

**Tadpole Garden Village**  
**Custom Build Local Development Order 2019**  
**Section 61A of the Town and Country Planning Act 1990**

1. This Local Development Order (“LDO”) is made by Swindon Borough Council (“the Council”) under section 61A (2) of the Town and Country Planning Act 1990 (as amended) (“the Act”) and comes into force on #Date to be inserted#
2. It applies only to land at the custom build parcel, Tadpole Garden Village, edged in red on the plan included as Schedule 1 to the Order.
3. Subject to the Council’s power to revoke this Order under Section 61A (6) of the Act, this Order will remain in force for a period of ten years.
4. If the Order is revoked or revised such that it ceases to grant planning permission in respect of a development that has commenced and has received confirmation of compliance under this Order, that development may be completed.
5. This Order grants planning permission subject to the conditions and limitations set out in the schedule. And development that does not comply with the conditions and limitations in this LDO will require planning permission. Unauthorised development will be liable to enforcement action.

**Interpretation**

6. In this Order:

“access” has the same meaning as in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the Procedure Order”)

“appearance” has the same meaning as in the Procedure Order

“completion” means that to all intents and purposes the dwellinghouse has been completed and is either occupied or capable of being occupied as a dwellinghouse and “complete” and “completed” shall be construed accordingly

“confirmation of compliance” means a formal written notification of the local planning authority confirming that a proposed development complies with the Illustrative Layout Plan and Design Code approved under the outline planning permission

“custom build” and “self build” means the erection or construction by (a) individuals, (b) associations of individuals, or (c) persons or companies with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

“development” has the same meaning as in section 55 of the Act

“highway” has the same meaning as in the Highways Act 1980

“landscaping” has the same meaning as in the Procedure Order

“layout” has the same meaning as in the Procedure Order

“Masterplan” and “Design Code” means the masterplan and design code approved under the outline planning permission, and any subsequent amendment to the masterplan and design code approved pursuant to an application under section 73 of the Act relating to that outline planning permission

“outline planning permission” means the planning permission S/OUT/19/1064 granted by the Council on #Date to be inserted# and any subsequent planning permission granted pursuant to an application under section 73 or 96A of the Act relating to that outline planning permission

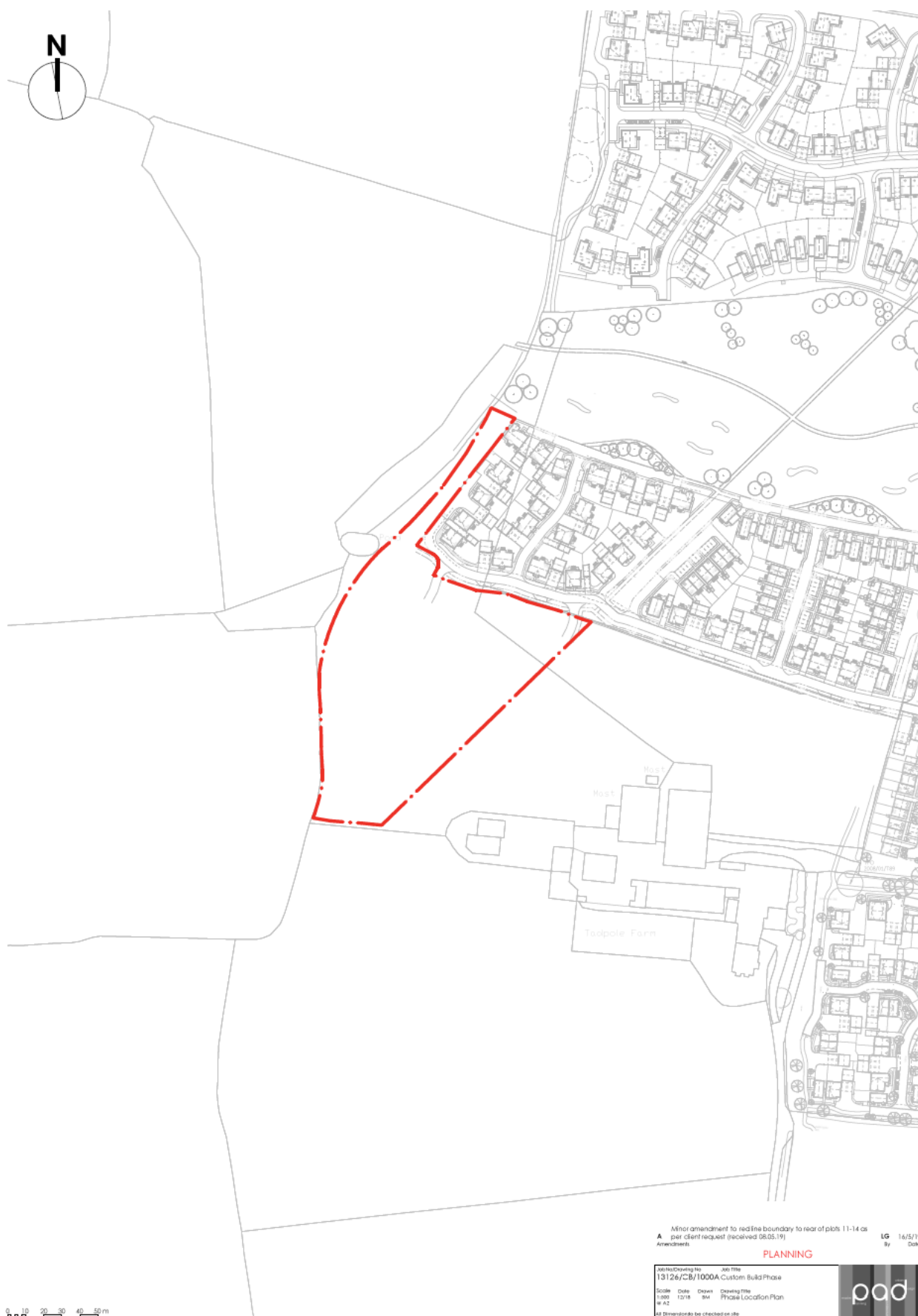
“scale” has the same meaning as in the Procedure Order

7. For the purposes of determining whether development complies with the Masterplan and Design Code:

“GIA” The Gross Internal Area is the floor area measured from the finished internal face of perimeter walls at each floor.

#### **Permitted Development**

8. Reserved Matters approval pursuant to the outline planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.
9. Nothing in this order permits development contrary to or without compliance with any condition imposed on the outline permission.



Minor amendment to red line boundary to rear of plots 11-14 as per client request (received 08.05.19)  
 Amendment

**PLANNING**

13126/CB/1000A Custom Build Phase  
 Scale: 1:500 Date: 12/18 Drawn: BM Deyoung Title: Phase Location Plan  
 W: RZ  
 All dimensions to be checked on site

pad  
 pad Design Ltd - The Tobacco Factory - Raleigh Road - Blyth NE33 1TP - Tel: 01717 833009 - www.pad-design.com

16/5/19  
 By: Date

**Schedule 1 – Site Location Plan**

## **Schedule 2 – Permitted Development**

*Class A – The construction of a dwelling house*

### **Development Permitted**

*A. The construction of a dwellinghouse including layout, access and landscaping pursuant to the outline permission*

### **Development Not Permitted**

A.1 Development is not permitted by Class A if –

- (a) The development is not a custom build or self build dwellinghouse;
- (b) the dwellinghouse is to be constructed on land not identified for development as a dwellinghouse in the Masterplan or Design Code approved under the outline permission; or
- (c) the dwellinghouse does not comply with the Masterplan or Design Code approved under the outline permission.

### **Conditions**

A.2 Development is permitted by Class A subject to the following conditions –

- (a) Prior to the development commencing, the developer must apply to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission and the provisions of Schedule 3 of this Order shall apply in relation to that application

## **Schedule 3 – Procedure for Confirmation of Compliance under Schedule 2**

- (1) The following provisions apply where under this Order a development is required to make an application to the Local Planning Authority for a determination as to whether the development complies with the Masterplan and Design Code approved under the outline planning permission
- (2) The application must be accompanied by –
  - (a) a written description of the proposed development
  - (b) a completed self-certification form
  - (c) a plan indicating the site and showing the proposed development
  - (d) a plan or plans showing the details of access, appearance, landscaping, layout and scale of the proposed development
  - (e) the requisite fee
- (3) The Local Planning Authority may refuse an application where, in the opinion of the Authority –
  - (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies withany conditions, restrictions or limitations specified in this Order as being applicable to the development in question.
- (4) Where the Local Planning Authority refuses an application under paragraph (3), for the purposes of Section 73(appeals) of the Act such a refusal shall be treated as a refusal of an application for approval.
- (5) The development must not begin before the occurrence of one of the following –
  - (a) The receipt by the applicant from the Local Planning Authority of a written notice of their determination that the development complies with the Masterplan and Design Code approved under the outline planning permission;
  - (b) The expiry of 28 days following the date on which the application under sub-paragraph (2) was received by the Local Planning Authority without the authority notifying the applicant as to whether confirmation of compliance is given or refused.
- (6) The development must be carried out in accordance with the details provided in the application referred to in sub-paragraph (2) unless the Local Planning Authority and the developer agree otherwise in writing.

## **Statement of reasons**

In accordance with paragraphs (1) and (2) of Article 38 of The Town and Country Planning (Development Management Procedure) Order 2015, the Council is required to prepare a statement of reasons for making the Order containing a description of the development which the Order would permit, and a plan or statement identifying the land to which the Order would relate.

### **Description of Development**

The development which the Order would permit is:

The erection or construction of a dwellinghouse that is either a custom build or self build dwellinghouse, pursuant to the outline planning permission for the site (ref: S/OUT/19/1064).

The development which would be permitted by the Order would be subject to limitations and conditions as detailed under Schedule 2 of the draft Order, in that it must comply with the Masterplan and Design Code approved under the outline planning permission. And the developer of each plot must apply for confirmation as to whether the development complies.

### **Land to which the Order would relate**

The land to which the Order would relate is the land at Tadpole Garden Village outlined in red on the plan included as Schedule 1 to the draft Order.

### **Reasons for Making the Order**

The Order would relate to land within the new community of Tadpole Garden Village allocated under Policy NC4 of the Swindon Borough Local Plan 2026 (2015). Policy HA1 states “Large development proposals will be expected to consider the contribution self-build can make to the mix and type of development”. Whilst the Tadpole Garden Village permission pre-dates the adoption of the Local Plan, Policy HA1 supports this particular proposal.

The Planning Practice Guidance states that Local Development Orders streamline the planning process by removing the need for developers to make a planning application to a local planning authority, they create certainty and save time and money for those involved in the planning process. The rationale for using an LDO to deliver these custom build plots (as opposed to the conventional planning application route) is that the outline permission was accompanied by a Design Code and Plot Passports which clearly set the design parameters for each site. An LDO provides the certainty and flexibility, speed and affordability that would attract potential plot purchasers and encourage the burgeoning custom/self build market in Swindon.

The Council's reasons for making the Order are to facilitate and encourage self build and custom build housing in the Borough by simplifying the planning process whilst providing certainty that individuality and variety in design would be supported within the parameters set by the Masterplan and Design Code to be approved under the outline planning permission.