

# AGENDA

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**Meeting:** Eastern Area Planning Committee

**Place:** Wessex Room, Devizes Corn Exchange, Market Place, Devizes

**Date:** Thursday 24 February 2022

**Time:** 3.00 pm

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Please direct any enquiries on this Agenda to Stuart Figini, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718221 or email [stuart.figini@wiltshire.gov.uk](mailto:stuart.figini@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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## Membership:

Cllr Philip Whitehead (Chairman)  
Cllr Paul Oatway QPM (Vice-Chairman)  
Cllr Dr Brian Mathew  
Cllr Kelvin Nash

Cllr Sam Pearce-Kearney  
Cllr Tony Pickernell  
Cllr Iain Wallis  
Cllr Stuart Wheeler

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## Substitutes:

Cllr Mel Jacob  
Cllr Jerry Kunkler

Cllr James Sheppard  
Cllr Caroline Thomas

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## **Recording and Broadcasting Information**

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 2 December 2021.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

To ensure Wiltshire Council COVID-19 public health guidance is adhered to, a capacity limit for public attendance at this meeting will be in place. You must contact the officer named on this agenda no later than 5pm on Tuesday 22 February 2022 if you wish to attend this meeting. Places will be allocated on a first come first served basis and all requests may not be accommodated if there is high demand.

### **Statements**

Members of the public who wish to submit a statement in relation to an item on this agenda should submit this in writing to the officer named on this agenda no later than 5pm on Tuesday 22 February 2022.

Submitted statements should:

- State whom the statement is from (including if representing another person or organisation);
- State clearly whether the statement is in objection to or support of the application;
- Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to join the online meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

### **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on Thursday 17 February 2022 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on Monday 21 February 2022.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

## **6 Planning Appeals and Updates (Pages 25 - 26)**

To receive details of the completed and pending appeals, and any other updates as appropriate.

## **7 Planning Applications**

To consider and determine the following planning applications.

### **7a 21/02477/OUT - Land North of Quakers Road and South of Parkfields, Devizes, Wilts (Pages 27 - 54)**

Residential development of up to 57 dwellings together with new vehicular accesses onto Parkfields and Quakers Road, parking, pedestrian links, areas of public open space and landscaping (outline application; details relating to access)

### **7b PL/2021/09789 - Land adj 15 Pines Road (known as 17 Pines Road) Devizes, Wilts, SN10 3AZ (Pages 55 - 68)**

Detached dwelling (Resubmission of PL/2021/05314).

## **8 Urgent items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

## **Part II**

*Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

NONE

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### Eastern Area Planning Committee

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#### MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 2 DECEMBER 2021 AT THE ASSEMBLY ROOM, THE TOWN HALL, ST. JOHN'S STREET, DEVIZES, WILTSHIRE, SN10 1BN.

#### **Present:**

Cllr Philip Whitehead (Chairman), Cllr Paul Oatway QPM (Vice-Chairman), Cllr Dr Brian Mathew, Cllr Kelvin Nash, Cllr Sam Pearce-Kearney, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr James Sheppard (Substitute)

#### **Also Present:**

Cllr Caroline Thomas, Cllr Jane Davies and Cllr Laura Mayes

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#### 21. **Apologies**

Apologies were received from Cllr Anthony Pickernell. Cllr Pickernell was replaced for this meeting by Cllr James Sheppard.

#### 22. **Minutes of the Previous Meeting**

The minutes of the meeting held on 7 October 2021 were presented for consideration.

#### **Resolved:**

**To approve and sign the minutes as a true and correct record.**

#### 23. **Declarations of Interest**

There were no declarations of interest.

#### 24. **Chairman's Announcements**

There were no Chairman's announcements.

#### 25. **Public Participation**

The Chairman detailed the procedure for the meeting and the procedures for public participation which were set out at item 5 of the agenda.

#### 26. **Planning Appeals and Updates**

#### **Resolved:**

**To note the report on completed and pending appeals.**

27. **Planning Applications**

The following planning applications were considered:

28. **PL/2021/06348 - Rabley House Poulton nr. Marlborough SN8 2LW**

Public Participation:

- Meryl Ainslie spoke in objection to the application
- Corinne Ashbee spoke in objection to the application
- Alison Gill spoke in support of the application
- Lissa Green spoke in support of the application
- Cllr Brian Devonshire, Deputy Chairman of Mildenhall Parish Council spoke in objection to the application

Jonathan James, Senior Conservation/Planning Officer presented the report which recommended that the planning permission be approved with conditions and informatives for the retrospective installation of stable windows and external door to tack room to existing barn and external lighting.

The officer stated that the main issues for consideration by the Committee included (i) the impact on visual amenity, including Area of Outstanding Natural Beauty, and design; and (ii) impact on residential amenity.

The officer advised that the site is located on a hill to the north of Mildenhall and north-east of Marlborough, up a single-track lane within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The area is primarily agricultural fields with a few dwellings and buildings located within the local area. Adjacent to the site are a pair of semi-detached dwellings which face onto the southern boundary of the site, with an access road to a garage between the boundary of the site and the frontages of the dwellings. The gardens associated with the cottages are to the rear of the dwellings, sloping down the hill. The barn is designated for equestrian purposes.

The officer detailed the responses to the consultation and representations received. It was noted that highways and public protection had no adverse comments to make on the application, the ANOB unit did not make any representations and comments from Mildenhall Parish Council were detailed in the report. A summary of the 27 letters of representation, 25 objecting and 2 in support, were detailed in the report.

The Committee noted that a number of windows had been inserted on the south west and north east elevations of the building along with a single door. In addition, five external sensor lights have been installed on the building, two either end of the building and three along the north east elevation. The planning officer considered that the works undertaken to the barn are acceptable in planning terms, although it was acknowledged there is a degree of impact on the neighbours but not to such an extent as to warrant the refusal of planning permission, particularly if the suggested conditions were imposed.



In response to technical questions asked by the Committee the officer confirmed that the original floor height had not changed from the previous application, the new windows on the north east elevation face onto the 2 cottages, and the inspection by officers were undertaking during the daytime (the Environmental Health Officer visited later in the afternoon/early evening).

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Caroline Thomas spoke in objection to the application. Cllr Thomas urged the Committee to consider the current application in light of on-going non-compliance with key original conditions and a disregard for the neighbour's amenity; suggested that the changes represent an unacceptable level of harm from the loss of amenity and privacy with added noise, smell and light pollution which the proposed conditions would not mitigate; highlighted relevant policy – Core Policy 51 and 57, National Policy NPPF 176 and 177; commented specifically about windows, door and lights and their impact on neighbours.

In response to public statements the officer stated that the issue of raised floor levels was not a matter for debate under this application; officers confirmed that comments had not been received from the ANOB and therefore they could not comment on this matter further; the Ecologist had not been consulted as the scheme was classed as minor; and the scheme was in accordance with Core Policy 51 and 57.

So that the Committee had something to debate the Chairman proposed a motion to approve the application, with the conditions stated at pages 26-27 of the agenda, as per the officer recommendations. This was seconded by Cllr Stuart Wheeler.

A debate followed where Members expressed differing opinions on the application, including concern about light pollution and possible solutions, the prominence of the building especially at night time with lights on, the design of the building, lack of natural airflow, applicants awareness of existing conditions when purchasing the property, negative impact on the ANOB and impact of the development on neighbouring properties and residents.

The vote for approving the application was lost three in favour and four against. Therefore, a further motion was proposed to refuse the application on the grounds detailed below.

At the conclusion of the debate, it was

**Resolved:**

**That planning permission is refused for the following reason:**

1. **The installed lighting, by reason of light spill from the vents and openings of the barn and from the lights fitted to the external walls of the barn, is incompatible with the users of the adjoining residential properties, thereby detrimentally impacting on the amenities of the existing occupiers. This is contrary to the requirements of Core Policy 57 of the Wiltshire Core Strategy (2015) and Paragraph 130 of the National Planning Policy Framework (2021). Furthermore, the external lights and the creation of the openings have led to an unacceptable level of light spill, which is harmful to the designated dark sky reserve of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and therefore fails to respect and enhance the importance of this protected landscape. This is unsympathetic to the historic landscape of the AONB and therefore fails to comply with Core Policies 51 and 57 of the Wiltshire Core Strategy (2015), Paragraphs 176 and 185 of the National Planning Policy Framework (2021) and with the requirements of the Guide to Good External Lighting in the Dark Skies of the North Wessex Downs (2021).**

29. **PL/2021/08195 - Rose Villa, Roundway, Devizes, SN10 2HY**

Public Participation:

- Chris Coombe, the applicant spoke in support of the application

Jonathan James, Senior Conservation/Planning Officer presented the report which recommended that the planning permission be refused for the erection of a pair of semi-detached dwellings, car parking, access and associated works.

The officer stated that the main issues for consideration by the Committee included concerns about the location of the site, in a location that would be wholly reliant on the private motor car for access to everyday facilities, job opportunities and services and would be contrary to the requirements of both local and national policy in directing development to sustainable locations. The development would also have an urbanising effect on the rural character of the area. There are no benefits that would outweigh this harm.

The officer advised that the site is located in the hamlet of Roundway and comprises the garden of 'Rose Villa', an existing semi-detached house set within a very generous plot. The area has a distinct rural character, with a single track road running through the hamlet and properties set within generous, spacious plots. These enhance the appearance of the area. Access into the site exists at present, off the adjoining highway through Roundway from the south. There is an existing garage associated with the main dwelling at the southern end of the garden and further parking to the rear of the existing dwelling, to the east of the site.

The officer detailed the responses to the consultation from Devizes Town Council, Highways and Archaeology. There were also comments from CPRE and a neighbour.

Further detailed comments on the principle of development, visual impact, impact on heritage assets and highway safety impact/parking were contained in the report. The officer concluded that overall, the application is not sustainable development. On balance it is considered that the proposed development would be contrary to the policies of the Wiltshire Core Strategy (2015) and guidance set out in the National Planning Policy Framework (2021).

In response to technical questions asked by the Committee the officer confirmed that a motor vehicle would be necessary to travel to Devizes as there was no particularly safe route to walk, the application site was outside the settlement boundary and classified as a small village, and the proposal could not be considered as infill development as it was not between two properties.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Laura Mayes spoke in support of the application. Cllr Mayes confirmed that it would take 20 minutes to walk into Devizes town centre from Roundway, the development was very sustainable and close to employment sites, schools, parks and shops. There had been no objections from village residents.

So that the Committee had something to debate Cllr Brian Mathew proposed a motion to approve the application. This was seconded by Cllr Kelvin Nash.

A debate followed where Members expressed their support for the application. Comments included references to Core Policy 45, ideal location for development and the type of development needed in villages of this size,

At the conclusion of the debate, it was

**Resolved:**

**That planning permission is granted subject to the following conditions:**

- 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 provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**
  - Location Plan Block Plan, Dwg No. 1010-01 Rev A**
  - Proposed Roof Plan, Dwg No. 1010-03 Rev A**
  - Proposed Plans and Elevations, Dwg No. 1010-04 Rev A**

- **Car Port, Dwg No. 1010-05 Rev A**

**REASON:** For the avoidance of doubt and in the interests of proper planning.

- 3. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON:** To ensure that the development can be adequately drained.

- 4. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

**REASON:** To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 5. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-**

- **location and current canopy spread of all existing trees and hedgerows on the land;**
- **full details of any to be retained, together with measures for their protection in the course of development;**
- **a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
  - **means of enclosure;**
- **all hard and soft surfacing materials;**

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that enhanced opportunities for biodiversity are provided and in the interests of the character of the area and to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding**

season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. No development shall commence within the area indicated by application PL/2021/08195 until:
- (a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON:** To enable the recording of any matters of archaeological interest.

8. No development shall commence on site until details of the accesses, car parking and turning areas have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the accesses, car parking and turning areas have all been constructed and laid out in accordance with the approved details.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of highway safety.

9. No development above slab level shall take place until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.**

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

**Informatives:**

**11. The applicant should note that the costs of carrying out a [DELETE as appropriate] programme of building recording and/or watching brief and/or archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.**

**30. PL/2021/04650 - Land south of West Kennett Farm, East Kennett**

Public Participation:

- Lucy Ralph, agent on behalf of the applicant, spoke in support of the application
- Mark Humphries, on behalf of East Kennett Parish Council, spoke in objection to the application

Ruaridh O'Donoghue, Senior Conservation/Planning Officer presented the report which recommended that the planning permission be approved with conditions for temporary rural worker dwelling and replacement stabling.

The officer stated that the main issues for consideration by the Committee included:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51);
- Whether the scheme would impact upon any attributes of Outstanding Universal Value within the Avebury WHS (CP 69);

- Whether the proposal will have an acceptable impact upon any Archaeology on the site; and,
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64);

The officer advised that the site concerned land off byway EKEN2 which is located to the south of West Kennet and to the north-west of East Kennet. The byway can be accessed via Gunsite Road and adjoined on all sides by agricultural land. It is considered to be open countryside, and its surroundings lie within the North Wessex Downs AONB and Avebury World Heritage Site.

The officer explained that in principle, the application meets the requirements of Core Policy 48 in that there is a functional and financial justification for the dwelling. In addition, support is met from paragraph 84 of the NPPF which seeks to ensure a prosperous rural economy. As such, there is no 'in principle' objection to the development.

Officers consider the design of the scheme to be in broad accordance with the requirements of Core Policy 57 of the WCS – the dwelling itself being temporary and the stables being of similar appearance and scale to the existing ones on the site. A reason for refusal would therefore not be warranted on design grounds.

Overall, the visual impact of the scheme upon the AONB landscape would not be significant. This conclusion is drawn when taking account of existing planting, the undulating topography, and the limited public vantage points of the site. Landscape character would thus be reserved in accordance with Core Policy 51 of the WCS. For similar reasons, and the fact the site itself does not contain any archaeological or monumental features, it is not considered that the scheme would harm the Avebury World Heritage Site or any of its attributes of Outstanding Universal Value to an extent that would justify refusing planning permission. Therefore, the scheme is considered to comply with Core Policy 59 of the WCS.

Whilst accepting that access onto the site from the BOAT is not the most suitable, given the proposal will result in far fewer vehicle movements than at present, the local highway authority has not objected to the scheme. Officers consider that the development accords with Core Policy 61 of the WCS and that a reason for refusal would be difficult to substantiate.

The report detailed the responses to the consultation from Avebury Parish Council, East Kennet Parish Council, Highways, CPRE, Thames Water and Archaeology. Representations were received from four objectors and one supporter, with comments detailed in the report.

In response to technical questions asked by the Committee the officer confirmed that the planning permission was proposed for three years to allow the applicants to establish the business as an ongoing concern and to become financially sound, if evidence was provided along these grounds then a further

application could be submitted to make the original application permanent, the proposal was for an 'off-grid' dwelling as solar panels would provide the necessary power and it was stated that the tie to an equestrian worker could be removed if it could be demonstrated that there was no longer an essential need for the dwelling.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr Jane Davies spoke in objection to the application. Cllr Davies considered that the scheme would harm the Avebury World Heritage Site and the ANOB, the site is visible from the highway, the Council has a duty to protect the heritage site and Cllr Davies supported the concerns raised by the village.

So that the Committee had something to debate the Chairman proposed a motion to approve the application, with the conditions stated at pages 63-64 of the agenda, as per the officer recommendations. This was seconded by Cllr Brian Mathew.

A debate followed where Members commented on the existing stables on site, the temporary nature of the application, objection from the Parish Council in relation to the temporary building, concern about the potential for light pollution at a World Heritage Site and the permanency of the rural worker dwelling if the business is not successful in the future.

At the conclusion of the debate, it was

**Resolved:**

**That planning permission is approved subject to the following conditions:**

- 1. The mobile home hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this permission.**

**REASON:** In the interests of the landscape character and appearance of the AONB and World Heritage Site and in order to secure the restoration of the land upon removal of a building for which permission can be justified only on the basis of a special temporary equestrian need.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**
  - **Dwg Ref: Application Form**
  - **Dwg Ref: Location Plan 1:2500**
  - **Dwg Ref: Proposed Site Plan 1:500**
  - **Dwg Ref: AGMRE – 001 Proposed Accommodation Elevations**



- Dwg Ref: AGMRE – 002 Proposed Accommodation Unit Floor Plan
- Dwg Ref: AGMRE – 003 Proposed Stable Elevations 1
- Dwg Ref: AGMRE – 004 Proposed Stable Elevations 2
- Dwg Ref: AGMRE – 005 Proposed Stable Floor Plan

**REASON:** For the avoidance of doubt and in the interests of proper planning.

3. No further development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
  - (a) the parking of vehicles of site operatives and visitors;
  - (b) loading and unloading of plant and materials;
  - (c) storage of plant and materials used in constructing the development;
  - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (e) wheel washing facilities;
  - (f) measures to control the emission of dust and dirt during construction;
  - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - (h) measures for the protection of the natural environment; and,
  - (i) hours of construction, including deliveries.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out other than in accordance with the approved construction method statement.

**REASON:** To minimise detrimental effects upon the Public Right of Way that is used to access the site.

4. Once the current stables are demolished, the remaining footprint of the new stabling shall be made the subject of excavation prior to its erection. This shall include:
  - (a) A written programme of archaeological investigation, which should include onsite work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,
  - (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

**REASON: To enable the recording of any matters of archaeological interest.**

- 5. The occupation of the accommodation hereby permitted shall be limited to a person solely or mainly working, or last working, in the training/keeping/breeding of horses, in agriculture or in forestry in the locality, or a widow or widower of such a person, and to any resident dependants.**

**REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.**

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

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.**

**REASON: To safeguard the character and appearance of the area.**

**31. PL/2021/07750 - Soley House, West Soley, Chilton Foliat, RG17 0GW**

Public Participation:

- Adrian Gott, applicant, spoke in support of the application.
- Steven Abbott, agent on behalf of the applicant, spoke in support of the application.

Ruaridh O'Donoghue, Senior Conservation/Planning Officer presented the report which recommended that the planning permission be refused for the erection of a farm manager's annexe (gate house) to Soley House.

The officer stated that the main issues for consideration by the Committee included:

- The principle of a new countryside dwelling in this isolated position, with particular regard to the functional need and financial 'tests' established in former PPG7 Annex A which appeal inspectors have satisfied to use as a framework for establishing the justification for such dwellings (CP 48);
- Whether the scheme constitutes high quality design (CP 57);
- Whether the scheme would have an acceptable landscape impact (CP 51); and,
- Whether the proposal would have a negative effect upon highway safety, including if there is sufficient parking for the proposed development (CP 61 and 64);

The officer advised that the site related to Soley House, near Chilton Foliat. The property is a large, detached dwelling with extensive grounds lying within the open countryside in the North Wessex Downs Area of Outstanding Natural Beauty.

The officer confirmed that the application seeks full planning permission for the provision of an annexe / Gate Lodge at Soley House, West Soley, Hungerford. The proposed unit of accommodation would be physically detached from the main dwellinghouse and its occupiers would not be reliant on the main dwellinghouse due to the proposed accommodation and facilities to be provided within the unit. As such, the unit of accommodation cannot be classed as ancillary accommodation. A new unit of accommodation is proposed, which would function independently from the main dwellinghouse. Whilst it is recognised that the security function the dwelling could provide has been designed to support the primary use of the planning unit i.e., provide security to the country house, its primary role is intended to be that of an agricultural worker's dwelling.

Based on the information submitted as part of the application the Local Planning Authority did not consider that there was a robust justification, or valid planning 'need' based on local planning policy, resulting in the requirement for the erection of a Gate Lodge to accommodate a farm worker/security personnel.

It is recognised that a unit of accommodation could be sensitively designed to respond to the context of the site and reduce its visual impact, however the provision of a new building and a more formal entrance would undoubtedly impact on the existing open character of the site and the visually subtle entrance to the country house. Whilst the AONB Unit does not object to the proposal due to its landscape impact the principle of the development cannot be supported.

The surrender of planning permission ref E/10/1481/FUL for the new indoor swimming pool and 20/04295/FUL for the ancillary accommodation do not justify the provision of the proposed Gate House.

The report highlighted that there were no responses to the consultation from Wiltshire Council Highways and Wiltshire Council Agricultural Consultant.

In response to technical questions asked by the Committee the officer confirmed that the sanction could be taken if the property was sold and the annexe was used for a different purpose to that which planning permission had been granted, and the dwelling was not technically an annexe in the true sense of the word, it was more of a gate house.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Cllr James Sheppard spoke in support of the application. Cllr Sheppard explained that the application enhanced the ANOB and the Parish Council had not raised any objections.

In response to public statements the officer stated that information had been submitted after the committee report had been completed and sent off for checking and publishing, which was not helpful; the building is an agricultural workers dwelling and the main issue is a matter of principle.

So that the Committee had something to debate Cllr Brian Mathew proposed a motion to approve the application, in line with Core Policy 48. This was seconded by Cllr Sam Pearce-Kearney.

A debate followed where Members commented on Core Policy 48, the dwelling being an annexe to the site rather than just the main dwelling and/or a security gate house to the main dwelling.

At the conclusion of the debate, it was

**Resolved:**

**Defer and Delegate to the Head of Development Management to grant full planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to ensure the owner will not claim any compensation upon the Council revoking the planning application, granted under reference 20/04295/FUL:**

- 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 provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

- Dwg Ref: Application Form**

- Dwg Ref: 2076-080 Rev A Location Plan Dwg Ref: 2076-090 Rev B Proposed Site Plan
- Dwg Ref: 2076-085 Rev A Topographic Survey
- Dwg Ref: 2076-091 Rev B Proposed Block Plan
- Dwg Ref: 2076-095 Rev A Proposed Plan and Elevations
- Dwg Ref: 2076-097 Rev Proposed Sections/Elevations in Context

**REASON:** For the avoidance of doubt and in the interests of proper planning.

3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;

**REASON:** To ensure a satisfactory landscaped setting for the development which is within the North Wessex Downs AONB where, in accordance with paragraph 176 of the National Planning Policy Framework, great weight should be placed on conserving and enhancing its landscape and scenic beauty.

4. No development shall commence on site above ground floor slab level until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity and the character and appearance of the area which is within the North Wessex Downs AONB.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the

next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development which is within the North Wessex Downs AONB where, in accordance with paragraph 176 of the National Planning Policy Framework, great weight should be placed on conserving and enhancing its landscape and scenic beauty.

6. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

**REASON:** The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

7. The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as Soley House and it shall remain within the same planning unit as the main dwelling.

**REASON:** The development is in a position where the Local Planning Authority, having regard to the planning policies pertaining to the area would not normally permit a wholly independent dwelling, but approval is warranted in this instance solely due to the circumstances of the use of the building as set out in the application.

8. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or

external alterations to any building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area which is within the North Wessex Downs AONB where, in accordance with paragraph 176 of the National Planning Policy Framework, great weight should be placed on conserving and enhancing its landscape and scenic beauty, and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

**REASON:** To safeguard the character and appearance of the area which is within the North Wessex Downs AONB where, in accordance with paragraph 176 of the National Planning Policy Framework, great weight should be placed on conserving and enhancing its landscape and scenic beauty.

11. The mitigation and enhancement measures detailed in the approved Ecological Assessment by Envirotech and dated 28th May 2021 shall be carried out in full prior to the first occupation of the development.

**REASON:** To mitigate against the loss of existing biodiversity and nature habitats and to ensure biodiversity net gain is achieved in accordance with the requirements of paragraph 180 of the National Planning Policy Framework.

(Note: Cllr James Sheppard did not take part in the Committee's consideration of this item as he called the planning application to Committee to allow for discussion over the principle of providing a gate house/farm manager's dwelling at Soley House.)

32. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 5.45 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services,  
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**Wiltshire Council  
Eastern Area Planning Committee  
24<sup>th</sup> February 2022**

There are no Planning Appeals Received between 19/11/2021 and 11/02/2022

Planning Appeals Decided between 19/11/2021 and 11/02/2022

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
20/06874/FUL	Cross Keys Inn Malthouse Lane Upper Chute SP11 9ER	Chute	Demolition of the existing buildings and construction of a new residential dwelling with separate garaging.	DEL	Written Reps	Refuse	Dismissed	23/11/2021	None
20/07932/OUT	Land at Sandlease Farm, Worton Wiltshire	Worton	Outline planning application for up to 26 dwellings and associated infrastructure with all matters reserved for future consideration except for access	DEL	Written Reps	Refuse	Allowed with Conditions	10/12/2021	None
20/10207/FUL	Land off Hospital Road Pewsey, Wiltshire	Pewsey	Proposed erection of 6 dwellings and associated works	DEL	Written Reps	Refuse	Dismissed	08/02/2022	None
21/00813/PIP	Poulton Farm Poulton Hill Marlborough Wiltshire, SN8 2LN	Mildenhall	Application for Permission in Principle for residential development of 1 dwelling.	DEL	Written Reps	Refuse	Dismissed	26/11/2021	None
21/00800/PNCOU	Agricultural Building to the West of A360 Devizes Road, Potterne Devizes, Wiltshire SN10 5LW	Potterne	Application under Class Q to Determine if Prior Approval is Required for a Proposed Change of Use and Conversion of an Agricultural Building to a Residential Dwelling	DEL	Written Reps	Refuse	Dismissed	23/12/2021	None
ENF/2021/00498 & ENF/2021/00499	Allotments At Spin Hill, Market Lavington, SN10 4NW	Market Lavington	Alleged unauthorised use of land and groundworks taking place	DEL	Written Reps	-	Dismissed	07/02/2022	None

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## REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

<b>Date of Meeting</b>	24 February 2022
<b>Application Number</b>	21/02477/OUT
<b>Site Address</b>	Land North of Quakers Road and South of Parkfields, Devizes
<b>Proposal</b>	Residential development of up to 57 dwellings together with new vehicular accesses onto Parkfields and Quakers Road, parking, pedestrian links, areas of public open space and landscaping (outline application; details relating to access)
<b>Applicant</b>	The Police and Crime Commissioner for Wiltshire
<b>Town/Parish Council</b>	Devizes Town Council
<b>Electoral Division</b>	Bromham, Rowde & Roundway (Cllr Laura Mayes)
<b>Grid Ref</b>	401300 162100
<b>Type of application</b>	Outline
<b>Case Officer</b>	Andrew Guest

### Reason for application being considered by Committee

The application has been 'called-in' for determination by the Planning Committee by the Division Member, Cllr Laura Mayes. The reasons given are scale of development, visual impact upon the surrounding area, relationship to adjoining properties, design, environmental/highway impact and car parking.

#### 1. Purpose of report

To consider the application against the policies of the Development Plan and other material considerations, and the recommendation that planning permission be granted subject to first completion of a S106 agreement.

#### 2. Report Summary

The main considerations in this application are, firstly, the principle; and then detailed matters including highway safety, visual amenity, ecology, heritage impact, and residential amenity.

The application has been the subject of two rounds of public consultation. On both occasions Devizes Town Council has raised objections. The first consultation round generated 94 representations (all objections). The second consultation round generated 45 representations (all objections). All representations – first and second round – remain relevant to the determination of the application.

#### 3. Site description

The application site comprises c. 2.53 ha of mainly open land located on the north side of Devizes, within its defined 'Market Town' limits of development. The larger part of the site can



Walk development further to the west). It is understood that part of the site is now used for occasional police dog training.

## **5. Proposal**

The proposal seeks outline planning permission for a residential development of up to 57 dwellings served by two vehicular access – one from Quakers Road and one from Parkfields – and further pedestrian accesses. All matters are reserved, except the accesses which are fully detailed.

30% of the dwellings would be affordable, with 60% of these being 'affordable rent' and 40% 'shared ownership'.

The Planning Statement accompanying the application adds the following –

*The development site is located in a sustainable location within walking and cycling distance to the centre of Devizes and with access to public transport (bus stops and routes) on London Road (A361) 130m from the site. Pedestrian and cycle links have been provided to north-south and east-west through the central 'green lung' taking account of a main badger sett which is located in the centre of the site which is proposed to be retained and protected.*

*On-site parking provision complies with the Council's adopted minimum parking standards: 1 parking space per one-bedroom property; 2 spaces per two or three bedroom property; 3 spaces per 4-bedroom property and a total of 0.2 unallocated visitor spaces per dwelling. In total, the development will provide 130 car parking spaces. An additional 73 cycle spaces will also be provided in the curtilage of each dwelling either within sheds or cycle stores.*

*It is proposed to widen the internal road within Parkfields .... to improve circulation and access. Additionally, the scheme includes a proposal to provide .... off street parking bays on the northern green for the existing residents of Parkfields, following feedback from residents and Devizes Town Council. Furthermore, in a number of locations across the proposed layout the tandem parking bays provided allow margins for larger vehicles to be parked off street.*

*The proposal is a landscape-led scheme informed by the retention of additional trees in the centre of the site which are important landscape features, some of which also benefit from Tree Preservation Orders. These have been retained within a 'green lung' of the public open space through the centre of the site, extending to almost three quarters of a hectare (almost a third of the site area). Landscaping and planting provision has been enhanced across the site with the public open spaces connected together.*



*Illustrative Layout Plan*

## 6. Planning Policy

Wiltshire Core Strategy –

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP12 – Devizes Community Area
- CP43 – Providing Affordable Homes
- CP50 – Biodiversity and Geodiversity
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP61 – Transport and New Development
- CP64 – Demand Management
- CP67 – Flood Risk

Devizes Area Neighbourhood Plan –

- H1 – Strategic Policy Intent – Settlement Framework Boundary
- H2 – Strategic Policy Intent – Built Environment & Sustainability
- T1 – Strategic Policy Intent – Getting Around
- ESD1 – Strategic Policy Intent – Environment & Sustainability

## 7. Consultations

### Devizes Town Council: Objection

Response to initial submission –

*Devizes Town Council's Planning Committee objects to the planning application on the grounds that the data submitted in mitigation was out of date and did not reflect the current situation in the vicinity; there would be an unacceptable increase in traffic, due to data inaccuracies in what is already a busy area; the sustainability evidence request made during the consultation stage was not followed up, and which in the Town Council's opinion sets unacceptably low standards; and it is understood that the area was cited as a 'green lung' when the original Quakers Walk development was built as mitigation, and therefore it will be inappropriate now to remove that important feature.*

Response to second submission –

*This is to offer further detail to Devizes Town Council's objections given earlier, on the grounds of –*

- 1. No mitigation of the traffic impact on London Road – this is a hazardous area close to a pedestrian crossing, and any new building on the London Road A4361 requires new traffic impact mitigation measures;*
- 2. The impact on Parkfield Terrace resulting from reduced pavements following road widening, and what would remain an inadequate road. Any access would have to be limited to Quakers Road;*
- 3. Over-development of the area in general – the plans continue to propose too many houses;*
- 4. Impact on Air Quality is trivialised in the application – it is within the Air Quality Management Area, would contribute to poorer air quality and this needs to be addressed;*
- 5. Biodiversity impact mitigation is not credible – ie leaving a small strip of land for badgers. The building works and resulting development would inevitably cause great disturbance to the sett;*
- 6. No account has been taken of the high-water table in that area;*
- 7. Limited account has been taken of sustainability – it needs to be fully designed into the housing with a requirement for solar panels, electric car charging points, ground source heat pumps etc;*
- 8. Pending further discussions between PCC and Roundway councillors and residents.*

WC Archaeology: no objection, subject to conditions.

*The archaeological evaluation has established that the linear earthwork which crosses the site roughly east to west is modern in date, but overlies a substantial ditch that has likely medieval origins and is thought to be an element of a former Deer Park boundary (Pale). This ditch appears to have become re-used as a property boundary in the post-medieval period, before having a bank built over it at the end of the 19th century. The evaluation also recorded the remains of a post-medieval cottage in the far south east corner of the site.*

*The Archaeological Management Plan (AMP), prepared by Tetrattech, sets out a series of measures designed to preserve the former Deer Park Pale within the proposed re-development Masterplan and I am happy to endorse this plan in full. I note that the development will involve the construction of new housing at each end of the Park Pale and would ask that archaeological investigations are carried out within the footprints of the houses concerned ahead of development so that further sections across the medieval ditch can be recorded. I would also ask for the post-medieval cottage in the south east of the site be*

excavated ahead of development. The implementation of the AMP along with the archaeological excavations can be secured via two conditions to be attached to any planning permission that may be issued.

WC Drainage: no objection, subject to conditions.

WC Ecology: no objection, subject to condition.

*.... the site is not within, adjacent to any statutory or non-statutory designated site, or within the zone of influence for adverse effects on any such sites and that there are no known issues for any protected wildlife species within the local area.*

*Although the application site lies within the very edge of the Hampshire River Avon SAC Catchment, the sewer to which the site will connect has been confirmed by the applicant as Potterne Sewage Treatment Works (STW). Wessex Water have confirmed that flows from the site will go to Potterne STW, some 4km SW of the site. This STW discharges to the Semington Brook which is part of the Bristol Avon catchment. There can therefore be no potential impact on the Hampshire River Avon Special Area for Conservation (SAC) as a result of the development proposal.*

*.... reviewed the ecology reports by Applied Ecology Ltd., including Phase I Habitat Survey and Biodiversity Net Gain calculations and proposals. I am satisfied that a sufficient level of survey, following the recommended industry guidelines, has been undertaken to inform this application.*

*The current ecology of the site is of generally low importance, being mainly semi-improved grassland, scrub and tall ruderals, which in themselves are not notable and which offer very low function for biodiversity within the local area. Trees within the central part of the site and boundary hedgerows have slightly greater function but these will mostly be retained where possible. The proposed habitats set out for Biodiversity Net Gain (BNG) on the post-development habitat drawing at page 6 of the letter from Richard Dale of Applied Ecology, dated 29<sup>th</sup> October 2021, headed Re: Land North of Quakers Road, Devizes – Biodiversity Net Gain Assessment, will provide an increase in the habitat quality and connectivity within the site to benefit a range of wildlife species within the local area.*

*This plan should form a part of any permission you are minded to give this application and should be regarded as an Ecological Parameters Plan. Any subsequent REM application following this outline application (if permitted), should adhere to the parameters plan. Should the general layout be altered at REM, it will be necessary to re-assess the appropriateness and positioning of new habitats created, within the site boundary and if necessary, the metric calculation should be repeated to ensure that sufficient net gain of habitats and function of those habitats for the benefit of biodiversity is delivered within the final design.*

WC Education: no objection, subject to 'early years' financial contribution (7 places: £17,522 x 7 = £122,654).

WC Highways: no objection.

Transport Assessment conclusions agreed. Layout, including road widths, visibility splays and footways arrangements acceptable in final plans. Planning obligation required to implement 20mph scheme in new development and Parkfields.

Comments from Highways Transportation Section -



*There is an air quality management zone in Devizes but it is in the centre and this development isn't in it but its vehicular trips will potentially contribute to the poor air quality in the town centre. On that basis following required:-*

- A financial contribution towards implementing the Devizes LCWIP [Local Cycling and Walking Infrastructure Plan] should be sought to help encourage pedestrian and cycle trips to/from the site.*

WC Housing: no objection, subject to affordable housing provision via planning obligation.

*Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 57 new homes, the on-site affordable housing requirement would be for 17 affordable homes of which we would seek 60% as affordable rented homes i.e. 10 homes and 40% as shared ownership homes i.e. 7 homes. The below property type and tenure mix will meet our affordable housing needs: -*

*Affordable Rented (10 homes) –*

*1 bed/2 person apartments = 2 apartments in a 'house-style' dwelling with the ground floor apartment to be built to M4(2) standard with a level access shower.*

*2 bed/4 person houses = 3 houses.*

*2 bed/3 person bungalows = 1 bungalow to be built to M4(2) standard with a level access shower.*

*3 bed/5 person houses = 3 houses.*

*4 bed/7 person houses = 1 house.*

*Shared Ownership (7 homes) –*

*5 x 2 bed/4 person houses.*

*2 x 3 bed/5 person houses.*

*Regard should be given to Core Policy 45 of Wiltshire Core Strategy which requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet identified affordable housing need in order to create mixed and balanced communities. On a proposed scheme of this size the affordable homes should be in at least 2 clusters to ensure a mixed, sustainable and inclusive community. Please note that in-curtilage parking is our preference for the affordable homes and is essential for the affordable homes which are to be provided to M4(2) Standard.*

*The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design, quality and should be visually indistinguishable from open market housing. In addition to complying with The Homes and Communities Agency's Design and Quality standards (or any other subsequent design guidance which may supersede); Wiltshire Council recommends, as a guide, that all affordable dwellings meet the minimum 85% NDSS space standards shown in the table below.*

Number of bedrooms	Number of bed spaces	NDSS			Minimum 85% NDSS		
		1 storey (sqm)	2 storey (sqm)	3 storey (sqm)	1 storey (sqm)	2 storey (sqm)	3 storey (sqm)
Studio	1p	39 (37)*			34 (32)*		
1b	2p	50	58		43	50	
2b	3p	61	70		52	60	
	4p	70	79		60	68	
3b	4p	74	84	90	63	72	77
	5p	86	93	99	74	80	85
	6p	95	102	108	81	87	92
4b	5p	90	97	103	77	83	88
	6p	99	106	112	85	91	96
	7p	108	115	121	92	98	103
	8p	117	124	130	100	106	111
5b	6p	103	110	116	88	94	99
	7p	112	119	125	96	102	107
	8p	121	128	134	103	109	114
6b	7p	116	123	129	99	105	110
	8p	125	132	138	107	113	118

*\*Where a one person flat has a shower room rather than a bathroom the floorspace may be reduced from 39 sqm to 37 sqm (NDSS) or from 34 sqm to 32 sqm (85% NDSS).*

*With regard to Wiltshire Core Policy CP46, where there is a housing need identified for Extra Care or adapted properties, these units will be sought within the affordable housing mix. Adapted units will be required to be built to Building Regulations M4 Category 2: Accessible and adaptable dwellings standards with ground floor units to be wheelchair accessible and provided with level access showers (rather than bathrooms) suitable for wheelchair users, and a ground floor bedroom with level access shower in 3 bed and 3+ bed houses. Based on current demonstrable need we can advise that within the 30% affordable housing contribution to be delivered on a nil subsidy basis at least 10% of these affordable homes i.e.2 affordable rented units (1 x 1 bed ground floor apartment and 1 x 2 bed bungalow) are required to be built to meet the specific needs of vulnerable and older people or those with disabilities. The applicant should ensure that the affordable homes to be built to M4(2) standard are located on a topography suitable for their intended use, taking into consideration the needs of future occupiers of these dwellings.*

*It is strongly recommended that the applicant makes contact with Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings, including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council can be provided on request as can the contact details for Wiltshire Council's Residential Development Team.*

*Any affordable housing units agreed would need to be provided at nil subsidy, in perpetuity and transferred to a Registered Provider, approved by Wiltshire Council or to Wiltshire Council's Residential Development Team. Affordable housing will be secured via a S106 Agreement and the affordable homes will be nominated in line with the Council's current Allocation Policy and Procedures.*

WC Waste: no objection, subject to financial contribution towards waste collection containers via planning obligation (57 x £91 = £5,187).

Dorset and Wiltshire Fire & Rescue: comments

*In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.*

*The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate. The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:*

- *Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010*
- *Recommendations to improve safety and reduce property loss in the event of fire*

Police Designing Out Crime Officer: comments

Relating to the parking between plots 14 and 15; being in the public open space and with a footpath running through, the cars parked in this area are liable to suffer crime and damage and the users are significantly less safe. Recommend that the homes which abut/front onto the public open space have defensible space at the side and front of the home, depending on the orientation, to prevent nuisance and damage.

Wessex Water: comments / advice

Wessex Water has assets (a public combined sewer) located within the site. This is subject to easements and/or the sewer will need to be diverted. The indicative layout is unacceptable for this reason. Informative.

Foul water drainage –

*Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development. We fund this through our infrastructure charging arrangements.*

*The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. ....*

*No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly.*

## Surface Water Drainage –

*The applicant has undertaken soakaway testing which would indicate that soakaways are not viable at this location, therefore, they are proposing to discharge surface water runoff from the development to the public surface water sewer located on Quakers Road, the proposal includes on-line attenuation and flow control to limit the surface water runoff rate to 3.44 l/s for all storms up to and including the 1:100-year event plus climate change.*

*Wessex Water has no objections to this proposal; however, it should be noted that 3.44 l/s is the MAXIMUM flow rate acceptable for all storm events.*

*No surface water runoff or land drainage will be accepted into the public foul sewer either directly or indirectly.*

## Water Infrastructure –

*Wessex Water will provide a point of connection for new water mains to be laid into the development site, either through a Section 41 agreement or a self-lay arrangement. Developers may connect to our water network on a size for size basis at their cost and Wessex Water will undertake any network reinforcement that may be required to accommodate granted development, this is funded through our infrastructure charging arrangements. Upon grant of planning Wessex Water will undertake a modelling exercise to determine the impact on our network and manage any necessary improvements.*

## 8. Representations

The application was publicised via neighbour letters, site notices and newspaper advertisement.

The first consultation round generated 94 representations. The second consultation round generated 45 representations. All representations – first and second round – remain relevant to the determination of the application. All representations are objections.

### Summary of objections –

- Loss of vital green space ('green lung') in northern Devizes. Should be public open space or SANG. Will inevitably result in loss of the large trees; tree loss. Green lung intended to be retained as open area when Quakers Walk developed.
- Contrary to Devizes Area NP which aims to encourage brownfield development on smaller sites to satisfy Devizes' required housing targets. Also contrary to DANP in that proposal would contribute to out-commuting from Devizes for employment and put additional pressure on inadequate infrastructure. Site not allocated for housing in the DANP.
- Additional traffic in London Road and at London Road / Quakers Road junction, leading to congestion, particularly at peak times. TA data out of date.
- Parkfields and Roundway Park are inadequate to support additional traffic. Parkfield Terrace (entry road to Parkfields) is very narrow and has blind bends; proposed layout would introduce further blind bends within Parkfields. Widening Parkfields would lead to faster traffic speeds, increasing dangers – including to children who can presently play safely. Proposed parking lay-bys around islands in Parkfields are un-wanted, reducing size of these green spaces. Roundway Park has inadequate visibility splays with London Road. Additional on-street parking lead to more congestion/danger. Recent changes to Highway Code now material. Difficulties for emergency and refuse

vehicle access. All access should be via Quakers Road (if development is acceptable at all).

- Not sustainable development – households will still be dependent on cars.
- Impact of vehicle emissions in area with poor air quality.
- Poor design – over-development / too high density; bland massing of homogenous house types; relationships between proposed houses and existing houses in Parkfields unacceptable – inadequate consideration given to existing character of Parkfields, houses too close to Parkfields; 2.5 storey houses inappropriate; inadequate parking provision (and/or too small); inadequate back to back separations between houses; inadequate landscaping buffers on Parkfields side of site. Inadequate green energy solutions.
- Inadequate wider infrastructure in Devizes to support further development – doctors, dentists, school places, etc..
- Loss of outlook from properties in The Mews and Parkfields.
- Impact on active badgers sett. Site supports other wildlife – kites, buzzard, deer, bats, etc..
- Archaeology/history of site should be properly investigated/accommodated in proposed development (boundary between Devizes and Roundway, remains of historic cottages, etc.).
- Flooding – ground poorly drains in this area.
- Loss of privacy – overlooking of Parkfields which does not presently occur; loss of light; noise disturbance. Light pollution. Construction disturbance.
- Inadequate bird nesting provision (Salisbury & Wilton Swifts)

## 9. Planning issues

The main planning issues to be considered are, firstly, the principle of the proposal; and then, detailed matters, including impacts on highway safety, the character of the area / visual amenity, ecology, heritage assets, and residential amenity.

### Principle

Under the provisions of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan relevant to the proposal consists of the Wiltshire Core Strategy (WCS) (Adopted 2015), the 'saved' policies of the Kennet Local Plan 2011 (adopted 2004), and the Devizes Area Neighbourhood Plan ('made' 2015).

The application site lies within the defined limits of development of the 'Market Town' of Devizes. Under Core Policy 1 (Settlement Strategy) of the Wiltshire Core Strategy (WCS), Market Towns are defined as settlements that have the ability to support sustainable patterns of living through their current levels of facilities, services and employment opportunities. The policy continues that the Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities. Core Policy 2 ('Delivery Strategy') compliments Core Policy 1, stating that within the limits of development there is "... a presumption in favour of sustainable development at the .... Market Towns ...".

Turning to the Devizes Area Neighbourhood Plan (NP), its 'Housing Objective' is that all new housing must be built within the existing settlement framework boundary or within a zone extending 1600m from the town centre – equivalent to a 20 minute walk. Accordingly, Policy

H1 ('Settlement Framework Boundary') states that for the purposes of the NP the Settlement Framework Boundary equates to the limits of development set out in Core Policy 2 of the WCS. Policy H1 continues – "Development will be graduated from the town centre towards the edge of the settlement framework boundary with higher densities towards the centre and lower densities around the fringe".

Policy H2 of the NP – relating to Built Environment and Sustainability – states that all proposals for residential development on the allocated sites (under Policy H3) "... and on any other sites within the limits of development ..." should ensure that the development would be truly sustainable. In particular, such proposals should –

- *Be limited to clusters of no more than 65 dwellings.*
- *Demonstrate that access to health, education, retail and leisure facilities has been designed in such a way as to minimise dependence on the private car.*
- *Be designed so as to be related to the character of the surrounding area.*
- *Wherever practicable, contribute to the regeneration of the built environment in those areas of the settlement that would benefit.*
- *Enhance the public realm and connect the green infrastructure of the settlement thus positively contributing to its development.*

Policy H3 of the NP – relating to Site Specific Allocations – sets out lists of allocated sites to meet the requirement for housing based upon the position at 1 April 2014.

Based on the above, it is evident that the proposal the subject of this planning application complies with both the Wiltshire Core Strategy and the Devizes Area Neighbourhood Plan as a matter of principle. Notwithstanding that the site is not listed under NP Policy H3, it is an "other site within the limits of development", and so satisfies this basic requirement of the Plans. It is not relevant that the site is not specifically allocated for development in the Plans; it is relevant that it is not allocated for any other purpose. Fundamentally, in the context of the Development Plan this location for residential development comprises acceptable, sustainable development as a matter of principle.

The detailed criteria set out in NP Policy H2 and other policies of the WCS is considered in the following sections of the report. However, on the first criterion of H2 – which limits housing proposals to up to 65 units – the proposal is compliant, being for up to 57.

#### Matters of detail

Highway safety –

Core Policy 57 of the WCS seeks to ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible. Core Policy 61 requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The policy further requires new development to be capable of being served by safe access to the highway network. Core Policy 64 expects the residential parking standards to be applied.

The detailed access points to the site are to be approved as part of the outline proposal. Two vehicular accesses are proposed – one from Quakers Road (shown on the illustrative layout to serve 24 of the dwellings) and the other from Parkfields (to serve 33 dwellings). Four pedestrian accesses are also shown, and driveway accesses to a number of the houses fronting Parkfields. Detailed improvements to Parkfields are proposed – notably the widening

of sections of its carriageway to 5.0m. Lay-by parking is also provided around parts of the edges of two of the Parkfields 'island' open spaces.

The application is accompanied by a Transport Assessment which assesses the sustainability credential of the proposal and the impact of its additional traffic on the existing highway network. On sustainability, the TA concludes the following –

*There are footways and street lighting present on all roads within the vicinity of the development site enabling good connectivity to public transport services as well as local goods and services. The nearest bus stop is 130m from the site on London Road, equating to a 2-minute walk. Devizes Town Centre is walkable from the site along London Road or via the existing PROW on Quaker Walk within a 1.5km walk, equating to 18 minutes.*

*On Quakers Road there are shared cycle footways on both sides of the carriageway. On London Road there are on-road cycleways on both sides of the carriageway, running approximately 300m south of the junction with Quakers Road and up to the junction with Windsor Drive northbound.*

*The proposed development is located within close proximity to bus stops on the A361, approximately 130m east of the site. These stops (Police HQ stop) are provided with shelters, seating and timetable information. Further bus stops can be found approximately 250m northwest of the site on Keepers Road and approximately 640m southeast of the site on London Road (A361) at Canal Bridge.*

*The development site is located within a sustainable location – within walking and cycling distance to public transport stops and routes, as well as other core facilities and amenities. The sustainable location of the site close to the centre of Devizes will help minimise car trips to and from the proposed development.*

On traffic generation the TA concludes the following –

*In order to undertake a robust assessment previously agreed trip rates taken from planning application (ref:16/05341/OUT) have been used. These were for are for privately owned houses and it is considered they would generate higher levels of vehicle movements compared with mixed/affordable housing which is the proposal for this Site. The proposed development would generate 8 arrivals and 20 departures in the AM peak, providing a total of 28 movements. Whilst in the PM peak the proposed residential units would generate 17 arrivals and 11 departures, giving a total of 28 movements.*

*Junction assessments for the Quakers Road/London Road and Roundway Park/London Road junctions have been undertaken in PICADY. The assessment results show that the junctions operate well within capacity under both the existing conditions and for future conditions with development flows added. Thus, the proposed development will have a minimal impact on the two main access junctions and surrounding highway network.*

*In percentage impact terms, there would be an increase of 0.8% in traffic during the AM Peak and PM peak on the junction between Roundway Park and A361 London Road due to the development. Similarly, at the junction between Quakers Road and A361 London Road there would be an increase of 1.2% in traffic during both the AM and PM peak period due to the development. Both these increases are considered to be minimal.*

The TA further states that car parking provision in the development would be in accordance with Wiltshire Council's adopted standards.

The conclusions of the TA are agreed by the WC Highways Engineer. In terms of its location, the site is sustainable being relatively close (certainly within walking distance) to Devizes town centre, and close to existing amenities, including schools, open spaces, bus stops, etc..

In terms of traffic generation, the proposal – which is for a relatively low number of dwellings within the urban context – would not have a significant effect on existing roads and junctions which have capacity. To enhance the already safe cul-de-sac environment of Parkfields, some carriageway widening is proposed, and the applicant has agreed to fund the provision of a 20mph zone hereabouts. Notwithstanding concerns raised in some third-party representations, the Highways Officer is satisfied that the limited levels of additional traffic generated by the development would not lead to danger to users of Parkfields, Parkfield Mews or Roundway, including where existing carriageways are relatively narrow.

Overall, and in the context of the National Planning Policy Framework, it is not considered that an objection to this proposal could be sustained on highway grounds as there is no demonstrably unacceptable impact on highway safety, and the residual cumulative impacts on the road network would not be severe.

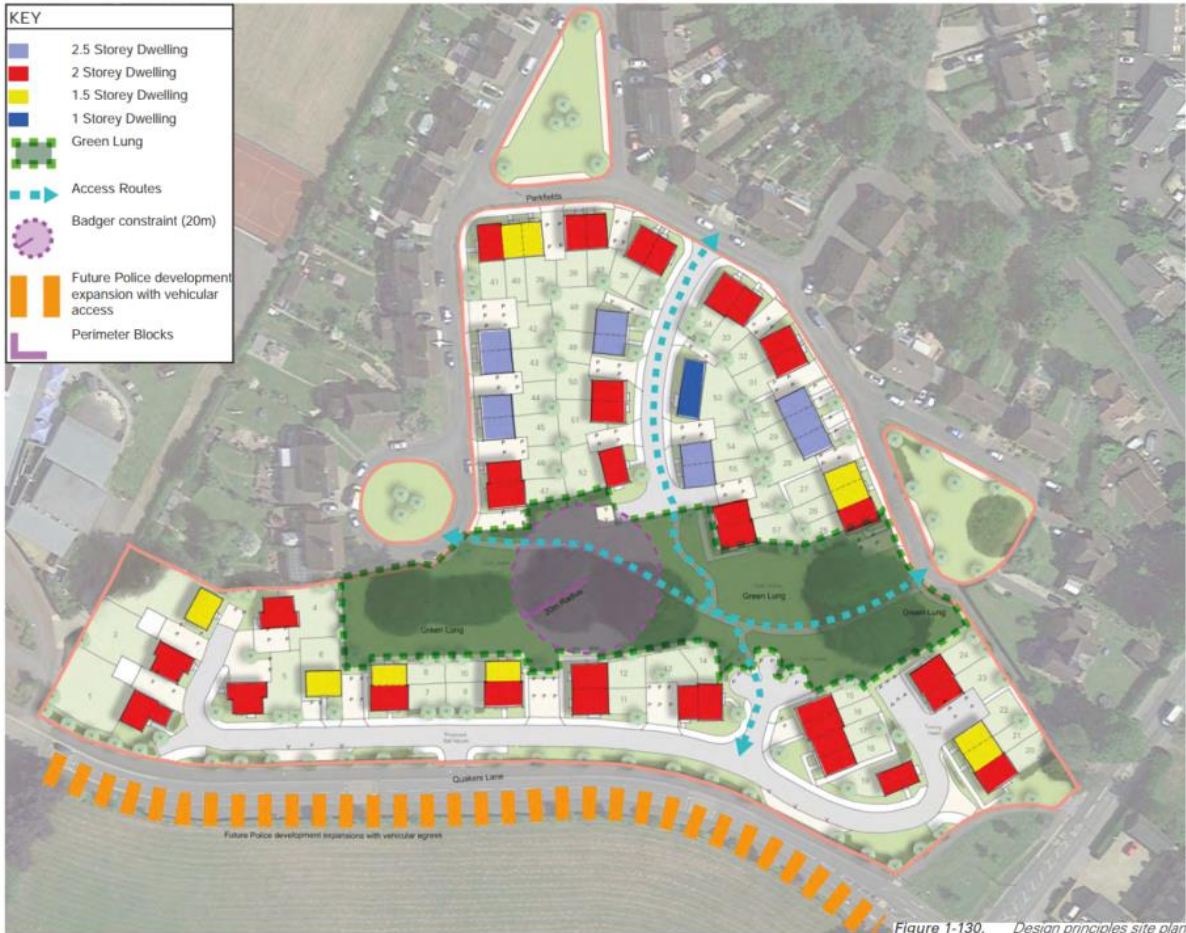
Area character and visual amenity –

Core Policy 57 of the WCS expects new development to make a positive contribution to the character of Wiltshire by, notably, requiring it to retain and enhance existing important landscaping and natural features in order to enhance biodiversity, create wildlife and recreational corridors, and effectively integrate development into its setting. The policy also requires new development to respond positively to existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate into its setting. More generally the policy requires new development to make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to its immediate setting and to the wider character of the area.

Policy H2 of the Devizes Area Neighbourhood Plan requires, in particular, new development to enhance the public realm and connect the green infrastructure of the settlement thus positively contributing to its development.

The application is for outline planning permission with all matters reserved except access. It follows that the detailed layout of the development and the detailed design of the houses are not known at this time. But this said, the application is accompanied by a Design and Access Statement (D&AS) which sets out 'Design Principles' and parameters for the planned development. The D&AS includes a 'Design principles site plan' which adds detail to the illustrative masterplan – notably it shows the proposed 'green lung' through the centre of the site, the access routes through the site, and the storey height parameters of the houses. The latter are indicated to be between 1 and 2.5 stories.





**Design Principles Site Plan**

Overall the proposals set out in the D&AS and on the Design Principles Site Plan are considered to be acceptable, demonstrating that a development of 57 units can be accommodated on the site without appearing at odds with the character of the wider area. Where constraints within the site are known – notably, the larger trees and a badger sett – these are accommodated within the illustrative layout.

Proposed density would be c. 35 dph (excluding the green lung and other open spaces) which is slightly higher than Parkfields but lower than the Quakers Walk development. 35 dph is towards the lower end of usual current density expectations, but is considered appropriate in this instance, striking the right balance between safeguarding the character of the area and making efficient use of the land, in accordance with the expectations of the National Planning Policy Framework. The proposed mainly detached and semi-detached houses are also considered to be in-keeping with the character of the wider area, notably Parkfields which itself supports mainly semi-detached houses.

Building heights at between 1 and 2.5 stories are considered appropriate in the context of Parkfields in particular, where the majority of the existing houses are 2 stories. The detailed design of the houses, and how this would impact on established development, is a matter for later reserved matters applications.

The Design Principles Site Plan shows the 'green lung' through the centre of the site which would provide an element of informal public open space whilst at the same time safeguarding

the badgers sett and a number of established and large trees. This is considered in more detail in following sections of the report.

Overall the illustrative proposals with the application demonstrate that a development of up to 57 dwellings can be accommodated on the site without causing harm to the character and appearance of the immediate or wider areas, in accordance with the Development Plan policies.

#### Ecology –

Core Policy 50 of the WCS requires development proposals to demonstrate how they will protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features will be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long term. The policy also requires new development to seek opportunities to enhance biodiversity.

The application is accompanied by an Ecological Report and a Biodiversity Net Gain Assessment. The conclusion to the Ecological Report states the following –

*The Site was dominated by species-poor grassland of low relative nature conservation and biodiversity value that does not present an overriding constraint future development.*

*In terms of protected species, the main development constraint is the confirmed presence of a main badger sett within the Site. Given there is no real opportunity to move the sett to an undeveloped location that is well connected to wider open countryside, it will be necessary to try and retain and protect the sett within a surrounding 20m radius of undeveloped land, and retain on and off-site access for badgers from the sett. Badgers from the sett will need to cross new minor roads within the development, but these are not likely to pose a significant hazard provided vehicle speeds are suitably controlled and no physical barriers to badger movement are created.*

*The masterplan has been designed to retain the sett with a stand-off around the sett entrance tunnels such that housing construction is highly unlikely to result in any indirect damage as a result of excessive ground vibration. A footpath is, however, proposed that occurs close to the sett and this would need to be constructed in a manner that minimises disturbance to the sett – something that may necessitate relocation of the path further north away from the sett. Safe badger access to off-site land to the east is also retained within the masterplan along an undeveloped green corridor that incorporates a well-used badger path from the sett to the eastern boundary of the Site.*

*It is recommended that a badger protection plan detailing how the badgers and the on-Site sett should be retained and protected during site clearance, construction and development operation is prepared alongside detailed development design.*

*The replacement of the existing grassland with buildings, hard standings, gardens, and the introduction of street lighting will inevitably see a decline in the number of bats species using the Site for foraging purposes. While this cannot be compensated within the Site, measures should be put in place to ensure that retained habitats are kept free of artificial lighting at night, and opportunity for building roosting bats provided within new buildings within the Site.*

The Report makes a number of recommendations to safeguard the badger sett and to retain the 'green lung' as a dark corridor (for the benefit of nocturnal wildlife, including bats).

The Biodiversity Net Gain Assessment calculates that the proposal will achieve net gain for wildlife. This is as a consequence of the proposal changing the larger part of the site from poor semi-improved neutral grassland to a combination of gardens, shrub planted areas, new meadow grasslands and overseeded meadow grasslands, and through the retention of the scrub (the protected badger sett area) hedgerows and trees.

The WC Ecologist agrees with both the conclusions of the Ecology Report and the Biodiversity Net Gain Assessment. The proposal will protect features of nature conservation value and achieve net gain for biodiversity, as required by Core Policy 50.

Residential amenity –

Core Policy 57 of the WCS requires new development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

The application is for outline planning permission with all matters reserved except access. It follows that the layout and design of the houses, and how they will relate to established development, cannot be assessed at this time. But this said, comfort can be taken from the illustrative layout with the application which shows houses sufficiently separated from established development to ensure residential amenity should not be adversely affected.

Some third parties have referred to changes in, or loss of, outlook from existing properties. There can be no right to a view across private land, and so this does not amount to a sustainable reason to object to development. The intended scale of the development – 1 to 2.5 stories – and the sufficient separation between proposed and existing buildings should ensure no loss of light or overshadowing.

During the construction stage disturbance is a potential concern. However, as this is likely to be short-lived, and as to a greater extent it can be controlled and enforced by a Construction Management Plan, it does not amount to a sustainable reason for declining the development.

Other matters –

On heritage assets, the only close-by listed building is Marlborough Lodge and its associated gate posts at the entrance to Roundway. However, it is separated from the application site by intervening later housing, and consequently it would not be affected by the proposals. In terms of the NPPF tests the impact of the proposal on Marlborough Lodge would be neutral.

The site is partly occupied by part of an historic deer park pale. This is largely contained within the proposed green lung. But as either end falls within the indicated development area the WC Archaeologist requires archaeological investigation. The same principle applies to the site of a medieval cottage. Conditions are recommended by the Archaeologist accordingly.

On land drainage, the application is accompanied by a Flood Risk Assessment and Drainage Strategy. This notes that the site is in Environment Agency Flood Zone 1, and so is assessed as having a very low risk of flooding from all sources. This said, on-site infiltration testing has

shown that the bedrock geology is not conducive to discharging surface water run-off to the ground. In view of this the FRA and Drainage Strategy states the following –

*Construction of the building driveways, roads and footways through the development site will introduce impermeable areas to the site. This will increase surface water runoff in the area which will need to be managed. In view of this, a drainage strategy for the site has been developed. In summary:*

- *The site has an area of approximately 22,600m<sup>2</sup>. The development will cover 37% of the site with impermeable surfaces. Runoff from these surfaces requires management so as to reduce flows leaving the site.*
- *Surface water runoff from the new highway (for which adoption will be sought), and driveways, will be collected using traditional pipe and gully system. This will discharge to an existing surface water sewer underneath Quakers Road at a maximum rate of 3.44l/s, as agreed with the LLFA and Wessex Water, who own and maintain the sewer.*
- *Foul water drainage arising from the development will connect to existing combined sewers located underneath the A361 and Parkfields will be required.*

*The existing and proposed flood risk and drainage regimes of the site have been assessed. It has been found that the development has a very low or low risk of flooding from all sources and does not increase the risk of flooding to other properties. A comprehensive and sustainable drainage strategy has been developed to manage surface water and foul drainage post-development. It has been demonstrated that both can be managed efficiently and in-line with local and national guidance. In lieu of this, outline planning permission sought for this development should be granted.*

Both the WC Drainage Engineer and Wessex Water have agreed this drainage strategy, and accordingly raise no objections.

Regarding recreation provision, the proposal includes an element of informal open space (the 'green lung') which satisfies this requirement. Within close proximity to the site is an established children's play area which would serve the proposed development. A number of third-party representations suggest that the site should be used in its entirety as a public park; some representations suggest that it was intended for the land to remain open as part of the Quakers Walk development. There is no planning policy reason for the site to be used as a public park, and no more general reason why the landowner should release it for such a purpose. It is presently private, enclosed land; the proposal includes the opening-up of part of the land as informal public amenity space (the green lung) which will allow greater access to it than at present. There is no record in the planning files relating to Quakers Walk suggesting that the land was intended to remain open and/or to become a park.

Parts of Devizes town centre are within an Air Quality Management Area. Core Policy 55 of the WCS relating to air quality requires development proposals, by virtue of their scale, nature or location which are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures may include possible traffic management or highway improvements, abatement technology, traffic routing and site management or highway improvements.

The application is supported by an Air Quality Assessment, which concludes the following –

*The air quality impacts associated with the operation of the proposed residential development at land north of Quakers Road, Devizes, SN10 2FH have been assessed.*

*Concentrations have been modelled at 11 existing receptors, at a proposed dwelling and at the application site boundary closest to London Road, representing locations where the impacts are expected to be greatest.*

*It is concluded that concentrations of NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> will remain below the AQALs at the receptors in 2024, whether the scheme is developed or not, and the impacts will be negligible.*

*The air quality assessment undertaken is considered a worst-case assessment as it assumes that all vehicles generated by the proposed development will be powered by petrol or diesel. It should however be noted that the proposals will provide EV charging points at each property and this coupled with Government Policy on petrol and diesel vehicles being phased out in future years will mean that the emissions produced by vehicle trips from the proposed development will be lower than that assessed.*

*The overall operational air quality impacts are judged to be insignificant. This conclusion is based on the impacts all being described as negligible and total concentrations being below the air quality objectives at existing and new receptors.*

*The air quality effects of the development have been assessed and found to be insignificant. There should be no constraints to the development of the site, with regard to air quality, as the proposed development is consistent with the relevant parts of:*

- the NPPF; and*
- Core Policy 55 of the Wiltshire Core Strategy.*

The conclusions that the impacts of the development on air quality are generally agreed. In view of the site's proximity to the town centre it can reasonably be assumed that occupiers of the houses will to a certain extent walk to the town centre or use the accessible public transport. This said, they will also to a certain extent travel by car, and so contribute in some way to the air quality concerns however insignificant this may be. Accordingly – and in the context of LAQM and EPUK guidance which states “*Even where the effect is judged to be insignificant, consideration should be given to the application of good design and good practice measures*” – the WC Transportation Team requires a financial contribution towards measures to further disincentivise car travel. A Travel Plan is also required, to be informed by the Framework Travel Plan which accompanies the planning application. These are matter for the planning obligation in the event of planning permission being given.

At the present time Wiltshire Council is unable to demonstrate a 5 year land supply across the county as a whole. In a recent appeal relating to a site in Malmesbury the Inspector concluded that the supply is c. 4.41 years. When a Council is unable to demonstrate a 5 year land supply the relevant housing delivery policies of the Core Strategy must be considered out-of-date, and in accordance with paragraph 11(d) of the NPPF planning permissions should be granted unless the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

In this case the benefits of granting planning permission – namely, the provision of housing, including affordable housing, in a sustainable location within the confines of a Market Town – where there would be no demonstrable adverse impacts (in terms of amenity, highway safety, ecology, heritage, etc.) mean that significant weight should be given to the present housing supply position.

Planning obligation –

Core Policy 3 of the WCS requires all new development to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from proposed development. In this case this infrastructure comprises affordable housing (30% provision in accordance with Core Policy 43), a financial contribution towards ‘early years’ education provision within the locality, a financial contribution towards the cost of introducing a 20mph zone in Parkfields and Roundway including the related TRO, financial contributions towards Air Quality Management measures (incentives to use alternatives to the car), and a financial contribution towards waste collection containers.

## **10. Conclusion –**

The proposal is for a residential development within a residential part of the Market Town of Devizes. It complies with both the Settlement and Delivery Strategies of the Wiltshire Core Strategy and the relevant policies of the Devizes Area Neighbourhood Plan which allow such developments in this location. Although in outline form, the application provides sufficient information to demonstrate that the quantum of planned development can fit on the site without harm to the character of the area or amenity in general. Statutory and expert consultees have confirmed that matters of acknowledged importance – included highway safety, ecology, heritage, drainage and air quality – would not be adversely affected by the proposal. As a consequence approval is recommended, subject to first completion of a S106 agreement.

## **RECOMMENDATION**

**That subject to first completion of a S106 agreement within 6 months of the resolution date, the Head of Development Management be authorised to grant planning permission, subject to conditions.**

**The Section 106 will cover the following matters –**

- **Affordable housing – 30% provision;**
- **Education – financial contribution towards ‘early years’ provision - £122,654;**
- **Highways –**
  - **Financial contribution towards costs associated with introducing a 20mph zone in Parkfield, Parkfield Terrace and Roundway - £6,000;**
  - **Travel Plan and any associated financial contributions;**
  - **Financial contribution towards implementing the Devizes LCWIP for air quality improvement;**
- **Waste – financial contribution towards costs of waste collection containers - £5,187**

**The planning conditions are as follows –**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall make provision for the following –

(i) Up to 57 dwellings; and

(ii) Approximately 0.75 ha of open space to be located centrally within the site (the 'green lung').

'The scale of the development', 'the layout of the development', 'the external appearance of the development' and the 'landscaping of the development' (as to be submitted under condition no. 2) shall accommodate all of the above substantially in accordance with the 'Indicative Coloured Site plan Constraints Diagram' (0202B), the 'Indicative Coloured Site Plan' (0201C), the 'Post developments habitats' plan forming part of the Biodiversity Net Gains Assessment by Applied Ecology Ltd, the 'Landscape Proposals' sheets 1 to 4 (PR123429-11), the 'Soft Landscape Specification' by ACD Environmental dated 23/09/2021, and the 'Design & Access Statement' by Ridge dated 11/2021.

REASON: To ensure the creation of a sustainable development, in accordance with the requirements of the Wiltshire Core Strategy and the stated intentions of the Design & Access Statement accompanying the planning application.

INFORMATIVE: The 'Post-developments habitats' plan forming part of the Biodiversity Net Gains Assessment by Applied Ecology Ltd, the 'Landscape Proposals' sheets 1 to 4 (PR123429-11) and the 'Soft Landscape Specification' by ACD Environmental dated 23/09/2021 form the 'ecological parameters' for the approved development and so should be carried forward to the reserved matters applications. In the event that changes to the layout are made then a further metric calculation for biodiversity net gain will be required to ensure that a comparable volume of biodiversity net gain is deliverable within the site.

5. 'The means of access' to the site (which for the purposes of this condition includes all planned improvements and works to Parkfield) shall be constructed substantially in accordance with the following drawings:
  - 0201C dated 20/10/2021 (Indicative Coloured Site Plan)
  - 1101 dated 20/10/2021 (Parkfield Highway Improvements [including lay-bys])
  - 1102 dated 20/10/2021 (Quakers Road with Copenhagen Crossing)
  - 0001 Visibility Splays of Accesses and Private Drives) dated 24/08/2021

The Parkfield Highway Improvements shall be completed prior to the first occupation of any of the new dwellings to be accessed from Parkfield or in accordance with a programme to be first agreed in writing with the local planning authority.

REASON: To clarify the extent and detail of the means of access, and to ensure its proper and timely delivery in the interests of highway safety.

6. No development shall commence within the application site until:
  - a) A written programme of archaeological excavation, which should include on-site work and offsite work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority;
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of matters of archaeological interest identified by the archaeological evaluation of the site.

7. Throughout the construction phase the 'Construction Phase' actions for archaeology set out in the 'Action Plan' in the Archaeological Management Plan by Tetra Tech dated 11/2021 shall be fully implemented by the developer/contractors. During the operational phase the 'Operational Phase' actions set out in the 'Action Plan' shall also be implemented by the developer/contractors with, where necessary, details of matters including the residents' information packs and the public information board being first agreed in writing with the local planning authority.

REASON: To enable the preservation of the former Deer Park Pale within the landscape of the proposed development which was identified by the Archaeological Evaluation accompanying the application as an important heritage asset.



8. The development shall be carried out strictly in accordance with the recommendations of the Ecology Report by Applied Ecology Ltd dated 02/2021, and where necessary the reserved matters applications will be informed by the Ecology Report's requirements, notably in relation to accommodating the badgers, providing nocturnal dark wildlife corridors and achieving biodiversity enhancement.

With regard to biodiversity enhancement, the reserved matters for the planned buildings will make provision for at least ten enclosed bat boxes and at least ten swift bricks. These boxes and bricks will be erected/constructed as approved prior to first occupation of the buildings.

REASON: In the interests of both protecting and enhancing the wildlife interests of the site.

9. The development shall be carried out strictly in accordance with the drainage strategy set out in the Flood Risk Assessment and Drainage Strategy by Ridge dated 21/10/2021.

In support of the reserved matters application(s), full hydraulic modelling will be required taking into account an increase in impermeability as a result of new built development (in line with LASOO guidance). The MADD factor in the hydraulic modelling will need to be set to 0m<sup>3</sup>/ha in the detailed hydraulic calculations to ensure that the on-site attenuation storage is not overestimated. The hydraulic modelling should then inform the detailed design of the development.

REASON: To ensure satisfactory drainage of the site in accordance with good planning.

10. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and; The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other

chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12. No part of the development shall be first occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

13. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

14. No individual dwelling shall be first occupied until the access, turning area and parking spaces for that dwelling have been completed in accordance with the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

15. All visibility splays shall be provided strictly in accordance with the details shown on the 'Visibility Splays of Accesses and Private Drives' drawing (no. 0001 dated 24/08/2021). The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

16. No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity.

17. Other than works relating to archaeology and to make the site secure, no development shall commence on site, until a Construction Method Statement - which shall include the following:

- a) the access for construction traffic (which should be from Quakers Road only);
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) measures for the protection of the natural environment;
- j) hours of construction, including deliveries (where works and operations are audible at the site boundary the working hours should be limited to between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays, and at no time on Sundays or Bank holidays) -

- has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

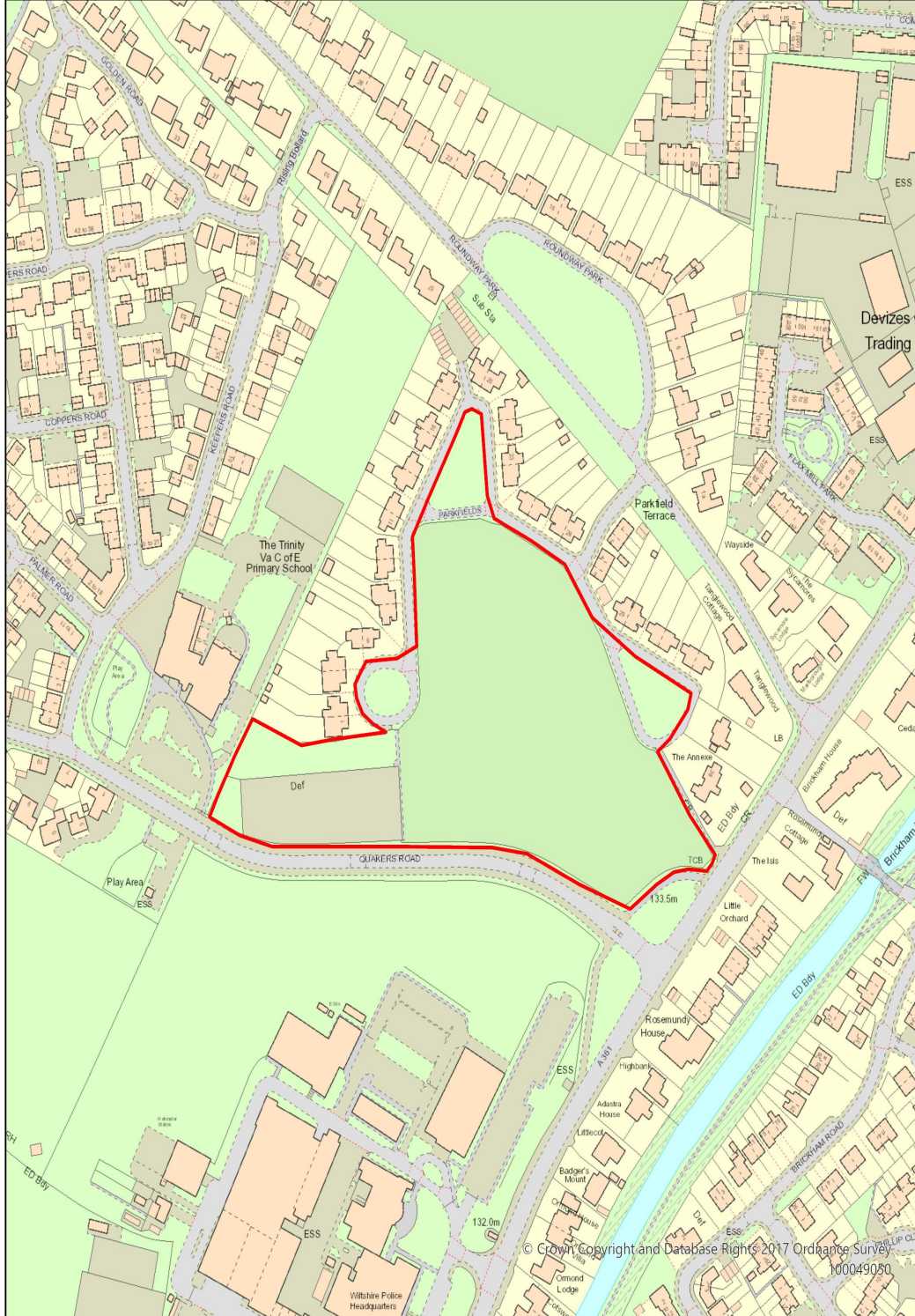
REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

18. INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
19. INFORMATIVE: The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website  
<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.&nbs>
20. INFORMATIVE: The applicant's attention is drawn to the response to the application from Wessex Water, and in particular the reference to Wessex Water assets within the site and the related easements.

**Wiltshire Council**

21/02477/OUT

Land North of Quakers Road  
and South of Parkfields,  
Devizes, Wilts



1:2,500



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## REPORT TO EASTERN AREA PLANNING COMMITTEE

Report No. 2

<b>Date of Meeting</b>	24 February 2022
<b>Application Number</b>	PL/2021/09789
<b>Site Address</b>	Land adj 15 Pines Road (known as 17 Pines Road) Devizes, Wilts, SN10 3AZ
<b>Proposal</b>	Detached dwelling (Resubmission of PL/2021/05314)
<b>Applicant</b>	PMJ Planning Services
<b>Town/Parish Council</b>	Devizes Town Council
<b>Electoral Division</b>	Devizes East – Cllr Kelvin Nash
<b>Grid Ref</b>	401449 160970
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Meredith Baker

### Reason for the application being considered by Committee

This application has been brought before the Committee at the request of Councillor Nash, should the application be recommended for refusal, on the basis that the house option, replacing the previously approved bungalow, is an improvement to the area.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material consideration, and to consider the recommendation that the application be refused planning permission.

#### 2. Report Summary

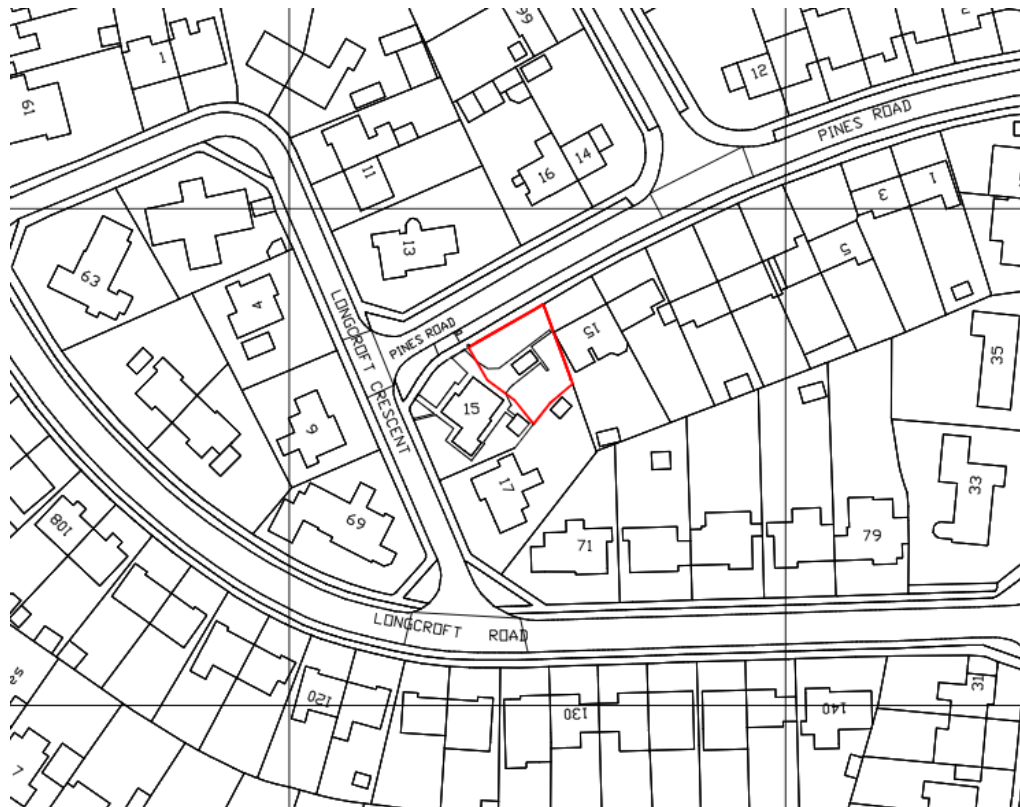
The proposed development is considered to give rise to unacceptable impacts upon the character of the area as a result of the overdevelopment of the site in a contrived plot which is out of keeping with the pattern of development hereabouts. The proposal would also result in inadequate amenity space for the future occupants of the three bedroomed dwelling and would adversely impact on neighbours' amenities in terms of overlooking from the first-floor bedroom window. There are no benefits that would outweigh the harm generated.

#### 3. Site Description

The site is located within the settlement of Devizes and comprises the land that was previously part of the residential curtilage of 15 Longcroft Crescent. As confirmed in the Planning Statement the land is now no longer part of the residential land known as 15 Longcroft Crescent and is known as 17 Pines Road.

The site is situated to the south of the highway of Pines Road in a residential estate. To the immediate east are two storey semi-detached pairs and to the west and south are single storey bungalows.

Below is the Location Plan that shows the context of the site.



#### 4. Planning History

21/02362/FUL – Proposed detached bungalow within garden of 15 Longcroft Crescent – Granted with conditions – 19/05/2021

PL/2021/05314 – Detached 3 bedroomed dwelling (Amendment to 21/02362/FUL) – Withdrawn

The application site has extant planning permission for a bungalow under planning reference 21/02362/FUL which is material to the consideration of the current application. The permitted bungalow is not dissimilar in footprint at ground floor level but does not have a first-floor level and has only two bedrooms. This will be further referenced within the assessment of the current application below.

Planning permission was previously sought for the two-storey dwelling proposed under this application under reference PL/2021/05314. This application was withdrawn by the applicants and thus has no material weight relevant to the current application. It was however withdrawn following comments from the Case Officer that the proposal was to have a recommendation of refusal.

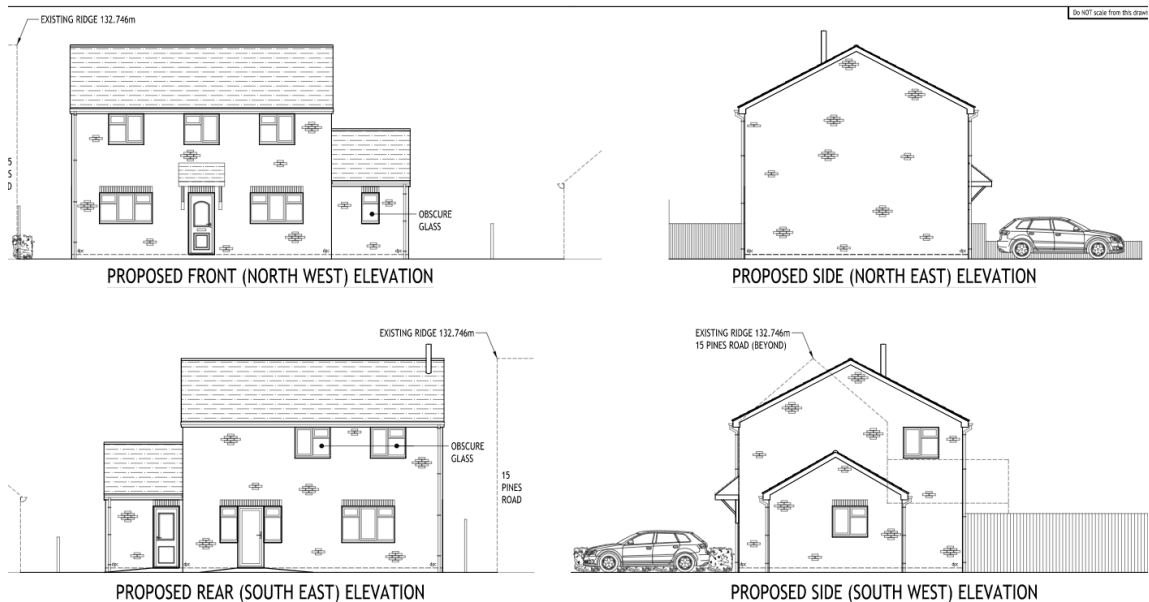
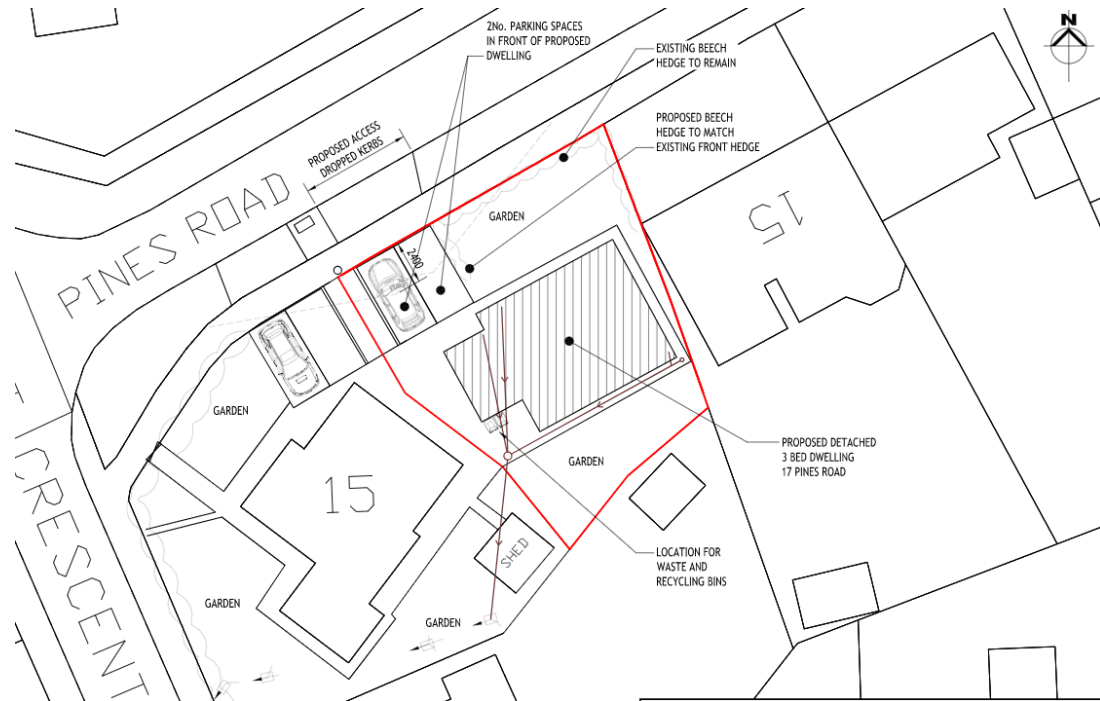
#### 5. The Proposal

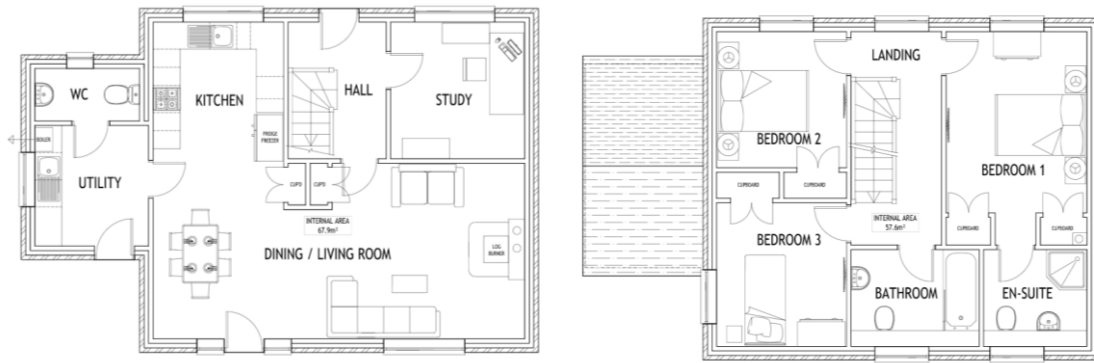
The application seeks planning permission for the erection of a two storey, three bedroomed dwelling and associated access.



The dwelling would be accessed off Pines Road where there would be a new dropped kerb with access onto hardstanding at the front of the site for the parking of two vehicles.

*Proposed scheme:*





## 6. Planning Policy

### National Planning Policy Framework (NPPF)

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 5 (Delivering a sufficient supply of homes)

Section 8 (Promoting healthy and safe communities)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

Planning Practice Guidance (PPG)

National Design Guidance

### Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement strategy

Core Policy 2: Delivery strategy

Core Policy 12: Devizes Community Area Strategy

Core Policy 57: Ensuring high-quality design and place-shaping

Core Policy 60: Sustainable transport

Core Policy 61: Transport and development

Core Policy 62: Development Impacts on the Transport Network

Core Policy 64: Demand management

### Devizes Area Neighbourhood Plan:

H1 – Strategic Policy Intent – Settlement Framework Boundary

H2 – Strategic Policy Intent – Built Environment & Sustainability

T1 – Strategic Policy Intent – Getting Around

ESD1 – Strategic Policy Intent – Environment & Sustainability

### Other Documents and Guidance

Waste Storage and Collection: Guidance for Developers

Revised Wiltshire Planning Obligations Supplementary Planning Document (October 2016)

Wiltshire Local Transport Plan 2011 – 2026 – Car Parking Strategy (March 2011)

## **7. Consultation responses**

Devizes Town Council : “raised no objection to this application.”

WCC Highways: Comment: “I note that this is a re-submission of a previous application. Under that application 21/05314, the applicant provided a Proposed Site plan ref 00365/003 Rev B which notated visibility splays for both parking areas. It appears under this submission the splays are only being shown for the new dwelling. To be safe and acceptable the applicant should be securing the original splays and I advise that they re-submit the previous drawing with the inclusion of a note stating that the splays will be kept free of obstruction at and above 600mm above footway level.

A note stating that the parking areas will be surfaced in a consolidated material - not loose stone and gravel should also be added.

Please note that informative previously applied in regards to the vehicle crossover permission will also need to be added.”

## **8. Publicity**

The application has been advertised by letter to local residents and by site notice. Two third party representation have been received raising objections as follows (in summary):

- First floor window for bedroom 3 would overlook 17 Longcroft Crescent.
- Two storey dwelling would reduce light to rear garden of 17 Longcroft Crescent and 15 Pines Road.
- A family house should have more amenity space in the rear garden than proposed.
- Site is only suitable for extant two bedroomed bungalow.
- Lack of affordable bungalows in the area.
- Previous scheme would be visually better with the bungalows nearby.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

### Principle of Development

Wiltshire Core Strategy –

The application site is located within the identified limits of development of Devizes. Devizes under Core Policy 1 of the Local Plan is a Market Town which has the ability to support sustainable patterns of living in Wiltshire through the current levels of facilities, services and employment opportunities. As outlined within Core Policy 2 of the Local Plan there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. As such given the Devizes settlement siting, the principle of a dwelling in this location is considered acceptable. However, it is also subject to assessing the physical impacts of the development proposed, having regard to other relevant policies of the Development Plan.

Housing Land Supply –

The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. At the current time, Wiltshire Council is unable to demonstrate that it has 5 years' worth of deliverable sites. This means that policies relating to housing delivery in the adopted Local Plan and 'made' Neighbourhood Plans (whereby in this instance the Devizes Neighbourhood Plan is made) are currently considered to be 'out of date'. Planning applications will therefore be considered in line with paragraph 11 of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

#### National Planning Policy Framework –

The NPPF sets out the Government's planning policy for England and places sustainable development at the heart of the decision-taking process incorporating objectives for economic, social and environmental protection. These objectives seek to balance growth and local community needs against protection of the natural, built and historic environment.

In having regard to the three objectives of sustainable development, the development site is located within an area which benefits from established public transport. It is acknowledged that the site would not provide any form of long-term economic development, however there would be limited economic benefits generated through the construction period with spin offs from wage spending of construction workers and supplier sourcing, and following this, consumer spending on goods and services by the occupants of the dwelling within the local economy.

The social aspect of sustainable development would be met through the contribution made to the housing stock. With regard to the environmental objective of this development, the proposals could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Building Regulations standards.

#### Conclusion on the principle of development –

The principle of the proposed development within the settlement policy boundary of Devizes is supported by the Core Strategy and Neighbourhood Plan. However, as set out above, housing policies in the Development Plan are currently considered to be out of date given the Council's inability to demonstrate 5 years' worth of deliverable sites.

As such, the weight afforded to Policies 1, 2 and 12 are reduced in accordance with paragraph 11 of the NPPF. Notwithstanding this, the principle of development would represent sustainable development. As such, the principle of the proposed development remains in accordance with the National Planning Policy Framework whereby the housing strategy policies of the Local Plan are considered to be out of date. Whilst the principle of housing is acceptable in this location, the application is also subject to assessing the physical impacts of the development proposed, having regard to other relevant policies of the Development Plan and of particular relevance to the proposed development is Core Policy 57 'Ensuring High Quality Design. These matters will be assessed below.

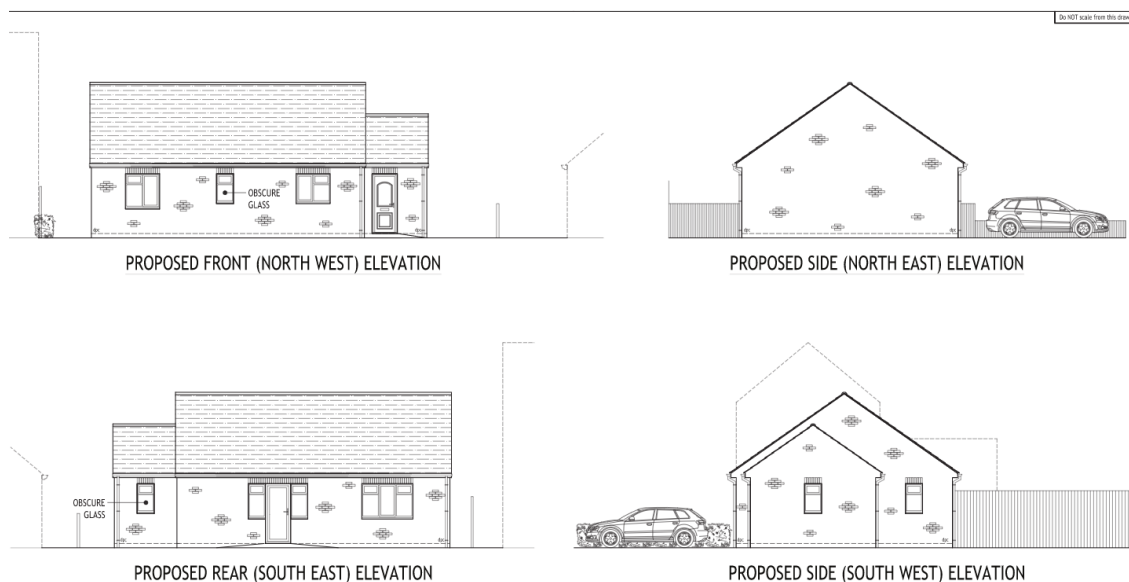
#### Design and Visual Impacts

Section iii) of Core Policy 57 of the Wiltshire Core Strategy states that new development must respond positively to existing townscape in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines. Policy H2 of the Neighbourhood Plan also outlines that proposals must be designed to relate to the

character of the surrounding area and enhance the public realm. The need for good design is reinforced by Section 12 of the National Planning Policy Framework which advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and sympathetic to local character and history, including the surrounding built environment and landscape setting (paragraph 130).

The proposed development is to be in a highly visible plot in a residential estate. In terms of the principle of a dwelling in this location and the size of the plot, it is considered acceptable noting the extant planning permission for a bungalow which is a material fall-back position for the applicant.

The extant permission relates to a modest bungalow whereby, as confirmed in the officer report, the development respects the height and scale of surrounding bungalows which are a key characteristic of the street scene. It was considered that in that instance that whilst it would be desirable to retain the existing open garden space and the proposed bungalow would fill the gap between properties, it was not considered to be detrimental to townscape character or a cramped layout that would justify a refusal of planning permission. The bungalow scheme plans are demonstrated below:



Whilst the ground floor footprint of the bungalow is similar to that of the current proposal, attention is afforded to the additional bulk and mass that is proposed through the introduction of a first-floor level.

The proposed two storey dwelling would result in a large dwelling in a very small plot which is considered out of keeping with the pattern of development in the area and would constitute overdevelopment of the site. The two-storey dwelling would appear incongruous in nature and would be materially different to the extant bungalow development granted. In particular when considering the proposed dwelling to the neighbouring two storey dwellings to the east the overall footprint is larger than these dwellings (noting that no. 15 Pines Road has single storey rear developments and thus the proposed two storey depth is larger than the neighbouring dwellings to the east) whilst having a considerably less amenity space around the dwelling. The space around the dwelling, when noting the two-storey bulk proposed, would not have due regard to the density and layout of the surrounding area which is required under Core Policy 57. It is therefore considered that the proposed development by virtue of size, layout and siting would constitute overdevelopment of the site that is not in-keeping with the layout

and pattern of development of the locality. It is considered that the only development that would be satisfactory in terms of plot size, layout and impact upon the established pattern and character of the area would be the extant bungalow permission (or a revised bungalow design).

Whilst the proposed development is considered unacceptable when considering the two-storey dwelling in a small, contrived plot, out of keeping with the layout and established pattern of the area attention is afforded to the appearance of the street scene.

The proposed two storey dwelling would be located between the two storey semi-detached pairs to the east and a single storey bungalow to the west. As demonstrated on the submitted street scene plan the proposed ridge height of the new dwelling would be lower than the neighbouring dwelling (and its subsequent two storey side extension) of 15 Pines Road. Given the siting between the higher two storey dwelling to the east and the bungalow to the west the ridge height proposed, when considering the impact upon the appearance of the street scene only, is considered acceptable. The ridge height decreasing to the west along Pines Road is not of demonstrable harm. It is considered that the gap between the dwellings is not substantial and would appear cramped in the street scene, but is not considered of demonstrable harm. There would be a gap between both neighbouring dwellings to not result in any adverse 'terracing effect' whereby 15 Longcroft Crescent also has a slightly different orientation (to the north west) which allows the properties to be read separately along the street scene.

In relation to design itself, the dwelling is proportionate with appropriate detailing and thus there is no objection in this regard. It is considered that the design could be more sensitive to the character of the area, notably as the window openings on the adjacent dwellings are larger and thus there is no continuity along the street scene. Whilst this is noted, given that the wider area is mixed with different forms of dwellings this is not a matter that would justify a refusal reason in this regard. The proposed materials are to be red facing brickwork and brown interlocking tiles to match 15 Pines Road. This is considered acceptable and would be in keeping with the character of the area.

Whilst the proposed impact upon the appearance of the street scene and the design of the dwelling itself is considered acceptable on balance, the proposed layout and scale of the dwelling in relation to its plot and the established character and pattern of the area is considered contrary to Core Policy 57 (namely criterion iii) and Policy H2 of the Neighbourhood Plan and does not constitute high quality design. The proposal is also considered contrary to Section 12 of the National Planning Policy Framework (2021) which seeks high quality design which is sympathetic to the local character and layout.

#### Impact on Amenity

Core Policy 57 criterion vii) outlines that there needs to regard given to the compatibility of adjoining buildings and uses, including the levels of amenity of existing occupants.

Amenity of future occupants –

In first considering the proposed internal layout, the proposed dwelling would allow adequate light to allow habitable rooms.

Secondly, attention is afforded to the proposed amenity space proposed. The proposed private rear amenity space for the dwelling would be circa 58sqm (which does not count the area for bin collection and the route for the refuse to the front of the site). In terms of depth the minimum depth between the dwelling and rear boundary would be 3.3m with a maximum depth of 6.8m (again discounting the refuse area). It is considered that this garden space, when taking into

account that this would be a three bedroomed property (which would likely be a family home) would not be sufficient for the enjoyment of the occupants and would be out of keeping with the pattern of development in terms of provision provided.

It is noted that the amenity provision is (very) slightly larger than that proposed for the bungalow scheme approved, but there are material differences to this scheme. In particular the two storey dwelling proposed under this scheme is three bedroomed in nature and would also likely attract a family use. The additional bedroom is material in this instance as there would be additional persons on site to utilise the amenity space. Whilst there is very limited room for some residential paraphernalia, it is not considered an expected level of a three bedroomed property in a residential estate which has an established pattern of modest private rear amenity spaces. The lack of amenity space is considered unacceptable for the future needs of the occupants contrary to Core Policy 57.

#### Residential Amenity –

Consideration is also afforded towards the impacts upon neighbouring sites. Firstly, in relation to 15 Pines Road the proposed built form would be at a parallel to this neighbouring property. In this regard it is noted that there are no side openings on the two-storey aspect on the neighbouring extension that would be adversely impact by the development. It was however noted on the site visit that a first-floor window on the rear of the two-storey side extension at 15 Pines Road would be impacted upon. Whilst there would be views towards the two-storey bulk of the proposed development and some hemmed in impression given there would be first floor development either side of the window, given the set back siting from the boundary and siting it is not considered that there would be any significantly adverse overbearing effect or loss of outlook to this window as to warrant a refusal reason in this regard. There would be some overshadowing towards this neighbouring site (which the neighbouring occupant has objected to) and impact window in the evening hours of the day but this is only for a limited part of the day and is slightly set back from the boundary and thus is acceptable in this instance.

With regard to 15 Longcroft Crescent the proposed development is set back from the boundary, whereby there would also be a single storey aspect to the dwelling on the western elevation. It is noted that there is a single storey window on this side elevation of this neighbouring dwelling which would be impacted. Although noted, given the setback siting with the single storey aspect on the western elevation, it is not considered that the two-storey development would result in any unacceptable impacts beyond the previous approved scheme for the bungalow in terms of overbearing effect or loss of outlook. There would be overshadowing generated towards this neighbouring site in the morning hours of the day, however given the limited period of overshadowing and orientation of the plots, there would not be any significantly adverse overshadowing or loss of light generated to this property.

It is also considered that by virtue of siting away from the shared boundaries there would be no unacceptable impacts in terms of overbearing effect, loss of outlook, overshadowing or loss of light towards the dwellings to the north and south. Whilst it is noted that the dwelling is in proximity to the boundary of 17 Longcroft Crescent given the siting at the end the garden and set back from the shared boundary any impact is not considered significantly harmful.

Lastly consideration has been afforded to overlooking and loss of privacy from the proposed windows. In relation to the ground floor windows, given the siting, alignment and boundary treatment these openings would not result in any harmful impacts. With regard to the first floor windows the front elevation windows would have views over the public realm with acceptable distance to the properties to the north of the highway and is acceptable.

There are no windows proposed on the eastern elevation at first floor level to adversely impact 15 Pines Road. The rear elevation windows at first floor level are to serve a bathroom and ensuite room. Given the use of the rooms it is considered reasonable to impose a planning condition that these windows are obscure glazed and this would also ensure no adverse overlooking or loss of privacy to both the occupants and neighbouring occupants.

Finally, a window proposed at first floor level on the western elevation serving 'bedroom 3'. This window is considered to give rise to unacceptable overlooking and loss of privacy as a result of the siting. The window is on the side elevation which would have direct views over the neighbouring site of 15 Longcroft Crescent as well as oblique views towards the property of no. 17 Longcroft Crescent. Given the orientation, distance and oblique nature the impact towards no. 17 is not considered of demonstrable harm. It is however considered that the outlook towards No. 15 is unacceptable as the outlook would be clearly over the whole site including all the private amenity space. Consideration has been considered to any potential conditions, such as to obscure glaze the window however given that this is the sole window for a habitable bedroom, it is not considered reasonable to impose this as a condition. It is therefore considered that the proposed outlook from 'Bedroom 3' would not achieve appropriate levels of amenity contrary to Core Policy 57, namely criterion vii).

#### Highway Safety Impact/ Parking

Core Policy 61 – Transport and New Development – seeks to ensure that new development is capable of being served by safe access to the highway network. Core Policy 64 seeks to ensure that parking standards are met as set out in the Council's adopted standards.

The proposal seeks permission for a new access point and the provision of two vehicular parking spaces on site. As outlined within the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy it is expected that for 2 to 3 bedroomed dwellings 2 parking spaces are allocated on site and thus the amount of vehicular spaces proposed is acceptable.

In relation to the access, the Council's Highway Officer has no objection in principle, noting the extant permission for an access in the same location. It has however been requested that an additional plan is submitted which demonstrates visibility splays for both parking areas (for 15 Longcroft Crescent and the proposed new dwelling). Under the current application the applicants do not own the property of 15 Longcroft Crescent (which was outlined in blue as in the owners ownership under planning reference 21/02362/FUL). Notwithstanding the change of ownership in the instance that the proposal was recommended for approval it would have been deemed reasonable and necessary to impose a planning condition that the dwelling is not occupied until splays have been provided on both sides of the access to the rear of the existing footway based on co-ordinates 2.4m x 2.4m and the splays shall always be kept free of obstruction above a height of 600mm (a re-imposed condition from the extant scheme's decision notice). The condition in relation to surfacing (to not be loose stone or gravel) and an informative in relation to additional permission required from the Highway Authority for works to the highway, would also have been re-imposed in the instance the application was being recommended as granted.

It is therefore considered that, subject to conditions, the proposal would be acceptable in terms of parking and highway safety. As such the scheme is considered to fail to meet the relevant criteria of Core Policies 60, 61 and 64 of the WCS (2015) and the WLTP (2011 – 2026) Car Parking Strategy (2015) and with the relevant sections in the NPPF (2021).



### Refuse and Recycling

The proposed refuse storage would be at the rear of the dwelling and collection would be at the front of the site on bin collection days. This arrangement is considered acceptable and in keeping with the existing arrangements in the locality.

### S106 contributions/CIL

The property will be CIL liable charged at the standard council rate.

### Conclusion/Planning Balance

The principle of the erection of a new dwelling within the limits of development of Devizes, is allowed for within the development plan, as per Policies 1, 2 and 14 of the Core Strategy. Whilst it is considered that the principle of development does comply with the policies contained within the development plan, as set out above, the Council cannot currently demonstrate a deliverable five-year supply of housing. The housing policies are therefore out of date as it relates to the supply of housing. The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed site is not located within any protected areas or assets of particular importance (as outlined within paragraph 11 d) i) and footnote 7 of the NPPF).

The development would contribute towards the provision of one new residential unit. The relatively small contribution of one residential unit to the local supply of housing would provide a social benefit. The development would also result in some economic benefits through the construction period and following this, consumer spending on goods and services by the occupants of the dwelling within the local economy. Given the scale of the development proposed, it is considered that the resultant economic benefits would be relatively modest. There are also no perceivable environment benefits identified with the scheme, whereby the intensification of the land would negatively impact on the environment, with no enhancements identified environmentally. Taking all the above into consideration, the public benefits are not considered to outweigh the harm that has been identified regarding the adverse impact upon the character and appearance of the area, the amenity of future occupiers and the adverse impact upon neighbouring amenity.

Therefore, even with the Council not currently being able to demonstrate a five-year housing land supply, paragraph 11 d) of the Framework is engaged, in accordance with paragraph 11 (d) (i), the application of policies in the Framework provides a clear reason to refuse permission. Moving on to the overall planning balance, conflicts have been identified with the development plan, as the development would not be acceptable when considering the impact upon the layout and pattern of the area and upon amenity. This conflict identified with the Development Plan and with the Framework (NPPF), when taken as a whole, would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the application is recommended for refusal.

### **RECOMMENDATION:**

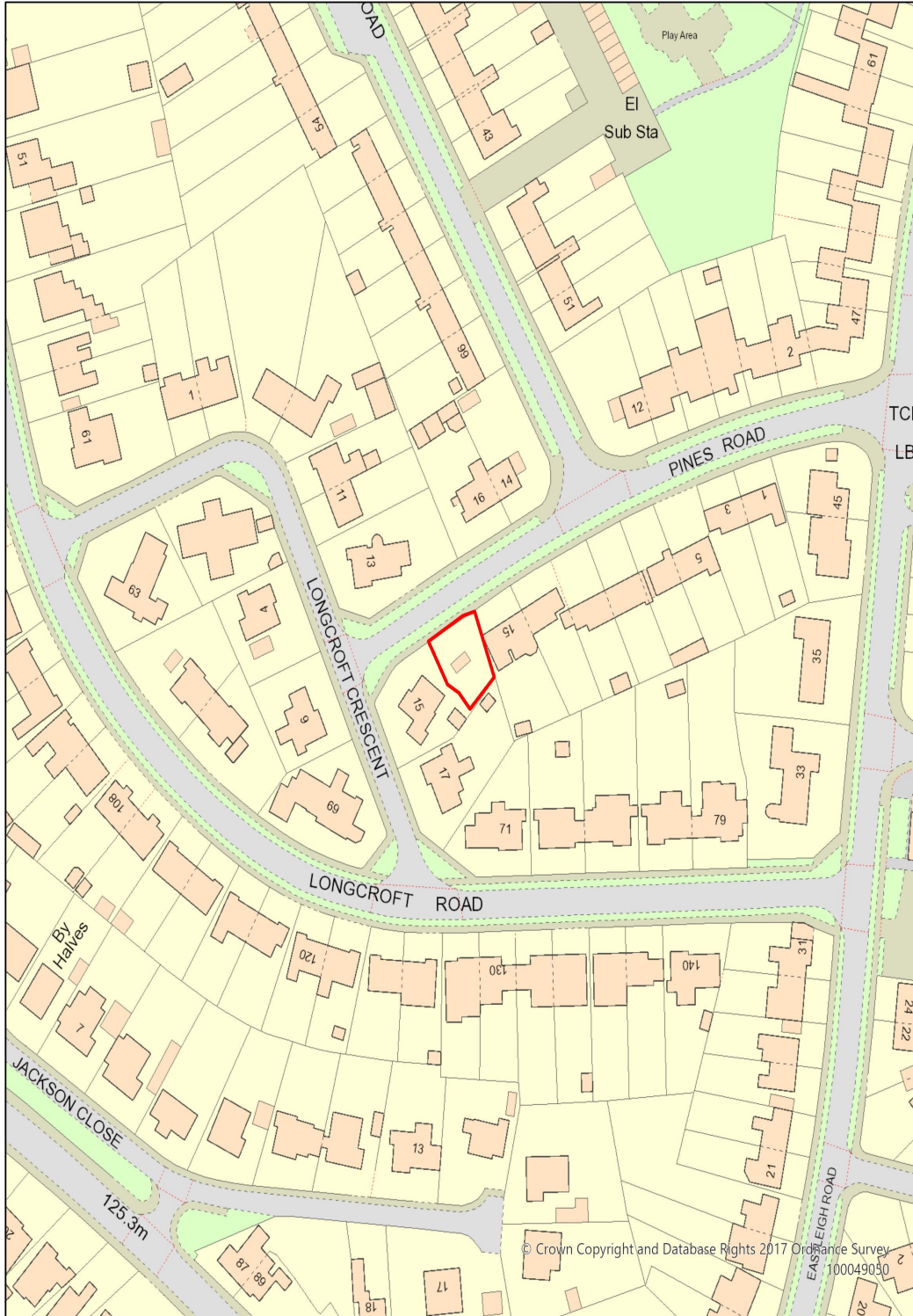
**That planning permission be REFUSED for the following reasons:**

1. The proposed development would appear unacceptably cramped and incongruous by virtue of its siting, spacing and size of the dwelling, and the resultant plot shape, amenity space and proximity to existing dwellings. The proposal would appear contrived and out of keeping with the established pattern and character of the surrounding development and by virtue of its layout the proposal does not represent high quality design. As such the proposal would not positively contribute to the overall quality of the area contrary to the National Planning Policy Framework (2021), Core Policy 57 of the Wiltshire Core Strategy (2015) and Policy H2 of the Devizes Area Neighbourhood Plan (2015).
2. The proposed private amenity space for the dwelling is considered insufficient for the amenities for the future occupants and therefore does not represent high quality design. As such the proposal would not positively contribute to the overall quality of the area contrary to the National Planning Policy Framework (2021) and Core Policy 57 of the Wiltshire Core Strategy (2015).
3. The proposed development by virtue of its proposed siting and orientation of 'bedroom 3' window would result in unacceptable overlooking and loss of privacy to the neighbouring '15 Longcroft Crescent'. This relationship would be adversely harmful upon the amenities of the occupiers of '15 Longcroft Crescent' contrary to the National Planning Policy Framework (2021) and Core Policy 57 of the Wiltshire Core Strategy (2015).

**Wiltshire Council**

PL/2021/09789

Land Adj 15 Pines Road  
(Known as 17 Pines Road),  
Devizes, Wilts, SN10 3AZ



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