

Swindon Borough Council

Planning Committee

Tuesday, 8 January 2019

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:sbank@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 meetings held on 27th November and 11th December 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/17/1771/SASM Erection of class A1 foodstore and associated access, parking and landscaping - Land North Of Blackworth Industrial Estate, Highworth, Swindon. (Ward Blunsdon and Highworth) (Pages 40 - 74)**
8. **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 (Ward: Eastcott) (Pages 75 - 92)**
9. **S/18/1373/SASM Erection of 2no. dwellings - 77-78 St Philips Road, Stratton St Margaret, Swindon (Ward: Penhill and Upper Stratton) (Pages 93 - 111)**
10. **S/HOU/18/1845/CHHO Erection of a two storey rear extension and pitched roof to existing dormer window - The Cedars, Widhill Lane, Blunsdon (Ward: Blunsdon and Highworth) (Pages 112 - 121)**
11. **S/HOU/18/1670 Erection of a single storey rear and two storey side extension (retrospective) - 5 Bydemill Gardens, Highworth, Swindon (Ward: Blunsdon and Highworth) (Pages 122 - 130)**

Date of Despatch: 28 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://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

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

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

WELCOME TO THE PLANNING COMMITTEE OF SWINDON BOROUGH COUNCIL

NEW GUIDELINES - PLEASE READ

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

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

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

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

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

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

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

PLANNING COMMITTEE

TUESDAY, 27 NOVEMBER 2018

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

39. Declarations of Interest

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

40. Public Question Time

Mr. John Radford asked a public question in respect of the Council's Planning Policies on global warming. The Chair responded at the meeting.

Mr Ben Bell asked a public question in respect of the effect on air pollution arising from Council Planning Policies and developments approved. The Chair responded at the meeting.

Mr Bill Janson asked a public question seeking clarification as to whether the Local Plan 2026 could be reviewed to take into account the latest evidence from Government and International bodies in respect of climate change. The Chair responded at the meeting.

Mr Bill Janson asked a supplementary question in respect of reviewing planning permissions granted for development for schemes not yet commenced, in order that these might be made more environmentally friendly. The Chair responded at the meeting.

Mrs Helen Harris asked a public question requesting clarification as to changes to future Council planning policies relating to leisure and economic development within the Borough to make them environmentally sustainable. The Chair responded at the meeting and indicated if Mrs Harris provided an email address to the Clerk further information would be provided.

Mrs Harris asked a supplementary question asking if the Council would take independent action to make its planning policies more environmentally friendly as changes to Government Guidance would likely take some time to be published. The Chair responded at the meeting and indicated if Mrs Harris provided an email address to the Clerk further information would be provided.

41. S/RES/18/0202/TB Erection of indoor ski, cinema, bowling and trampoline facilities (Class D2), shops, restaurants & cafes (Class A1 - A3), parking, landscaping, access and associated works - Reserved Matters from previous outline application S/OUT/15/0943. Land at North Star (Phase 1), North Star, Swindon (Ward: Rodbourne Cheney)

In respect of application numbered S/RES/18/0202/TB Erection of indoor ski, cinema, bowling and trampoline facilities (Class D2), shops, restaurants & cafes (Class A1 - A3), parking, landscaping, access and associated works - Reserved Matters from previous outline application S/OUT/15/0943. Land at North Star (Phase 1), North Star, 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>
John Watkins	Applicant
Councillor Des Moffatt	Ward Councillor
Councillor Jim Grant	Ward Councillor
Councillor Bob Wright	Swindon Borough Council
Councillor Gary Summer	Swindon Borough Council
Councillor Dale Heenan	Swindon Borough Council
James Yeowell	Parish Councillor
Rod Hacker	Wilts and Berks Canal Trust

Councillors John Ballman, Alan Bishop, Toby Elliott, Steph Exell, Nick Martin, Jane Milner-Barry, Stan Pajak, Jim Robbins, and Peter Watts spoke in respect of this application.

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

- Considerably resources had been devoted to the scheme and application over the previous two years to meet and surpass the development agreement between Severn Capital and Swindon Borough Council.
- The developers had been continually challenged to ensure the quality of design and credentials of the scheme by officers of Swindon Borough Council.
- The design brought forward a quality leisure facility that was contemporary and sympathetic to the environment in which it sits with attractive open areas included.
- It is intended that the scheme will provide the best and most inclusive snow dome facility in the United Kingdom for skiers, non-skiers and snowboarders.
- Great care had been taken to minimise the environmental impact of the facility with natural ventilation and natural light in the atrium courtyard and to feed into future development phases and would be the most energy efficient facility of its type in the United Kingdom using the latest specifications for heating and cooling which have developed greatly since the last ski slope was built in the country.
- Future phases could include alternative energy generation.
- The developer's had worked extensively with Swindon Borough Council in respect of traffic modelling and mitigation measures in respect of traffic created by the centre (this data had been updated in September to ensure its relevance and would be on-going in the event of additional phases).
- Alternative means of transport to the site had been considered including cycleways and footpaths, electric charging points had been included in the

development and there was a commitment to work with Swindon Borough Council in respect of Park and Ride facilities to reduce the carbon footprint by reducing car journeys.

- It will provide employment opportunities for local people who would have parking on site as well as cycle storages and public transport as options available to them.
- A number of agreements had been reached with other leisure providers and retailers to offer a rounded provision for customers and was a testimony to the quality of the scheme and Swindon as a location given the current financial headwinds.
- Subject to agreement on planning permission funding for the scheme had been agreed.
- That car parking on site would be sufficient to cater for the demands of the development and included a car park management plan.
- That officers fully supported a well-rounded application.
- A signage strategy for traffic had been included within the proposals in the application.
- Any further phase would be considered on its own merits.
- Peak hour traffic generation was not during work hours and that this would help to mitigate traffic congestion.
- The application landmark for Swindon and would help Swindon to become a regional destination.

Additional comments in respect of the application can be broadly summarised as:

- That the Council should seek an agreement with the management of the site in respect of the use of the car park in order to allow employees to park on site, without charge, rather than finding space to park their vehicles within adjoining residential areas which were already impacted by commuters parking and walking into the town centre.
- That vehicle number plate recognition technology should be incorporated to assist with speeding up egress from the site for customers who have paid to park in the car park.
- That land adjoining the site, but not included in the planning permission footprint, should either be included in the overall scheme or ceded to Swindon Borough Council in order for it to be properly and kept litter free.
- That the power plant identified within the plans should be shielded to prevent noise and other environmental pollution affecting the residential housing in close proximity, including but not restricted to Harcourt Road.
- That further traffic modelling in respect of Crickalde Road, Town Centre, Kings Hill Roundabout and Bruce Street Bridges Roundabout should be undertaken.
- That the development should be landscaped to prevent, as far as was possible, light pollution to residential properties in the vicinity.
- That local residents who had been canvassed by Ward Councillors were broadly in favour of the development although were concerned at the potential impact of the additional traffic on the local highway infrastructure.
- There is already bottlenecks in the areas leading to the site and roads were often at capacity.
- Great Western Way already had artificially created queues leading from it because it was unable to cope with current traffic levels.

- There would be an impact on the highway infrastructure from the north of the site arising from Swindon residents' using the facility and so further highway mitigation would be required for Phase 2 and that this should be made public.
- That town centre traffic mitigation schemes should have been designed in conjunction with this scheme as there was connectivity and a deferral would help facilitate this.
- That the route of the Wilts and Berks Canal needed to be protected and that this should include space to build the canal and its supporting infrastructure.

Submissions opposing the application can be broadly summarised as:

- The effect of traffic on residential areas in the town centre.
- That the Environmental Impact Assessment was the same as submitted with the previous application for a snow dome in 2013 and an updated assessment was needed to reflect the increase in traffic in the surrounding area over the last five years.
- That developments of this type were more environmentally friendly and energy efficient and that this development should meet the Breanne Standard and should be a zero carbon development.
- There has been no effort to provide green energy on-site for the development.

Resolved – (1) That the reserved matters be granted subject to conditions including a condition requiring details of lighting to be submitted for approval.

(2) That condition 21 of the outline permission reference S/OUT/15/0943 be partially discharged in so far it relates to Phase 1 of the development only.

PLANNING COMMITTEE

TUESDAY, 11 DECEMBER 2018

PRESENT: - Councillors Timothy Swinyard (Chair), Toby Elliott (Vice-Chair), Alan Bishop, Malcolm Davies, Fionuala Foley, Nick Martin, Stan Pajak, James Robbins and Peter Watts.

Apologies for absence were received from Councillors John Ballman, Steph Exell, Jane Milner-Barry and Vera Tomlinson.

42. 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/18/1750/RA in his capacity as a Director of the Swindon Housing Company and left the room during the discussion and voting on this application.

43. Minutes

Resolved – That the minutes of the meeting held on 13th November 2018, be confirmed and signed.

44. Public Question Time

There were no public questions

45. 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>
Jo Saaby	Agent
Councillor Cathy Martyn	Ward Councillor
Councillor Brian Ford	Ward Councillor
Brian Dickinson	Local Resident
Hannah Donsonjh	Wroughton Parish Council

Councillors Toby Elliott, Fionuala Foley, Stan Pajak, Jim Robbins and Peter Watts spoke in respect of this application.

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

- The development would help address the housing shortfall within the Borough and would provide market and 30% affordable housing and complemented the Council's Vision on sustainable development.
- 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.
- At the request of the Council's Transport Team a study had been undertaken in respect of how the development might impact existing traffic volumes, traffic speed and visibility accessing and egressing the development site. Council Officers had determined that there would not be and an unacceptable impact on either highway safety or the local road network.
- The site was accessible by public transport with three bus services with a total of 19 weekday services that would accommodate workers with normal office hours.
- Additional screening is proposed to the south to minimise the impact on the ANOB area.
- There is a footpath to a local convenience store from the development site.
- The ex-MOD private road had benefited from extensive repair work and is currently used by a bus service.
- The development will benefit 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:

- 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.
- 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. 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.
- 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.
- 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 site was isolated from local facilities with a 20 minute walk to the nearest shop.
- 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.
- The type and mix of housing and especially affordable housing raised the question of whether families would have access to cars.

Resolved - That the application be deferred to a future meeting of the committee and that the Head of Planning Regulatory Services and Heritage contacts the developer to request that he considers revising the scheme to alter the mix of dwellings proposed to reduce the number of smaller (1 and 2 bed) units within the development.

46. 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

In respect of application numbered 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), 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>
Councillor Keith Williams	Ward Councillor
Councillor Nick Martin	Ward Councillor

Councillors Alan Bishop, Fionuala Foley, Stan Pajak, Jim Robbins and Peter Watts spoke in respect of this application.

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

- The loss of 0.09 hectares would not adversely affect the amenity of the local area which had a surplus of open space area and recreation space in Shaw Ward.

- 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 loss of green space was contrary to planning policy NE3.
- The loss of mature trees would adversely affect nearby houses which were currently screened by them.
- Any replacement planting associated with the development would take a number of years to mature enough to offer similar levels of screening for nearby properties.
- The proposed development was almost twice the density of recent applications to develop within the ward and was an overdevelopment of the site.
- Policy TR2 on traffic safety is contravened by the proposed development the entrance onto Sparcells Drive has limited visibility due to dips on the road on either side of it.
- Parking onsite was situated in such a way as to potentially require a number of cars to manoeuvre to allow egress.
- The development was out of character with the local area and Policy H01 both because of the type of building and their siting on the edge of the boundary.
- The development if permitted would form a template that threatened open space in West Swindon.

Resolved – That Permission be refused for the following reason:

1. The proposal to erect 4 dwellings on this site, (informed by the indicative layout plan) served by a single point of access represents an overdevelopment of the site, that represents a poor and cramped form of development that is out of character with its surroundings and results in an unacceptable loss of trees and planting of value to the local community, to the detriment of the amenity of the area, contrary to Policies DE1 and HA1 of the adopted Swindon Local Plan 2016 (2015), the Adopted Swindon Residential Design Guide SPD (2016) and the NPPF.

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

47. 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

In respect of application numbered 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), 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>
Mr James Walker	Agent
Councillor Patrick Herring	Central Swindon South Parish Council
Councillor Adrian Moore	Liddington Parish Council
Mr Rod Hacker	Wiltshire and Berkshire Canal Trust

Councillors Alan Bishop, Fionuala Foley, Stan Pajak and Peter Watts spoke in respect of this application.

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

- The site which had previously been identified for commercial purposes had generated very limited interest from businesses and with little prospect of development.
- That there was a shortage of housing in the Borough and the site offered a sustainable location to help meet this need, including the provision of 90 affordable homes.
- Funding had been obtained to provide a larger primary school than originally planned for the area and which would cater for the anticipated increase in children should permission be granted.
- The application provided open space included children's play areas and a variety of generous playing pitches, a walk around the boundary of the site and a larger community centre.
- There had been positive engagement with Swindon Borough Council, Ward Councillors and local residents and the plans had been amended following this consultation.
- The design of the junction accessing the site would prevent rat-running.
- The development would continue to protect the 16 metre width allocated to the Wilts and Berks Canal route.
- The development would help secure a bus service for the whole of Badbury Park.
- The development would provide improved pedestrian crossing facilities for people crossing Day House Lane.
- That local residents preferred additional houses on the site rather than a business park.
- Estimated traffic movements resulting from the housing development would be less than that generated if the original business park was developed.
- The routing of the traffic to avoid Day House Lane.

Submissions opposing the application can be broadly summarised as:

- That the site had previously been identified as employment land and not enough work had been undertaken to secure this use. There was also concern that employment land was too often used for housing.

- The noise levels at the boundary of the site was 80 decibels and even with sound works planned the noise level would remain at approximately 65 decibels and further design work was necessary to reduce this level.
- The placement and design of the pedestrian crossings on Day House Lane needed further consideration as did measures to prevent the crossing of Day House Lane by pedestrians at other points.
- There were concerns with the suitability of the soil on the allotment plots to the eastern side of the development and the lack of soil studies in the application.
- There were concerns of the viability of the protection of the canal route which was of strategic importance to the town.
- The site was a hill and so the development would be prominent and visible from the motorway and there was some ANOB management concerns.
- Although approximately 800 properties had been occupied in Badbury Park none of the proposed facilities had been put in place.
- That the design of the Day House Lane junction must be maintained.
- The quality of air quality for the development should be considered as it was sited between two busy roads.
- The 16 metre corridor did not allow sufficient room for the construction of the canal or associated infrastructure especially since the protected route at this site included steep slopes and heavy clay and also the need for a bridge.
- The need to ensure planning policy was robust enough to protect the integrity of the canal route.

Resolved – 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 the report); and
- (b) The planning conditions set out in the report, with the Head of Planning, Regulatory Services and Heritage being given delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

48. 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

In respect of application numbered 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), 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>
Mr Mike Robinson	Agent

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

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

- The Council's Planning Guidance accepted that residential development was acceptable on this sustainable brown field site with leisure retail and opportunities as well as bus services within close proximity.
- The design would ensure that the development was appropriate for the site and its general location and respect local houses and amenities.
- The development responded to local housing need and provided a variety of types and sizes of housing including affordable homes.
- Following consultation with Council Officers the development was for up to 70 properties and that this had been reduced from 75.
- The development would help meet the significant housing need within the Borough.
- The demand for accommodation close to the hospital would likely be in high demand by staff working there.
- Following consultations with the Council's Highways Authority they were happy with the details set out within the report.
- The developer was happy to make a contribution to traffic Management measures in respect of Day House Lane as well as providing 30% Affordable Housing, a play area and open space on site and a contribution to off-site sports pitches.

Submissions in opposing the application can be broadly summarised as:

- There were questions as to whether the development on this site was sustainable as the site was too small to accommodate facilities.
- That 70 units was the maximum number of properties that could be accommodated on a small awkwardly shaped site.
- There were questions in respect of where children living at the site would go to school and where future residents would find a GP surgery.
- That the highways conditions appeared to be watered down by Highways England and it was important that the original proposals were upheld.
- The site was badly accessed and would be extra traffic related pressure between the road between the Coate and Commonhead roundabouts and this created another junction to add to those at the hospital and 2 at Badbury. This development would add to the 800 homes at Badbury adding further pressure to the turning at the hospital, the u-turning traffic at Badbury and the Day House Lane situation was unclear.
- That additional monies were needed in case it became clear that remedial traffic measures to deal with traffic u-turning in Homington Avenue after leaving the site.

Resolved – 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 the report); and

- (b) The planning conditions set out in the report, and the Head of Planning, Regulatory Services and Heritage be given delegated authority to make reasonable amendments, additions or omissions to those conditions before issuing formal consent as may be necessary.

49. 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

In respect of application numbered S/OUT/18/1093 (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), 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>
Mr Stephen May	Agent
Councillor Russell Holland	Ward Councillor

Councillor Peter Watts spoke in respect of this application.

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

- The site was previously used by a recycling business.
- That the applicant was a local company who offered a valuable service by recycling 50% of the vehicles recycled in Swindon. In addition the company achieved a 95% recycling rate in line with Government Guidelines.
- The company had clear management plans for operating on the site and complied with all relevant regulations.
- That this site would better meet the needs of the business.

Other comments received can be broadly summarised as:

- The possible need to include additional conditions in respect of fire inspections and dealing with hazardous waste.

Resolved – That the Head of Planning Regulatory Services and Heritage be authorised to grant permission subject to the conditions set out in the agenda report papers together with any other necessary and appropriate conditions required to control, the development.

Determination of Planning and related Applications

Planning Committee

Date: 7th October 2014

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: 7th October 2014

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

APPENDIX 1

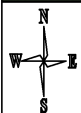
DOCUMENTS WHICH MAY BE RELIED ON IN THE PREPARATION OF THE APPLICATION REPORTS

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

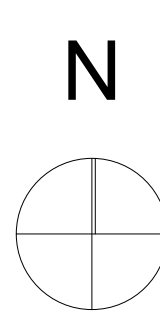
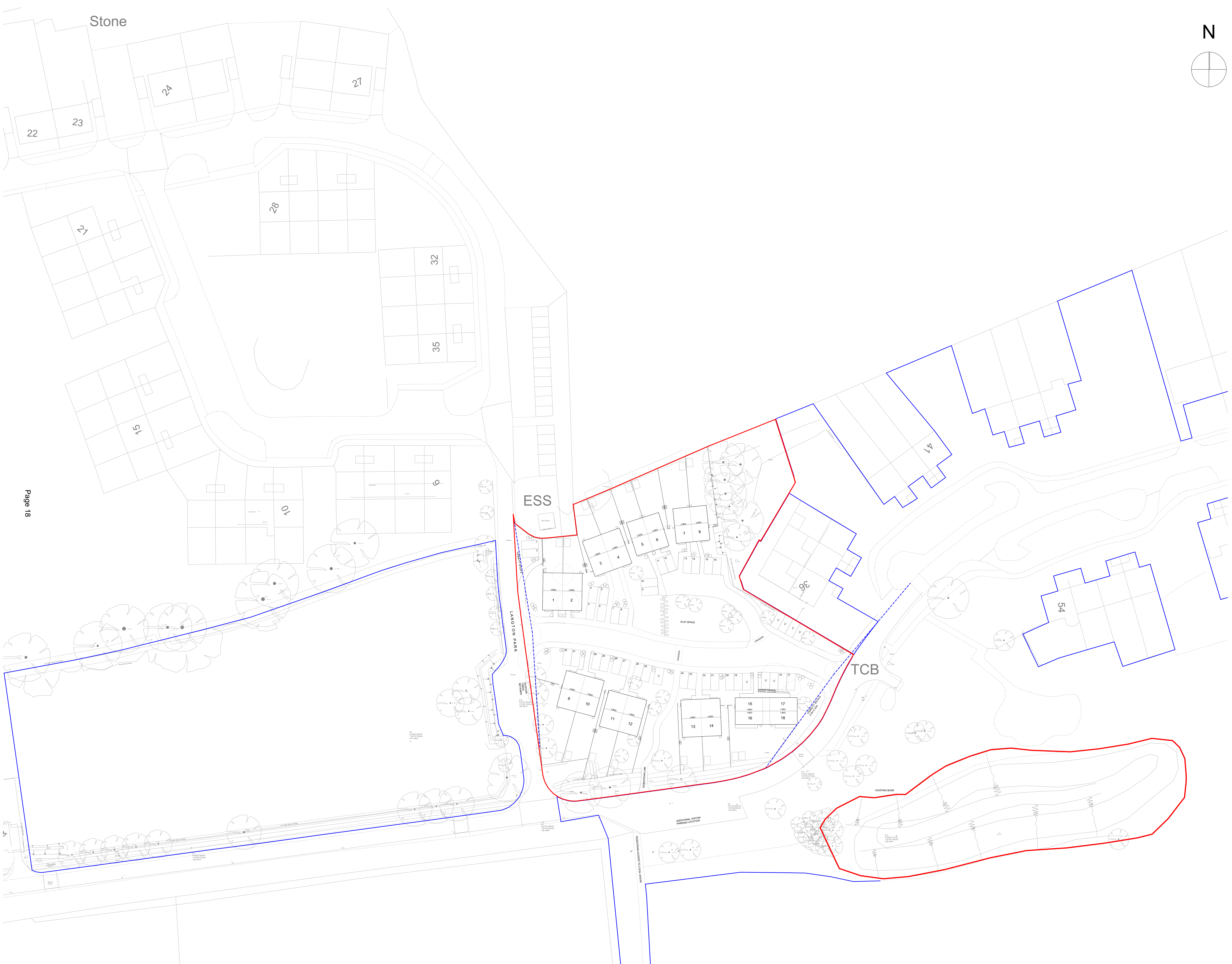
Land At Langton Park Wroughton Swindon



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.



Notes

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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
Rev'd	Issued By	Issue Date	Layout Comment

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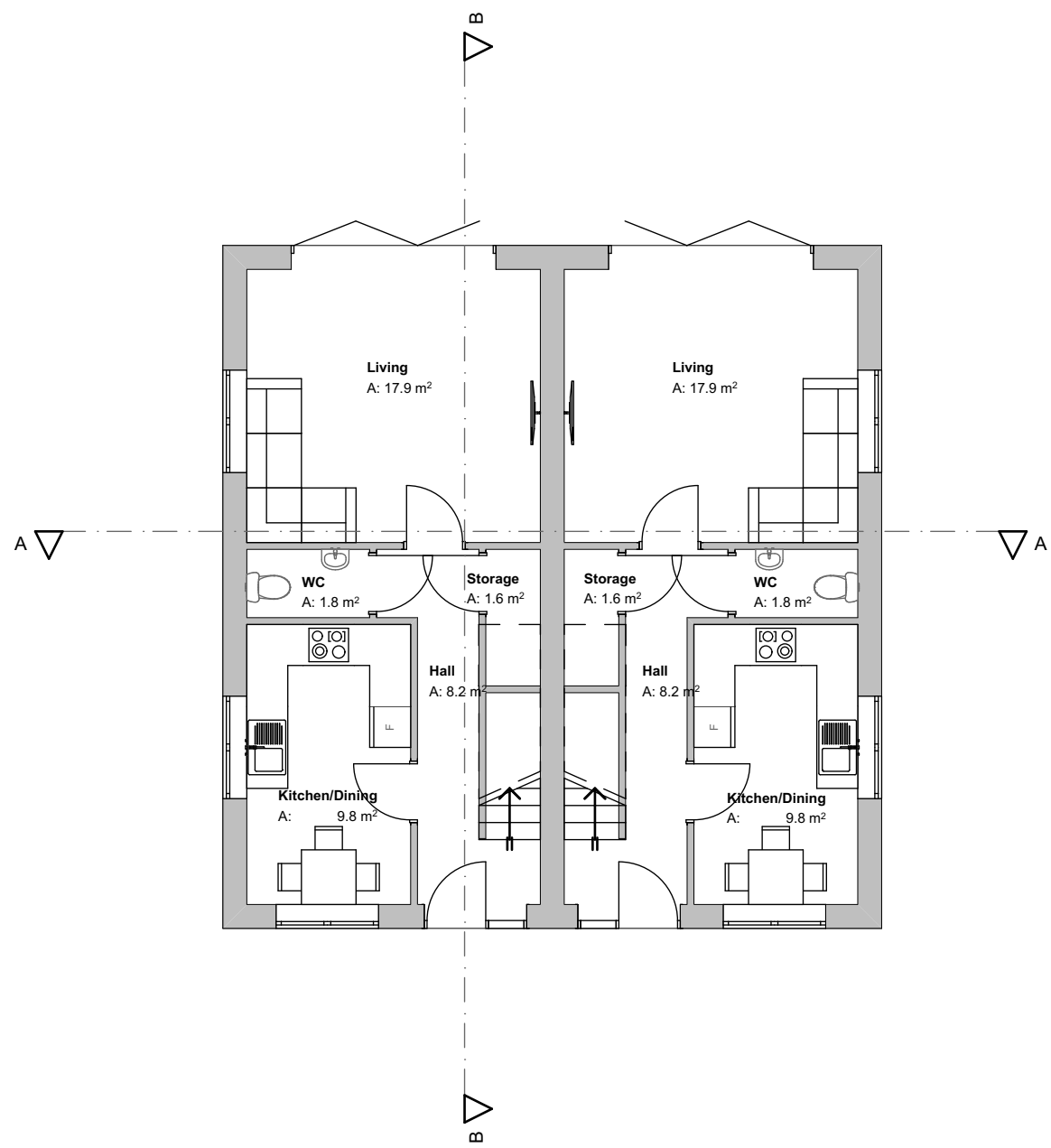
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Address: Former Electric Sub Station
Langton Park
Wroughton
SN40QN

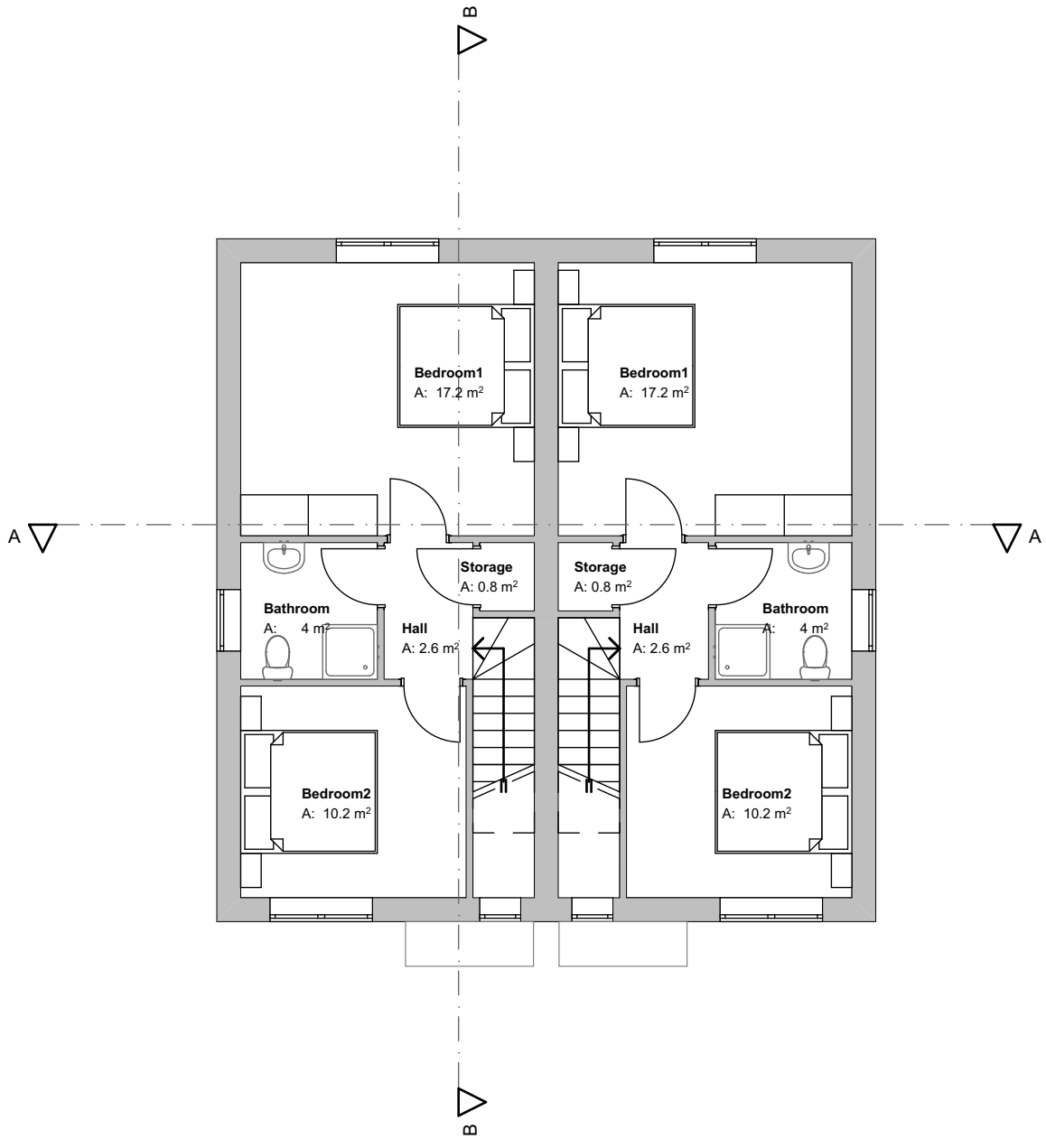
Description: Proposed Master Plan Layout

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

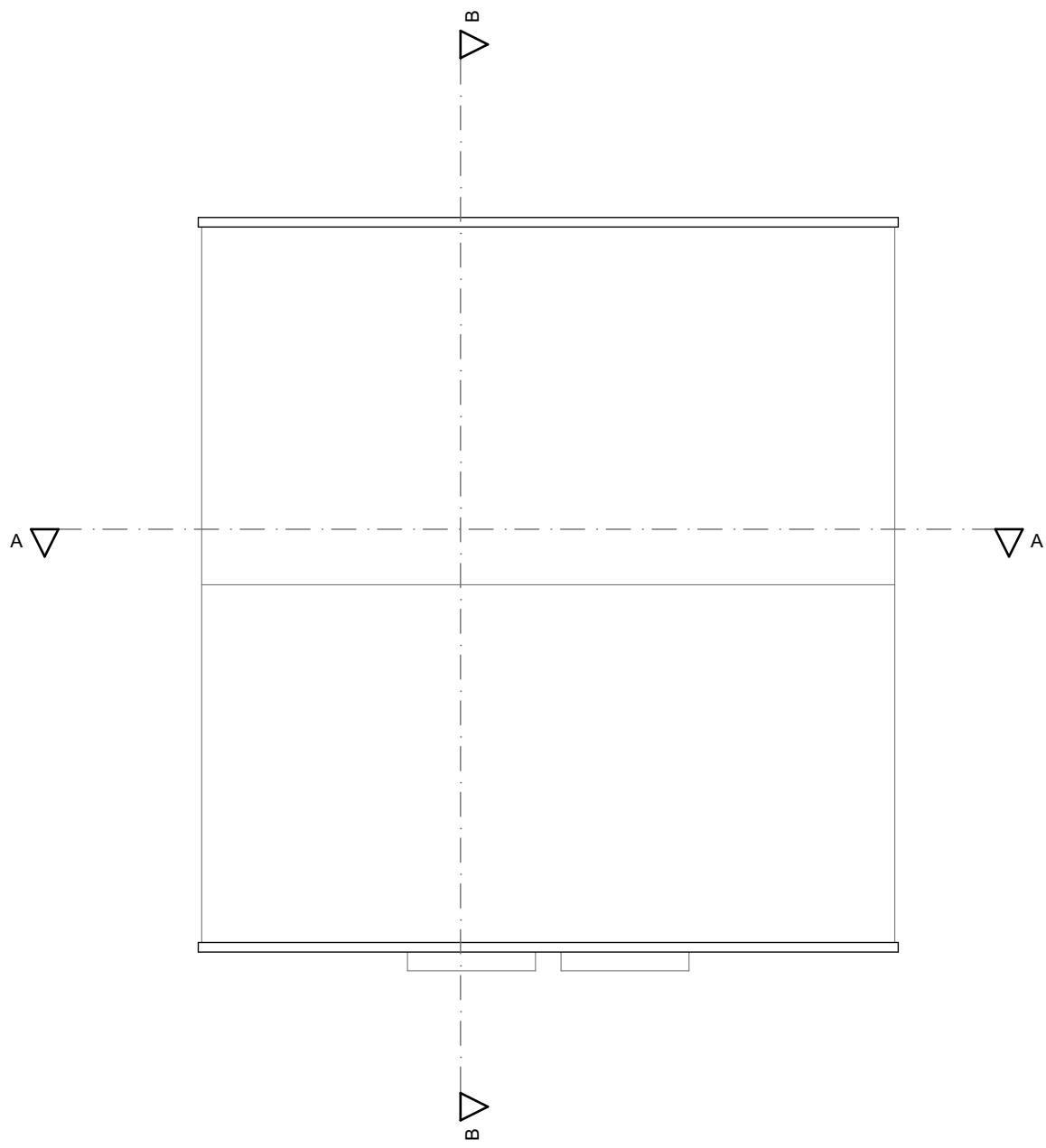
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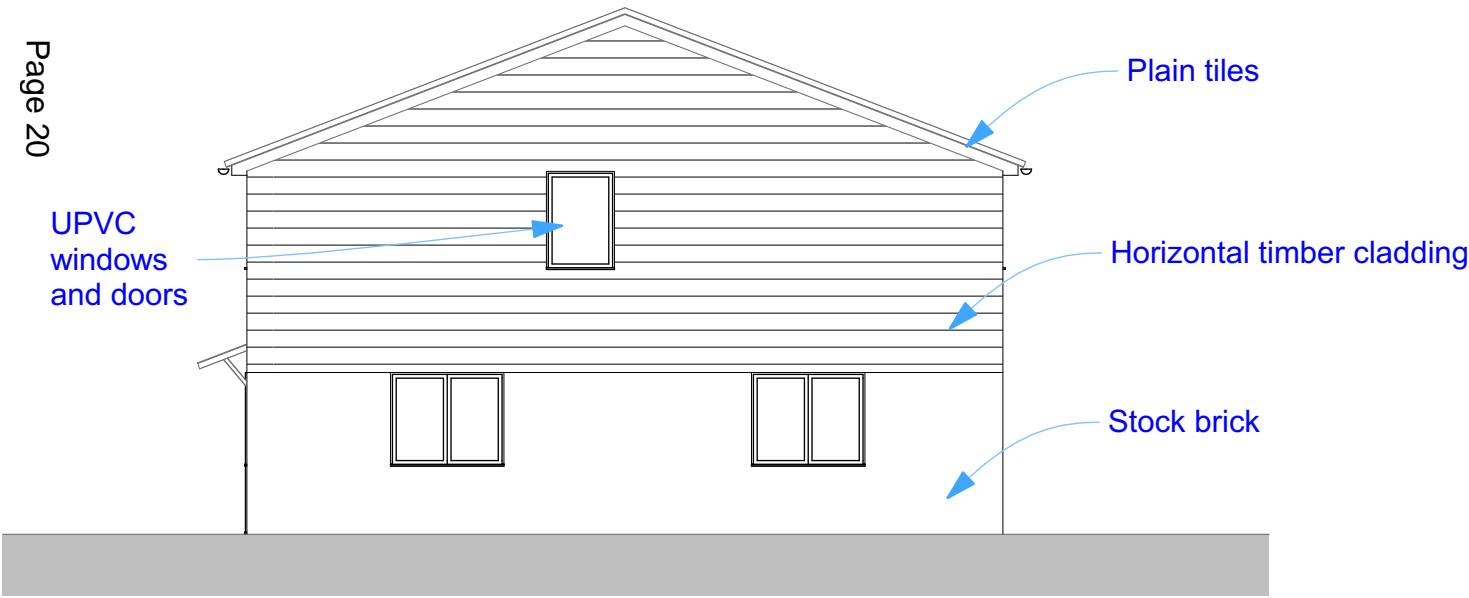
Ground Floor



First Floor



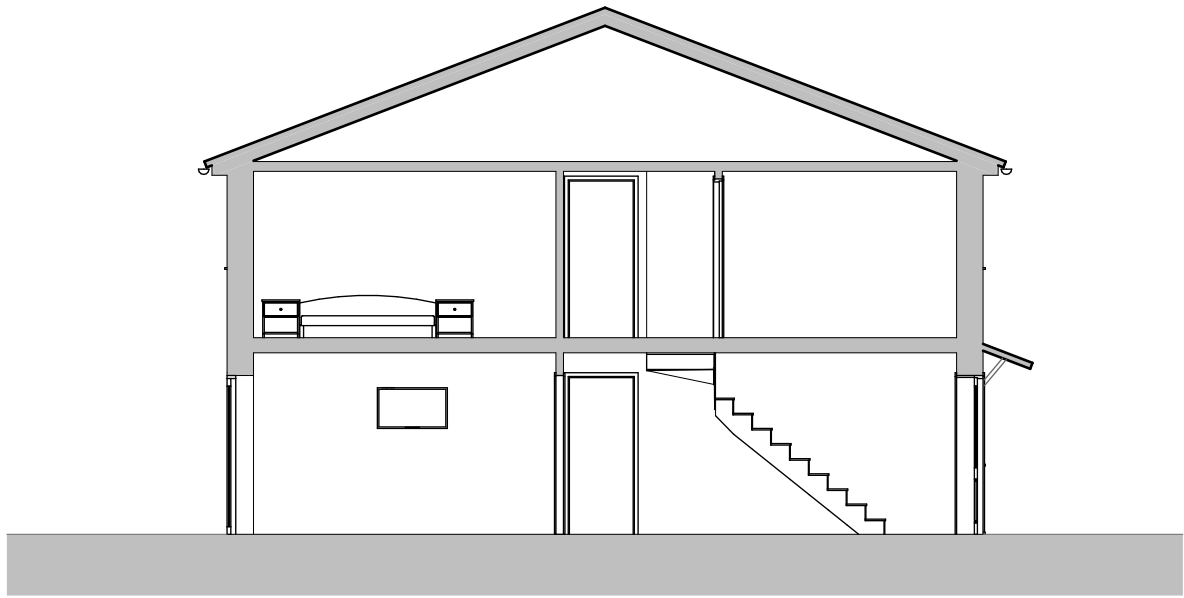
Roof Plan



5 Flank Elevation 1:100



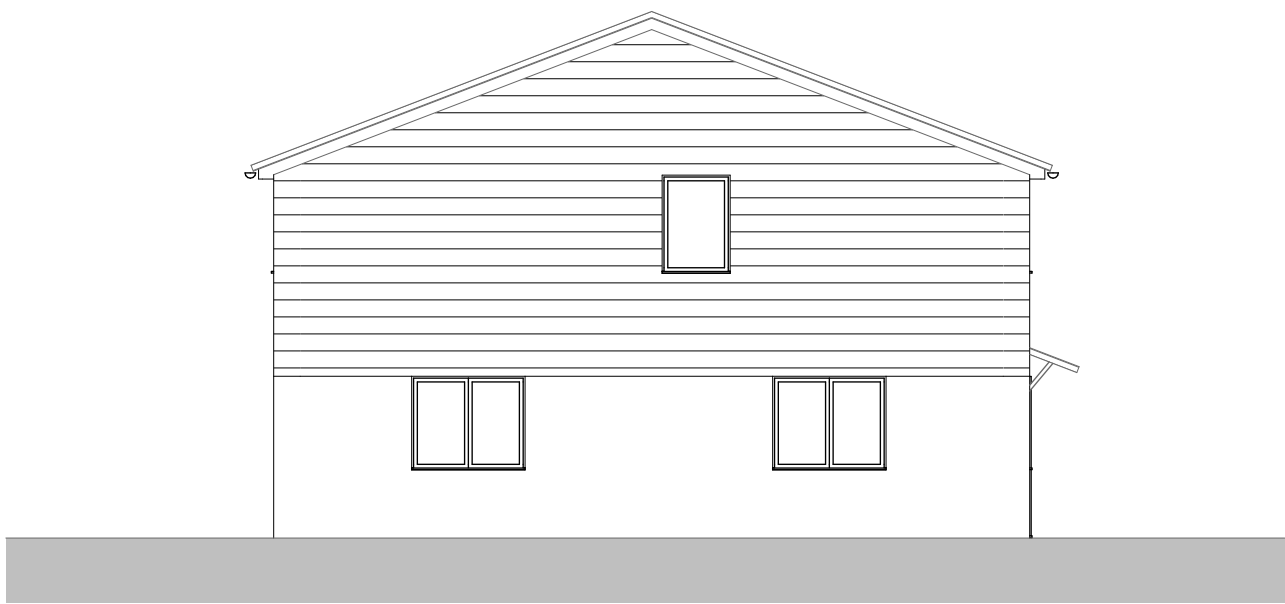
6 Rear Elevation 1:100



Section B-B



4 Front Elevation 1:100



7 Flank Elevation 1:100



Section A-A

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Scale Bar

2 Bedroom 4 Person House
80m2 (861 sqft)

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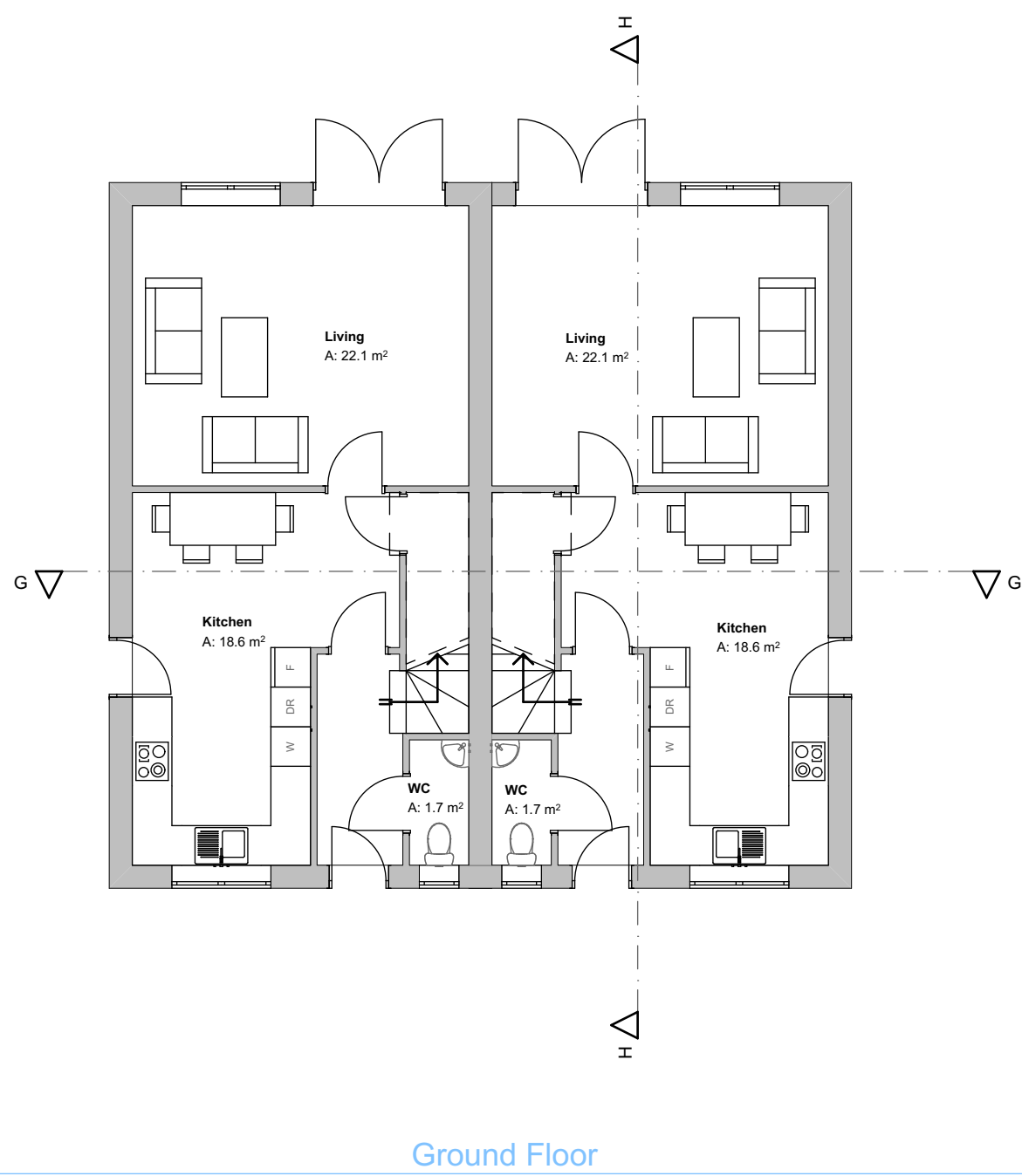
Client: Sepa Ltd

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

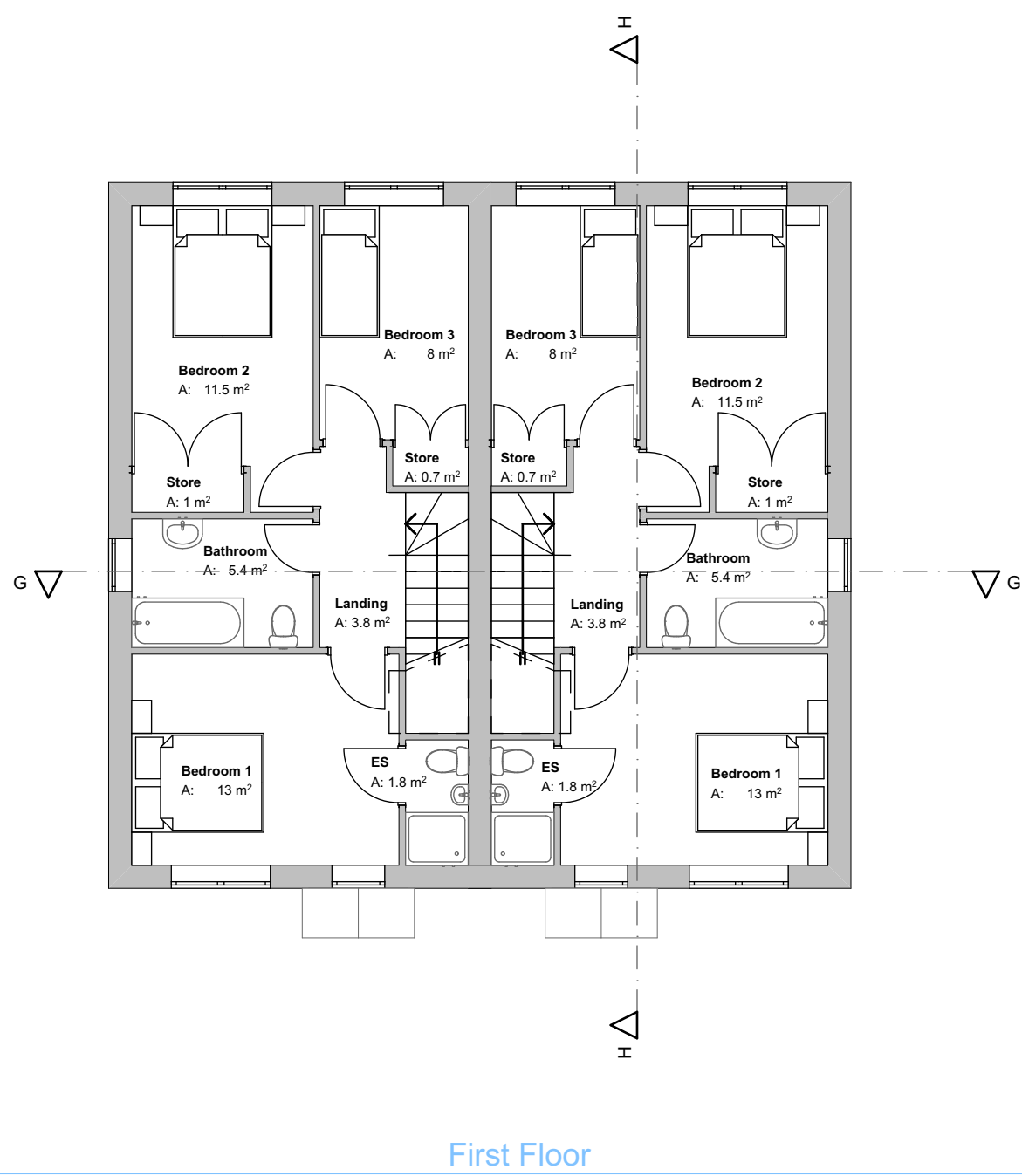
Description: Proposed Two Bedroom House

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

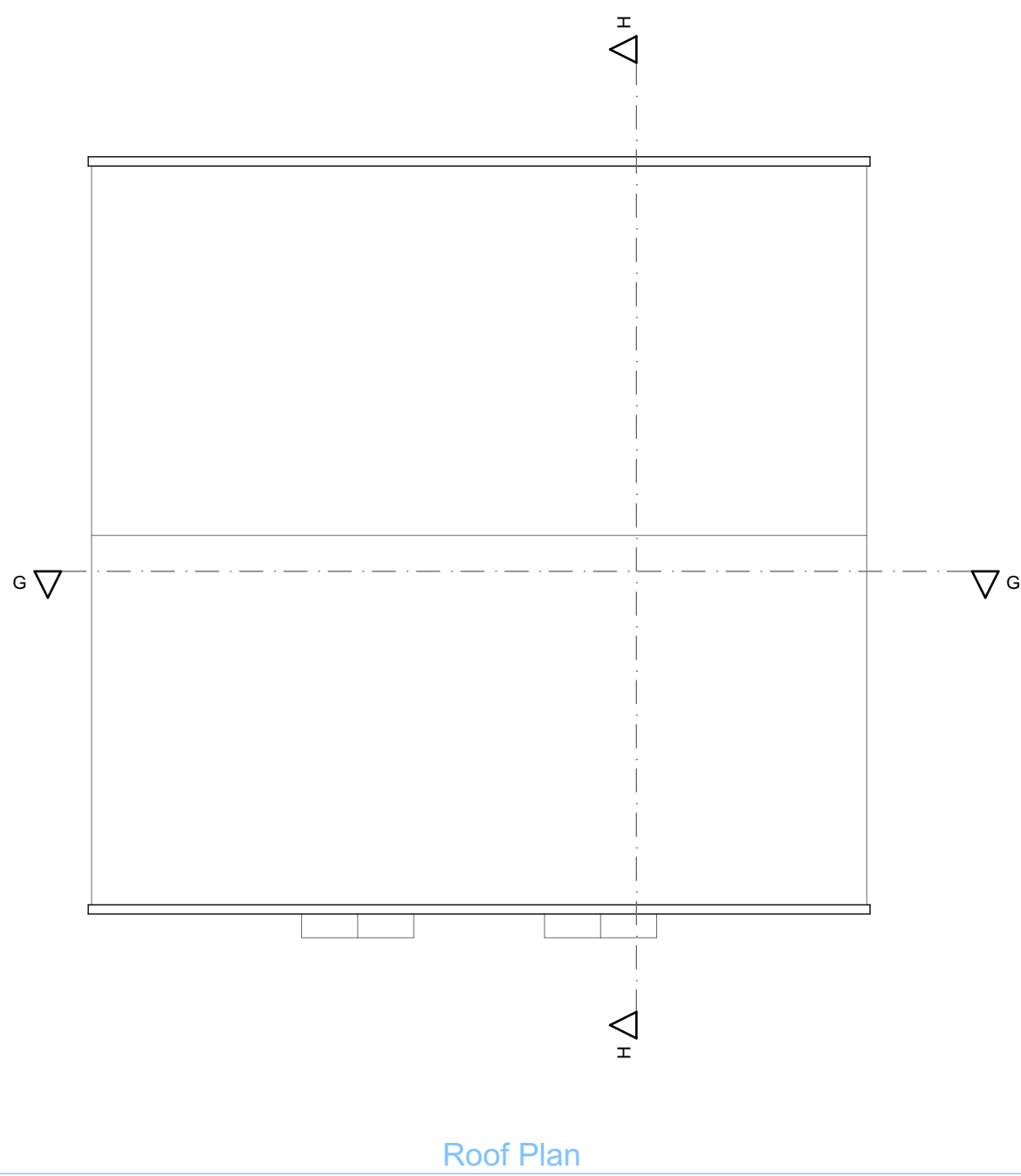
Drawing No: 495 /05



Ground Floor



First Floor

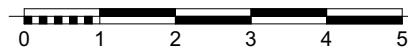


Roof Plan

Notes

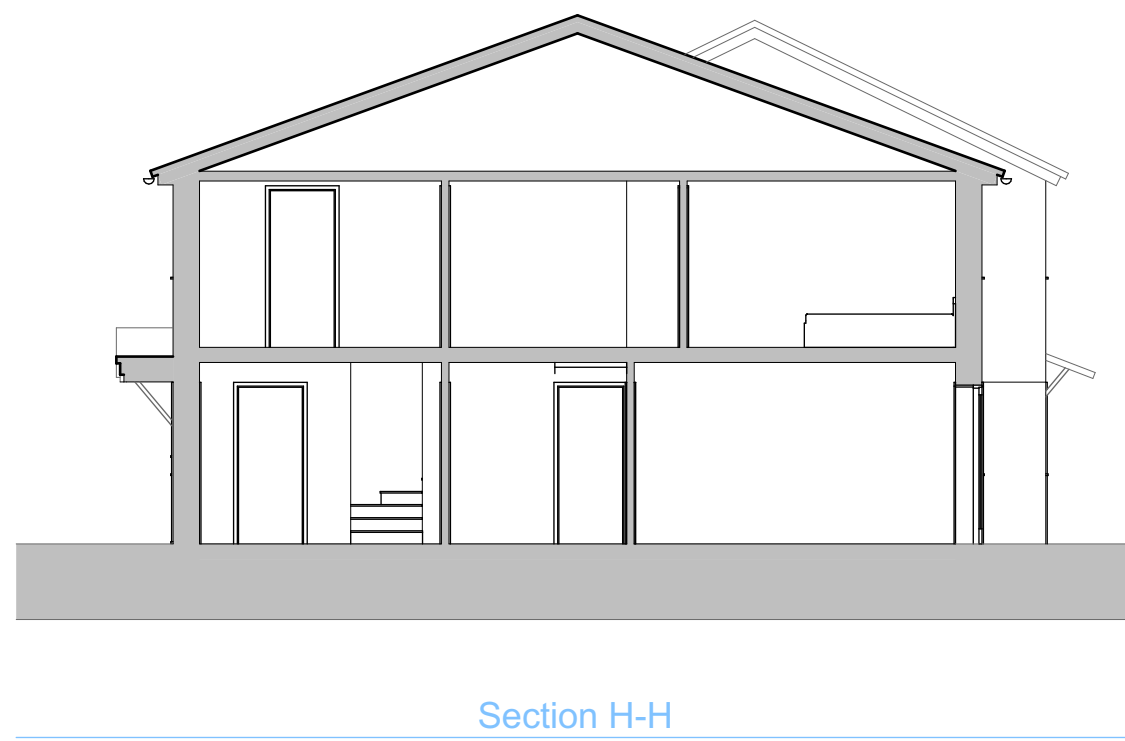
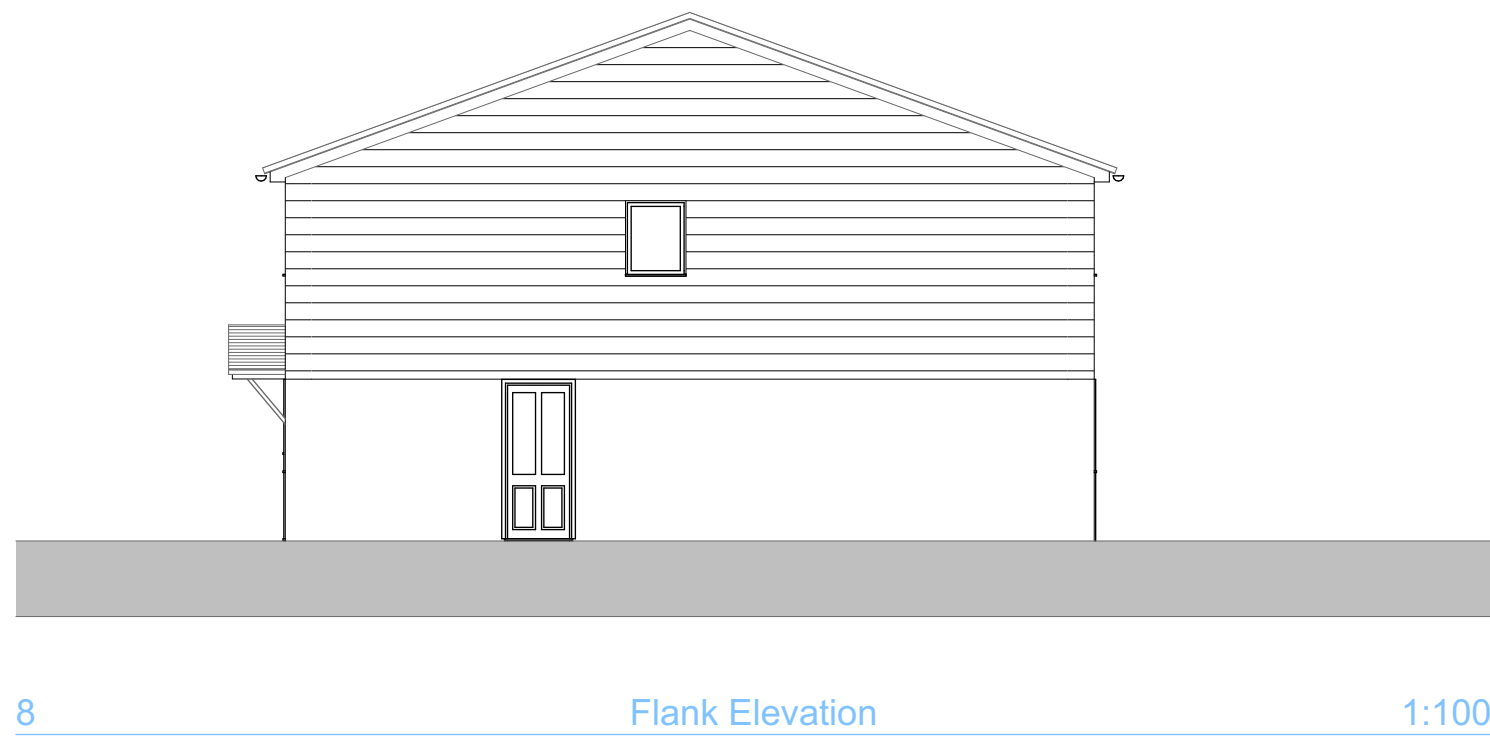
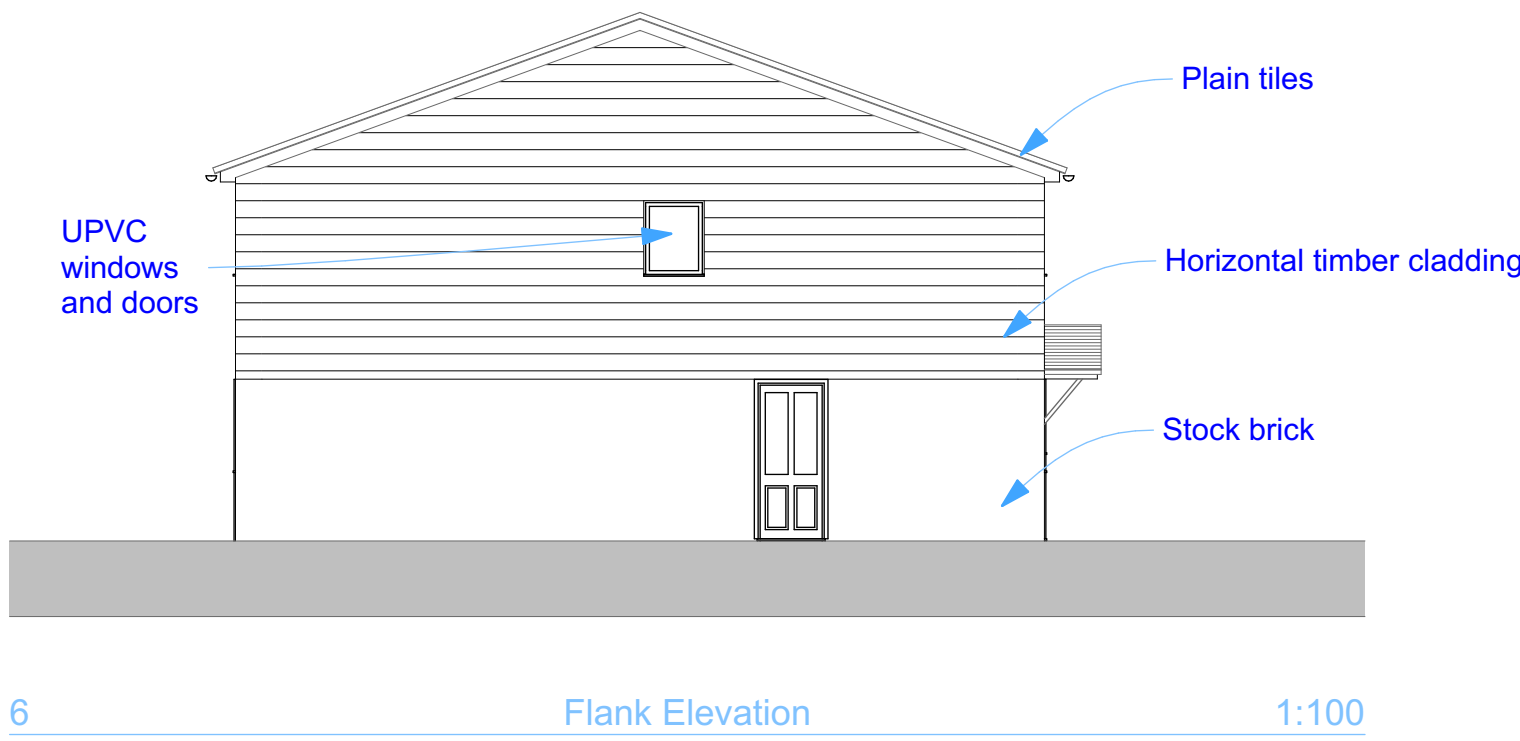
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Drawing to be printed A1



Scale Bar

3 Bedroom 5 Person House
102m2 (1098 sqft)



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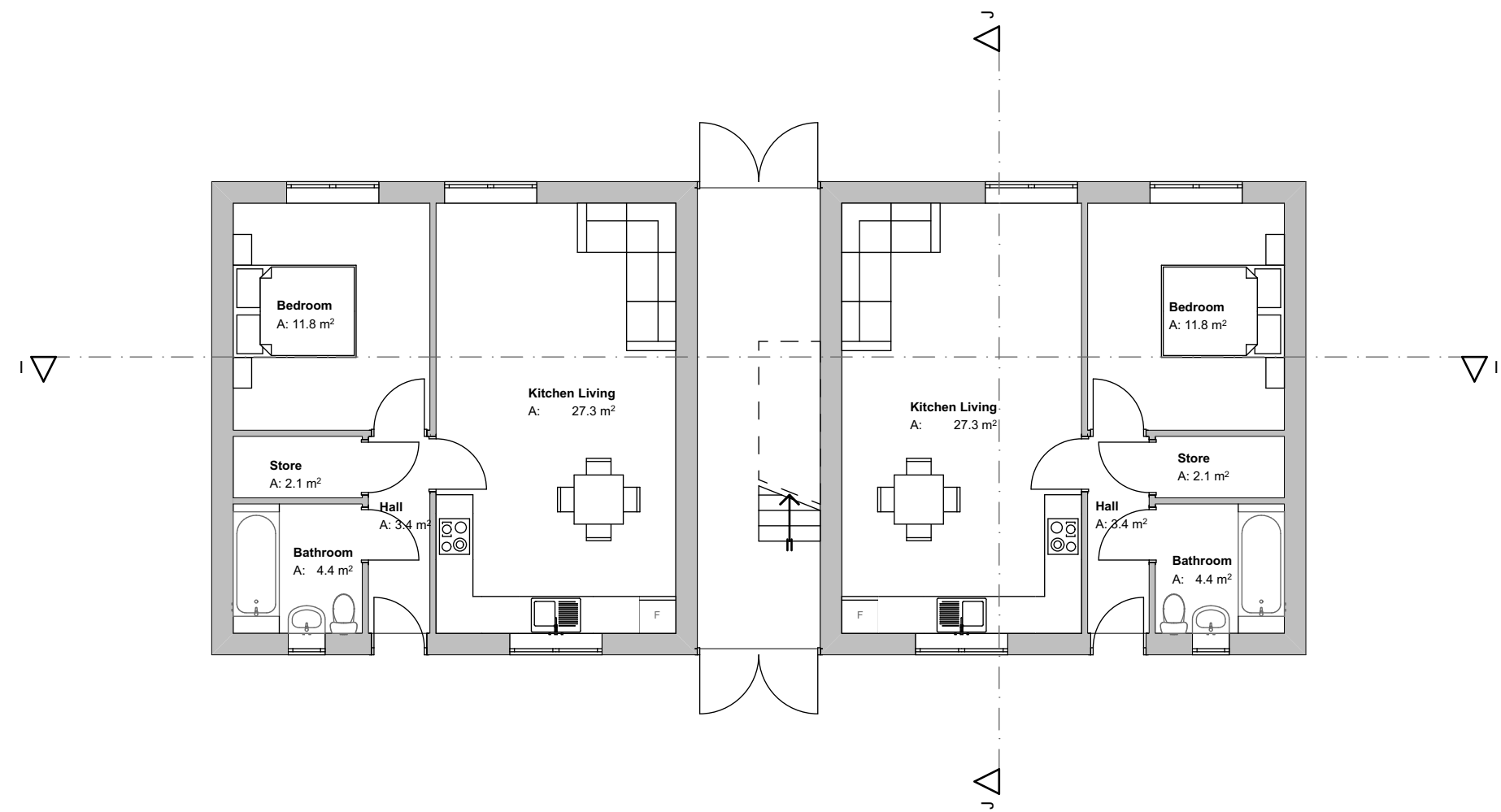
Client: Sepa Ltd

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

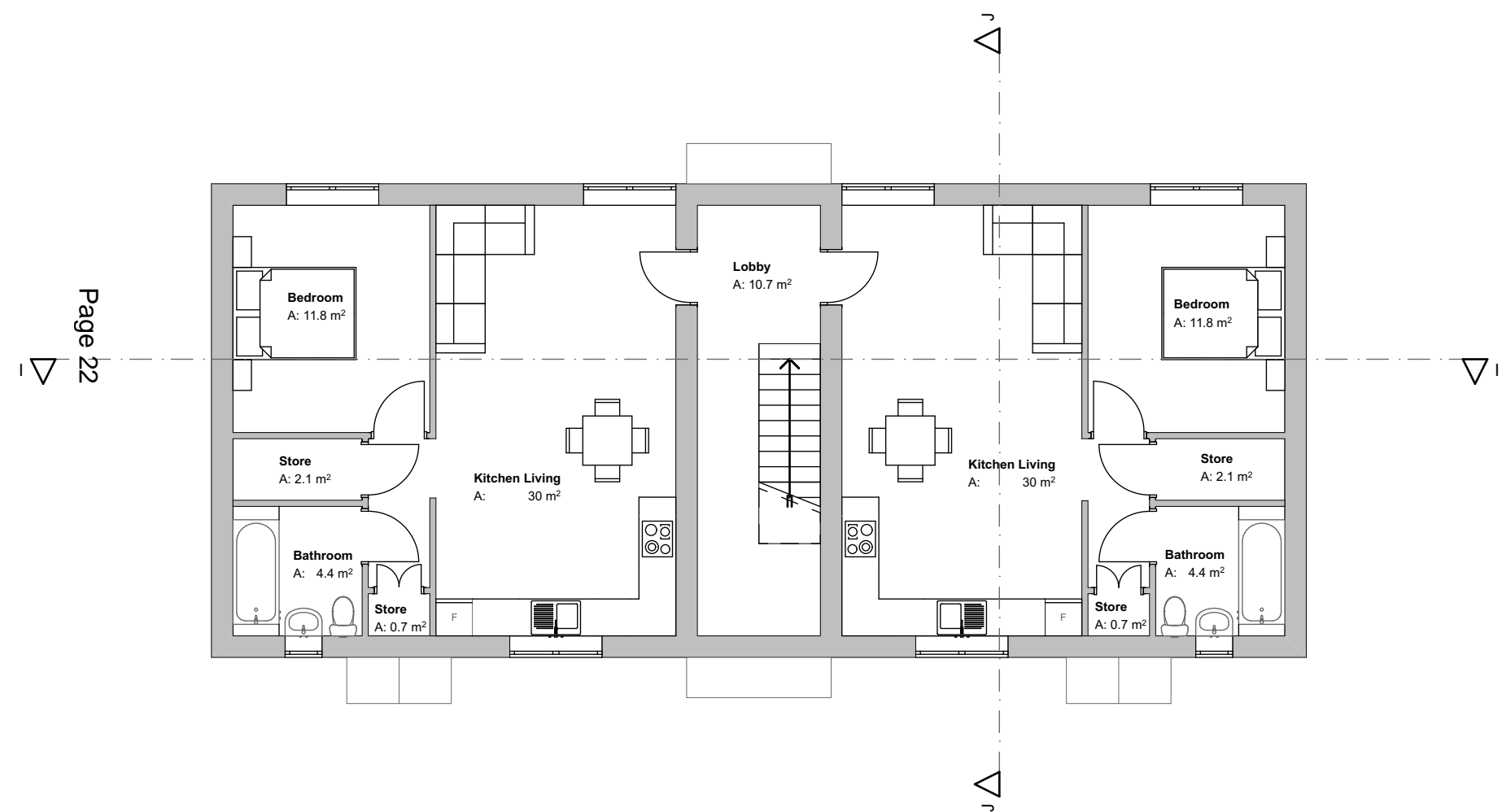
Description: Proposed Three Bedroom House

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

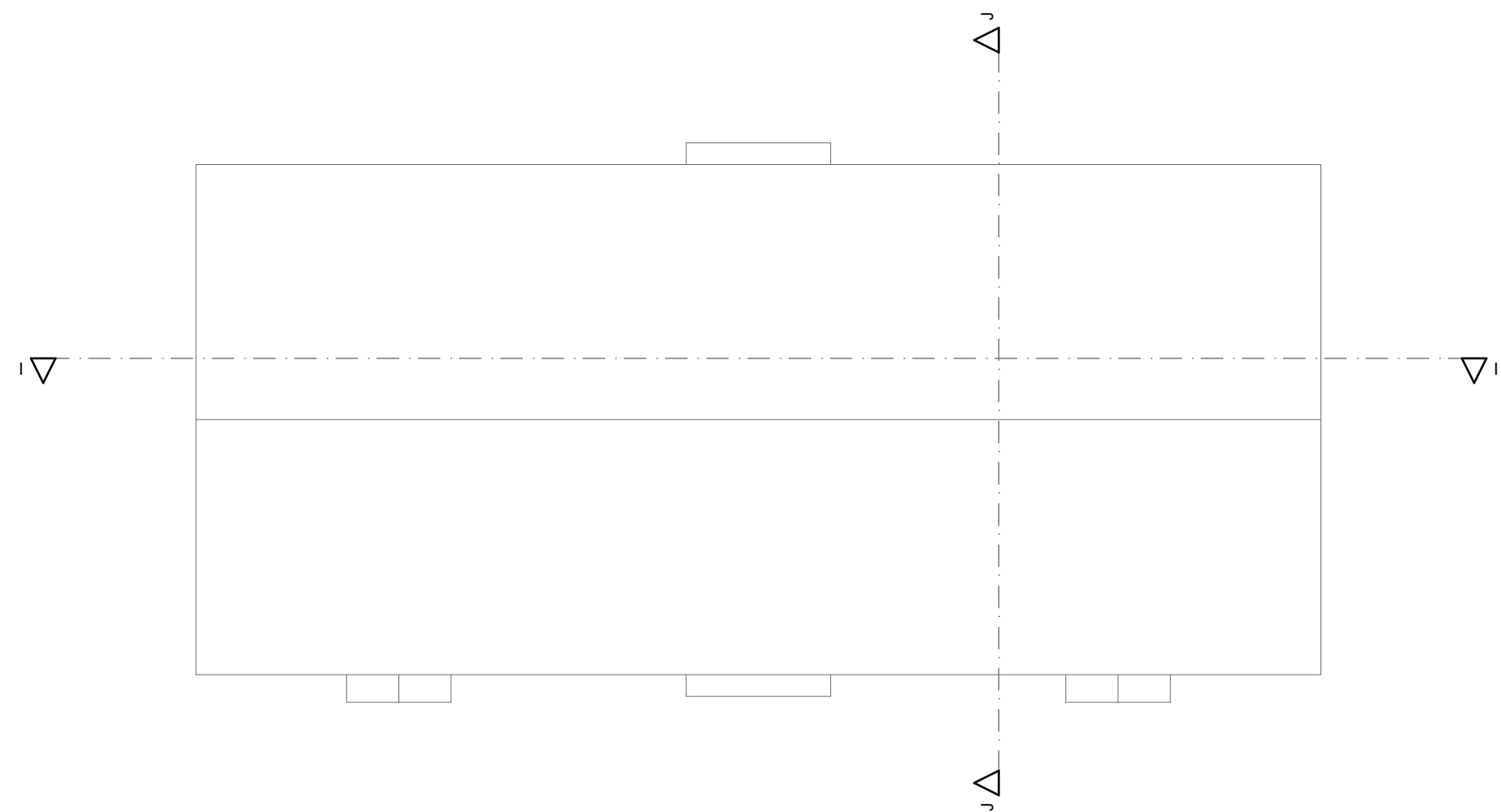
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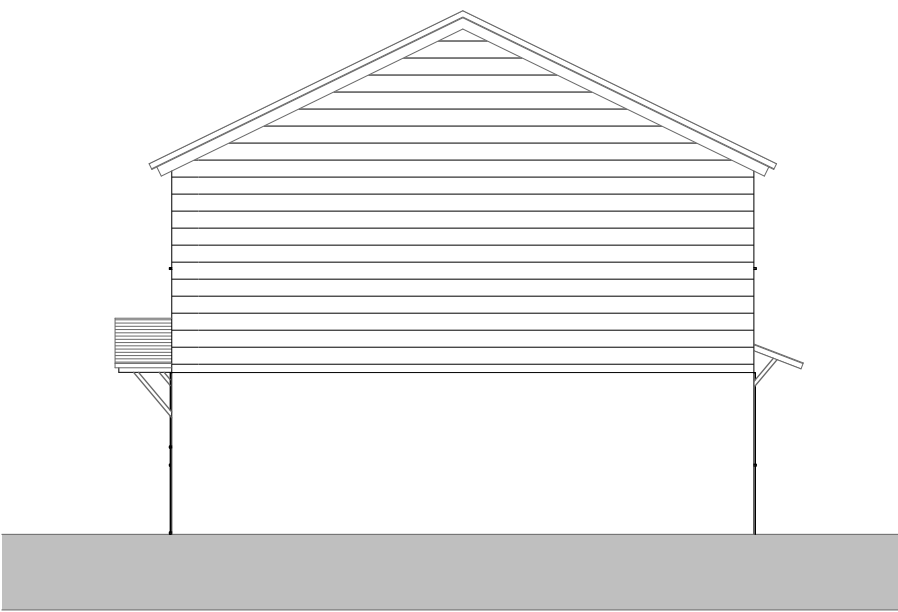
Ground Floor



First Floor



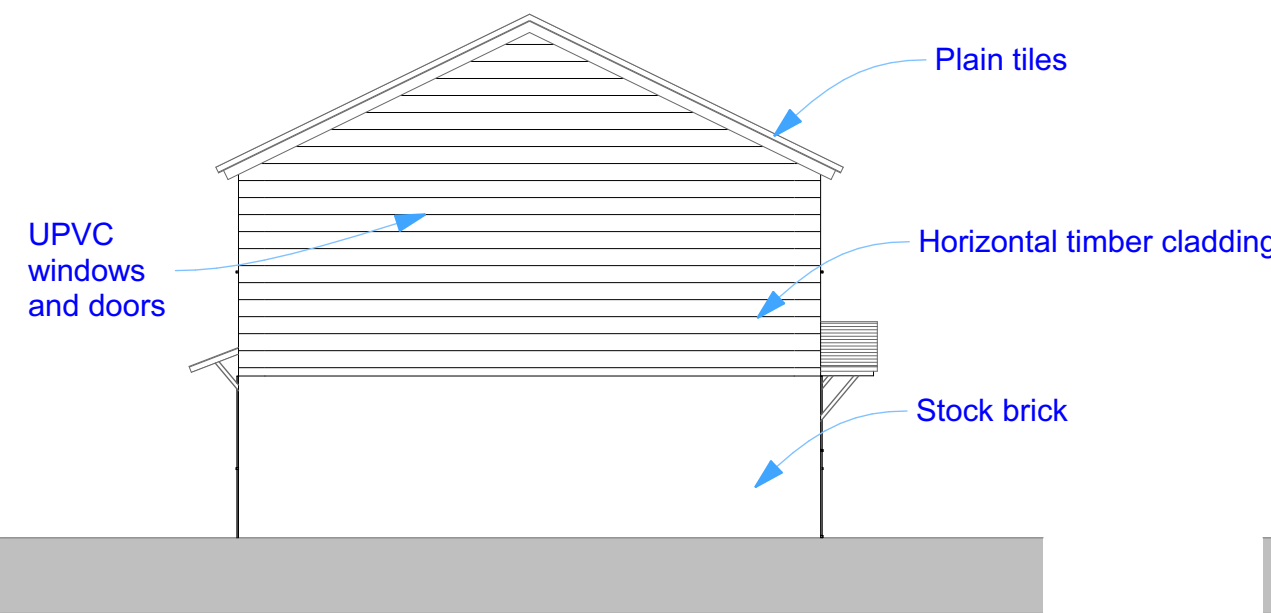
Roof Plan



Flank Elevation



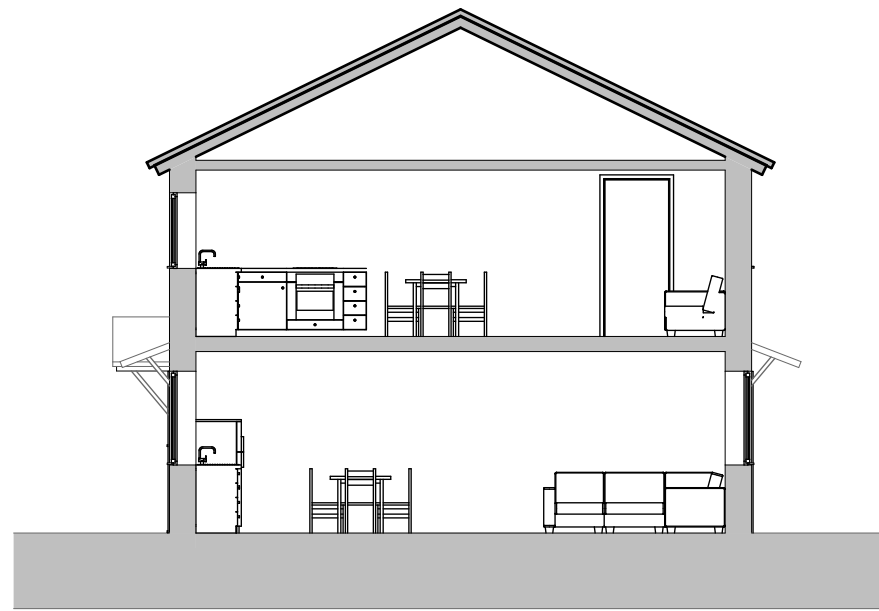
Rear Elevation



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
West Sussex RH16 4DZ

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

SEPA Ltd
C/o Agent

Officers Report

Background:

1. This application was deferred at the December meeting as the Committee requested the developer reconsider the dwelling mix on the site to reduce the number of smaller sized units. The committee's request has been passed to the developer and an update will be provided at Planning Committee.

2. This application was originally called to Planning Committee by Cllr Cathy Martyn and Wroughton Parish Council.

Summary of Recommendation:

3. 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:

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

5. 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.

6. 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:

7. 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.

8. 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:

9. 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.

10. 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.

11. 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.

12. Arboriculture:

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

13. 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.

14. 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.

15. Archaeology:

No issues to raise.

16. Contaminated Land Officer:

Request for appropriately worded contaminated land assessment conditions.

Planning Considerations:

17. 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

18. 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.

19. 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)

20. 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.

21. 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:

22. 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.

23. 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.

24. 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

25. 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.

26. 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.

27. 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 being considered up-to-date either.

28. 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.

29. 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.

30. 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:

31. 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.

32. 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 is 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.

33. 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.

34. 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.

35. 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:

36. 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.

37. 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.

38. 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:

39. 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.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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).

45. 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.

46. 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.

47. 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:

48. 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.

49. 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.

50. 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:

51. 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.

52. 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.

53. 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:

54. 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.

55. 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:

56. 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:

57. 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

58. 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.

59. 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.

60. 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.

61. No highway related contributions have been deemed applicable.

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

Consultee Comments:

63. 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:

64. 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.

65. 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.

66. 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:

67. 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

Land North Of Blackworth Industrial Estate Highworth Swindon



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



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



Red shade denotes position
of new access road



0 10 20 30 40 50 M

Scale 1:1250 @ A4

— Planning Application Boundary



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Project

Highworth

Client

Aldi Stores Ltd.

Scale

1:1250

Paper Size
A4

Filename

as Drawing

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Do not scale this drawing

A 8/2/18 MWGS Access road indicated.

Rev Date By Ap Note

Drawing Title

Site Location Plan
Food Store Application

Project Number

Drawing Number - Revision

140190 P(1)01 A

Date

19/9/17

Drawn

AS

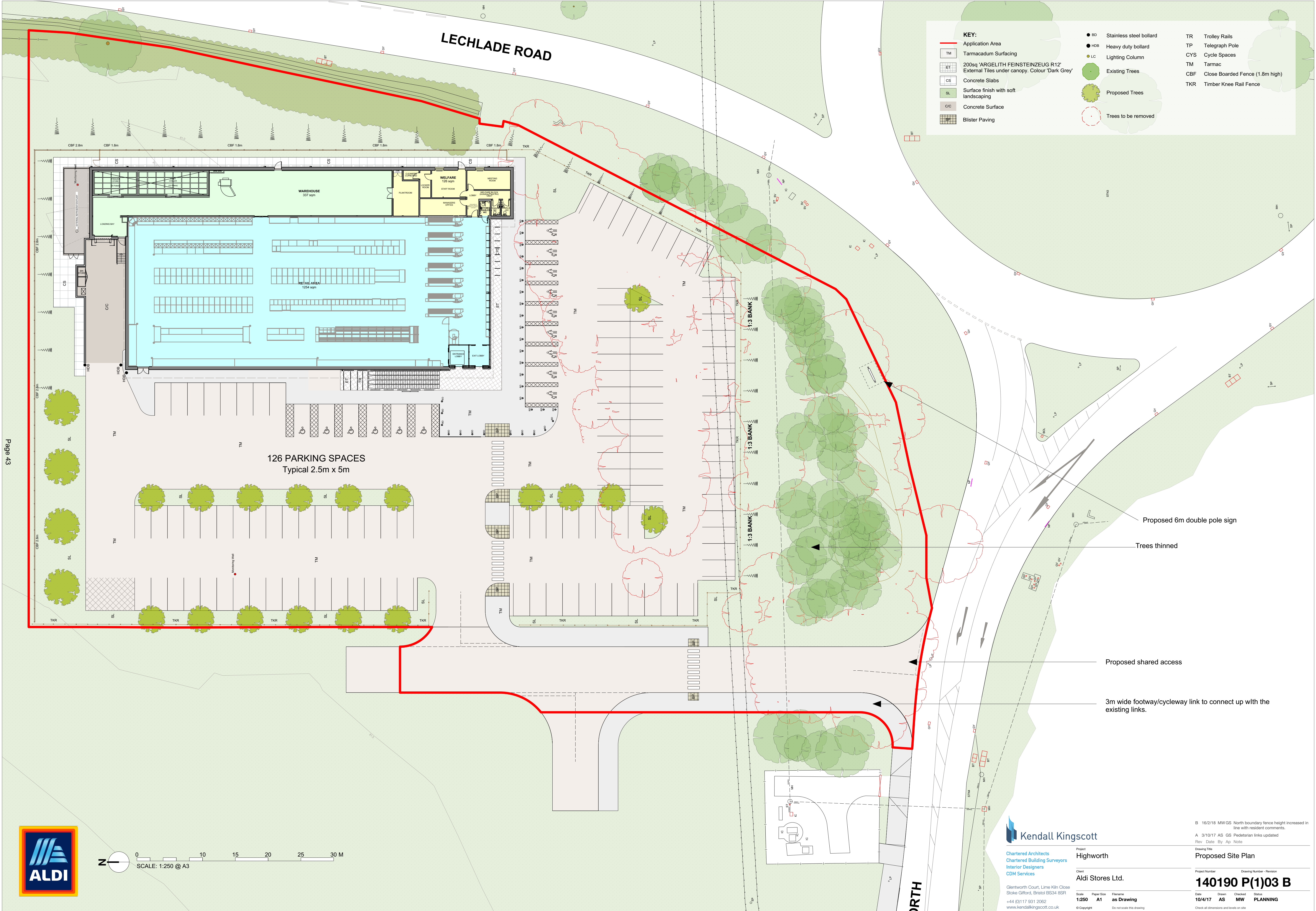
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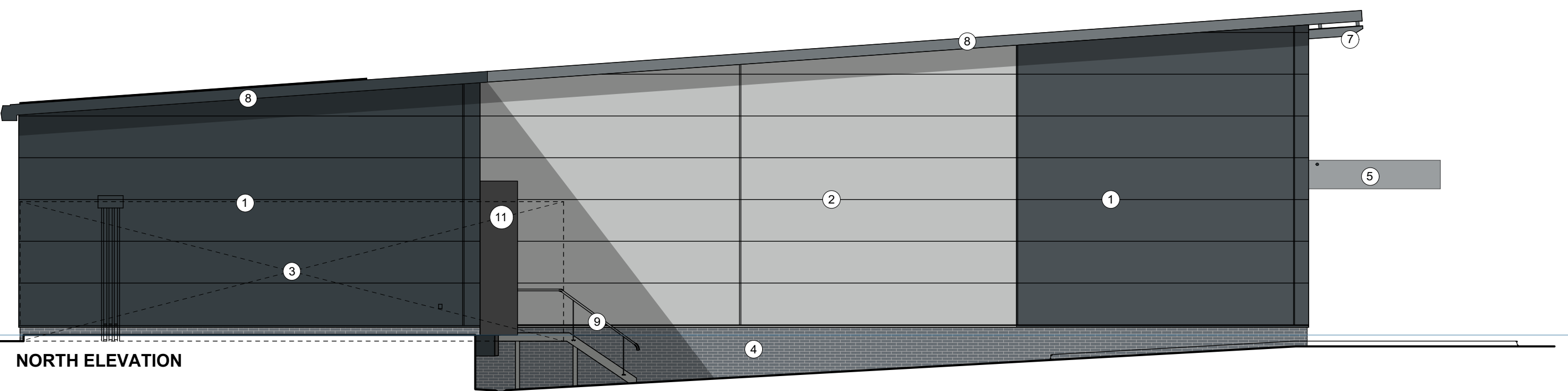
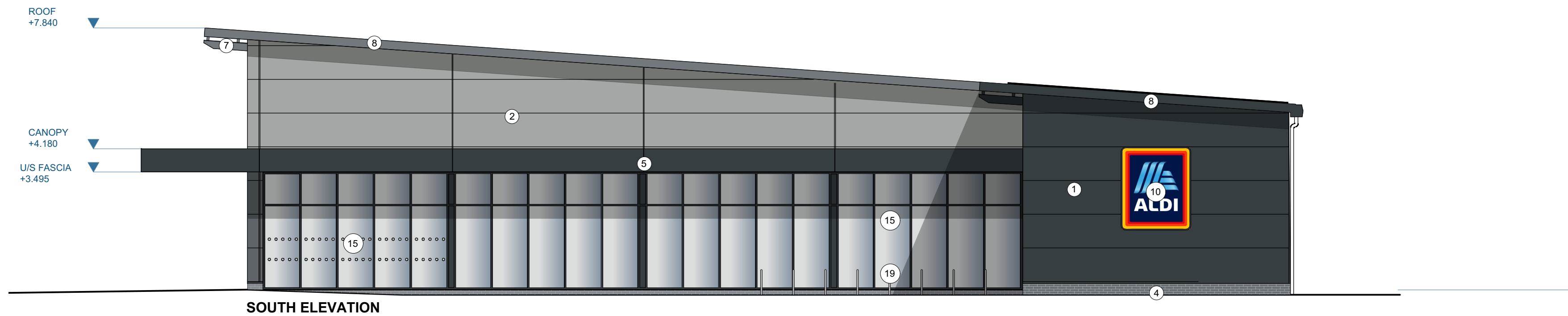
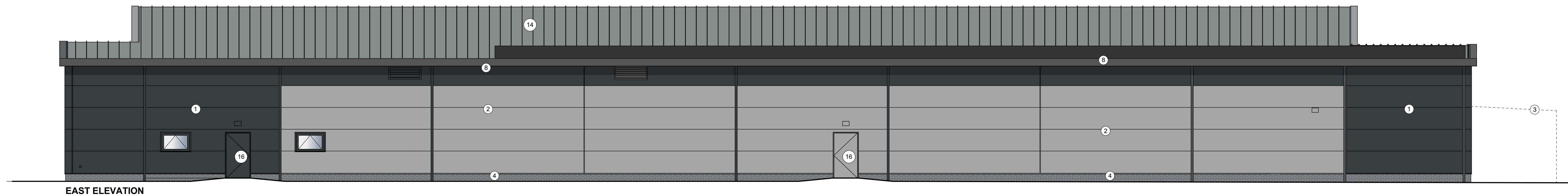
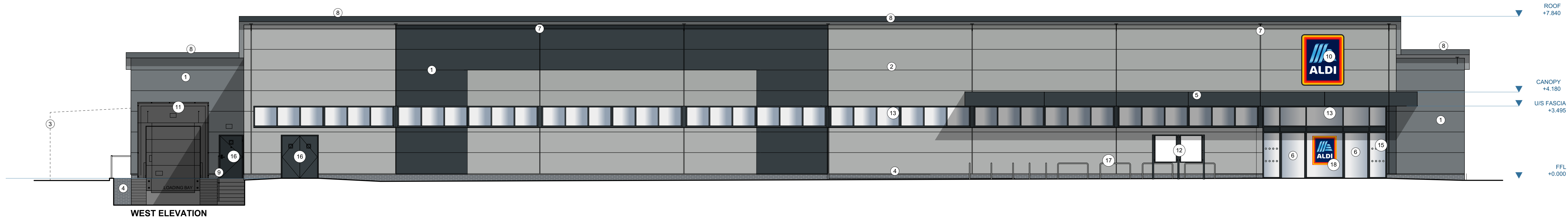
MW

Status

PLANNING

Check all dimensions and levels on site





Notes

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

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

Rev Date By Ap Note
Drawing Title
Proposed Elevations
Project Number
Drawing Number - Revision
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Status
PLANNING
Check all dimensions and levels on site

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COMMITTEE REPORT

Item Number:

Application Number: S/17/1771/SASM

Ward: Blunsdon And Highworth

Parish:
Highworth

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

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

Case Officer: Mrs Sarah Smith

Agent:

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

Applicant

ALDI Stores Ltd
ALD Cardiff
Wentloog Avenue
Cardiff
CF3 2GJ

Officers Report

Background:

0.1 Members considered this application in June 2018 and resolved that:-

‘The Head of Planning, Regulatory services and Heritage be authorised to grant permission in respect of application numbered S/17/1771 subject to appropriate conditions and for the following reasons:-

- (a) Meeting local needs, as evidenced by representations made by the public having to travel outside of Highworth for groceries and other shopping.
- (b) The proposal would not adversely affect the vitality and viability of Highworth town centre, given that conditions can be imposed to restrict the items sold by the proposed store, and the goods sold at the proposed store are largely different from those in the town centre.
- (c) The proposal does not in real terms result in the loss of an employment site as the store will create jobs.

0.2 Following the grant of Planning Permission a claim was made on 3rd August at the High Court for a Judicial Review of the Council’s decision on behalf of Midcounties Co-operative Ltd on a number of grounds that the Council had acted unlawfully in granted

planning permission.

0.3 The process of defending the decision in a court of law can be both lengthy and costly and there is no guarantee that the High Court would not agree with the claimant. Members agreed at Planning Committee 14th August to resolve that the Director of Law and Democratic Services Consent to Judgement to quash the planning permission.

0.4 The papers were duly considered by the High Court and an Order quashing the permission was made on 11th October 2018. The application is therefore brought back before the Planning Committee for re - determination.

0.5 Since the application was considered in June, The Revised NPPF was published in July 2018. The thrust of the policy framework on retail development remains. The NPPF (2018) policy framework with regards to biodiversity is strengthened, as explained in the main report. The NPPF (2018) policy framework has also been updated with regards to the employment land and sustainable transport planning. The updated NPPF text is included in the report.

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

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

Summary of Recommendation:

1 That planning permission be **REFUSED**

The Proposal:

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

The Site and Surroundings:

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

This woodland perimeter was excluded from the employment allocation in the Local Plan.

Representations:

4 Highworth Town Council Comments:

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

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

- Unhappy with use of language in response
- Town Council supporting views of people in the town who want more choice
- Numerous complaints received about how the Co-op operates in the town
- Wrong to suggest that the town fixated on one operator
- Neighbourhood Plan already undermined by housing supply
- Town Council took account of the NPPF regarding employment and economic development
- Town Council consider impact on the town will be beneficial not harmful
- Should be up to the residents to decide how much choice they want or expect in the town
- Town Council believes the express wishes of the people of Highworth are being totally ignored in favour of vested interests and large business.

6 Local residents:- Letters of support from 52, 122, Sevenfields, 15, 104 Home Farm, 46 Barra Close, 32 Kings Avenue, 53 Grove Hill, 2 St Michaels Avenue, 31 Bydemill

Gardens, 18 Folly Crescent, 20 Windrush, 24 Crane Furlong, 29 Wessex Way, 41 Cricklade Road, 32 Swindon Street and Councillor Weisinger on some or all of the following grounds:-

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

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

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

- Whilst we have no objections to the building of the new Aldi store in principle, we do have an issue with the noise from the proposed development which will have a significant adverse effect on our property without appropriate acoustic shielding.
- We request this be made a condition of the planning permission to prevent the burden of prolonged and costly assessments for Swindon Borough Council in the future.
- We had raised our concerns regarding noise at the consultation stage and we are surprised and disappointed these have not been adequately addressed prior to submitting plans. The plant and loading bay is on the north side of the development which directly faces our property.
- The application includes a noise impact assessment (KR05816) which is flawed in several areas. The report appears not to have included the reversing beepers of delivery vehicles, service vehicles and customers vehicles in the delivery noise assessment (section 5.4). This noise will also be reflected off the end wall of the building which faces our property. Service vehicles can arrive any time, day or night as indicated in other areas of the application. These beepers are the loudest part of the process and are widely reported as one of the most complained about irritants from such situations. Noise levels of such beepers can be 110 dB and this will be clearly audible from our property in an otherwise essentially rural location if no acoustic shielding is provided.
- NPPF says planning policies and decisions should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new developments. Clearly to comply with this, some acoustic shielding will be required.

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

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

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

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

- contrary to Local Plan policies and the Highworth Neighbourhood Plan. Policy RA1 clearly states that development at Highworth should maintain and enhance the character of Highworth Town Centre and, prevent the loss of existing shops, services and facilities.
- the proposal would seriously prejudice the retail and community heart of Highworth by prejudicing the vitality and viability of the town centre. The proposed edge of town site is remote from the centre of Highworth where the Co-operative Store acts as the essential anchor store to the High Street –it's proximity and good links with the High Street ensures many linked shopping trips with the small independent shops in the town centre.
- There is evidence that both the Co-op, and some of the High Street shops, undertrade and the presence of an edge of town convenience store will seriously prejudice the retention of town centre shopping and the overall vitality of the community heart of Highworth and the potential loss of the Co-op would seriously impact the town centre, depriving it of its anchor store, convenient and essential car parking which crucially serves the town centre, as well as potentially leading to the loss of the Post Office and Library, which are both located within the CO-OP store.

- Aldi's standard claim repeated in the recent "letter-drop" to residents that Aldi encourages linked trips and therefore promotes the vitality of town centres is not valid in the context of this proposal and the particular circumstances that relate to Highworth, the proposed store is too remote from the town centre to attract linked shopping trips and there is no safe or convenient pedestrian link with the site, located as it is on the extreme edge of the town and north of the heavily trafficked Lechlade roundabout.
- The applicant indicates that there are no sequentially preferable sites in Highworth for its proposed store. This does not outweigh the negative impact that an edge of town store would have on the town centre.
- The Aldi proposal is presented by the applicant as enabling development supporting the provision of employment uses at Blackworth. The proposal has not been submitted as a hybrid planning application, but rather a separate application has been submitted for the employment use. This clearly demonstrates that it is not "enabling" development as suggested by the applicant. In fact, the Aldi proposal significantly reduces the employment land allocation to the detriment of providing land for B2/B8 industrial and employment proposals. There is a shortfall in allocated employment land in the borough and the loss of land at Blackworth should be resisted.

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

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

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

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

Other Representations

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

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

- First of all it is understood that there is a Council covenant over the access to the

site and it is important for open government and trust in the planning system that any financial benefits to the Council are fully clear in determining the application.

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

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

- Asda has raised objections to the application which is unusual and is indicative of the concern with which it regards this particular application
- Asda broadly agrees with our objections but the letter is more evidence from another retailer that Aldi operates in a similar fashion to the main grocery chains and should not be distinguished from them in determining applications
- Although a Condition restricting sales is now proposed we doubt that such a condition could pass the test of necessity. i.e. that it is needed to overcome the retail impact objection.
- The impact assessment is based on Aldi as the retailer and is unacceptable on that basis. The condition could not limit the impact to acceptable levels. Much of the local support for the proposal is based on it being an Aldi store but this is misconceived.
- Need to respond to the comments made by the Town Council which the Co-op would not normally do so. Its comments are untenable and brings itself and

neighbourhood planning into dispute. The proposal is very obviously contrary to the Neighbourhood Plan.

- The inclusion of the site within the settlement boundary to enable retail development was considered by the Examiner on the Neighbourhood Plan and rejected.
- The Town Council adopted the Plan very recently and it forms part of the development plan to which S38 (6) of the Planning and Compulsory Purchase Act 2004 applies. This requires applications to be determined in accordance with the Plan unless other material considerations indicate otherwise. Development plan status confers a number of benefits to the initiators of the plan but with these come certain responsibilities. Plans are designed to provide some certainty to future developments to all parties concerned and consistency in public decision making. For the Town Council to support a proposal that is so clearly contrary to the plan and was found to be so by the independent Examiner, undermines the purpose of the plan and will undermine its credibility. If the Council can act contrary to its policies so soon after its completion, there can be no confidence that its other policies will be given any weight. It will have been a waste of time and money.
- There are no reasons advanced in the Town Council's representation as to why the policies (and those of the Swindon Plan) should be overridden in this case and no evidence to support such a course of action. The matters raised by the Town Council such as the need for more food shopping in the town were all apparent when the plan was being prepared and could have been taken into account in the Plan. They were not. The Council's recent Retail study in fact belies the claim. The Town Council's complete disagreement with the assessment that the siting of this supermarket will have a damaging effect on the High Street is contradicted by the applicant's own assessment, is evidence free and irrational in the light of the evidence that has been submitted. The key policy for retail development in the Plan is Policy 4 and this is not referred to at all in the Town Council's representation.
- Furthermore it is considered highly irresponsible of the Town Council to promote a petition in support of this proposal. In the absence of overriding considerations any decision to permit the proposal can only lead to the potential for judicial review.
- The Policy analysis from the Forward Planning team is clear that the site is outside the settlement boundary and town centre, does not contain an exception for retail development in the countryside, the site is allocated for B Class employment use and is needed to meet the employment land requirements of the Swindon Plan. The officer has similar concerns about the retail impact methodology and concerns about the impact on the town centre. Given this advice any other material considerations would have to be very substantial indeed to override the policy presumption against the proposal.
- The agent's response to the Forward Planning policy analysis is one which repeats what it has done in the retail assessment but does not address the criticisms of the Forward Planning Team or objectors. It repeats the claim that 'the diversion of expenditure would therefore principally affect distant rather than local competing facilities (such as the Co-op in Highworth) which fulfil a different shopping function'.
- This flies in the face of both common sense and retail assessment good practice. The greatest impact is inevitably on the nearest stores. It would be unreasonable to expect Highworth to fulfil all its retail needs any more than it would meet its employment needs when Swindon can provide so much more choice and is less than 5 miles away. Furthermore any clawback would not benefit the town centre which is the focus of both local and neighbourhood planning policy.

- Since its own analysis indicates a severe retail impact (17%) on Highworth Town Centre there is no need to comment further. Although the agent disputes the town centre's poor state of health the Council is fully aware of its current condition as, for instance documented in the Neighbourhood Plan. The agent has not responded to these points made by the Forward Planning Team.
- The agent accepts that the proposal is beyond the settlement boundary and does not accord with Policy RA1. It accepts that Policy EC2b of the Swindon Borough Local Plan does not apply. It offers a Condition restricting the sale of goods to food but does not explain how this would overcome the retail impact objection since as already noted its assessment which demonstrates the proposal's unacceptability had already factored in Aldi as the operator. Doubt that such a condition could be considered necessary to overcome objections.
- With respect to the employment land issue the Forward Planning team consider little weight should be given to the employment generation from the development and the Employment Land Review 2017 found a shortage of employment land in the Borough.
- The agent suggests the proposal as an enabling development but there is no indication that access costs have held back the development of the site or, that the retail development is necessary to bring forward the employment development. Access to the employment site would be possible now (and would avoid the difficulty arising from a substandard right hand turn lane proposed with insufficient distance from the roundabout and which only arises because of the Aldi proposal). There is no basis for the Council to conclude that the Aldi proposal would bring forward employment development of the site or that this is sufficient to override the fundamental conflict with the employment, retail and countryside policies.
- Whether the design objections raised can be overcome or not should not obscure the fact that the site is unusually poor in terms of its accessibility except by car. Planning policy requires out of centre sites to have good access by walking, cycling and public transport and its extreme poor accessibility, even with the improvements proposed is sufficient reason to refuse planning permission.
- Need to comment on claims made in the press that the Co-op had received 'vast amounts of money' from the Borough Council towards the cost of building its store in Highworth. The Council will be aware of the true situation. The Council negotiated with the Co-op to obtain a new library which was located above the store. The Council paid 'extra over cost' of the construction but basically received a 'free site' and had the ability to either sell or use the former library site for other purposes. This provided a potential capital income for the Council who at the same time obtained a brand new library at considerably less than it would have cost to provide on another dedicated site.
- In summary the proposal is recognised by the applicant to be contrary to the policies of the Swindon Local Plan and the Neighbourhood Plan. It is in a rural area where there is no provision for retail development. It would have a severe adverse impact on Highworth Town Centre even on the basis of the applicant's retail impact assessment. It would lead to the loss of employment land and is an unsustainable site for retail development, being isolated from residential areas and with inadequate accessibility except by car. The Forward Planning team has objected on these grounds. There is nothing in the response since then which would lead to a different conclusion. Nor are there any material considerations advanced by the applicant or others that could be considered to override the conflict with policy.

14 Since the Council's decision was quashed by the High Court and further to a letter being received from the agent on behalf of the applicant Richard Holmes has made a further submission (dated 6th November) on behalf of the Midcounties Co-operative society as follows:-

- I am not responding to the legal matters raised. The Turley letter addresses the reasons for refusal of the application recommended by officers in its Committee Report (June 2018) and I am responding to these. For the avoidance of doubt the objections to the proposal raised in our previous letters still stand.
- The key consideration in considering the Turley letter is whether there is anything in it which indicates that policy should not be followed and was not apparent before. Unless there is, it follows that the Committee report must come to the same conclusions now.
- The assertion that the proposal does not in real terms result in the loss of an employment site as Aldi will create jobs misunderstands the nature of the policy objection as set out in paras 19-21 of the Committee Report (June 2018). The site lies in the rural area outside the settlement and would be contrary to Policy SD2 'unless it is in accordance with other policies in this Plan permitting specific development in the countryside.' It is allocated under Policy RA1 for B class employment uses and there would be no conflict with Policy SD2 if it were used for B Class employment but there is no provision for retail development to take place under Policy RA1 and the proposed development would therefore be contrary to Policy. The applicant had in fact pressed for the site to be included in the settlement boundary in the Neighbourhood Plan, specifically to allow retail development on this site but this was rejected by the Examiner of the Neighbourhood Plan.
- The Committee were also wrong to conclude that the jobs created by Aldi would compensate for the loss of employment land. In our original objection it was noted that retail development leads to substantial job losses in other retail outlets and the net gain is very limited and this was independently commented upon in the Committee Report. If there is no retail need (i.e. unaccommodated expenditure to support the additional floorspace) the economic impacts on existing stores means that net increase may be negligible is relevant. The recent Swindon Retail and Leisure Needs Assessment 2017 has established that there was no need for further retail development now or throughout the period to 2036 and certainly means that it would be unreasonable to conclude that there would be no loss of employment land (or opportunity) as a result of the proposal.
- Turley's letter states that officers have made assertions on the impact on job displacement without any evidence to support their conclusions. This illustrates the fact that Committee reports are inevitably summaries of the available information. However we submitted details of the likely job impacts in our objections using the recognised approach and parameters. The agent merely responds 'that it is the applicant's view that there are unlikely to be any job losses in other shops.' This is the only counter-balance that the applicant offers. I can categorically state that the Co-op could not absorb turnover losses on the scale even as the applicant contemplates without adjusting employment levels commensurately.
- The applicant in their letter of 29th October acknowledges that the proposal is contrary to the Development Plan policies but considers this is not significant since the site is not protected as a key employment area and that the retail development

would be a catalyst for the development of the rest of the land (still failing to recognise that the site is protected against other uses by Policy SD2 and RA1 which between them specify that only B class uses would be acceptable).

- The applicant in the Turley letter of October 29th letter states that it has 'demonstrated that there is no reasonable prospect of employment development coming forward without a catalyst to fund/deliver the necessary enabling works.' The Committee Report of June 2018 concluded that 'it has not been demonstrated that there is no reasonable prospect of employment development on the allocated site' and commented on the lack of evidence offered on the marketing of the site. The evidence now submitted comprises one response to an email enquiry in June 2017 enclosing a google aerial photograph and illustrative layout and a letter from local estate agent saying that the site is well known to be available and the firm has dealt with a number of enquiries. This seems to demonstrate how far short the evidence is in this case which fails to demonstrate active or consistent marketing. There has been nothing submitted in this letter that could reasonably change the officers' conclusion on this matter.
- The applicant asserts that the Committee report misunderstood what the retail proposal was offering in terms of enabling development which has a specific meaning in Planning. The Committee report noted that there was no reassurance or mechanism which the Council would be able to seek if it were to accept the loss of a portion of the employment land. Turley's letter states that the works associated with the planning application can be secured by condition but it is an obvious truth that this would give no guarantee that the remaining employment land would be developed if permission is granted and therefore provide the assurance necessary to justify (on the applicant's own terms) the departure from policy it seeks.
- Turley states that it 'held discussions with a range of potential occupiers- none of whom were willing or able to commit to the site due to various constraints.' There is no indication what these constraints are or even if they relate to the development of the site rather than other business issues. The Council still has not been given evidence that there are abnormal costs associated with the development which might justify 'enabling development' to use the applicant's term. There is nothing in Turley's further submission which could lead to a change of view on the loss of employment land.
- The June Committee Report concludes that even on the applicant's own figures the retail impact would be significantly adverse. The Turley letter does not seek to alter its assessment evidence put forward in the Planning Statement and offers no basis for the Council to come to any different conclusion now. However despite the latest letter it is clear that Turley was unaware of the Swindon Borough Retail and Leisure Need Assessment 2017 when it produced its Statement. The issue of survey sample size and dates is wholly immaterial because it is the Applicant's survey on which the assessment of, and the officer's conclusions on, retail impact have been based.
- There are a number of inconsistencies with Turley's retail assessment but since the officers concluded their view on retail impact based on the applicant's own figures which the applicant does not seek to change with this further letter then there are no reasons to change the conclusions reached by officers in the June Committee report.
- Turley refers to the 2017 Study now emphasising there were no vacant units but their report records 8 vacant units and gives a vacancy rate of 11.4%. I cannot find any comment in the June Committee Report which suggests the applicant's

assessment of the composition of the town centre is factually incorrect. The assessment of its performance is not a factual matter and the Committee report considers a range of sources of available information, as it is obviously required to do.

- Linked Trips – there is no quantitative assessment of linked trips to set against the retail impact assessment and without this that issue cannot be given significant weight. It is impossible to judge whether linked trips would compensate for the direct loss of trade without some measurement of the effect claimed.
- The Condition proposed by the Committee would not restrict competition between the centre and the proposal or reduce impact. In summary the Aldi store would sell the 1500 leading convenience goods which also comprise the majority of the Co-op's turnover. We note in this connection the Competition and Merger's Authority has widened the scope of its investigation of the proposed Asda/ Sainsbury merger to include Aldi and Lidl. This clearly indicates that the stores are in direct completion with the 'mainstream' rivals.
- Ecology/Biodiversity – Appendix 4 of the Turley letter comprises copy emails between the applicant and the Town Council. It does not seem to take matters forward in that there is no site suggested for mitigation and the understanding can have little meaning unless there is an understanding of what the unspecified mitigation is. We doubt that condition 16.2 is enforceable in that it would apply to an unidentified site outside of the applicant's control.
- We have carefully considered the contents of the Turley letter and conclude that there is nothing in it that would lead us, or could reasonably lead officers, to change their views on the application. We therefore confirm our earlier objections. For the avoidance of doubt, we do not consider that the points raised in the Turley letter overcome the grounds contained in our clients' recent successful application for judicial review of your previous decision on this application. Our client's position in that regard is, of course, reserved.

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

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

16 Letter of objection from TPS Transport Consultants on behalf of Asda Stores Ltd on the

following grounds:-

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

17 Letter of objection from Womble Bond Dickinson on behalf of Asda Stores Limited following the application decision being quashed by the high Court and it being remitted back to the Council for redetermination on the following grounds:-

- The Statutory Plan remains unchanged for the purpose of the redetermination of the application. It is accepted by Turley that the application is contrary to the statutory development plan taken as a whole. Therefore the law dictates that the application should be refused unless the Council is able to identify material planning considerations – relevant to the application- which indicate it should be granted.
- The NPPF has been revised since the application was considered at June Planning Committee. Importantly none of the revised NPPF policies material to the recommended reasons for refusal contain any inconsistencies with the statutory development plan policies referenced therein.
- It is notable that the Turley letter does not seek to identify any additional change in circumstances which may indicate a good reason to depart from the statutory development plan, save in respect of a single email in response to an enquiry and a single letter from an agent stating that the wider employment allocation is known by the market to be available – neither of which materially alter any of the information previously supplied by the applicant within its Property Report dated 11th October 2017. This additional information cannot reasonably be relied upon, in itself, to undermine the Officer's June report's conclusions that the application fails to demonstrate that there is no reasonable prospect of employment development on the application site.
- The Turley letter is expressed as a plea for Committee Members to reach the same flawed decision as they reached in June. While the Turley letter addresses a number of conclusions reached in the Officer's June report, in substance the Turley letter amounts only to a re-presentation of the case already presented as part of the Application, and already considered in the Officer's June report.
- The Turley letter rather boldly puts forward wording for a 'proposed resolution' which Committee Members are invited to adopt in granting planning permission for a second time.
- The Turley letter is correct in its statement that Planning Committee is entitled to reach its own view on the planning application and grant planning permission even if Officers recommend refusal. Equally, it is accurate, in principle, to state that if a

planning application proposal is considered not to accord with the development plan when considered as a whole, the Planning Committee is entitled to reach the conclusion that material considerations indicate that planning permission should be granted and outweigh the indication given by the development plan.

- The Turley Letter also rightly references the Dover case and the Supreme Court's endorsement of a duty to give reasons when fairness demands it, for example when a proposal gives rise to public controversy, is contrary to policy or when a decision is made contrary to officer recommendation.
- However the ability of Committee Members to reach a different conclusion from officers, subject to the giving of adequate reasons, should not be conflated with the duty to determine planning applications reasonably: i.e. in accordance with the statutory development plan unless material planning considerations indicate otherwise - as emphasised by the Supreme Court in *Tesco Stores Ltd v Dundee City Council*. Therefore the 'proposed resolution' in the Turley letter should be treated with caution. A decision which is reasoned, but not reasonable, is equally fatal to its lawfulness.
- The Turley letter's proposed reason to grant a) amounts to a judgement that the application proposal will not undermine the vitality and viability of Highworth Town Centre. However the Officer's June report assessment is based on the Applicant's own figures, which themselves indicate an adverse impact. The June Committee Report considers that this is significant, and is likely to undermine the vitality and viability of the town centre. The Turley Letter does not offer any basis for Officers to reach a different conclusion now.
- Proposed reason for grant b) relies on a conclusion that Highworth Town Centre is both vital and viable. However occupancy should not be equated with vitality or viability a point recognised by the Officer's June Report and countered by the letter of objection by Richard Holmes on behalf of the Co-operative Society. In relation to the cited benefits, while the Planning Committee may give due weight to considerations which it considers to be planning benefits, any benefits must be weighed against the harm caused by the conflict with the identified statutory development plan policies, and must not be considered to eliminate the identified harm. Further the Swindon Borough Retail and Leisure Needs Assessment 2017 indicated that there is no additional expenditure capacity to support additional convenience retail in Highworth. It does therefore follow that any job gains are likely to be offset, at least to a degree, by staffing reductions elsewhere and can only be afforded, at best, very limited weight.
- In relation to proposed reason for grant c) the identity of the end retailer is not material to the core planning objections to the Application. Both the harms to Highworth Town Centre demonstrated by the Applicant's own figures and the harm to the key statutory development plan policies are engaged irrespective of the identity of the end operator. There are no planning reasons for ascribing a benefit to the proposed end retailer.
- In relation to proposed reason for grant d) while the Officer's June report accepted that there were no objections on the basis of the sequential test, in the context of Policy EC3, the fact that the sequential test is met is no more material than the fact that the proposals would not harm or undermine the regeneration of Swindon's Central Area.
- Proposed reason for grant e) is framed as an 'enabling development' argument which may in principle constitute a material consideration in a planning determination. However, so far as we are aware, the Application does not propose

a link between the Application proposals and the development of the wider employment allocation, and there is no mechanism within the suggested planning conditions or any linked planning obligation (that we are aware of) that will tie the retail development into the wider employment allocation. Furthermore, there is no evidence within the Application papers to indicate that the wider employment allocation is not viable without the enabling highway works proposed by the Applicant.

- In relation to proposed reasons for grant f) and g) the Applicant has provided only a single example of site marketing together with a single letter indicating market awareness of the wider employment site. This cannot sensibly be said to alter the June Committee report's conclusions. As the June Committee report notes, the proposals would be contrary to the statutory development plan irrespective of whether the proposals also undermined the delivery of an employment land allocation.
- In relation to proposed reason to grant h) we note the Applicant proposes that a condition be imposed which requires some form of offsite compensation to address the ecological impact of the development. To the extent that the Council considers that such a proposal would be capable of overcoming the ecological harms of the development, little weight can be given to the proposal in the absence of a contractual mechanism by which the offsite mitigation can be secured and enforced.
- For the avoidance of doubt Asda maintains the objections made on its behalf by Jigsaw Planning and TPS, and endorses the conclusions previously reached in the Officer's report.

Planning Considerations:

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

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

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

Swindon Borough Local Plan Policies RA1 and SD2

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

22 The site lies outside of the Rural Settlement Boundary of Highworth under Local Plan Policy SD2 (Sustainable Development Strategy). Policy SD2 permits development outside of rural settlement boundaries only in certain prescribed circumstances. One of

those circumstances is where “it is in accordance with other policies in this Plan permitting specific development in the countryside”.

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

Local Plan Policy EC2 (b) and Policy EC3

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

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

Highworth Neighbourhood Plan

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

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

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

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

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

Policy EC2 (Employment Land and Premises)

31 Local Plan Policy EC2 (b) applies to the Key Employment Areas and in Central Swindon and these Key Employment Areas are shown on the Policies Map. While the Blackworth Industrial Estate is a Key Employment Area and is identified as such on the Policies Map, the application site is not shown as a Key Employment Area but is instead covered by the separate employment allocation designation. Policy EC2 (b) applies to the ‘change of use or redevelopment of land and buildings’ within Key Employment Areas.

The proposed development does not conform to that description and so cannot be considered as being within the scope of Policy EC2 (b).

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

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

34 Consequently Policy EC2 is not considered applicable to this proposal.

Retail Policy

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

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

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

1. That they would not harm or undermine the regeneration of Swindon's Central Area;
2. That they would not harm or undermine the vitality and viability of existing Primary Rural Centres.
3. That a sequential approach to site selection has been taken, with priority for Swindon Town Centre, then the edge of the town centre, then District and Primary Rural Centres, and finally in Local Centres.

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

Impact on Highworth Primary Rural Centre

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

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

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

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

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

42 The proposed store's convenience turnover is projected to increase from £9.01m in 2017 to £9.19m in 2022. If the turnover were to increase in line with the long-term trend of +0.5% per annum used for calculating expenditure growth in the study area, the 2022 convenience turnover should be £9.24m. By contrast, the store's comparison turnover is shown as increasing from £1.86m to £2.04m, outperforming the projected study area expenditure growth. While these differences are not large, they should be explained and they have not been. It appears incongruous that the application proposal would draw a declining proportion of local convenience spend in its first five years of operation.

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

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

44 Looking at Scenario A, the diversion of convenience spending from Highworth town

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

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

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

- The RLNA 2017 observes that stores in Highworth town centre appear to be trading below average levels. This indicates that stores may be vulnerable to a diversion of trade.
- The RLNA 2017 (Appendix 2, Tables 14 and 16) indicates negative capacity for additional convenience retail floorspace in Highworth in the period to 2036. This supports the assessment that the proposed development would divert spending from Highworth Town Centre.
- The Highworth Neighbourhood Plan's supporting text records that the number of shops in A1 retail use in the centre has fallen below the target in Local Plan Policy EC3.
- The applicant's agent downplays the role of convenience shopping in supporting the vitality and viability of Highworth town centre. However, the RLNA 2017 shows that Highworth town centre has more convenience than comparison shopping floorspace. In our assessment the Co-op store on Brewery Street which is co-located with Highworth's post office and library, acts as an important anchor store for the town centre. Thus, a reduction in convenience shopping in the centre would be likely to have wider adverse impacts on the centre's vitality and viability.
- We do not consider that applicant's suggestion that the proposed foodstore would promote linked trips with Highworth town centre is realistic because of the comparatively long distance and significant hill between the two locations.

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

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

Sequential approach to site selection

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

50 There is one potentially suitable and available sequentially preferable site, the New Eastern Villages District Centre which is not considered in the applicant's agent's statement. The New Eastern Villages district centre is allocated under Local Plan Policy NC3. Policy NC3 states that the New Eastern Villages will comprise about 12,000m² (gross) of retail floor space including a high quality District Centre. The existing Sainsbury's store accounts for approximately 7,000sqm of this space. The exact configuration of additional space within the district centre is at this stage unclear. In principle, it could include an additional convenience retail store of the size proposed in the current application. Although the New Eastern Villages District Centre is a potentially suitable and available sequentially preferable site, it is not well located for Highworth. Therefore there is no objection to this application on the basis of the sequential test.

Other material considerations

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

Local support for the proposal

52 There is a significant level of local support for the proposal, however little weight can be applied to strength of support.

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

54 The proposal is for a an A1 food store and therefore needs to be assessed as such. It should not receive more favourable consideration because it is proposed to be an Aldi food store and there is local desire for Aldi to locate at the town. Whilst the assessment against the NPPF tests should be undertaken on the basis of the estimated turnover and trading characteristics of the operator (a discount food store operator), the assessment should be carried out objectively in the same way as the Council would assess a planning application by any other retail operator.

Enabling development

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

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

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

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

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

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

Loss of allocated employment land

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

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

premises in the Borough, with a particular shortage of good quality, large premises in the local industrial market.”

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

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

63 Paragraph 120 of the NPPF states that “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 updates, reallocate the land for a more deliverable use that can help to 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.

64 In the officers view, it has not been demonstrated that there is no reasonable prospect of employment development on the allocated site. No comprehensive marketing information has been submitted by the applicant. The proposed use would not appear to meet an unmet need for development where the most up to date Swindon Borough Retail and Leisure Needs Assessment (NLP 2017) (RLNA 2017) indicates negative capacity for additional convenience retail floorspace in Highworth in the period to 2036. Furthermore, for the reasons outlined above, an application for retail development would, assessed on its own merits, be contrary to the development plan in this location.

Employment creation

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

66 The Applicant has submitted a further letter through their Agent (29th October 2018) which seeks to address the reasons for refusal set out in the June Committee Report and proposes the reasons below as to why the applicant considers planning permission should be granted for the development:

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:

- a) *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.*
- b) *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.*
- c) *Proposed Condition 22 as set out in the Applicant's letter dated 29th 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 29th 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.*
- d) *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.*
- e) *Although there is a loss of allocated employment land to retail use, the proposal is considered acceptable because:*
 - i) *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.*
 - ii) *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.*

iii) The foodstore will create jobs in its own right to provide for local employment opportunities.

f) 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.

g) 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.

h) With the imposition of the proposed conditions 16.1 and 16.2 set out in the Applicant's letter dated 29th 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.

67 It is not considered that there is anything substantive within the applicant's suggested reasons for approval, or within the wider letter, which would lead officers to alter their opinion about the conflict with the Development Plan Policies in relation to the allocation of employment land and the impact on Highworth Town Centre.

Transport issues

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

69 Paragraph 103 of the NPPF advises that '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.' In sustainable transport terms the site is poorly related to existing residential areas and public transport links. At present there are no pedestrian facilities by which to reach the site. The Blackworth roundabout is a multi-lane roundabout. Since originally submitted the applicant has provided more information on trip generation and access to satisfy the Highways Officer's concerns. Yet it is understood that there is no space for any bus link directly into and out of the site and there would be cost implications in any event which could affect the viability of the bus service. The applicant has agreed to provide a pedestrian route and cycleway on the west side of the main road down to the proposed development site which is considered an improvement on the original proposal. However this does not alter the fact that the site is not well sited to encourage more sustainable modes. The nearest bus stop is some 400m away.

Design

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

Policy DE1 denotes the following:

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

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

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

Trees and Landscaping

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

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

75 The originally proposed landscape scheme did not contain enough new tree planting, notably across the site frontage and especially bearing in mind the significant area of vegetation to be removed for the required access. Whilst there is an overhead cable as a constraint on the 'inside' of the site it is considered that there is adequate space on the 'outside' to provide some better long term cover. The Landscape Officer was concerned that if the frontage vegetation was removed there would be an unsightly view into the underside of the existing vegetation. However it was agreed that this could be rectified with the planting of a new hedge preferably beech which could then be properly managed to become an attractive and well managed feature in its own right. It could be planted in a gently curving line broadly following the line of existing vegetation to be retained as shown

on the submitted plan. This hedge could curve around the back of the new sign and also replace the narrow strip of planting on the immediate right-hand side of the access road. In terms of the size, this would need to be planted as a 1.5m tall, but still in a double staggered row. In this way the hedge would have immediate screening value and attractiveness.

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

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

Ecological impact

78 Since this application was first determined, but subsequently overturned at Judicial Review, the National Planning Policy Framework (NPPF) has been revised (July 2018), with greater emphasis on achieving net biodiversity gain on development sites and protecting ecological networks. In view of the significant area of planted semi-natural broadleaved woodland and semi-natural grassland which is proposed to be removed for this development the Council's Ecologist remains of the view that this proposal cannot meet the tests of the revised NPPF:

"When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused." (NPPF, para 175)

79 The applicants will need to demonstrate how net biodiversity gain can be achieved and ecological networks e.g. the band of planted broadleaved woodland, can be protected and enhanced (ref NPPF, para 174b). Satellite photos indicate that the woodland on site forms part of an exceptionally long line of almost continuous hedgerow and tree lines extending far to the west, at least as far as Kempsford, and then to some extent north along the A361. This indicates a potential ecological network. Removal of part of this linear feature for this development could be expected to reduce its function as an ecological network.

80 By offering off-site mitigation to provide net biodiversity gain elsewhere, the applicants implicitly acknowledge that net biodiversity gain cannot be achieved on site (Turley letter dated 29.10.18). If off-site mitigation is considered acceptable in planning terms then this should be secured by legal agreement, ecological management plan for the site selected, ecological monitoring programme, and up-front payment of the sum needed. The scope of works required should be quantified by using a biodiversity offsetting calculator, such as the Defra metric. These should be agreed prior to determination of the application.

81 In detail some key impacts of the development have not been addressed by the applicant such as lighting and light spill. The ecological consultants for the applicant state

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

82 The report refers to an outlier badgers' sett to the west of the site. Detail is needed on whether this sett is active and whether connectivity between the setts will be affected by this development, and that on the neighbouring site. The other ACD report on the adjacent site says there is a disused outlier sett, but it is not clear whether this is the same one. Clear proposals are required for this site which address the concerns they raise about loss of habitat connectivity for badgers. This needs to be developed as a lighting strategy informed by ecological input. There is currently no ecological assessment of the lighting proposed: this is needed, and should include assessment of light spill from windows. There should be method statements for breeding birds, dormice and reptiles. There is no reason why biodiversity net gain cannot be achieved on the site. For example, additional bat and bird boxes could be provided within the patch of woodland, together with a commitment within the LEMP to monitor, clean and repair them. Bat and bird boxes could also be in-built in to the new supermarket. While a log pile may have some conservation value, it won't create biodiversity gain as it would be far better to leave the trees growing, rather than fell them and pile them in a heap. Log piles are a convenient way for reducing site clearance costs.

Archaeological Issues

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

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

Noise Pollution

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

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

Drainage Issues

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

Concluding Comments:

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

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

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

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

Recommendation

92 That planning permission be **REFUSED**

Reasons

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

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

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

Reasons to Grant

In the event that Members are minded to grant planning permission, it is recommended that the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to appropriate conditions for the following reasons:

- a) 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 an employment use at this location.

- b) 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 planning condition.
- c) 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.

Members should note that since 1st October 2018 agreement is required from the applicant before a pre-commencement condition is imposed on a planning permission.

Informatives

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

2 CIL Liable Development:

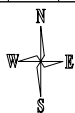
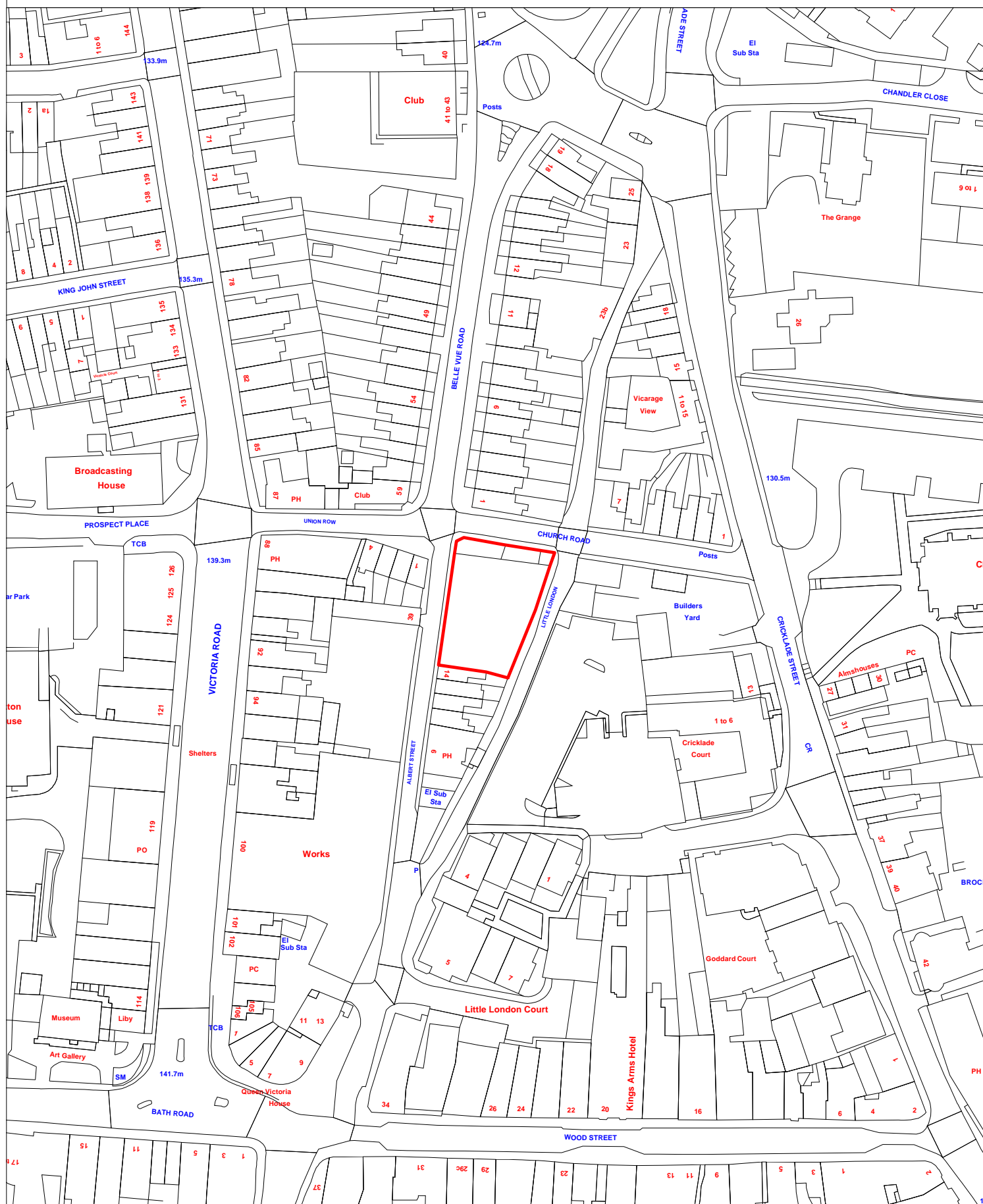
This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . To avoid additional financial 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.

End of Report

Demolition of car park and storage buildings and erection of 14no. dwellings and associated works.

Warehouse Albert Street Old Town Swindon SN1 3HJ



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.

Demolition of car park and storage buildings and erection of 14no. dwellings and associated works.

Warehouse Albert Street Old Town Swindon SN1 3HJ



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
All topographical information by others.
Exact site boundaries tbc by client solicitors with reference to title deeds.

Application Boundary

REVISIONS		
A	11/04/18	JMG
Scale Change		
B	15/05/18	JSB
Roof configuration alterations		

JOB TITLE		
Swindon Old Town Regeneration Project		
DWG TITLE		
Site B New Build Proposed Block Plan		
DATE	BY	CHECKED BY
11/04/18	JSB	JMG
DWG NO.	REV.	STATUS
2295(08)003	B	Planning
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A3		

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NOTES

All topographical information by others.

Exact site boundaries tbc by client solicitors with reference to title deeds.

Demolition works subject to full asbestos survey. Refer to recommendations in asbestos registers. Specialist asbestos removal contractor to be used prior to demolition work.

All proposed and existing structures subject to appraisal by SE and BCO

Application Boundary

REVISIONS		
A	15/05/18	JSB
Garages removed + minor elevational alterations		
B	10-08-18	JMG
window / bathroom / furniture amendments as clouded.		
C	14-11-18	JMG
WC and under stair configuration changes as clouded		

JOB TITLE		
Swindon Old Town Regeneration Project		
DWG TITLE		
Site B New Build Proposed First Floor Plan		
DATE	BY	CHECKED BY
14/11/18	JSB	JMG
DWG NO.	REV.	STATUS
2295(08)101	C	Planning
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A1		

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12 Proposed West Elevation



13 Proposed North Elevation

- NOTES
- All topographical information by others.
- Exact site boundaries tbc by client solicitors with reference to title deeds.
- Demolition works subject to full asbestos survey. Refer to recommendations in asbestos registers. Specialist asbestos removal contractor to be used prior to demolition work
- All proposed and existing structures subject to appraisal by SE and BCO
- Application Boundary
- MATERIALS KEY (final specs tbc):-
01. Buff facing brickwork
02. Corbeled buff facing brickwork
03. Through colour render system Colour:- Grey Finish:- Fine scraped tbc
04. Provisionally Decorative high pressure laminate cladding panels, secret fixed, tbc
05. Pitched roofs to be finished provisionally with fibre cement slates, colour 'blue/black'. Final roof build up tbc.
06. Thermally broken double glazed doors and windows. Glazed windows and doors to be polyester powder coated aluminium framed system. Frame colours to match - colour: grey.
07. Areas where window system is to receive translucent finish as illustrated.
08. 'Lookalike' glass faced insulated spandrel panels as part of window system (frame colour: grey to match windows tbc). To have mid-grey ceramic ink printed coating to back pane (to be fully opaque)
09. Thermally broken PPC double glazed aluminium doors, Colour:- grey tbc
10. Provisionally glazed balustrade system
11. Provisionally, translucent glass screening panel to terrace, as illustrated to screen views to neighbouring properties. Final glass specifications tbc
12. Provisionally Treated hardwood timber faced door, colour to broadly match cladding panels
13. Provisionally treated timber fencing
14. Provisionally PPC aluminium cladding to box dormers Colour:- to match windows
15. Polyester powder coated aluminium rainwater goods
16. Buff colour extract fan vent terminal, shown thus in brickwork.
17. Reclaimed stonework faced wall.

REVISIONS		
A	23/03/18	JMG
window material spec change. Slate spec omitted. JMG. 23-03-18		
B	15/05/18	JSB
RVP's and vents shown + minor elevational alterations including chimneys and aluminium windows		
C	13/06/18	JSB
Roof line stepped + minor window amendments to duplex units		
D	10/08/18	JMG
roof hipped at main corner and dormer added. Associated elevation mods. As per LPA requirements.		

JOB TITLE		
Swindon Old Town Regeneration Project		
DWG TITLE		
Site B New Build Proposed Elevations		
DATE	BY	CHECKED BY
13/03/18	JSB	JMG
DWG NO.	REV.	STATUS
2295(08)E01	D	Planning
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A1		

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All topographical information by others.

Demolition works subject to full asbestos survey. Refer to recommendations in asbestos registers. Specialist asbestos removal contractor to be used prior to demolition work

Application Boundary

MATERIALS KEY (final specs tbc):

02. Corbeled buff facing brickwork

04. Provisionally Decorative high pressure laminate cladding panels, secret fixed. tbc

06. Thermally broken double glazed doors and windows. Glazed windows and doors to be polyester powder coated aluminium framed system. Frame colours to match - colour: grey.

08. 'Lookalike' glass faced insulated spandrel panels as part of window system (frame colour: grey to match windows tbc). To have mid-grey ceramic ink printed coating to back pane (to be fully

10. Provisionally glazed balustrade system

12. Provisionally Treated hardwood timber faced door, colour to broadly match cladding panels

14. Provisionally PPC aluminium cladding to box dormers Colour to match windows

16. Buff colour extract fan vent terminal, shown thus in brickwork.

17. Reclaimed stonework faced wall

A 23/03/18

B	15/05/18	JSB
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KW13 and vents shown + minor elevational alterations including chimneys and aluminium windows + Garages removed and areas of Swindon Stone retained

Roof line stepped to duplex units

Swindon Old Town Regeneration Project

Site B New Build Proposed Elevations

DWG NO.	REV.	STATUS
2295(08)E02	C	Plannin

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Do not scale this drawing. All dimensions to be checked on site

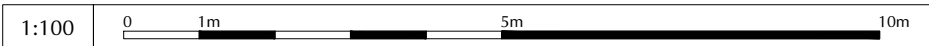
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14	Pro
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COMMITTEE REPORT

Item Number:

Ward: Eastcott

Application Number: S/18/0545/IH

Parish: Central Swindon South

Proposal: 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.

Site Location: Warehouse, Albert Street, Old Town

Case Officer: Mr Ian Halsall

Agent:

Mr Brian Mullin
Marrons Planning
1 Meridian South,
Meridian Business Park
Leicester
LE19 1WY

Applicant

Blewbury Court Ltd
C/o Agent

Officers Report

Background:

0.1 This application is brought to committee at the request of Central Swindon South Parish Council.

0.2 This application was deferred at the September meeting of the Planning committee to enable the design of the scheme and parking/cycle provision to be reviewed.

0.3 The applicant has revisited the internal arrangements of the three dwelling houses and has adjusted the internal layout to make specific provision for the provision of an additional cycle parking space in each property to address the committees' comments.

0.4 The applicant has retained the same design but has reviewed the external appearance of some of infill panels and has provided further montages to present the scheme with greater clarity to show this more clearly.

0.5 The Ward Councillors and the Parish Council have been informed of the additional information and any comments received will be reported at the meeting.

0.6 The previous report considered in September 2018 is repeated out below and should be considered in conjunction with the amendments described out above.

Summary of Recommendation:

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 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 to enter into an agreement or fails to agree to 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:

2 Planning Permission is sought to demolish a warehouse which was formerly occupied as a storage facility and indoor car park for the Swindon Advertiser prior to their move from their historic Old Town premises, and to erect a three storey block of flats comprising 10no. one-bedroom apartments and 1no. two-bedroom apartment and an adjacent row of 3no. two storey two-bedroom terraced houses.

3 The apartment block will occupy land at the north of the site bordered by Albert Street to the west, Church Road to the north and Little London to the east. Access to the apartments will be from Church Road which will incorporate 3no. apartments at ground floor level including a bicycle store to accommodate up to 14no bicycles and a refuse store. There will be 5no. apartments at first floor level and a 3no. apartments at second floor level including the two-bedroom penthouse apartment which will benefit from a 54.5 square metre roof terrace. The three town houses will adjoin existing terraced properties in Albert Street. These will be directly accessible off the pavement but will benefit from rear private garden space at the equivalent of first floor level to the apartment block owing to the difference in levels from the north to the south of the site. Although the town houses were originally proposed to be served by undercroft parking spaces at the equivalent of ground floor level to the apartments, owing to the lack of acceptable manoeuvrability onto Little London and the resultant displacement of existing on street parking, the development will not be securing any off street car parking.

4 The building will have a contemporary appearance but will use traditional facing material on the primary facades including brick that seeks to resemble the hues of local stonework but with secondary terracotta coloured cladding panels to resemble the local red brick building stock. Windows will have vertical emphasis with deep reveals with some curtain glazing on the Church Road elevation. The Albert Street elevation will continue the appearance of a traditional terraced form following the same building lines as the existing dwellings in this block including the Roaring Donkey public house to the south. Owing to the difference in levels the apartment building will appear as a two storey structure on its Albert Street elevation, with the roof height stepping down from south to north.

The Site and Surroundings:

5 The site presently forms a cluster of what can be described as unattractive industrial buildings comprising a single storey brick built warehouse to the south of the plot that adjoins four residential properties in Albert Street and includes a corrugated sheet pitched

roof, five large boarded up windows and a galvanised roller shutter door on its western elevation. The eastern elevation has an equivalent height of two storeys and a blank brick façade. A shorter flat roof block and rendered building occupies the northern end of the site which is mounted above a rendered retaining wall which runs adjacent to the footway of Church Road and becomes higher towards the north east corner. The retaining wall, finished in stone and brick with some concrete reinforcement defines the eastern elevation of the site fronting onto Little London. Those north and eastern edges of the site are heavily overgrown with shrubs and low quality trees.

6 Located within the Old Town Conservation Area, in very close proximity to Victoria Road the site is located on the northern slope of Old Town down from Wood Street. The former Pope's Builders yard is located immediately opposite the site to the east across Little London with Christ Church beyond. Modern town houses and apartments are located to the north west in Church Road whilst the historic stone built terraced houses of Union Row are to the west across Albert Street. More established brick and rendered terraced houses continue northwards into Belle-Vue Road down the hill and the four terraced properties and Roaring Donkey are immediately up hill to the south with the former Swindon Advertiser offices, print works and car park to the south west. A large car park serving offices at Little London Court is to the south east again on elevated ground.

Representations:

Parish Council

7 Central Swindon Parish Council objects to the application for the following reasons:

- Lack of parking in a street where parking is already a major issue.
- The development is out of character with the area with the design and materials being unsympathetic to the character of the surrounding conservation area which should be respected;
- The submitted drainage report is questioned as the area is known to have underground springs

Neighbours

8 No representations have been received.

Policy:

9 Development Plan

- Swindon Borough Local Plan 2026 (2015)
 - Policy SD1 – Sustainable Development Principles
 - Policy SD2 – The Sustainable Development Strategy
 - Policy DE1 – High Quality Design
 - Policy HA1 – Mix, Types and Density
 - Policy TR2 – Transport and Development
 - Policy EN3 – Open Space
 - Policy EN6 – Flood Risk
 - Policy EN10 – Historic Environment and Heritage Assets
 - Policy SC1 – Swindon's Central Area

- Swindon Central Area Action Plan (2009)
 - Policy CAAP1 – High Quality and Innovative Design
 - Policy CAAP5 – The Transport and Movement Strategy
 - Policy CAAP19 – Central Swindon's Residential Communities

10 Material Planning Considerations

- National Planning Policy Framework (July 2018)
- Swindon Residential Design Guide Supplementary Planning Document (2016)
- Conservation Areas Supplementary Planning Guidance (2004)
- Swindon (Old Town) Conservation Area Appraisal and Management Plan (2008)
- Technical Guidance on Parking Standards Development Control Guidance Note (2007)

Planning Considerations:

Principle of Development

11 Local Plan Policy SD2 sets out the development strategy for the Borough. The policy seeks to promote development in the most accessible locations, including through realising development opportunities within Swindon's urban area. The proposal site is within the existing urban area of Swindon and considered to be in a highly sustainable location being located in very close proximity to the Old Town District Centre and its associated facilities, within easy walking distance of the town centre and public transport hubs and is well served by bus routes along Victoria Road and Devizes Road. The site is therefore considered to be in accordance with policy SD2 and will make a positive contribution to the delivery of new housing stock.

12 The site falls within the area defined in Policy SC1 as Swindon's Central Area. This requires high quality design for all development in Central Swindon, in particular delivering clearly defined public and private space, improved public realm and access for all.

13 The proposal seeks to deliver a mix of both apartments and town houses. Policy HA1 requires housing development to be design led with densities, house types and sizes to respect to character of the area. Higher densities should be directed towards the central area which is well served by a good range of services and facilities. On the basis of this mix, which will include family homes with generous rear gardens in such a central location as well as one-bedroom apartments it is considered that the proposal is in full accordance with that policy and will help secure a good mix of dwelling type.

14 Policy 19 of the Central Area Action Plan also states that '*in pursuit of creating a balanced community, major new residential development throughout Central Swindon should deliver a mix of dwelling sizes, and where practicable a mix of dwelling types.*' The proposal would again comply with that specific policy in that it proposes a mix of one and two bedroom flats and terraced houses.

15 It is also a material consideration that the principle of residential development has previously been established on this site. Planning permission was granted in 2007 under application reference S/06/2316 for 19no. apartments. More recently, in December 2017

Prior Approval was given under S/PRIORC/17/1728 confirming the permitted development rights to change the use of the site in its current form from warehousing to 6no. apartments. Residential development on this central brownfield site will also be in accordance with national planning policy with the National Planning Policy Framework strongly supporting the development of appropriately located previously developed land.

Impact on Heritage Assets

16 The site is located within the Old Town Conservation Area which is a designated heritage asset. Policy EN10 part e states that “*Development within or which would affect the setting of the Borough’s Conservation Areas will conserve those elements which contribute to their special character or appearance.*” In determining any planning application, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving the setting of a listed building and preserving or enhancing the character or appearance of the conservation area.

17 Historic maps from the 1880’s show that the northern component of the site contained some form of development with the corner area developed during the mid-20th Century. The Conservation Officer advises that there are remnants of earlier construction such as the stone wall along Little London and the historic brickwork along this street, the remainder of the site appears to be brickwork from alterations undertaken in the mid-20th Century. The existing building is derelict, and this dereliction is a negative attribute to the character and appearance of the conservation area. The removal of this building can therefore be supported in planning terms subject to an appropriate replacement demonstrating that it will preserve Old Town’s character and appearance.

18 The current terraced properties which these dwellings are to be attached have the appearance of workers cottages which date from the mid-late 19th Century. The terraces are functional in design and appearance and are tightly-knit, two storey single bay dwellings constructed from stone, with chimneys and slate roofing. They maintain no setback from Albert Road with a rear garden and stone boundary wall along Little London. The proposal in Albert Street intends a modern interpretation of terraces, albeit the proposed terraced properties are wider and contain wider fenestration. The building lines and roof pattern will be replicated whilst the terrace will incorporate materials that are appropriate to the character of the area. Modern chimneys will also be added which will help punctuate the expanse of roofing and will contribute positively to the roofline.

19 The Conservation Officer considers the appearance of the proposed apartment complex to be of an appropriate scale and height for the site. Modifications have been made to the proposal to ensure that detailed elements such as the fenestration, roof pattern and materials are as sympathetic as possible and in proportion to help reinforce local distinctiveness, such as the reuse of the stone wall to Little London and minimise massing. The final materials can be secured by planning condition to ensure that these are the most appropriate together with details of flues, vents pipes, rainwater goods and their colour and finish. It is not considered that the development will result in any harm to the character and appearance of the Conservation Area and although an historic industrial use will be lost, there will be significant regeneration benefits to the site in that a derelict structure which is clearly causing a negative appearance of the conservation area will be removed and replaced by a high quality, sympathetic and distinct form of residential development. Whilst contemporary in appearance, it will help to preserve the character of the conservation area

and reflect the local distinctiveness and historic character of the street scene

20 The site is considered to be within the setting of two listed buildings – Christchurch and the former ‘Advertiser’ Offices of which this formed the warehouse of. The scheme before members is considered to be a positive enhancement and preserves their setting, i.e. the way they are viewed and experienced. The NPPF requires the LPA to assess whether the scheme gives rise to any harm to Heritage Assets – in this case the relevant assets are deemed to be the two listed buildings (setting) and the conservation area (character or appearance). For the reasons given in this report, the scheme is not considered to give rise to any harm and in this respect is in accord with the provisions of the NPPF.

Design

21 Since the initial submission of the application, the applicants have worked closely with the Urban Design and Conservation Officers to refine the appearance of the proposed building to ensure that it respects as much as possible the topography, historical context, local distinctiveness and patterns of development in the surrounding area and maintain good levels of amenity. Work has taken place to reduce the bulk of the roof by adding a stepped form and inserting dormer elements at second floor level on the northern elevation. The fenestration and openings have also been re-evaluated. The development has sought to blend the apartment elements with the terraced houses which will in your officer’s views give the entire Albert Street façade the overall sense of it resembling an entire row of terraced houses as a successful continuation of the existing row northwards. The Urban Design Officer is now satisfied that sufficient changes have been made to secure a high quality form of development on this reasonably challenging site and it is therefore considered that the development satisfies the objectives of the adopted Swindon Residential Design Guide and Local Plan Policy DE1.

22 As the application site is closely bordered on three sides by existing residential properties, residential amenity is an important consideration. In light of the varied levels, although the northern end of the development will comprise three storeys, ability to utilise the roof space at the upper level will minimise both bulk but also any sense that existing neighbouring properties could be overshadowed or overlooked. Acknowledging that the immediate residential area is of a higher density with housing having a close relationship with each other, it is not considered that the new development will result in any unacceptable losses of amenity to existing residents. It should be noted that although the northern elevation of the new building will be closer to the edge of Church Road than a present, the overall height when compared against the current building will be significantly lower. Although a number of the flats will be single aspect with window openings facing in one direction, it is not considered that these will lead to any poor standards of amenity to any new residents given the size of the windows. All the flats will be fully accessible given that there will be a level threshold access from Church Road with all floors being served by a lift.

Drainage and Flood Risk

23 The Council’s Drainage Officer has advised that no information has been received in respect of how surface water can be disposed of by means of sustainable means or how any risk of flooding can be minimised. However this is an existing brownfield site where the urban site conditions mean that it may be difficult to secure any form of sustainable urban drainage such as soakaways or attenuation tanks for example. There is no evidence to

suggest that an acceptable solution cannot be designed but in order to ensure the development will not give rise any adverse issues a condition is recommended to ensure that a drainage strategy / details are provided to ensure that the development will not increase any risk to localised flooding. The Parish Council raised concerns about known natural springs in the area. The identification of springs will be a matter for engineers during the construction process to address and provided as part of a detailed drainage scheme for the site and not considered to be a planning reason to delay the determination of the application.

Parking

24 The site is located within Sector 1 as defined by the adopted Parking Standards and falls within a Residents Parking Zone. No car parking is required for apartments within this sector given its sustainable location and proximity to public transport, local services and facilities and places of employment. On the basis that there will be fully accessibly cycle parking within the apartment, subject to a condition that advises future occupants that they will not be entitled to apply for a parking permit within this RPZ zone, no highway objection can be raised.

25 The development will proposes 3 dwelling houses which did initially intended to provide car parking within under crofts accessed from Little London. Whilst the internal dimensions of the proposed garages were deemed to be acceptable, the Highway Officer advised that due to their position on site and the narrowness of Little London, adequate manoeuvrability was unlikely to be possible. The spaces were subsequently removed. The Parking Standards do state that houses with up to four bedrooms in Sector 1 are required to provide off street car parking. However this cannot be achieved in this instance. Whilst it is considered to be a positive move to support a genuine mix of residential development of both town houses and apartments, certainly given the location where such houses could be more than suitable for families, it should be noted that the three two-bedroom terraced houses are actually smaller than the proposed two bedroom penthouse apartment in terms of overall floor area.

26 In light of the central and sustainable location and taking into account the conservation benefits it is not considered that there could be any justifiable or reasonable case to refuse the application on the basis that the three houses do not have parking when there is no need for, in one instance a larger apartment to provide this.

27 It is considered that in light of the location and the regeneration benefits and likely appeal that this better mix of housing will have to the market that parking should not be required for the three houses provided that they too are prevented from applying for residential permits by condition. On that basis, no existing car parking provision in little London will be displaced, the historic stone wall which contributes to the character and appearance of the conservation area will be retained and there will be no additional burden on parking affecting existing residents in that zone caused by this development. To choose to purchase a house without parking and crucially no access to a parking spaces is a matter for the market.

28 Whilst the 3 dwellings without any parking provision would not be in accord with the parking standards, that in itself is not a sufficient reason to reject the scheme. An assessment of the likely harm arising from the scheme and lack of parking is required. As stated above, the occupants would not be entitled to a residents parking permit and as the

on street parking the surrounding roads is heavily regulated and restricted, no spaces in close proximity could be used other than in the very short term and certainly not for 'permanent parking. Displacement of parking onto or from surrounding streets to existing residents disadvantage or harm to local traffic conditions would not on its own be a reasonable ground for refusal. Your officers are also mindful that relevant advice within the recently revised NPPF, published in states in paragraph 109 that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Developer Contributions

29 The Council's Community Infrastructure Levy Charging Schedule that accords with the Community Infrastructure Levy Regulations (England and Wales) Community Infrastructure Levy Regulations 2010 (as amended) has been in place since April 2015. This enables the Local Planning Authority to impose a levy on new development at a rate of £55 per square metre (as index linked). The levy does not include any contributions towards affordable housing or open space. At less than 15 dwellings, the development does not qualify for affordable housing contributions under Local Plan policy HA2. However under policy EN3, residential development must provide or contribute towards off site public open space where there is deemed to be a demand in the local area.

30 The Landscape Officer advises that there is a shortfall of public open space in the vicinity of the site within the Eastcott Ward. Therefore the Local Planning Authority is justified under the above policy in seeking contributions to invest in existing open space. The development will generate the following contributions towards open space:

Contribution	Amount
Off-site Formal Play Facilities (e.g. LEAP/NEAP)	£1,405.73
Off-site Local Open Space	£5,537.19
Off-site Outdoor Sports Facilities	£4,211.47
Allotments	£0.00
<i>TOTAL Combined</i>	£11,154.39

31 The play area contribution can be invested at Savernake Street play area whilst the local open space and outdoor sports contributions can be pooled and invested at Spring Gardens open space. The above contributions will need to be secured by way of a legal agreement pursuant to any resolution to grant planning permission.

Concluding Comments:

32 The proposed development is considered to have been carefully designed to respect its historic setting within the Old Town Conservation Area and will preserve the character of that area. It will preserve and enhance the setting within which Christchurch and the former advertiser offices are experienced, has been well designed in a contemporary manner to respond well to its context amidst challenging topography and will safeguard the amenities of existing residents. The regeneration opportunities and conservation benefits will be significant and owing to the sustainable location, those benefits are considered to outweigh the minor car parking provision deficiency or would cause any detriment to the parking

facilities that already exists within this controlled parking area.

Recommendation

33 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 to enter into an agreement or fails to agree to 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

Time Limit

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

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

Approve Drawings

2 This approval shall be in respect of the Location Plan (drawing 2295(08)001, dated 14/03/18); Existing Ground Floor Plan (drawing 2295(02)G01, dated 14/03/18); Existing Block Plan (drawing 2295(08)002 revision A, dated 11/04/18); Existing First Floor Plan (drawing 2295(02)101, dated 14/03/18); Existing Elevations (drawing 2295(02)E02, dated 15/03/18); Planning and Heritage Statement, dated March 2018 and received by the Local Planning Authority on the 12th April 2018.

Existing Elevations (drawing 2295(02)E01 revision A, dated 15/05/18); Street Visualisation (drawing 2295(08)V01 revision A, dated 16/03/18); Street Visualisation (drawing 2295(08)V02 revision A, dated 16/03/18); Street Visualisation (drawing 2295(08)V03 revision A, dated 16/03/18); Street Visualisation (drawing 2295(08)V04 revision A, dated 16/03/18); Street Visualisation (drawing 2295(08)V05 revision A, dated 16/03/18); Design Statement (Job ref 2295 revision B, dated March 2018) and received by the Local Planning Authority on the 18th May 2018.

Proposed Elevations (drawing 2295(08)E02 revision C, dated 13/06/18; and received by the Local Planning Authority on the 21st June 2018).

Proposed Block Plan (drawing 2295(08)003 revision C, dated 10/08/18); Proposed Second Floor Plan (drawing 2295(08)201 revision B, dated 10/08/18); Proposed Elevations (drawing 2295(08)E01 revision D, dated 10/08/18); Proposed Ground Floor Plan (drawing 2295(08)G01 revision C, dated 10/08/18); Proposed Roof Plan (drawing 2295(08)301 revision B, dated 10/08/18); and received by the Local Planning Authority on the 10th August 2018. Proposed Bay detail Drawing No.2295(08)E03 Rev A; Proposed First Floor Plan (drawing 2295(08)101 revision C ; Proposed Sections (drawing 2295(08)S01 revision C, and Visualisation Design Book 2295(08)DB1 received on 27th 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.

Materials

3 Prior to the commencement of the construction of the development hereby approved above ground level, details of all the materials (including materials, brand, colour and specification) to include requested samples to be used in the construction of the new building on the site shall be submitted to and approved in writing by the Local planning Authority. The details required shall include:

- Bricks, coursing details and pointing colour/type;
- Windows, to include materials and finish, the detailed design including cross sections detailing depth of reveal, sills and lintel details and method of opening and openings for each type of window to be used and a plan detailing the location of the details on site;
- Rainwater goods;
- Window surrounds materials;
- Roofing materials;
- External doors, including refuse/cycle store doors (to include materials and finish);
- Balcony and other Boundary treatments.

Once agreed the development shall be constructed in accordance with the approved details and retained and maintained in the approved form.

Reason: To ensure that the proposed is a high quality design to preserve and enhance the character and appearance of the Conservation Area.

Drainage

4 Prior to the commencement of works on site in connection with the development hereby permitted, full 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.

Structural Survey

5 Prior to the commencement of any works, including any demolition works (to be illustrated upon a proposed demolition plan), a structural engineer's report detailing the structural stability of all boundary walls including those that form an elevation of any retained structure or new building on the site shall be submitted to the Local Planning Authority for approval. Details of all work proposed to ensure the walls retention and repair shall be subsequently submitted and the works shall be carried out in accordance with approved details. The report shall include the details of any repairs (including structural works) required to implement the consent hereby granted.

Reason: To ensure that the retained heritage assets are retained in order to preserve and enhance character and appearance of the Conservation Area.

Retaining Wall Repairs

6 Before any works to the retained external brick or stonework is undertaken, a sample area shall be prepared on site to show the proposed mortar composition and colour and method of pointing of areas to be repaired, for inspection by and approval of the approval of the Local Planning Authority in writing. Once approved all works shall be undertaken by a suitably qualified stonemason in strict accordance with the agreed details.

Reason: To ensure that the character and appearance of the heritage asset is conserved

Construction Method Statement

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 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. 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.

Construction Hours

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

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

Cycle Parking

9 Prior to the occupation of any residential unit hereby permitted, cycle parking facilities shall have been provided on site in accordance with the approve plans. The bicycle parking facilities shall thereafter be kept available for such use at all times and for no other purpose, including any other purpose incidental to the enjoyment of the residential units.

Reason: To promote and encourage sustainable transport and travel.

Informative

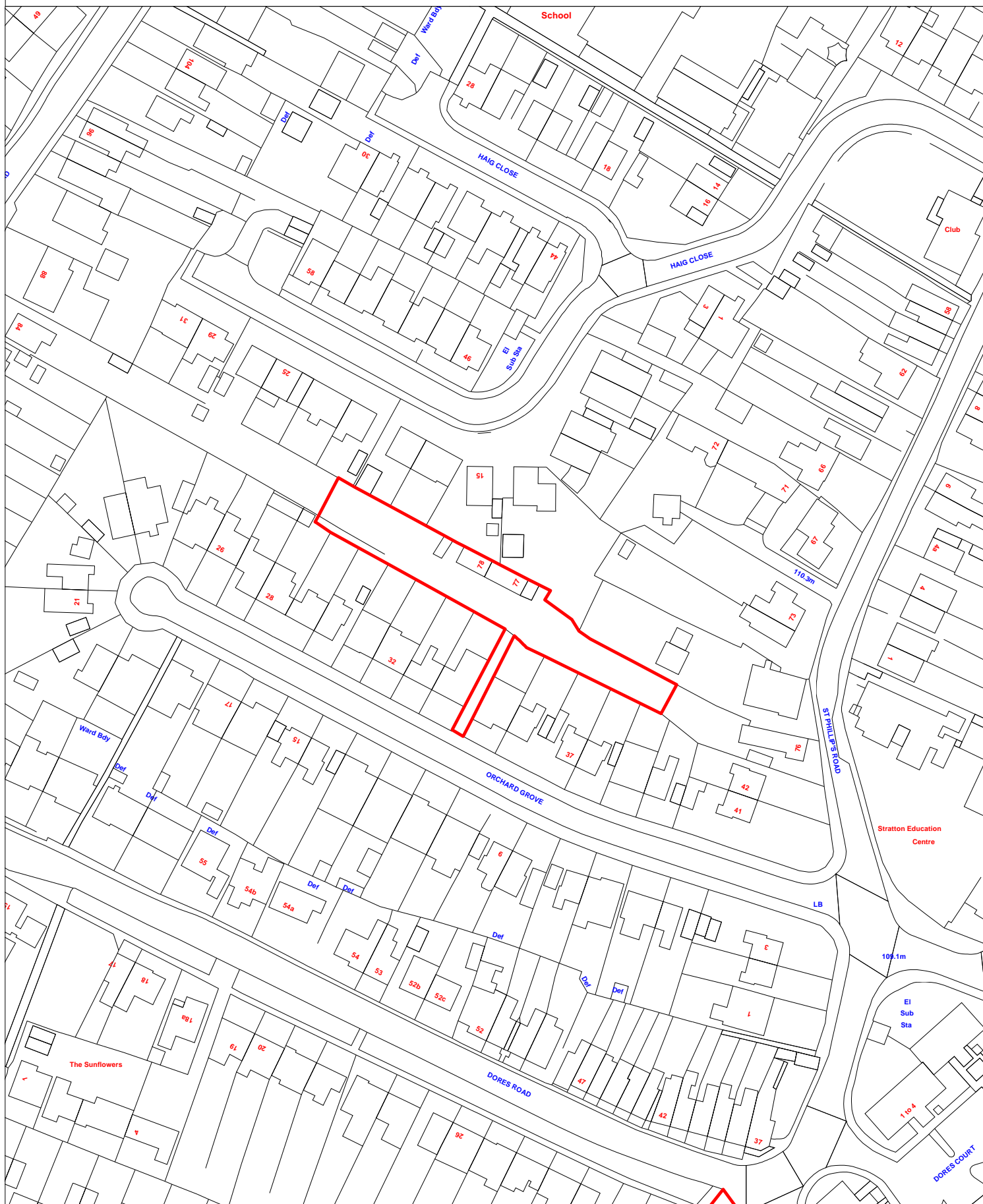
1 CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . 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.

End of Report

77-78 St Philips Road Stratton St Margaret Swindon SN2 7QP



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.

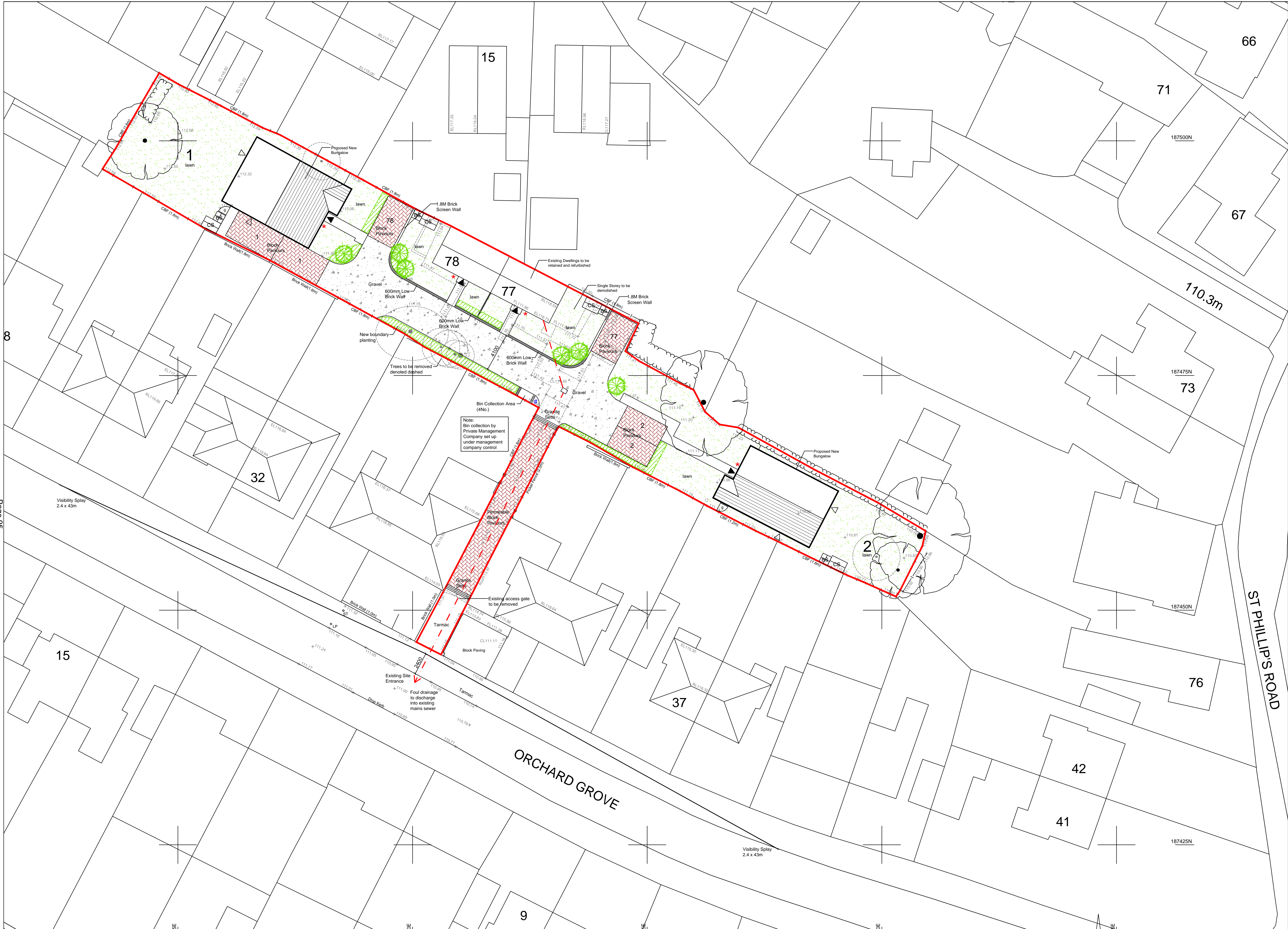
S/18/1373
Erection of 2no. dwellings.

77-78 St Philips Road Stratton St Margaret Swindon SN2 7QP



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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LEGEND

- Site Boundary
- Area to be Tarmac
Note: All footpaths, driveways and Parking bays to be tarmac unless otherwise indicated
- Area to be grass
- Area to be gravel
- Area to be Permeable Block Paviours
- Existing Trees
- Existing Shrub/Hedge Planting
- Denotes Demolitions / Things to be removed
- Indicative Tree Planting
- Indicative Shrub & Hedgerow Planting
- 1.8m Close Boarded Fence
- 600mm Knee Rail Fence
- Low Brick Wall
- 1.8M High Brick Screen Wall
- Rear Access Door
- Front Access Door
- Access Gate
- Granite Setts
- Denotes Bin Storage
- Denotes Cycle Storage
- Denotes External Wall Mounted Sensor Light
- Denotes Low Level Bollard Light - under management company control

Drainage note:
- Foul to discharge into existing mains sewer
- Storm to discharge into soakaways

Housing Schedule
1No 2 Bed Bungalow
1No 3 Bed Bungalow
2No 1 Bed Refurbished Houses
TOTAL = 4No.

Car Parking
2 spaces per 2/3 Bed Bungalows
1 space per 1 Bed House
TOTAL - 6 spaces

A	27.09.18	Amended for comment.
Rev	Date	Description

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

Project Title
77 & 78 St Phillips Road
Stratton St Margaret
Swindon

Client
Mr L. Thrush

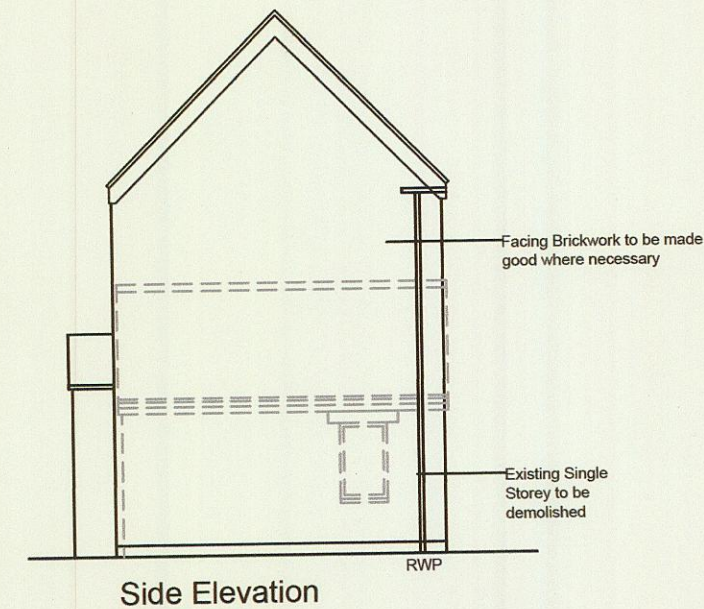
Ian Sullivan Architecture Ltd

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

Drawing Title PROPOSED SITE PLAN			
Job No 2305	Drawing No 150	Drawn CE	Rev A
Scale 1 : 200 @ A1	Client Mr L. Thrush	Check ISA	Date June '18

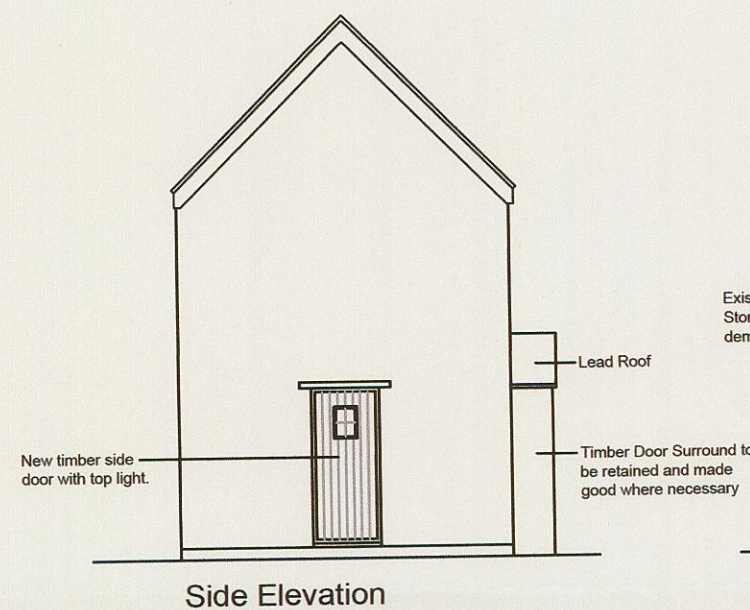


Front Elevation

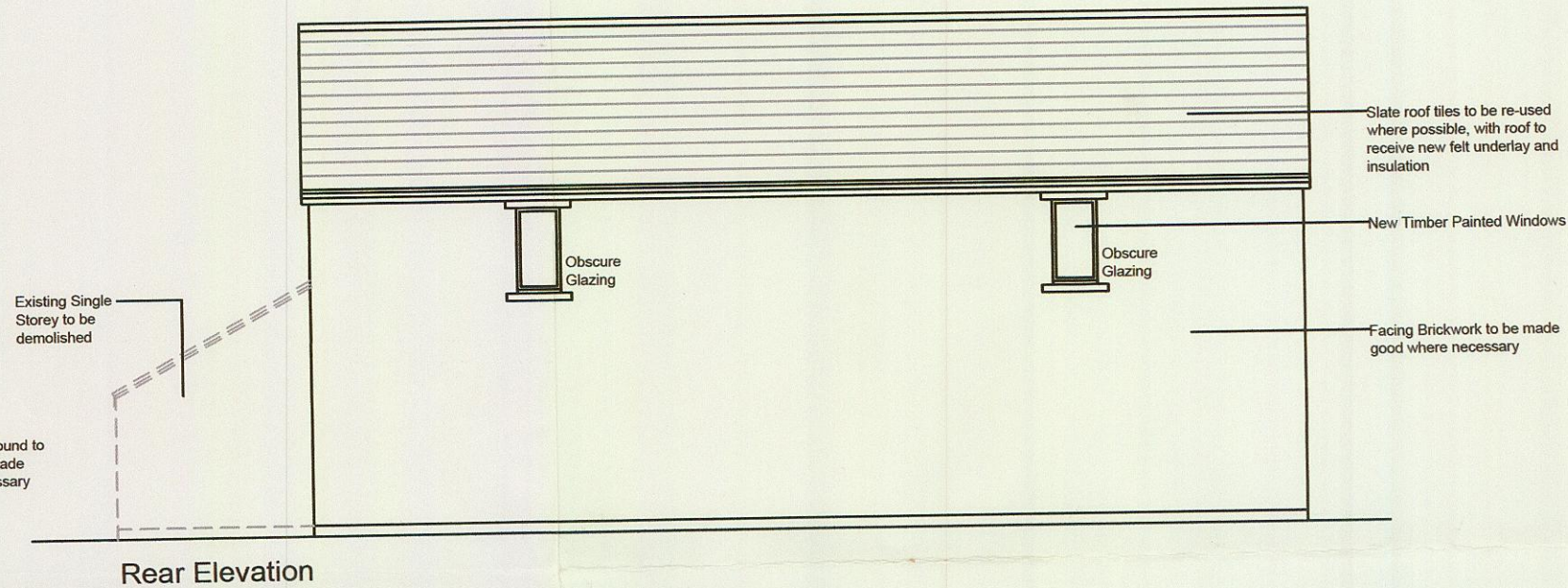


Side Elevation

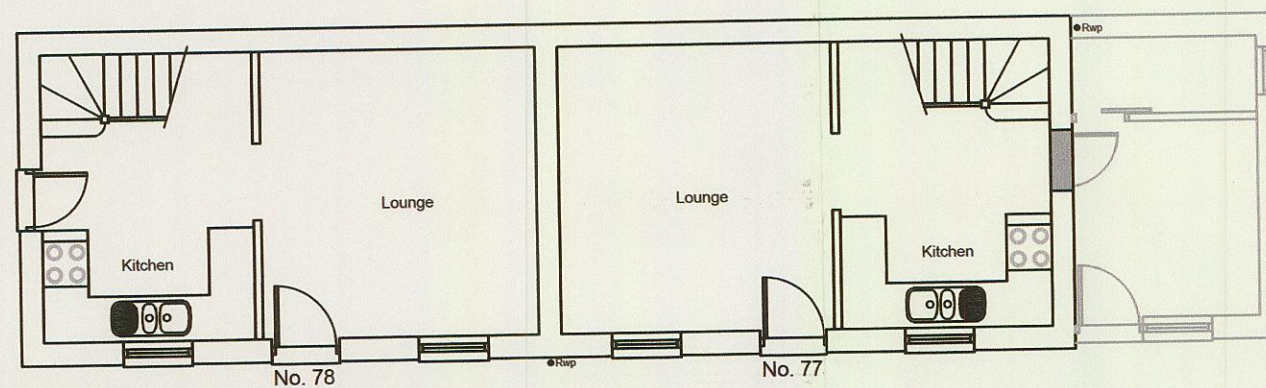
Note:
Cottages to be refurbished
and receives new timber
windows, new black
rainwater goods.
Internally to be decorated.
Roof repairs as noted.



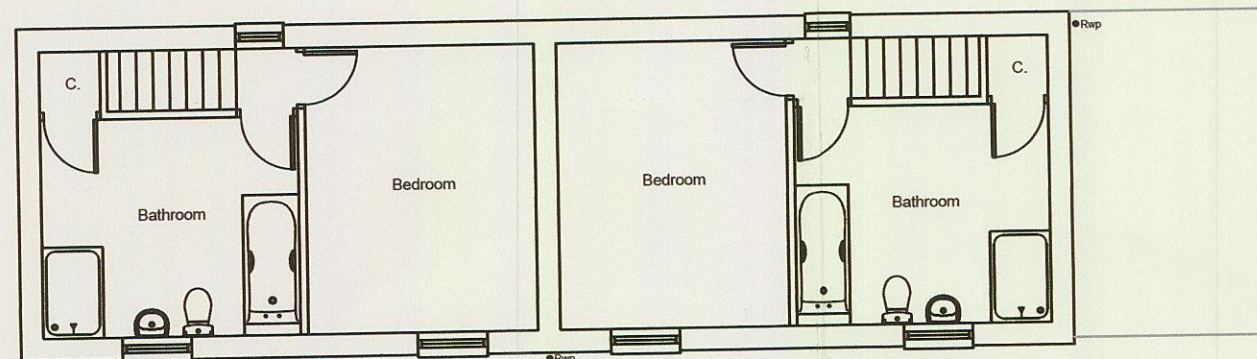
Side Elevation



Rear Elevation



Ground Floor Plan



First Floor Plan

SWINDON BOROUGH COUNCIL
13 AUG 2018
51811373
PLANNING DEPARTMENT

SCALE 1:100
0 1m 2m 3m 4m 5m

Rev	Date	Description

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Project Title
**77 & 78 St Phillips Road
Stratton St Margaret
Swindon**

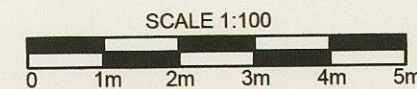
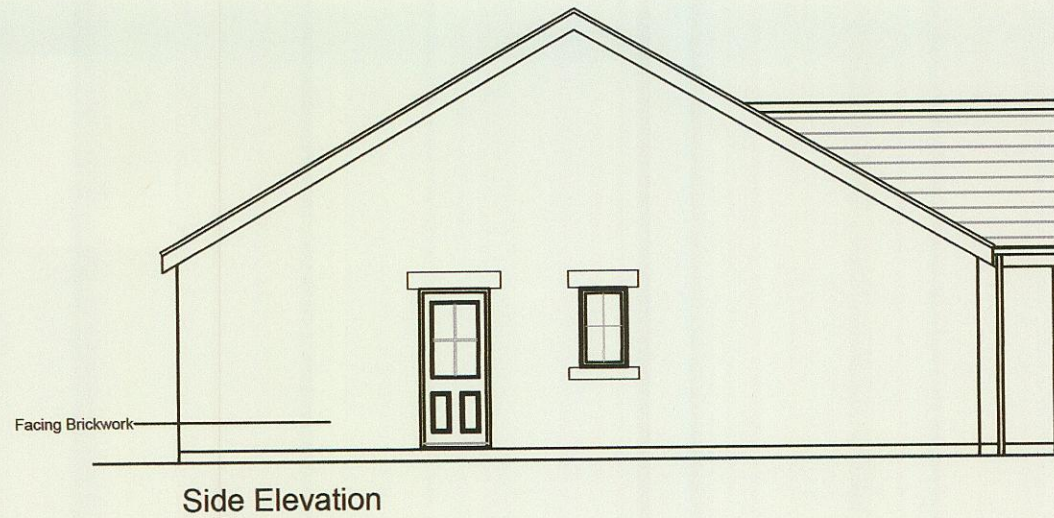
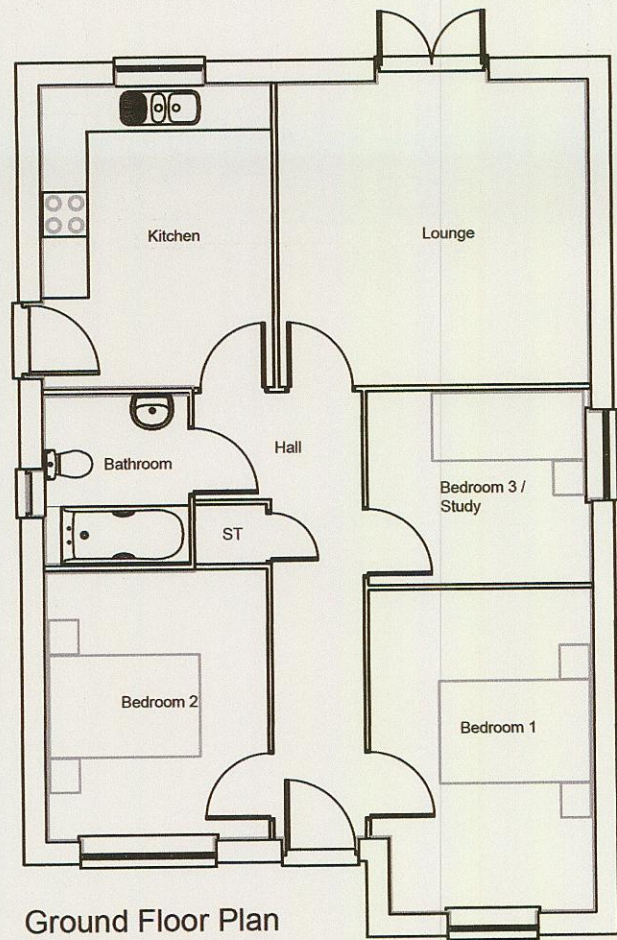
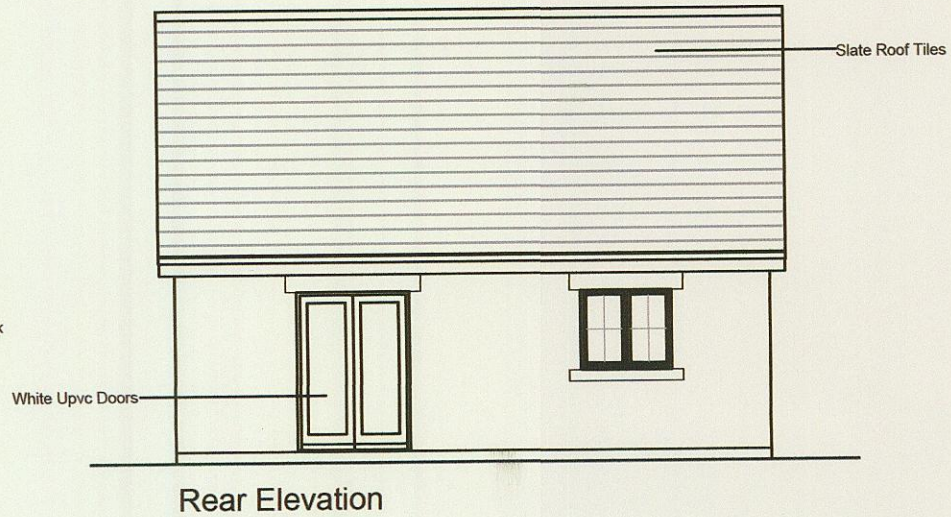
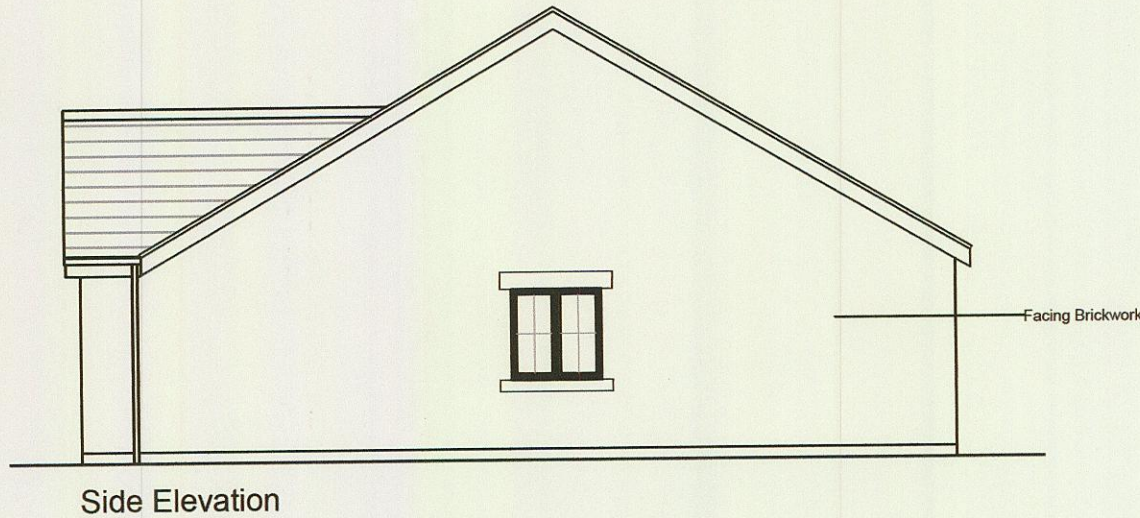
Client
Mr L. Thrush

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

Drawing Title
PROPOSED FLOOR PLANS & ELEVATIONS

Job No 2305	Drawing No 151	Rev -
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Scale 1 : 100 @ A2	Drawn CE	Check ISA	Date June '18
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Rev	Date	Description

All drawings are copyright Report all discrepancies to project administrator Do not scale drawing for construction purposes All dimensions to be checked on site		Ian Sullivan Architecture Ltd 101 Victoria Road, Swindon, Wiltshire SN1 3BD. Tel/Fax: 01753 612663 - E-mail: ian.sullivan@btconnect.com	
Project Title 77 & 78 St Phillips Road Stratton St Margaret Swindon		Drawing Title PROPOSED BUNGALOW 1 (3 BED)	
Job No 2305	Drawing No 152	Scale 1 : 100 @ A2	Rev -
Client Mr L. Thrush	Drawn CE	Check ISA	Date June '18

SWINDON BOROUGH COUNCIL
13 AUG 2018
5/18/1373.
PLANNING DEPARTMENT

SCALE 1:100



0 1m 2m 3m 4m 5m

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<ul style="list-style-type: none"> • All drawings are copyright • Report all discrepancies to project administrator • Do not scale drawing for construction purposes • All dimensions to be checked on site 	<h2 style="text-align: center;">Ian Sullivan Architecture Ltd</h2> <p style="text-align: center;">101 Victoria Road, Swindon, Wiltshire SN1 3BD. Tel/Fax 01793 612663 - E-mail: ian.sullivan@btconnect.com</p>			
Project Title 77 & 78 St Phillips Road Stratton St Margaret Swindon	Drawing Title PROPOSED BUNGALOW 2 (2 BED)			
Client Mr L. Thrush	Job No 2305	Drawing No 153	Drawn CE	Client ISA
	Scale 1 : 100 @ A2		Date June '18	Rev -



COMMITTEE REPORT

Item Number:

Application Number: S/18/1373/SASM

Ward: Penhill And Upper Stratton

Parish:

Stratton St Margaret

Proposal: Erection of 2no. dwellings.

Site Location: 77-78 St Philips Road, Stratton St Margaret, Swindon

Case Officer: Mrs Sarah Smith

Agent:

Mr Gary Llewellyn
50 The Willows
Highworth
Swindon
Wiltshire
SN6 7DH

Applicant

Dean Jefferies Construction Co.

C/o Agent

Officers Report

Background:

0.1 This application was considered and deferred at the November meeting of the Planning Committee where Members requested that due to the restricted access to the site, the applicant be requested to provide details of a construction methodology and statement demonstrating how vehicles associated with the construction of the development will access the site before a decision is made on the application. This information has now been received and is described later in the report in paragraphs 15 and 16 and in condition 14.

0.2 The application had been called to Planning Committee at the request of the Parish Council who object to the proposal.

0.3 Earlier this year in March a planning application (S/18/0086) for two dwellings was refused under delegated powers on the following grounds:-

1. The proposed development is contrary to policies DE1 and HA1 of the Swindon Borough Local Plan 2026 (2015), the Swindon Residential Design Guide Supplementary Planning Document (2016) and the National Planning Policy Framework (2012) as it will represent an overdevelopment of the site. This is by virtue of the inability to maintain a proportionate amount of private amenity space to serve the existing vacant dwellings, the need to accommodate the necessary parking and manoeuvring areas for vehicles within

the site, and the poor design of the proposed bungalows rendering it likely that Permitted Development Rights would need to be removed to prevent any future enlargement of the proposed dwellings to avoid an oversaturation of built forms within the plot owing to the limited overall size of the site which could compromise the amenities of neighbours.

2. Contrary to Policy DE1 of the Swindon Borough Local Plan 2026 (2015), the Swindon Residential Design Guide Supplementary Planning Document (2016) and the National Planning Policy Framework (2012), the potential re-establishment of the two existing dwellings together with the activities associated with the two new dwellings will have a detrimental impact on the amenities of neighbouring properties by virtue of light pollution, noise, disturbance and security with particular regard to harmful effects on 34 and 35 Orchard Grove and properties opposite the only point of access, by virtue of the intensified movements and activities associated with four residential dwellings.

0.4 This revised application has been submitted in order to try and overcome the reasons for refusal on the previous application.

Summary of Recommendation:

1 That planning permission be GRANTED with Conditions

The Proposal:

2 Planning permission is sought to construct two single storey dwellings to the north west and south eastern ends of the site and to refurbish two small Victorian semi detached dwellings in the centre of the site. The two new single storey bungalows will be of a relatively modest size with two parking spaces. It is proposed to repair and refurbish the existing dwellings as one bedroom dwellings with the current second bedrooms in both properties being converted to bathrooms. One parking space for each of these existing dwellings is shown on the drawings. It is proposed that the access between No. 34 and 35 Orchard Grove will be re-surfaced with permeable block pavements for most of the access with a tarmac 6 metre strip where it joins Orchard Grove.

The Site and Surroundings:

3 The site is located in a narrow backland site between Orchard Grove and Haig Close measuring 94 metres in length. The site is currently accessed via an existing grassed driveway approximately halfway along the site between numbers 34 and 35 Orchard Grove. The existing driveway measures approximately 25 metres in length. The site opens out and adjoins the rear garden boundaries of multiple properties. The site is occupied by a pair of semi-detached two storey brick cottages, located in the middle of the site.

Representations:

4 Stratton St Margaret Parish Council Comments: Objection on the following grounds:- access into the site for construction vehicles, access into the site for numerous residential vehicles, width of access, overdevelopment of the site, health and well being for current residents, privacy, inconsistencies within revised plans.

5 Neighbours:- 11 letters of objection from 10, 11, 12, 31, 32, 34, 35, 39 Orchard Grove, 15, Haig Close, 73 St Philips Road and 491 Ferndale Road. A summary of the reasons for objection are set out below under the following planning themes:-

i) Access and Parking

- o Cul-de-sac not suitable for increase in traffic;
- o Access does not belong to applicant.
- o Only one vehicle will be able to use the access road at any one time increasing congestion at this access;
- o Owing to the tight access, visitors will likely park in Orchard Grove impacting on existing parking and blocking driveways;
- o Question over how emergency vehicles and refuse lorries will access the site.
- o Hazardous access shared with number 35 who utilise the existing dropped kerb;
- o There is a blind corner at the rear of 34 Orchard Grove which will create manoeuvrability difficulties.

ii) Design and Character of the Area

- o The development will be extremely built up;
- o The applicants have stated that the existing access will not be altered but the existing grass will be tarmacked;

iii) Amenity

- o Substantial effect on privacy given proximity of parking areas and accesses to rear gardens;
- o The proposed dwellings will be overlooked by existing houses;
- o How the Private Management Waste company will work is unclear and how long will this be in place?
- o Current fencing on adjacent gardens may be damaged.
- o Increased noise in the alleyway owing to passing vehicles;
- o Increase in light pollution.
- o Loss of privacy to number 35 from passing vehicles and pedestrians which has two windows looking directly over the access, plus vibration and fumes;
- o Potential loss of light and overshadowing to nearby residents;
- o Disturbance by headlights;
- o Once completed the bungalows could add loft conversions/ extensions which will exacerbate overlooking.
- o Loss of security to neighbouring residents

iv) Landscaping and Biodiversity

- o Loss of habitat -harm to foxes, bats and owls and other species as a result of the development and clearance of vegetation already taken place;
- o Damage to tree roots on the boundary;
- o Damage to green infrastructure - transition of wildlife between gardens

v) Other Matters

- o Building works have already started on site as there is evidence of vegetation being removed;
- o Construction traffic will increase the potential for congestion and the blocking of resident's accesses whilst highway safety will be compromised;
- o The tight access will make it very difficult for delivery vehicles to off load materials without blocking the street;
- o Construction works will create an increase in noise levels and pollution caused by dust, engine emissions;
- o Damage to properties each side of the access.
- o There is only a right of access to the two existing properties;
- o Question about responsibility for damaging boundary fences;
- o Will there be any time restrictions on construction?

Planning Considerations:

Planning Policy:

6 Development Plan

- o Swindon Borough Local Plan 2026 (2015)
- o SD1 Sustainable Development Principles
- o SD2 The Sustainable Development Strategy
- o HA1 Mix, Types and Density
- o DE1 High Quality Design
- o TR2 Transport and Development
- o EN4 Biodiversity and Geodiversity
- o EN10 Historic Environment & Heritage Assets

7 Material Planning Considerations

- o Swindon Residential Design Guide Supplementary Planning Document (2016)
- o Buildings of Significant Local Interest Supplementary Planning Guidance (2004)
- o Technical Guidance on Parking Standards Development Control Guidance Note (2007)
- o National Planning Policy Framework (2018)

Principle of Development

8 The site is located within the existing urban area of Stratton St. Margaret. Development at this location within the built up area is considered to accord with the provisions of Policy SD2 of the Local Plan (and the NPPF) which seeks to realise development on suitable sites within the Borough's urban areas. The site is considered to be well placed with good links to the wider Swindon area, in addition to the A419, A420 and the M4. There are bus stops nearby with good regular services and local shops within easy walking or cycling distance at Beechcroft Road. The site can therefore be considered as being located in a highly sustainable position where development in principle can be supported subject to design, highway, amenity and other planning considerations.

Access and Parking

9 It is acknowledged that the existing access is not sufficiently wide enough to

accommodate two cars passing each other and the proposal does not propose any improvements to the restricted visibility splay at the northern end of the access where there will be potential conflict for traffic turning left towards the parking spaces of the existing number 78 and proposed 78A owing to the location of the present high boundaries of 34 Orchard Grove.

10 The existing access and driveway already serves two dwellings, albeit their appearance suggests that these have been vacant for considerable time. That said, there is no evidence to suggest in planning terms that the lawful use as two dwellings with access from Orchard Grove has been abandoned or that the access has become redundant. Officers were able to gain access to the site easily via this access way. Highways officers have assessed the access and are of the view that given the background, the existing visibility arrangements onto Orchard Grove are considered acceptable due to Orchard Grove being a cul-de-sac of likely slow moving traffic and most properties all access the highway from private driveways positioned perpendicular to Orchard Grove. Within the proposal site it is considered that vehicles will likely enter the highway in a forward gear by being given the ability to turn within the site. On balance it is not considered that safety will be compromised as the limited visibility until passing in front of numbers 34 and 35 will require drivers to use caution when leaving the site and onto the highway. Following discussions at October Planning Committee when the application was deferred a Construction Method Statement has now been produced and the Highways Officer is satisfied that this is adequate to show how the site can be reasonably developed.

11 Concerns have nevertheless been raised by neighbours about the cumulative impact that a total of 6 vehicles (directly relating to the proposed properties) will cause resulting in a hazard to safety particularly at the point where the private lane joins Orchard Grove and the driveway accesses of the two properties either side. The Highways officer has considered the safety concerns, including the limited width of the access and has concluded that there would not be sufficient reason to object to the proposal on safety grounds. This advice is however based upon the requirement that the lane would be properly surfaced and consolidated and illuminated to make it safe primarily for pedestrians.

12 On the previously refused application the Highways Officer observed that the site by reason of its restricted access, is inaccessible to Council refuse vehicles and noted that the dwellings will be a substantial distance from Orchard Grove. This would have meant that four households would have been required to convey their waste to the kerbside of Orchard Grove in the vicinity of numbers 34 and 35 which may obstruct the movement of vehicles in and out of the site. The revised application has provided additional details on this matter and proposes that the refuse from the development will be collected by a Private Management Company. This can be secured by condition.

13 The previous application proposed eight parking spaces to cater for the 4 dwellings (the existing 2 and the two new dwellings). This current application has reduced the existing dwellings to one bedroom each (by converting the second bedrooms to bathrooms). This reduces the overall parking requirement in compliance with the adopted parking standards by two spaces so that now only six parking spaces are required on the site. This quantum is acceptable in terms of provision and has the additional effect of making the layout less cramped.

14 The development is laid out in a technically acceptable manner that satisfies highway safety, manoeuvrability, turning and parking concerns and as a result it is not considered that this would be a hazard for drivers, cyclists and pedestrians; both residents and visitors, including delivery drivers. Although finely balanced in this respect the amended design of this application is sufficient to overcome the previous objections on highway and access grounds.

Construction Access

15 A construction Management Strategy (CMS) has been submitted to address the committees concerns. Your highways officers have considered the document and are satisfied with the content. The CMs:

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

16 In preparing the CMS The agent advises that his client uses Kellaway Building Supplies and that they have visited site to assess it accessible by the fleet of delivery vehicles they use and that the Assistant Branch Manager confirms that the access is suitable for them to use to service the site.

17 The full strategy is available to be viewed online and the points of most concern are as follows:

2. CONSTRUCTION OPERATION

*2.1 With reference to Paragraph 1.4 above, the following information is provided:-
The size, type and number of vehicles accessing the site*

2.2 The following commercial delivery vehicles will, at some during the construction period, visit the site:-

- ☐ Ford Transit Van (x 1; Length: 4.9m, Width: 1.9m) (Annex 1: Photo 1)
- ☐ Mitsubishi Canter (x 1; Length: 4.9m, Width: 1.9m) (Annex 1: Photo 2)
- ☐ Nissan Cabstar (x 1; Length: 5.1m, Width: 1.9m) (Annex 1: Photo 3)
- ☐ DAF 230LF (x 1; Length: 10.4m, Width: 2.5m) (Annex 1: Photo 5)
- ☐ Cars (staff) (x 4)

2.3 The delivery of materials to the site will be done by Kellaway Building Supplies based in Kembrey Park, Swindon. They use a specific type of commercial vehicle to make delivery of materials to sites with, as described by Kellaway's, "tight accesses".

Point of construction access and access route to the site

2.4 The access to the site is via an existing driveway, being 3m in width. This is direct from Orchard Grove, a residential street where the existing houses have off-street parking (private drives).

2.5 The Principal Contractor will collect deliveries of smaller items (e.g. taps, light fittings etc) and store at the contractor's holding yard and bring them in a single delivery.

2.6 The Principal Contractor will brief all operatives and suppliers on the access route.

2.7 The Principal Contractor will provide signage to direct deliveries to the site. They will also to the local residents who are neighbouring the access route to notify them of the access arrangements to ensure that deliveries are operating in a smooth and convenient manner.

2.8 All construction traffic and delivery vehicles with deliveries will be transported via the residential street and the route will be signposted accordingly. There will be no large delivery or sub-contractor vehicles. Page 4 of 9

2.9 The means of access into the site will utilise the existing access. This will become the proposed access as consented and to follow the service route as noted above

Parking of vehicles of site operatives and visitors

2.10 Within the site space is provided on for the parking of all contractor vehicles who will be attending on a day to day basis, including visitors. The Principal Contractor will not allow other contractor's vehicles to park in the residential street.

2.11 The car park will be formed using scalping, duly compacted.

Loading and unloading of plant and materials

2.12 Within the site space is allowed for all vehicles to pull into the site for unloading, leaving the access road clear. The access route will also be covered with scalping, duly compacted. This will also have the benefit of protecting the ground and preventing the transfer of mud and dirt from the site onto the residential street.

2.13 The delivery position means that each vehicle will attend the site, park in the designated area whilst being unloaded, and then affect a reverse and turn around so that it can leave in forward gear. The access point position means that there is a reasonable vision splay so that the driver is aware of any people who may be using the residential street.

2.14 A Banksman will be in attendance on site to assist with the vehicular movements onto and away from site.

2.15 With each order placed to suppliers and merchants, the contractor will provide instructions relating to deliveries and how they will be carried out, including times.

2.16 All deliveries will be restricted between the hours of 9.00am and 5.00pm Monday to Friday.

Design and Character of the Area

18 The site is located in a backland site which only has access via a narrow lane measuring approximately 3 metres in width. Policy HA1 states that housing development should be design led and in particular, proposals should respect the character of the surrounding area. In addition Policy DE1 of the Local Plan 2026 seeks to ensure all types of development have due regard for the context, character, layout, form, function and amenity. The Swindon Residential Design Guide also provides some detailed criteria in relation to backland development, to ensure development protects amenity and safeguards separation distances, ensures development is safe and secure, does not prejudice large scale redevelopment proposals, and protects existing accesses to existing dwellings whilst preventing an over-proliferation of separate entrances.

19 The area is characterised by semi-detached properties fronting the street, set on generous plots but there is a looser pattern of built form to the east and north east of the site. The existing site layout is uncharacteristic of the surrounding area owing to its historic status whereby the original two cottages have been enveloped and surrounded by later post war development that have seen their access reduced to a narrow grass strip between numbers 34 and 35 Orchard Grove. This has resulted in the site taking a particularly awkward shape with its long length and narrow width. Paragraph 2.33 of the Residential Design Guide states that in general tandem development is likely only to be acceptable where the site is at least 0.4 Ha. The site area is approximately 0.1 Ha, which is a quarter of the size of the recommended site area. It is a unique site that officers could not assess or understand its context without visiting the property.

29 The site is presently under-utilised and until recent clearance work was in an unkempt state. Despite the size constraints and a view that the development may lead to an overdevelopment, it is considered that two modest bungalows can be reasonably accommodated within the site together with a proportionate size of curtilage and would make an efficient use of the land whilst making a modest contribution to the Borough's housing supply deficit. Since the new dwellings are single storey in design they would not be visually dominant or overbearing, particularly given the spacing to neighbouring properties. Whilst not falling within the urban grain of Orchard Grove it could be argued that they would reflect the more scattered pattern of development that is laid out to the east and north east of the site, including the two existing cottages.

21 However in order to maintain levels of amenity and ensure that the bungalows remained at a sympathetic and sensitive scale and within a layout that the plots could comfortably accommodate, it is considered reasonable to remove permitted development rights to extend the units at any future date, including removing the right to introduce windows at first floor / within the roof.

22 It is for the above reasons and in acknowledgement of the reduction in the number of bedrooms in the existing dwellings - down from two to one to accommodate upstairs bathrooms - which leads officers to support this revised application. This reduces the requirement for outdoor amenity space and only one parking space is required for each one bedroom dwelling under the Council's adopted parking standards.

Amenity

23 Development proposals should take the opportunity to improve the safety and security of the area by creating a well-lit, well connected and overlooked public realm. The entrance to the site is via a narrow access with little natural surveillance. The narrowness of the entrance will make it difficult for pedestrians to use without coming into conflict with vehicles, although the access is not considered so long as to generate a hazard. The design of the bungalows have been amended to increase the level of surveillance in comparison to the refused application.

24 The proposed development comprises single storey dwellings and rear gardens which are proportionate in size to those of Orchard Grove. The proposed new development would be single storey, with the proposed roofs sloping away from these boundaries and therefore it is considered that neighbours privacy will not be compromised. At the time of the previous application it was considered that the increased intensity of the residential use and more specifically the siting of parking spaces and associated vehicular movements in close proximity to the rear more informal gardens of adjoining properties would be harmful to the amenities of those adjacent residents. Although finely balanced on this issue it is considered that with the reduced scale of the existing dwellings any potential disturbance would be outweighed by the advantages of bringing forward the re – use of a derelict site and the refurbishment of the existing dwellings. It is not considered that such a reason for refusal would be upheld on an appeal were the application to be refused. Subject to conditions the proposal is considered acceptable on amenity grounds.

Landscaping and Biodiversity

25 Although the site was in an overgrown state with a large number of trees, many of these have now been cleared even though they may have contributed towards maintaining the biodiversity of the area within this suburban setting. However, the site is not located within a conservation area and no trees were subject to any preservation orders. Therefore the works of the land owner can only be construed as being part of the maintenance of the site and does not represent commencement of any works. Although neighbours do report that there have been numerous wildlife species that have utilised the site no statutorily protected species have been identified by the Wiltshire and Swindon Biological Records Centre. It is not considered that in granting approval and subject to an appropriate landscaping scheme the development would significantly compromise biodiversity in this location.

Heritage Assets

26 The Conservation Officer recognises that the two existing dwellings warrant consideration as local assets based on their historical association with Upper Stratton prior to its suburbanisation particularly in the latter part of the twentieth century. Local Plan Policy EN10 states that proposals for development affecting heritage assets shall conserve and where appropriate enhance their significance and setting and any harm to the significance of a designated, or in this case non-designated heritage asset must be justified. The scheme proposes that the cottages are to be retained and refurbished which will safeguard them particularly if enabled by the development of the two proposed bungalows.

Other Matters

27 Concerns relating to who has the right of access over the lane are not a material planning consideration as covenants and ownership and legal rights would take precedence over any planning decision.

Infrastructure Requirements:

28 The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015. 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.

29. The site is located within Residential Zone 2 as set out in the Council's adopted CIL Charging Schedule 6th April 2015 and the development represents CIL Liable development, and will be chargeable in accord with the schedule at the appropriate rate'

30 The site size and development (2 new dwellings) is below the threshold for which affordable housing or open space contributions are triggered or can be sought.

Concluding Comments:

31 The site in principle would see the restoration of existing dwellings and also the delivery of additional dwellings that would make efficient use of this presently unkempt residential land and satisfies highway concerns in respect of road safety and vehicles entering and leaving the site, together with securing the requisite amount of parking.

32 It is acknowledged that the development will be 'tight', however there are no technical highways objections and neighbours outlook, amenity and privacy is maintained. The development secures the refurbishment of two dwellings and the erection of two additional bungalows. In assessing the planning balance, the concerns of the local community are recognised and understood but the limited adverse impacts identified are considered to be outweighed by the benefits, being mindful that the scheme does provide (limited) additional housing when the Council acknowledges that it has a less than 5 year housing land supply and that this will make a small contribution towards.

33 It is considered on balance that given the above, and the additional information supplied in support of the application at members request it is considered that the reasons for refusal on the previous scheme have been sufficiently overcome and the development is considered to comply with the relevant Policies of the Swindon Borough Local Plan 2026 (2015), the provisions of the NPPF (2018) and is acceptable.

Recommendation

30 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 Drawing Number 01 (Location Plan) at scale 1:1250, Drawing Number 100 (Existing Survey) at scale 1:200, Drawing Number 101 (Existing Floor Plans & Elevations) at scale 1:100, Drawing Number 151 (Proposed Floor Plans & Elevations) at scale 1:100, Drawing Number 152 (Proposed Bungalow 1(3 bed) at scale 1:100 and Drawing Number 153 (Proposed Bungalow 2 (2 bed) at scale 1:100 received by the Local Planning Authority 13th August 2018 and Drawing Number 150 Rev A (Proposed Site Plan) at scale 1:200 received by the Local Planning Authority 1st October 2018, the Construction Method Statement received by the Local Planning Authority 13th December 2018 and the Design and Access Statement and Arboricultural report.

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 commencement of building works above ground level in connection with the development hereby permitted, 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order works to refurbish and renovate the two existing brick cottages (No's 77 and 78 St Philips Road) into one bedroom units of accommodation shall be carried out in accordance with approved plan 2305/151 (Proposed Floor Plans and Elevations) and thereafter no internal or external works shall take place provide a second bedroom to either property.

Reason: To prevent an over development of the site in an unacceptable manner.

5. The proposed new dwellings within the site shall not be occupied until the proposed access has been surfaced in accordance with the details shown on the approved Site Plan (Drawing Number 150 REV A) and for the avoidance of doubt, shall be constructed in a properly consolidated material (not loose stone or gravel) for a minimum of six metres beyond the highway boundary.

Reason: in the interests of highway safety.

6. The parking spaces shown on the approved plan shall constructed and made available use prior to the occupation of any dwelling and shall thereafter be kept clear of obstruction and retained only for the parking of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that satisfactory provision is made for the parking of vehicles off the highway at all times.

7. Prior to the first occupation of the single storey dwellings full details of the refuse collection shall be provided and approved in writing by the Local Planning Authority and retained in accordance with the approved details as long as the development remains on the site.

Reason: in the interests of amenity and highway safety.

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

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

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

9. No works for the erection of any new dwelling shall take until details of the proposed slab levels of the new building(s) in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

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

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 windows, roof lights, dormers or roof extensions shall be inserted into any roof or wall above ground floor level other than shown on the approved plans without the express planning permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

11. 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 development comprising the extension or enlargement of any of the dwellings on the site falling within Schedule 2, Part 1 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.

Reason: To prevent an over development of the site in an unacceptable manner.

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

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

13. 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.

14. The development shall be carried out in accordance with the approved Construction Method Statement received by the Local Planning Authority 13th December 2018.

Reason: in the interests of amenity.

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:

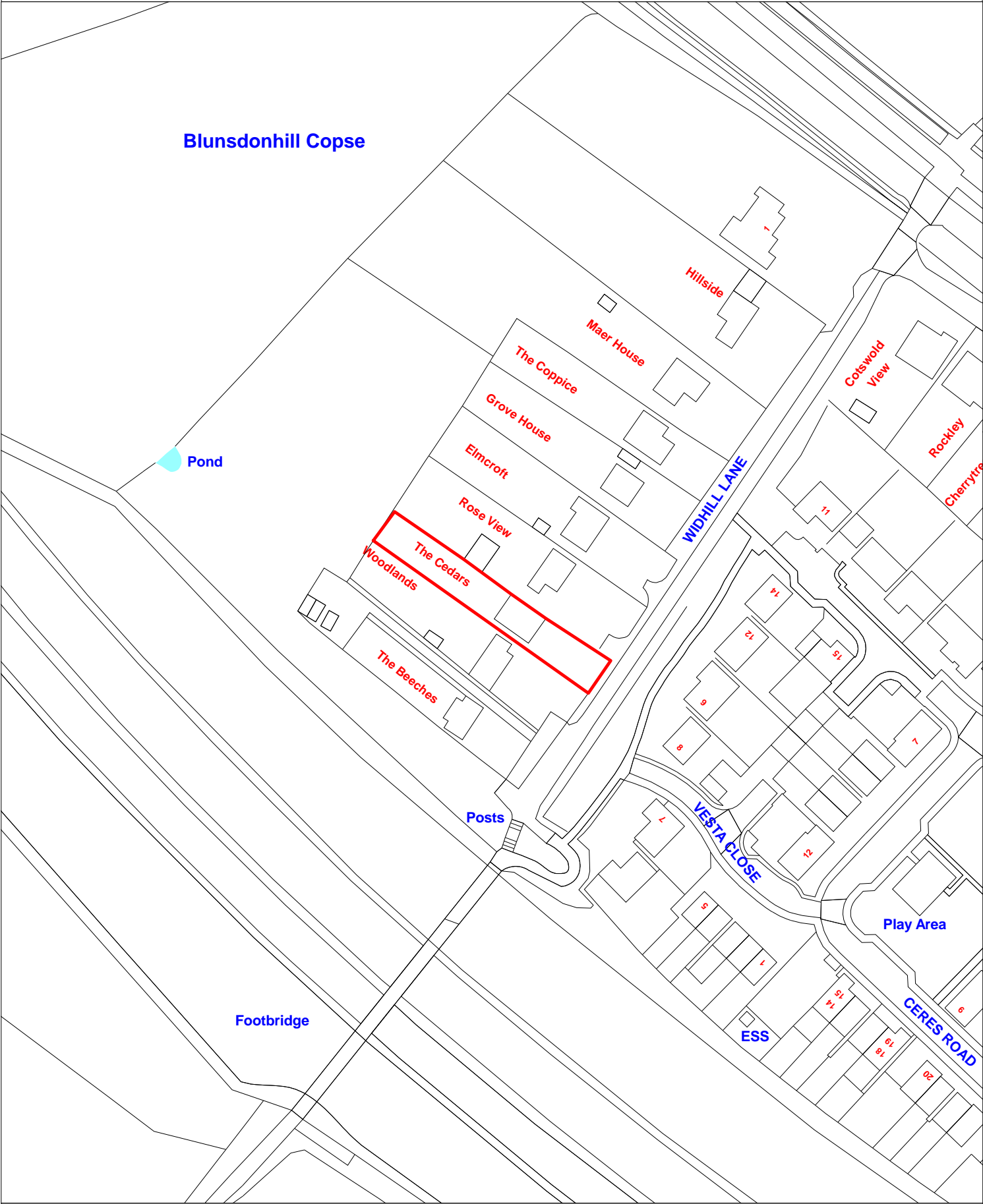
https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

2. In addition to this consent, 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.

End of Report

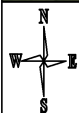
Erection of a two storey rear extension and pitched roof to existing dormer window.

The Cedars Widhill Lane Blunsdon Swindon SN26 8BX

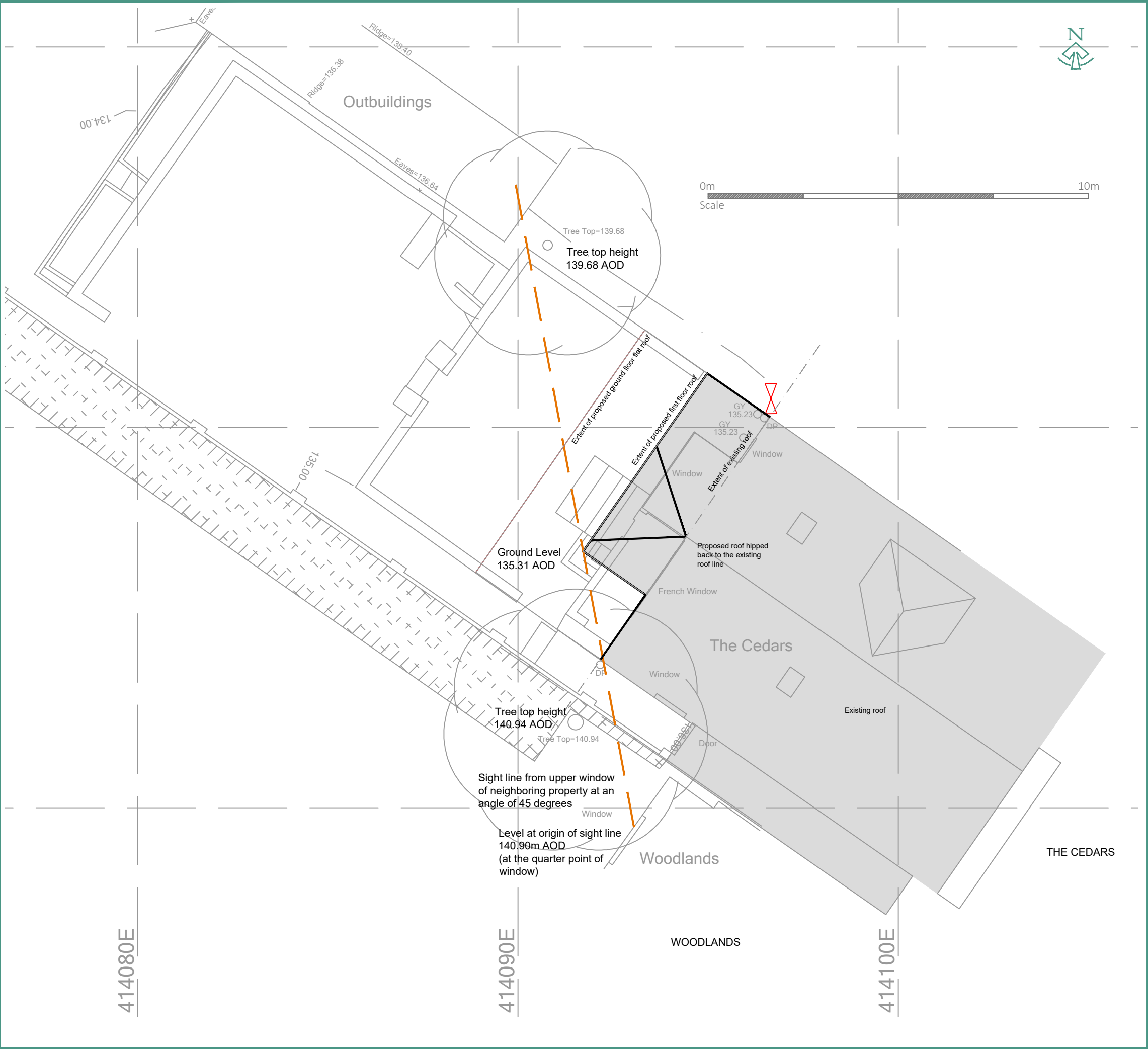


Erection of a two storey rear extension and pitched roof to existing dormer window.

The Cedars Widhill Lane Blunsdon Swindon SN26 8BX



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.



Drawing based upon topographical survey undertaken by Brunel Surveys
Dated May 2018

Block Plan showing Sight Line from adjacent property

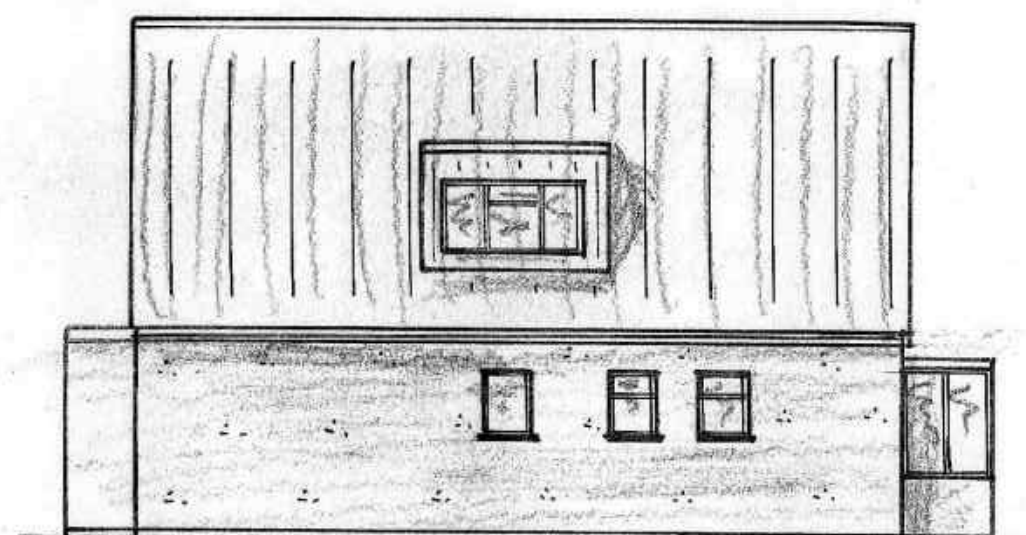
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Client: Justin Jheeta
Number: TI-VP006.002
Scale: 1:100 @A3
Date: 12 December 2018
Revision:



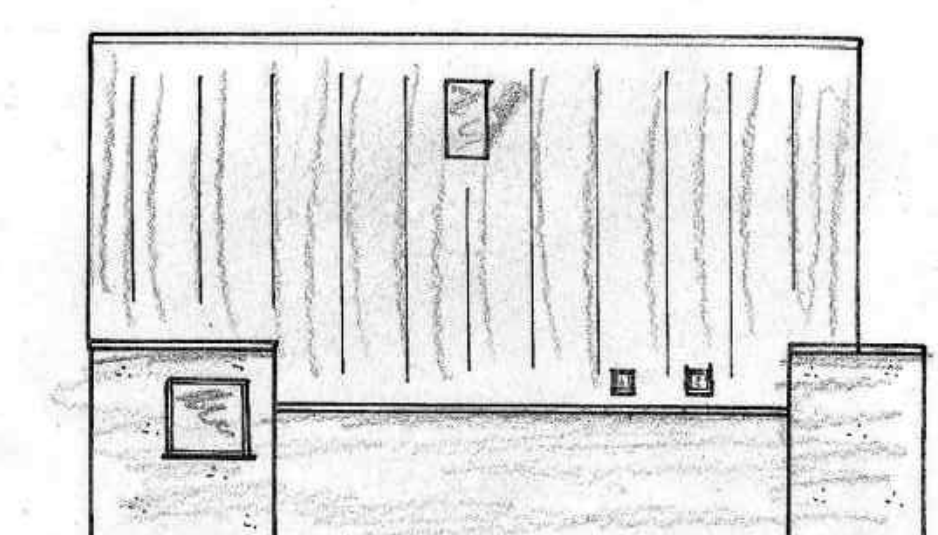
Technical Illustration Ltd
Contact: Gillian at gepakeman@gmail.com or telephone 07919146169



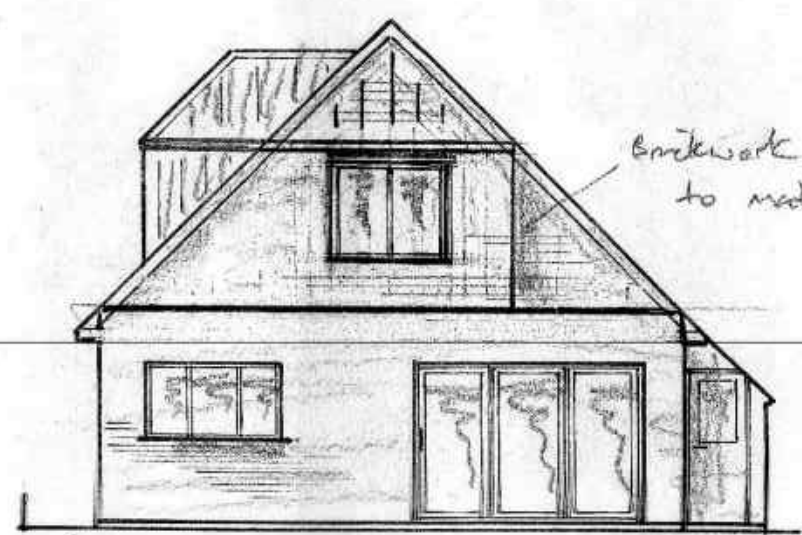
EXISTING REAR ELEVATION



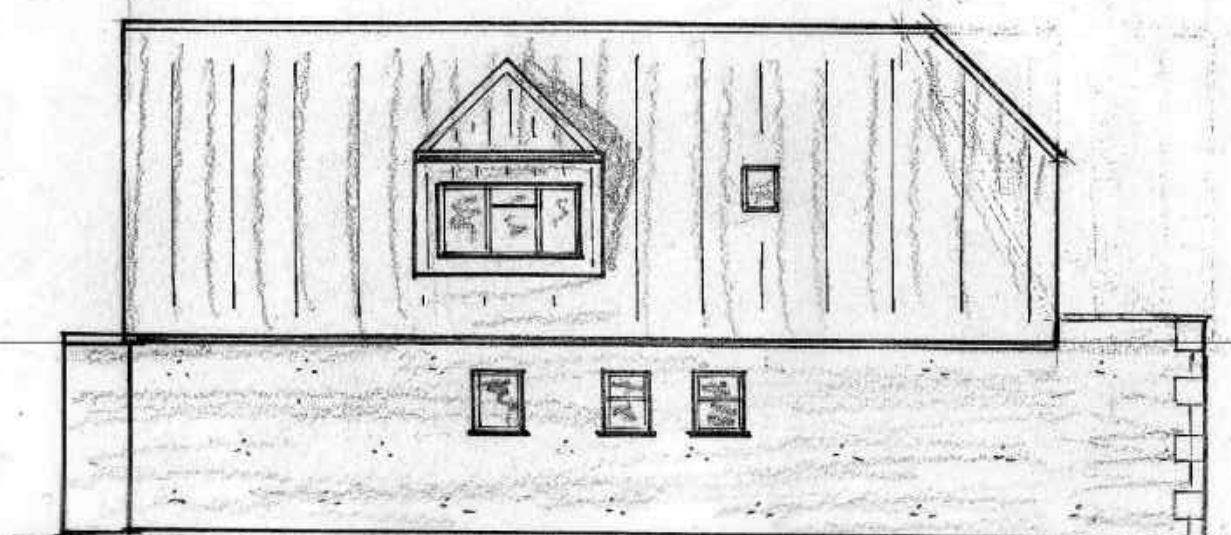
EXISTING SIDE ELEVATION



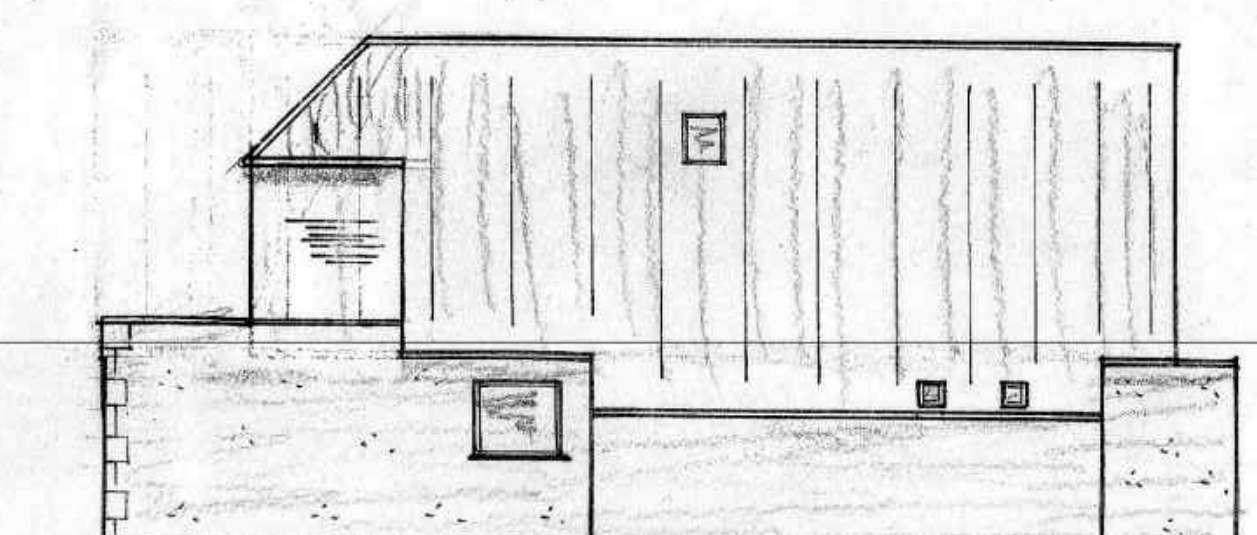
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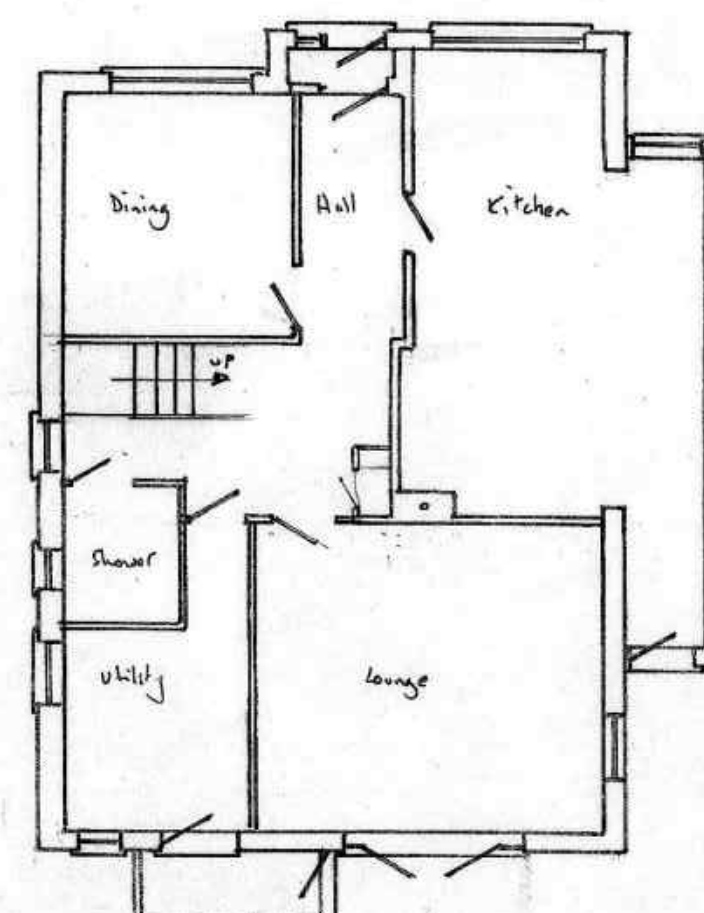
PROPOSED REAR ELEVATION



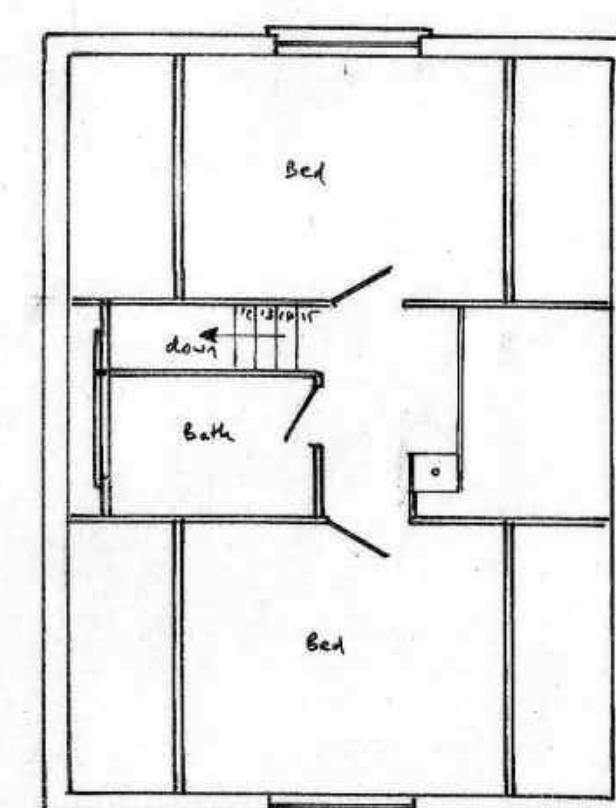
PROPOSED SIDE ELEVATION



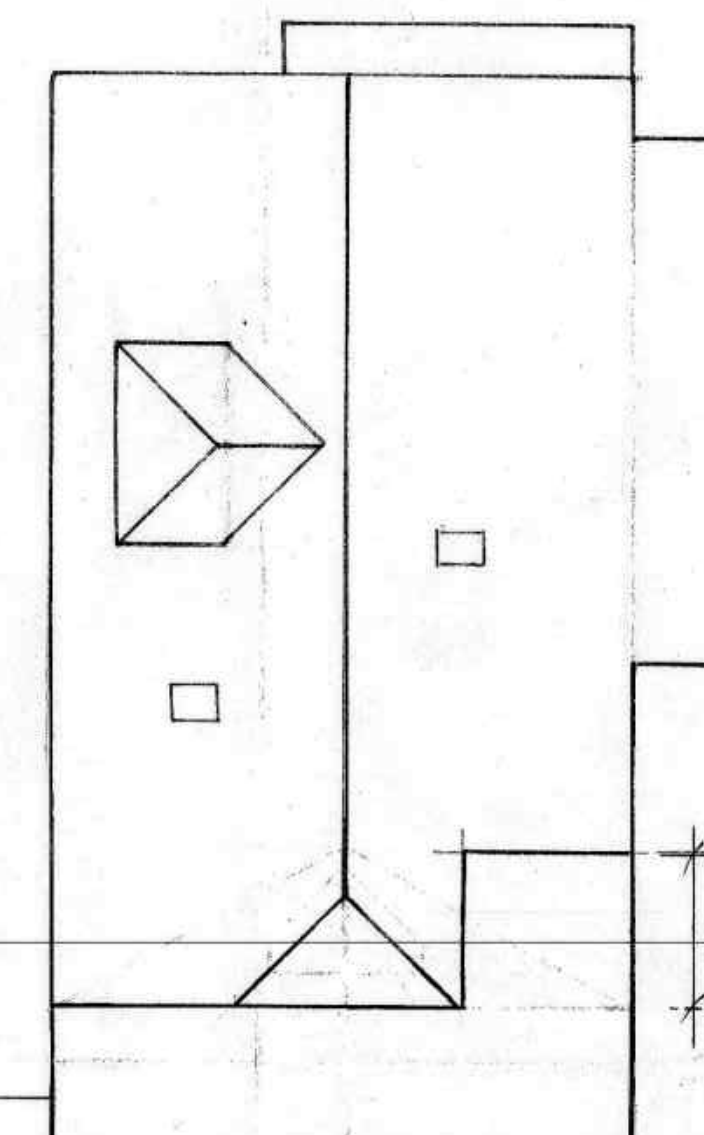
PROPOSED SIDE ELEVATION



EXISTING GF PLAN



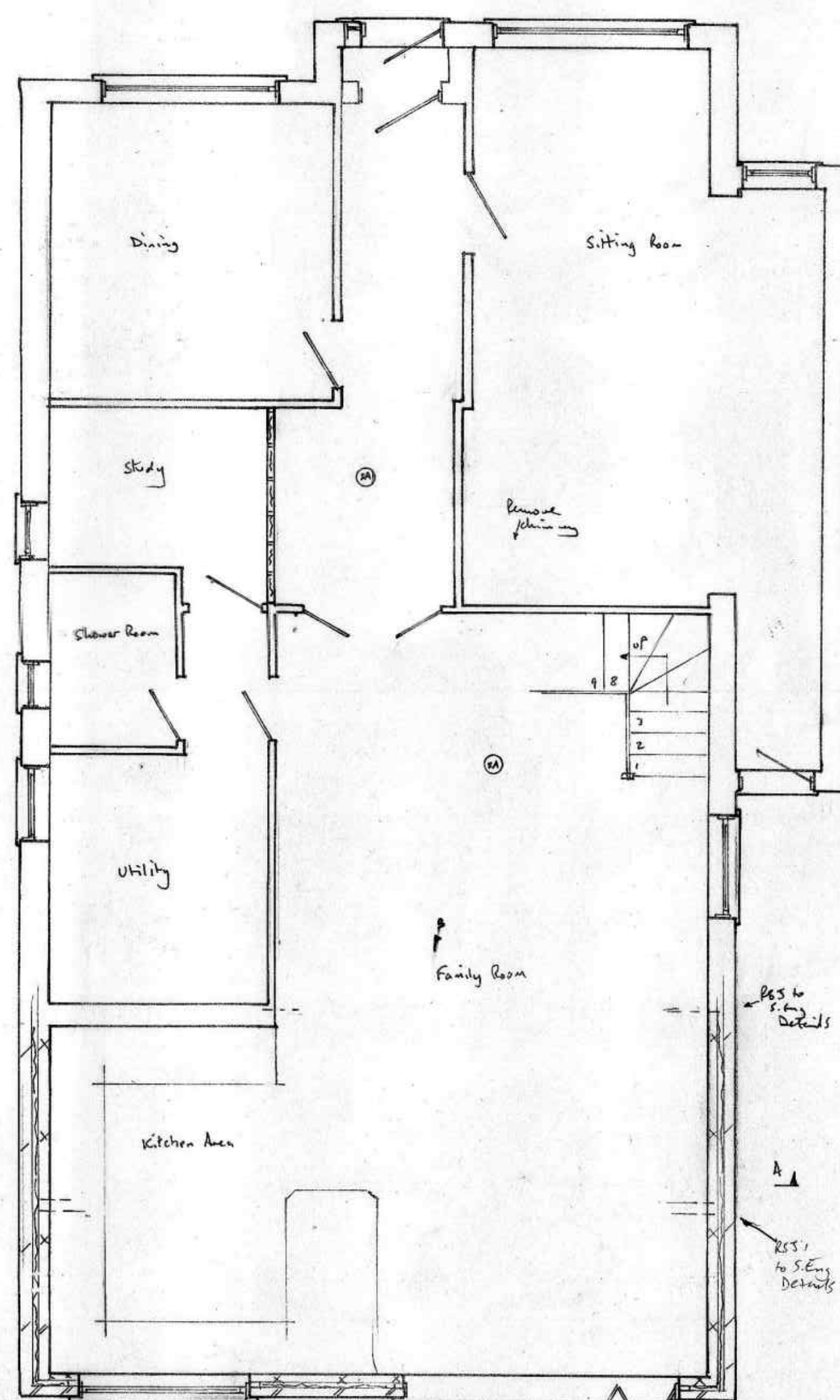
EXISTING FF PLAN



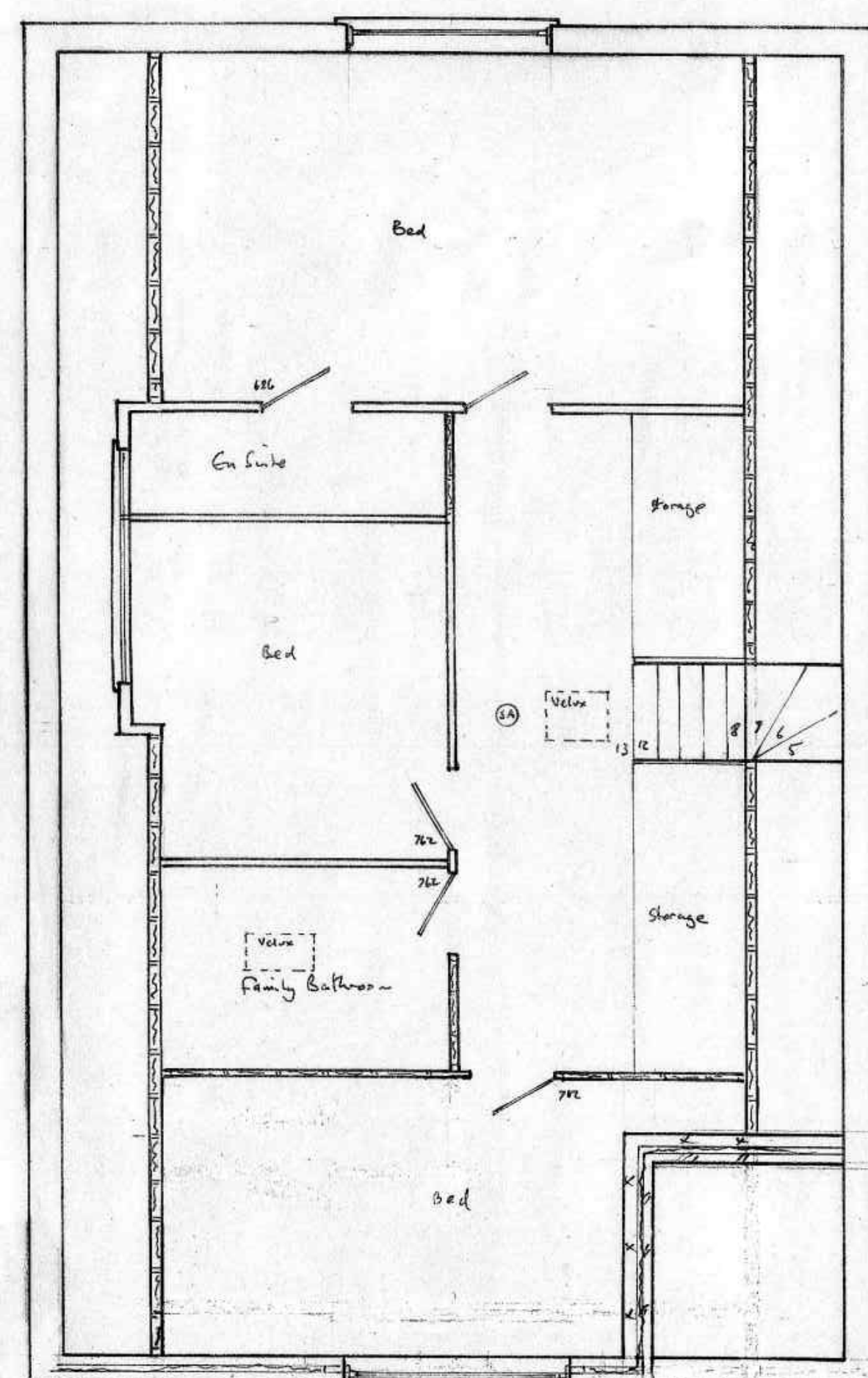
PROPOSED ROOF PLAN

NOTES:
All dimensions must be checked on site and not scaled from this drawing.

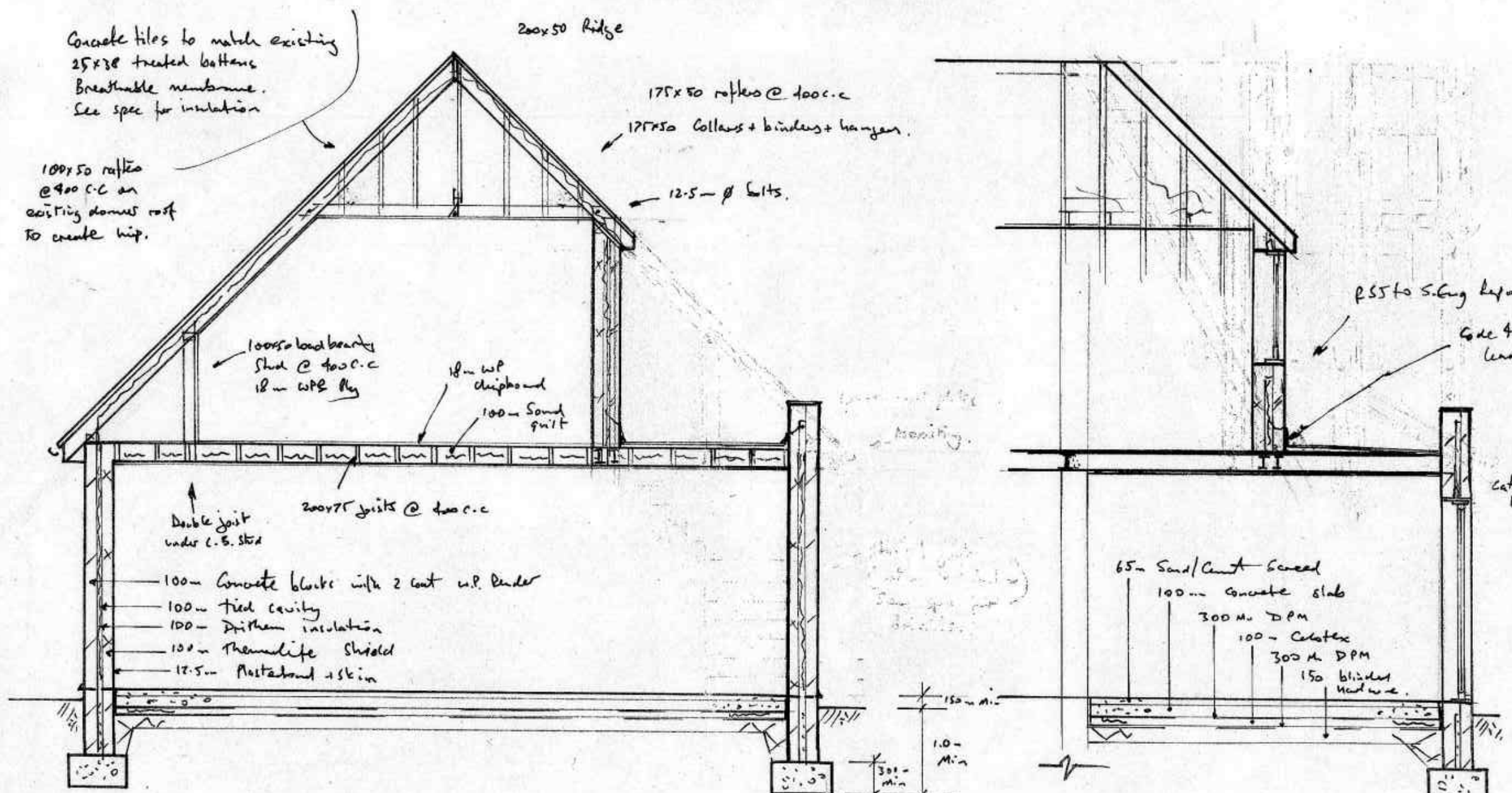
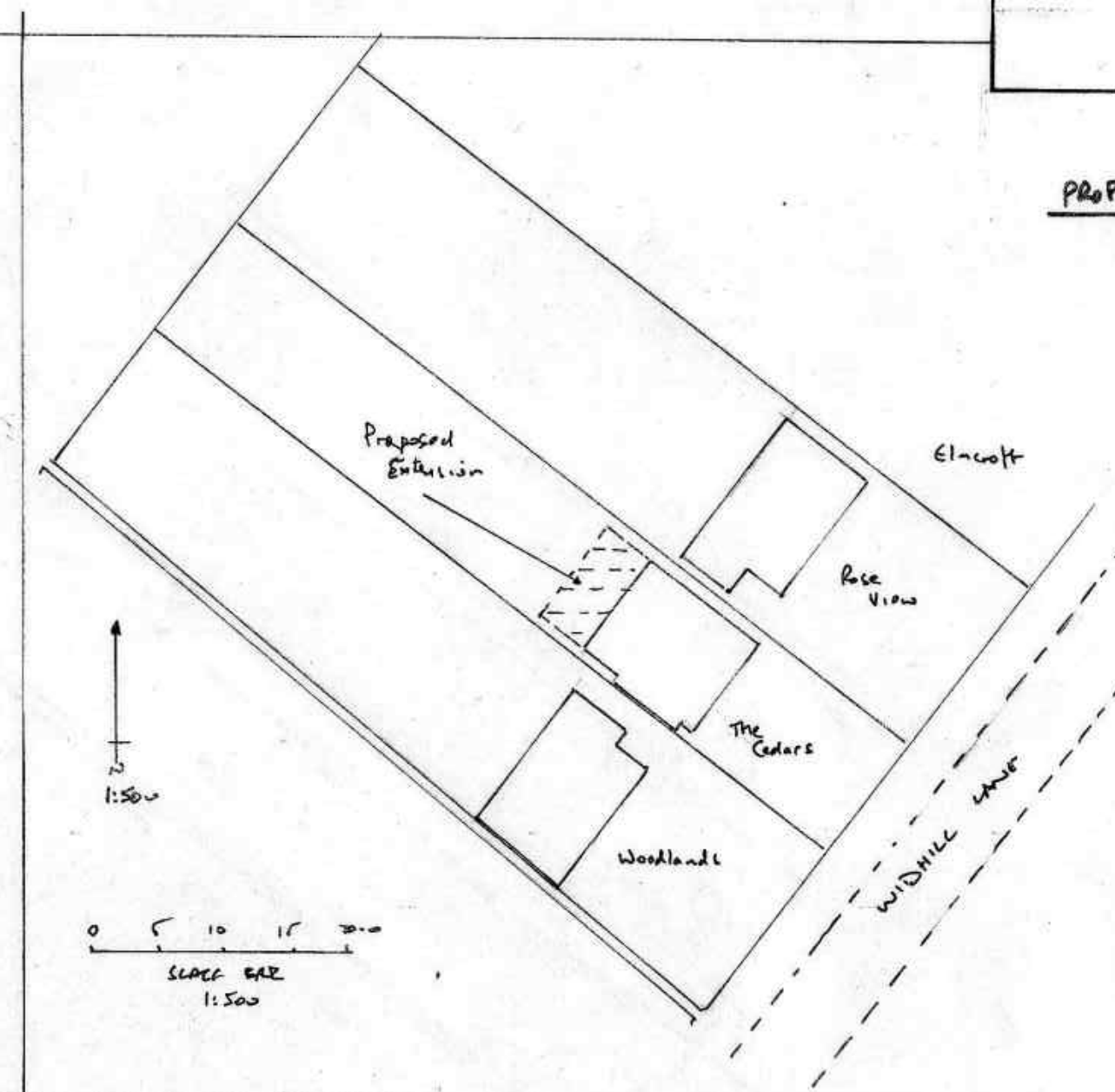
Page 115



PROPOSED GF PLAN



PROPOSED FF PLAN



SECTION A-A

SECTION B-B

Date	Revisions
C DEC 18	FF ALTERED
B AUG 17	FF REDUCED AGAIN
A MAR 17	FF MOVED BACK 1200mm

© copyright

Scale	Bar
0 1 2 3 4 5 6 7 8 1:100	
0 1 2 3 4 1:50	

For building regulation purposes these plans are to be read in conjunction with the written specification and structural report.

KEECH DESIGN SERVICE LTD
1 HARBOUR CLOSE SWINDON
07778 324228
ROBERT.KEECH@NTLWORLD.COM

Job Title

Drawing Title
**TWO STOREY EXTENSION TO
REAR ELEVATION AT
THE CEDARS, WIDHILL LANE
BLUNSDON, SN26 8BX**

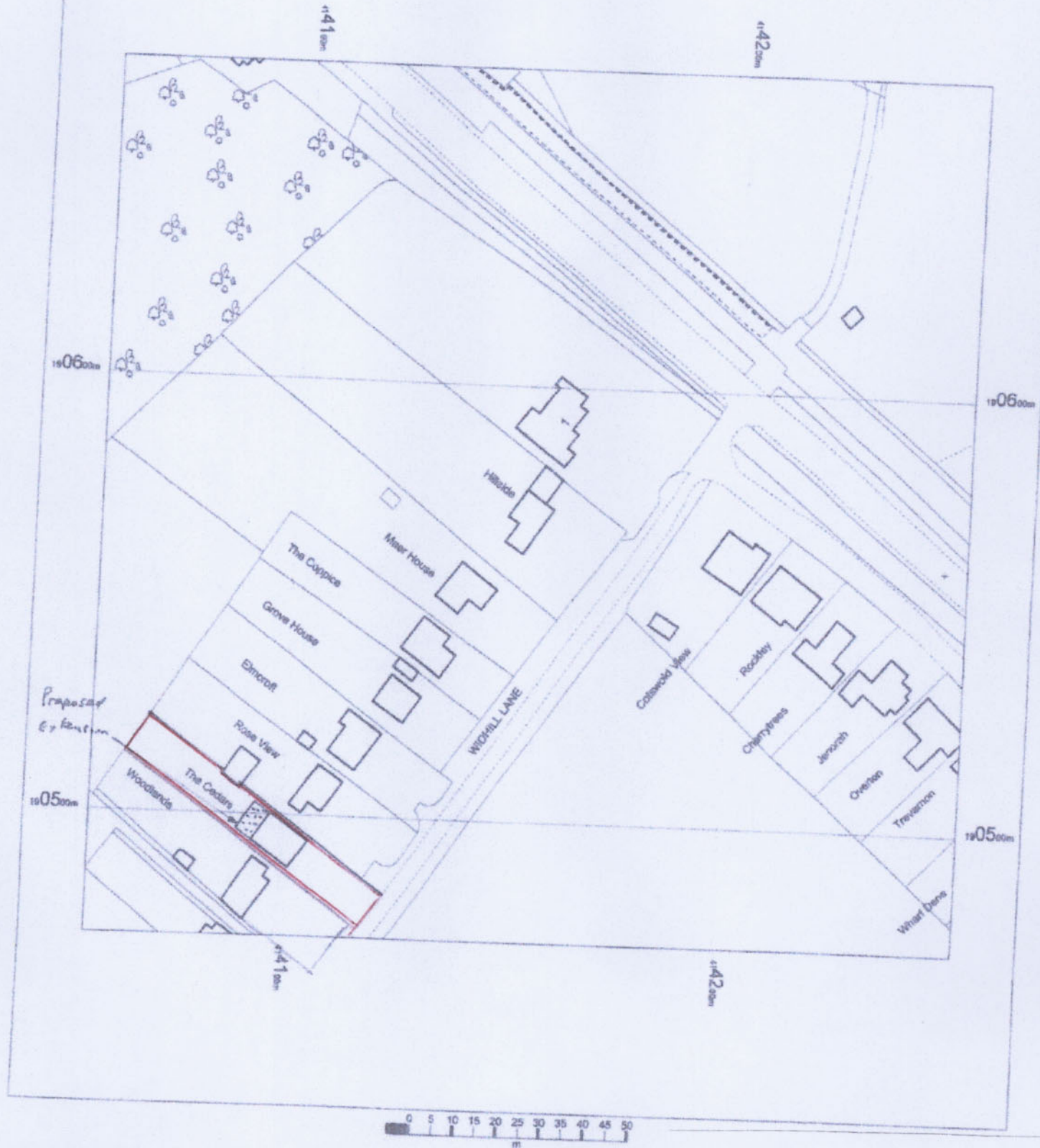
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Date
NOV 2016

Drawn by
PMM

Org No.
16/093

Rev.
A/C



Upper Windhill Lane,
Blunsdon,
SN26 8BX

OS Mastermap
25 October 2011, ID: BW1-00104292
maps.blackwell.co.uk

1:1250 scale print at A4, Centre: 414155 E, 190572 N

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Swindon Borough Council
Planning Department

-5 SEP 2017

Shedn1/1493



COMMITTEE REPORT

Item Number:
Application Number:
 S/HOU/18/1845/CHHO

Ward: Blunsdon And Highworth
Parish:
 Blunsdon

Proposal: Erection of a two storey rear extension and pitched roof to existing dormer window.

Site Location: The Cedars, Widhill Lane, Blunsdon

Case Officer: Miss Charlotte Hopkins

Agent:
 Mr Stuart Miles
 Vision Planning
 Hartham Park
 Hartham Lane
 Corsham
 SN13 0RP

Applicant
 Mr Justin Jheeta

 c/o agent

Officers Report

Background:

This application has been brought before the Planning Committee at the request of Blunsdon Parish Council, due to concerns about the proximity of the extension to the neighbour 'Woodlands' and the effect on the neighbour's light. The PC consider that the current application has not changed significantly from all previous applications and would still have an unacceptable detrimental impact on this neighbour.

Summary of Recommendation:

1. Planning permission be **GRANTED** with conditions

The Proposal:

2. The proposed development would involve the erection of a part two storey and part single storey rear extension. The proposed two storey element would extend 2 metres and would be stepped in by 2 metres from the side wall of the original dwellinghouse, adjacent to the southern boundary with Woodlands. The two storey element of the extension would feature a hipped roof design. The single storey element would extend a further 2 metres beyond the two storey element, designed with a flat roof. The proposal also includes the installation of a pitched roof over the existing flat roof dormer on the north east side elevation.

Site and Surroundings:

3. Widhill Lane consists of a number of detached residential properties of varying style and design which are set broadly along a similar building line. The application site consists of a detached chalet style bungalow with its ridge line set perpendicular to the road. The original rear wall of the host

dwelling is set beyond the rear wall of the neighbouring property, Woodlands, by about 3 metres. The intervening boundary between the host dwelling and Woodlands is formed from a line of evergreen trees, which are a little taller than the eaves height of the host dwelling. Woodlands has a lounge with patio doors set close to the common boundary, giving access to a raised patio area. Two bedroom windows at first floor level are also located close to the common boundary. The patio and floor level at Woodlands is set a little above the ground floor level of the host dwelling.

Site History:

4. This development is a revised submission following the refusal and dismissal at appeal of a larger scheme (S/HOU/16/2133) which proposed to extend 3 metres at two storey forming a gable end with no step in. The inspector concluded that the proposal would appear as a harmfully dominant structure impinging on the open aspect currently experienced from the lounge and bedroom window at Woodlands. It was also noted the 45 degree line would be obstructed contrary to the Residential Extensions and Alterations SPD, further suggesting that harm would arise to the outlook from Woodlands.

5. Following the dismissed appeal, a revised scheme was submitted that reduced the two storey element from 3 metres to 2 metres (S/HOU/17/1493). However, this proposal was refused as despite a reduction in depth of the first floor element by 1 metre, the proposal was still considered to result in a harmful effect upon the outlook and amenity of Woodlands, with the two storey extension still encroaching to within a 45 degree angle as measured from the nearest bedroom window at Woodlands.

6. A further scheme was submitted in August 2018 (S/HOU/18/1175), however the Local Planning Authority declined to determine this application on the basis it was too similar to the previous refused scheme (S/HOU/17/1493). A further revised scheme was submitted and is now before members.

Representations:

7. Neighbours:

One objection received from Woodlands raising concerns regarding the following matters:

- Drawings look like a small corner has been rubbed out on the plans, and is stepped away from the boundary by 2 metres. Still very close to the boundary.
- The height of the two storey building is still the same.
- The same objections still apply and must be considered as raised in the beginning - excessive height of the roof of the proposal above boundary hedging; the effect on natural daylight to the rear patio of living room; the overbearing appearance of the proposed extension; the reduction in depth of the extension would not reduce the impact, particularly as the height is still the same.
- These objections have been agreed by everyone who has viewed the back of our house/garden, next to The Cedars, regarding significant daylight cut out of lounge window, corner of garden/patio and bedroom windows, still would create a negative impact on our property.

8. Blunsdon Parish Council: Objection. The proximity to neighbour and the effect on the neighbour's light is still of concern. All previous comments still apply please see application S/HOU/17/1493 and S/HOU/16/2133. S/HOU/18/1175 was declined for determination. The PC consider the current application has not changed significantly from all previous applications and would still have an unacceptable detrimental impact on the neighbour

Relevant Policy:

9. Adopted Swindon Borough Local Plan 2026 (2015)

- o Policy SD1 (Sustainable Development Principles)
- o Policy DE1 (High Quality Design)

- o Policy TR2 (Transport and Development)

Material Planning Considerations

- o Adopted SPD Residential Extensions and Alterations (2011)
- o Adopted DCGN Technical Guidance on Parking Standards (2007)

National Planning Policy Framework (2018)

Planning Considerations:

10. The main issues to be considered are the design and appearance of the proposal in relation to the host dwelling and surrounding area and the impact upon the neighbour's amenity.

Design:

11. Policy DE1 (High Quality Design) of the SBLP seeks to ensure that there is a high standard of design of any development which is also sympathetic to the local context and character. Development should also be acceptable in terms of scale, mass, and siting and have an acceptable appearance. The Residential Extensions and Alterations SPD suggests a maximum depth of 3 metres for 2 storey rear extensions and 4 metres for single storey rear extensions. The proposal adheres to the maximum suggested depths, extending 2 metres at first floor and 4 metres at ground floor. The proposed development relating to the pitched roof to the existing dormer is also considered to be acceptable and no objection was raised to this element in the previous schemes. Overall, the extensions are deemed to be acceptable in design terms and are not considered to cause harm to the character or appearance of the host property or the area in which it is situated in accordance with Policy DE1 and the SPD.

Residential Amenity:

12. Policy DE1 also seeks to protect the amenity of neighbouring properties in respect of light, outlook, privacy, noise, disturbance, privacy and smell. The Residential Extensions and Alterations SPD states that the effect of an extension will be assessed with regard to the impact upon residential amenity to ensure there would not be unacceptable harm by reason of light, visual intrusion, privacy or nuisance (paragraph 2.7). Paragraph 2.8 of the SPD goes on to state that the proposal will be assessed in terms of the siting, orientation and size of an extension in terms of daylight with the use of the 45 degree angle to assess impact upon daylight to a neighbouring window.

13. The key issues with regard to amenity as identified in the previous schemes, relate to the impact on outlook from Woodlands. The proposal is sited to the north of the Woodlands and there is an intervening evergreen hedge (in the control of the owners of Woodlands). The siting of the development would have very little demonstrable impact upon the direct sunlight to the adjacent property at 'Woodlands', as acknowledged within the inspectors appeal decision which notes *"the orientation of the site and extension is such that it would not result in any significant impact on direct sunlight reaching the neighbouring house or garden"*. The intervening boundary hedge would also screen part of the development from view by the occupiers of 'Woodlands', meaning the ground floor element would create very little impact. However, the two storey extension would be clearly visible above the existing evergreen hedge. In the appeal scheme which extended 3 metres at first floor, the inspector concluded that *'from the lounge, the bedroom window closest to the boundary and the patio, it would appear as a harmfully dominant structure imposing on the open aspect'*.

14. The scheme has now been reduced to 2 metres in depth at first floor level and stepped in by 2 metres from the side wall of the host dwelling, adjacent to the common boundary with Woodlands. As a result of the reduction in depth of the scheme and the step-in, the 45 degree line as measured from the quarter point of the nearest first floor bedroom window at Woodlands is not obstructed. On this basis, there will be no unacceptable material detracting of light to this window, nor will the outlook be unacceptably harmed in accordance with the guidance in the SPD. The hipped roof design, also further helps to reduce the bulk and visual dominance of the scheme as viewed from neighbouring properties. Although the extension will still be visible above the evergreen trees, due to

the reduction in depth of the extension, the step-in by 2 metres which creates greater separation between the neighbour at Woodlands, the hipped roof design and compliance with the 45 degree rule, it is considered the proposal will not appear unduly dominant to Woodlands, nor will the outlook or open aspect currently experienced be significantly harmed. For these reasons, the proposal has overcome the refusal reasons of the previous scheme and Officers consider that refusal on the grounds of significant harm to the outlook and visual amenity of the occupiers of The Woodlands, could not be justified. There would be no unacceptable impact to the amenity of the neighbour to the north 'Rose View', which also benefits from a rear extension. The proposal does not raise any concerns in respect of overlooking or loss of privacy. Overall, the proposal is considered to accord with Policy DE1 and the Residential Extensions and Alterations SPD and no unacceptable impact to neighbouring amenity arises.

Highways:

15. Policy TR2 requires parking is provided in accordance with the Parking Standards (2007). As existing, the property has 2 no. bedrooms and the proposal would create a 3no. bed property. The Parking Standards (2007) requires a single family dwelling with up to 4no. bedrooms provides 2no. parking spaces measuring 2.4 x 4.8 metres. The host dwelling can accommodate these parking spaces on the private driveway to the front of the dwelling. The proposal accords with Policy TR2 in this respect.

CIL:

16. The proposed development would be minor for the purposes of CIL legislation due to the proposed extensions floorspace falling below 100 sqm GIA. Therefore, no contribution towards CIL would be required.

Concluding Comments:

17. The proposed extension is acceptable in design terms and is not considered to cause unacceptable harm to neighbouring amenity in accordance with Policy DE1 and the Residential Extensions and Alterations SPD. Through a combination of the reduction in depth of the two storey rear extension, the set-in by 2 metres from the original side wall of the property, the hipped roof design and adherence to the 45 degree line as measured from the first floor bedroom window at Woodlands, the proposal has addressed the reasons for refusal created by the previous schemes and is therefore acceptable, in accordance with policy.

Recommendation:

18. That planning permission be **GRANTED** with conditions

Conditions

1. This approval shall be in respect of drawings no. 16/093 Rev C, Site Location Plan (1:1250) and Planning/Design & Access Statement received by the Local Planning Authority on the 13th November 2018 and Block Plan (1:100) received by the Local Planning Authority on the 14th December 2018.

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

2. The development hereby permitted shall be constructed using external facing materials that match and correspond with those of the existing building. Such facing materials shall be retained thereafter in their approved form.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no windows other than those hereby approved shall be formed in the side elevations at first floor level of the two storey rear extension hereby permitted.

Reason: In the interests of residential amenity

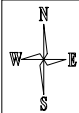
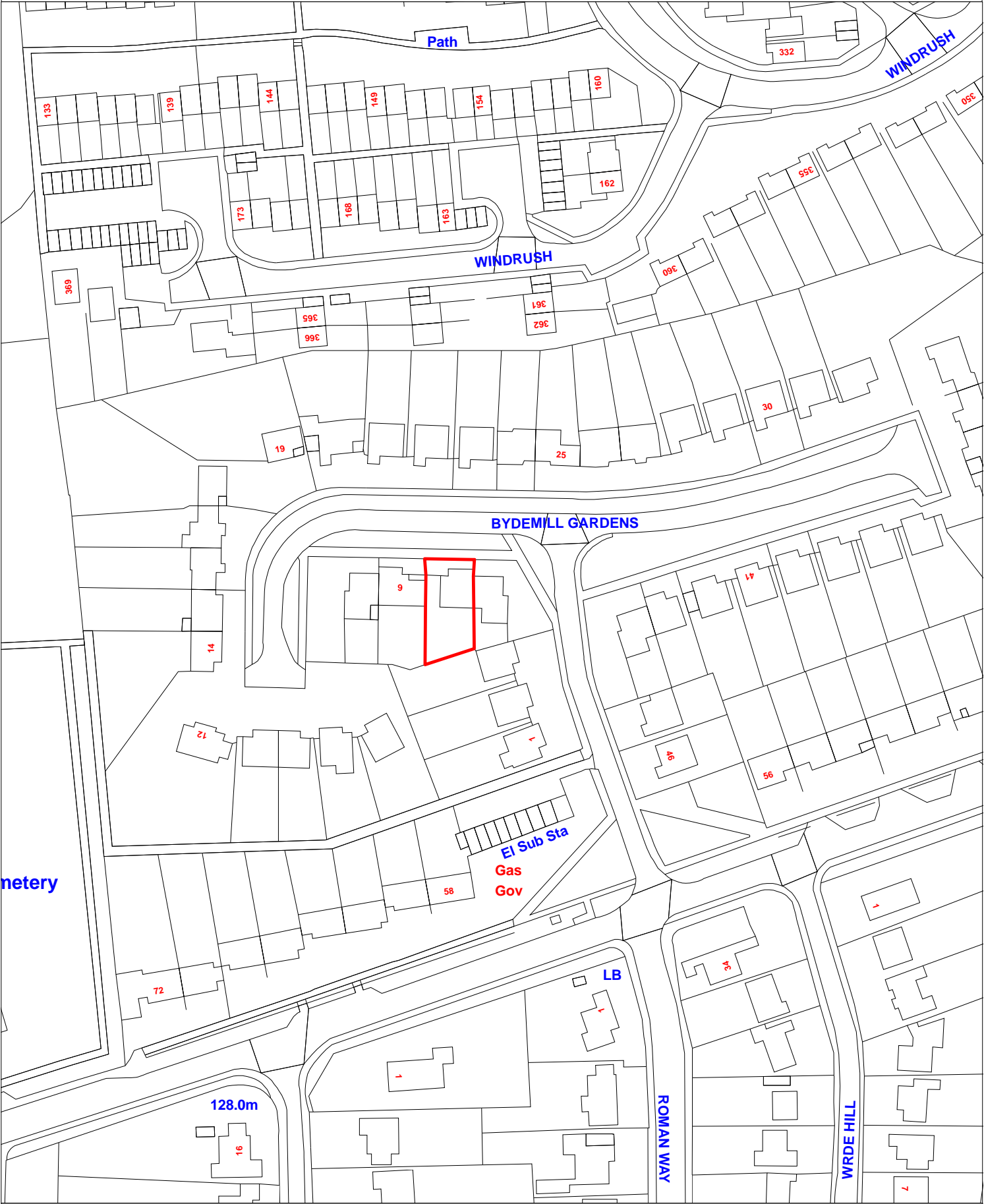
Informatives

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

End of Report

Erection of a single storey rear and two storey side extension (retrospective)

5 Bydemill Gardens Highworth Swindon SN6 7BS

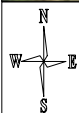


This Plan is for illustrative purposes only and is not intended to provide accurate representation of the development.
In all cases references should be made to the submitted plans.

S/HOU/18/1670

Erection of a single storey rear and two storey side extension (retrospective)

5 Bydemill Gardens Highworth Swindon SN6 7BS



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.



Client
Mr N D'Angeli

Project
5 Bydemill Gardens
Highworth
Swindon
SN6 7BS

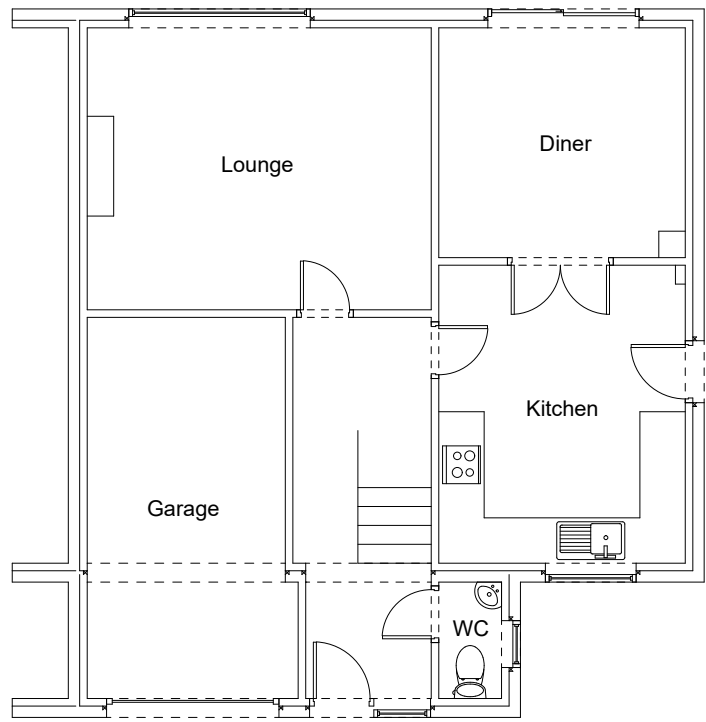
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Drawing No.
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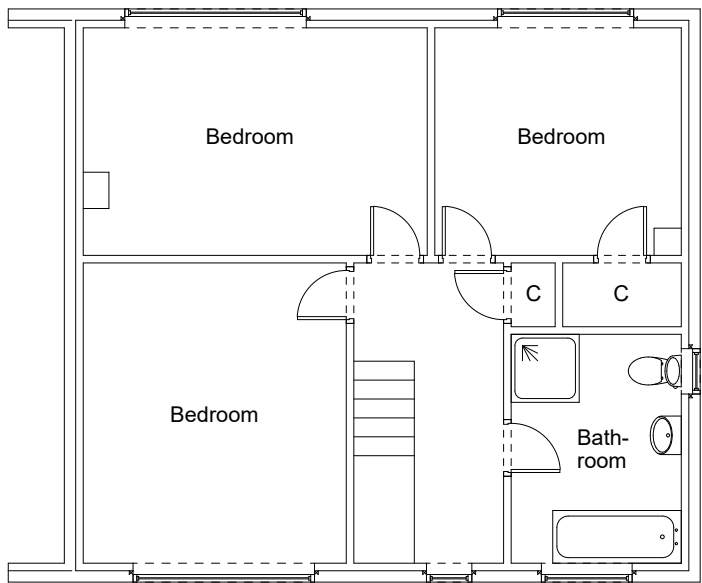
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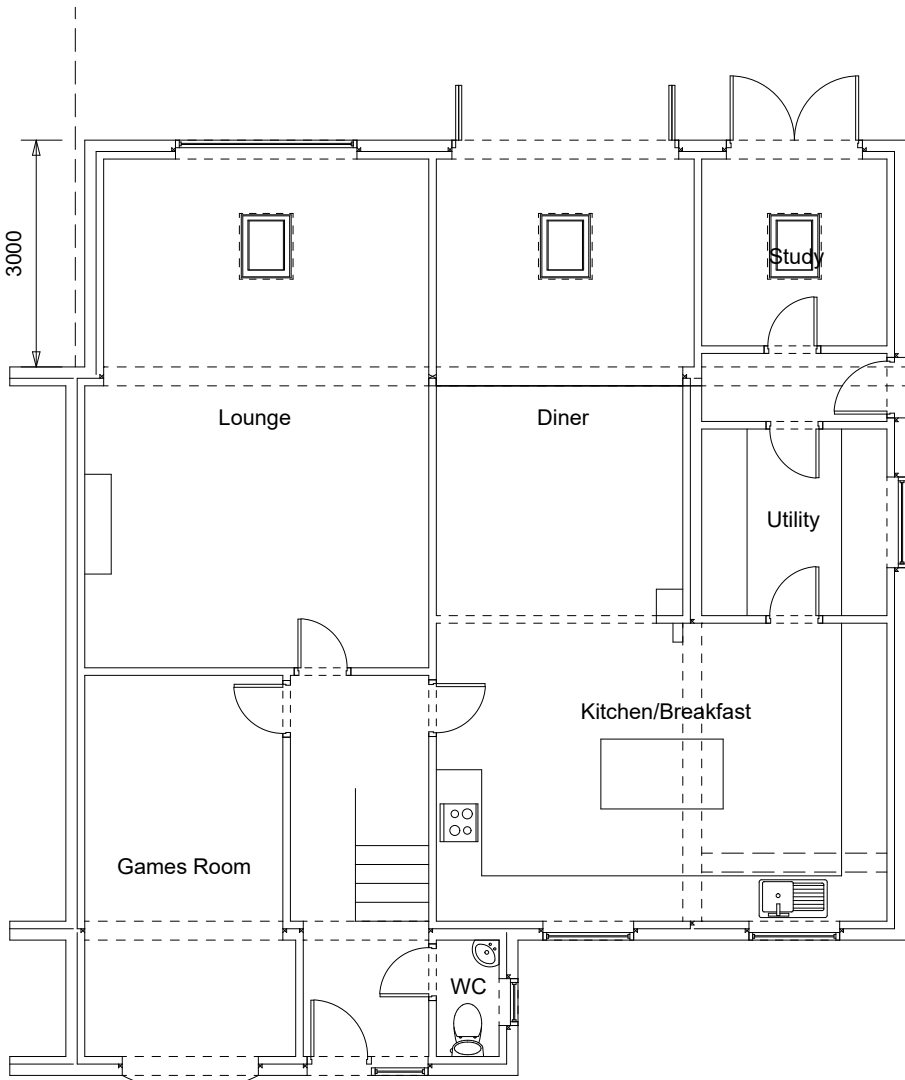
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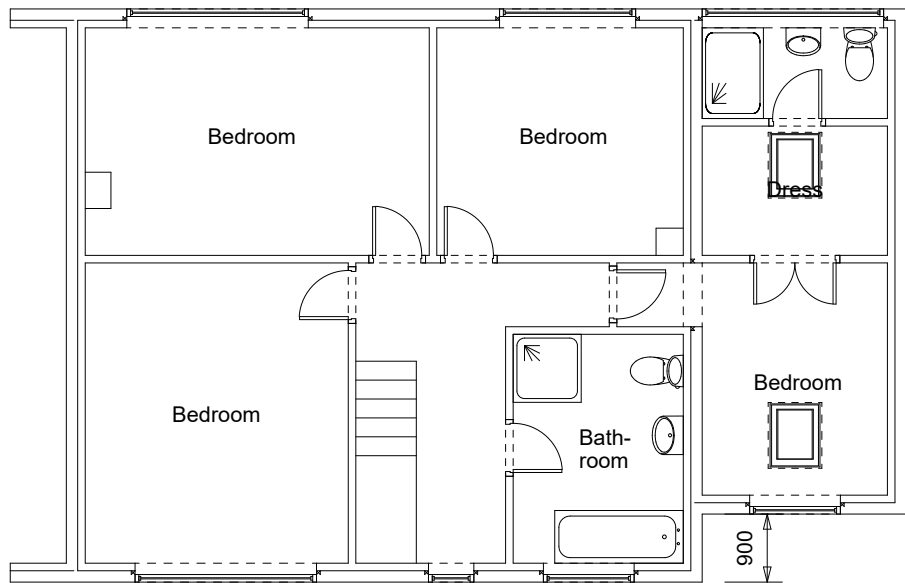
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Existing First Floor



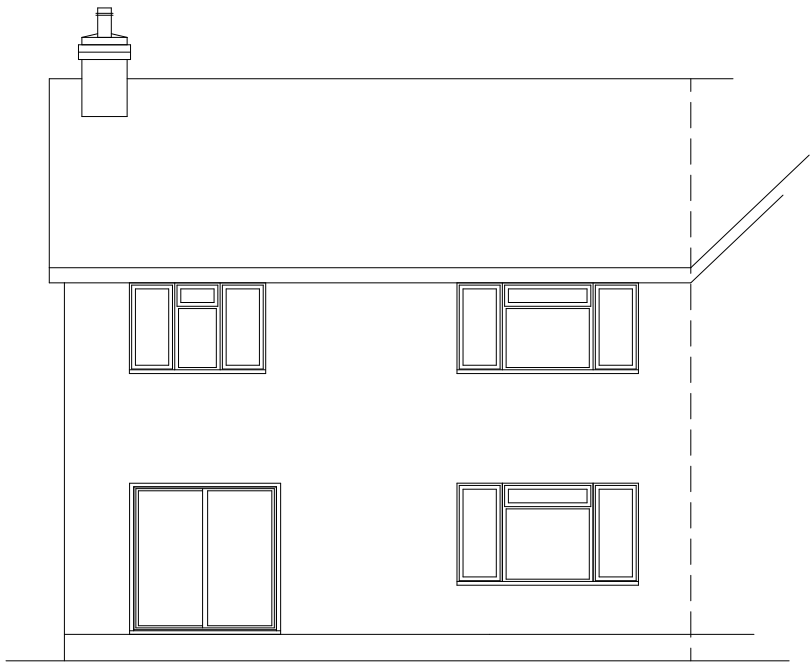
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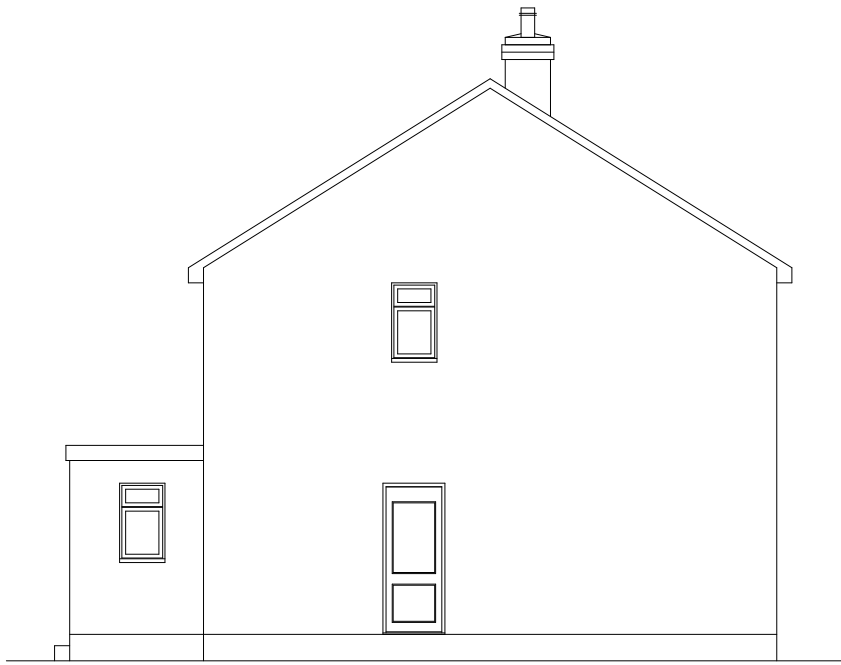
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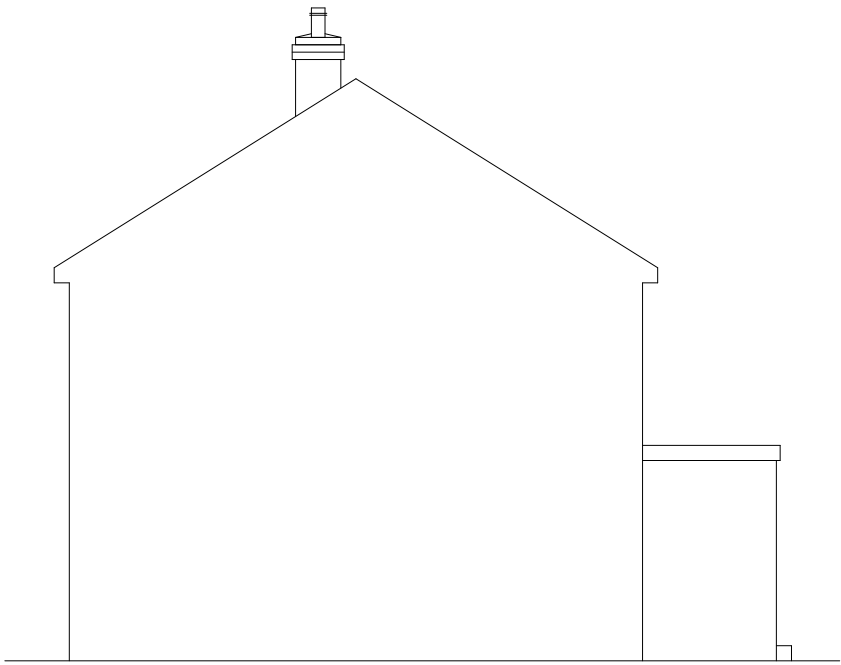
Existing Front



Existing Rear



Existing Side



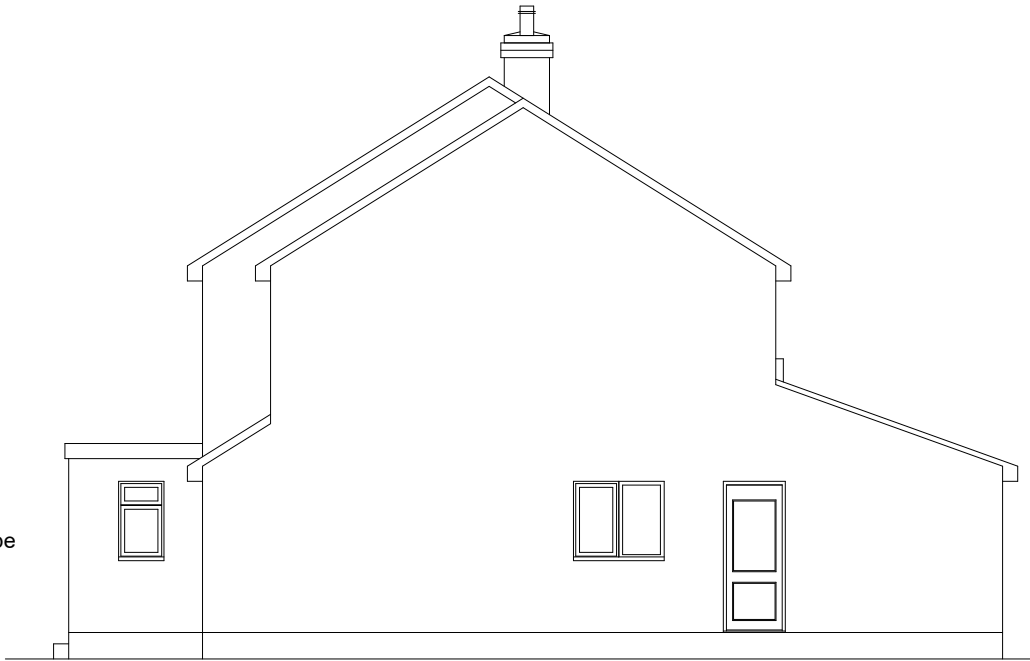
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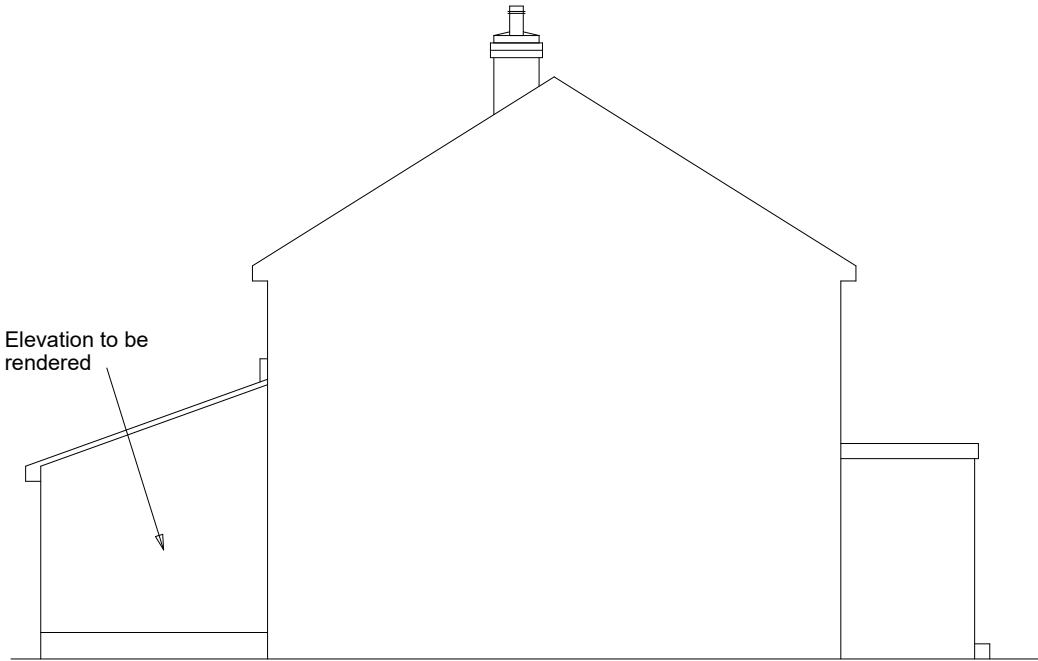
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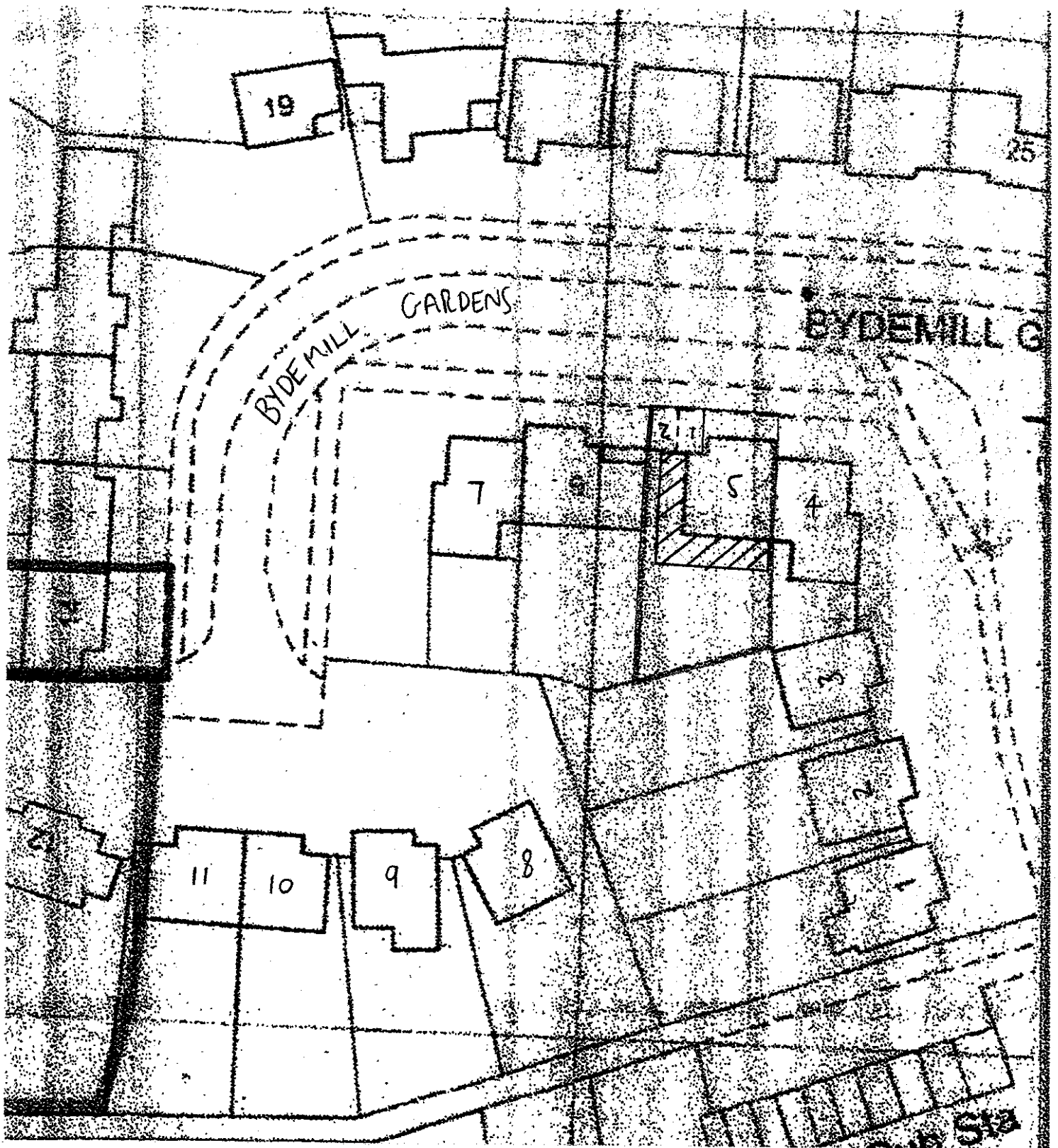
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Proposed Side



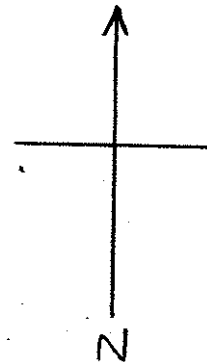
Proposed Side



Block Plan 1:500 A4

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Borough of South
 Planning Department
 12 OCT 2018
 S140018/11670



COMMITTEE REPORT

Item Number:

Application Number: S/HOU/18/1670

Ward: Blunsdon And Highworth

Parish: Highworth

Proposal: Erection of a single storey rear and two storey side extension (retrospective)

Location: 5 Bydemill Gardens, Highworth, Swindon

Agent:

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

Applicant:

Mr N D'Angeli
5 Bydemill Gardens
Highworth
Swindon
SN6 7BS

Officer Report

Background:

- i. This application has been brought before the committee at the request of Cllr Bishop and Highworth Town Council, due to concerns about the scale and impact of the extension and the building materials which differ from the previously approved.
- ii. An earlier application of similar dimension was granted permission at the January 2018 meeting of the planning committee

Summary of Recommendation:

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

The Proposal:

2. This application seeks to retain minor elevation changes and to vary the building materials of the previously approved planning application for the erection of a single storey rear and two storey side extension and the conversion of garage into habitable space. This proposals are for additional living space to the ground floor and a bedroom with en-suite at first floor.

3. The development has been largely completed, with the exception of the rendering to the blockwork walls. The extensions are of the same dimensions and position as that approved last January. The single storey rear element of the application has a depth of 3 metres and extends across the entire length of the rear including the rear of the side extension. The eaves height is 2.4 metres, extending to 3.7 metres where the mono pitched roof abuts the host dwelling. There are a few minor discrepancies relating to the size and location of windows which varied from the approved plan and drawings have been provided by the agent to reflect what has been built. A summary of those alterations are set out below. A further round of consultation has not been conducted in relation to these corrections as they do not go to the heart of

the concerns The main difference and reason for a resubmission is the single storey rear extension, which instead of being constructed in matching brick, was constructed in blockwork and currently left un-rendered Furthermore, the roof materials for the single story element differs from the approved details as instead of using concrete tiles, it has been constructed in imitation slate. This is at the rear of the property.

4. The side extension has also been completed, it measures 2.7 metres in width. With a total height of both floors of 5.9 metres. The variations between the original approved design and the extension constructed on site is a narrower and smaller rectangular shaped window on the upper storey rear elevation and a roof light has been inserted into the rear first floor extension roof. A window in lieu of folding doors and French doors in lieu of a window at ground floor have also been inserted into the rear. Also three roof lights have been inserted to the ground floor extension roof in lieu of the permitted 4 roof lights. This amendment has also been shown on the plans for this new submission.

5. The original application also proposed to convert the garage into living accommodation, this element had been carried out prior to the decision being made on the previous application. Members are however advised that this element comprises again of permitted development and does not require planning permission. Whilst it has been included in the application, it falls outside the scope of control.

Representations:

Neighbours

6. 4 Bydemill Gardens: As the previous application a further object was raised in relation to the single storey rear extension, now that it has been built in materials that will not match the existing dwelling, the occupants also stated that the single storey rear extension obstructs light to their kitchen window. Their concerns have been addressed within the report.

Town Council

7. Highworth Town Council recommended refusal stating in their comments that the originally proposed materials should be stood by and delivered on site as per the condition.

Ward Member

8. Councillor Bishop has raised concerns to the application as the building materials used differ from those approved previously by the planning committee and light will be reduced to the rear of 4 Bydemill Gardens.

Relevant Policy:

9. Adopted Swindon Borough Local Plan 2026 (adopted on the 26th April 2015)
- Policy SD1 (Sustainable Development Principles)
 - Policy DE1 (High Quality Design)

Material Planning Considerations

- 10.
- Adopted SPD Residential Extensions and Alterations (2011)

- National Planning Policy Framework (NPPF) (2018).
- Town and Country Planning (General Permitted Development) (England) Order 2015.

Relevant Planning Policy

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

Swindon Borough Local Plan 2026.

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

Planning Considerations

13. The key considerations relate to the design and appearance of the proposal in relation to the host building and surrounding area, and the impact upon the neighbour's amenity must also be taken into consideration.

Design / Appearance

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

15. The extensions the subject of the application are located to the side and rear of the property and the side is in part visible from the street. The proposed two storey side extension incorporated a set back from the principle elevation by 900mm at first floor and is not excessive in width, being less than ½ the width of the existing dwelling. This resulted in a subordinate addition that is in accordance with the guidance set out in the Residential Extensions and Alterations SPD (2011) and is not at all untypical.

16. The appearance of the side addition is in sympathy with the design of the host property and is not considered to represent poor quality design or cause demonstrable harm to the character of the surrounding area or amenities of nearby properties. Whilst it is unfortunate that render and slate are proposed instead of brick and tile for the single story rear extension the result is not so inharmonious or out of character with the host dwelling or neighbouring properties so as to be sufficiently harmful for a refusal to be sustained at appeal. It is therefore considered that the extension is in accord with Local Plan policy DE1 and the adopted Residential Extensions and Alterations SPD.

17. The garage conversion has already been carried out but in any event constitutes permitted development.

Amenity Impacts:

18. In the considering the previously approved scheme, the concerns were primarily with the impact of that the single storey rear lean to element on the light to the kitchen of NO 4 Bydemill Gardens. That element constituted permitted development if undertaken on its own as matching brick was proposed. Unfortunately the applicant has constructed the extension of block which he intends to finish with a cream / buff colour render. The size and position of the addition is the same as approved and if a light colour render is used akin to the yellow brick as originally intended, there will be no significant or material change in the impact upon the neighbours.

19. The use of slate instead of tiles or the revised window arrangement will not have any impact upon neighbour's amenity through loss of light, privacy, overlooking or overbearing nature.

Parking Impacts:

20. The proposed development has altered off street parking arrangements due to the garage conversion however it did not create a requirement for additional parking.

Other matters

21 The extension as constructed is fairly close the boundary wall with 4 Bydemill Gardens, and it was unclear from the drawings whether the block wall on this side elevation could in fact be rendered as proposed. Officers have visited the site to assess this and are satisfied that this can take place

Community Infrastructure Levy (CIL):

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

Concluding Comments:

23. In its revised form all elements of the proposal are considered to be compliant with adopted policy or the SPD guidance policy and where there are concerns such as the impact upon the adjoining neighbour, the impact is not materially different to that arising from the permitted scheme. This existence of a recent permission for a comparable scheme is a material consideration that the committee must take into account. It is considered that the proposal to alter the external finish of the rear extension would not have a greater impact on the amenity of adjoining neighbours that that permitted. The revisions have no adverse impact upon the street scene. By reason of scale or appearance. Given the lack of identified grounds to object, your officers do not consider that a refusal could be supported at appeal

Recommendation:

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

Conditions

1. The render works to the single storey rear element of the development hereby permitted shall be begun before the expiration of three months 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 the revised drawings: 1757.1 Rev C, Site Location Plan (1:1250) and Block Plan (1:500) received by the Local Planning Authority on 12th October 2018.

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

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. 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. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

Case officer: (Miss Fern Lynch)	Authorised Officer:
Date: 12th December 2018	Date: