

**WEST SWINDON PARISH COUNCIL**

03 OCTOBER 2017

Dear Councillor

You are invited to attend a meeting of the  
**PLANNING & ENVIRONMENT COMMITTEE**  
to be held on **MONDAY 9<sup>th</sup> OCTOBER** at **6.00pm**  
in the **WEST SWINDON LIBRARY**



Joyce Holman  
Transitions Parish Clerk

**AGENDA**

Public Questions, Comments or Representations (**maximum of 10 minutes**).

1. **APOLOGIES**
2. **DECLARATIONS OF INTEREST & APPLICATIONS FOR DISPENSATION**  
To receive any Declarations of Interest required by the Code of Conduct adopted by the Parish Council on 18 May 2017.
3. **LEAF CLEARANCE/DRAINAGE**  
Verbal update from the Parish Manager – for discussion.
4. **WELTON ROAD**  
For discussion – Cllr Suresh Gattapur
5. **STRATEGIC HOUSING LAND AVAILABILITY**  
To note a report from the Parish Manager (copy attached)
6. **ROUGHMOOR HALL**  
Request for additional tree work, verbal update from the Parish Manager

## **7. PLANNING REPORT**

Parish Manager's report attached. Planning Applications to consider

S/17/1167

**38 Russley Close, Peatmoor Swindon SN5 5AG**

*Change of use of converted garage from residential to dog grooming business.*

S/HOU/17/1565

**40 Winwick Road, Freshbrook Swindon SN5 8NF**

*Erection of a single storey side extension*

S/17/1301

**Lydiard Park Academy , Grange Park Way Grange Park Swindon SN5 6HN**

*Erection of 2.4 metre high boundary fencing*

S/HOU/17/1558

**57 Conisborough, Toothill Swindon SN5 8ES**

*Erection of a two storey side extension*

S/ADV/17/1464

**Unit J, Bridgemoor Industrial Estate Ashworth Road Bridgemoor Swindon**

*Display of various illuminated signage*

### **Members of the Planning and Environment Committee:**

Nigel Gibbons

Ellen Heavens (Vice Chair)

Vinay Kumar

John Lenton

Timothy Makofu

Nick Martin

Caryl Sydney Smith

Tim Swinyard

Keith Williams (Chair)

*Members are reminded that the Council has a general duty to consider the following matters in the exercise of any of its functions: Equal Opportunities (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation), Crime and Disorder, Health & Safety and Human Rights.*

## WEST SWINDON PARISH COUNCIL

Minutes of the  
**PLANNING & ENVIRONMENT COMMITTEE**  
on **MONDAY 11 SEPTEMBER 2017** at **6.00pm** at **WEST SWINDON LIBRARY**

### **Present:**

Cllr Keith Williams (Chair)  
Cllr Ellen Heavens (Vice Chair)  
Cllr Nigel Gibbons  
Cllr Vinay Kumar  
Cllr John Lenton  
Cllr Tim Makofu  
Cllr Nick Martin  
Cllr Caryl Sydney Smith

### **Officers:**

Paula Harrison (Parish Manager)

**Public:** None

### **134. Apologies**

Cllr Tim Swinyard

### **135. Declarations Of Interest & Applications For Dispensation**

Cllr Nick Martin – Planning applications Pearl Road and Pioneer Close.  
(Cllr Martin declared an interest as a property owner and took no part in the discussions thereof.)

### **136. Tree Policy**

The Parish Manager circulated a draft Tree Policy for discussion, a copy of which appears as **Appendix A** in the Minute Book. Councillors agreed that It would be helpful to have an agreed position in relation to tree matters to ensure fair and consistent decision making, and, clarity about the responsibilities of the Parish Council.

**RECOMMENDED** that the West Swindon Parish Council adopts the Tree Policy.

### **137. Brook Cottage S/16/1832**

The Parish Manager circulated a draft response to the Planning Authority in response to S/16/1832 | Erection of 4no. dwellings and associated works, a copy of which appears as **Appendix B** in the Minute Book. Councillors agreed that the Parish Council should make representation to the Planning Committee. This application creates overdevelopment within the essential setting of Lydiard Park and is not in keeping with the House and gardens.

**RESOLVED** that

- a) This application is called in to Planning Committee
- b) The Parish Manager to submit the written letter of response

**138. Planning Report**

The Parish Manager submitted a planning report outlining planning applications in West Swindon, a copy of which appears as **Appendix C** in the Minute Book. Councillors agreed the following:

- |              |   |   |
|--------------|---|---|
| <b>138.1</b> | <b>S/ADV/17/1426</b><br>Kia Motors (UK) Fish Brothers,<br>Ashworth Road<br>Bridgemead Swindon | <b>Display of 1no. internally illuminated totem sign</b>              |
|              | <b>RESOLVED: No Objection</b>   |   |
| <b>138.2</b> | <b>S/HOU/17/1455</b><br>3 Pearl Road,<br>Middleleaze<br>SN5 5TD                               | <b>Erection of a two storey side and single storey rear extension</b> |
|              | <b>RESOLVED: No Objection</b>   |   |
| <b>138.3</b> | <b>S/HOU/17/1452</b><br>12 Pioneer Close,<br>Middleleaze<br>SN5 5TU <b>S/17/1080</b>          | <b>Erection of single story rear and side extensions</b>              |
|              | <b>RESOLVED: No Objection</b>   |   |

Meeting closed 6.29 pm.

Signed: .....  
Chair, Planning & Environment Committee

Date: .....

## **WEST SWINDON PARISH COUNCIL**

### **Planning and Environment Committee**

#### **Strategic Housing and economic land availability assessment (SHELAA) and 'call for sites'**

##### **1. Introduction: What is the strategic housing and economic land availability assessment?**

- 1.1 In accordance with Government requirements Swindon Borough Council is about to undertake a Strategic Housing and Economic Land Availability Assessment (SHELAA). The SHELAA seeks to identify potential sites and assess whether such sites are deliverable or developable for housing, employment or other economic uses. This information is used as evidence to demonstrate a 5-year supply of deliverable housing sites and a supply of developable sites for longer term. The SHELAA also provides a part of the technical evidence base to help inform the preparation of Neighbourhood Plans and the Local Plan Review.
- 1.2 A previous Strategic Housing Land Availability Assessment took place in 2013 however the SHELAA methodology has been updated taking into account the National Planning Policy Framework, updated Planning Practice Guidance and adopted policy in the Local Plan 2026. The SHELAA methodology will be finalised after consultation in order to invite comments regarding how sites will be assessed and what assumptions will be used.
- 1.3 The purpose of the SHELAA is to provide an assessment of housing and economic land availability, and the identification of sites cannot not be taken as representing either an intention to allocate these sites for development, or as a material planning consideration in the determination of a planning application.
- 1.4 Potential sites for new housing and economic development which have been identified through the SHELAA will be tested further through the plan making process for Neighbourhood Plans and Development Plan Documents including Sustainability Appraisal/Strategic Environmental Assessment, Appropriate Assessment, additional evidence base studies, stages of public participation and independent examination.
- 1.5 Swindon Borough Council is currently consulting on the methodology to be used to assess potential sites. This can be viewed on the Council's consultation webpage.

##### **2. Call for sites**

- 2.1 The 'call for sites' is a call to developers and the wider public to identify potential housing sites (greater than 5 dwellings or 0.15 hectares or larger) and potential sites for economic development (greater than 500m<sup>2</sup> of floorspace or 0.15 hectares or larger).

2.2 A formal 'call for sites' is currently being made. The West Swindon Parish Council can make submissions. Further information is available by contacting the Forward Planning team at Swindon Borough Council on 01793 466433 or 01793 466513, or e-mail [forwardplanning@swindon.gov.uk](mailto:forwardplanning@swindon.gov.uk).

### **3. Recommendations**

3.1 Parish Councillors to note the report.

Paula Harrison  
Parish Manager

**WEST SWINDON PARISH COUNCIL**

**Planning & Environment Committee**

**Planning Applications**

**1. Introduction:**

The West Swindon Parish Full Council is a consultee for planning applications in the West Swindon Parish

**2. Planning Applications to be examined:**

2.1 S/17/1167

**38 Russley Close, Peatmoor Swindon SN5 5AG**

*Change of use of converted garage from residential to dog grooming business.*

2.2 S/HOU/17/1565

**40 Winwick Road, Freshbrook Swindon SN5 8NF**

*Erection of a single storey side extension*

2.3 S/17/1301

**Lydiard Park Academy , Grange Park Way Grange Park Swindon SN5 6HN**

*Erection of 2.4 metre high boundary fencing*

2.4 S/HOU/17/1558

**57 Conisborough, Toothill Swindon SN5 8ES**

*Erection of a two storey side extension*

2.5 S/ADV/17/1464

**Unit J, Bridgemoor Industrial Estate Ashworth Road Bridgemoor Swindon**

*Display of various illuminated signage*

**3. Planning Application Decisions:**

**S/HOU/17/1309/TB**

2 Friesian Close  
Ramleaze  
Swindon  
SN5 5RA

Conversion of garage into  
habitable space.

GRANTED/ DEL

<p><b>S/17/1142/BLOWC</b> Unit 100 Welton Road Westlea SN5 7XP</p>	<p>Erection of new restaurant unit for flexible use within Class A3/A5, including drive through lane, photo-voltaic panels at roof level, provision of car parking, landscaping, plant and associated works. (Variation of conditions 2, 3 and 14, (implementation of an alternative landscaping scheme) from Planning Permission S/16/0970).</p>	<p>GRANTED</p>
<p><b>S/HOU/17/1145/RM</b> 46 Mulcaster Avenue Grange Park SN5 6EH</p>	<p>Erection of a single storey front extension.</p>	<p>GRANTED</p>
<p><b>S/ADV/17/1426/RM</b> KIA Motors (UK) Fish Brothers Bridgemead Industrial Estate Ashworth Road Bridgemead SN5 7UR</p>	<p>Display of 1no. internally illuminated totem sign.</p>	<p>GRANTED</p>
<p><b>S/HOU/17/1263/FELY</b> 11 Tye Gardens Grange Park SN5 6ES</p>	<p>Erection of a single storey rear extension.</p>	<p>GRANTED/ DEL</p>
<p><b>S/PRIORH/17/1289/ FELY</b> 61 Godolphin Close Freshbrook SN5 8RN</p>	<p>Prior Approval Notification for the erection of a single storey rear extension measuring 4m (from original rear wall), 2.6m (maximum height) and 2.4m (height to eaves).</p>	<p>PRIOR APPROVAL NOT REQUIRED/ DEL</p>
<p><b>S/HOU/17/1193/SADE</b> 1 Markenfield Toothill SN5 8AA</p>	<p>Erection of a first floor side extension and construction of vehicle access</p>	<p>GRANTED/ DEL</p>

#### 4. Recommendations

4.1 Comments and observations of the West Swindon Parish Council are recorded.

**Paula Harrison**  
Parish Manager





# REFUSAL OF PLANNING PERMISSION

**Application Number:** S/16/1832/SASM

**Parish:** West Swindon

**Ward:** Lydiard And Freshbrook

**Proposal:** Erection of 4no. dwellings and associated works.

**Site Address:** Land At Brook Cottage , Hay Lane Grange Park Swindon SN5 3PA

**Agent:**

Ian Pople  
Wills & Co.  
30 The Causeway  
Chippenham  
SN15 3DB

**Applicant:**

Mr D. Grieves  
C/O Agent

## Reasons for Refusal

1. The proposed development by virtue of its location, siting and design would cause harm to and fails to preserve the setting of designated heritage assets including the listed buildings of Church of St Mary's (Grade I), associated with Lydiard House (Mansion) and Park. It would also cause harm to the setting of Lydiard Park, a Registered Park & Garden, within which those listed buildings are situated. The proposal is contrary to Policies SD1, DE1 and EN10 of the Swindon Borough Local Plan 2026 (2015) and the National Planning Policy Framework.

2. The proposed development would be located outside of the settlement policy boundary for the Borough of Swindon and does not satisfy a local need, does not support the expansion of tourist and visitor facilities or any other local rural needs or exceptions as set out in Policies HA5 and HA6 of the Swindon Borough Local Plan. The development is therefore contrary to Policy SD2 of the Swindon Borough Local Plan 2026 (2015). The development would make a negligible contribution towards meeting the Borough's housing land supply deficit, but the benefits are not outweighed by the adverse impacts that the development will have, contrary to the National Planning Policy Framework.

3. The proposed development site is situated within a strategic green corridor where development shall protect and enhance green infrastructure including visually or ecologically important existing trees, hedges and woodlands. It is considered that the proposal does not protect or enhance it and furthermore the applicant has failed to demonstrate how the significant trees adjacent to the development would be safeguarded from any potentially adverse effects of the development contrary to Policy EN1 and EN5 of the Swindon Borough Local Plan 2026 (2015).

4. The proposal has failed to secure either a target of 30% affordable homes on-site or a proportionate contribution towards affordable homes off-site as the site exceeds 0.5 hectares in area. An economic viability assessment to demonstrate that development would otherwise be unviable has not been submitted, contrary to Policy HA2 of the Swindon Borough Local Plan 2026 (2015) and the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014.

5. The proposed development has failed to pay regard to the objectives of place making in achieving high quality design and is out of character with the existing built context by virtue of its density, massing, details, layout and orientation, plot size, building lines, roofscape, built form and scale. This is contrary to policies SD1 and DE1 of the Swindon Borough Local Plan 2026 (2015) and the Swindon Residential Design Guide Supplementary Planning Document (2016), and the National Planning Policy Framework.

6. Insufficient information has been provided to enable the Local Planning Authority to be satisfied that the development will not have a negative impact upon the ecological value of the site contrary to Policy EN4b of the Swindon Borough Local Plan 2026 (2015), and the National Planning Policy Framework.

7. An archaeological evaluation has not been undertaken to enable the Local Planning Authority to be satisfied that the development will not result in harm to, or the significance of, any heritage assets or the historic environment, contrary to Policy EN10d of the Swindon Borough Local Plan 2026 (2015).

## **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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto: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](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. This decision is in respect of Ordnance Survey Location Plan ( Rev A) at scale 1:1250, Proposed Site Plan (Rev A) at scale 1:500, Drawing Number 18111-200-01 at scale 1:200, Drawing Number 18111-200-01 (Tree Constraints Plan ) at scale 1:200 and Arboricultural Assessment dated June 2017 received by the Local Planning Authority 8th August 2017 and Planning Design and Access Statement dated September 2016, Sketch

Proposals (Plot 1) at scales 1:100 and 1:50, Sketch Proposals (Plot 2) at scales 1:100 and 1:50, Sketch Proposals (Plot 3) at scales 1:100 and 1:50, Sketch Proposals (Plot 4) at scales 1:100 and 1:50 and Sketch Proposals (Detached Garage) at scales 1:100 and 1:50 received by the Local Planning Authority 7th February 2017.

3. Should sufficient and satisfactory information be submitted in terms of Reasons for Refusal 6 and 7 then these reasons may be overcome.

**Authorised by Richard Bell,  
Head of Planning, Regulatory Services and  
Heritage**

**Decision Dated:** 3rd October  
2017

A handwritten signature in black ink that reads "Richard Bell". The signature is written in a cursive style with a period at the end.

# Town and Country Planning Act 1990

## Refusal of Permission for Development

The Local Planning Authority HEREBY REFUSE TO GRANT PLANNING PERMISSION for the development proposed in the application for the reasons set out in the schedule (see overleaf).

“The Local Planning Authority”, and “the application” referred to above, are those described in the schedule overleaf.

### Notes

If the Applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, the applicant may appeal to the Secretary of State in accordance with section 78 of the Town and Country Planning Act 1990, within **6 months** of the date of the decision. Appeals must be made on a form that is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or alternatively you may appeal online at <https://www.gov.uk/government/organisations/planning-inspectorate>

If the permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonable/beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that his interest in the land be purchased in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.



**SWINDON**  
BOROUGH COUNCIL

# GRANT PLANNING PERMISSION

## Town and Country Planning Act 1990

**Application Number:** S/17/1142/BLOWC

**Ward:** Mannington And Western

**Parish:** West Swindon

**Proposal:** Erection of new restaurant unit for flexible use within Class A3/A5, including drive through lane, photo-voltaic panels at roof level, provision of car parking, landscaping, plant and associated works. (Variation of conditions 2, 3 and 14, (implementation of an alternative landscaping scheme) from Planning Permission S/16/0970).

**Site Address:** Unit 100, Welton Road Westlea Swindon SN5 7XP

**Agent:**  
Craig Slack  
Turley  
The Charlotte Building  
17 Gresse Street  
London  
W1T 1QL

**Applicant:**  
n/a  
DemiPower Group  
C/o Agent

The Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed in the application subject to the scheduled conditions.

**WARNING:**  
**IF YOU DO NOT COMPLY WITH THE CONDITION(S) BELOW,**  
**THE COUNCIL MAY TAKE LEGAL ACTION AGAINST YOU**

### Conditions

1. This decision is made in respect of the following documents and plans:  
 Planning and Retail Statement May 2016 received 9th June 2016  
 Preliminary Ecological Report May 2016 received 9th June 2016  
 Transport Statement received 9th June 2016  
 Arboricultural Impact Assessment EA-2016-025 A/A Rev A received 9th June 2016  
 Letter dated 12th May 2016 from Whitmarsh Lockhart Commercial Property Advisors, received 9th June 2016  
 Service Management Plan received 20th July 2016  
 Proposed Roof Plan 000/2016/G128 received 9th June 2016  
 Proposed Elevations without signage 000/2016/G212 Rev B received 9th June 2016  
 Site Location and Block Plan 000/2016/G012 Rev A received 9th June 2016  
 Proposed Shell Plan 0000/2016/G127 received 9th June 2016  
 Draft Tree Protection Plan EA-2016-025 TPP received 9th June 2016  
 Proposed Site Plan 0000/2016/G121 Rev H received 17th October 2016  
 Planting Plan 6015/ASP2 Revisions F.  
 Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

2. Prior to the commencement of any construction work permitted by this permission, the following vegetative features shall be protected from any damage arising from clearance and construction works associated with this consent hereby granted:

- Tree 29 and tree T30 as detailed on the tree protection plan (EA-2016-025 (TPP) received on 9th June 2016)

With the exception of tree T1 (which is to be removed), the barriers as detailed on page 22 of the Arboricultural Impact Assessment (reference EA-2016-025 (A/A) Rev A) shall be installed in the positions on the Tree Protection Plan, or if not detailed there, they should be implemented in accordance with the details submitted with the Construction Management Plan as required by Condition 4 below. The barriers shall be erected prior to any works commencing on site and shall be retained for the duration of the works hereby permitted. No materials, vehicles, fuel or any other ancillary items shall be stored or buildings erected inside this fencing; no changes in ground level may be made or underground services installed within the spread of any tree or shrub [including hedges] without the previous written consent from the Local Planning Authority.

Reason: To ensure that all existing trees are properly protected, in the interests of visual amenity.

3. The construction works shall be undertaken in accordance with the details contained within the Construction Environmental Management Statement dated 7th January 2017, the Proposed Site Setup Plan received on 19th January 2017 and the Expected Vehicle Schedule from Conlon Construction received on 19th January 2017 as approved by the Local Planning Authority under reference S/COND/17/0117. The approved details shall be adhered to throughout the construction period.

Reason: To reduce the potential impact on the public highway, the environment and trees during the site preparation and construction phase(s) of development.

4. Any excavations which are necessary within the canopy spread of the retained trees and hedges as detailed in Condition 3 above, shall be undertaken by hand and no power tools or machinery shall be used. If any roots are exposed they should be covered with damp sacking which should remain in place until the roots are permanently re-covered. All roots greater than 25 mm diameter should be retained and worked around. Care shall be taken to minimise damage to retained roots, including the bark around roots. Roots which are inadvertently damaged should be left without further disturbance. Roots in excess of 50 mm diameter shall not be severed without the prior written approval of the Local Planning Authority.

Reason: In the interests of the health and stability of adjacent landscaping, in the interests of visual amenity.

5. There shall be no storage of materials, change in site levels or hard standing formed beneath the canopy spread of the retained trees, T29 and T30 as annotated on the Tree Protection Plan EA-2016-025 (TPP) without the prior written approval of the Local Planning Authority.

Reason: In the interests of the health and stability of adjacent landscaping, in the interests of visual amenity.

6. The site and slab levels shall be implemented in accordance with plan 1544-3/3 and the Construction Environmental Management approved by the Local Planning Authority under reference S/COND/17/0117. Once implemented those site levels shall be retained and maintained in the approved form, without modification.

Reason: In order to protect the visual amenity of the area.

7. WITHIN ONE MONTH OF THE DATE OF THIS DECISION NOTICE a surface / foul water management strategy shall be submitted in writing to the Local Planning Authority for approval. The strategy shall include details of the means of connection, phasing of provision and capacity of the receptor system. The strategy shall be designed to minimise the impact upon existing trees and proposed landscaping. The foul and surface water drainage systems shall be constructed in accordance with the approved strategy and maintained thereafter in accordance with it. The approved surface/foul water management strategy shall be completed no later than one month from the date of approval of the surface /foul water management strategy.

Reason: To ensure that adequate measures for the management of surface / foul water are incorporated into the development.

8. The mechanical ventilation system shall be installed in accordance with Mechanical Ventilation and Environmental Control Equipment Report prepared by Ashworth, dated 7th February 2017, as approved by the Local Planning Authority under reference S/COND/17/0240, prior to the commencement of the first beneficial use of the development hereby approved. Once installed, the equipment as approved shall thereafter be retained in the agreed form and maintained in proper working order thereafter throughout the occupation of the unit for Use Class A3 [Restaurants and Cafes], and A5 [Hot Food Take-away] purposes. The extraction equipment shall be operated at all times when cooking is being carried out on the premises.

Reason: In the interests of amenity.

9. The external lighting on the site shall only be provided and operated in accordance with the agreed details, namely the Lighting Specification 13B, Tubular Lighting Column Specification, Lighting Calculations Document dated 9th January 2017 as approved by the Local Planning Authority under reference S/COND/17/0240 and retained and maintained in the approved form, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that the proposed development is integrated within its surroundings.

10. The materials used in the construction of the restaurant unit hereby permitted shall be in accordance with the details submitted in the plans and application forms submitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

11. The hard landscaping within the site shall be implemented in accordance with the details on plan reference 1544-3/3 Rev A prior to the first use of the building hereby approved. The hard landscaping shall be retained and maintained in the approved form, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

12. Prior to the commencement of the use of the building hereby approved a bird box shall be placed on each of the retained trees as shown on tree protection plan EA-2016-025 (TPP) in accordance with the Ecological Report submitted with the application.

Reason: To mitigate the loss of nesting sites arising from loss of trees on the site.

13. The landscaping scheme as detailed on the Planting Plan 6015/ASP2 Rev F received on 6th July 2017 shall be implemented in strict accordance with the approved plan but should not at any time exceed the height restrictions as stipulated in Condition 15 below regarding visibility splays or Condition 3 above regarding tree retention. In addition and notwithstanding the approved proposed landscaping scheme, the agreed details do not include the provision of a footway along the frontage of the site between the proposed access to the site and Great Western Way. This area is required to be retained as grass. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following practical completion of the development [or such other period as may be agreed in writing by the Local Planning Authority] and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

14. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been [set back/lowered] to provide visibility splays extending from a point 2.4m back along the centre of the access (measured from the public road carriageway edge) to a point on the nearer carriageway edge of the public road 43m distant in both directions, and the area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between those points at a height of between 0.6m and 2.1m above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained.

15. The building hereby permitted shall not be brought into beneficial use until the vehicular parking and turning and loading/unloading facilities have been provided in accordance with the submitted plan drawing plan 0000/2016/G121 Rev H received on 17th October 2016 and the plan labelled as Swept Path Analysis received on 31st October 2016. Those facilities shall be maintained available for those purposes thereafter.

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

16. The development hereby permitted shall not be occupied until space has been laid out within the site for a minimum of 6 bicycles 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.



17. Before the development hereby permitted is first used, the footway connecting the site with the existing footway on Welton Road to the northwest of the access to the site shall be implemented in accordance with the approved details, as shown on drawing numbered 0000/2016/G121 Rev H. Notwithstanding the details on the approved plan 0000/2016/G121 Rev H, this consent does not give permission for any additional hardstanding/footway adjacent to the highway in the area between the new access to the site and Great Western Way.

Reason: To promote and encourage sustainable transport and travel and to retain an appropriate frontage appearance.

18. All deliveries to the store will take place in accordance with the Delivery Management Plan dated 20th July 2016 and the updated Swept Path Analysis plan received on 31st October 2016.

Reason: To provide safe and suitable access for all and reduce the potential impact on the public highway.

19. The fencing/means of enclosures, bin stores and lighting shall only be implemented in accordance with Plan 000/2016/G124 Rev K and plan 0000/2017/G123 approved by the Local Planning Authority under reference S/COND/17/0240 shall be implemented before the first use of the building hereby permitted is commenced and shall be retained in the approved form for so long as the development hereby permitted remains on the site.

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

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 [or any order revoking and re-enacting that Order with or without modification], no gates, fences, walls or other means of enclosure shall be erected or provided on the site without the prior written consent of the local planning authority.

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

### Informatives

1. The granting of planning permission does not authorise you to carry out any works on, over or under your neighbour's land or property without first obtaining their consent.

2. Notwithstanding any detail on the approved plan this consent does not convey any permission to undertake works within the highway. Therefore, the applicant is advised to obtain further advice which can be accessed via the link below. [http://www.swindon.gov.uk/download/downloads/id/737/information\\_-\\_vehicle\\_crossing\\_application\\_guidelines.pdf](http://www.swindon.gov.uk/download/downloads/id/737/information_-_vehicle_crossing_application_guidelines.pdf)

3. Clearance of vegetation or other potential bird nesting sites shall not be undertaken within the breeding season of birds [i.e. within 1st March to the 31st July] except where a suitably qualified ecological consultant has confirmed in writing that such clearance works would not affect any nesting birds. In the event that an active bird nest is discovered outside of this period and once works have commenced, then a suitable standoff period and associated exclusion zone shall be implemented until the young have fledged the nest.

4. This development proposal 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](http://www.swindon.gov.uk/cil) or telephone the SBC CIL Team on 01793 466289 or 466397 or email [cil@swindon.gov.uk](mailto:cil@swindon.gov.uk). To avoid additional financial penalties the requirements of the impact of CIL must be managed before a development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. CIL would remain relevant in the event that planning permission were allowed by planning appeal.

5. Notwithstanding any provision to the contrary, this consent does not convey any consent for advertisements within the site, which shall be subject to submission of the relevant application to the Local Planning Authority.



**Head of Planning, Regulatory Services and Heritage**

**Date: 20th September 2017**

## Notes

“The Local Planning Authority”, and “the application” referred to within this notice, are described on page 1 of this notice. The conditions have been imposed for the reasons set out within this notice.

In addition to this consent, if this permission results in amendments to or provision of new properties please contact [gazetteers@swindon.gov.uk](mailto:gazetteers@swindon.gov.uk) or telephone: 01793 466378 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the Borough.

If the Applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development with conditions, the applicant may appeal to the Secretary of State in accordance with section 78 of the Town and Country Planning Act 1990, within 12 weeks of the date of the decision. Appeals must be made on a form that is obtainable from the Secretary of State at The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or alternatively you may appeal online at <https://www.gov.uk/government/organisations/planning-inspectorate>

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by the Secretary of State.

If the permission to develop land is granted with conditions, the owner of the land may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner, may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land in accordance with the provision of Chapter I of Part 6 of the Town and Country Planning Act 1990.