



COMMITTEE REPORT

Item Number:
Application Number:
S/OUT/19/0218/TB

Ward: Blunsdon And Highworth
Parish:
Blunsdon

Proposal: Outline application for the erection of 1no. dwelling (access and layout not reserved)

Site Location: Ringstones , 1 Kingsdown Lane, Blunsdon

Case Officer: Tom Buxton (01793 466240 tbuxton@swindon.gov.uk)

Agent:
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Applicant
Mr & Mrs Sean Moore
Ringstones
1 Kingsdown Lane
Blunsdon
Swindon
SN25 5DL

Officers Report

Background:

1. This application has been called to Planning Committee by Blunsdon Parish Council.

Summary of Recommendation:

2. That outline planning permission be GRANTED subject to conditions.

The Proposal:

3. This application seeks outline planning permission for the erection of 1 detached dwelling with all matters reserved except for access and layout on land at Ringstones, Kingsdown Lane, Blunsdon.

4. The dwelling would be located to the rear (south) of Ringstones with access being taken from Kingsdown Lane and a new driveway created to the western side of the site. The matters of appearance, scale and landscaping are not up for consideration at this stage but will need to form part of a future reserved matters application(s). Despite this the application submission includes an indicative drawing of how the house might look. This is shown to be a part two-storey/part storey and a half building with an 'L' shaped footprint.

The Site and Surroundings:

5. The site is a roughly rectangular shaped plot of land located to the south of Kingsdown Lane, Blunsdon. The plot is 0.09 hectares and currently forms part of the back garden of the residential property Ringstones, a detached house. The site is mainly grassed but also contains some shrubbery and small trees plus several large outbuildings to the rear boundary.

6. To the north, east and west are residential properties, including immediately to the west a new dwelling under construction. To the north, to the opposite side of Kingsdown

Lane is a small field and immediately to the south is a motorhome sales premises.

Representations:

7. Public:

1 representation of objection from No. 3 Kingsdown Lane raising the following as concerns: over-intensification of housing relative to character of area, loss of privacy and sunlight to garden (contrary to paragraph 4.17 of the Local Plan), inability to manage garden size is not an over-riding driver for granting permission, proposal is contrary to paragraph 70 of the NPPF in that inappropriate development of gardens should be resisted and that other approvals for housing in the area are not within back garden areas.

8. Parish Council:

Object to application on the basis of support of comments of No. 3 Kingsdown Lane and that proposals are contrary to the Swindon Residential Design Guide in terms of tandem/backland development.

9. Forward Planning:

The consideration is whether the benefits of the proposed development in terms of supporting services, being on previously developed land, and making a contribution to the delivery of housing would outweigh any adverse impacts in respect of design and the loss of residential garden.

10. Highways:

No objections subject to suggested conditions.

11. LLFA:

Council don't hold any records of surface water drainage or flood risk issues in area.

Planning Considerations:

12. The relevant planning considerations with regard to the assessment of the application are the principle of the development, the impact upon the character of the area, highway implications and residential amenity and in these respects whether the proposals are in accordance with the provisions of the relevant policies of the Swindon Borough Local Plan 2026, the National Planning Policy Framework and Planning Practice Guidance. Other issues raised within the representations received will also be covered.

Planning Policy:

Adopted Local Plan 2026

13. The Swindon Borough Local Plan (SBLP) 2026 was adopted on 26th March 2015. The following adopted Swindon Local Plan 2026 policies are considered to apply.

- DE1 (High Quality Design); seeks to achieve high standards of design for all types of development;

- SD2 (The Sustainable Development Strategy); aims to meet Swindon's development needs whilst protecting the Borough's most important assets;

- TR1 (Sustainable Transport Networks) and TR2 (Transport and Development); seek to reduce the need to travel, and support and encourage the sustainable, safe and efficient movement of people and goods;

- EN5 (Landscape Character and Historical Landscape); seeks development proposals to take account of their natural surroundings.

14. Also of relevance is Swindon Borough Council's adopted: Swindon Residential Design Guide (SRDG) (2016), Supplementary Planning Guidance Note: Technical Guidance on Parking Standards (2007) and adopted Swindon Borough Council's Landscape Character Supplementary Planning Guidance.

National Planning Policy Framework 2019 (NPPF)

15. The updated National Planning Policy Framework came into force in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied.

16. Of particular relevance are sections: 2 'Achieving sustainable development', 5 'Delivering a sufficient supply of homes', 11 'Making effective use of land', 12 'Achieving well-designed places' and 15 'Conserving and enhancing the natural environment'.

17. Blunsdon Parish Council are currently preparing a Neighbourhood Plan. This has not yet been submitted for examination though and therefore has limited weight at present.

Principle of Development:

18. The Development Strategy is defined in adopted SBLP Policy SD2. Urban concentration supports key government objectives for sustainable development in the most accessible locations, whilst protecting the best of the countryside.

19. Policy SD2 delineates between the parts of the Borough in which the principle of development would be generally acceptable (within settlements) and those where it generally would not (in the countryside). The policy limits development in the countryside, defined as those areas that are not within a settlement boundary.

20. The application site is located outside of the Blunsdon settlement boundary. The site is therefore located in open countryside (in policy terms) and thus the development is in conflict with Policy SD2 of the SBLP, in that none of the exception criteria are met. However it must also be considered that the site is surrounded by development including residential development along Kingsdown Lane and Turnpike Road (to the north, east and west) and by commercial development to the south. The site is also located in close proximity to the Kingsdown Strategic Allocation. In reality therefore the site is not truly in the open countryside.

21. At the planning inquiry for Land at Hill Cottage, Blunsdon in July (and September) last year the Council outlined its housing land supply position at 2.7 years (with a 20% buffer). The Council therefore cannot currently demonstrate a five-year supply of deliverable housing land. Paragraph 11 (part d) of the NPPF is therefore of relevance and states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Footnote 7 of paragraph 11 confirms that for applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, then policies which are most important for determining the application are out-of-date.

22. Paragraph of 14 of the NPPF does not apply in this instance as a consequence of Blunsdon not having a neighbourhood plan and that at present the Council are unable to demonstrate a three-year housing land supply.

23. The lack of a demonstrable 5-year housing supply is not in itself a reason for approval, and in this case the proposal would make a very modest contribution to the overall supply of housing in the Borough. Rather, those local policies which concern the provision of housing cannot alone be the basis of a refusal, and the proposal has to be assessed against the policies within the NPPF taken as a whole. In this instance the element of Local Plan Policy SD2 referring to settlement boundaries cannot be considered as reason for refusal alone.

24. Section 11 of the NPPF deals with the effective use of land and requires that decisions promote an effective use of land in meeting the need for homes (and other uses). It also encourages “a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs”. It is considered that the site is brownfield land. It is considered that this effective use of previously developed land that will bring about the identified need of housing provision, is thus supportive of the principle of the development complying with paragraph 117 of the NPPF.

25. The village of Broad Blunsdon includes some limited facilities in a shop, place of worship, village hall, doctor’s surgery, pub, hotel and recreation ground. There is also a relatively limited bus service which serves The High Street for access to other services and facilities including employment. As a result of the site not being adjacent to the village or in close proximity to the above though it is questionable that the proposal would meet the requirement set out in the NPPF, para 78 (Rural Housing): ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’ However the development is small scale and the Inspector of an appeal (APP/U3935/W/16/3160643) on land directly to the west of the application site for a small scale development of 4 houses did not include this as an objection within the decision.

26. Before a decision can be made on the overall acceptability of the principle of development an assessment of the impacts of the scheme has to be carried out.

Loss / Impact on Landscape / Countryside:

27. In landscape terms the site is outside of the any settlement boundary and within the Mid Vale Ridge Landscape Character Area. The adopted SBLP policy EN5 (Landscape Character and Historic Landscape) states that development will only be permitted when the intrinsic character and local distinctiveness of landscape within the Borough are protected, conserved and enhanced. Similarly the NPPF requires the protection of valued landscapes.

28. In assessing the landscape impact the fact that the site is considered to be previously developed and contains a number of large outbuildings are considerations here. So too is

the fact that the site is surrounded by developed land (residential to the north, east and west and commercial to the south. It must also be acknowledged that the land further to the north east is allocated for residential development as part of the Kingsdown allocation. As such, whilst the land may be considered to be in the 'open countryside' in the context of the adopted SBLP in reality it is surrounded by development. Considering this it is felt that the development will not impact negatively on the Mid Vale Ridge Landscape Character Area or the wider landscape setting of Blunsdon. It is important to note that the Inspector of the appeal for Land North of The High Street (for 69 houses under reference S/14/1304) reached the same conclusion regarding landscape impact. The allowed appeal was for a much larger development. It also related to land that is more open and much more prominent within the landscape area.

29. The proposed layout plan shows that it will be possible to retain trees and shrubbery within the garden of Ringstones as well as along the boundaries and in addition that there will be space for additional planting. This can be ensured through the future reserved matters.

30. As a result of the above it is not considered that there will be any significant landscape impacts and therefore the proposal is compliant with Policy EN5 of the SBLP and the NPPF in this regard.

Highway Access and Safety:

31. Policies TR1 and TR2 of the adopted Swindon Borough Local Plan 2026 seek to ensure access for developments that is appropriate to the scale, type and location of the proposal without detriment to highway safety, traffic movement and the local environment.

32. As access is a matter that is not reserved consideration needs to be given to the appropriateness of the proposed driveway and connection to Kingsdown Lane. In this regard the Highway Officer has confirmed that they are content with the proposals put forward and that the existing vehicular access to the western side of Ringstones can be safely utilised and is appropriate for use of both the new dwellings and the existing property, Ringstones. It is also evident that the site will comfortably be able to provide sufficient parking and turning space for the new dwelling as well as the existing one. It is also not considered that there will be any noticeable difference in traffic movements in the vicinity as a result of the development.

Residential Amenity:

33. Policy DE1 of the Swindon Local Plan 2026 requires consideration of amenity in terms of light, privacy, outlook, noise, disturbance, smell, pollution and space when considering development proposals. The SRDG also requires consideration of amenity.

34. The nearest existing residential properties to the site are Nos 2 and 3 Kingsdown Lane to the east. The new property would be located approximately 20 metres from the main two-storey rear elevation of No. 2, and at an angle. Such a separation distance, plus the existence of a fairly dense screen of vegetation to the boundary, and the indicative plans showing only storey and a half accommodation at this nearest point, means there will be no unacceptable impact. The positioning of windows will be controlled as part of the future reserved matters application in order to ensure that no unacceptable issues of overlooking will be created. There is also no reason to suggest that any unacceptable impact will be caused to the amenity of the new house under construction to the west either or to the

existing property, Ringstones in that it would be located approximately 30 metres from the new dwelling and would be left with an adequately sized back garden.

35. Whilst the future reserved matters of appearance will ensure overall amenity acceptability for the future residents of the development, the layout plan shows there will be adequate outdoor amenity space and there will likely to be acceptable natural light levels and privacy. In summary the development is acceptable from a residential amenity point of view in compliance with Policy DE1 of the SBLP 2026 and the adopted SRDG.

Design, Layout and Character:

36. Swindon Local Plan policy DE1 states that high standards of design will be required for all types of development. The adopted SRDG also requires high design standards as well as offered guidance on layout, context and character amongst other factors. The NPPF also details the requirement to achieve well-designed places.

37. The development, whilst backland would not be in the uncharacteristic modern cul-de-sac form that the Inspector of the previous appeal at the adjacent site objected to. It would benefit from an adequately sized plot, not dissimilar in size to other properties off of Kingsdown Lane (and Turnpike Road) and would be contained by built development, not projecting further into the open countryside. It is also noted that whilst located to the rear of Ringstones it would be located at an angle from it and at a distance of approximately 30 metres. Although it is acknowledged that the SRDG is not usually supportive of backland development of this type the justification for it here is that this is a contained site surrounded by development and very similar in layout and density to the dwelling currently under construction immediately to the west. Furthermore, as detailed above, Ringstones (and the other nearby properties) will be afforded adequate amenity protection in terms of not being unacceptably overlooked or overshadowed. In this case therefore it is argued that the proposal is able to comply with the principles of Policy DE1 of the adopted SBLP as is the requirement of this part of the SRDG.

38. The appearance and scale of the development (plus landscaping) will form part of future reserved matters applications and thus is not up for consideration here. Such an application/or applications would need to comply with Policy DE1 of the adopted SBLP, the SRDG and the NPPF in terms of being well designed.

39. In summary the proposed layout of the development is deemed to be acceptable in the circumstances of this case and in accord with Policy DE1 of the adopted SBLP and the NPPF.

Biodiversity:

40. The NPPF encourages the incorporation of biodiversity improvements. Policy EN4: Biodiversity and Geodiversity of the adopted SBLP is also of relevance in this regard. The site is previously developed in terms of the majority consisting of managed lawns and shrubbery. As such it is unlikely to contain any significant wildlife habitats. Furthermore biodiversity improvements can be secured through the future reserved matters applications (landscape in particular).

Other Issues:

CIL/Infrastructure Requirements:

41. 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 proposed development for residential is located within CIL Residential Charging Zone 2 of this schedule. 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. For an outline application this would be at the point of approval or reserved matters, should outline permission be granted. To inform the applicant/landowners of the relevance of CIL to the proposal a CIL liable informative will be added to the Decision Notice.

42. No contributions are required as part of Policy EN3 towards open space due to the small scale of the development. Similarly no affordable housing provision/contribution is necessary as part of Policy HA2 as the relevant trigger thresholds are not exceeded.

Consultee Comments:

43. With regard to the comments raised within the representations section that have not already been covered above the following is noted:

- Paragraph 4.17 of the SBLP is the supporting text of Policy DE1 and thus is covered above.
- Paragraph 70 of the NPPF refers to plan making. In this case the SRDG is the Council's 'policy', as required by this paragraph, for resisting inappropriate development of residential gardens. As detailed above, in the circumstances of this case it is not felt that the proposal represents inappropriate development.
- Inability to manage garden size has not been cited as a justification for the development within the officer's assessment.
- Whilst the Parish Council have raised concerns, they have not identified any harm arising from the development.

Conclusion:

44. In conclusion none of the policies in the NPPF that protect areas or assets of particular importance are of relevance in that the development would not impact upon the designations listed in footnote 6 of paragraph 11. d) i. (i.e. the site is not in an AONB or a conservation area etc). As such it is then purely a matter of a balancing exercise in relation to paragraph 11 d) ii. as to whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits. In this regard an assessment of the impact of the development has been undertaken above which has concluded that whilst contrary to Policy SD2 of the SBLP and that the site is not in close proximity to the services of Blunsdon, the proposal will not result in any adverse impacts in terms of any harm to: the landscape character area, highway conditions, residential amenity or biodiversity.

45. The benefits of the development in terms of the social dimension of sustainable development have been identified to be the provision of much needed housing (albeit only 1 house). In terms of the economic dimension the development would contribute towards economic growth during the construction phase. Also, again not significant but the additional population created could also assist the local economy in terms of utilising local services. With regard to the environmental dimension, Blunsdon has some public transport links and the village includes a range of services including a shop, a pub and church albeit that these are at a distance from the proposal site. Furthermore the development makes efficient use of land.

46. The development would conflict with Policy SD2 of the adopted SBLP and the distance of the site from the shop and services offered in Broad Blunsdon is acknowledged. These factors hence weigh against the proposal. However in the current circumstances and in the circumstances of this specific site, these factors do not significantly and demonstrably outweigh the benefits of the proposal identified above. As such it is considered that the proposal is acceptable.

Recommendation:

47. That outline planning permission be GRANTED.

Conditions

1. This approval shall be in respect of the site location plan received by the Local Planning Authority on 8th February and drawing number LPC,1583,19,01 A received on 19th March 2019.

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 works on site in connection with the development hereby permitted, details of the scale, appearance and landscaping (hereinafter called "the Reserved Matters") shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with Section 92 of the Town and Country Planning Act 1990.

3. Application for the approval of the Reserved Matters referred to in condition 2 above, shall be submitted in writing to the Local Planning Authority before the expiration of 3 years from the date of this permission and shall be carried out in accordance with the approval.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be commenced either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of the last of the reserved matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990.

5. The material submitted with the landscaping reserved matters shall include: i) Details of the species, location, diameter, approximate height, and general state of health and stability, of every tree, bush or hedgerow on the site which is to be retained and of each tree, bush or hedgerow which is on land adjacent to the site and to which paragraphs ii), iii), iv) and v) below shall apply;

ii) No tree, bush or hedgerow which is to be retained and which has been identified in paragraph i) above, shall be topped, lopped, felled, destroyed or wilfully damaged, including any severance of its roots without the prior written consent of the Local Planning Authority;

iii) No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place, within the furthest extent of the canopy of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above without the prior written consent of the Local Planning Authority; iv) Details of the specification and position

of fencing and of any other measures to be taken for the protection of any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above. Such fencing or any other measures shall be retained until the approved development has been completed or the Local Planning Authority has approved, in writing, that such fencing or any other measures may be removed; v) All works to protect any tree, bush or hedgerow, which is to be retained and which has been identified in paragraph i) above shall be carried out in accordance with BS 5837(2012); vi) A planting plan and timetable of works for the soft landscaping of the site; all works shall be carried out in accordance with the approved plan and timetable; and any trees or plants, which within a period of five years from first being planted, 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 approval to any variation; and vii) details of fencing and boundary treatments.

6. No development comprising the erection of any dwelling above ground level shall take place until full details of the slab levels of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

7. No development shall take place, including any site preparation works, 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 wet 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

8. The allocated private car parking spaces for each unit (Ringstones and the new dwelling) plus the associated turning space shown on the approved plan, shall be laid out and made available for use prior to the development hereby permitted. These spaces shall thereafter be retained only for the parking of motor vehicles in connection with the development hereby permitted and Ringstones.

Reason: In the interests of highway safety.

9. Construction and demolition works associated with the development hereby permitted shall only take place between 0800 hours to 1800 hours on Mondays to Fridays and 0900 hours to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

10. Development shall not commence above ground level until details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these

approved details.

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

11. Adequate and appropriate provision for surface water drainage within the site must be made so that none discharges onto the highway or adjacent land.

Reason: In the interests of highway safety and amenity.

12. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted Site Plan [drawing no. LPC,4583,19,01 Rev A] with any gates hung so as not to open outwards towards the public highway and with the area of driveway within at least 6m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring the access is suitably laid out.

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk. To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for can be found at:

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

2. In addition to this consent, please contact gazetteers@swindon.gov.uk or ring 01793 466271 for information and advice regarding the registration of new or revised property addresses. The naming of streets and addressing of properties within the Borough, is controlled by Swindon Borough Council under the Town Improvement Clauses Act 1847. The Act is used to make sure that any new street names, building names and numbers are allocated logically and that a unique and unambiguous address is provided for every property within the borough.

3. In the interests of safety, the applicant is recommended to incorporate fire prevention measures within the development, such as sprinkler systems. Further advice can be obtained from Wiltshire Fire Brigade by visiting www.wfb.org.uk

4. In addition to this consent, the proposed development will require separate Local Highway Authority approval for the upgrade construction of the existing vehicular crossing. The Applicant is required to obtain this approval before works commence and is therefore recommended to contact Swindon Borough Council's Street Works Management Department in this respect as soon as possible. The works will be under taken at the applicant's expense.

End of Report