

REPORT FOR AREA PLANNING COMMITTEES

Date of Meeting	18 th September 2024
Application Number	PL/2023/05471
Site Address	Land South West of Park Road, Malmesbury, Wiltshire
Proposal	Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT
Applicant	Cotswold Homes
Town Council	Malmesbury
Ward	Malmesbury
Type of application	Reserved Matters
Case Officer	James Repper

Addendum

The planning application was originally heard by the northern area planning committee on Wednesday the 21st August 2024.

The application was deferred due to the application being in technical breach of Core Policy 41. The applicants supplied a Sustainable Energy Strategy which has been viewed by the Climate and Environment Officer who has made the following comment;

“Thank you for consulting me on the Sustainable Energy Strategy. This is adequate to comply with CP41 requirements. It demonstrates that the developer is targeting an approach that exceeds current building regulations and as such, without any specific local standards may be considered as a policy-compliant ‘low carbon’ approach.

Subject to the conditions set out below and within the previous committee report I have no objection. Please note that the previous committee report included a separate condition wording (for cycle parking) within the reason for condition 7 by mistake. This needs to be amended on any Decision Notice, so there will be a total of nine conditions.”

The climate and environment officer’s position is now No Objection Subject to Conditions.

Suggested Conditions;

1. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

2. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer’s details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

3. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer’s details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy.

4. No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

5. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

Concerns were also raised in relation to the details submitted via previous applications PL/2023/05416, PL/2023/04614 and PL/2023/07243 were not visible on the public portal. All files have now been published and whilst technical applications can now be fully viewed.

The original Committee Report follows this addendum. The above conditions represent conditions 5-9 the only other required alteration is to condition 2.

RECOMMENDATION:

Approve as in original officer's report 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:

Application Form & Certificate Received 5th July 2023

As per the plans schedule, received on 2nd July 2024 Plans Ref:

Drawing Number Drawing Description

897 – 100 Rev A Site Layout

897 - 150 Site Location Plan

897 – 101 Rev B Boundary Treatments Plan

897 – 102 Rev A Wall Materials Plan

897 – 103 Rev B Roof Materials Plan

897 – 104 Rev A Tenure Plan

897 – 105 Rev A Ownership Plan

897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan

897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans

897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations

897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans

897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations

897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans

897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations

897 – 011 Plot 15 - Type B - Floorplans

897 – 012 Plot 15 - Type B - Elevations

897 – 013 Plots 16 and 22 - Type D - Floorplans

897 – 014 Plots 16 and 22 - Type D - Elevations

897 – 015 Plot 1 - Type D Bay - Floorplans

897 – 016 Plot 1 - Type D Bay - Elevations

897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans

897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations
897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans
897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations
897 – 021 Plot 18 - Type BV1 - Floorplans
897 – 022 Plot 18 - Type BV1 - Elevations
897 – 023 Plot 19 - Type BV1 - Floorplans
897 – 024 Plot 19 - Type BV1 - Elevations
897 – 025 Plot 17 and 23 - Type DV1 - Floorplans
897 – 026 Plot 17 and 23 - Type DV1 - Elevations
897 – 050 Single Garage Floorplan and Elevations
897 – 051 Double Garage Floorplan and Elevations
897 – 250 Site Section
897 Material Finishes Schedule
23_271_101_B Soft Landscaping Plan

Energy Statement – Cotswold Homes Received 6th September 2024

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

3. 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.

4. No development shall continue on-site beyond slab level until the exact 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: 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 and the character and appearance of the area.

5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy.

8. No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

9. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

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Reason for the application being considered by Committee

Councillor Gavin Grant has called the application to committee for the following reasons:

- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design – bulk, height, general appearance
- Environmental/highway impact
- High level of public opposition

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

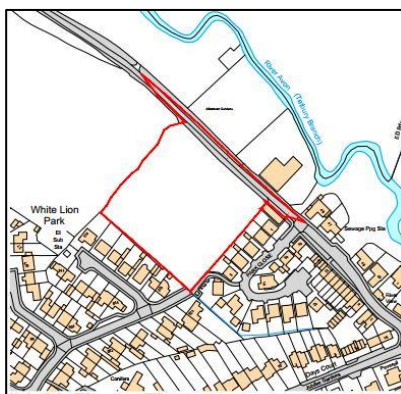
- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

The revised application has generated a mixed position from Malmesbury Town Council and 10 letters of representation from the general public.

3. Site Description

The application site consists of 0.84 Ha of land located to the northwest of properties in Park Close and to the northeast of the properties 116-122 of White Lion Park. The site outlined in red forms part of a grassed field. The application site includes the current field hedgerows and trees to the northwest of the site with open fields beyond.

The site slopes up from Park Road fairly steeply towards White Lion Park. The site is located in the Avon River Valley with the boundary to the Cotswold AONB located to the western side of Park Lane. Park Road, including land within the red site boundary forming the proposed access to the site, is low-lying and close to the river valley and is located in Flood Risk Zones 2 and 3 and part of the application site is also in an area at risk of both groundwater and surface water flooding.





2 Proposed Site Plan

4. Planning History

Application Ref	Proposal	Decision
20/08341/OUT	Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Spaces, Landscaping and Associated Engineering Works.	Approved via Appeal September 2022
PL/2023/05416	Discharge of conditions 6, 9 and 21 of 20/08341/OUT	Approved 30 th April 2024
PL/2023/04614	Discharge of Condition No 22 on 20/08341/OUT (Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Space, Landscaping and Associated Engineering Works)	Approved 3 rd August 2023
PL/2023/07243	Discharge of conditions 8, 10, 11, 12, 16 and 18 of 20/08341/OUT	Approved 30 th April 2024

Discharged Conditions of Application 20/08341/OUT under reference PL/2023/07243

- 6 Details of site levels in relation to existing ground levels.
- 8 Submission of Construction Ecological Management Plan (CECoMP)
- 9 Submission of Arboricultural Method Statement (AMS)
- 10 Submission of Scheme for the discharge of surface water from the site, including Sustainable Drainage Systems (SuDS)
- 11 Submission of Scheme for
 - i. There is no raising of ground levels within the current or future flood zones 2 and 3, or that any raising is suitably compensated for a level-for-level basis, and;
 - ii. Finished floor levels are set no lower than 600mm above the 1 in 100-year design flood level, plus an appropriate allowance for climate change.

- 12 Submission of a Flooding Emergency Access and Egress Management Plan (the Management Plan)
- 16 Submission of a Construction Management Statement (CMS)
- 18 Submission of a Residential Travel Information Pack (RTIP)
- 21 Submission of a Revised Ecological Parameters Plan (REPP)
- 22 Submission of Reptile Translocation Scheme (RTS)

5. The Proposal

This is a Reserved Matters Application seeking consent for all those matters not approved as part of the outline application or subsequent Discharge of Condition Applications, Namely, layout, design, detail and landscaping.

6. Local Planning Policy

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2021

North Wiltshire Local Plan 2011 saved policies:

H4 – Residential Development in the Open Countryside
 NE14: Trees, Site Features and the control of new development.
 CF3: Provision of Open Space
 NE18: Noise and Pollution

Wiltshire Core Strategy:

Core Policy 1- Settlement Strategy
 Core Policy 2 - Delivery Strategy
 Core Policy 3 – Infrastructure Strategy
 Core Policy 13 - Malmesbury Community Area
 Core Policy 43 – Providing Affordable Homes
 Core Policy 50 - Biodiversity and Geodiversity
 Core Policy 51- Landscape.
 Core Policy 52 - Green Infrastructure.
 Core Policy 57 - Ensuring High Quality Design and Place Shaping
 Core Policy 60 – Sustainable Transport
 Core Policy 61 – Transport and New Development
 Core Policy 64 – Demand Management

Supplementary Planning Guidance:

Wiltshire Design Guide (Shaping the Future – My Place, Your Place, Our Place) 2024
 Wiltshire Local Transport Plan – Car Parking Strategy
 Malmesbury Neighbourhood Plan (February 2015)

7. Summary of Consultation Responses

Malmesbury Town Council:

- Comment
 At the last Planning and Environment Committee meeting on 11th June 2024 it was agreed that we would write to request an enforcement order on construction traffic, details of the minutes are shown below.

Following discussion around road safety and flood issues, it was agreed that the Town Council will ask WC to put an enforcement order on construction traffic to use the Sherston Road rather than through the residential areas.

Previous Objection:

At the Malmesbury Town Council Planning and Environment Committee meeting on 9th January 2024, the following comment was resolved: Objection. We continue to have concerns over drainage and flood provision on this site. There is insufficient evidence with the application for us to consider how these matters have been addressed and we note that the Drainage team continue not to be satisfied with the proposals as they stand. MTC and its flood consultant will review all information provided from Wiltshire Council and the developer to ensure that the drainage and flood scheme is appropriate and effective and all conditions have been met. The lack of information provided on the planning portal concerning this application has not been helpful.

Landscape:

- No Objection subject to conditions
No objection subject to condition/s requiring implementation of any finally approved Hard & Soft Landscaping scheme. Wiltshire Standard Model Planning Condition 'WC2' would suffice in this regard.

Housing Enabling Team:

- No Objection
Thank you for consulting the Housing Enabling Team on the amended plans for the above application. My comments and observations in respect of the affordable housing requirements remain unchanged from my previous response dated 15th August 2023. The only issue outstanding is confirmation of the location of the Electric Vehicle Charging Points, which as I understand it the developer will submit after permission has been approved. It is important to note that the Affordable Housing should be treated equitably to ensure that each property has access to an EVCP, or the infrastructure is provided for a point, that is connected to the electricity supply of the associated dwelling.

15/08/23

- It is noted that the outline permission ref 20/08341/OUT was for 26 homes, and this Reserved Matters application is for 23 homes. As such the requirement for the number of affordable homes is reduced to 9, rather than the 10 homes shown in the indicative mix of the s106 signed 21st July 2022.

Tenure and Unit Size Mix:

The affordable homes included in the Site Layout Tenure plan drawing number 108 dated May 23 shows the following affordable homes:

- Affordable Rented (5 homes)
- 2 x 1 bed 2 person maisonette
- 2 x 2 bed 3 person maisonette
- 1 x 2 bed 4 person house
- Shared Ownership (4 homes)
- 2 x 2 bed 4 person house
- 2 x 3 bed 5 person house

The Housing Enabling team has had some discussion with the applicant's Affordable Housing Agent regarding an appropriate Affordable Housing mix to reflect current need within the constraints of the signed s106, the proposals don't exactly match the mix as set out in the s106, however as the Affordable Housing mix in the S106 is indicative I can confirm that the mix proposed is acceptable.

Design of Scheme (including Minimum Floorspace Standards):

Affordable Housing in Wiltshire is expected to meet high standards of design and quality, and to be visually indistinguishable from open market housing. In designing the scheme the Affordable Housing units should be evenly dispersed within mixed tenure developments. I confirm that the Affordable Homes proposed meet these requirements, and the use of the same materials throughout the development is welcomed.

To ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, we would advise that all affordable homes are built to meet at least 85% of the Nationally Described Space

Standard (NDSS) relevant to the dwelling type and minimum person criteria. I confirm that the Affordable Homes proposed meet these requirements.

The Provision of Solar PV panels and Air Source Heat pumps is welcomed. It is noted, however, that the Site Layout – PV, ASHP, EVCP Locations Plan drawing 107, shows in the key the indicative location of electric vehicle charging points, but these appear not to be included on the drawing. I would like to see a revised plan showing the locations.

Transfer of Affordable Rented and Shared Ownership Units to Registered Provider:

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis. It is strongly recommended that the applicant contacts 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, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

Nominations:

The Local Authority will have nomination rights to the affordable dwellings, as secured through the signed s106 Agreement.

Arborocultural Officer:

- No Objection AMS provided as part of a discharge of conditions application.

Climate Officer:

- Thank you for consulting me on the revised plans. I cannot see a great deal of change though, and there is no covering letter to explain the submission, nor the Sustainable energy Strategy that I requested and that is required under CP41 of the development plan. The plan that shows PV, ASHP and EVCP locations does not have a symbol for where the EVCP are to be located. It shows some ASHP in close proximity to the neighbour boundaries so care will need to be had in relation to noise impacts (units 10, 11 and 12), and at least 2 units (10 and 21) have solar panels facing north-west and are unlikely to generate renewable energy very well.

I have tried to be supportive and encouraging and I have tried to be positive and proactive. Technically the scheme fails to comply with CP41 in that no Sustainable Energy Strategy has been provided. However, there is still room for optimism and in particular the seeming commitment to ASHP, solar PV, EVC, and cycle storage. I am also mindful of the need to meet housing supply demand including the provision of affordable housing. As such, if you are minded to recommend the application for approval I suggest the following conditions. All the conditions are relevant to the reserved matters and consistent with the overarching aim of planning, which is to achieve sustainable development:

- Suggested conditions:

Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily

be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

Urban Design:

- Objection
The following points in my consultation response 14.07.2023 have not been satisfactorily addressed in the Revised submission:

Point 1: It would be perfectly feasible to incorporate a margin also down the side or between car bays plots P3 & P4 by simply moving plots 1 and 2 the small amount necessary i.e. 1 metre towards Park Road, to create this small additional 1m width enlarging the width between the side facades of plot 3 and 4 to 6 metres (as shown for P1&/18 for example. i.e. This does not require moving plots 6-9;

Point 3: As a matter of principle to reflect the intrinsic characteristic of the local area and in accordance with the NP the majority of the high external boundary walls to rear gardens where these DIRECTLY FACE the street and open space should be in 'stone' whereas they are all in brickwork. The NP is a DPD level document i.e. requirements . While stone is 'preferred ' it would be feasible to incorporate this , i.e. consider incidental house elevation in brick rather than stone where it would be away from the street scene and view up the slope of the site e.g. the discrete rear facades and possibly side façades of houses 10 to 14 in brick rather than stone with this displaced stone then providing for the stone to the boundary walls facing the street and open space. Similarly with exception of boundary wall to plot 5 and the walls (or a close board fence) returning in to form the side boundary alongside recessed car bays P19 which would not be prominent in the street scene. This is an approach by housebuilders utilising stone where it is placed to best/most visible effect;

Point 4: The NP is clear on avoiding concrete roof tiles and other housing developments under the NP have adhered to this.

8. Publicity

This application was advertised through the use of a site notice, press notice and letters of consultation.

10 letters of representation were received from the residents of 9 properties. The following comments were made:

- Inadequate access via an area known to flood
- Inadequate garden sizes
- Lack of privacy – overlooking each other and existing dwellings
- Habitat destruction
- Highway safety
- Insufficient parking within the development
- Danger to life
- Should be postponed until neighbouring sites are completed to assess impacts
- Detrimental impacts on the AONB
- Insufficient school and medical facilities available
- Construction vehicle access
- Outside the scope of the neighbourhood plan

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.

At the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) and the Malmesbury Neighbourhood Plan (adopted February 2015)

9.1 Principle:

This application is for reserved matters, the principle of development having been established with the grant of outline permission 20/08341/OUT with all matters reserved except access. There is accordingly no question as to the principle of development and the consideration of this proposal is confined to the details provided. Access was not a reserved matter at outline phase and this matter is also considered settled in planning terms as is drainage and flooding, as this has been addressed by the discharged conditions. This application is concerned with the remaining matters: appearance, landscaping, layout and scale.

9.2 The Proposal:

The proposal has undergone substantial revision over the course of the application. The most significant of these was followed by a full re-consultation, with neighbours notified of additional plans. The outline permission was granted at appeal subject to a range of conditions. It will not be necessary to replicate these and this application sits alongside a separate application made to discharge pre-commencement conditions. Planning practice guidance sets out that any conditions to be attached at reserved matters stage following a grant of outline planning permission can only be those that directly relate to the reserved matters.

The final proposal before the committee is as follows; Twenty-three dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works.

9.3 Appearance, Landscaping & Layout:

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Residential extensions/alterations such as this are acceptable in principle subject to there being no adverse impacts.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider

context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street pattern and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The development proposes the use of real stone for the walls of all dwellings, brick garages and brick retaining walls, Sandtoft natural clay traditional pantile rooves, solar panels for all buildings, air source heat pumps in rear amenity spaces and EV charging points to all property frontages (exact locations to be confirmed after any permission is granted). The parking is arranged adjacent to all properties with two visitor spaces adjacent to the road upon entering the development. The development road meanders through the site in a river-esque fashion rather than in straight lines. The site's public amenity spaces are contained mainly along the site's edge to Park Road, the larger of the areas being located to the eastern corner of the site under which the drainage tanks will be stored allowing for an expanse of recreational grassland. The hedge border will be maintained and enhanced along Park Road with tree planting throughout the site. A gated dark corridor runs along the northwestern edge next to the existing hedge line for the preservation of ecology.

The Urban Design consultee made comments about shuffling plots 1 and 2 to create a larger gap between plots 3 and 4, however, it is noted that the proposed scheme follows the suggested scheme from the outline application but with reduced numbers to improve amenity throughout the site.



3 Current application



4 Previously approved application

The use of natural stone for dwelling walls under clay tiles with brick counterpoints for the garages and retaining walls is considered to be of good quality. Whilst the urban designer has referenced the neighbourhood plan's desire for estate walls to be made out of natural stone it is considered that the use of natural stone for the houses showcases the superior quality of the build these houses will achieve and that the materials for the entire site can be conditioned to be approved before works continue beyond slab level. The site does slope considerably towards Park Road as the below section shows the street scene along the northwestern edge.



5 Proposed Street Scene

It is also considered that the walls visible to public view are quite limited and would act as a counterpoint to the natural stone preventing the washing out of certain vistas. It must also be considered that whilst the Urban Designer's comment does quote the neighbourhood plan, there is a great deal of red brick used within the local area in both White Lion Park adjoining the site and the Backbridge Farm estate to the near north. Given the prevalence of brick in the area and the limited use of brick within the proposals supported by the justifications of the developer, it is considered that it would not be sufficiently harmful or detrimental to the character of the surrounding area to warrant a refusal of planning permission. It is agreed by officers that the juxtaposition of the limited red brick, the planting and the natural stone walling will create a well-designed and beautiful street scene.



6 cream denotes natural stone purple red brick

Overall, it is considered that the layout of the proposed scheme represents a high quality development of mixed-form housing arranged in such a way as to vary the street scene, a mixture of front and side gables, and whilst certain materials may not fully accord with the design scheme's laid out within the neighbourhood plan, it is further considered that the material palette overall is acceptable and the quality of which can be controlled by conditions attached to any permission. This revised design is considered to result in a legible and permeable scheme that offers a coherent identity with a public realm that offers a pleasant and comfortable environment. Whilst the Urban Design Officer retains some misgivings about certain details, ultimately these elements are minor and not considered to cause unacceptable harm whether in terms of the local character, amenity or other experiential considerations.



7 Completed Cotswold Homes Buildings using natural Stone

Taking into account the outline consent for this scheme granted at appeal outside of the settlement boundary combined with the levels of ongoing development in the near vicinity of the market town, the proposal is considered to avoid unacceptable levels of harm to the immediate landscape and local character and can be secured by way of conditions. The proposals are, therefore, considered to accord with core policies 51 and 57 of the Wiltshire Core Strategy.

9.4 Housing Mix:

The proposed development is for a total of 23 dwellings of which 5 will be Affordable Housing, 4 will be shared ownership and the remaining 14 will be open-market properties. This represents a 39% affordable housing mix which is considered to be acceptable by the housing enablement team provided the units are treated equitably in terms of renewable energy and electric car provisions. The provision of renewable energy and electric car chargers can be secured by condition after any permission is granted.

9.5 Residential Amenity:

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The proposed development site is located to the northwest of Park Close and the northeast of White Lion Park, as such it is considered that the proposals would not have an overshadowing effect on these established residences. Where the proposed units are proposed along shared boundaries of existing units they are arranged garden to garden this design maintains a distance between buildings of circa 20m, it should also be noted that the affected buildings of Park Close and White Lion Park are all linear form housing, as such their rear amenity provisions are overlooked from closer range, albeit obliquely, from their immediate neighbours. The properties at White Lion Park are also located on higher ground than the proposed units lessening further any effects of overlooking. Whilst overlooking has been raised by some objectors it is considered that the level of harm is not sufficient to warrant a refusal of planning on a site that has outline permission for development over areas already overlooked. The proposed units do not have balconies overlooking these amenity areas so it is considered that it would be unlikely for people to linger for significant times at bedroom windows. As discussed in the design section of the report, it is considered that the proposals equate to a well-designed development and offer acceptable levels of private amenities to its future residents with additional areas of public open space.

Overall it is considered that the proposals would offer acceptable levels of amenities, both private and public, for the future residents of the site and would not be significantly detrimental to the enjoyment of amenity spaces available to the occupiers of the existing nearby residential properties of White Lion Park and Park Close.

9.6 Highways:

The site access was considered at the outline stage and does not form part of the reserved matters application.

General highway provision across the site has been subject to the tensions inherent between securing a liveable and permeable place while facilitating vehicular movement and also meeting the Council's parking standards as set out in the Local Transport Plan. The proposed site layout meets the relevant standards in this regard. The proposal also includes widespread provision of electric vehicle charging points, whether via posts or wall-mounted outlets (subject to confirmation), as well as cycle and bin storage to an acceptable standard.



8 Indicative plan showing solar, ashp & car charging

9.7 Drainage:

The drainage of the site was considered during the outline phase of the application with a condition requiring the provision to be discharged. This condition has been discharged via application PL/2023/07243 after extensive work from the applicant with the drainage team and achieves the required betterment levels to satisfy policy.

9.8 Other Matters:

Multiple comments have been received from members of the public and the town council relating to matters beyond the scope of this reserved matters application such as the flooding of the access, ecology and protected species, vehicle access to the site during the construction phase, hours of operation etc. These matters were either determined by the inspector directly when granting the outline planning permission or secured by conditions requiring discharging with the specialist officers from the specific departments. These matters have already been determined and as such are not relevant to this reserved matters application and can have no bearing on the decision-making process before the committee today.

10. Conclusion:

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and the Malmesbury Neighbourhood Plan (February 2015), and to all the relevant material considerations set out in the report.

RECOMMENDATION:

Approve 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:

Application Form & Certificate Received 5th July 2023

As per the plans schedule, received on 2nd July 2024 Plans Ref:

Drawing Number Drawing Description

897 – 100 Rev A Site Layout

897 - 150 Site Location Plan

897 – 101 Rev B Boundary Treatments Plan

897 – 102 Rev A Wall Materials Plan

897 – 103 Rev B Roof Materials Plan

897 – 104 Rev A Tenure Plan

897 – 105 Rev A Ownership Plan

897 – 107 Rev A PV Panel and Air Source Heat Pump Locations Plan

897 – 005 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Floorplans

897 – 006 Plots 6 7 8 and 9 - Affordable 1 and 2 Bed - Elevations

897 – 007 Plots 13 and 14 - Affordable 3 Bed - Floorplans

897 - 008 Plots 13 and 14 - Affordable 3 Bed - Elevations

897 – 009 Plots 10 11 and 12 - Affordable 2 Bed - Floorplans

897 - 010 Plots 10 11 and 12 - Affordable 2 Bed - Elevations

897 – 011 Plot 15 - Type B - Floorplans

897 – 012 Plot 15 - Type B - Elevations

897 – 013 Plots 16 and 22 - Type D - Floorplans

897 – 014 Plots 16 and 22 - Type D - Elevations

897 – 015 Plot 1 - Type D Bay - Floorplans

897 – 016 Plot 1 - Type D Bay - Elevations

897 – 017 Plots 20 and 21 - Type K and KV1 - Floorplans

897 – 018 Plots 20 and 21 - Type K and KV1 - Elevations

897 – 019 Plots 2 3 4 and 5 - Type OM 3 bed - Floorplans

897 – 020 Plots 2 3 4 and 5 - Type OM 3 bed - Elevations

897 – 021 Plot 18 - Type BV1 - Floorplans

897 – 022 Plot 18 - Type BV1 - Elevations

897 – 023 Plot 19 - Type BV1 - Floorplans

897 – 024 Plot 19 - Type BV1 - Elevations

897 – 025 Plot 17 and 23 - Type DV1 - Floorplans

897 – 026 Plot 17 and 23 - Type DV1 - Elevations

897 – 050 Single Garage Floorplan and Elevations

897 – 051 Double Garage Floorplan and Elevations

897 – 250 Site Section

897 Material Finishes Schedule

23_271_101_B Soft Landscaping Plan

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

3. 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.

4. No development shall continue on-site beyond slab level until the exact 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: 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 and the character and appearance of the area.

5. Prior to development above slab level a final Sustainable Energy Strategy, explaining the low-carbon approach of the scheme taken in the technical design stages shall be submitted to and approved in writing by the Local Planning Authority. This shall include but not necessarily be limited to consideration of operational energy/carbon, embodied carbon, climate change adaptation and sustainable transport. The development shall be carried out in accordance with the agreed details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. No development above slab level shall occur until final details of the air source heat pumps and roof-mounted solar PV has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

7. No development above slab level shall occur until final details of the electric vehicle charge points has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy. - No development above slab level shall occur until final details of the cycle parking has been submitted to and approved in writing by the local planning authority. Details shall include location and building elevations. The development shall be carried out in accordance with the approved details. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

8. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.