

# Swindon Borough Council

## Planning Committee

**Tuesday, 12 June 2018**

Council Chamber, Civic Offices

At 6.00 p.m.

### **Conservative Councillors**

*Timothy Swinyard  
(Chair)  
Toby Elliott  
Alan Bishop  
Malcolm Davies  
Nick Martin  
Brian Mattock  
Vera Tomlinson*

### **Labour Councillors**

*John Ballman  
Steph Exell  
Jane Milner-Barry  
James Robbins  
Peter Watts*

### **Liberal Democrat Councillors**

*Stan Pajak*

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

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

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## **AGENDA**

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

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

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

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

To receive the minutes of the meeting held on 10<sup>th</sup> April 2018

### **4. Public Question Time**

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

### **5. Determination of Planning and Related Applications (Pages 4 - 6)**

### **6. S/17/1771/SASM Erection of class A1 foodstore and associated access, parking and landscaping Land North Of Blackworth Industrial Estate, Highworth, Swindon (Pages 7 - 33)**

7. **S/OUT/17/1772/SASM Outline application for the erection of class B1, B2 and B8 employment uses plus new vehicular and pedestrian access - Access not reserved Land North Of Blackworth Industrial Estate, Highworth, Swindon** (Pages 34 - 46)
8. **S/18/0647/HC Change of use from shop (Use class A1) and 5no. residential flats (Use class C3) to (House In Multiple Occupation) for 11no. residents and associated works 57 Eastcott Road, Old Town, Swindon** (Pages 47 - 60)
9. **S/HOU/18/0443/FELY Erection of a detached garage Whichway Cottage , 11 Badbury Lane, Badbury** (Pages 61 - 68)

**Date of Despatch:** 04 June 2018

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

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

(<http://www5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

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

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

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

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

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

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

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

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

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

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

**PLANNING COMMITTEE**

**TUESDAY, 10 APRIL 2018**

PRESENT: - Councillors Kevin Parry (Chair), John Ballman, Alan Bishop, Malcolm Davies, Steph Exell, Nick Martin, Derique Montaut, Stan Pajak, James Robbins, Eric Shaw, Gary Sumner and Timothy Swinyard.

An apology for absence was received from Councillor Peter Watts.

**39. 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.

**40. Minutes**

Resolved – That the minutes of the meeting held on 13<sup>th</sup> March 2018, be confirmed and signed.

**41. Public Question Time**

There were no public questions

**42. Determination of Planning and Related Applications**

The Committee considered: -

- (a) Applications for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The comments of Councillor Dale Heenan in respect of application numbered S/OUT/16/21
- (e) The comments of Councillors Fionuala Foley and Jane Milner-Barry in respect of applications numbered S/17/1956, S/17/1948 and S/17/1961

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
S/OUT/16/21	Patrick Downes Colin Offer John Day Ramon Woolfe	Agent Wanborough Parish Council Kite Hill Wanborough Drip media
S/17/1956, S/17/1948 and S/17/1961	Glen Godwin Barrie Thompson	Agent South Swindon Parish Council

Resolved – (1) That in respect of application numbered S/OUT/16/21 (a) that the Head of Planning, Regulatory Services and Heritage be authorised to grant outline planning permission in respect of application numbered S/OUT/16/21, subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 8.156 to 8.186 of the report), in accord with CIL 122 Regulations, in consultation with the Chair of Planning Committee, relevant Cabinet Member and Ward Councillor(s);
  - (b) The planning conditions set out in the report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary;
  - (c) The submission of a satisfactory Ecology Survey Update (as set out in paragraph 8.106); and
  - (d) A review of highway intervention measures following appropriate monitoring if expected trip rates are exceeded, potentially including the imposition of a 'no-left turn' from the site towards Wanborough; and
- (b) that the Head of Planning, Regulatory Services and Heritage should agree a strategy for off-site drainage across the New Eastern Villages in consultation with the Chair of Planning Committee, relevant Cabinet Member and Ward Councillor(s).

(2) That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/17/1956 subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision as set out in the report; and,
- (b) The planning conditions set out in this report, with delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal permission as may be necessary including a suitably worded condition to ensure details of noise mitigation in the community room and surrounding flats are implemented.

(3) That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/17/1948 subject:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision as set out in the report and to require a proportional developer contribution for the improvement scheme identified for the M4 Junction 15 and A419 Commonhead Roundabout Corridor; and,
- (b) The planning conditions set out in this report, with the deletion of condition 13, and delegated authority to make reasonable amendments, additions or omissions to those conditions as may be necessary.

(4) That the Head of Planning, Regulatory Services and Heritage be authorised to grant permission in respect of application numbered S/17/1961 subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision as set out in the report and to require a proportional developer contribution for the improvement scheme identified for the M4 Junction 15 and A419 Commonhead Roundabout Corridor; and,
- (b) The planning conditions set out in the report, with the deletion of condition 11, and delegated authority to make reasonable amendments, additions or

omissions to those conditions before issuing formal permission as may be necessary.

## Determination of Planning and related Applications

**Planning Committee**

**Date: 12<sup>th</sup> June 2018**

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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.

### **5. Appendices**

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

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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: 12<sup>th</sup> June 2018**

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



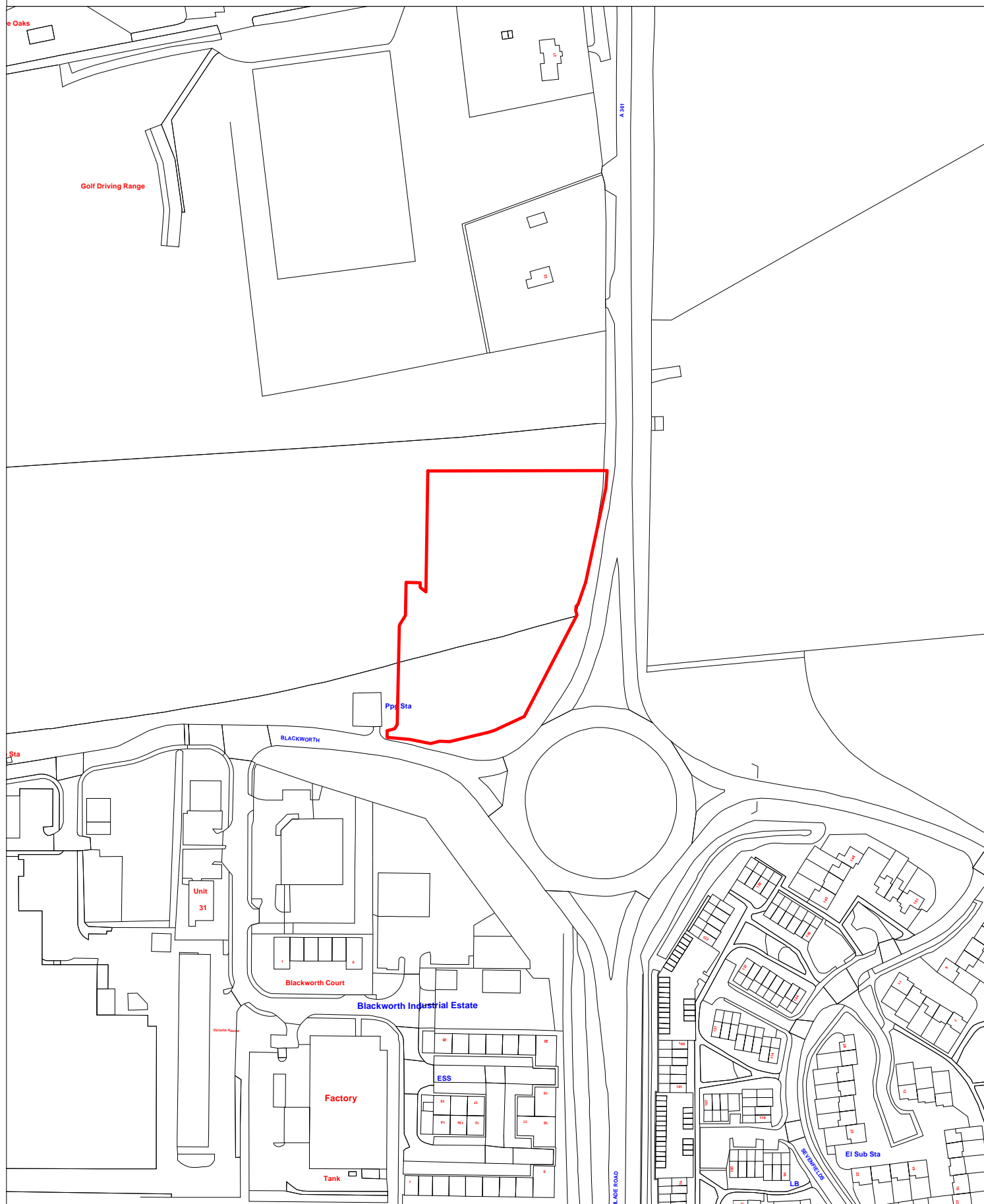
## **APPENDIX 1**

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

1. The approved Development Plan, consisting of
  - Swindon Borough Local Plan 2026, (2015), and the Swindon Borough Local Plan 2026 Policies Map (2015)
  - Wiltshire and Swindon Minerals Core Strategy, (2009)
  - Wiltshire and Swindon Minerals Development Control Policies DPD (2009)
  - Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan, (2013)
  - Wiltshire and Swindon Waste Core Strategy, (2009)
  - Wiltshire and Swindon Waste Development Control Policies DPD, (2009)
  - Wiltshire and Swindon Waste Site Allocations Local Plan, (2013)
  - Swindon Central Area Action Plan, (2009)
  - Wroughton Neighbourhood Plan (2016): for applications in Wroughton Parish
  - Highworth Neighbourhood Plan (2017): for applications in Highworth Parish
  - South Marston Neighbourhood Plan 2017
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 access, parking and landscaping.

Land North Of Blackworth Industrial Estate Highworth Swindon



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

Erection of class A1 foodstore and associated access, parking and landscaping.

Land North Of Blackworth Industrial Estate Highworth Swindon



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





Red shade denotes position  
of new access road



0 10 20 30 40 50 M  
Scale 1:1250 @ A4

— Planning Application Boundary



Kendall Kingscott

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Chartered Building Surveyors  
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CDM Services

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Project

Highworth

Client

Aldi Stores Ltd.

Scale

1:1250

Paper Size  
A4

Filename

as Drawing

© Copyright

Do not scale this drawing

A 8/2/18 MWGS Access road indicated.

Rev Date By Ap Note

Drawing Title

Site Location Plan  
Food Store Application

Project Number

Drawing Number - Revision

140190 P(1)01 A

Date

19/9/17

Drawn

AS

Checked

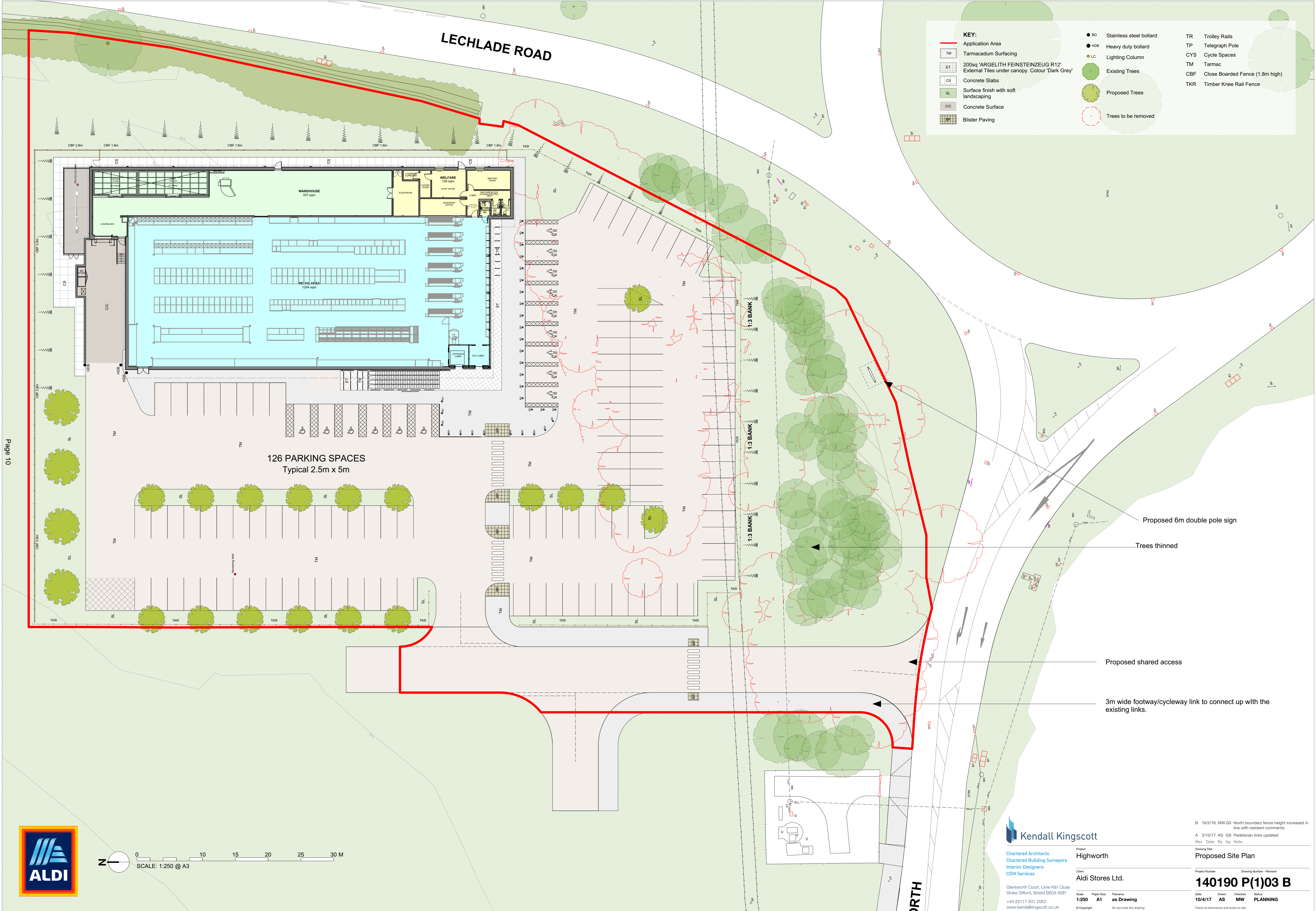
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Status

PLANNING

Check all dimensions and levels on site





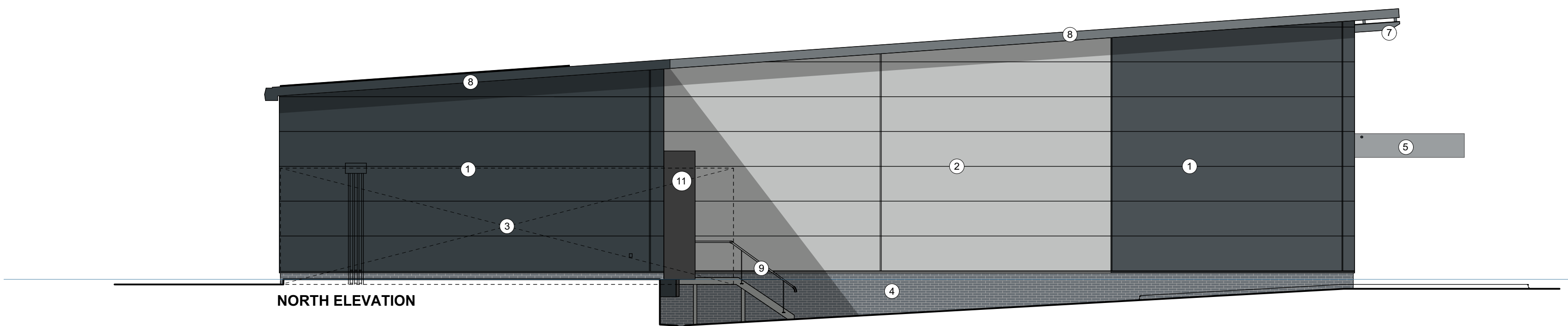
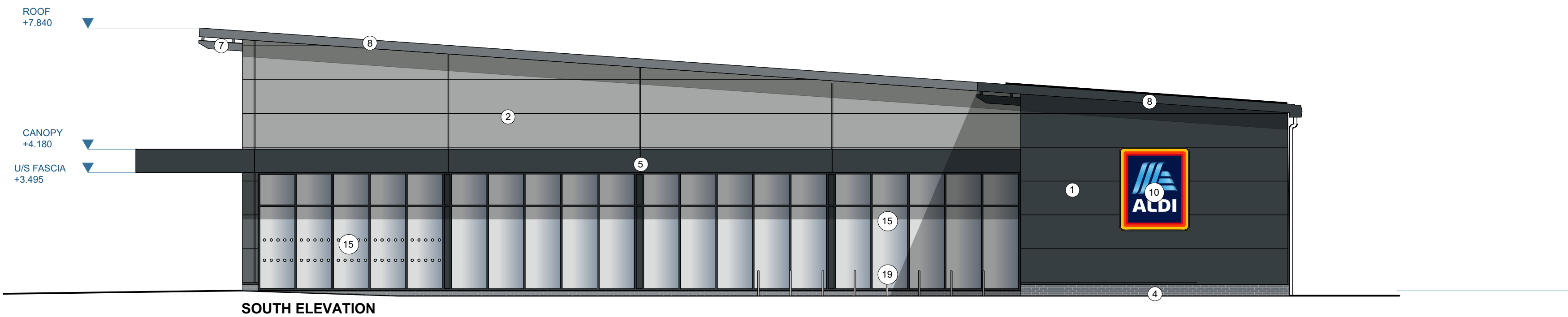
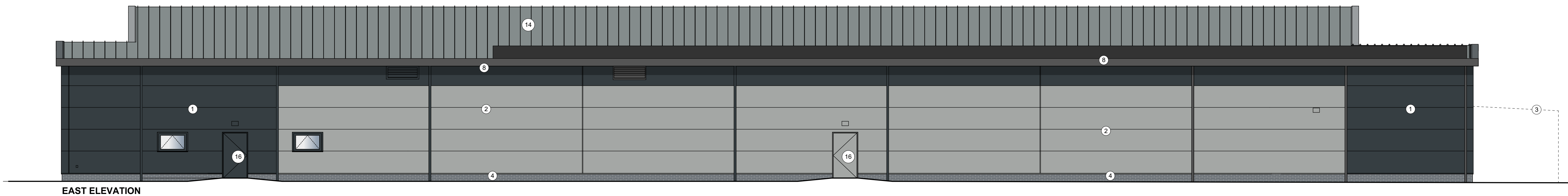
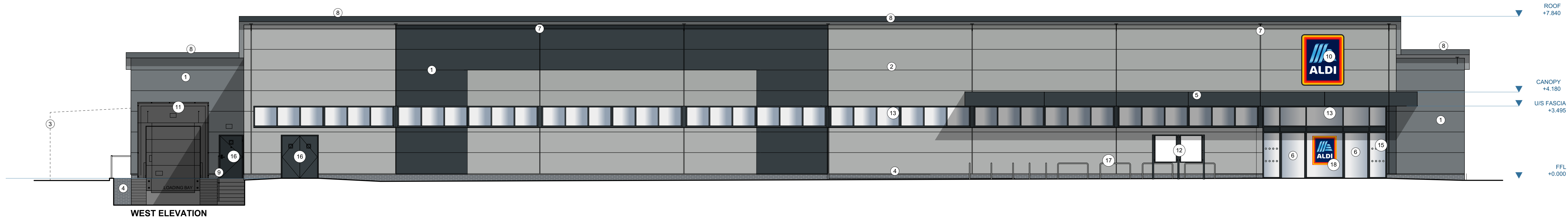
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Project  
**Highworth**  
Client  
**Aldi Stores Ltd.**

B 16/2/18 MW/GS North boundary fence height increased in line with resident comments.  
A 3/10/17 AS/GS Pedestrian links updated  
Rev Date By Ap Note  
Drawing Title  
**Proposed Site Plan**  
Project Number  
**140190 P(1)03 B**  
Date Drawn Checked Status  
**10/4/17 AS MW PLANNING**  
Check all dimensions and levels on site





#### Notes

1. Kingspan KS1000MR anthracite grey cladding RAL 7016
2. Kingspan KS1000MR metallic silver cladding RAL 9006
3. Galvanised mesh enclosure to refrigeration plant equipment with a lockable door
4. Brick plinth and low level walls to external ramps. Blockleys Brick Ltd 'Charcoal' with tarmac Y14 (Black) coloured mortar.
5. Canopy fascia, 3mm thick Aluminium panels with polyester powder coated finish, colour Anthracite RAL 7016.
6. Entrance - Polyester powder coated aluminium (RAL 7016 anthracite).
7. All exposed steelwork to be painted Steelguard Z44 finish coat to be gloss finish RAL 7016.
8. Fascia. Powder coated aluminium to BS6496, colour anthracite grey RAL 7016.
9. Handrails - galvanised tubular steel
10. Wall mounted internally illuminated logo sign - subject to separate advertisement consent application
11. Sectional overhead door - pvf coated steel (RAL 7016).
12. Aldi poster frame RAL 7016 anthracite grey - subject to separate advertisement consent application
13. Window - High level fixed lights. Frame colour RAL 7016.
14. Roof: Kingspan KS1000RW 80mm thick trapezoidal composite roof panels on purlins. All to anthracite grey RAL 7016.
15. Shopfronts - polyester powder coated aluminium (RAL 7016).
16. Steel escape doors - polyester powder coated colour grey (RAL 7016 & RAL 9006) (frame colour RAL 7016 & RAL 9006).
17. Trolley bay rails - satin finish stainless steel.
18. Vinyl Aldi logo sign applied to glazing - subject to separate advertisement consent application
19. Cycle Hoops: satin finish stainless steel.

0 10 15 20 25 30 M  
Scale 1:100 @A1



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Project  
Highworth  
Client  
Aldi Stores Ltd.  
Scale  
1:100  
Paper Size  
A1  
Filename  
as Drawing  
© Copyright  
Do not scale this drawing

Rev Date By Ap Note  
Drawing Title  
Proposed Elevations  
Project Number  
Drawing Number - Revision  
140190 P(1)06  
Date  
10/4/17  
Drawn  
AS  
Checked  
MW  
Status  
PLANNING  
Check all dimensions and levels on site

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## COMMITTEE REPORT

**Item Number:** 6

**Application Number:** S/17/1771/SASM

**Ward:** Blunsdon And Highworth

**Parish:**  
Highworth

**Proposal:** Erection of class A1 foodstore and associated access, parking and landscaping.

**Site Location:** Land North Of Blackworth Industrial Estate, Highworth, Swindon

**Case Officer:** Mrs Sarah Smith

**Agent:**

Mr Taylor Cherrett  
Turley  
The Pinnacle  
20 Tudor Road  
Reading  
Berkshire  
RG1 1NH

**Applicant**

ALDI Stores Ltd  
ALD Cardiff  
Wentloog Avenue  
Cardiff  
CF3 2GJ

### Officers Report

Background: A pre application (S/PRE/17/0313) was submitted over a year ago for this proposal. Officers considered that the proposal was contrary to the Swindon Borough Local Plan 2026(2015) and in the letter to the applicant in March 2017 stated the following reasons why the proposal could not be supported by officers:-

- i) The site is an employment allocation and we do not consider that the proposal meets the criteria in which changes of allocated employment land to non B uses are supported.
- ii) The site is not within a defined centre and sequential and impact assessments will be required to support any planning application.
- iii) It is considered that sequentially preferable suitable and available sites are likely to exist and officers are concerned that the proposed development could significantly adversely impact on the vitality and viability of Highworth's town centre.
- iv) Finally, the site is poorly served by sustainable transport options, in particular walking.

## Summary of Recommendation:

1 That planning permission be **REFUSED**

## The Proposal:

2 The application proposes the erection of a Class A1 foodstore with a gross external area of 1,804 sq metres with associated access, parking and landscaping.

## The Site and Surroundings:

3 The site is located to the north of the Blackworth industrial estate on a greenfield site with Lechlade Road to the east and surrounded by open countryside in all directions other than to the south. The application site comprises just over 1 hectare of land and is currently an agricultural field with woodland perimeter on the south eastern part of the site.

## Representations:

### 4 Highworth Town Council Comments:

- Response dated 6<sup>th</sup> December 2017 - recommend acceptance but with provision for acoustic shielding particularly in respect of the property adjoining the site to the north and that the footpath be upgraded from the bus stop to the site in accordance with the submitted proposal.
- Response dated 16<sup>th</sup> February 2018 following an email from the planning officers outlining concerns with the proposal:- do not agree that the proposal would damage the High Street since there are very few retail premises in the High Street and consensus is that these businesses would not lose significant trade to the Aldi store and some consider that it would bring more footfall to the town centre and consider there would be a boost to trade. Councillors and residents consider the store will attract visitors to Highworth and a significant number would then visit the High Street and use local cafes, shops and hostleries.
- At present, the town is losing trade and the Town Centre is in decline as most residents go out of Highworth to do their main shopping. The Saturday Market is the only attraction to the High Street on a Saturday and without it the High Street would be virtually deserted.
- There is lack of competition and the existing supermarket is complacent and doesn't offer a good service.
- Residents are forced to own a car to get to a decent main shop and adds to their cost of living. They want a supermarket that is renowned for its ability to provide goods for sale at a significantly lower price than other similar establishments.
- The location of the store is appropriate since it will provide employment. Adequate parking will be provided and will allow for expansion to take place in the employment area.
- Do not consider that there is any conflict with Policy 3 of the Neighbourhood Plan.
- Agree that access, transport and a proper noise assessment in relation to residential properties needs to be addressed.

### 5 Letter received in response to the letter from the agent representing the Co-op:-

- Unhappy with use of language in response
- Town Council supporting views of people in the town who want more choice
- Numerous complaints received about how the Co-op operates in the town
- Wrong to suggest that the town fixated on one operator



- Neighbourhood Plan already undermined by housing supply
- Town Council took account of the NPPF regarding employment and economic development
- Town Council consider impact on the town will be beneficial not harmful
- Should be up to the residents to decide how much choice they want or expect in the town
- Town Council believes the express wishes of the people of Highworth are being totally ignored in favour of vested interests and large business.

6 Local residents:- Letters of support from 52, 122, Sevenfields, 15, 104 Home Farm, 46 Barra Close, 32 Kings Avenue, 53 Grove Hill, 2 St Michaels Avenue, 31 Bydemill Gardens, 18 Folly Crescent, 20 Windrush, 24 Crane Furlong, 29 Wessex Way, 41 Cricklade Road, 32 Swindon Street and Councillor Weisinger on some or all of the following grounds:-

- Increased competition
- Relieves traffic pressure in the town centre
- Allows for easy access and parking at new store.
- Employment opportunities.
- Will encourage people to shop at other places in the town.
- Will regenerate an industrial area.
- Allow people to shop at a discount store who don't have the means to travel out of Highworth.
- Lead to improvement of Co-op service, Co-op too expensive, prevent people travelling out of the area and Co-op has limited range.
- Faringdon has a number of supermarkets but its centre isn't affected.
- Bus route could be altered to accommodate people without a car.
- Will still use the town centre shops.
- Town centre shops won't be affected.
- Currently travel to Aldi in Swindon so store would be more convenient.

291 local residents' cards received which had been provided through the applicant expressing support for a new Aldi store with a few caveats from some supporters with regard to traffic issues around Pentylands Lane and bus facility.

7 Local residents:- Letter of objection from 22, Lechlade Road on the following grounds:-

- Whilst we have no objections to the building of the new Aldi store in principle, we do have an issue with the noise from the proposed development which will have a significant adverse effect on our property without appropriate acoustic shielding.
- We request this be made a condition of the planning permission to prevent the burden of prolonged and costly assessments for Swindon Borough Council in the future.
- We had raised our concerns regarding noise at the consultation stage and we are surprised and disappointed these have not been adequately addressed prior to submitting plans. The plant and loading bay is on the north side of the development which directly faces our property.
- The application includes a noise impact assessment (KR05816) which is flawed in several areas. The report appears not to have included the reversing beepers of delivery vehicles, service vehicles and customers vehicles in the delivery noise

assessment (section 5.4). This noise will also be reflected off the end wall of the building which faces our property. Service vehicles can arrive any time, day or night as indicated in other areas of the application. These beepers are the loudest part of the process and are widely reported as one of the most complained about irritants from such situations. Noise levels of such beepers can be 110 dB and this will be clearly audible from our property in an otherwise essentially rural location if no acoustic shielding is provided.

- NPPF says planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments. Clearly to comply with this, some acoustic shielding will be required.
- The background noise assessment was carried out during a period when significant noisy construction work was being undertaken at the sewage works on the industrial estate. This work continued throughout the night and therefore the levels of background noise measured will be significantly higher than normal. Peak levels of 82dB and an average of 38dB were recorded at night in the report with recording equipment positioned on the industrial estate. Section 8.5.e of the report says the background assessment was measured on a “Lamp post on Blackworth. In order to record remote background levels the noise meter had to be left in a secure position. The position represented the assessment position with the constraints of the site”.
- The background noise level was measured some 230m from our property (the “Assessment property” in the report). The measured location was on an industrial estate where as we live in a rural, remote position outside the main town of Highworth (see section 2.2 of the report “Key Positions, source, assessment and background”). This location is NOT representative of the background noise level at our property. The equipment could have been positioned on our boundary or on our property quite securely had we been asked. The background noise will be significantly less at our property than the measurements made on the industrial estate because of our remote location.
- Whilst the noise from the plant from the proposed new development has been attenuated (sections 5.3.1, 5.3.2, 5.3.3) with the distance calculation (section 5.1.2), the background noise has not. Since the true local background noise has not been measured at the assessment property, then to be consistent, the background level should be attenuated over the distance of 230m and I calculate it would drop by 58dB over this distance using the equation in the report.
- This gives a completely different picture when comparing the results as the plant machinery noise will be well above the background noise by 32dB. Using the criteria in BS4142, a +10dB increase in noise is listed as having a “significant adverse effect” and therefore should be avoided.
- It is inconceivable that a development creating these noise levels, this close to properties in a rural location be allowed to proceed without any attempt to attenuate the noise by shielding or enclosing the loading bay. Even without a noise assessment it is obvious the development will cause issues.
- The report (section 4.8) says “Swindon Borough Council requires compliance with BS4142 ie -0dB” noise increase.
- NPPF says planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Whilst the report has attempted to prove compliance with these policies I believe it has been selective in the recording and interpretation of the

results.

- I have demonstrated the report is flawed and that the development will not comply with Swindon Borough Council requirements without acoustic shielding on its northern boundary. I therefore request this be made part of the planning condition if the development is to proceed to avoid prolonged costly subsequent assessments in the future by SBC and in order to preserve the remote and quiet rural location of our property and the surrounding countryside.

A further email received in April from 22 Lechlade Road stating the following concerns in relation to the Acoustic Assessment:-

- The analysis in the Acoustic Assessment is fundamentally flawed. He says the A361 has a national speed limit but in fact it is restricted to 50mph past our house and 40 nearer the roundabout.
- Traffic past our house north of the proposed site is restricted by the bridge at Lechlade which has a significant weight restriction precluding many HGV's. Therefore any road traffic monitoring south of the site will record a higher level of HGV's. There is also a 4 way roundabout junction at Blackworth between the traffic monitoring site and our house so it is unreliable to assume the traffic flow is the same.
- The Acoustic Consultant says that the uses on the northern part of the industrial estate are unlikely to impact the measurements (car park for a car garage and a precision engineering company). However there is significant dominant noise from plant and lorry movements from TSTech and the sewage works 24 hours a day. This noise is clearly audible standing by the lamp post where the background noise was measured on the industrial estate and WILL have affected the results.
- Our assessment of the plant and delivery noise from the Aldi Store used the following values based on the measurements".etc This implies these are actual measurements but the figures are derived from published data and further calculation. This is very misleading, I guess to try to give some legitimacy to the figures.
- There has been standing water on the site recently. This water will have to be accommodated and pumped as per the Drainage Strategy published on the portal whatever development ends up on the site. I do not believe these pumps have been included in the noise assessment which will create additional noise and should be included.

8 Letter of objection from 11 Bydemill Gardens on the following grounds:-

- contrary to Local Plan policies and the Highworth Neighbourhood Plan. Policy RA1 clearly states that development at Highworth should maintain and enhance the character of Highworth Town Centre and, prevent the loss of existing shops, services and facilities.
- the proposal would seriously prejudice the retail and community heart of Highworth by prejudicing the vitality and viability of the town centre. The proposed edge of

town site is remote from the centre of Highworth where the Co-operative Store acts as the essential anchor store to the High Street –it's proximity and good links with the High Street ensures many linked shopping trips with the small independent shops in the town centre.

- There is evidence that both the Co-op, and some of the High Street shops, undertrade and the presence of an edge of town convenience store will seriously prejudice the retention of town centre shopping and the overall vitality of the community heart of Highworth and the potential loss of the Co-op would seriously impact the town centre, depriving it of its anchor store, convenient and essential car parking which crucially serves the town centre, as well as potentially leading to the loss of the Post Office and Library, which are both located within the CO-OP store.
- Aldi's standard claim repeated in the recent "letter-drop" to residents that Aldi encourages linked trips and therefore promotes the vitality of town centres is not valid in the context of this proposal and the particular circumstances that relate to Highworth, the proposed store is too remote from the town centre to attract linked shopping trips and there is no safe or convenient pedestrian link with the site, located as it is on the extreme edge of the town and north of the heavily trafficked Lechlade roundabout.
- The applicant indicates that there are no sequentially preferable sites in Highworth for its proposed store. This does not outweigh the negative impact that an edge of town store would have on the town centre.
- The Aldi proposal is presented by the applicant as enabling development supporting the provision of employment uses at Blackworth. The proposal has not been submitted as a hybrid planning application, but rather a separate application has been submitted for the employment use. This clearly demonstrates that it is not "enabling" development as suggested by the applicant. In fact, the Aldi proposal significantly reduces the employment land allocation to the detriment of providing land for B2/B8 industrial and employment proposals. There is a shortfall in allocated employment land in the borough and the loss of land at Blackworth should be resisted.

9 Letter of objection from 6 Islay Crescent on the following grounds:- concern that there is a potential increased use of Pentylands Lane to the detriment of highway safety

10 Letter of objection from 22 Knowlands on the following grounds:- misconception that everyone in Highworth wants an Aldi and that there is a hidden agenda.

11 Letter of objection from the Old Rectory on the following grounds:-

- It is highly likely that it will bring people to the town, but to the outskirts of the town and I fail to see how the other businesses will benefit from this. I cannot imagine that people will drive to Aldi, shop, then drive back into the town to visit the High Street.
- In Swindon the provision of out of town shopping areas has pretty much killed the centre of the town and I would hate to see the same happening in Highworth.
- Particularly concerned about the increased traffic on the Lechlade Road that would result from this - it would increase the number of residents driving around the town to shop at Aldi. I cannot imagine that many people will be walking to Aldi and carrying their shopping back to their homes as many do when shopping at the Co-Op.
- Concerned that this development will break the boundary of Highworth and start

development moving towards Inglesham and Lechlade.

#### Other Representations

- 4 Shrivenham Road  
Expresses concern that representations made in support of an Aldi have criticised the co-op store

12 Letter of objection from Richard Holmes on behalf of Midcounties Co-operative Society on the following grounds:-

- First of all it is understood that there is a Council covenant over the access to the site and it is important for open government and trust in the planning system that any financial benefits to the Council are fully clear in determining the application.
- The proposal is contrary to the NPPF and its emphasis on retail development taking place in town centres.
- Contrary to Policies SD2, RA1, EC3 of the recently adopted Swindon Borough Local Plan and Policy 4 of the Highworth Neighbourhood Plan which aims to protect the Town Centre.
- There are serious flaws in the Retail Assessment although the scenarios estimate the impact on the Town Centre as being either 17% or 12% which nevertheless are significant adverse impacts.
- Proposal would impact badly on the buildings in the centre as shops close and fails to attract new retailers
- Proposed store would not be accessible by means of transport other than the car, the willingness to walk would be reduced by the uphill return carrying shopping, all 3 potential routes would be hazardous for pedestrians and should not be encouraged whereas the survey had shown that 37% of respondents had walked to the town centre to do their shopping and this level cannot be achieved by the proposed site.
- Even where there are no more central sites available the NPPF requires that out of centre sites should be accessible and well connected to the town centre and the application site is neither and would simply encourage car use.
- Nothing in the Viability Report that would suggest there are abnormal costs with developing the employment site. Seems highly improbable that the 'profit' from the Aldi site would provide for all the infrastructure for the employment site since it could take a long time to develop.
- The applicant's attempts to promote retail use on the site through the Neighbourhood Plan process were not supported by the Neighbourhood Plan Examiner who recognised that the allocation was based on the need to provide an appropriate balance of employment opportunities to serve the town thus supporting the position of the Local Plan.

13 Further letter from Richard Holmes on behalf of the Co-op responding to a number of documents posted on the Council's website since the application was originally consulted on stating the following:

- Asda has raised objections to the application which is unusual and is indicative of the concern with which it regards this particular application
- Asda broadly agrees with our objections but the letter is more evidence from

another retailer that Aldi operates in a similar fashion to the main grocery chains and should not be distinguished from them in determining applications

- Although a Condition restricting sales is now proposed we doubt that such a condition could pass the test of necessity. i.e. that it is needed to overcome the retail impact objection.
- The impact assessment is based on Aldi as the retailer and is unacceptable on that basis. The condition could not limit the impact to acceptable levels. Much of the local support for the proposal is based on it being an Aldi store but this is misconceived.
- Need to respond to the comments made by the Town Council which the Co-op would not normally do so. Its comments are untenable and brings itself and neighbourhood planning into dispute. The proposal is very obviously contrary to the Neighbourhood Plan.
- The inclusion of the site within the settlement boundary to enable retail development was considered by the Examiner on the Neighbourhood Plan and rejected.
- The Town Council adopted the Plan very recently and it forms part of the development plan to which S38 (6) of the Planning and Compulsory Purchase Act 2004 applies. This requires applications to be determined in accordance with the Plan unless other material considerations indicate otherwise. Development plan status confers a number of benefits to the initiators of the plan but with these come certain responsibilities. Plans are designed to provide some certainty to future developments to all parties concerned and consistency in public decision making. For the Town Council to support a proposal that is so clearly contrary to the plan and was found to be so by the independent Examiner, undermines the purpose of the plan and will undermine its credibility. If the Council can act contrary to its policies so soon after its completion, there can be no confidence that its other policies will be given any weight. It will have been a waste of time and money.
- There are no reasons advanced in the Town Council's representation as to why the policies (and those of the Swindon Plan) should be overridden in this case and no evidence to support such a course of action. The matters raised by the Town Council such as the need for more food shopping in the town were all apparent when the plan was being prepared and could have been taken into account in the Plan. They were not. The Council's recent Retail study in fact belies the claim. The Town Council's complete disagreement with the assessment that the siting of this supermarket will have a damaging effect on the High Street is contradicted by the applicant's own assessment, is evidence free and irrational in the light of the evidence that has been submitted. The key policy for retail development in the Plan is Policy 4 and this is not referred to at all in the Town Council's representation.
- Furthermore it is considered highly irresponsible of the Town Council to promote a petition in support of this proposal. In the absence of overriding considerations any decision to permit the proposal can only lead to the potential for judicial review.
- The Policy analysis from the Forward Planning team is clear that the site is outside the settlement boundary and town centre, does not contain an exception for retail development in the countryside, the site is allocated for B Class employment use and is needed to meet the employment land requirements of the Swindon Plan. The officer has similar concerns about the retail impact methodology and concerns about the impact on the town centre. Given this advice any other material considerations would have to be very substantial indeed to override the policy presumption against the proposal.

- The agent's response to the Forward Planning policy analysis is one which repeats what it has done in the retail assessment but does not address the criticisms of the Forward Planning Team or objectors. It repeats the claim that 'the diversion of expenditure would therefore principally affect distant rather than local competing facilities (such as the Co-op in Highworth) which fulfil a different shopping function'.
- This flies in the face of both common sense and retail assessment good practice. The greatest impact is inevitably on the nearest stores. It would be unreasonable to expect Highworth to fulfil all its retail needs any more than it would meet its employment needs when Swindon can provide so much more choice and is less than 5 miles away. Furthermore any clawback would not benefit the town centre which is the focus of both local and neighbourhood planning policy.
- Since its own analysis indicates a severe retail impact (17%) on Highworth Town Centre there is no need to comment further. Although the agent disputes the town centre's poor state of health the Council is fully aware of its current condition as, for instance documented in the Neighbourhood Plan. The agent has not responded to these points made by the Forward Planning Team.
- The agent accepts that the proposal is beyond the settlement boundary and does not accord with Policy RA1. It accepts that Policy EC2b of the Swindon Borough Local Plan does not apply. It offers a Condition restricting the sale of goods to food but does not explain how this would overcome the retail impact objection since as already noted its assessment which demonstrates the proposal's unacceptability had already factored in Aldi as the operator. Doubt that such a condition could be considered necessary to overcome objections.
- With respect to the employment land issue the Forward Planning team consider little weight should be given to the employment generation from the development and the Employment Land Review 2017 found a shortage of employment land in the Borough.
- The agent suggests the proposal as an enabling development but there is no indication that access costs have held back the development of the site or, that the retail development is necessary to bring forward the employment development. Access to the employment site would be possible now (and would avoid the difficulty arising from a substandard right hand turn lane proposed with insufficient distance from the roundabout and which only arises because of the Aldi proposal). There is no basis for the Council to conclude that the Aldi proposal would bring forward employment development of the site or that this is sufficient to override the fundamental conflict with the employment, retail and countryside policies.
- Whether the design objections raised can be overcome or not should not obscure the fact that the site is unusually poor in terms of its accessibility except by car. Planning policy requires out of centre sites to have good access by walking, cycling and public transport and its extreme poor accessibility, even with the improvements proposed is sufficient reason to refuse planning permission.
- Need to comment on claims made in the press that the Co-op had received 'vast amounts of money' from the Borough Council towards the cost of building its store in Highworth. The Council will be aware of the true situation. The Council negotiated with the Co-op to obtain a new library which was located above the store. The Council paid 'extra over cost' of the construction but basically received a 'free site' and had the ability to either sell or use the former library site for other purposes. This provided a potential capital income for the Council who at the same time obtained a brand new library at considerably less than it would have cost to provide on another dedicated site.

- In summary the proposal is recognised by the applicant to be contrary to the policies of the Swindon Local Plan and the Neighbourhood Plan. It is in a rural area where there is no provision for retail development. It would have a severe adverse impact on Highworth Town Centre even on the basis of the applicant's retail impact assessment. It would lead to the loss of employment land and is an unsustainable site for retail development, being isolated from residential areas and with inadequate accessibility except by car. The Forward Planning team has objected on these grounds. There is nothing in the response since then which would lead to a different conclusion. Nor are there any material considerations advanced by the applicant or others that could be considered to override the conflict with policy.

14 Letter of objection by Jigsaw Planning on behalf of Asda Stores Limited on the following grounds:-

- The proposal does not comply with Policy SD2 of the Swindon Borough Local Plan 2026 and the Highworth Neighbourhood Plan adopted in 2017. The Examiner into the Neighbourhood Plan considered the prospect of allocating the site for 2,000 sqm of commercial development, including retail. The Examiner concluded that such a proposal was contrary to Local Plan Policy RA1 which allocates the wider site for Use Class B employment uses with no more than 50% being for B8. Therefore as such the proposal was not taken forward into the Highworth Neighbourhood Plan.
- The pre application advice that the loss of employment land was an 'in principle' concern. The applicant's claim that the proposal would enable the remainder of the site to come forward as employment land is flawed as there is no direct link or guarantee that the development could do this.
- Consider that the levels of retail impact shown on various centres is underestimated.
- Aldi will be replicating an offer which is available through numerous other foodstores in the area. A sensitivity test should be undertaken and the impact figures provided would be higher than given.

15 Letter of objection from TPS Transport Consultants on behalf of Asda Stores Ltd on the following grounds:-

- The proposed site access design is not to standard and there are a number of road safety concerns as a consequence.
- The location of the site will encourage car borne trips with provision for trips on foot and by bus being considered inadequate contrary to both local and national policy.
- Over provision of car parking provision would further encourage car travel to and from the site.
- Concerns over road safety resulting from the intended servicing arrangements with potential for conflict between both customer vehicles and pedestrians with HGV deliveries
- The trip generation potentially underestimates significantly the likely trip generation and thus the highway impact of the development proposals and as such the operational assessments should be revisited.

Planning Considerations:



16 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Swindon Borough Local and Highworth Neighbourhood Plan are the principal development plan documents applicable to the determination of this application.

17 The site is outside of the Rural Settlement Boundary of Highworth as defined in the Swindon Local Plan 2026 Policies Map and Highworth Neighbourhood Plan 2017. The Neighbourhood Plan settlement boundary is more recently 'made' and so takes precedence. The settlement boundary runs to the south of Blackworth Industrial Estate.

18 Material considerations are found within the National Planning Policy Framework, National Planning Practice Guidance & Supplementary Planning Documents.

#### Swindon Borough Local Plan Policies RA1 and SD2

19 Although not within the settlement boundary, the application site forms part of an employment allocation under Local Plan Policy RA1. Policy RA1(b) states that "Land north of Blackworth Industrial Estate, as shown on the Policies Map, is allocated for B Use Class employment use, with no more than 50% being used for B8-Use Class". However the proposal is for an A1 foodstore.

20 The site lies outside of the Rural Settlement Boundary of Highworth under Local Plan Policy SD2 (Sustainable Development Strategy). Policy SD2 permits development outside of rural settlement boundaries only in certain prescribed circumstances. One of those circumstances is where "it is in accordance with other policies in this Plan permitting specific development in the countryside".

21 As noted above, the site forms part of an employment land allocation under Local Plan Policy RA1. Policy RA1 (b) is a policy which permits specific development in the countryside. The specific development Policy RA1 (b) permits in the countryside is B Use Class employment development. The proposed development is not for B Use Class employment use and so does not accord with policy RA1 (b). As the proposed development is not for employment use in accordance with Policy RA1 (b), it is in conflict with Policy SD2.

#### Local Plan Policy EC2 (b) and Policy EC3

22 Local Plan Policy EC2(b), which is considered in detail below and which applies to Key Employment Areas and Central Swindon, is not a policy which permits specific development in the countryside. Policy EC2 (b) and the accompanying Policies Map designation applies to sites which are either existing employment areas or are within settlement boundaries, or both.

23 Similarly, Policy EC3, which applies to retail uses, is not a policy of the Local Plan which permits specific development in the countryside.

#### Highworth Neighbourhood Plan

24 Similarly, the proposed development is in conflict with Highworth Neighbourhood Plan 2017 (HNP) Policy 3 which states that outside the defined settlement boundary land is defined as 'open countryside' and development here will not normally be permitted unless it complies with rural development policies in the Swindon Development Plan.

25 The proposed retail development in the countryside is not in accordance with a Swindon Local Plan or HNP policy which permits such development.

26 Policy SD2 is an important policy which sets the sustainable development strategy for the Borough. Similarly, Policy RA1 and Policy 3 of the HNP are important policies in defining the development that is planned at Highworth. In light of the conflict with Policies SD2, RA1 and HNP Policy 3, the proposal is in conflict with the development plan for the Borough read as a whole.

27 In such circumstances, it is necessary to consider whether other material considerations indicate in favour of the grant of permission.

28 Yet before considering other material considerations there are other policies of the development plan which need some consideration in the light of the applicant's justification submitted with the application.

#### Policy EC2 (Employment Land and Premises)

29 Local Plan Policy EC2 (b) applies to the Key Employment Areas and in Central Swindon and these Key Employment Areas are shown on the Policies Map. While the Blackworth Industrial Estate is a Key Employment Area and is identified as such on the Policies Map, the application site is not shown as a Key Employment Area but is instead covered by the separate employment allocation designation. Policy EC2 (b) applies to the 'change of use or redevelopment of land and buildings' within Key Employment Areas. The proposed development does not conform to that description and so cannot be considered as being within the scope of Policy EC2 (b).

30 Policy EC2(c) applies to employment land allocations under policies NC1, NC2, NC3, NC4 and NC5. This Policy sets a different approach to employment allocations to that applicable to existing Key Employment Areas. It states that such sites will be protected in employment use for a period of 18 months from completion and thereafter will be subject to Policy EC2(b). Land north of Blackworth Industrial Estate is not referred to in Local Plan Policy EC2(c).

31 Thus neither Policy EC2 (b) or (c) is applicable to the proposed development. This interpretation is consistent with Local Plan Policy SD2, as outlined above, as Policy EC2 (b) and (c) do not permit non-employment development in the countryside.

32 Consequently Policy EC2 is not considered applicable with this proposal.

#### Retail Policy

##### Policy EC3 (The Role of Centres and Main Town Centre Uses)

33 Policy EC3 sets the framework for retail development. It does not provide support for retail development in countryside locations.

Under Policy EC3, retail uses are subject to three tests:

1. That they would not harm or undermine the regeneration of Swindon's Central Area;

2. That they would not harm or undermine the vitality and viability of existing Primary Rural Centres.

3. That a sequential approach to site selection has been taken, with priority for Swindon Town Centre, then the edge of the town centre, then District and Primary Rural Centres, and finally in Local Centres.

34 Applying these tests it is not considered that the proposed development would harm or undermine the regeneration of Swindon's Central Area. The remaining two tests are considered below.

#### Impact on Highworth Primary Rural Centre

35 The applicant's submitted Planning and Retail Statement (at para 7.4 onwards) does not refer to and appears unaware of the existence of the Swindon Borough Retail and Leisure Needs Assessment (NLP 2017) (RLNA 2017) and refers to its predecessor Retail Capacity Study from 2009.

36 The applicant's planning and retail statement uses the results of an on-street survey with 158 respondents and a household survey with, it appears, 600 respondents, undertaken on behalf of the applicant to understand current shopping patterns.

37 The household-survey based estimate of existing turnover of the Coop, Brewery Street at £6.67m is higher than the estimate in the RLNA 2017 of £5.73m.

38 In calculating the increase in expenditure in the study area between 2017 and 2021, the applicant's retail statement uses a Pitney Bowes long-term growth trend of +0.5% per annum. The RLNA 2017 uses an Experian long-term trend of +0.1% per annum for convenience goods after 2017. This was justified by the Council's consultants on the following basis: "These growth rates are relatively cautious when compared with past growth rates, but in our view represent realistic forecast for future growth". As a sensitivity test, the Experian long-term trend should be used.

39 The 2017 benchmark turnover of the proposed store with 1,254sqm of tradeable floor area is said to be £9.01m for convenience and £1.86m for comparison. By contrast an identically sized store on Rodbourne Road, Swindon was in November 2016 said to have a 2016 benchmark turnover of £10.87m for convenience and £2.23m for comparison. The applicant's agent says that this difference is due to the proposed store not being projected to trade as well as urban stores because of its location at a small market town with a limited catchment population. The catchment population used in the planning and retail statement submitted with the application is 37,081 (applicant's table 1). By contrast, the catchment for the Rodbourne Road store was stated in that application to be 34,673. Additionally, the level of competitor stores within the proposed store's catchment area is considerably less than that for the store in Rodbourne. It therefore appears to officers that a turnover assumption in line with the company benchmark should have been used.

40 The proposed store's convenience turnover is projected to increase from £9.01m in 2017 to £9.19m in 2022. If the turnover were to increase in line with the long-term trend of +0.5% per annum used for calculating expenditure growth in the study area, the 2022 convenience turnover should be £9.24m. By contrast, the store's comparison turnover is shown as increasing from £1.86m to £2.04m, outperforming the projected study area

expenditure growth. While these differences are not large, they should be explained and they have not been. It appears incongruous that the application proposal would draw a declining proportion of local convenience spend in its first five years of operation.

41 The applicant presents two impact scenarios, A and B. Scenario B is said to be informed by an assumption that few people use Highworth Town Centre as a main shopping destination. This scenario appears to be principally based on findings from the on-street survey. Officers have a number of concerns about the use of this scenario:

- The sample size for the on-street survey is small and it has produced some confounding results. The answers to question 10 of the on-street survey suggest that 0% of Highworth shoppers surveyed undertake their main food shop at the Brewery Street Co-op in Highworth whereas 14.6% undertake their main food shop at the similarly sized (652sqm net floorspace) but distant Cavendish Square Co-op in Swindon.
- The results for the on-street survey do not accord with the results of the larger sample-size household survey, which shows a higher proportion using Highworth as a main shopping destination.
- The Coop store in Highworth town centre has a net floor area of 677sqm which is of a size that can support main shopping.

42 Looking at Scenario A, the diversion of convenience spending from Highworth town centre is assessed to be -16.9% in 2022 with Coop Brewery Street modelled to experience a -17.3% drop in 2022. These are considered significant figures provided by the applicant and suggest a severe retail impact on Highworth Town Centre. Furthermore as highlighted above, some of the assumptions used in the applicant's calculations mean that the impact on Highworth town centre may actually be underestimated in these figures. If a benchmark turnover consistent with that used for the Rodbourne application and a more conservative expenditure growth assumption consistent with the RNLA 2017 were to be used, the impact on Highworth town centre would be shown to be greater.

43 The next step is to consider whether these modelled levels of impact would undermine the vitality and viability of Highworth town centre. National Planning Policy states that permission should be refused if the impacts would be significantly adverse.

44 In our assessment, the impact of the proposed store on Highworth town centre would be significantly adverse. This is due to the following:-

- The RLNA 2017 observes that stores in Highworth town centre appear to be trading below average levels. This indicates that stores may be vulnerable to a diversion of trade.
- The RLNA 2017 (Appendix 2, Tables 14 and 16) indicates negative capacity for additional convenience retail floorspace in Highworth in the period to 2036. This supports the assessment that the proposed development would divert spending from Highworth Town Centre.
- The Highworth Neighbourhood Plan's supporting text records that the number of shops in A1 retail use in the centre has fallen below the target in Local Plan Policy EC3.

- The applicant's agent downplays the role of convenience shopping in supporting the vitality and viability of Highworth town centre. However, the RLNA 2017 shows that Highworth town centre has more convenience than comparison shopping floorspace. In our assessment the Co-op store on Brewery Street which is co-located with Highworth's post office and library, acts as an important anchor store for the town centre. Thus, a reduction in convenience shopping in the centre would be likely to have wider adverse impacts on the centre's vitality and viability.
- We do not consider that applicant's suggestion that the proposed foodstore would promote linked trips with Highworth town centre is realistic because of the comparatively long distance and significant hill between the two locations.

45 As a result of the potential impact on Highworth town centre officers consider that the proposed development is in conflict with Local Plan Policy EC3(a).

46 Highworth Neighbourhood Plan Policy 4 provides support for the continuation and rejuvenation of the town centre's retail and social hub in the town. Officers do not consider that the proposed development would accord with these objectives. Similarly, the proposed development's impact on Highworth town centre would not accord with the Local Plan Policy RA1 (Highworth) priorities of maintaining and enhancing the function of Highworth town centre, preventing the loss of shops and focusing shops at the town centre.

#### Sequential approach to site selection

47 A sequential approach to site selection is required by Local Plan Policy EC3 and by national policy. In light of the type and format of the food store to be occupied by a single occupier, we do not consider that there is scope for disaggregation. Car parking adjacent is likely to be necessary for a food store of this size.

48 There is one potentially suitable and available sequentially preferable site, the New Eastern Villages District Centre which is not considered in the applicant's agent's statement. The New Eastern Villages district centre is allocated under Local Plan Policy NC3. Policy NC3 states that the New Eastern Villages will comprise about 12,000m<sup>2</sup> (gross) of retail floor space including a high quality District Centre. The existing Sainsbury's store accounts for approximately 7,000sqm of this space. The exact configuration of additional space within the district centre is at this stage unclear. In principle, it could include an additional convenience retail store of the size proposed in the current application. Although the New Eastern Villages District Centre is a potentially suitable and available sequentially preferable site, it is not well located for Highworth. Therefore there is no objection to this application on the basis of the sequential test.

#### Other material considerations

49 As the proposed development is not in accordance with the development plan read as a whole, it must be considered whether there are other material considerations which indicate that the application should be determined otherwise than in accordance with the development plan.

#### Local support for the proposal

50 There is a significant level of local support for the proposal, and that is a material consideration in its favour.

51 However whilst some of the support for this proposal has been made on an expressed need for more choice and concern about the current foodstore in the town centre a significant number of residents express support on the basis of the identity of the proposed operator. Planning decisions are made by reference to land uses, not individual operators and therefore decisions must be 'fascia blind'. Retail stores may be occupied by multiple different occupiers during their useable lifespans.

52 The proposal is for an A1 food store and therefore needs to be assessed as such. It should not receive more favourable consideration because it is proposed to be an Aldi food store and there is local desire for Aldi to locate at the town. Instead, it should be assessed on the same basis as would a proposal for any other A1 food store in this location.

#### Enabling development

53 The applicant states that the development of the A1 foodstore would achieve the wider benefit of enabling the development of the remainder of the site for employment uses in accordance with the Local Plan allocation. Yet the application has not been submitted as a hybrid application but two separate applications. There is also no indication that there are abnormally high set up costs of accessing the employment land in the Viability Report. For instance the site does not have any history of contamination.

54 The applicant's supporting information states that the demand for the allocated employment land is weak. However, little evidence has been provided of marketing. Material provided by the applicant refer to a number of confidential discussions with potential occupiers, but limited information is provided about these discussions. There is no information as to whether the site was publically marketed, and if so how was it marketed and to whom and no copies of marketing material for the site have been provided. If the site was not openly marketed, why not?

55 The applicant's assessment is that the development of the allocated employment land is not viable. The material submitted suggests that the sale of land to Aldi, and the land receipt that would create for Highworth Business Park Limited, would overcome this and make the development of the employment land viable. The applicant's viability material suggests that the sale of land to ALDI would pay for enabling works for the employment land (principally providing access and services to the employment land), the costs of which are suggested to be holding back delivery of employment land. However, leaving aside the validity of the applicant's viability evidence there are problems with the applicant's enabling development argument as follows:-

- The development of the A1 food store and the remainder of the employment land are subject to separate applications by different applicants. There would be, as far as we are aware, no mechanism to secure that the land receipt to Highworth Business Park Limited is applied to delivery of the employment land.
- The separate outline application for the balance of the employment land provides little comfort that the land would be developed for employment purposes. We can see no mechanism for ensuring that the employment land is delivered in tandem with the food store.

56 Overall, we do not consider that significant weight should be given to the applicant's enabling development argument.

57 Nevertheless even if an enabling development argument could be substantiated, it would not outweigh the other adverse impacts of the proposed retail development sufficiently to recommend in favour of granting the proposal.

#### Loss of allocated employment land

58 The applicant has provided a report, prepared by Whitmarsh Lockhart in support of a planning application elsewhere in the Borough, which suggests that there is a significant oversupply of employment development land in Swindon Borough. Yet the Whitmarsh Lockhart report appears to be principally concerned with office, rather than industrial and distribution, development land.

59 The Whitmarsh Lockhart report is not consistent with the findings of the Swindon Borough Employment Land Review (Lichfields, 2017) (ELR). The ELR finds that, although there is sufficient employment land allocated to meet future demand, delivery delays mean that some allocated sites will not come forward in the short term. It observes that "The low vacancy in the local market reflects the limited supply of available industrial space in the Borough, particularly in terms of good quality, modern space. In this context, property agents indicate that they are unable to satisfy demand for a variety of sizes of industrial premises in the Borough, with a particular shortage of good quality, large premises in the local industrial market."

60 The ELR suggests that unless further industrial land becomes available, there is a risk that potential economic opportunities will be diverted from the Borough, and the growth potential of existing occupiers in the market will be constrained.

In this context, the loss of part of the industrial allocation is a material consideration telling against the proposed development.

61 Paragraph 22 of the NPPF states that "planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

62 In the officers view, it has not been demonstrated that there is no reasonable prospect of employment development on the allocated site. Also, for the reasons outlined above, an application for retail development would, assessed on its own merits, be contrary to the development plan in this location.

#### Employment creation

63 Jobs would be created within the proposed development. However, as the RLNA 2017 indicates that there is no additional expenditure capacity to support additional convenience retail in Highworth and these job gains are likely to be offset to a degree by staffing reductions elsewhere. Minimal weight is given to the benefits of the proposed development in terms of job creation.

## Transport issues

64 Local Plan Policies TR1 (Sustainable Transport Networks) and TR2 (Transport and Development) apply in relation to this proposal. Policy TR1 states that the Council will exercise its planning powers to maximize opportunities to walk and cycle, promote equality of access to services and facilities to all, reduce the need to travel, and promote sustainable transport choices. Similarly, Policy TR2 states that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives. Policy RA1 supports improving the accessibility of Highworth by means of public transport, walking and cycling.

65 The NPPF advises that “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

66 In sustainable transport terms the site is poorly related to existing residential areas and public transport links. At present there are no pedestrian facilities by which to reach the site. The Blackworth roundabout is a multi-lane roundabout. Since originally submitted the applicant has provided more information on trip generation and access to satisfy the Highways Officer’s concerns. Yet it is understood that there is no space for any bus link directly into and out of the site and there would be cost implications in any event which could affect the viability of the bus service. The applicant has agreed to provide a pedestrian route and cycleway on the west side of the main road down to the proposed development site which is considered an improvement on the original proposal. However this does not alter the fact that the site is not well sited to encourage more sustainable modes. The nearest bus stop is some 400m away

## Design

67 Policies DE1 and DE2 of the Swindon Borough Local Plan should be applied in considering the suitability of the design.

Policy DE1 denotes the following:

68 Each place has its own distinctive character and possesses inherent design assets and opportunities. As such, all development must be in context with the existing natural, built and historic environment and proposals must respond positively to enhance or create distinctive character and identity. Appreciating and responding to the context and character of a site and its surrounds requires the following aspects to be positively addressed by development.

- Existing built characteristics such as views & vistas, points of access, rights of way, servicing requirements, buildings, density, scale, form, access and street patterns;
- Acknowledged features of importance (natural and historic) such as: landscape character, historic landscape, flood protection, tree and hedgerow protection, protected habitats, archaeology and heritage assets;

69 The structure of the proposed supermarket will be highly visible coming from the north along Lechlade Road. Given the inherent landscape character and tree dominated views



along this road, this will represent a significant departure from the existing views and setting of this road. However with enhanced planting this is not considered sufficient to recommend refusal on landscape grounds. As far as the form is concerned the structure is of a dark external appearance which would sit better within the rural environment and would be noticeably less 'prominent' than brighter structures. Therefore there are not considered to be any concerns about the proposed external appearance of the building.

#### Trees and Landscaping

70 Policy EN5 (Landscape Character and Historic Landscape) states that developments will only be permitted where the intrinsic character, diversity and local distinctiveness of the landscape are protected; unacceptable impact on the landscape must be avoided.

71 This is a visually important location which is currently fronted by a dense thicket of mixed planting. Whilst this has probably had very little if any management since it was planted, it does provide good habitat and is an important landscape feature.

72 The originally proposed landscape scheme did not contain enough new tree planting, notably across the site frontage and especially bearing in mind the significant area of vegetation to be removed for the required access. Whilst there is an overhead cable as a constraint on the 'inside' of the site it is considered that there is adequate space on the 'outside' to provide some better long term cover. The Landscape Officer was concerned that if the frontage vegetation was removed there would be an unsightly view into the underside of the existing vegetation. However it was agreed that this could be rectified with the planting of a new hedge preferably beech which could then be properly managed to become an attractive and well managed feature in its own right. It could be planted in a gently curving line broadly following the line of existing vegetation to be retained as shown on the submitted plan. This hedge could curve around the back of the new sign and also replace the narrow strip of planting on the immediate right-hand side of the access road. In terms of the size, this would need to be planted as a 1.5m tall, but still in a double staggered row. In this way the hedge would have immediate screening value and attractiveness.

73 In addition the Landscape Officer proposed that the triangular / wedge shaped space between H1 and the building be infilled with some more native shrub / woodland mix planting to offset the loss elsewhere.

74 The concerns of the Landscape Officer have been addressed since the application was first submitted in line with the above and the proposed landscape scheme is now considered acceptable.

#### Ecological impact

75 The Council's Ecologist has considered the proposal and has concerns about the loss of biodiversity on the site. In his view the application should not be determined until the applicants have identified how net biodiversity gain can and will be achieved in accordance with the National Planning Policy Framework. The documents submitted are clear that there will be significant loss of biodiversity if this application is approved. The supermarket would be built on an area of unusually high quality grassland and will result in the loss of an area of plantation broadleaved woodland. Some key impacts of the development have not been addressed by the applicant such as lighting and light spill.

76 The ecological consultants for the applicant state that 'the proposed development would result in a net loss of overall habitat'. Many of the recommendations in their report are too weak to be meaningful. The report contrasts with ACD Environmental's report for the adjacent site, where the recommendations were clear and specific. Whilst the report concludes that the loss of habitat would have a neutral impact this does not appear to be supported by the assessment earlier in the report or the agent for the application who acknowledges environmental loss. A Construction Environmental Management Plan (CEMP) is needed for the site and should be conditioned. There is a main badgers' sett close by, with a risk that badgers could get trapped in open excavations. The recommendation in the report is too weak. Construction should be prohibited between sunset and sunrise to protect badgers, which are nocturnal. Disturbance levels will be lower during the operational phase, when badgers will get used to night time activity.

77 The report refers to an outlier badgers' sett to the west of the site. Detail is needed on whether this sett is active and whether connectivity between the setts will be affected by this development, and that on the neighbouring site. The other ACD report on the adjacent site says there is a disused outlier sett, but it is not clear whether this is the same one. Clear proposals are required for this site which address the concerns they raise about loss of habitat connectivity for badgers. This needs to be developed as a lighting strategy informed by ecological input. There is currently no ecological assessment of the lighting proposed: this is needed, and should include assessment of light spill from windows. There should be method statements for breeding birds, dormice and reptiles. There is no reason why biodiversity net gain cannot be achieved on the site.

78 For example, additional bat and bird boxes could be provided within the patch of woodland, together with a commitment within the LEMP to monitor, clean and repair them. Bat and bird boxes could also be in-built in to the new supermarket.

79 While a log pile may have some conservation value, it won't create biodiversity gain as it would be far better to leave the trees growing, rather than fell them and pile them in a heap. Log piles are a convenient way for reducing site clearance costs.

80 There is a loss of a significant area of semi-natural broadleaved woodland of plantation origin which is outside the land allocated for employment within the Local Plan. There is insufficient mitigation of biodiversity loss.

#### Archaeological Issues

81 An archaeological evaluation has been carried out during late March/early April this year on both this site and the adjacent proposed employment site (S/OUT/17/1772). This evaluation confirmed the results of a geophysical survey that in a central area there is a 'farmstead' complex of late Iron Age to early Roman date with peripheral agriculture related features.

82 The County Archaeologist has recommended that in the event that permission is granted, a Condition to allow for a full scale archaeological excavation to be carried out.

#### Noise Pollution

83 An acoustic assessment has been carried out by the applicant and further information provided which has satisfied the original concerns expressed by the Environmental Health Officer who has also carried out a site visit and monitoring at Lechlade Road.

84 The Environmental Health officer is satisfied that the work carried out to date shows that the development would not have any adverse impact on the nearby residential properties including the dwelling at 22 Lechlade Road.

#### Drainage Issues

85 The finalised Drainage Strategy submitted by the applicant has been approved by the Council's Drainage Engineer subject to a Condition.

#### Concluding Comments:

86 The proposed retail development is in a location not in accordance with the allocation under Local Plan Policy RA1 is in conflict with Local Plan Policy SD2 and Neighbourhood Plan Policy 3.

87 The proposed retail store would have a significantly adverse impact on the vitality and viability of Highworth town centre contrary to Local Plan policies EC3 and RA1 and Neighbourhood Plan Policy 4.

88 There would on the basis of the details provided to date, be an unacceptable loss of biodiversity on the site contrary to Policy EN4 of the Swindon Borough Local Plan 2026(2015).

89 There are not considered to be any material considerations which would outweigh these conflicts with development plan policy.

#### Recommendation

89 That planning permission be **REFUSED**

### Reasons

1. The proposed retail development would result in the loss of part of an employment land allocation without adequate justification to mitigate the impact on the Highworth Town Centre contrary to Policies SD2 and RA1 (b) of the Swindon Borough Local Plan 2026 (2015) and Highworth Neighbourhood Plan 2017 Policy 3.

2. The proposed retail development would have a significant adverse impact on the vitality and viability of Highworth Town Centre contrary to Policies EC3 and RA1 of the Swindon Borough Local Plan 2026 (2015) and Highworth Neighbourhood Plan 2017 Policy 4.

3. The proposed development would have an unacceptable loss of biodiversity on the site contrary to Policy EN4 of the Swindon Borough Local Plan 2026 (2015).

### Informatives

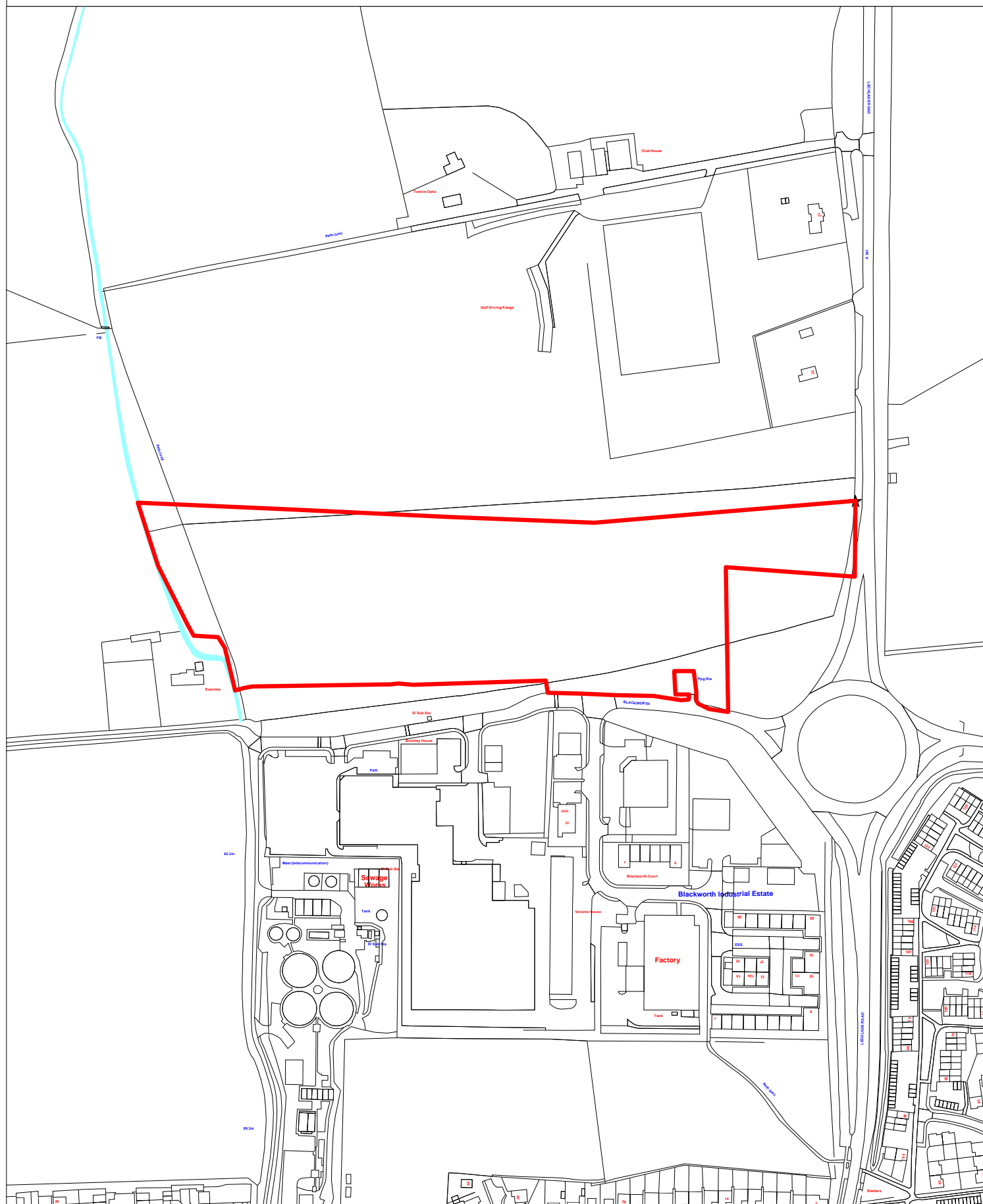
1. Reason for Refusal no. 3 may be able to be overcome if sufficient protection and mitigation measures are proposed by the developer.

## 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. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

End of Report



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



S/OUT/17/1772

Outline application for the erection of class B1, B2 and B8 employment uses plus new vehicular and pedestrian access

- Access not reserved.

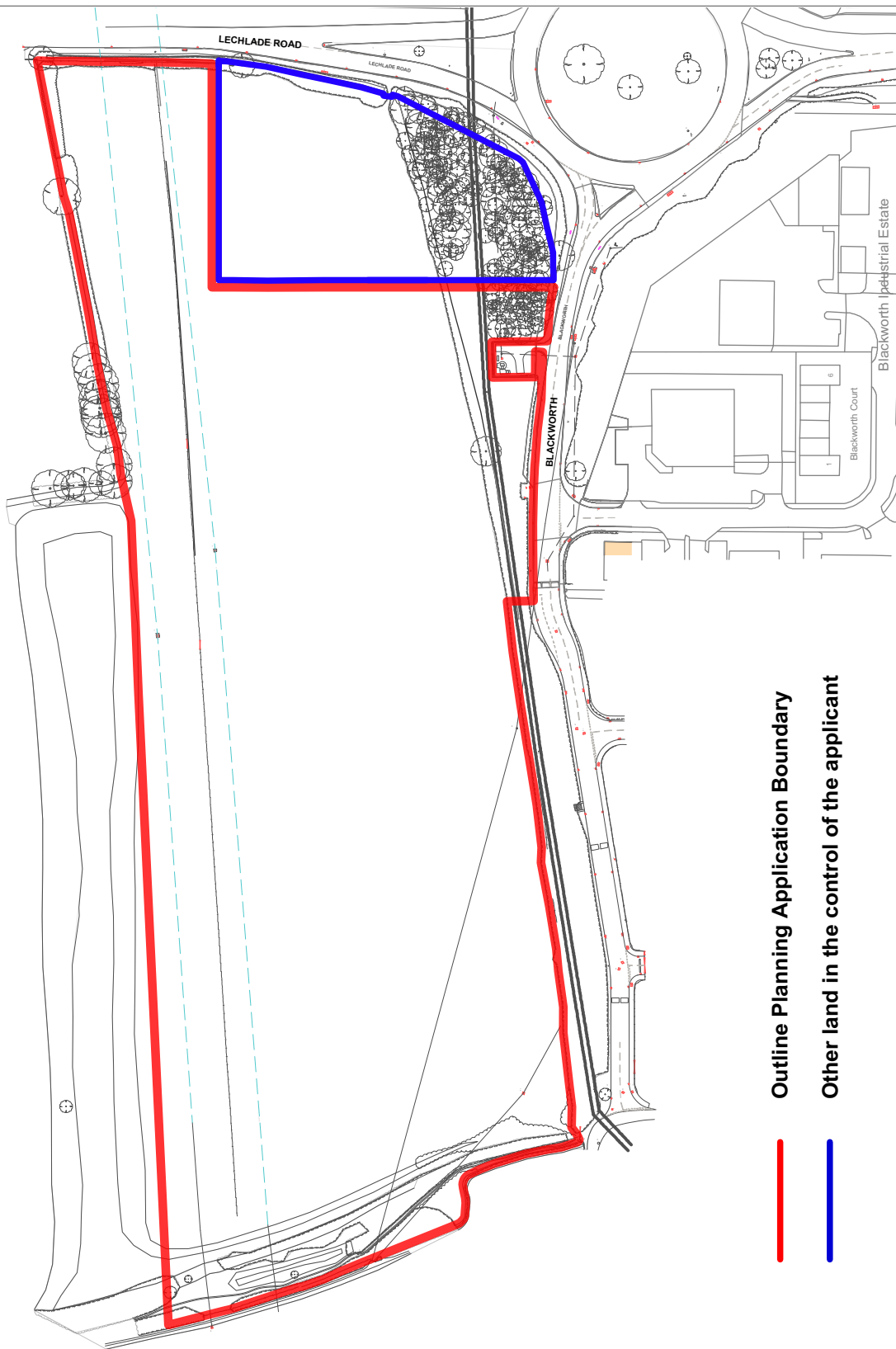
Land North Of Blackworth Industrial Estate Highworth Swindon



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

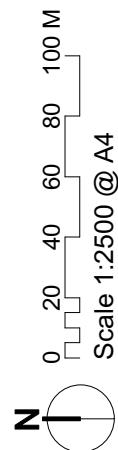
In all cases references should be made to the submitted plans.

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**Outline Planning Application Boundary**

**Other land in the control of the applicant**



**Chartered Architects**  
**Chartered Building Surveyors**  
**Interior Designers**  
**CDM Services**

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

Project  
**Highworth**

Client  
**Highworth Business Park Ltd.**

Scale Paper Size Filename  
**1:2500 A4 as Drawing**

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Do not scale this drawing

B 3/4/18 MW GS Outline app boundary amended. Access outline omitted.  
 A 8/2/18 MW GS Boundary simplified and access road position indicated.

Rev Date By Ap Note

Drawing Title  
**Site Location Plan**  
**Outline Planning Application**

Project Number Drawing Number - Revision

**140190 P(1)100 B**

Date Drawn Checked Status  
**19/9/17 AS MW PLANNING**

Check all dimensions and levels on site





## COMMITTEE REPORT

**Item Number:** 7

**Application Number:**

S/OUT/17/1772/SASM

**Ward:** Blunsdon And Highworth

**Parish:**

Highworth

**Proposal:** Outline application for the erection of class B1, B2 and B8 employment uses plus new vehicular and pedestrian access - Access not reserved.

**Site Location:** Land North Of Blackworth Industrial Estate, Highworth, Swindon

**Case Officer:** Mrs Sarah Smith

**Agent:**

Mr Taylor Cherrett  
Turley  
The Pinnacle  
20 Tudor Road  
Reading  
Berkshire  
RG1 1NH

**Applicant**

Highworth Business Park Ltd

C/o Agent

### Officers Report

Summary of Recommendation:

1 That outline planning permission be **GRANTED** with conditions

The Proposal:

2 This is an outline application with all matters, except for access, reserved. The application is for B1, B2 and B8 employment development. The planning statement submitted by the applicant says (at paragraph 3.2) that not more than 50% of the proposed floor space will be for B8 uses. Circa 14,260 square metres of floor space is proposed. From the illustrative material provided it is inferred that the principal anticipated uses of the proposed development would likely be B1(c) light industrial, B2 general industrial, and B8 storage and distribution. Following some consideration of the access it was agreed following the receipt of a revised plan that the proposed new access from Blackworth is considered as part of this proposal. At the same time it was considered that the planning application for an A1 food store submitted at the same time (S/17/1771) on the adjacent land could also provide this access so the redline of both proposals overlaps.

The Site and Surroundings:

3 The application site comprises just under 7 hectares in area and lies north of Blackworth Industrial Estate, to the north of Highworth. The site is currently an agricultural field.



There is a residential property known as Everslea on the western side of the site with a stream and public footpath on the boundary between this dwelling and the proposed employment site. To the north alongside the majority of the boundary but outside the site is a landscaped bund.

#### Representations:

4 Highworth Town Council Comments: Recommend acceptance.

5 Local Residents:

Impartial comment from 33 Bydemill Gardens on the following grounds: not sure of the need for this development in Highworth.

Letter of objection from 20 Knowlands on the following grounds :- the last thing Highworth needs now is more industrial development – can't fill the vacant buildings now.

Letter of objection from 22 Lechlade Road on the following grounds:- the high pressure water main may be a constraint to the development and has not been considered, need has to be demonstrated for the development and full noise assessment required.

Further letter from 22 Lechlade Road :- location of noise assessment measuring locations incorrect and seriously flawed.

A large number of cards from local residents have been received many supporting both the proposals but most only referring to the A1 retail store on the adjacent site (S/17/1771) with some not supporting the employment development proposed with this application.

#### Planning Considerations:

6 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Swindon Borough Local and Highworth Neighbourhood Plan are the principal development plan documents applicable to the determination of this application.

7 The site is outside of the Rural Settlement Boundary of Highworth as defined in the Swindon Local Plan 2026 Policies Map and Highworth Neighbourhood Plan. The Neighbourhood Plan settlement boundary is more recently 'made' and so takes precedence. The settlement boundary runs to the south of Blackworth Industrial Estate.

8 Swindon Borough Local Plan Policies SD2 (Sustainable Development Strategy) and RA1 (Employment land allocations) and Highworth Neighbourhood Plan Policy 3 are relevant.

9 The site lies outside of the Rural Settlement Boundary of Highworth under Local Plan Policy SD2 (Sustainable Development Strategy). Policy SD2 permits development outside of rural settlement boundaries only in certain prescribed circumstances. One of those circumstances is where "it is in accordance with other policies in this Plan permitting specific development in the countryside".

10 Although not within the settlement boundary, the application site forms part of an

employment allocation under Local Plan Policy RA1. Policy RA1(b) states that “Land north of Blackworth Industrial Estate, as shown on the Policies Map, is allocated for B Use Class employment use, with no more than 50% being used for B8-Use Class”.

11 The eastern part of the employment allocation, comprising approximately 1ha, does not form part of the application site, but is within the applicant’s ownership and is subject to a separate application for an A1 food store (SBC reference S/17/1771).

12 The application is for B1, B2 and B8 employment development. The planning statement says (at paragraph 3.2) that not more than 50% of the proposed floor space will be for B8 uses. Circa 14,260 square metres of floor space is proposed. A restriction on the proportion of floor space that can be used for B8 storage and distribution use would need to be imposed by planning condition were planning permission to be granted. From the illustrative material provided it is inferred that the principal anticipated uses of the proposed development would likely be B1(c) light industrial, B2 general industrial, and B8 storage and distribution.

13 Thus, albeit that it does not incorporate the comprehensive development of all of the land allocated for employment development under Policy RA1, the application is in accordance with that policy. Whilst the Borough Council on the basis of Local Plan Policy would want to see comprehensive employment development of all of the allocated land, it is not considered that the omission of part of the allocation from this proposal would be a reason to object to the proposed development on policy grounds.

14 As the proposed development accords with Local Plan Policy RA1, it is also in accordance with Local Plan Policy SD2 and Highworth Neighbourhood Plan (HNP) Policy 3 which states that outside the defined settlement boundary land is defined as ‘open countryside’ and development here will not normally be permitted unless it complies with rural development policies in the Swindon Development Plan.

#### Highways

15 Local Plan Policies TR1 (Sustainable Transport Networks) and TR2 (Transport and Development) apply.

16 The site is located to the north of Blackworth Industrial Estate at Highworth adjacent to the A361 at the Blackworth roundabout. The highway network here benefits from lighting and the posted speed limit is 40mph. Whilst connectivity for vehicles is good, facilities for non-motorised users are limited. Wide grass verges are present and suitable for the implementation of facilities for pedestrians and cyclists to link with the existing facilities 200m south of the roundabout. There is a poor pedestrian route from the residential areas to the south and east of Highworth into and through the Industrial Estate. However it stops short of the application site. There are no direct links from residents east of the A361. The nearest Bus stop is some 400m of the site.

17 Access to both of the proposed developments is via Blackworth and a new priority junction with right turn lane.

18 In order to assess the impact of the proposal on the highway network a sensitivity test with the proposed trips from the application adjacent to this site has been undertaken, including both sets of proposed trips. The application is predicted to generate 86 trips in

the AM peak period and 69 trips in the PM peak period

19 A capacity assessment was also undertaken for the proposed site access right turn lane junction with Blackworth, the RFC values are low for both year of opening and horizon year with no queues forecast and delays of only 6 or 7 seconds. With no queues forecast this confirms that the proposed right turn lane has sufficient capacity to accommodate right turning vehicles into the development without detriment to vehicles exiting the roundabout junction onto Blackworth. This is confirmed by the lane simulation capacity assessment which allows the effect of any lane flow demand imbalances on the roundabout to be studied.

#### Footway Link and Provision for Cyclists

20 The Transport Statement acknowledged cycling on the A361 is less desirable due to the traffic volumes, however the development did not originally propose a route to the site for cyclists.

21 A pedestrian route was proposed from the existing signalised crossing on the A361, across the open space and through the Industrial Estate, however this route is not suitable for pedestrians and cyclists and there were concerns over cyclists using the carriageway within the Industrial Estate where there is naturally a higher percentage of HGV traffic. The existing path appears narrow and adjacent to fences and the rear of properties, it is not well overlooked and lacks sufficient illumination. Furthermore this route would be circuitous for the residents living to the east of the roundabout, such that the length of the route is likely to deter people walking /cycling or risk the hazards of people using the grass verges. Therefore a safe means of access for pedestrians and cyclists was required to be demonstrated.

22 There is an old route running north south on the west side of the A361 adjacent the industrial estate between the signalised crossing and the roundabout that would provide a straighter route avoiding the Industrial Estate that could be upgraded to provide for pedestrians and cyclists. This has now been agreed with the developer and can be secured via a 'Grampian' condition if permission is granted.

23 It is noted that comments have been made objecting to potential increases in traffic accessing the site from Pentylands. A means of preventing vehicles undertaking this manoeuvre is outside of the control of the applicant as the site boundary does not adjoin Blackworth at this point and Blackworth is privately maintained and therefore also not in control of the Local Highway Authority. Any physical measure to prevent vehicles making this manoeuvre would prevent access to existing properties accessed from Blackworth which is not reasonable or acceptable.

#### Rights of Way

24 The site is crossed by Public Footpath 2 Highworth and is in use by the public and gated and signed. However the route used on the ground is not necessarily the legal alignment. The Council's Rights of Way Manager has noted that this public highway has not been recognised within the documents submitted with the application. He advises that if the outline application is granted consent then the applicant should be required as part of any detailed application to provide a plan showing the legal alignment of the public footpath with details of how the highway will be protected during construction period. Or if

this is not possible then a diversion order will be required.

#### Drainage

25 The site is generally well planned in terms of surface water drainage however, some information is missing from the submission. Further details are required in terms of the applicant looking at using a variety of SuDS methods that improve water quality rather than purely focussing on the water quantity. However, the Drainage engineer considers that this can be managed via condition.

#### Ecology

26 The original ecological report was considered inadequate but further work has been carried out. The Council's Ecological advisor is satisfied that the report received in April (the revised Ecological Impact Assessment (ACD Environmental, 9.4.18) addresses many of his earlier concerns and provides further details on how ecological surveys have been scoped. It also clarifies that the outlier badgers' sett is currently disused. He has recommended a Condition so that the required protection and mitigation can be carried out with a Biodiversity Mitigation Enhancement Plan.

#### Trees and Landscaping

27 There are existing trees particularly to the south of the site. The impact of the development on the trees needs to be considered as part of the application.

Policy EN5 (Landscape Character and Historic Landscape) states that developments will only be permitted where the intrinsic character, diversity and local distinctiveness of the landscape are protected; unacceptable impact on the landscape must be avoided. Subject to a suitable condition there are no objections in respect of the impact of the development on trees within the site.

#### Archaeology

28 When the application was originally submitted the County Archaeologist commented that this is an archaeologically sensitive area where there is high potential for Roman remains. She advised that evaluation by geophysical survey and trial trenching across the site was undertaken prior to the determination of this application. An archaeological evaluation has been carried out during late March/early April this year on both this site and the adjacent proposed retail store proposal site (S/17/1771). This evaluation confirmed the results of a geophysical survey that in a central area there is a 'farmstead' complex of late Iron Age to early Roman date with peripheral agriculture related features.

The County Archaeologist has recommended a Condition to require a full scale archaeological excavation to be carried out.

#### Design

29 The detailed design of the site would be considered with the Reserved Matters application if received following any Outline Permission.

#### Concluding comments:

30 Subject to conditions it is considered that the proposed development would be in accordance with the relevant Policies of the Swindon Borough Local Plan 2026 (2015) and the Highworth Neighbourhood Plan and the National Planning Policy Framework.

## Recommendation

31 That outline planning permission be **GRANTED** with conditions

### Conditions/Reasons

1. Application for the approval of the reserved matters referred to in condition 2 shall be submitted to the Local Planning Authority before the expiration of 3 years of the date of this permission

Reason: To comply with the requirements of Section 92 (2) of the Town & Country Planning Act 1990.

2. Prior to the commencement of works on site in connection with the development hereby permitted, details of the scale, layout, appearance and landscaping (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.

3. The development hereby permitted shall begin no later than two years from the date of approval of the last reserved matters.

Reason: To comply with the requirements of Section 92 (2) of the Town & Country Planning Act 1990.

### JUNCTION COMPLETION

4. No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road and associated visibility splays, 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.

### ACCESS

5. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan [drawing no. SK10 Rev B] and surfaced in bound material, and shall be maintained thereafter, unless or until adopted as highway maintainable at public expense.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out and constructed.

### PARKING & TURNING

6. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning and loading/unloading facilities required for that/those building(s) have been provided in accordance with details to be submitted to and approved in writing by the LPA, and those facilities shall be maintained available for those purposes thereafter.

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

### ELECTRIC CAR CHARGING

7. Prior to the development being brought into use, details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and no occupation of the development shall occur until the approved details have been completed and thereafter maintained.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up.

#### CYCLE PARKING

8. Each building hereby permitted shall not be occupied until secure and sheltered cycle storage facilities in accordance with SBCs adopted Parking Standards has been made available in accordance with details to be submitted to and approved in writing by the LPA in accordance with SBCs Parking Standards, and thereafter maintained.

Reason: To promote and encourage sustainable transport and travel.

#### MOTORCYCLE PARKING

9. Each building hereby permitted shall not be occupied until secure parking facilities for motorcycles in accordance with SBCs adopted Parking Standards has been made available in accordance with details to be submitted to and approved in writing by the LPA in accordance with SBCs Parking Standards, and thereafter maintained.

Reason: To promote and encourage sustainable transport and travel.

#### CONSTRUCTION METHOD STATEMENT

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. specify point of construction access and access route to the site;
- iii. provide for the parking of vehicles of site operatives and visitors;
- iv. provide for the loading and unloading of plant and materials;
- v. provide for the storage of plant and materials used in constructing the development;
- vi. provide for wheel washing facilities;
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development.

#### ESTATE ROAD MAINTENANCE

11. No construction 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.

## OFF SITE HIGHWAY WORKS

12. The development hereby permitted shall not be occupied or brought into use until full details of new shared footway/cycleway from the signalised crossing on Lechlade Road to the site and the improvements to the pedestrian route via the existing business park have been submitted to and agreed in writing by the Local Planning Authority and implemented in full accordance with the approved plans and available for use.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access to the development.

## SURFACE WATER DRAINAGE

13. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment & Drainage Strategy for Commercial development, Highworth (document Reference: 9913w0005d) September 2017' and 'Indicative Surface Water Drainage Layout, Drawing Number: 9913sk0004 Rev C', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

- Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or as close as practical for any areas that have been previously developed;
- Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
- Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
- General arrangement, which should be coordinated with the landscape proposals and the masterplan;
- Manhole Schedules;
- Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;
- Details of how the scheme shall be maintained and managed after completion;
- Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

## ARCHAEOLOGY

14 No development shall commence until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

## ECOLOGY

15 No development shall commence before the recommendations set out in the revised Ecological Impact Assessment (ACD Environmental, 9.4.18) received by the Local

Planning Authority 11<sup>th</sup> April 2018 are carried out in respect of the following:-:

16.11 A Biodiversity Mitigation and Enhancement Plan. This should be based on the recommendations in this report, plus any subsequent survey information.

6.12 site clearance.

6.15, 6.16, 6.18 badgers

6.22 Impact of lighting on bats. The site lighting scheme should be designed in conjunction with the applicant's ecologists.

6.24 birds

6.25 Grassland management for wildlife.

6.28 reptiles

6.34 ecological enhancements

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

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

18 Prior to the first occupation of the development hereby permitted, a scheme of hard and soft 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 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.

19. 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.

20. Prior to the occupation of any building for a use or uses falling within classes B2 and B8 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) an Acoustic Assessment shall be undertaken to identify any mitigation necessary to ensure that the amenity of the occupants of nearby dwellings is protected from noise emanating from the site. Such details shall be submitted to the submitted to the Local planning authority for approval in writing and the agreed mitigation shall be carried out prior to the commencement those uses or in accord with the scheme and timetable of mitigation that has been agreed. The agreed mitigation shall thereafter be retained in the approved form.

Reason: In the interests of residential amenity

## Informatives



### 1 CIL Liabile 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. Information on possible exemptions that may be capable of being applied for can be found at:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy) and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

### 2 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](mailto:TransportDevelopment@Swindon.gov.uk)

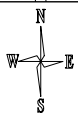
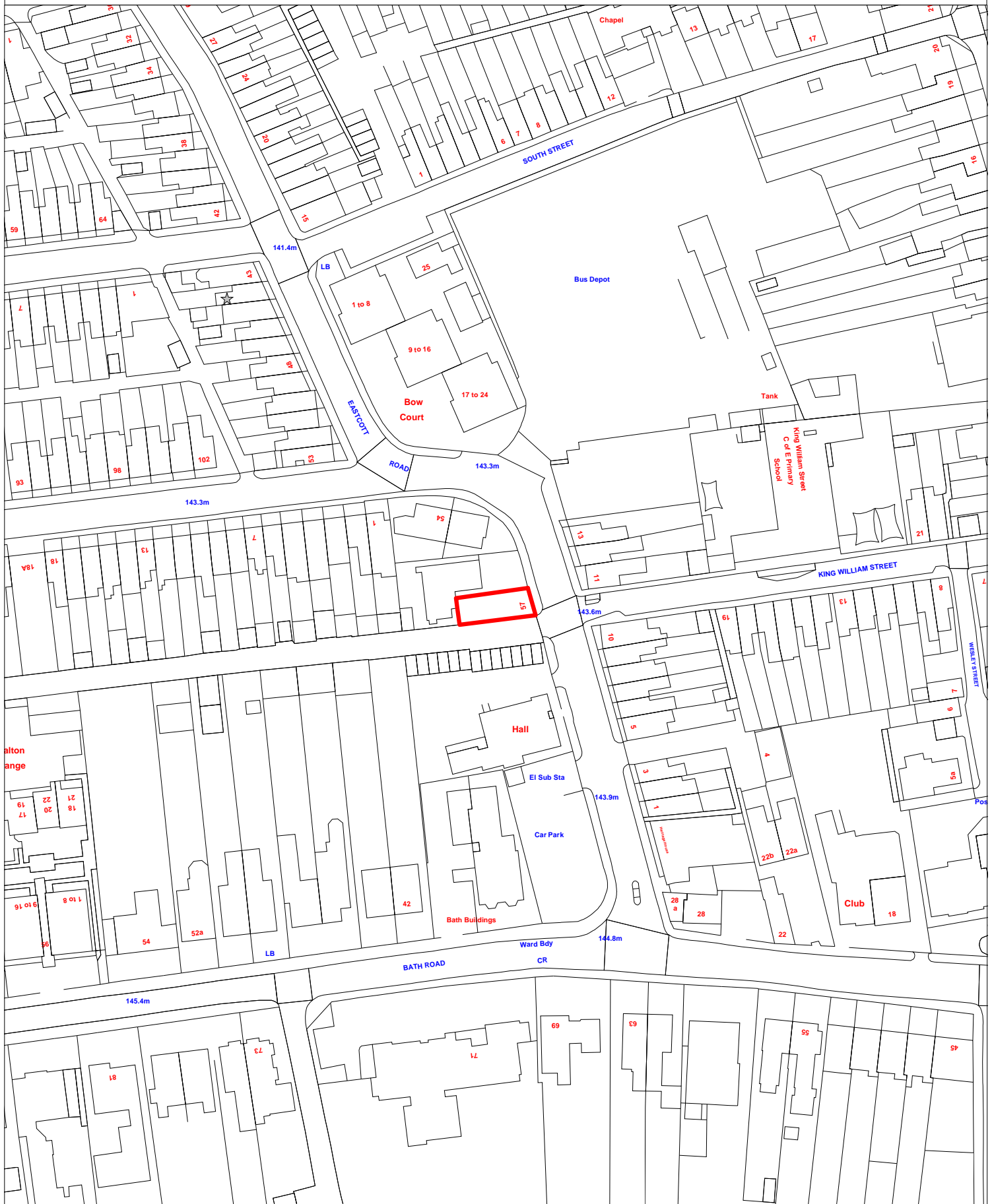
### 3 Wheel Wash and Winter

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.

[https://www.swindon.gov.uk/info/20040/road\\_safety\\_maintenance\\_and\\_repairs/737/find\\_out\\_about\\_road\\_gritting](https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting)

End of Report

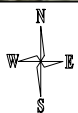
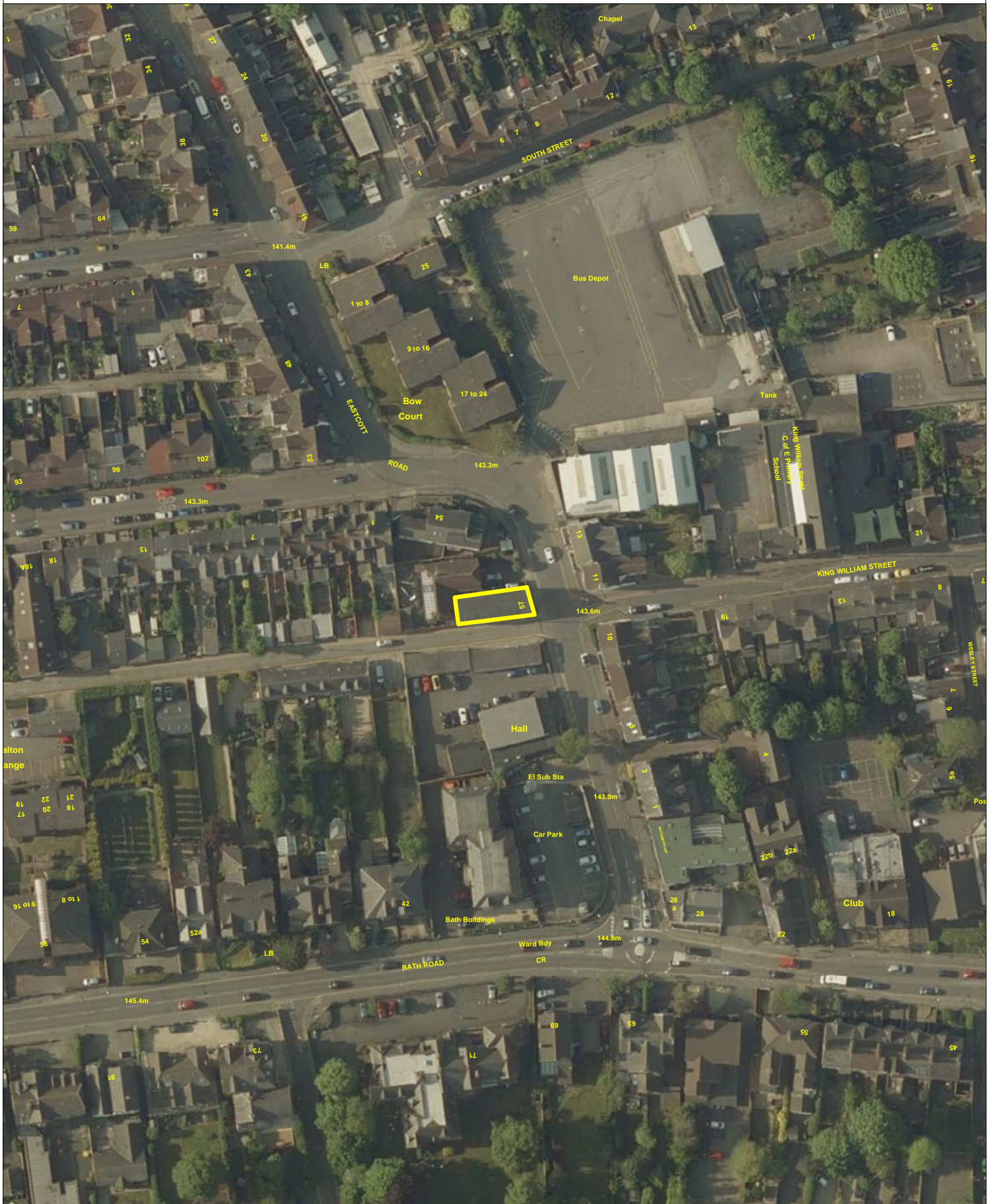
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to (House In Multiple Occupation) for 11no. residents and associated works.  
57 Eastcott Road Old Town Swindon SN1 3LR



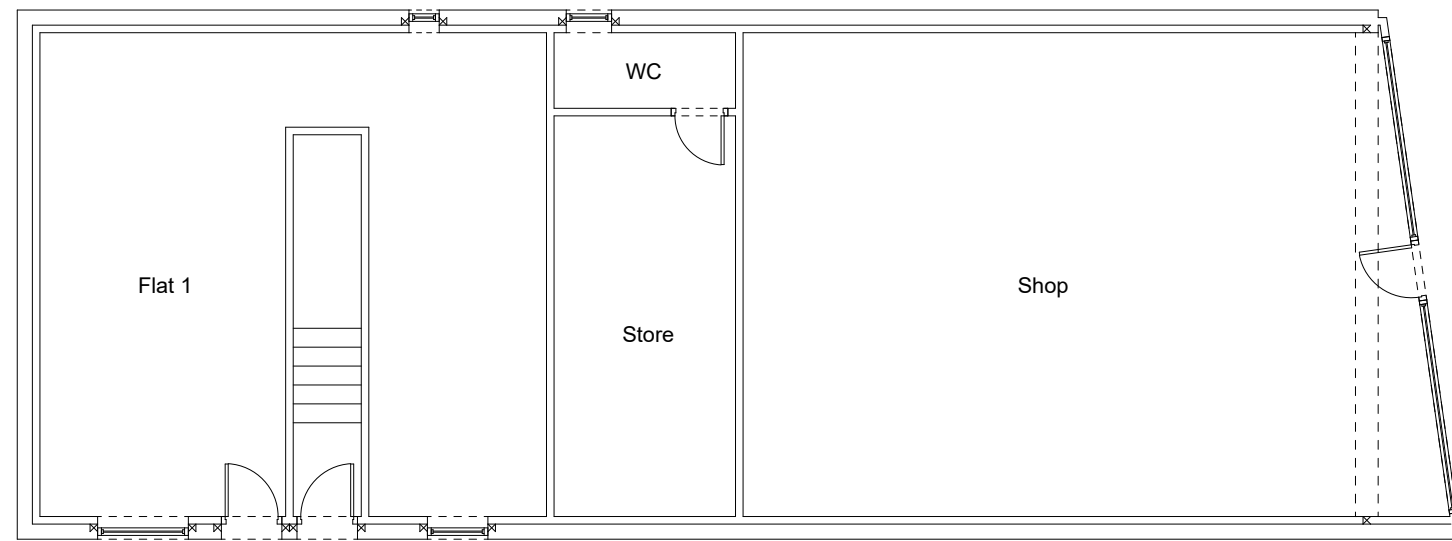
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.  
In all cases references should be made to the submitted plans.



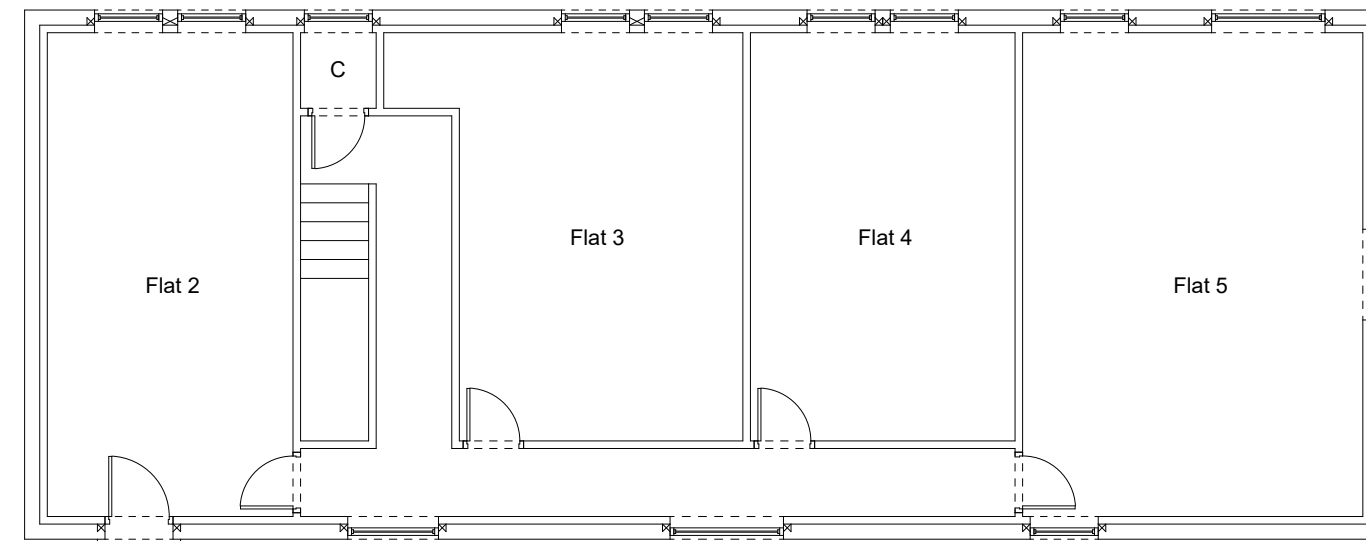
Change of use from shop (Use class A1) and 5no. residential flats (Use class C3)  
to (House In Multiple Occupation) for 11no. residents and associated works.  
57 Eastcott Road Old Town Swindon SN1 3LR



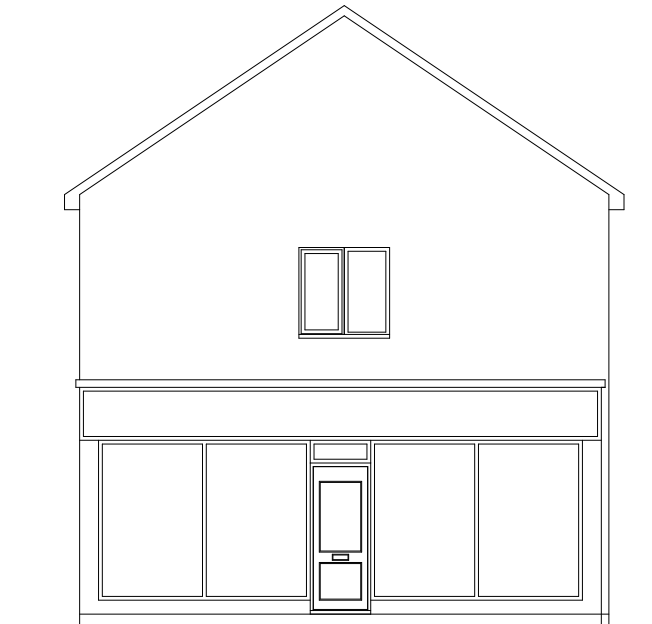
This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.  
In all cases references should be made to the submitted plans.



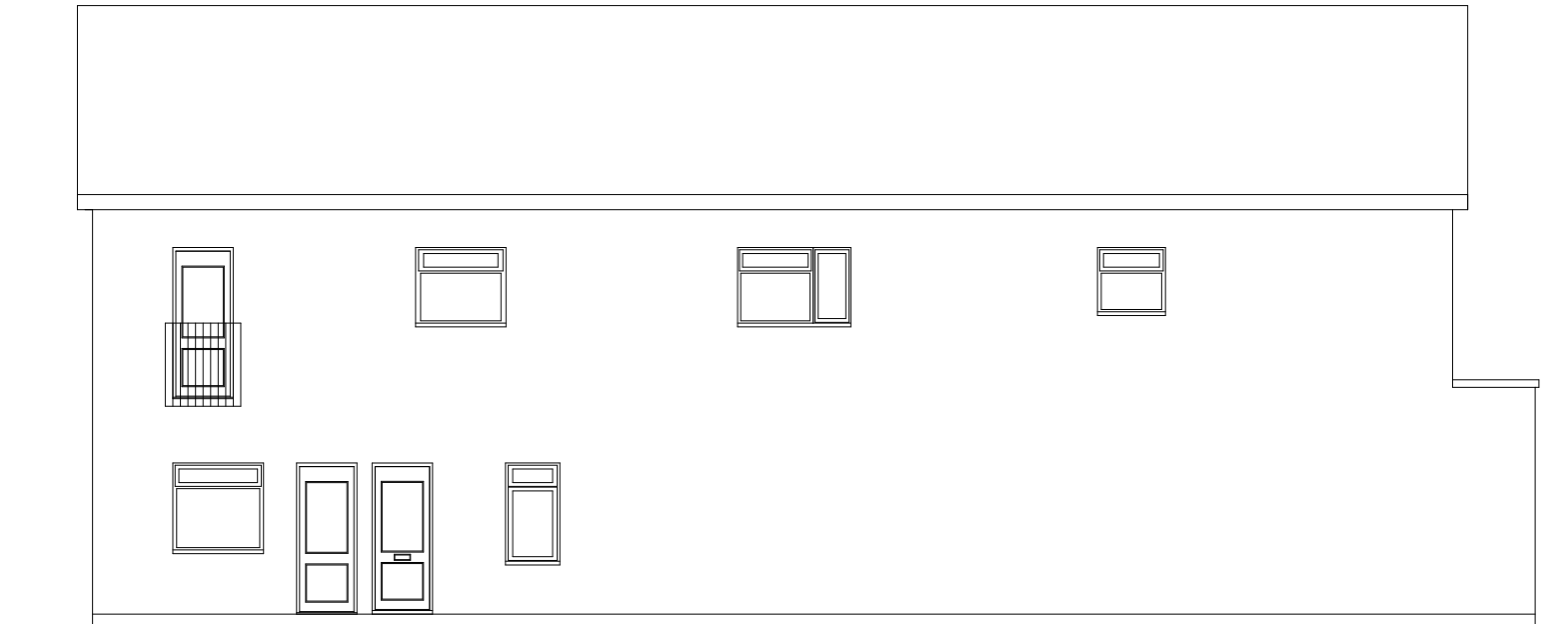
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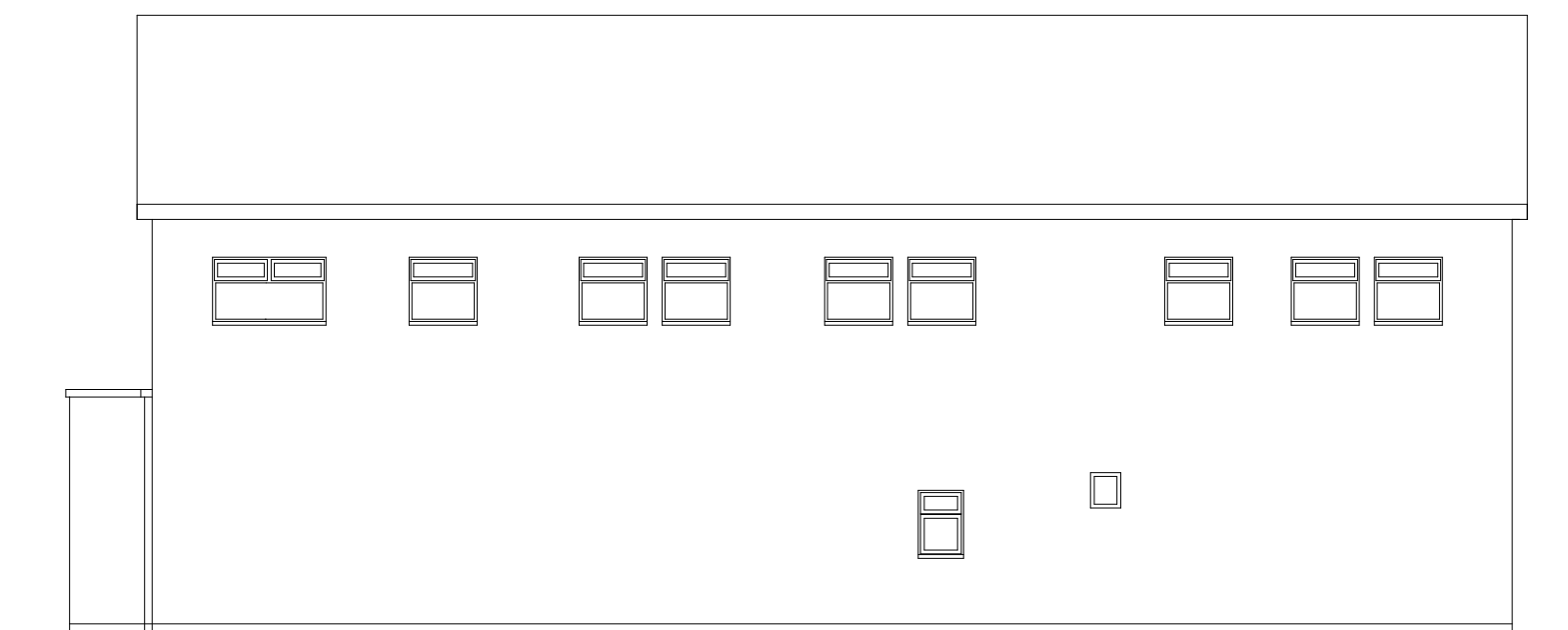
Existing First Floor



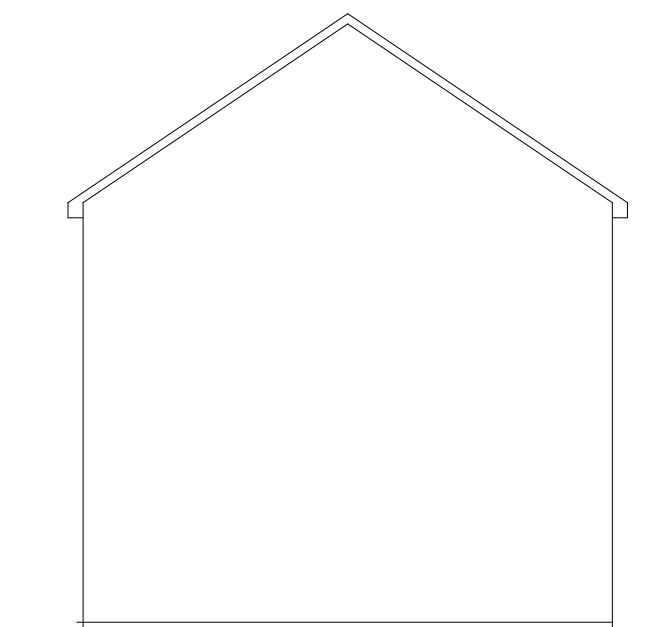
Existing Front



Existing Side



Existing Side



Existing Rear



Client  
**Mr G House**

Project  
**57 Eascott Road  
Swindon  
Wiltshire  
SN1 3LR**

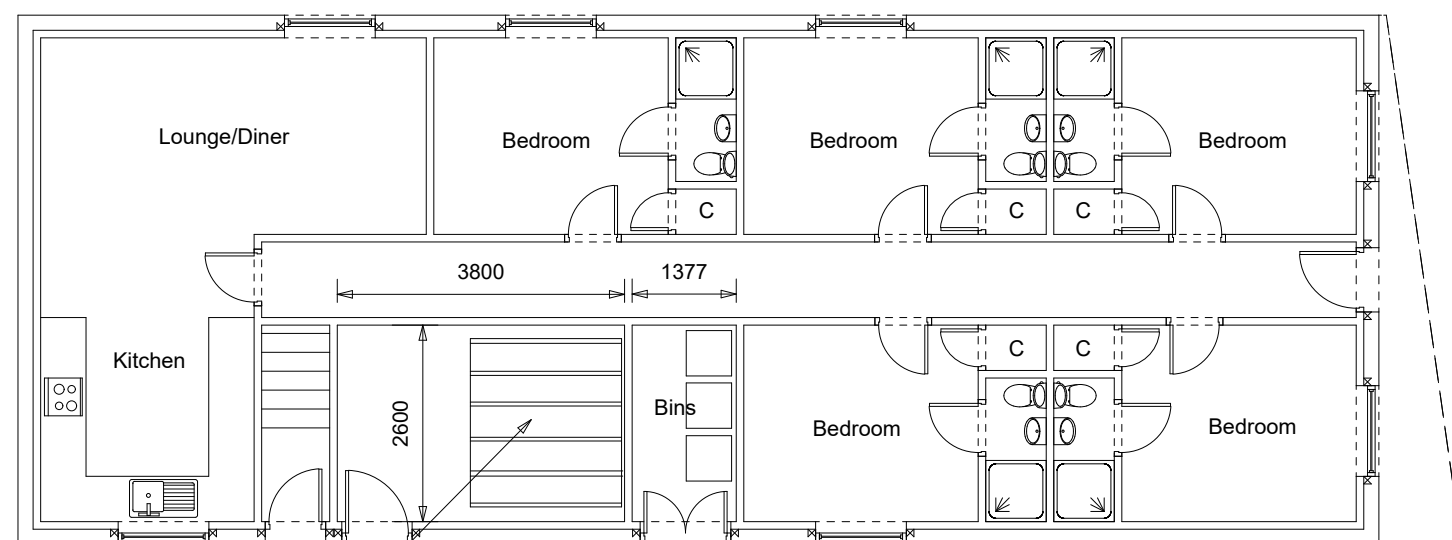
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Drawing No.  
**18/1233/01**

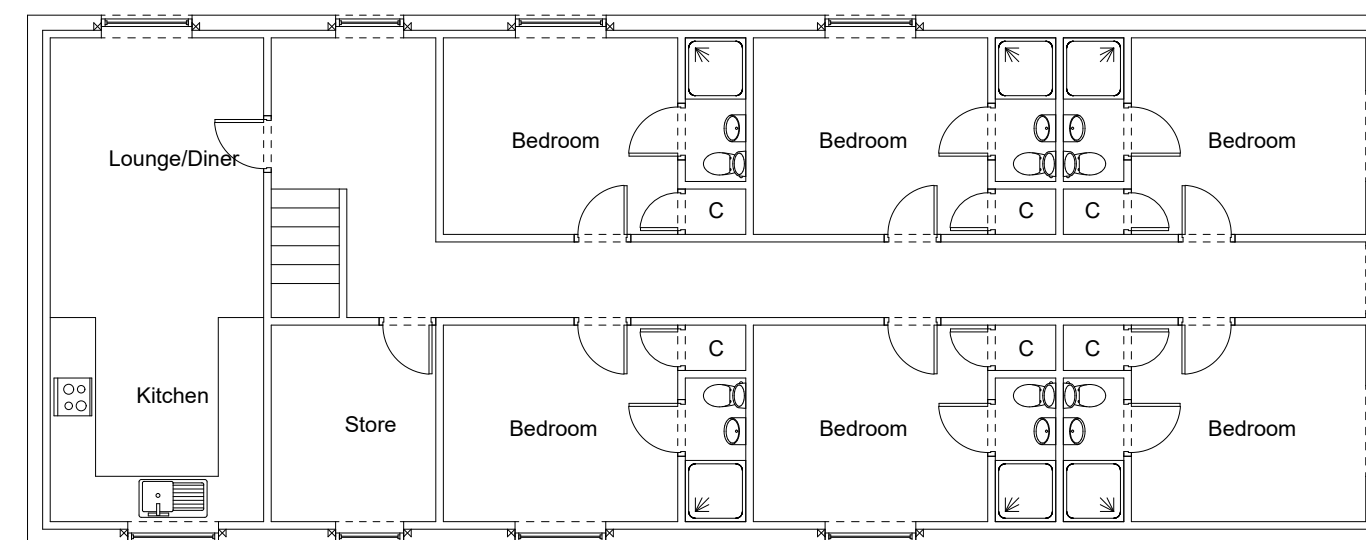
Date  
**April 2018**  
Drawn by  
**MM**

Scale  
**1:100 @ A2**  
Checked by  
**RGN**

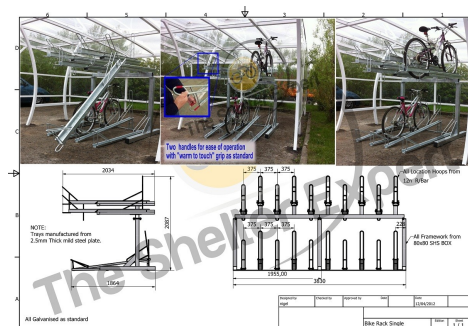
27b High Street  
Highworth  
Swindon  
SN6 7AG  
01793 762368  
07798 864291



Proposed Ground Floor



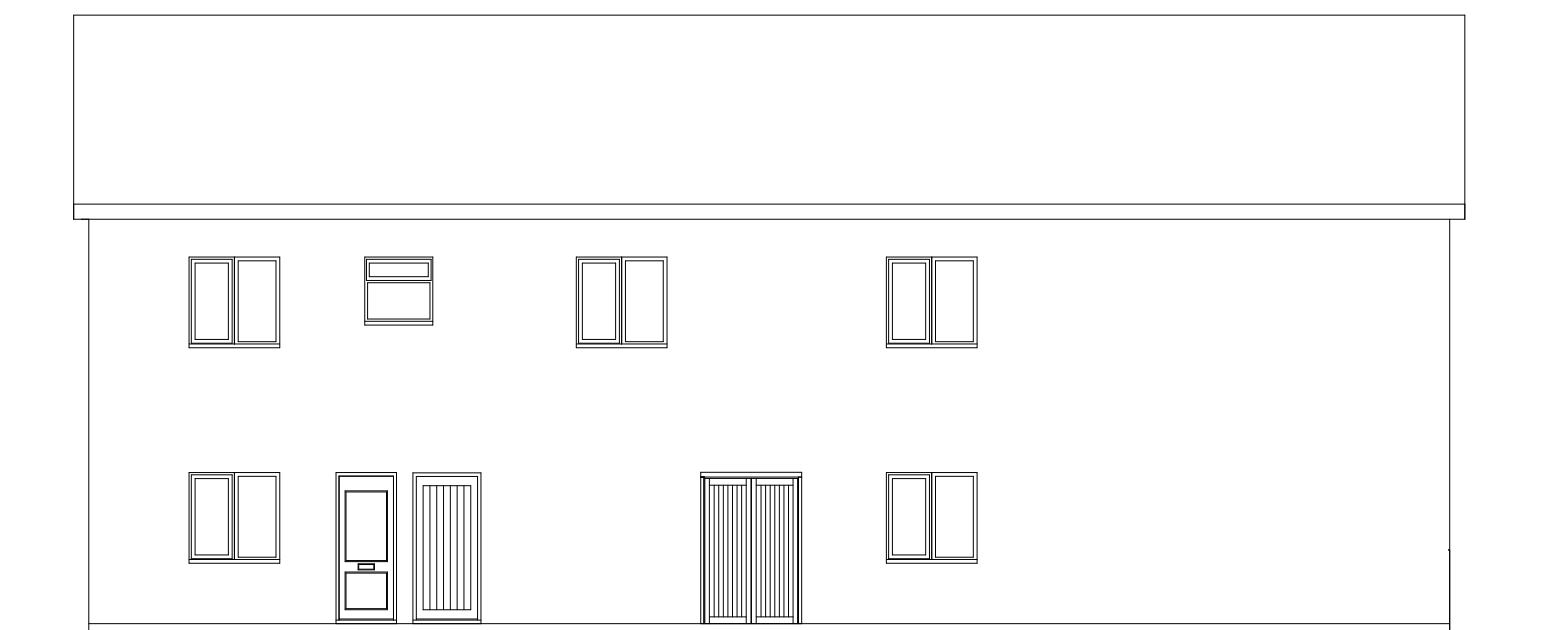
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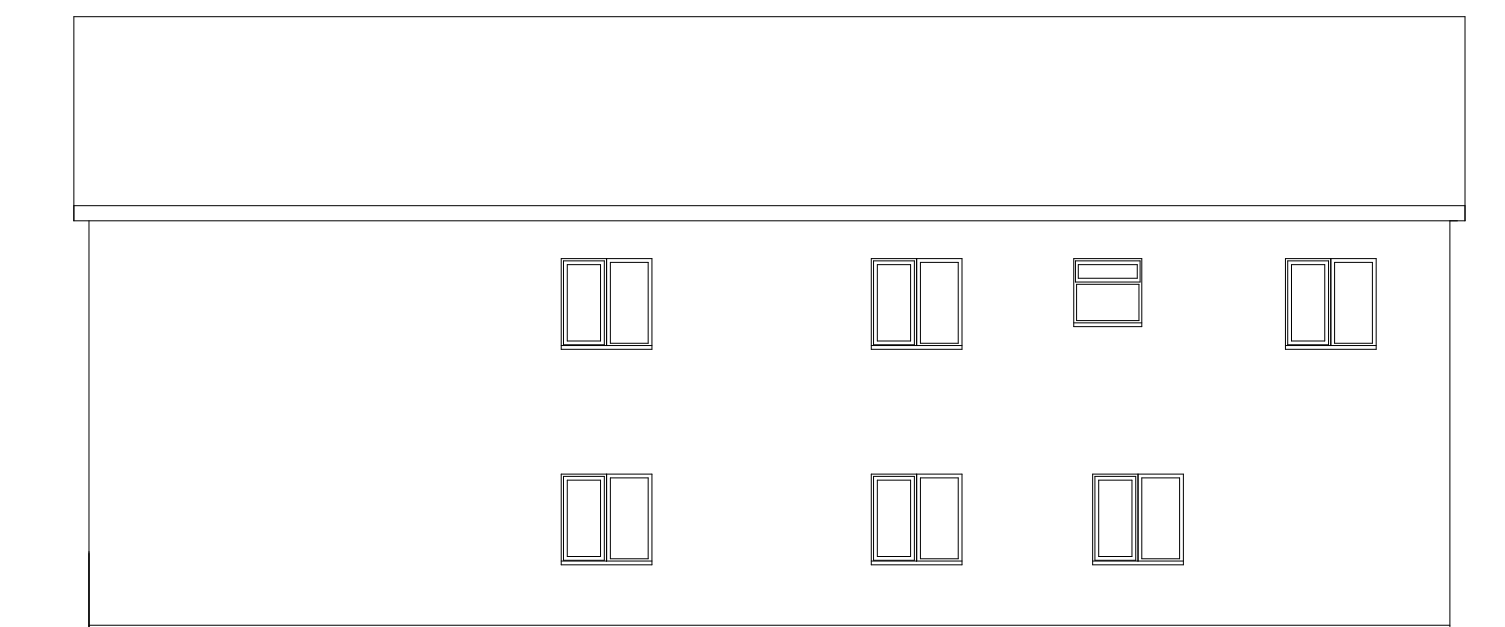
12no spaces with 2 tier  
cycle rack



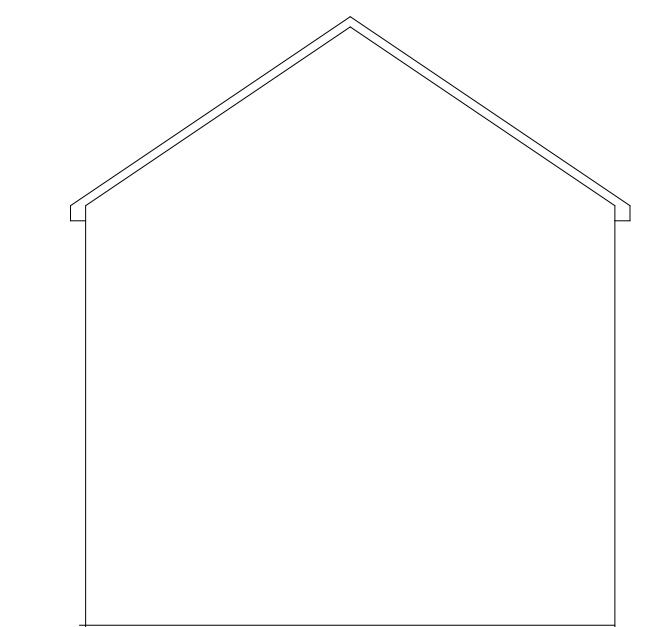
Proposed Front



Proposed Side



Proposed Side



Proposed Rear



Client  
Mr G House

Project  
57 Eascott Road  
Swindon  
Wiltshire  
SN1 3LR

Drawing Title  
Proposed

Drawing No.  
18/1233/02 rev C

Date  
April 2018  
Drawn by  
MM

Scale  
1:100 @ A2  
Checked by  
RGN

27b High Street  
Highworth  
Swindon  
SN6 7AG  
01793 762368  
07798 864291





## COMMITTEE REPORT

**Item Number:** 8

**Application Number:** S/18/0647/HC

**Ward:** Eastcott

**Parish:**  
Central Swindon South

**Proposal:** Change of use from shop (Use class A1) and 5no. residential flats (Use class C3) to (House In Multiple Occupation) for 11no. residents and associated works.

**Site Location:** 57 Eastcott Road, Old Town, Swindon

**Case Officer:** Miss Heather Carlisle

**Contact Details:** [hcarlisle@swindon.gov.uk](mailto:hcarlisle@swindon.gov.uk)

**Tel:** 01793 466305

**Agent:**

Mr Rod Navarrete  
Home Plan Design Services  
27B High Street  
Highworth  
Swindon  
SN6 7AG

**Applicant**

Mr G House  
  
C/o Home Plan Design Services

### Officers Report

Background:

i) This application has been called into Planning Committee by Cllr Pajak (Ward Councillor) due to its overdevelopment and house in multiple occupation usage.

ii) A planning application (S/17/0809) for a very similar scheme (12 units) was refused on the basis of amenity and highways impacts. The scheme was appealed to the Secretary of State and was subsequently dismissed by the Planning Inspectorate for failing to promote sustainable transport options, specifically cycling.

Summary of Recommendation:

That planning permission be GRANTED with Conditions

**The Proposal:**

1 Planning Permission is sought to change the use of a shop (Class A1) and 5 residential flats to a house in multiple occupation (HMO) for 11 residents (1 bedroom units) and associated works. The submitted plans indicate that each bedroom would be ensuite. On each floor is a communal kitchen, dining/living space and a refuse storage area and cycle storage for 11 bicycles is being proposed within the ground floor with access from the

alleyway. External changes to the building are proposed in the form of fenestration changes and removal of the existing shop front.

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

2 The building at present includes 5 flats at first floor and a vacant shop at ground floor. The existing building takes up the majority of the site it sits within. The two storey host building dates from the early 20<sup>th</sup> Century and seems to be a building formerly relating to a past industrial/ business use. It is a simple brick building, painted, which presently has a shop front in the eastern end and in the eastern gable there are the remnants of what appear to be a hoist door. The site is located in a predominantly residential area and the site abuts two conservation areas albeit not in one itself (Town Gardens and Prospect Place Conservation Areas). An access way runs along the side of the property between Lansdown Road and Bath Road.

### **Representations:**

#### **3 Neighbours:**

Objections received from: 9 Lansdown Road, 8 Eastcott Road, 48 Eastcott Road

#### **Concerns raised:**

- No parking has been allocated. If the garages are intended for parking then no permits for further parking should be issued to these addresses (else the garages will be used for storage). Parking around the area is already at breaking point, this will just make it worse. The area we live in has serious parking issues and although this application states that they rent 5 garages from the Moose Hall, we feel it should be pointed out that 3 of these are already sublet to tradesmen as storage and not used as garages and in any rate there are 5 garages for 11 residents. The garages are rented and not owned by the property, so there is no permanent parking solution that can be attributed to this property.
- Acknowledged that a bin store is now shown on the plans, however our objections remain to the sheer volume of rubbish that will be produced by a property of 11 individuals and still feel that this will be an attraction to rodents.
- Old Town has a significant number of HMO's already and is beginning to suffer with the problems associated with this type of dwelling. We feel that the tipping point is being reached in this area and that family homes would be more appropriate and are needed in this area.
- The building is of a size that although the bedrooms meet the regulation size for one individual in each, the remainder of the space is tiny for communal space to house kitchen, dining and living quarters for 6 and 5 people respectively and all the furniture that will require, it is akin to putting chickens in battery farms in our opinion.
- The property has only one stairway to the upstairs level and in the event of a fire that blocks this stairway, the upstairs residents would have no way to exit the building.
- The conservation comments state the building is currently empty. This is not true, there are currently two tenants living at this property.
- 11 people living at 57 Eastcott Rd will disturb people living nearby, especially if

they are outside smoking.

- It is assumed all the tenants will walk or cycle. If the council is considering giving planning permission, maybe a condition could be added to ensure the tenants cannot obtain residents' parking permits. It is difficult enough to get parked outside your home at the moment without extra cars adding to this and more permits being issued.

#### 4 Central Swindon South Parish Council: Objection for the following reasons:

- Does not conform to Swindon Borough Council's Local Plan 2026 Policy HA4 – Subdivision of Housing and Houses in Multiple Occupancy.
- The limited information on the plans means it is not possible to calculate whether the internal floor space of the original dwelling is at least 100m<sup>2</sup>.
- The development will have a detrimental effect on the street scene and the design is not sympathetic to the building. The railings at the front are not in keeping with the area and this has been highlighted by the Conservation Officer.
- The bin and cycle store is not large enough for 11 flats.
- The number of rooms within the building will mean that the rooms will be very small in size, like student accommodation. The size of the living and kitchen accommodation is too small for the number of flats. The Parish Council would like to see a reduced number of flats that are more suitable for people to live in.
- There is a serious fire safety issue as there is only one staircase and no fire escape.
- This area already has a high number of HMOs and this development would lead to an unacceptable concentration.

5 Conservation: No objection. Subject to conditions regarding materials and the external finish of the scheme, the proposed works should not cause harm to the character and appearance of the conservation area.

6 Environmental Health (Residential Services): The bedrooms fall below 10m<sup>2</sup>. Therefore, even though shared space has been provided the maximum occupation of this property would be eleven occupiers (one per bedroom). This also suits the kitchen and washing facility standards. Where there will be six occupiers sharing the kitchen on the first floor, additional food storage and sinks shall be provided.

7 Local Highway Authority: No objection

### **Relevant Policy:**

#### 8 The Development Plan

- Swindon Borough Local Plan 2026 (2015)
  - Policy SD1: Sustainable Development Principles
  - Policy SD2: The Sustainable Development Strategy
  - Policy DE1: High Quality Design
  - Policy HA4: Subdivision of Housing / Houses in Multiple Occupation
  - Policy TR2: Transport and Development.
  - Policy DE10: Historic Environment & Heritage Assets
- Swindon Central Area Action Plan (2009): No relevant policies



## 9 Material Planning Considerations

- National Planning Policy Framework (2012)
- Technical Guidance on Parking Standards Development Control Guidance Note (2009)

### Site History:

10 An application submitted under S/16/835 was granted in July 2016 for the change of use of a shop and 5 no apartments to 5 no self-contained apartments.

11 An application submitted under S/17/0809/HC was refused on the 15<sup>th</sup> May 2017, this subsequently went to appeal and the Planning Inspectorate dismissed the appeal under Appeal Ref: APP/U3935/W/17/318436

### Planning Considerations:

12 The Swindon Borough Local Plan was adopted on the 26<sup>th</sup> March 2015 and is part of the development plan for the Borough. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

13 The relevant considerations are the principle of the development, residential amenity and highway safety.

14 The NPPF within the core planning principles states that planning should; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

15 Local Plan policy SD1 expects development proposals amongst other criteria to be of high quality design, to promote health, safe and inclusive communities and be accessible by walking, cycling and public transport. Policy SD2 expects to realise development opportunities within Swindon's urban area. As a result of the host property being located within Swindon's urban area in an area already characterised by residential usage (including houses, flats and HMOs) and within walking distance of the town centre and old town and it is therefore a highly sustainable location in terms of its proximity to such services and public transport. It is considered that the principle of development is acceptable.

16 The key Local Plan policy in respect of the conversion of buildings into Houses of Multiple Occupation is policy HA4.

### Minimum Floor Area

17 The first bullet point of part a, states that the internal inhabitable floorspace of the original dwelling should be 100 square metres in area. However, it is important to note that whilst the premises would not have been originally built and occupied as a dwelling, the premises are partly occupied as such but are partly presently in use as a Class A1 (Retail). Nevertheless the present floorspace that will be converted is well in excess of the

100 square metre minimum floorspace.

### Amenity

18 The second bullet point of part a states that proposals for HMO's must not harm the character of the area, street scene or amenity of neighbouring residents including through the provision of parking, refuse and cycle storage. The immediate area is partly residential although there are shops, school and other facilities located close by. External changes are being proposed but these are minor alterations to a window and doors on the front and side elevation and the removal of the existing shopfront. Therefore the building will have a residential appearance and character. The application has demonstrated that there is sufficient capacity to accommodate refuse and bicycle storage internally within the premises. The Highways Officer is happy to with the provision.

19 The proposed development would not change the character and appearance of the host property substantially. The front railing element has been withdrawn from the scheme and whilst there has been some minor fenestration changes these are acceptable and have caused no harm. It is evident that each of the units would provide acceptable amenity levels for its future occupiers in terms of access to daylight and appropriate privacy levels. 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 and 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. The removal of the shop front and insertion of fenestration subject to details are deemed to be acceptable and will not harm the character of the street scene or host property in line with Policy DE1.

20 The NPPF within the core planning principles states that planning should; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It is not considered that the proposed change of use of the shop and apartment to a single dwelling house would have a significant impact on the existing levels of amenity enjoyed by neighbouring properties. As the external changes to the building, would not create loss of light or loss of privacy over and above the existing arrangement. Policy DE1 does require amenity considerations to be taken into consideration. Based upon the above assessment in accordance with HA4, it is not considered that the development will give rise to any unacceptable amenity issues as there will be adequate internal space provided for residents, the building will be licenced and there will be facilities for waste and recycling.

21 It is not considered that the proposal will result in any unacceptable impact upon the amenity of neighbouring properties despite the slightly more intensive use of the site. The recent appeal inspector's views are significant. In particular the decision concluded although the appeal was dismissed it stated that the 'change of use of the building would not cause significant noise or therefore disturbance for neighbouring residents'. Also, it stated that the proposal 'would not have a harmful impact upon the living conditions of the occupiers of neighbouring dwellings with due to resulting activity'.

### The impact on parking and highway safety

22 The site is considered to have good levels of accessibility and is to public transport links. It is considered that the proposal will not impede the safety and efficiency of the adjoining highway network. It is considered that the proposal is in conformity with Policy TR2 of the Swindon Borough Local Plan. Car Parking must meet with the Council's Parking Standards, whilst there should be no harm to traffic and pedestrian safety due to any increased parking pressures, and existing parking problems must not be exacerbated in accordance with the fourth bullet point of policy HA4. As the site is located within Sector 1 as defined by the adopted Parking Standards, Houses in Multiple Occupation can be considered to be "car free" developments where there is no specific requirement for parking. A planning condition has been added to ensure future occupants are prohibited from receiving car parking permits. (See condition 5 at the end of this report).

23 Amended plans have been received to separate the bin and cycle storage. These plans have also removed the gate and railings to the front of the property.

#### Room Sizes and Internal Arrangements

24 In order to comply with bullet point 5 of Policy HA4, room sizes must meet with the internal arrangements to meet the Council's current standards. The Council's Healthy Neighbourhoods Team have confirmed that the proposed room sizes and configuration are compliant with the Council's standards for Houses in Multiple Occupation for single occupancy. Crucially in the interests of securing safe and habitable living conditions, and particularly ensuring that the development complies with fire safety requirements and regulations, the change of use; if approved will still be subject to mandatory HMO licencing.

25 Part b of Policy HA4 seeks to support mixed and balanced communities and to ensure that a range of household needs continue to be accommodated throughout the Borough. Applications for change of use to HMOs shall only be permitted where the proposal would not adversely affect the character of the surrounding area or lead to an unacceptable concentration of houses in multiple occupation. There is a demand for such types of accommodation within the Borough, particularly in more central locations where prospective occupants may not have access to a private car and are reliant upon access to more sustainable modes of travel for employment, services and leisure activities. The proposal will comply with all the above criterion for HMO's and the Healthy Neighbourhoods team has confirmed that there are 4 other licensed HMO properties within the immediate area (Lansdown Road and Eastcott Hill). Given the number and mix of properties in this part of Old Town, it is considered that this proposal will not lead to an unacceptable concentration of HMO properties and therefore can be recommended for approval.

26 The proposed residential conversion is the reuse of a property with a commercial appearance and unlike many other properties nearby, will not result in the loss of a single family dwelling house.

#### Historic Environment Considerations

27 The site is not located within a conservation area, however the building abuts the boundary of the Swindon Old Town Conservation Area and is also in close proximity to the Swindon Prospect Place Conservation Area.

As per para131 of the NPPF:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality
- the desirability of new development making a positive contribution to local character and distinctiveness

28 The relevant considerations in respect of Conservation issues include the National Planning Policy Framework (NPPF) in respect to requiring sustainable development (including) by way of good design and conserving and enhancing the historic environment and assessing whether harm to the significance of the Conservation Area arises.

29 The relevant Swindon Local Plan policies are DE1 - High Quality Design and EN10 - Historic Environment & Heritage Assets. In decision-making Local Plan Policy EN10 requires that heritage assets be sustained and enhanced. It requires that proposals affecting heritage assets shall conserve and where appropriate enhance their setting.

30 The scheme proposes minimal changes in design and appearance of the building and within the street scene and does not result in harm to the setting of the Conservation area. The proposal is not contrary to Local Plan policy ENV10 or the provisions of the NPPF in this respect. Indeed, a benefit of the development include the increased and more permanent use the vacant building, the increase in housing for potential residents.

31 The Council's Conservation Officer would expect that, if considered acceptable, an appropriately worded condition which sought a full specification of works and materials to be submitted and approved in advance. (See planning condition 6 below). In summary, the proposal preserves the character and appearance of the streetscene and officers are of the opinion that the benefits of the scheme in securing the long-term use of the site, combined with a sympathetic design plus the overall contribution to the supply of housing, outweigh the 'less than substantial' adverse conservation impacts.

32 Members should note that it is material that in the recently dismissed appeal following the refusal of planning permission, the Appeal Inspector found that the minimal external changes and the use as a 12 bed HIMO would conserve the setting of the nearby Conservation Area. This echoed the view of the LPA and is material. This proposal makes similar alterations to the building and is less intensive use and is also not considered to harm the setting of the Conservation Area.

### Community Infrastructure Levy

33 The Community Infrastructure Levy Charging Schedule came into effect in April 2015 whereby a mandatory charge is levied for certain types of new floorspace for qualifying development. As a change of use of existing floorspace and as the proposal will not result in the provision of any self-contained residential unit but individual rooms sharing communal facilities, the development falls outside of the scope of the charging scheme and is not liable to CIL. (See informative 1 at the end of this report).

### Other Matters

34 The Inspector's decision noted the site does not have any garden space and residents would inevitably need to stand outside in the street to smoke or get fresh air. However, did not consider that this is likely to be any worse than the present situation if the building was used to its full potential.

35 Fire safety issue concerns has been raised by Swindon Parish Council, however this is covered by other legislation and an informative (no 2) has been added at the end of this report.

### **Concluding Comments:**

35The recent appeal inspector's views are significant. In particular the decision concluded although the appeal was dismissed that there would be no noticeable adverse impacts upon services due to the increase in population.

36The reason for which the recent appeal was dismissed have been addressed and resolved, by the adequate cycle parking provision both in terms of location within the building and the amount of parking and as such it is considered that there are no reasonable grounds to refuse this application. The proposal would provide accommodation on previously developed land for young professionals and key workers in Swindon. The proposal would not cause detriment to nearby residents due to the increased activity of the intensified use of the property and proposed change of use will give rise to any unacceptable living conditions, will not harm the character of the surrounding area, will have adequate refuse storage and parking subject to conditions, will not generate any highway safety issues and will not adversely lead to a concentration of HMO properties in the vicinity. The proposal is therefore compliant with the above policies with specific regard to HA4. The external changes are deemed to be acceptable in line with policy DE1 and EN10. The proposal is therefore compliant with local plan policies and the National Planning Policy Framework. Finally, the development also be subject to mandatory licencing under separate legislation.

### **Recommendation**

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

### **Conditions**

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

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

2. This approval shall be in respect of drawings:

Location Plan 1:1250 at A4 received by the Local Planning Authority on 17<sup>th</sup> April 2018

Block Plan 1:500 at A4 received by the Local Planning Authority on 17<sup>th</sup> April 2018

Drawing 18/1233/01 received by the Local Planning Authority on 17<sup>th</sup> April 2018

Drawing 18/1233/02 rev C received by the Local Planning Authority on 24<sup>th</sup> May 2018.

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

3 Prior to occupation the waste and recycling storage facilities shall have been provided in accordance with details on drawing 18/1233/02 rev C received by the Local Planning Authority on 24<sup>th</sup> May 2018. The approved facilities shall be retained for as long as the development hereby permitted remains on site.

Reason: In the interests of amenity and highway safety.

4 Prior to occupation the cycle storage facilities shall have been provided in accordance with details on drawing 18/1233/02 rev C received by the Local Planning Authority on 24<sup>th</sup> May 2018. The approved facilities shall be retained for as long as the development hereby permitted remains on site.

Reason: In the interests of promoting cycle usage.

5 Prior to any agreement being entered into for a new occupation of, or transfer of any interest in, the rooms hereby approved the prospective occupier/transferee shall be informed of the prohibition on entitlement to a car parking permit. All material utilised for advertising or marketing the residential flats for letting or sale shall make it clear to prospective tenants and occupiers that no parking permit will be issued by the Council to occupiers of the residential flats.

Reason: In order that the prospective occupiers are made aware of the fact that they will not be entitled to an on-street car parking permit, in the interests of the proper management of parking, and to ensure that development does not harm the existing amenities of the occupiers of neighbouring residential properties by adding to the already high level of on street car parking in the area

6 Notwithstanding the approved plans and prior to the commencement of the proposed works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and retained in perpetuity, unless further consent in writing is given by the Local Planning Authority.

- i) Full details of all external materials and finishes, including colours and appearance;
- ii) Full details of all new external door and window frames, their colour, material and appearance;
- iii) Full details of any proposed vents, flues, utilities, and rainwater goods their colour, material and location;

Reason: To ensure that the character and appearance of the building is conserved.

## **Informatives**

### Community Infrastructure Levy – Outside Meaning of Development

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

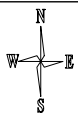
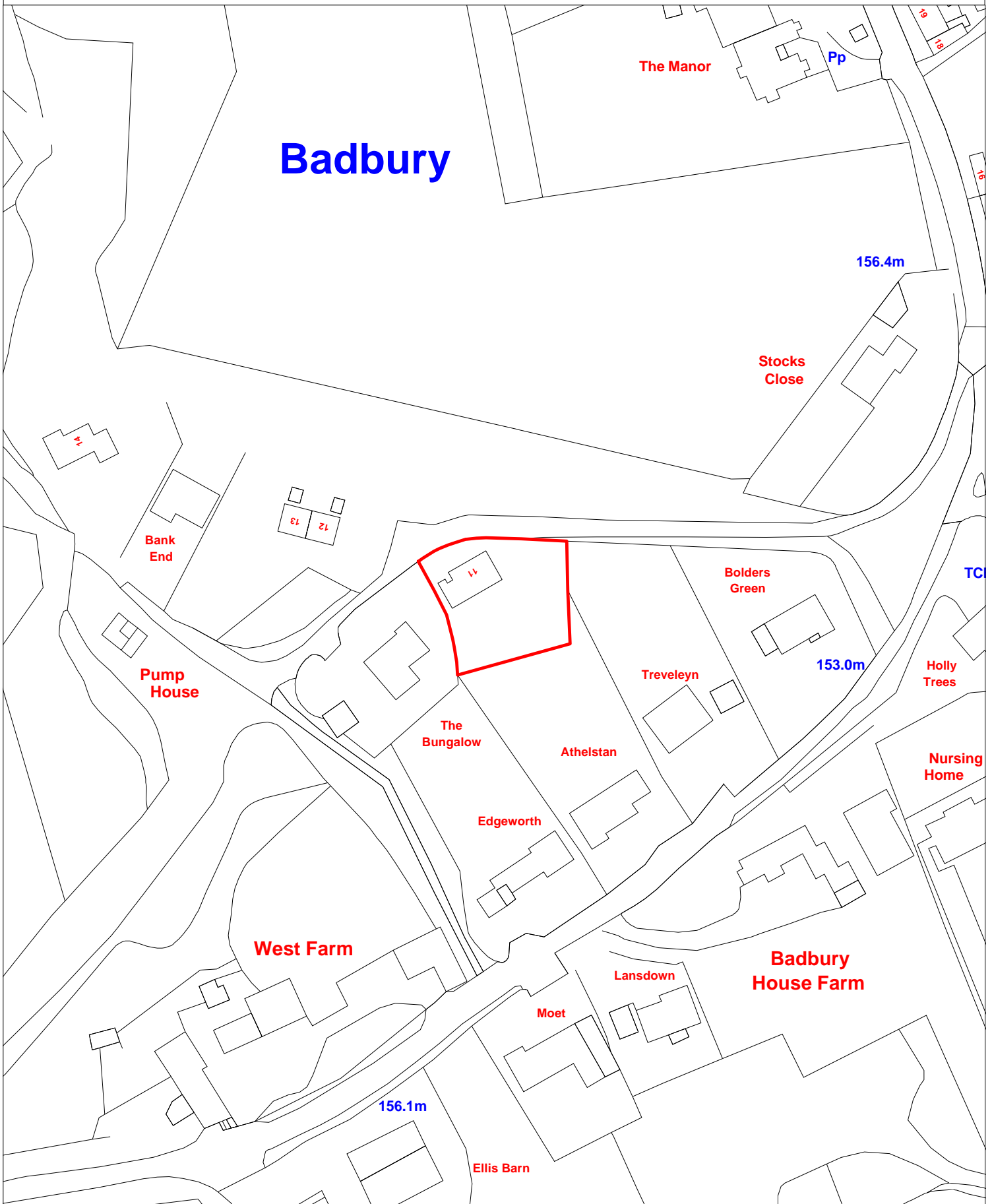
### Fire Safety

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



Erection of a detached garage.

Whichway Cottage 11 Badbury Lane Badbury Swindon SN4 0EU

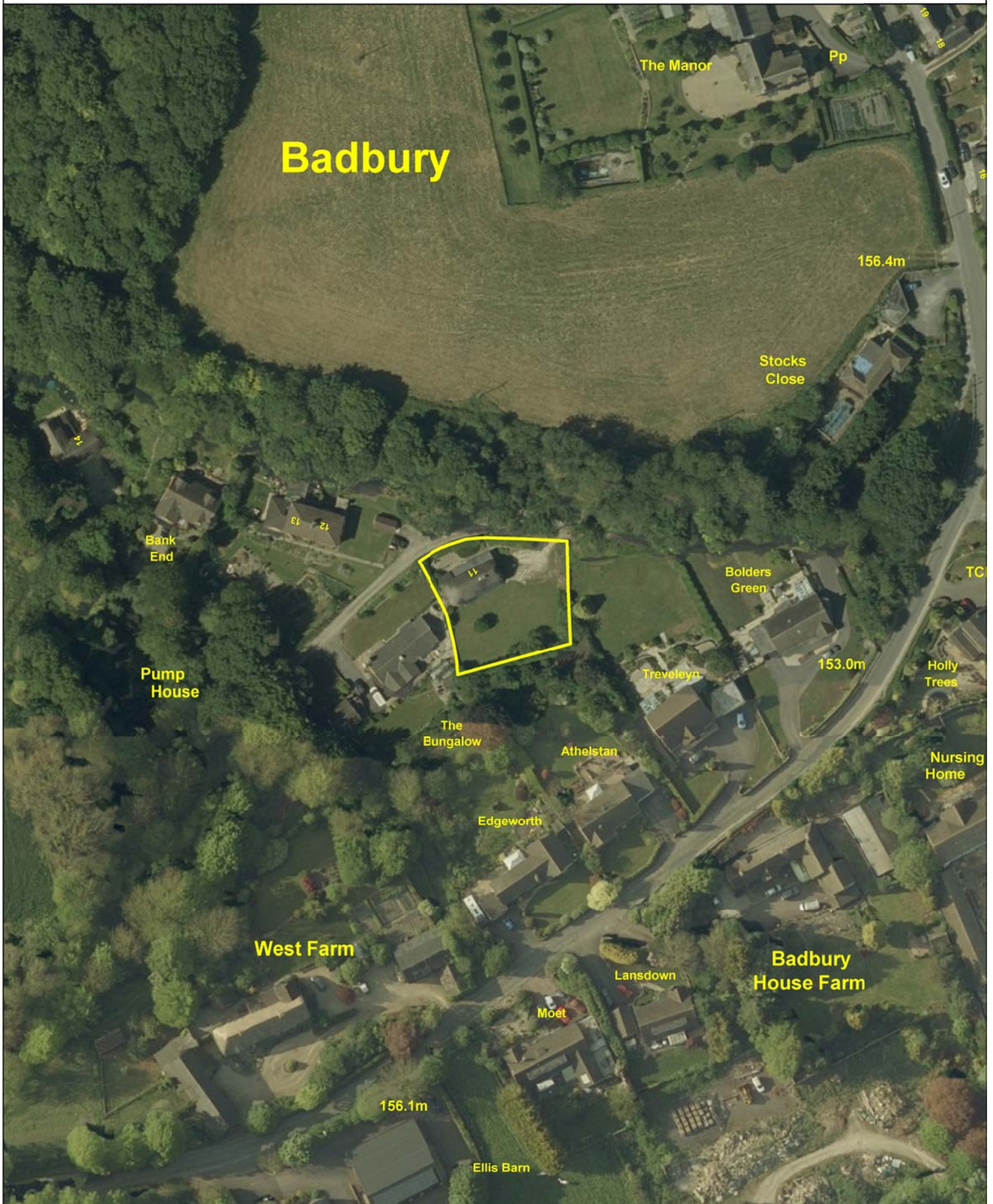


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.  
In all cases references should be made to the submitted plans.



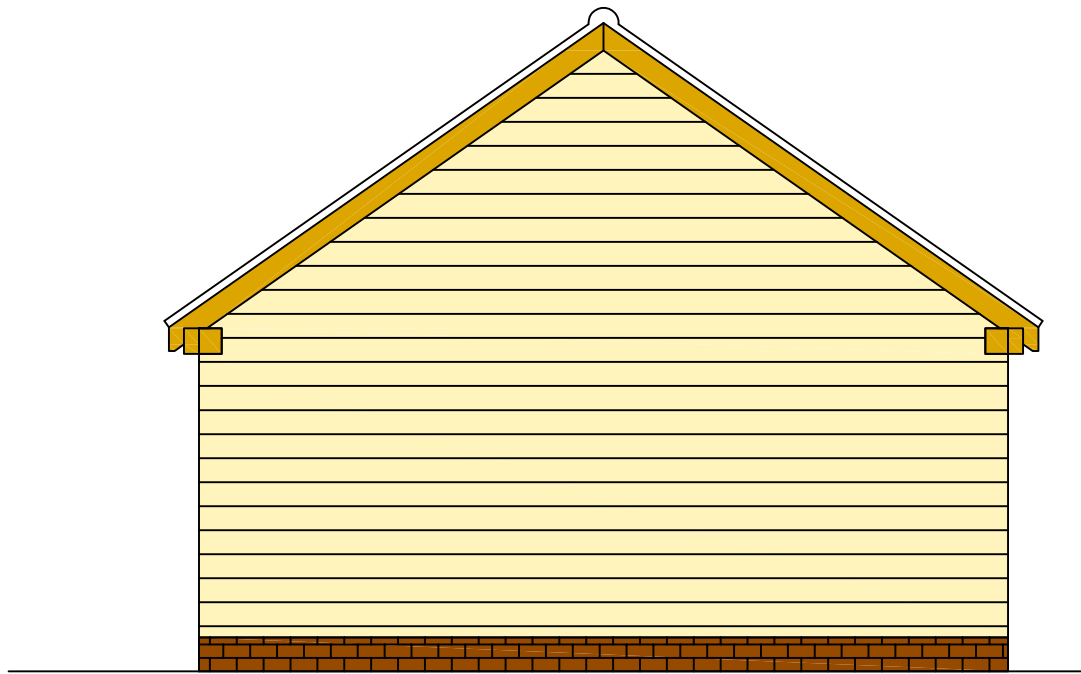
Erection of a detached garage.

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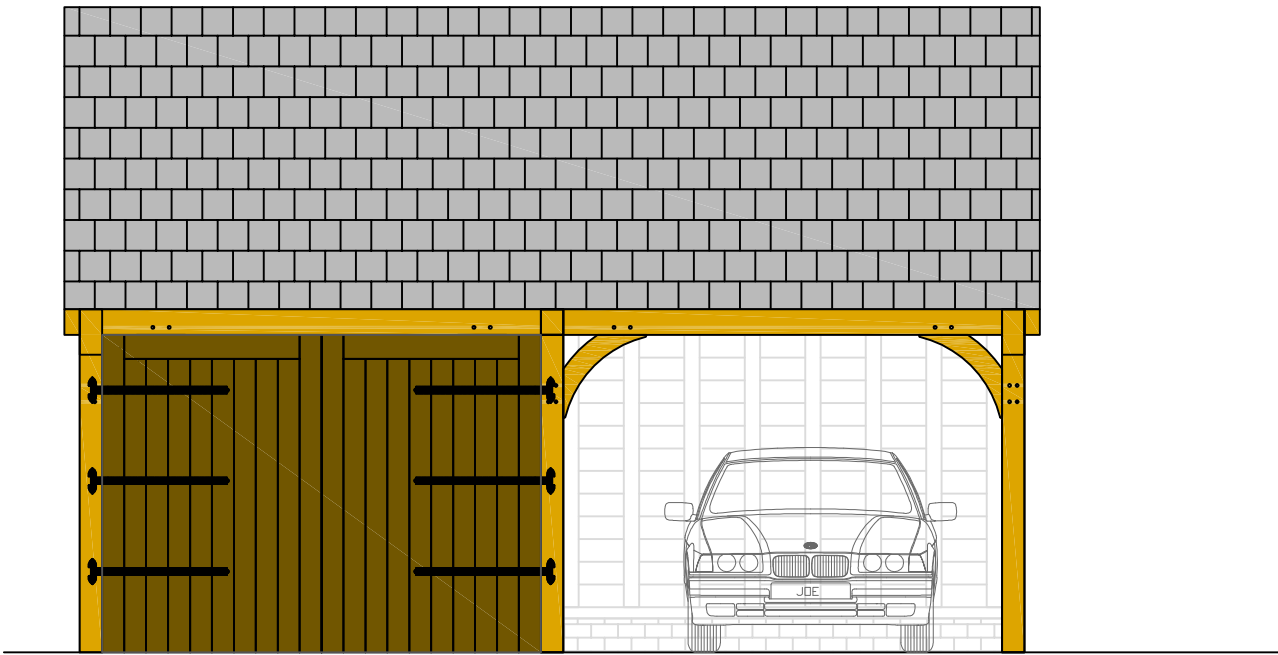


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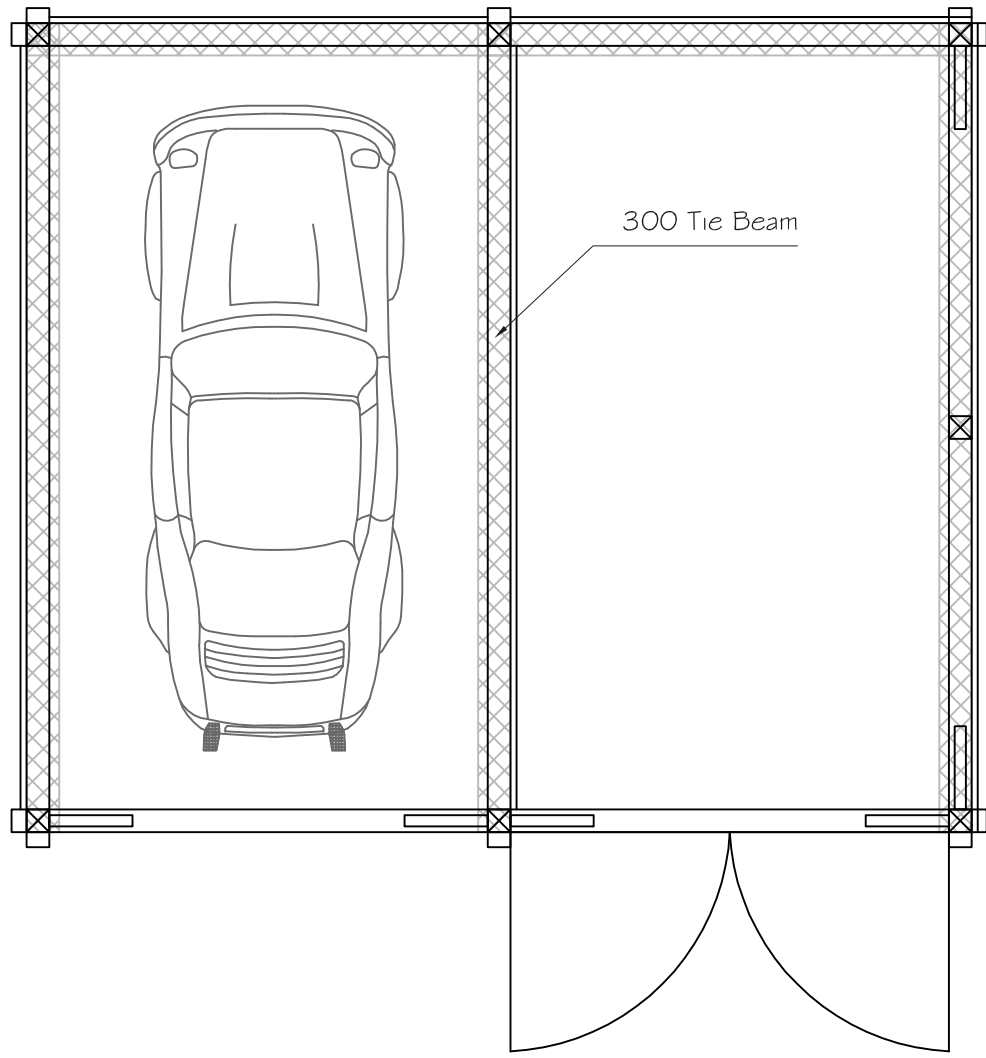




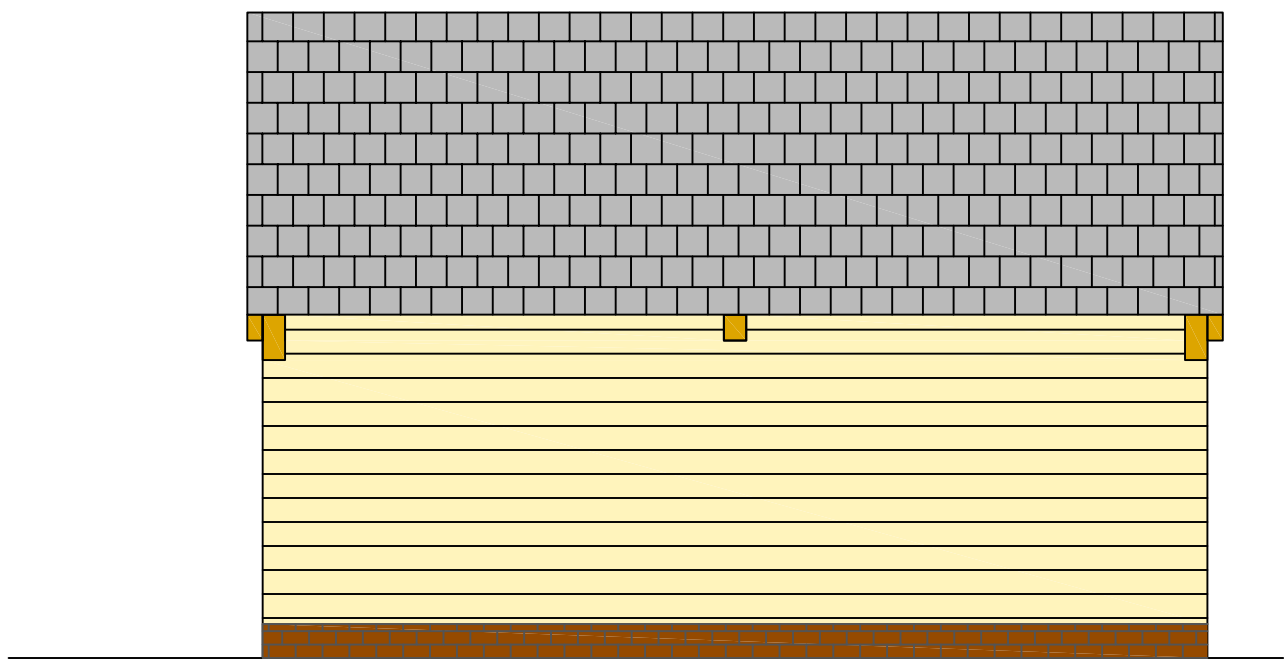
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Scale 1:50



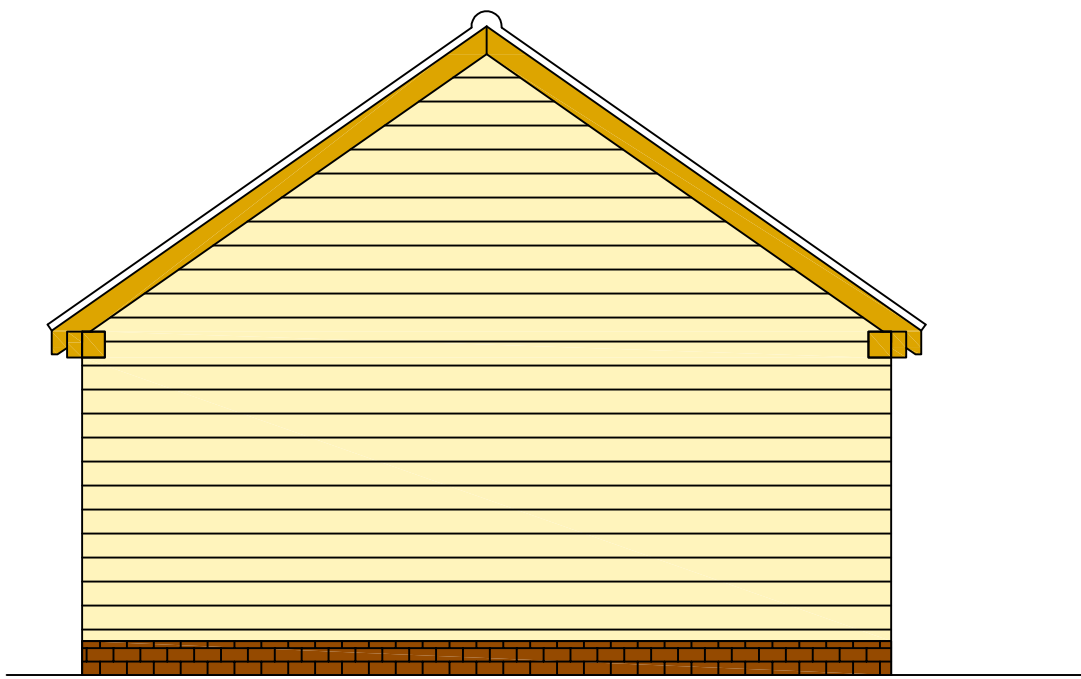
FRONT ELEVATION  
Scale 1:50



GROUND FLOOR PLAN  
Scale 1:50



REAR ELEVATION  
Scale 1:50



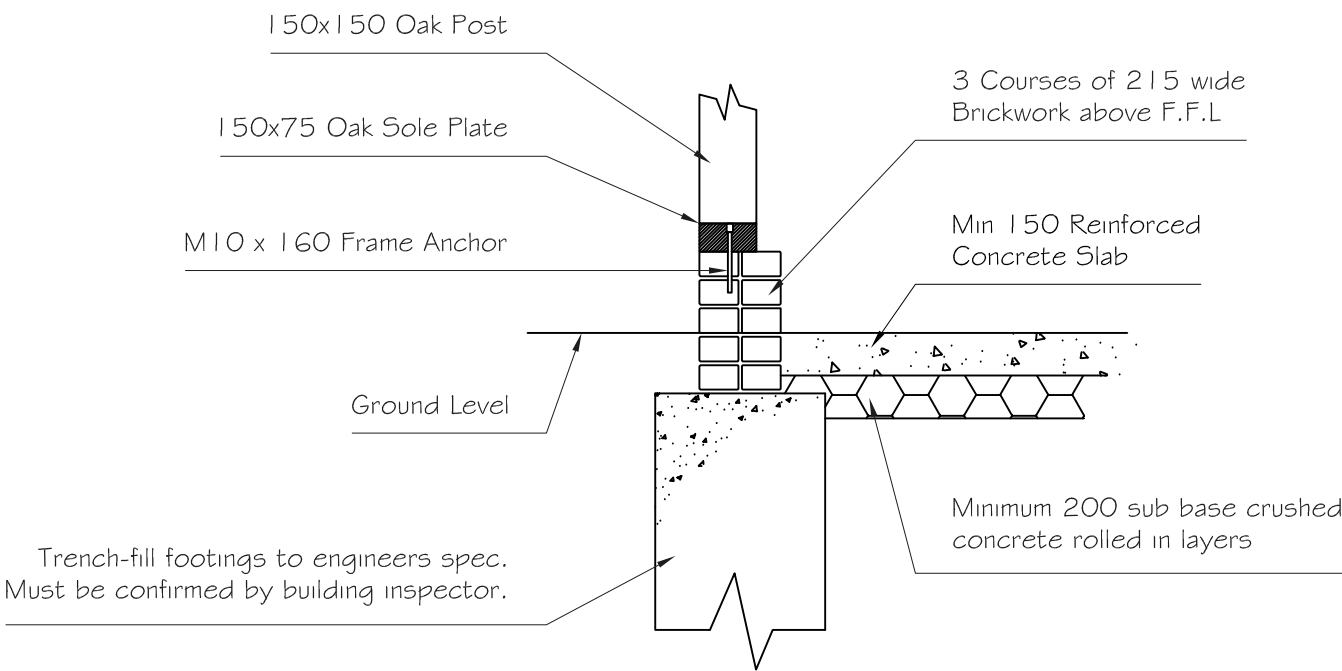
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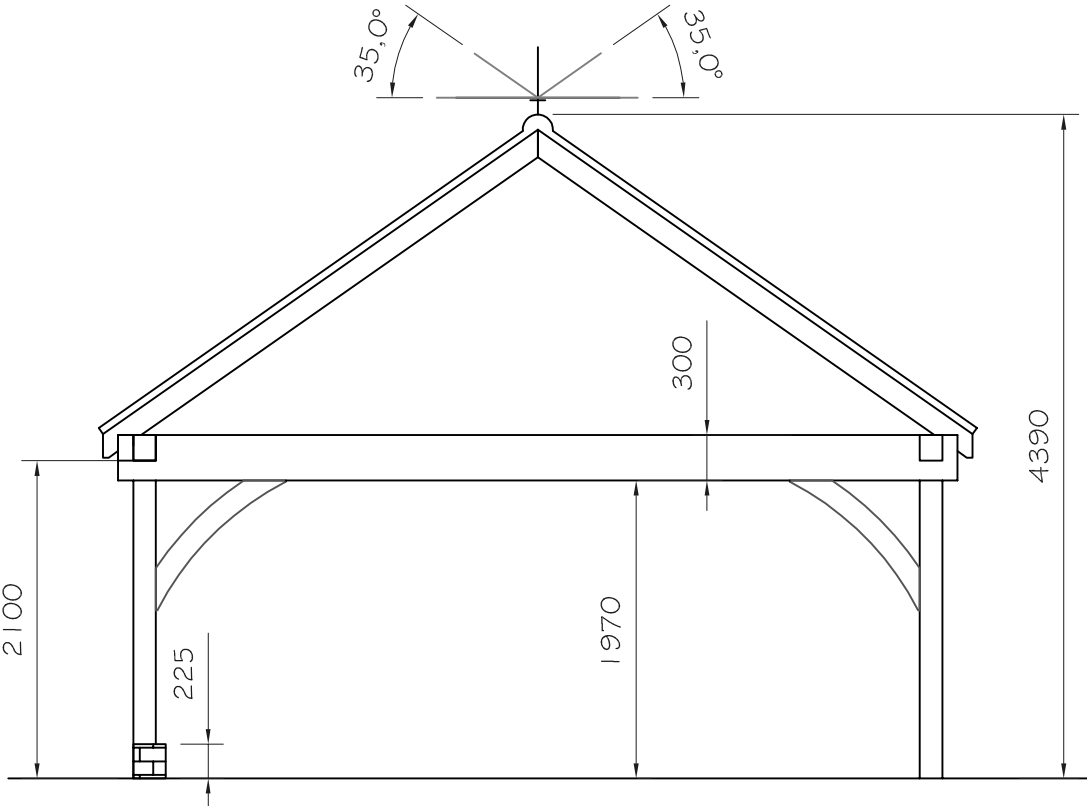
BLOCK PLAN  
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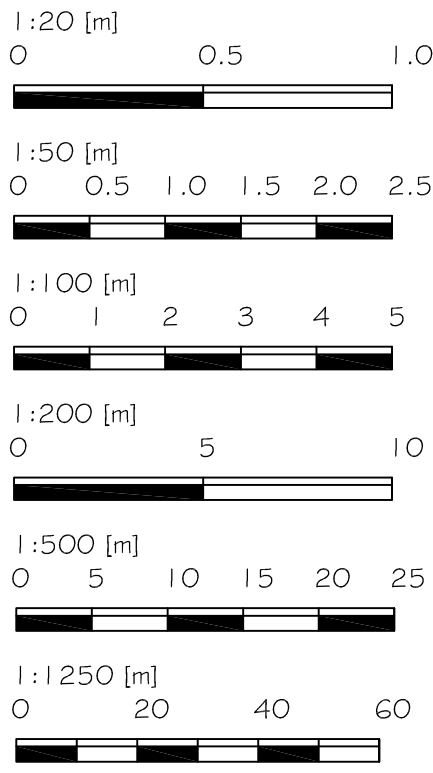
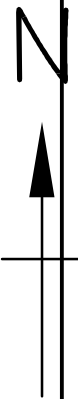
ROOF PLAN  
Scale 1:50



GROUND WORK DETAILS  
Scale 1:20



SECTION A-A  
Scale 1:50



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SN8 2BE

Client

MR & MRS HINES

Job Title

EXTENSION AT:  
11 BADBURY,  
NR SWINDON,  
WILTSHIRE,  
SN4 0EU.

Drawing Title

GARAGE ELEVATIONS AND PLANS

Scale

A5 SHOWN

Date

14/03/2018

Drawn

AD

Drawing No.

JH-714-102

Rev

-



## COMMITTEE REPORT

**Item Number:** 9  
**Application Number:**  
 S/HOU/18/0443/FELY

**Ward:** Ridgeway  
**Parish:** Chiseldon

**Proposal:** Erection of a detached garage.

**Site Location:** Whichway Cottage , 11 Badbury Lane, Badbury

**Case Officer:** Miss Fern Lynch

**Agent:**  
 Mr Alex Dawson  
 A.D. Draughting  
 59 Barrow Close  
 Marlborough  
 SN8 2BE  
 United Kingdom

**Applicant**  
 Mr Joe Hines  
  
 Whichway Cottage  
 11 Badbury Lane  
 Badbury  
 Swindon  
 SN4 0EU

### Officers Report

**Background:**

i This application has been brought before the committee at the request of Chiseldon Parish Council, due to concerns at the height of the proposed building.

ii The application is a resubmission following a refusal earlier this year of a larger garage under application Ref. S/HOU/17/1976.

**Summary of Recommendation:**

1. That planning permission be **GRANTED with Conditions**.

**The Proposal:**

2. The proposed garage is rectangular in form with a pitched roof and side gabled elevations. It measures 5.4 metres in length, 6.4 metres in width, has an eaves height of 2.1 metres from ground level and a ridge height of 4.39 metres. The garage will be located to the side and rear garden and is accessed via the existing access and drive from Badbury Lane to the front. The timber framed structure has barn style garage door in the left side of the front elevation with the other side open. No other windows or doors are proposed in other elevations. The materials are painted softwood under a tiled roof.

**The Site and Surroundings:**

3. The application site comprises a grade II listed two-storey thatched cottage which dates from the 17th Century. The existing cottage is constructed of stone and render with a thatched hipped roof which on one side forms more of a cat-slide roof over an existing storage area to the side. Unusually the building turns its back to Badbury Lane, with the front of the dwelling facing the rear of the site. The property has a generous garden and the proposed garage would be accessed from Badbury Lane to the side of the property and the garage is set towards the rear boundary away from the cottage. There are various examples of similar detached garages in the local area. The site is within

the Badbury Conservation Area

## **Representations:**

### **Parish Council**

4. Chiseldon Parish Council objects to the proposal based on the height of the roof and does not consider that it has been lowered sufficiently from that refused..

Note: The refused application proposed a garage of some 5.15 m high and incorporated an upper floor and external staircase. The proposal under consideration is 4.39 M high.

### **Neighbours**

5. One objection comment has been received from the occupants of Athelstan; Considers the structure to be overbearing for the existing building especially since the planned extension for the cottage itself has been changed. Badbury is a conservation area and Whichway along with its curtilage is Grade 2 listed which should offer protection of the original site. By building this structure, in materials that I feel are not appropriate nor in accordance with the stone, herbaceous and sylvan environment existing in this area, it would create a bunion which would distract from the historic appeal of this site. The proposed garage would clearly be seen from the public access and road that runs by the side of the property although the plans claim otherwise. There has already been some renovation which I believe is out of place due to materials used and the removal of existing trees and hedges undertaken has led the curtilage to appear more urban than rural thus affecting the overall historic appearance. I am concerned that this proposal will set a precedence for future garden development in an area which should be protected. Badbury , which has great historical importance having been mentioned in The Domesday Book, was given Conservation status in 1990. This protection was in an effort to stop further development and to protect the village. Although surrounded by green belt this has not stopped the encroachment of development as seen by the recent build of Badbury Park. I believe this important area, and particularly the Grade 2 listed buildings, should be protected for future generations as an example of historical interest

### **Relevant Planning Policy**

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that in the determination of planning applications, regard must be had to the Development Plan unless material considerations indicate otherwise.

7. The main considerations are the impact the proposed development will have on the setting of Whichway Cottage, the conservation area the street scene and neighbours amenity. The Planning (Listed Building & Conservation Areas) Act 1990 requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case maybe, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." S.66 (1). The LPA is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Badbury Conservation Area

### **Swindon Borough Local Plan 2026**

8. The Swindon Borough Local Plan 2026 forms a statutory part of the Development Plan for the Borough of Swindon. It was adopted in March 2015 and the policies therein are considered to be up-to-date and continue to carry significant weight in decision making. The relevant Local Plan policy that has been taken into consideration in reaching the above recommendation are policies EN10- Historic Environment & Heritage Assets and DE1 - High Quality Design.

9. Policy EN10 states that development affecting heritage assets shall conserve and where appropriate enhance their significance and setting and development in the vicinity of a listed building, shall not be permitted where there will be an adverse impact on those elements which

contribute to their special architectural or historic significance, including their setting. Development within a conservation area will conserve those elements which contribute to their special character and appearance.

10. Policy DE1 seeks to ensure that there is a high standard of design of any development which is also sympathetic to the local context and character. It also ensures access arrangements are suitable and neighbouring amenities are protected. Development should also be acceptable in terms of scale, mass, and siting and have an acceptable appearance that would be compatible with, and protect the amenity of nearby land uses in terms of visual intrusion and privacy. In addition, Policy DE1 seeks to ensure that there is no material detracting of enjoyment of light and privacy to a neighbour dwelling. The Residential Extensions and Alterations (2011) ensures that any such development meets more detailed guidance on the criteria set out in Policy DE1.

### **Material Planning Considerations**

11. In addition to the adopted The Swindon Borough Local Plan 2026 regard is given to the National Planning Policy Framework (NPPF). This sets out the Government's planning policies for England and how these are expected to be applied.

12. When assessing the impact of a development affecting a listed building or Conservation area, Paragraph 132 of the NPPF requires 'clear and convincing' justification for any harm caused. And Paragraph 134 of the NPPF states that where there is 'less than substantial harm,' that the benefits of the development are weighed against the harm, including the optimum use.

13. Badbury Conservation Area Appraisal (2009) defines and records the special architectural or historic interest that warrants designation of Badbury Conservation Area and identifies elements that contribute to its special character and appearance.

14. Parking Standards: The Adopted Development Control Guidance Note Technical Guidance on Parking Standards (2007) provides details on the requirements for car parking within the Borough.

### **Planning Considerations**

#### **Design**

15. Local Plan Policy DE1 requires developments to be of a high quality of design. In assessing this, regard must be paid in this instance to existing built characteristics and the orientation, scale, massing, materials and detailing of the structure. The Residential Extensions and Alterations Guidance helps to inform applicants and decision makers as to the design considerations that are required in order to meet the requirements of that local plan policy.

16. Chiseldon Parish Council objected to the proposal as the overall height of the structure was too high, they suggested lowering the ridge to a more acceptable height so it does not dominate the original structure. The case officer negotiated a reduction in height from over 6 metres to 4.39 metres. Although this is 19 cm larger than the recommended height for outbuildings outlined in the SPD, given the location of the proposed to the rear and side of the host dwelling adjacent to the rear boundary it was considered to be acceptable on this occasion to accept the marginal excess height. The proposed building materials are considered to be in keeping with the rural context and not detrimental to the character or setting of the listed building.

17. Section 6 of the guidance advises that all garages and ancillary buildings should be subordinate to the existing dwelling, be ancillary in use for domestic purposes for the exclusive enjoyment of that dwelling, that these should be single storey and not normally exceed a height of 4.2 metres. The purpose for this is to ensure that such structures remain subordinate to the original dwelling and the residential setting in general. The guidance advises that a garage or outbuilding may not be acceptable where changes in level result in an over dominant building significantly higher than

normal domestic single storey height relative to a neighbouring property.

18. One objection comment was raised by the occupants of Althelstan, their comments were in relation to the original proposal for a two storey detached garage, they raised a concern in relation to the scale and overbearing nature of the garage which was originally proposed to be two storeys high. This was negotiated down in height substantially by the case officer to be a single storey structure that is a more in keeping scale. The neighbour did not comment when reconsulted on the amended scheme.

19. It is important to consider whether in light of guidance the development represents poor quality design or causes demonstrable harm to the setting and character of the listed building and the surrounding conservation area, along with any detrimental impacts on amenity of nearby properties contrary to policies EN10 and DE1. The garage is now proposed to be a maximum of 4.39 metres in height and has had the external staircase and dormer windows removed, the design is of a typical detached garage. The garage will be set back from the road and not overly visible from properties in Badbury Lane. In considering all of the above factors, the proposed retains the character of an ancillary domestic outbuilding which remains in proportion to the house and size of rear garden. Crucially, it is not considered that the building is harmful to the outlook of those properties in Badbury Lane as it is a sufficient distance away and remains lower than the main dwellings which are also further shielded by hedges along the boundaries. Therefore it is not contrary to the aspirations of achieving good design as set out in Policy DE1.

### **Conservation**

20. Conservation Officer:

The proposed double garage is generally appropriate from a conservation perspective. The ridge has been lowered from the previously refused application and the rooflights and external stairwell removed. The materials are also suitable. Taking this into account, the garage is generally appropriate from a conservation perspective. I have considered and paid special attention to the significance of the listed building and preservation and enhancement of the character and appearance of the conservation area. Taking the above into account, I have no objections to the proposed application.

### **Consideration of harm upon the surrounding heritage assets**

21. The proposal is not considered to be out of scale with the host dwelling and neighbouring properties and it will remain as a subordinate and ancillary addition to the curtilage of Whichway Cottage. The building is of a scale and proportion common to many other domestic outbuildings especially garages in the local area, it is well set back it is not considered to be incongruous or out of character given particularly that the materials have been negotiated so that they harmonise better with the location.

### **Amenity and appearance**

22. The outbuilding will be approximately 14 metres away from the side elevation of the listed host dwelling, as a 4.39 metre high single storey ancillary building. Whilst marginally taller than the suggest height of 4.2 m in the Residential Extensions and Alterations SPD (2011) it is considered that its height, location or use is appropriate at this location and that it will not have a detrimental impact on the amenity of surrounding properties and will preserve the setting of the listed building and the character of the Badbury Conservation Area.

### **Use of the garage**

23. In order to ensure that the building remains ancillary. A condition is proposed to ensure that the structure is retained as an ancillary part of the main house and that no trade or business or living accommodation would be provided within it. In any event, the application has to be considered on the basis of what is being applied for and not upon any future / unknown intentions. To prevent inappropriate alterations to the buildings appearance, a further condition restricting alterations to the

building is proposed.

### **Community Infrastructure Levy (CIL)**

24. In accordance with the provisions of the Community Infrastructure Levy charging schedule, as the garage does not exceed 100 square metres in area, it is exempt from CIL Liability.

### **Concluding Comments:**

25. This development does not conflict with the NPPF, Policies EN10, DE1 or TR2 of the Local Plan, and preserves the setting of the listed building and the character of the conservation area. Safeguards are proposed to ensure that the building remains in ancillary domestic use and to prevent inappropriate alterations. No unacceptable harm is caused to any neighbour's amenity or the street scene and the design and materials is appropriate to its location.

### **Recommendation**

26. That planning permission be **GRANTED with Conditions.**

## **Conditions**

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

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

2. This approval shall be in respect of drawings: JH-714-101 and JH-714-102 received by the Local Planning Authority on 14th March 2018.

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

3. The garage shall be used only as an ancillary part of the main dwelling house and for the accommodation of private motor vehicles and no trade or business shall be carried on therein.

Reason: To safeguard the amenities of the area.

4. 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 roof lights, doors or windows other than those hereby approved shall be formed in the structure.

Reason: To maintain the ancillary appearance of the building in the interests of residential amenity

5. No development shall take place until details of the walling and roofing materials including external finishes have been submitted to and approved in writing by the local planning authority. The garage shall be constructed in accord with the approved details

Reason: in the interests of amenity and appearance.

## **Informatives**

1. CIL - Reg. 42 Exemption for Minor development: Whilst the development generates a net gain in floor space and is Community Infrastructure Levy (CIL) liable, it is exempt from CIL liability under CIL Regulation 42, as it constitutes minor development for the purposes of calculating CIL liability because the proposed extensions floorspace is below 100 sqm GIA.

End of Report