Consultation on applications for the approval of reserved matters following grant of Outline permission
- 3.35 It is not unusual for applications that have attracted a large amount of objections at the outline stage sees dramatically reduced comment once the principle of developing a site has been established.
- 3.36 The objections will normally relate to the impacts of the principle of development and the associated highway implications. In such cases, where the application is granted – either by the local planning authority or on appeal -, the principle and scale of development together with the location and impact of the access will normally have been considered to be acceptable in planning terms and approved. Further objections to those agreed aspects at the reserved matters stage cannot be considered.
- 3.37 For applications that follow the grant of outline permission the department will continue to notify only those immediately affected by the details of the reserved matters (in most cases they will be housing developments), rather than those further afield who whilst not agreeing with a development, will not be directly affected by the details – (e.g. layout and house types).
- 3.38 . Reserved matters applications can be for a significant number of houses and this council considers it important that proposals must be adequately publicised and where an application meets the definition of ‘major’ development (e.g. 10 houses or more) details are published in the local newspaper and notice is displayed on the site. This is in addition to notifying affected ‘neighbours’.
- 3.39 Similar principles would be applied to applications for full planning permission where the principle of the development has been established by the grant of planning permission and a revised application proposes changes to the previous scheme – e.g. changes to a housing development to alter the layout / house types.

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## Larger sites

- 3.40 The neighbour notification procedure described above requires all those properties adjoining the application site to be notified of the proposal. There are instances a more proportionate approach taken. For example there might be a proposal for a bike shelter within a large commercial complex or a school campus, where the application site might include the whole grounds. To avoid unnecessarily consulting a number of neighbours who may a significant distance away and will not be affected by the proposal a judgement will be made to ensure a proportionate consultation exercise is undertaken so that only those properties likely to be affected will be notified. Of course, a site visit might suggest otherwise and additional / wider consultation may be required.

## Certificates of Lawfulness

- 3.41 These types of application allow an applicant to seek a formal decision to establish whether or not permission is required for a development he proposes to carry out or whether a development that has been carried out is lawful either by the passage of time or because planning permission was not required.
- 3.42 There is no formal requirement for a local planning authority to undertake any consultation upon receipt of either of these types of application. This is because they must be considered on the basis of fact rather than on the merit or desirability of the development. In clear cut cases, no neighbour consultation would be expected to be undertaken. However, there may be instances where the local planning authority may find it helpful to seek corroboration of the facts and evidence. In such cases there is nothing to preclude the local planning authority from seeking the views of local residents or any other interested parties to assist its deliberations.

## Telecommunications

- 3.43 Applications whether seeking planning permission or prior approval for Masts and paraphernalia associated with telecommunications including those by mobile phone and broadband operators can be controversial. Acknowledging this, all properties, including schools, within a 100m Radius of the site will be notified when applications are received.

## **4.0 Reporting comments received.**

- 4.1 All comments / representations received are assessed and taken into account in the determination of applications. These are set out by the officer in the application report and commented upon / addressed as appropriate in reaching the recommendation / decision.

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- 4.2 All persons making representations in respect of applications that are to be determined by the planning committee will also receive notification informing them of the meeting details to enable them to be present at or speak to the committee.
- 4.3 There are instances where objectors / supporters of a scheme produce a standard letter / email that is copied by many individuals and submitted in opposition or support a development. As members will be aware, it is the nature of the representation that is material not the number of times the same comment is made. Nevertheless, each letter is logged as an individual comment and if applicable each person will be notified of the date the planning committee meeting at which the application will be considered at.

## Petitions

- 4.4 The local planning authority will continue to treat petitions that relate to a planning application as a single representation. When received, the petition will be logged as a comment from a single individual and this will be attributed to the author of any accompanying note or in the absence of any details identifying the originator of the petition, it will be attributed to the top signature on the first or top page. This protocol is confirmed and explained in the planning pages of the councils web site

## **5.0 Determining applications**

- 5.1 Applications are determined either by the planning committee or by Officers authorised under the Council's Scheme of Delegation This is re-affirmed by Council each year as part of the constitution. The scheme as it applies to Parish Councils is referred to above but it useful to set out details.
- 5.2 An application will be determined under delegated powers unless
- a) The Head of Planning, Regulatory Services and Heritage determined that it should be determined by the planning committee;
  - b) A member has requested in writing within 28 days of the date of validation that the application be considered by the planning committee; (see para 3.24 above)
  - c) A parish Council requests within 21 days of notification the planning committee considers the application because it raises significant planning issues or is locally controversial.

## Late representations

- 5.3 Applications dealt with by the Planning Committee

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- 5.4 Representations received after the publication the agenda and up to the start of the meeting will not normally be circulated. The committee will be informed that additional representations have been received but the detail will only be reported where they raise new points or significantly add to those reported in the committee papers. If the comments are received very late, members may be advised that there has been insufficient time to assess or consider the information.
- 5.5 With regard to request for material to be circulated at the meeting, the Members Planning Code of Good Practice advocates against allowing documents to be circulated at Committee Meetings which have not previously been submitted to the Committee as all parties may not have had time to react to the submissions and officers may not be able to provide considered advice on the material. Case law - R (Joicey) v. Northumberland County Council [2015] indicates that the Court is likely to quash a decision where new materials have not been made available to the public at least five clear days before the relevant meeting, in breach of section 100D of the Local Government Act 1972. The objectors were said to have not had adequate time to prepare and respond in that case.
- 5.6 Applications dealt with under delegated powers.
- 5.7 Representations received after the close of the formal consultation period will be considered, provided that the case officer is aware of them before the relevant application report has been written. Representations received after this time will be taken into account by the Officer determining the application provided that he/she is aware of their existence prior to the application being decided. Decided in this case means that the decision has been authorised (signed off)

## Non Material and Minor Material amendments

- 5.8 Recent changes introduced flexibility into the planning regime to allow applicants to amend their schemes in a less onerous way than by making a planning application. The options available include applications for a non-material amendment and a minor material amendment, the procedure is different for each approach.
- 5.9 There can be no hard or fast approach to which method is used as each case will depend upon the particular circumstances. Similarly, the appropriateness of the extent of any consultation will have to be considered on a case by case basis, having regard to the principles in section 2 above

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## Site visits by the Planning Committee

- 5.10 The committee has previously resolved to abandon the practice of deferring applications for a site visit. This is due the extensive detailed application information available, both in the agenda papers and by the display of application material, photographs at the meeting. Should any interested party request a site visit, they will be advised of this resolution.
- 5.11 Individual members of the committee can, prior to a meeting, visit the site under their own volition with or without the appropriate Planning Officer if they consider it necessary.

## Conditions on planning permissions

- 5.12 Most planning permissions are subject to conditions which are discharged by Planning Officers. This takes place without any further round of consultation as the legislation make no provision or requirement for this to take place. The courts have endorsed this view. Occasionally, there will be exceptional circumstances where members may wish to be made aware of such details and may for example request that Officers discharge a condition in conjunction and the agreement the Ward Councillors. Similarly the discharge of some conditions may require that technical or specialist input is sought.

## Appeals

- 5.13 When an appeal is received, the relevant regulations require that all persons who were notified of and who commented upon the related application be informed that an appeal has been lodged. Whilst it is the local planning authority who must notify the interested persons, any comments they wish to make must be sent to the planning inspectorate who administer the process. The exception is in respect of 'householder' appeals where there is no further opportunity to comment.

## Permitted Development / Prior approvals

- 5.14 Informal requests for a decision on whether a proposal constitutes permitted development is no longer given. Such requests can be made via an application for a certificate of lawfulness. However, as members will be aware the scope of permitted development rights have recently been extended.
- 5.15 The relaxation has in many instances introduced a formal but limited consultation requirement, default approval where no representations have been made and also sets out the limited extent of matters that can be taken into account. For example, where larger 6m and 8m long house extensions are proposed, only the

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immediate neighbours are notified and if they do not object within 21 days, permission is deemed to have been granted. Members and Parish Councils are unable to have any part in this process and are not notified.. The local planning authority is required to determine such applications so as to comply with and be in accord with the relevant regulations.

## Local Development Orders

- 5.16 The Committee has approved a number of Local development orders in the last 5 years, including those covering house extensions, development at employment locations, Low carbon energy and an area based order for Victoria Road. Each of those orders will specify the publicity that will be necessary. This will be less than for formal applications as a wide consultation exercise took place in the formulation of each order

## **6.0 Other Matters**

- 6.1 From time to time the department is contacted by persons who have requested (insisted) that they be formally notified of an application of which they have knowledge of by being sent a card. They are of course already aware of the application, which is the rationale for notifying, but have not been formally consulted. This is most likely because they live a little further away from a site than would trigger a notification. In such cases it is not appropriate to agree to their request as they clearly know about the development and are not prejudiced or precluded from commenting. This would extend the consultation period for a further 21 days which may not be desirable or reasonable. Criticism could also be levelled at the council for not informing others in a similar position. Such interested persons will be advised to comment on the application as this would trigger and ensure further notifications about the application will be sent to them as it progresses.

## Notification of the decision

- 6.2 Parish and Town councils are required to be notified of decisions on planning applications and are duly informed. As the status of an application is available on the councils web site, those persons / groups who comment on applications are no longer notified of the outcome in writing.

## Privacy statement / How personal information will be used

- 6.3 The Planning department receives a significant amount of correspondence on applications, much of which is required to be made available and published so that it can be viewed on-line. There is a requirement to ensure that sensitive

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information is not made available electronically, including contact details and signatures. Such details are redacted.

- 6.4 A privacy statement is published to ensure that those persons who make comments will know what will happen to the information they give us. The current wording along with other useful information that is also provided in this section is attached at appendix 1 to this report.

## Pre application consultation

- 6.5 The council encourages all applicants, developers and landowners to discuss their proposals with Borough Councillors (Ward Members) and the local community before submitting planning applications. However, the legislation as currently drafted does not make this mandatory. There may be instances where a developer wishes to carry out pre – application discussions about a potential scheme with the local planning authority that they do not want to be made public, even when these discussions include selected Statutory Consultations. The local planning authority will have to comply with such a confidentiality request, albeit the developer will be urged to share his scheme with the community at the earliest opportunity
- 7.0 Local Validation List.
- 7.1 Local planning authorities are able to adopt local lists of validation criteria that allows additional information to be request at the validation stage, that are in excess of the minimum national requirements. Examples of a local requirement might include a tree survey, drainage details, Heritage Impact Assessment. These are requires in order to assist the LPA to fully understand the implications of the development and enable development to be assessed against the requirements of the NPPF, the development plan – Swindon Borough Local plan 2026 (2016), adopted local policy and other published guidance including supplementary planning documents.
- 7.2 Regulations within the Town and Country Planning (Development Management Procedure) (England) Order 2015, echoed by the Planning Practice Guidance requires that local planning authorities review their local lists every two years. The last full review was undertaken in 2014 when the local list was considered against the advice contained in the (PPG)
- 7.3 There are over 20 Local Validation lists for planning and related applications that relate to the number of different categories of application. Each contains a different set of criteria relevant to the type of application as a one size fits all approach is not appropriate or reasonable. These are:

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Advertisement Consent  
Discharge Conditions  
Full Planning and Advert Consent  
Full Planning and Listed Building Consent  
Full Planning  
Hedgerow Removal Notice  
Householder and Listed Building Consent  
Householder  
Listed Building Consent  
Lawful Development Certificate Existing  
Lawful Development Certificate Proposed  
Non Material amendment  
Outline all matters reserved  
Outline some matters reserved  
Prior Notification - Agricultural or Forestry Building  
Prior Notification - Agricultural or Forestry Excavation  
Prior Notification - Agricultural or Forestry Fish Tank  
Prior Notification - Agricultural or Forestry Road  
Prior Notification – Demolition  
Prior Notification – Telecommunications  
Removal or variation of condition  
Reserved Matters  
Works to Trees  
Wichelstowe Validation checklist  
Tadpole Garden Village Validation Checklist  
Commonhead Validation Checklist

7.4 The documents listed above are set out in appendix 3 attached to this report.

7.5 Officers have reviewed the local lists and are of the view that the requirements remain pertinent and proportionate and accord with the advice in the PPG and are of the view that no changes are necessary at this time. Accordingly the committee is requested to agree to re-adopt the local lists and that this be published on the council's website.

## **8.0 Conclusion**

8.1 Whilst this protocol will cover most situations and applications, there will always be the occasional proposal that will require special treatment or wider publicity. In such cases the local planning authority will continue to adopt a cautious approach of undertaking more, rather than less publicity.

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## **9.0 Alternative Options**

- 9.1 The Planning Committee may not agree to adopt some or all of the protocol, but the Local Planning Authority will have to continue to publicise applications in a manner that at least meets the statutory requirements
- 9.2 The above report properly stresses the importance of ensuring that an adequate and appropriate level of consultation takes place to continue to ensure that those persons affected by development are aware of the proposals. Members are also invited to express support for the increased use of digital media in publicising applications and related matters and to support investment in improvements to the planning pages of the councils' web site.

## **10 Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 10.1 There will be no impact upon fee income, however previously identified savings on printing, paper and postage will continue. In addition, by directing consultation to those directly affected by and interested in a development, consultations will be timelier and less resource hungry, so that the focus can be directed to the increased workload, enabling the local planning authority can continue to meet its statutory targets.

### Legal and Human Rights Implications

- 10.2 Legal and human rights implications have been taken into account in preparing this report.

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

- 10.3 It is envisaged that the protocol would enable staff to exercise judgement from the largely administrative process of determining applications to enable resources to be focussed on dealing with those proposals that are likely to require a greater level of input. The protocol should help efficient and appropriately targeted consultation to those affected.
- 10.4 Links to One Swindon, Strategic Objectives, Plans and Policies  
This report supports the achievement of One Swindon outcomes: with respect to deregulation, facilitating local decision-making and helping to deliver economic growth. As such the proposal is fully aligned to our Corporate Objective around securing good economic growth.

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## **Diversity Impact Assessment**

10.5.1 This report also updates the protocols last agreed in November 2014 and sets out in more detail how proportionate consultation (engagement) will take place. A Diversity Impact Assessment (DIA) has previously been completed in respect of the Statement of Community Involvement June 2013. We do not believe that the implementation of this proposal will create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief. A copy of the DIA is available from the report author on request.

## **Risk Management**

10.6 Risk Assessment has been previously been undertaken in respect of consultation with individuals and the local community under the Statement of Community involvement June 2013. The procedures set out above reflect the statutory duties the Local planning authority must comply with.

## **Consultees**

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

## **Background Papers**

- Town and Country Planning (Development Management Procedure) (England) Order 2015.
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Statement of Community Involvement in Planning ( 2013)
- Parish Borough Planning Charter 2015
- Scheme of Delegation 2016
- The Councils Adopted Consultation policy 2014 – 2017 (2014)
- Members Planning Code of Good Practice

## **10 Appendices**

Appendix 1 – Privacy Policy (*Copies have been circulated to Planning Committee members. Copies can be inspected on the Council website and are available from Committee and member services on request*)

Appendix 2 – Protocol for Dealing with Planning and Related Applications (*Copies have been circulated to Planning Committee members. Copies can be inspected on the Council website and are available from Committee and member services on request*)

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Appendix 3 – Local Planning Application Validation lists. *(Copies have been circulated to Planning Committee members. Copies can be inspected on the Council website and are available from Committee and member services on request)*