

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 19 September 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

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

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Membership

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Dr Brian Mathew MP

Cllr Kelvin Nash

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

Substitutes:

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Sam Pearce-Kearney

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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

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

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

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AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on 22 August 2024.

Document to follow.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

Questions

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

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 12 September 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 16 September 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 5 - 6*)

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

Planning Applications

To consider and determine the following planning applications.

7 **PL/2023/10388: Land South of The Spring, Market Lavington, Devizes** (*Pages 7 - 32*)

Outline planning permission (matters to be considered: Access only) for up to 14 dwellings (Use Class C3) and a food store (Use Class E(a)), together with open space, drainage, parking and associated access, infrastructure, landscaping and removal of bus shelter.

8 **Urgent items**

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

Part II

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

**Wiltshire Council
Eastern Area Planning Committee
19th September 2024**

Planning Appeals Received between 09/08/2024 and 06/09/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/00386	Land West of Sand's Lane, Rowde, SN10 2QW	Rowde	Outline planning application for up to 50 dwellings, new community building and associated car park, public open space and associated infrastructure with all matters reserved for future consideration except for access.	DEL	Written Representations	Refuse	03/09/2024	No
PL/2023/02372	Land south of Ballingers, Urchfont, Wiltshire	Urchfont	Outline application with all matters reserved bar access for the development of up to 21 dwellings, including affordable housing, 4 self-build plots and associated infrastructure.	DEL	Written Representations	Refuse	30/08/2024	No
PL/2024/00933	Yew Tree Cottage 25 High Street, Manton, Marlborough, Wilts, SN8 4HH	Marlborough	Proposal to partially rebuild the rear extension	DEL	Written Representations	Refuse	14/08/2024	No
PL/2024/01187	Yew Tree Cottage 25 High Street, Manton, Marlborough, Wilts, SN8 4HH	Marlborough	Proposal to partially rebuild the rear extension	DEL	Written Representations	Refuse	14/08/2024	No

There are no Planning Appeals Decided between 09/08/2024 and 06/09/2024

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	19 th September 2024
Application Number	PL/2023/10388
Site Address	Land South of The Spring, Market Lavington, Devizes
Proposal	Outline planning permission (matters to be considered: Access only) for up to 14 dwellings (Use Class C3) and a food store (Use Class E(a)), together with open space, drainage, parking and associated access, infrastructure, landscaping and removal of bus shelter.
Applicant	The Long Field (Market Lavington) Limited
Town/Parish Council	Market Lavington Parish Council
Ward	The Lavingtons
Type of application	Outline Planning Permission
Case Officer	Jonathan James

Reason for the application being considered by Committee:

This application has been 'called-in' by Cllr Muns in order to discuss the impacts of the proposed development in relation to the design (bulk, height, general appearance) of the proposed scheme and to allow an opportunity for a transparent debate on the proposed scheme.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

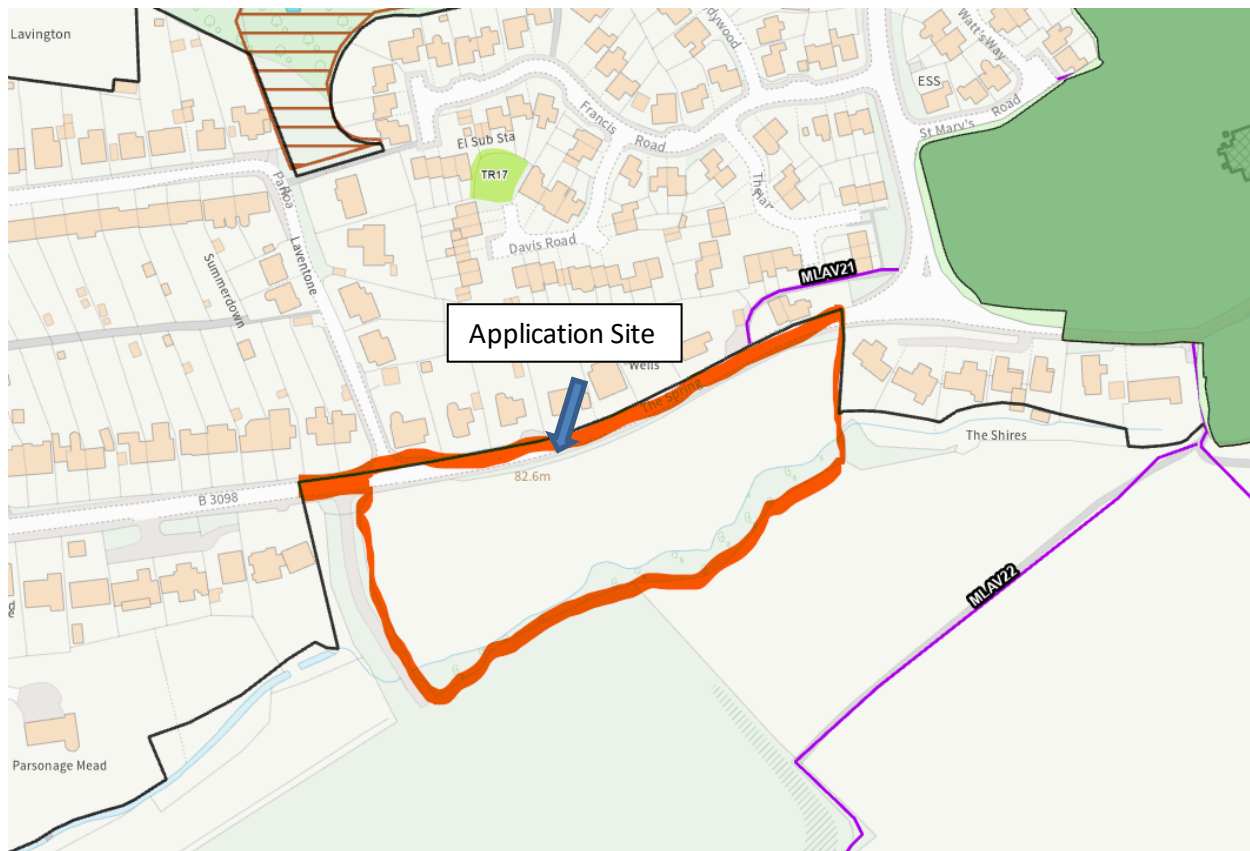
The key issues for consideration are:

- Principle of development CP1, CP2, CP12, Policy 1,
- Landscape and visual impact (including design) CP51, CP57, Policy 1, Policy 2
- Impact on heritage CP58, Policy 2
- Impact on neighbour amenity CP57
- Highways impact CP61, CP64, Policy 2
- Environmental and ecological impacts CP50, Policy 2

3. Site Description

The site is located outside the recognised limits of development for Market Lavington, although it has now been included within the Market Lavington Neighbourhood Plan as an allocated site. There is an existing access to the west of the site off a track that leads to the playing fields that lies to the south of the site. Bounding the north of the site is B3098 (The Spring) onto which access

from the site would be created. There is an existing pavement and hedgerow along the front of the site. The topography of the land slopes down from the adjoining highway to a stream that runs along the southern part of the site. The boundaries of the site consist of a mixture of fencing, hedgerow and trees.



Location of site

To the east of the site, at approximately 53m lies the edge of the Market Lavington Conservation Area and to the west of the site, at approximately 209m is the Grade II Listed Clyffe Hall (and associated buildings). There are public rights of way within the vicinity of the site, however, none actually cross the site.

4. Planning History

- K/18204/O - ERECTION OF COMMUNITY CENTRE AND ASSOCIATED WORKS - Refused

5. The Proposal

The application before the Council is for outline planning consent for up to 14 dwellings and the provision of a new food store (use Class E(a)); all matters reserved except for 'access'. During the course of the application revised plans and additional detail has been submitted in support of the application and the appropriate re-consultations carried out.

The proposed single storey retail store would be sited to the east of the site, with associated parking. The proposed housing (two storey) would be predominantly following the line of the adjoining highway in a linear form of development closing the gap between 'The Shires' (to the east) and the properties adjoining 'The Spring' to the west.



Site Layout / Block Plan

To the rear of the site there is a proposed footpath with wildlife enhancement area; the existing vegetation within this area will be maintained and additional planting will take place.

6. Planning Policy

National Context:

National Planning Policy Framework 2023 (NPPF)

Planning Practice Guidance (guidance on the policies contained within the NPPF)

Local Context:

Wiltshire Core Strategy (WCS)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure requirements
- Core Policy 12 - Spatial Strategy for the Devizes Community Area
- Core Policy 34 - Additional Employment Land
- Core Policy 38 - Retail and Leisure
- 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 48 – Supporting Rural Life
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 52 – Green Infrastructure
- Core Policy 57 - Ensuring high quality design and place shaping
- Core Policy 58 - Ensuring the Conservation of the Historic Environment
- Core Policy 60 – Sustainable Transport
- Core Policy 61 - Transport and Development

- Core Policy 64 - Demand Management
- Core Policy 67 – Flood Risk
- Core Policy 68 – Water Resources
- Core Policy 69 - Protection of the River Avon SAC

Market Lavington Neighbourhood Plan

- Policy 1 – Housing (General)
- Policy 2 – Housing Site Allocations
- Policy 3 – Local Infrastructure Priorities
- Policy 4 – Retail Services

Policy WCS6 of the Wiltshire and Swindon Waste Core Strategy

7. Consultations

Market Lavington Parish Council – Object; Concerns with regard the access arrangements, conflict between pedestrians and motor vehicles, highway safety, concerned at the inclusion of a food store contrary to the neighbourhood plan, a departure to the Neighbourhood Plan and contrary to Policy 4.

Further comments following re-consultation:

The Parish Council do not feel they have a mandate to go against the Neighbourhood Plan, and therefore retains its current position, and objects to the application.

WC Public Protection – No objection subject to conditions

Further comments following re-consultation:

No further comments to add to previous comments.

WC Highways Department – Comments; the removal of the bus shelter and the location of the current bus stop needs further consideration.

In relation to vehicle movements and traffic impact I am happy that The Spring is acceptable to accommodate the number of movements associated with the proposal. Due to the layout and the size and scale of the proposal I am not minded to ask for any on carriageway changes.

However, as per my previous comments the introduction of a shop will encourage pedestrian access and as such the applicant should be looking to provide some crossing points in the form of dropped kerbs to allow residents from the opposite side of the road to access the shop. The 2m footway should be maintained and improved in surface. The applicant should provide a drawing showing each access being provided with the necessary visibility splay.

The shop will need to be provided with parking to meet standards. Each unit and the shop should have a dedicated cycle parking area and an area dedicated for bin storage. At the site frontage an area should be made for bin collection day to ensure bins are not left to block the footway.

Further comments following re-consultation:

Comments; I am willing to accept the applicant's position on applying MfS rather than DMRB in relation to the visibility splays and as such I am happy to accept the 2.4m x 43m as shown on the submitted drawing. This drawing should be conditioned so that any obstruction within the splay should be kept clear at and above 600mm.

I note that the applicant has amended the location of the bus stops and proposed crossing points. I am happy with the proposed locations and the associated drawing should be conditioned to secure their implementation.

As per my previous comments the applicant should ensure at full planning stage that each property is provided with the correct level of parking with EV provision and the commercial unit should be provided with the required amount of parking.

Therefore in summary, based on the revised information provided I am happy to offer no highway objection subject to the highway improvements and splays being provided as per the submitted information.

WC Urban Design - Support, subject to meeting amendments; To facilitate filtered views through the site and to avoid the appearance of a cramped development, the proposed buildings should be at least 2 metres apart at ground level and at least 5 metres apart at first floor level. To achieve these separation distances the following actions can be considered:

1. Reduces the number of units.
2. Design the units to have a more slender form than those shown on the Illustrative Layout Plan.
3. Make some of the units semi-detached and group others within a terraced row.

This is a sensitive site that requires a bespoke design approach. To achieve the distinctive high quality scheme referred to under Design and Appearance within the PD&AS, it should be recognised that high quality building design is best achieved by chartered architects. Builder's standard house types will not be appropriate in this high profile location. The external building materials suggested under "Design and Appearance" are all acceptable except for the proposed use of cladding, which should be avoided, especially timber cladding, which tends to age very badly.

The design of the convenience store also needs to be given careful consideration and should not stand out in stark contrast to the proposed and existing houses in the village. The store's main facade to The Spring should be an active frontage comprised of the main entrance doors, glazing and brickwork. Given that the store will be a detached building and be visible from the public realm on all sides, then the east, west and southern elevations of the building also need to be sensitively designed.

WC Landscape – Object; insufficient information. Since the development is for 14 residential units and a retail store this constitutes 'Major Development,' and therefore should be accompanied by a LVA undertaken in accordance with GLVIA (3rd Edition). There are potential visual implications of this development to local and regional PRoW to the south east of the site including MLAV22 / WLAV27 / MLAV27 / MLAV28 / WLAV35 / MLAV21 as well as The Spring. The applicant needs to show how the design has mitigated these potential impacts to these sensitive visual receptors.

I would also request a detailed planting plan and Landscape and Ecology Management Plan be included to understand how the iterative design of landscape mitigation guided by the LVA (as required by Landscape Institute technical Guidance Note 1/20 will be implemented and maintained to maturity.

I would be happy to review my landscape holding objection with the submission of an LVA, planting plan and LEMP.

Further comments following re-consultation:

Comments; recommends conditions to be attached to any grant of approval.

In terms of the views from the South and west I am in general agreement with the LVA that the development will sit within the natural character of the urban edge of the settlement and the landscape mitigation proposed will gradually help to soften the development further and integrate it into the panoramic views across Market Lavington.

I would request additional tree planting along the boundary of The Spring in order to further help reduce the impact of any built form on the existing residences and the footpath, although would highlight the need for these trees to be integrated with the overhead cables that run along the northern site boundary. I enclose a marked up plan setting out where I believe additional tree planting could help achieve this.



WC Education – Comments;

We have no requirement for a developer contribution towards the expansion of Early Years infrastructure, from this application.

We therefore have no requirement for a developer S106 contribution towards the expansion of primary education infrastructure in this area, from this application.

We require a developer contribution towards the expansion of secondary education infrastructure by the 3 places that the proposed development would generate a need for. Using the current cost multiplier of £22,940 per place: $3 \times £22,940 = £68,820$. This contribution will be subject to indexation and secured by an S106 agreement to which the Council's standard terms will apply.

Further comments following re-consultation:

I've now had a look at the amended plans/additional info on this outline application, and there don't appear to be any changes that materially affect our recent assessment, i.e. no amendments to the number or mix of units being proposed.

As a result, we reiterate our S106 requirement here for:

- 3 x secondary school places at £22,940 each = £68, 820.

This will be subject to indexation and secured by a S106 agreement to which the Council's standard terms will apply.

I attach a copy of the standard caveats that continue to apply to this consultation response.

WC Housing – Comments; In line with Core Policy 43 of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this planning application is proposing 14 new homes the on-site affordable housing requirement would be for 4 affordable homes. From this, we would require a tenure split of 60% affordable rented homes (2 units) 15% shared ownership homes (1 unit) and 25% First Homes (1 unit). Please see below an indicative property type mix which will be reviewed/confirmed at Reserved Matters planning application stage: -

Affordable Rented (2 homes)

1 bed/2 person house = 1 unit

2 bed/4 person house = 1 unit

Shared Ownership (1 home)

2 bed/4 person house = 1 unit

First Home (1 home)

3 bed/5 person house = 1 unit

The affordable rented homes should not adjoin the shared ownership of First Homes or market housing and should be a pair of semi-detached houses. The shared ownership and First Homes should also be a pair of semi-detached homes, although the First Home can adjoin market housing.

Further comments following re-consultation:

No comment; The Amended Plans & Additional Information submitted do not seem to require an Affordable Housing response as appear not to impact Affordable Housing. My planning consultation response sent 28.12.23 sets out our requirements and remains unchanged. On this basis, I will mark “no comment” on Arcus.

WC Rights of Way – Comments; The addition of 14 new dwellings will likely put a small increase on the Public Rights of Way network. A section 106 contribution of £3,000 is sort to be used for improvements to the Public Rights of Way network within the parish of Market Lavington.

WC Drainage – No objection subject to condition;

Further comments following re-consultation:

Comments remain the same

WC Climate Team – No objection subject to condition; Climate change is the central issue to be addressed by the development plan. The direction of travel since its adoption in 2015 is very clear with the Council’s adopted Climate Strategy in 2022 setting a framework for reducing carbon emissions in Wiltshire and for making the county resilient to climate change. Furthermore, the NPPF states that planning needs to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

The proposal has been submitted with a Sustainable Energy Strategy. This robustly covers the issue of operational carbon and energy and shows a very positive approach that is supported. This includes the use of fabric first principles and then low-carbon and renewable energy technologies to provide a significant betterment over the minimum building regulations. Additionally, I note the commitment to providing EV charging to every homes and the site is located within walking and cycling distance of the facilities in Market Lavington. The retail unit, as a non-residential development should be constructed to meet the relevant BREEAM Excellent standards. Certification can be expensive and a disproportionate cost. In terms of water efficiency ministerial guidance highlights that in water stressed locations such as this that a higher water efficiency standard can be secured of 110l/p/d.

Further comments following re-consultation:

No further observations and refer to my previous comments and suggested conditions.

WC Public Open Space – Comments; The proposal of 14 new dwellings would generate a requirement of 137.76m² of open space and 104.16m² play.

It is not clear from the plans what has been allocated for public open space. Please could you confirm if there is this provision and if so, how much.

If not provided, this would equate to offsite contribution of £4,803.49 for upgrading open space at facilities in the vicinity of the development.

If there is no plan for play on site, then an offsite contribution would be required of £14,999.04 for upgrading facilities in the vicinity of the development and having contacted Market Lavington Parish Council, they have suggested Elishia Fields as suitable target site for any off-site contributions.

Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

Further comments following re-consultation:

No further comments received.

WC Waste – Comment; The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution would be £1414.00 is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies. This figure is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the Waste SPD.

I recommend a condition that 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, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD.

Further comments following re-consultation:

No further comments received.

WC Archaeology – No objection; Thank you for your consultation. This site was the subject of an archaeological evaluation in 2016. No significant archaeological remains were recorded and the earthworks previously identified within the site were found to be 19th century in origin. I believe it is unlikely that any significant archaeological features or deposits survive within the site and therefore I would not wish to raise any further issues in this instance.

Further comments following re-consultation:

No further comments received.

Dorset and Wiltshire Fire and Rescue Service – Comments; In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:

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

Further comments following re-consultation:

No further comments received.

WC Ecology - No objection subject to condition.

The application site lies adjacent existing residential development to the north, east and west. To the south of the site, is a wooded corridor and stream which separates the application site from the school playing fields and arable farmland and along the northern boundary is a species poor native hedgerow. Grassland habitats within the site comprised of neutral grassland with patches of tall ruderal which was being sheep grazed at the time of the survey.

While an Ecological Parameters Plan has not been submitted Appendix G of the Ecological Assessment which is titled 'Proposed Habitats and Enhancement Plan.' Drwg. No. 8009-xx-E0-05 V2 provides detail on constraints and opportunities to inform any forthcoming detailed design.

Additional protected species survey work will be required with any additional planning application. A Construction Environment Management Plan to be secured as a planning condition.

Further comments following re-consultation:

No further comments received.

Wessex Water - No comments received.

Further comments following re-consultation:

No comments received.

Police Liaison - No comments received.

Further comments following re-consultation:

No comments received.

Environment Agency - No comments received.

Further comments following re-consultation:

No comments received.

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees, through the posting of a site notice and within the local press. At the time of drafting this report the Council has received 15 letters in support, 30 letters objecting and 1 mixed, although there are examples of repeat correspondence from the same correspondents. The following is a summary of the comments received:

Objections:

- Contrary to the Core Policies of the Wiltshire Core Strategy
- Contravenes the village plan, site should be housing only and not include retail element
- Dwellings should be single storey only
- Departure from the development plan
- Village infrastructure is already overstretched

- Concerned at conflict between existing on-street parking, especially around peak times and proposed development
- Highways officer needs to visit site and assess this issue
- Entrance to retail store in dangerous location, very narrow part of the road and opposite entrance to foot path
- Six new entrances will exacerbate problems
- Conflict between existing and proposed traffic movements
- Conflict between pedestrians and vehicle movements
- Create traffic congestion and increase volume in traffic
- Lack of footpaths
- The bus stop is essential as is the associated bus shelter to provide shelter for all patrons
- Building on a flood plain for Semington Brook
- Moving the store from the centre will impact on the existing stores in town
- Houses too close to road and too elevated
- Should not build on water meadow
- Flood risk issues
- Ground water flooding across site
- Climate change
- Commercial element will move the commercial centre of the village away from other existing businesses
- Damage other businesses
- Further unnecessary development of land
- Destroy the character of the historic village
- Proposed dwellings out of character with the area
- Properties should be in keeping with other properties on this side of the road
- Visual and Landscape impacts
- Suburbanisation of the area
- Properties too high, loss of views
- Impacts from light and noise
- Will create air pollution
- Pollution through sewage and flooding
- Loss of green open space
- Loss of trees and hedgerow through the proposed development
- Destruction of habitats and protected wildlife opportunities
- Detrimental impacts on biodiversity and local species

Support:

- Understand neighbourhood plan conflict but support the retail unit
- Do not object to provision of much needed housing
- Market Lavington has good existing services and facilities but lacks a good food sales outlet
- Existing COOP building not fit for purpose
- Proposed retail unit provides better access for people with medical challenges, pushchairs etc
- Car parking adjacent to COOP supported
- Shop will attract custom from nearby villages thereby supporting other existing shops
- Support the new retail unit
- Larger retail unit will provide more local employment opportunities
- New retail unit will provide better opportunities for wider choices
- New retail store would support reduction in car journeys
- Existing COOP is in Conservation Area and therefore is limited in expanding or extending the facilities on offer
- Support safe crossing point

- Because the new houses would be set down in level and back from the road, they would not be overbearing in scale or volume
- Removal of large delivery lorry from village centre a benefit to highway safety
- Better pedestrian options could be created
- Existing parking is inadequate
- Shop can be designed to complement the surroundings
- Mew shop and dwellings can be a credit to the community
- 20mph speed limit could be extended west
- Paddock has never been a water meadow, excavations in the 18th C. for brick clay caused the irregular nature of the land
- High water table results because culverts put in at wrong depth

Mixed:

- Support the Co-op, however concerned at environmental impact of water meadow

Salisbury & Wilton Swifts – Recommend conditions; welcome the recommendation in the Ecological Assessment at para 5.29 which states: “To provide additional biodiversity enhancements and secure net gains the following measures can be included within the final development design:.... Bat and bird boxes should be included within the development, with integral boxes preferred. These should target species such as house sparrow (*Passer domesticus*) and swift.”

All consultee and third party comments are available to view on the Council’s webpage, through this link: [Planning Application: PL/2023/10388 \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/planning-application/PL/2023/10388)

9. Planning Considerations

Principle of development

With regard to the Wiltshire Core Strategy (WCS, 2015) the site is located outside the recognised limits of development where in broad terms, the principle of development is unacceptable unless material considerations suggest otherwise. Core Policy 1 and 2 set out the strategic approach for delivering development within the development plan and identify that there is a presumption against new residential development outside of the defined Limits of Development of the settlements unless it meets one of the exception policies within the WCS. In this case, there is no relevant policy to support the scheme. However, the site is allocated for residential development within the provisions of the Market Lavington Neighbourhood Plan, as endorsed by the local community; as such the site is an allocated site for new residential development for up to 20 dwellings. The scheme proposes on part of the allocated site up to 14 dwellings, as such in terms of principle, this part of the scheme is considered to accord with the provisions of the development plan. To the eastern part of the site it is proposed to provide a new retail shop.

Following pre-application advice a Retail Impact Assessment (RIA) and a sequential assessment was required to be submitted with the planning application. These have been submitted as part of a retail planning statement.

Given the size and role of the proposed relocated Co-op store and its location in Market Lavington it is considered that in this instance a suitable area of search of potential sequentially preferable sites/units is Market Lavington itself. A sequential approach to establish whether other site opportunities are available or suitable to support the applicant’s proposal which would require a unit with sufficient sales floorspace at ground floor level and adequate servicing arrangements has been carried out, the conclusion of which are there are no sequentially preferable sites or units in Market Lavington that are both suitable and available for the proposed development. Overall, based on available evidence, it is therefore concluded that the proposed development passes the sequential test requirements as set out in paragraphs 94 and 95 of the NPPF.

Whilst the proposed relocation of the Co-op store would have an impact on Market Lavington Service Centre it is not considered that the impact would be at a level which could constitute significant adverse. The centre provides a good range of uses and services, is both vital and viable, there is potential for linked trips and the proposal should not impact on potential future investment. Notwithstanding the limited level of impact when weighed against the improved accessibility of the store, the potential for encouraging more localised shopping opportunities and thereby reduction in car journeys, adds to the sustainability of the village as a service centre within Wiltshire and potential for employment and economic benefits to the community, considerable weight is attributed to these benefits. Whilst it is acknowledged that the site falls outside of the service centre of Market Lavington it is still within walking distance of many residents.

The proposal accords with the spatial strategy as set out in the Wiltshire Core Strategy, which aims for Wiltshire to have stronger, more resilient communities based on a sustainable pattern of development ‘...service centres will have become more self-contained and supported by the necessary infrastructure, with a consequent reduction in the need to travel. In all settlements there will be an improvement in accessibility to local services...’ (Paragraph 3.1), and is in line with the general thrust of the NPPF in supporting local business and community needs in more rural locations. Para. 88 of the NPPF states that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops.

Landscape and visual impact (including design)

Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’ of the WCS lays down the requirement for good design. Core Policy 51 ‘Landscape’ of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.

Concerns have been raised that the proposed scheme would have a sub-urbanising impact on the character of the area and have a detrimental visual and landscape impact. The properties would be too high and out of character with the built form. To note the scheme is in outline form with only access currently for consideration; the submitted details provide a degree of clarity as to how the site could come forward, incorporating two-storey dwellings however, such details are for future consideration.

Comments from the Council’s Urban design and landscape officers initially raised concerns over the proposed scheme and were seeking further detail and amendments to the proposal in order to create a better and enhanced scheme. Following the submission of further detail and some revisions to the proposed development the Landscape Officer’s objection is now removed subject to condition and there are no further issues raised by the Urban Design Officer (UDO).

The detail and appearance of the proposed built form will be agreed at reserved matters stage, although it would be expected that the development would come forward closely following that as set out in the indicative masterplan. The site has been allocated for up to 20 dwellings and it is difficult to see how this could come forward without a linear form of development fronting on to the adjoining highway. The points raised by the UDO are acknowledged, however, many of these points will be secured through the reserved matters. Views and glimpses towards the wider countryside beyond the development boundaries will be achievable between the building blocks. The scheme will be viewed in the context of the existing built form and will not appear out of place, provided the design detailing reflects the context of the site. Lighting will need to be sensitively considered as will any necessary storage for bins and bicycles.

The Landscape Officer acknowledges that in terms of the views from the south and west, it is considered that the development will sit within the natural character of the urban edge of the settlement and the landscape mitigation proposed will gradually soften the development further

and integrate it into the panoramic views across Market Lavington.

Additional tree planting along the boundary of The Spring will be required, in order to further help reduce the impact of any built form on the existing residences and the footpath, although it is recognised that these trees would need to be integrated with the overhead cables that run along the northern site boundary.

In terms of visual impact. It is concluded that the proposed development would comply with CP51 and CP57 in terms of its general layout and concept for landscaping and placed within the context of existing built form of the village. In order to ensure that the suggested planting takes place it would be reasonable and necessary to add a landscape condition securing the detail and delivery of planting enhancements for the area, a LEMP and details of tree pits.

In addition to the above, it should be noted that the site is allocated in the NP for up to 20 dwellings. As such, by virtue of the allocation, it is already envisaged/accepted that there will be a degree of change associated with bringing this site forward for residential development.

Impact on heritage

Local Authorities are required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals that affect the setting or views into it. This is locally reflected within Core Policy 58.

It is recognised that to the east of the site, at approximately 53metres, lies the edge of the Market Lavington Conservation Area and to the west of the site, at approximately 209m is the Grade II Listed Clyffe Hall. It is considered that due to the distances and degree of separation of the site from these recognised heritage assets and the intervening built form that the proposed development would not have an impact on the setting of these heritage assets.

With regard to impacts on archaeology, comments received from the Councils Archaeologist recognise that the site was the subject of an archaeological evaluation in 2016 and that no significant archaeological remains were recorded and the earthworks previously identified within the site were found to be 19th century in origin. On this basis they concluded that it is unlikely that any significant archaeological features or deposits survive within the site and therefore they raised no objections to the consent of the application and did not wish to raise any further issues in this instance.

The proposed development would not cause any harm to heritage assets or to the setting of heritage assets within the area. Overall, the development would be in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act (1990), Section 66(i), the NPPF, section 16, as well as the relevant provisions of the Wiltshire Core Strategy (2015) and the NPPF (2023).

Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed development to be designed to ensure no detriment to residential amenity.

Concerns raised include impacts from light and noise, air pollution and pollution through sewage and flooding. Also, it has been argued that the properties would be too high. Comments received from the public protection officer and land drainage officer raise no concerns with the proposed scheme in relation to potential for pollution and flooding issues. Impacts from noise during the construction phase would be short lived and controls relating to store deliveries can be reasonably conditioned. Similarly intrusive lighting can be controlled through condition. Both the disposal of sewage and surface water and issues pertaining to noise control are also subject to

separate legislation.

It is considered, by virtue of the differences in level and the distances between the front of the proposed properties and those properties existing to the north, east and west, and based on the LVA that the development would not result in an overbearing impact or loss of light. The scheme is in outline form and such details can further be resolved through the reserve matters application. The proposed retail store would be single storey and sits closest to the neighbouring properties, at approx.. 18m away. On balance it is considered that the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking. The scheme is considered to be in accord with the requirements of CP57 of the WCS and with the NPPF.

Highways impact

Concerns and objections have been raised at the proposed six new access points along the frontage of the site. The Spring is identified as a busy road and especially at peak times in relation to the nearby school. Concerns have been raised that there will be an unacceptable level of impact on highway safety, through the increase in traffic movements to the site and potential for congestion and conflict with existing traffic and pedestrians using this area.

The application is in outline form with all matter reserved except for access. The application proposes six new accesses off the B3098, as shown in the extract below. Starting to the west of the site, the proposed access would serve plots 1-3, the next plots 4-6, the next plots 7 and 8, the next plots 9-12, the next plots 13 and 14 and finally the proposed access to the retail store. The scheme proposes a two-metre-wide footpath across the site frontage with a new location for the bus stop and two new pedestrian crossing points to the east and the west of the site.



Extract from proposed Illustrative Masterplan

Comments from the highway officer acknowledge that vehicle movements and traffic impact associated with the scheme along 'The Spring' is acceptable to accommodate the number of movements associated with the proposal. Due to the layout and the size and scale of the proposal no carriageway changes such as a RHT Lane are required.

The scheme currently appears to meet the necessary parking standards, however, at reserved matters stage the application will need to ensure that each unit is provided with parking to meet standards, 2 per 2-3 bed and 3 per 4 bed (2.4m x4.8m and 3m x 4.8m where adjacent to a boundary) garages a minimum of 3m x 6m (internal) . Each property should be provided with at least 1 EV charging point. The shop will need to be provided with parking to meet standards. Each unit and the shop should have a dedicated cycle parking area and an area dedicated for bin storage. At the site frontage an area should be made for bin collection day to ensure bins are not left to block the footway. The proposed levels of visibility are considered acceptable and would need to be conditioned, otherwise there is no objection from the highway officer on this scheme.

The concerns and objections raised are acknowledged, however, the highway officer does not reach the same conclusion. It is considered that the proposed scheme can accommodate the associated traffic movements and through the provision of appropriate visibility splays and additional new crossing points would not have a detrimental impact on highway safety.

In terms of highway safety, the scheme is considered to be in accord with the requirements of the Core Policies of the WCS (2015). Para. 115 of the NPPF (2023) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road network would be 'severe'. It is considered that the development would not result in a severe negative impact on the road network and that the proposal would not create a severe impact on highway safety.

In addition to the above, it must be noted that the site has been allocated in the NP for up to 20 dwellings. The impacts upon the highway should have been considered at the allocation stage. The inclusion of the site as an allocation in the NP should be an indicator that there were no unacceptable highways impacts identified that would prevent a scheme for up to 20 residential units coming forward on the site.

Environmental and ecological impacts

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy (CP) 50 provides the Councils stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. Core Policy 50 also requires all development to demonstrate no net loss of biodiversity and the NPPF also encourages applications to deliver measurable net gains (para 180 d).

Objections raised argue that the scheme will have a detrimental impact on the ecology and biodiversity of the area.

The application is supported with an ecological assessment that clarifies that the proposed development is located 1.3 kilometres from the Salisbury Plain SPA and is within the 6.4-kilometre radius of the SPA identified in Wiltshire Council HRA and Mitigation Strategy for Salisbury Plain SPA. The development includes the creation of more than ten residential units, therefore having the potential to impact on the delicate habitats and protected species within the SPA through increased recreational pressure. The development will deliver CIL from which contributions towards the adopted mitigation strategy will be delivered.

The stream that runs through the site is of high ecological value and will require mitigation measures to ensure it is not impacted by the development. A 5 metre buffer along the tops of the banks, with no construction in this zone and a buffer can be planted with wildflower meadow to provide a natural edge to the stream. This buffer will provide enhanced habitat and shelter for protected species.

The stream and woodland tree belt along the southern boundary are considered key foraging areas for bats with higher levels of activity recorded in these areas. A sensitive lighting design to reduce any light spill on key features, such as the woodland edges and the tree lines on the western and southern boundary will be required. These areas should be retained as dark corridors within the future development. Enhancements for birds and bats will be incorporated within the fabric of the proposed dwellings and existing on-site vegetation will be protected.

A biodiversity metric has been completed for the site using the DEFRA 4.0 metric. The biodiversity metric submitted results in a net loss of 61.74% in habitat units, a 563.97% net gain in hedgerow units and a 76.70% net gain in river units. However, the ecologist has identified some

discrepancies with the metric results and recommends that an updated biodiversity metric be conditioned to be submitted as part of any future application.

The current scheme has been designed to maximise the retention of biodiversity on site whilst still delivering a viable development. As it has not been possible to deliver biodiversity net gain on site, biodiversity units will need to be purchased from a third party. A total of 4.91 biodiversity units will be required to ensure a net gain in habitat units. There are 3 ways a developer can achieve BNG:

1. They can create biodiversity on-site (within the red line boundary of a development site).
2. If developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market.
3. If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.

Developers can combine all 3 options, but must follow the steps in order. This order of steps is called the biodiversity gain hierarchy.

There has been no objection raised by the Council's ecologist subject to conditions. It is considered that the direction to provide a suitable mitigation solution in this instance is acceptable. These measures will be secured through the appropriate mechanism. A Landscape and Ecological Management Plan will be necessary to condition in order that the scheme creates, enhances and manages the required mitigation for at least 30 years to achieve the target condition. In addition, a Construction Environmental Management Plan will also be necessary to condition to provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase.

The scheme will provide through the provision of enhanced planting and the provision of on-site mitigation such as bat and bird boxes and loggia, biodiversity and ecology opportunities that are considered acceptable for this scale of development. BNG will be established both on site and through the purchase of off-site units, this solution is considered an acceptable method of delivery of BNG. It is therefore considered that the proposed development accords with Core Policy 50 and requirements in Section 15 of the NPPF.

Drainage

The site is located within an existing field parcel adjoining a stream, high water levels and potential flooding have been identified with the scheme. The application is supported by a Flood Risk Assessment (FRA) including ground investigations, hydraulic modelling and pluvial modelling studies. Comments from the land drainage office raise no objections to the consenting of the scheme subject to conditions, requiring the submission of a sustainable drainage scheme and its implementation.

The development site sits directly to the north of a watercourse, with surface water flows crossing the development site, and ultimately discharging to the watercourse at various locations. As part of the development, the site will be reprofiled so that the whole site slopes towards the watercourse. The applicant has provided evidence of pre and post development hydraulic modelling that demonstrate any alterations to natural flow paths. Given the site's proximity to watercourse, it is accepted that the proposed changes to natural flow paths will not increase flood risk.

10. S106 contributions

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal.

Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework. These are:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme. The applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on sites of dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The site is proposing 14 new homes, the affordable on site housing requirement would be 4 affordable homes of which 60% would be affordable rented homes (i.e. 2 units) and 15% shared ownership homes (1 unit) and 25% First Homes (1 unit)

The affordable rented homes should not adjoin the shared ownership of First Homes or market housing and should be a pair of semi-detached houses. The shared ownership and First Homes should also be a pair of semi-detached homes, although the First Home can adjoin market housing. This matter would be further evolved through the section 106 process.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 102 of the NPPF.

The proposal of 14 new dwellings would generate a requirement of 137.76m² of open space and 104.16m² play. It is not clear from the plans what has been allocated for public open space and as the layout is a reserve matter further detail on this would be forthcoming at reserved matters stage. If not provided on site, this would equate to offsite contribution of £4,803.49 for upgrading open space at facilities in the vicinity of the development.

If there is no plan for play on site, then an offsite contribution would be required of £14,999.04 for upgrading facilities in the vicinity of the development. Market Lavington Parish Council have suggested Elishia Fields as a suitable target site for any off-site contributions.

Any on-site Equipped Play would need to be provided as per the Wiltshire Council Play Specification. All on-site POS and Equipped Play needs to be secured and managed in perpetuity. Wiltshire Council will not adopt the on-site POS or Equipped Play.

The final contribution will need to be included within the Section 106 agreement following the submission of further detail at reserved matters stage or confirmation that all such contributions will be provided off-site.

Education

The NPPF (paragraph 99) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. Based on the level of accommodation to be provided on site, the following education requirements are identified:

- Early years = no requirement
- Primary school = no S106 requirement
- Secondary school = 3 x secondary school places at £22,940 each = £68,820. This will be subject to indexation and secured by a S106 agreement to which the Council's standard terms will apply.

Refuse

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution would be £1414.00 is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies. This figure is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the Waste SPD.

Highways / Rights of Way

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1. The provision of two pedestrian crossing points will need to be provided.

The addition of 14 new dwellings will create an increase on the Public Rights of Way network. A section 106 contribution of £3,000 is sort to be used for improvements to the Public Rights of Way network within the parish of Market Lavington.

11. Conclusion / Planning balance

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The site is allocated for development for up to 20 dwellings within the neighbourhood plan and as such part of the development (14 dwellings) is considered policy compliant. Therefore it is only part of the development, the provision of the retail store, that conflicts with the policy requirements. An appropriate retail assessment has been carried out and the scheme has been found to be acceptable in terms of the general thrust of the NPPF in supporting sustainable development including that which supports the provision of services and facilities within our local communities. The benefits of providing a more accessible facility within the service centre of Market Lavington along with the added employment and economic benefits is considered to outweigh the limited departure from the development plan in this instance.

Whilst it is acknowledged that there would be some limited impact on the landscape, it is considered that over time and through proposed landscaping that any limited impact would decrease to neutral. The likely impacts should be recognised within any planning balancing exercise as the site has been allocated for development and does not fall within any protected landscape designation. As the site is allocated for development its inclusion within the built form of the settlement has already been accepted. With regard to the topography of the site and level of existing tree coverage to be retained and proposed planting, it is considered that the scheme will sit comfortably within this peri-urban landscape.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted survey and BNG detail has been considered as acceptable to safeguard species using the area. Further enhancements could be included within the final design of dwellings that can further enhance the scheme.

The scheme, if approved, would provide financial benefits within the area and on-site open areas that can be used as local recreational facilities. The provision of affordable housing on site is also

considered to be a significant benefit for both the local area and the wider area as a whole, supporting homes for the community.

There are also the economic benefits of a scheme of this size within this location both during the construction phase, where local trade and suppliers may benefit and also economic support for local businesses through additional households spending within the community.

It is considered based on the submitted LVA findings and the Landscape Officers' comments that there would not be any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptable harm to the landscape and visual effects for important landscape features or public visual amenity.

There are no recognised highway safety implications associated with the proposed scheme and support subject to conditions is provided by the highway officer. It is recognised that the site is well located in terms of sustainability with good pedestrian and cycling distances to local facilities.

It is considered that given the outstanding requirements for housing within Wiltshire as a whole, this proposal would make an important contribution to identified need, and accordingly the provision of market and affordable housing carries significant weight in favour of the proposal.

The scheme is considered to comply with the requirements of the development plan and a positive recommendation is therefore presented to Members.

RECOMMENDATION:

Grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.

Conditions: -

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

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

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
 - (a) The scale of the development;
 - (b) The layout of the development;
 - (c) The external appearance of the development;
 - (d) The landscaping of the site.

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

Informative:

Landscaping - a detailed planting plan setting out species, planting locations, densities, and specification (to National Plant Specification) and all tree pits shall be sized to provide enough soil volume for the tree species specified to allow it to reach its mature spread and height (as required in the Wiltshire Design Guide Supplementary Planning Document).

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and

Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - Site Location Plan, Dwg No. 50990-XX-P1-01 v2
 - 'Illustrative Layout Plan', Dwg No. 50990-XX-P1-02 v8
 - Parameter Plan, Dwg No. 50990-XX-P1-03 v3
 - Landscape Parameter Plan, Dwg No. 310_GLA_00_00_DR_L_1001 P1

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

5. The development shall be carried out in strict accordance with the following documents:
 - (a) Ecological Assessment (Pro Vision, October 2023 Report Reference: Ecology 8009 Version 05)

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

6. The development hereby permitted shall be carried out in accordance with the broad principles set out in Appendix G of the Ecological Assessment (Pro Vision, October 2023) titled 'Proposed Habitats and Enhancement Plan.' Drwg. No. 8009-xx-E0-05. V2. This document will form the basis for the site layout and will not be altered at Reserved Matters without detailed justification based on additional habitat and wildlife species surveys.

REASON: To protect the ecology on the site.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. No development shall commence on site, including clearance of vegetation, until a revised metric calculation (Biodiversity Metric 4.0) has been submitted to and approved in writing by the Local Planning Authority.

Prior to the first occupation of any part of the development hereby approved a report, which demonstrates that the development has been completed in accordance with the approved metric calculation, shall be submitted to and approved in writing by the Local Planning Authority. The report will demonstrate for habitat, hedgerow and watercourse that the development will achieve at least 1% biodiversity net gain.

REASON: To meet the requirements of CP 50, Policy 1 of the Market Lavington Neighbourhood Plan and the NPPF (2023) in delivering biodiversity net gain on the site.

9. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - (a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - (b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - (c) 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 preconstruction/construction related elements of strategies only.
 - (d) 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.
 - (e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - (f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, 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 and for the lifetime of the development in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken 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.

11. Any extraction and refrigeration plant shall be so sited, designed and maintained so that the sound level does not exceed 5dB below the existing background level as measured and assessed in accordance with BS4142:2014+A1:2019. Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptor.

Prior to first use, a post installation acoustic assessment shall be carried out to confirm compliance with the noise criteria and any additional steps required to achieve compliance

shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: In the interests of the amenity of the area.

12. Prior to the commencement of development, including site clearance, a plan (including details) for the selection, siting, positioning and installation of integral nesting/roosting features (ratio of 1 feature: 1 building) for birds and bats shall be submitted to, and approved in writing by, the local planning authority.

The plan shall show the green infrastructure that the development is to provide, illustrating how birds and bats using the features have access to the relevant habitat/food resource in nearby suitable habitat. The installation plan should be prepared in accordance with the requirements of BS 42021.

The integral nesting/roosting feature should identify, as a minimum:

- (a) the bird/bat species likely to benefit from the proposed integral feature;
- (b) the type of integral feature to be installed;
- (c) the specific buildings on the development into which features are to be installed, shown on appropriate scale drawings;
- (d) the location on each building where features are to be installed, shown on all appropriate building plans and elevations.

The integral feature plan should be implemented in accordance with the approved details and all features retained in that manner thereafter.

REASON: For the protection, mitigation and enhancement of biodiversity.

13. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

14. The hours of operation, including deliveries to and from the commercial premises, shall only take place between the hours of 07:00hrs to 23:00hrs Monday to Saturday and 08:00hrs to 21:00hrs on Sundays and Bank/Public Holidays

REASON: In the interests of the amenity of the area.

15. No construction 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.

REASON: In the interests of the amenity of the area.

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

REASON: In the interests of the amenity of the area.

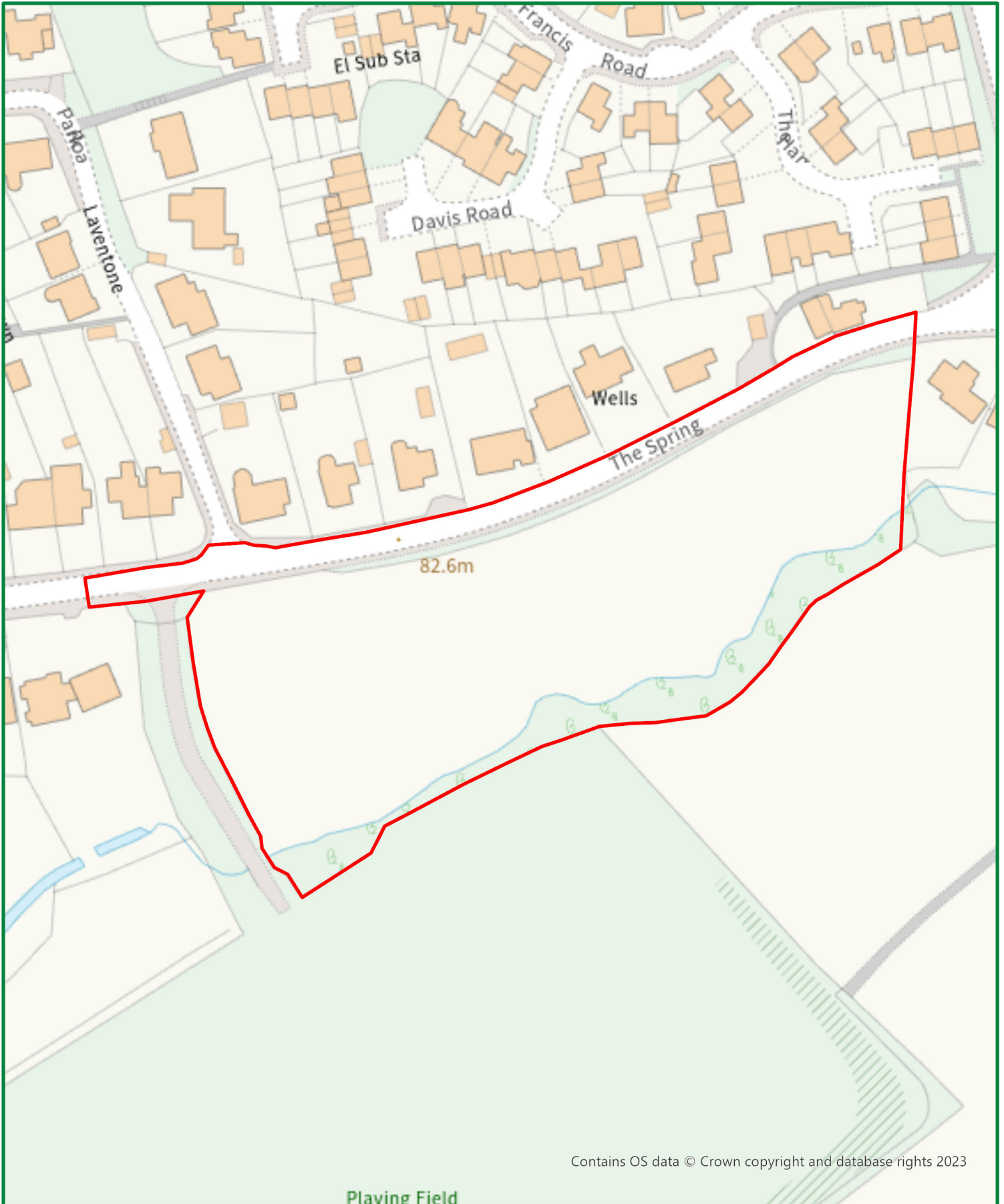
17. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

18. 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>.
19. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
20. 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.
21. The attention of the applicant is drawn to the contents of the correspondence provided by the Council's Land Drainage officer when generating the necessary level of detail to resolve the surface water SUDs strategy.
22. As part of the required details to be submitted on the reserved matters application appropriate detail shall be supplied in order to demonstrate how waste collections will function on the development, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD. The council will only operate on private land where an indemnity is signed by the landowner. The council will also require an indemnity to operate on any roads prior to their adoption.



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