

## **PLANNING COMMITTEE**

**TUESDAY, 8 JANUARY 2019**

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

### **50. Declarations of Interest**

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

### **51. Minutes**

Resolved – That the minutes of the meetings held on 27<sup>th</sup> November and 11<sup>th</sup> December 2018, be confirmed and signed.

### **52. Public Question Time**

There were no public questions

### **53. S/18/1033/TB Erection of 18no. dwellings with associated access, parking and landscaping - Land at Langton Park, Wroughton, Swindon**

In respect of application numbered S/18/1033/TB (Erection of 18no. dwellings with associated access, parking and landscaping – Land at Langton Park, Wroughton, 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>
Chris Frost	Agent
Councillor Cathy Martyn	Ward Councillor
John Vincent	Local Resident
Hannah Donsonjh	Wroughton Parish Council

Councillors Toby Elliott, Fionuala Foley, Nick Martin, Stan Pajak and Vera Tomlinson spoke in respect of this application.

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

- The previous application had been deferred to allow it be review in the light of the Committee's concerns in respect of the number of 1 bedroom units and accessibility issues and concerns regarding car ownership.

- The developer had not revised the application despite guidance from the Committee that it would wish to see a reduction in the number of 1 bed units and that the developer was against the loss of these units.
- A survey showing the higher than average level of car ownership in Wroughton based upon data from the last Census.
- That there was no evidence that car ownership could be linked to the size of dwellings at the site.
- That whilst Comet Way was a private road there was no restriction to cars and buses using it and discussions were on-going with the owner to permit construction traffic to use it.
- The developer's preference would be for Comet Way to become an adopted highway or as an alternative to secure a right of way over this road for both existing and new residents.
- The development would help address the housing shortfall within the Borough 18 new homes and would provide affordable which complemented the Council's Vision on sustainable development which complied with the Council's planning policies.
- Following the deferment of the application discussions had taken place with Council Officers. The development comprised 4 x 1 bedroom units, 4 x 2 bedroom unit and 10 x 3 bedroom units of which all the 1 bedroom and 1 of the 2 bedroom units had been identified as affordable housing. Stonewater the Social housing provider who specialised in rural and market town social housing identified 1 bedroom units as those most needed in Wroughton.
- Any reduction of smaller units could not be supported as this represented the greatest need in the area.
- The allocation policy for social units would see an offer of accommodation made but this didn't have to be accepted if the units or public transport was a concern. Stonewater worked hard to support its tenants and ensure the units are appropriate for prospective occupiers.
- The developer was confident that the mix of properties was correct for the site.
- The development had been designed following consultation with the Council's officers and following its design guidance and standards and which had been recommended by officers for approval.
- The site is a brown field site, which formally housed an electricity sub-station.
- A construction Management Plan had been conditioned as part of the recommendations within the report which would include access to the site.
- As part of the survey of the in August 2018 site both surface water and foul water systems had been jet washed clearing a number of long standing blockages and the systems were now cleared benefiting existing residents.
- At the request of the Council traffic counts, visibility displays and average traffic speeds surveys had been provided and based upon this information it had been determined there would not be an adverse impact on the road network or road safety arising from the development.
- The development will provide a number of benefits to the local economy and provided a public open space and will tidy up an unattractive brownfield site.

Submissions opposing the application can be broadly summarised as:

- The development was not sustainable due to its poor pedestrian access and lack of public bus services.

- The bus services were primarily designed around schools transport and were not suitable for people seeking to get to work.
- The use of the private road for school bus services only continued after repairs works funded by the Council in order to allow the school bus service to continue to operate.
- There was no certainty that the Borough Council would be willing or able to carry out further repairs when these were needed.
- There was no proof that rights of way over the ex-MOD private road had been negotiated for new residents.
- The application was contrary to TR2 of the Local Plan as a safe access to the site could not be secured.
- Other roads leading to the development were substandard by current design standards.
- The site was within an area of Outstanding Natural Beauty in conflict with Policies RH3 and RH4 of Wroughton's Neighbourhood Plan.
- The nearest convenience store is 1,200 metres away with other services in Wroughton 2.1. km away with no safe walking route with the site being served by a skeleton bus service.
- The only real access to the site was via Priors Hill which was so narrow repairs could not be recently undertaken as Swindon Borough Council's Highways Officers could not identify a safe way to undertake them.
- Even if Swindon Borough Council couldn't identify a five year housing supply the accumulative impact of issues with the site should be sufficient to refuse the application.
- Should planning permission be granted the Parish Council asked no construction traffic be permitted except via the ex-MOD private road, that a construction management plan limit the impact to residents on Priors Hill and to ensure the developer enters into an agreement with the owner of the private road and bus operator to ensure the bus service operates for at least 10 years following the occupation of the first property.
- Prior to any development being permitted the developer should be required to undertake improvement to the unlit pedestrian route to the convenience store.
- Priors Hill was a single track road built that was unsuitable for current traffic and would see an unacceptable increase in usage should the development progress.
- Priors Hill would not provide a safe walking route to the village from the development as it did not have a pavement along its whole route and had a blind bend.
- There was a 5.5 tonne weight restriction on Prior Hill and there were fears this route would be used by any construction traffic.
- The 60 mph speed limit on Priors Hill was not adhered to and additional traffic would add to this problem.
- With the exception of a convenience store which would be approximately ½ mile away with limited shopping opportunities, all the local community facilities are located in the centre of Wroughton, approximately 1 ½ miles from the proposed development.
- The development was for 18 dwellings in excess of the number which could be refused under Section 172 of the NPPF in an Area of Outstanding Natural Beauty which would be adversely affected by the development.
- Paragraph 108 of the NPPF required developers to provide safe and suitable access which the application before members failed to do.

- Paragraph 109 allowed refusal if there was an unacceptable impact on Highways Safety or residual accumulative impact on the local road network.
- Building on this site would create an unwelcome precedent.
- The application could be refused under the NPPF as there was not a safe and suitable access and would result in an unacceptable impact on highway safety.
- Access from Prior's Hill was unsafe as it was a narrow unlit steep narrow road with no pavements for cyclists or pedestrians and had a 60mph speed limit and you could not assume that vehicles would not be driven at this speed. It also had a prohibition against Heavy Goods Vehicles and heavy loads.
- Access from the ex-MOD road was not guaranteed as much of it was privately owned and it was unknown if permission had been sought for its future use by the public or construction traffic.
- There was no evidence the owner of the ex-MOD private road would grant access for traffic generated by the development nor was there evidence that he would consider offering it to Swindon Borough Council for adoption.
- Should new residents from the development be granted use of the road there was no guarantee they wouldn't be charged for its upkeep.
- If permission had not been granted to use the ex-MOD road for construction vehicles there was a question regarding how the site could be developed given that Prior's Hill had a weight restriction given that these were the only two roads that could be used to access the site. Should permission be granted a condition should be attached prohibiting the use of Priors Hill by construction traffic with the erection of appropriate signage along the route leading to Priors Hill.
- Shift workers would struggle to use the bus services to get to work because of the hours of operation of the bus services.
- If the development was permitted it would put further strain on all of Wroughton's Services.
- There were foul water drainage issues associated with the site and these impacted on nearby properties and no remedy had been included in the application.
- Most local traffic used Priors Hill which would also be used by traffic created by the site.
- No contamination survey had been undertaken to identify whether there were substances left following its use by the Ministry of Defence.
- Previous applications in the surrounding area had been refused because of access and traffic concerns.
- The applicant had not shown any indication of trying to address the concerns of the Committee, Ward Councillors, Parish Council and residents raised at the previous meeting.
- The local bus service to the site could not be deemed as sustainable, especially for work, preschool or infant school and there was no Sunday service and therefore the development would be car dependent.
- None of the three routes to Wroughton were suitable to accommodate additional traffic.
- No evidence had been produced to show that the ex-MOD road would be brought up to a standard to permit its adoption, nor who would pay for this work.
- That the mix of properties and general design of the development was poor.

Resolved – That application S/18/1033/TB be refused.

Reasons:

1. The proposal represents an overdevelopment of the site located outside of any settlement boundary contrary to Policies DE1 and SD2 of the adopted Swindon Borough Local Plan 2026 and the NPPF.
2. The development by virtue of its poor quality design and use of materials is unacceptable and will result in a detrimental impact upon the North Wessex Downs Area of Outstanding Natural Beauty. In these respects it is contrary to Policies DE1 and EN5 of the adopted Swindon Borough Local Plan 2026, the adopted Swindon Residential Design Guide (2016) and the NPPF.
3. The development by virtue of the lack of appropriate infrastructure provision is unacceptable and is contrary to Policy IN1 of the adopted Swindon Borough Local Plan 2026

**54. S/17/1771/SASM Erection of class A1 foodstore and associated access, parking and landscaping - Land North Of Blackworth Industrial Estate, Highworth, Swindon.**

In respect of application numbered S/17/1771/TSAMS (Erection of class A1 foodstore and associated access, parking and landscaping - Land North Of Blackworth Industrial Estate, Highworth, Swindon), the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage;
- (c) Further representations, both opposing and supporting the application, received following the publication of the agenda papers, circulated at the meeting and published on the Council's website;
- (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>
Simon Glover	Agent
Councillor Steve Weisinger	Ward Councillor
Pauline Webster	Highworth Town Council
Steve Hall	Local Resident

Councillors Alan Bishop, John Ballman, Steph Exell, Fionuala Foley, Nick Martin, Jane Milner-Barry, Stan Pajak, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- The application could assist with the development of the remainder of the site for employment uses in accordance with the Local Plan allocation.
- A petition containing 972 signatures in support of the application signed by local residents which supported the need for additional food retail option within the town.
- The application is supported by Highworth Town Council.

- The application would provide approximately local jobs in retail.
- The application would give residents a local choice for shopping, the only current supermarket in Highworth being the Co-operative store in the high street.
- It was estimate that nearly half of residents in Highworth left the town to do their weekly shop due to the lack of retail options and a survey showed 9% of local residents visited the Adli store on Hobey Drive, Swindon.
- Retailers in the high street, including the butchers and newsagent, did not believe that they would lose trade should the application be granted and many such as public houses and gift shops would not be affected.
- Given its size Highworth was one of the very few residential areas that were not served by more than one major retailer.
- The Co-op has set up stores in close proximity and direct competition with other supermarkets within the Borough and surrounding area.
- That the application would create 40 jobs in compliance with Policy RA1 and facilitate the development of the remainder of the site.
- That the application only covered 14% of the development site.
- That retaining local residents shopping at the store there was likely to be a positive effect on the high street as fewer people left the town to their shopping rather than their money being spent elsewhere.
- Adli stores did not have a butcher, fishmonger or sell tobacco and so encourage link trips to other stores in the area and would accept a Planning condition preventing this in the future.
- Retaining a higher proportion of residents shopping locally would have the environmental benefit of reducing car journeys.
- Regarding biodiversity the site was already allocated for development which would have as much impact or more on the local environment.
- That 95% of the respondents to the Council in respect of the application supported it.
- Highworth Town Council considered the reasons against the application being granted was untenable compared to local opinion, the needs of the town and the benefits the development would bring to the town.
- That currently Highworth residents did not have a choice of retailer or a suitable variety of choice in food shopping.
- That the judicial review resulting in the re-hearing of the application was based upon procedure and not the decision reached.
- Residents of Highworth were subjected to inconvenience and costs associated with having to leave the town to do their weekly food shopping.
- The variety of goods currently stocked at the Co-op in the high street was insufficient to meet local needs.

Submissions against the application can be broadly summarised as:

- The Local Development Plan and the Highworth Settlement Plan, which as the more recent plan, took precedence.
- The land was employment Land defined under Policy RA1 allocated for B class employment use.
- Policy SD2 allows development outside the settlement area only in proscribed circumstances were it is accordance with other policies in the plan for development in the countryside, however Policy RA1 does not permit retail development.

- The application was in conflict with Neighbourhood Plan Policy 3 which defined the land as open countryside and development here would not normally be permitted unless it complied with the development Policies in the Swindon Neighbourhood Plan. Policy EC3 of the Plan had two relevant tests; that it would not undermine the vitality of existing rural centres unless a sequential selection of site has taken place and figures provided by the applicant suggested a large diversion of Highworth Town Centre spending through the diversion of trade affecting the Co-op an anchor store in the high street.
- Neighbourhood Plan Policy 4 supports the rejuvenation of the high street and the development would not accord with this objective nor Planning Policy RA1.
- There has been no evidence of high set up costs for the development of the site for employment purposes nor could the site not be developed for employment purposes.
- Any employment achieved through the development would be, in part, off-set by loss of employment in the high street.
- There were concerns regarding the loss of biodiversity under Policy EM4 arising from the proposed development.
- That should the application that there would be a long-term effect and vitality on Highworth Town Centre.
- That should it be granted the application would set a precedent for developing on the outskirts of the town.

Resolved- (1) That there are material considerations which indicate that there should be a departure from the Development Plan and therefore that the application be granted Planning Permission for the reasons stated below.

(2) That the Head of Planning, Regulatory Services and Heritage be authorised to grant Planning Permission subject to appropriate conditions as he thinks fit and subject to a section 106 agreement to overcome the Biodiversity issues arising from the scheme.

#### Reasons:

The main policies that the development is contrary to are policies RA1 (Highworth (including the employment allocation)) and SD2 (sustainable development strategy) of the Local Plan 2016 and Policy 3 (Development and Rural settlement boundary) of the Highworth Neighbourhood Plan 2017. Although the application is contrary to the Development Plan when considered as a whole, there are other material considerations that indicate that planning permission should be granted, and outweigh the indication given by the development plan as follows:

1. The range of potential impacts associated with the proposed limited product line foodstore (as identified within Scenarios A and B of the applicant's Planning and Retail Assessment), will not give rise to a significant adverse impact upon or undermine the vitality and viability of Highworth Town Centre in either Scenario, although it is considered that on the basis of the Applicant's evidence Scenario B is to be preferred.
2. Evidence agreed by the Planning Committee submitted by the applicant and in the Council's evidence base (Swindon Retail and Leisure Needs Assessment, January 2017) confirms that Highworth Town Centre is vital and viable. The proposal will bring material benefits including: an increase in local consumer

choice and competition; an increase in the level of expenditure and trade retained in Highworth; a reduction in shopping trips to foodstores further afield leading to a more sustainable pattern of local foodstore development; and improved investment and employment opportunities in Highworth. The assessment carried out in accordance with paragraph 89 of the NPPF and Policy EC3 of the Swindon Borough Local Plan leads to the conclusion that the proposals will not have a significant adverse impact and will not undermine the vitality and viability of existing centres, in particular, Highworth.

Accordingly, the proposal would not result in a significant adverse impact on Highworth Town centre, by virtue of the strong health of the Centre, which is currently experiencing high occupancy rates. Further, the proposed store would provide a limited retail offer which has a limited degree of overlap with the more experiential retail and leisure offer in Highworth Town centre. A limitation on the range and type of goods that can be sold from the store to limit the degree of overlap with the goods and services sold in Highworth Town Centre, can be controlled by way of a planning condition.

3. Proposed condition 22 as set out in the Applicant's letter dated 29<sup>th</sup> October 2018 meets the policy test for conditions as set out in the NPPF.  
It limits the foodstore to the sale of no more than 1,500 lines; restricts comparison goods to no more than 20% of the proposed floorspace; prohibits various concessions, including a butcher, fish counter, delicatessen/cheese counter, pharmacy, dry cleaning, café and banking facilities; and limits the lines of newspaper and magazines that can be sold from the store. Condition 23 set in the Applicant's letter dated 29<sup>th</sup> October 2018 also restricts the subdivision of the unit for use as a single Class A1 foodstore. The foodstore could not be occupied by any other operator other than a limited product line food retailer because of the limitations imposed by Conditions 22 and 23.
4. The evidence submitted by the applicant demonstrates that the proposal complies with the sequential test as set out at paragraph 86 of the NPPF and in Policy EC3 of the Swindon Borough Local Plan, the Council officer's Committee Report does not recommend refusal on the basis of the sequential test and this is agreed by the Planning Committee.
5. Although there is a loss of allocated employment land to retail use, the proposal is considered acceptable because:
  - a. The Applicant's evidence is accepted that there is no reasonable prospect of employment development coming forward without a catalyst to fund/deliver the necessary infrastructure works to unlock development of the wider site for B class uses.
  - b. The proposals will ensure that an infrastructure package can be delivered that is necessary to facilitate access to the proposed store, but will also provide the access that is required to bring forward development on the remainder of the allocated site for employment uses in the Local Plan under allocation RA1 (b) (Highworth) and consented under application S/OUT/17/1772.
  - c. The foodstore will create jobs in its own right to provide for local employment opportunities.



Accordingly, the proposal would support delivery of the wider Swindon Borough local Plan 2016 employment allocation, through delivering the access and associated infrastructure needed to unlock development of the site for employment uses. Further, the proposal would deliver jobs at a level akin to employment use at this location.

6. Although the proposal does not accord with Local Plan policy RA1(b) the object of the policy, namely to promote B class employment use on land north of Blackworth Industrial Estate, would be advanced as necessary access infrastructure would be provided.
7. Although the proposal does not accord with Local Plan policy SD2, and Neighbourhood Plan policy 3, as the application site lies outside the settlement boundary, the site does lie within an area which Local Plan policy RA1(b) contemplates will be developed, albeit for different purposes.
8. With the imposition of the proposed conditions 16.1 and 16.2 set out in the Applicant's letter dated 29<sup>th</sup> October 2018 and considering all other material considerations, it is considered that the proposal complies with policy EN4 as biodiversity will be protected and a condition can be imposed to require the submission of measures on site that can achieve net local biodiversity gain, or if this cannot be achieved, the implementation of compensatory measures.
9. Paragraph 37 of Officer Report notes that the applicant's Planning and Retail Statement (PRS) does not refer to and appears unaware of the existence of the Swindon Borough Retail and Leisure Needs Assessment (SBRLNA).

The applicant's household survey is accepted as much more 'fine grained' than the survey used to support analysis in the SBRLNA, and the sample base of households in the Highworth catchment area is higher. This combination of surveys (household and on-street) allows turnovers and impacts to be quantified on the basis of up-to-date and reliable data.

The basis of the applicant's retail analysis is accepted as more recent, statistically significant and robust than the survey data supporting the SBRLNA.

10. Paragraph 41 of Officer Report raises concerns over the differences between the benchmark turnover for the proposed Highworth store and that of the Rodbourne Road scheme approved under reference S/16/2037/BLOWC.

Although geographically extensive, the Highworth catchment is constrained in various ways: the population is smaller; population density is lower and the area is characterised by an outflow of trade to larger stores in Swindon. The context is rural/market town.

It is accepted that an estimated turnover lower than that applied in the Rodbourne Road assessment is considered to be more appropriate.

11. Paragraph 65 of Officer Report confirms that additional jobs would be created by the proposed development, however, notes minimal weight is given by Council Officers to the benefits of this based on the RLNA 2017 which indicates that there is no additional expenditure to support additional convenience retail in

Highworth and these jobs would be offset to a degree by staffing reductions elsewhere.

The Committee disagrees that minimal weight should be given to the proposed foodstore employing up to 40 staff on a permanent basis (full and part time), even considering any jobs offset which is not considered to be substantiated by the evidence available. It is considered the foodstore jobs should be afforded significant weight.

12. Paragraph 69 of Officer Report refers to paragraph 103 of the NPPF 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes' and that in sustainable transport terms the site is poorly related to existing residential areas and public transport links.

As noted by the Officer Report, the Applicant has agreed to provide a pedestrian route and cycleway on the west side of the main road down to the proposed development site. The Committee agree with the view of the Council's Highways Officers who raise no objection to the proposed development. It is considered that appropriate opportunities to promote sustainable transport modes have been explored and provided.

Whilst the scheme has been assessed as giving rise to a loss of biodiversity from the site, a Condition can be imposed to require the submission of measures on site that can achieve net local biodiversity gain, or if this cannot be achieved, the implementation of off-site compensatory measures through the completion of a legal agreement.

**55. S/18/0545/IH Demolition of car park and storage buildings and erection of 14no. dwellings (comprising 3no. two-bed town houses and 11no. one and two-bed apartments) and associated works - Warehouse, Albert Street, Old Town, Swindon**

In respect of application numbered S/18/0545/JH (Demolition of car park and storage buildings and erection of 14no. dwellings (comprising 3no. two-bed town houses and 11no. one and two-bed apartments) and associated works - Warehouse, Albert Street, Old Town, Swindon), the Committee considered: -

- (a) An application for permission to develop;
- (b) Recommendations of the Head of Planning, Regulatory Services and Heritage; and
- (c) The views of interested persons set out in the report circulated with the Committee Agenda.

Councillors Malcolm Davies, Fionuala Foley, 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 application had been amended after previously being deferred to take into account comments of the Committee.

- The development using good quality materials would be an enhancement of the area.
- Additional cycle storage had been provide in the properties to take account of the non-provision of car parking spaces.
- That the development is sustainable with easy access to the town centre, shops and public transport and would help meet the housing need within the Borough and was in accordance with the Local Plan and the NPPF.
- That the development would provide significant regeneration benefits.

Submissions opposing the application can be broadly summarised as:

- The lack of car parking spaces might lead to cars being parked in the Christchurch car park or adjoining streets.
- In was likely that people buying these properties would assume that they would be able to apply for a Residents Parking Permit.
- Cycle storage was insufficient and should not have been included within the dwellings.
- The lack of car parking space could create traffic issues when tradesmen were visiting the properties or deliveries were being made to them.

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 together with any amended, omitted or additional conditions (including that occupants of the development will not be entitled to a residents parking permit) and the completion of a Section 106 agreement to secure the necessary mitigation. In the event that the applicant fails to agree to enter into an agreement or fails to agree to 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.

**56. S/18/1373/SASM Erection of 2no. dwellings - 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: -

- 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>
Gary Llewellyn	Agent
Councillor Claire Crilly	Ward Councillor
Ron Wade	Local Resident
Stuart Westley	Local Resident

Councillors Toby Elliott, Stan Pajak, Jim Robbins, Vera Tomlinson 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.
- A construction methodology, requested when the application had been previously deferred, had been provided and the material supplier had confirmed access to the site was sufficient.
- The application is sustainable and in accordance with National and Local Planning Policies and Guidance including NPPF and Highway Regulations.
- 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 in respect of the new buildings and the current landowner would not provide permission to use the current access.
- The width of the access to the site varied and would not be suitable for construction vehicle or emergency vehicles and did not meet national standards.
- That a vehicle and pedestrian could not use the access lane side by side.
- That lorries or large vehicles accessing the site would need to mount the pedestrian footpath potentially damaging it.
- 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.
- There was no mention given to the removal of materials on site.
- The construction of the development would create additional traffic.
- The residents of 34 and 35 Orchard Grove would suffer a loss of amenity arising from the development and its construction.
- 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.
- There was no reference to how utilities would be provided to the development.
- Some information provided to the Parish Council had been unclear.

Resolved - That planning permission granted with the conditions set out in the report and such other conditions as the Head of Planning, Heritage and Regulatory Service may determine.

**57. S/HOU/18/1845/CHHO Erection of a two storey rear extension and pitched roof to existing dormer window - The Cedars, Widhill Lane, Blunsdon**

In respect of application numbered S/18/1845/CHHO (Erection of a two storey rear extension and pitched roof to existing dormer window - The Cedars, Widhill Lane, 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>
Stuart Miles	Agent
Jim Taylor	Blunsdon Parish Council
Suzie Simpkins	Local Resident
Councillor Alan Bishop	Ward Councillor

Councillors Toby Elliott, Vera Tomlinson and Peter Watts spoke in respect of this application.

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

- The scheme before members had been revised to reduce the loss of amenity to the neighbouring property.
- The application was in compliance with Planning Policy and Guidelines.
- The revised application would not appear overly dominant to adjoining properties.
- The application was intended for family use and appeared compliant with Planning Regulations.
- The appeal into the previous application had found that the ground floor extension was acceptable but that the tree metre first storey was too large and following a second refusal the application had been amended to reduce building mass and the loss of amenity on the neighbouring property.

Submissions opposing the application can be broadly summarised as:

- The loss of amenity to the neighbouring property through a loss of light to a bedroom in the neighbouring property causing permanent shadowing.
- There was little change to plans that had previously been refused.
- The application if granted would appear as a harmful dominant structure and affect living conditions in the adjoining property.
- The application was contrary to Policy DE1 and Swindon Local Plan.
- The drawings submitted by the applicant are misleading based upon the existing footprint of the property which in turn would affect the extension which would protrude 2.5 metres past the adjoining property which would mean the 45 degree rule would not be achieved.
- There had been four previous applications to extend the property.
- The close proximity of the extension to the boundary would affect the neighbouring property as it was close to a patio windows and a bedroom on above.
- That a site visit would put the application into perspective and that no site visit had been made in respect of the current application.

Resolved – That Planning Permission be granted in respect of application numbered S/HOU/18/1845/CHHO subject to the conditions set out within the report.

**58. S/HOU/18/1670 Erection of a single storey rear and two storey side extension (retrospective) - 5 Bydemill Gardens, Highworth, Swindon**

In respect of application numbered S/HOU/18/1670 (Erection of a single storey rear and two storey side extension (retrospective) - 5 Bydemill Gardens, Highworth, 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>
Pauline Webster	Highworth Parish Council
Councillor Alan Bishop	Ward Councillor

Councillors Alan Bishop, Tobey Elliott, Nick Martin and Vera Tomlinson spoke in respect of this application.

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

- A similar application in size and footprint had previously been granted and the application sought to retain minor elevation changes and sought to vary the building materials to the single storey rear extension.
- The extension is in accordance with the guidance set out within Policy D1 and the Residential Extensions and Alterations SPD and is not untypical across the Borough.
- The material used are not so out of keeping with the property or neighbouring dwellings to be considered impactful to area and if the approved changes to materials were carried out the effect on the neighbour would be negligible.

Submissions opposing the application can be broadly summarised as:

- There were concerns as to whether the whole of the blockwork adjacent to the boundary could be properly rendered.
- That the choice to use alternative materials at the rear of the property was deliberate and was intended to reduce costs.
- The January 2018 planning permission has been ignored in respect of the quality of materials to be used and is in contravention of the Town and Country Planning Act references to the use of materials.
- There is a loss of amenity to neighbours arising from the construction of the breezeblock wall 11 inches from the boundary of the property.
- That a site visit should be conducted to gauge whether the extension complies with the planning permission granted.

Resolved – That retrospective planning permission in respect of application numbered S/HOU/18/1670 be granted subject to the conditions set out within the report.