

## **PLANNING COMMITTEE**

**TUESDAY, 13 MARCH 2012**

PRESENT: - Councillors Dale Heenan (Chair), Junab Ali, Andy Albinson, Steve Allsopp, Paul Baker, John Ballman, Fionuala Foley, Colin Lovell, Nicky Sewell, Kevin Parry and David Wren.

Apologies for absence were received from Councillors Vera Tomlinson, Alan Bishop and Doreen Dart.

### **129. Declarations of Interest**

There were no declarations of interest

### **130. Minutes**

Resolved – (1) That the minutes of the meeting held on 14<sup>th</sup> February 2012 , be confirmed and signed.

(2) That the Committee wish Councillor Bishop a speedy recovery from his recent illness.

### **131. Public Question Time**

A.D. Goodenough, Stratton, provided the Committee with information from Network Rail concerning the Eastern Villages Development affecting the rail bridges between Swindon and Didcot.

Kevin Richards, Castle Eaton, asked what rights of re-dress local residents have if an application is granted over their objections.

The Chair and Kehinde Awojobi (Solicitor) responded at the meeting.

### **132. Determination of Planning and Related Applications**

The Committee considered: -

- (a) Applications for permission to develop;
- (b) Recommendations of the Director of Planning and Transport;
- (c) The views of interested persons set out in the report circulated with the Committee Agenda;
- (d) The Additional Information Sheet circulated before the meeting;
- (e) Late representations contained in the 'Further Late Papers' circulated on the day of the meeting;
- (f) The comments of Councillor Wright in respect of application numbered S/12/233
- (g) The comments of Councillor Bawden in respect of applications numbered S/11/1294 and S/12/30
- (h) The comments of the following interested persons:-

<u>App No.</u>	<u>Name</u>	<u>Address/Organisation</u>
----------------	-------------	-----------------------------

S/11/1294 S/CAC/11/1296	Peter Lawson	Agent
	Graham Warren	Objector
S/12/30	Peter Lawson	Objector
	Graham Warren	Agent
S/11/1464 & S/11/CAC/1471	Howard Walters	Agent
	Tom Charnock	Stanton Fitzwarren PC
	Gary Stevens	The Old Rectory Stanton
S/11/554	Peter Mapson	Applicant
	Keith Richards	School Lane Castle Eaton
	Michael Theobald	

Resolved – (1) That permission to develop be granted in respect of the following applications, subject to the conditions listed in the Committee Report.

S/12/233, S/CAC/11/12976, S/11/CAC/1471 and S/LBC/12/106

(2) That permission be refused in respect of application numbered S/11/554 for the following reasons:

1. The proposal would lead to an inappropriate, backland development of an infill plot within a secondary rural settlement, contrary to Policies DS5, DS6, and H6 of the Swindon Borough Local Plan (2011).
2. The contrived and unsympathetic design represents an incongruous addition to School Lane, which fails to reflect the predominant built form of School Lane, contrary to Policies DS5, DS6, and H6 of the Swindon Borough Local Plan (2011) and the Swindon Backland and Infill Development Supplementary Planning Document.
3. The siting of the proposed dwelling known as “Plot 6”, by virtue of its close proximity and awkward relationship with “Barndown”, would have an overbearing impact on Barndown and would significantly reduce the daylight available to the private rear amenity area of Barndown, contrary to Policy DS6 of the Swindon Borough Local Plan (2011) and the Swindon Backland and Infill Development Supplementary Planning Document.

(3) That, in respect of application numbered S/11/1294; the Planning Officer corrected the Plan as shown attached to the report and that the Director of Planning and Transport be authorised to grant permission subject to a legal agreement being entered into to secure noise mitigation measures and a “claw back” of developer contributions should the development achieve a reasonable profit and the imposition of conditions that can be added, amended or omitted as appropriate. If by the 31st May 2012 the legal agreement is not completed the application may be refused under officers’ delegated authority for the following reason:

*The applicant has failed to enter into a legal agreement to secure adequate noise mitigation measures to safeguard the amenities of the future occupants of the development and to secure contributions to mitigate the impact of the development upon infrastructure in the event that it generates a reasonable profit. As such the*

*proposal is contrary to policies DS6 and DS8 of the Swindon Borough Local Plan 2011 (2006), policy DP2 of the Wiltshire and Swindon Structure Plan 2016 (2006) and the Council's adopted "Developer Contributions 2010 Update" Guidance Note (Nov, 2010).*

(4) That the Director of Planning and Transport be authorised to grant planning permission in respect of application numbered S/12/0030 subject to the conditions set out in the report and the hours of operation of the terrace, set out in condition number 9, being amended in accordance with the revised times of 0900 and 00:00 (Midnight) Sunday to Wednesday and 0900 and 0200 hours Thursday to Saturday.

(5) That the Director of Planning and Transport be authorised to grant Planning Permission in respect of application numbered S/11/1464 with conditions and subject to the delegated authority to conclude the detail of the drafting, and completion of a S106 legal agreement to secure the necessary infrastructure payments that are relevant and necessary as a result of this development.

### **133. Reference to Planning Committee - Standards Committee**

On consideration of Minute 18 of the Standards Committee concerning proposals to amend the Planning Code of Good Practice to bring it in line with the Localism Act 2011.

Resolved – That the minute be noted.