

AGENDA

Meeting: Eastern Area Planning Committee

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

Date: Thursday 6 August 2015

Time: 6.00 pm

Please direct any enquiries on this Agenda to Adam Brown, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718038 or email adam.brown@wiltshire.gov.uk

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Membership:

Cllr Charles Howard (Chairman)	Cllr Nick Fogg MBE
Cllr Mark Connolly (Vice Chairman)	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr Jerry Kunkler
Cllr Peter Evans	Cllr Paul Oatway

Substitutes:

Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Ernie Clark	Cllr James Sheppard
Cllr Anna Cuthbert	Cllr Philip Whitehead
Cllr Dennis Drewett	Cllr Christopher Williams

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AGENDA

Part I

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

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 25 June 2015.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

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 in person no later than 5.50pm on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 **30 July 2015**. 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

To receive details of the completed and pending appeals.

7 Planning Applications

To consider and determine the following planning applications.

7a 15/01388/OUT - Land at Quakers Road Devizes - Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road (Pages 17 - 40)

7b 15/04373/FUL - Land at Gunsite Road, East Kennett, Wiltshire, SN8 1QF - Retention of use of stables as reception area for clay pigeon shooting. Use of the land for clay pigeon shooting for up to 28 days in any one calendar year. Retention of associated clay pigeon paraphernalia. (Pages 41 - 52)

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

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

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 25 JUNE 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Richard Gamble, Cllr Paul Oatway and Cllr Anna Cuthbert (Substitute)

38. Apologies for Absence

Apologies were received from:

Cllr Jerry Kunkler

Cllr Kunkler was substituted by Cllr Anna Cuthbert

39. Minutes of the Previous Meeting

Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 4 June 2015.

40. Declarations of Interest

Cllr Mark Connolly declared a non-pecuniary interest in item 7a: 14/04237/OUT - Whistledown, Upavon, Pewsey SN9 6EF. Cllr Connolly previously worked in the same area as the applicant's daughter. Cllr Connolly stated that he did not know the applicant's daughter on a personal level and would participate in the item with an open mind.

41. Chairman's Announcements

There were no announcements.

42. Public Participation and Councillors' Questions

The rules on public participation were noted. There were no questions submitted.

43. **Planning Appeals**

None.

44. **Planning Applications**

45. **14/04237/OUT - Whistledown, Upavon, Pewsey SN9 6EF - Change of use from existing agricultural land, including former chicken farm, demolition of existing bungalow and outline permission for the erection of up to 45 dwellings, landscaping, access and associated works.**

Public Participation:

Richard Edmunds spoke in objection to the application.

Mr Prothero spoke in objection to the application.

July Swanborough spoke in objection to the application.

Rob O'Carroll spoke in support of the application.

Mike Parr spoke in support of the application.

Paul Cowen spoke in support of the application on behalf of Upavon Parish Council.

The Senior Planning Officer introduced the item which recommended that permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement.

Items of late correspondence were reported. Revised consultation responses from the Technical Officer and the Play and Leisure Strategy Officer were noted. The off-site recreation contribution was confirmed to be £61537 not £67230 as specified in the officer's report. It was advised that this would be used towards the upgrading of the former school's playing field.

Key issues were noted as including the principle of residential development on land outside of the defined settlement boundary, its visual impact and the highway safety implications. It was confirmed that landscaping was originally a matter for approval but that this had now been withdrawn.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed that the no condition had been recommended to prevent the 12 bungalows detailed in the application from being increased in size. It was further confirmed that the existing footpath would be maintained and that there would be a route through the estate to connect with the proposed cycle/pedestrian path. It was also confirmed that existing trees on the boundary were not protected and since landscaping was not a matter for approval there was no current information on the quality of the trees. It was clarified that a condition to ensure that there would be enough CIL money for school places could not be imposed. It was also confirmed that maintenance of the wall between the cemetery and the housing development could not be conditioned

as it was not within the applicant's ownership/control. It would therefore be a civil matter for resolution by the respective landowners.

It was clarified that affordable housing would typically be allocated to local people first through a cascade system and ensured through a clause in the S106 agreement. Offers of affordable housing were usually extended to those at the top of the housing list downwards. The ordering of this list usually placed local people at the top of the list.

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

A debate followed which focused primarily on whether the proposed construction of 12 bungalows on the agricultural land would be acceptable. It was noted that the redevelopment of the chicken farm could be beneficial in visual terms. This was discussed in the context of policies in the Wiltshire Core Strategy and the National Planning Policy Framework. It was noted that the site was outside of the defined settlement boundary and that it had not been identified through a neighbourhood plan or the draft Site Allocation Development Plan Document. It was queried whether it had been adequately demonstrated that it was necessary to develop the agricultural land. The issues of affordable housing, the classification of the agricultural land, previously developed land, highway safety, landscaping and the protection of trees on the site boundary were considered. Core Policies 2, 18, and 43 in the Wiltshire Core Strategy were referenced. It was noted that the affordable housing should be offered to local people and that this should be negotiated at the S106 stage if possible. Discussion also took place regarding whether the bungalows could be turned into houses at a later date.

Resolved

That planning permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement to secure:

- **40% affordable housing;**
- **Open space contributions (of £61,587);**
- **Enhancements to existing public rights of way;**
- **Provision of a shared foot/cycle way.**

And subject to the following 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 external appearance of the development;
- (c) The landscaping of the site.

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

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

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

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

4 The scheme pursuant to the reserved matters application shall include the following:

- a) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than private spaces;
- b) A design specification for the upgrading of footpath UPAV6. The specification shall be designed in discussion with the local planning authority;
- c) A comprehensive road traffic noise assessment and a scheme of acoustic insulation for the purposes of preventing the ingress of road traffic noise. The scheme of acoustic insulation shall include details of acoustic glazing and ventilation systems;
- d) Details of slab levels and surrounding ground levels (existing and proposed);
- e) A tree survey report including details of trees to be retained; and
- f) A fully detailed landscaping scheme including mitigation measures.

REASON: The submission of these details will be necessary to enable the reserved matters submission to be fully assessed.

5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season

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

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

6 No development shall commence on site (excluding demolition) until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: Insufficient detail has been supplied as part of the application and this is necessary in order to fully assess the visual impact of the proposed development. The detail of the materials are therefore required to be agreed with the Local Planning Authority before development commences (except for demolition) in order to ensure that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

7 No part of the development hereby permitted shall be first occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 500mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety

8 No part of the development hereby permitted shall be first occupied until sufficient space for the parking of vehicles, in accordance with current standards, together with a vehicular access thereto, have been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

9 No development shall commence on site (excluding demolition) 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 shall be carried out and all of the following steps shall be 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.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been 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 that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

10 No development shall commence on site (excluding demoltion) until a foul water drainage strategy has been submitted to and approved in writing by the local planning authority. The drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing. The scheme shall subsequently be implemented in accordance with the approved details and to a timetable agreed in writing by the local planning authority.

REASON: Insufficient detail has been supplied as part of the application and greater detail is necessary in order to ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream properties. The detail of the drainage strategy is therefore required to be agreed with the Local

Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

11 All works shall be carried out in accordance with the recommendations set out in the Baseline Ecological Survey and Baseline Bat Survey, Upavon Chicken Farm, Upavon (Elizabeth McKay, November 2013) unless otherwise agreed in writing by the local planning authority.

REASON: In order to preserve and enhance the opportunities for protected species and in the interests of creating a sustainable form of development.

12 No external lighting shall be installed on site unless otherwise approved in writing by the local planning authority. 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 and character of the area and to minimise unnecessary light spillage above and outside the development site and to maintain dark flight corridors within this area in the interests of biodiversity.

13 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and**
- h) measures for the protection of the natural environment, including pollution prevention.**

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

REASON: This information was not submitted with the application and due to the close proximity of residential properties and being within the open countryside, is necessary to minimise detrimental effects on the

neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14 The residential units shall achieve Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: In the interest of sustainable development and to ensure compliance with Core Policy 41 of the Wiltshire Core Strategy 2015.

15 No development shall commence on site (excluding demolition) until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. No surface water drainage or storm drainage will be allowed to connect to existing adjacent highway drainage systems. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: Insufficient detail has been supplied as part of the application and greater detail is necessary in order to prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system. The detail of the surface water drainage is therefore required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

16 No development shall commence on site (excluding demolition) until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: Insufficient detail has been supplied as part of the application and greater detail is necessary in the interests of sustainable development and climate change adaptation. The detail of the scheme for water efficiency is therefore required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner.

17 No construction or demolition works shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays.

REASON: In the interests of residential amenity.

18 No burning of waste materials shall take place on the application site during the demolition and construction phases.

REASON: In the interests of residential amenity.

19 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- a) Application Form
- b) Baseline Ecological Survey & Baseline Bat Survey - November 2013
- c) Statement of Community Involvement - April 2014 (DPDS Ref: CP/C11719)
- d) Landscape & Visual Appraisal - April 2014
- e) NPPF: Flood Risk Assessment (SHF.10653.001.R.001.A)
- f) Topographic Survey (SHF.1063.001.R.001.A)
- g) Transport Statement - 16th April 2014
- h) Revised Design and Access Statement Mar 2014 (rcvd 20/5/2014)
- i) Site Plan - C11719.14.050
- j) Location Plan C11719/11/01
- k) Illustrative Masterplan Rev I (23/1/15) C11719.14.720
- l) Illustrative Masterplan with Bungalow Units Rev C11719.14.950 (13/1/15)
- m) Cycle Link Plan C11719.15.950

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

20 **INFORMATIVE TO APPLICANT:**

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].

21 **INFORMATIVE TO APPLICANT:**

There should be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions should be made to ensure that all existing drainage systems continue to operate effectively.

22 **INFORMATIVE TO APPLICANT:**

Safeguards should be put in place during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx>.

23 INFORMATIVE TO APPLICANT:

The reserved matters application should be accompanied by updated ecological survey reports, a site drawing showing ecological enhancement features and an ecological management plan.

24 INFORMATIVE TO APPLICANT:

The final masterplan must include direct links to footpath UPAV6 from the cul-de-sacs as shown on plan C11719.14.721, revision I.

25 INFORMATIVE TO APPLICANT:

Surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.

26 INFORMATIVE TO APPLICANT:

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

27 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority.

Should you require further information with regards to CIL please refer to the Council's Website

www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions to the bungalows hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

46. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 7.20 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.1

Date of Meeting	6 August 2015
Application Number	15/01388/OUT
Site Address	Land at Quakers Road Devizes
Proposal	Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road
Applicant	Society of Merchant Venturers
Parish Council	ROUNDWAY
Ward	ROUNDWAY
Grid Ref	400931 162106
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee at the request of Cllr Laura Mayes.

1. Purpose of Report

To consider the recommendation that the application be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering the provision of 37 affordable homes, education contributions towards the expansion of Trinity Primary School, contributions towards surface upgrades of the Kennet & Avon canal towpath and towards surface upgrades of the Quakers Walk footpath.

2. Report Summary

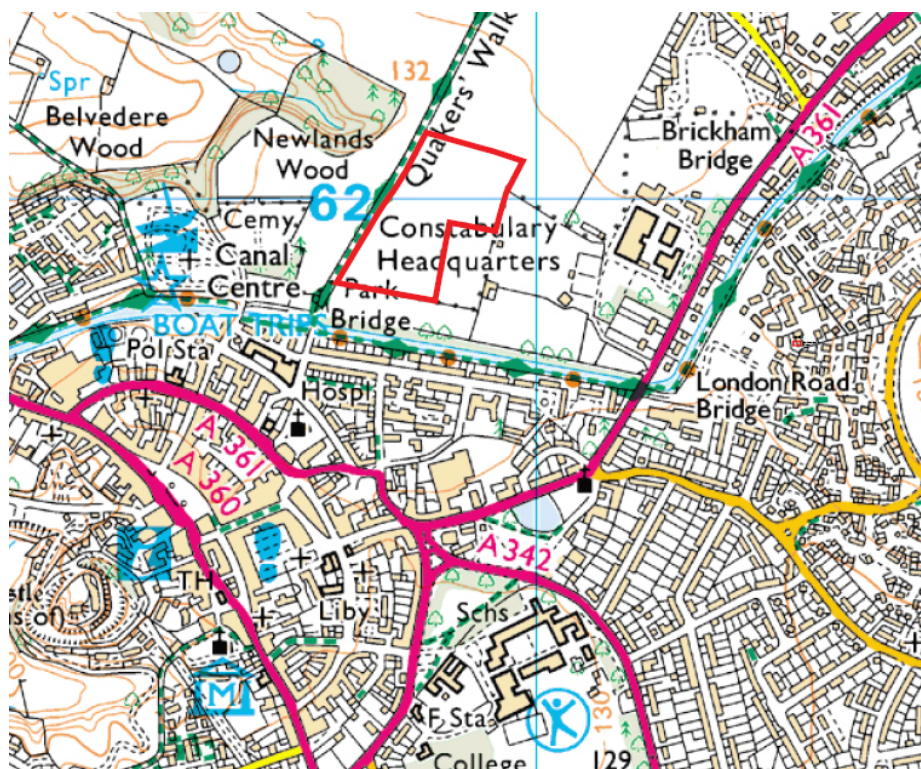
The main issue to consider is whether the proposal represents a sustainable form of development for which planning permission ought to be granted.

3. Site Description

The application site lies to the east of the tree lined Quakers Walk footpath, at the end nearest Devizes Town Centre. The site covers an area of 4.72 hectares and has a designated agricultural use. The recent housing development at Quakers Road lies immediately to the north, Devizes Sports Club is adjacent to the east and allotments abut the site to the south. Beyond the allotments lies the Kennet & Avon Canal.

Vehicular access to the site is achieved from the existing access onto Quakers Road. This comprises adopted highway which runs up to the site boundary in the north east

corner. The topography of the site is relatively flat with a slight drop in levels towards Quakers Walk.



The Site

4. Planning History

In 2012 outline planning permission was granted on appeal for “a Care Village (Use Class C2) including access, car parking and landscaping” (ref. E/2011/1139/OUT). Committee had refused the application against officer recommendation. The Care Village included 121 extra-care apartments, 18 extra-care cottages and an 80 bed care home (which would include a 20 bed suite designed for residents with dementia).

The appeal Inspector found that “*the view that the appeal site should be left as an open, green area is not supported by any adopted planning policy. Indeed the Council’s Committee Report made it quite clear that as the site lies within the Limits of Development for the town and is not covered by any Local Plan designations, the proposed development would be acceptable, subject to the setting of the Quakers Walk footpath being preserved*”.

The Inspector also found that “*whilst the proposal would clearly result in the loss of a currently greenfield site, the majority of the site has been shown to be of low conservation interest, and the Council’s Ecologist has raised no objection, subject to a condition requiring the submission of an Ecological Management Plan*”.

Since the grant of planning permission the applicant has marketed the site for sale to care home operators. However no realistic or viable offers have been received and hence the applicant has taken the decision to instead apply for planning permission for residential development, as an extension to the Quakers Road development.

5. The Proposal

This is an outline proposal for up to 123 dwellings together with associated open space. All matters are reserved for subsequent approval except access. The submitted Development Framework Plan identifies an area of 3.51 hectares for residential development and an area of 1.21 hectares for public open space. The latter would predominantly comprise a 35m wide buffer between the new housing and Quakers Walk. The 35m buffer is the same size as was included in the Care Home permission and also the minimum design width for the Quakers Road development to the north. Included within the buffer would be the Local Equipped Area for Play (LEAP). The 123 dwellings over 3.51 hectares would represent a density of 35 dwellings per hectare.

Access to the site would be obtained in the north east corner of the site, off Quakers Road. Adjacent to this access, there would be an emergency vehicular access to Devizes Sports Club. Just to the south of this there would be a pumping station to serve the development. A new pedestrian/cycle link is proposed along the boundary of the developable area and the 35m wide buffer. This route would connect with Quakers Walk in the south west corner and the Quakers Road development to the north.



Illustrative Masterplan

6. Local Planning Policy

Relevant policies in the Wiltshire Core Strategy are CP1, CP2, CP3, CP12, CP41, CP43, CP45, CP50, CP51, CP52, CP55, CP57, CP58, CP60, CP61, CP62, CP64 and CP67.

The site lies within the Limits of Development (LOD) defined for Devizes in the Kennet Local Plan. The Devizes LOD has been saved in the Wiltshire Core Strategy pending a review of all the settlement boundaries in a Housing Site Allocations DPD.

Other relevant saved policies from the Kennet Local Plan are HC34 and HC37

The Devizes Area Neighbourhood Plan (DANP) has been submitted to the Council and a formal consultation period was held in the autumn of 2014. An independent examiner will now consider the DANP and then if approved by the Council, it will be subject to a referendum. Now that the emerging DANP has reached the independent examination stage, it carries significant weight for the purposes of decision making. Relevant draft policies are H1, H2, H3, T1 and ESD1.

National planning policy is set out in the National Planning Policy Framework (NPPF).

7. Summary of consultation responses

Roundway Parish Council

Objects:

- The proposal is an overdevelopment.
- There will be an unacceptable impact on wildlife, notably badgers and bats.
- The development poses risks to both surface water flooding and foul water drainage problems.
- The only vehicular access to the site is through a junction to London Road which already suffers unacceptable peak hour congestion. The traffic forecasts provided with the application significantly underestimate the number of additional vehicle movements which it will generate.
- Unlike the Care Village scheme, no argument of overriding need exists in relation to the current proposal.
- The DANP has identified sufficient alternative sites to meet the area's housing growth targets without development of this site.

Devizes Town Council

Objects:

- The DANP does not include the site as appropriate for housing and the growth targets for Devizes can be met through other sites within Devizes that have been identified in the DANP as better meeting the assessment criteria.
- The proposal will have a negative impact on traffic movements – the traffic counts are historic and traffic numbers should be reviewed in the light of developments that have taken place subsequently.
- The proposal will have an adverse impact on drainage in the light of actual incidents of flooding in the area.
- The proposal will have an adverse impact on sewerage disposal given the problems that exist following the last development in terms of foul smell and blockage.
- The proposal will have an adverse impact on environmental matters including the fact that badgers and bats occupy the site.

Bishops Cannings Parish Council

Objects:

- The proposal is inconsistent with the DANP. Growth targets for Devizes can be met through those sites identified within the DANP and this site is not one

of them. Community aspirations are to meet housing demand through smaller sites spread throughout the locality rather than large concentrations of houses.

- The traffic assessment does not give a true picture of the impact that would be caused by the extra traffic which 123 houses would generate. This particular junction onto London Road is the worst possible place for additional vehicles as it is at this point that traffic is at a standstill during morning and evening rush hours. 123 Houses will generate much more traffic than the Care Village scheme.
- The proposed buffer zone would constitute inadequate open space for the site. This is less than the Care Village proposal, which along with a buffer zone also included open space for a village green and bowling and croquet lawns. Yet the occupants of the proposed development will be more active and will contain many children. This is a cramped development where most of the public open space consists of drainage ponds. To place a LEAP adjacent the ponds is irresponsible.
- Light pollution and loss of habitat will be detrimental to the badgers and bats that occupy the site. No large trees or native hedging is proposed and the boundary fence will prevent the movement of wildlife to the east.

Trust for Devizes

It is acknowledged that the principle of residential development for the site was established by the earlier approval.

There have been smell issues with the foul drainage from the adjoining development. For the Council to approve this application there should be a condition that the developers agree with Wessex Water a solution that removes the odour issues for all people in the area. For the Council to approve this application there would have to be an agreed plan to deal with storm water and drainage which is not currently provisioned. The TRICS traffic model uses inappropriate benchmark towns that are not comparable with Devizes. The proposal will generate 100% more traffic than the Care Village scheme, and so will both increase traffic and worsen air quality along London Road. The Council should not approve developments which make air quality worse. The application should be refused until an effective air quality management plan is in situ and shown to be working.

The Quakers Walk Protection Group

Objects:

- The Care Village proposal was to provide open space within the development. However the current proposal includes no open space within the development.
- It is unacceptable to site a LEAP within the buffer zone which is meant to act as a sound barrier between the development and Quakers Walk and also as a quasi-nature reserve. It is also unacceptable to use the LEAP for drainage.
- The proposed buffer zone is considerably narrower than the buffer zone in the northern housing development.
- Having house and street lighting so close to Quakers Walk will interfere with the bats that use Quakers Walk.
- The proposal would adversely affect the landscape and tranquillity of Quakers Walk.

Devizes Rugby Football Club

Expresses various concerns:

The proposal shows access for emergency vehicles to the cricket and rugby pitches. Sufficient detail should be provided to ensure functionality and security.

The proposed dwellings seem poorly orientated and too close to the edge of floodlit sports pitches (the floodlights on the rugby pitch are in use up until 10.00pm) so the dwellings will be subject to light spillage, and noise impact (from playing and from functions within the Sports Club buildings).

The design of the proposed boundary fence should be agreed at outline stage. Also it should ensure that residents cannot trespass on Sports Club land.

Environment Agency

No objection subject to conditions requiring: (a) the submission of details of a surface water drainage scheme; (b) the submission of a scheme for water efficiency, and; (c) the submission of a Construction Environmental Plan (CEMP).

Wessex Water

Requests that foul and surface water drainage are subject to planning conditions to ensure that satisfactory schemes of drainage are agreed and approved before works commence.

Canal & River Trust

Due to the location of the proposed dwellings, the proposal will result in additional usage of the canal towpath to reach the facilities of the town and beyond. Any increased usage and further degradation that will result from the proposal will place additional burdens on the Trust (who own and maintain the canal and towpath). Therefore requests a contribution of £37,000 based on a figure of £300 per dwelling. The Trust is working with Wiltshire Council and Sustrans to improve the towpath throughout Devizes in 3 phases. Whilst funding is already in place for improvements to the section of towpath closest to the site, a contribution is sought towards the later phases. If however the contribution is not agreed, the Trust may wish to object to the proposal on the grounds that it would create additional usage in the vicinity of the site and have an adverse impact on the quality of the unimproved towpath lengths.

CPRE

Objects:

- The proposal is not consistent with the Wiltshire Core Strategy or DANP and should be refused.
- There is no established need for the proposed housing. The DANP makes clear that the housing needs of the Devizes Area can be more than adequately met on other sites. The application has no arguments for acceptance of housing additional to that planned in the DANP.
- The application has all the traffic and air-quality disadvantages of the Care Village scheme.
- The proposal does not have the job-creation merits of the Care Village scheme.
- There will be conflict between the established activities of Devizes Rugby Club and residents.
- The use of the buffer for drainage mitigation would reduce its value as green space for leisure.

Wiltshire Council Spatial Planning

There would appear to be a case for supporting the proposal in policy terms. The site lies within the Devizes LOD. There is a general presumption in favour of permitting sustainable development in such circumstances. The site already benefits from a grant of planning permission for a significant Care Village proposal. The Council's

published Housing Land Supply Statement (HLSS), July 2014, identifies the site as forming part of the East Wiltshire Housing Market Area's (HMA) deliverable housing land supply.

The emerging draft DANP is a material consideration and, as the document has reached the independent examination stage, can be afforded significant weight in the decision making process. The proposal is situated on land that falls within the current limits of development and thereby accords with draft policy H1 "Settlement Framework Boundary". In addition, the land benefits from planning permission and hence would not need to be considered in the context of addressing the overall indicative housing requirements required to be planned for the town.

Core Strategy policy CP12 identifies a need to bring forward 333 dwellings on top of that already committed through the period to 2026. This is being addressed through the emerging DANP which subject to the resolution of the examination, referendum and adoption process plans to allocate land for approximately 455 dwellings within the current LOD. The applicant asserts that the land in question is already accounted for within the Council's deliverable housing supply chain and this is not disputed. Therefore, it could be argued that the indicative housing requirements to be allocated and delivered in line with CP 12 and the emerging DANP are in fact on top of (i.e. rather than inclusive of), development occurring on the application site.

Wiltshire Council Highways

No objections subject to (a) a condition requiring the provision of the 3m wide shared use cycleway running along the boundary of the developable area and the 35m wide buffer connecting with Quakers Walk in the south west corner and the Quakers Road development to the north, and; (b) planning obligations to secure: (i) a contribution of £43,500 index linked to RoW improvements within 2 miles of the development; (ii) submission of a full Travel Plan based on the submitted outline Travel Plan with the inclusion of green travel vouchers to be offered to households of £250 / £150 where the lower figure is for those households with an occupant entitled to concessionary travel; (iii) travel Plan monitoring fee of £7500 (£1500 pa over 5 years).

The proposal will create net additional trips (where a trip is a one-way vehicular movement) in the peak hours compared with the Care Village of:-

AM peak	Arrivals -15	Departures +27
PM peak	Arrivals +26	Departures +8

The development will generate a total of 51 trips in the AM peak hour and 67 trips in the PM peak hour.

In transport terms the site is fairly sustainable overall for residential development having good access by cycle and walking to the town centre and employment, and with a nearby primary school. The secondary school is within the acceptable guideline walking distance. The bus stops on London Road are about 500m away which is further than the recommended maximum distance to a bus stop of 400m. There is a closer town bus service that routes through the Quakers Road development near to the site.

The junction of Quakers Road with the A361 London Road will operate well within capacity in standalone terms in the future assessed year of 2026. (The peak hour queuing issues on London Road are caused by issues further away. If those issues did not exist the Quakers Road / London Road junction would operate freely).

The traffic effects of the development on the wider network have been assessed by use of the Council's PARAMICS traffic model. Network average journey times are shown to be increased by the development: 0.1% in the AM peak and 10% in the PM peak compared with the network average journey times in 2026 without the development.

For the A361 journey across Devizes the development increases the eastbound time by 2 secs AM, 26 secs PM; and westbound by 25 secs AM, 157 secs PM, in each case compared with the 2026 journey times without the development.

These results include the planned mitigation measures in the Devizes Transport Strategy.

The RoW Team have identified required improvements to footpath ROUN2 (Quakers Walk) in the vicinity of the development which will enable residents to access the countryside towards Roundway Hill for leisure and recreation purposes in a safe and convenient manner. Additionally a contribution is required to improve the surface of the canal towpath in the vicinity of the development. The towpath will provide a useful route for residents to and from The Wharf area of the town centre including the St. Joseph's primary school and other facilities in that area.

Wiltshire Council Rights of Way Section

The proposed residents will place a high demand on Quakers Walk, both to access the town centre/canal to the south and to access the countryside to the north. Much of this demand will be on foot but there will also be demand on bicycle which must be catered for. The status of part of Quakers Walk will need to be changed to a bridleway/cycleway to legally allow this access, which will incur legal fees. In order to cater for the increased demand from the site and provide residents with high quality routes around town and into the countryside, contributions of £43,500 are required towards surface improvements to Quakers Walk and the canal towpath. This breaks down as £30,000 towards surface upgrades to the canal towpath, £11,000 towards surface upgrades to Quakers Walk and £2,500 for legal fees.

Wiltshire Council Ecologist

No objection subject to conditions. The survey of the site has been sufficiently detailed, appropriate to both the ecology of the area and to the proposal, and gives sufficient information about the site to be able to judge the potential impacts as a result of the proposal. It will be possible to accommodate sufficient and appropriate mitigation for bats, reptiles and badgers within the 35m wide buffer strip.

Wiltshire Council Environmental Health

Although the proposed development is not within an Air Quality Management Area (AQMA) it lies adjacent to and will impact upon the Devizes AQMA. The submitted Air Quality Statement has been appraised and is acceptable, the conclusions are noted. However, the preferred scenario in terms of air quality and development is one that is neutral or serves to help reduce potential air quality impacts locally. The Council's adopted Air Quality Strategy seeks positive contributions towards the improvement of air quality in Wiltshire; in view of this we would expect to see the developer demonstrate what positive contributions they could make e.g. sustainable travel alternatives and infrastructure, driver training, tree planting, contributing to local air quality action groups. The applicant has made reference to a travel plan (to be agreed) which they indicate will cover these matters. Requests a financial contribution towards Air Quality work of £1393 (based on £11.325 per dwelling).

No objections or conditions to recommend re. noise provided that the recommendations and mitigation measures outlined in the submitted acoustic report are implemented.

Wiltshire Council Environment Services (re. Public Open Space)

744sqm of equipped play would be required. The proposed LEAP would provide 400sqm of this, leaving an under-provision of 344sqm. Therefore proposes a trim trail or MUGA to meet the shortfall, or a financial contribution in lieu of the deficit.

The proposed casual play space is adequate.

A contribution of £62,800 is sought towards formal sports pitch provision.

Wiltshire Council Leisure Services

The development generates a requirement for contributions of £112,504 for leisure facilities. These would be used towards the upgrading of dry side and wet side changing at Devizes Leisure Centre and the improvement of the Multi Function Hall and ATP (artificial turf pitch).

Urban Design Officer

Supports, subject to recommendations which would need to be taken into account at reserved matters stage.

Wiltshire Council Education

The development generates a substantial need for school places – 35 primary and 25 secondary places. The designated schools are The Trinity Primary and Devizes School at secondary. Trinity is effectively full. The Council has already planned for an expansion project at Trinity. Full developer contributions are therefore required for the 35 spaces that the proposed development generates a need for, at £16,979 per place = £594,265. This requirement is site specific and the expansion need is directly attributable to the proposed development, so is to be secured via S106 contributions. Devizes School will be able to accommodate the additional pupils within existing forecasts and capacities without the need for expansion. No S106 contributions are sought.

There is sufficient Early Years provision in Devizes and hence no Early Years contributions are sought.

Wiltshire Council New Housing

Policy CP43 requires 37 (30%) of the homes to be affordable. 28 of these should be for affordable rent and 9 should be for shared ownership. The affordable homes should be dispersed throughout the scheme in clusters of no more than 15 units.

Wiltshire Council Land Drainage Engineer

No objection subject to conditions requiring the submission and approval of foul water drainage and surface water drainage schemes. He is aware there have been discussions between the developer and Wessex Water with a view to building a new pumping station which will overcome existing smell issues.

Wiltshire Council Landscape Officer

No objection subject to conditions.

Wiltshire Council Arts Development Officer

Requires a public art contribution figure of £36,900 (£300 per dwelling) to provide public art in the development.

8. Publicity

Objections have been received from 21 local residents. Their main concerns can be summarised as follows:

- One of the claimed benefits of the Care Village proposal was that it would create jobs. However the current application will not create jobs, but only create more traffic, noise and pollution.
- One of the claimed benefits of the Care Village proposal was that it would deliver specialist accommodation for an ageing population. This would not be the case with the current application.
- The proposed housing development has not been considered as part of the DANP, which assumed that the Care Village would go ahead. The DANP has identified sufficient relatively small areas of land for housing.
- The site has not been identified in the Wiltshire Core Strategy.
- Devizes' allocation of housing for the foreseeable future is catered for by using brownfield sites throughout the town. There is no requirement for another huge estate.
- It is a cynical misuse of the planning system to get planning permission for one purpose (a Care Village) and then to apply for a housing estate.
- There will be a loss of green space. Overdevelopment of a greenfield site.
- The application underestimates the numbers of traffic movements which would be generated by the proposal. The traffic generated by the proposal would be much more than by the Care Village. Occupiers of the new houses would not use public transport as there is no train station and an infrequent bus service.
- Use of the TRICS traffic model to predict traffic generation is not accurate because it uses inappropriate cities and towns when assessing traffic and air quality issues.
- The proposal will exacerbate congestion in Devizes. This congestion will turn off potential tourists from visiting the town.
- The proposal will exacerbate delays exiting into London Road.
- Visibility at the junction exiting into London Road is inadequate when two cars are side by side at the junction both waiting to turn in opposite directions.
- The extra traffic will endanger the safety of children playing and riding bikes and children attending Trinity School.
- The site access is narrow and is inappropriate to accommodate the traffic levels.
- Parents dropping off and picking up at Trinity School park on both sides of Quakers Road, making it impossible for two cars to pass.
- Construction traffic will exacerbate existing highway problems and be a major health and safety risk.
- Concern that Quakers Road could be used as an entrance/exit to Devizes Sports Club if the proposed new gated emergency access to the Club is used by more than just emergency vehicles.
- The development will exacerbate the already bad air quality in Devizes.
- There will be problems with sewerage.
- There will be a loss of wildlife habitat and harm to badgers and bats.
- There should be no lighting in or adjacent to the buffer zone so as not to interfere with bats using Quakers Walk.
- There should be no vehicular access and driveway parking on the western edge of the scheme overlooking Quakers Walk as this would impact on the rural nature of the footpath.

- The proposed 35m wide buffer zone is insufficiently wide and is less than exists for the Quakers Road development to the north.
- It is inappropriate to have a LEAP in the buffer zone as it would be detrimental to the rural nature of Quakers Walk.
- Existing properties in Quakers Road would be overlooked by the nearby proposed new dwellings. They would also experience increased noise levels.
- Local surgeries and dentists are already overloaded and cannot cope with more population.
- The submitted noise report is not a true reflection of the noise levels generated by the rugby club as it was not carried out over a weekend when matches take place.
- Light pollution from the rugby club floodlights will be an issue to new residents.
- Noise pollution from events held at the sports club function room will be an issue to new residents. So too will noise from the barking of police dogs housed at the nearby police HQ.

9. Planning Considerations

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

9.1 Principle of Development

The site lies within the Devizes LOD where there is a general presumption in favour of permitting sustainable development. Hence there is no “in principle” objection to developing the site for residential development. Furthermore the site already benefits from a grant of planning permission for a significant Care Village proposal which would provide 139 residential units. The Council’s published Housing Land Supply Statement, July 2014, identifies the site as forming part of the East Wiltshire Housing Market Area’s deliverable housing land supply for 139 units. Hence the principle of residential development on the site has already been accepted. Indeed, the appeal Inspector for the Care Village scheme found that *“the view that the appeal site should be left as an open, green area is not supported by any adopted planning policy”*.

Since the consideration of the Care Village proposal by the Inspector, the policy situation has changed somewhat in that the Wiltshire Core Strategy has been adopted and an emerging neighbourhood plan been produced. However the proposal complies with Core Strategy policy CP2, which states that within LODs, there is a presumption in favour of sustainable development at the Market Towns.

The emerging draft DANP is a material consideration and, as the document has reached the independent examination stage, can be afforded significant weight in the decision making process. The proposal is situated on land that falls within the current limits of development and thereby accords with draft policy H1 “Settlement Framework Boundary”. In addition, the land benefits from planning permission and hence would not need to be considered in the context of addressing the overall indicative housing requirements required to be planned for Devizes.

Core Strategy policy CP12 identifies a need to bring forward 333 dwellings in Devizes on top of that already committed through the period to 2026. This is being addressed through the emerging DANP which subject to the resolution of the

examination, referendum and adoption process plans to allocate land for approximately 455 dwellings within the current LOD. The applicant asserts that the land in question is already accounted for within the Council's deliverable housing supply chain and this is not disputed. Therefore, it could be argued that the indicative housing requirements to be allocated and delivered in line with CP 12 and the emerging DANP are in fact on top of (i.e. rather than inclusive of), development occurring on the application site.

Whilst noting the preference expressed by many of the objectors for the Care Village scheme compared to the current residential scheme, particularly in relation to traffic generation and air quality, the principle of residential development on the site has already been established, as set out above. Furthermore the applicant has marketed the site for sale to care home operators, but no realistic or viable offers were received.

9.2 Illustrative Layout

The application has been submitted in outline with all matters reserved except means of access so the detailed design and layout are not for consideration at this stage. However the applicant has submitted an illustrative masterplan which indicates how the site could be developed. This indicates a 35m wide buffer zone between the developable part of the site and Quakers Walk in order to preserve the rural character of Quakers Walk. Such a buffer is acceptable, being the same size as that put forward in the Care Village scheme. It would incorporate significant levels of new planting to filter views into the site, as well as a LEAP.

The proposal is for up to 123 dwellings on a developable area of 3.51 hectares. This would represent a density of 35 dwellings per hectare, which is considered acceptable. The illustrative masterplan indicates that there would be a variety of detached, semi-detached and terraced properties.

9.3 Highway Considerations

Objectors have raised concerns that the development will increase waiting times when seeking to exit at the junction of Quakers Road with London Road and that congestion on London Road will increase. They have also raised concerns that the development will increase traffic generation compared to the Care Village scheme.

The Highway Authority raises no objection to the development. In transport terms the site is sustainable for residential development having good access by cycle and walking to the town centre and employment, and with a nearby primary school. The secondary school is within the acceptable guideline walking distance. The bus stops on London Road are about 500m away which is further than the recommended maximum distance to a bus stop of 400m. There is a closer town bus service that routes through the Quakers Road development near to the site.

The proposed development will generate a total of 51 trips in the AM peak hour and 67 trips in the PM peak hour. The Highway Authority accepts that the proposal will create net additional trips (where a trip is a one-way vehicular movement) in the peak hours compared with the Care Village of:-

AM peak	Arrivals -15	Departures +27	Net increase +12
PM peak	Arrivals +26	Departures +8	Net increase + 34

However the Highway Authority considers that the junction of Quakers Road with the A361 London Road will operate well within capacity in standalone terms in the future assessed year of 2026. (The peak hour queuing issues on London Road are caused

by issues further away. If those issues did not exist the Quakers Road / London Road junction would operate freely).

The traffic effects of the development on the wider network have been assessed by use of the Councils PARAMICS traffic model. Network average journey times are shown to be increased by the development: 0.1% in the AM peak and 10% in the PM peak compared with the network average journey times in 2026 without the development.

For the A361 journey across Devizes the development increases the eastbound time by 2 secs AM, 26 secs PM; and westbound by 25 secs AM, 157 secs PM, in each case compared with the 2026 journey times without the development. However, when compared with the already authorised care village scheme, the additional average journey time westbound in the peak hour in the evening is increased by 41 seconds. The time is measured for vehicles travelling from one side of Devizes to the other.

Although average journey times will slightly increase by 2026, the magnitude of the increase compared to the authorised care village is not material such that a refusal of planning permission on highway impacts would be justifiable. Although the traffic generation would be greater than the Care Village scheme, the appeal Inspector who considered that scheme concluded that it *“would not have an adverse effect on traffic conditions on London Road”*.

9.4 Air Quality

The development is anticipated to result in an additional 623 vehicle movements per day on the local road network. The percentage change in traffic flow as a result of the proposed development on London Road is anticipated to be less than 2%. The site is not within the Devizes Air Quality Management Area (AQMA) but lies adjacent to it so the proposed development will impact upon the AQMA. However the submitted Air Quality Statement concludes that the proposal would result in “negligible” impacts. The Environmental Health officer finds the Air Quality Statement to be acceptable, and raises no objection to the development on air quality grounds.

The Environmental Health officer would expect to see the developer demonstrate what positive contributions they could make towards the improvement of air quality e.g. through encouraging the use of sustainable modes of transport in preference to single occupancy vehicle use. This is proposed to be secured through the implementation of a Travel Plan. An outline Travel Plan has been submitted with the application. The Highway Authority requires the submission of a full Travel Plan based on the submitted outline Travel Plan, with the inclusion of green travel vouchers to be offered to households, to be secured as part of a S106 legal agreement. It is considered that the implementation of the Travel Plan will ensure that local air quality impacts associated with the development remain “negligible”.

The Environmental Health officer has requested a contribution of £1393 towards air quality related works. However with the advent of CIL, such contributions cannot be requested to be secured via S106.

9.5 Ecology

The application was accompanied by ecological surveys, which found evidence of the use of the site by badgers, bats and grass snakes. The Council's Ecologist considers these surveys to be sufficiently detailed, appropriate to both the ecology of the area and to the proposal, and to give sufficient information about the site to be able to judge the potential impacts as a result of the proposal. She considers it will be

possible to accommodate sufficient and appropriate mitigation for bats, reptiles and badgers within the 35m wide buffer strip. She therefore raises no objection, subject to conditions requiring the submission and approval of an Ecological Management Plan, a Construction Environmental Management Plan and a Construction Method Statement. She also requires a condition prohibiting external lighting which would illuminate the 35m wide ecological buffer zone, so as not to interfere with bats using Quakers Walk.

9.6 Noise

The Environmental Health officer raises no objection, and recommends the imposition of no conditions with respect to noise. Noise matters were examined in depth by the appeal Inspector for the Care Village scheme. He acknowledged that *“noise from police helicopter activity and sporting events would be audible in the open areas of the site”* and *“that the timing of such activities may, in many cases, be unpredictable”*. However he concluded that *“future residents of the Care Village would not be exposed to unacceptable noise levels from either the police helicopter landing pad or the nearby sports pitches”*. There are therefore no concerns that the amenities of future occupiers of the proposed development would be materially harmed by noise emanating from the adjoining land.

9.7 Affordable Housing

In accordance with Core Strategy policy CP43, 30% affordable housing would be provided. The proposal would therefore provide much needed affordable housing. This would be secured by way of a S106 agreement.

9.8 Public Open Space

A LEAP is proposed in the buffer zone. 744sqm of equipped play would be required. The proposed LEAP would provide 400sqm of this, leaving an under-provision of 344sqm. Environment Services therefore propose a trim trail or MUGA to meet the shortfall. This is to be agreed. The required equipped play would be secured by means of a S106 agreement.

The proposed casual play space is adequate.

Environment Services request a contribution of £62,800 towards formal sports pitch provision. However with the advent of CIL, this off-site contribution cannot be requested to be secured via S106

9.9 Education

The development generates a substantial need for school places – 35 primary and 25 secondary places. The funding secured from this development would contribute towards a phase 1 expansion of Trinity Primary School. This project does not yet have any planning obligations attached to it and so the funding can be secured via a S106 agreement. At secondary level, Devizes School would be able to accommodate the additional pupils within existing forecasts and capacities without the need for expansion. Hence no contributions at secondary level are required.

9.10 Flood Risk and Drainage

The site lies within Flood Zone 1 and the Environment Agency raises no objection subject to conditions. Neither does the Council’s Land Drainage Engineer raise any objection subject to conditions requiring the submission and approval of foul water drainage and surface water drainage schemes.

The proposed drainage assessment demonstrates that surface water can be dealt with, although precise details can be the subject of a planning condition.

With regard to foul drainage, there are no sewers within the vicinity to which a gravity discharge can be achieved. It will therefore be necessary to pump effluent from the site to the public sewer network. It will not be possible to discharge via gravity to the existing pump station, hence a new pumping station is proposed on the eastern boundary of the site.

9.11 Public Rights of Way

There are two well used public rights of way in the vicinity of the site, Quakers Walk and the canal towpath. The proposed residents will undoubtedly place a high demand on both, and hence the Highway Authority, the Rights of Way Section and the Canal & River Trust all request contributions towards the upgrading of the surfaces. S106 contributions can legitimately be required to fund these works and the applicant is in agreement with this.

9.12 Other Matters

Compliance with Core Strategy policy CP41 “Sustainable construction and low-carbon energy” can be secured via condition, although the Council is currently investigating whether this can be justified in light of recently announced changes to Government legislation.

It is not considered that the rugby club floodlights will materially harm the amenity of future residents. In any case, prospective purchasers would be fully aware of the situation before committing to a move.

The impact of the new dwellings on the amenity of existing properties in Quakers Road would be a matter for consideration at reserved matters stage.

10. S106 contributions

S106 contributions are required to fund an expansion of Trinity Primary School, the upgrade of the surface of the canal towpath, and an upgrade to the surface of the Quakers Walk footpath. The applicant has confirmed agreement to make these contributions, as well as to provide 37 affordable homes. The S106 agreement would also require the submission of a Full Travel Plan based on the submitted outline Travel Plan, with the provision to households of green travel vouchers. Furthermore the S106 agreement would cover the provision of the required 744 sqm of equipped play space and the payment of a maintenance commuted sum for the maintenance of the equipped play space and on-site open space.

Contributions were requested by consultees towards indoor leisure facilities, formal sports pitch provision, air quality related works and public art. However with the advent of CIL, such contributions cannot be secured via S106.

11. Conclusion (The Planning Balance)

The site lies within the Devizes LOD where there is no “in principle” objection to developing the site for residential development. Besides, the site benefits from an

existing residential consent (the Care Village scheme) and is identified as being able to provide 139 units in the Council's published Housing Land Supply Statement. The site is capable of accommodating the proposed 123 units, whilst at the same time providing a 35m wide buffer zone between the developable part of the site and Quakers Walk, as did the Care Village scheme. There is therefore no objection to the principle of the development. Furthermore, the proposal would provide much needed affordable housing.

In transport terms the site is sustainable for residential development. Although the development would generate more traffic than the Care Village scheme, the percentage change in traffic flow along London Road would not be significant when compared to the authorised care village and the Highway Authority raises no objection. The magnitude of the increase is not considered to be material and a refusal of planning permission on highway grounds is not justifiable. In terms of air quality, the Environmental Health officer accepts that conclusion of the submitted Air Quality Statement that the proposal would have "negligible" impacts, subject to the implementation of a Travel Plan that encourages the use of sustainable modes of transport.

Other planning matters can be satisfactorily addressed via suitable conditions and in a S106 agreement as set out in sections 9 and 10 above.

RECOMMENDATION: That outline planning permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering the matters identified as necessary in section 10 above, and subject to the following 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.

Any reserved matters application pertaining to layout shall include the details of the access to the Rugby Club, as shown on the Illustrative Masterplan (Rev 003), dated

January 2015 and shall make provision for a 35 metre buffer zone with Quakers Walk.

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 INFORMATIVE TO APPLICANT: 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].

- 5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location February 2015; Site Boundary February 2015; Development Framework Revision 005 January 2015.

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

- 6 No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should include details of:

- a) Habitat creation and management measures along Quaker's Walk;
- b) Mitigation measures for reptiles;
- c) Monitoring for Annex II bat species;
- d) Enhancements for Wiltshire BAP habitats/species.

For clarity, these details should be represented on a site drawing.

All development shall be carried out in accordance with the approved Ecological Management Plan.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of mitigating the impact of development upon protected species and enhancing the local ecology of the area.

- 7 No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures together with precautionary timings and working practices to prevent adverse impacts to sensitive habitats and species, has been submitted to and approved in writing by the local

planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to prevent pollution of the water environment and to prevent adverse impacts to sensitive habitats and species.

- 8 No external lighting shall be installed without the prior approval of the local planning authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and it shall not thereafter be modified unless agreed beforehand in writing by the local planning authority.

REASON: To prevent disturbance to bats which are protected species under law.

- 9 No development shall commence on site until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the location of construction compound(s) and positions for site office(s);
- e) the erection and maintenance of any security hoarding/fencing;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) hours of construction, including deliveries;
- i) Wheel washing facilities.

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 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 dwellings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five

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

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

- 11 No development shall commence on site until details of protective fencing for the trees along Quakers Walk have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with British Standard 5837 (2012): 'Trees in Relation to Design, Demolition and Construction - Recommendations' and the information shall include details of the type of fencing to be used and its position. Once the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected area(s).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 12 The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

- 13 No development shall commence on site until details of existing and proposed ground levels across the site (including within the Quakers Walk buffer zone), proposed slab levels and details of spoil disposal have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of visual amenity.

- 14 Prior to occupation of the 30th dwelling a 3 metre wide shared use cycleway shall have been provided and made available for use, connecting to the existing shared use path in front of 65B Quakers Road, running parallel to Quakers Walk, and connecting at its south western end to Quakers Walk, as indicated in outline on the Development Framework plan January 2015.

REASON: In the interests of sustainability and accessibility.

- 15 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating

sustainable drainage details together with permeability test results to BRE365 plus if a discharge to the canal is proposed details of the Canal & River Trust approval and details of ownership of detention ponds, and maintenance regimes, has been submitted to and approved in writing by the Local Planning Authority. Any scheme proposing drainage ponds in the 35 metre buffer zone shall demonstrate how their construction and use is compatible with the purpose of the buffer zone to provide an informal and safe landscaped area. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 16 No development shall commence on site until a scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 17 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

- 18 INFORMATIVE TO APPLICANT: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the water efficiency condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

- 19 INFORMATIVE TO APPLICANT: There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

- 20 INFORMATIVE TO APPLICANT: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles

- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

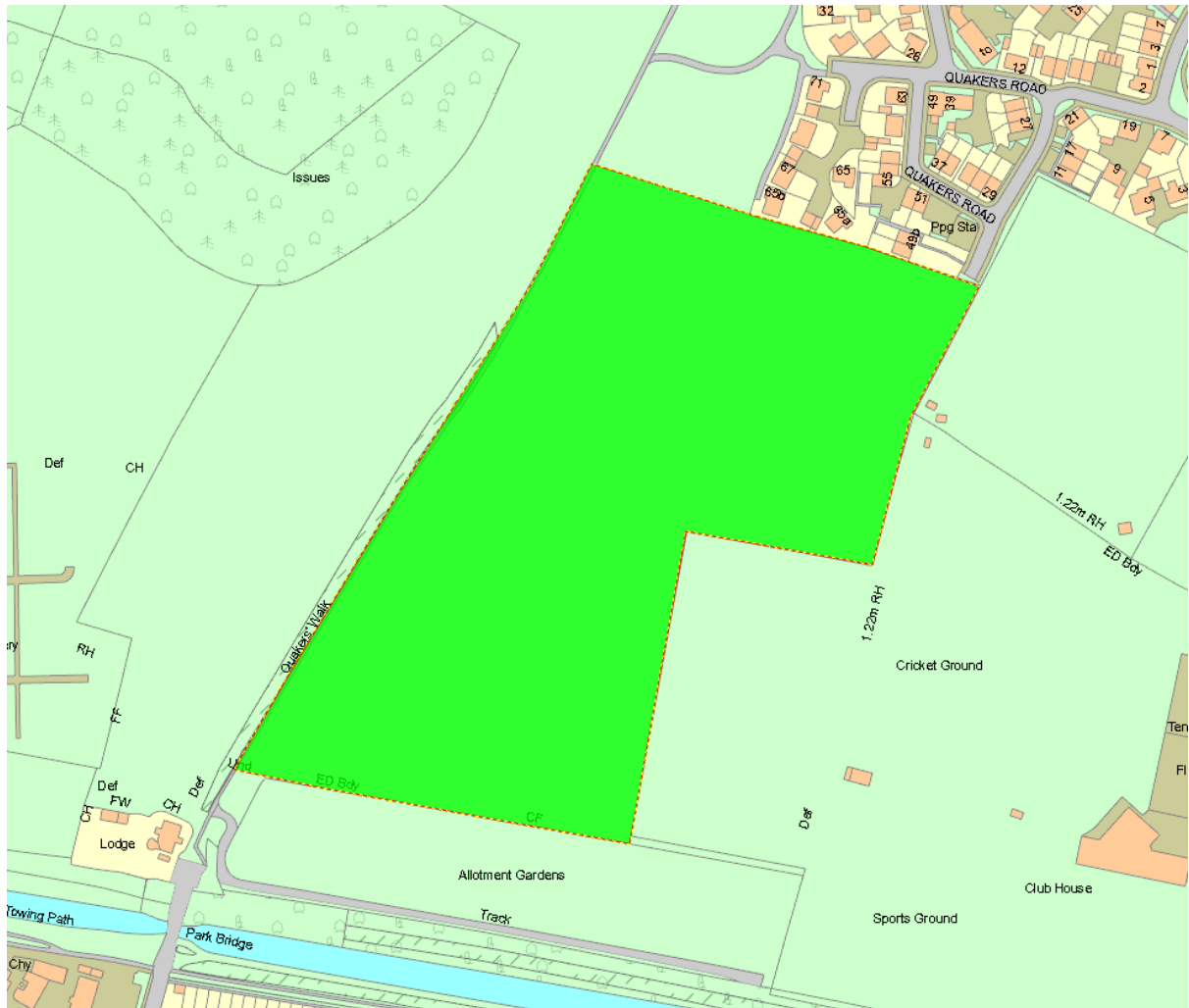
<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

21 INFORMATIVE TO APPLICANT:

The reserved matters application(s) should take into account the comments of the Council's Urban Design officer which are viewable on the Council's website.

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15/01388/OUT - Land at Quakers Road Devizes



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.2

Date of Meeting	6 th August 2015
Application Number	15/04373/FUL
Site Address	Land at Gunsite Road, East Kennett, Wiltshire, SN8 1QF
Proposal	Retention of use of stables as reception area for clay pigeon shooting. Use of the land for clay pigeon shooting for up to 28 days in any one calendar year. Retention of associated clay pigeon paraphernalia.
Applicant	Mrs Alison Jones
Town/Parish Council	EAST KENNETT/ALL CANNINGS
Division	URCHFONT AND THE CANNINGS/WEST SELKLEY
Grid Ref	411589 168120
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

1. Purpose of Report

This application is brought to committee at the request of Divisional Member, Cllr Milton.

2. Report Summary

To consider the recommendation that the application be granted planning permission subject to conditions.

3. Site Description

The application concerns land at Gunsite Road, East Kennett. The application site is part of a wider agricultural holding. However, the field has not been used for agricultural purposes for some time with its former use being a motocross track.

The site is accessed off the A4 to the south from West Kennett along a single track land (Gunsite Road) before branching into a private track that leads to a small cluster of farm buildings located adjacent to the shooting field.

In planning policy terms the site lies in open countryside adjacent to the Avebury World Heritage Site. The site and its surroundings also lie within the North Wessex Downs Area of Outstanding natural Beauty.

Below is a map of the location of the site and photographs.





Reception Area



Toilet Block



One of the clay pigeon traps



One of the wooden shooting stalls



One of the metal shooting stalls



Fencing and gun rack/stand

4. Planning History

- ENF2009/00072 Query on legality of Motocross race competition. Complaints regarding advertisement, noise impacts and other associated impacts
- E/2010/00073/ENF Unauthorised motorcycle meetings

5. The Proposal

The application is retrospective. It is seeking to retain the use of a stable block as a reception area for the existing clay pigeon shoot. The application is also seeking to retain the permanent siting of a toilet block and associated clay pigeon shooting paraphernalia (e.g. traps, stalls). The proposal is also seeking to use the land for 28 days in any 1 calendar year for clay pigeon shooting (a

calendar year being the 1st January to the 31st December). The use of land for up to 28 days in any calendar year for purposes including clay pigeon shooting is already authorised by permitted development rights, with the provision of 'moveable structures' for the use.

6. Relevant Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 50
- CP 57
- CP 59

National Planning Policy Framework 2012 (NPPF)

7. Summary of consultation responses

East Kennet Parish Council

Objects to the applicant on the grounds that it has an adverse impact on the noise of the area to the detriment of the villagers, that it will harm the character of the AONB and that it has an unsuitable access with high volumes of traffic.

Avebury Parish Council

Objects to the application on the grounds that it causes traffic problems and congestion on the A4, that there are nearby shooting grounds thus quashing the need for this to be approved and that it will damage the peace and tranquillity of the AONB and WHS that their respective management plans set out to achieve.

Wiltshire Council Highways

No objections. The use of the site will not introduce a significantly increased volume of traffic over and above what could be exercised under permitted development rights.

Wiltshire Council Public Protection

If the applicant were to confirm that the shooting itself would only take place on, say, 15/16 days a year and would also provide detailed information as outlined below, which could be subject to conditions, then their opinion may be different.

The number of stands and the directionality of the shooting would also need to be stated and agreed.

It would be useful for them to confirm the details of what took place on 10th May 2015 for completeness.

If this detail with regard to the exact mode of operation can be submitted to public protections satisfaction, then they may then consider recommending a temporary permission of 2 years to test the impact on the locality, but based on the information submitted to date, they maintain an objection on noise grounds.

Wiltshire Council Rights of Way

The Highway Authority have powers under section 130 of the Highways Act relating to nuisance. The chartered institute for Environmental Health guidance on noise control which suggests measures that the applicant can take

to minimise the noise nuisance, for example; site location and forming buffers and signage.

Wiltshire Police

With regard to your enquiry, the Clay shoot run by Mr Pontin at East Kennet was granted a certificate in 2011 by ourselves and is due for re inspection in December of this year. The site was deemed to be suitable. The focus for this department is that of safety which on this occasion, all the requirements have been satisfied. It is understood that there is some local resistance to this shoot, which is not an issue which falls within our remit. It is imagined that any legislation regarding noise would fall under the environmental health department of the local council.

8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbouring parish councils. Representations have been received both against and in favour of the proposal. A summary of the points raised is highlighted below.

Supportive letters

- It meets the requirements of the governing body
- It is an excellent facility that helps feed into the Olympic disciplines and is not comparable to other local facilities
- There are other users of surrounding fields that use the land for shooting so this is not an exception
- Noise impacts are not significant

Objection letters

- Detrimental noise impact
- Unsuitable access and large volume of traffic causing danger to highway network
- Back up off traffic on junction with A4
- Danger to users of the bridleways and single track lanes on approach to the site
- Increased litter after shooting takes place
- Effects tourism within the area as attractions become undesirable to visit during shooting times
- Permanent facilities would increase the use of the site and the volume of traffic to and from it
- Goes against the objectives of the management plans for both Avebury and the AONB where the desirability to provide tranquillity and peace is a clear aim
- Nearby shooting facilities so why do we need another

9. Planning Considerations

Fall-Back Position vs Current Position

9.1 Permitted development rights, like extant planning permissions provide a fall-back position that is a very important material consideration in the planning decision making process.

9.2 It is therefore pertinent that the local planning authority considers the relevant fall-back position which, for this case, would be under current permitted development rights. Schedule 2, Part 4 Class B of the Town and Country Planning (General Permitted Development) Order 2015 permits:

“The use of any land for any purpose for not more than 28 days in total in any calendar year, of which not more than 14 days in total may be for the purposes of

- a) the holding of a market;*
- b) motor car and motorcycle racing including trials of speed, and practising for these activities,*

and the provision on the land of any moveable structure for the purposes of the permitted use.”

9.3 These permitted developments rights allow clay pigeon shooting to take place on the land the subject of this application for 28 days in total in any calendar year without any control from the local planning authority. Therefore, if the site was to be run as a fully mobile operation, and nothing was to remain in situ on the site in the intervening periods between the temporary uses occurring, then the Council could expect the following to occur.

- The same number people could show up for competitions, trials etc.
- The same number of vehicles could show up and park in the adjacent fields
- The same level of noise could be generated from the shooting
- The same number of shots could be fired

9.4 All of the above could occur at the same level as existing or indeed at a higher level for 28 days a year without the control of the local planning authority.

9.5 The current application seeks permission to use the field for shooting for no more than 28 days in any 1 calendar year – a calendar year for the purposes of this application being the 1st January to the 31st December. The only variation from permitted development being the permanent siting of the paraphernalia used to facilitate the shoot e.g. the clay traps and stalls remain in situ in the intervening periods between when shooting takes place.

9.6 Taking account of the fall-back position vs the proposal, it would appear that with regards to noise, disturbance and vehicular traffic there is potentially very

little difference. In planning terms, the difference between the fall-back position and the current proposal would not be considered materially different such that a refusal of planning permission could be justified. Whilst the tranquillity of the AONB and adjacent Avebury World Heritage Site may be threatened when shooting takes place, it must be noted that this is a countryside pursuit that takes place over the wider AONB largely operating under the 28 day ruling. As such, and given the fall-back position this would not be grounds to refuse the application. With regards to noise impacts in general upon the amenities of the residents of East Kennett, it is noted that the Council's Public Protection Team have objected to the proposal. However, the Council as local planning authority has to have regard to the permitted development fallback position which in terms of the number of days use is not materially different. It is however appropriate to state that the granting of planning permission does not affect the Council's Public Protection Team from taking action under other legislation (e.g. Environmental Protection Act 1990).

- 9.7** It has been suggested that the provision of toilets and a reception area would encourage more people to attend the site on shooting days. Thus allowing this application would have a material impact on the amenities of the surrounding area over and above the use of the site under permitted development. However, there is nothing to stop these facilities being brought on the site in a mobile capacity on the days to which shooting would take place – which would generate more traffic than if the existing building were to be allowed to be used for these purposes. Furthermore, the granting of planning permission would not affect the rights of the Council's Local Area Highways Officer to act upon any significant issues with regards to congestion on the A4 or obstruction of Gunsite Road.
- 9.8** Conditions will be required to control the number of days the shooting takes place i.e. 28 days. Further conditions will be required to ensure the applicant maintains a register of all shooting days and that this is made available for the local planning authorities' inspection at any time. Also, in the interest of the amenities of the village (East Kennet), recreational shooting right granted under permitted development needs to be removed for the rest of the agricultural holding.

Operational development

- 9.9** The application is also subject of operational development which is listed below for ease of reference.
- The change of use and minor external alterations of stables to a reception area for the clay pigeon shoot
 - The permanent siting of a toilet block (portaloo structure)
 - The erection of clay pigeon shooting paraphernalia (traps, stalls, fencing)

- 9.10** This development needs to be assessed primarily in relation to the visual impacts, with particular reference to the landscape character and scenic quality of the AONB and the setting of the Avebury World Heritage Site. With reference to these two issues, the application should only be refused if the following applies:
- a) The landscape impact of the development would be significant.
 - b) The development would cause harm to the Outstanding Universal Value (OUV) of the World Heritage Site (WHS).
- 9.11** Due to the relative isolation of the site, it is not considered that the operation development listed above would give rise to neighbour amenity impacts (i.e. loss of light, privacy, overbearing impact) nor would it justify a refusal on design grounds (for the most part the development listed above is of a standard/acceptable design with an appropriate choice of materials).
- 9.12** The use of the former stables brings back to life a redundant agricultural building that is of a size that is not fit for modern day agricultural needs. The NPPF at paragraph 28 is supportive of the diversification of agricultural businesses through the conversion of existing buildings. The Council considers the re-use to maintain the vitality of the building avoiding the likely path of it falling into a state of neglect and disrepair. The latter would obviously detract from the character of the area. The use maintains the character of the agricultural building with only minor external alterations and it remains associated with a small cluster of agricultural buildings. As such, the landscape character and visual qualities of the AONB would not be significantly harmed by permitting the use of the stables. Furthermore, as it is an existing building it does not cause any further physical harm to the OUV of the Avebury WHS.
- 9.13** The toilet block is situated between two agricultural buildings and is therefore, not readily visible within the landscape. It is sensitively positioned such that its impact on the surrounding area will be minimal. In light of its positioning the intervisibility between the toilet block and WHS is very limited. As such it does not cause physical harm to the OUV of the Avebury WHS.
- 9.14** The clay pigeon paraphernalia is situated in the field where the shooting takes place which owing to previous uses is somewhat undulated with manmade bunds and mounds. The undulating form of the land helps soften the impact on the surrounding area. In any event, the structures are small and largely made from wood, save for a couple of metal stalls and therefore, do not stand out as visually intrusive development. Whilst it may be possible to see some of the development from more distance views along bridleways, due to higher ground, it is not considered that it causes a level of significant harm that would warrant a refusal. The landscape character and scenic quality of the AONB is not materially harmed does it cause physical harm to the OUV of the Avebury WHS.

- 9.15** In summary, the operational development listed above would not give rise to any harmful landscape impacts nor would it impinge upon the setting of the Avebury WHS.

Other Issues

- 9.16** There are existing public rights of way (PRoWs) that run near to the site. Concerns have been raised regarding the safety of the users of these rights of way when shooting is taking place. The Council's Rights of way Team have the powers to act upon any nuisance/danger that is presented to users of public highways. The granting of planning permission does not affect this right. It must also be noted that the Clay pigeon Shooting Association have inspected the site on the 3rd December 2014 and they would have taken account of the constraints of the site including areas where public have the right to pass. The site has also been inspected by the firearms licensing section of Wilshire Police when issuing a section 11(6) exemption certificate.

10. Conclusion (The Planning Balance)

The use of the site for shooting for up to 28 days in any 1 calendar year would produce a level of amenity impact (e.g. noise, disturbance and traffic) that would be broadly comparable to if that use occurred under current permitted development rights. As such, and with regards to this valid fall-back position, it is not considered that there are grounds to refuse the application as the amenity impacts would not be materially different.

The use of the stables as a reception area, the siting of a toilet block and the clay pigeon shooting paraphernalia cumulatively do not amount to significant harm upon the AONB landscape. The level of physical development is modest and the undulating land form helps soften the impacts and reduce intervisibility. For the same reasons, the operational development listed above will not cause any physical harm to the OUV of the Avebury WHS.

RECOMMENDATION – Grant planning permission subject to the following conditions;

- 1 The land edged in red on drawing No. SC 1096 - 02 Location Plan shall not be used for shooting for more than 28 days in any 1 calendar year - the calendar year running from the 1st January to the 31st December. For the avoidance of doubt, the number of days used for shooting in the calendar year 2015 shall not exceed 28.

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents and people enjoying the nearby recreational routes in the AONB.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no recreational

shooting on the land edged in blue on drawing No. SC 1096 - 02 Location Plan.

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents.

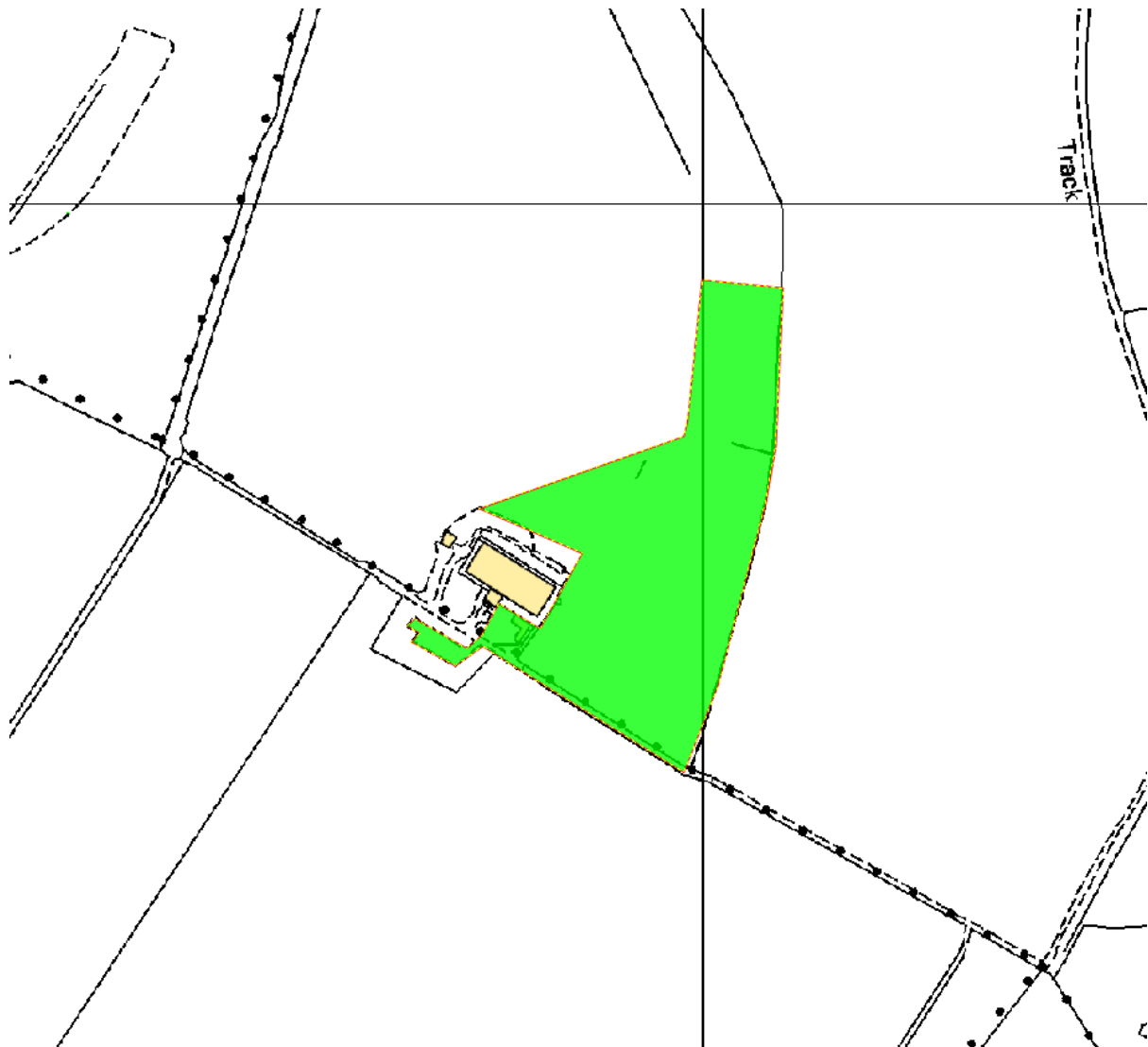
- 3 The landowner shall maintain an up-to-date register of all the shooting that takes at the site, and shall make such information available at all reasonable times to the Local Planning Authority.

REASON: To ensure the use of the site for shooting purposes does not exceed the permitted 28 days.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: Application Form, Design and Access Statement, Site Plan and Building Plan. Plan Ref: SC 1096 - 02 Location Plan.

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



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