



## COMMITTEE REPORT

**Item Number:**

**Application Number:** S/18/1373/SASM

**Ward:** Penhill And Upper Stratton

**Parish:**

Stratton St Margaret

**Proposal:** Erection of 2no. dwellings.

**Site Location:** 77-78 St Philips Road, Stratton St Margaret, Swindon

**Case Officer:** Mrs Sarah Smith

**Agent:**

Mr Gary Llewellyn  
50 The Willows  
Highworth  
Swindon  
Wiltshire  
SN6 7DH

**Applicant**

Dean Jefferies Construction Co.

C/o Agent

### Officers Report

Background: The application has been called to Planning Committee at the request of the Parish Council who object to the proposal.

Earlier this year in March a planning application (S/18/0086) for two dwellings was refused under delegated powers on the following grounds:-

1. The proposed development is contrary to policies DE1 and HA1 of the Swindon Borough Local Plan 2026 (2015), the Swindon Residential Design Guide Supplementary Planning Document (2016) and the National Planning Policy Framework (2012) as it will represent an overdevelopment of the site. This is by virtue of the inability to maintain a proportionate amount of private amenity space to serve the existing vacant dwellings, the need to accommodate the necessary parking and manoeuvring areas for vehicles within the site, and the poor design of the proposed bungalows rendering it likely that Permitted Development Rights would need to be removed to prevent any future enlargement of the proposed dwellings to avoid an oversaturation of built forms within the plot owing to the limited overall size of the site which could compromise the amenities of neighbours.

2. Contrary to policy DE1 of the Swindon Borough Local Plan 2026 (2015), the Swindon Residential Design Guide Supplementary Planning Document (2016) and the National Planning Policy Framework (2012), the potential re-establishment of the two existing dwellings together with the activities associated with the two new dwellings will have a detrimental impact on the amenities of neighbouring properties by virtue of light pollution,

noise, disturbance and security with particular regard to harmful effects on 34 and 35 Orchard Grove and properties opposite the only point of access, by virtue of the intensified movements and activities associated with four residential dwellings.

This revised application has been submitted in order to try and overcome the reasons for refusal on the previous application.

#### Summary of Recommendation:

1 That planning permission be GRANTED with Conditions

#### The Proposal:

2 Planning permission is sought to construct two single storey dwellings to the north west and south eastern ends of the site and to refurbish two small Victorian semi detached dwellings in the centre of the site. The two new single storey bungalows will be of a relatively modest size with two parking spaces. It is proposed to repair and refurbish the existing dwellings as one bedroom dwellings with the current second bedrooms in both properties being converted to bathrooms. One parking space for each of these existing dwellings is shown on the drawings. It is proposed that the access between No. 34 and 35 Orchard Grove will be re-surfaced with permeable block pavements for most of the access with a tarmac 6 metre strip where it joins Orchard Grove.

#### The Site and Surroundings:

3 The site is located in a narrow backland site between Orchard Grove and Haig Close measuring 94 metres in length. The site is currently accessed via an existing grassed driveway approximately halfway along the site between numbers 34 and 35 Orchard Grove. The existing driveway measures approximately 25 metres in length. The site opens out and adjoins the rear garden boundaries of multiple properties. The site is occupied by a pair of semi-detached two storey brick cottages, located in the middle of the site.

#### Representations:

4 Stratton St Margaret Parish Council Comments: Objection on the following grounds:- access into the site for construction vehicles, access into the site for numerous residential vehicles, width of access, overdevelopment of the site, health and well being for current residents, privacy, inconsistencies within revised plans.

5 Neighbours:- 11 letters of objection from 10, 11, 12, 31, 32, 34, 35, 39 Orchard Grove, 15, Haig Close, 73 St Philips Road and 491 Ferndale Road. A summary of the reasons for objection are set out below under the following planning themes:-

- i) Access and Parking
  - o Cul-de-sac not suitable for increase in traffic;
  - o Access does not belong to applicant.
  - o Only one vehicle will be able to use the access road at any one time increasing congestion at this access;
  - o Owing to the tight access, visitors will likely park in Orchard Grove impacting on

existing parking and blocking driveways;

- o Question over how emergency vehicles and refuse lorries will access the site.
- o Hazardous access shared with number 35 who utilise the existing dropped kerb;
- o There is a blind corner at the rear of 34 Orchard Grove which will create manoeuvrability difficulties.

ii) Design and Character of the Area

- o The development will be extremely built up;
- o The applicants have stated that the existing access will not be altered but the existing grass will be tarmacked;

iii) Amenity

- o Substantial effect on privacy given proximity of parking areas and accesses to rear gardens;
- o The proposed dwellings will be overlooked by existing houses;
- o How the Private Management Waste company will work is unclear and how long will this be in place?
- o Current fencing on adjacent gardens may be damaged.
- o Increased noise in the alleyway owing to passing vehicles;
- o Increase in light pollution.
- o Loss of privacy to number 35 from passing vehicles and pedestrians which has two windows looking directly over the access, plus vibration and fumes;
- o Potential loss of light and overshadowing to nearby residents;
- o Disturbance by headlights;
- o Once completed the bungalows could add loft conversions/ extensions which will exacerbate overlooking.
- o Loss of security to neighbouring residents

iv) Landscaping and Biodiversity

- o Loss of habitat -harm to foxes, bats and owls and other species as a result of the development and clearance of vegetation already taken place;
- o Damage to tree roots on the boundary;
- o Damage to green infrastructure - transition of wildlife between gardens

v) Other Matters

- o Building works have already started on site as there is evidence of vegetation being removed;
- o Construction traffic will increase the potential for congestion and the blocking of resident's accesses whilst highway safety will be compromised;
- o The tight access will make it very difficult for delivery vehicles to off load materials without blocking the street;
- o Construction works will create an increase in noise levels and pollution caused by dust, engine emissions;
- o Damage to properties each side of the access.
- o There is only a right of access to the two existing properties;

- o Question about responsibility for damaging boundary fences;
- o Will there be any time restrictions on construction?

Planning Considerations:

Planning Policy:

#### 6 Development Plan

- o Swindon Borough Local Plan 2026 (2015)
- o SD1 Sustainable Development Principles
- o SD2 The Sustainable Development Strategy
- o HA1 Mix, Types and Density
- o DE1 High Quality Design
- o TR2 Transport and Development
- o EN4 Biodiversity and Geodiversity
- o EN10 Historic Environment & Heritage Assets

#### 7 Material Planning Considerations

- o Swindon Residential Design Guide Supplementary Planning Document (2016)
- o Buildings of Significant Local Interest Supplementary Planning Guidance (2004)
- o Technical Guidance on Parking Standards Development Control Guidance Note (2007)
- o National Planning Policy Framework (2018)

#### Principle of Development

8 The site is located within the existing urban area of Stratton St. Margaret. Development at this location within the built up area is considered to accord with the provisions of Policy SD2 of the Local Plan (and the NPPF) which seeks to realise development on suitable sites within the Borough's urban areas. The site is considered to be well placed with good links to the wider Swindon area, in addition to the A419, A420 and the M4. There are bus stops nearby with good regular services and local shops within easy walking or cycling distance at Beechcroft Road. The site can therefore be considered as being located in a highly sustainable position where development in principle can be supported subject to design, highway, amenity and other planning considerations.

#### Access and Parking

9 It is acknowledged that the existing access is not sufficiently wide enough to accommodate two cars passing each other and the proposal does not propose any improvements to the restricted visibility splay at the northern end of the access where there will be potential conflict for traffic turning left towards the parking spaces of the existing number 78 and proposed 78A owing to the location of the present high boundaries of 34 Orchard Grove.

10 The existing access and driveway already serves two dwellings, albeit their appearance suggests that these have been vacant for considerable time. That said, there is no evidence to suggest in planning terms that the lawful use as two dwellings with access from Orchard Grove has been abandoned or that the access has become

redundant. Officers were able to gain access the site easily via this access way. Highways officers have assessed the access and are of the view that given the background, the existing visibility arrangements onto Orchard Grove are considered acceptable due to Orchard Grove is a cul-de-sac of likely slow moving traffic and most properties all access the highway from private driveways positioned perpendicular to Orchard Grove. Within the proposal site it is considered that vehicles will likely enter the highway in a forward gear by being given the ability to turn within the site. On balance it is not considered that safety will be compromised as the limited visibility until passing in front of numbers 34 and 35 will require drivers to use caution when leaving the site and onto the highway.

11 Concerns have nevertheless been raised by neighbours about the cumulative impact that a total of 6 vehicles (directly relating to the proposed properties) will cause resulting in a hazard to safety particularly at the point where the private lane accesses Orchard Grove and the driveway accesses of the two properties either side. The Highways officer has considered the safety concerns, including the limited width of the access and has concluded that there would not be sufficient reason to object to the proposal on safety grounds. This advice is however based upon the requirement that the lane would be properly surfaced and consolidated and illuminated to make it safe primarily for pedestrians.

12 On the previously refused application the Highways Officer observed that the site by reason of its restricted access, is inaccessible to Council refuse vehicles and noted that the dwellings will be a substantial distance from Orchard Grove. This would have meant that four households would have been required to convey their waste to the kerbside of Orchard Grove in the vicinity of numbers 34 and 35 which may obstruct the movement of vehicles in and out of the site. The revised application has provided additional details on this matter and proposes that the refuse from the development will be collected by a Private Management Company. This can be secured by condition

13 The previous application proposed eight parking spaces to cater for the 4 dwellings (he existing 2 and the two new dwellings). This current application has reduced the existing dwellings to one bedroom each (by converting the second bedrooms to bathrooms). This reduces the overall parking requirement in compliance with the adopted parking standards by two spaces so that now only six parking spaces are required on the site. This quantum is acceptable in terms of provision and has the effect of making the layout less cramped.

14 The development is laid out in a technically acceptable manner that satisfies highway safety, manoeuvrability, turning and parking concerns and as a result it is not considered that this would be a hazard for drivers, cyclists and pedestrians; both residents and visitors, including delivery drivers. Although finely balanced in this respect the amended design of this application is sufficient to overcome the previous objections on highway and access grounds.

## Design and Character of the Area

15 The site is located in a backland site which only has access via a narrow lane measuring approximately 3 metres in width. Policy HA1 states that housing development should be design led and in particular, proposals should respect the character of the surrounding area. In addition Policy DE1 of the Local Plan 2026 seeks to ensure all types

of development have due regard for the context, character, layout, form, function and amenity. The Swindon Residential Design Guide also provides some detailed criteria in relation to backland development, to ensure development protects amenity and safeguards separation distances, ensures development is safe and secure, does not prejudice large scale redevelopment proposals, and protects existing accesses to existing dwellings whilst preventing an over-proliferation of separate entrances.

16 The area is characterised by semi-detached properties fronting the street, set on generous plots but there is a looser pattern of built form to the east and north east of the site. The existing site layout is uncharacteristic of the surrounding area owing to its historic status whereby the original two cottages have been enveloped and surrounded by later post war development that seen their access reduced to a narrow grass strip between numbers 34 and 35 Orchard Grove. This has resulted in the site taking a particularly awkward shape with its long length and narrow width. Paragraph 2.33 of the Residential Design Guide states that in general tandem development is likely only to be acceptable where the site is at least 0.4 Ha. The site area is approximately 0.1 Ha, which is a quarter of the size of the recommended site area. It is a unique site that officers could not assess or understand its context without visiting the property.

17 The site is presently underutilised and until recent clearance work was in an unkempt state. Despite the size constraints and a view that the development may lead to an overdevelopment, it is considered that two modest bungalows can be reasonably accommodated within the site together with a proportionate size of curtilage and would make an efficient use of the land whilst making a modest contribution to the Borough's housing supply deficit. Since the new dwellings are single storey in design they would not be visually dominant or overbearing, particularly given the spacing to neighbouring properties. Whilst not falling within the urban grain of Orchard Grove it could be argued that they would reflect the more scattered pattern of development that is laid out to the east and north east of the site, including the two existing cottages.

18 However in order to maintain levels of amenity and ensure that the bungalows remained at a sympathetic and sensitive scale and within a layout that the plots could comfortably accommodate, it is considered reasonable to remove permitted development rights to extend the units at any future date, including removing the right to introduce windows at first floor / within the roof.

19 It is for the above reasons and in acknowledgement of the reduction in the number of bedrooms in the existing dwellings - down from two to one to accommodate upstairs bathrooms - which leads officers to support this revised application. This reduces the requirement for outdoor amenity space and only one parking space is required for each one bedroom dwelling under the Council's adopted parking standards.

## Amenity

20 Development proposals should take the opportunity to improve the safety and security of the area by creating a well-lit, well connected and overlooked public realm. The entrance to the site is via a narrow access with little natural surveillance. The narrowness of the entrance will make it difficult for pedestrians to use without coming into conflict with vehicles, although the access is not considered so long as to generate a hazard. The design of the bungalows have been amended to increase the level of surveillance

compared to the refused application.

21 The proposed development comprises single storey dwellings and rear gardens which are proportionate in size to those of Orchard Grove. The proposed new development would be single storey, with the proposed roofs sloping away from these boundaries and therefore it is considered that neighbours privacy is will not be compromised. At the time of the previous application it was considered that the increased intensity of the residential use and more specifically the siting of parking spaces and associated vehicular movements in close proximity to the rear more informal gardens of adjoining properties would be harmful to the amenities of those adjacent residents. Although finely balanced on this issue it is considered that with the reduced scale of the existing dwellings any potential disturbance would be outweighed by the advantages of bringing forward the re – use of a derelict site and the refurbishment of the existing dwellings. It is not considered that such a reason for refusal would be upheld on an appeal were the application to be refused. Subject to conditions the proposal is considered acceptable on amenity grounds.

### Landscaping and Biodiversity

22 Although the site was in an overgrown state with a large number of trees, many of these have now been cleared even though they may have contributed towards maintaining the biodiversity of the area within this suburban setting. However, the site is not located within a conservation area and no trees were subject to any preservation orders. Therefore the works of the land owner can only be construed as being part of the maintenance of the site and does not represent commencement of any works. Although neighbours do report that there have been numerous wildlife species that have utilised the site no statutorily protected species have been identified by the Wiltshire and Swindon Biological Records Centre. It is not considered that in granting approval and subject to an appropriate landscaping scheme the development would significantly compromise biodiversity in this location.

### Heritage Assets

23 The Conservation Officer recognises that the two existing dwellings warrant consideration as local assets based on their historical association with Upper Stratton prior to its suburbanisation particularly in the latter part of the twentieth century. Local Plan Policy EN10 states that proposes for development affecting heritage assets shall conserve and where appropriate enhance their significance and setting and any harm to the significance of a designated, or in this case non-designated heritage asset must be justified. The scheme proposes that the cottages are to be retained and refurbished which will safeguard them particularly if enabled by the development of the two proposed bungalows.

### Other Matters

24 Concerns relating to who had the right of access over the lane are not a material planning consideration as covenants and ownership and legal rights would take precedence over any planning decision. Matters relating to the albeit temporary inconvenience of construction traffic and activity are not directly material planning considerations, however the Local Planning Authority does have scope to request a construction management plan and restrict construction hours by suitable conditions.

#### Infrastructure Requirements:

25. The Community Infrastructure Levy Charging Schedule was adopted on 26th March 2015. 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.

26. The site is located within Residential Zone 2 as set out in the Council's adopted CIL Charging Schedule 6th April 2015 and the development represents CIL Liable development, and will be chargeable in accord with the schedule at the appropriate rate'

The site size and development (2 new dwellings) is below the threshold for which affordable housing or open space contributions are triggered or can be sought

#### Concluding Comments:

27 The site in principle would see the restoration of existing and also the delivery of additional dwellings that would make efficient use of this presently unkempt residential land and satisfies highway concerns in respect of road safety and vehicles entering and leaving the site, together with securing the requisite amount of parking.

28 It is acknowledged that the development will be 'tight', however there are no technical highways objections and neighbours outlook, amenity and privacy is maintained. The development secures the refurbishment of two dwellings and for the erection of two additional bungalows. In assessing the planning balance, the concerns of the local community are recognised and understood but the limited adverse impacts identified are considered to be outweighed by the benefits, being mindful that the scheme does provide (limited) additional housing when the Council acknowledges that it has a less than 5 year housing land supply and that this will make a small contribution towards.

29 It is considered on balance that given the above, the application before members has been sufficiently revised to demonstrate that the reasons for refusal on the previous scheme have been sufficiently overcome and is considered to comply with the relevant Policies of the Swindon Borough Local Plan 2026 (2015), the provisions of the NPPF (2018) and is acceptable.

#### Recommendation

30 That planning permission be GRANTED with Conditions

### **Conditions/Reasons**



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.

2. This approval shall be in respect of Drawing Number 01 (Location Plan) at scale 1:1250, Drawing Number 100 (Existing Survey) at scale 1:200, Drawing Number 101 (Existing Floor Plans & Elevations) at scale 1:100, Drawing Number 151 (Proposed Floor Plans & Elevations) at scale 1:100, Drawing Number 152 (Proposed Bungalow 1 (3 bed) at scale 1:100 and Drawing Number 153 (Proposed Bungalow 2 (2 bed) at scale 1:100 received by the Local Planning Authority 13th August 2018 and Drawing Number 150 Rev A (Proposed Site Plan) at scale 1:200 received by the Local Planning Authority 1st October 2018 and the Design and Access Statement and Arboricultural report.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. Prior to the commencement of building works above ground level in connection with the development hereby permitted, 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order works to refurbish and renovate the two existing brick cottages (No's 77 and 78 St Philips Road) into one bedroom units of accommodation shall be carried out in accordance with approved plan 2305/151 (Proposed Floor Plans and Elevations) and thereafter no internal or external works shall take place provide a second bedroom to either property.

Reason: To prevent an over development of the site in an unacceptable manner.

5. The proposed new dwellings within the site shall not be occupied until the proposed access has been surfaced in accordance with the details shown on the approved Site Plan (Drawing Number 150 REV A) and for the avoidance of doubt, shall be constructed in a properly consolidated material (not loose stone or gravel) for a minimum of six metres beyond the highway boundary.

Reason: in the interests of highway safety.

6. The parking spaces shown on the approved plan shall constructed and made available use prior to the occupation of any dwelling and shall thereafter be kept clear of obstruction and retained only for the parking of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that satisfactory provision is made for the parking of vehicles off the highway at all times.

7. 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 size, type and number of vehicles accessing the site,;
- 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.

8. Prior to the commencement of building works above ground level on site in connection with the development hereby permitted, a scheme of landscaping to include a planting schedule and time table of works, shall have first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. The approved scheme shall be implemented 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.

9. No works for the erection of any new dwelling shall take until details of the proposed slab levels of the new 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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order no windows, roof lights, dormers or roof extensions shall be inserted into any roof or wall above ground floor level other than shown on the approved plans without the express planning permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking and re-enacting that Order no development comprising the extension or enlargement of any of the dwellings on the site falling within Schedule 2, Part 1 Class A of the Order shall be carried out without express planning permission of the Local Planning Authority.

Reason: To prevent an over development of the site in an unacceptable manner.

12. Prior to the occupation of the dwellings 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 in accordance with a timetable that has first been submitted to and agreed in writing with the Local Planning Authority, 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.

13. Prior to the commencement of works on site in connection with the development hereby permitted, details of the proposed means of disposal of surface water from the development shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works for the disposal of surface water have been constructed in accordance with the approved details.

Reason: In order to minimise danger and inconvenience to users of the highway.

## **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. 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.

End of Report