

REPORT FOR STRATEGIC PLANNING COMMITTEE**Report No.**

Date of Meeting	3 November 2022
Application Number	PL/2021/04774
Application type	OUTLINE – ALL MATTERS RESERVED
Site Address	Land off Coate Road, Devizes
Proposal	<p>The application seeks consent for residential development of up to 200 dwellings, and:</p> <p>A local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (sui generis) with a gross internal floor area limit of 1,000m² of which no more than 725m² shall be used for retail (Class E(a)).</p> <p>No single retail (Class E(a)) unit shall comprise of more than 325m² gross internal floor area.</p> <p>Associated works, infrastructure, ancillary facilities, open space and landscaping.</p> <p>Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.</p>
Applicant	Robert Hitchins Limited
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES EAST – Cllr Kelvin Nash
Grid Ref	402038, 162308
Type of application	Outline planning consent - all matters reserved
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee as a 'large scale major' development that would be a significant departure from the policies of the statutory development plan, and as the application is recommended for approval. It has also been called before the committee by Councillor Kelvin Nash.

1. Purpose of Report

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

2. Report Summary

The main issues to be considered are:

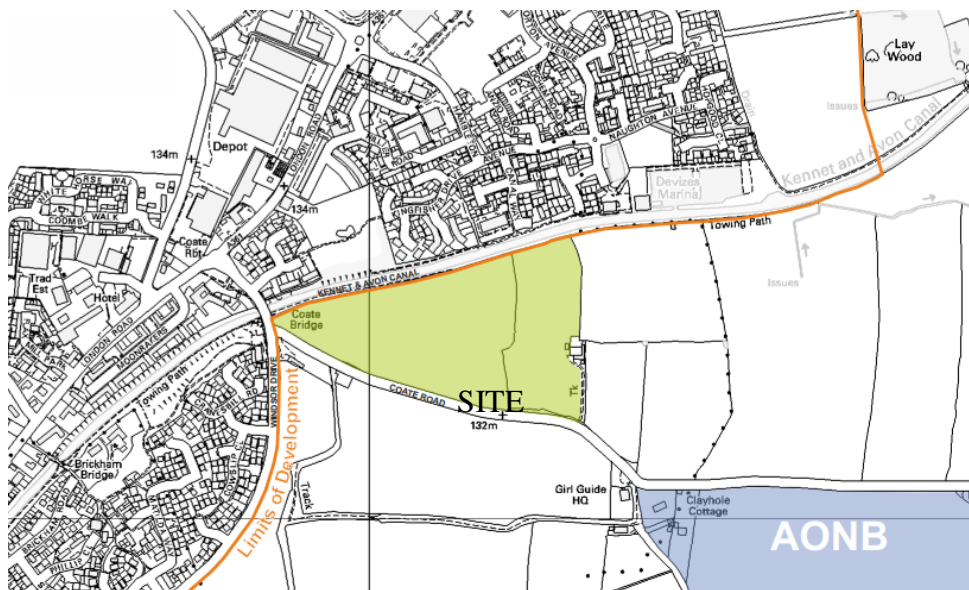
- The principle of the development
- Impact on the setting of the North Wessex Downs AONB and countryside
- Highway and traffic impacts
- Impacts on air quality
- Impact on the corridor of the Kennet & Avon Canal
- Impacts on biodiversity
- Town centre retail impact
- Drainage and flood risk
- Loss of agricultural land
- Local Plan Review
- Provision of necessary infrastructure

Of particular relevance to the above is a 2016 appeal decision relating to the site (as part of a wider site for 350 homes plus a local centre). The appeal was dismissed but the conclusions reached on a number of the key issues remain relevant to the current application. The appeal was dismissed essentially due to there being 'considerably in excess' of a five-year supply of deliverable housing sites at that time, and due to the Wiltshire Core Strategy and Devizes Area Neighbourhood Plan being 'recently prepared' such that they were afforded full weight.

The application has received objections from Devizes Town Council, Devizes Neighbourhood Plan Steering Group and Bishops Cannings Parish Council. The Trust for Devizes and CPRE also object, together with 118 interested third parties.

3. Site description

The application concerns a triangular plot of farmland forming 2 fields with hedged boundaries, set between the Kennet & Avon Canal to the north and Coate Road to the south, with open farmland to the east.



There is a c. 2m high raised bund of land within the site running alongside the southern side of the canal. Local overhead power line runs along the line of the bund.

On the opposite side of the canal is the residential development of the former Le Marchant Barracks. On the opposite side of Coate Road is farmland and the former slaughterhouse site.

The application site also includes adjoining roads as needed for associated road improvements, and in total amounts to an area of 9.82 hectares, within which the two fields account for c. 8.54 hectares.

The site is outside the recognised Limits of Development for Devizes, with the North Wessex Downs AONB nearby to the east and south-east.

4. Planning history

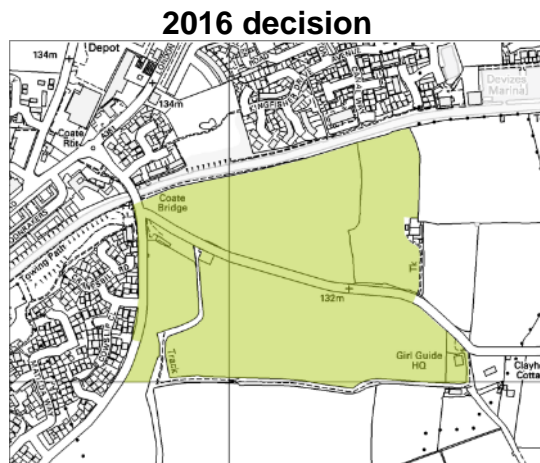
The site previously formed part of a larger site that was subject to an 'Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works' (E/2013/0083/OUT).

In short, following public inquiry, the appeal against refusal was dismissed by the Secretary of State on 21st September 2016 (the 2016 decision). The Secretary of State agreed with key findings of the Inspector that:

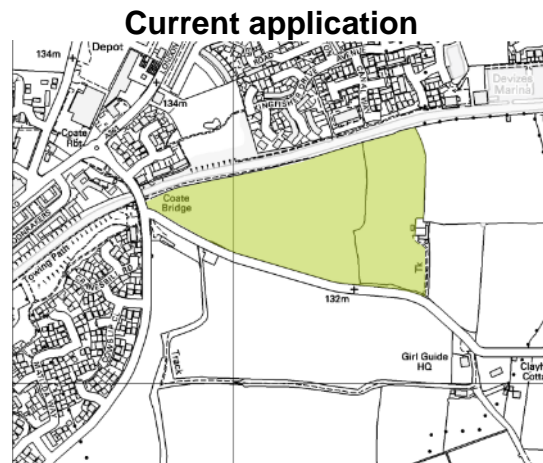
- There was then no shortfall in 5-year housing land supply within the Housing Market Area.
- The development would be contrary to the policies of the Wiltshire Core Strategy and Devizes Neighbourhood Plan.
- There were no grounds to give reduced weight to the policies of the 'relatively recently prepared' Core Strategy and Devizes Neighbourhood Plan.
- The development would otherwise be acceptable in terms of:
 - site access arrangements,
 - road safety,
 - traffic generation and distribution
 - air quality
- There would be a negative impact in terms of loss of open countryside but overall the development could be regarded as sustainable development.

The appeal was nonetheless dismissed because the policies of the recently prepared development plan carried 'very substantial weight' and the development would undermine the Devizes Neighbourhood Plan.

The full appeal decision can be viewed online on the Planning Inspectorate website: [here](#)



350 dwellings + local centre



200 dwellings + local centre

5. The proposals

The application seeks outline consent for up to 200 dwellings with a local retail/ commercial centre. Matters of access, appearance, landscaping, layout & scale are reserved for consideration at a later stage. The application nonetheless includes a number of indicative details on these 'reserved matters' in order to demonstrate that the proposed development could be satisfactorily accommodated within the site.

Based on sites elsewhere, the applicant anticipates that housing completions would be delivered over a 4-year period starting 1.5 years after grant of outline planning permission.

During the course of consideration the application was revised downward from <235 dwellings to <200 dwellings (April 2022). The revised proposals include a new indicative masterplan that has been subject to full re-consultation.

The revisions also include:

- An average net density of 36.6dph (reduced from 42dph);
- A reduction in building height along the canal due to the inclusion of more terraced and semi-detached units which could be 2.5 storeys in height;
- The amount of apartments reduced to 6no. blocks;
- A reduction in the building height of the Local Centre from 3 storey to 1.5 storey;
- A staggered building line along the eastern edge of the scheme where the development adjoins open countryside;
- Inclusion of a formal 3m cycle/pedestrian route running along Coate Road with 2no. links to this road, and a formal 3m cycle/pedestrian link following the eastern site boundary connecting to the canal towpath;
- Increased number of detached units;
- Parking for dwellings amended to provide space for increased amenity planting.

Final drawings and details considered:

Location Plan	326.P.2 Rev. E
Indicative Masterplan (<i>revised</i>)	Devizes.UD.05B
Ecological Assessment	9163.EcoAss.vf2

Planning Statement	P20-1615 - 18/01/2021
Design & Access Statement	326.UD.11B Devizes DAS Addendum
Report of Community Engagement	
Heritage assessment	JAC26565 200730
Landscape and Visual Impact Assessment	2020-12-16
Illustrative Landscape Sections	326.UD.12 D
Illustrative Landscape Sections	326.UD.13 A
Tree Survey Report	20139 v.1
Ecological Assessment	9163.EcoAss.vf2
Residential Travel Plan	H664-DOC03 TP-Issue 2
Transport Assessment	H664-DOC02 TA-Issue 2
Utility Statement	326.US.01
Waste Management Plan	326.WMP.01 Rev A
Air Quality Note	J4223A/note/F1
Air Quality Assessment	J4223_A F1 dated 06/05/2021
Noise Assessment	Devizes Noise v1.0 150321
Ground Investigation Report	4695 Issue 1
Flood Risk Assessment & Drainage Strategy	521 Rev. B
Site Survey - Sheets 1-4	20075/ 01 to 04
Retail statement	P20-1615 / R001v5 PL
Sustainable Energy Strategy	17 th June 2022
Illustrative Landscape Sections	326.UD.13A & 326.UD.12D
Ecology Briefing Note	Received 6 th July 2022
Ecological Parameters Plan	BNG1 – Rev. A
Proposed Habitats Plan	BNG2 – Rev. B

6. Planning Policy

Wiltshire Core Strategy

SPATIAL VISION

CP1	Settlement strategy
CP2	Delivery strategy
CP3	Infrastructure requirements

AREA STRATEGIES

CP12	Devizes Area Strategy
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DELIVERING THE SPATIAL OBJECTIVES: CORE POLICIES

CP38	Retail and leisure
CP41	Sustainable construction and low carbon energy
CP43	Providing affordable homes
CP45	Meeting Wiltshire's housing needs
CP50	Biodiversity and geodiversity
CP51	Landscape
CP52	Green infrastructure
CP55	Air quality

CP57	Ensuring high quality design and place shaping
CP60	Sustainable transport
CP61	Transport and development
CP62	Development impacts on the transport network
CP63	Transport strategies
CP64	Demand management
CP67	Flood risk
CP69	Protection of the River Avon SAC

Wiltshire and Swindon Waste Core Strategy (2009)

WCS6	Waste Reduction and Auditing
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Kennet Local Plan – saved policies

HC34	Recreation provision on large housing sites
HC37	Demand for Education

Devizes Area Neighbourhood Plan

H1	Strategic Policy Intent - Settlement Framework Boundary
H2	Strategic Police Intent – Built Environment & Sustainability
E1	Strategic Policy Intent - Education
T1	Strategic Policy Intent - Getting Around
ESD1	Strategic Policy Intent - Environment & Sustainability

7. Summary of consultation responses

Devizes Town Council:

Objection:

- The development not meeting the criteria of the Neighbourhood Plan;
- The location is outside the settlement boundary of Devizes;
- Detrimental to this part of North Wessex Downs AONB;
- Too remote from the town and relevant services.

Devizes Area
Neighbourhood Plan
Steering Group:

Objection:

- Not sustainable development and contrary to the Neighbourhood Plan:
 - Sustainability - poorly located for local services and facilities
 - Site is not required for local housing at present
 - Conflict with Core Policy 1 and the Neighbourhood Plan - particularly the objective to promote better levels of self-containment and viable sustainable communities; and regarding substantial development outside the defined development limits.
 - The social objective - the large, self-contained development, isolated from existing neighbourhoods and services, does not meet this objective.
 - Contrary to the environmental objective - a significant negative influence on the AONB and the setting of Devizes and urban sprawl into adjoining countryside
 - The emerging Local and Neighbourhood Plans have provisionally identified better options.

- The site is remote from employment and services
- Opportunity not taken to connect the site to the Barracks area by a pedestrian/cycle bridge over Canal.

Bishops Cannings Parish Council:	<p>Objection:</p> <ul style="list-style-type: none"> ● Outside the settlement. Conflict with key policies of the Devizes Neighbourhood Plan that developments are: <ul style="list-style-type: none"> ○ within a 20-minute walking distance of the town centre, and of a ○ scale that permits the new housing to be readily assimilated within established communities. ● Housing allocation can be met from sites with greater compliance with the Neighbourhood Plan. ● No imperative to develop green field sites beyond the allocations made in the Neighbourhood Plan. ● Erosion of the landscape setting of the North Wessex Downs AONB and Devizes. ● Mitigation of the visual and ecological impacts would not compensate for the loss of green space. ● The scale of development fundamentally and irrevocably changes the character and natural value of the landscape.
WC Highways:	<p>No objections. Recommended conditions. S.106 contributions for:</p> <ul style="list-style-type: none"> ● Improvements to the Hopton Road/ London Road roundabout ● Towpath improvements ● Local walking/ cycle route improvements ● Pedestrian/ cycle signposting to/ from the development
WC Urban Design:	No objection (revised proposals)
WC Landscape:	<p>Objections:</p> <ul style="list-style-type: none"> ● Setting of the North Wessex Downs AONB ● Impact on the canal corridor ● Internal (indicative) site landscaping
WC Public Protection:	No objection. Recommended conditions.
WC Archaeology:	Recommended condition
WC Education:	Additional Early Years education capacity needed (£ s.106)
WC Housing Enabling Team:	30% affordable housing to be secured by s.106

WC Open Spaces/ Sports:	No objections. Contributions towards local sports facilities (s.106). Maintenance of on-site play areas etc (s.106).
WC Public Rights of Way:	Suggested local footpath improvements to provide circular walk
WC Spatial Planning:	The proposal is not currently in line with current or emerging policy.
WC Drainage:	Support subject to conditions
WC Ecology:	No objections
WC Tree Officer:	No objection
WC Conservation:	No objection
Environment Agency:	No comments received
Wessex Water:	No objection
Canal & River Trust:	No objection in principle. Recommended conditions and a number of detailed matters would need to be satisfactory at reserved matters stage. Contribution needed towards towpath improvements alongside the site (s.106).
CPRE:	Objection: <ul style="list-style-type: none"> • Outside the settlement boundary • The site between the AONB and alongside the canal is important to the setting of the town • Biodiversity impact • Impact on the rural setting of Coate village • Traffic and pollution • Neighbourhood Plan conflict • The additional housing is not needed
Trust for Devizes:	Objection: <ul style="list-style-type: none"> • Core Strategy Devizes & Neighbourhood Plan conflict. • Premature/ conflict with the plan led system. • Emerging Local and Neighbourhood Plans have provisionally identified better options. • Substantial harm to open countryside, adjacent to the AONB. • Remote from employment and services • Opportunity not taken to connect the site to the Barracks area.
Salisbury & Wilton Swifts:	Request for bird boxes to be incorporated

Stagecoach: No objection

8. Representations

Public comments:	118	objections received broadly on the following matters:
	99	Roads/ traffic (both in the town and rural lanes)
	53	Ecology/ wildlife
	21	Loss of green space
	11	Loss of farmland
	15	Outside the settlement
	51	Neighbourhood Plan/ Core Strategy conflict
	10	Out of character
	38	Landscape impact
	10	Flood risk
	6	Not enough local employment to support the housing
	27	Pressure on medical and dental services
	15	Pressure on schools
	34	Increased town pollution
	9	No need for a local centre/ pub/ takeaway
	3	Better integration with canal needed
	1	No self-build provision

9. Planning Considerations

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

9.1 The principle of development

The application site is outside the recognised Limits of Development for Devizes. The Spatial Vision of the Wiltshire Core Strategy (Core Policy 1 & 2) and Policy H1 of the Devizes Area Neighbourhood Plan prohibit new residential development outside recognised Limits of Development unless supported by one of the 'exception policies' outlined in para. 4.25 of the Strategy. None of the exceptions apply in this instance. The development would thus be contrary to the overarching policies of the development plan.

This conflict is something that will be considered below in this report as part of the overall planning balance, particularly in the light of the Wiltshire-wide shortfall in housing land supply, the previous appeal decision and the advice of the National Planning Policy Framework.

9.2 Site specific considerations and development impacts

Landscape and rural impact

In the 2016 decision the Inspector recognised that the development then proposed would result in the urbanisation of countryside beyond settlement boundary, and that this would result

in a degree of harm. This view was also supported by the Secretary of State in the final decision, who afforded the issue 'moderate weight'.

During the appeal process the Council did not argue that there would be any impact on the nearby AONB, and the Inspector thus reported that:

“the Council does not contend that the proposal would cause specific harm other than in terms of the encroachment of development on 20ha of open countryside. There would be no material impact on the adjacent Wessex Downs Area of Outstanding Natural Beauty, and the development would be visually intrusive to no more than a localised degree. The location has no particular landscape or natural environment interest, and is not of notable value in these terms. Nevertheless, with the scale of the scheme and the present obvious character of the site as agricultural land, there would be a degree of harm to the countryside as a result of an extension of urbanisation beyond the existing edge of the built-up area of the town”.

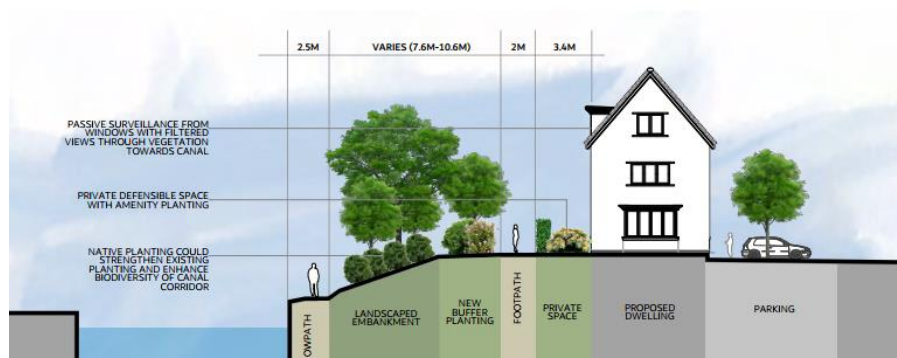
The rural encroachment with the current application is of 8.54 hectares rather than the 20 hectares considered in 2016.

A number of respondents again raise objections in terms of proximity to and visibility from the North Wessex Downs AONB, the rural setting of the village of Coate and Devizes itself, and in terms of the loss of the site as 'open' and 'green' space, particularly with reference to its position alongside the canal. The Council's Landscape Officer similarly raises objections in respect of the impact of the development on the setting of the North Wessex Downs AONB to the south and east, and upon the canal corridor to the north.

The layout and landscaping of the development are reserved matters, but the indicative layout provides for a landscaped margin alongside the canal, Coate Road and the eastern site boundary, including pedestrian/ cycle routes. The development thus would have the potential to be relatively well screened within the wider landscape setting.

As in the 2016 decision however it can only be concluded that the development of farmland outside the settlement boundary would harm the rural character of the area and setting of the town. In accordance with the 2016 decision, the planning assessment remains that this would not result in material harm to the wider landscape character of the area, or the setting of the North Wessex Downs AONB. It would however be contrary to the requirements of Core Policy 57 for development to be complementary to the locality and to relate positively to the landscape setting and the existing pattern of development. This harm again is something that needs to be carried forward to be considered as part of the overall planning balance.

The Council's Landscape Officer has also raised objection to the indicative internal layout and planting of the site. Layout and landscaping are reserved matters however and there is nothing to suggest that appropriate layout and landscaping could not be achieved at reserved matters stage. The Officer also raises concerns in respect of the impact of the development on the rural/ secluded character of the canal corridor.



Indicative cross-section between the development and canal

The indicative cross-section drawings provided however provide for landscaping alongside the canal, with housing to be stepped back from the canal by between c. 15m and 18m. This arrangement is comparable to the layout of development on the opposite side of the canal and towards the town. The arrangement is also in-line with the comments of the Canal & Rivers Trust, which wishes to see the development positively address the canal so as to provide natural surveillance. The relationship between the development and the canal is thus considered appropriate in the local context.

Urban design/ quality of design

The initial proposals gave rise to urban design objections as the indicative site layout did not demonstrate that 235 dwellings and local centre (as initially proposed) could be developed in line with the principles of high quality design. The Urban Design Officer raises no objections in respect of the revised proposals for 200 dwellings and local centre, and concludes that it supports the delivery of a high standard of design at reserved matters stage.



Indicative masterplan

The proposed net residential density of c. 36.6 dwellings per hectare is appropriate for the edge of town location. Matters of appearance, landscaping, layout & scale would all be determined at reserved matters stage and it is concluded that there is no cause to object to the proposals on design grounds at this stage.

Highways and traffic

Additional traffic

The issue of increased congestion (and associated pollution) is the most common objection raised by members of the public. Concerns relate both to the A361 corridor through the town, and Coate Road and associated rural lanes to and around the village of Coate.

Similar objections in relation to the 350 homes were considered and dismissed in the 2016 decision. That application provided for installation of traffic lights at the Windsor Drive/ London Road junction, and also improvements to the London Road/ Hopton Park roundabout, and on this basis the Committee did not refuse the application for highway reasons. The Secretary of

State agreed that 'that the proposal is acceptable in terms of site access arrangements, road safety, traffic generation and distribution'.

The current application is for up to 200 rather than 350 homes. Traffic lights have now been installed at Windsor Drive/ London Road. The application proposes to contribute £170,000 towards the improvements at the London Road/ Hopton Road roundabout.

The submitted Transport Assessment is based upon the county-wide modelling, and an updated version of the Devizes traffic flow model. The Highway Officer reports that the trip rates relied upon are sound, and include a margin of error in assuming that all the homes will be sold privately, whereas in reality the 30% affordable homes will on average generate lower trip rates. The development is calculated to generate 125 trips in the AM peak hour and 117 trips in the PM peak hour (where a trip is a one-way vehicular movement). The Assessment reveals that the development will have 3.1% impact on the A361 into the town in the AM peak and 3.3% impact in the PM peak. These increases are below the 5% figure at which an impact is considered to be significant or noticeable.

The modelling used has been calibrated for 2018 baseline figures. Observed traffic flows in 2018 are generally less than the modelled and this provides further robustness and leeway in the modelling results. The modelling also takes into account all committed developments. The Highway Officer is thus satisfied with the methodology and results of the Transport Assessment, and that subject to the associated improvements to the London Road/ Hopton Road roundabout and improvements for walking and cycling, traffic from the development would not materially impact on the local highway network.

As with the 2016 decision it is thus concluded that highway impacts do not provide grounds for refusal of the application.

Site access

Whilst 'access' is a reserved matter, the application indicates a realignment of Coate Road to form the site access. Subject to the details to be submitted at reserved matters stage, the Highway Officer raises no objections in principle to the suggested arrangement.

Sustainable transport

The site is located adjacent to the Kennet and Avon Canal and its towpath. The towpath has been improved and widened westwards from Windsor Drive towards the town centre, providing pedestrian and cycle access.

Alongside the application site the canal-side path is narrow and constrained in width by the canal on one side and an embankment up to the application site on the other.

The suggested layout of the site provides for connection between the site and the towpath and the developer has agreed to fund improvements and widening of the path. The works have been costed by the Canal & Rivers Trust at £435,000 and the developer has agreed to meet this cost by way of a s106 planning obligation.

Objectors note that Neighbourhood Plan policy H1 requires new residential development to be within 1600m of the town centre so as to encourage walking and cycling. The site is 1.6km from the town centre at its closest point, but housing within the site would be further than 1600m.

In the 2016 decision it was noted by the Inspector that "*the site is a suitable location from which to access the existing facilities and employment within Devizes on foot*". In addition to this there would be improvements to cycling facilities in the local area and it is thus concluded that development of the site would provide opportunity for sustainable patterns of travel.

The developer has agreed to contribute towards cycleway improvements along Windsor Drive (£152,000) and to contribute £5,000 towards signposting for pedestrians and cyclists in the area. These contributions would also be secured by way of a s.106 planning obligation.

Ecology

The previous application was not refused for reasons relating to ecology and no such concerns were raised in the 2016 decision.

Since that time, the policy and legal position has changed in respect of the need to protect the Hampshire Avon Special Area of Conservation (SAC) from the increased phosphate emissions that result from sewage treatment effluent. The site is within the catchment area of the River Avon (Hampshire). In this case however the developer has demonstrated that foul waste from the development would discharge into the sewer network that flows to be treated at the Potterne Sewage Treatment Works. The works are outside the river catchment and its emissions indirectly flow to the Bristol Avon rather than the Hampshire Avon. The SAC will thus not be adversely impacted.

A number of respondents raise concerns regarding the impact of the development upon wildlife that use the site. There are no designated habitats on the site and as farmland the site is potentially subject to regular disturbance. The submitted Ecological Assessment identifies low populations of Grass Snake and Common Lizard recorded in rough grassland located in the north of the site in respect of which precaution and mitigation would be required. The key biodiversity benefit of the site is in the bounding trees and hedgerows and the suggested layout and indicative details allow for these to be retained and reinforced.

In response to initial concerns raised by the Council's ecologists, the applicant has submitted further information demonstrating that the development would result in biodiversity net gain across the site resulting largely from increased perimeter planting and enhancement of existing hedgerows. Additional features such as bird and bat boxes would further enhance the biodiversity value of the site. As such the ecologists have raised no objections to the proposals, and recommend a number of conditions in the interests of biodiversity, as incorporated in the recommendation below.

Archaeology

Archaeological concerns were a reason for refusal of the 2013 application. Following further assessment however, the Council's archaeologist, and in turn the Secretary of State were satisfied that residual archaeological concerns could be addressed by way of planning conditions. The Assistant Archaeologist again confirms that this remains the case.

Air quality

The nearby A361 London Road and the town centre area are designated as an Air Quality Management Area. Core Policy 55 requires that proposals of a scale, nature or location that are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels.

Air quality concerns did not support the 2016 decision and the Secretary of State was satisfied that vehicle movements from the 350 homes then would not affect air quality in the Devizes Air Quality Management Area.

A number of respondents again raise air quality concerns. The application is supported by an updated Air Quality Assessment. The Assessment concludes that the development would not have any significant impact on local air quality.

The Environmental Health Officer raises no concerns in respect of the methodology and conclusions of the assessment and it is thus concluded that there is no conflict with Core Policy 55.

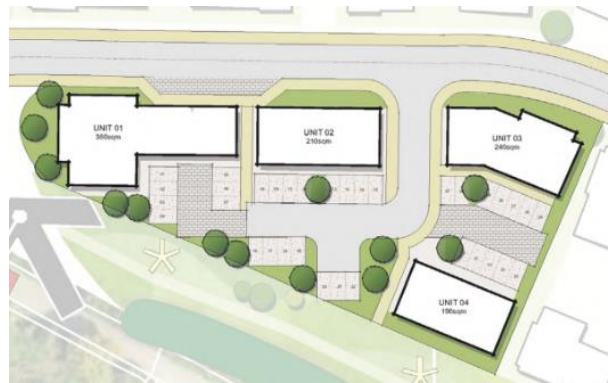
Renewable energy and sustainable construction

The submitted Sustainable Energy Strategy sets out a strategy in accordance with Core Policy 41 for the development to prioritise a reduction in the demand for energy use in the development. This will be achieved by 'passive design' with buildings orientated as far as wider design principles allow, with main living spaces benefitting from the heat and light from the sun. Solar panels are proposed on south-facing roof slopes including the local centre buildings. Latest standards of building insulation will be coupled with ground/ air source heat pumps for building heating.

The proposed local centre – retail policy

The local centre is proposed near the site entrance, comprising 4 detached 1½ storey units with a total 1000m² floor space. The uses outlined are commercial, business and service uses, drinking establishment & hot food takeaway.

No more than 725m² would be retail and no single retail unit would exceed 325m².



Illustrative layout of the Local Centre

Core Policy 38 requires applications involving more than 200m² of retail floor space to include a Retail Impact Assessment to demonstrate that the development will not harm the vitality or viability of any nearby retail centres. The submitted Retail Statement identifies that the development of 200 houses would result in more expenditure than could be provided for by the local centre, and that much of the 'excess expenditure' would be directed towards Devizes town centre. The Council's most recent retail assessment also identifies that Devizes town centre is in a healthy state with below UK average vacancies, with a good range of retailers and an attractive retail environment, with identified capacity to support additional retail floorspace. The submitted assessment thus concludes that there would not be any significant impacts on the town centre in terms of its trade or negative impacts on planned investment.

In the 2016 decision, there were no objections to the (similarly sized) local centre. The Secretary of State noted that it would bring both social and economic benefits to the area and these were afforded significant weight. The Spatial Planning team thus raise no objections in this respect and it is concluded the local centre would be in accordance with the adopted retail policy in Core Policy 38.

Affordable housing

In accordance with Core Policy 43 the development would need to provide 30% affordable housing, equating to 60 homes.

The housing officer provisionally suggests the following mix of units to be affordable in order to meet locally identified needs:

Affordable Rented (total 36 homes)

- 10 x 1 bed/2 person apartments with 3 x ground floor apartments built to M4(2) standard with level access showers rather than baths.
- 3 x 2 bed/3 person bungalows built to M4(2) standard with level access showers rather than baths.
- 11 x 2 bed/4 person houses
- 10 x 3 bed/5 person houses
- 2 x 4 bed/7 person houses

Shared Ownership (total 24 homes)

- 16 x 2 bed/4 person houses
- 8 x 3 bed/5 person houses

At this stage the number of houses is not fixed, other than at a maximum No. of 200. The affordable housing however can be secured pro-rata by way of a s.106 planning obligation that allows for any change in the number of dwellings proposed at reserved matters stage.

Flood risk and surface water drainage

The site is not identified as being at risk of flooding from river sources, and is thus within Flood Zone 1.

Aside from localised low points where ponding occurs, the surface water flood risk is very low, with no or very little 'flow' through the site. The Flood Risk Assessment proposes that the surface water will be managed through the site-wide surface water drainage scheme.

Investigations show that the ground is not suitable for soakaway drainage. Surface water drainage is thus proposed to collect surface water in a drainage pond, with attenuated discharge. The Council's drainage team raises no objections to this, subject to conditions to secure further details.

Foul water drainage

Foul water drainage would connect into existing Wessex Water sewers to the south. Wessex Water raises no objections in this respect.

Schools

The Council's School Development Officer advises that the designated primary schools for the site would be Southbroom Infants School and Southbroom St James Academy (juniors). Devizes School is the designated secondary school. For 'early years' schooling there are currently 5 preschools and nurseries and 0 registered childminders within a two-mile safe walking route of the site.

Current projections indicate sufficient capacity at primary and secondary levels. A contribution of £403,006 towards the development of early years education provision in the area has been agreed by the developer to be secured by way of s.106 agreement.

Doctors and dentists

A number of respondents raise concerns at the capacity of local health services to cater for the additional demand resulting from the development. The NHS has been consulted on the application on several occasions however and has not made a case for any need for local capacity improvements.

Local Plan Review / prematurity

Some respondents object to the proposal on the grounds of 'prematurity' whilst the Local Plan Review is in progress and the Neighbourhood Plan is under review. The NPPF is clear however that arguments of prematurity are unlikely to justify a refusal of planning permission unless both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Criterion (a) could be considered to be satisfied. In relation to criterion (b) however the Local Plan Review cannot be considered to be at an advanced stage. An argument of 'prematurity' could thus not be sustained.

Loss of agricultural land

The loss of agricultural land in this area was not an issue in the 2016 decision for the larger site then being considered. Natural England is only potentially concerned when more than 20 hectares of farmland is to be lost. The 8.54 hectares of farmland in this case falls well below that threshold and its loss is considered acceptable.

Economic impact

Assessment provided by the applicant identifies the following economic benefits from the development:

Construction phase

Direct construction investment:	£39.6 million over 4.5 year build
Overall construction economic output in the area:	£52.6 million over 4.5 year build

Operational phase

FTE jobs supported in the local economy:	21
Local spending	£7.3 million/ annum
Jobs (gross) in the local centre	Up to 57
Local centre net additional contribution to economic output	£10.8 million over 10 years

Environmental Impact Assessment

Initial proposals for 270 dwellings on the site were the subject of an Environmental Impact Assessment Screening Opinion issued by the Council that concluded that an Environmental Impact Assessment would not be required for development of the site.

10 S106 planning obligations

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', where necessary by way of Section 106 obligations.

The tests for s.106 obligations are set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010. Obligations must be:

- 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

Following consultation the need for the following obligations has been identified and considered to be in accordance with the tests.

Schools

A contribution of £403,006 towards development of Early Years in accordance with policies Core Policy 3 and saved policy HC37 of the Kennet Local Plan.

Highways

In accordance with Core Policy 3 and Core Policies 60, 61, 62, 63; contributions of:

- £170,000 towards improvement of the Hopton/ London Road roundabout
- £435,000 towards canal towpath improvements
- £152,000 towards improvement of local walking & cycling routes
- £5,000 towards improved signage for pedestrians and cyclists

Open space, splay and sports facilities

In accordance with Core Policy 3 and saved policy HC34, the development must provide 1.17 hectares of recreational open space, comprising 0.15 hectares of equipped play space, 0.197 hectares of casual play space and 0.82 hectares of formal sports pitches. Play areas would be provided on the site but no sports pitches are feasible on the site and in accordance with the East Wiltshire Community Benefits from Planning Supplementary Planning Guidance, the following obligations are thus required:

- A contribution of £93,800 towards the improvement of local sports facilities
- Specification and maintenance of on-site open space and play areas

Affordable housing

In accordance with Core Policy 3 and Core Policy 43, affordable housing as outlined above in this report.

Refuse and recycling

In accordance with Core Policy 3 and the adopted Supplementary Planning Document on 'Waste storage and collection - guidance for developers', a contribution of £101.00 per dwelling is required for provision of bins and boxes.

These obligations have been agreed in principle by the developer

11 Other material considerations

5-Year Housing Land Supply and the National Planning Policy Framework

At the time of the 2016 decision, housing land supply was considered in terms of the local East Wiltshire Housing Market Area, within which there was no supply shortfall.

Housing land supply is now considered on a Wiltshire-wide basis however. As Members are aware the Council is currently only able to demonstrate a 4.72 year supply. In the light of the government objective of 'significantly boosting the supply of homes' the shortfall is a material consideration that attracts significant weight.

As the Council cannot demonstrate a five-year supply, and in accordance with paragraph 11 of the National Planning Policy Framework, the development plan policies that are most

important for determining the application must be considered as out of date. The key policies are Core Policy 1 & Core Policy 2 of the Wiltshire Core Strategy and Policy H1 of the Devizes Area Neighbourhood Plan.

With the policies being deemed out of date, para. 11 of the Framework also provides (so far as relevant here) that planning permission should be granted unless any adverse impacts of granting planning permission would 'significantly and demonstrably outweigh the benefits', when assessed against the policies of the Framework taken as a whole.

The 'planning balance' of benefits v impacts is thus weighted in favour of development; often referred to as the 'tilted balance'.

Planning balance – the previous appeal

In the 2016 appeal decision the Secretary of State concluded on the key issues:

- that the development of 350 homes would be acceptable in terms of site access arrangements, road safety, traffic generation and distribution and would not affect air quality in the Air Quality Management Area,
- the harm to the countryside from extension of urbanisation beyond the existing edge of the built-up area attracted 'moderate weight',
- the potential economic benefits can be given significant positive weight,
- the boost to housing supply was a significant positive aspect (despite the fact that there was then no shortfall),
- new open space, canal-side improvements and the availability of the local centre would provide further social benefits, and
- overall the development could be regarded as 'sustainable development'.

The appeal was dismissed because the conflict with the development plan was held to carry 'very substantial weight', particularly as the development would undermine the (then) recent Neighbourhood Plan.

Current proposal - adverse impacts

As previously there would be an inevitable adverse impact on the countryside from urbanisation beyond the edge of the built-up area of the town. Again, this attracts 'moderate weight' in the planning balance.

Whilst noting the objections received, it is concluded as that there would not be any demonstrable adverse impacts in terms of the site access arrangements, road safety, traffic generation and distribution, air quality or retail impacts. There would also be no demonstrable impacts in terms of ecology, archaeology, loss of farmland, flood risk, drainage, urban design or sustainable transport.

Undermining of the Neighbourhood Plan

The 2016 appeal was dismissed largely because the development would have undermined the Devizes Area Neighbourhood Plan. At the time of the appeal decision the Plan was less than a year old and it could be afforded full weight.

Para. 14 of the National Planning Policy Framework provides that conflicts with the neighbourhood plan are only likely to significantly and demonstrably outweigh the benefits of development, when the Neighbourhood Plan is less than 2 years old. The Neighbourhood Plan is now over 5 years old. As noted above, its key policies must now be considered to be out of date. The conflict with the neighbourhood plan thus no longer attracts significant weight.

Current proposal - benefits

The boost to housing supply would again be a significant benefit in the planning balance, and more-so than was the case in 2016 when there was a demonstrable 5-year supply of housing sites. Of the 200 homes proposed, 60 would be provided affordable housing that would also make a significant contribution to local affordable housing needs.

The economic benefit both from the construction phase, ongoing occupation and servicing of the housing, and in terms of the local centre and employment, would also again be a significant positive benefit.

9. Conclusion (The Planning Balance)

Development outside the recognised limits of Devizes would be contrary to the development plan. Permission should be refused unless material considerations warrant otherwise.

Key considerations in this case are the findings in the appeal decision of 2016, in which development of 350 houses was found overall to be 'sustainable development' but which was dismissed principally due to the Council at that time being able to demonstrate a 5 year housing land supply, and due to the conflict with the then recently made Neighbourhood Plan.

With the Neighbourhood Plan now being over 5 years old and the Council unable to demonstrate a 5-year housing land supply, the advice of the National Planning Policy Framework is a key consideration that requires permission to be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The demonstrable adverse impact of the development is limited to the harm to the rural character of the area, which can be afforded moderate weight. Against this, the development would offer a significant social benefit in terms of boosting the supply of housing to help address the shortfall in housing land supply, including 60 affordable housing units. There would be a significant economic benefit from both the construction phase of the development, and thereafter its ongoing occupation and the employment provided within the local centre.

In accordance with para. 11 of the National Planning Policy Framework, it is concluded that the adverse impacts would not 'significantly and demonstrably outweigh the benefits' and planning permission should thus be approved.

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 obligations identified in Section 11 of this 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. i) 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) Access for the development
 - (b) The scale of the development;
 - (c) The layout of the development;
 - (d) The external appearance of the development;
 - (e) The landscaping of the site.
- ii) The development shall be carried out in accordance with the so-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 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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 drawings and details:

Location Plan	326.P.2 Rev. E
Indicative Masterplan (<i>revised</i>)	Devizes.UD.05B
Utility Statement	326.US.01
Sustainable Energy Strategy	17 th June 2022
Design & Access Statement	326.UD.11B Devizes DAS Addendum
Ecological Parameters Plan	BNG1 – Rev. A
Proposed Habitats Plan	BNG2 – Rev. B

REASON

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

5. Applications for the approval of the Reserved Matters shall be in accordance with the principles described and illustrated in the approved Design and Access Statement Addendum (RHL, 326.UD.11B, April 2022), and the principles indicated within the approved Indicative Masterplan (RHL, Devizes.UD.05 Rev B, dated 5th April 2022). 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.”

6. i) No development shall commence until a plan identifying the sequencing of the proposed development (including the local centre and play and amenity areas) has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development shall not be carried out other than in accordance with the so-approved phasing plan.

REASON

In order to secure a comprehensive development of the site in an appropriate timescale and to ensure provision of local services, amenities and facilities in the interests of sustainable development and the amenities of the estate and to minimise the needs for travel, in accordance with Core Policy 57, Core Policy 60 and Core Policy 61 of the Wiltshire Core Strategy.

INFORMATIVE

The phasing plan to be submitted under part (i) of this condition will be expected to provide for the completion of the local centre and play and amenity areas significantly in advance of full occupation of the residential development.

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7. i) No development shall commence within the fields comprised within the site (including works of excavation or laying or re-routing of services) until a written programme of archaeological investigation and mitigation, which should include proposals for the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority.
- ii) The so-approved programme of archaeological work shall then be carried out in accordance with the approved details.

REASON

To enable the recording of any matters of archaeological interest.

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8. i) No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development and it shall include details of the following:
- a) an introduction consisting of definitions and abbreviations and project description and location,
 - b) a description of management responsibilities,
 - c) a description of the construction programme,
 - d) construction vehicle routeing,
 - e) construction staff and visitor vehicle parking areas within the site,
 - f) local road cleaning arrangements,
 - g) measures to prevent excessive mud and dust being deposited on the public highway,
 - h) site working hours and a named person for residents to contact,
 - i) site logistics arrangements,
 - j) details regarding deliveries and storage; including delivery hours, and welfare facilities on site,
 - k) details regarding dust and noise mitigation,
 - l) the recycling of waste materials,
 - m) the loading and unloading of equipment, plant and materials,
 - n) the location and use of any generators or other fixed plant,
 - o) where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts,
 - r) the erection and maintenance of security hoarding/ fencing, and
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s) measures to prevent pollution of watercourses and the adjoining canal.

ii) The construction/demolition phase of the development will be carried out fully in accordance with the so-approved construction method statement.

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 minimise detrimental effects on nearby 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 period.

9. i) 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 have been submitted to and approved in writing by the local planning authority.

ii) The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10. i) No development shall commence on site until a Scheme for the discharge of surface water from the site based upon the principles and hierarchy of sustainable drainage has been submitted to and approved in writing by the Local Planning Authority.

ii) The development, or any identified phase of the development, shall not be first occupied until surface water drainage has been constructed and provided in accordance with the so-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 in the interests of controlling flood risk.

INFORMATIVE

The details to be submitted under part (i) of this condition must include a detailed drainage drawing/s that include the SW network and predicted exceedance route for overland flooding.

The Scheme shall demonstrate that there should be no flooding within the site for up to and including the 1 in 30-year rainfall event. Calculations must be based upon a MADD factor of zero and include for a 10% increase in impermeable area to allow for development creep. The Scheme must also identify clear arrangements in place for ownership and ongoing maintenance of SuDS over the lifetime of the development in the form of a Care Ownership and maintenance schedule.

With regards the control of surface water discharges from greenfield sites, Wiltshire Council as Lead Local Flood Authority requires post development discharges to provide 20% betterment over predevelopment discharges for both peak flow and volume.

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11. i) Prior to the commencement of development on the Local Centre, there shall have been submitted to and approved in writing by the local planning authority an assessment of the acoustic impact arising from the operation of any refrigeration/extraction/air conditioning equipment shall be undertaken in accordance with BS 4142:2014+A1:2019, together with a Scheme of attenuation measures to demonstrate an acceptable noise level.

Background levels are to be taken as a 15 minute LA90 at the boundary of the proposed nearest residential noise-sensitive receptors.

ii) The development shall not be carried out other than in accordance with the so-approved assessment and Scheme.

iii) A post-installation acoustic assessment shall be submitted to and approved in writing by the local planning authority within 4 months of completion of the development of the local centre. The assessment will need to confirm compliance with the noise criteria and identify any additional steps required to achieve compliance.

iv) The details as so-approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON

In the interests of the residential amenities of the area.

INFORMATIVE

Details to be submitted under part (i) of this condition are typically expected to demonstrate operational noise levels 5dB below the existing background noise level.

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12. i) Prior to the start of construction, 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, 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.

ii) The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON

To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

13. No development shall commence on the site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include:

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- details of phasing of landscaping works
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

REASON

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

14. i) 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 substantial completion of the development whichever is the sooner, or otherwise in accordance with such phasing as may be approved the condition above.

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

iii) 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.

iv) 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.

15. The layout plans to be submitted at Reserved Matters stage must align with the approved Ecological Parameters Plan and Proposed Habitats Plan, with no variation or diminution of functional habitat areas, particularly for bats.

REASON

In the interests of conserving habitat for Annex II Bat species.

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16. i) Reserved matters applications shall be supported by plans and calculations to demonstrate that the development of the site as a whole will achieve a net biodiversity gain.

ii) Calculations must be based upon the most recent version of the Natural England Biodiversity Metric and the plans will detail habitat creation and enhancements demonstrating the extent and area of each habitat in relation to the development footprint.

REASON

To ensure biodiversity net gain in the details of the development in accordance with local and national planning policies.

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17. There shall be no occupation of the development until foul water drainage for the site has been implemented in accordance with Foul Drainage Strategy as detailed in the approved Flood Risk Assessment & Drainage Strategy.

REASON

To ensure adequate foul drainage in the interests of amenity and to ensure that sewage is treated at the Potterne Sewage Treatment Works, in the interests of nutrient neutrality and biodiversity within the Hampshire Avon catchment area.

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18. i) Full details of ventilation and filtration equipment to suppress and disperse any fumes and/or odours from cooking operations in the local centre shall be submitted to and approved in writing by the local planning authority prior to the commencement of any commercial cooking operations within the local centre. The details to be submitted shall include maintenance requirements.

ii) The so-approved equipment shall be installed in accordance with EMAQ technical guidance for the "Control of Odour and Noise from Commercial Kitchen Exhaust Systems" DEFRA 05.09.2019.

iii) All such equipment shall be installed in full accordance with the so-approved details prior to the commencement of any commercial cooking or food preparation use, and shall be maintained in effective working order at all times so as to control the emission of odours and fumes.

REASON

To control the emission of odours and fumes from cooking operations in the interests of residential amenity and public health.

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19. i) No residential unit shall be occupied until those parts of the Residential Travel Plan capable of being implemented prior to occupation have been implemented.

ii) 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.

iii) The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the last residential unit.

REASON

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

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20. Prior to first occupation of any dwelling hereby permitted, a bollarded emergency vehicle access incorporating a 3 metre wide cycle route shall have been provided in accordance with details to be first submitted to and approved by the local planning authority between the roads on the development and Coate Road at the south-east corner of the development.

REASON

To provide for emergency vehicle access and in the interests of good pedestrian and cycle accessibility and in reducing movements by the private car.

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21. i) No development shall take place above ground floor slab level until full details and samples of the materials to be used for the external walls and roofs for that part of the development have been submitted to and approved in writing by the local planning authority.

ii) Development shall not be carried out other than in accordance with the so-approved details.

REASON

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.

INFORMATIVE

The details to be submitted under this condition shall include for example, product literature and photographic examples (submitted electronically in pdf format) and shall not include links to manufacturer/ vendor web sites. If requested (for example in the event of the submitted details being inadequate) samples of materials and finishes are to be made available for inspection on the development site.

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

Ecological Assessment (Ecology Solutions, March 2021)

REASON

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

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23. Deliveries to and from the commercial premises, shall only take place between the hours of 07:00hrs to 23:00hrs Monday to Saturday and 09:00hrs to 21:00hrs Sundays and Bank/Public Holidays.

REASON

In the interests of the amenity of the area

INFORMATIVES

1. 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].

2. The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

3. 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.

4. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license or agreement will be required from Wiltshire Council as Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

5. The applicant's attention is drawn to the Highway Authority requirement for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.

6. The reserved matters of layout should include provision for a pedestrian footway between the development and the byway DEVI65, the rerouting of NCN4 through the development from the south east corner to a connection to the canal towpath east of Windsor Road bridge, a 3 metre wide cycleway running parallel to Coate Road within the development , and a 3m cycleway running generally along the eastern boundary of the development.