



COMMITTEE REPORT

Item Number:

Application Number: S/17/1114/SASM

Ward: Blunsdon And Highworth

Parish:

Hannington

Proposal: Demolition of buildings, and erection of 8no. dwellings and employment building (Use Class B1), conversion and alteration of stables and barn to employment (Use Class B1) including Access and Parking.

Site Location: Manor Farm, 47 Queens Road, Hannington

Case Officer: Mrs Sarah Smith

Agent:

Mr Aaron Smith
Fowler Architecture & Planning
Ltd
19 High Street
Pewsey
SN9 5AF

Applicant

Lower Burytown Farms Ltd

c/o Agent

Officers Report

Background:

0.1 This application was considered by Members at Planning Committee in January 2018 where it was resolved that:-

(a) the Head of Planning, Regulatory Services and Heritage be authorised to grant planning permission subject to Conditions set out in the Committee Report together with any amendments, omitted or additional conditions including an additional condition precluding the installation of street lighting and if required, the completion of a Section 106 planning obligation to secure the necessary mitigation in respect of recreational open space.

(b) In the event that the applicant fails to agree an extension of time to allow sufficient time for the Local Planning Authority to deal with this matter the Head of Planning, Regulatory Services and Heritage be authorised to refuse planning permission.

0.2 It was determined that mitigation in respect of recreational open space was required after reviewing the Open Space Audit & Assessment (March 2014 update). Therefore officers negotiated with the applicant to secure open space contributions as set out under adopted Policy EN3 and the off-site contributions generated by the Open Space Calculator. The S106 agreement was completed dated 3rd January 2019 and the decision issued under delegated powers on 7th January 2019.

0.3 Following the grant of Planning Permission a claim was filed by Mr Guillaume Molhant-Proost

on Monday 18th February at the High Court for a Judicial Review of the Council's decision on a number of grounds that the Council had acted unlawfully in granting planning permission, in particular in relation to the consideration of heritage assets within the report.

0.4 After reviewing the matter and having taken Counsel's advice, it was concluded that the process of defending such a decision in a court of law was likely to be both lengthy and costly, and there being no guarantee that the High Court would not agree with the claimant, it was decided to accept Counsel's advice to consent to Judgment to quash the planning permission.

0.5 The High Court made an Order quashing the planning permission on 23rd March 2019. The application is therefore brought back before the Planning Committee for re-determination.

0.6 Since the application was considered by the Planning Committee in January 2018, the Revised National Planning Policy Framework ('revised NPPF') has been published (July 2018) and subsequently amended (February 2019). The thrust of the policy framework on conservation matters remains the same. In addition the Hannington Neighbourhood Plan was 'made' in November 2018.

0.7 The application was placed on the agenda for the 13th August 2019 meeting of the Planning Committee, but was withdrawn from consideration to enable further consultation to take place.

Summary of Recommendation:

1 That planning permission be **GRANTED** subject to Conditions and to the s106 agreement dated 3rd January 2019 containing planning obligations in respect of off-site open space contributions.

The Proposal

2 A pre application enquiry was submitted for a similar proposal in 2016 and whilst there were some benefits to the proposed development officers raised concerns that the site was outside Hannington's settlement boundary and would have an impact on the Conservation Area. This application was submitted to justify the proposal in planning terms and demonstrate acceptability of its impact on heritage assets.

3 The application proposes to demolish buildings A, C and D as shown on Fig.3 of the Design & Access statement. The lean-to abutting the western end of building B would also be demolished but the remainder of this building would be retained and converted to B1(c) light industrial use. In place of the demolished buildings, 5no. new buildings are proposed to be arranged around two interconnected courtyards. On the western part of the site 8 no. dwellings would be constructed, comprising a detached dwelling, two pairs of semi-detached dwellings, and a terrace of three dwellings. The mix of dwelling sizes would be 3no. 2-beds, 3no. 3-beds and 2no. 4-beds. Two of the proposed dwellings would be Category 2 accessible and adaptable dwellings.

4 The easternmost of the two courtyards would serve a new 390.8sqm commercial building (comprising 5 separate units) and the converted building B. Taking into account the conversion of building B, the total amount of commercial floorspace on site after the development would be 625sqm, a marginal increase on the 550sqm currently provided. The proposed use of the commercial space is described as B1(c) light industrial.

Site and Surroundings

5 The application site is 0.68ha in area. It is currently occupied by four separate buildings. Two of the buildings, on the western part of the site, are single-storey breeze-block structures, part clad in corrugated iron with corrugated iron apex roofs and sliding/roller-shutter doors. These buildings are referred to as buildings A and C in the applicant's Design & Access Statement. They comprise

5 separate units with a total floor area of circa 550 sqm and benefit from planning permission for uses falling within Use Classes B1 (business) and B8 (storage and distribution).

6 The eastern part of the site comprises two further buildings, buildings B and D, which are used for agricultural purposes and have a combined GIA of 1,423.8sqm. Building B is an older brick and tiled roofed structure which stretches along the site frontage with Queens Road. Building D is a large, partly open-sided, metal framed agricultural shed.

7 These groups of buildings are set within a large gravelled/hard standing area. Further to the east, and not forming part of the current application site, are further farm buildings and Manor Farm farmhouse.

8 The site is situated at the western edge of Hannington village on Queen's Road. Opposite are a number of residential properties set back from the road and partly on higher ground. A high leylandii hedge surrounds part of the site on the western and southern edges.

Consultations

Original Plans

9 Hannington Parish Council: The proposal has been discussed with the agent at a number of public meetings. Overall the Parrish Council supports the proposal but has a number of concerns as follows:- hopes that peak traffic movements can be obviated to not cause significant annoyance to near neighbours; insufficient on- site parking; noise level of proposed commercial units should not be increased and a condition is requested to prevent this; request also that the Conservation Officer communicates with the Parish Council any works to the wall at the frontage of the site and materials in respect of Plot 1; during construction there must be no egress of materials or traffic outside the site into any part of the village; there should be no parking of vehicles on Queen's Road; roads should be kept clean and articulated vehicles should be directed from the A419 via the C114. Hours of construction should be limited and hours of commercial units restricted; traffic lights must be used if a road closure notice is required. It is also noted that the Site Plan does not show size or area of gardens for the houses proposed and no footpaths have been shown around the houses or the commercial units. Drainage and sewerage infrastructure has also not been shown and must be addressed.

Neighbours and local residents:-

10 Six letters of objection received from 54 Queen's Road (2), Hannington Hall, Glebe House, 4 Queen's Road and Yorke House, Queen's Road covering some or all of the following grounds:-

- Development falls outside designated Hannington Settlement boundary,
- No brownfield opportunities in the Parish,
- Hannington Neighbourhood Plan not finalised meaning the matter is sub judice,
- Effect on privacy of nearby residential property,
- Need to safeguard countryside and wildlife,
- Noise disturbance,
- Parish Council should consult us on the plans, only heard about the meetings after they had taken place, the only one we were notified about we couldn't attend,
- Conflict with the development plan,
- Highway traffic,
- Design, appearance and layout,
- Lack of enhancement of the Conservation Area.

11 Two letters of support from Butler's Cottage, 39 Queen's Road and 10 Queen's Road covering some or all of the following grounds:-

- Presentations made by the developer to the Parish residents were very well attended and many constructive,
- Intelligent and forward thinking comments were made by the residents, some concerns were raised about noise levels from the light industrial units, residents parking, and increased traffic through the village, impression was that the majority of those present supported the proposal,
- When residents were asked what they didn't like about Hannington a few years ago a significant number of references were made to the Manor Farm barns and surrounding yards not presenting a good visual aspect when approaching village from the west and the proposal should greatly enhance the look of that area,
- Any adverse impact on traffic and population numbers has been exaggerated by opponents of the plan,
- Without controlled sensitive and well designed development Hannington will stagnate and truly become a dormitory village, the village has some 240 residents – half the number it was in 1880,
- The village needs such a small development to give young people a place to call home, my family have had to move out due to the lack of affordable housing, Very little social or affordable housing within the village, These houses are needed for this village to carry on the needs of the 21st century and the families that live here, if not it will become a village for the elite,
- Is this going to be another village filled with rich outside people whose only concern is build anywhere else but not in our backyard, over 95% of the housing stock is priced over £450,000,
- Instead of commercial building on site have a few more houses,
- Kempford and Fairford are looking to the future and building small affordable housing stock so why is Swindon not doing the same here.

Revised Plans:

12 Hannington Parish Council:- Supportive in principle and acknowledge changes are minimal. Concerns remain regarding whether the garden areas comply with emerging Policy of the Neighbourhood Plan, the Parish would like to see the dwelling to plot ratio of 0.5 being applied, the foul drainage aspects of the proposal needs to be clarified, hopes that peak traffic movements can be obviated to not cause significant annoyance to near neighbours, current numbers of commercial units must not be increased, on site parking remains insufficient, Council concerned that articulated lorries will not have sufficient turning circle with children on the site this creates a dangerous situation, limited bin storage and stores, noise level must not be increased, hours of operation of the commercial units must be conditioned, Parish Council requested that Conservation Officer should advise on the wall and consult with the Parish Council and this has not been done, also in respect to materials this has not been done, construction management on site must be controlled by Condition.

13 Nine letters of objection received from 9, Queen's Road, Step Cottage 11 Queen's Road, 54 Queen's Road (2), 56 Queen's Road, 4 Home Farm Lane, Lower Farm Barn, Hill House and Hannington Hall covering some or all of the following grounds:-

- Increase in traffic,
- Impact on privacy,
- Major disruption to countryside, views and wildlife,
- Effect on services, water pressure and drainage,
- Noise pollution,
- Light pollution,
- Impact on character and charm of village,
- Roads not suitable,
- Leaves us wide open to future development and plan to join us to Swindon,
- Applicants have let buildings deteriorate,

- Outside settlement boundary ,
- Will not preserve or enhance Conservation area,
- Have seen a court order preventing you (SBC) considering it at present,
- Not in accordance with Local Plan,
- Not in accordance with emerging Neighbourhood Plan,
- Scale too great for the village

14 One letter of support received from 39 Queen's Road on the following grounds:-

- Presentations by the developer were very well attended and many constructive, intelligent and forward thinking comments were made by the residents,
- Some concerns were raised about noise levels from the light industrial units, residents parking, and increased traffic through the village,
- Impression was that the majority of those present supported the proposal,
- When residents were asked what they didn't like about Hannington a few years ago a significant number of references were made to the Manor Farm barns and surrounding yards not presenting a good visual aspect when approaching village from the west and the proposal should greatly enhance the look of that area,
- Any adverse impact on traffic and population numbers has been exaggerated by opponents of the plan,
- Previously there was opposition from nearby residents to houses being built on a site in Home Farm Lane. This site lies outside the settlement area. Since they have been built and occupied and the surrounding area landscaped and tidied it is recognised as a significant improvement and the incoming residents have integrated well into the community.
- The proposal is controlled, sensitive and well designed, bring life into a stagnating and unsustainable village and the whole site would look better than present.

Further Consultation

15 At the time of writing no further representations have been received in respect of the application following the reconsultation period which will expire 5th September. Any representations received will therefore be reported to Planning Committee.

Planning Considerations

16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

17 The Development Plan relevant to this application consists of the Swindon Borough Local Plan, adopted on the 26th March 2015, and the Hannington Neighbourhood Plan, 'made' in November 2018. Also relevant to the application is the revised NPPF.

18 The site lies outside of the rural settlement boundary of the village of Hannington, as defined on the Local Plan policies map. At the planning inquiry for Land at Hill Cottage Blunsdon (Planning Inspectorate reference: APP/U3935/W/17/3192234, SBC reference: S/OUT/17/1032) the Council's position was that it is able to demonstrate 2.7 years' supply of housing land in the Borough in accordance with Paragraph 73 of the revised NPPF.

19 The site is situated within the Hannington Conservation Area (CA), designated in 1979, and reviewed in 2009. The relevant considerations in respect of Conservation issues include the requirement afforded by s.72 of Planning (Listed Building & Conservation Areas) Act 1990 which states "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

20 The group of farm buildings to the east of the application site, including the Farmhouse and

building B, are identified in the Hannington Conservation Area Appraisal and Management Plan (2009) as 'key buildings of interest'. However, this does not mean they are statutory listed buildings.

21 Buildings A and C and their curtilages are previously developed land within the definition as presented in the glossary of the revised NPPF¹ in that they are employment use (Class B1 and B8). Building B and D and their curtilages are not previously developed land because they have remained as agricultural buildings.

Heritage Assets Consideration

22 The starting point for dealing with such matters is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act says that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

23 Section 72(1) of the Act sets out in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

24 Paragraph 192 of the revised NPPF states that in determining applications, local authorities should take account of:

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

25 Paragraph 193 of the revised NPPF sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. This wording reflects the statutory duty in sections 66(1) and 72(1).

26 Paragraph 194 of the revised NPPF then sets out that any harm to the significance of a designated heritage asset can arise from its alteration, destruction, or from development within its setting, and that any such harm should require clear and convincing justification.

27 Paragraphs 195 and 196 of the revised NPPF then directs the decision maker to consider if any harm is substantial or less than substantial, and the course of action to be taken in each circumstance.

¹ Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

28 The main consideration in terms of the conservation impact is the effect of the proposed development upon the character and appearance of the Hannington Conservation Area and the effect upon the setting of heritage assets (Manor Farmhouse and associated buildings). These buildings make a positive contribution to the Conservation Area's character and appearance.

29 The site is prominently situated on the western side of the Conservation Area. This part of the Conservation Area is noted as having a distinct identity, including Manor Farm - the farmhouse and other buildings which contribute positively to the area's character and appearance as 'key buildings of interest' (of local significance and therefore heritage assets).

30 The farmhouse and its setting positively contributes to the layout and street pattern of that part of Hannington; it reflects the agrarian context - the acknowledged rural character and appearance. Its situation on the edge of the village is characteristic of the use and contributes positively to the rural quality and reflects a transition between the village and the countryside beyond. This contributes to the historic significance of the Conservation Area.

31 Within the site, for the most part the buildings reflect the farm character. These range from those that are historic buildings of local significance to later modern development (20th C) demonstrated by larger buildings. All are commensurate and characteristic with the farm function. Buildings that relate to the historic farm layout 'extend' eastwards outside the development site boundary to include other Manor Farm buildings and the main Farmhouse.

32 Those significant historic buildings include a stable with granary over (referred to in the application as a barn) and a former cart/shelter shed which has subsequently been altered to form stables.

33 The site contains a large hard surface service yard to the west and the experience from within the site is one of openness with increased built form toward the eastern side. There is a (non-native) hedge surrounding the site at this eastern end (south and west boundary). A gate opening in the area of the north-west corner of the western boundary is highlighted as allowing a 'view' to the wider landscape (as identified on the Conservation Area map). This field gate is near to the existing main vehicular access from Queen's Road direct into the aforementioned yard, and affords access into the adjacent field.

34 A second access is adjacent to the farmhouse (outside of the proposal site). A smaller informal pedestrian access approximately mid-way between the two is via a small grassed bank area forming the verge.

35 From outside the site, the open service yard is apparent from Queens Road particularly travelling out of the village (heading west) and a lessening of the built form becomes apparent as the access gate is met. Historically the farm area was restricted to the eastern side (as depicted on 1880's OS mapping) with the existing land use area having extended westwards.

36 There is a grass verge along much of the edge alongside the site to Queens Road which contributes to the area's rural context and character and there is no existing footpath. Some of the existing built form is immediately adjacent to the road and includes some of the historic buildings.

37 The proposed business use includes the conversion of those buildings within the site that are identified as being of local significance/importance (key buildings of interest) to a B1 use. Subject to conditions, the Conservation Officer has no objections to the conversion of these buildings.

38 In addition the Conservation Officer has no objections to the proposed demolition of the commercial buildings – although she states that the buildings are commensurate with the

agricultural function of the farm and contribute to that rural and agricultural character and appearance. However, in principle and in isolation their loss is not considered to be contentious.

39 The proposed siting and layout of the redevelopment is a key consideration. The site layout essentially sub-divides into two use areas; the proposed business use to the east side and the proposed housing development to the west. Manor Farmhouse and the buildings east of and outside the proposal site represents a third area. In terms of the replacement buildings for business/commercial use, due to their siting and layout they have no impact upon the area's character and appearance as a Conservation Area or on the setting of the historic buildings.

40 The main conservation concerns are around the siting of Plot 1 of the residential element particularly with regard to both the access to the field beyond and the associated 'view' not being preserved in the application, and the siting of the residential units near to the edge of the settlement where development begins to taper off.

41 It is accepted that there will be a loss of the view caused through the position of Plot 1. However, it is considered that the most important views of the hillside and pastoral setting exist from beyond the site boundary across the southern edge of the carriageway where a ditch exists with hedgerow beyond. While a small gate does exist it is sufficiently set back from the road frontage to not offer any significant view of the countryside setting beyond. As far as the location of development on the western part of the site is concerned there are maps which show buildings within the yard extended into this currently open area (1973 to 2002) though these were demolished pursuant to Conservation Area Consent S/CAC/02/0899.

42 Overall the Conservation Officer considers that some harm is caused to the character and appearance of the Conservation Area through this proposal, but the level of harm to the significance of the Conservation Area is **less than substantial**. It is not considered that there would be any significant harm caused to the significance of the non-designated heritage assets or their setting.

43 Paragraph 196 of the revised NPPF states that where a development proposal will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 196 should, therefore, be read in conjunction with the first part of paragraph 193, which states that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. The authority's assessment of likely harm is a matter for its own planning judgment. Nor does it mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. However, it should demonstrably apply that weight to the proposal it is considering.

Public Benefits

44 There are a number of benefits arising from the development proposal. It would:

- retain existing employment land and provide updated employment premises development in a rural area, in accordance with paragraph 83 of the revised NPPF, providing the potential to serve rural employment needs
- make efficient use of land by providing a mixed use scheme on part previously developed land, in accordance with paragraph 118 of the revised NPPF,
- provide accessible dwellings in excess of the Local Plan requirement (2 of the 8 units) thereby making a positive contribution to meeting the accommodation needs of an identified section of the community in the revised NPPF (paragraph 61 refers),
- make a contribution to meeting the overall housing needs of the Borough, and the shortfall

- in provision against overall Local Plan expectations
- retain and sustain a building of local significance,
- enhance the visual character of the site through the replacement of the modern steel-framed sheds with more sympathetic built development, and
- make a contribution to supporting the vitality of Hannington in accordance with paragraph 78 of the revised NPPF.

45 In addition, effort has been made to complement and harmonise with buildings in the immediate vicinity in the design and selection of materials of the proposed development.

46 Paragraph 200 of the revised NPPF encourages Local Planning Authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.

47 Taking into account that great weight should be given to the asset's conservation, as expressed in paragraph 193 of the revised NPPF, it is considered that the benefits of the proposed development listed in paragraph 44 are demonstrable and do outweigh the less than substantial harm on the significance of the Conservation Area.

Policy Issues

Local Plan policy

48 This proposed development is a composite of two land uses, light industrial (B1(c)) and residential (C3) on a site currently used for light industrial and agricultural purposes.

49 Local Plan Policy SD2 states that, in rural and countryside locations outside the rural settlement boundaries, development will be permitted where (amongst other categories) local needs have been identified and allocated through a Neighbourhood Plan or it is in accordance with other policies of the Local Plan permitting specific development in the countryside.

50 The conversion of building B to light industrial use is supported by Policy EC4 of the Local Plan. Policy EC4 states that the conversion of a building to employment use in the countryside will be permitted if it meets the following criteria:

- it is structurally sound and capable of conversion without substantial reconstruction;
- the conversion maintains the original character of the building and does not have a detrimental effect on the fabric and character of any adjacent buildings, including listed buildings, or the landscape character type generally;
- utilities can be provided and the building has adequate access to a metaled road without creating traffic hazards and without involving road improvements incompatible with the character of the area; and
- the conversion does not lead to a dispersal of employment activity on such a scale as to adversely affect the vitality of neighbouring rural settlements.

51 Officers are satisfied that the conversion of building B would meet these criteria.

52 Similarly there are no planning policy concerns to the new build commercial building as there is an established, lawful employment use on the site and the new development would re-provide a similar amount of (net) employment floorspace to the current amount. The employment use would be partly moved to the new building. The provision of a replacement, improved building derives support from Local Plan Policy EC1 which supports the growth and retention of existing businesses.

53 The 8 new residential units are, however, not supported by any of the criteria set out in Local Plan Policy SD2.

Hannington Neighbourhood Plan

54 When the application was considered by Planning Committee in January 2018, Hannington Parish Council had submitted a Neighbourhood Plan to Swindon Borough Council for publicity under Regulation 16 of The Neighbourhood Planning (General) Regulations 2012 (as amended).

55 The Neighbourhood Plan was 'made' in November 2018 and therefore has the weight of being part of the Development Plan for Swindon Borough in this area.

56 Policies HPRD1 (Development Principles), HPRD5 (Redevelopment of Land), HPRD2 (Design and Amenity), HPRD5 (Redevelopment of Land), HPRD6 (Housing Supply), HPCA1 (Protection of Heritage Assets), HPCA2 (Protection of the Conservation Area), Hannington Character Assessment and Design Statement (Character Area CA01 Queen's Road) and Hannington Parish and Village Design Statement are relevant.

57 The Neighbourhood Plan does allow for the redevelopment of land and also some provision for new windfall site residential development - although it is expected that this will be brought forward within the village settlement boundary and an objective of the Plan is that further development should be brought forward in the existing settlement area boundary before land outside of the settlement area.

58 Policy HPRD1 of the Neighbourhood Plan states that Hannington is a rural village that lacks accessibility and a suitable range of facilities, is not a priority for growth as identified in the Swindon Local Plan 2026 Policy SD2. Bullet point a) of HPRD1 states that 'However, the Local Plan identified that within its Rural Settlement Boundary the village should accommodate a share of the development expected across all the rural villages that is 'proportional to [its] size and function' and primarily that is a share of (at least) the 100 dwellings for 'Other Villages' as stipulated in Local Plan Policy LN1'.

59 It goes on to say 'The Neighbourhood Plan does not identify or allocate for local needs beyond those already addressed since 2011 through completed dwellings or development with a planning consent; these are assessed as fulfilling the proportional growth set out in the Swindon Borough Local Plan 2026. Furthermore, it states if the consented developments are not implemented then further development proposals should be in accordance with the Local Plan (in particular Policy SD2) and have appropriate regard for the Hannington Conservation Area and other related policies in the Neighbourhood Plan.

60 Policy HPRD6 of the Hannington Neighbourhood Plan specifies criteria to be met should the need arise for additional housing to meet identified need. These are:

- in accordance with Swindon Borough Local Plan 2026 sites should be located within the Rural Settlement Boundary and be proportional to the size and form of the village,
- proposed developments should, wherever possible, respond to the latest assessment of housing needs in Hannington Parish; current needs identified through the Plan preparation are for smaller dwellings for first time buyers, for those wishing to downsize and for older persons; and
- in order to effect sympathetic integration within the existing village and retain the character of the Conservation Area, sites will normally be of a size to accommodate between one or three dwellings.

Therefore the proposal is in conflict with policies HPRD1 and HPRD6 by virtue of being located

outside the settlement boundary.

61 As noted above, planning law requires that applications for planning permission should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The revised NPPF), which sets out national government planning policy, is an important material consideration.

62 The revised NPPF requires Local Planning Authorities to seek to maintain and update annually a five year supply of deliverable housing land.

63 As stated in para. 18 above the Council cannot at present demonstrate a 5 year supply of housing in accordance with the Framework.

64 Paragraph 11 of the revised NPPF states that where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the revised NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF taken as a whole.

65 Since it is considered that the public benefits outweigh the harm caused to the significance of the designated heritage asset, then the tilted balance in paragraph 11d of the revised NPPF is engaged.

66 The revised NPPF also seeks to ensure that there are sufficient community facilities and services to meet the needs of local people. The residents of the proposed dwellings are likely to be reliant on private motor cars to meet their transport needs. The revised NPPF also seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling, while practicable key facilities should be located within walking distance of most properties.

67 A further conflict with the Local Plan is identified in respect of Local Plan Policy TR2 (Transport and Development), which states that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel. Although the development would be walkable and cyclable to the limited range of facilities within Hannington, it lacks access to wider sustainable transport alternatives - in particular there is no local bus service to the village.

68 In light of the Borough's inability to demonstrate a 5 year supply of housing, there is a presumption in favour of the proposal. The location of the site in a Conservation Area, and close to buildings of acknowledged historic importance requires any identified harm on these interests to be weighed against the benefits from the proposal identified at paragraph 44 above. On balance, the officer's opinion is that the harm does not outweigh the benefits and therefore the presumption is in favour of granting the proposal.

69 As has been noted above, it is considered the proposal is in conflict with Hannington Neighbourhood Plan Policies HPRD1 and HPRD6. Paragraph 14 of the revised NPPF states that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all the following apply:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b) the neighbourhood plan contains policies and allocations to meet its identified housing

- requirement;
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73 (of the revised NPPF); and
 - d) the local planning authority's housing delivery was at least 45% of that required over the previous three years

70 Given the Neighbourhood Plan does not allocate sites to meet its housing need, and the Council can only demonstrate a 2.7 years housing supply, the provisions of paragraph 14 of the revised NPPF are judged to not apply. Therefore conflict with the Neighbourhood Plan policies are subject to the 'tilted' balance of paragraph 11d of the revised NPPF, covered in paragraph 72 above.

Detailed Design Considerations

71 The original proposed elevations for the residential units showed a domestic appearance through proposing details such as the arched brick lintels. Detailed discussions have taken place between the agent and the Council's Design Officer following the submission of the planning application. It was considered that the elevations could be improved by simplifying these details to offer more of a contemporary expression of agrarian style and (subject to a revised southern elevation to Plot 6 which can be provided for by a suitable condition) these are now considered acceptable.

72 The report states that the buildings which are capable of being converted will be subject to a number of works, including the renewal of the roof to the barn, works to stabilise the stables (former cart shed) roof and other more specific work. An appropriately worded condition(s) seeking a full specification of works and materials to be sought and approved in advance can be attached.

73 A concern is the openness shown at the entrance on the submitted Site Plan. Discussions have taken place with the agent to agree a wall as a suitable boundary treatment to each side of the proposed access which would provide a sense of enclosure and limit views into the site where currently the character is one of limited views through the site. As far as boundary treatments are concerned in general acceptable improvements have been proposed to reflect the rural nature of the site and the detail of these can be conditioned.

Highways and Access

74 The Transport Assessment [TA] contains details of a traffic count and speed survey sourced via ATC Loop installed on the public highway in front of the site for over 1 month. The data produced by the loop has been submitted in the TA, but summarises as:

- o Queens Road is very lightly trafficked, flows peaking at 30 two-way vehicles per hour;
- o Predominately light vehicle traffic [84%] versus HGV movement [16%];
- o Average traffic speed passing the site calculated to be 25.3mph, with the highest average speed [85th percentile] taken at 30.5mph.

75 Bespoke cycle and bus facilities are not present in Hannington, with the nearest bus service running through Highworth (4km from site). Although the Accident Record for the site does indicate cyclist injuries, these are considered to result from human error rather than hazardous prevailing conditions or deficiencies in the existing highway network. It is therefore not considered by the Highways Officer that mitigating works to Queens Road are necessary as a consequence of traffic generated by this development. The visibility is considered acceptable at the access.

76 Due to the extent of works proposed in the public highway, any permission should carry a condition for the detailed design (i.e. horizontal arrangement and surface materials) of the highway works prior to the commencement of any works in the public highway. Subsequent to that

condition, a S278 Agreement between the developer and SBC/LHA shall also be necessary before works in the public highway can commence, but shall provide for the installation of the new access as well as the closing/reinstatement of the redundant western access.

77 The internal residential road within this site would be eligible in principle for public adoption, as the number of units exceeds 5no. dwellings, and that the Advance Payment Code([APC) applies as the residential units will not have direct access to the public highway (being accessed via a private shared access road). The development proposes a shared surface design approach which is acceptable.

78 The level of parking proposed complies with the Council's Parking standards.

79 The Highways Officer has advised that following a meeting with the applicant the previous highway and parking issues have been resolved or can be covered by condition. A pedestrian link sensitive to the Conservation Area is proposed. The visitor parking is not considered ideal, but is acceptable. A Swept Path Analysis demonstrates that the site can be served by large vehicles.

Open Space Contributions

80 The s106 obligations in relation to off-site open space contributions negotiated and agreed with the applicant, and set out in the signed s106 deed dated 3rd January 2019 remain relevant and a material consideration to this determination.

81 Due to the scale of the development, it is not practical or viable to provide any form of open space on site in this instance. Therefore based on the information in the planning application form: 3x 2-bed, 3x3-bed, and 2x 4+bed the development triggered the opportunity to secure off site contributions generated by the S106 Open space calculator as follows:

Contribution	Amount
Off-site Locally Equipped Area for Play	£4,019.63
Off-site Local Open Space	£5,305.19
Off-site Major Open Space	£1,646.08
Outdoors sports or Off-site Playing Pitches	£3,657.82
Allotments	£1,805.36
TOTAL Combined	£16,434.09

82 There then followed a need to assess the ability to secure each of these contributions.

Hannington is in the Ward of Blunsdon & Highworth. The open Space Audit and Assessment is based on Ward population and open space data.

LEAP and LOS contributions

83 The OSA&A 2014 identified a play area in Hannington at Skinners Close (Ref:15510 on page 1 of Part B).

Following discussions with the Parish Council it was identified that works are needed to improve this local play area and surrounding local open space facility. It was subsequently agreed that the LEAP and LOS contributions could facilitate enhancements to this environment as the play area will be located in LOS. These are identified in the signed s106 as follows:

- Skinners Close Play Area Contribution £5,305.19 for the upgrade enhancement or replacement of provision of new play equipment and associated works at the Skinners Close play area in Hannington.
- Skinners Close Local Open Space Contribution £4,019.63 for the upgrade and

enhancement of the green space surrounding the Skinners Close Play Area in Hannington.

MOS and Outdoor Sport

84 Modest contributions in respect of the Highworth Skate Park and Pentylands Country Park were identified and are included within the signed S106 Agreement. These are labelled

- Pentylands County Park Contribution £1,646.08 towards the enhancement and improvement or continued maintenance of Pentylands Country Park
- Highworth Skatepark outdoors sports contribution £3,657.82 for Highworth skatepark

Allotments

85 No contribution towards improvements to allotments is secured in this instance as this could not be justified and evidenced as required in this instance by the off-site allotment provider.

86 Securing these contributions complies with the requirements of adopted Policy EN3: Open space.

CIL

87 The Council is a Community Infrastructure Levy (CIL) Charging Authority. At the point of writing this report the adopted CIL Charging Schedule is that dated 6th April 2015. The development constitutes CIL Liable development chargeable at the relevant rate within the relevant Charging Schedule in place at the time of calculation, that rate which is subject to indexation annually. The CIL chargeable amount is calculated at the point in time that planning permission first permits development for CIL purposes. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the Decision Notice.

88 The development is located within CIL Residential Charging Zone 2 which generates a rate of £55 per sqm (index linked) for the residential elements of the scheme. Any proposed commercial B1 employment floorspace would be subject to the Zone 'All other uses' £0 per sqm charge rate.

89 The proposal includes an intent to demolish a number of buildings on the site to facilitate the proposed development. It also proposes to re-use existing floorspace for a different use. In both circumstances, should the applicant/landowner be capable of satisfying the Council that each of the relevant buildings has been in a lawful use for a continuous period of a minimum of 6 months within the 3-year period working backward from the date any decision to grant permission is issued, then it is possible that the relevant existing floorspace can be deducted from the proposed floorspace. The impact of this would be to reduce the overall quantum of floorspace GIA sqm that would be chargeable. In such a situation the demolished floorspace would be apportioned accordingly across the uses. Where it is retained floorspace that would become deductible from the floorspace for that specific use.

90 The potential ability to deduct existing floorspace in this manner for CIL purposes, should the evidence submitted demonstrate this is possible, will have a direct impact on the chargeable amount and thus the neighbourhood proportion that could arise from it for the Parish. Based on the submitted information to date, this indicates a greater quantum of existing floorspace versus proposed floorspace. Therefore in a worst case scenario it could be that the deductible floorspace could exceed the proposed, thus generating a £0 CIL charge. This is a matter that will only be assessed in detail and determined once a planning permission is in place. To date no comprehensive evidence has been provided in this respect.

Third Party representations

91 There have been a number of objections from the village community many of which relate to Local Plan, Conservation issues and Highway matters covered in the above text. There have also been comments in relation to a number of other issues considered below:-

- Impact on privacy
- Noise pollution
- Light pollution
- Impact on countryside and wildlife
- Scale of development too great
- Effect on services and drainage
- Neighbourhood Plan not made so no decision can be made

92 The nearest residential dwellings in relation to the site are situated on the opposite side of the road and are set back a considerable distance from the site and furthermore on higher ground. It is not considered that there would be any adverse impact on the current privacy levels of these dwellings to cause concern.

93 The site already has a number of employment units which include B8 (storage and distribution) which could already potentially cause some noise disturbance. It is not considered that the proposed B1 (Light Industrial) units (which by definition must be capable of being carried out in a residential environment) would have any adverse impact on noise levels.

94 Any development will have some impact on light levels but Councillors have requested that no street lighting should be provided to limit light pollution – this can be provided by Condition. A Condition can also be proposed to limit lighting on the employment units.

95 The site is already made up of developed land and hardstanding and it is not considered that this proposal represents an incursion into the countryside setting of the village.

96 The scale of development is not considered out of scale with the existing village.

97 The development must provide for an acceptable level of service in relation to mains water and drainage provision.

98 During consultation, procedural concerns were raised in relation to the Hannington Neighbourhood Plan. As the Neighbourhood Plan was 'made' in November 2018 its relevant provisions are set out in the report.

Conclusions

99 The assessed harm to the Conservation Area from the proposal is 'less than substantial.' Taking into account that great weight should be given to the conservation of historic assets, as expressed in paragraph 193 of the revised NPPF, it is considered that the benefits of the proposed development outweigh the 'less than substantial' harm on the significance of the Conservation Area.

100 Whilst parts of the scheme, namely the employment element, are supported by the Development Plan, the residential element is in conflict by virtue of the location outside of the settlement boundary. However, in the light of the Borough Council's current lack of a 5 year land supply the 'tilted balance' in paragraph 11 of the revised NPPF must be applied. That would mean that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the revised NPPF, taken as a whole.

101 There is some conflict principally related to whether the scheme represents a sustainable location for new housing. Hannington has a limited range of services and facilities (public house, village hall and church) and therefore is not considered to be a sustainable location for significant residential development. The revised NPPF seeks to ensure that there are sufficient community facilities and services to meet the needs of local people. As stated above, the residents of the proposed dwellings are likely to be reliant on private motor cars to meet their transport needs. The revised NPPF also seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling while practicable key facilities should be located within walking distance of most properties.

102 Officers are of the opinion that there are significant benefits of the scheme in securing the long-term use of the site, particularly the employment element combined with a sympathetic design plus the overall contribution to the supply of housing which outweigh any adverse impacts.

Recommendation

103 That planning permission be **GRANTED** subject to Conditions and to the s106 agreement dated 3rd January 2019 containing planning obligations in respect of off-site open space contributions as set out in the report above.

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 Number 130712-01 (Site Location Plan) at scale 1:1250 and Drawing Number 130712 -21 (Design Scheme Plot 1) at scale 1:100 received by the Local Planning Authority 10th July 2017, Drawing Number 130712-26 A (Block Plan) at scale 1:500, Drawing Number 130712-27 B (Site Plan) at scale 1:200, Drawing Number 130712-22 A (Design Scheme Plots 4,5 & 6) at scale 1:100, Drawing Number 130712-23 B (Design Scheme Plots 7 & 8), Drawing Number 130712 -24 A (Design Scheme Plots 2 & 3) at scale 1:100, Drawing Number 130712-25 B (Design Scheme commercial units) at scale 1:100, Drawing Number 130712 -28 A (Design Scheme commercial units new build) at scale 1:100 and Drawing Number 130712-29 A (Streetscene and Section) at scale 1:200 received by the Local Planning Authority 6th November 2017.

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 works 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.

4. Prior to the commencement of works on site in connection with the construction of development hereby permitted, details of all external facing materials (including sample panels demonstrating bonding mortar mix/pointing etc) 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.

5. Each building shall be constructed in accord with slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land that have first been submitted to and approved in writing by the Local Planning Authority.

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

6. Prior to the commencement of works on site in connection with the development hereby permitted, details of the hard landscaping of the site (samples to be submitted) including the surface treatment of any roadways or other parts of the site which will not be covered by buildings, and the timing of their provision 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 the approved details and agreed timetable.

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

7. No goods, plant, machinery or materials shall be deposited or stored, or articles displayed, or processes undertaken, outside any building(s) on the site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area.

8 1. Site Characterisation

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 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/from:

- human health,
- property (existing or proposed) including buildings, and service lines and pipes,
- adjoining land (including a disused landfill within 200m),
- groundwaters and surface waters,
- ecological systems.

8.2. Submission of Remediation Scheme

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.

8.3. Implementation of Approved Remediation Scheme.

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".

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

An assessment must be undertaken in accordance with the requirements of condition 1, 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 2.

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 3.

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

9. 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.

10. No site works shall commence on the development hereby permitted (other than those required by this condition) until the first 10m of the proposed access road, including the junction with the existing public road and associated visibility splays, has been completed to at least binder course level.

Reason: To reduce potential highway impact by ensuring that there is a satisfactory access at the commencement of construction works and for the duration of the development.

11. No building on the development hereby approved shall be occupied until the carriageway (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that building have been completed to at least binder course level and the footway(s) to surface course level.

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

12. 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 the submitted Site Plan (drawing no. 130712-27 Rev B) with the area in advance of the splay lines cleared of all obstructions to visibility between 1.05m 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.

13. Before the development is first occupied, all existing vehicular accesses to the site (other than that intended to serve the development) shall have been permanently closed, and the footway/verge in front has been constructed/reinstated in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development.

14 The residential development hereby permitted shall not be occupied until the areas for the parking and manoeuvring of vehicles associated to each unit (including visitor parking) have been made available, surfaced and marked out, and these areas shall subsequently be retained and maintained for those purposes only thereafter.

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

15. The commercial buildings hereby permitted shall not be brought into use until the vehicular parking, turning, and loading/unloading facilities have been provided in accordance with the submitted Site Plan [drawing no. 130712-27 Rev B], and those facilities shall be retained and maintained for those purposes thereafter.

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

16. The commercial development hereby permitted shall not be occupied until secure and sheltered cycle storage facilities for a minimum of 12no. bicycles has been made available in accordance with details to be submitted to and approved in writing by the LPA in accordance with SBCs Parking Standards, and retained and maintained thereafter.

Reason: To promote and encourage sustainable transport and travel

17. The dwellings hereby permitted shall not be occupied until space has been laid out within each plot for a minimum of 1no. bicycle to be parked in a secure and sheltered location, in accordance with SBCs Parking Standards and such provision shall be maintained thereafter.

Reason: To promote and encourage sustainable transport and travel.

18. No building shall be occupied until the pedestrian link from the site to the highway labelled 'new footway' on the drawings has been implemented and brought into use in accordance with details which will have first been submitted to and approved in writing by the Local Planning Authority, the pedestrian link shall be thereafter maintained unless or until adopted as highway maintainable at public expense.

Reason: To promote and encourage sustainable transport and travel in accordance.

19. Prior to the commencement of development the full specification (including materials and methodology) of works to facilitate the conversion of the existing buildings be submitted to and approved in writing by the Local Planning Authority. This shall include all temporary works, works of support etc and details of proposed repairs to existing building fabric, including structural work, roof structure, doors, windows and other architectural features.

Reason: in the interests of amenity

20. The works for the conversion of the buildings for use for employment purposes shall be completed prior to the first occupation of any other part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. For the purposes of this condition, 'completed' means that the works to convert the building have been carried out in accord with the agreed scheme and the building is capable of being occupied.

Reason: in the interests of sustainable development and the enhancement of the Conservation Area

21. Prior to the commencement of development above ground level in connection with the development details of all proposed doors and windows (including rooflights), to include large scale details showing materials, finish, depth of reveal, design of heads and cills, glazing, method of opening etc shall be submitted and approved by the Local Planning Authority.

Reason: in the interests of the appearance of the area

22. Prior to the commencement of development above ground level in connection with the development details of the service meter boxes shall be submitted to and approved by the Local Planning Authority.

Reason: in the interests of the appearance of the area

23. Prior to the commencement of development above ground level in connection with the development details of all rainwater goods shall be submitted to and approved by the Local Planning Authority.

Reason: in the interests of the appearance of the area

24. The employment units hereby permitted shall not be used for any purpose, other than for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987, the Town and Country Planning (General Permitted Development) (England) Order 2015, or any other Order revoking or re-enacting those Orders, except for the purpose hereby permitted.

Reason: Other uses than that hereby approved, will require further consideration and justification.

25. 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 residential units 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 to protect amenity and heritage assets.

26. 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 the roof or wall of any of the dwellings other than shown on the approved plans without the express planning permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

27. 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 provision of buildings incidental to the enjoyment of a dwelling house falling within Schedule 2, Part 1 Class E 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 to protect amenity and heritage assets.

28. 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 erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure other than shown on the approved plans falling within Schedule 2, Part 2 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.

Reason: to preserve and enhance the character and appearance of this part of the Hannington Conservation Area following the redevelopment of the site

29. Notwithstanding the submitted details, a new front boundary wall shall be constructed along the site frontage on either side of the new vehicular access in accord with details and an alignment that has first been submitted to and agreed in writing by the local planning authority. The new wall

shall be constructed prior to the first occupation of the development and thereafter retained in the approved form.

Reason: to preserve and enhance the character and appearance of this part of the Hannington Conservation Area following the redevelopment of the site

30. Prior to the construction of the access and development hereby approved, details of the provision for the sustainable disposal of surface water within the site, inclusive of sustainable urban drainage, and groundwater monitoring with suitable mitigation so as to prevent water discharge onto the highway and not increase flood risk to the surrounding area, shall be submitted to and approved in writing by the Local Planning Authority, and fully implemented to the satisfaction of the Local Planning Authority. This should include layout details, long section, and surface water attenuation details.

Reason: In the interests of amenity and highway safety.

31. No flood or other external lighting shall be affixed to or sited within the curtilage of any employment building, unless in accord with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity

32. No street lighting shall be installed within the site in conjunction with the proposed development without the prior express grant of planning permission.

Reason: In the interests of amenity and to maintain the rural character of the area.

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

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

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

5. The developer is informed that, to conform to the terms of Section 163 of the Highways Act 1980, surface water should not be allowed to drain directly from the site onto any highway, and the Local Highway Authority will require adequate safeguards to be incorporated into the development to ensure that such a situation does not arise.

6. In addition to this consent, under the Town Improvement Clauses Act 1847 the developer 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

