

Swindon Borough Council

Planning Committee

Tuesday, 11 December 2018

Council Chamber, Civic Offices

At 6.00 p.m.

Conservative Councillors

*Timothy Swinyard
Toby Elliott
Alan Bishop
Malcolm Davies
Fionuala Foley
Nick Martin
Vera Tomlinson*

Labour Councillors

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

Liberal Democrat Councillors

Stan Pajak

Committee Officer: Shaun Banks (Telephone 07980752047)
email:sbanks@swindon.gov.uk

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

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 - 12)

To receive the minutes of the meeting held on 13th November 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 13 - 15)

6. S/18/1033/TB Erection of 18no. dwellings with associated access, parking and landscaping: Land at Langton Park, Wroughton, Swindon (Ward: Wroughton and Wichelstowe) (Pages 16 - 39)

7. **S/OUT/18/1750/RA Outline application for the erection of 4 no. dwellings and associated works - Access not reserved: Land Between 11 And 13 Sparcells Drive, Sparcells, Swindon (Ward: Shaw) (Pages 40 - 52)**
8. **S/OUT/18/1140 Outline planning application for the erection of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure: Phase 3, Badbury Park, Land at Commonhead, Swindon (Ward: Chiseldon & Lawn) (Pages 53 - 79)**
9. **S/OUT/18/1093 Outline application for the erection of up to 70 dwellings and associated works - Vehicular access from Marlborough Road not reserved: Land at Marlborough Road, Coate, Swindon (Ward: Ridgeway) (Pages 80 - 95)**
10. **S/18/1000 Continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility, and erection of a site office and vehicle de-pollution workshop (sui Generis): Former Averies Site, Marshgate, Stratton St Margaret, Swindon (Ward: St Margaret And South Marston) (Pages 96 - 111)**

Date of Despatch: 05 December 2018

Key:

Officers:

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

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

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

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

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

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

WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL

NEW GUIDELINES - PLEASE READ

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

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

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

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

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

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

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

PLANNING COMMITTEE

TUESDAY, 13 NOVEMBER 2018

PRESENT: - Councillors Timothy Swinyard (Chair), John Ballman, Alan Bishop, Malcolm Davies, Toby Elliott, Steph Exell, Fionuala Foley, Nick Martin, Jane Milner-Barry, Stan Pajak, Vera Tomlinson and Peter Watts.

An apology for absence was received from Councillor James Robbins.

26. Declarations of Interest

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

Councillor Toby Elliott made a declaration of interest in respect of applications numbered S/OUT/18/0461/RA and S/18/0460/RA and left the room during the discussion and voting on these applications.

27. Minutes

Resolved – That the minutes of the meeting held on 11th September 2018, be confirmed and signed.

28. Public Question Time

There were no public questions

29. S/OUT/18/0405/RA Outline application for the erection of up to 70no. dwellings, extension to cemetery, community shop/cafe with associated car parking and toilet facilities, open space, landscaping and associated works - Access not reserved

In respect of application numbered S/18/0405/RA (Outline application for the erection of up to 70no. dwellings, extension to cemetery, community shop/cafe with associated car parking and toilet facilities, open space, landscaping and associated works - Access not reserved - Land at Sams Lane, Blunsdon, Swindon), the Committee considered: -

- (a) An application 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 at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Peter Stacey	Agent
Councillor Steve Weisinger	Ward Councillor
Councillor Ian Jankinson	Parish Councillor

Councillors Alan Bishop, Toby Elliott, Fionuala Foley, Stan Pajak, Nick Martin, Tim Swinyard, Vera Tomlinson spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The implications of the recent decision of the Planning Inspectorate relating to a Swindon development at Hill Cottage Broad Blusdon meant that consideration of whether any potential harm arising from the development would demonstratively of benefits arising from the development.
- The development would provide significant social and community benefits.
- The development would help address the housing shortfall within the Borough and provide market and affordable housing.
- 21 of 70 dwellings would be affordable housing in line in Council policy.
- The site was well situated close to the schools and bus routes.
- In the Council's recently published Strategic Housing and Employment Land Availability Assessment the site is identified as suitable and available for residential development for circa 100 dwellings.
- The development proposed fewer dwellings and provided substantial open space on the northern part of the site setting a boundary for the conservation area which together with the landscape and visual impact assessment submitted with the application would mean there was no adverse impact on the Conservation Area.
- There are no technical, environmental or highway constraints to the development subject to the conditions set out in the report.
- The development provided a new shop/café facility with toilet and car parking facilities which would be taken on by the shop management committee with the freehold transferred to the Committee for £1. This would form a new community hub for the village.
- The development also safeguarded land for a cemetery extension transferred to the Parish Council at no cost to themselves.

Submission opposing the application can be broadly summarised as:

- The Parish Council and a large number of local residents opposed the application.
- There was a 254 petition opposing the development.
- That the development was adjacent to a conservation area and the Council's conservation officers had identified harm would arise from the development and opposed the application.
- That local services such as the local doctor's surgery was full and parking there was extremely difficult.
- Blunsdon was a small rural village the character of which would be altered by the proposed development.
- There would be limited access to the site with 160 cars using the access from Sam's Lane on a daily basis.
- There were 2,500 properties waiting to be built having been given planning permission.
- The Old Harbour/Ermin Street Junction was already very heavy.
- Blunsdon was putting together its Neighbourhood Plan and this site had been identified as unsuitable for development.
- Highways Officers and The Campaign for Rural opposed the application.

- There were 80 individual objections posted on the application website from a village of 603 houses and 103 people attended a public meeting most of whom opposed the application.
- That any development should be sustainable and improve the quality of life within an area.
- The development was unsustainable due to the lack of employment opportunities, the increased strain on highways, lack of public transport to the village, health facilities at capacity, available leisure facilities, inadequate broadband provision and with 204 of 210 school places occupied with years 1 – 4 at capacity.
- The harm caused by the benefit set out within the report.
- The only beneficiaries to the development were the landowner, developer and Swindon Borough Council.

Resolved - That the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to the conditions set out in the report and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to Refuse planning permission.

30. S/18/0461/RA Erection of 14no. dwellings and associated works

In respect of application numbered S/18/0461/RA (Erection of 6no residential dwellings with associated soft and hard landscaping, and a new play area to the north of the site, as an extension of the existing play area - Pilgrim Close Play Area, Pilgrim Close, Ramlease), the Committee considered: -

- (a) An application 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) A written representation received from Councillor Keith Williams;
- (e) The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Tom Bell	Agent
Alan Mead	11 Angus Close
Councillor Nick Martin	Ward Councillor
Councillor Ian Jankinson	Parish Councillor

Councillors Fionuala Foley, Vera Tomlinson and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The development supported care in the community provision benefiting individuals and the wider community as well as reducing the strain on Health Service provision.
- There was a need for more of this type of housing within the Borough.
- There was a surplus of designated open space land in Shaw.

- Car parking provision was in accordance with the Council's adopted Guidance and Standards.
- The site was ideal for the proposed use given its close proximity to local amenities.
- The application was in accordance with National and Local Planning Policies and Guidance.
- The application formalised and made safer the current informal parking provision in the locality which currently included parking on grass verges.
- The applicant, outside of the application, was in discussion with the Parish Council to provide additional parking bays in the locality.

Submissions opposing the application can be broadly summarised as:

- Parking provision in the area was inadequate especially around the Ridge Green Surgery and the development would add further strain to parking availability.
- The quality of parking provision in the area was of a poor quality.
- That the parking provision in Pilgrim close allow 16 spaces whilst after the development this would be reduced by 7 spaces.
- The road was narrow which further added to traffic issues arising from cars parking on or immediately adjacent to the highway.

Resolved – (1) That the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to the conditions set out in the report and the additional conditions set out below, subject to the completion of a Section 106 agreement to secure the necessary mitigation and the resolution in (2) below. In the event that the applicant fails to agree an extension of time to allow sufficient time for the Local Planning Authority to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to refuse planning permission. (2) That, further to (1) above, the Cabinet Member Highways and the Environment and the Head of Planning, Heritage and Regulatory Services, in liaison with Ward Councillors, be authorised to use Section 106 monies contributed as part of this development for Highway works and Parking provision in this vicinity.

And subject to an additional condition:

Road Markings

The dwellings hereby permitted shall not be occupied until a plan detailing road markings, to prevent obstruction of dropped kerbs, pedestrian access and areas required by emergency service vehicles to access George Tweed Gardens, have been submitted to and approved in writing by the Local Planning Authority, the works shall then be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

(Councillor Toby Elliott made a personal declaration of interest in respect of this application in his capacity as a Director of the Swindon Housing Company and left the room during the discussion of this item.)

(Councillor Tim Swinyard made a declaration of interest in respect of this application in his capacity as a West Swindon Parish Councillor. As the interest was personal but not prejudicial and that he took no part in the Parish Council consideration of this item he remained in the room during the discussion and voting on the application.)

31. S/18/0460/RA Erection of 6no residential dwellings with associated soft and hard landscaping, and a new play area to the north of the site, as an extension of the existing play area.

In respect of application numbered S/18/0460/RA (Erection of 6no residential dwellings with associated soft and hard landscaping, and a new play area to the north of the site, as an extension of the existing play area - Former Sparcells Community Centre, Sparcells Drive, Sparcells), the Committee considered: -

- (a) An application 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 at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Tom Bell	Agent
Councillor Nick Martin	Ward Councillor

Submissions in support of the application can be broadly summarised as:

- The development would bring back into use a derelict site and was suitable for the proposed development and was sustainable.
- The application is sustainable and in accordance with National and Local Policies and Guidance.
- A condition of the application provided play facilities within the locality.
- There were significant benefit arising from the development of the site.
- The application was in accordance with National and Local Planning Policies and Guidance.
- There was a shortage of housing provision within the Borough which the application would help to address.

There were no submissions opposing the application.

Resolved –That the application be granted subject to the conditions set out within the report.

(Councillor Toby Elliott made a personal declaration of interest in respect of this application in his capacity as a Director of the Swindon Housing Company and left the room during the discussion of this item.)

32. S/18/1373/SASM 77-78 St Philips Road, Stratton St Margaret, Swindon

In respect of application numbered S/18/1373/SASM (Erection of 2no dwellings 77-78 St Philips Road, Stratton St Margaret, Swindon), the Committee considered: -

- (a) An application 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 at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Gary Llewellyn	Agent
Councillor Claire Crilly	Ward Councillor
Ron Wade	35 Orchard Grove

Councillors Toby Elliott, Jane Milner-Barry, Stan Pajak and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- The site brought a derelict site back into use and protected two existing buildings which would be refurbished.
- The application is sustainable and in accordance with National and Local Planning Policies and Guidance.
- There was a shortage of housing provision within the Borough which the application would help to address.

Submissions opposing the application can be broadly summarised as:

- The developer had no right of way to access the site and the current landowner would not provide permission to use the current access.
- The width of the access to the site would not be suitable for construction vehicle.
- There were safety concerns relating to the access once construction commenced.
- That if granted the development would affect the privacy and security of adjoining properties.
- Insufficient wildlife studies had been undertaken.
- Should the application be granted there would be lighting issues in respect of the access lane which might impact on the amenity of local residents.

Resolved –That consideration of the application be deferred pending details of a construction methodology and statement demonstrating how vehicles associated with the construction will access the site.

33. S/18/0719/HC Demolition of existing workshop and erection of 2 semi-detached dwellings and associated works.

In respect of application numbered S/18/0719/RA (Demolition of existing workshop and erection of 2 semi-detached dwellings and associated works - Land To Rear of Copley House, Broad Bush, Blunsdon), the Committee considered: -

- (a) An application 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 at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Andrew Pywell	Agent
Councillor Ian Jankinson	Parish Councillor
Carol Stevens	Local Resident
Teresa Robinson	Parish Councillor

Councillors Alan Bishop, Toby Elliott and Stan Pajak spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- No objections had been received from experts in respect of the application, or officers subject to conditions.
- The development was within an existing residential area.
- The benefits of the development outweigh any drawbacks associated with it.
- The development was on land classified as a brownfield site and was in character with the wider setting.
- It would not impact on the locality or cause significant or demonstrable harm as it was replacing one building with another of approximately similar size.
- The application considered all relevant planning considerations and the development was in context and character of the locality and would not harm the amenity of local residents.
- The application met the national policy tests.

Submissions opposing the application can be broadly summarised as:

- The building was an agricultural shed not a workshop.
- The site was Greenfield and not brownfield and was outside the settlement boundary and would encourage similar applications for development.
- Adjoining properties would be directly overlooked should the development proceed.
- There would be a loss of amenity to local residents arising from the lighting associated with the development.
- The development was too large to fit within the original footprint and could affect local rights of way and did not enhance or protect the local landscape.
- The demolition of the property did not meet the local plan's requirements on reuse or conversion or meet the needs of a rural requirement.
- The development replaced a single storey building with a two storey development which would be visible from the road.
- The privacy of local dwellings would be compromised.
- Local wildlife and flora would be adversely affected by the development including rare species.
- Potential damage to local walls that were over 200 years old.
- The development cannot be considered as isolated.

Resolved – That the application be granted subject to the conditions set out within the report.

34. S/RES/18/0027/JABU Reserved matters application (following outline planning permission S/07/1365) for the demolition of existing stadium and construction of a new stadium, racing building, training kennels, new stands, acoustic barrier, car parking and associated development including minor access works to western access and laying out of open space/linear park. (Modification to reserved matters approval reference S/RES/16/0036)

In respect of application numbered S/18/0027/JABU (Reserved matters application (following outline planning permission S/07/1365) for the demolition of existing stadium and construction of a new stadium, racing building, training kennels, new stands, acoustic barrier, car parking and associated development including minor access works to western access and laying out of open space/linear park. (Modification to reserved matters approval reference S/RES/16/0036 - Abbey Stadium, Lady Lane, Swindon), the Committee considered: -

- (a) An application 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 at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Stephanie Poyntz	2 High Gardens
Barbara Cluett	Local Resident
Maggie Baptise	Galzebrook House Malmesbury
Peter Baptise	Galzebrook House Malmesbury
Adele Walker	36 Broome Manor
Vince Williams	Parish Councillor
Vera Tomlinson	Parish Councillor

Councillors Alan Bishop, Toby Elliott, Steph Exell and Vera Tomlinson spoke in respect of this application.

No submissions in support of the application were received.

Submissions opposing the application can be broadly summarised as:

- That the application included greyhound racing which was in decline nationally and was unsustainable and cruel to the dogs involved.
- Many countries and states in the United States of America had banned dog racing which was only legal in 8 countries.
- That the use for greyhound racing element of the application might hinder investment in the development and wider community.
- That the greyhound element of the application was not compatible with the Council's Public Health responsibilities and would expose children to alcohol and gambling.
- That the Parish Council had not been adequately consulted.
- No reference had been made in the application regarding the market previously held on the site.

- That housing development associated with the application had been on-going although no progress had been made with the stadium element.

Resolved – (1) That the Head of Planning, Heritage and Regulatory Services be authorised to approve the Reserved Matters, subject to the planning conditions set out in the report, together with the additional and amended conditions set out below and upon the completion of a Section 106 agreement in the terms set out in the report to mitigate the impact of the development and to ensure the satisfactory completion of the stadium development and the other strategic development including the open space and play areas and the construction of the necessary drainage infrastructure. The Head of Planning, Heritage and Regulatory Services be authorised to explore in conjunction with the Interim Director of Law and in consultation with the Cabinet Member and Chair of Planning details of an Escrow Account jointly controlled by the developer and Swindon Borough Council. In the event that the applicant fails to enter into an agreement under the above terms, the application should be brought back to the committee for re-consideration. In the event that the applicant fails to agree to an extension of time for the determination of the application to enable the Council as Local Planning Authority to deal with these matters, then the Head of Planning, Regulatory Services and Heritage be authorised to refuse the approval of reserved matters.

(2) That a report be brought back to a future meeting of the Committee in respect of breaches of the previously agreed Planning Permission and Section 106 Agreement.

(3) That Ward Councillors and the Parish Council be consulted on the travel plan associated with the application through a Section 106 agreement.

(4) That access for construction traffic to the site shall be from the North side of the site.

35. S/18/1394/TB Erection of new pavilion, installation of cycling closed road circuit, BMX track, full size 3G artificial grass pitch, improvements to access routes and car park, and refurbishment and enhancement of existing recreation ground.
Site Location: Moredon Recreation Ground, Cheney Manor Industrial Estate, Cheney Manor

In respect of application numbered S/18/1394/TB (erection of new pavilion, installation of cycling closed road circuit, BMX track, full size 3G artificial grass pitch, improvements to access routes and car park, and refurbishment and enhancement of existing recreation ground - Moredon Recreation Ground, Cheney Manor Industrial Estate, Cheney Manor), the Committee considered: -

- An application for permission to develop;
- Recommendations of the Head of Planning, Regulatory Services and Heritage;
- The views of interested persons set out in the report circulated with the Committee Agenda;
- The comments at the meeting of the following interested persons:-

<u>Name</u>	<u>Address/Organisation</u>
Councillor Des Moffatt	Ward Councillor

Councillors Jane Milner-Barry Stan Pajak and Peter Watts spoke in respect of this application.

Submissions in support of the application can be broadly summarised as:

- That the development enhanced local sporting facilities.
- That the development should be amended to meet the requirements of the end users.
- The green space associated with the development was welcomed.

No submissions opposing the application were made.

Resolved – That the application be granted subject to the conditions set out in the report.

36. Development Brief: Land at Moredon Recreation Ground, Swindon

The Head of Planning, Regulatory Services and Heritage submitted a report seeking approval for the adoption of the Development Brief for land at Moredon Recreation Ground, Cheney manor Industrial Estate, Swindon.

Resolved – (1) That the Development Brief for land at Moredon Recreation Ground, Cheney Manor Industrial Estate, Swindon be approved for Development Control purposes.

(2) That the Head of Planning, Regulatory Services and Heritage be authorised to make any minor typographical and presentational changes to the content of the document as required.

37. The Management of Houses in Multiple Occupation

The Head of Planning, Regulatory Services and Heritage and Director of Public Health submitted a joint report updating the Committee in respect of measures being pursued to enhance the management of Houses in Multiple Occupation in Swindon

Resolved – (1) That the latest figures on the extent to which Houses in Multiple Occupation are proliferating in the Borough be noted.

(2) That changes to the Licensing Regulations that came into force on 1st October 2018 to bring more Houses in Multiple Occupation under the Licensing regime be noted.

(3) That the additional powers available to the Council through changes to the Licensing Regulations to enable waste to be stored and presented in line with Council guidelines be noted.

(4) That the additional controls available to the Council to ensure that landlords and managing agents are 'fit and proper' to manage Houses in Multiple Occupation be noted.

(5) That the Head of Housing Services be recommended to submit an Annual Report to the Council in respect of the Council's Housing Stock and Houses in Multiple Occupation within the Borough.

38. The Revised National Planning Policy Framework and compliance of Swindon Borough Development Plan Documents

The Head of Planning, Regulatory Services and Heritage submitted a report setting out the Revised National Planning Policy Framework and the extent to which the Swindon Borough Local Plan 2026 and associated Development Plan Documents comply with it.

Resolved – (1) That the provisions of the Revised National Planning Policy Framework be noted.

(2) That the assessment of compliance of the Swindon Borough Local Plan 2026 and associated Development Plan Documents as set out in this Report and its accompanying Appendices be endorsed.

(3) That Head of Planning, Regulatory Services and Heritage be given delegated authority to undertake necessary factual updates to the Affordable Housing Position Statement 2016 to reflect current standards, guidance and legislation and publish on the Council's website.

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Determination of Planning and related Applications

Planning Committee

Date: 11 December 2018

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

1. Purpose and Reasons

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

2. Recommendations

The Committee is recommended to:

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

3. Alternative Options

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

4. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

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

Legal and Human Rights Implications

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

5. Appendices

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

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

Determination of Planning and related Applications

Planning Committee

Date: 11 December 2018

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

APPENDIX 1

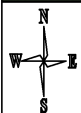
DOCUMENTS WHICH MAY BE RELIED ON IN THE PREPARATION OF THE APPLICATION REPORTS

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) for applications in South Marston Parish
2. Adopted Supplementary Planning Guidance Notes, Supplementary Planning Documents and Development Control Guidance Notes
3. The National Planning Policy Framework, (2018); 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

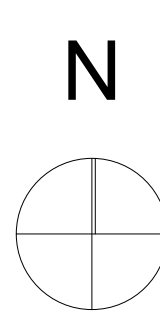
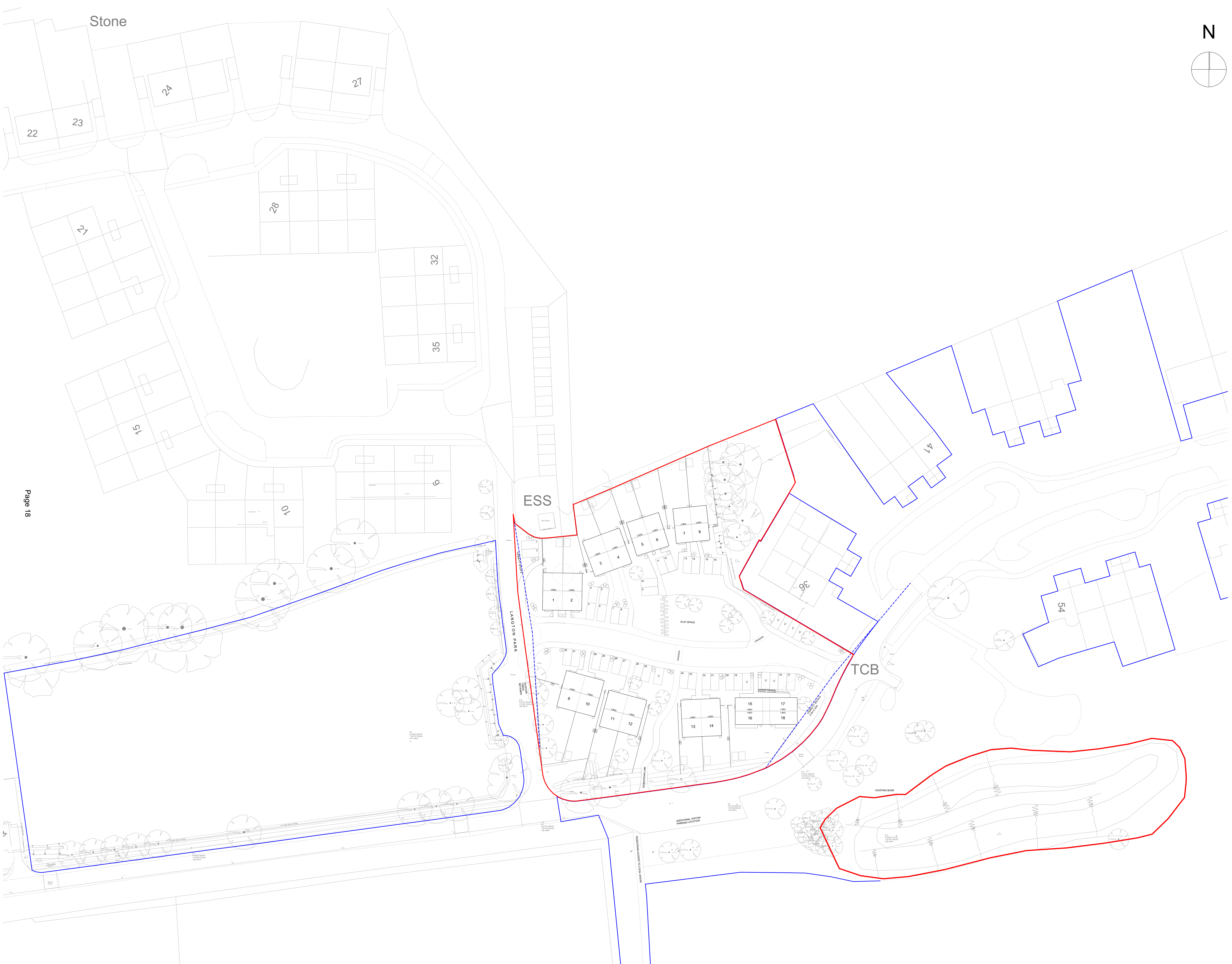
Land At Langton Park Wroughton Swindon



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



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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Drawing to be printed A1

House Types

- 4 x 1Bedrooms
- 4 x 2 Bedrooms
- 10 x 3 Bedrooms

Parking

32 Spaces
+ 8 Visitor

L	GMc	7.18	RED LINE AMENDED
K	GMc	7.18	RED LINE AMENDED
J	GMc	7.18	RED LINE AMENDED
I	GMc	6.18	SCALE BAR ADDED
H	GMc	6.18	FINAL LAYOUT AGREED
RevID	Issued By	Issue Date	Layout Comment



01444 416745	info@ecotecture.co.uk www.ecotecture.co.uk
31 Sussex Road West Sussex	Haywards Heath RH16 4DZ
Client:	Sepa Ltd
Address:	Former Electric Sub Station Langton Park Wroughton SN40QN
Description:	Proposed Site Plan
Scale: 1:500 Drawn: GMc	Date: Checked: GMc
Drawing No:	495 /03 L



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Drawing to be printed A1

House Types

4 x 1Bedrooms
4 x 2 Bedrooms
10 x 3 Bedrooms

Parking

32 Spaces
+ 8 Visitor

M	GMc	07.18	RED LINE AMENDED
L	GMc	07.18	RED LINE AMENDED
K	GMc	07.18	RED LINE AMENDED
J	GMc	06.18	SCALE BAR ADDED
I	GMc	06.18	FINAL LAYOUT AGREED
RevD	Issued By	Issue Date	Layout Comment

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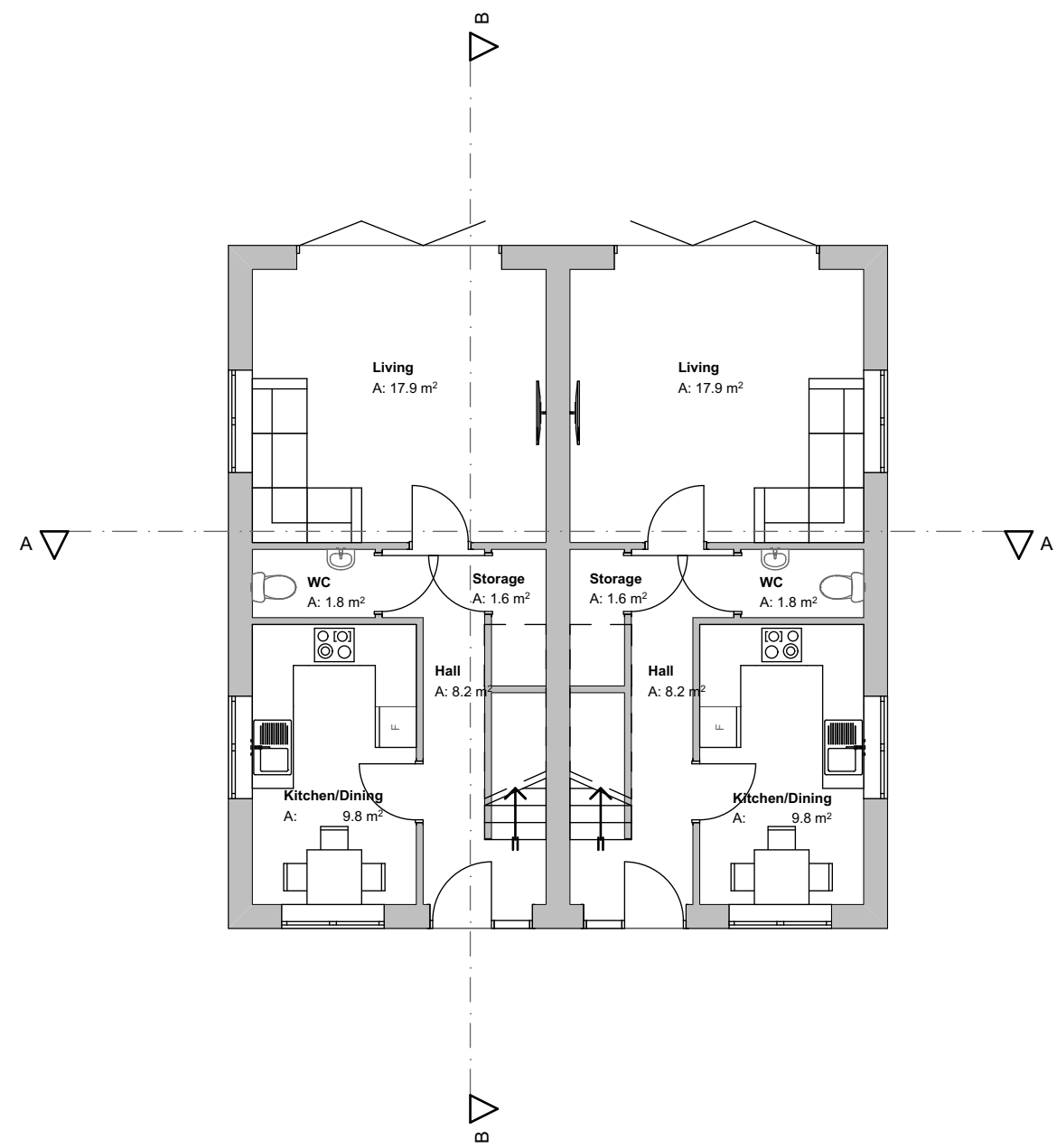
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Langton Park
Wroughton
SN40QN

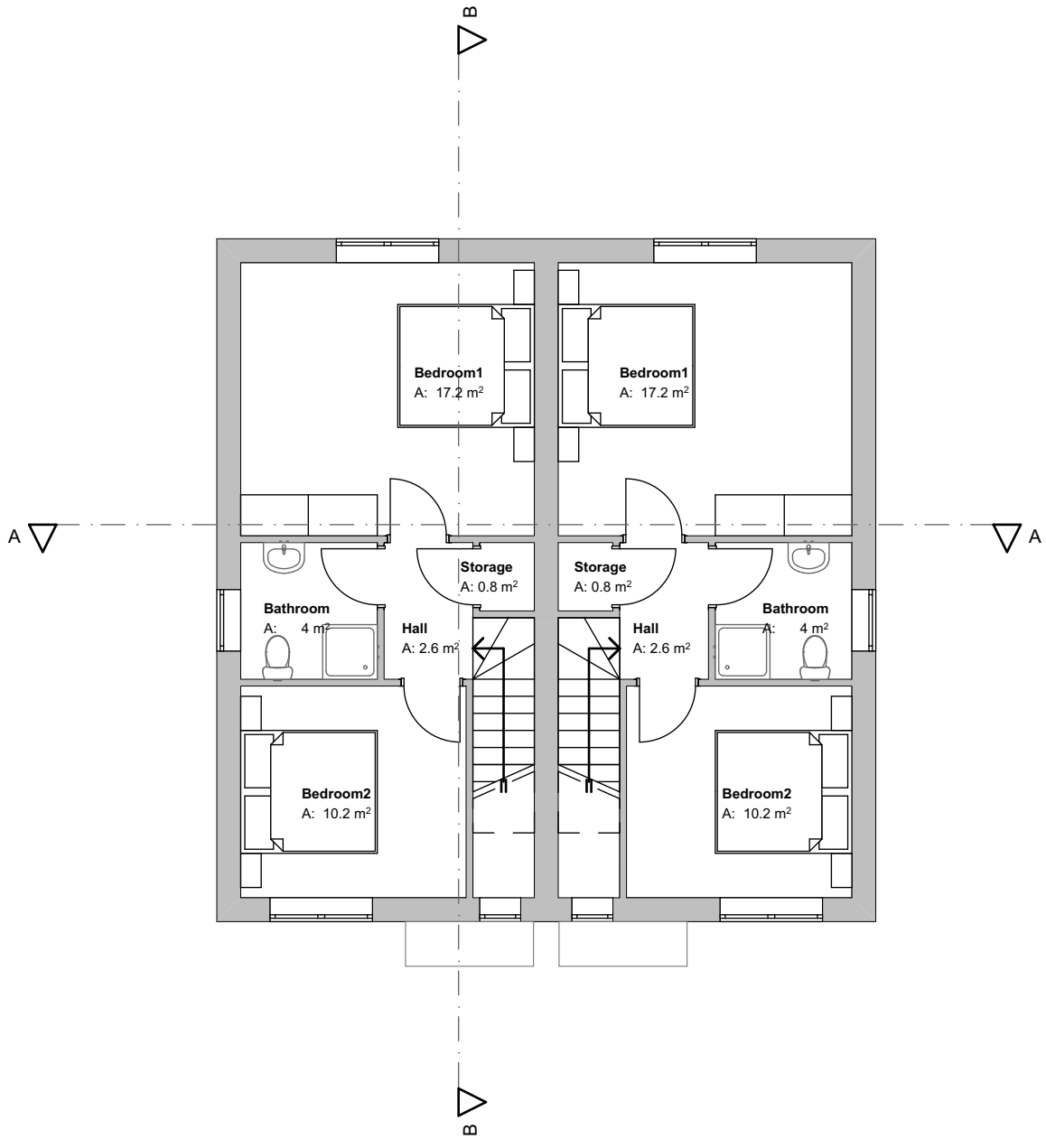
Description: Proposed Master Plan Layout

Scale: 1:200 Date:
Drawn: GMc Checked: GMc

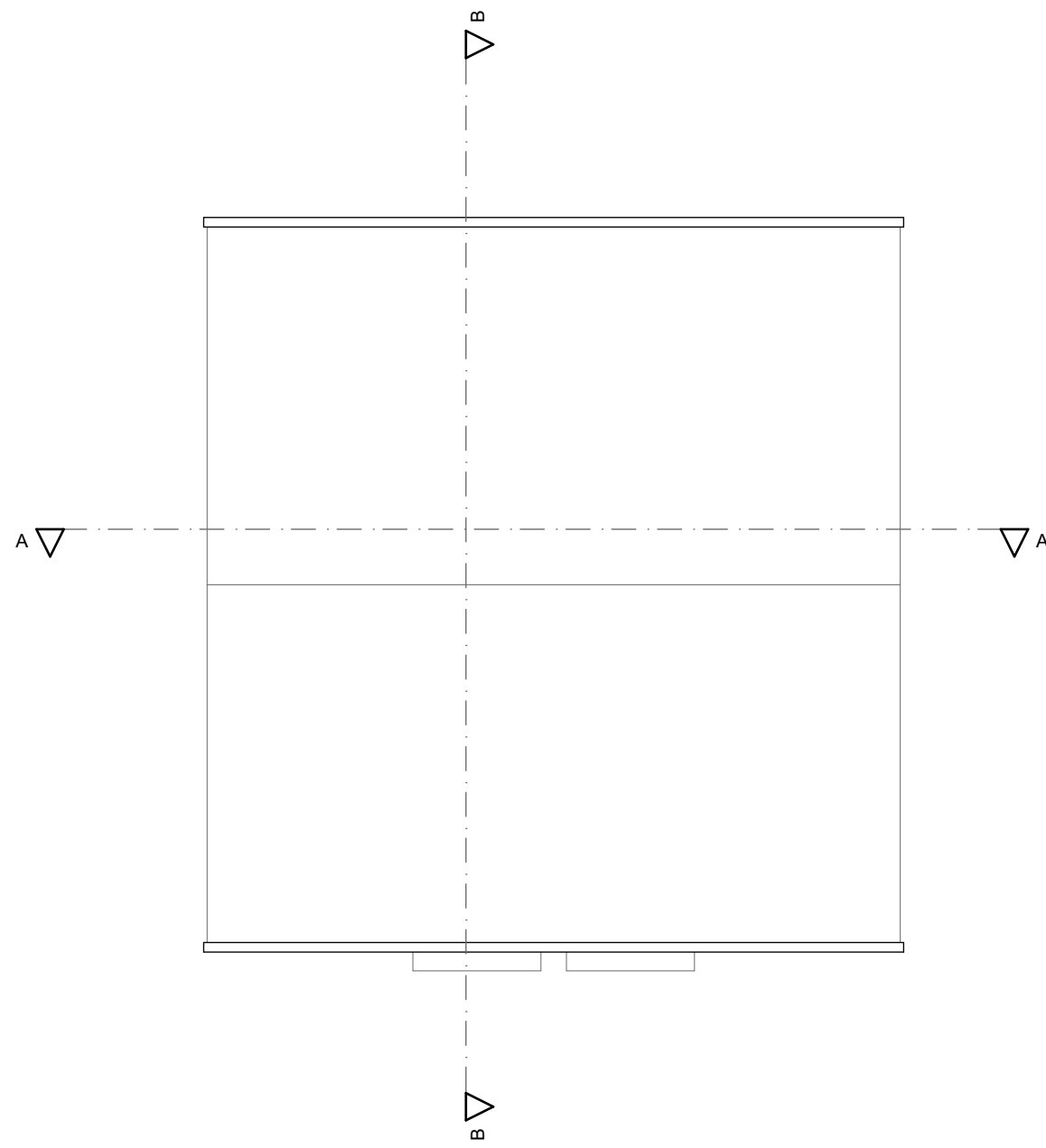
Drawing No: 495 /02 M



Ground Floor



First Floor



Roof Plan

Notes

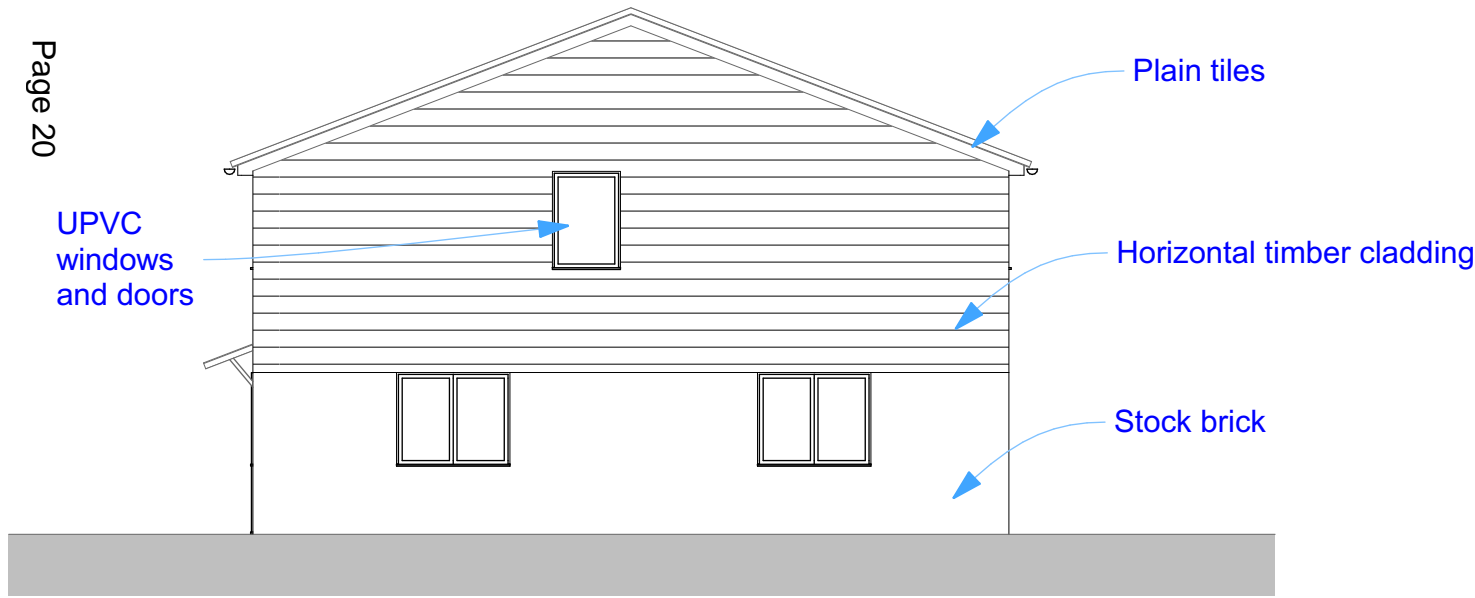
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Drawing to be printed A1



Scale Bar

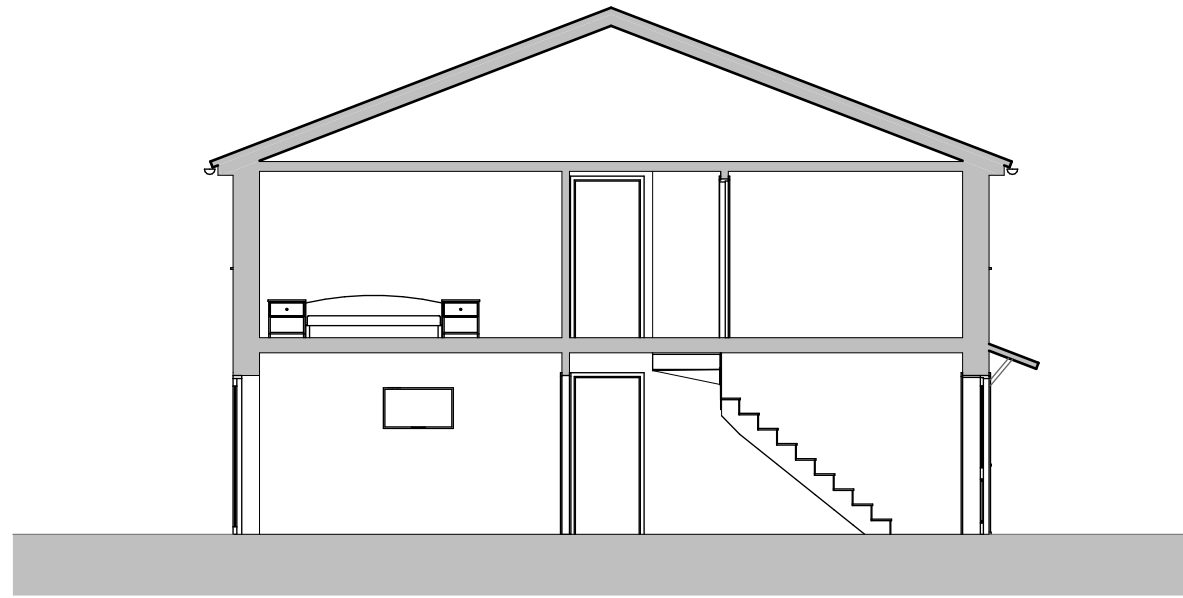
2 Bedroom 4 Person House
80m2 (861 sqft)



5 Flank Elevation 1:100



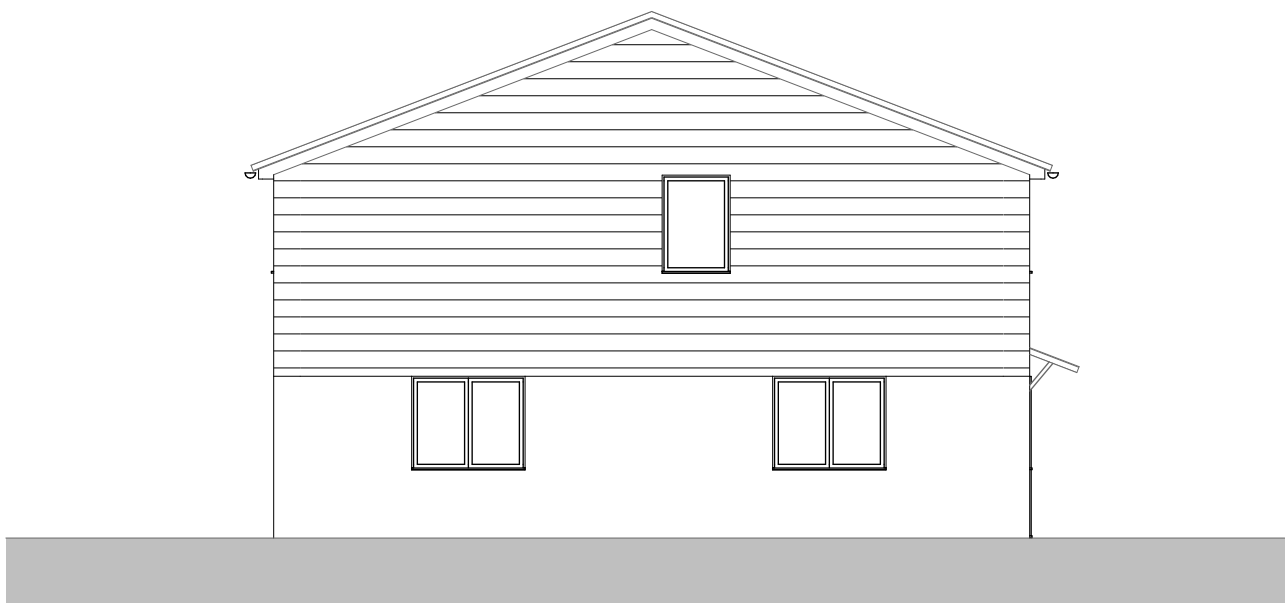
6 Rear Elevation 1:100



Section B-B



4 Front Elevation 1:100



7 Flank Elevation 1:100



Section A-A

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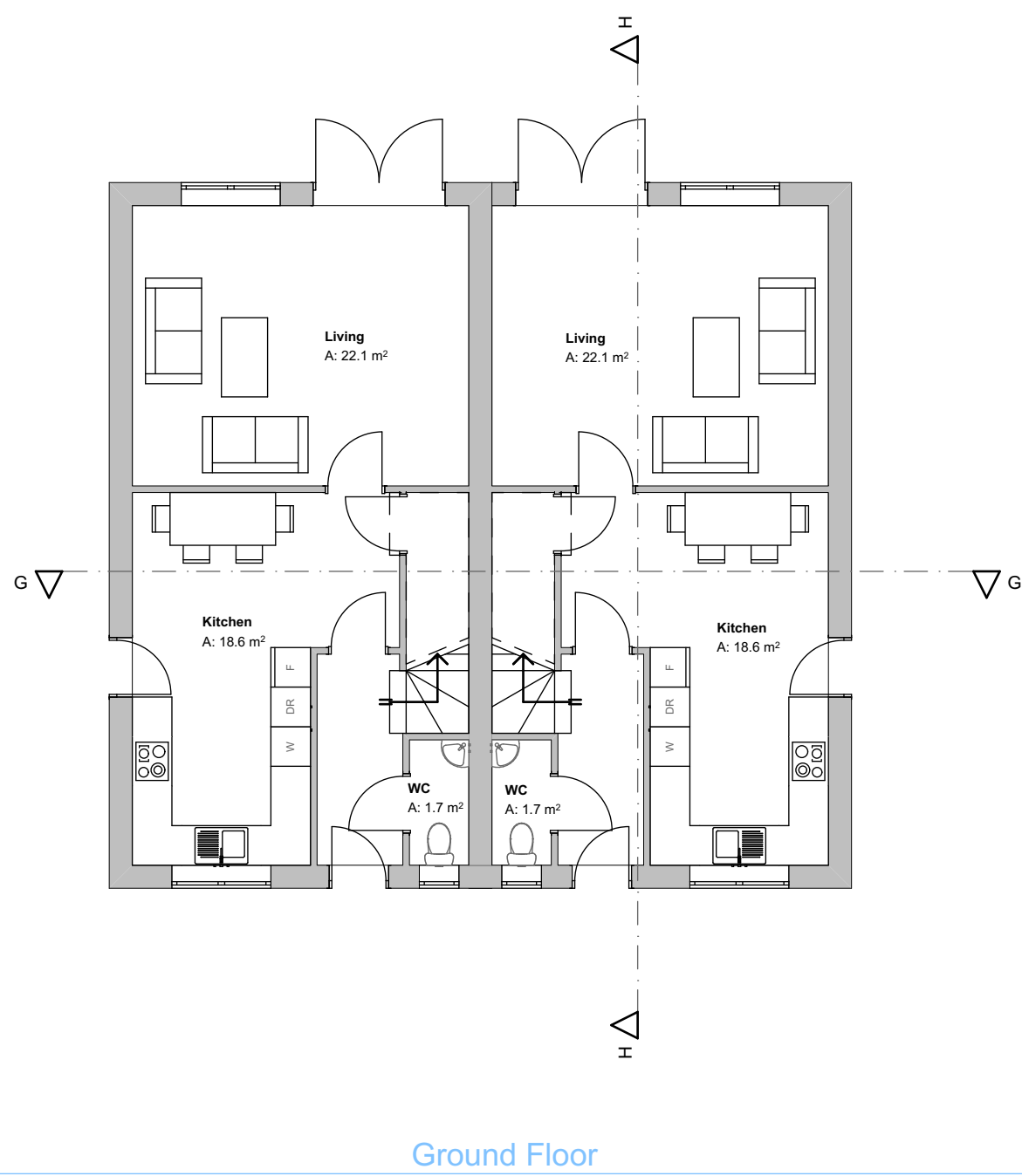
Client: Sepa Ltd

Address: Former Electric Sub Station
Langton Park
Wroughton
SN4 0QN

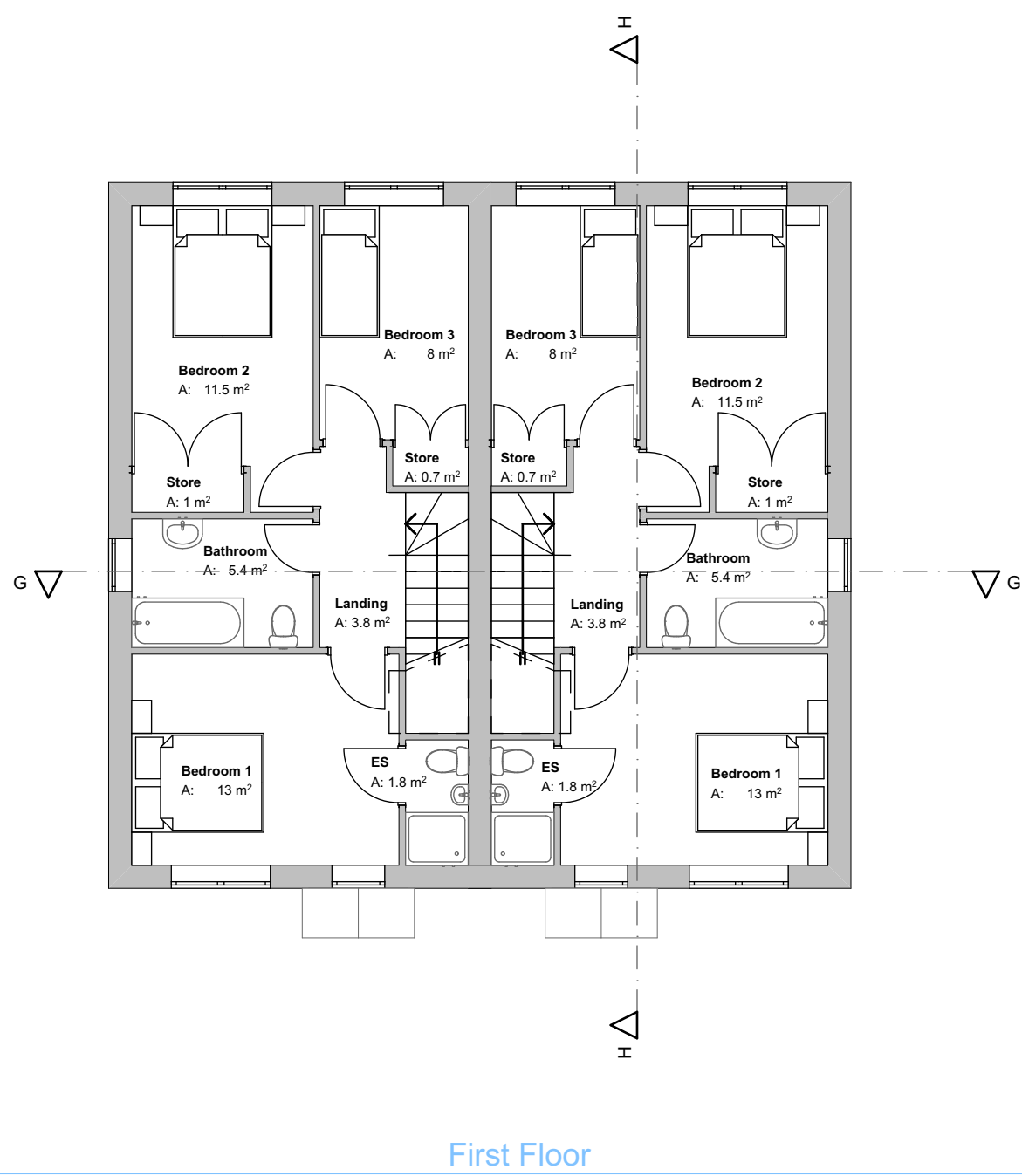
Description: Proposed Two Bedroom House

Scale: 1:100 Date: Apr'18
Drawn: CH Checked: JS

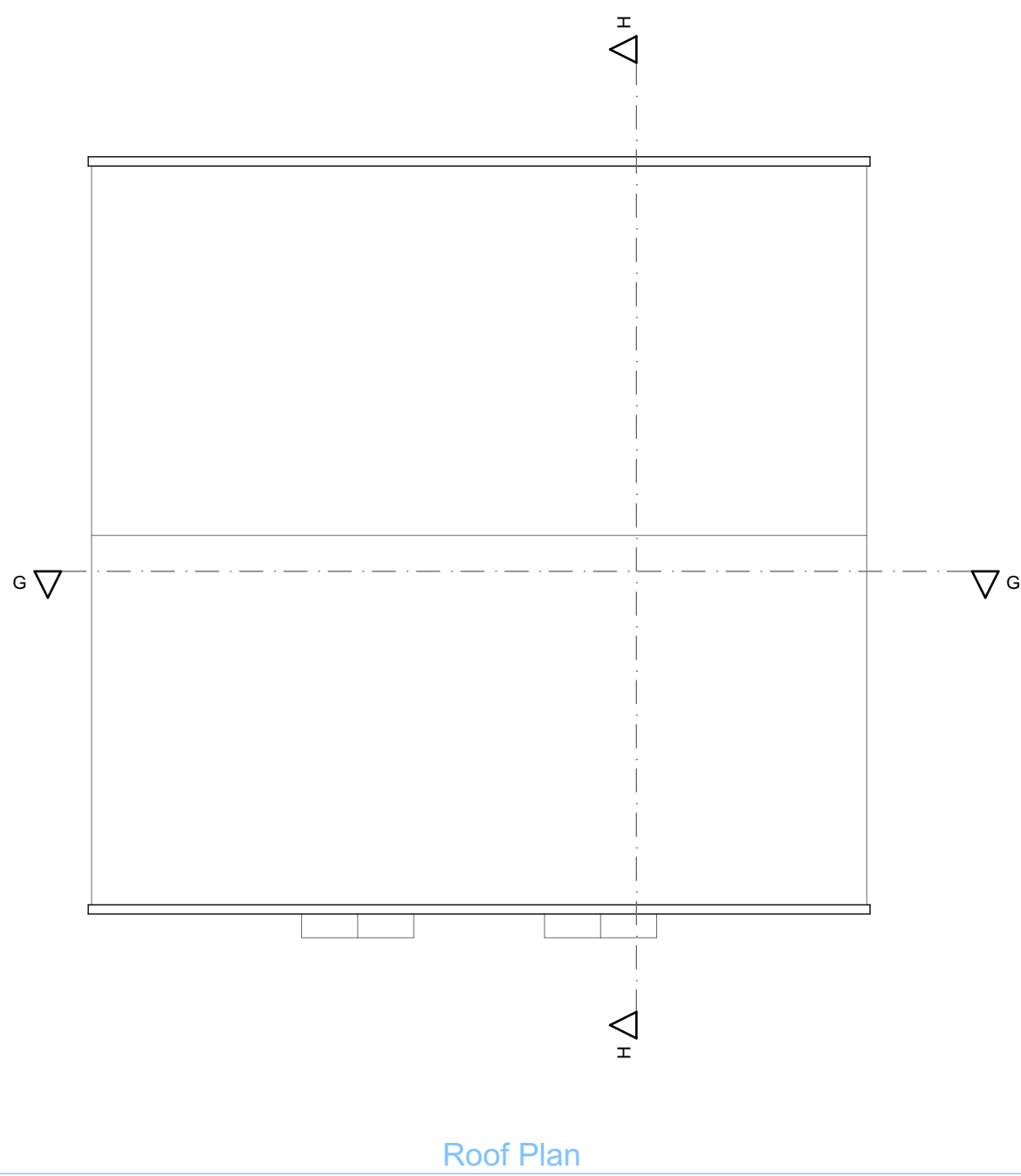
Drawing No: 495 /05



Ground Floor



First Floor

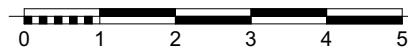


Roof Plan

Notes

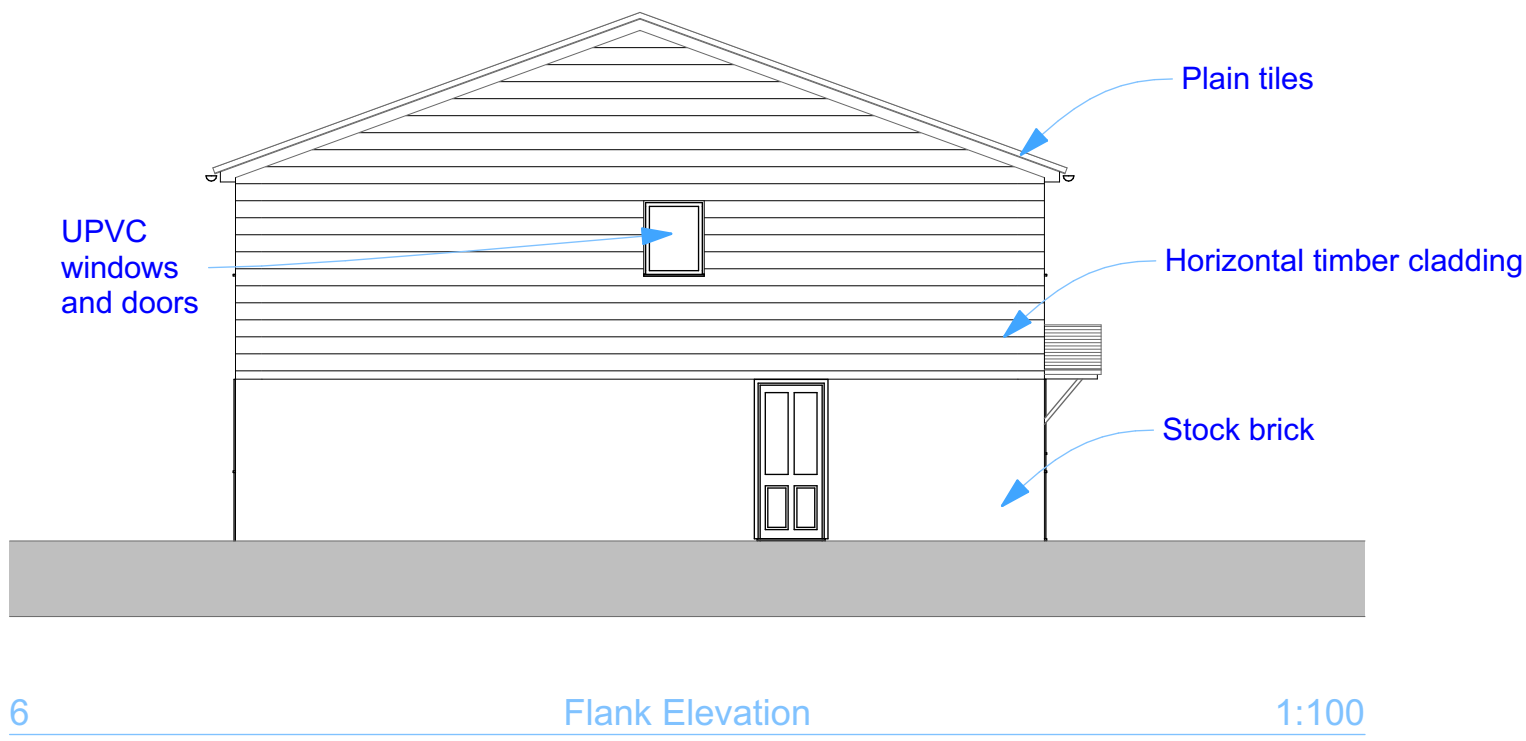
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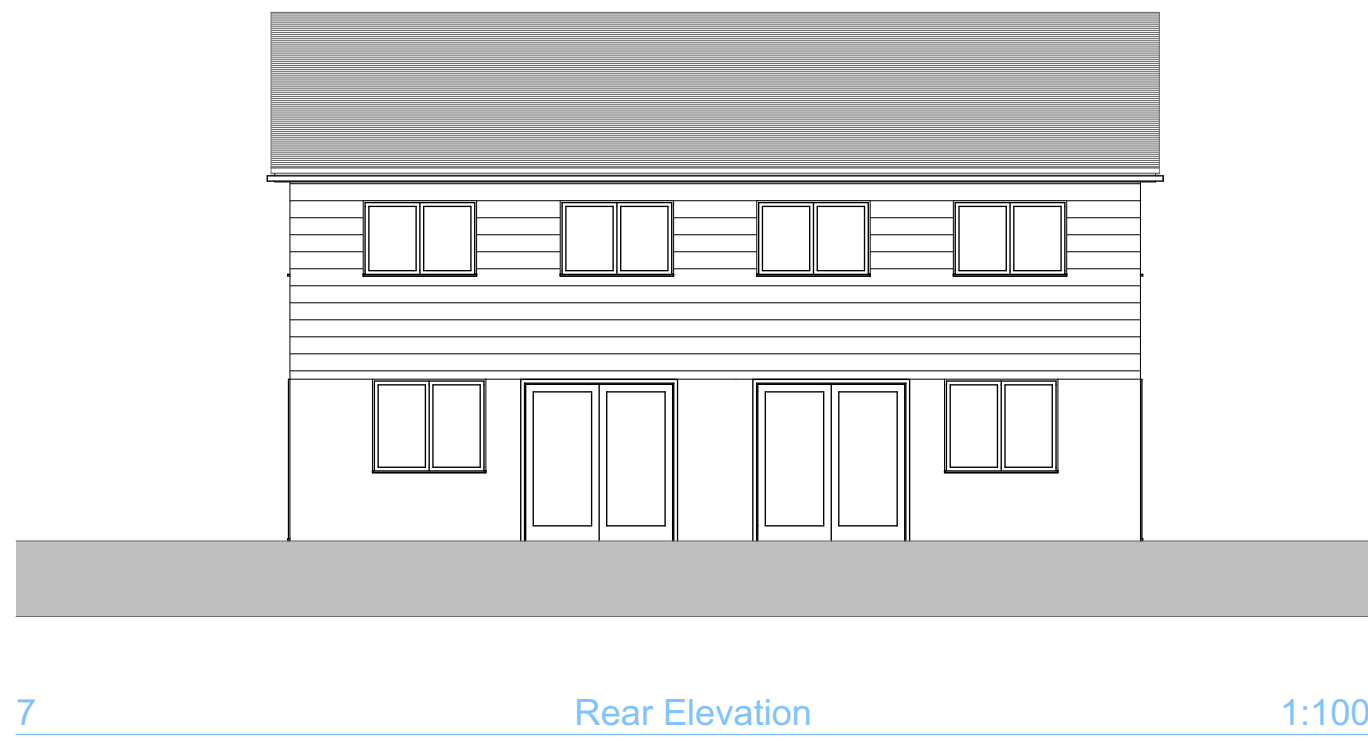


Scale Bar

3 Bedroom 5 Person House
102m2 (1098 sqft)



6 Flank Elevation 1:100



7 Rear Elevation 1:100



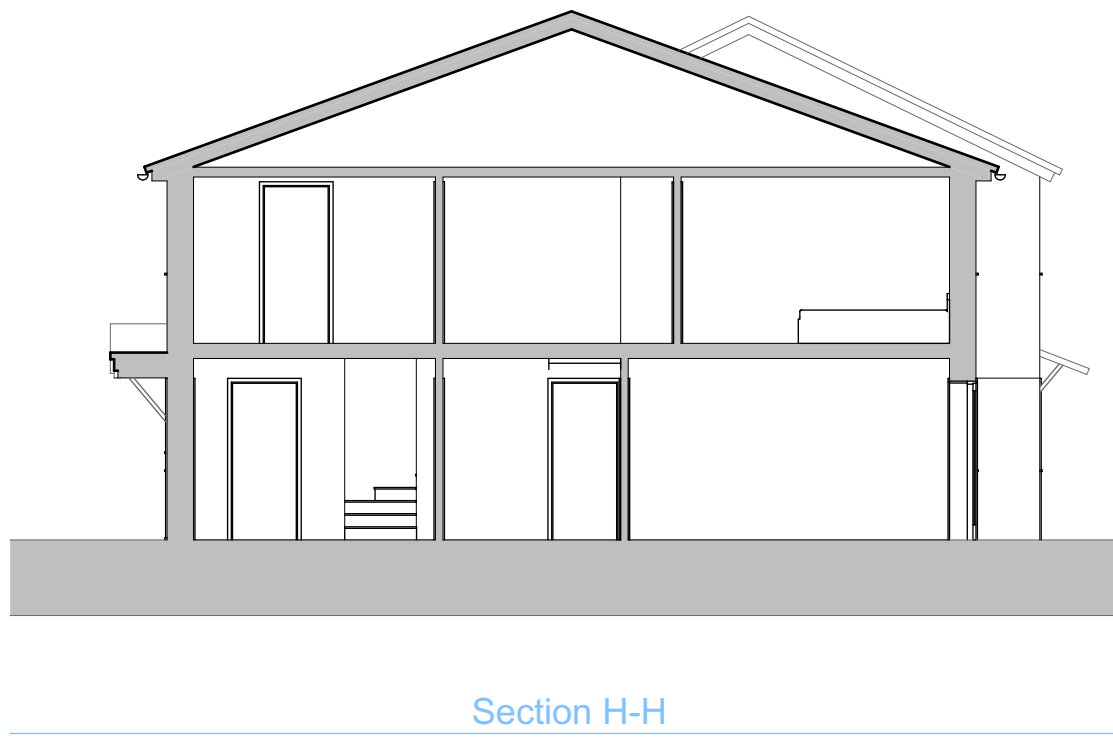
8 Flank Elevation 1:100



5 Front Elevation 1:100



Section G-G



Section H-H

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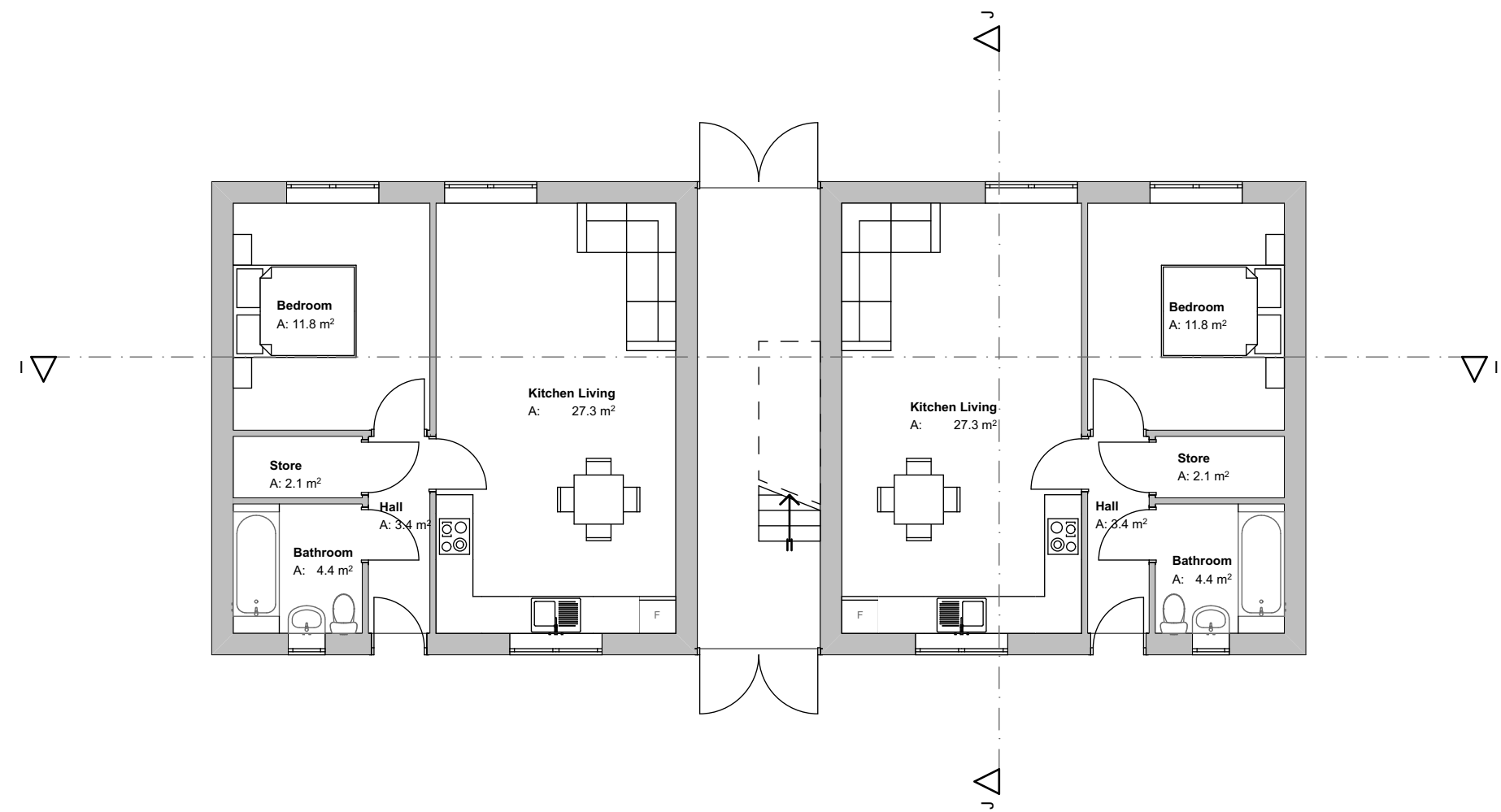
Client: Sepa Ltd

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Wroughton
SN4 0QN

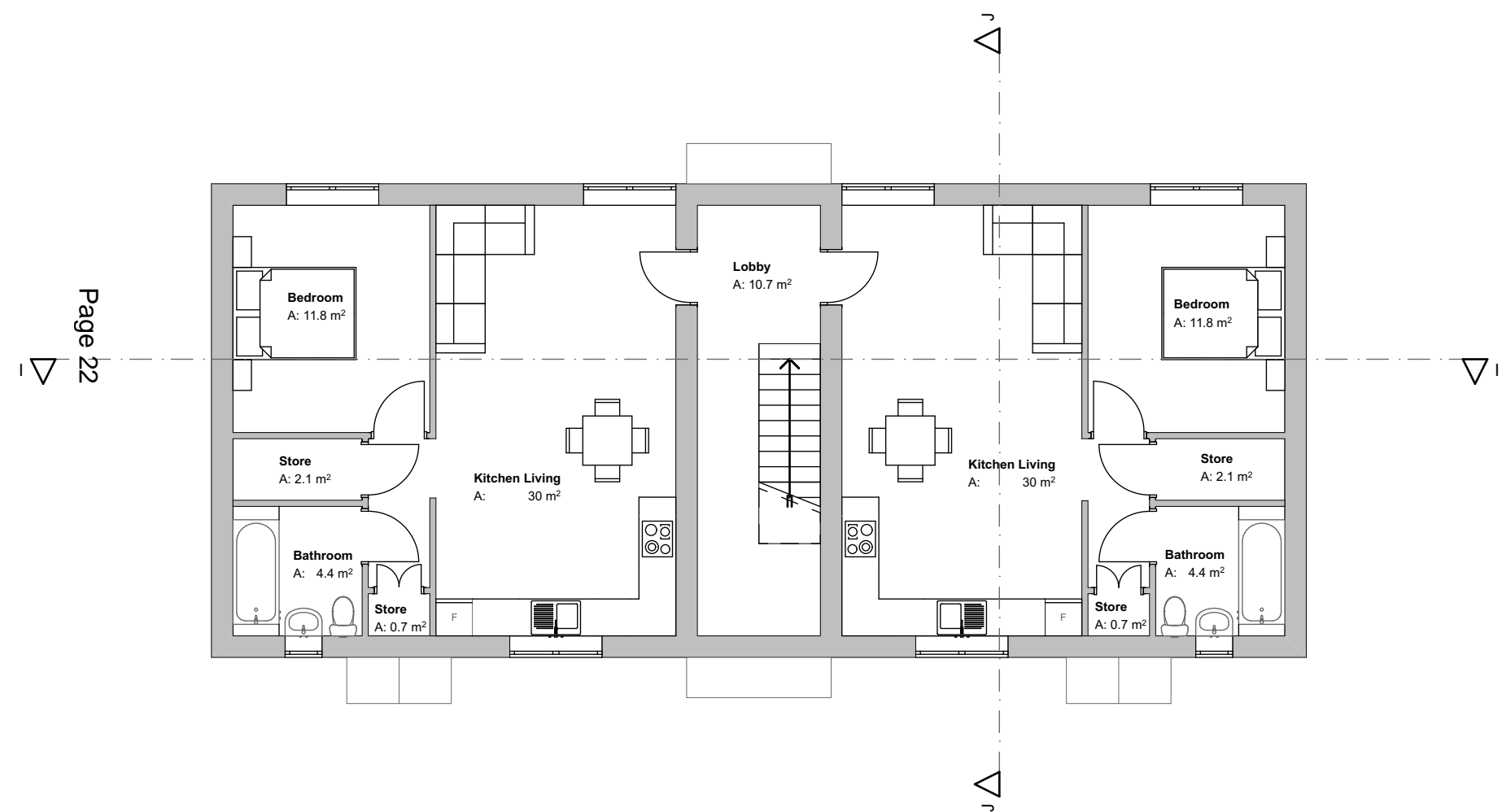
Description: Proposed Three Bedroom House

Scale: 1:100 Date: Apr'18
Drawn: CH Checked: JS

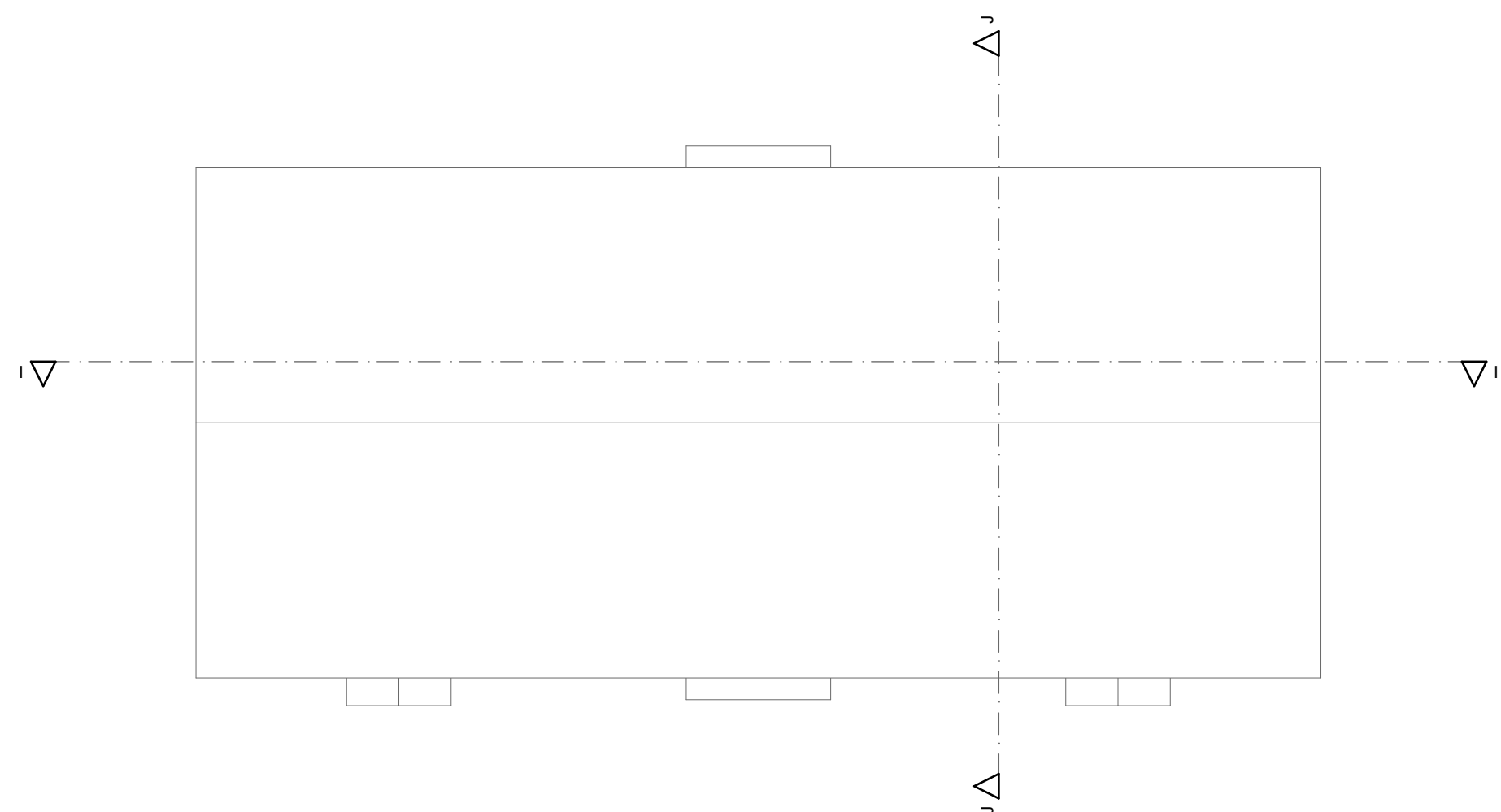
Drawing No: 495 /06



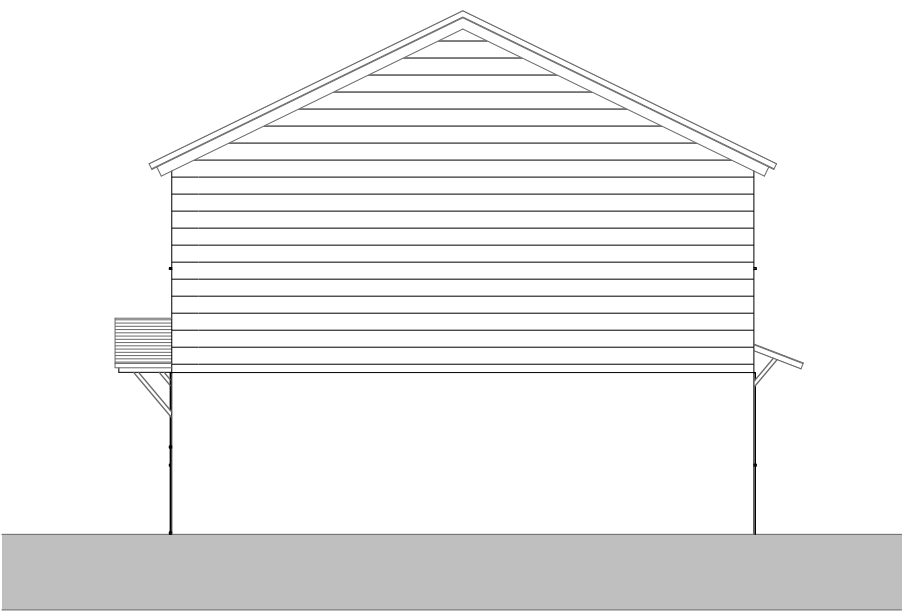
Ground Floor



First Floor



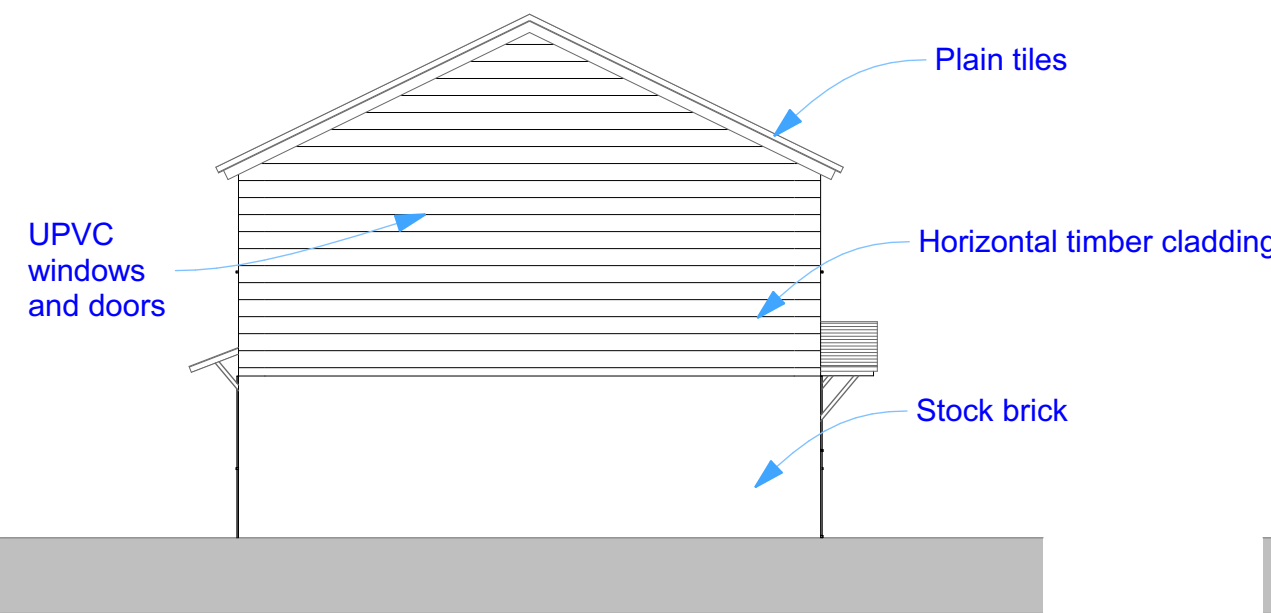
Roof Plan



Flank Elevation



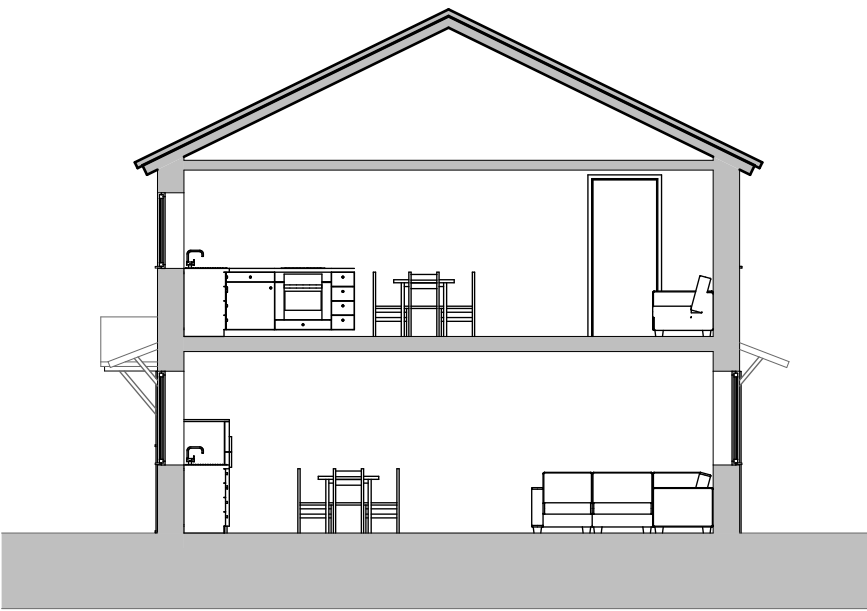
Rear Elevation



Flank Elevation



Front Elevation



Section JJ



Section II

Notes

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Drawing to be printed A1



Scale Bar

1 Bedroom 2 Person Flats
50m2 (538 sqft)

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31 Sussex Road Haywards Heath
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Client: Sepa Ltd

Address: Former Electric Sub Station
Langton Park
Wroughton
SN4 0QN

Description: Proposed One Bedroom Flats

Scale: 1:100 Date:
Drawn: CH Checked: JS

Drawing No: 495 /07



COMMITTEE REPORT

Item Number:
Application Number: S/18/1033/TB
Ward: Wroughton And Wichelstowe
Parish: Wroughton
Proposal: Erection of 18no. dwellings with associated access, parking and landscaping.
Site Location: Land at Langton Park, Wroughton, Swindon
Case Officer: Tom Buxton (Tel: 01793 466240 E-mail: tbuxton@swindon.gov.uk)

Agent: Mr Alex Yearsley Future Planning And Development Ltd. 2 Wardrobe Place London EC4V 5AH	Applicant C/O Agent SEPA Ltd C/o Agent
------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------

Officers Report

Background:

1. This application has been called to Planning Committee by Cllr Cathy Martyn and Wroughton Parish Council.

Summary of Recommendation:

2. That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report together with any amended, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to refuse planning permission.

The Proposal:

3. This application seeks full planning permission for the erection of 18 dwellings.

4. The residential units would be in the form of 7 pairs of semi-detached houses and a small block of 4 flats. These would consist of a total of 4 two-bed houses, 10 three-bed houses and 4 one-bed flats. Of these 1 of the two-beds and all of the flats would be affordable.

5. The units would be arranged around a central area of open space/play space with there being vehicular access to the east and west sides of the site. Car parking would be provided at a ratio of 2 spaces per house and 1 space per flat plus 7 visitor spaces.

The Site and Surroundings:

6. The site is an irregular shaped plot of land located to the west of Langton Park and to the east of Thorney Park, both small former MOD housing estates. The plot is 0.69 hectares

in size and is predominantly brownfield consisting of hard standing areas as well grassed areas, trees and rough vegetation.

7. There are residential properties to the east and north west of the site. To the south and west are open fields. The site is located within the North Wessex Downs AONB and the Down Plains Landscape Character Area.

Representations:

8. Neighbours:

Twelve representations of objection received. Each representation contains one or more of the following concerns:

- Access
- Traffic and highway safety (road infrastructure is at capacity)
- Drainage (water/sewerage)
- Outside Wroughton Neighbourhood Plan
- Previous application at site was refused
- Ownership of land

Four representations of support received welcoming the provision of much needed housing and that the site is brownfield.

One impartial observation received querying the accuracy of the Transport Statement information in relation to the proximity of the site to services.

9. Parish Council:

Not compliant with policy RH3 of the WNP.

Not compliant with policy RH4 of the WNP as it doesn't provide convenient and safe route for pedestrians, people with disability or cyclists, or provide convenient linkages with public transport.

The site was formerly used as an electricity sub-station and might be contaminated.

The Transport Study is inadequate – concerns regarding traffic on Priors Hill.

The Planning Statement (Para. 46) claims there is a bus stop within a two minute walk of the site with a frequent bus service. This is no longer correct. Residents at Langton Park report the current storm and foul water drainage is barely adequate and the application does not address this issue.

The nearest convenience is 1200 metres away.

We do not believe that the applicant has demonstrated that this site is sustainable.

10. Landscape:

As a result of the site being adjacent to other housing development, is brownfield and has the benefit of good boundary planting, there would be limited adverse effect in Landscape terms plus there is opportunity for betterment through a well-conceived scheme. Concerns raised regarding layout of site though.

11. Arboriculture:

No objections to the proposal, providing all the recommendations within the Tree Report are implemented during site preparation, construction and conclusion works.

12. Forward Planning:

The proposal by virtue of its local context, setting and scale is not considered to

constitute major development in the AONB for purposes of assessment against paragraph 172 of the NPPF, and the harm to the AONB is limited. Given the Council can not at present demonstrate a 5-year housing supply it is considered the adverse impacts do not significantly and demonstrably outweigh the benefits of the proposed development in respect of the delivery of additional housing, including affordable housing, and the re-use of previously developed land. No objection.

13. Highways:

Initial concerns raised regarding the visibility splay at the existing access with Priors Hill and the site being considered to be remote from services and without an appropriate level of access to walking, cycling and public transport.

NB As a consequence of the concerns regarding the access, the applicant provided a further Highway Technical Note. Following an assessment of this the Highway Officer noted that the prevailing speeds are significantly within the speed limit, with an associated reduced safe stopping distance and accepted that the risk to highway safety is relatively low and acknowledged that on balance, the harm associated with new development traffic may not outweigh the benefit arising from the development.

14. Archaeology:

No issues to raise.

15. Contaminated Land Officer:

Request for appropriately worded contaminated land assessment conditions.

Planning Considerations:

16. The relevant planning considerations with regard to the assessment of the application are the principle of the development, the impact upon the character of the area including its setting within an AONB and a designated Landscape Character Area, the impact upon heritage assets, highway issues and residential amenity and in these respects whether the proposals are in accordance with the provisions of the relevant policies of the Swindon Borough Local Plan 2026, the National Planning Policy Framework 2018, Planning Practice Guidance 2014. Other issues raised within the representations received will also be covered.

Planning Policy:

Adopted Local Plan 2026

17. The Swindon Borough Local Plan (SBLP) 2026 was adopted on 26th March 2015. The following adopted Swindon Local Plan 2026 policies are considered to apply.

- DE1 (High Quality Design)

- SD1 (Sustainable Development Principles); seeks the delivery of sustainable development and communities;

- SD2 (The Sustainable Development Strategy); aims to meet Swindon's development needs whilst protecting the Borough's most important assets;

- SD3 (Managing Development); seeks to oversee the delivery of sustainable growth;

- HA1 (Mix, Types and Density); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that they respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- TR1 (Sustainable Transport Networks) and TR2 (Transport and Development); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- IN1 (Infrastructure Provision); deals with infrastructure provision of developments;
- EN3 (Open Space); seeks all development to provide or contribute towards public;
- EN5 (Landscape Character and Historical Landscape); seeks development proposals to take account of their natural surroundings.
- EN10 (Heritage Environment & Heritage Assets); deals with the protection of the historic environment.

18. Also of relevance is Swindon Borough Council's adopted: Swindon Residential Design Guide (SRDG) (2016), Supplementary Planning Guidance Note: Technical Guidance on Parking Standards (2007) and adopted Swindon Borough Council's Landscape Character Supplementary Planning Guidance (2004).

National Planning Policy Framework 2018 (NPPF)

19. The revised National Planning Policy Framework was published in July 2018. It sets out the Government's planning policies for England and how these are expected to be applied.

20. Of particular relevance are sections: 5: 'Delivering a sufficient supply of homes', 8 'Promoting healthy and safe communities' 9 'Promoting sustainable transport', 11 'Making effective use of land', 12 'Achieving well-designed places', 15 'Conserving and Enhancing the Natural Environment' and 16 'Conserving and enhancing the historic environment'.

Principle of Development:

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

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

23. The application site is located outside of any settlement boundary. The site is therefore located in open countryside and thus the development is in conflict with Policy SD2 of the SBLP (in that none of the exception criteria are met). However it must also be considered that the site sits adjacent to existing residential development immediately to the east and north west

24. At the planning inquiry for Land at Hill Cottage, Blunsdon in July (and September) this year the Council outlined its housing land supply position at 2.7 years (with a 20% buffer). The Council therefore cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11 (part d) of the NPPF is therefore of relevance and states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Footnote 7 of paragraph 11 confirms that for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then policies which are most important for determining the application are out-of-date.

25. Paragraph of 14 of the NPPF does not apply in this instance as a consequence the Council currently being unable to demonstrate a three-year housing land supply.

26. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, and in this case the proposal would make a very modest contribution to the overall supply of housing in the Borough. Rather, those local policies which concern the provision of housing cannot alone be the basis of a refusal, and the proposal has to be assessed against the policies within the NPPF taken as a whole. In this instance the element of Local Plan Policy SD2 referring to settlement boundaries cannot be considered as reason for refusal alone. Whilst the Wroughton Neighbourhood Plan has been 'made' as it forms part of the development plan the housing related policies of it cannot currently be considered up-to-date either.

27. Section 11 of the NPPF deals with the effective use of land and requires that decisions promote an effective use of land in meeting the need for homes (and other uses). It also requires decisions to "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land". It is considered that the majority of the site is previously developed land, complying with the NPPF definition of such in that it includes land which was occupied by permanent structures, and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. It is considered that this effective use of previously developed land that will bring about the identified need of housing provision, is thus supportive of the principle of the development and thus weighs in favour of the application.

28. The village of Wroughton includes a number of shops and services but is located approximately 1.4 miles away. Alexandra Park, is located approximately 0.5 miles away and contains a convenience shop as well as some (limited) employment and leisure facilities. There is also a bus service which serves Thorney/Langton Park and provides access to other services and facilities including employment within Wroughton, Swindon and beyond. As a result of the site not being in Wroughton or in close proximity to the above though it is questionable that the proposal would meet the requirement set out in the NPPF, para 78

(Rural Housing): 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'. The development however is small scale and there is a likelihood that new residents would support the convenience store.

29. Before a decision can be made on the overall acceptability of the principle of development an assessment of the impacts of the scheme has to be carried out.

Impact on AONB/Landscape:

30. In landscape terms the site is outside of the rural settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the Down Plains Landscape Character Area. The adopted SBLP policy EN5 (Landscape Character and Historic Landscape) states that development will only be permitted when the intrinsic character and local distinctiveness of landscape within the Borough are protected, conserved and enhanced. Similarly the NPPF requires the protection of valued landscapes.

31. In assessing the landscape impact the fact that the site is predominantly previously developed is an important consideration here. As is the fact that the site sits directly adjacent to developed land in the form of residential to the east and north west (Langton Park and Thorney Park respectively). As such, whilst the land may be considered to be in the 'open countryside' in the context of the adopted SBLP in reality it sits on land that previously accommodated development and would appear as a continuation of existing residential development. Furthermore the site is well screened from the south by trees and vegetation to the southern side of the access road. Also additional tree planting is proposed as part of this application to the existing bund immediately to the south east of the proposed location of the housing. Views of the new built form (which will replace buildings that were once in place in this location) will thus be very limited from the south and any partial views will be largely viewed in the context and backdrop of the existing Langton and Thorney Park developments. The proposal would appear as a replication of the form of development found directly adjacent to the proposal site. Considering this plus the fact that it will be possible to retain planting to the southern and northern boundaries, it is considered that the development will not impact significantly on the AONB or the Down Plains Landscape Character Area. Bearing in mind the current unattractive appearance of a large part of the site, consisting of concrete hardstanding which is used for fly tipping there is the potential for the development to result in an improvement to the character of the immediate area. Whilst it is acknowledged that paragraph 172 of the NPPF states that planning permission should be refused in AONBs for 'major development' other than in exceptional circumstances the relevant footnote allows the decision maker to determine whether a proposal is 'major development' or not (i.e. it is not simply the standard definition of 10 or more houses or sites of 0.5 hectares or more). In this determination the footnote requires that nature, scale and setting be considered as well as whether it could have a significant impact on the purposes for which the area has been designated. For the reasons given above and the conclusion that the development will not have a significant impact upon the AONB it is argued that in these circumstances the development is not 'major development' for the purposes of paragraph 172 of the NPPF, meaning the relevant exception criteria do not need to be met.

32. A small proportion of the site (a slither to the eastern side and the whole of the bund) is allocated within the adopted SBLP as open space. Policy EN3 of the adopted SBLP is thus of relevance and seeks to protect such areas as does paragraph 97 of the NPPF.

However the bund is only to be planted with trees not built upon and only a small proportion of the slither of allocated open space to the eastern part of the site is to be built on. The rest will be left open with the trees to the north east corner retained. Furthermore in compliance with Policy EN3 of the adopted SBLP and paragraph 97 b) of the NPPF, the proposed scheme includes within it a central area of open space, which will incorporate play provision and good quality landscaping, which is of equivalent size and is better than the area lost in terms of both quality and accessibility. It is also observed that the surrounding area is very well served by open space. The site and the surrounding area will benefit from enhanced open space provision as a result of the development and thus there is no conflict with Policy EN3 or the NPPF.

33. Whilst the development will result in some tree removal, the ones that will be lost are not large or deemed to be individually worthy of retention. Tree planting is proposed as part of the application and this will be conditioned to ensure the loss is mitigated in an appropriate manner. The trees that are to be retained, including significant ones to the north/north east boundary will be protected during construction.

34. As a result of the above it is not considered that the landscape impacts of this proposal will be unacceptable and that the proposal is compliant with Policy EN5 of the SBLP and the NPPF in that the character of the landscape (LCA and AONB) will be protected.

Impact Upon Heritage Assets:

35. The proposal site is located adjacent to a Grade II listed phone box (a 'K8 kiosk'), a designated heritage asset. The NPPF and Policy EN10 of the adopted SBLP both specifically refer to the need to protect the setting of heritage assets. Therefore whilst there are no designated heritage assets on the site or adjoining it there is still a requirement for the proposal to conserve the setting of it. Policy EN10 of the adopted SBLP states that "Proposals for development affecting heritage assets shall conserve and, where appropriate, enhance their significance and setting". The NPPF at paragraph 193 requires great weight to be given to a designated heritage asset's conservation when considering development and at paragraph 196 it is required that where 'less than substantial harm' is found to be caused to the significance of a designated heritage asset this should be weighed against the public benefits.

36. The nearest of the proposed dwellings would be located at a distance of just over 25 metres from the listed kiosk and over 35 metres from the bund on which it is proposed to plant trees. The development will undoubtedly alter the setting of the heritage asset in terms of additional built form being introduced and further planting. However the proposed houses will be no closer to the kiosk than existing housing and will not change the character which is already that of a small residential development, albeit in a rural location. Considering this it is argued that the impact that will be created upon the setting of the listed building will be minimal and certainly 'less than substantial' in the context of paragraph 193 of the NPPF. It is also considered that the development would not conflict with Policy EN10 of the adopted SBLP in that it would preserve the significance and setting of the listed building.

37. Returning to the balancing exercise required by Paragraph 196 of the NPPF, it is necessary to determine what, public benefits the proposal will bring about in order that they can be weighed against the 'less than substantial harm' to the setting of the listed phone box. In this case the public benefits have been identified to be the creation of much needed

housing including affordable housing, It is deemed that this public benefit will outweigh the minimal (and at the low end of less than substantial) harm caused to the setting of the listed building.

Highway Access and Safety:

38. Policies TR1 and TR2 of the adopted Swindon Borough Local Plan 2026 seek to ensure access for developments that is appropriate to the scale, type and location of the proposal without detriment to highway safety, traffic movement and the local environment. The NPPF at paragraph 108 requires development to provide safe and suitable access and at paragraph 109 details that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

39. The development would be accessed from the west through Thorney Park from Priors Hill or from the east from Chiseldon direction via existing junctions. The Highway Officer originally raised concerns about the use of the junction onto Priors Hill in that visibility splays for a road with a speed limit of 60mph have not been provided. The visibility splay drawing that has been submitted equates to a 30mph road. It is noted though that this is an existing junction that currently serves Thorney and Langton Parks (approximately 175 houses) with no changes proposed to it. There is nothing to suggest that the junction is in any way dangerous and it is evident that accident data identifies no recorded accidents at it. It is also evident that the development as well as the rest of Thorney and Langton Parks can also be accessed from the east and thus is not the sole access. The additional Highway Technical Note submitted also indicates through studies that prevailing vehicle speeds are significantly within the speed limit.

40. The traffic generation calculations set out in the Transport Statement identify an additional 8 vehicle movements from the proposed development in the morning peak hour. It is reasonable to assume that some vehicles would travel east towards Chiseldon, if going to east or north Swindon, or east or west on the M4 – J15). If half of the vehicle movements generated by the proposal used the Priors Hill junction that would equate to only an additional 4 movements in the morning peak. In addition it is deemed that vehicle speeds of 60mph wouldn't be anticipated in the vicinity due to the steepness of Priors Hill and its rural nature. The likelihood is that vehicle speeds would be much lower (as confirmed in the later Highway Technical Note) and hence requiring less of a visibility splay at this existing junction. It must also be considered that the brownfield nature of the site means that when it was in use it would have generated vehicle movements of its own.

As a consequence of the above and the very small amount of additional vehicle movements that the proposal may generate at this junction it is considered on balance (when also considering the need for housing) that the inability to demonstrate visibility splays for a 60mph road is not a sufficient enough reason to warrant refusing the application.

41. The scheme proposes adequate car parking at a ratio of 2 spaces per house and 1 space per (1-bed) flat plus visitor parking at a ratio of at least 1 space per 5 units. The proposal meets the requirements of the Technical Guidance on Parking Standards in this regard. It is also considered that the internal layout of the development is acceptable in highway safety terms in compliance with Policy TR2 of the adopted SBLP.

42. Policies SD1, DE1 and TR2 of the adopted SBLP emphasise that development should be accessible by walking, cycling and/or public transport and designed to reduce the

need to travel. The adopted SRDG also encourages the reduction in need to travel and that developments are well located. The NPPF at paragraphs 102, 103 and 108 also encourages sustainable transport solutions.

43. As acknowledged above the site is located 1.4 miles from Wroughton, which offers a variety of shops, schools, church, library and employment opportunities and approximately 0.5 miles from Alexandra Park which includes a small convenience shop and some limited leisure and employment opportunities. It is acknowledged that with the exception of the convenience store (and leisure/employment at the Alexandra Park Hotel) walking and cycling is unlikely to appear as a very attractive option for residents to reach other services and employment. That said this doesn't mean that no new residents will choose to cycle or walk. Having the ability to walk to a convenience store and leisure facilities is a positive in this respect as it represents a genuine possibility/choice for residents. Paragraph 103 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (and this should be taken into account in decision-making).

44. The bus service that serves Thorney Park (with the bus stop being a short walk from the development site) provides a reasonable service to and from Wroughton and Swindon. This would reasonably allow residents to commute to work in Wroughton or Swindon as well as using public transport to access other services on offer in these locations. Whilst shift workers may struggle to take such an advantage (depending on patterns) those with a 'conventional' working day could utilise the service.

45. In conclusion to the above it is difficult to argue that the site is genuinely well located to minimise travel and would maximise the use of sustainable transport modes. In this sense the proposal conflicts with Policy TR2 of the adopted SBLP and paragraphs 102 and 108 of the NPPF. As a consequence this weighs against the development. However this is only considered to constitute limited weight on the basis that residents would have some choice in terms of being able to walk to a convenience shop (plus leisure facilities) if desired and being able to use the reasonable bus service.

46. Following initial concerns expressed by the Drainage Officer (LLFA) further information was sought from the applicant. This was subsequently provided and the relevant officer has now confirmed acceptance subject to a condition meaning that there is satisfaction that the development will not lead to any harm in terms of flooding.

Residential Amenity:

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

48. The nearest residential property to the development site is No. 36 Langton Park immediately to the east, at a distance of over 12 metres between the nearest proposed house and the boundary with this property and a further 11 metres to the house (No. 36) itself. Considering these separation distances, the angle that these properties would be sited from one another and the location of trees in between it is evident that no unacceptable impact would be created to the amenity of this property or any of the other nearby dwellings. Whilst there will undoubtedly be some increase in noise (in comparison to the current empty site) there is no reason to suggest that this would be unacceptable. The development would also 'tidy up' the unattractive part of the site used for fly tipping which could be considered to

be a benefit to residents in terms of an amenity improvement.

49. It is evident that the future residents of the development would also benefit from suitable amenity levels in terms of privacy levels, outlook and access to light. Each would also benefit from an adequately sized private garden space. With regard to residential amenity the development is compliant with Policy DE1 of the adopted SBLP.

Design and Layout:

50. Swindon Local Plan policy DE1 states that high standards of design will be required for all types of development. The adopted Residential Design Guide also requires high design standards as well as offered guidance on layout, context and character amongst other factors. The NPPF also promotes well-designed places.

51. Through the previous pre-application that the applicant submitted the Urban Design Officer pointed to the existing layout characteristic of the area being houses being arranged around open space. The applicant has taken this on-board and the development layout is now such that public open space is provided as the core to the development. This is deemed to be a positive approach in that not only is this reflective of the character of the area but also will assist in the development of a community.

52. The proposed design of the buildings is relatively simple and it is intended that the external materials include brick to the lower half and stained timber cladding to the upper half. It is deemed that this is a suitable approach in that whilst more modern in appearance they will still not be dissimilar in design to existing dwellings in the vicinity. They will also be of a similar scale to the existing houses in Langton Park. In summary the design and layout of the development is acceptable and is compliant with Policy DE1 of the adopted SBLP and the SRDG.

Biodiversity:

53. The NPPF requires biodiversity to be taken into consideration during the determination of applications. Policy EN4: Biodiversity and Geodiversity of the adopted SBLP is also relevant.

54. The planning application is supported by an Ecological Appraisal and a Reptile Study. Both reports found no evidence of protected species (including reptiles) living on the site. The appraisal concludes that whilst there is the potential for the site to provide foraging and commuting habitat for bats and suitable nesting areas for birds subject to suggested recommendations (in terms of lighting and timing of vegetation removal) no harm will arise. Further recommendations and enhancements are suggested within the appraisal to achieve biodiversity gain. The Council's Ecologist requested further information and clarity during the processing of the application. The applicant subsequently provided this, including an updated ecological appraisal and it is now felt that, subject to conditions the development will cause no unacceptable biodiversity related harm and is thus compliant with Policy EN4 of the adopted SBLP and the NPPF.

Other Issues:

Affordable Housing:

55. In accordance with Policy HA2 of the SBLP affordable housing will be sought on all suitable sites proposed for development that comprise 15 or more dwellings or sites of 0.5

hectares or more. As such affordable housing is required to be provided on site at a ratio of 30%.

Infrastructure Requirements:

56. In addition to affordable housing which has been addressed above this section considers the potential wider infrastructure implications. The overarching infrastructure policy framework is set out through Policy IN1 of the adopted Local Plan. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015

57. The Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regs' came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

58. The development is located within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 2. The standard CIL rate as set out in the adopted CIL Charging Schedule is currently £61.69 per square metre of net increase of floor space.

59. Policy EN3 of the adopted SBLP details a requirement to provide contributions towards off-site open space. At the time of writing these figures and areas are still be determined / agreed.

60. No highway related contributions have been deemed applicable.

61. The contributions/commitment towards affordable housing and open space will need to be secured by means of a Section 106 legal agreement.

Consultee Comments:

62. With regard to the comments raised within the representations section that have not already been covered above the following is noted:

- The Council's Contaminated Land Officer has requested conditions to deal with the potential for land contamination at the site and these will be included on any consent.
- The issues of land ownership was corrected by means of a revised site edged red during the processing of the application.
- A previous application for housing was refused at the site in 2010 (under reference S/09/1832). In the last 8 years though national and local planning policy has changed. In particular the original NPPF was not published until 2012. It is also evident that the Alexandra Park development has now been built out plus other relevant appeal decisions must be taken into consideration (for example the recent Hill Cottage, Blunsdon appeal decision).

Conclusion:

63. In conclusion to the above the application of policies within the NPPF that protect areas or assets of particular importance (in this case relating to the AONB and a listed

building) do not provide a clear reason for refusing the development. As a consequence it is then purely a matter of a balancing exercise in relation to the second limb of part d) of paragraph 11 of the NPPF as to whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits (when assessed against the policies in the NPPF taken as a whole). In this regard an assessment of the impact of the development has been undertaken above which has concluded that: the development is contrary to Policy SD2 of the SBLP, visibility splays for a 60mph road cannot be demonstrated and the site cannot be truly said to be located so that the need to travel is minimised/the use of sustainable transport is maximised. For the reasons given above though these are only given limited weight. Furthermore it has been concluded that the proposal will not result in any adverse impacts in terms: residential amenity, design/layout or biodiversity and importantly would make effective use of previously developed land. Whilst the development will result in a change to the character of the landscape and the setting of the adjacent listed building it is also concluded that these will not be unacceptable impacts.

64. The benefits of the development in terms of the social dimension of sustainable development have been identified to be the provision of much needed housing, including affordable housing (something that the Inspector of the recent Hill Cottage, Blunsdon appeal judged to be a significant benefit) and the tidying up of a currently largely unattractive site. In terms of the economic dimension the development would contribute towards economic growth during the construction phase, albeit that this would not be significant. Also, again not significant but the additional population created would also be likely to assist the local economy in terms of utilising local services. With regard to the environmental dimension the scheme would provide public open space, would contribute to off-site open space and importantly would make effective use of previously developed land and 'tidy up' a currently (partly) unattractive site.

65. Whilst elements have been identified that weigh against the proposal (conflict with SD2, junction visibility splay and sustainable transport), in the current circumstances and in the circumstances of this specific site, these do not significantly and demonstrably outweigh the benefits of the proposal identified above, with particular reference to the provision of housing and the use of brownfield land. As such it is considered that the proposal would amount to sustainable development in terms of the NPPF and is acceptable.

Recommendation:

66. That the Head of Planning, Regulatory Services and Heritage be authorised to GRANT planning permission subject to the conditions set out in the report together with any amended, omitted or additional conditions and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree an extension of time to allow sufficient time for the LPA to deal with these matters then the Head of Planning, Regulatory Services and Heritage be authorised to refuse planning permission.

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 drawing numbers: 495/05, 495/06 and 495/07 received by the Local Planning Authority on 29th June 2018 and drawing numbers: 495/01F, 495/02 M and 495/03 L received on 19th July 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 the construction of the dwellings hereby permitted above slab level details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

4. Prior to the occupation of the development hereby permitted, the vehicular accesses shall be laid out and constructed in accordance with the submitted drawing no. 495/02 M.

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

5. The proposed vehicular access shall not be brought into use until visibility splay lines have been provided in accordance with the submitted details, as shown on drawing numbered 495/02 M with the area in advance of the splay lines cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway and thereafter be similarly maintained.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety

6. The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan [drawing no. 495/02 M), 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.

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

Reason: In the interests of amenity.

8. No works shall take place above ground level in relation to the erection of the dwellings hereby permitted until a plan indicating the positions, design, materials and type of boundary treatment has been submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the buildings are occupied and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

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

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

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

10. 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 additional windows shall be formed at or above first floor level in the side elevation of plot 3.
Reason: In the interests of residential amenity

11. Prior to the construction of the dwellings hereby permitted above slab level details of the hard landscaping of the site including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, shall have first been submitted to and approved in writing by the local planning authority in writing
The development hereby permitted shall be carried out in accordance with these approved details.
Reason: To ensure that the appearance of the development is satisfactory.

12. Prior to the commencement of works on site in connection with the development hereby permitted, the trees shown for retention in the Planning Integration Report and Method Statement shall have first been protected by the erection of temporary protective fences as shown in the Planning Integration Report and Method Statement. The fencing shall remain until such time as, approval for removal, has been confirmed in writing by the Local Planning Authority.
Reason: To ensure that adequate protection is afforded to the trees on the site.

13. 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.

14. Prior to the construction of the dwellings hereby permitted above slab level a scheme of 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.

15. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment & Surface Water Drainage Strategy - Land at Langton Park, Wroughton, Issue 1, September 2018', 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:

- o 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;
- o 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;
- o Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- o Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;
- o General arrangement, which should be coordinated with the landscape proposals and the masterplan;
- o Manhole Schedules;
- o 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;

Reason: In the interests of preventing flooding.

- o 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

Reason: To ensure the acceptability of drainage measures.

16. Any works to trees T69-T75 as denoted within the Planning Integration Report and Method Statement should only be undertaken following the removal of the ivy and re-inspection by a suitably qualified ecologist.

Reason: To ensure the trees are not used for bat nesting.

17. No external lighting shall be installed unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the recommendations set out in the Ecological Appraisals to safeguard bats.

18. Prior to the occupation of the development hereby permitted bat and bird boxes shall be installed as per the ecological enhancements section (and associated plan) of the updated Ecological Appraisal.

Reason: In the interests of ecological enhancements.

19. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment shall consider any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) A 'desk study' report documenting the site history, environmental setting and character, related to an initial conceptual model of potential pollutant linkages
- (ii) A site investigation, establishing the ground conditions of the site, a survey of the extent, scale and nature of contamination;
- (iii) A 'developed conceptual model' of the potential pollutant linkages with an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems.

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

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

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

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

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

22. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 20. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 21.

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

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. 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 and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. In addition to this consent, please contact gazetteers@swindon.gov.uk or ring 01793 466378 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the borough.

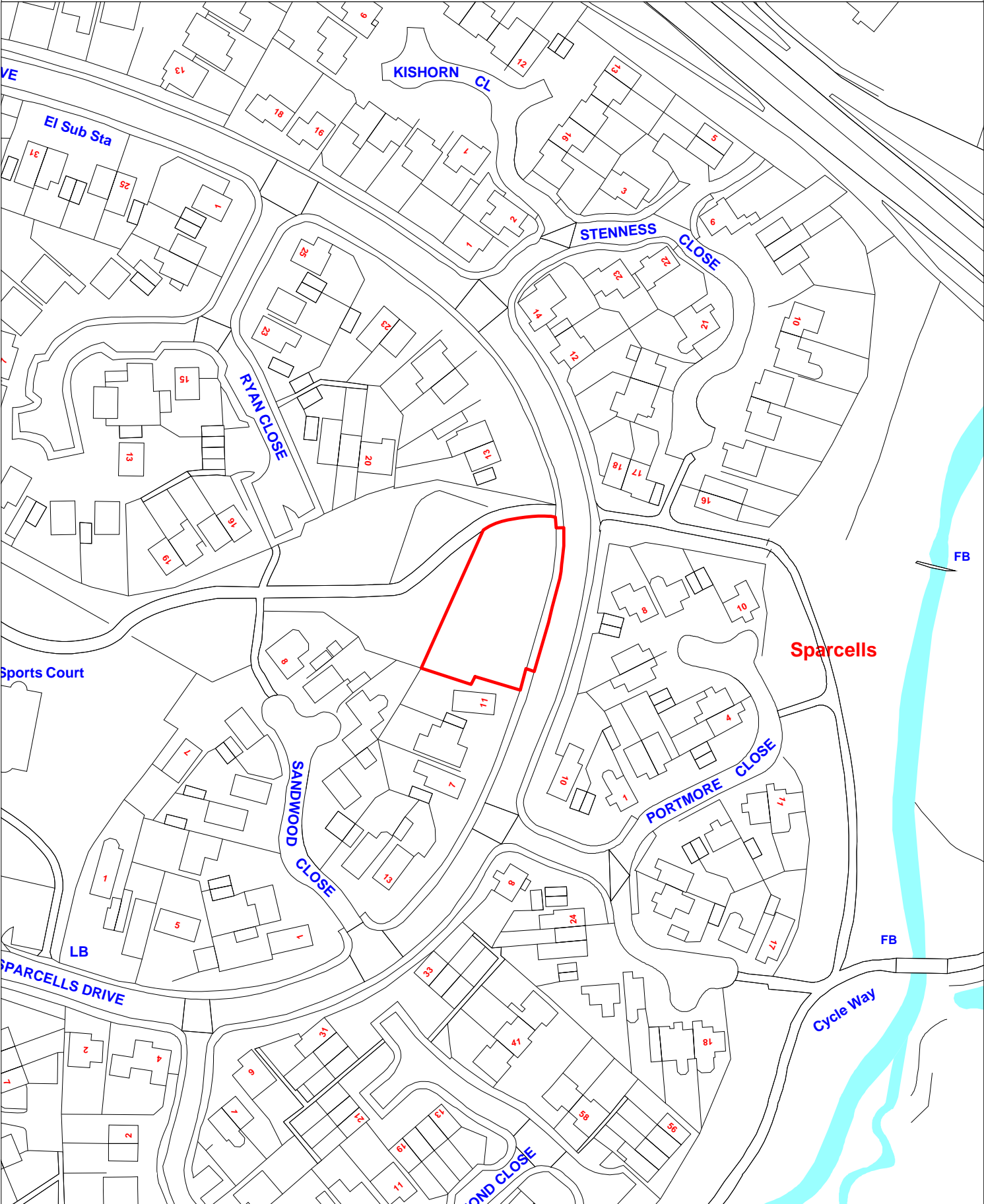
3. In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting www.wfb.org.uk

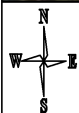
4. The applicant/developer shall be mindful of the recommendations/enhancements set out in the Ecological Appraisal when attempting to discharge condition 14.

End of Report

Outline application for the erection of 4 no. dwellings and associated works - Access not reserved.

Land Between 11 And 13 Sparcells Drive Sparcells Swindon SN5 5FY





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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Do not Scale off this Drawing. All dimensions to
be checked on site.
Report errors to the Contract Administrator.

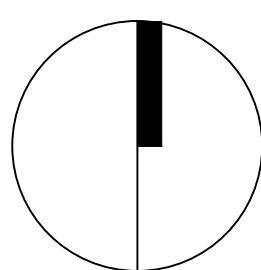
Revisions

No.	Date
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SITE AREA = 936m²



N



Nicholas Newland Dip. Arch, RIBA ©
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Communities and Housing,
Civic Offices,
Swindon, SN1 2JH
Tel: 01793 463620

Project:
Land off Sparcells Drive East ,
SPARCELLS
SWINDON

Title:
INDICATIVE SITE PLAN
showing site access
for outline planning application

Scale: 1:200 @ A1	Date:
Group: COMMUNITIES AND HOUSING	Drawn:
Drawing no.: SK05	Checked: Revision:



COMMITTEE REPORT

Item Number:
Application Number:
S/OUT/18/1750/RA

Ward: Shaw
Parish: West Swindon

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

Site Location: Land Between 11 And 13 Sparcells Drive, Sparcells, Swindon

Case Officer: Miss Rachael Adams

Contact Details: Tel: 01793 466012 Email: radams@swindon.gov.uk

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Applicant
Mr Adam Gatier
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Officers Report

Background:

0.1 This application has been called to planning committee by Councillor Williams due to local interest.

Summary of Recommendation:

1 That outline planning permission be GRANTED subject to conditions.

The Proposal:

2 This application seeks outline planning permission for the erection of 4 no. dwellings on land between 11 and 13 Sparcells Drive with all matters reserved, apart from the means of access to the development,

3 Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval the application submission includes an indicative plan that demonstrates how the site could be developed.

The Site and Surroundings:

4 The site is located on the eastern side of the Sparcells estate within the Ward of Shaw. It is located within the Sparcells Field area of Open Space which is classified as 'general recreation space' that continues to the west of the application site.

5 The site comprises a predominantly wooded area with a number of mature trees and shrubs, with grass verge to the east adjacent to the highway, Sparcells Drive.

6 To the south lies 11 Sparcells Drive and to the north beyond the public footpath is 13 Sparcells Drive. The eastern boundary of the site is formed by Sparcells Drive, beyond which is further residential development and to the west lies Sparcells Field open space.

Representations:

Neighbours:

7 A total of 32 letters of objection have been received from local residents of the Sparcells estate and their main points of concern are listed below:

- Loss of green open space
- Loss of woodland
- Impact on ecology
- Lack of consultation
- Highway safety issues
- Traffic congestion
- Additional pressure on local services
- Noise and disturbance
- Insufficient capacity of sewerage system.
- Damage to road from construction traffic
- Inadequate parking
- Impact on water pressure

Shaw Residents Association:

8 No Comments received.

West Swindon Parish Council:

9 No objections.

Planning Considerations:

10 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework 2018 and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

11 In accordance with this framework the following issues will be considered as part of this outline application:

- Principle of residential development/loss of open space
- Highway access
- CIL/Developer Contributions

Policy:

12 The National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these are to be applied. In respect of this application the following sections are relevant:

Section 2 'Achieving Sustainable Development'
 Section 5 'Delivering a sufficient supply of homes'
 Section 12 'Achieving well-designed places'

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

- SD1 '*Sustainable Development Principles*' sets out the development principles which underpin the local plan
- SD2 '*The Sustainable Development Strategy*' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 '*Managing Development*' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 '*High Quality Design*' seeks high standards of design for all development
- HA1 '*Mix Types and Density*' advises that housing development should be design led and respect the character of the surrounding area
- EN3 '*Open Space*' seeks all development to provide or contribute towards public open space
- TR1 '*Sustainable Transport Networks*' seeks to reduce the need to travel and support and encourage the sustainable safe and efficient movement of people
- TR2 '*Transport and Development*' states that development shall provide access that is appropriate without detriment to highway safety

14 Also of relevance is the Swindon Borough Council Open Space Audit and Assessment Update (2014).

Principle:

15 The site is within the Urban Area where new housing will be concentrated in accord with Policy SD2. The site is however designated as public open space under Policy EN3 of the Swindon Borough Local Plan.

16 Policy EN3 states that public open space will be protected from development other than in a number of specified circumstances. One of those circumstances is that "the proposed development is subject to an open space appraisal to ensure it does not adversely affect local needs and/or existing quality of open space within the area in accordance with the Council's Standards, as set out in Appendix 3 and in the most recent Open Space Audit and Assessment".

17 An Open Space Appraisal has been provided with the application and concludes that Shaw Ward, within which the development lies, meets the Council standards for general recreation space and total open space. In fact the Open Space Audit and Assessment states that there is a large surplus of total open space within Shaw consisting of mainly general recreation spaces.' It is therefore considered that post-development, the level and quality of accessible provision in the local area would remain consistent with the Councils standards.

18 Given the recent approval of two housing development sites in the Shaw Ward, [6 houses on the former community centre site on Sparcells Drive S/18/0460 and 14 bungalows at Pilgrim Close S/18/0461] it is important to assess the cumulative loss of open space in the area.

19 This application would result in the loss of a further 0.09 hectare of general recreation space. However, despite the overall loss incurred from the development of all 3 sites, there would still be an excess of general recreation space, when assessed against the Local Plan Standards, in the Shaw Ward.

20 On this basis, the principle of residential development at this location is therefore considered to be acceptable.

Design:

21 Policy DE1 of the Swindon Borough Local Plan 2026 states that high standards of design will be required for all types of development whilst at least maintaining existing amenity. As this application seeks outline planning permission, full details of the design and external appearance of the development has not been considered at this stage.

Highways:

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

23 Following the submission of a revised Site Access Plan in order to achieve adequate visibility splays, the Highway Officer is satisfied that the proposed access off Sparcells Drive is appropriate with regard to the development proposed and that the development will not unacceptably impact upon local highway conditions. Car parking and cycle storage facilities will be provided in accordance with the Councils adopted standards, which will be dealt with at the reserved matters stage.

24 The Local Highway Authority therefore raises no objections subject to the imposition of conditions.

Landscaping:

25 Details of the landscaping of the site are not for consideration at this stage and will be subject to a reserved matters submission. However, a tree survey was undertaken in October 2018 and accompanies the application. The development will require the removal of a number of trees and shrubs and in order to mitigate this loss the applicant has agreed to provide replacement planting. The mechanism for securing this replacement planting has yet to be agreed but an update will be provided at the meeting.

Ecology:

26 A Preliminary Ecological Appraisal Report was undertaken in September 2018, consisting of a desk study and field survey, which made the following recommendations:

- The proposed development should include measures to avoid or mitigate the use of additional lighting that could disturb nocturnal wildlife, including bats.
- Works to any onsite vegetation will avoid the breeding bird season (March – August inclusive).
- Gaps should be retained within the boundaries as to avoid blocking hedgehog movement.
- A bird nest box and a bat roost box will be incorporated within any newly constructed residential building and boundary features.

27 The report goes on to say that providing that these recommendations are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site. A condition is suggested to control these matters.

Other Planning Matters:*S106 planning obligations*

28 Under the provisions of the Planning Practice Guidance Paragraph: 031, this site falls under the definition of a small scale development site. This paragraph states that planning obligations, including contributions towards open space and play areas, should NOT be sought from certain types of development and specifically apply to this proposal:

'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'

Affordable Housing:

29 In accordance with Policy HA2 of the local plan, affordable housing will be sought on all suitable sites proposed for development that comprise 15 or more dwellings or sites of 0.5 hectares or more. The site is below the 0.5 hectares and the 15 dwelling threshold and therefore there is NO obligation to provide affordable housing.

Community Infrastructure Levy

30 The Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regs' came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

31 The proposed development constitutes CIL liable development. The site is located within the current adopted CIL Charging Schedule Residential Zone 2, and as such a CIL liable informative should be added to any decision notice issued.

Concluding Comments:

32 Members will be aware that the proposed development results in the loss of an area of open space and a number of trees. However, the applicant has agreed to provide replacement planting.

33 It is acknowledged that there will be harm arising from the loss of open space and trees on the site. However that harm has to be balanced against the need for housing and the lack of a 5 year housing land supply within the Borough.

34 In undertaking a balancing exercise, officers are of the view that the harm identified is outweighed by the significant benefits arising from the provision of much needed housing in a sustainable location and that replacement planting will be provided to further mitigate the impact.

Recommendation

35 That outline planning permission be GRANTED subject to conditions.

Conditions**Reserved Matters**

1. Prior to the commencement of works on site in connection with the development hereby permitted, details of the layout, scale, 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.

Timing of Reserved Matters

2. Application for the approval of the Reserved Matters referred to in condition 1, shall be submitted in writing to the Local Planning Authority before the expiration of 3 years from the date of this permission and shall be carried out in accordance with the approval.

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

Time Limit

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

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

Approved Plans

4. The development hereby permitted shall be carried out in accordance with site location plan EX01 rev A received by the LPA on 30th October 2018 and site access plan SK06 received by the LPA on 29th November 2018.

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

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. SK06] [with any gates situated at least 5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of driveway within at least 5m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

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

Visibility

6. The proposed vehicular access shall not be brought into use until visibility splay lines have been provided in accordance with the submitted details, as shown on drawing number SK06 with the area in advance of the splay lines cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway and thereafter be similarly maintained.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety.

Parking and Turning

7. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities including garages where provided have been provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority, 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 points

8. Prior to the occupation of the development hereby permitted, 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.

Landscaping

9. The material submitted with the landscaping reserved matters shall include:

- i) Details of the species, location, diameter, approximate height, and general state of health and stability, of every tree, bush or hedgerow on the site which is to be retained and of each tree, bush or hedgerow which is on land adjacent to the site and to which paragraphs ii), iii), iv) and v) below shall apply;
- ii) No tree, bush or hedgerow which is to be retained and which has been identified in paragraph i) above, shall be topped, lopped, felled, destroyed or wilfully damaged, including any severance of its roots without the prior written consent of the Local Planning Authority;
- iii) No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place, within the furthest extent of the canopy of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above without the prior written consent of the Local Planning Authority;
- iv) Details of the specification and position of fencing and of any other measures to be taken for the protection of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above. Such fencing or any other measures shall be retained until the approved development has been completed or the Local Planning Authority has approved, in writing, that such fencing or any other measures may be removed;
- v) All works to protect any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above shall be carried out in accordance with BS 5837(2012);
- vi) A planting plan and timetable of works for the soft landscaping of the site; all works shall be carried out in accordance with the approved plan and timetable; and any trees or plants, which within a period of five years from first being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation; and
- vii) details of fencing and boundary treatments.

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

Drainage

10. Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed means of disposal of surface water from the development shall have first been submitted to and approved in writing by the Local Planning Authority.

The development shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: In order to minimise danger and inconvenience to users of the highway.

Ecology

11. The ecological enhancement measures identified in Preliminary Ecological Appraisal Report September 2018 shall be implemented on site and /or submitted to the LPA for approval.

Reason: In the interests of the ecological enhancement of the site.

Hours of work

12. No construction works associated with the development hereby permitted shall take place outside 0800 hours to 1800 hours on Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

Informatives

CIL

1 This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. 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 and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

Dropped Kerbs

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

Streetworks@Swindon.gov.uk

Wheel wash and winter

3 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/m². 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

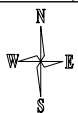
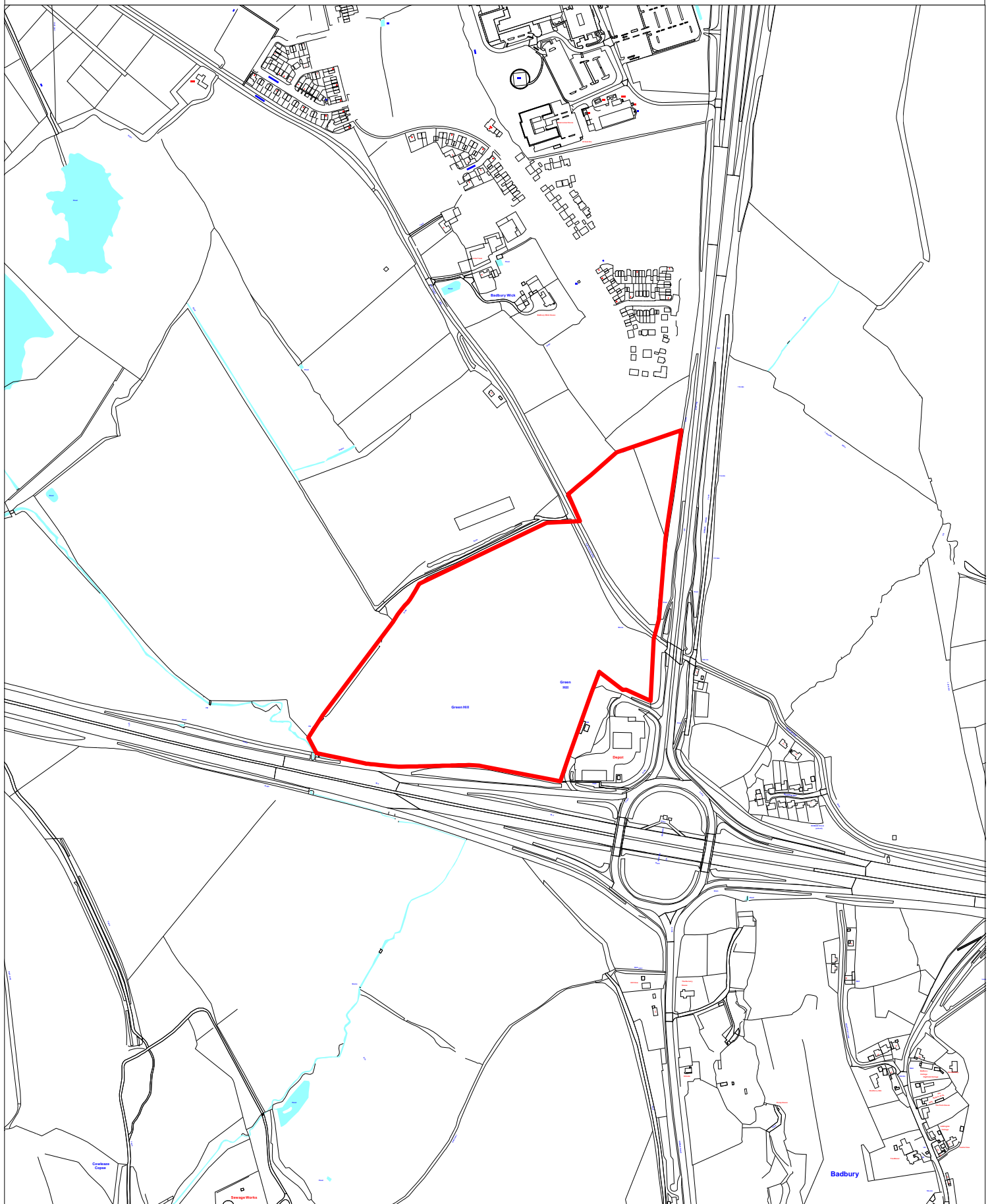
Street naming and numbering

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

http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number

Outline planning application for the erection of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure. - All matters reserved.

Phase 3 Badbury Park Land At Commonhead Swindon

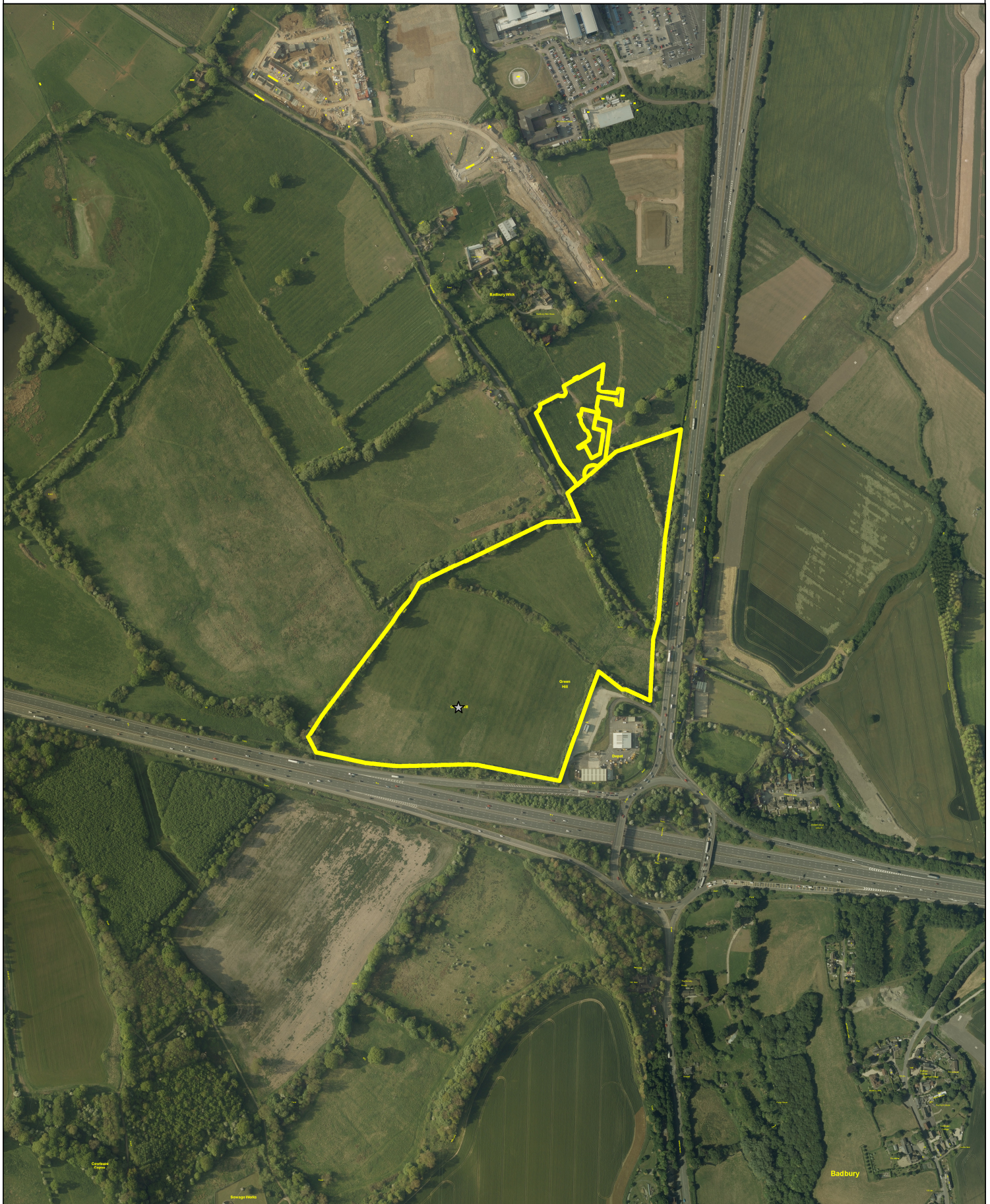


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

S/OUT/18/1140

Outline planning application for the erection of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure. - All matters reserved.

Phase 3 Badbury Park Land At Commonhead Swindon

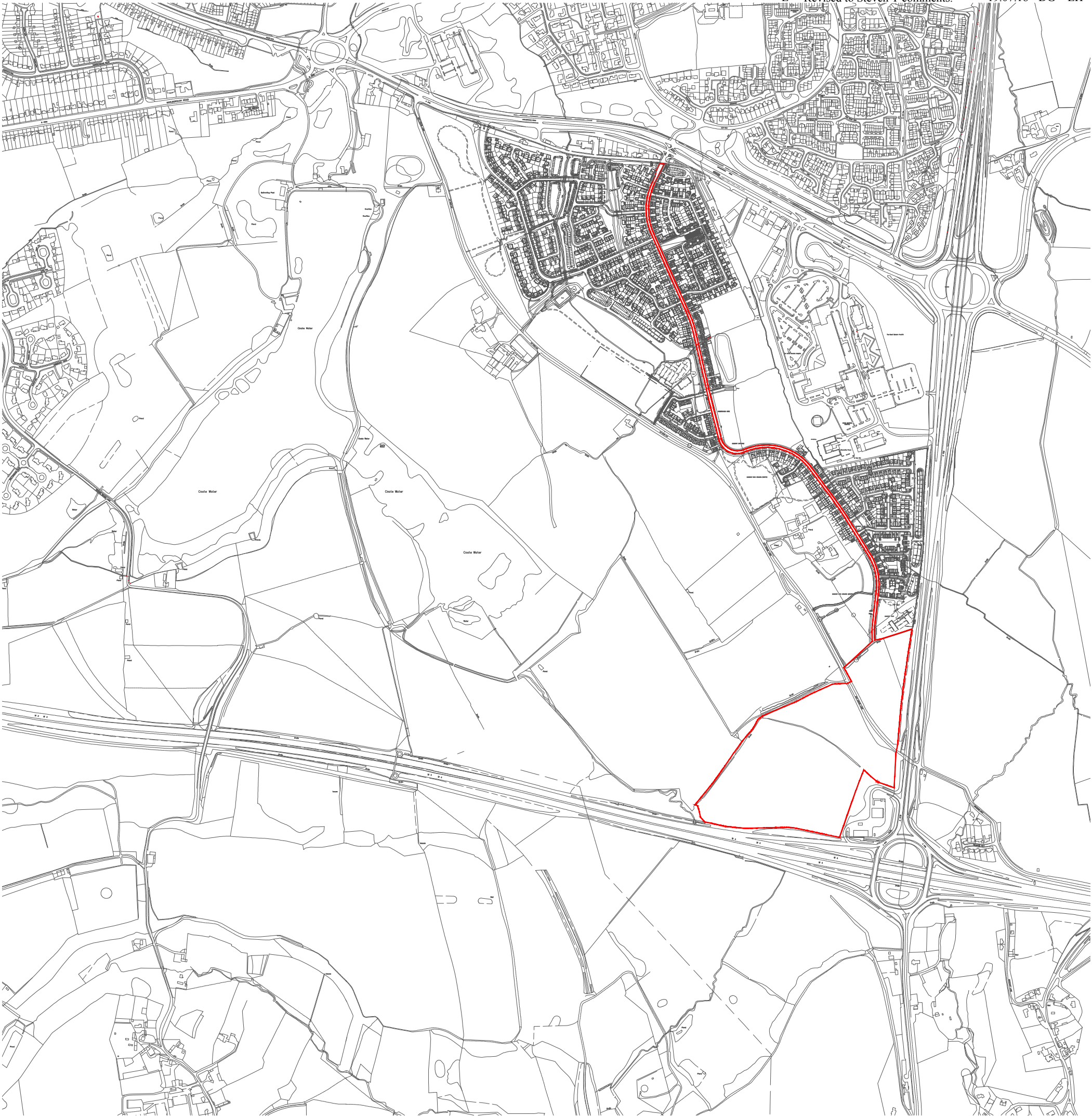


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

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The scaling of this drawing cannot be assured

Revision	Date	Dm	Ckd
E Revised to Steven T comments.	19.07.18	DG	LH



Key
Phase 3 Boundary

Project
Phase 3
Badbury Park, Land at Commonhead
Drawing Title
Site Location Plan

Date	Scale	Drawn by	Check by
18.07.18	1:10,000@A3	DG	AC
Project No	Drawing No	Revision	
26028	BL-01	E	

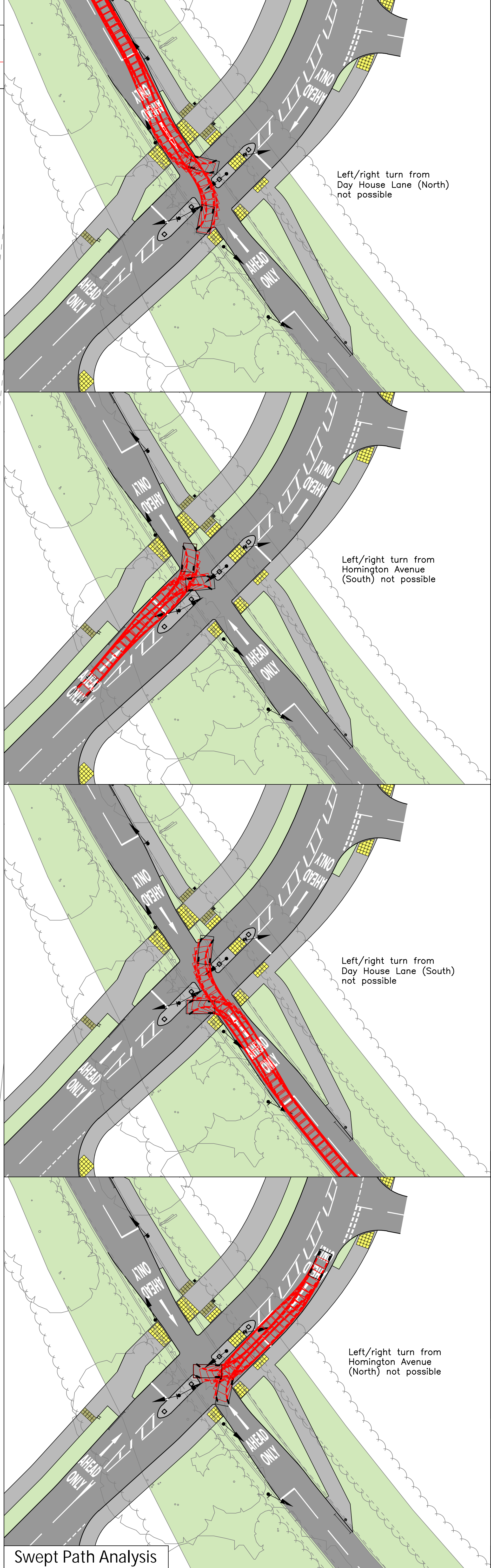
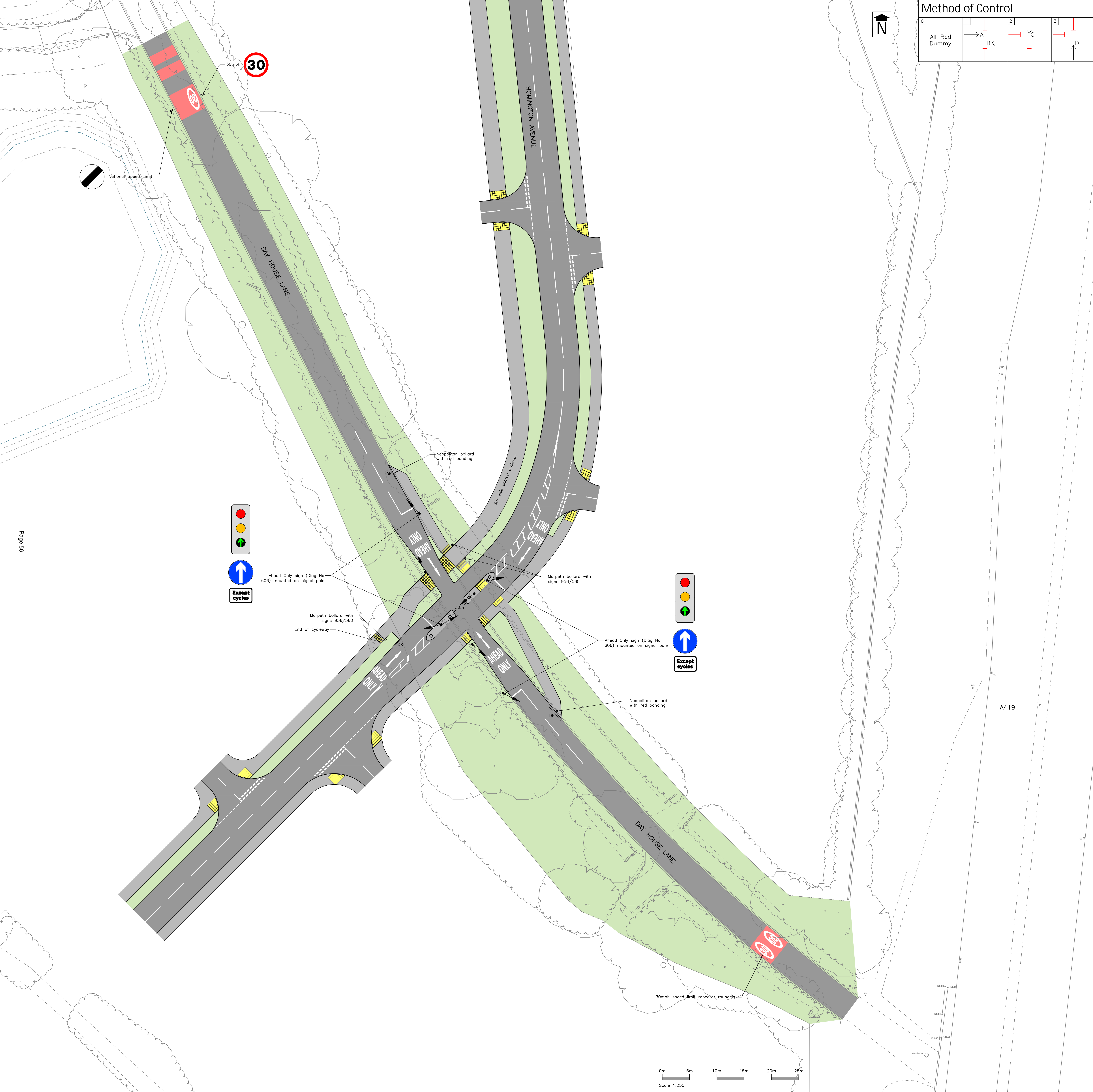


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Preliminary
These drawings are produced for initial discussion and illustrative purposes only, and should not be relied upon for tender or pricing purposes.

NOTES
1. Plan based on topographical survey by Anthony Brookes Surveys Ltd dated November 2012, and updated October 2014.

KEY

- Corridorway
- Footway
- Landscaping
- Red textured surfacing
- Traffic signal
- Dropped kerbs
- Tactile paving - blister surface
- Tactile paving - cordway surface

Small Car (2006)

Overall Length	3.620m
Overall Width	1.680m
Overall Height	1.510m
Min. Body Ground Clearance	0.621m
Max. Track Width	1.621m
Kerb to Kerb Turning Radius	5.330m

Rev	Date	Description	Drawn	Check
A	07/06/18	Provision of verge south of Day House Lane	TJP	JW
#	17/05/18	First Issue	WML	MJP

Status

PRELIMINARY

Client

PERSIMMON

REDROW

Project

Badbury Park
Swindon
Phase 3

Drawing Title

Day House Lane/
Homington Avenue
Proposed Junction and
Traffic Calming

Drawing No.

R355/03

Rev A

Date: May 2018 Scale: 1:250 @ A0

E-Mail: mpacker@pfapl.com

The scaling of this drawing cannot be assured					
Revision		Date	Drm	Ckd	
A	Revised to client comments.	01.02.18	DG	DH	
B	Revised to client/pegasus comments.	19.04.18	DG	AC	
C	Revised to client/pegasus comments.	08.05.18	DG	AC	
D	Revised to client/pegasus comments.	24.05.18	DG	JB	
E	Revised to Council comments on POS	04.06.18	DG	JB	
F	Note on key and footpaths revised.	06.06.18	DG	DH	
G	Note added to reserved land for potential allotments.	07.06.18	DG	DH	
H	LEAP size revised.	20.06.18	DG	DH	
I	Street names revised to match DAS.	26.06.18	DG	LH	
J	Access arrows added; key updated	04.07.18	KU	LH	



Key

- Site Boundary
- Phase 1 & 2
- Primary Street Bus Route (including 3m cycle way)
3m/ 2m/ 2.2m/ 6m/ 2m/ 2m
- Secondary Street (Bus route)
2m/ 2.2m/ 6m/ 2m
- Residential Street (Bus Route)
2m/ 6m/ 2m
- Shared Surface Street
2m/ 4.8m/ 1m
- Retained Public Right of Way
- Existing Public Right of Way
proposed to be diverted
- Diverted Public Right of Way
- Footpath
- Circular trim trail / walkway connections
- Acoustic fence Circa 2m

- Strategic Landscape
- POS Areas
- Drainage Features (Size and Location TBC)
- Safe guarded canal route/ flood attenuation swales
- Potential Play Provision: Trim Trail
- LEAP - 535sqm (20m buffer)
- MUGA- 31m x15m (30m Buffer)
- Sports pitch - 37m x 27m
- Focal Building
- Reserved site for potential allotments approx. 0.207ha

- Teenage shelter
- Residential
- Key spaces
- Refer to separate plan for Day House Lane Junction
- Existing Landscape to be retained
- TPO trees
- Main vehicular access
- Pedestrian access
- Day House Lane through route
- Frontage Hierarchy
- 1. [Symbol]
- 2. [Symbol]
- 3. [Symbol]
- 4. [Symbol]



Project
Phase 3
Badbury Road, Land at Commonhead
Drawing Title
Indicative Masterplan

Date
13.12.17
Project No
26028
Scale
1:1000 @ A1
Drawing No
MP-001
Drawn by
DG
Check by
AC
Revision
J

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Glasgow Leeds London Manchester Newcastle Reading Southampton



Key

- Site Boundary
- Existing Public Right of Way proposed to be diverted
- Diverted Public Right of Way
- Retained Public Right of Way
- Circular train trail / walkway connections
- Footpath

- Existing trees/hedgerows to be retained
- TPO trees
- Acoustic fence Circa 2m
- Safe guarded canal route
- Drainage feature (size and location TBC)
- Trim Trail play elements (exact location TBC)
- Key space with play provision (formal)
- Teenage Shelter
- Multi Use Games Area (MUGA) - 31 x 15m (30m buffer)
- Sports pitch
- Potential area for allotments to include parking, water troughs and seating, approx 0.207ha
- Residential development
- Boulevard tree planting
- Proposed parkland tree planting
- Proposed structural native tree and shrub planting
- Proposed wildflower grassland
- Proposed native buffer tree and shrub planting

Revisions:
First Issue: 07/02/2018 RVF
A- (19/02/2018 ASK) Minor amendment to client comment
B- (07/06/2018 ASK) Landscape amended to revised site layout

Strategic Landscape Masterplan

Phase 3, Commonhead

Client: Persimmon & Redrow Homes
DRWG No: **P.0865_70** Sheet No: REV: B
Drawn by : RVF/ASK Approved by: RVF
Date: 07/06/2018
Scale: 1:1,000 @A1





COMMITTEE REPORT

Item Number:

Application Number: S/OUT/18/1140

Ward: Chiseldon & Lawn

Parish:

Central Swindon South

Proposal: Outline planning application for the erection of up to 300 dwellings and public open space with associated works, including noise attenuation bunds, structural landscaping and drainage infrastructure.

Site Location: Phase 3, Badbury Park, Land at Commonhead, Swindon

Case Officer: Mrs Nicola Smith

Contact Details: Tel: (01793) 466517 Email: nsmith2@swindon.gov.uk

Agent:

Mr James Walker
Pegasus Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RTY

Applicant

Persimmon Homes and Redrow
Homes

C/O Agent

Officers Report

Background:

1. This application is put before Planning Committee as both Central Swindon South and Liddington Parish Councils have objected to the proposals. Their concerns are outlined below.

Planning History

2. The Badbury Park estate was approved in 2012 under permission number S/10/0842 by the Secretary of State. This followed the Public Inquiry into Swindon Borough Council's refusal of the application for the "Erection of up to 890 no. residential dwellings, employment (classes B1, B2), local centre (classes A1-A5), community uses (class D1), primary school, extension to hospital site including provision of land for emergency services, public open space, landscaping, 2 no. vehicular accesses to A4259 (details of eastern access only), site roads and associated infrastructure".

3. Prior to the approved outline application (S/10/0842 refer), the site had an extensive planning history including an unsuccessful proposal for 1,800 dwellings, plus business uses and a university campus (S/07/1688 refers).

4. This application is within the red line of the approved Commonhead outline planning

permission, but it proposes a further 300 housing units accompanied by open space, upon the land previously designated and approved for a business park use.

Summary of Recommendation:

5. That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 81 of this 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 consent as may be necessary.

The Proposal:

6. This is an outline planning application for up to 300 residential units on land previously identified for a business park. The application is in outline with all matters reserved except for means of access to the site. An indicative masterplan is submitted for approval which shows the proposed road layout and location of open spaces.

The Site and Surroundings:

7. The site is located at the southern end of the Commonhead development site, entirely contained within the site edged red of the previous outline planning permission (S/10/0842 refers). The land is accessed by the new main spine road, Homington Avenue. The site is located either side of Day House Lane, and extends to the boundary with the M4 to the south and A419 to the east.

Representations:

Parish Councils:

8. Central Swindon South Parish Council:

- (1) Concerns about the allotment site. The quality of the land was not thought to be good and there was no evidence of any soil testing to ensure that the area designated would be suitable for allotments.
- (2) Noise Bund. Confirmation was required that the noise bund would reduce the noise levels to 55 decibels. The Parish Council would also suggest that solar panels are fitted to the noise bunds.
- (3) Lack of Amenity for Houses. The garden size for some of the family homes was questioned as being too small.
- (4) Access to Play Area. More consideration needs to be given to how children would cross Day House Lane to access the play area.
- (5) Street Lighting. The provision of better street lighting needs to be considered for Homington Ave and Day House Lane.
- (6) Access to the Site from the A4259. With the further traffic generated by the additional homes, the Parish Council would like to see a further traffic impact assessment carried out for the junction of Homington Ave and the A4259.
- (7) The Parish Council supports the objections of the Wilts & Berks Canal Trust.

9. Liddington Parish Council:

(1) We object to the change of use from Commercial to Housing as at a recent meeting re a proposed Science Park, it was suggested that there is a need for more employment land in the area

(2) The Parish Council agrees and fully supports the comments made by Highways England regarding the improvements needed to be made to Junction 15 of the M4 and the A419 prior to the number of dwellings exceeding 800.

(3) If, despite our objections the outline planning application is passed, it must be on the basis of access being via Badbury Park and traffic management measures in place as contained in the application, not watered down as suggested by other objectors. The use of Day House Lane as a rat run has increased significantly in recent times with excessive speeds and no consideration or respect for the status of the road or the recreational users such as cyclists, walkers and horse riders. There must be no question of Day House Lane being used as an access route into the Badbury Park development because of the potential effects on roads in nearby villages.

(4) We fully support the objections raised by the Wilts and Berks Canal Trust

(5) As the proposal is for high density housing, therefore giving the area an unduly urban appearance, we object due to the proximity of the development to the AONB.

(6) We also question the air quality of those houses being proposed close to the junction of the M4/A419

10. Forward Planning: The proposal is in conflict with the development plan read as a whole in respect of the loss of employment land and the quantum of housing. In respect of the loss of employment land, my opinion is that the loss of the employment land by itself would not cause significant harm to the sustainability of Badbury Park.

In respect of the additional quantum of housing the consideration needs to be made as to whether the additional dwellings would be in conflict with the sustainable principles for the community of Badbury Park as set out in detail in Policy NC2.

On the basis that there are no such conflicts, or that they are capable of being mitigated, my opinion is that the harm would not outweigh the benefits and on that basis no policy objection is raised.

The policy context relevant to this application is set out in greater detail in paragraphs 24-43.

11. Local Highway Authority: The Local Highway Authority raises no objection to the application. The overall reduction in traffic movements comprises an increase in departures in the morning and arrivals in the evening when compared with the Business Park but a larger reduction in movement in the reverse direction, leading to a net reduction in traffic movements.

12. Highways England: Raise no objections to the proposal subject to a condition restricting occupations prior to a contract for the works to M4 Junction 15 being let.

13. Housing Officer: Satisfied with the 30% Affordable element of this application as it accords with the required mix. This will be secured by the 106 agreement.

14. Local Lead Flood Authority: No objections subject to condition.

15. Landscape Officer: On the basis of the information submitted and the landscape strategy set out in the supporting information no objection is raised. As viable playing pitches cannot be located within the development a contribution to provision off site is to be sought. The tree protection and loss plan and Arboriculture Impact Assessment are noted although we reserve our position until detailed proposals are submitted at reserved matters stage. The aspirations within the landscape and ecology strategy section of the Design and Access Statement are supported though we reserve our position until detailed proposals are submitted.

16. County Archaeologist: This part of development site is archaeologically sensitive. There is a prehistoric settlement enclosure in the southern part of the site. The consented outlined permission for this whole development site has an archaeological condition attached to enable the full excavation of this area of archaeological sensitivity. I advise that a similar condition is attached to any consent grant for this new application.

17. Environmental Health Officers: No objection in principle from Noise or Contaminated Land Officers, subject to relevant conditions.

18. Thames Water: In terms of clean water: the change from commercial properties (employment use) to domestic will result in a significant change in the demand and peak profiles previously modelled and consented for the development. In order to fully ensure that we are able to meet the forecast growth we will therefore require this site to be modelled again with the updated usage types. A condition is recommended. No objection in terms of foul water.

19. Consultant Ecologist: Requires updated surveys to be carried out.

20. AONB Officer: The AONB does not wish to object to the development, although raise some concerns over heights of buildings, and planting to be retained.

21. Canal Groups: The Wilts & Berks Canal Trust and the Wiltshire Swindon & Oxfordshire Canal Partnership object to the application as they do not believe there is sufficient space allowed for the construction of the canal as required by policy EN11 of the Swindon Borough Local Plan.

22. Comments from the public:

All occupied addresses within the Badbury Park development as at 23 July 2018 (approximately 800) were notified, as well as surrounding addresses on Day House Lane. Two site notices were posted, within the Badbury Park estate and one on Day House Lane.

Comments have been received from 12 addresses within the existing areas of the Badbury Park development, raising the following issues:

- Concern about the additional traffic generated
- Concern about Homington Avenue being used for construction traffic
- Lack of community facilities in the existing development
- Lack of open space and play areas in the existing development
- Access should be from Day House Lane
- The Traffic Assessments cannot be trusted as speeding is an issue in the existing development

- No further trees should be removed and wildlife should be accommodated

A further 3 comments have been received from addresses outside of the Badbury Park development raising the following issues:

- Day House Lane must be retained as a rural route and the junction should be grade-separated
- Day House Lane should be the natural boundary for development
- The proposal may set a precedent to develop along Day House Lane further
- A traffic light junction is not appropriate for Day House Lane
- There is always the possibility of vehicles making the restricted turns and accessing Day House Lane,
- A speed limit should be considered along Day House Lane to make the route less attractive
- The intensity of the development will have a severe impact on the surrounding roads.

Planning Considerations:

23. In accordance with the National Policy Framework (NPPF) 2018 and the Swindon Borough Local Plan 2016, the main issues in this case are as follows:

- a) The principle of development as assessed against the sustainable development strategy in the Swindon Local Plan 2026
- b) The traffic and transport issues associated with development
- c) The landscape impact, including impact on TPO trees
- d) Other matters, including the provision of affordable housing, archaeology and design/layout.
- e) Other issues raised within the representations received will also be covered.

Planning Policy:

24. The National Planning Policy Framework (NPPF) (March 2018) the overriding aim of the NPPF is the presumption in favour of sustainable development. This presumption requires that where development is in line with the Local Plan, it should be permitted without delay unless material considerations indicate otherwise.

Of particular relevance to this proposal are sections:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring Good Design
- Promoting healthy communities

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

- SD2 (The Sustainable Development Strategy); aims to meet Swindon's development needs whilst protecting the Borough's most important assets.

- SD1 (sustainable development principle) enabling the delivery of sustainable development and support sustainable communities
- DE1 (*High Quality Design*) seeks high standards of design for all types of development
- DE2 (Sustainable Development)
- EC2 (Employment Land and Premises)
- HA1 (Mix, Types and Density); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that they respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- TR1 (Sustainable Transport Networks) and TR2 (Transport and Development); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- TR2 (Transport and Development); seeks to ensure development is located/designed to encourage the use of sustainable transport modes and provide access that is appropriate;
- EN4 (Biodiversity and Geodiversity); seeks to ensure development does not have a negative impact upon such.
- Policy EN1 (Green Infrastructure Network)
- EN3 (Open Space) seeks all development to provide or contribute towards public open space
- EN5 (Landscape Character and Historical Landscape) seeks development proposals to take account of their natural surroundings.
- EN6 (Flood Risk) seeks development to ensure the risk and impact of flooding are minimised.
- NC2 (Commonhead) allocates the site for a mixed use development
- IN1 (Infrastructure Provision)

Also of relevance is Swindon Borough Council's Residential Design Guide SPD (2016)

Principle of development:

26. SBLP policy SD1 sets out a number of overarching sustainable development principles that all development should accord with.

27. The Development Strategy is clearly defined in SBLP policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations therefore the policy focuses development opportunities within the Swindon urban area and at allocated strategic sites at Swindon, including land at Commonhead (Badbury Park).

28. Policy SD3 reflects the NPPF's presumption in favour of sustainable development and the need for a positive approach to considering development proposals. This means the local planning authority will work jointly with applicants to find solutions therefore proposals will be approved wherever possible, and to secure development that improves the economic, social and environmental condition, and promotes health and well-being, for those people living and working in Swindon Borough.

29. The Council cannot at present demonstrate a 5 year housing land supply in accordance with paragraph 73 of the Framework. The applicant's Planning Statement states that the delivery of the units within the next 3 years can be relied upon.

30. Whilst the lack of a 5-year supply is in its self not a reason for approval, it is considered that the contribution the additional housing could make to the supply to be a significant material consideration in favour of the proposal. Therefore an assessment is required as to whether the harm outweighs the benefits of the additional dwellings. There are two key aspects to consider in this respect, namely the increased number of dwelling units at Badbury Park and loss of allocated (B-use) employment land.

Increased Quantum of Dwellings

31. The adopted Swindon Borough Local Plan 2026 Policy SD2 allocates land at Commonhead as shown on the Policies Map for 890 dwellings as part of the overall delivery of 22,000 dwellings in the Plan period. More detail is included in Policy NC2 in respect of the form of development and supporting infrastructure requirements.

32. The outline permission for the Commonhead Development was granted ahead of the final publication and adoption of the Local Plan, therefore the quantum of development at Commonhead as expressed in Policies SD2 and NC2 is in line with the outline permission S/10/0842.

33. This application would increase the total number of dwellings at Badbury Park by about 33%. It is common to express the quantum of housing for a strategic allocation in a Local Plan in terms of 'about' to allow for a degree of variance as more detailed masterplans are produced in the course of submitting an outline application. However, Policy SD2 (and Policy NC2) state a specific quantum at Badbury Park rather than a range or "about" as this was on the basis that the outline permission had already been granted. In respect of the recent applications (S/17/1948, S/17/1956 and S/17/1961), it was considered that the (cumulative) additional housing they generated was within the tolerance range that would be expected on a strategic allocation of this size. Clearly this proposal is not within this tolerance range.

34. The question therefore is, does the additional residential quantum at this location significantly harm the development strategy for the Borough? The first consideration is the overall quantum of housing development within the Borough. An additional 300 dwellings would represent a *de facto* increase of 1.36% above the housing target of 22,000 for the plan period.

35. The design principles for Land at Commonhead are set out in Policy NC2, and in this respect they define the development strategy in the context of the quantum of development set out in policies SD2 and NC2. Therefore, if the increased dwellings in this location compromise the compliance with Policy NC2 (read as a whole), then there is harm to the development strategy. The planning balance in respect of the presumption in favour of sustainable development depends on the impact and mitigation of the proposal on existing and planned infrastructure, particularly highways and education.

Loss of Employment Land

36. Policies SD2 and NC2 specify the provision of 15ha of employment land as part of the allocation for land at Commonhead, within use Class B1 and/or B2. The approved masterplan shows the business park to be approximately 12ha. There have been as yet no reserved matters applications submitted for employment uses for this part of the allocation.

37. Policy EC2(c) states that at the strategic allocations including Commonhead, employment allocations will be implemented in accordance with the relevant policy, in this case NC2.

In considering the loss of the employment land allocation there are two aspects. First is the harm to the sustainable delivery of Badbury Park as a whole. There is an element of enabling people to live and work in the same locality thereby reducing the need to travel. To an extent the scope for this has been diminished by the fact that Badbury Park is nearing completion and therefore residents in employment will already be employed elsewhere. On this point, it is considered that the loss of the employment land allocation by itself would not significantly harm the sustainable credentials of Badbury Park.

38. Of more potential significance is the loss of the employment land in the context of the development strategy for the Borough as a whole. Policy SD2 allocates a total of 77.5 hectares of additional employment land (B-use) to meet forecast need for the Plan period, of which the 12 hectares at Badbury Park represents about 15%. In strict numerical analysis the loss of the employment land would be significant.

39. Paragraph 120 of the revised NPPF is of significant relevance to this proposal.

Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) They should, as part of plan updated, reallocate the land for a more deliverable use that can help address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*
- b) In the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

A *Marketing Review* has been submitted prepared for the applicants by Whitmarsh Lockhart commercial property advisors, dated 1st May 2018. This has been included as Appendix 1 to the Planning Statement.

40. In the Marketing Review, a record of marketing of the site and interest received to date for the site has been provided. In summary, 21 enquiries have been logged in respect of the site. These enquiries have included retail, garden centre, children's nursey, hotel, religious purposes, motorway services, drive-thru restaurant, private hospital, open storage, waste recycling and manufacturing. There appears to have been no specific enquiries promoting the site for office use.

41. The review provides an analysis of the site in the general marketplace to help explain the response received. In particular it highlights the access arrangements being through the residential area is 'severely limiting' on the majority of commercial occupiers as this is unsuitable for heavy goods vehicles or large-scale warehousing or manufacturing. This has always been recognised and hence the Local Plan (table 3) highlights the potential use as a 'high prestige business park'. However, the outline permission specifies B1 and or B2 uses.

42. The review states that viability remains an issue when developing new office buildings in Swindon as both the existing rents and capital values produce negative values on an

appraisal and thus effectively weaken demand from office occupiers.

43. Given the evidence presented, the conclusion that the site is unlikely to be taken up for commercial use in a reasonable timescale, is accepted by Officers.

Highway Access and Impact:

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

45. The submitted Transport Assessment (TA) sets out a prediction of new vehicle trip making arising from the proposed new houses. Using vehicle trip rates previously agreed, it is forecast that the 300 dwellings would generate 148 vehicle movements (arrivals and departures combined) in the busiest morning hour and 160 movements in the busiest evening hour.

46. In parallel, a prediction is made of the increase in vehicle trips arising from already consented residential development as a consequence of the loss of the planned employment land (the original assessment of development impact made a 'containment' allowance on the basis that some residential trip making would be linked to the employment land). The proposed residential development (more accurately, the loss of the consented Business Park) would lead to the already approved dwellings generating a further 49 vehicle movements (arrivals and departures combined) in the busiest morning hour and 53 movements in the busiest evening hour.

47. In total therefore, the replacement of the Business Park with 300 dwellings would lead to a further 197 residential car movements in the morning hour and 213 residential car movements in the evening peak hour.

48. Against that, the vehicle trips associated with the Business Park would be lost from the network. The consented Business Park development (50,000sqm of B1 and B2 land uses) was forecast to generate 600 vehicle movements in the morning peak hour and 464 vehicle movements in the evening peak hour.

49. The TA concludes that the application proposals would – when compared to the consented Business Park scheme – reduce Badbury Park vehicle traffic by 402 vehicle movements in the morning peak hour and 250 movements in the evening peak hour.

50. The overall reduction in traffic movements comprises an increase in departures in the morning and arrivals in the evening when compared with the Business Park but a larger reduction in movement in the reverse direction, leading to the net reduction described above. These findings are accepted by the Local Highway Authority.

51. The TA also includes an assessment of the impact of the proposals on the wider network; modelling of the Coate Roundabout indicates that the signalled roundabout will operate better under the scenario of residential development than with the consented Business Park scheme. Likewise, modelling of the two existing signalled accesses to Badbury Park indicates that the proposals will make no material change to the operation of the western access junction when compared to the Business Park scenario but the eastern

junction will operate significantly better with residential development than with the consented Business Park. Both junctions are shown to have capacity in reserve in 2026.

52. The Great Western Hospital access junction is shown to operate slightly better under the residential development scenario than the Business Park, as does the Commonhead Roundabout. Again, the Local Highway Authority accept these findings and consider the impact on the wider network to be and consider the impact on the wider network to be positive when compared with the permitted employment development.

53. In terms of the impact on the strategic highway network, Highways England have identified that overall the proposals will result in a sizable reduction in two-way development trips over the weekday peak hours. Highways England is therefore content that with a Strategic Road Network improvement scheme already committed to, and its implementation scheduled to start next year that these measures continue to be adequate in concluding that the proposals will not have a severe impact on the SRN. However, Highways England consider it necessary to limit occupations of Phase 3 until the contract for the works to the junction is let, which will give them the certainty of delivery with a controlled temporary impact.

Day House Lane:

54. The development site of Badbury Park lies generally to the east of Day House Lane, however this application includes a parcel of land to the west of the lane and the roads within the development would therefore have to cross the lane to access the parcel to the west. This arrangement, albeit to serve business uses, was included on the approved plans for the original permission.

55. The use of Day House Lane attracted significant discussion at the Public Inquiry which resulted in the original permission being granted. The Inspector concluded that *“on the basis of the evidence heard at the inquiry, the appeal scheme is unlikely to lead to a significant increase in rat running traffic.”* However, he also found that *“It is not in dispute that a number of vehicles use these lanes as a diversionary route at present.”*

56. The inspector recognised that at the point at which the spine road crosses Day House Lane the possibility arises of traffic being able to turn into and out of the estate onto Day House Lane. Both the developers and the Council were sensitive to this and the Inspector indicated that a number of different solutions exist to discourage this including *“the design of the junction making such turns difficult, some form of restricted width, sections of one-way working ...”*

57. The conditions imposed by the Inspector were clear that there should be no traffic accessing the lane from the spine road of the development and vice versa thereby exacerbating the ‘rat running’ issues experienced by surrounding properties. This proposed scheme seeks to implement this by creating a junction designed to, as far as possible, prevent left and right turns between Day House Lane and the road through the development. The proposed arrangement is shown in drawing no. R355/03 Rev A and proposes to signalise the crossing of the two roads, with Day House Lane narrowed to a single lane through the junction to make it difficult for entry to it to be achieved from Homington Avenue.

58. The Highways Officer is satisfied that this arrangement goes as far as possible to

safeguard Day House Lane from traffic originating within Badbury Park without the full closure of the Lane. It is possible that motorcycles will be able relatively easily to make banned turns at the junction but 'tracking' analysis shows that illegal moves by cars will be very difficult to make.

59. An independent Stage 1 Road Safety Audit has been carried out to verify that there are no safety issues associated with this form of design, which needs to accommodate pedestrian and cycle movement as well as movement by vehicles, the Audit raises no material issues.

60. The comments from the public surrounding the Badbury park development site indicate that there is still a great deal of concern about safeguarding Day House Lane as a rural route, policy NC2 of the Local Plan specifically requires that development safeguards the function of the lane as a green route, and it is considered that the proposals for this junction satisfy this requirement by preventing the use of the lane directly from the development.

61. Walking, cycling and horse riding are key uses of this lane and a separate crossing of the spine road is included in the detailed design of the junction, taking those users off the main carriageway at the point where it narrows and not requiring them to wait at the traffic lights, this contributes to the safeguarding of the lane as a leisure route.

62. Some of the users of Day House Lane have requested a grade-separated junction and suggest that traffic lights are not appropriate, however, it is Officer's opinion that the proposed junction would serve the required purpose and the perceived intrusion of the traffic lights into the rural setting is outweighed by the benefit that this junction will bring in serving to slow traffic along the lane and make it less of an attractive route for those seeking to avoid the motorway junction.

63. A Condition requiring this junction arrangement to be implemented before construction commences is recommended to Members as a mechanism for protecting Day House Lane from construction traffic. In parallel, a 'Construction Management Plan' Condition will allow us to formalise the movement of construction traffic.

64. A Traffic Regulation Order will be required to legally restrict turning movements between the two crossing streets, the cost of which will be borne by the applicants. Furthermore, a financial contribution will be sought through the 106 agreement to manage the risk of pedestrian/ vehicle conflict in the lane which will be exacerbated by more people using the lane to access Coate Water Country Park from the development, further details are outlined in the Infrastructure section below.

65. Many of the comments from residents within the Badbury Park estate suggest that Day House Lane is a preferred route for construction traffic and longer term access, however, this is contrary to the aims of Policy NC2, and to the intention of the Inspector to protect Day House Lane from additional traffic. The spine road of the development was always intended to serve the whole site including these parcels of land, for construction and long term access and it would not be appropriate to use Day House Lane for additional traffic.

Building a Sustainable Community

66. The 'Quantum of Dwellings' section above refers to the sustainability of the development as a whole, and this is raised several times in the comments from the residents of Badbury

Park. Policy NC2 of the Local Plan allocates the land at Commonhead for a mixed use development, in addition to the housing elements (and excluding the business park) the policy includes:

- A local centre
- A primary school
- Green infrastructure which connects the urban area and wider countryside
- Sport, leisure and community facilities
- 5.5ha of land safeguarded for the expansion of the Great Western Hospital
- Sustainable transport links that integrate with Swindon

67. The local centre was approved earlier this year by way of application S/17/1956 and included three retail units, a nursery and a community room. A revision to that application has now been received by the Council for the increased floorspace of the community room to 227 square metres, containing two linked, but separate community areas, with separate entrances, a kitchen toilets and storage. This is in recognition that the additional housing units will give rise to further need for community provision and will meet the needs arising from the existing development as well as the proposed additional houses. The provision of a local centre and associated community facilities will create a heart to the development and allow for more community interaction and cohesion.

68. In terms of education, a 1 form entry primary school was required by the original permission and land was set aside for the school, as a result of the additional units, a 2 form entry school will now be required. The Education and Skills Funding Agency are charged with delivering the school and funding has been secured for a 2FE facility. A planning application is anticipated in Spring 2019, with a start on site later that year. There is currently no concern that a school will not be provided to cater for the need of the original housing area, as well as those additional houses proposed by this application, however, it is proposed to put a 'fall back' position into the 106 agreement whereby the developers would pay contributions towards the second form of entry, should, for any reason, the government funding is withdrawn.

69. The original permission for the site included a number of areas of functional and useable open space, all of which have been approved in detail. The approved public open space, however, has not yet been delivered by the developers. This application proposes a number of open space types, including a central play area, multi-use games area, informal sports pitch and potential site for allotments, as well as a trim trail and footpaths around the edge of the site. This open space will be in addition to the already approved areas within the original estate and will provide additional open space for the benefit of the existing residents as well as the residents of the proposed new houses. The open space proposed meets the requirements of policies NC2 and EN3. To ensure that the open space is delivered in a timely manner the 106 agreement will include a clause requiring the space to be laid out prior to the occupation of a certain number of houses.

70. Policy NC2 requires the development to include sustainable transport links including for walking and cycling as well as public transport. Without improvement to accessibility, the site is not an appropriate location for new housing development. The approved land use of employment development has a fundamentally different accessibility requirement to that of the proposed residential development. Opportunities do however exist to improve accessibility and subject to appropriate design and investment in public transport and walking/cycling infrastructure the site could be made sustainable from a movement

perspective.

71. The development will increase pedestrian and cycle activity along Day House Lane and the TA identifies the Coate Water Country Park as one of the few facilities readily accessible on foot. Whilst the development will not itself generate vehicle flow on the Lane, it will generate movement on foot and by bicycle. The already occupied phases of development at Badbury Park have identified issues of conflict between drivers and those who walk, cycle and ride on the Lane and those issues will be aggravated as a consequence of the application proposals. To mitigate this, and to encourage walking and cycling to this local facility and along Day House Lane, the applicants have agreed to make appropriate contributions towards measures to manage the conflict between motor vehicles and those who walk, cycle and ride along the Lane.

72. In regard to public transport accessibility, the TA refers to the aspiration to operate bus services into Badbury Park and makes a commitment to provide associated infrastructure. Given the absolute requirement that a bus service is initiated to make both the existing and proposed development sustainable, it will be a requirement of the permission that a binding commitment is made to deliver a bus service broadly in the form envisaged (but not enacted) when permission was granted for the development. This will contribute to the sustainability of the development as a whole.

73. In terms of building a sustainable community, this proposal presents a number of opportunities to make the whole development more sustainable and it is therefore considered that the potential benefits this proposal will bring outweigh the harm caused by the loss of the employment land.

Canal:

74. Policies EN11 and NC2 of the Swindon Borough Local Plan require the route of the Wilts & Berks Canal to be safeguarded and protected from development. The 106 agreement that accompanied the original permission for the Commonhead site (S/10/0842) required a corridor of 16 metres to be safeguarded for the future delivery of the canal. This 16 metre corridor was considered to be acceptable, therefore this requirement has been carried through to this application. The Masterplan shows the route of the canal kept clear of any development, in accordance with the previously approved plans, which showed the business park.

75. Both canal groups listed above have objected to the proposals citing insufficient space provided to construct the canal, however, it is considered by Officers that, as the proposals mirror the approval for the site in terms of the safeguarded corridor, this is a suitable space for the canal and that the 16 metre corridor safeguarded by the first application should be safeguarded again to meet the requirements of EN11 and NC2.

76. The canal groups suggest that the developers should construct the canal as part of the development, however, there is no requirement for them to do that. The proposals do include using the canal corridor as a drainage feature in the interim, which contributes to the drainage strategy and is a functional use of the space.

Affordable Housing:

77. In accordance with Policy HA2 of the SBLP, as the site is greater than 0.5 hectares, 30% affordable homes should be provided. This will be secured by the 106 agreement.

Infrastructure Requirements:

78. In addition to affordable housing which has been addressed above this section considers the potential wider infrastructure implications. The overarching infrastructure policy framework is set out through Policy IN1 of the adopted Local Plan. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015

79. The Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regs' came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

80. The development is located within the Council's adopted CIL Charging Schedule 6th April 2015 Residential Zone 1. The standard CIL rate as set out in the adopted CIL Charging Schedule is currently £0 per square metre of net increase of floor space.

81. The original 106 agreement for the Badbury Park site contained a large number of financial contributions towards items such as education, traffic and transport improvements and off site leisure (including Coate Water). As the Council now has a CIL charging schedule and Regulation 123 list it is not possible to simply request a pro rata contribution on all the items included in the original agreement. The Heads of Terms for which Officers have secured agreement with the developers are as follows:

- Securing affordable housing at 30% of the total;
- A sum of £50,000.00 to be spent on a scheme or schemes to manage the pedestrian and/or vehicle conflict in Day House Lane.
- A sum of £196,582.13 to cover the provision and maintenance of sports pitches identified for improvements to sports pitches at the Polo Ground, off Marlborough Road;
- To pay the Council's reasonable costs up to a sum of up to £20,000.00 to be used for the implementation of a TRO at the Day House Lane/ Homington Avenue Junction
- A sum of £1,717,836.00 towards the provision of a 2 form entry primary school on the Badbury Park site, payable only if the provision by the ESFA does not go ahead.
- To safeguard the canal route as per the original 106 agreement
- To provide the open space as per a phasing plan to be submitted
- To provide the community facility subject to application S/18/1680
- To require the bus service to be operational

Design & Layout:

82. The submitted Illustrative masterplan shows the expected road layout and locations for housing and open spaces within the development. The Design & Access Statement, at section 6, then goes into much more detail about design, essentially providing a Design

Code for this phase of development. This section of the D&A Statement is included as an approved document and compliance with this section is required by condition 4.

Other matters raised by Parishes:

83. Aside from concerns addressed in the paragraphs above Central Swindon South Parish raised some concerns regarding the allotment land, garden sizes and access to play area.

84. With regard to the allotment land, it is not clear on what basis this concern is raised as no evidence of the land quality has been presented. A condition is recommended to cover the whole site requiring the reporting of unexpected contamination, however, if there is a concern over poor soil, additional soil can be imported or used from elsewhere on the site to create better growing conditions or raised beds.

85. Garden sizes and lack of amenity is a matter of detail that will be addressed at the Reserved Matters Stage. Section 6 of the revised Design and Access statement, referred to in condition 4 below includes reference to the Swindon Residential Design Guide, which sets standards for back-to-back distances of dwellings as well as amenity standards. There is nothing in the Design & Access Statement that indicates that garden sizes will be sub standard.

86. It is not clear to which play area the Parish Council refers, however, as Day House Lane is mentioned it might be presumed that they are referring to the play area at Coate Water. As set out in paragraph 81 above, a sum of money will be contributed to a scheme to mitigate the pedestrian/ vehicle impact in Day House Lane. One of the aims of this is to improve the safety of the crossing from Badbury Park to Coate Water.

Concluding Comments:

This proposal, whilst contrary to the development plan in terms of the loss of the allocated employment land, has recognised benefits that outweigh the harm resulting from the loss of the employment land, these benefits can be summarised as follows:

- A contribution towards the Council's five year housing supply, aiding the Council's ability to resist housing in inappropriate locations;
- Provision of facilities such as open space and an enlarged community room;
- Contributions to mitigating the identified pedestrian/vehicle conflict in Day House Lane;
- Traffic calming in Day House Lane as a result of the proposed junction;
- Introducing a trigger for the bus service to be provided, benefiting the whole estate.

As there is no reasonable prospect of the employment land coming forward within the plan period and the development would contribute to the sustainability of the development as a whole the proposal is considered acceptable in Planning Policy terms.

The traffic impact has been assessed and found to be different, but slightly less than the approved business park use, therefore no further mitigation is required on the wider network.

The proposal is considered acceptable and is therefore recommended for permission subject to the conditions listed below and a 106 agreement.

Recommendation

That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraph 81 of this 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 consent as may be necessary.

Conditions

Timing and Duration

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

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

Reserved Matters

2. Approval of the details of the layout, scale, appearance, access and landscaping of the development herein known as the “reserved matters” for each Development Phase or Sub Phase shall be obtained from the Local Planning Authority prior to the commencement of any development within that particular Phase or Sub Phase. The first application for the approval of reserved matters shall be submitted to the Local Planning Authority before the expiration of 2 years from the date of this permission. All subsequent reserved matters applications shall be submitted no later than 5 years from the date of this permission. No Development shall take place within the area of the reserved matters application until all the details thereof have 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 as the application is in outline

Approved Plans

3. The submission of all reserved matters and the implementation of development shall be in broad accordance with the following plans and documents:

Site Location Plan BL-01 Rev E

Indicative Masterplan MP-001 Rev J

Land Use Parameter Plan 9600 Rev F

Access & Movement Parameter Plan 9601 Rev F

Building Heights Parameter Plan 9602 rev F

Green Infrastructure Parameter Plan 9603 Rev E

Day House Lane/ Homington Avenue Proposed Junction and Traffic Calming R355/03 Rev A

Strategic Landscape Masterplan P.0865_70 Rev B

Tree Retention & Loss plan 678/02
Design & Access Statement Rev #

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

Design Code

4. Each reserved matters application for residential development shall be accompanied by a statement that demonstrates how the application adheres to and upholds the principles of the Residential Design Code included in the Design & Access Statement listed in Condition 3 above. The development shall be carried out in accordance with the approved Residential Design Codes.

Reason: In the interest of the proper planning of the area and to maintain a high standard of design.

Retention of Landscaping

5. All landscaping shall be carried out in accordance with the reserved matters approved scheme and an annual audit, for a period of 5 years, shall be carried out and submitted to the Local Planning Authority for information, commencing at the beginning of the first planting season after the landscaping has been implemented.

Any planting which, within a period of 5 years from the date planted, that dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with new plants of a similar size and species.

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

Tree Protection

6. No existing trees or hedgerows on the site shall be lopped, topped, felled, uprooted, destroyed (including severance of roots), or wilfully damaged without the prior written consent of the Local Planning Authority. No burning of materials shall take place where it could cause damage to any hedgerow, tree or tree group on the site or land adjoining. Any trees and hedgerows which die, become diseased or uprooted without the prior written consent of the Local Planning Authority shall be replaced before the end of the next available planting season with a species details of which shall have been submitted to and approved in writing by the Local Planning Authority. Any replacement tree or hedgerow shall thereafter be retained for a period of five years from being planted. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order, no fence or other means of enclosure shall be erected within or closer to any existing tree or hedgerow other than as shown on the approved plans within the reserved matters pursuant to this outline permission.

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

Construction Routes / Management Plan

7. 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, number and frequency of vehicles and vehicle movements;
- ii. specify point of construction access and construction access route to the site including measures to prevent the use of Day House Lane by construction vehicles, including operatives and contractors;
- iii. set out arrangements for the parking of vehicles of site operatives, contractors and visitors;
- iv. set out arrangements for the storage of plant and materials and any temporary site buildings, enclosures and staff facilities;
- v. specify arrangements for wheel washing facilities for all construction vehicles leaving the site;

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

Construction and Delivery Hours to Sites during Construction

8. The hours of construction work including the waiting of vehicles to undertake deliveries and collections during construction shall not take place outside the following hours: 0730 to 1830 Monday to Friday; 0830 to 1300 Saturdays; and not at all on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of residential amenity

Strategic Road Network

9. There shall be no occupation of any residential units within the development hereby permitted until the works for the improvement of Junction 15 of the M4 and the A419 have been carried out, those works shall provide:

- a) A419 northbound exit from the M4 Junction 15 roundabout to be 3 lanes reducing to 2 lanes by the bridge over Day House Lane; and, Report /U3935/A/11/2155834
- b) A419 Commonhead southbound merge to M4 Junction 15; a TD22 Type E Lane Gain; to provide 3 lanes between Commonhead and Junction 15; and,
- c) the removal of the bus/lay-bys on the northbound and southbound carriageways between M4 Junction 15 roundabout and the Commonhead junction; and,
- d) M4 Junction 15 roundabout – widening of the circulatory on the southern side to 4 lanes between the off and on slips; and,
- e) M4 Junction 15 roundabout – provision of a dedicated left slip from the A419 southbound to the eastbound on slip.
- f) A419 southbound diverge to Commonhead roundabout; a TD22 Type B Ghost Island (Option 1) diverge;
- g) remarking of the southern circulatory system of Commonhead Roundabout;

Reason: To prevent the overloading of the Strategic Road Network, which would have an adverse impact on the free flow of traffic.

Day House Lane Junction

10. Prior to the occupation of any housing units to the south of Day House Lane, permanent works to the Homington Avenue/Day House Lane junction will have been completed in accordance with the submitted plan [drawing no. R355/03 Rev A].

Reason: To reduce potential highway impact on Day House Lane by ensuring that remedial works are complete in advance of vehicle traffic being generated by the new development.

Estate roads

11. The development shall be served by roads laid out and constructed in accordance with the approved reserved matters details and no dwelling on the development shall be

occupied until the road (including vehicular turning head(s), street lighting, drainage and footways where proposed) providing access from the nearest public road to that dwelling has been completed to at least binder course and footways to surface course level in accordance with the details so approved.

Reason: To ensure a satisfactory means of access for occupants of the development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

Parking Spaces

12. No building approved in connection with this development shall be occupied until the garage(s), parking space(s), bicycle storage and parking and vehicular visitor spaces have been fully provided in accordance with the Borough Council's current parking standards. The use of the approved spaces shall thereafter be retained for the parking of vehicles and bicycles in connection with the approved development and shall not be used for any other purposes.

Reason: To enable vehicles to be reasonably accommodated within the development site in the interest of amenity and highway safety.

Archaeology (Further Investigation)

13. The development of the site shall be carried out in accordance with the mitigation detailed in the Archaeological Written Scheme of Investigation dated March 2013 and submitted to discharge Condition 18 of the original permission S/10/0842.

Reason: To enable the recording of any features of archaeological interest.

Drainage

14. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Surface Water Drainage Statement – Badbury Park, Phase 3 – Rev A – June 2018', 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 in line with the original strategy (WSP drawing number: 0173-D-02 Rev D);
- Any flows within the proposed canal route must be at greenfield runoff rate as to not prejudice the construction of the canal;
- 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.

Reason: To ensure development does not increase the risk of flooding elsewhere

Minimising Noise

15. The internal noise levels to be achieved in bedrooms and living rooms in residential properties post construction is respectively 30 dB LAeqT (where T is 23:00 - 07:00) and 35 dB LAeqT (where T is 07:00 - 23:00). Noise from individual external events typical to the area shall not exceed 45dB LAmax when measured in bedrooms and living rooms internally between 23:00 and 07:00, post construction. Noise levels in private gardens and public open spaces should not exceed 55 dB LAeq1 hour when measured at any period. The development shall be assessed against these standards and a confirmatory noise survey shall be provided post construction to demonstrate they have been met.

Reason: In the interests of residential amenity.

Storage of Oils, Fuels or Chemicals

16. There shall be no storage of oils, fuels or chemicals on the site other than in storage facilities constructed in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. Vehicle loading or unloading bays and storage areas involving chemicals, polluting matter and sewage trade and effluent including cooling water, wheel washing effluent and steam cleaning effluent, shall not be connected to or discharged into the surface water drainage systems.

Reason: To prevent pollution and safeguard the amenities of the area.

Imported soil

17. Any material required to raise ground levels, shall be restricted to clean inert, uncontaminated soil and spoil

Reason: To prevent pollution and safeguard the amenities of the area.

Reporting of Unexpected Contamination

18. In the event that contamination is found at any time when carrying out the approved development that has not been previously identified it must be reported in writing within 2 days to the Local Planning Authority and development must be halted on the part of the site affected by the unexpected contamination. An assessment must be undertaken that determines the nature, extent and risks posed by the contamination, in accordance with procedures set out in Environment Agency publication CLR11. Where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to the Local Planning Authority for approval in writing. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme written confirmation that all works were completed must be submitted to and approved in writing by the Local Planning Authority.

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

Wheelchair Accessible Housing

19. Not less than 2% of the total residential development pursuant to this permission shall be wheelchair accessible housing, providing ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to provide

for wheelchair user occupiers in accordance with a plan or schedule which shall have been submitted to and approved in writing by the Local Planning Authority. These features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interests of providing accessible homes to meet the identified needs of older people and people with disabilities.

Biodiversity Management Plan

20. The development of the site shall be carried out in accordance with the mitigation detailed in the Biodiversity Management Plan dated April 2013 and submitted to discharge Condition 10 of the original permission S/10/0842.

Reason: To protect ecology, flora and fauna and associated habitats and the environment in general.

Bat surveys

21. No demolition or partial demolition of existing buildings or the felling and lopping of trees shall take place until a survey has been undertaken to confirm whether or not bats or bat roosts are present. If bats or their roosts are present, any proposed works shall take place in accordance with mitigation measures for that Development Phase that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats and their supporting habitat.

Badger Surveys

22. Prior to the commencement of works within each Development Phase, surveys of the area for the presence of badgers and occupied setts shall have been completed. The result of each survey, together with details of mitigation measures – as appropriate - shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be implemented prior to the commencement of any works within the Development Phase, in accordance with an agreed scheme of mitigation.

Reason: To protect badgers and their supporting habitat.

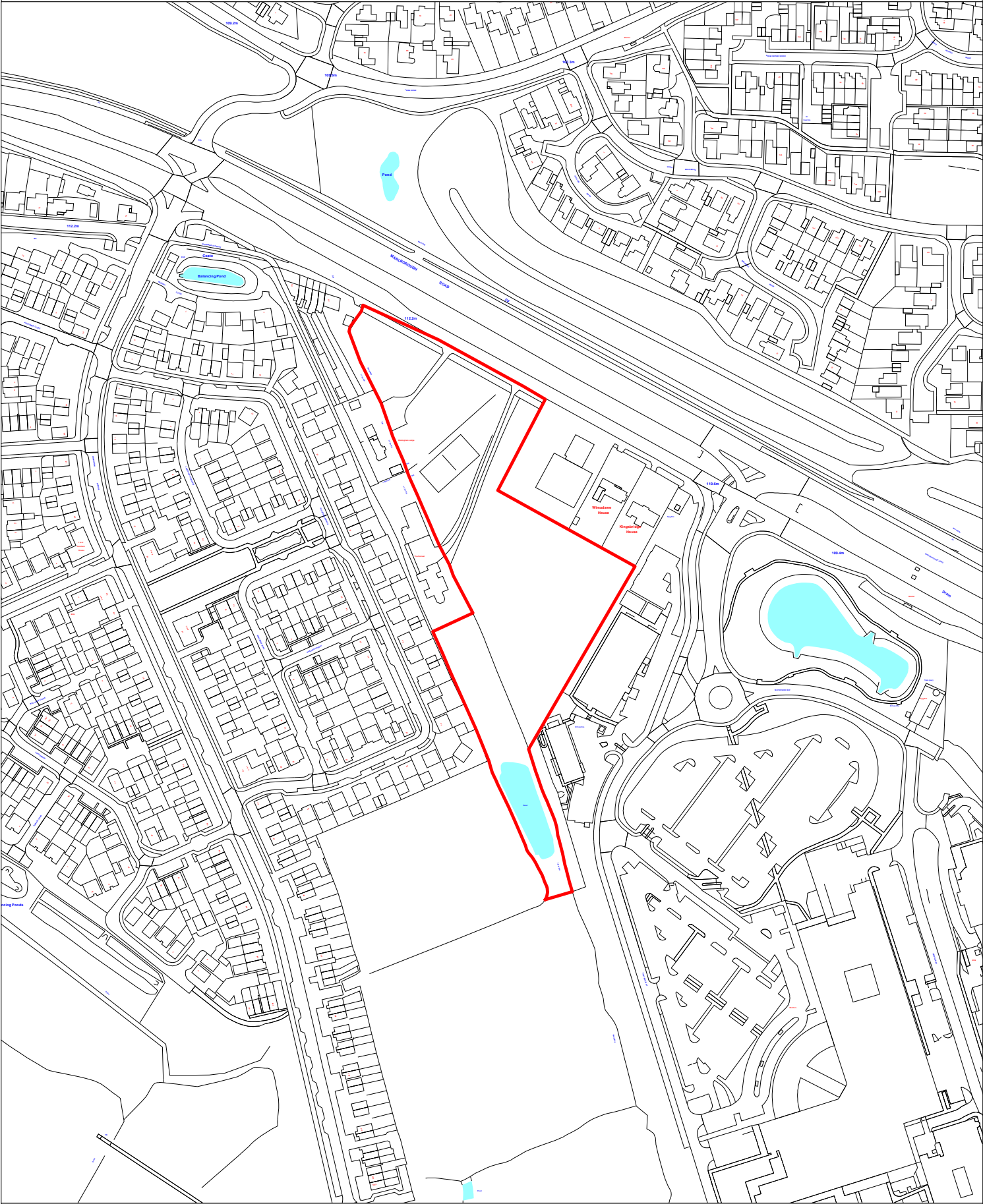
Thames Water

23. No properties shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

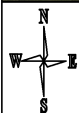
Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

Outline application for the erection of up to 70no. dwellings and associated works -
Vehicular access from Marlborough Road not reserved.
Land At Marlborough Road Coate Swindon



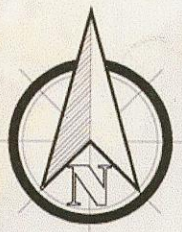
Outline application for the erection of up to 70no. dwellings and associated works -
Vehicular access from Marlborough Road not reserved.
Land At Marlborough Road Coate Swindon



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.

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

REVISIONS



SEPERATION
BETWEEN
EXISTING AND
PROPOSED
DWELLINGS

FEATURE
TREE

GATEWAY FEATURE

ACTIVE FRONTAGE ONTO
MARLBOROUGH ROAD

POTENTIAL FOR PEDESTRIAN ACCESS
FROM MARLBOROUGH ROAD

FEATURE
BUILDING

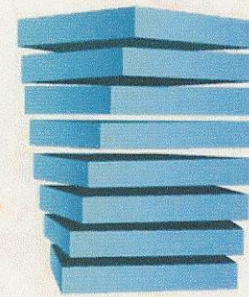
ACTIVE FRONTAGE ONTO
PUBLIC SPACE

Wimadawe
House

Kingsbridge
House

REAR GARDENS
BACKING ONTO
REAR GARDENS

POTENTIAL FOR FOOTPATH
CONNECTION TO HOSPITAL



ERIC COLE ARCHITECTURE

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T: +44 (0)1285 641234 E: mail@ericcole.co.uk W: www.ericcole.co.uk

PROJECT:	LAND SOUTH OF MALBOROUGH RD, COATE		
DWG TITLE:	INDICATIVE FRAMEWORK PLAN		
SCALE:	1:500@A1	DRAWN: BT	CHECKED:
DWG NO:	17.023.100.FP	REV:	DATE: APRIL 2018

0 50m



COMMITTEE REPORT

Item Number:

Application Number: S/OUT/18/1093

Ward: Ridgeway

Parish: Liddington

Proposal: Outline application for the erection of up to 70 dwellings and associated works – Vehicular access from Marlborough Road not reserved.

Site Location: Land at Marlborough Road, Coate, Swindon

Case Officer: Mrs Nicola Smith

Contact Details: Tel: (01793) 466517 Email: nsmith2@swindon.gov.uk

Agent:

Mr Mike Robinson
Strutt & Parker
269 Banbury Road
Oxford
OX2 7LL

Applicant

Hannick Homes & Mrs R M Hibberd
Dammass House
Dammass lane
Swindon
SN1 3EF

Officers Report

Background:

1. This application is put before Planning Committee as Liddington Parish Council have objected to the proposals. Their concerns are summarised below.

Summary of Recommendation:

2. That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraphs 37 & 38 of this 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 consent as may be necessary.

The Proposal:

3. This is an Outline planning application for up to 70 residential units. The proposal is in outline with all matters reserved except for means of access to the site. An indicative masterplan is submitted for approval which shows the proposed road layout and location of open spaces at the far northern and southern ends of the site.

The Site and Surroundings:

4. The site is located off Marlborough road, bounded to the west by the Badbury Park development and to the south east by the Great Western Hospital site. To the east of the entrance is the M4 van centre. At present the site is crossed at two points by residential accesses to Wokingham Lodge and The Retreat, properties which remain outside of the red line of the development site.

5. The application form indicates the current land use is 'front garden' and the site is currently laid to lawn with a hedge to the front and a number of trees within the site.

Representations:**6. Liddington Parish Council:**

- This is a pleasant "oasis" of lawns with attractive hedging fronting on the main road (A4259). It is a welcome contrast to the van sales area and other unsightly features on this road.

- There must be a limit to the number of vehicle movements that can be accommodated on this short section of road with numerous successive junctions; the idea of a further development of "up to 75 units" connecting onto this road is not supportable.

If this proposal were implemented, the exit therefrom would have to be left turn only, and access could only be from northbound traffic. This would lead to many additional vehicle movements through the already congested Coate and Commonhead roundabouts. It is also probable that vehicles exiting the proposed development would turn into Day House Lane, a lane already over used by commuters.

- Since it would be unwise to further increase the number of controlled junctions it would be strongly advisable to have long enough slip roads for entrance and exit from the A4259. Confusion is also likely to arise with the close proximity of the Van Centre site.

It is highly likely that the hospital entrance will be further congested by vehicles using its entrance in order to access the new development from the West rather than use the longer Commonhead route.

- The site is a mere 2 hectares and is of a very odd shape not lending itself to an orderly development and certainly not likely to lead to appropriate facilities and amenities such as open space being incorporated.

- This is an over ambitious elongated infill development which in no way is "sustainable". It would just be a large number of houses squeezed into a small site without any connection to any existing or proposed community with no localised facilities for residents. A more attractive solution would be to propose a development of a secluded close with a much smaller number of larger properties.

Further representation were received from Liddington on 28th November, summarised as follows:

Further to the receipt of more information from the Transport Consultants the Parish Council is still not convinced that it has been demonstrated that the traffic engendered by this proposed development will not increase substantially the incidence of "rat running" in Day House Lane. The traffic flow statistics are out of date.

7. Forward Planning: As the site is within Swindon's urban area, it is a location in which the principle of residential development is in accordance with the Local Plan. The site is not identified in the Local Plan policies map as open space to which Policy EN3 applies. Nor is

it subject to other protective designations, therefore there is not a policy objection to the principle of the proposed development.

8. Local Highway Authority: Initially recommended refusal of the application on the grounds that insufficient analysis of (a) the safety of the proposed means of access and (b) the extent of off-site highway impacts had been undertaken.

Upon the submission of the applicant's Consultant's 'Response to Swindon Borough Council' report dated 31st August 2018, which addresses these two areas of concern, the objections were removed.

9. Highways England: Raise no objections to the proposal subject to a condition restricting occupations prior to the committed works to the Commonhead roundabout being completed.

10. Housing Officer: Happy with the affordable element to this application as it accords with the required mix. This will be secured by the 106 agreement.

11. Local Lead Flood Authority: No objections subject to a condition.

12. Landscape Officer: Whilst having no objection in principal to the application I note the following: As stated in the supporting planning statement a play space (LEAP) will be required to be provided on site. The submitted Arboricultural Impact assessment and preliminary Method statement is noted though the impact of the proposals cannot be fully assessed at this point. Drainage features if located in landscape areas and public open space must be designed as positive elements that are functional and add to the amenity of the development. The proposals should demonstrate a net biodiversity gain in compliance with policy EN4.

13. County Archaeologist: An archaeological evaluation has been undertaken across this proposed development site. Archaeological remains from the Roman period have been revealed. I advise that if a consent is granted for the development of this site that an archaeological condition is attached to enable the Roman remains to be further investigated and fully excavated with the full cost falling to the developer.

14. Thames Water: No objections subject to conditions.

15. Consultant Ecologist: No objections subject to conditions.

16. Comments from the public: Eleven letters have been received from addresses within the Badbury Park development raising the following issues:

- Object to the loss of green land which supports wildlife
- The entrance is considered dangerous
- The increase in traffic would be excessive
- Overlooking of properties on Polesdon Avenue
- Impact on noise levels
- Lack of amenities for residents of Badbury Park
- The residential travel plan is insufficient
- The road safety audit is inadequate

Planning Considerations:

17. In accordance with the National Policy Framework (NPPF) 2018 and the Swindon Borough Local Plan 2016, the main issues in this case are as follows:

- a) The principle of development as assessed against the sustainable development strategy in the Swindon Local Plan 2026
- b) The traffic and transport issues associated with development
- c) The landscape impact, including impact on existing trees
- d) Other matters, including the provision of affordable housing, archaeology and design/layout.
- e) Other issues raised within the representations received will also be covered.

Planning Policy:

18. The National Planning Policy Framework (NPPF) (March 2018) has an overriding aim which is the presumption in favour of sustainable development. This presumption requires that where development is in line with the Local Plan, it should be permitted without delay unless material considerations indicate otherwise.

Of particular relevance to this proposal are sections:

- Achieving sustainable development
- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring Good Design
- Promoting healthy communities

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

- SD1 (sustainable development principle) enabling the delivery of sustainable development and support sustainable communities
- SD2 (The Sustainable Development Strategy); aims to meet Swindon's development needs whilst protecting the Borough's most important assets.
- DE1 (*High Quality Design*) seeks high standards of design for all types of development
- DE2 (Sustainable Development)
- HA1 (Mix, Types and Density); seeks a variety of densities, house types and sizes within larger developments whilst ensuring that they respect the character of the area;
- HA2 (Affordable Housing); seeks all developments of 15 homes or more, or on sites larger than 0.5 hectares to provide 30% affordable homes;
- TR1 (Sustainable Transport Networks) and TR2 (Transport and Development); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;
- TR2 (Transport and Development); seeks to ensure development is located/designed to encourage the use of sustainable transport modes and provide access that is appropriate;
- IN1 (Infrastructure Provision)

- EN4 (Biodiversity and Geodiversity); seeks to ensure development does not have a negative impact upon such.
- EN3 (Open Space) seeks all development to provide or contribute towards public open space
- EN6 (Flood Risk) seeks development to ensure the risk and impact of flooding are minimised.
- SC2 (Swindon's Existing Urban Communities)

Also of relevance is the adopted Swindon Residential Design Guide SPD (SRDG)(2016)

Principle of development:

20. Policy SD2 of the Local Plan outlines the sustainable development strategy for the Borough. Part (a) of the policy states that the focus of development will be at Swindon's urban area and the allocated strategic sites. As the site is within Swindon's urban area, it is a location in which the principle of residential development is in accordance with the Local Plan.

21. The recovered appeal decision in respect of Marlborough Road, Wroughton, Wiltshire (14 July 2017) found that it was not possible to demonstrate a deliverable five year supply of housing land in the Borough. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, but in this case the contribution this site can make to the supply of housing is a material consideration in its favour. The site is not identified in the Local Plan policies map as open space to which Policy EN3 applies. Nor is it subject to other protective designations, therefore there is not a policy objection to the principle of the proposed development.

Highway Access and Impact:

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

23. Highways Officers originally expressed concerns relating to the principle of a left-in/left-out access onto the A4259, which is subject to a 50mph speed limit at this point. Modelling presented in response to that concern indicated that there would be sufficient gaps in the major road traffic flow to allow development traffic to access the westbound carriageway and in that regard the principle of a new access onto the dual carriageway is accepted.

24. The design of the new access junction is however a separate matter and whilst the safety of this form of access for pedestrians and cycles has been verified by the submitted Road Safety Audit, no evidence was initially provided to show that the adequacy of the deceleration facility or the lack of an acceleration facility is proven. In addition no assessment was made of the traffic impacts on the wider network such as the adjacent junctions of Homington Avenue and the Hospital Access onto the A4259. There is no assessment of potential impacts at the Coate Roundabout or the Commonhead Roundabout and no assessment of the risk of rat-running using Day House Lane.

25. Following the submission of the requested evidence and assessment the Highways Officer updated his response. The Consultant has responded to concerns for the potential safety of the proposed priority junction by presenting an assessment of the proposed

access junction in the context of geometric design guidance set out in the Design Manual for Roads and Bridges (DMRB), specifically TD42/95, the volume of DMRB that deals with junctions of major and minor roads. That assessment verifies to the satisfaction of the Local Highway Authority that the proposed form of the site access is appropriate. The 'Response to Swindon Borough Council' report sets out analysis of the operation of the Coate and Commonhead roundabouts, demonstrating that development traffic will not materially affect the way in which those junctions perform. The Local Highway Authority is satisfied with those conclusions.

26. Concern was expressed at the potential risk associated with increased U-turning from the eastbound to the westbound carriageway of the A4259 at the Hospital junction. The applicant has pointed out that this manoeuvre is already prohibited by Order and whilst that is not in itself a reason to believe that drivers will not choose to make the turn, the Highways Officer is satisfied by the argument that the geometry of the junction makes this movement unattractive. Local residents on the Badbury Park development expressed concerns relating to the risk of increased U-turning at the Homington Avenue junction on the A4259. To make this manoeuvre would require encroachment into the existing off-side bus lane – a restriction that is enforced directly by the Council.

27. The original consultation response raised concerns regarding potential impacts of the proposed development on Day House Lane. In the absence of a right turn from the application site to the dual carriageway, there is reason to believe that some drivers attracted to the south (Junction 15 and destinations south of it) might utilise Day House Lane rather than make the U-turn at Coate Roundabout to return to the A419. Given the sensitivity of Day House Lane, the impact of this rat-running movement on the safety of other users of the Lane – in particular walkers, cyclists and those on horseback – is potentially significant. The applicant's Consultant argues that this alternative route to Junction 15 is not materially different in terms of distance than the route via the A4259 and the A419, which is true in terms of distance, however, taking into account waiting time at the Coate, Commonhead and J15 junctions, it is likely that Day House Lane will prove an attractive route for some drivers for the journey to Junction 15 and destinations south of it. The suggestion that improvement works to Junction 15 will materially change this situation is not supported by any evidence. If a journey-time analysis suggests that improvements to Junction 15 will remove rat-running in Day House Lane, then a Condition requiring those works to be complete ahead of occupation of the application site would appear to be reasonable. In the meantime and recognising that the Council is already studying options for speed management measures in Day House Lane, which will go some way to discourage traffic from rat-running along it, it is considered it reasonable that the application should be conditional on a contribution towards those works in Day House Lane.

Sustainable Community

28. The Parish Council have criticised the site as not being sustainable as facilities such as open space are unlikely to be incorporated. The site is unconnected to the existing Badbury Park development as it has come forward too late for connections to be considered; the houses on Polesdon Avenue were approved in 2014 and built out soon after. Owing to the surrounding development there are limited opportunities for connections outside the site, the only one identified is to the south of the site connecting to the hospital.

29. The site itself is too small to accommodate any facilities within the red line, but benefits from being on a well-used cycle way and bus route (both on Marlborough Road). A crossing

over Marlborough Road is located some 200 metres to the west which provides access to Liden School (800m from the site) and Liden Local Centre (900 m from the site). Once constructed, the approved facilities (retail, community room and nursery) at Badbury Park would be located approximately 850 metres from the site on the south side of Marlborough Road. The school at Badbury Park would be approximately 1km from the site, which equates to a 12 minute walk. The nearest large open space, Coate Water, is located approximately 1 km to the west of the site. To the east of the site is the Great Western Hospital, with childcare (500m distance from the site) and emergency healthcare (600m from the site).

30. The application originally proposed “up to 75 dwellings” on the site, this was reduced to “up to 70” during the application process. The site is an awkward arrangement formed of two triangular shapes with a pinch point at the centre. The options for a successful layout are limited because of the constraints of the site. It is Officer’s opinion that 70 dwellings, representing 33 dwellings per hectare, is the very maximum that could be satisfactorily accommodated on the site. The Council will be clear about the design expectations for the site to ensure that the layout is appropriate and meets the requirements of the Swindon Residential Design Guide in terms of making a place with character and identity whilst providing suitable residential amenity.

31. The application proposes open space within the site, including a “Central Green” which will provide a focal point for residents containing children’s play provision. This provision is a positive, helping to provide amenity space for the residents as well as a place to interact with each other. A condition is recommended to ensure that a play area that meets the Council’s standards is provided.

Affordable Housing:

32. In accordance with Policy HA2 of the SBLP, as the site is greater than 0.5 hectares, 30% affordable homes should be provided. This will be secured by the 106 agreement.

Infrastructure Requirements:

33. In addition to affordable housing which has been addressed above this section considers the potential wider infrastructure implications. The overarching infrastructure policy framework is set out through Policy IN1 of the adopted Local Plan. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015

34. The Community Infrastructure Levy Regulations 2010 (as amended) ‘CIL Regs’ came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

35. The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The

proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. For an outline application this would be at the point of approval or reserved matters, should outline permission be granted. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the decision notice.

36. Policy EN3 of the adopted local plan requires consideration of Open Space requirements. This is amplified by the Open Space Audit & Assessment (2014 update) that considers the quantity, quality and accessibility of the different types of open space by Ward. The open space calculator translates the requirements of EN3 and associated Appendix 3 of the adopted Local Plan 2026 into the relevant area requirements. Where the scale of development does not trigger or justify the need for on-site provision due to location, there may be grounds to secure off-site provision proportionate to the scale of the development for investment locally.

37. In this case the application proposes on site open space and a LEAP and in addition an off-site playing pitch contribution of £36,200.33 is generated by the development to be used. This will be secured by the 106 agreement.

38. Other items in the 106 agreement will include a contribution of £20,000 to be spent on a scheme or schemes to manage the pedestrian and/or vehicle conflict in Day House Lane. The affordable housing and contribution towards off-site playing pitches will need to be secured by means of a Section 106 legal agreement together with a residential travel plan.

Concluding Comments:

38. The principle of residential development is considered acceptable in this location and is therefore recommended for permission subject to the conditions listed below and a section 106 agreement.

Recommendation

That the Head of Planning, Regulatory Services and Heritage be authorised to **GRANT** outline planning permission subject to:

- (a) Completion of a legal agreement to secure the planning obligations that are material to the decision (as set out in paragraphs 37 and 38 of this 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 consent as may be necessary.

Conditions

Reserved Matters

1. Prior to the commencement of works on site in connection with the development hereby

permitted, details of the layout, means of access (excluding site access as approved), scale, 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.

Timing of Reserved Matters

2. Application(s) for the approval of the Reserved Matters referred to in condition 1, shall be submitted in writing to the Local Planning Authority before the expiration of 3 years from the date of this permission and shall be carried out in accordance with the approval.

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

Time Limit

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

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

Approved Plans

4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan 17.023.1000

Proposed Site Access H541/07 Rev D

Indicative Framework Plan 17.023.100.FP

Arboricultural Impact Assessment (SJ Stephens Associates) dated 15th May 2018

Flood Risk Assessment & Drainage Strategy (PFA Consulting) dated 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.

Quantum of Development

5 The development hereby permitted shall provide no more than 70 no. dwellings falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: For the avoidance of doubt and in the interests of proper planning.

Junction works

6 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 A4259 Marlborough 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.

Road Maintenance

7 The development shall be served by roads laid out and constructed in accordance with the approved reserved matters details and no dwelling on the development shall be occupied until the road (including vehicular turning head(s), street lighting, drainage and footways where proposed) providing access from the nearest public road to that dwelling has been completed to at least binder course and footways to surface course level in accordance with

the details so approved.

Reason: To ensure a satisfactory means of access for occupants of the development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

Construction Management Plan

8 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. set out arrangements for the parking of vehicles of site operatives and visitors;
- iv. set out arrangements for the storage of plant and materials used in constructing the development;
- v. specify arrangements for wheel washing facilities;
- vi. specify the intended hours of construction operations;

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

LEAP

9 The first submission of Reserved Matters shall include full details of the open space to be provided on site including a Locally Equipped Area for Play (LEAP) in accordance with the Borough Council's standards set out at Appendix 3 of the Local Plan 2026. The open space and LEAP shall be provided prior to the occupation of the 50th dwelling.

Reason: to ensure that suitable open space is provided within the development in a timely manner.

Landscaping

10 The material submitted with the landscaping reserved matters shall include:

- i) Details of the species, location, diameter, approximate height, and general state of health and stability, of every tree, bush or hedgerow on the site which is to be retained and of each tree, bush or hedgerow which is on land adjacent to the site and to which paragraphs ii), iii), iv) and v) below shall apply;
- ii) No tree, bush or hedgerow which is to be retained and which has been identified in paragraph i) above, shall be topped, lopped, felled, destroyed or wilfully damaged, including any severance of its roots without the prior written consent of the Local Planning Authority;
- iii) No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place, within the furthest extent of the canopy of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above without the prior written consent of the Local Planning Authority;
- iv) Details of the specification and position of fencing and of any other measures to be taken for the protection of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above. Such fencing or any other measures shall be retained until the approved development has been completed or the Local Planning Authority has approved, in writing, that such fencing or any other measures may be removed;
- v) All works to protect any tree, bush or hedgerow, which is to be retained and which has

been identified in paragraph i) above shall be carried out in accordance with BS 5837(2012);
 vi) A planting plan and timetable of works for the soft landscaping of the site; all works shall be carried out in accordance with the approved plan and timetable; and any trees or plants, which within a period of five years from first being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation; and
 vii) Details of fencing and boundary treatments.

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

Tree Protection

11 Prior to the commencement of development the tree protection measures set out in the approved Arboricultural Impact Assessment listed in condition 4 above shall be implemented and shall remain in situ for the duration of the construction phase.

Reason: To ensure sufficient protection is provided and maintained for the retained trees.

Ecology – bat boxes

12 Prior to the occupation of the dwellings hereby permitted, a scheme detailing the location of bat boxes on retained trees and built-in bat boxes on the new houses within the site shall have first been submitted to and approved in writing by the Local Planning Authority.

The bat boxes shall be incorporated and installed in accordance with the approved details.

Reason: To achieve net biodiversity gain.

Ecology – bird boxes

13 Prior to the occupation of the dwellings hereby permitted, a scheme detailing the location of bird boxes on retained trees and built-in bird bricks on the new houses within the site shall have first been submitted to and approved in writing by the Local Planning Authority.

The bird boxes shall be incorporated and installed in accordance with the approved details.

Reason: To achieve net biodiversity gain.

Ecology – management plan

14 Prior to the occupation of the dwellings hereby permitted, a site wide Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The LEMP should include detailed proposals based on Section 7 of the submitted Ecological Appraisal and include proposals for annual inspection, cleaning and replacement as necessary of all bird and bat boxes attached to retained trees.

Reason: To achieve net biodiversity gain.

Amphibian protection measures

15 The roads, except the junction specified in condition 6 above, shall be constructed incorporating amphibian protection measures, which can include sloping kerbs, bypass kerbs or gully pot ladders in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: to achieve net biodiversity gain

Wheelchair user housing

16 No less than 2% of the total residential development shall provide for wheelchair user occupiers in accordance with a plan or schedule, which shall have been submitted to and approved in writing by the Local Planning Authority. These approved design features and

provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interests of people with disabilities.

Archaeology

17 No development shall commence until 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 in writing by the Local Planning Authority; and 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.

Drainage

18 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 – Land South of Marlborough Road, Coate – Issue 1, May 2018', 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 5l/s or below as agreed with SBC highways;
- Highway drainage improvements undertaken as agreed with SBC Highways;
- 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.

Reason: To ensure the site is properly drained

Strategic Road Network

19 No occupation of any housing units shall take place, unless or until an improvement scheme identified for the A419(T) Commonhead Roundabout, as shown in the WSP drawing ref: 0173-GA-003 Rev B, or an alternative scheme which is equally acceptable to Swindon Borough Council and Highways England, has been completed to the satisfaction of the Local Planning Authority (in consultation with Highways England) and is open to traffic.

The proposals as referred to in the condition comprise.

a) A419 southbound diverge to Commonhead roundabout; a TD22 Type B Ghost Island (Option 1) diverge; and

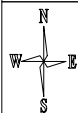
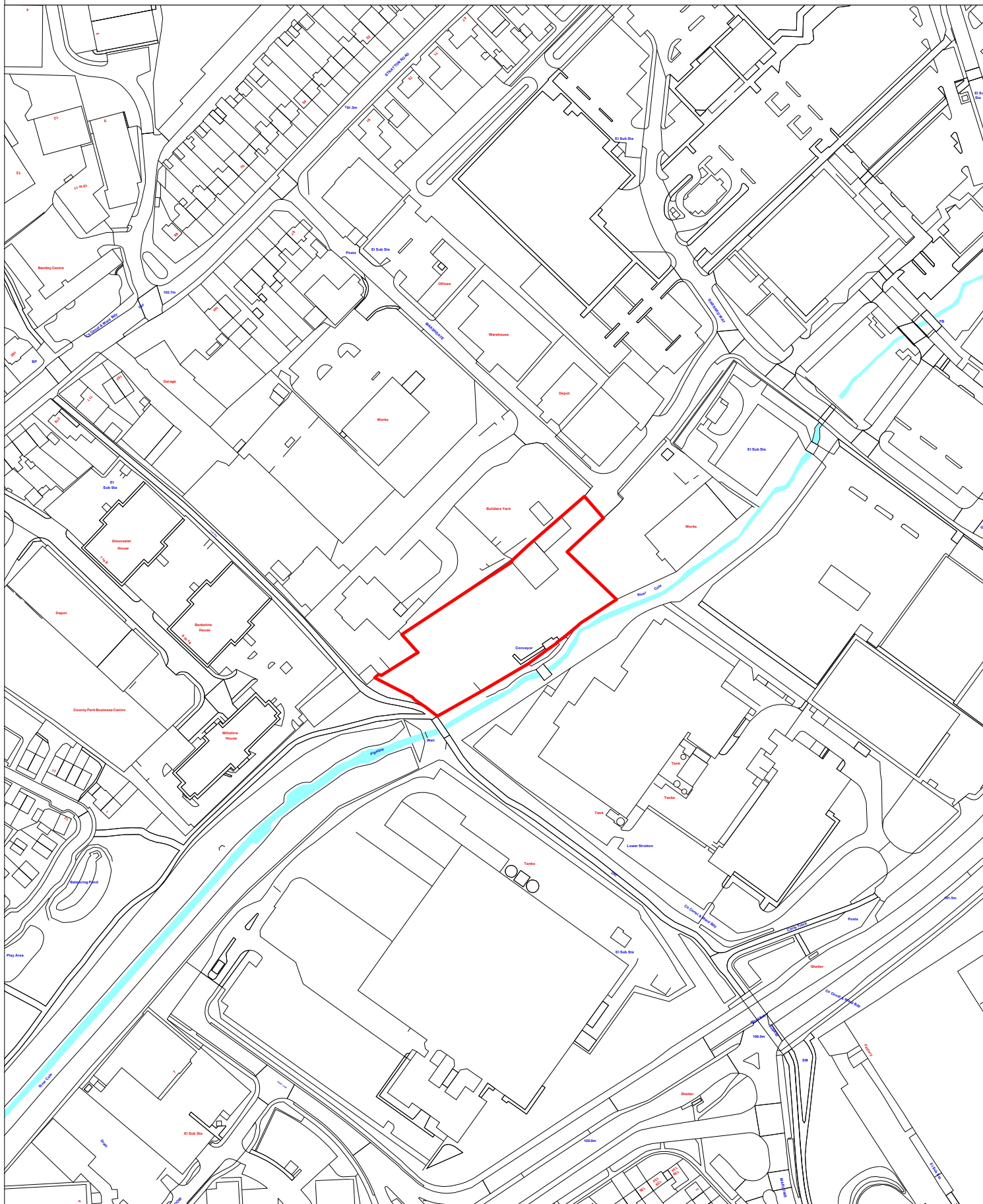
b) remarking of the southern circulatory system of Commonhead Roundabout;

Reason:

To ensure the safe and efficient operation of the SRN i.e. A419(T) Commonhead Roundabout

Continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility, and erection of a site office and vehicle de-pollution workshop.

Former Averies Site Marshgate Stratton St Margaret Swindon SN1 2PA



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/18/1000

Continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility, and erection of a site office and vehicle de-pollution workshop.

Former Averies Site Marshgate Stratton St Margaret Swindon SN1 2PA

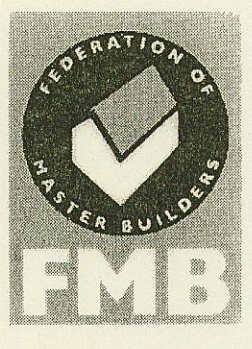


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ISSUE	A	DATE	MAY 2018	DRG. No.	
ISSUE		DATE		T.D.	12972 / 1



NOTES

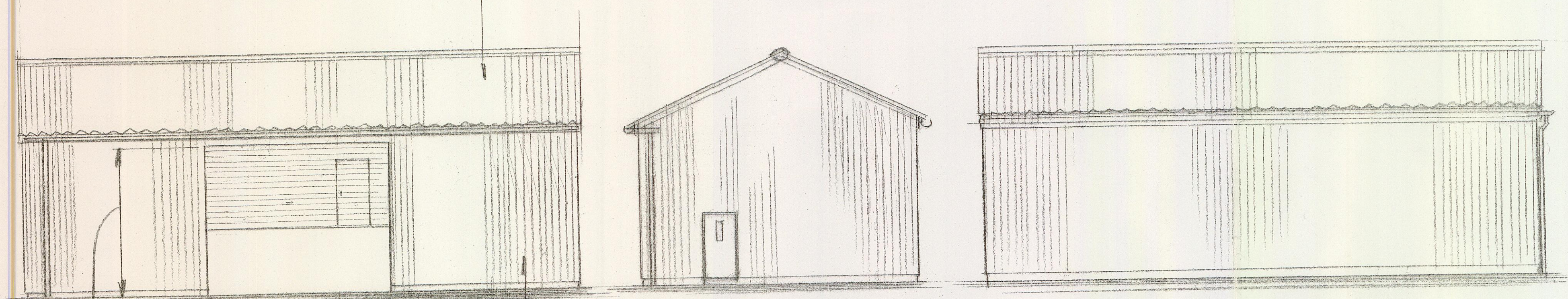
- NO WORK TO BE COMMENCED ON SITE BEFORE PLANNING & BUILDING REGULATION APPROVAL.
- ALL EXISTING DRAINS TO BE EXPOSED TO CONFIRM POSITIONS ON SITE BEFORE BUILDING COMMENCES.
- SITE MEASUREMENTS TO BE CHECKED AGAINST DRAWINGS BEFORE WORK COMMENCES.
- ELECTRICAL INSTALLATION DESIGNED, INSTALLED & TESTED BY APPROVED ENGINEER & TO COMPLY WITH PART P (CERTIFICATE OF TEST ON COMPLETION).
- BOILER PIPES, DUCTS, CONTROLS ETC. TO COMPLY WITH PART L.
- PROVIDE TRAIL HOLES FOR INSPECTION WHEN BUILDING ON EXISTING WALLS.
- ALL EXTERNAL WINDOWS & DOORS, DOUBLE GLAZED UNITS PILKINGTON K GLASS U VALUE 1.6w/m²K.
- ALL STUDDING WALLS & FLOORS TO HAVE 100mm SOUNDQUILT 10kg/m².
- USE INSULATED CAVITY CLOSERS.
- 10mm GAP UNDER DOORS.
- (SD) LINKED TO MAINS SMOKE DETECTORS.
- * 5000mm² VENT TO HEAD.
- + 2500mm² VENT TO HEAD.
- △ TOUGHENED GLASS.
- EXTRACTORS TO HAVE 15min OVER RUN.
- MOUNT STEELS ON PADSTONES COVER WITH 24mm P/BOARD. STEEL SIZES TO BE APPROVED BY ENGINEER OR INSPECTOR.
- 0.33m² MIN OPENING 0.8m TO 1.1m HIGH 450mm MIN WIDE.

FRONT

CORROGATED
ROOF SHEETING

SIDE

REAR



4.8m MIN
(16')

CONC TILES

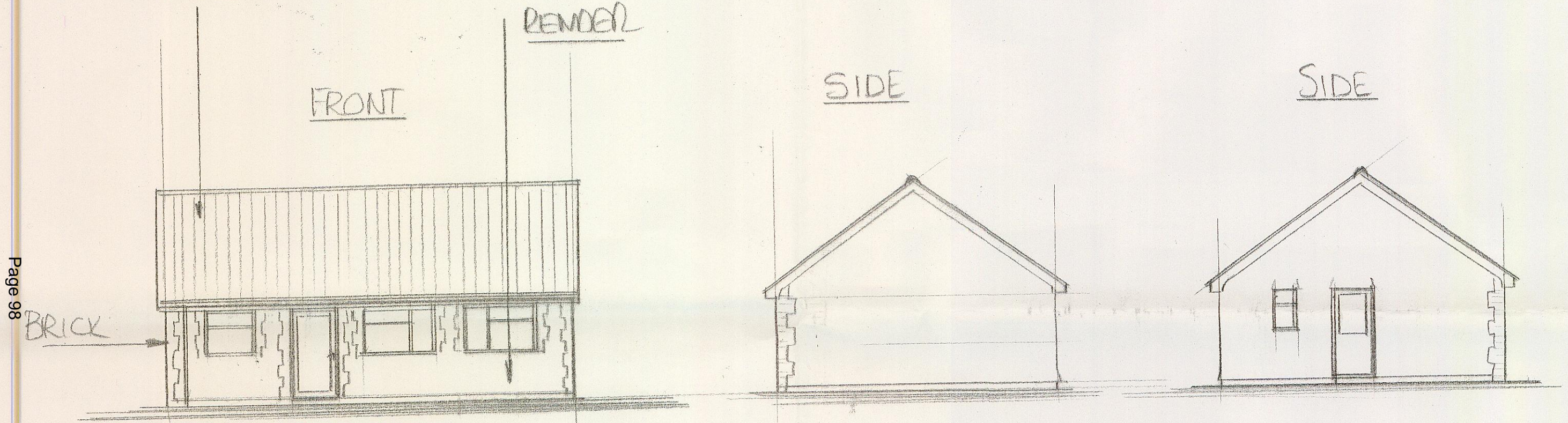
CORROGATED CLADDING

RENDER

FRONT

SIDE

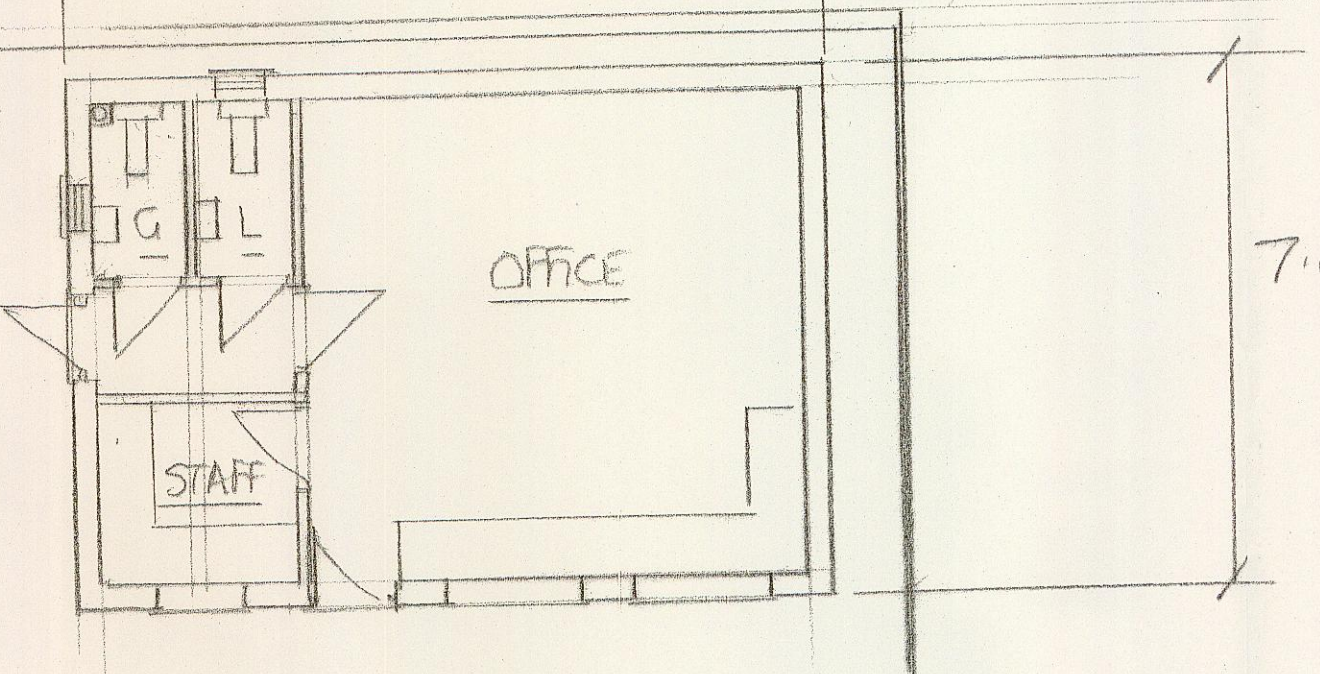
SIDE



Page 98

10.0

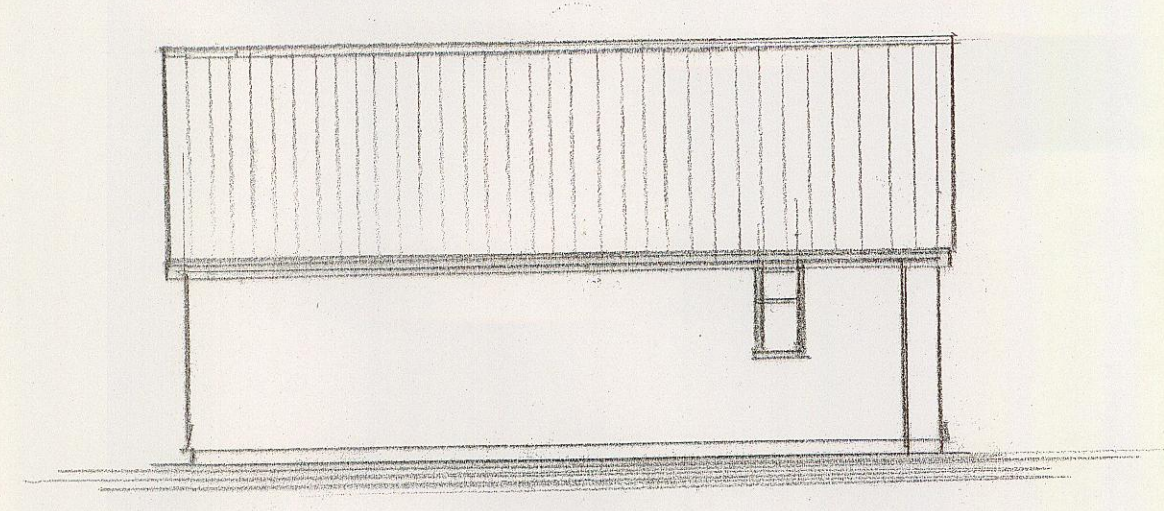
7.0



WELGH BRIDGE

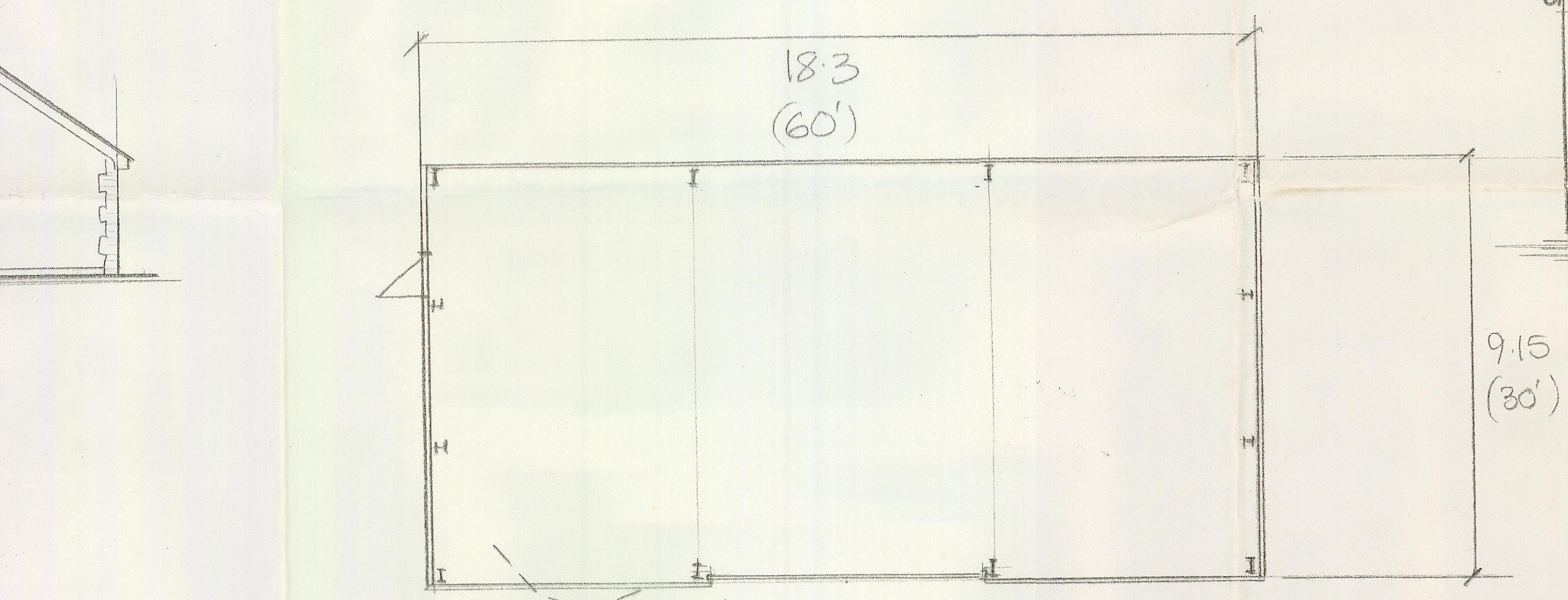
GATES

PLAN



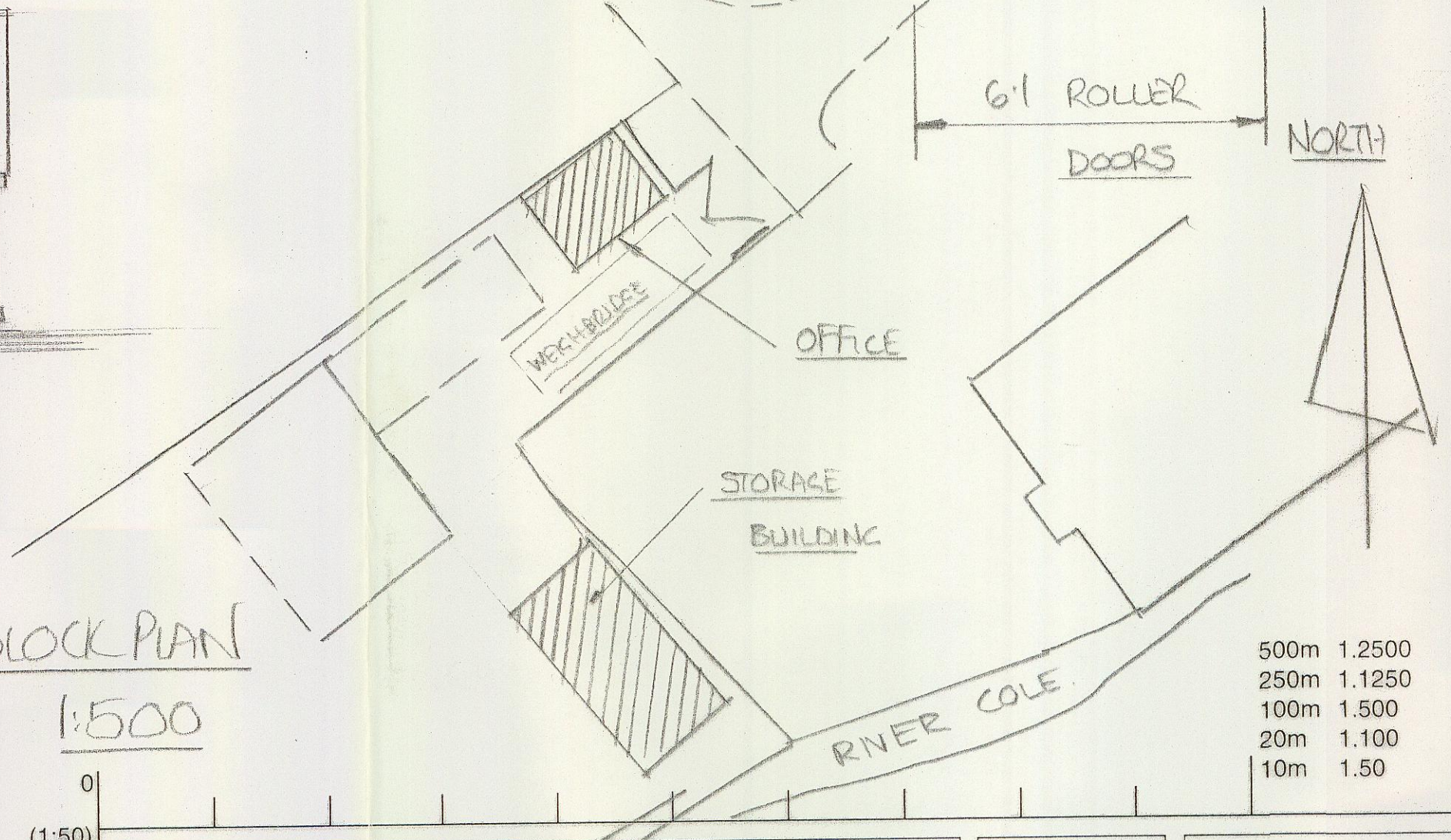
REAR

BLOCK PLAN
1:500



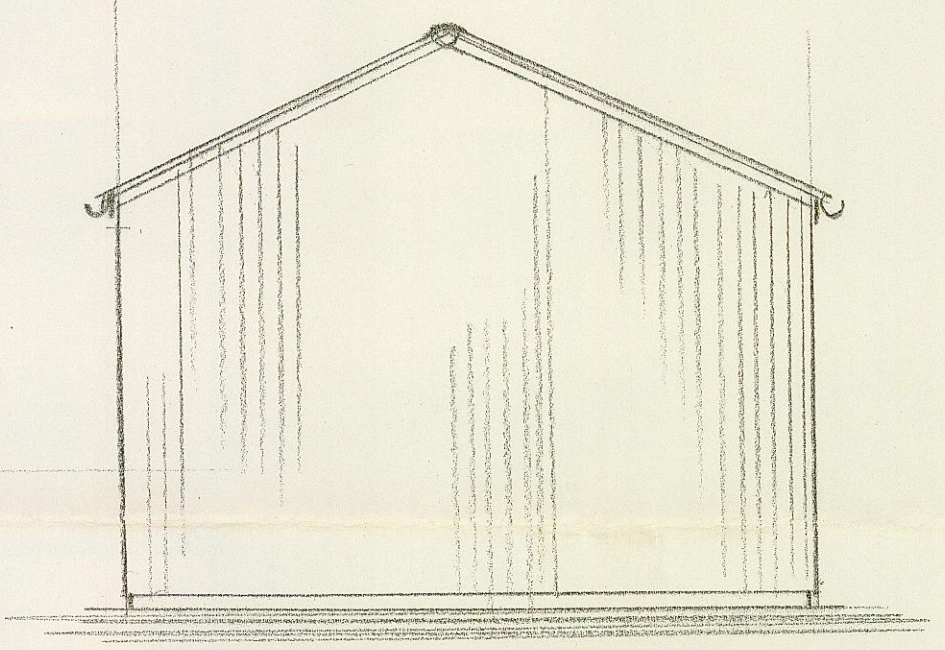
6'1 ROLLER
DOORS

NORTH



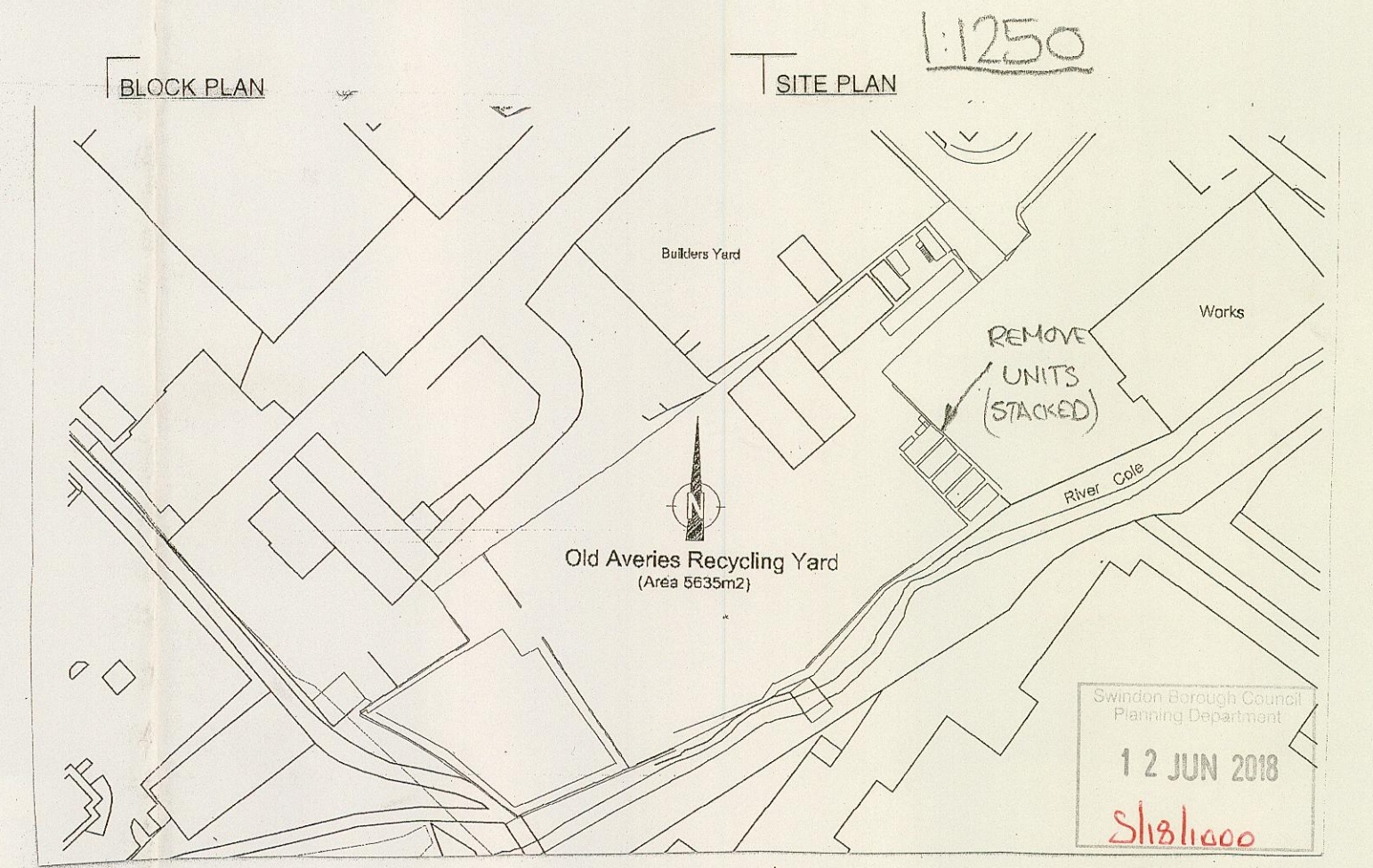
500m 1:2500
250m 1:1250
100m 1:500
20m 1:100
10m 1:50

SIDE



BLOCK PLAN

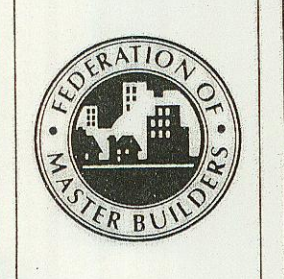
SITE PLAN



LICENCE NO. 100005910



**THAMESDOWN
DRAFTING CO.**
7, RODBOURNE ROAD
SWINDON SN2 2AG



DRAWN BY
Bob Packer
TELEPHONE
OFFICE: 01793 532444
Email: bobpacker@btinternet.com

DESCRIPTION
PROPOSED OFFICE BLOCK &
STORAGE BUILDING AT
RECYCLING YARD MARSHGATE
FOR SWINDON METAL RECYCLING

SCALE
1:100
DATE
MAY 2018
DRG. No.
T.D. 12972 / 1

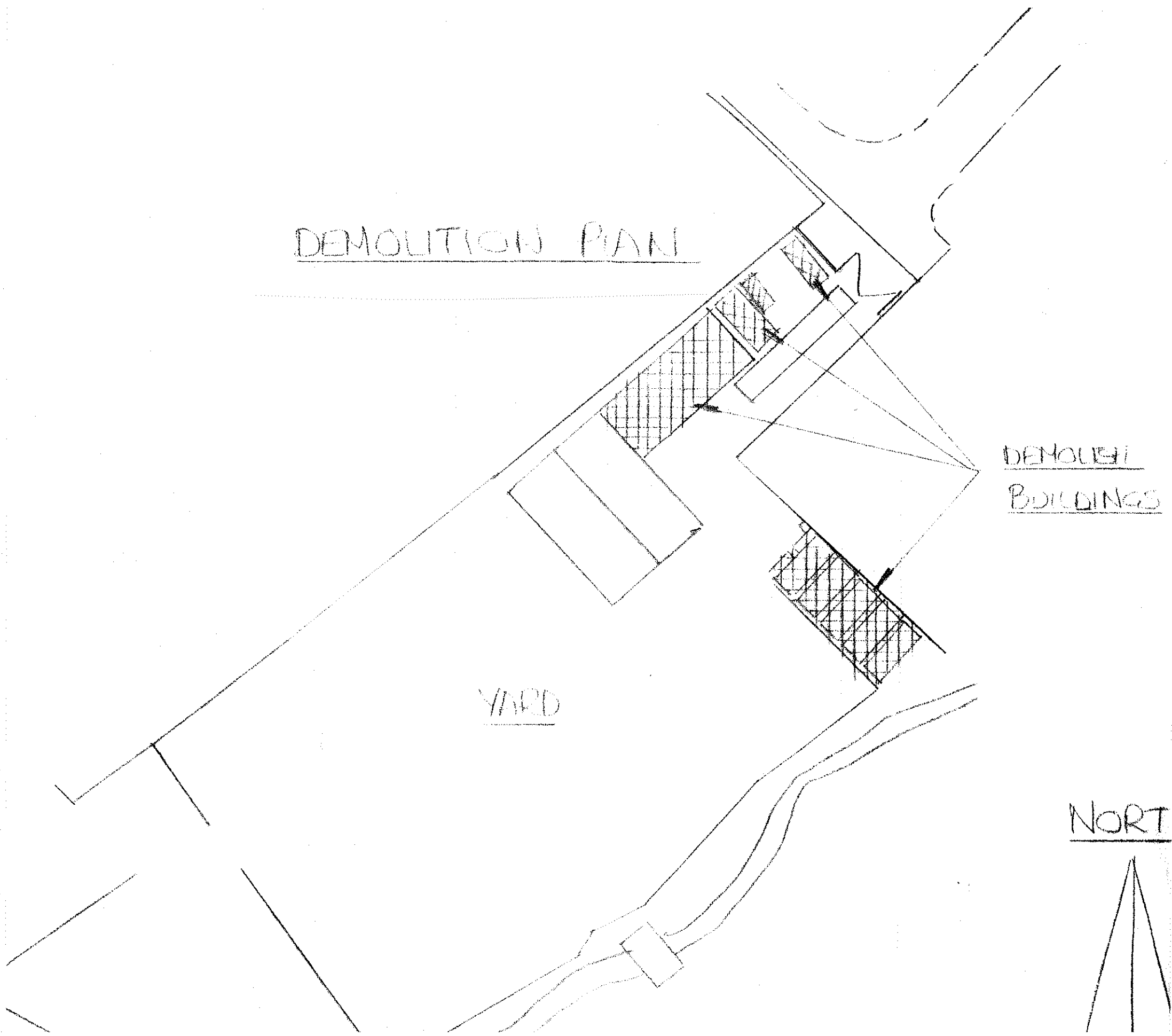
SHEET SIZE A1

DEMOLITION PLAN

DEMOLISH
BUILDINGS

YARD

NORTH



NEW LAYOUT PLAN

MEN OFFICE

DE POLLUTION
BUILDING

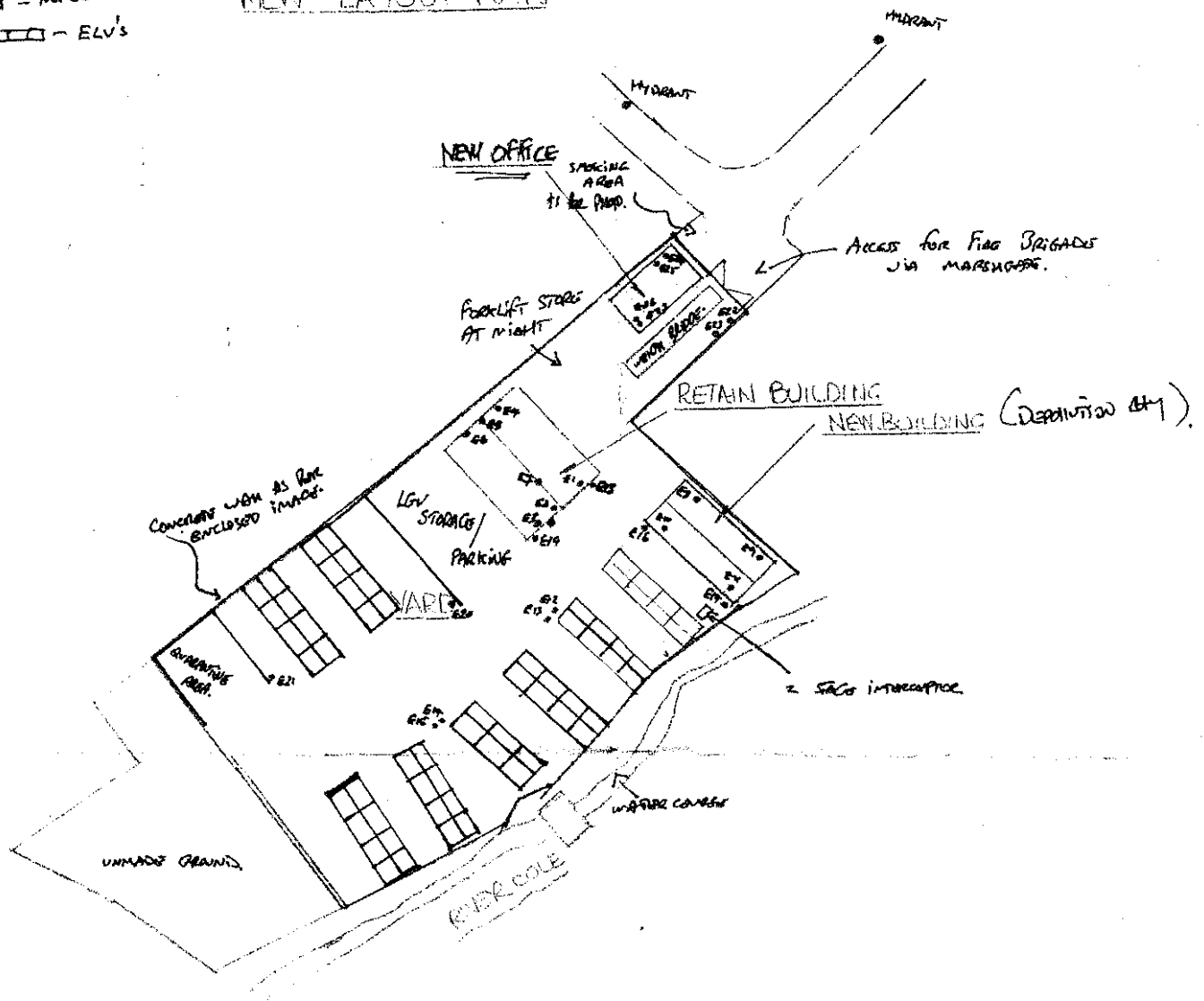
RETAIN BUILDING

YARD

W. COLE

- HYDRANT
- EI - NUMBERED EXTINGUISHERS
- - ELV'S

NEW LAYOUT PLAN



SWINDON METAL RECYCLING

MARSHGATE YARD DETAILS

COMMITTEE REPORT

Item Number:
Application Number: S/18/1000

Ward: St Margaret And South Marston
Parish: Stratton St Margaret

Proposal: Continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility, and erection of a site office and vehicle de-pollution workshop (sui Generis)

Location: Former Averies Site, Marshgate, Stratton St Margaret

Agent:

Mr Stephen May
Swindon Metal Recycling Ltd.
Unit 5C
Powdrills Yard
West End Road
Stratton St Margaret
Swindon
SN3 4PG

Applicant:

Mr Stephen Bowers
Swindon Metal Recycling Ltd.
Unit 5C
Powdrills Yard
West End Road
Stratton St Margaret
Swindon
SN3 4PG

Officers Report

Background:

i) This application has been brought before committee at the request of Councillor Holland due to the history on this site.

Recommendation:

That planning permission be **GRANTED** with Conditions

The Proposal:

1 The continued use as a waste transfer and treatment facility and additional use as an end of life vehicle authorised treatment facility and erection of a site office and vehicle de-pollution workshop.

2 The scheme includes the construction of a new office at the entrance to the site measuring 10m x7m with a pitched roof and a proposed decontamination building measuring 18.3m x 9.15m and 7.7m high with a pitched roof.

The Site and Surroundings:

3 The site is within an industrial setting located within Marshgate. The site was a former coal yard that became a waste transfer facility in 2004. It is located at the

southern end of Marshgate industrial park. The site itself is broadly rectangular in shape and measures approximately 0.5ha. The nearest residential dwellings are located some 200m to the north of the site along Shrivenham Road. Immediate neighbours to the site are all industrial and commercial buildings. These are mostly car repair workshops, storage yard and B2 light industrial warehouse units.

4 The River Cole runs parallel to the southern boundary and is designated as a county wildlife site. Marshgate itself is a private road and is not adopted by the Local Highway Authority, although TROs (yellow lines) were noted along the road itself. The northern end of this road at the junction of Shrivenham Road is blocked off to prevent the road being used as a cut through. Immediately to the south east of the site is Greenbridge Retail Park with large areas of car parking adjacent to these retail units.

Representations:

Transport Management: No Objection

5 The proposal introduces additional uses and involves an intensification of use of an established use at the site and the issues for the highway authority are:

- o Whether the proposals will increase the demand for car parking and whether adequate provision can be made for that parking;
- o Whether the new use will generate sufficient vehicle movement to prejudice the safe and effective operation of the highway;
- o Whether the means of access to the site can safely and effectively accommodate additional vehicle movements;

6 The vehicle treatment activities will be relatively low-intensity in terms of staff numbers and given the scale of the site, adequate facilities for car parking be made. It is relevant also that the adjacent highway is controlled and breaches of parking in Marshgate are enforceable by the Council.

7 Marshgate forms a priority junction with Garrard Way. The junction appears to be suitable to accommodate a nominal increase in goods vehicle movement.

8 It is proposed to retain and use the existing site access. Whilst appearing to operate effectively as a single track, there is no reason to believe that the intensification in use warrants widening or other improvement.

Contaminated Land Officer:

9 Original comments: It is unlikely that this department would be involved in issuing a permit under the Environmental Permitting Regulations as this would fall to the Environment Agency.

10 Notes that the planning application does not address site drainage. In view of its proximity to the River Cole and thus enhanced risk of pollution in the event of spillage. Therefore considers it necessary to seek details of the surface/storm drainage and pollution control/interceptor system. The Design & Access statement

mentions vehicle de-pollution as the main activity, yet the site plan doesn't show the location of tanks that will be necessary to collect fluids arising from the cars being de-polluted.

11 Notes that the Drainage Engineer has asked for more details. Considers that the applicant should understand how the drains work, if there is any damage/loss of integrity and whether the interceptor is in an acceptable condition and capable of capturing the substances that will be released from the End of Life vehicle facility (ELV). The storage of petrol on site may require the operator to apply for a petroleum storage certificate or licence for the keeping of that petrol, depending on the method of storage, before the facility opens. This can be obtained from this department.

12 Following the submission of additional information, is of the view that the above concerns have been addressed and that sufficient information has been supplied. No Objections are therefore raised.

Drainage Engineer:

13 Original comments: Additional Information Required
Some information is missing from the submission. A surface water drainage scheme for the site is required.

Further comments:

14 No new surface water drainage has been proposed however the flood risk assessment states that the proposals will discharge at the Greenfield runoff rate. In this instance, these can be managed via condition.

Environmental Health:

15 No adverse comment to make.

Environment Agency:

16 Original comments: Object to the proposal on flood risk grounds. The submitted Flood Risk Assessment (FRA) does not provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development.

Revised comments:

17 No objections to the proposed development, consider the approach used will give a conservative assessment of climate change so accept this method as detailed in the Flood Risk Assessment, to be secured by way of a planning condition on any planning permission.

Stratton Parish Council Comments:

18 Following a site visit the Councillors have had their concerns answered:

Access - The new depot has bigger and better access than that at Powdrills Yard.

Fire - Fire proof fencing has been installed and a fire prevention plan has been completed to satisfy the Fire Brigade.

Noise - located in a business area, trading only during normal working hours.

Liquid - all liquids are removed and taken off site for recycling.

19 The Parish Councillors were very pleased with the preparation that the company had put in place to ensure safety and fire prevention is maintained as a high priority. Recommendation: The site should be an end of life site or a recycling site, not both.

20 Planning History:

S/03/1164 - Change of use from coal yard to waste transfer and recycling station: GRANTED - 20th Aug 2004

S/11/1365 - Redevelopment of waste transfer & recycling station including new building to house processing plant and weighbridge office - GRANTED - 8 March 2012

S/12/0426 - Removal of condition 21 (waste limits) of planning permission.

S/COND/15/0033 - Discharge of conditions 4, 10, 12, 13 & 15 from previous permission S/11/1365 for the redevelopment of waste transfer & recycling station including new building to house processing plant and weighbridge office.

S/17/0241: Proposed 2 no. biomass boilers and associated 10 metre high chimneys to burn wood at Marshgate waste transfer station in order to provide on-site heating and material drying facilities. Refused – April 2017 and dismissed at appeal.

Planning Considerations:

21 Swindon Borough Local Plan 2015 is the local plan for this area. The policies that are of relevance to this application include policies DE1 (high quality design), EN9 (contaminated land) and TR2 (Transport and development) of the Swindon Borough Local Plan 2026. Waste Core Strategy 2006 - 2026 – policy WDC2: Managing the impact of Waste management. Also of consideration is the National Planning Policy Framework 2018 (NPPF) which sets out the Governments policies for England.

22 Swindon Metal Recycling Ltd (the applicant) is a local company that serves the End of Life Vehicle requirements for primarily Swindon but also Wiltshire, Gloucestershire and Avon in general. They have been trading since 2008 and is based and currently operates as an authorised treatment facility (AFT) out of Unit 5C Powdrills Yard. This proposal will enable SMR Ltd to move their operation to Marshgate.

23 The site's previous approved use of waste transfer and treatment will continue unchanged in principle, with the addition of an end of life vehicles waste streams. Planning has previously been granted for waste transfer and treatment on this site.

24 Under the End of Life Vehicle Regulations and the Scrap Metal Dealers Act 2013, end of life vehicles are considered waste just as previously treated waste on this site. The addition of a comparatively small vehicle treatment building is required to safely and productively de-pollute, recover and recycle end of life vehicles including their components and will house all the treatment process. Swindon Local Plan policy DE1 echoed by Waste Core Strategy 2006 - 2026 – policy WDC2 seek to ensure there will be no adverse impact upon amenity resulting for the proposal. Given the nature of the existing authorised use and the use proposed and the synergy with existing surrounding uses, it is considered that no significant additional or unacceptable impact upon local amenity will arise. The proposal accords with local and National policy in this respect.

End of Life Vehicle (ELV's) de-pollution processes:

25 ELV's are currently sourced from the general public in Wiltshire and treated at Swindon Metal Recycling Ltd ELV authorised treatment facility at Unit 5C Powdrills yard. If approved this process will move to Marshgate. The operations at Powdrills Yard will cease and relocate, as the Marshgate site offers greater scope for increases in recovery rates. European legislation now requires a 95% recovery/recycling rate on all end of life vehicles, which requires greater space and the benefit for easier large and HGV vehicle movements.

26 As with previous operations at Powdrills Yard the site will operate within the parameters of an Environment Agency standard rules permit and will follow the best practise as set out on the DEFRA guidance on Authorised Treatment Facilities (ATF).

27 ATF are a requirement of the End of Life Vehicle Regulations. All ELV's by law must be de-polluted prior to recycling and recovery. This involves removing all hazardous items from the vehicle, such as oils, batteries, air con gas, fuel, tyres and catalytic converters. ATF are the only organisations that can issue certificates of destruction which confirms members of the public's vehicles have been legally depolluted and recycled. AFT's are also the only organisations that can help local authorities comply with the regulations which state all end of life vehicles must have a 95% recycling/recovery rate. Many are depolluted and removed for recycling, recovery and reused within a maximum of 72 hours. Other's that require a more thorough removal of items of value will remain up to 14 days, as contractors who purchase engines, body panels etc. visit the site and remove these commodities.

28 Swindon Metal Recycling average between 4000 - 5000 certificates of destruction each year. Vehicles are not store for parts for sale on-line nor direct sales to the public. Members of the public are actively discouraged to come to sites looking for parts, due to health and safety factors. The agent states that the company performs well in terms in OPRA scores (the Environment Agency's measure of performance).

29 It is acknowledged that the site has previously been poorly run as a waste transfer and treatment facility in the past by the former owners. The site operators managed to store several thousand tonnes of waste out in the open which caught fire and burned for over 50 days. SMR Ltd state that there is no link between the

previous operators and SMR. As of the 25th of July, SMR are the sole owners of the Marshgate site.

Infrastructure Improvements

30 Considerable resources have been employed to improve the infrastructure of the site since its acquisition by SMR Ltd. A 5m concrete retaining wall has been removed and replaced with a more secure wall. This has been extended around the site boundary, to give continuous security, improved visual impact and fire safety. Made of 4m sleepers will withstand 1200 degree fire for 4 hours or more, thus inhibiting any spread off site. The fire officer also confirmed that the Fire Prevention Plan as detailed, would result in any fire being extinguished within 4 hours, the Environment agency's guidance timescale.

31 As well as cleaning work to the site, improvement works have been carried out including drainage system improvements, with the replacement of pipework to be undertaken that were highlighted. New gulley and drains have been added to aid site drainage. A petrol interceptor will be added to the existing silt and oil interceptor, as a third stage of security for the drainage of water off site via sewer.

32 Policy EN9 (contaminated land) due to the previous use on the site, officers have requested much additional information, to be considered by the statutory consultees, to ensure that contamination issues and drainage issues have been addressed. As stated above the site has had a lot of work undertaken to it to ensure that contamination has been addressed.

33 The existing entrance will remain unchanged, as will the location of the weighbridge. The current workshop on site will be retained for use of maintenance of the recovery vehicles operated by Swindon Metal Recycling. The existing bank of portacabins will be removed. The proposal complies with policy TR2 and there are no highway objections to the proposal.

34 Along the River Cole the buffer space with vegetation will be retained, at 4m and a concrete fence will be completed along that entire site boundary, for security, amenity and flood prevention.

35 The change of use to ELV de-pollution should have no additional measurable impact on the amenity of local business or residents. The specified waste treatment activities do not give rise to dust, mud, litter or odours. Noise is limited, as the company employ up to date pollution equipment such as hydraulic catalytic converter removers (akin to fireman's snips) which produce little noise in comparison to older techniques of using circular saws etc. It is considered that the impact upon amenity will be much less reduced from previous site operators.

Flooding

36 A full Flood Risk Assessment has been carried out as part of the site are within flood zone 3, as designated by the Environment Agency. The Environment Agency had raised some concerns based upon the de-pollution building being in the flood

zone. As a response to this the proposed site of the de-pollution bay has been moved adjacent to the existing workshop, which lies outside of the flood zone 3.

Fire Prevention

37 As part of the application for a standard rules environmental permit, SMR has been required to submit a detailed Fire Prevention Plan (FPA) to the EA. The FPA's are required to ensure that fires (such as the Marshgate Work fire) are either prevented, or able to be extinguished within 4 hours. SMR site operations have been specifically designed around the strict guidance. Safety measures adopted include a 6 metre fire break between each row of stored vehicles. Rows are to be 2 wide and 2 high. Each side of each row will be adjacent to a 6 metre fire break to allow access for fire appliances. Sources of ignition must at all times be 6m away from any combustible material. A designated quarantine area is also highlighted in the FPP, which material can be isolated in and dealt with in case of fire.

38 The vehicles that SMR deal with are an asset which when treated correctly, given a revenue, this may not have been the situation as per the previous owners. It is in SMR's interest to ensure fire does not break out.

39 The site will be under 24 hour CCTV surveillance with a monitoring station off site. Each building will have a two tier alarm system. One is triggered by movement or break in and is linked directly to the police. This will minimise the ability of arsonists to set a fire. There will also be thermal and smoke detectors that are linked to the Fire Service. With the close proximity of fire stations to the site, the fire service predicted that they could be on site within 5 minutes. There are two fire hydrants adjacent to the site and several more within 100m. The site has been surveyed by a professional fire prevention supplier who have also given SMR their recommended specification for hand held extinguishers. The fire officer has considered the scheme and it is acceptable.

Concluding Comments:

40 SMR has operated out of Powdrills yard since 2008 and had grown organically into an important, compliant (in terms of the Environment Agency and European recycling rates for end of life vehicles) and a forward thinking authorised treatment facility in Swindon.

41 The LPA considers that subject to the conditions set out below the proposal will not have an adverse impact on the amenity of the area. Pollution arising from Flood Risk from has been assessed and are subject mitigation by a condition recommended by the EA and risk from Fire has considered acceptable by the fire brigade. The buildings are considered acceptable in scale appearance and location. The proposal is considered to be in accord with policies DE1 (high quality design), EN9 (contaminated land) and TR2 (Transport and development) of the Swindon Borough Local Plan 2026 and policy WDC2: Managing the impact of Waste management of the Waste Core Strategy 2006 - 2026 and the NPPF.

Recommendation

That planning permission be **GRANTED** with Conditions

Conditions/Reasons

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 :

Location plan: 12 June 2018;

Proposed office block and storage building TD12972/1 only as far as it refers to the buildings), 12 June 2018

Design and access statement 12 June 2018;

New layout plan 11 July 2018;

SU00286-SHT01 Rev 01 received 11 July 2018;

Preamble received 14 August 2018;

Topographical survey 15 August 2018;

Flood Risk Assessment (FRA) ref:87941-May-MarshgateWTS, V3.0, Unda Consulting Limited, September 2018;

Surface Water Drainage Strategy for Planning Oct 2018 (ref 88390-May-Marshgate);

Plan showing the revised position of the buildings received 20 September ; received by the Local Planning Authority on various dates.

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

3. Works for the construction of any new building shall not commence above ground level until details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

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

4. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy 'Flood Risk Assessment - Marshgate Waste Transfer Station, Version 3.0, 24 September 2018', 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.

5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) ref: 87941-May-MarshgateWTS, V3.0, Unda Consulting Limited, September 2018 and the following mitigation measure:

No built development or raising of ground levels above existing within the 1% AEP plus climate change flood extent.

Reason: To prevent flooding elsewhere by ensuring there is no loss of floodplain storage as a result of the development.

6. The site shall not be used as an end of life treatment facility until provision has been made within the site for the parking of vehicles in accord with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the area shall be kept clear of obstruction and shall not be used for any purpose other than the parking of vehicles in connection with the use of the premises as permitted.

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

Informatives

1. CIL Liable Development: This development may constitute Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. 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 and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.