

## REPORT FOR EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	21 <sup>st</sup> March 2024
<b>Application Number</b>	PL/2023/03305
<b>Site Address</b>	York Place, St Martins, Marlborough, Wilts, SN8 1AR
<b>Proposal</b>	Demolition of the existing buildings and construction of 28 affordable homes together with associated parking, access and landscaping
<b>Applicant</b>	Mr P Backhouse
<b>Town/Parish Council</b>	Marlborough Town Council
<b>Electoral Division</b>	Marlborough East (Councillor Caroline Thomes)
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	David Millinship

### **Reason for the application being considered by Committee**

The application has been called-in to committee by the Division Member to enable discussion regarding the scale of the development, its visual impact upon the surrounding area, the relationship to adjoining properties, environmental and highways impacts, and car parking.

### **Purpose of Report**

The purpose of the report is to consider the proposal against the policies of the development plan and other material considerations and to consider the recommendation that planning permission be GRANTED subject to the recommended conditions and a legal (s.106) agreement, for the reasons detailed below.

### **Report Summary**

The main issues to be considered are as follows:

- Whether the development is acceptable in principle (CP1 and CP2);
- Whether the proposal constitutes high quality design and layout (CP57);
- Whether the proposal would have an acceptable landscape impact, including on the AONB (CP51);
- Whether the proposal would preserve or enhance the historic environment (CP58);
- Whether the proposal has suitable regard to the compatibility and impact on neighbouring amenities (CP57);
- Whether there would be sufficient parking for the proposed development and whether there are suitable access arrangements (CP61 and CP64);
- Whether the proposals demonstrate suitable protection for features of nature conservation and biodiversity (CP50);
- Whether the site can be adequately drained (CP67);
- Whether suitable development contributions can be secured - waste, public open space/play, education, affordable housing, off-site biodiversity net gain;
- Whether there are any other planning considerations associated with the development.

## 1. Site Description

- 1.1 York Place is an existing residential development for older people built in the 1970s. It is owned by the applicant, Aster Group, who are a Registered Provider Partner (housing) of Wiltshire Council and formed part of a Large-Scale Voluntary Transfer (LSVT) of council housing stock from the former Kennet District Council to Sarsen Housing Association (now Aster Group).
- 1.2 The existing building comprises 32 units in a mix of 10no. studios, 4no. one-bedroom bungalows, 17no. one-bedroom flats, 1no. two-bedroom flats for housing older people (over 55s). The development was purpose built and includes communal facilities, such as a lounge guest room and warden accommodation. The applicant has stated that, under the current arrangements, the units could also be let to younger persons if they have clear support needs. There is currently no parking provision on-site for the development. According to the Design and Access Statement, a large part of the accommodation no longer meets current requirements with the smaller studio units in particular being difficult to let. The applicant has concluded that the deficiencies cannot be properly addressed without complete redevelopment of the site. The building is currently vacant with no tenants living on site.
- 1.3 The site (0.21ha) is located on the rising ground of the Kennet Valley, with land falling south toward the river. The site has been engineered to accommodate the residential building, which is a large, mainly two storey building with raised amenity terraces and intervening ramps and steps. According to the Heritage Statement, York Place was built circa 1972 in a post-war modern style and sits in stark architectural contrast to the historic character of the surrounding buildings along St Martins, many of which are listed terraces. In terms of design, it is generally recognised that the existing York Place buildings are of limited architectural and historic value and currently add little to the aesthetic quality of the St. Martins streetscape.
- 1.4 York Place fronts onto St Martins, including its main pedestrian access points. The rear and side boundaries are enclosed by surrounding residential properties. There is a further pedestrian access point off Rawlingswell Lane to the eastern boundary. The southern boundary of York Place consists of post and wire fencing and a mature tree belt separating the site from 'The Rectory', a large detached dwelling to the south. Adjacent to York Place to the west is No. 51 St. Martins, a characterful Grade II listed property that shares a gable-end party wall with York Place, as discussed in further detail below. No.51 also shares a rear garden boundary wall with York Place, with its Coach House outbuilding situated immediately adjacent to the rear wall.
- 1.5 The site is situated to the east of the historic core of the Marlborough Conservation Area, close to 'The Green' and within a short walk (approximately 5 minutes) of Marlborough High Street and retail centre. The St Martins historic setting extends to the east and west and includes several Grade II listed buildings including the following in closest proximity to the site:

To the south side:

- Nos. 51 and 52 St Martins.

To the north side:

- K6 telephone kiosk opposite No.7 The Green;
- No. 6 and 7 St Martins;

- No. 8 St Martins;
- No.9 St Martins;
- No.10 St Martins;
- Nos 11-18 St Martins (consecutive);
- No.19 St Martins;
- No.20 St Martins;
- No.21 St Martins;
- No.22 St Martins (including railings in front) The Queens Head Inn;
- Nos.24-28 St Martins (consecutive);
- Nos.40-42 St Martins (consecutive) including railings.

### **Available Planning History**

Pre-application advice was previously sought (ref. ENQ/2022/01659) prior to this application in 2022.

K/19641	Construct New Bed Sit Within Pedestrian Underpass from St Martins To Rear of Sheltered Scheme	Approve with conditions 1992
K/39526/T	Prune Two Cherry Trees	Approve with conditions 2000
K/54938/F	The Erection of a Satellite Dish in Connection With The Installation And Commissioning Of Communal Aerial Systems To Provide Satellite And Terrestrial Television And Radio Reception.	Approve with conditions 2006
E/11/0379/LBC E/11/0380/FUL	Remove Section of Rear Boundary Wall and Rebuild.	Approve with conditions 2011

## **2. The Proposal**

- 2.1 Full planning permission is sought for the demolition of the existing York Place buildings and for the site to be fully redeveloped to provide 28 new self-contained (100% affordable) apartments along with associated works including 18 parking spaces accessed off the St Martins frontage, pedestrian access off Rawlingswell Lane, refuse and cycle storage and landscaped communal amenity areas.

The following housing mix is proposed:

- 13no. x one bedroom units
- 15no. x two bedroom units

The original submission was for 33 units on the site, however, following concerns raised by highways regarding the level of parking provision, the proposals were reduced to 28 units. The revised submission was then subject to a full re-consultation process.

- 2.2 The new buildings along the St Martins frontage are proposed in a traditional vernacular, in contrast to the modern, flat roofed building they would replace. The overall height of the frontage has been slightly reduced compared with the existing and variations in height and traditional architectural features have been introduced in order to better relate to the surrounding properties. The window and door fenestration as well as use of materials have been designed to be in keeping with the rest of St Martins.

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2.4 An Energy and Sustainability Strategy has been submitted setting out the following strategy:

- Fabric efficiency;
  - Demanding wall, floor and roof U-values;
    - Walls 0.18 W/m<sup>2</sup>K;
    - Floor 0.12 W/m<sup>2</sup>K;
    - Roof 0.11 W/m<sup>2</sup>K;
    - Windows 1.2W/m<sup>2</sup>K
    - Doors 1.5W/m<sup>2</sup>K
    - Air tightness 4m<sup>3</sup>/m<sup>2</sup>/hr.
  - Sealing of party walls;
  - Adoption of construction detailing to minimise linear thermal bridging normally caused by penetrations to the insulating layer.
- Heating efficiency;
  - Use of programmable, timed direct electric space heating.
- Hot water efficiency;
  - Tap flow rates with appropriate controls;
  - Managed shower flow rates;
  - Bath volumes selected to reduce unnecessary water use.
- Electrical efficiency;
  - LED lighting throughout;
  - Energy labelled white goods where provided;
  - Controls on external lighting to switch automatically when not required;
  - Decentralised mechanical extract ventilation;
  - Controlled ventilation fan power.
- Apply renewable energy;
  - Air source heat pumps for hot water provision;
  - 12 kWp solar photo-voltaics integrated.

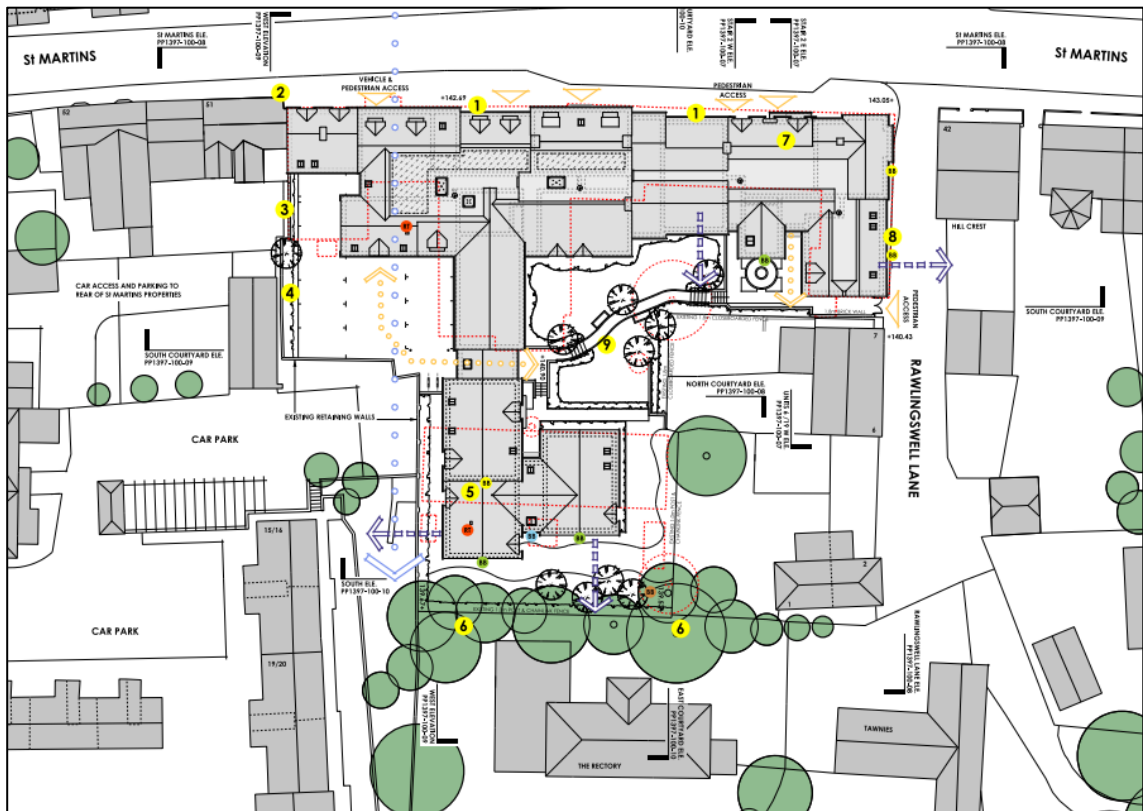
According to the strategy, the scheme will have carbon emissions that are 60% lower than the Part L 2022 carbon emissions target.

2.5 Given that the redevelopment of York Place would impact on the gable end party wall and other aspects of the shared boundary with No. 51 St Martins adjacent, a listed building application would be required before the development could proceed (as discussed in greater detail in the heritage section below). A party wall agreement with the adjacent owners would also be required under separate legislation (should the planning permission and listed building consent be granted).

2.6



Extract from OS Site Location Plan.



Extract from proposed site plan - Drg No PP1397 100-02-P6.

## **Designations and constraints**

- Within the North Wessex Downs National Landscape (former AONB);
- Within Limits of Development – Marlborough Market Town;
- Within Marlborough Conservation Area;
- Grade II Listed Buildings nearby including adjoining No.51 St Martins;
- Air Quality Management Area.

## **Planning policy**

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.

## ***Development Plan***

### **Wiltshire Core Strategy 2015 (WCS)**

Core Policy 1	Settlement strategy
Core Policy 2	Delivery strategy
Core Policy 3	Infrastructure Requirements
Core Policy 14	Marlborough Area Strategy
Core Policy 41	Sustainable Construction and Low-Carbon Energy
Core Policy 43	Providing affordable homes
Core Policy 45	Meeting Wiltshire's housing needs
Core Policy 46	Meeting the needs of Wiltshire's vulnerable and older people
Core Policy 50	Biodiversity and geodiversity
Core Policy 51	Landscape
Core Policy 52	Green Infrastructure
Core Policy 56	Contaminated Land
Core Policy 57	Ensuring high quality design and place shaping
Core Policy 60	Sustainable Development
Core Policy 61	Transport and New Development
Core Policy 62	Development impacts on the transport network
Core Policy 64	Demand management (parking)
Core Policy 67	Flood risk

### **Saved Policies - Kennet Local Plan – (Adopted 2011)**

Recreation Provision on Large Housing Sites (Appendix D saved Kennet Local Plan policy)

Demand for Education (Appendix D saved Kennet Local Plan policy)

### **Wiltshire and Swindon Waste Core Strategy (2009)**

WCS6 Waste Reduction and Auditing

### **Marlborough Neighbourhood Plan - made March 2023**

MARL1 Delivering Affordable Homes in Marlborough

MARL3 Meeting Local Housing Needs

MARL8	Protecting and Improving Sports Facilities
MARL9	Enhancing Marlborough Conservation Area
MARL13	Protecting Local Heritage Assets
MARL14	Protecting and Improving Green Infrastructure
MARL17	Conserving the Scenic Beauty of the AONB
MARL19	Building to the Passivhaus Standard

***Design Guidance (including third-party guidance)***

Wiltshire Council - *Wiltshire Design Guide* (WDG) - resolved to be adopted as a Supplementary Planning Document by full council on 20<sup>th</sup> February 2024 (at the time of writing the WDG has not yet been formally adopted but is given significant weight following the full council resolution).

Historic England - GPA 2 - *Managing Significance in Decision-Taking in the Historic Environment*;

Historic England - GPA3 - *The setting of Heritage Assets*.

***National Planning Policy/Guidance***

National Planning Policy Framework (2023);

National Planning Practice Guidance.

**3. Consultation responses (a summary of the comments provided)**

A summary of comments received is below. Final comments are provided where reconsultation has taken place. Full sets of all comments are published online.

**Marlborough Town Council: Objection**

Originally objected on the grounds of inadequate parking provision, the lack of social housing provision and lack of a construction plan. Following the submission of the revised (28 dwelling scheme) the TC wishes to add a further comment to expand on the parking concerns in relation to the developer's updated design and travel plan. They strongly disagree that parking demand is likely to be lower at these proposed properties:

*The developer argues the case for only 1 space per 2 bed property vs one per bedroom required in Wiltshire Council's LTP3 Car Parking Strategy, based on "suggestions" made by 'WDC'. Having reviewed Wiltshire Council's current Car Parking Strategy, the idea of reducing parking spaces as a means of reducing car use is clearly refuted:*

*3.25 Controlling the amount of parking provided in new business development (private non-residential (PNR)) and for new housing (residential) has historically been used as a way of seeking to influence both car use and car ownership levels. However, even though the emerging Wiltshire LDF is seeking to allocate new development in the most sustainable locations (i.e. close to service centres and/or with good public transport links), it is considered generally unrealistic to seek to influence car ownership levels through parking measures as the majority of people will still want to own a car for the flexibility it provides (e.g. for visiting family and friends, for bulk shopping, for holiday trips, etc). Indeed, a study undertaken on behalf of the former South West Regional Assembly concluded that restricting residential parking has little impact on either car usage or levels of ownership.*

*3.26 It is considered, therefore, that the focus of the council's parking strategy should be on influencing car use through appropriate parking measures at destinations (e.g. retail, commercial and employment areas) and not seeking to control car ownership levels through overly restrictive residential parking measures which can cause streetscene or safety issues as a result of parking overspill.*

*In terms of residential parking standards (para 3.36 onwards) Policy P6 notes "Reduced residential parking requirements will be considered in the following circumstances:*

*“where there are significant urban design or heritage issues*

*where parking demand is likely to be low*

*where any parking overspill can be controlled.”*

*None of these 3 apply.*

*And in Chapter 7, the discounting process applies to private non-residential only.*

*The travel plan includes an assessment of available parking capacity on local roads and concludes it is at capacity (and we would suggest it is over capacity when the level of illegal parking on restricted roads is also considered. The travel plan study ignores this point). This means the inevitable overspill cannot be accommodated and will have a significant negative impact on the surrounding amenity. I say inevitable given ONS data shows the South West has just 13% of households without a car - a number influenced downwards by those a) in relative poverty and b) living within urban areas with reasonable travel options - neither of which will apply to future residents of York Place, as the 80% affordable rents/purchase prices would be applied in one of the most expensive towns in the county.*

The TC note that a car parking survey conducted in September 2017 as part of the work to create a Neighbourhood Plan concluded that there are insufficient spaces at peak times to accommodate local and visitor parking.

**Wiltshire Council Conservation Officer: Support subject to conditions.**

Support in broad principle. The replacement of the existing building is welcome subject to an acceptable design being agreed.

However, there were initial concerns over the proposed design, impacts upon the conservation area, settings of nearby listed buildings and potential impacts on the party wall of the grade II listed building at 51 St. Martins. It was confirmed that the works affecting the party of the adjacent listed building will require listed building consent.

Final comments confirm support of the revised proposal (that received by the LPA on 20<sup>th</sup> February 2024) subject to conditions as set out below:

- All materials to be submitted for approval;
- Details of brick bond and mortar for each unit, including sample panel;
- All external windows and doors;



- Details of any extractors, flues, vents• Metal rainwater goods;
- Details of brickwork details e.g. moulded plinth, dentil course;
- Details of brick window heads and arches and blind windows;
- Details of entrance porch to main unit on St Martins;
- Roof lights;
- Details of entrance gates;
- Details of public realm works including any external lighting;
- Details of boundary wall, brick bond and coping with No.7 Rawlingswell Lane.

**Police Liaison Officer: No objection**

Ask that access control be fitted to the vehicle and pedestrian access below units 11 and 12 to ensure the safety and security of the vehicles and their users and prevent crime and anti-social behaviour.

Have some concern with the lack of defensible space either side of the central stairs (4), as for unit 8 this is a bedroom wall. There is also a lack of defensible space for units 7 and 5. Although these are living rooms the close proximity to through routes could result in disturbance to the occupants.

The gate beside unit 17 must be brought to the front building line to remove hiding places. This gate must be access controlled to allow only residents in and out.

Ask that CCTV be put in place to cover the access points, and that the access points be given visual and audio to remote entry devices to ensure residents are fully enabled to only allow access to genuine visitors.

Concerns over use of low fences and planting as boundary enclosures.

**Thames Water: No objection subject to conditions**

The scale of the proposed development doesn't materially affect the sewer network and as such there is objection. However, care needs to be taken when designing new networks to ensure they don't surcharge, and cause flooding and the applicant is advised to agree (with the LLFA) an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.

There are public sewers crossing or close to the development site. The applicant is advised to read TW's guide for working near or diverting our pipes.

It is expected the developer should demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.

*Water Comments*

On the basis of information provided, Thames Water advises that, with regard to water network and water treatment infrastructure capacity, they have no objection to the development subject to certain informatives being attached to any planning permission.

**Wiltshire Council Archaeology: No objection subject to conditions**

The submitted heritage statement concludes, among other things, that despite the impact of modern development the archaeological potential of the site is moderate to high and, where possible pre-commencement site investigation should be undertaken to determine the potential presence and extent of archaeology.

Archaeology concurs with this conclusion and advises that the site is investigated further via the monitoring of any Ground Investigation works that may be proposed in order to inform the extent and intensity of a trial trench evaluation to fully understand the value of the archaeological resource within the site. An evaluation would need to await the demolition of standing buildings within the site and would have to be secured via a condition to be attached to any planning permission that may be issued.

**Wiltshire Council Climate: Support subject to condition**

Support the proposals and recommend that a condition be imposed to require a final Energy and Sustainability Strategy be submitted that accords with the principles contained in Revision C of the submitted document, but reflects the final exact specification as refined at the detailed design stage. Then, the sustainable construction approach can be afforded positive weight in any planning balance.

**Wiltshire Council Drainage (Lead Local Planning Authority): Support subject to conditions**

It is understood that the existing site is currently drained via shallow infiltration, however the supporting ground investigation has indicated that dissolution features could form within the upper chalk layers (as indicated by the chalk putty within boreholes). The applicant intends therefore to utilise deep bore soakaways in order to dispose of surface water on site (in line with the Surface Water hierarchy); whilst the LLFA can appreciate the drainage strategy proposed within the Flood Risk Assessment (FRA), insufficient information has been provided at this stage in order to demonstrate its viability.

As such further detailed information will be required to be submitted via planning conditions.

**Wiltshire Council Ecology: No objection subject to conditions**

The documents submitted with the application detail a sufficient survey effort to describe the biodiversity value of the land and mitigation measures needed to compensate for the development. The roof of the building is used as a bat roost a Natural England licence will be required before any work is undertaken to implement this planning permission.

Conditions are required to ensure the development is implemented in accordance with the recommendations/mitigation of the submitted surveys, to secure the biodiversity enhancements, that full details of any external lighting to be installed are agreed and that a landscape and ecological management plan (LEMP) is agreed.

**Wiltshire Council Education: No objection subject to s.106 agreement**

Revised calculations for the 28 dwelling scheme are as follows:

- Early years places:  $11 \times 0.04 = 0.44$  0–2-year-olds and  $11 \times 0.09 = 0.99$  3-4-year-olds. Added together this = 1.43 rounded to 1 early years place at £17, 522 = £17, 522.
- Primary school places:  $11 \times 0.31 = 3.41$  rounded to 3 places at £18,758 each. However, there continues to be sufficient space in the schools within 2 miles safe walking distance of the

development site, and so have no s.106 requirement for primary school places from this application.

- Secondary school places:  $11 \times 0.22 = 2.42$  rounded to 2 places at £22,940 each = £45,880.

All contributions are subject to indexation and will be secured by a s.106 agreement to which the Council's standard terms will apply.

**Wiltshire Council Highways (Local Highway Authority): No objection subject to conditions**

The revised information has satisfied previous LHA demands and amended the parking arrangement by providing 1 space per 2 bed and additional visitor parking. Tracking has been provided to show that the spaces can be accessed independently.

The LHA is satisfied that the low speeds on the main road (20mph) and the nature of how the road is driven allows for the vehicle access to be provided as proposed. If there is an occasion where vehicles need to enter and leave at the same time, the LHA is happy that the arrangement can accommodate this manoeuvre without a significant negative impact to the users of the highway. In regard to pedestrian inter-visibility this can be accommodated by the introduction of bollards either side.

The parking is subject to some discounting as it is located on a bus route and within acceptable distances of the town centre and other essential services (that can be accessed by walking/cycling). The bedroom numbers are also low, e.g. either 1 or 2 bed and as such are more likely to attract smaller family units and the developer is providing at least 1 space per 2 bed unit.

Rawlingswell Lane is subject to double yellow lines which mitigate displaced parking. The road itself has a geometry which is not conducive to incidental/off chance parking. The LHA is mindful that those using Rawlingswell Lane are likely to live there and as such will be aware of pedestrian movements. Vehicle speeds will also be low, so there are no concerns about the introduction of a pedestrian access onto this street.

The LHA's advice is not to pursue a refusal on the parking position as the development can adequately (within policy guidance) argue a discounted scheme.

If the development is approved, conditions relating to the pre-occupation provision of the site access (including bollards), off-street parking (including EV chargers) and a construction management plan are required.

**Wiltshire Council Housing Enabling: No objection subject to s.106 agreement**

The application is made on behalf of a Registered Provider Partner of Wiltshire Council. The scheme comprises 28 dwellings with some communal areas that will remain in the ownership of Aster Group and be provided as affordable housing.

This existing scheme was originally part of the Large-Scale Voluntary Transfer (LSVT) of stock from the former Kennet District Council to Sarsen Housing Association (now Aster Group), it is very likely that any existing nominations rights would need to be preserved following the replacement of demolished existing Affordable Housing stock.

In terms of tenure mix, the site is exempt from needing to provide First Homes as it is a 100% Affordable Housing Site and in accordance with Core Policies 43 and 45 of the WCS. The mix of these units has been agreed as follows:

7 Affordable/Social Rent units

3 x 1 bed 2 person ground floor flats  
1 x 1 bed 2 person first floor flats  
1 x 2 bed 3 person ground floor flats\*  
1 x 2 bed 4 person ground floor flat

4 Shared Ownership units

3 x 2 bed 3 person ground floor flats  
1 x 2 bed 4 person ground floor flat

If the scheme is provided as 100% Affordable Housing with grant funding as is proposed the mix will be as follows:

7 Social Rent units

3 x 1 bed 2 person ground floor flats  
1 x 1 bed 2 person first floor flats  
2 x 2 bed 3 person ground floor flats\*  
1 x 2 bed 4 person ground floor flat

21 Shared Ownership units

4 x 1 bed 2 person first floor flats  
5 x 1 bed 2 person second floor flats  
3 x 2 bed 3 person ground floor flats  
3 x 2 bed 3 person first floor flats  
1 x 2 bed 4 person ground floor flat  
5 x 2 bed 4 person first floor flats

In this instance it would also be appropriate to provide 1 x 2 bed GF flat as an adapted unit to meet demonstrable accessible housing needs.

In order to ensure that the affordable housing units are eligible for inclusion in Homes England's Affordable Housing programme, all affordable homes should be built to meet at least 85% of the Nationally Described Space Standard (NDSS). The proposed units more than adequately meet these standards.

S.106 Agreement

The s.106 agreement will need to secure either the policy level of affordable housing units at nil subsidy or 100% of the units if subsidy is used. The Local Authority will have nomination rights to the affordable dwellings, secured through the s.106 Agreement. The legal team will also need to consider whether there are any implications of the LSVT agreement that need to be taken into consideration.

**Wiltshire Council Landscape: No comment**

**Wiltshire Council Public Open Space / Play Officer: No objection subject to s.106 agreement**  
As a 28 dwelling scheme, the demand for a Public Open Space requirement can't be justified, and is requested. However, given that the existing development housed older persons, it is likely there wouldn't have been a significant demand for Equipped Play and extensive sporting facilities

previously, whereas with the proposed development (with a lower age demographic) there would be. Therefore, it seems reasonable to set these requirements according to a net gain of 28 dwellings.

An off-site play contribution will be required. 28 dwellings would generate an Equipped Play requirement of 208.32m<sup>2</sup>, which is equivalent to an off-site play contribution of £29,998.08. The play area at Wye House Gardens is identified as the likely target site for this off-site contribution, or alternatively this contribution can go towards play improvements at other suitable play areas within the vicinity of the development.

The 28 dwellings would also generate a requirement for 1149.12m<sup>2</sup> of Sports pitches, which would equate to an off-site contribution of £11,491.20 towards the development of a 3G ATP within the Marlborough community area and/or sports, pitch or ancillary provision within the vicinity of the land.

The contributions will need to be secured by s.106 agreement.

**Wiltshire Council Public Protection: No objection subject to conditions**

The area is residential and existing residents may be impacted by the demolition and construction works whilst they are taking place in terms of noise, vibration and dust. The site is also within both an Air Quality Assessment Area (AQAA) and an Air Quality Management Area (AQMA).

Noise, vibration and dust

It is accepted that demolition and construction may be noisy and some processes can generate dust. In order to protect amenity during these phases, conditions are warranted to secure details and implementation of a construction and demolition management plan.

Air Quality

The council is currently consulting on its draft Air Quality Supplementary Planning Document (SPD). The SPD sets out our requirements for mitigating air quality impacts for different types of development having regard to its location in relation to Air Quality Management Areas (AQMA).

Contaminated Land

Due to the town centre location and age of existing buildings, it is recommended that a sequential condition be applied to secure an initial risk assessment, further site investigation and remediation (if required).

**Wiltshire Council Travel Plan Officer: No objection**

Satisfied the travel plan meets the requirements we expect.

**Wiltshire Council Tree Officer: No objection subject to conditions**

The Tree Officer is satisfied that the information provided within the Arboricultural Report is sufficient enough to ensure that the trees on and off site will be protected during construction. The Tree Protection Plan and other recommendations should be added as approved documents and conditioned.

**Wiltshire Council Urban Design: No objection subject to conditions**

No objections to the amendments to the scheme and in particular the form or elevational detailing to the Rawlingswell Lane elevation. However, the specification and details of all the external building materials must be secured by condition. More specifically, the use of a high-quality hand

made red brick, clay not concrete hanging wall tiles, real slate and clay roof tiles (not concrete roof tiles) is requested.

#### **Wiltshire Council Waste & Refuse: Support subject to conditions and s.106 agreement**

In general terms, following the council's guidance will allow the waste collection service to operate as intended and generally will mean that plans are acceptable. The guidance highlights some areas that would need to be addressed at the next stage of an application. E.g. Vehicle tracking is required to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside. Tracking on plans at reserved matters stage should demonstrate the sufficiency of vehicle access.

Each dwelling should have a suitable bin storage area and waste collection point that is on level hardstanding off any roadway or footway at the curtilage of the property, as further described in sections 5.2 and 5.4 of the waste SPD. Distances and routes between the storage and collection points should be in line with the guidance.

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.

It is recommended a condition does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council. In effect, this should require submitted plans to follow the guidance in the SPD.

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution set out below is required for the provision of this essential infrastructure to make the application acceptable in terms of the relevant policies.

Contribution of = £101 per dwelling = £2828.

The waste service can support the application subject to a section 106 contribution calculated in accordance with the information above and subject to the recommended condition.

#### **4. Publicity and Other Representations**

The application was advertised by way of a site notice and neighbour notification letters. An advert was also published in the local press. The most recent revisions to plans have included only minor revisions that have not warranted full re-consultation. The following is a summary of the issues raised by members of the public/third parties (full comments online):

39 objection letters were received over the course of the application, along with five letters of neutral comments and four letters of support, with some expressing general support for the principle of delivering more affordable housing. The following key issues were raised:

##### Support:

- Support for the principle of the redevelopment of the site;
- Support for principle of providing affordable housing;
- Support for proposed architectural design fronting St Martins.

#### Proposed use and scale:

- York Place should be replaced with a retirement housing complex or accommodation for older and disabled people, the same as its previous purpose;
- Overdevelopment of the site – increased number of people having negative impact on neighbour amenities;
- The new heights of the proposed buildings on St Martins will block light to the houses opposite;
- Raising the wing near the vicarage to two stories will impact light and amenity for all properties on the York Place side of Rawlingswell.

#### On-site parking provision:

- Concern regarding low levels of on-site parking provision;
- Criticism of transport statement and lack of justification for discounting parking standards within Wiltshire Local Transport Plan;
- The surrounding area cannot accommodate the additional parking spaces that this development will require;
- Travel Plan will not be effective in reducing car ownership/use.

#### Proposed access arrangements:

- Visibility splay required for car park access off St Martins Lane will reduce the ability to use spaces in the existing layby;
- Potential safety risks /disruption due to cars trying enter, manoeuvre and exit from car parking area off St Martins Lane – noise/headlights disturbing to property opposite;
- Proposed pedestrian and cycle access on to Rawlingswell Lane will cause conflict risk with vehicles using the lane and reduce on-street parking.

#### Construction phase:

- Impacts on Rawlingswell Lane – risk of blocking emergency vehicle access to existing residents on lane;
- Parking for contractors during construction phase causing disruption.

#### Amenity areas:

- Insufficient amenity space;
- Amenity areas within the redeveloped site will need to be maintained.

#### Objections from neighbouring property to east – No.7 Rawlingswell Lane:

- Concerns regarding amenity impacts on No.7 Rawlingswell Lane due to proximity to new pedestrian/cycle access and entrance to bike/bin store;
- Request for a 2m high wall to be placed to form boundary separation with No.7 frontage and suitably lit to prevent anti-social behaviour;
- Request for new gates to open inwards and not outwards with automatic closing;
- Impact of noise and disturbance for gardens on the west side of Rawlingwell Lane;
- Cherry Tree should be replaced with something similar to provide privacy to garden of No.7;
- Insufficient thought given to people with mobility issues.

#### Objections from neighbouring property to south – ‘The Rectory’:

- The Arboricultural Report is inaccurate. It lists 4 limes on the Rectory boundary (T4, T5, T6, T7). In reality there are eight limes and three evergreen fir trees. The four missing limes are between T5 and T6 where the Drainage Strategy shows a planned soakaway which will damage the roots of the lime trees;
- Object to the height of the 'rear wing', which is replacing a single-story building. This will overlook the Rectory and block the evening light. This should be lowered or pushed further away from the boundary;
- Concern about risk of conflicts between cyclists and pedestrians using Rawlingswell Lane entrance and drivers using the lane.

Objections/comments from neighbouring property to west– No.51 St Martins Lane:

Representation by Impact Planning Services Limited (dated 12<sup>th</sup> June 2023 – comments on original submission):

- Proposals for redevelopment supported in principle however initial objection due to the following matters:
- Lack of information submitted regarding demolition stage and impact on party wall with No. 51
- No information regarding construction program and arrangements
- Significant under delivery of open space, poorly quality, poorly detailed, unattractive and inaccessible for residents – demonstrating an overdevelopment of the site
- Loss of privacy for residents of ground floor properties through use of the open space areas
- Former Seven Stars Inn (No. 51 St Martin) is an important heritage asset within the Conservation Area, contributing to its character and appearance
- Welcome the improvement to the outlook from the rear of No.51 through the proposed reduction in the adjacent York Place elevation
- Need for a full Construction Environmental Management Plan (CEMP) – must ensure construction does not amount to harm to the fabric and setting of both Listed Buildings and the Conservation Area – construction methodology should be explored prior to determination.
- Impacts of demolition of York Place upon the party wall with No. 51 St Martins – potential to have structural impacts and cause noise and vibration disturbance.
- Concern that proposed parking area will cause undue disturbance to occupants of No.51 – further details of boundary treatments required
- Boundary treatment plan required regarding existing retaining wall to rear of No. 51 – potential for subsidence as a result of sloping topography
- Further discussions required regarding treatment of the Sarsen stone wall to rear of the coach house
- Currently proposals would have potentially harmful impact upon the Grade II Listed building, setting of a number of Grade II Listed buildings and the Conservation Area.
- Submitted information fails to show the prominence of the site as perceived from surrounding area – overbearing scale and height of proposals
- Street facing elevation fails to include appropriate design features typical within the streetscene/Conservation Area
- Delivery of habitable rooms on upper floor flats with just skylights providing daylight should be considered poor design
- Inability to comply with Policy MARL19 passivhaus standards
- No measures in place to restrict on-street parking and no detail as to how allocation on on-site parking spaces will be enforced
- Travel Plan is wholly inadequate - a wider on-street parking management plan will be required;
- Intensification of use of entrance to Rawlingswell Lane has potential to lead to safety concerns;



- Inconsistencies within submitted Arboricultural Impact Assessment/Tree Protection Plan and other documents.

Representation by Impact Planning Services Limited (dated 14<sup>th</sup> September 2023 – comments on revised submission):

- Objections set out in original comments remain;
- Revised plans fail to address concerns over works required to the party wall with No. 51;
- The required works may require listed building consent and must be addressed prior to determination;
- Building treatment plans and method statements, details of works to the sarsen stone boundary wall still required;
- No. of parking space proposed/ Travel Plan remain insufficient;
- Continuing concern regarding overdevelopment of the site – scale and massing unsympathetic.

Further comments (10<sup>th</sup> October 2023 – comments on revised plans issued 26<sup>th</sup> September):

- Concerns remain regarding lack of detailed information over works required to party wall – without the necessary investigatory work the works to the party wall and the potential to impact upon the fabric of a listed building may compromise ability to deliver the permission;
- Remain concerned regarding parking, highways, scale of building and impact on existing built environment.

Further comments (24<sup>th</sup> November 2023):

- Welcome the attention now being given to main structure of No. 51 St Martins but disappointed that weight is not being given to remainder of boundary southwards;
- Further details of proposals for boundary treatments to rear wall adjacent to Coach House (currently suffering damp due to close proximity of red brick wall built on top of sarsen stone wall – wall rising beyond gutter height preventing maintenance) required;
- Further details of proposed post-development levels impacting coach house required.

Representation from North Wiltshire Swifts:

The proposal (for three integrated bird bricks) does not meet the policy aspirations of the draft local plan or the relevant British Standard (BS42021:2022). A condition to ensure the development is constructed in accordance with BS42021:2022 is requested.

## **5. Assessment**

5.1 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); and the ‘saved’ policies of the Kennet Local Plan (KLP) 2011 (adopted 2004).

### **5.2 Environmental Impact Assessment (EIA)**

The proposed development falls within ‘Schedule 2 development’ of the EIA regulations (2017) as an urban development project within a ‘sensitive area’ being within the National

Landscape (AONB) boundary. This requires that the Council to decide whether the development is likely to have significant effects on the environment that would warrant Environmental Impact Assessment. Given the location within the defined settlement of Marlborough, combined with the small scale of the development and the embedding of mitigation measures within the scheme; an Environmental Impact Assessment is not considered to be required in this instance.

## 5.2 Principle of development

The site is located within the defined settlement boundary for Marlborough, identified as a Market Town under Core Policy 1 of the WCS. In relation to Market Towns, Core Policy 1 states:

*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.*

WCS Core Policy 14 states that development within the Marlborough Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1 and assigns a housing requirement of 680 homes for Marlborough over the plan period. to 2026. Core Policy 2 establishes that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Market Towns.

## 5.3 Housing Land Supply – tilted balance not engaged

At the time the application was submitted, under the provisions of the NPPF the Council was required to demonstrate a 5-year supply of housing land (5yrHLS). The NPPF was subsequently updated in December 2023 and as such, under the latest national requirements the Council is now only required to demonstrate a 4-year housing land supply given the stage of advancement of the emerging new Local Plan. At present, the Council is able to demonstrate a housing land supply exceeding 4-years, currently confirmed at 4.6 years (published via the Housing Land Supply Statement - Base date: April 2022 - published in May 2023). As such, the presumption in favour of sustainable development (or ‘tilted balance’) does not automatically apply to this application with regards to housing land supply.

Furthermore, footnote 7 to paragraph 11 of the NPPF requires consideration of the policies within the Framework that protect areas or assets of particular importance. In this case, the application falls within a National Landscape (former AONB) and has the potential to impact on the significance of designated heritage assets. The tilted balance would not apply where conflict is identified with the NPPF policies that protect these assets.

## 5.4 Loss of vulnerable and older persons housing

This application would result in the loss of 32 housing units, purpose-built to support the needs of older and vulnerable people, to be replaced by 28 units of general needs affordable housing. The proposal would also result in a net reduction of 4 residential units overall. Core Policy 46 of the WCS (Meeting the needs of Wiltshire’s vulnerable and older people) notes that Wiltshire has an above average ageing population which the policy seeks to address by ensuring there is adequate provision of specialist accommodation.

The policy does not however include any wording that specifically prevents the loss of existing accommodation for vulnerable or older people. There is also no stated requirement for proposals to provide/replace a similar housing scheme to that which previously existed. Although the loss of accommodation for older people seemingly goes against the thrust of Core Policy 46, it does not directly conflict with the policy wording. The proposed development, whilst no-longer offering on-site support services, does include several ground floor units that potentially would be suitable for older people. One of the units would be required to M4(2) standard to cater for disabled residents.

- 5.5 An important consideration is the current condition of the existing units to be replaced. York Place is now vacant and it is clear the existing accommodation is ageing and outdated, with the units being smaller than modern standard requirements for sheltered housing with some of the smaller units apparently having become difficult to let. The proposal is for the site to be demolished and replaced with 100% affordable housing in line with the stated local needs for this area and supported under Core Policy 43. The local need for additional affordable housing is clearly set out within the Marlborough Neighbourhood Plan (i.e paragraph 2.24, 3.12, 4.1). The need for more affordable homes for low-income groups, including young people, forms part of the vision and is a key objective of the neighbourhood plan to 2036.
- 5.6 Policy MARL3: Meeting Local Housing Needs states that windfall sites must address evidenced local housing needs and goes on to say that “*specialist accommodation for elderly people is not considered a current priority*”. The supporting text (5.16) states that proposals intended solely for older people are to be discouraged due to recent high levels of provision of 55+ housing at the apparent expense of affordable housing for all age groups.
- 5.7 The proposals involve the regeneration of a previously developed brownfield site which aligns with the objectives of the Core Strategy (Strategic Objective 5) and is supported under Core Policy 36. Core Policy 2 states that new development will be delivered through the re-use of previously developed land. Paragraph 123 of the NPPF clearly promotes the use of previously developed land in making effective use of land in meeting the need for homes.
- 5.8 In conclusion, the proposal involves the net loss of 4 housing units which conflicts with the thrust of policy objectives aiming to increase the supply of housing. The loss of supported accommodation for vulnerable and older people also goes against the grain of Core Policy 46, however without technically conflicting with it. These matters are afforded weight against the proposal however this weight is reduced by the other material considerations and benefits outlined above and discussed further below. These include the provision of new affordable housing for all age groups in line with local and national objectives and the regeneration of a brownfield site in a sustainable location to deliver new development. On balance the principle of the proposed development is supportable subject to further consideration of impacts as detailed below. The delivery of new affordable homes on a windfall brownfield site is afforded substantial weight in the planning balance.
- 5.9 **Impact on the North Wessex Downs National Landscape (former AONB)**

The site lies wholly within one of the two largest settlements within the North Wessex Downs National Landscape (NWD). Core Policy 51 of the WCS provides that development

should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. Proposals should, amongst other things, be informed by and be sympathetic to, the distinctive character areas identified in the relevant Landscape Character Assessment(s)<sup>1</sup> and any other relevant assessments and studies. Within the NWD, proposals need to demonstrate that they have taken account of the AONB Management Plan.

5.10 NPPF paragraph 182 advises that ‘great weight’ should be given to conserving and enhancing landscape and scenic beauty in AONBs. Paragraph 183 of the NPPF states that planning permission should be refused for ‘major’ development in the AONB other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. Whether a proposal is considered ‘major development’ in the AONB is a matter for the decision maker, taking into account its nature, scale and setting and whether it could have a significant impact on the purpose for which the area has been designated or defined. Given the limited contribution the site directly makes to the wider designation of the AONB, the proposal is not considered to be ‘major development’ for the purposes of the NPPF.

5.11 The principle of new housing within the AONB area is supported by the North Wessex Downs AONB Management Plan 2019-2024 in certain circumstances, namely:

*only where it is necessary to meet appropriate local needs will new housing be supported. This should be within existing settlements, preferably on previously developed sites”, but “small scale housing sites within or on the edges of the secondary larger villages may be supported where all landscape and other planning issues have been resolved” (paragraphs 7.25-7.26).*

Paragraph 7.25 states that “Good design and siting of all new developments in the North Wessex Downs is essential. They should reflect the local landscape character and architecture and make use of local materials.” Development policies of relevance within the Management Plan include DE01 requiring development to conserve and enhance the character and quality of the AONB; DE02 encouraging high standards of design, landscaping and traditional building styles and energy conservation and innovation and DE05 encouraging the consideration of the historic landscape.

5.12 The proposal is acceptable in principle within the NWD and the Council’s landscape officer and other consultees have raised no objection in this regard. However, a high-quality standard is required in terms of design and use of materials to respect the setting of the historic buildings of Marlborough, one of the special qualities of the AONB’s historic environment. Furthermore, the new development would be viewed in the context of the existing surrounding housing and will be an improvement compared with the current vacant state of the site. Given its location, it is not considered that it would give rise to unacceptably adverse effects on the wider landscape and scenic beauty of the NWD.

5.13 In conclusion, subject to securing a sensitive and high-quality scheme, the proposal is considered acceptable with regards to impacts on the AONB in accordance with Core Policies 51, 57 and Policy MARL 1 of the NP.

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<sup>1</sup> As listed in Core Policy 51 supporting text para. 6.80

## 5.14 Design, Materials and Layout

Core Policy 57, as well as the AONB Management Plan, requires a high standard of design in all developments which is complementary to the locality through drawing on the local context. Proposals are required to demonstrate how they make a positive contribution to the character of the area. The proposals have been through several rounds of amendments in response to comments raised by the Conservation Officer, Urban Design officer, other statutory consultees as well as nearest neighbours.

### Design changes during determination

Key design changes to the proposals following the first round of consultation on the original submission include the following (revised plans submitted 21<sup>st</sup> August 2023):

- A reduction in number of proposed number of units from 33 to 28 (5 units).
- Increase in parking provision from 15 spaces to 18 spaces.
- A reduction in the footprint of rear part of building resulting in an increased communal landscaping/amenity area and pulling back away from the southern boundary.
- Vehicular access point increased in width to 5m to accommodate parking for 18no spaces.
- Oriel windows introduced at the western end of St Martins elevation to provide distinctive features and vary the window styles.
- A recessed main entrance to stair 1 located on St Martins added with stone headers to add variety to the elevation.
- The principle 'building' containing units 1/13/26 moved eastwards to accommodate the new parking with a door case and fan light added to the entrance to unit 1.
- The extent of the 2 ½ storey element reduced to lessen the impact on neighbouring properties and reduce the overall scale of the building.
- The window to unit 3 living room amended to appear more like a shop window to better suit the existing examples seen on St Martins.
- Chimney styles amended to provide greater variety.
- Symmetrical gables with half tile hanging added to the Rawlingswell Lane corner to better turn the corner.
- Single casement windows added to increase the variety of window styles/sizes.
- Eaves levels on Rawlingswell Lane elevation amended to suit the new plan layouts with the lower element extended in length to reduce the overall scale of the building.
- Blind windows added to the plinth on the Rawlingswell Lane elevation.
- Rawlingswell Lane corner elevations amended to provide a first floor gabled jetty to better turn the corner.
- Rawlingswell Lane windows to unit 5 increased in size to better match those of the corner units.
- Roof ridge line broken on the south elevation onto the courtyards and the introduction of some window gables to help break up the massing.
- Oriel window introduced to Unit 23 to enhance the courtyard elevations.
- Additional material references added to the elevations.
- Rainwater goods noted as cast aluminium.

Following the second round of consultation, a further set of revised plans were submitted (dated 26<sup>th</sup> September 2023) including further changes, in particular responding to the Conservation Officer's comments on detailed design features. The following further changes were made:

- The waste store door finish on St Martins changed to painted black.
- The recessed entrance to stair 1 lobby reduced in size.
- The lintel over the car park access amended to an i-beam profile lintel.
- Expressed lintels removed from the colour washed brickwork units.
- Sash windows enlarged where possible. Where not possible due to the plan layouts windows changed to casements.
- All windows amended to small pane casements on the Rawlingswell Lane corner unit.
- Rawlingswell Lane corner unit and Unit 3 – ground floor canopy reduced in width to avoid clash with jettied first floor.
- Flat roofed dormer removed from unit 16 as requested.

Following further engagement with the occupier of No. 7 Rawlingswell Lane and in response to comments raised by the Police, revised plans were submitted (dated 7th November 2023) including the following further changes:

- Updated site plan, landscape plan and landscape masterplan, floor plans and Rawlingswell Lane elevation revised to show amended treatment in the gap between the proposed new building and no.7 Rawlingswell Lane.
- Access gates moved forward as suggested (but not so far forward that they open over the highway) and a new 1.8m wall shown between the two.

Revised plans received by the LPA on 20<sup>th</sup> February 2024:

#### Ground floor Plan

- New wall and gates adjacent to No. 7 extended to the corner, and the doors shown opening into the site.
- Note removed stating 'Extent of works to existing garden wall adjacent to neighbouring coach house to be agreed'.
- New wall shown to replace existing and set further away from the Coach House.
- Ground floor window adjacent to No. 51 replaced with a set of double doors.
- Both existing electric and fibre boxes in pavement shown and noted to be relocated.
- 3 no. bollards shown to the front of Unit 2, set 900mm off the building line and within the footprint of the demolished building.

#### Elevations 1

- It was suggested that we introduce a bay window or shop front to help reduce the large expanse of brick next to No. 51 at ground floor level. However, as there is car parking behind a larger window would show that more. Therefore, we have instead shown a set of timber doors in an arched opening.

### 5.15 **Design Assessment**

In general terms, the proposals are considered to potentially represent a high standard of design and will deliver an improvement to the local environment, over and above that of

the existing building, particularly the St Martins frontage. Given the proposals are mimicking the traditional style and features of the surrounding buildings, high-quality materials and finishes are essential for the final result to be effective. The close proximity of the development to surrounding neighbours, means the detail of shared boundary treatments requires special attention given their potential to impact not only design, but also amenity and living standards of nearest neighbours.

### 5.16 Original proposed elevations



Source: Drawing No. PP1397/100-08 Rev P2

### Revised proposed elevations (following feedback)



5.17 Layout and Scale

The development predominantly fronts on to St Martins, presenting as a traditional terrace, which is considered in keeping with the surrounding vernacular. The proposed points of access for pedestrians and cyclists are considered acceptable (refer to highways section below). The location of the refuse stores is considered acceptable, enabling ease of roadside collection without the need for vehicles to enter and turn within the development. Concern has been raised by the occupants of No. 51 adjacent to the site, regarding the proximity of the new parking area to the rear of that property. The most recent amendments have realigned a proposed boundary wall, further away from the existing coach house (at no.51) which is considered to present less of a threat to the listed building (however, full details of any works at the site that could impact upon the adjacent listed building will be required to be submitted with a future application for listed building consent. The pulling back of the existing built elevation, which currently overshadows the rear courtyard of No. 51 is considered a key benefit that would let in more light and generally improve outlook.

5.18 The proposed boundary arrangements between No. 7 Rawlingswell Lane and what will be the new Rawlingswell Lane pedestrian access have now been improved with a proposed brick wall and secure gated arrangement providing better separation between the two.

5.19 No private amenity space has been included for the flats. A small amount of shared communal amenity space would be provided at the rear. This area will be subject to a detailed landscaping plan and long-term landscape maintenance plan. Further thought will need to be given to ensuring the privacy of ground floor residents given their outlook directly onto the shared communal areas but, it is considered that appropriate planting/screening (agreed by condition) could provide a natural/semi-natural privacy screen. Given the high-density of the proposed units and the sustainable location of the development in terms of proximity to other public open spaces and facilities, a refusal would not be sustained due to the lack of designated private outdoor amenity space for the flats. The design has also been assessed against the Wiltshire Design Guide (resolved by full council to be adopted as SPD). Whilst there are some elements that fail to meet the guidance relating to the provision of outdoor amenity space it is considered (for the reasons detailed above) that the scheme will deliver sufficient garden spaces relevant to it's purpose and location.

5.20 Concern has also been raised regarding the height and mass of the rear wing to the south of the site. At present, there is a single storey block in this location which are proposed to be replaced by a two-storey high block. The low height of this block currently enables views across the site from the Rawlingswell Lane entrance looking westwards. The neighbouring property to the south, The Rectory, has expressed concern over potential for loss of light and overshadowing to their property. Following the initial consultation, the eastern part of the wing that would be opposite The Rectory was reduced in terms of footprint and slightly pulled back further away from the boundary. Given the presence of a mature tree belt and the separation distance between the existing and proposed buildings (the distance to the main mass of the building would be over 8 metres with the lower projecting rear wing being set around 5.5 metres from the neighbouring site boundary. Taking this into account, the residential amenities currently experienced by occupiers of the Rectory would not be unacceptably harmed over and above the existing situation. A condition can ensure that



final finished floor levels of the dwellings are agreed prior to the commencement of the development to ensure the impact remains broadly as assessed.

#### 5.21 Materials

The final details of materials and finishes are recommended to be subject to a condition requiring a materials schedule to be submitted for approval in writing before the development can progress. This would provide control over ensuring the high-quality of all visible features on the external facades (including doors, windows, roofs, rainwater goods). The Conservation and Urban Design Officers have not objected to the materials proposed thus far. They have, however, highlighted the importance of them being of high-quality, traditional construction and appropriate to the Conservation Area location. The Urban Design officer has specified they should be in accordance with the following:

- Characteristic Flemish and English bond to brick facades in street scene and return facades and not stretcher bond;
- A warm orange red brickwork multi characteristic of the locality of varying mix with tile hanging in a similar warm tone;
- Stone elements including window sills to be in reconstituted/cast stone;
- Traditional vertical sliding sash windows;
- Traditional pattern 'conservation' rooflights;
- Windows and doors to be in painted timber to street façade, including slender glazing bars - not UPVC;
- Traditional styled gutters, hoppers and downpipes to be in Cast Iron;
- Dormers shown traditionally constructed with lead cheeks and roof matching main roof tiles;
- Chimneys similarly in traditional masonry construction with brickwork matching main façade and not in grp prefabricated;
- Traditional ridge tiles, gable ladders and slender roof eaves;
- Roof plain tiles/pantiles in clay and natural slate, not concrete derivatives.

#### 5.22 Sustainable Construction

Core Policy 41 seeks to help to reduce Wiltshire's contribution to climate change through improved design and construction methods. The Climate Change Team have been consulted on the submitted Energy/Sustainability Statement. They support the proposals commenting that they welcome the commitment to providing heat pumps and the notable and positive saving predicted over Part L building regulations. The submitted strategy states that:

*...the scheme has addressed energy and CO2 emissions through the design process. At this stage it is estimated that the scheme will have carbon emissions that are 60% lower than the Part L 2022 carbon emissions target.*

The Climate Team have recommended a condition be placed to require a final strategy to be submitted that reflects the detailed design stage and for the development to be implemented in accordance with the approved strategy. The commitment to reducing carbon emissions over and above baseline requirements is afforded positive weight in the planning balance.

5.23 **Impact on heritage assets**

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides powers for the designation, protection and enhancement of conservation areas and the preservation of Listed Buildings. The Act requires that special regard should be given to the desirability of preserving a Listed Building or its setting (s.16 and s.66) as well as giving special attention to preserving or enhancing the character or appearance of the Conservation Area (s.72).

5.24 Paragraph 200 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). Paragraphs 201 and 202 require local authorities to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset. Core Policy 57 requires, amongst other things, that new development must be sympathetic to and conserve historic buildings. Core Policy 58 requires that development should protect, conserve and where possible enhance the historic environment. MANP policies MARL9 and MARL13 together seek to ensure that new development protects and enhances the designated heritage assets and conservation areas within Marlborough, with regard to the various townscape character types within the settlement.

5.25 The site lies in proximity to a number of Listed Buildings, predominantly grade II listed terraced dwellings (a row of dwellings between nos.6-18 St. Martins occupy the northern side of the street, opposite York Place). It is also located within the Marlborough Conservation Area. As such, the proposed development has clear potential to impact on the significance of a number of designated assets of historic importance. However, the existing building is of little architectural or historic interest, and in broad terms, the scheme provides a good opportunity to restore some of the traditional character to the street scene and wider Conservation Area that was lost when York Place was originally constructed in the late C20th).

5.26 Throughout the application assessment, the Conservation Officer has raised a number of comments and concerns on matters of detail which have led to a number of design changes (as set out earlier in this report). The majority of comments raised have now been satisfactorily addressed and, following the final amendments, the Conservation Officer considers the redevelopment of the site to be acceptable in principle subject to securing high-quality sensitive and sympathetic materials and details to reflect the historic/traditional buildings within the wider street scene. Subject to agreeing suitable materials it is generally considered that the scheme can deliver an enhancement to the Conservation Area, within the broader street scene of the locality, as well as enhancing the settings of the row of listed buildings that span the northern side of the street.

5.27 However, the existing site shares a party wall with the grade II listed building at 51 St. Martins (listed as nos. 51 and 52). It is noted that, as part of the late C20th York Place development, the gable wall to 51 St. Martins was mostly removed. Although, the Conservation Officer notes there are still some parts of that original timber frame visible within the roof void of no.51. At the time the older gable was removed, the house was extended to meet the new gable wall constructed to form York Place. As a result, the roof over no.51 now takes support from the gable wall of York Place as well as the first floor and ground floor extensions at no.51 (constructed to meet the newer gable wall). As such, the demolition of York Place presents a high likelihood for direct impact upon historic fabric as part of the roof support would be lost once York Place was demolished. There may also be indirect impacts (due to the construction phase, vibrations, wider structural stress/loading etc.).

5.28 The application was originally submitted with little detail about the works in proximity to the site boundary shared with no.51, particularly what works may be necessary where the development requires intervention with the party wall. The applicant was requested to submit further details in relation to these works and subsequently submitted a Party Wall Statement. It was confirmed that the extent of the works would require a separate listed building consent (LBC) application. The LPA cannot force the submission of an application for LBC, but any LBC would need to be approved before any commencement of the development may take place.

5.29 With regards to the LBC, the Conservation Officer has raised the following concerns:

*This property No.51 has a cellar, set back from the party wall by the width of the original coach access off St Martins and leading to the rear of 51. Any impact on the house and cellar from the foundation piling operation will need to be considered.*

*The front elevation of 51 has historic cracking visible, previously filled; there is also a tie plate visible at low level. This will need to be monitored for potential movement during the construction works close to No.51.*

*The original gable wall to No.51 was removed at the time York Place was built in the early 1970s and the listed building relies upon the gable wall of York Place for its stability/integrity raising the question as to how this will be impacted by the demolition works. What temporary works may be needed to ensure the safe retention of the listed building,*

*The position of and the impact of any nearby wells in the garden of No.51.*

*The impact of the works affecting the coach house in the grounds of No.51 and similarly, its protection against damage.*

*Hence as part of the redevelopment works of York Place, specific construction and finishing detail of the interface between 51 and the new development will be required through the submission of a detailed LBC application; these details will need to be approved prior to the commencement of development on the site.*

5.30 In addition to the above, the Conservation Officer has confirmed (in some detail) the additional information that would be required to inform a LBC application. This includes (but is not strictly limited to) detailed surveys of the existing buildings (measured and structural), method statements for demolition and monitoring of the listed building (for impacts arising from vibration/piling etc.), temporary measures to weatherproof, protect and support no.51 during construction and full details of the works required to tie the new building into no.51 to provide robust structural support. For the purposes of this planning assessment officers consider that a technical solution/approved construction method, to address the above concerns, would be able to be secured through the LBC process. Therefore, the details required to be submitted for the LBC do not necessarily need to be secured by a condition attached to the planning permission.

5.31 Overall, subject to the Listed Building Consent process, as well as the conditions to ensure high-quality, traditional materials, finishes and features are secured, the development is not considered likely to give rise to harm to the significance of surrounding listed buildings and the wider Conservation Area. Indeed, the proposal has a good potential to result in an

enhancement to the settings of a number of designated heritage assets within the wider St. Martins street scene, compared with the existing building. As such, an objection on the grounds of Core Policies 57 and 58 and MANP policies MARL9 and MARL13 in regards to heritage impact is not sustained.

**5.32 Access, movement and parking**

Core Policy 60 seeks to reduce the need to travel, particularly by car, and supports and encourages the sustainable, safe and efficient movement of people and goods through a series of initiatives and together with Core Policy 62 seeks to mitigate any adverse impact on the transport network on transport users, local communities and the environment. Core Policy 61 requires proposals to demonstrate that the proposal is capable of being served by safe access to the highway network and states in the supporting text that transport impacts of new developments need to be assessed and connections to the highway should be safe for all road users.

5.33 Currently for the existing 32 units there is no car parking provision on the site and no facilities for cycle storage. Under the current arrangements, despite it being principally older persons housing, the units could be let to young persons if they have clear support needs. There is a single garage beneath the building, fronting on to Rawlingswell Lane which is used for storage rather than parking. There is a parking lay-by on the St Martin's frontage with subject to a 1 hour waiting time limited (Mon-Sat 9am-6pm). Rawlingswell Lane is an adopted road at a width of 4.4m with double yellow lines running the full length of the lane. The lane joins St Martins at a priority junction with double yellow lines either side of the junction on St Martins. St Martins Lane running west and adjoining roads at the junction leading into the high street area are restricted for on-street parking with no waiting at time allowed. Some of the lanes off St Martins and on St Martins to the east of the site enable on-street unrestricted parking, however, it is generally recognised (as stated in the applicant's Transport Statement) that on-street parking in this area is effectively at capacity, if not oversubscribed. An Air Quality Management Area covers the built area of the town.

5.34 The site is located within 300m of the primary shopping area of Marlborough and is within proximity to a number of urban footways, cycle routes, bus stops and with walking distance of key facilities and services such as food shops, health centre, schools and recreation ground. As such, in transport terms it is considered to be a sustainable location.

5.35 The original submission of this application proposed the provision of 15 parking spaces to support the 33 new units proposed. The Local Highway Authority (LHA) originally objected, responded that the parking provision was too low and, whilst close to the town centre, the site could not be considered to be a town centre location (potentially car-free or with minimal provision of off-street car parking). Subsequently the applicant amended their proposal to reduce the overall number of units from 33 down to 28 units with 18 parking spaces and 43 cycle spaces. A Travel Plan Statement has been submitted and a condition would be placed to ensure that a 'Travel Plan-Welcome Pack' would firstly be submitted to the Highway Authority for review before being finalised. It would then be required to be issued to every new household on taking up occupation of each unit for the first five years of the development with the aim of promoting a reduction in the number of single occupancy car journeys and distance travelled by car.

5.36 The Highways Officer has raised no objection to the revised proposals and is also satisfied with the additionally submitted tracking plans that show how each of the parking spaces can be accessed independently and the ability to safely manoeuvre when entering and exiting the parking area.

5.37 A number of concerns have been raised during the consultation process by local residents and the Town Council regarding perceived insufficient on-site parking provision. The Highways Officer has responded to these concerns that the Council's minimum parking standards (as set out within the Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy) are subject to discounting in this case given the sustainable nature of the location. The Local Transport Plan 2011-2026 comprises the Council's adopted parking strategy (Appendix 1). The policy outlines the minimum number of parking spaces for residential properties - at 1 space per 1 bed, 2 spaces per 2-3 bed and 3 spaces per 4 bed. Policy PS6 – Residential Parking Standards summarises the circumstances where reduced parking requirements will be considered:

- *Where there are significant urban design or heritage issues;*
- *Where parking demand is likely to be low;*
- *Where any parking overspill can be controlled.*

5.38 The LHA consider that the sustainable nature of the location will enable residents to not rely on private vehicles for day-to-day activities and that the location may actually attract residents who do not require the use of a car and hence will not need an allocated space. In particular, smaller occupancy units, such as the one beds, are likely to attract residents that are less likely to require a car. The LHA also consider that given the waiting restrictions in the parking bay and the presence of double yellow lines in the immediate vicinity, if there is any displaced parking this overspill is controlled by these measures preventing parking on the highway adjacent and as such the third provision of the policy above can be met. The majority of the existing properties off Rawlingswell Lane already have their own private parking spaces/garages as well as No. 51 St Martins that has access to a large gated, parking courtyard. Overall, there is strong support through local and national policy objectives for the delivery of new housing (and in particular affordable housing) on brownfield sites in urban centre locations which have far greater access to alternative means of transport. In summary, the LHA has commented that:

*The parking is subject to some discounting for the following reasons:*

*a) The site is within walking distance and easy accessibility of the town centre.*

*b) The site is located within an acceptable distance from other facilities such as doctors, dentists and schools.*

*c) The site is located on a bus route and within walking distance of bus services which can be used for wider employment opportunities.*

*d) The bedroom numbers are low , e.g. either 1 or 2 bed and as such are more likely to attract smaller family units.*

*e) The developer is providing at least 1 space per 2 bed unit.*

5.39 Conditions would be used to ensure the proposed off-street parking (cars and cycle parking) are constructed/laid out prior to the first occupation of the development. It is also considered pertinent to secure a parking allocation plan, to demonstrate which units would have access to car parking (and those that may not). In addition to the conditions requested

by the LHA, a Travel Plan monitoring fee of £7,500 has been requested to be secured through a s.106 agreement to ensure the agreed travel plan is being effectively implemented, post occupation.

5.40 In summary, due to the sustainable location, size and type of housing proposed, the proposal is considered to accord with policies CP60, 61 and 64 of the WCS and subject to conditions, no further objection is sustained in this regard.

5.41 **Impact on neighbouring amenities**

As part of a high quality of design, Core Policy 57 requires that proposals demonstrate how (amongst other things) they have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter).

5.42 **No. 51 St Martins**

As discussed in the sections above, No. 51 St Martins has the potential to be impacted by the proposals. However, it is considered that a number of mitigation measures have already been built in to the design to avoid, prevent and reduce these impacts. In particular the line of the currently imposing side elevation of the existing building will be pulled back in the redeveloped scenario preventing overlooking and reducing existing overshadowing impacts. It is considered this impact would be an enhancement. The design of the St Martin frontage, subject to materials condition, is considered to be acceptable in terms of compatibility with No. 51.

Given the shared party wall, it is considered that there are amenity risks for No. 51 during both the demolition, construction and ongoing operational phases. As such the condition requiring Listed Building Consent to address the detail of these works is considered appropriate for the development to be found acceptable under Core Policy 57. Further detail regarding suitable rear boundary features it also required to be submitted to order to ensure that any amenity impacts on the rear of No. 51 are acceptable.

5.43 **No.7 Rawlingswell Lane**

No. 7 Rawlingswell Lane already has a close relationship with the York Place site with its rear garden already subject to some degree of overlooking from York Place given the topography of the site. The existing mature tree in the centre of the York Place rear garden currently helps to limited that to some extent. As noted above, the plans have been amended to improve the proposed boundary separation between the pedestrian entrance and No. 7 Rawlingswell Lane. A suitable landscaping plan will also be required to be agreed via condition. Whilst it is inevitable that No. 7 will experience some degree of noise and disturbance from time to time from the redeveloped site, this is considered to some extent unavoidable given its close proximity to York Place. Expectations around the appropriate behaviour of residents going forward would need to be managed by the site management company in the normal way.

5.44 **Rawlingswell Lane**

During the demolition and construction phases, it is acknowledged that both No. 7 and the other property owners along the lane are likely to experience some adverse effects such as elevated noise levels and disruption. This will affect the properties closer to the site more so than the detached properties that are situated further away within their own grounds. Conditions have been placed requiring demolition and construction management plans to be submitted to the Council for close review and comment. Restrictions on working and delivery hours will also be placed. Contact details will be included in these plans to enable residents to raise concerns if they should so arise. Whilst the potential for disruption

is acknowledged, these effects would only be temporary in nature and it would not be appropriate to sustain an objection on this basis.

#### 5.45 The Rectory

As noted above, concerns have been raised by the owners of The Rectory to the south regarding the potential for impacts on the mature tree belt separating this detached property from York Place and also the risk of overshadowing from the proposed two storey rear wing. The plans have been amended to show protection of the existing tree belt and also enhancement with additional planting. As stated above (in the layout section of the report above) the element of the rear wing projecting towards The Rectory was reduced in scale so any overshadowing would not be severe and would only occur during the later hours of the day (and would not affect the south facing elevation of the neighbouring house or the most usable area of the private garden (to the south of the house)). It also features no windows that could directly overlook existing windows at The Rectory. There are south facing windows within the rear wing that would face towards The Rectory, but window-to-window views from these would be indirect, would be screened by the existing tree belt and proposed planting and would not overlook the most private areas of the neighbouring property. As such, impacts are considered to be acceptable and in line with the aims of Core Policy 57 of the WCS.

#### 5.46 Proposed properties

Amenity conditions for the proposed new properties are considered to be acceptable. The proposed units are relatively small, with limited parking availability and also lacking in dedicated private amenity space. The Wiltshire Design Guide advises that new dwellings should have access to some form of outdoor amenity space and that balconies should be provided for new homes without private gardens (except where these may directly overlook existing windows or a private amenity space). Balconies are not proposed to serve the dwellings within this development. Should they be, it is considered there could be significant design issues due to the conservation area location as well as potential for unacceptable overlooking to be caused to neighbouring properties (views over the sides of balconies could create direct overlooking where the proposed windows would not). In addition, the WDG advises that:

*For apartment blocks (with over 4 no. homes) communal residents' gardens should also be provided based on a minimum area of 10m<sup>2</sup> per apartment. They must be appropriately enclosed and should contain seating and picnic areas that receive sunshine during at least part of the day.*

The communal garden areas would cover approximately 400 sq.m of the site (calculated fairly conservatively excluding planting areas and areas used exclusively for movement around the buildings. This is considered to be sufficient and gives a good opportunity for sitting out/clothes drying and picnic areas. The lack of private outdoor amenity space is undesirable, but the overprovision of communal space is considered to be of some benefit in the overall balance and helps to avoid the need for design elements that could pose adverse impacts on the surrounding historic environment.

5.47 Overall, it is considered these units will contribute towards the demand for more affordable properties for all age groups in this location for which there is a clear need. It is not considered that the new properties will be subject to adverse privacy, overshadowing or other amenity effects. Suitable waste storage, bike storage and communal open space is to be provided with gated access points to prevent security risks. A detailed landscaping plan is required to be submitted under condition to ensure the privacy of the ground floor units that look out on to the communal amenity space as noted above.

5.48 In conclusion, whilst particular concerns have been raised regarding risks of adverse amenity impacts, most notably affecting No. 51 St Martins, it is considered that subject to the recommended conditions, these matters can be suitably addressed and objection is not sustained against the aims of Core Policy 57 of the WCS.

#### 5.49 Demolition/Construction Phase

Given the close proximity of surrounding residential areas, there is the potential for adverse effects and disruption to occur during the demolition and construction phases, as highlighted within a number of neighbour representations.

A Construction Management Plan as well as a Demolition and Construction Environmental Management Plan will be required under planning condition to manage both the demolition and construction phases in a way that does not give rise to unacceptably adverse effects on local residents during the demolition and construction phase.

In particular, the potential effects and risks on No. 51 St Martins would be studied in greater detail through the Listed Building Consent process as well as the party wall agreement process, that sits outside of planning legislation.

#### 5.50 Ecology, Biodiversity and Trees

Core Policy 50 requires that proposals must demonstrate how they protect features of nature conservation value as part of the design rationale and that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

5.51 An Ecological Impact Assessment was submitted with the application as well as a Biodiversity Net Gain Report and Plan which have been found acceptable by the Council's Ecologist. The application site does not lie within or immediately adjacent to any sites designated for nature conservation however the roof of the existing building is currently used as a bat roost. Under the Conservation of Habitat Regulations, it is an offence to harm or disturb bats or damage or destroy their roosts. As such the applicant will require a Natural England licence before any work is undertaken to implement any planning permission.

5.52 Hedgehogs were observed during the emergence survey and as such the site is considered of local value for hedgehogs. No other protected species were recorded by the surveys as being present within the site boundary however due to suitable habitat, precautionary working methods have been recommended for reptiles, amphibians, birds, badgers, hedgehogs, and bats. Non-native invasive plant species, Montbretia, was found on the site which is required to be removed and disposed of and as such appropriate control procedures and biosecurity measures would be required to be put in place.

5.53 The submitted Biodiversity Net Gain Report concludes that the proposed development (post-intervention) would achieve a net gain of +0.18 biodiversity units for area-based habitats (17.16% net change) and +0.21 biodiversity units for linear (hedgerow) habitats on-site (374.71%). This overall net gain and the associated reports and plans have been found acceptable by Council's ecologist.

5.54 Conditions would require the development to be carried out in strict accordance with the biodiversity mitigation planting plan, the enhancement measures and the working method statements set out within the submitted ecology reports. The installation of the ecology



features would be required to be supervised by a professional ecologist with photographic evidence submitted to the local planning authority.

5.55 An Arboricultural Impact Assessment (AIA), Tree Constraints Plan and Method Statement have been submitted. Four existing trees on the site are proposed to be removed with the majority of the existing boundary trees, including the lime tree along the south boundary, to be retained and protected with tree protection fencing during the construction phase. Hard and soft landscaping plans have been submitted with the application to which no objection from officers has been raised. However, given the need for further detail to be agreed regarding the shared boundary with No. 51 St Martins, final details of hard-surface materials and a site planting scheme would need to be submitted prior to commencement for approval. Conditions have been placed to ensure the development would be carried out in strict accordance with the Tree Protection Plan and various mitigation measures set out within the approved Arboricultural Method Statement.

5.56 Subject to the conditions outlined above, no outstanding objections are raised under Core Policies 50, 51 and 57 in this regard.

5.57 **Drainage and flood risk**

Core Policy 67 requires that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

5.58 The development falls entirely within Flood Zone 1, classified as low probability of flooding with Council's Strategic Flood Risk Assessment mapping showing the site itself as being of low risk of surface water flooding and ground water flooding.

5.59 A Site-Specific Flood Risk Assessment (FRA) including ground investigation report and proposed drainage strategy has been submitted. It is understood that the site is currently drained via shallow infiltration however the ground investigation has indicated that dissolution features could form within the upper chalk layers and as such it is proposed to use deep bore soakaways to dispose of surface water on site (in line with the Surface Water hierarchy). Whilst the LLFA have not objected to the proposals, further detailed ground investigations and hydraulic model calculations have not yet been provided in order to fully demonstrate its viability.. Conditions have been placed requiring full details of the proposed drainage to be submitted at the appropriate trigger points within the development process.

5.60 **Developer contributions - Affordable housing, play/sports facilities/open space, education, waste**

Affordable housing

Whilst all of the properties are proposed as affordable housing, in order to meet the requirements of Core Policy 43, 40% would need to be secured by way of a planning obligation. This equates to a requirement for 11 units on a nil subsidy basis.

The housing officer supports the following mix of housing which has been agreed with the applicant and would be secured in a S106 agreement accordingly:

#### 7 Affordable/Social Rent units

3 x 1 bed 2 person ground floor flats  
1 x 1 bed 2 person first floor flats  
2 x 2 bed 3 person ground floor flats\*  
1 x 2 bed 4 person ground floor flat

#### 4 Shared Ownership units

3 x 2 bed 3 person ground floor flats  
1 x 2 bed 4 person ground floor flat

If the scheme is provided as 100% Affordable Housing with grant funding as is proposed the mix will be as follows:

#### 7 Social Rent units

3 x 1 bed 2 person ground floor flats  
1 x 1 bed 2 person first floor flats  
2 x 2 bed 3 person ground floor flats\*  
1 x 2 bed 4 person ground floor flat

#### 21 Shared Ownership units

4 x 1 bed 2 person first floor flats  
5 x 1 bed 2 person second floor flats  
3 x 2 bed 3 person ground floor flats  
3 x 2 bed 3 person first floor flats  
1 x 2 bed 4 person ground floor flat  
5 x 2 bed 4 person first floor flats

\*There is also a demonstrable need for adapted housing in Marlborough- 10% of affordable units are to be provided as adapted units to help meet this need. These units should be provided as ground floor flats / bungalows to Building Regulations M4(2) standards with a level access shower provided. In this instance it would be appropriate to provide 1 x 2 bed GF flat as adapted units to meet demonstrable need.

All affordable homes are to be built to meet at least 85% of the Nationally Described Space Standard (NDSS) relevant to the dwelling type and minimum person criteria.

### 5.62 Play areas, public open space and sports facilities

Given the demographic change from older persons housing to all age groups and the fact that no on-site play provision is proposed; a contribution towards off-site play is required. 28 dwellings would generate an Equipped Play requirement of 208.32m<sup>2</sup>, equivalent to an off-site play contribution of **£29,999**. The play area at Wye House Gardens has been identified as the target site for this off-site contribution, or alternatively the contribution could go towards play improvements at other suitable play areas within the vicinity of the development.

28 dwellings would also generate a requirement for 1149.12m<sup>2</sup> of Sports pitches, which would equate to an off-site contribution of **£11,491**. This would be targeted towards the development of a 3G artificial turf pitch (ATP) within the Marlborough community area and/or sports, pitch or ancillary provision within the vicinity of the land.

Any on-site public open space proposed would be secured and agreed to be managed in perpetuity through the S106 agreement and would not be adopted by Wiltshire Council. Given that the development proposes a net loss of 4 dwellings, additional financial contributions towards off-site public open space cannot be justified in this instance.

#### 5.63 Education

Core Policy 3 requires new development to provide for essential related infrastructure (including education facilities) to be delivered, where appropriate, through financial contributions. Similarly saved policy HC37 states that ‘a contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development’.

##### Early Years Places

- Early years places:  $11 \times 0.04 = 0.44$  0–2-year-olds and  $11 \times 0.09 = 0.99$  3-4-year-olds. Added together this = 1.43 rounded to **1 early years place at £17,522 = £17,522.**

##### Primary School Places

- Primary school places:  $11 \times 0.31 = 3.41$  rounded to 3 places at £18,758 each. However, there is sufficient space in the schools within 2 miles safe walking distance of the development site, and so have no S106 requirement for primary school places from this application.

##### Secondary School Places

- Secondary school places:  $11 \times 0.22 = 2.42$  rounded to **2 places at £22,940 each = £45,880.**

#### 5.64 Waste and recycling

Waste Core Strategy Policy WCS6 requires developers to provide facilities for separation and storage of waste for recycling and composting. It also states that any such provision must “have regard to the existing Municipal Waste Management Strategy”. The Council’s waste strategy expects that new developments are designed to enable waste collection services to operate safely and efficiently, and, to this end, the waste SPD sets out what is deemed to be safe and efficient.

Recycling and collection facilities are classified as essential infrastructure for the purposes of WCS Core Policy 3: Infrastructure Requirements. The Council’s Waste Storage and Collection: Guidance for Developers SPD requires financial contributions towards the provision of bins and boxes for the dwellings at £101 per dwelling to be secured by way of planning obligation. As such a financial contribution of **£2828** would be secured via legal agreement.

#### 5.65 Travel Plan Monitoring

Highways Officers have requested a payment of £7,500 towards the monitoring of the Travel Plan to be worded within the S106 as follows: A contribution of **£7500** towards the monitoring of the Travel Plan will be provided by the developer on signature of the S106.

5.66 Summary of Developer Contribution Matters

The education, waste, affordable housing and public open space teams have all made representations regarding the proposals. Following amendments, no objections have been raised subject to the appropriate contributions being secured via suitably worded legal agreement. As such the proposal is considered to comply with policies CP3, CP43, the adopted Planning Obligations DPD, and policy WCS6 of the Waste Core Strategy.

6. The Planning Balance

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions should apply a presumption in favour of sustainable development and this means approving development proposals that accord with an up-to-date development plan without delay, unless 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.

6.1 As detailed within this report, the principle of the proposal, for the regeneration of a brownfield site in a sustainable location within the settlement boundary to deliver affordable housing, accords with the development plan. The proposal has been assessed against each of the other relevant policies of the development plan, as well as the Neighbourhood Plan and AONB Management Plan, and found to be acceptable.

6.2 The principal benefit of the development is the contribution towards the supply of new homes in Wiltshire, particularly in meeting locally identified needs for affordable housing for all age groups in Marlborough, as identified in the Neighbourhood Plan. The delivery of 28 new affordable homes on a brownfield site, in a sustainable location is afforded substantial weight in favour of the development. The improvements to the St. Martins street scene, off-site financial contributions, including education places are also benefits of the scheme. These further benefits attract moderate weight.

6.3 Concerns have been raised during the course of the application with particular regards to parking provision, neighbouring amenities and impacts on listed buildings. These matters are considered to have been satisfactorily resolved following further rounds of amendments to plans.

6.4 Subject to securing the identified conditions and S106 legal agreement, officers consider that any adverse impacts of approving the development would not significantly or demonstrably outweigh the benefits of the scheme, when assessed against the policies of the Local Plan and the NPPF. The planning balance weighs in favour of the development and planning approval should be granted.

7. RECOMMENDATION:

**Subject to the applicant entering into a Legal Agreement to secure the following financial contributions:**

- **£17,522** for early years places

- **£45,880** for secondary school places
- **£29,999** for off-site play
- **£11,491** for off-site sports pitches
- **£2,828** for provision of containers for waste and recycling
- **£7,500** for **Travel Plan monitoring**
- **£1,152** for S106 monitoring fee (1% of total contributions payable upon commencement of development)

**and to secure a scheme of 11 Affordable Housing Units** with the agreed tenure mix, at nil subsidy, meeting NDSS design and floorspace standards, subject to the nomination rights remaining with Wiltshire Council and the homes being transferred to a Registered Provider, approved by the Council, or to the Council.

**That planning permission be GRANTED subject to the following conditions:**

## **8. PLANNING CONDITIONS**

### **1. Time Limit**

The works 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 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **2. Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents, unless otherwise varied by details submitted to and approved in writing by the local planning authority in accordance with the conditions of this planning permission:

- Location Plan - PP1397-100-01 Rev.P1;
- Site Plan - PP1397-100-02 Rev.P6;
- Ground floor plan – PP1397-100-03 Rev.P8;
- First floor plan - PP1397-100-04 Rev.P7;
- Second floor plan - PP1397-100-05 Rev.P6;
- Roof plan - PP1397-100-06 Rev.P5;
- Lower ground floor plan and elevations – PP1397-100-07 Rev.P8;
- Elevations 1 - PP1397-100-08 Rev.P7;
- Elevations 2 - PP1397-100-09 Rev.P6;
- Elevations 2 - PP1397-100-10 Rev.P5;
- Landscape Masterplan – SPP3292 90 001 Rev.E;
- Soft landscape plan - SPP3292 90 002 Rev.C.

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

### **3. External materials/finishes**

Notwithstanding the details of the approved plans, construction of the development hereby approved shall not proceed above finished floor/slab level until a schedule of all external materials and finishes shall be submitted to and approved in writing

by the Local Planning Authority. As a minimum, the schedule shall provide details of the type, colour and texture of all external materials and finishes to be used, including all visible features on external facades such as external walls, roofs, windows, doors, hanging tiles and rainwater goods. The details shall include manufacturer and material name along with product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested, samples of materials and finishes are to be made available for inspection on the development site.

The proposed materials shall be appropriate to the Conservation Area location in accordance with the following:

- Characteristic Flemish and English bond to brick facades in street scene and return;
- Warm orange/red brickwork multi characteristic of the locality of varying mix with tile hanging in a similar warm tone;
- Stone elements (including window sills) to be in reconstituted/cast stone;
- Traditional vertical sliding sash windows;
- Traditional pattern 'conservation' rooflights;
- Windows and doors to be in painted timber to street façade, including slender glazing bars;
- Traditional style gutters, hoppers and downpipes;
- Dormers shown traditionally constructed with lead cheeks and roof matching main roof tiles;
- Details of chimney construction to include brickwork, masonry and flashing (material and construction);
- Traditional ridge tiles, gable ladders and slender roof eaves
- Roof - plain tiles/pantiles in clay and natural slate, not concrete derivatives.

Thereafter, the development shall be completed and maintained in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area on accordance with the aims of Core Policies 51, 57 and 58 of the Wiltshire Core Strategy, policies MARL9 and 13 of the Marlborough Area Neighbourhood Plan and the planning policy advice of the National Planning Policy Framework.

#### **4. Archaeological investigation**

The development hereby approved shall not commence until a written programme of archaeological investigation, which should include proposals for on-site work and off-site work including the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved programme of archaeological work shall be carried out and the final report submitted to the local planning authority in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest in accordance with the aims of Core Policy 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

#### **5. Contamination**

No development (except for demolition of existing buildings) shall commence on site until an investigation of the history and current condition of the site to determine the

likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure the risks associated with land contamination are identified and remediated in accordance with the aims of Core Policy 56 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

## **6. Tree Protection Plan**

The development shall be implemented in strict accordance with the approved Tree Protection Plan and the mitigation measures set out within the submitted Arboricultural Method Statement (Author: Hillside Trees Ltd. Dated: August 2023, Report Version: 1.2) with the proposed tree protection barriers and ground protection measures laid out in full prior to the commencement of the development.

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 and protection of biodiversity in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

#### **7. Demolition Plan (DEMP)**

The development hereby approved shall not commence until a Demolition Environmental Management Plan (DEMP) has been submitted to and approved in writing by the local planning authority. As a minimum, the DEMP shall include details of the following relevant measures:

- i. An introduction consisting of demolition phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the demolition programme;
- iv. A named person and telephone number for residents and LPA to contact;
- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of demolition on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key demolition issues – crusher durations etc..

There shall be no burning undertaken on site at any time.

Demolition hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

Stone crushing shall be limited to 10.30hr to 15.30hrs Monday to Friday with no crushing at weekends or bank holidays. Where possible this shall take place away from sensitive noise receptors; and where located nears residential dwellings acoustic screening must be used to minimise potential impact.



REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

**8. Construction, Transport and Env Plan (CTEMP)**

No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works until a Construction Transport and Environmental Management Plan (CTEMP) has been submitted to and approved in writing by the Local Planning Authority. As a minimum, the Plan shall provide details of the following:

- i. Details to demonstrate how runoff will be managed during construction (including initial demolition phase) to prevent an increase in flood and pollution risk;
- ii. Working method statements for protected/priority species, such as nesting birds and reptiles;
- iii. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre- construction/construction related elements of strategies only;
- iv. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
- v. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW);
- vi. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence;
- vii. the movement of construction vehicles and provision for parking of vehicles of site operatives and visitors;
- viii. the cutting or other processing of building materials on site;
- ix. the provision for loading and unloading of plant, materials and demolition materials;
- x. the provision for storage of plant and materials used in constructing the development, as well as demolition materials;
- xi. the provision for wheel washing and vehicle wash down facilities;
- xii. measures to control the emission of dust and dirt during construction;
- xiii. the provision for recycling/disposing of waste resulting from demolition and construction;
- xiv. The location and use of generators and temporary site accommodation
- xv. Site working hours and a named person for residents to contact

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. Where piling is required, this must be Continuous flight auger piling wherever practicable to minimise impacts. Ground workers should remain vigilant for visible and olfactory signs of contamination during

demolition of on-site buildings.

The details to be submitted under this condition shall include all details of timing and phasing of proposed measures to ensure that they are in place and maintained for so long as required.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in full accordance with the Statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to neighbouring amenities and the natural environment, during the demolition and construction phases in accordance with the aims of Core Policies 50 and 57 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

#### **9. Landscape and Ecology Management Plan (LEMP)**

Prior to commencement of the development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme in accordance Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

#### **10. Drainage Strategy**

No development shall commence on site (excluding demolition) until a scheme for the discharge of surface water from the site, including SuDS (sustainable drainage systems) and all third party approvals (as necessary), has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority and the sewerage undertaker. The details shall also include provision of the following:

- i) Evidence that additional ground investigations have been undertaken in line with the recommendations on Section 6.8 of the submitted ground investigation, to confirm the viability of deep bore soakaways on site.
- ii) Confirmation that the peak groundwater level is in excess of 1m below the base of the soakaway (as per the Wiltshire Council Soakaway Guidance) and confirmation of infiltration rates.

Following approval of steps i) and ii), the applicant shall submit for approval in writing by the LPA the following information:

- iii) Revised soakaway calculations to demonstrate that the deep bore soakaways offer a viable drainage strategy.
- iv) Calculations and drawings for the drainage system design showing that conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.
- v) Calculations and drawings for the drainage system design showing that attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
- vi) Hydraulic Models should set the MADD factor / additional storage volume factor to 0m<sup>3</sup> / ha in order to prevent an overestimation of storage capacity in the proposed drainage network. Notwithstanding the submitted drainage strategy plan; this plan shall be updated to utilise the same pipe numbering as shown in the hydraulic modelling so that both can be considered in conjunction
- vii) Detailed Design Drawings of the proposed deep bore soakaways
- viii) Detail drawings of the proposed proprietary pollution capture systems
- ix) Cross sections and long-sections through the proposed attenuation tanks
- x) Drawings showing how overland exceedance flows in excess of the 1 in 100yr + cc storm are safely managed on site to prevent risks to people and property.
- xi) An confirming details of the proposed ownership, inspection and maintenance regime for the proposed drainage infrastructure.

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

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

### **11. Foul Drainage**

No development shall commence on site (excluding demolition) 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 comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) 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.

### **12. Highways - Travel Plan**

No development shall commence until a draft Travel Plan-Welcome Pack has been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations of the submitted Travel Plan (dated August 2023).

No unit shall be occupied until those parts of the Travel Plan-Welcome Pack capable of being implemented prior to occupation have been implemented. The Welcome Pack will be provided to each unit on first occupation of that said unit and provided

to each new occupier of that unit/any unit which remains in the control of the applicant for at least five years following first occupation of the last residential unit. If required, the Welcome pack shall be updated on issuing and comprise up-to-date information at the time of issue.

Reason: In the interests of reducing the amount of private car movements to and from the development in accordance with the aims of Core Policy 60, 62 and 64 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

### **13. Sustainable Energy Statement**

Prior to the commencement of the development hereby approved, a final Energy and Sustainability Strategy shall be submitted and approved in writing by the Local Planning Authority in accordance with the principles set out within the submitted Energy and Sustainability Strategy (Revision C, dated September 2023). The development shall be implemented and maintained in accordance with the approved strategy thereafter.

REASON: In the interests of achieving sustainable development in accordance with WCS Core Policy 41 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

### **14. Site planting and hard-surface materials**

Notwithstanding the details shown on the approved plans, no development shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority, the details of which shall include:

- a) all hard and soft surfacing materials,
- b) details of means of enclosure including gates and boundary treatments, (including details of any existing fencing/treatments to be retained)
- c) a detailed plan identifying existing trees and hedges to be retained and a planting plan and specification showing all plant species, supply and planting sizes and planting densities, and details of after-care.

ii) All so-approved planting shall be carried out no later than the first planting and seeding season following the first occupation of any part of the development or the substantial completion of the development whichever is the sooner.

iii) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock.

iv) Any trees or plants (including existing trees and hedges to be retained) which, within a period of five years from first occupation of the development, 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.

v) All hard landscaping shall also be carried out in accordance with the approved details prior to the first 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, to provide some biodiversity enhancement and to protect the privacy of future occupiers and neighbours of the development in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

#### **15. Boundary enclosures**

Prior to first occupation of the development hereby approved, the boundary fencing and means of enclosure shall be implemented in accordance with the details of the approved plans and maintained in that state thereafter.

REASON: In the interests of visual amenity and the character and appearance of the area in accordance with the aims of 57 and 58 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

#### **16. Security measures**

The development hereby approved shall not be occupied or brought into use until details of security measures, including CCTV, access control measures and signage, have been submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed and maintained in accordance with the agreed details.

REASON: In accordance with Wiltshire Core Strategy (2015) Core Policy 57 to incorporate measures to reduce actual or perceived opportunities for crime or antisocial behaviour.

#### **17. Access, parking, refuse and cycle storage**

No part of the development hereby permitted shall be occupied until the vehicular and pedestrian accesses (to include visibility splays and restrictive bollards), off-street car parking, vehicle turning areas, refuse storage and cycle storage areas have been constructed/laid out in full in accordance with the details shown on the approved plans.

Thereafter, the areas shall be kept available for their intended purposes and maintained free from obstruction (including but not limited to, the storage of materials).

REASON: To ensure safe access, adequate off-street parking provision and vehicle turning manoeuvring space in the interests of amenity and highway safety in accordance with the aims of Core Policies 60, 61 and 64 of the Wiltshire Core Strategy, policy MARL9 of the Marlborough Area Neighbourhood Plan and the Planning Policy Advice of the National Planning Policy Framework.

## **18. Parking allocation and EV charging**

No part of the development hereby permitted shall be occupied until the off-street car parking spaces have been implemented in accordance with a car parking allocation plan and provided with electric vehicle charging points, in accordance with full details that shall first be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be maintained in accordance with the approved details.

REASON: To ensure that car parking spaces are appropriately allocated to the units and that EVCPs are made available to future occupiers and visitors of the scheme in order to promote the use of low-carbon modes of transport and to prevent harm to the Marlborough Air Quality Management Area in accordance with the aims of Core Policies 55, 60, 61 and 64 of the Wiltshire Core Strategy and the Planning Policy Advice of the National Planning Policy Framework.

## **19. Ecology - Biodiversity mitigation and enhancement measures**

The approved biodiversity mitigation and enhancement measures shall be incorporated into the development in accordance with:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19<sup>th</sup> April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these features shall be supervised by a professional ecologist and this part of the condition shall be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be maintained and made available for wildlife for the lifetime of the development.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

## **20. Ecology - Compliance with Ecology Strategies**

The development will be carried out in strict accordance with the following documents:

- Section 6 and Appendices D, F, H and J of the Ecological Impact Assessment of Marlborough, York Place, Version 1.0, Date 19<sup>th</sup> April 2023 by Abricon Ltd.
- Proposed Planting Plan, Drawing number: SPP3292 92 002, Rev: A, Date: April 23, by Swan Paul Partnership Ltd.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity in accordance with the aims of Core Policies 50, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

## **21. Ecology – External lighting**

No new external artificial lighting shall be installed at the site unless full details have first been submitted to and agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity and the condition of North Wessex Downs Area of Outstanding Natural Beauty in accordance with the aims of Core Policies 50, 51, 57 and 58 of the Wiltshire Core Strategy and the planning policy advice of the National Planning Policy Framework.

## INFORMATIVES

1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT] the requirements of which must be complied with in addition to the conditions of this permission.
2. Listed Building Consent is required for the works relating to the neighbouring Grade II Listed Building, No. 51 St Martins. Prior to the commencement of any works with potential to directly or indirectly impact upon the fabric and/or structural integrity of the listed building, a Listed Building Consent application shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent application shall include a programme of the proposed works and timescales for their implementation set out in relation to the programme and timescales works for the wider development scheme. The proposed works shall reflect the matters set out within the submitted 'Application of the Party Wall Act' statement and the comments made by the LPA's Conservation Officer in relation to this planning application.
3. The attention of the applicant is drawn to the contents of the letter from Thames Water dated 10<sup>th</sup> May 2023 pertaining to foul and surface water disposal and to existing services on the site.
4. The applicant should note that Wiltshire Council's Soakaway Guidance should be followed and Pre- treatment to remove silt should be considered into the soakaway design. The factor of safety and distance of soakaways from buildings or structures should be mentioned as a part of design to comply with the Wiltshire Council's Soakaway Guidance.
5. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
6. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please

be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

7. The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
8. The roof of the existing building is used as a bat roost. Under the Conservation of Habitat Regulations, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a Natural England licence will be required before any work is undertaken to implement this planning permission.
9. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
10. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
11. The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352 or visit their website



at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of road side ditches) will require full Land Drainage Consent. Please contact the Drainage Team at [Drainage@wiltshire.gov.uk](mailto:Drainage@wiltshire.gov.uk)

12. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
13. 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>.
14. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area. The surface water drainage strategy must comply with [Developers-guidance-note-surface-water-soakaways-2.pdf \(wiltshire.gov.uk\)](#), which sets out the standards that must be met for planning approval and adoption.
15. The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the Council's Waste guidance with a sample indemnity provided in Appendix C.