

Local Development Order Updates

Planning Committee

12th July 2016

Author: Head of Planning, Regulatory Services, and Heritage

Parish / Wards Affected: Old Town, Rodbourne Cheney and St Margaret and South Marston

Purpose

- To seek the approval of the Planning Committee to consult on the inclusion of Land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate in the Solar Arrays Local Development Order as a site for solar arrays.
- To seek the approval of Planning Committee to consult on alterations to the Honda Local Development Order.

Recommendation

That the Planning Committee agrees that:

Land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate

1. the Head of Planning, Regulatory Services, and Heritage be authorised to publish for consultation the proposal to include land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate in the Solar Arrays Local Development Order as sites for solar arrays;
2. in the event that no material objections are received, that the Head of Planning, Regulatory Services and Heritage be authorised to proceed to amend the Solar Arrays Local Development Order to include the land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate as having deemed consent for solar arrays;
3. in the event that material objections are received, that the Head of Planning, Regulatory Services, and Heritage submits a further report to the Planning Committee with a recommendation as to whether the proposal should be pursued.

Honda

4. the Head of Planning, Regulatory Services, and Heritage be authorised to publish for consultation the proposed alterations to the Honda Local Development Order set out in this report;
5. in the event that no material objections are received, that the Head of Planning, Regulatory Services and Heritage be authorised to proceed to adopt the alterations to the Honda Local Development Order set out in this report;
6. in the event that material objections are received, that the Head of Planning, Regulatory Services, and Heritage submits a further report to the Planning

Further information on the subject of this report can be obtained from *David Dewart* on 466445 or Email ddewart@swindon.gov.uk.

Local Development Order Updates

Planning Committee

12th July 2016

Committee with a recommendation as to whether the proposal should be pursued.

General

7. the Head of Planning, Regulatory Services, and Heritage undertakes all action as necessary to publicise the proposed changes to the LDOs; and
8. the Head of Planning, Regulatory Services, and Heritage be authorised to make minor drafting changes to the content of the documents if required prior to publication.

1. Reasons

- 1.1 A Local Development Order (LDO) automatically grants planning permission for the type of development specified in it (subject to Conditions) and by so doing, removes the need for a planning application to be made for that development.
- 1.2 In June 2015 the Planning Committee resolved to adopt a suite of “Low Carbon” LDOs. The LDOs granted planning permission for solar arrays at several sites across the Borough.
- 1.3 In January 2014 the Planning Committee resolved to adopt a Local Development Order that granted planning permission for non-contentious new development at the Swindon Honda works.

2 Detail

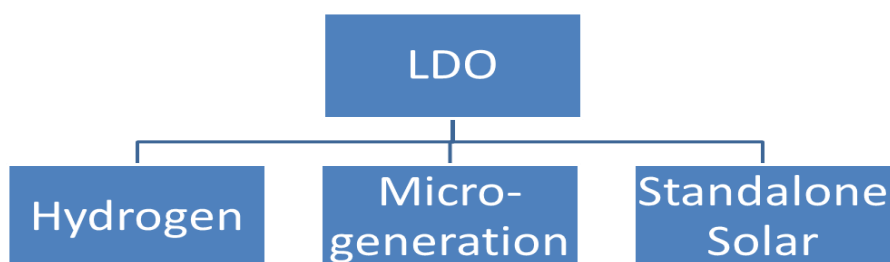
Land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate

- 2.1 Swindon has made a commitment to generate 15% of its energy from renewable sources by 2021. The Low Carbon LDOs are an important tool to assist Swindon to deliver on this target.
- 2.2 Three LDOs have been progressed under the banner “Low Carbon LDOs”. The LDOs cover the following elements:
 - Introduction of permitted development rights for on-domestic air source heat pumps and district heating installations
 - Introduction of permitted development rights for Hydrogen and electric car fuelling infrastructure; and
 - Granting planning permission upfront for Solar Arrays at pre-identified suitable locations in the Borough.

Local Development Order Updates

Planning Committee

12th July 2016



- 2.3 The Solar Arrays / Solar Farms LDO grants planning permission upfront for solar farms / solar arrays at identified suitable locations.
- 2.4 Work has been undertaken to find additional sites for inclusion in the Solar Arrays LDO.
- 2.5 Two sites have been identified that have been assessed as being suitable and viable for solar array development. These sites comprise land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate. The location of these sites is shown in the plans at Appendices 1 and 2 of this report.
- 2.6 It is noted that the land adjoining Nationwide Building Society also adjoins Croft Wood, which is designated as a County Wildlife site. It would be the expectation of any solar arrays scheme on this site must protect and enhance biodiversity assets in the area. An Ecological Appraisal is being prepared to inform the approach taken to deliver the solar arrays at this site. A Condition is proposed to be attached to the LDO to ensure that the measures recommended in the Ecological Appraisal are implemented as part of any solar arrays development at this site. If the Ecological Appraisal recommends that the site should not be developed, the site would not be taken forward.
- 2.7 The site within Cheney Manor Industrial Estate is currently being redeveloped to accommodate a factory for an aerospace manufacturing company called Dynamatic Technologies Ltd. An opportunity has been identified to deliver a solar scheme alongside the new factory building. The solar arrays allowed by the LDO would comprise a mix of roof mounted and canopy mounted solar arrays.

Next Steps

- 2.8 If agreed by Planning Committee, Officers would consult on the proposal to grant planning permission upfront for solar arrays at the land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate. If no material objections are received, it is proposed that Officers would amend the Solar Arrays LDO to include the land adjoining Nationwide Building Society and the land within Cheney Manor Industrial Estate.
- 2.9 To trigger the 'planning permission' granted by the Solar Farm LDO, a Certificate of Lawfulness application would need to be submitted to the Council. The

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Local Development Order Updates

Planning Committee

12th July 2016

application would be expected to be accompanied by a layout scheme and other details to demonstrate that no adverse impacts would arise from the scheme.

Alterations to the Honda LDO

- 2.10 Officers have been in discussions with Honda representatives on the scope for intensifying development activities at the Honda site. The Honda LDO is already in place to support activities at the site. However, Honda has highlighted limitations and ambiguities in the Honda LDO, which they have requested the Council to review. Honda is seeking planning certainty prior to progressing a number of investment schemes at the plant.
- 2.11 Honda has requested that the area covered by the LDO be extended to include parcels of land immediately to the north and south of the main buildings on the site. It is proposed that the LDO area be extended to include an existing area of hardstanding immediately to the north of the Honda plant. It is also proposed to extend the LDO area to the south of the “Line 2” building. The proposed additional areas are shown at Appendix 4.
- 2.12 The inclusion of the additional land is considered to be insignificant. The additional land already has the benefit of unimplemented planning permissions.
- 2.13 Honda has also requested clarification on the scope to increase existing building heights via the LDO.
- 2.14 The LDO allows new buildings, building alterations and building extensions, subject to Conditions. One of the Conditions states that “*The eaves of new buildings and building extensions should be of a height that is no greater than the eaves of existing buildings*”. Honda has sought clarification on how this Condition should be interpreted. There are several buildings at the Honda site, of a range of heights. It is proposed to alter this Condition to clarify the height limitations on any new buildings, building alterations and building extensions.
- 2.15 The main Line 1 (L1 PA) penthouse building is 21 metres in height, which with other existing fixed structures (not including chimneys) that are currently on the penthouse, increase the height of the building to 23 metres. It is proposed to amend the height restriction Condition to state “*The eaves of new buildings and building extensions should be of a height that is no greater than 23 metres above ground level*”.
- 2.16 It is proposed that clarification also be given that solar panels would be permitted by the LDO on existing and new roof structures.

Next Steps

Local Development Order Updates

Planning Committee

12th July 2016

- 2.17 If agreed by Planning Committee, Officers would consult on the proposal to alter the Honda LDO as set out above. If no material objections are received, it is proposed that Officers would amend the Honda LDO accordingly.

3 Alternative Options

- 3.1 The LPA could require that a planning application be submitted to progress the land adjoining Nationwide Building Society and land within Cheney Manor Industrial Estate solar arrays schemes. However, the LDO provides the opportunity to streamline the planning process to help facilitate a low carbon Swindon.
- 3.2 The LPA could require a planning application be submitted to progress development schemes at Honda Works. However, the LDO provides an opportunity to facilitate further investment in Honda's Swindon plant.

4 Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 4.1 The impact on planning fee income is expected to be minimal as solar PV applications represent a very small proportion of planning applications received. The reduction in planning application fees will be in part mitigated by the requirement for applicants to pay the fee for a "Certificate of Lawfulness".
- 4.2 Under the Government's Business Rates Retention Scheme, any business rates that would be generated by renewable energy schemes would be retained by the Council.

Legal and Human Rights Implications

- 4.3 Local Development Orders were introduced with the Planning and Compulsory Purchase Act 2004 and allow local authorities to extend permitted development rights for certain forms of development with regard to a relevant local development document. The Planning Act 2008 made it easier for Councils to introduce LDOs by removing the requirement that they should achieve policies set out in adopted local development documents.
- 4.4 The legislation is amplified by the Town and Country Planning (Development Management Procedure) (England) Order 2015: Part 8 Local Development Orders Article 38.
- 4.5 The LDOs are subject to formal consultation, which provides the opportunity for comments to be made on the proposals. It is not envisaged that the content of this report will have any direct implications for human rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

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Local Development Order Updates

Planning Committee

12th July 2016

- 4.6 The Low Carbon LDOs support delivery of the Swindon Sustainable Energy Framework.

Links to One Swindon, Strategic Objectives, Plans and Policies

- 4.7 This report supports the achievement of One Swindon outcomes: with respect to deregulation, facilitating local decision-making and helping to deliver economic growth.

- 4.8 The Low Carbon LDOs would support delivery of the Swindon Sustainable Energy Framework and the Economic Strategy for Swindon.

Diversity Impact Assessment

- 4.9 A Diversity Impact Assessment (DIA) has been completed. We do not believe that the implementation of this proposal will create an adverse impact on the basis of age, disability, race, gender, sex, sexual orientation, religion or belief. A copy of the DIA is available from the report author on request.

Risk Management

- 4.10 An Environmental Impact Assessment has been prepared to inform the approach to the Solar Arrays LDO. Environmental Impact Assessment Scoping Reports have been prepared to inform the other LDOs.

Consultees

- The Director of Finance (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

Background Papers

- Adoption of Honda LDO Planning Committee Report (January 2014)
- Adoption of Low Carbon LDOs Planning Committee Report (June 2015)

Appendices

- Appendix 1: Land adjoining Nationwide Building Society Location Plan
- Appendix 2: Land within Cheney Manor Industrial Estate Location Plan
- Appendix 3: Sites for Solar Arrays Local Development Order (Extract as Amended July 2016)
- Appendix 4: Proposed Extended Area of the Honda Local Development Order
- Appendix 5: Honda Local Development Order (As Amended July 2015)