



COMMITTEE REPORT

Item Number:

Application Number: S/18/0460/RA

Ward: Shaw

Parish: West Swindon

Proposal: Erection of 6no residential dwellings with associated soft and hard landscaping, and a new play area to the north of the site, as an extension of the existing play area.

Site Location: Former Sparcells Community Centre, Sparcells Drive, Sparcells

Case Officer: Miss Rachael Adams

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Agent:

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Applicant

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Company
Wat Tyler House West
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Officers Report

Background:

0.1 This application has been called to planning committee by Ward Councillors.

0.2 This application has been submitted by the Swindon Housing Development Company for the erection of 6 no. detached dwellings.

0.3 The site was identified as one that could be developed for market housing by the Strategic Land Review process undertaken by the Council in 2016.

0.4 Pre-application discussions commenced in early 2017.

Summary of Recommendation:

1 That planning permission be GRANTED with Conditions.

The Proposal:

2 The application proposes 6no. four bedroom detached houses. Each house includes an integral garage plus a parking space on the driveway.

3 The proposed dwellings are two storey and will be constructed using a mix of buff bricks and re-con stone with grey windows and roof tiles.

4 There are 2no visitor parking spaces to be provided at the northern end of the site adjacent to the turning head.

5 The application includes re-provision of the toddlers play area (currently on the site) on open space to the north adjacent to an existing playground for older children.

The Site and Surroundings:

6 The application relates to land at Sparcells Drive, which comprises a toddler play area, a temporary car park and a grassed area of open space.

7 A former Community Centre was previously located on this site but the building was demolished a number of years ago.

8 To the north lies the open space known as Sparcells Field which contains a NEAP play area and a MUGA. A footpath wraps round the northern and eastern boundary of the site providing access to the park and play area.

9 Vehicular access to the site is off Sparcells Drive on the southern boundary and to the east the footpath separates the site from properties fronting onto Sparcells Drive and to the west lie the Melfort Close properties.

Representations:

Original Consultation

Neighbours:

10 letters of objection were received from residents of 3 Sandwood Close, 11 Hodds Hill, 9 Whitefield Crescent, 14 Portmore Close, 30 Melfort Close, 5 Horseshoe Crescent, 12 The Willows, 17 Melfort Close, 15 Gairlock Close and 9 Melfort Close, their main points of concern are as follows:

Loss of toddler play area
Over development
Insufficient parking
Overlooking
Ground stability
Loss of light
Loss of trees

11 Shaw Residents Association:

Object on the grounds of inadequate parking provision and loss of a children's play area.

12 West Swindon Parish Council

Object to the proposed loss of amenity due to the loss of the toddler play area. In addition concerns raised about the potential lack of parking provision.

Revised Consultation – scheme amended to include re-provision of the toddler play area within the open space to the north

13 Neighbours:

Two letters of objection were received from residents of 9 Melfort Close and 15 Gairlock Close reiterating previous concerns.

14 Shaw Residents Association:

No further comments received on revised plans.

15 West Swindon Parish Council:

No objection.

Planning Considerations:

16 The main considerations in the determination of this application are whether the proposal accords with the National Planning Policy Framework 2018 and the relevant policies of the Swindon Borough Local Plan 2026 (2015).

17 In accordance with this framework the following issues will be considered:

- Principle of residential development/loss of open space
- Design and appearance
- Highways and Parking
- Landscape
- CIL/Developer Contributions
- Impact upon amenity

Policy:

18 The National Planning Policy Framework (2018) sets out the Government's planning policies for England and how these are to be applied. In respect of this application the following sections are relevant:

Section 2 'Achieving Sustainable Development'

Section 5 'Delivering a sufficient supply of homes'

Section 12 'Achieving well-designed places'

19 The following policies of the Adopted Swindon Borough Local Plan 2026 (2015) are considered relevant to this application:

- SD1 '*Sustainable Development Principles*' sets out the development principles which underpin the local plan

- SD2 '*The Sustainable Development Strategy*' aims to meet Swindon's development needs whilst protecting the Borough's most important assets;
- SD3 '*Managing Development*' seeks to take a positive approach to reflect the presumption in favour of sustainable development
- DE1 '*High Quality Design*' seeks high standards of design for all development
- HA1 '*Mix Types and Density*' advises that housing development should be design led and respect the character of the surrounding area
- EN3 '*Open Space*' seeks all development to provide or contribute towards public open space
- TR2 '*Transport and Development*' encourages sustainable travel and seeks to mitigate the impact of development and ensure that suitable parking provision is provided

20 Also of relevance is the Swindon Residential Design Guide (2016) and Swindon Borough Council's Development Control Guidance Note: Technical Guidance on Parking Standards (2007).

Principle:

21 The site is within the Urban Area where new housing will be concentrated through realising development opportunities (Policy SD2). The site contains a small area of open space and a toddlers play area, to which Local Plan Policy EN3 applies, as defined on the Local Plan policies map.

22 Policy EN3 specifies the circumstances in which the development of public open space would be permitted. These include where "the proposed development is subject to an open space appraisal to ensure it does not adversely affect local needs and/or existing quality of open space within the area in accordance with the Council's Standards, as set out in Appendix 3 and in the most recent Open Space Audit and Assessment;".

23 An open space appraisal has been provided with the application and concludes that Shaw Ward, within which the development lies, meets the Council standards for general recreation space and total open space. In fact the Open Space Audit and Assessment states that there is a large surplus of total open space within Shaw consisting of mainly general recreation spaces.'

24 Officers agree with the conclusions of that assessment that the loss of a small amount of general recreation space would not adversely affect local needs in view of the adequate existing quantity of open space in the area, in particular Sparcells Field to the north.

25 However, the assessment highlights that there is a shortfall of play space within the Shaw Ward. As the development proposes to remove the toddlers play area, in order to mitigate this loss, the application now includes the re-provision of the toddlers play area within Sparcells Field, the existing open space to the north of the site.

26 Subject to securing this provision, officers do not raise a policy objection and consider the principle of residential development to be acceptable.

Design:

27 The Councils Urban Design officer is disappointed that there is no direct pedestrian link from the development to the adjacent open space and would like to see additional landscaping to soften the boundary fence proposed along the edge of the open space.

Highways:

28 It is proposed to create a new vehicular access of Sparcells Drive to serve the development, with a turning head at the northern end. The existing access to the site will need to be closed and reinstatement of the footway and full height kerb.

29 Each dwelling is provided with 2 no. car parking spaces, comprising one garage and one open space on the driveway. The internal dimensions of the garages comply with the Councils current guidance (3m x 6m). In addition there are 2 no. visitor spaces located at the north of the site, adjacent to the turning area. Cycle parking can be accommodated within the private curtilage of each dwelling.

30 A suitable refuse collection point is proposed to the west of the entrance to the site and details have been submitted which demonstrate acceptable bin carry distances for each of the proposed units. And adequate visibility splays have been demonstrated in accordance with current guidance.

31 The proposed development is acceptable in highway terms and therefore the Local Highway Authority raise no highway objection subject to the imposition of conditions on any permission granted.

Landscaping and Trees

32 The Councils Landscape Architect note the proposals but feels that it is scope to further improve the scheme of both the play space layout and replacement tree planting including that the proposed planting of a single Common oak into the northern corner of the garden of plot 3 would be better located in the open space itself, as there is limited protection /control over trees in domestic gardens.

Amenity:

33 Policy DE1 of the Local Plan requires all proposals to be assessed against a number of design principles, including amenity, DE1 (c), in respect of: light, privacy, outlook, noise, disturbance, smell, pollution and space.

34 The closest adjacent properties are in Melfort Close and the proposal achieves the required separation distances as set out in the Councils adopted guidance.

35 Given these distances between the proposed dwellings and the existing neighbouring properties, officers consider there will be no issues of unacceptable overlooking or loss of privacy.

36 The development is therefore considered to be acceptable and will not result in harm to

residential amenity in compliance with Policy DE1 of the Swindon Local Plan 2026 and the adopted SRDG.

Other Matters

37 S106 planning obligations

Under the provisions of the on-line Planning Practice Guidance Paragraph: 031 Reference ID: 23b-031-20161116 (Revision date: 16 11 2016) this site falls under the definition of a small scale development site. This paragraph states that planning obligations (including for affordable housing) should not be sought from certain types of development and specifically apply to this proposal:

'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'

Affordable Housing:

38 In accordance with Policy HA2 of the local plan, affordable housing will be sought on all suitable sites proposed for development that comprise 15 or more dwellings or sites of 0.5 hectares or more. The site is below the 0.5 hectares and the 15 dwelling threshold and therefore there is no obligation to provide affordable housing.

39 In this instance the combined gross floorspace for the 6 proposed dwellings is 717.6sqm. For this reason, the requirements of adopted policy EN3 (Open Space) have been overridden as a material consideration in this instance by the PPG and s106 obligations should not be secured.

Infrastructure Requirements:

40 The overarching infrastructure policy framework is set out through Policy IN1 of the adopted Local Plan. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015

Community Infrastructure Levy

41 The Community Infrastructure Levy Regulations 2010 (as amended) 'CIL Regs' came into force on 6th April 2010. The CIL Regs Regulation 122 embedded three of the five tests of Circular 05/2005 as statute. Regulation 122 states that where an item of infrastructure may be requested as a planning obligation, in order to support a decision the three following test must be satisfied:

- Necessary to make the development acceptable in planning terms
- Directly related to the Development, and
- Fairly and reasonably related in scale and kind to the development.

Compliance with Regulation 122 is therefore material to any contributions that will inform a decision to grant planning permission.

42 The proposed development constitutes CIL liable development. The site is located within the current adopted CIL Charging Schedule Residential Zone 2, and as such a CIL liable informative should be added to any decision notice issued.

43 Response to representations

With regard to the comments raised by neighbours, the loss of the toddler play area is no longer an issue and the concerns about insufficient parking have been dealt with in the Highways section of the report. In addition the loss of trees on the site has been acknowledged and a number of replacement trees have been accepted as suitable mitigation as shown on the submitted plans.

44 With regard to the comments about over development, officers consider the 6 proposed houses are an appropriate form of development which achieve the required separation distances between the existing neighbouring properties and provide adequate private garden space. It is not considered the development would give rise to a loss of privacy, overlooking or loss of light for the neighbouring properties.

Concluding Comments:

45 Members will be aware that the proposed development results in the loss of a small area of open space and a toddlers play area. However, re-provision of the toddlers play area is now proposed and its construction prior to any development works would be secured by the imposition of a condition to ensure continued provision.

46 Members will be aware of the comments made by Design and Landscape officers as detailed in this report, but the provision of much needed housing in what is a sustainable location should be considered a significant benefit.

47 Overall, given the significant housing land supply shortfall in the Borough, officers are of the view that in this case the adverse impacts as expressed by Design and Landscape officers, would not outweigh the benefits the provision of housing would provide. It is therefore recommended that permission is granted subject to conditions.

Recommendation

48 That planning permission be **GRANTED** with Conditions.

Conditions

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

Approved Plans

2. This approval shall be in respect of the following:

Open Space Appraisal (February 2018), Hydrock Drainage Strategy drawing number SPA-HYO-OO-GF-DR-C-7010 rev P7, Streetscene 5551-P-72, Elevations 5551-P-71 5551-P-70, Floorplans 5551-P-20 received by the LPA on 19th March 2018
 Hydrock Maintenance and Management of Underground Drainage Report received by the LPA on 30th April 2018
 proposed highway layout 4408-C-100 rev C, visibility splays 4408C-101 rev D, refuse collection 4408-C-102 rev A, external levels 4408-C-300 rev C received by the LPA on 29th May 2018
 revised site location plan 5551/1/P/01 rev B, revised design and access statement, revised existing site plan 5551-P-05 rev D, Arboricultural Report June 2018, Arboricultural Report August 2018, Addendum to Tree Report received by the LPA on 21st August 2018
 Revised landscape plan 5551-W-12 rev C, Sections 5551-W-12, planting schedule ref 5551-P-3700 rev B, replacement playground details received by the LPA on 5th October 2018
 Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

Play Area

3 No works in connection with the development hereby permitted shall be commenced until the new Toddlers Play Area as detailed on drawing number 5551-W-12 rev C and the submitted specification has been constructed and made available for use. The new Toddlers Play Area shall be retained in its approved form and maintained thereafter.
 Reason: To comply with the terms of the application and to ensure that the play area is implemented.

Drainage

3. Development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy Drainage Strategy (Drawing Number: SPA-HYD-00-GF-DR-C-7010 Rev P7) - Sparcells Drive, 17 March 2018, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include, but not be limited to:

Evidence that the proposed flows from the site will discharge at or below greenfield runoff rates, or 5l/s;

Details of how the drainage scheme has incorporated SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;

Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;

Details to demonstrate the SuDS Scheme has been designed in accordance with best practice guidance including the latest SuDS Manual C753;

General arrangement, which should be coordinated with the landscape proposals and the masterplan;

Manhole Schedules;

Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;

Details of how the scheme shall be maintained and managed after completion;

Details of Overland Flow routing and management within the development proposals

Any drainage systems offered for adoption will be designed to Sewers for Adoption 7th edition and/or SBC standards as part of the detailed design and relevant technical approval processes.

CCTV survey of the existing connection into the Thames Water system and provide to the LLFA.

Reason: To prevent unacceptable risks to people and property from flooding by ensuring the satisfactory storage and disposal of surface water from the site.

Construction Method Statement

4. No development shall take place, including any works of demolition, 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 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.

Access

5. Prior to the occupation of the development hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plan [drawing no. 4408-C-100 Rev C] and with the area of driveway within at least 5m 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 and constructed.

Closure of existing access

6. The vehicular access hereby permitted shall not be brought into use until all existing vehicular accesses to the site (other than that intended to serve the development) have been permanently closed, and the footway/verge in front has been reinstated including full height kerb, in accordance with details to be submitted to and agreed in writing beforehand by the Local Planning Authority.

Reason: To reduce potential highway impact by ensuring there is no further use of an access that is deemed to be unsuitable to the serve the development.

Visibility Splays

7. The proposed vehicular access shall not be brought into use until visibility splay lines have been provided in accordance with the submitted details, as shown on drawing numbered 4408-C-101 Rev D with the area in advance of the splay lines cleared of all obstructions to visibility between 0.6m and 2.1m above the adjoining carriageway and thereafter be similarly maintained.

Reason: To ensure that adequate visibility is provided for the duration of the use and maintained in the interests of highway safety.

Parking and Turning

8. The building(s) hereby permitted shall not be occupied until the vehicular parking and turning facilities [including garages where provided] have been provided in accordance with the submitted plan [drawing no. 4408-C-100 Rev C], and 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.

Road Layout

9. No dwelling on the development hereby approved shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the footway(s) to surface course level.

Reason: To ensure a satisfactory means of access for occupants of the development.

Road Maintenance

10. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

Landscaping

12. The development hereby permitted shall be carried out in accordance with the approved landscaping scheme as per the approved timetable. Any tree or shrub planted in accordance with the scheme which is removed, dies or becomes diseased within a period of five years from first being planted, shall be replaced by one of a similar size and the same species.

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

Boundary Treatments

13. Notwithstanding, the submitted details, prior to the commencement of works on site in connection with the development hereby permitted, a plan indicating the positions, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. This boundary treatment shall be implemented before the building(s) are occupied 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.

Slab Levels

14. Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be constructed in accordance with the approved slab levels.

Reason: To ensure the details and appearance of the development is acceptable

Tree/Hedge Protection

15. Prior to the commencement of works on site in connection with the development hereby permitted, details of temporary protective fences to safeguard the trees and / or hedges to be retained on the site shall have first been submitted to and approved in writing by the Local Planning Authority and shall be erected in accordance with the current BSI 5837 and maintained to that standard until the development has been completed or the Local Planning Authority has confirmed, in writing, that the fencing can be removed.

Reason: To ensure that adequate protection is afforded to the trees and/or hedges on the site.

Informatives

1. CIL - Reg. 42 Exemption for Minor development: Whilst the development generates a net gain in floor space and is Community Infrastructure Levy (CIL) liable, it is exempt from CIL liability under CIL Regulation 42, as it constitutes minor development for the purposes of calculating CIL liability because the proposed extensions floorspace is below 100 sqm GIA.

2. Please contact the LLFA for the detailed specification that CCTV surveys are to be carried out to at LLFA@swindon.gov.uk. CCTV data is also to be sent to this address.

3. The proposed development will require works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the Local Highway Authority before commencing works on the development.

TransportDevelopment@Swindon.gov.uk

4. The applicant is advised that to fully comply with condition ## above, the local planning authority requires a copy of a completed dedication agreement between the applicant and the local highway authority or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

TransportDevelopment@Swindon.gov.uk

5. The Local Highway Authority will require the developer/landowner to provide a surety under the Advance Payment Code (APC) provisions within the Highways Act 1980 (Sections 219 to 225), to ensure the proper implementation of new private highway which may be offered for adoption to the LHA at a later date, either by way of a Section 38 Agreement, or at the request of the frontagers. Further information in this respect may be obtained by contacting Swindon Borough Council's Transport Development Management

team. TransportDevelopment@Swindon.gov.uk

6. The weather will have an impact on construction sites which in turn will require roads to be swept in addition to using wheel wash facilities. Swindon Borough Council are on winter service alert for gritting roads around the Borough from mid-October to mid-April each year, the treated roads are shown on the attached plan. The de-icing material used for road treatment by this council is Thorox, this material is rock salt treated with an agricultural by-product similar to molasses and has the advantage of being active on the carriageway for up to three days providing there is no substantial precipitation or sweeping. It is imperative that any salt removed from the treated network by sweepers clearing mud and debris is replaced straight away at a spread rate of 15g/m². Where a sweeper is used on the roads around your site, you have a responsibility to retreat roads after washing or sweeping to ensure safety of road users is maintained during the winter period. In order to assist with this retreatment, Swindon Borough's Highway Operations Team can provide a filled grit bin at a cost available on request for use by developers, it should be noted that once delivered the bin and its contents will be in the property of the developer. In the first instance, please contact, Duty Winter Service Engineer, 01793 466354 to discuss and confirm site specific requirements.

https://www.swindon.gov.uk/info/20040/road_safety_maintenance_and_repairs/737/find_out_about_road_gritting

7. In addition to this consent, under the Town Improvement Clauses Act 1847 the applicant is required to contact SBC's Street Naming & Numbering Officer as soon as possible with regard to registering new or changes to the official address of any properties within this development.

http://www.swindon.gov.uk/info/20031/roads_parking_and_transport/321/apply_for_street_name_or_number