



COMMITTEE REPORT

Item Number:
Application Number:
S/OUT/18/1750/RA

Ward: Shaw
Parish: West Swindon

Proposal: Outline application for the erection of 4 no. dwellings and associated works - Access not reserved.

Site Location: Land Between 11 And 13 Sparcells Drive, Sparcells, Swindon

Case Officer: Miss Rachael Adams

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Applicant
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Officers Report

Background:

0.1 This application has been called to planning committee by Councillor Williams due to local interest.

Summary of Recommendation:

1 That outline planning permission be GRANTED subject to conditions.

The Proposal:

2 This application seeks outline planning permission for the erection of 4 no. dwellings on land between 11 and 13 Sparcells Drive with all matters reserved, apart from the means of access to the development,

3 Whilst the matters of layout, scale, appearance and landscaping are reserved for subsequent approval the application submission includes an indicative plan that demonstrates how the site could be developed.

The Site and Surroundings:

4 The site is located on the eastern side of the Sparcells estate within the Ward of Shaw. It is located within the Sparcells Field area of Open Space which is classified as 'general recreation space' that continues to the west of the application site.

5 The site comprises a predominantly wooded area with a number of mature trees and shrubs, with grass verge to the east adjacent to the highway, Sparcells Drive.

6 To the south lies 11 Sparcells Drive and to the north beyond the public footpath is 13 Sparcells Drive. The eastern boundary of the site is formed by Sparcells Drive, beyond which is further residential development and to the west lies Sparcells Field open space.

Representations:

Neighbours:

7 A total of 32 letters of objection have been received from local residents of the Sparcells estate and their main points of concern are listed below:

Loss of green open space
Loss of woodland
Impact on ecology
Lack of consultation
Highway safety issues
Traffic congestion
Additional pressure on local services
Noise and disturbance
Insufficient capacity of sewerage system.
Damage to road from construction traffic
Inadequate parking
Impact on water pressure

Shaw Residents Association:

8 No Comments received.

West Swindon Parish Council:

9 No objections.

Planning Considerations:

10 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).

11 In accordance with this framework the following issues will be considered as part of this outline application:

- Principle of residential development/loss of open space
- Highway access
- CIL/Developer Contributions

Policy:

12 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'

13 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
- TR1 '*Sustainable Transport Networks*' seeks to reduce the need to travel and support and encourage the sustainable safe and efficient movement of people
- TR2 '*Transport and Development*' states that development shall provide access that is appropriate without detriment to highway safety

14 Also of relevance is the Swindon Borough Council Open Space Audit and Assessment Update (2014).

Principle:

15 The site is within the Urban Area where new housing will be concentrated in accord with Policy SD2. The site is however designated as public open space under Policy EN3 of the Swindon Borough Local Plan.

16 Policy EN3 states that public open space will be protected from development other than in a number of specified circumstances. One of those circumstances is that "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".

17 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.' It is therefore considered that post-development, the level and quality of accessible provision in the local area would remain consistent with the Councils standards.

18 Given the recent approval of two housing development sites in the Shaw Ward, [6 houses on the former community centre site on Sparcells Drive S/18/0460 and 14 bungalows at Pilgrim Close S/18/0461] it is important to assess the cumulative loss of open space in the area.

19 This application would result in the loss of a further 0.09 hectare of general recreation space. However, despite the overall loss incurred from the development of all 3 sites, there would still be an excess of general recreation space, when assessed against the Local Plan Standards, in the Shaw Ward.

20 On this basis, the principle of residential development at this location is therefore considered to be acceptable.

Design:

21 Policy DE1 of the Swindon Borough Local Plan 2026 states that high standards of design will be required for all types of development whilst at least maintaining existing amenity. As this application seeks outline planning permission, full details of the design and external appearance of the development has not been considered at this stage.

Highways:

22 Policies TR1 and TR2 of the adopted Swindon Borough Local Plan 2026 seek to reduce the need to travel and 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.

23 Following the submission of a revised Site Access Plan in order to achieve adequate visibility splays, the Highway Officer is satisfied that the proposed access off Sparcells Drive is appropriate with regard to the development proposed and that the development will not unacceptably impact upon local highway conditions. Car parking and cycle storage facilities will be provided in accordance with the Councils adopted standards, which will be dealt with at the reserved matters stage.

24 The Local Highway Authority therefore raises no objections subject to the imposition of conditions.

Landscaping:

25 Details of the landscaping of the site are not for consideration at this stage and will be subject to a reserved matters submission. However, a tree survey was undertaken in October 2018 and accompanies the application. The development will require the removal of a number of trees and shrubs and in order to mitigate this loss the applicant has agreed to provide replacement planting. The mechanism for securing this replacement planting has yet to be agreed but an update will be provided at the meeting.

Ecology:

26 A Preliminary Ecological Appraisal Report was undertaken in September 2018, consisting of a desk study and field survey, which made the following recommendations:

- The proposed development should include measures to avoid or mitigate the use of additional lighting that could disturb nocturnal wildlife, including bats.
- Works to any onsite vegetation will avoid the breeding bird season (March – August inclusive).
- Gaps should be retained within the boundaries as to avoid blocking hedgehog movement.
- A bird nest box and a bat roost box will be incorporated within any newly constructed residential building and boundary features.

27 The report goes on to say that providing that these recommendations are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site. A condition is suggested to control these matters.

Other Planning Matters:*S106 planning obligations*

28 Under the provisions of the Planning Practice Guidance Paragraph: 031, this site falls under the definition of a small scale development site. This paragraph states that planning obligations, including contributions towards open space and play areas, 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:

29 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.

Community Infrastructure Levy

30 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.

31 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.

Concluding Comments:

32 Members will be aware that the proposed development results in the loss of an area of open space and a number of trees. However, the applicant has agreed to provide replacement planting.

33 It is acknowledged that there will be harm arising from the loss of open space and trees on the site. However that harm has to be balanced against the need for housing and the lack of a 5 year housing land supply within the Borough.

34 In undertaking a balancing exercise, officers are of the view that the harm identified is outweighed by the significant benefits arising from the provision of much needed housing in a sustainable location and that replacement planting will be provided to further mitigate the impact.

Recommendation

35 That outline planning permission be GRANTED subject to conditions.

Conditions**Reserved Matters**

1. Prior to the commencement of works on site in connection with the development hereby permitted, details of the layout, 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.

Timing of Reserved Matters

2. Application for the approval of the Reserved Matters referred to in condition 1, 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.

Time Limit

3. 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.

Approved Plans

4. The development hereby permitted shall be carried out in accordance with site location plan EX01 rev A received by the LPA on 30th October 2018 and site access plan SK06 received by the LPA on 29th November 2018.

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

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. SK06] [with any gates situated at least 5m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway 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.

Visibility

6. 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 number SK06 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

7. The dwellings hereby permitted shall not be occupied until the vehicular parking and turning facilities including garages where provided have been provided in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority, 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.

Electric Car Charging points

8. Prior to the occupation of the development hereby permitted, details of electric car charging points shall be submitted to and approved in writing by the Local Planning Authority and no occupation of the development shall occur until the approved details have been completed and thereafter maintained.

Reason: To ensure that the opportunities for sustainable transport modes have been taken up.

Landscaping

9. 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.

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

Drainage

10. 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.

Ecology

11. The ecological enhancement measures identified in Preliminary Ecological Appraisal Report September 2018 shall be implemented on site and /or submitted to the LPA for approval.

Reason: In the interests of the ecological enhancement of the site.

Hours of work

12. No construction works associated with the development hereby permitted shall take place outside 0800 hours to 1800 hours on Mondays to Fridays and 0800 hours to 1300 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity.

Informatives

CIL

1 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.

Dropped Kerbs

2 In addition to this consent, the proposed development will require separate Local Highway Authority approval for the construction of the proposed permanent vehicular crossing over highway land. 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.

Streetworks@Swindon.gov.uk

Wheel wash and winter

3 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

Street naming and numbering

4 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