

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	3 November 2022
Application Number	PL/2022/00867
Application type	OUTLINE – ALL MATTERS RESERVED EXCEPT ACCESS
Site Address	Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD
Proposal	Outline planning application for residential development of up to 59 dwellings together with access and associated works. (mix of units to be determined by Reserved Matters) - All matters reserved except access.
Applicant	Square Bat (Property) Ltd
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES SOUTH – Cllr Simon Jacobs
Grid Ref	399783 160932
Type of application	Outline Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been 'called in' by the Division Member, Cllr Simon Jacobs, as part of the site lies outside of the settlement boundary, insufficient secondary school places exist, the loss of green open space would undermine the character of the area, extra pressure on local highway network, impact on wildlife species, the irreversible and irreparable damage to the landscape and impact on the development site from the treatment works.

1. Purpose of Report

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

2. Report Summary

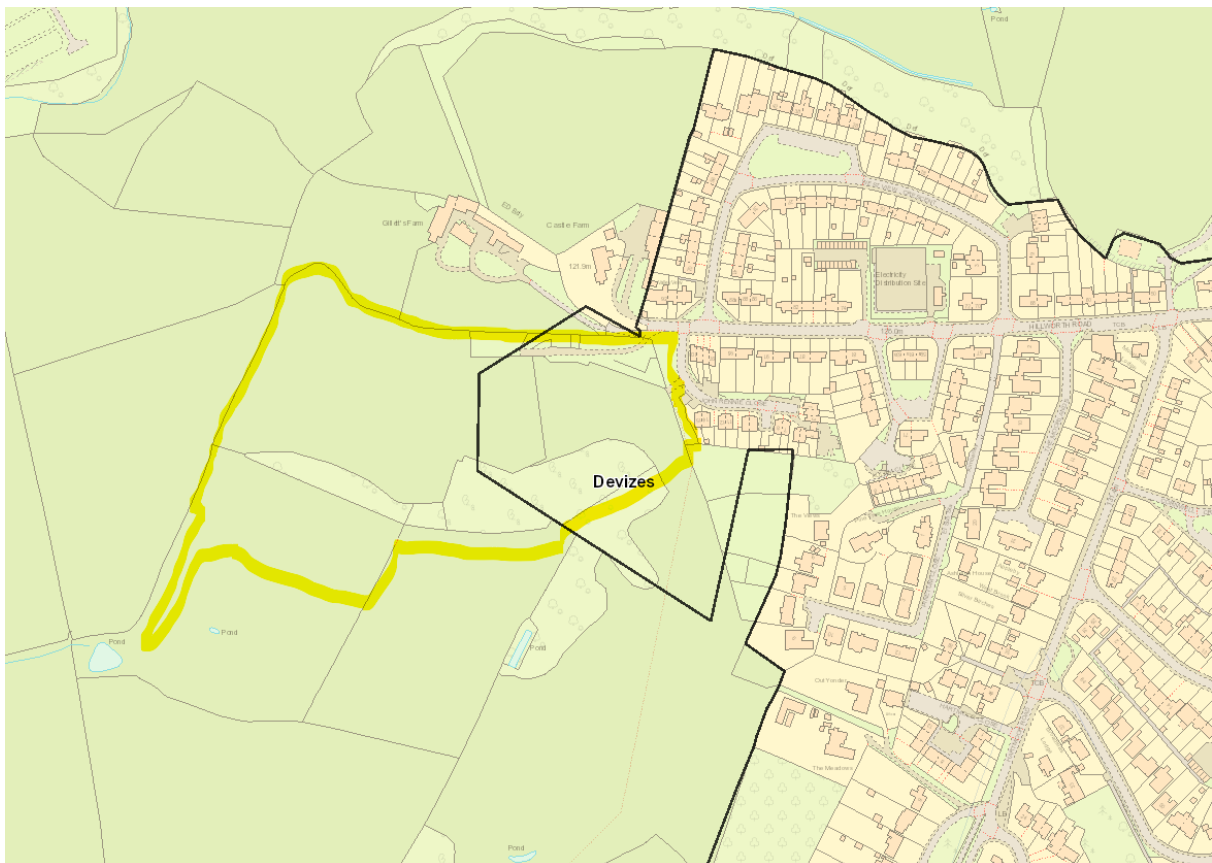
Concerns have been raised at the impact on the environment, the impact on highway safety, the lack of facilities to accommodate the development and conflict with the policies of the area. The planning database recognises 112 letters of objection, although some of these will be repeat correspondence following re-consultations, however, it is clear that there are local concerns to this development. Whilst the concerns raised are acknowledged and have been taken into consideration in the preparation of this report, it must also be highlighted that part of the site is included within the Devizes Area Neighbourhood Plan, which was approved following public consultation, for a development of 47 dwellings.

The main points to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design in terms of layout (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)
- Whether the site can be adequately drained (CP 67)
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64)
- Are there any other planning issues raised by the development
- What planning obligations are required to make the development acceptable in planning terms

3. Site Description

The site is approximately 4.3ha in area and is located on the south-western edge of Devizes, with the north-eastern part of the site within the settlement boundary and this edge adjoining the Devizes Air Quality Assessment Zone.



Site location – bold black line equates to settlement boundary for Devizes.

The site comprises several agricultural grassed fields bounded by a mixture of fencing, hedgerow and mature trees. The topography of the land slopes down across the site from east to west, with a plateau in the north/east and which slopes steeply down to the south to the lower paddock. Access would be from 'John Rennie Close' which itself is accessed from 'Hillworth Road'. To the east of the site are existing residential properties.

Approximately 230 metres northwest of the site is a sewage works, 450metres to the northeast is Devizes castle, and 700 metres northeast of the site Devizes town centre. The site is not located within either Flood Risk Zone 2 or 3.

4. Planning History

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

5. The Proposal

This is an outline planning application for the development of the site for up to 59 dwellings with associated access, and all other matters pertaining to appearance, landscaping, layout and scale are reserved for future consideration. The proposed means of access is to the northeast of the site onto John Rennie Close.



Illustrative Masterplan

The application has undergone amendments and revisions, including a reduction in numbers of units from 65 down to 59, following points raised on the scheme. The recommendation before the Council is based on this revised scheme.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP12 – Spatial Strategy for the Devizes Community Area
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life

- CP49 – Protection of rural services and community facilities
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

Wiltshire Waste Core Strategy

- WCS6 (Waste Audit)

Saved Policies for the Kennet Local Plan

- HC34 Recreation Provision on Large Housing Sites (saved Kennet Local Plan policy);
- HC37 Demand for Education (saved Kennet Local Plan policy).

Devizes Area Neighbourhood Plan (2015)

- Policy H1 – Settlement Framework Boundary;
- Policy H2 – Built Environment and Sustainability;
- Policy H3 – Site Specific Allocations;
 - o Site 532 – Land at Hillsworth Road: -
The site was recognised as falling within 800m of the town centre and within a 10 minute walk to public transport. The site is located approx. 487m to a public open space and 1295m to a primary school. The site was allocated for 47 dwellings.
- Policy E1 – Education;
- Policy T1 – Getting Around;
- Policy ESD1 – Environment and Sustainability.

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).

Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) and associated Landscape Character Assessment (1999).

Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

7. Consultation responses (a summary of the comments provided)

Devizes Town Council: Object; on the grounds that:

1) The plan contravenes CP1 of the Wiltshire Core Strategy and is contrary to the neighbourhood plan

- 2) Access to Hillworth Road from Longstreet is not appropriate for the extra journeys added by this development
- 3) The proposed junction scheme between John Rennie Close and Hillworth Road uses unregistered land not in the control of the developer.
- 4) The development would significantly impact on wildlife species and habitats including those of red and amber list birds, bats, and protected species
- 5) There would be irreversible and irreparable change to the landscape in contravention of policy CP51 which seeks to protect, conserve, or enhance the landscape
- 6) The plan for providing affordable rented and shared ownership properties does not match the requirement set by Wiltshire Councils Housing Team with no provision of a 4 bed home
- 7) Two properties have outdoor amenity space still within the Wessex water 250m buffer zone
- 8) The sniff test should be carried out again in summer months with the wind blowing from the Sewage works as in the first test.
- 9) The site contains street lighting against the recommendation of Wiltshire Councils Ecology department and the Dark Corridors do not comply with the guidance given to exclude paths.
- 10) The site sits on a high vulnerability principal aquifer which is at risk of contamination, there is an increased risk of groundwater flooding, and the area is in a nitrate vulnerable zone.

Wiltshire Council Highways: Comments from the highways team do not raise objections to the proposed scheme

Site is allocated within Neighbourhood Plan for residential (47 dwellings), the additional increase in number would not be considered a significant increase. The application includes a thorough transport statement (TS) which has been developed as previously scoped with the highway authority. The TS considers traffic generation in a robust manner so the number of trips will be somewhat overestimated. On this basis the development can be expected to generate between 29 and 32 trips in each peak hour (where a trip is a one-way motor car movement). This equates to about one extra vehicle every 2 minutes along Hillworth Road. Hillworth Road is considered able to cope with this degree of extra traffic.

The TS examines the impact on the junction of Hillworth Road and Long Street and identifies that there likely only be minimal delays for traffic using this junction. It is agreed that this would not be grounds for refusing the scheme.

The existing highway infrastructure can accommodate the proposed traffic movements. The junction is close to the existing junction of John Rennie Close and Hillworth Road but, it is considered that the proposed geometry and likely traffic speeds would not lead to a highway safety issue. There is adequate forward visibility for vehicles to manoeuvre at the junction and intervisibility between drivers and pedestrians.

Due to the level difference between the site and adjoining highway, details will need to be provided to demonstrate an access of no more than 1 in 15; this shall include a cross section and drainage details.

In regard to connectivity the location is within walking distance of bus services and the town centre and cycling distance of the vast majority of Devizes. However, there is limited opportunity to widen footways etc due to the restrictions in extent of highway. As such the applicant will be expected to agree to contributions to mitigate the impact of the development in terms of sustainable transport.

The proposal will increase the number of car trips travelling in the Devizes Air Quality Management Area and will be likely to exacerbate the existing areas of poor air quality in Devizes by adding car trips. In line with Core Policy 55, it will be necessary to demonstrate how emission levels can be effectively mitigated.

In accordance with Wiltshire Council's Travel Plan Guidance, as the development exceeds 40 dwelling units, there is a requirement for a Residential Travel Plan to be submitted. The provision of suitable charging points for electric vehicles should be provided. Within the site the applicant should ensure that parking meets minimum adopted standards, tracking for refuse vehicles is demonstrated. Road widths and geometry meets adoptable standards.

Following the submission of further details, I am happy that the information provided meets my previous requirements. Any permission will require the application of a Construction Management and Method statement.

The changes to the current road arrangement and the new junction can only take place once the applicant has entered into a S278 agreement with the Local Highway Authority.

Wiltshire Council - Lead Local Flood Authority: Support

Wiltshire Council Affordable Housing: No objection, subject to S106

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 59 new homes, the on-site affordable housing requirement would be for 18 affordable homes of which we would seek 60% as affordable rented homes i.e., 11 homes and 40% as shared ownership homes i.e., 7 homes. The property type and tenure mix that has been proposed by the applicant is generally acceptable but, some changes are required and also note that the introduction of First Homes could mean that there is a change to the number and mix of Shared Ownership homes. From the affordable rented mix the provision of an M4 compliant property will be required.

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

Wiltshire Council Education: Comments; revised S106 requirements:

DESIGNATED AREA PRIMARY/IES:

- *Southbroom Infants School and Southbroom St James Academy (juniors).*
- *The other town primaries: Nursteed, St Joseph's RC, the Trinity and Wansdyke are also within 2 miles safe walking distance of the development site.*

DESIGNATED AREA SECONDARY/IES:

- *Devizes School is the designated secondary serving the Devizes area, and no other secondary lies within a 3 miles safe walking distance of the development site.*

EARLY YEARS ASSESSMENT DETAILS:

- *There are currently 6 preschools and nurseries and 4 childminders within a two-mile safe walking route of this proposed development.*

The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision, based on the qualifying properties.

I've now reviewed the amended plans for this application and note that the number of units proposed has reduced from 65 to 59. There are now 17 affordable housing units, five of which

are one bed size. This has necessitated a review/revision of our S106 requirements in line with the new data supplied.

I have re-calculated, as follows:

Early years = remains unchanged at 7 places x current cost multiplier of £17,522 each = £122,654

Primary school = remains unchanged at no S106 requirement

Secondary school = is reduced by 1 place to 11 places at the current cost multiplier of £22,940 each = £252,340

Wiltshire Council Public Open Space: Comments;

On site POS (for casual, play and sports areas) and financial contributions towards the provision and/or upgrading of playing pitch and ancillary services within the area will be required.

Wiltshire Council Public Protection: Comments; concerned with regard to the close proximity to Devizes Sewage Treatment Works and the potential for loss of amenity due to odours and/or flies.

The sewage treatment works has been identified by Wessex Water as being potentially high risk for Chironomidae fly species. The risk to the potential high sensitive receptors (future occupants of proposed houses) in this specific case is also increased as the proposed residential development is on a higher elevation than the sewage treatment works and it is possible that a number of properties would have a view of the sewage treatment works. I understand this is potentially problematic due to the helical swarms this fly species forms.

Reiterate the requirements that Wessex Water have stated and recommend conditions are included, should planning permission be granted. Should the recommended conditions not be included in any planning permission granted then this may result in a detrimental impact upon amenity.

Wiltshire Council Ecology: No objection subject to conditions

Following an initial objection, the revised/additional submitted details satisfy the questions raised.

Wiltshire Council Urban Design: Comments

DAS – Good, sincere context analysis, which is welcome. And, as is expected, the design concept and parameters do relate back to it. Applicant has engaged constructively with the LPA throughout, taking on board my early pre-app advice and so the plans are close to what was hoped for and I am satisfied they should make a good set of parameters for a good quality, distinctive REM scheme.

Masterplan - Design might have sought to incorporate some blue infrastructure closer to the public realm i.e. at location #16 on the masterplan. The slopes offer creative opportunities for water i.e. multiple weirs or stepped pools. Might the applicant consider a slight amendment to Landscape parameter Plan to address this?

Landscape Parameter Plan should break down type of open space into more detail i.e. orchard, wildflower meadow, allotment etc. (use the public engagement as the reference). This will be useful for comparing mown recreation space with other types of open space. An additional small attenuation start could be added into a recreational space.

Density plan – switch high for higher, or give averages as per DAS

Access parameter plan – identify what the large infrastructure area is, in the NW corner. From other plans it appears to be a pump station but not clear why such a big footprint and so much hardstanding shown; can the indicative plan improve that?

Conclusions –

The mix appears to be equal amount of 3 bed and 4 beds. Strictly, this is not in accordance with the SHMAs data on local need, and so wouldn't be CP45 compliant.

However, as they take up more rather than less space, I am comfortable that a CP45 mix could be similarly accommodated at REM. However, an informative might be useful so that there is no surprise about viability if the REM applicant is unable to produce evidence to justify not having more 2 and 3 bed market homes.

For that reason I'd have no design objection since its an outline for Amount and Access only, with detailed matters to be resolved later. the issues I raise above would improve the clarity of the outline but not change it in any fundamental way, and so I'll defer to the case officer on whether to delay the consultation to have the addressed.

Any permission should also include an other informative that the design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38)

AS per my previous comments, I have no objection to the proposal, and had only a few suggestions which have satisfactorily been considered. This application satisfactorily complies with CP57.

WC Landscape Officer: Comments

There was a lot of pre-application discussion on the layout of these proposals as documented in the DAS. The latest iteration of the illustrative masterplan and the supporting cross sections in the DAS shows that the designed layout is achievable.

The following points raised in pre-app response:

- There will be a loss of Grade 1 land (BMV) – this will need to be considered in the planning balance, however as part of the site was identified as a potential housing site its loss has been accepted.*
- LVA – Have the views influenced the plan? From what I can ascertain from the documents submitted the LVA shows that there are limited views from the public realm, and these are mostly filtered through existing vegetation. In terms of views out the DAS acknowledges the panoramic views from the site but not necessarily a design principle. However, by placing some of the open space on the higher ground offers an opportunity to take in the view.*
- Drainage solutions – There is an indicative attenuation pond to the southern part of the site but little detail on the journey of the surface water. This will be a matter for detailed design at reserved matters.*
- Paul also requested that a detailed overlay be submitted at REM showing the relationship between tree locations and street lighting service and info on soil volumes. This is to help avoid future conflicts where trees might be removed thus lowering the quality of the environment and potentially removing mitigation.*

The application included a LVA that has been prepared to current best practice and is proportionate to the scale of the development. There will be an obvious change in character

to the site from agricultural greenfield to urban housing development. It is considered that this change will be adverse, reducing to neutral, through designed mitigation and experienced at a local level.

In terms of visual effects most views from the public realm are filtered. There will be direct views into the site by pedestrian and motorists on Hillworth Road and John Rennie Close, and potentially from individual residential properties within a 1km distance from the site. The report concludes that while these visual effects are adverse, they are localised and will reduce to neutral with the maturation of the landscape scheme.

Wessex Water: Comments

The information submitted has now been reviewed by our Regional Scientist and we would comment as follows: -

We can confirm that the submitted odour assessment, Odour Sniff Test note: Hillworth Road, Devizes, ref: P1102A_O3-2 Reve 02, dated 11 July 2022 has been carried out to Wessex Water procedures. The developer has taken onboard our advice and removed 6 residents units from the North West corner of the proposed development site which were all within the odour buffer zone. The odour modelling has included a 20m buffer on the 30UE radius and the developer has redesigned the layout so that properties do not look out over the sewage treatment works.

The odour model does not currently predict that proposed residential property is likely to complain due to odour levels from site. Therefore, Wessex Water would remove their objection currently in place on odour grounds to the proposal. However, it is important to advise, that It should be noted that even though the objection is being removed with any development close to a sewage treatment works there remains the risk of odour complaints being received

Any subsequent changes to the layout must be reassessed. Please note that where sampling point 9 was is to be a sewage pumping station .

We understand the developer is using a 250m buffer zone in regards to potential fly nuisance. It is important this 250m buffer zone is maintained.

Wiltshire Council Archaeologist : No objections

I would draw your attention to the file entitled 'Archaeological Evaluation Report' that has been added to the supporting documentation attached to this application. This report details the results of an archaeological evaluation carried out across most of the site in February 2022. These investigations concluded that a small number of ditches and pits were found across the site. The majority of these features were undated, although a small amount of late prehistoric pottery was recovered from one ditch and others contained post-medieval/modern artefacts. The majority of the undated and post-medieval/modern ditches are on the broad alignment of the extant field system and presumably represent former elements within that system. Overall the archaeological potential of this part of the site is negligible and I would therefore not wish to raise any further archaeological issues in regard to the proposed development here.

Wiltshire Police Crime Prevention Design Advisor: Comments

Concerned at proposed hedgerow planting to boundary features and not the provision of robust fences. Hedgerow not sufficient to provide secure boundary treatment. Proposed boundary should be of 1.8m high fences with lockable gates. This is supported by policies of the NPPF and WCS

Wiltshire Council Waste and Recycling: Support, subject to condition and subject to financial contributions secured through a S106 money to provide waste and recycling containers for each dwelling.

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

Waste Management will need to see vehicle tracking to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside.

Support the application with conditions that future submitted plans detail the requirements as set out in the draft SPD.

The financial contributions requested is set out in more detail within the report.

Environment Agency: No comments received

8. Publicity

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. The following is a summary of the issues raised by members of the public / third parties: -

- Reduction in number of units does not resolve the issues
- Outside town boundary
- Not within Neighbourhood Plan
- Set a precedent
- Not gone through the process of the current Local Plan review
- Agricultural land
- Loss of agricultural land
- Loss of grazing land
- Brownfield should be built on first
- No need for new housing here
- Lack of affordable housing
- Impact / loss of protected species and habitats
- Sites location to Drews Pond Local Nature Reserve (CWS) suggests more significant ecological issues
- Greater surveillance needs to be carried out for protected species
- Many species across the land, bats, birds, Red Kytes, tawny owls, badger sets etc
- Area of natural beauty
- Disappointed at the number and type of bird boxes proposed, there should be one per dwelling
- Green space used for agriculture
- Protect green belt and wildlife
- Potential for impact on bats means that an appropriate assessment should be carried out and alternative options considered first
- Destruction of local wildlife and hedgerows
- Impact on the character of the area
- Incursion into a rural landscape
- Topography of land makes the site unsuitable for development

- Extensive landscaping required to support the construction work
- Insufficient services / facilities to cater for proposed occupiers
- Properties will be unaffordable for locals
- Issues with the transport plan – does not work
- Inadequate traffic survey
- Poor public transport options and poor cycle options – means shift to sustainable mode of transport not achievable
- Highways inadequate to accommodate increase in traffic movements
- Highways already congested
- On street parking renders the existing highway a single carriage way
- Lack of parking
- Increase in traffic will impact on highway safety
- Increase in cyclists through development will impact on existing commuters
- Inadequate access for emergency vehicles
- Conflict between Hillworth Park users and traffic
- Conflict between pedestrians and increase in traffic
- Junctions inadequate to cater for increase in traffic, including construction vehicles, without causing congestion
- Highways comments questioned
- Impact on heritage assets by large vehicles passing
- Historical area, of significance linked to the Castle
- Site forms part of medieval deer park, associated with the castle and there are archaeological features beneath the ground in this area
- Impact on air quality
- Impact on health through air pollution
- Land should be retained for carbon capture
- Light pollution / loss of dark skies
- Sewerage treatment plant is of concern relating to odour and flies
- Is sewage system adequate to cope with increase
- Impact on the amenity of local residents during construction phase through noise and dust pollution
- Dangerous roads through mud being dragged on by construction vehicles
- Impact on highway safety through construction traffic
- Impact on existing residents from anti-social behaviour from occupiers of Council Housing
- Flood risk
- Rain water runoff issues
- Loss of green space for local children
- Who will be responsible for the proposed pond and wildlife area
- The Devizes Area Plan (DAP) states that this site is tangible for 47 houses, if 59 dwellings are approved what is the point of the DAP
- Surprised at the initial allocation of this site
- Insufficient notification of application

Trust for Devizes –

“1. The proposal conflicts with the Neighbourhood Plan (NP), by extending development well outside the defined development limits, and outside the NP allocated site. It therefore conflicts with policies CP2 of the Core Strategy and H1 and H3 of the NP. It furthermore conflicts with the spirit of the NP, which set criteria for the allocation of sites for housing development to keep Devizes a walkable and cyclable town. The W part of the site is 20m (66 ft) below Hillworth Road, a major disincentive to walk or cycle from the site into the town. It is also more than 20 min walk from the Market Place. 2. It would also harm the landscape and countryside

of the Old Park Valley, by intruding outside and below the present built up area, with widespread impact on views from the W, and from the neighbouring Old Park and Bath Road/Avon Road ridges. 3. Access. Hillworth Road is effectively a cul-de-sac W of Hartmoor. There are about 160 houses which can only be accessed by Hillworth Road just W of Hartmoor. Adding the proposed houses, there would be 225, which would be sub-standard, as all those houses would be cut off by an incident on that stretch of Hillworth Road”.

CPRE –

“1. The site was originally allocated for up to 47 dwellings in the Devizes Area Neighbourhood Plan, with a sufficient proportion of affordable housing. The present application is for up to 18 further dwellings in addition to the originally suggested 47. Even 47 may no longer be considered acceptable in view of the housing developments and population growth in the Devizes area in recent years. A lower number of dwellings may now be more appropriate for this location.

2. The access to the site via the long Hillworth Road is usually restricted by parked cars. The junction with the main through route, Long Street, is narrow and visibility is very restricted. Access for emergency vehicles and construction traffic is compromised. The pavements at that end of Hillworth Road are narrow and it is not a good safe walking route.

3. The site is distant from shops and other amenities and thus not easily or conveniently accessed by non-motorised users.

4. There are concerns about the lack of employment opportunities in Devizes and the inevitable increase in out-commuting as a result. We would like to see positive efforts to widen job opportunities in the town at the same time as increased house building.

5. The proposed designs of the houses would be inappropriate for this edge of town situation on a prominent hill slope. Three-storey white-faced structures would be unattractively prominent in distant views of the town, the extensive fenestration also causing light reflection.

6. We note and share the significant concern of local people about urban sprawl and urge the Council to reject this application and, should development of the site now be considered at all, to ask the applicant to reduce the size of the proposals to a far smaller number of low-rise, well-spaced and attractive dwellings in a range of designs and sizes, including the appropriate proportion of affordable houses”.

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight on the planning balance.

Turning, therefore, to the development plan (the WCS), the site lies partly within and partly outside the Limits of Development of Devizes. Part of the site is, therefore, recognised as allocated land within the Devizes Area Neighbourhood Plan and Wiltshire Core Strategy and part falls within what is defined as countryside where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

- the site is to be considered under one of the council’s exceptions policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

In this case, part of the scheme is policy compliant and part of the scheme does not fall within any of the identified exceptions policies. The part of the site that falls outside of the LoD has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. Therefore, this part of the development does not comply with the requirements of Core Policies 1 and 2 of the WCS.

However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land, which is a material consideration. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy which is recognised as a sustainable location for this type of development. The site is well placed in good walking distance of the multiple facilities offered within this town.

9.2 Scale, Design and Layout

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

This is an outline planning application for the development of the site for up to 59 dwellings with associated access onto John Rennie Close / Hillworth Road with all other matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The precise details of the layout, density, design and appearance are therefore unknown at this stage; however, the application is supported by an indicative layout plan in order to demonstrate how the site could be developed and a series of context plans which demonstrate that a scheme can be developed with sufficient supporting infrastructure.



Illustrative Master Plan – for indicative purposes only

The layout of the proposed development (as shown in the 'illustrative master plan' above) has been the subject of public consultation and forms the basis for the determination of this application. This plan is for indicative purposes only and should not be construed as the final layout for the proposed scheme.

Whilst paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport and sustainable locations, the density of development at this site is of medium density (approx. 30dph) which in this instance is considered a reasonable level for this area and reflects the constraints of the site and the peri urban context within which the site is set. Policy H1 of the neighbourhood plan supports this approach of a reduction in density graduating from higher densities in a town centre location to lower densities on the urban fringe. In light of this and current government policy, it is considered that the proposal is for an appropriate density.

The scale and design of the proposal are for future consideration, however, the sketch plan clarifies a potential layout solution that responds to the constraints of the site. Comments received from the Urban Design Officer raise no objection to the proposal; whilst initially raising some suggestions, these have satisfactorily been considered within the further submissions. They consider that the design and access statement is good with a sincere context analysis, as is expected, the design concept and parameters do relate back to it. The applicant has engaged constructively with the LPA throughout, taking on board early pre-app advice and so the plans are close to what was discussed and they are satisfied that they should make a good set of parameters for a good quality, distinctive REM scheme. The mix appears to be equal amount of 3 bed and 4 beds. Strictly, this is not in accordance with the Strategic housing Market Assessment (SHMA) data on local need, and so wouldn't be CP45 compliant. However, as they take up more rather than less space, it is considered that a CP45 mix could be similarly accommodated at REM. An informative should be used to highlight this so that there is no surprise about viability if the REM applicant is unable to produce evidence to justify not having more 2 and 3 bed market homes.

The Urban Design officer raises no design objection since the application is in outline form with only amount and access for consideration and with detailed matters to be resolved later. Any permission should also include another informative that the design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38).

On balance, it is considered that the proposal is now acceptable, and the scheme is now at a stage where the proposal is considered to be in compliance with current local and national policy. The Council's lack of a 5 year housing land supply is considered in this instance a significant material consideration on the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the scheme is in broad accordance with the requirements of CP 51 and CP 57 of the WCS (2015). Any negative comments on matters of detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters will be considered in the interests of securing a high-quality build.

9.3 Landscape and Visual Impact

Concerns have been raised by local residents at the visual impact that the development of this site would have on the landscape and wider area. The loss of the green space would undermine the character of the area and the built form would result in irreversible and irreparable damage to the landscape, in contravention of Policy 51 of the WCS.

The site is agricultural in character and consists of grassland bounded by a mixture of post and wire fencing, mature hedgerow and interspersed with trees. Along its southern boundary is an existing mature tree belt, this ranges along the site's length on the steep sloping bank and divides the area proposed for built form from the proposed drainage feature on the lower land to the south.

Comments received from the Council's landscape team raise no objection subject to conditions relating to the provision of a masterplan, a planting plan, a tree and services plan and a landscape and ecology management plan. The site sits in the Berkshire and Marlborough Downs Countryside Character Area and on the boundary between the Greensands Vale (15A) and the Trowbridge Rolling Clay Lowland (11C) as defined by the Wiltshire Landscape Character Assessment. There are no local PRoW close to the site although local housing sits adjacent to the site to the east.

The scheme is supported by a LVA that has been prepared to current best practice and is proportionate to the scale of the development. There will be an obvious change in character to the site from agricultural greenfield to urban housing development. It is considered that this change will be 'adverse' within the site, reducing to 'neutral' through designed mitigation, and experienced at a local level.

In terms of visual effects most views from the public realm are filtered. There will be direct views into the site by pedestrian and motorists on Hillworth Road and John Rennie Close, and potentially from individual residential properties within a 1km distance from the site. The report concludes that while these visual effects are 'adverse', they are localised and will reduce to 'neutral' with the maturation of the landscape scheme.

Whilst it is acknowledged that there would be an initial adverse landscape effect to the site and thereby on the surrounding area, it is considered that over time, through proposed landscaping that any limited impact would decrease to neutral. The latest iteration of the illustrative landscape parameter plan and the supporting plans show that the designed layout is achievable, albeit it is outline stage. Details of the landscaping will be required at reserved

matters stage as will proposed drainage solutions. The indicative attenuation pond to the southern part of the site is accepted, however, the route of the surface water from the development site to this feature will be a matter for detailed design at reserved matters stage. Such detailing can further enhance the scheme. The site would be viewed in the context of the urban built form to its east and will incorporate existing trees along with enhanced planting to soften the boundaries.

There is the potential for a further adverse impact through the introduction of new external lighting within the site that would likely result in a slight / negligible increase in 'sky glow' from the existing settlement. It should be noted that the site does not fall within the vicinity of the AONB 'Dark Skies' or any other protected landscape and would form an extension to the existing built form with associated street lighting within this area. As such the impact is considered to be negligible and would not be sufficient grounds to refuse the application.

The landscape officer does not highlight any wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting and character of the area. It is agreed with the LVA findings that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself. It is further agreed that the visual changes arising from the proposed development will be localised with little effect on the wider character areas. The retention and replacement of boundary vegetation would filter and soften these views and as new vegetation matures will further reduce the visual effect over time.

Core Policy 51 requires all new development proposals to conserve Wiltshire's landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that an appropriate landscaping scheme could be conditioned to come forward at reserved matters stage, that would allow for this scheme to sit comfortably within this location.

9.4 Heritage Impact (Archaeology)

There are no listed buildings on or within the vicinity of the site and the Devizes Conservation Area is also far removed from the site. Comments relating to the site falling within a former deer park are acknowledged.

The application is supported by an Archaeological Evaluation (Cotswold Archaeology) and a Heritage Desk-based Assessment (SLR Consulting). The submissions have been carried out in accordance with best practices and concludes that there are no known designated heritage assets within the site and therefore none that could be affected by the proposal.

With regard to the setting of the conservation area and listed buildings; it is considered that the degree of separation from the site and the fact that there is no direct inter-visibility between the site and identified assets, not least given the topographic conditions and existing intervening modern built form, that there would be no impact on the setting of these assets.

An archaeological evaluation of the land was carried out, with a total of 22 trenches excavated across the site. The scope of this evaluation was defined by the Council's Archaeologist and the evaluation was carried out in accordance with a Written Scheme of Investigation (WSI) prepared by CA (2022) and approved by the Council's Archaeologist.

Comments received from the Council's Archaeologist, based on the submitted details, conclude that overall the archaeological potential of this part of the site is negligible and raise no archaeological issues in regard to the proposed development.

The public benefits associated with the scheme will be to provide a mixture of market and affordable housing needed for the area; the economic benefits for the area through the payment of CIL and council tax associated with the number of dwellings proposed. However, as there is no harm to heritage there is no requirement for the balance of public benefits against any heritage harm.

On balance it is considered that the proposed development would not result in an impact on any heritage or the setting of heritage assets within the area. Overall, the proposals would be consistent with the provisions of the Planning (Listed Buildings and Conservation Areas) Act (1990), Section 66(i), the NPPF, paragraphs 194-202, as well as the relevant provisions of the Wiltshire Core Strategy (2015).

9.5 Agricultural Land

From the Council's mapping data (ref. figure below), part of the land is noted as grade 1 agricultural land and part is grade 3.

Whilst the grade 3 land classification has not been defined as either a) or b) through soil testing, it is considered that with regard to the topography of the land that it is likely to be at best subgrade 3b.

The agent considers that the quality of the land is poor and at best fits into grade 4 in their professional view and this is consistent with the historic use of this land mainly due to the topography, drainage and restrictions on use of machinery hence its use for grazing which principally sits in these lower grades.

It is acknowledged that the land slopes steeply to the south, where there is an existing range of trees, and also slopes down to the west. As such, it is considered that the land suffers with severe limitations which would significantly restrict the range of crops and/or levels of yield likely off that land. This is reflected within the way that the land has been used for agricultural purposes for the grazing of livestock on.



*Site in relation to land classification designations – Orange: Grade 3, Yellow: Grade 1 and Blue: Urban.
The blackline denotes the settlement boundary for Devizes and the shaded area is the site.*

The area of Grade 1 land falling within the application site equates to c 2.26ha of which 1.36ha is allocated within the LoD; the site comprises a total area of 4.3ha, as such just over half of the site is grade 1 land and of that approximately 1ha is outside of the allocated LoD.

Grade 1 land is classified as the Best and Most Versatile Land (BMV). There will be a loss of Grade 1 land (BMV) and also Grade 3, however as part of the site was identified as a potential housing site and falls within the limits of development of the town, its loss has already been accepted. Natural England's concerns over loss of best agricultural land (BMV) generally only applies where areas greater than 20ha would be lost. The portion of land associated with this site falls well below that threshold and, therefore, its loss is considered acceptable.

9.6 Drainage

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). Concerns have been raised by local residents at the potential for flooding within this area and also at the discharge channel to the south of the site.

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The supporting topographic survey confirms that the site falls away from the high point (circa 121.5mAOD) in the northeast corner, towards both the east and south. The site steepens in proximity to the wooded hedgerows on the south boundary of the upper field, which is approximately level at circa 98mAOD. The northern part of the south-west field then falls from this level towards the south. The watercourse beyond the boundary sits at a level of circa 79mAOD.

The site is in Flood Zone 1, with the lowest probability of river or sea flooding. The EA mapping shows the likely routes of surface water flooding within the area and the FRA confirms that development would not take place in those areas. There is the possibility that Wessex Water assets may infringe on the southeast corner, however, no development would be proposed within the appropriate buffer zone for this area. Proposed surface water drainage across the site would be designed to reflect the existing surface water flow routes.

The proposal would provide a surface water drainage strategy for the scheme that would comprise of a network of adoptable and private underground pipework, SuDS Attenuation (basin), hydraulic controls, treatment measures to improve water quality of the discharge, and overland exceedance measures.

The proposed surface water management plan will aim to provide surface water attenuation through the use of SuDS to ensure downstream flood risks are not increased whilst also promoting biodiversity, amenity and water quality enhancement.

Comments received from the drainage team support this outline application. However, as the application is in outline form and the layout has the potential to change at reserved matters stage a drainage scheme will need to be submitted in detail as part of a reserved matters application. This condition would be considered necessary and reasonable to impose.

On balance it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere and with the requirements of CP67 of the WCS.

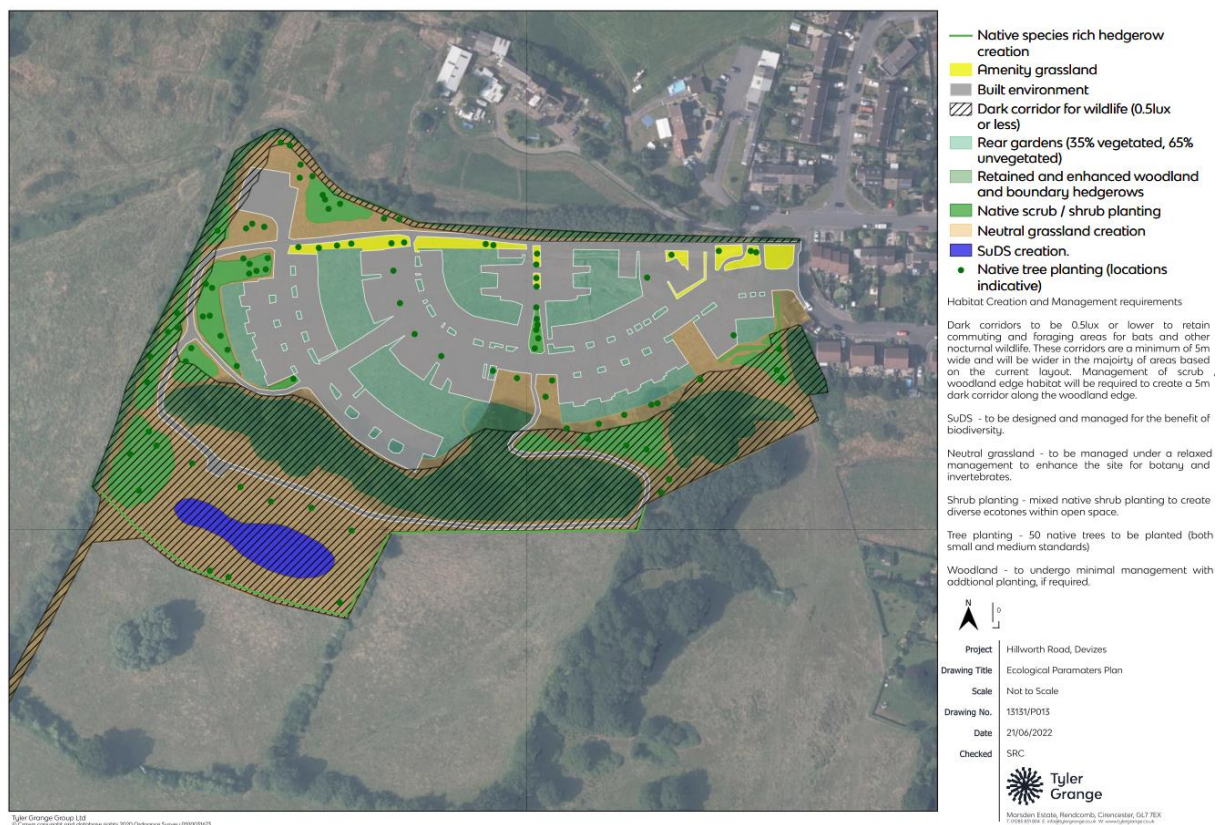
9.7 Ecological Impact

Some local residents object to the proposed scheme on ground of impact on protected species and the loss of their habitats. These concerns are acknowledged and have been taken into

consideration as part of the application process. The application has been submitted with the necessary ecological survey work to identify the way in which the existing land is currently used and show how development can be accommodated within the site boundary and provide sufficient mitigation to support recognised species.

Initially the development was subject to a holding objection from the Councils ecology team until further information was provided in relation to the biodiversity metric spread sheet and ecological parameter plan to show the areas to be retained for biodiversity and particularly dark corridors for bats.

It is recognised that the surveys identified at least eleven species of bat using the site including three Annex II species that were recorded along both the northern and the southern boundary of the site, indicating that the boundary features to the north and south have significant function for bats, and also, logically, for other wildlife species. The required biodiversity net gain calculation has been completed and demonstrates a net gain of habitat and hedgerow. It is considered that the Ecological Parameters Plan satisfactorily clarifies that the areas required to demonstrate no net loss of functional habitat and at least some net gain, can be accommodated within the development proposed.



Ecological Parameters Plan

Following the submission of the further detail, the ecology team are now satisfied with the scheme as proposed and recommend the inclusion of conditions for the provision of a construction environmental management plan and a landscape and ecological management plan prior to the start of works. The conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

The REM submission will need to respect the layout as shown within the parameters plan as agreed at the outline stage, this is important in order to safeguard protected species and their habitats and to ensure enhancements in favour of such species. On balance the scheme is now considered to meet the requirements as set out within both local and national policy.

9.8 Highways

Core Strategy policies 60 and 61 objectives are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Concerns have been raised that the proposal would result in an impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading, through the additional traffic being in conflict with existing pedestrian users and existing traffic movements. However, the comments received from the highway officer do not reach the same conclusion and do not raise objections to the proposed scheme subject to the imposition of conditions.

Comments from the highway officer suggest that the site location has been set aside in the local Neighbourhood Plan as one for residential development. The NP suggests a number of 47 units, this proposal adds another 18 units. In terms of highway impact, it is considered that this additional number could not be considered a significant increase. As such, the highway officer considers the proposal acceptable in principle.

In regard to connectivity the location is within walking distance of bus services and the town centre and the vast majority of Devizes is within cycling distance of the site. However, there is limited opportunity to widen footways or highway improvements due to the restrictions in extent of highway. As such the applicant will be expected to agree to contributions to mitigate the impact of the development in terms of sustainable transport. The development will be within guideline walking and cycling distances of nearly all town facilities, there is no objection on transport sustainability grounds. It is agreed that the site is well located in relation to its position with the market town of Devizes.

The proposed development will increase the number of car trips travelling in the Devizes Air Quality Management Area. The proposed development is likely to exacerbate the existing areas of poor air quality in Devizes by adding car trips. In line with Core Policy 55, the development will need to demonstrate how emission levels can effectively be mitigated in order to protect public health.

In late 2021 the government announced changes to Building Regulations which means that new EV charging requirements will come into force in England in June this year (2022). In summary these changes will require the following:

- Every new home, including those created from a change of use, with associated parking must have an EV charging point.
- Residential building undergoing a major renovation which will have more than 10 parking spaces must have a least one EV charging point per dwelling with associated parking, along with cable routes in all spaces without charging points.
- All new non-residential buildings with more than 10 parking spaces must have a minimum of one charging point and cable routes for one in five (20%) of the total number of spaces.
- All non-residential buildings undergoing a major renovation that will have more than 10 parking spaces must have a minimum of one charging point, along with cable routes for one in five spaces.

Given the above, the provision of suitable charging points for electric vehicles should be provided in accordance with the buildings regulations because this is a mandatory requirement.

It is acknowledged that the proposed junction to the new housing is close to the existing junction of John Rennie Close and Hillworth Road. However, it is considered that the geometry and vehicle speeds of the proposed access would unlikely lead to a highway safety issue. The design of this junction has required a revision to be made to accommodate the vehicle movements associated with the proposed development. It is now considered that there is adequate forward visibility for vehicles manoeuvring at the junction and intervisibility for drivers and pedestrians.

Hillworth Road itself is of standard width and it is considered that the traffic movements associated with the development can be accommodated within the adjacent road network without detriment to the users of the highway. The Transport Statement which has been written and constructed as previously scoped with the Highway Authority has examined the traffic impact of the junction between Hillworth Road and Long Street. Whilst the conclusions are that there would likely be some delays, the level of delays are not such that an objection could be justified on traffic impact grounds.

The scheme is considered to comply with the requirements of Core Policies 60 and 61 of the WCS (2015). Para. 11 of the NPPF (2012) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. It is considered that the development would not result in a negative impact on the road network and that the proposal would not create an unacceptable impact on highway safety.

9.9 Other Planning Matters

Public Protection

Issues have been highlighted at potential for impact from the sewage treatment works to the northwest of the site, more specifically from 'flies and odours'. This issue was highlighted to the applicants who in response have reduced the number of proposed properties and removed any dwellings from the 250m buffer zone around the sewage works and provided an 'odour sniff test'.

On re-consultation of this issue, Wessex Water has removed their objection on this matter. It is confirmed that the submitted odour assessment (Odour Sniff Test note: Hillworth Road, Devizes, ref: P1102A_O3-2 Reve 02, dated 11 July 2022) has been carried out to Wessex Water procedures. The developer has taken onboard WW advice and removed 6 residents units from the North West corner of the proposed development site which were all within the odour buffer zone. The odour modelling has included a 20m buffer on the 30UE radius and the developer has redesigned the layout so that properties do not look out over the sewage treatment works.

The odour model does not currently predict that proposed residential properties are likely to complain due to odour levels from site. Therefore, Wessex Water would remove their objection currently in place on odour grounds to the proposal. Any subsequent changes to the layout must be accordingly reassessed.

The Councils Public Protection team also recognise the potential for impact from odour pollution and flies at the sewage works. The Public Protection team reiterate the requirements and concerns of Wessex Water. Following the amendment to the scheme to meet Wessex

Water requirements no further comments have been raised by the Public Protection team. On balance the issues pertaining to 'odour and flies' have now been reasonably resolved.

Crime Prevention

Concerns have been raised by the Wiltshire Police Crime Prevention Design Advisor at proposed hedgerow planting to boundary features and not the provision of robust fences. They consider that hedgerow is not sufficient to provide secure boundary treatment. Proposed boundary treatment should be of 1.8m high fences with lockable gates and this is supported by policies of the NPPF and WCS. These concerns are acknowledged; however, they must be taken on balance in association with all other material considerations. For example, consideration to maintaining and enhancing green corridors; the use of a mixed native hedgerow, such as hawthorn can be a significant deterrent; timber fences have a given lifespan before needing replacement and create hard surfaced, blank facades that do not necessarily support a sense of place or community. As such, whilst the CPA comments are taken into consideration, they would not necessarily override all other material planning matters. In addition, this level of detail is yet to be finalised under reserved matters stage.

9.10 Community Infrastructure Levy (CIL)

Comments pertaining to the provision of facilities, such as school places, transport provisions etc, within the area are acknowledged. These will be covered under CIL payments or under separate legal agreement or under a mixture of both. The Community Infrastructure Levy is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help deliver the infrastructure needed to support development in an area.

The new dwellings would be liable for CIL. The site would fall under charging Zone 1, Category 3 where the sum equates to £85 per square metre of residential floor space created, plus indexation. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

In addition to CIL payments, further financial obligations towards infrastructure specific to a development proposal can be secured through section 106 contributions.

10. S106 contributions

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy Framework. These are:

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

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

Affordable Housing

CP 43 states that on sites of dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The site is proposing 59 new homes, the affordable on site housing requirement would be 18 affordable homes of which 60% would be affordable rented homes (i.e. 11 homes) and 40% would be as shared ownership homes (i.e.7 homes).

The property type and tenure mix has been proposed by the applicant and is generally acceptable. However, the Council's housing officer has provided further clarification on the type and tenure (ref. housing officer's response) including properties meeting M4(2) standards (accessible and adaptable) and that the introduction of First Homes could mean that there is a change to the number and mix of Shared Ownership homes. This matter would be further evolved through the section 106 process.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy HC34 of the Kennett Local Plan states that where new residential development of 20 or more dwellings recreational open space will be required to be provided. Recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

- a. equipped play space - 0.31ha/1000 people
- b. casual play space - 0.41ha/1000 people
- c. formal sports/pitches - 1.71 ha/1000 people

As there has been a reduction in the number of dwellings proposed the final figures will be included within the Section 106 agreement following a revision on the figures from the relevant officer. Needless to say, the proposal generates an open space requirement and financial contribution towards recreation.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The number of units proposed has reduced from 65 to 59. There are now 18 affordable housing units, five of which are one bed size. This has necessitated a review/revision of the S106 requirements in line with the new data supplied.

- Early years = remains unchanged at 7 places x current cost multiplier of £17,522 each = £122,654
- Primary school = remains unchanged at no S106 requirement
- Secondary school = is reduced by 1 place to 11 places at the current cost multiplier of £22,940 each = £252,340

Refuse

A contribution of £5,369 (£91 per dwelling x 59) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport

alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

- Contribution of up to £10k to the implementation of the Devizes wayfinding strategy should be sought to help encourage pedestrian and cycle trips to/from the site to destinations within Devizes
- A contribution of £1,800 per property towards the delivery of walking and cycling schemes identified in the Devizes LCWIP.
- Full Travel Plan shall include travel vouchers - being offered to household of £300 / £150 where the lower figure is for those households with an occupant entitled to concessionary bus travel.
- A Travel Plan monitoring fee of £7500 (£1500 pa over 5 years)

11. Conclusion (The Planning Balance)

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

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

Part of the site lies within the limits of development and therefore is considered policy compliant. As such it is only that part of the development that lies outside of the settlement boundary that conflicts with the strategic level policy requirements.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land, at the time of drafting this report the current supply figure is set out in the latest Housing Land Supply Statement as 4.72 years. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst it is acknowledged that there would be an initial adverse landscape effect to the site and thereby on the surrounding area, it is considered that over time and through proposed landscaping that any limited impact would decrease to neutral. The likely impacts should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged; however, the site does not fall within any protected landscape designation. Part of the site falls within the limits of development and is a recognised site within the neighbourhood plan, as such its inclusion within the built form of the settlement has already been accepted. With regard to the topography of the site and level of existing tree coverage to be retained and proposed planting, it is considered that the scheme will sit comfortably within this peri-urban landscape.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted parameter's plan has been considered acceptable by the

Council's Ecologist to safeguard species using the area. Further enhancements could be included within final design of dwellings that can further enhance the scheme.

The scheme, if approved, would provide financial benefits towards leisure and travel within the area and on-site open areas that can be used as local recreational facilities. The provision of affordable housing on site is also considered to be a significant benefit for both the local area and the wider area as a whole, supporting homes for the community.

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

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

There are no recognised highway safety implications associated with the proposed scheme and support subject to conditions is provided by the highway officer. It is recognised that the site is well located in terms of sustainability with good pedestrian and cycling distances to local facilities. The financial contributions required are considered to benefit the community as a whole.

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

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. Officers maintain that the provision of 59 dwellings a proportion of which would be affordable housing would lead to no demonstrable policy harm and the windfall residential provision of 59 dwellings in this location can be fully supported through the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy and the proposal is considered acceptable in this location, with part of the site within and part adjoining the settlement boundary. The scheme would result in delivering 59 dwellings a proportion of which would be affordable housing at what is considered a sustainable location; and in recognition that there are no substantive planning reasons to counter the titled balance engaged by the NPPF, this application is supported by officers, subject to conditions and section 106 contributions.

RECOMMENDATION

Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.

Conditions: -

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

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

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

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

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.

NOTE: The landscaping scheme, as a minimum, shall include the details as identified, within 'Landscaping Informative', below to be submitted at reserved matters stage.

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:
 - (a) Site Location Plan, Dwg No. 21453/1000
 - (b) Site Plan, Dwg No. 21453/1030C
 - (c) 'Illustrative Masterplan', Dwg No. 21453/3211/D
 - (d) 'Illustrative Masterplan / Buffer overlay', Dwg No. 21453/3215
 - (e) 'Ecological Parameters Plan', Dwg No. 13131/P013
 - (f) 'Highway Access Plan', Dwg No. 01-PHL-101 Rev C
 - (g) 'Preliminary Drainage Layout', Dwg No. 01-PDL-101
 - (h) 'Land Use Parameter', Dwg No. 21453/3000E
 - (i) 'Landscape Parameter', Dwg No. 21453/3001E
 - (j) 'Scale Parameter', Dwg no. 21453/3002E
 - (k) 'Access and Movement Parameter', Dwg no. 21453/3004E
 - (l) Covering Letter [24/6/2022]
 - (m) Design and Access Statement [Rev. B, June 2022]
 - (n) Flood Risk Assessment [awp, 0771, dated 25/3/2022]
 - (o) Biodiversity Net Gain Assessment Report [21/06/2022]
 - (p) Preliminary Arboricultural Impact Assessment, 13131_R02a Rev A
 - (q) Archaeological Evaluation [May 2022]

(r) Odour Sniff Test Note, Ref. P1102A_03-2

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

5. The development shall be carried out in strict accordance with the following documents:

- (a) Ecological Impact Assessment (Tyler Grange, 31st January 2022 Report Reference: 13131_R04_GE_CW)
- (b) Ecological Parameters Plan (Tyler Grange 21st June Drawing reference: 13131/P013)

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

6. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and the principles indicated within the approved Illustrative Masterplan. A Design Compliance Statement shall be submitted with each Reserved Matters application which demonstrates this by way of comparison.

REASON: To ensure that high standards of urban design and comprehensively planned development is achieved in accordance with policies of the Core Strategy and, in accordance with the aspirations of NPPF paragraph 130, to ensure that “the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.”

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

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

8. Notwithstanding the information shown on the supporting plans, no dwelling shall be commenced until a section drawing of the SUDs structures with details of appearance any above ground structures (i.e. inlets, barriers, retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms) 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 information was submitted to ensure due regard to the character and appearance of the area, and in the interests of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policy CP57 Wiltshire Core Strategy and CIRIA SUDs guidance on best practice.

9. No development shall commence on site (including any works of demolition, ground works/excavation, site clearance and boundary treatment works), until a Construction Management Statement, together with a site plan, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) Number and size of delivery vehicles/ construction vehicles
- (c) loading and unloading of plant and materials;

- (d) storage of plant and materials used in constructing the development;
- (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) hours of construction, including deliveries;
- (i) pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion.
- (j) A site drawing showing the location of the storage areas/wheel washing/staff parking and visitor parking

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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. No development shall commence on site (including any works of demolition, ground works/excavation, site clearance and boundary treatment works), until a Construction Method Statement, which shall include the following:

- (a) Routing plan
- (b) Traffic Management Plan (including signage drawing(s))
- (c) Number (daily/weekly) and size of delivery vehicles.
- (d) Number of staff vehicle movements.
- (e) Details of temporary/permanent Traffic Regulation Orders
- (f) Phases plan

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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.

11. No development shall commence until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of reducing the amount of private car movements to and from the development site.

12. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 1. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 2. Working method statements for protected/priority species, such as nesting birds and reptiles.
 3. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
 4. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 5. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 6. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

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

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

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

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of

visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context. The appearance and treatment of the spaces between and around buildings is also of great importance.

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

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

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

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

17. In terms of noise audible at any of the site boundaries, the hours of construction shall be restricted to the following times:-

- (a) Mondays - Fridays 08:00 – 18:00hrs
- (b) Saturdays 08:00 – 13:00hrs
- (c) Not at all on Sundays or Bank and Public Holidays

No burning shall take place on site.

REASON: In the interests of the amenity of the area

INFORMATIVES:

18. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant

form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

19. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
20. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
21. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
22. The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 24 February 2022 pertaining to foul and surface water disposal and to existing services on the site.

It is important that the 250m buffer zone is maintained, relating to fly nuisance. Any subsequent changes to the layout must be reassessed.

23. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
24. Highways Informative: The applicant's attention is drawn to the Highways Authority requirements for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.

Within the site the applicant should ensure that parking meets minimum adopted standards, tracking for refuse vehicles is demonstrated. Road widths and geometry meets adoptable standards.

That Drainage is satisfied including drainage for adoption. All car units are provided with EV charging points and cycle and bin storage. That all pedestrian links are a minimum of 3m wide and offered for shared use.

25. Design Informative: The approved design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38)

Reserved matters layout will have to comply with the DAS and parameters plans whilst accounting for CP45, which is likely to include a greater proportion of 2 and 3 bed market homes than appears to feature in the illustrative layout.

There shall be a buffer zone of 250m between the proposed development and the boundary of the Devizes Sewage Treatment Works.

Any proposed residential property that would have a view of the sewage treatment works shall have no windows, doors nor outdoor lighting on any of the façades of the proposed development that face the Devizes Sewage Treatment Works.

There shall also be no other large structures or trees on the side of the proposed development that faces the Devizes Sewage Treatment Works that potentially would encourage this Chironomidae fly species to form helical swarms near the residential development.

26. Landscape Informative: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features the scheme of hard and soft landscaping that is required to be submitted shall include (but not be restricted to): -

- (a) location and current canopy spread of all existing trees and hedgerows on the land;
- (b) full details of any to be retained, together with measures for their protection in the course of development;
- (c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- (d) finished levels and contours;
- (e) means of enclosure, including details of all boundary treatments;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) all hard and soft surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.
- (l) additional trees, of a number, size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
- (m) A detailed overlay shall be submitted at REM showing the relationship between tree locations and street lighting service and info on soil volumes. This is to help avoid future conflicts where trees might be removed thus lowering the quality of the environment and potentially removing mitigation.