

EASTERN AREA PLANNING COMMITTEE

Date of Meeting	15 th March 2012
Application Number	E/2011/1139/OUT
Site Address	Land east of Quakers Walk, off London Road, Devizes, Wiltshire SN10 2DJ
Proposal	Development of a Care Village (Use Class C2) including access, car parking and landscaping.
Applicant	Society of Merchant Venturers
Town/Parish Council	DEVIZES
Grid Ref	400928 162065
Type of application	Outline planning
Case Officer	Rob Parker

Reason for the application being considered by Committee

This application has been brought to committee at the request of the Division Member, Cllr Mayes.

1. Purpose of Report

The purpose of this report is to consider the recommendation that outline planning permission be granted.

2. Report Summary

The proposal is discussed in detail in the officer comments below. However, some of the key issues to be considered (having regard to planning policy, consultee responses and objections received) are:

- The principle of development;
- The impact upon the amenities of the area, and in particular the setting of Quakers Walk;
- Whether the indicative layout is acceptable, including levels of parking provision;
- The impact upon traffic levels on London Road;
- The impact upon air quality in the town;
- Whether the development should make provision for affordable housing;
- The arrangements for foul drainage and whether the development would contribute to odour nuisance in the area of New Park Road;
- Impact upon bats; and
- Whether the requirements of the Council's Highway Officer in respect of resurfacing Quakers Walk are necessary and reasonable.

3. Site Description

The application site lies to the east of Quakers Walk, at the end nearest Devizes town centre. The site covers an area of 4.5 hectares and is currently in agricultural use. The recent housing development at Quakers Walk lies immediately to the north, Devizes Sports Club is adjacent to the east and allotments abut the site to the south. Beyond the allotments lies the Kennet & Avon Canal.



4. Planning History

E/10/0213/FUL - Development of a care village (use class C2) and a primary care centre (use class D1) including access, car parking and landscaping – Application withdrawn in March 2010.

5. The Proposal

The current proposal is for the development of a care village, to include 121 extra-care apartments and 18 extra-care cottages. The scheme also includes an 80 bed care home which would include a 20 bed suite specifically designed for residents with dementia. The development will be provided with communal facilities, including restaurants, activity rooms, a library, swimming pool and health suite. There will also be areas of open space within the site, providing leisure facilities including a village green with bandstand, bowls and croquet lawns.

Access to the site will be via the existing Quakers Walk housing development to the north. That development links onto London Road via Quakers Road.

The development provides the opportunity for an alternative access to Devizes Sports Club, in accordance with the requirements of the original Quakers Walk Planning Brief. This would enable the existing dangerous access onto London Road to be closed.

This application is submitted in outline with all matters reserved. However, a detailed layout has been submitted for indicative purposes, along with elevational drawings. These give a clear indication as to how the applicant would like the site to be developed.



Indicative Layout



Computer generated images showing the indicative layout in three dimensions.

(Note: These 3D images relate to the scheme as originally submitted. The layout has since been submitted to move Block C out of the Quakers Walk buffer zone and reduce the size / adjust the positioning of Block H.



6. Planning Policy

The site lies within the Limits of Development defined for Devizes in the Kennet Local Plan 2011. The land is not specifically allocated for development and no designations apply.

Policies PD1, HC5, HC7 & AT1 of the Kennet Local Plan are relevant to the consideration of this planning application. Policy HC30 of the local plan and supplementary planning guidance contained in the Devizes Strategic Brief are also relevant to the discussion in relation to affordable housing.

Interim Development Control Policy on 'Renewable Energy and New Development' (adopted by the former Kennet District Council on 20th September 2007) is a material consideration.

The emerging Wiltshire Core Strategy is a material consideration but the weight given to its content is limited due to the fact that the soundness of the document has not yet been tested through public consultation and Examination in Public. Core policies 43 & 46 are referred to in the officer comments regarding affordable housing.

The parking standards contained in the latest Wiltshire Local Transport Plan (March 2011) are referred to within this report.

Government policy contained in PPS1, PPS3 and PPS9 is a material consideration. Publication of the National Planning Policy Framework (NPPF) is imminent and this document is likely to supersede planning policy statements (PPS). However, the NPPF is currently in draft form and it may be modified in response to public consultation. For this reason the NPPF carries limited weight as a material planning consideration.

7. Consultations

British Waterways – no objection subject to the applicant entering into a legal agreement to provide £1000 per annum to cover the additional maintenance costs arising from increased usage of the towpath by the residents of the development, staff and visitors.

CPRE – objects to the development on the following grounds:

- Development would worsen congestion on London Road and increase air pollution.
- The proposal would result in the loss of a greenfield site which should be protected.
- The application conflicts with Structure Plan Policy.
- The developer's pre-application consultation with the community was inadequate.
- Assumptions contained in the submitted Transport Assessment are not credible.
- The need for private care accommodation in Devizes is questioned.
- The development would produce exclusive and expensive accommodation, unaffordable to the average inhabitant of Devizes.

Devizes Town Council – objects on the grounds that there would be added traffic to an already congested London Road and also there is a lack of parking provision. The town council made the following additional representation:

“The historic character of Quakers Walk has always been vigorously defended by Devizes Town Council, as this route is an important access way from the town centre to the surrounding open countryside. Its appearance has already been significantly reduced by the development of the surrounding fields, therefore any further proposals that have the propensity to diminish the character further are always strongly scrutinised by this authority.

“At a recent meeting of the Town Council Planning Committee, its members considered the sustainable transport appraisal, which suggested various off site enhancements to the area.

“It is the Town Council's strong view that laying an asphalt surface on any part of Quakers Walk would significantly alter the character of the area and further urbanise this important historic route from the Town and therefore would resist any plans to do so. The committee did recognise that the Heritage Park development had laid a parallel path giving access to the estate and therefore a suggestion would be to extend this for the care village, which will provide enhanced access to that facility from Quakers Walk for its residents in addition to giving an alternative route for those who may need a smoother surface for mobility aids.

“The Town Council did concede that the entrance to Quakers Walk via New Park Road can be difficult for those in wheelchairs and they can see the benefit of making some improvement here; however, again this is a sensitive historic area and work would need to recognise this and pay due regard to any planning conditions which may be in place.”

Environment Agency – no objection subject to appropriate conditions and informatives.

Roundway Parish Council – strongly object on parking allocation and impact on the London Road including sewage impact on an already overloaded system.

Trust for Devizes – The present uncontrolled junction with London Road will be unable to cope with peak traffic and considerable queuing will take place. The development will place additional strain on the junction at the morning peak when pupils are being dropped off at the new primary school (08:30-08:45). Congestion will increase and with it air pollution. The fact that air pollution will increase by only a small amount is irrelevant; the Council will have allowed pollution to increase, rather than taking steps to decrease it. The application should therefore be rejected until an effective air quality management plan is in place and shown to be working.

Wessex Water – no objection:

- Foul Drainage - The 'Foul Drainage Options Preliminary Assessment' submitted by the applicant is acceptable to Wessex Water as a basis on which to agree a strategy and progress to Section 104 Agreement. The developer may have to install septicity control at the pumping station until the connected property numbers increase.

- Water Supply - Network modelling will be required to ensure that the local water supply network has the capacity to serve the development. This modelling will be carried out by Wessex Water on behalf of the developer following a grant of planning permission. Any infrastructure works required can be secured under non-planning legislation.

Wiltshire Council Archaeologist – No objection. The application site lies south of the one evaluated in 2007 as part of planning application reference K/52761/O (Quakers Walk housing scheme). The results of that work, together with the topography and nature of the affected landscape, indicate that there is little potential for surviving archaeology which would be disturbed or destroyed by this new development.

Wiltshire Council Ecologist – no objection subject to a condition requiring the submission of an Ecological Management Plan for the site.

Wiltshire Council Environmental Health – no objections, with the following comments:

- The submitted 'Air Quality Impact Assessment' demonstrates that there will be very little impact upon air quality. It is accepted that there are potential issues with the cumulative impacts of development on air quality. This will be dealt with as part of the Wiltshire Core Strategy. However, the Council would not be in a position to refuse planning permission for the current proposal as the relevant policies are not in place.
- The Environmental Health Service has received odour complaints relating to sewage pumped between Quakers Walk sewage pumping station and the main sewer in New Park Street. The Environmental Protection Team are investigating these complaints and are working toward a resolution with the Quakers Walk site developer. The odour is believed to be arising because the pumping station is running under capacity currently. It is the experience of the Environmental Protection Team that once the pumping station is running at capacity, the odour problem will be resolved.

Wiltshire Council Highways – no objections to the revised plans, but request that the following be secured as part of the development:

1. Submission of a staff Travel Plan;
2. Gate signing, including an advance sign and the approach to the gates to be illuminated;
3. Provision of the access roads, the sports club access stub, vehicle parking and turning areas, and bicycle parking areas;
4. Resurfacing of an area outside the Quakers Walk gates with new tarmac; and
5. Resurfacing of Quakers Walk along its entire length (between the gates at the southern end and Roundway Park) at 3m width in a smooth buff coloured surface such as stone mastic asphalt using clear binder and coloured aggregates.

Wiltshire Council Landscape Consultant – no objections. It would be useful to see the plans fully worked up with a landscape masterplan, which also includes the buffer strip and treatment of the Quakers Walk boundary. Any regrading or water attenuation facilities will require an Arboricultural Implications Report.

Wiltshire Council Strategy & Commissioning – Adult Care and Housing

“Wiltshire’s Older Persons Accommodation Development Strategy, adopted in December 2010, projects a 61.7% increase in the numbers of people aged over 85 and a 58.6% increase in the number of people aged 75 – 84 between 2007 and 2021. The recently completed Strategic Housing Market Assessment (SHMA) estimates that around 34% of all households in the Devizes community area have older people in them with 27% of those being entirely older person households and that the number of older person households

will increase by 52% between 2011 and 2026. The SHMA also confirmed that just over 70% of older person households are owner-occupiers with around 21% currently renting affordable housing with the remainder privately renting. The SHMA also indicates that 59% of older person households are under-occupying their current property i.e. their current property has three or more bedrooms.

“The increase in the numbers of older people indicates that there is a high need for additional extra care housing within Wiltshire and in the Devizes community area. The financial status of older people in Wiltshire indicates that the mix of units proposed within this scheme should include a minimum of 20% of the homes as affordable homes to reflect the needs of the whole older population to ensure the properties are accessible to the older people who will need them and that a mixed and balanced community is created to reflect the balance of the wider community. A mixed tenure scheme will also enable older people to move out of larger properties in the local area, both owner-occupied and rented, to release family accommodation.

“It is recommended that the proposal should be supported subject to a requirement to provide a minimum of 20% of the extra care units as affordable housing in order to meet the needs of the whole community. Suggested Heads of Terms are as follows:

- a) 20% of all the extra care/very sheltered housing should be affordable.
- b) Affordable housing is defined by Planning Policy Statement 3 (PPS3) Annex B dated June 2011.
- c) Each of the affordable dwellings shall be let at no more than 80% of local market rents or the Local Housing Allowance cap, whichever is the lower.
- d) The Council to agree in writing the level of local market rents (procedure to follow) and to further agree in writing the maximum rent which may be charged on each dwelling.
- e) The Council to have the right to nominate tenants to each of the affordable dwellings in perpetuity.
- f) Each dwelling over which the Council will have nomination rights is to be agreed in writing with the Council prior to first occupation of the development and must reflect the needs of the Council’s nominees at that time.
- g) The applicant to enter into a nominations arrangement with the Council which will set out the nominations process, criteria for nominees etc (details to follow).”

Wiltshire Fire & Rescue Service – standard guidance letter on fire appliance / firefighting access, water supplies for firefighting and domestic sprinkler protection.

8. Publicity

The application has been publicised by way of site notice, neighbour notification letter and press advertisement. Notification letters were sent to nearly 200 local addresses. 12 representations of objection have been received raising the following issues:

- a) The proposals will increase traffic congestion on London Road which is already at capacity. Any increase in traffic movements at any time of day will make a bad situation worse. The application must be tested using the newly updated version of the Devizes traffic model.
- b) The submitted Transport Assessment contains assertions based on assumptions that objectors do not find credible. The projected number of traffic movements is grossly underestimated and the green travel plan is completely unrealistic given the likely age profile of residents.

- c) The proposals will lead to an increase in levels of air pollution which are already above legal limits in certain parts of the town.
- d) There is inadequate provision for car parking.
- e) A roundabout at the junction of London Road and Quakers Road should be considered.
- f) The proposal would result in the loss of an important greenfield site and harm the amenities of the area. Some open space should be retained for future generations to enjoy. The land should be protected under guidelines set out in paragraph 130 of the draft National Planning Policy Framework (NPPF).
- g) The type of accommodation being proposed will not be affordable to Devizes residents and will not serve a local need. The development will therefore attract incomers to the area and put further pressure on existing infrastructure in the town.
- h) The real need for this development has not been explained. There are numerous other applications in various stages of submission for care homes in Devizes and there is already retirement accommodation in the town which is not selling. Dementia care should be given in the community, not in developments like this.
- i) The disruption caused during the building process will place a burden on the local community in terms of heavy plant movements, noise and air pollution.
- j) The plan includes a road which terminates at the edge of the allotments. This road is not required for the present development and indicates a longer term intention to develop the allotments. This must not be allowed.
- k) Employment opportunities for local people would be limited to unskilled, low value employment, generating little benefit to the local community. All "skilled" staff would travel into Devizes and add to the congestion.
- l) More usage of the towpath would dissuade people from using this pedestrian route into town and encourage them to drive, thus increasing congestion and air pollution.
- m) It is unreasonable to construct 3 storey buildings at the Quakers Road end of the development where they will dominate and restrict evening sunlight on existing dwellings. It would be better to locate these at the end of the site nearest the allotments.
- n) Residents are concerned by the placement of refuse/bin stores at the boundary with homes in Quakers Road.
- o) The development will have a severe impact on bat commuting corridors.
- p) Devizes cannot sustain any further development, the town is already at capacity. The proposal takes no account of the problems it would bring to the already over-stretched infrastructure, e.g. water and sewage, highways, health services. The development will have little or no benefit to the local community to compensate for the harm caused. This is not sustainable development.
- q) The development would put additional pressure on the town's doctor surgeries and hospital which are already under severe strain and not fit for purpose.
- r) The submitted foul drainage assessment puts forward various alternatives, none of which are acceptable. The option of a sewage pipe being put across the canal outside the bridge parapet is not acceptable.

- s) As a result of the extra flow generated by the Quakers Walk development, New Park Road regularly smells of sewage. The system cannot cope at present and further input would only exacerbate the problem.
- t) Concerns are expressed regarding the possibility of further works being carried out to Quakers Walk itself.

9. Planning Considerations

Principle of Development

The application site lies within the Limits of Development defined for Devizes in the adopted Kennet Local Plan 2011. The land is not specifically allocated for development and it is not covered by any local plan designations. Land to the west on the opposite side of Quakers Walk is protected by an 'Area of Minimum Change' designation under local plan policy HH10, the allotments to the south are protected by policy TR20 and Devizes Sports Club to the east is protected recreation land under policy TR17. The application site lies in the centre of these designations without any specific policy protection. Subject to development preserving the setting of Quakers Walk it is considered that the proposal is acceptable in principle.

It is relevant to note that the emerging Wiltshire Core Strategy (the first draft of which was approved by Cabinet for the purposes of public consultation on 7th February 2012) places a strong emphasis on the need to plan for an ageing population. Core policy 46 is explicit in its support for specialist accommodation including nursing homes, residential homes and extra-care housing. The current proposal would therefore make a positive contribution towards achieving the Council's objectives.

Indicative Layout

The application has been submitted in outline with all matters reserved so the detailed design and layout are not for consideration at this stage. Notwithstanding this, the applicant has supplied a considerable level of detail to demonstrate how the site could be developed. This includes an indicative layout, elevational drawings and three dimensional computer generated images. The submitted details show an attractive form of development with single storey and well spaced two storey buildings nearest Quakers Walk and a larger three storey block furthest away, adjacent to Devizes Sports Club. The proposal includes an undeveloped 35m wide buffer zone with the footpath along Quakers Walk which was a requirement of policy HC9 of the Kennet Local Plan in relation to the housing scheme to the north.

The current scheme is considered to be a significant improvement over an earlier withdrawn proposal (E/10/0213/FUL). That proposal included a Primary Care Centre in addition to the care village. The removal of the Primary Care Centre from the scheme has freed up a lot of space which has allowed for a lower density layout and the creation of a more attractive landscape setting.

Although the submitted layout plan is only indicative, it will form the basis for a reserved matters application. Amendments have therefore been negotiated to move Block C out of the Quakers Walk buffer zone, and reduce the size / adjust the positioning of Block H. The amendments have resulted in a reduction in the number of extra-care units on the site from 147 to 139.

Affordable Housing

(i) Adopted planning policy

Proposals for residential schemes of 15 dwellings or more within Devizes would be required under policy HC30 of the adopted Kennet Local Plan 2011 to provide a 50% proportion of affordable housing, divided into 30% subsidised housing for rent through a Registered Social Landlord and 20% intermediate housing (i.e. shared ownership or low cost market).

The Devizes Strategic Brief states that a contribution towards subsidised affordable housing will not be sought from housing schemes which restrict occupancy of the units to people aged 55 or over in recognition of the management problems associated with letting units to people of similar age and mixed tenure within a communal scheme. The adopted policy requirement for an age restricted scheme of dwellings would therefore be a 20% contribution of intermediate housing.

(ii) Emerging planning policy

Core policy 43 of the emerging Wiltshire Core Strategy requires a 40% contribution of affordable housing in all residential schemes of 5 units or more. The tenure would be negotiated on a site-by-site basis to reflect the nature of the development and local needs. Core policy 46 explicitly includes extra-care housing within the affordable housing requirement. This gives a clear indication of the Council's 'direction of travel' in respect of its approach towards extra-care accommodation.

(iii) Application of planning policy to the current scheme

It has long been acknowledged by Planning Inspectors when this matter has been considered at appeal that extra-care accommodation would fall within the C2 residential institution use class, particularly when associated with traditional nursing home accommodation. In this context, it is not legitimate to require affordable housing under the Council's adopted planning policies as these relate to residential development falling within the C3 dwellings use class.

The emerging Wiltshire Core Strategy does require provision of affordable housing in extra-care housing schemes. However, policies in this document would have limited weight in an appeal situation due to the fact that the soundness of the Core Strategy has not yet been tested through public consultation and Examination in Public.

(iv) Negotiations during the course of the current application

Notwithstanding the lack of policy support in the adopted local plan, officers have sought to negotiate an element of affordable housing in the scheme. This would be beneficial in the interests of creating a mixed, balanced and sustainable community and would help to achieve the Council's wider objectives as set out in the emerging Wiltshire Core Strategy.

The applicants point out that there is no formal adopted planning policy to require affordable units but they acknowledge the Council's aspirations and have therefore offered a total of 16 extra-care apartments as affordable units for rent. This represents a contribution of 11.5% of the total number of units on the site (139). The applicants' offer is made without prejudice to their position at any future appeal – it has been indicated that the offer would be withdrawn in the event of the application being refused by the committee.

Whilst the offer of 11.5% is less than the 20% which is being requested by the Council's Adult Care & Housing Team, it is more than could be insisted upon under current adopted local plan policy. On this basis, the Committee is advised to accept the applicants' offer.

Traffic

Objectors raise concerns that development will increase traffic congestion along the London Road. The Council's Highways Officer has responded as follows:

“The Transport Assessment has followed the required methods and parameters set out in the scoping study required by the Highway Authority. The traffic impact on London Road will be around 2% as a worst case which is acceptable. The junction with London Road has been shown in the Assessment to satisfactorily cater for the traffic arising from the development including the forecast future year of 2011. Additional queue lengths caused by the development for vehicles leaving the access road and for vehicles entering will not be significant in the overall terms of the junction operation. The reason for lack of traffic impacts described above is because the development is not a significant contributor to the overall traffic numbers at the junction given the consented school (410 pupils eventually), the consented dwellings (248), and because the shift changeover times of the development are not anticipated to occur in the peak traffic hours.

“Some objectors have made the point that the development should be tested against the updated Devizes traffic model. This is not necessary given the points set out in the paragraph above and the fact that a test of the junction has been made using PICADY [industry standard computer modelling software]. The development will not have a quantifiable effect on traffic in the town centre. A further point is that at the time of the scoping study when the methods for assessment were set, the Devizes model was being updated and it was unclear when it would be available for use. For these reasons use of the model was not specified.”

The Highways Officer is not raising an objection to the development and it would therefore be difficult to substantiate a refusal of planning permission on grounds relating to increased traffic on London Road. It is relevant to consider that a care village is likely to generate less traffic than a conventional housing scheme, which could be the alternative option for this site.

Parking Provision

The Council's latest Local Transport Plan (March 2011) introduces a new system of minimum residential parking standards for conventional housing development, but the standards relating to other forms of development (including sheltered housing and nursing homes) remain expressed as maximums. The maximum standards to be applied to the current proposal are as follows:

- 1 space per 4 beds in the care home
- 1 space per 2 staff in the care home
- 1 space per 2 extra-care units
- 1 space per 5 units for visitors

This translates to 130 spaces, based upon a proposal for 139 extra-care units, an 80 bed care and 25 staff on site at any one time. The indicative layout supplied with the application shows a total of 127 spaces. The Council's Highways Officer is satisfied with this level of provision, which falls just short of the maximum standard.

It should be stressed that the current application is for outline planning permission with all matters reserved, so parking will need to be considered at the reserved matters stage as part of the layout. There would be plenty of scope to increase (or decrease) parking within the current indicative layout, should that become necessary.

Other Highway Matters

The Council's Highways Officer has set out a number of other requirements, including:

1. Submission of a staff Travel Plan;
2. Gate signing, including an advance sign and the approach to the gates to be illuminated;
3. Provision of the access roads, the sports club access stub, vehicle parking and turning areas, and bicycle parking areas;
4. Resurfacing of an area outside the Quakers Walk gates with new tarmac; and
5. Resurfacing of Quakers Walk along its entire length (between the gates at the southern end and Roundway Park) at 3m width in a smooth buff coloured surface such as stone mastic asphalt using clear binder and coloured aggregates.

The first four requirements can be made the subject of appropriately worded planning conditions. The final requirement to resurface Quakers Walk is more controversial. The Highways Officer makes the request on the basis that the development will generate additional pedestrian movement, including wheelchairs and electric buggies. He considers that the existing surfacing, including the recently upgraded section, is not ideal for these movements due to its rough and undulating nature.

In response to this, it is relevant to consider whether a condition requiring the resurfacing of the entire length of Quakers Walk would meet the tests set out in Circular 11/95 'The Use of Conditions in Planning Permissions'. In particular, it is important to decide whether the condition would be necessary in order to grant planning permission, and whether it would be reasonable.

The public footpath along Quakers Walk has already been upgraded for a proportion of its length to provide a convenient pedestrian route into the town centre from the new residential development to the north. The hoggin surface was chosen to retain the rural character of Quakers Walk whilst at the same time providing a firm, well drained surface for pedestrians, cyclists and pushchairs. The balance has been struck successfully and it is not considered that it would be reasonable or necessary to require further surfacing works, particularly works which could harm the character of Quakers Walk. This position is strongly supported by Devizes Town Council (see its representation above).

It is acknowledged that a care village is likely to generate additional wheelchair and electric buggy movements, but this type of activity should also have been anticipated when planning for the neighbouring residential scheme.

Impact on Air Quality

The application is accompanied by an 'Air Quality Impact Assessment' which satisfactorily demonstrates that there will be very little impact upon air quality. The Council's Environmental Health Service accepts the content of this assessment and raises no objection to the development on air quality grounds.

Objectors raise concerns regarding the impact of development upon air quality. Officers do accept that there are potential issues with the cumulative impacts of development on air quality. However, this will be dealt with as part of the emerging Wiltshire Core Strategy. The Council would not be in a position to refuse planning permission for the current proposal as the relevant policies are not in place.

Note - The Environmental Health Service has confirmed that Devizes does have elevated levels of nitrogen dioxide in some parts of the town. The Council is currently undertaking a detailed assessment of the town (which involves gathering more monitoring data) in order to determine whether it needs to review the boundaries of the Air Quality Management Area which is currently

centred around Shanes Castle at the junction of the A342 Bath Road & A361 Chippenham Road. This work is ongoing.

Foul Drainage & Odour Nuisance

The application is accompanied by a document entitled 'Foul Drainage Options Preliminary Assessment' which sets out a number of options for foul drainage. Wessex Water considers this document to be acceptable as a basis for agreeing a strategy and progressing to a Section 104 Agreement under the Water Industry Act 1991. The preferred option is to direct foul flows from the development to the existing sewage pumping station for the Quakers Walk housing development, from where it will be pumped within the existing sewer which runs along Quakers Walk, across the canal bridge and into New Park Street. The solution would necessitate an upgrade to the sewage pumping station but no other works would be required and there would be no need to carry out any further off-site works, including any works along Quakers Walk or to the canal bridge.

Local residents have reported problems of sewage odours in the New Park Road area and they are concerned that the development would make this problem worse. The Council's Environmental Health Service is aware of the problem and has been investigating possible solutions in liaison with Wessex Water. The water authority has confirmed that this is known problem whereby insufficient flows can give rise to odour nuisance; this problem will ease once the Quakers Walk housing development is complete and additional properties are connected to the sewer. The proposed care village development is likely to further improve the situation by adding to the foul flows. In the meantime Wessex Water has advised that the developer may have to install septicity control at the pumping station until the connected property numbers increase. This has already been done in response to the complaints received by local residents regarding odour nuisance.

Surface Water Drainage & Flooding

The application is accompanied by a 'Flood Risk Assessment & Surface Water Drainage Strategy'. This satisfactorily demonstrates that the site is not at risk of flooding. The proposal is to manage surface water from the site in a sustainable manner to ensure that there is no increase in flows from those prior to the development. This will involve the use of permeable paving to the parking areas and cellular soakaways beneath the site. The latter would be located within the buffer between the development and Quakers Walk, and also underneath the car parking areas. The plans have been amended during the course of the application to ensure that the drainage strategy can be implemented without harm to the trees along Quakers Walk. The Environment Agency has agreed the principles contained within the submitted drainage strategy.

Impact on Ecology

The application is accompanied by an Extended phase 1 habitat survey and protected species surveys for bats and reptiles. These surveys show that the site itself is of relatively low ecological value, comprising a large arable field. However, nearby Quakers Walk forms a strong habitat feature linking the Kennet & Avon Canal County Wildlife Site with the ecologically valuable woodland habitats to the north at Roundway, including Home Covert and Roundway Down SSSI.

The submitted reptile survey shows the presence of low numbers of grass snake on the margins of the site. Young toads were also recorded using these marginal areas, which are also likely to be used by small mammals and invertebrates.

The bat survey confirms the presence of eight species of bat foraging, commuting and socialising across the site, including two particularly rare Annex II species. Whilst bats were recorded using all of the site boundaries, the key habitat feature was Quakers Walk, where the majority of foraging, commuting and socialising activity was recorded, including the rare species.

The Council's ecologist concludes that:

- a) Any local reptile population could be safely translocated out of working areas during the construction phase of development and in the long term habitats created within landscaped areas could provide additional habitat if managed sensitively for reptiles.
- b) The development is likely to impact upon bats' use of the eastern and southern boundaries of the site, as access and car parking are proposed in these areas, which are likely to be well lit. Nevertheless, activity in these areas was largely restricted to foraging by the commoner species and impacts could be reduced through a sensitive lighting scheme (which could be made the subject of an appropriately worded planning condition).
- c) Any impacts upon foraging bats can be compensated for through habitat enhancements along Quakers Walk, which will be retained within a wide habitat buffer which will remain dark and therefore should not be impacted upon by development.

Contributions Issues

British Waterways has requested that the applicant be required to enter into a Section 106 legal agreement to pay £1000 per annum to cover the additional maintenance costs arising from increased usage of the towpath by the residents of the development, staff and visitors. It is not considered that this would be a reasonable request, given the scale of the development being proposed (139 extra-care units + 80 bed care home) and the likely level of additional use arising from the development. The Council has not previously sought contributions towards maintenance of the towpath from major developments in the town (including nearby Quakers Walk and Spitalcroft) and therefore it is not considered reasonable to require contributions from the current proposal. British Waterways cite the emerging Wiltshire Core Strategy as justification for its request; this document currently has limited weight and until such time as a Green Infrastructure Strategy has been developed it is considered that the request for developer contributions is premature.

Other Issues

Objectors raise a variety of other issues to which officers would respond as follows:

- a) Objectors raise concerns regarding the justification for this development and whether there is genuinely a need for accommodation of the type being proposed. However, it is clear from the comments of the Council's Adult Care & Housing Team (set out above) that there is a demonstrable need for extra-care housing in the Devizes community area and within Wiltshire in general.
- b) Objectors request that the site be protected under guidelines set out in paragraph 130 of the draft National Planning Policy Framework. The NPPF is currently in draft form and it carries limited weight as a material planning consideration. Nevertheless, it should be noted that paragraph 130 is advocating the protection of green areas **through local and neighbourhood plans**. The application site has not been identified in this manner.
- c) It would be unreasonable to refuse planning permission due to the potential for disruption during construction. However, any disruption can be minimised by requiring the developer to submit a Construction Method Statement. This can be secure by planning condition.
- d) Concerns are expressed regarding the provision of an access to the allotments. This is not intended to provide access for future development – it is simply providing convenient access to the allotments for manure deliveries, etc. This was a requirement identified in the original

Quakers Walk Planning Brief and policy HC9 of the Kennet Local Plan in respect of the adjacent housing scheme stated that development should not prejudice use of the allotments. Deliveries to the allotments were previously made using Quakers Walk itself but the proposed surfacing upgrade was not considered to be compatible with agricultural vehicles, so an alternative access was needed.

- e) One objector expresses concern that the employment opportunities for local people would be limited to unskilled, low value employment, generating little benefit to the local community. This is an unsubstantiated claim which lacks any evidential basis. The development will generate jobs and this can only be viewed as positive for the town, especially in the current economic climate. The Government has made it clear in the ministerial statement 'Planning for Growth' that it expects local planning authorities to be positive towards development which stimulates the economy and creates jobs.
- f) Concerns have been expressed that the development would put additional demands on the town's already stretched doctor surgeries and hospital. Government advice contained in Circular 03/2005 (paras. 64-65) acknowledges that this type of public concern is common, but reminds local planning authorities that they should concentrate on the land-use planning considerations such as the impact on amenity and the environment. Residential care homes and nursing homes must be licensed through the Care Quality Commission and it is through this process (which involves consultation with General Practitioners) that the impact upon existing medical facilities will be addressed. In practice, care home providers often provide "gap funding" to GPs until capacity improves due to increased public funding from national budgets, or alternatively they make their own arrangements to address concerns over capacity, for example by funding a visiting GP. The applicant has provided a more detailed response on this issue which can be viewed on the working file. However, the important point to note is that it would not be legitimate to refuse planning permission on the basis of the scheme's impact upon health facilities – such issues are dealt with elsewhere under non-planning legislation.
- g) Residents of Quakers Road have expressed concerns regarding the siting of refuse/bin stores close to their properties. It is not considered that these would be harmful to neighbour amenity and there is no reason why a properly constructed bin store with adequate ventilation, proper cleaning/maintenance and regular refuse collection is likely to cause nuisance. The precise positions of the bin stores will be considered as part of the reserved matters application.
- h) Concerns have also been expressed regarding the position of the three storey block. It is not considered that this block would be harmful to the amenities of neighbouring residents. The block would be a satisfactory distance from properties in Quakers Road. Siting the block elsewhere on the site would be likely to harm the setting of Quakers Walk.

10. Conclusion

This proposal for a care village presents an excellent opportunity to deliver a care home and extra-care housing which would assist the Council in meeting its objectives to deliver specialist accommodation for an ageing population. There are no policy reasons why the site cannot be developed as a care village and the indicative layout and supporting information provided by the applicant demonstrate how an attractive development can be achieved without adversely affecting the setting of Quakers Walk or the amenities of neighbouring residential occupiers.

The layout maintains a minimum 35m wide buffer zone with Quakers Walk and provides for access to Devizes Sports Club and the existing allotments. These were requirements of the original Quakers Walk Planning Brief.

The submitted Transport Assessment (which has been prepared in accordance with a methodology agreed with the Council's Highways Officer) demonstrates that the development would add no more than 2% to existing traffic levels on London Road. The evidence also

suggests that there will not be a quantifiable effect on traffic in the town centre. Furthermore, there will be very little impact on air quality in the town.

Officers are satisfied that the development can be connected to existing sewerage infrastructure without causing odour nuisance for existing residents in the area of New Park Road. They are also satisfied that there would be no adverse impact upon protected species, subject to appropriate mitigation measures being secured via an Ecological Management Plan.

The applicant is offering 16 affordable extra-care units with nomination rights for the Council. This is a positive planning gain, negotiated by officers, which can be taken into account by the Committee when considering the application. Members should be aware that the offer will be withdrawn by the applicant in the event of planning permission being refused, as the Council's adopted planning policies cannot insist upon the provision of affordable housing in C2 residential schemes.

It is also relevant to consider that the economic benefits of this development which will be create jobs and generate additional spending in the town, both during construction and when the care village is operational. The Government has made it clear in the ministerial statement 'Planning for Growth' that it expects local planning authorities to be positive towards development which stimulates the economy and creates jobs.

Overall, it is considered that this development should be supported and accordingly a grant of outline planning permission is recommended, subject to the applicant entering into a S106 legal agreement to secure the affordable housing.

RECOMMENDATION

That outline planning permission be GRANTED subject to the applicant entering into a Section 106 agreement to secure the affordable housing and subject to the conditions set out below.

The reasons for granting planning permission are:

- a) Development would accord with policies PD1, HC5, HC7 & AT1 of the Kennet Local Plan 2011, Interim Development Control Policy 'Renewable Energy & New Development' and government policy contained in PPS1, PPS3 & PPS9.
- b) This mixed tenure development would assist the Council in meeting its objectives to deliver specialist accommodation for an ageing population, as set out in the emerging Wiltshire Core Strategy.
- c) The development also has economic benefits, creating jobs and generating additional spending in the town, both during construction and when the care village is operational.
- d) The indicative layout and supporting information provided by the applicant demonstrate how an attractive development can be achieved without adversely affecting the setting of Quakers Walk or the amenities of neighbouring residential occupiers.
- e) The indicative layout maintains a minimum 35m wide buffer zone with Quakers Walk and provides for access to Devizes Sports Club and the existing allotments. These were requirements of the original Quakers Walk Planning Brief.
- f) The development would not be detrimental to highway safety or congestion in the town, adding no more than 2% to existing traffic levels on London Road. There will not be a quantifiable effect on traffic in the town centre. Furthermore, there will be very little impact on air quality.

- g) The development can be connected to existing sewerage infrastructure without causing odour nuisance for existing residents in the area of New Park Road.
- h) There would be no adverse impact upon protected species.

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;
- (e) The means of access to the site.

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

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

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

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

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

REASON: To ensure a satisfactory landscaped setting for the development.

- 5 The development hereby permitted shall not be occupied or otherwise brought into use until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 6 (a) The details of layout and access submitted as part of the reserved matters application shall accord with the indicative layout and indicative access points shown on drawing no. PL02 Rev E received on 16th November 2011.

(b) The scale of the individual blocks submitted as part of the reserved matters application shall accord with the details shown on drawing nos. PL03, PL04, PL05, PL06 & PL07 received on 24th August 2011.

(c) The number of extra-care units on the site shall not exceed 139 and the number of beds in the care home shall not exceed 80.

REASON: The Local Planning Authority has considered the proposals based upon the information on indicative layout, scale parameters and amount of development submitted with the application. It would wish to give separate consideration to any proposal which departs from these details.

- 7 The development hereby permitted shall be used solely as a C2 care village comprising a care home, extra-care accommodation units and ancillary facilities for the benefit of residents. The development shall not be used for any other use (including other uses falling within Class C2 of the Use Classes Order 1987, as amended).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, having regard to the circumstances of the case.

- 8 No development shall commence on site until details of protective fencing for the trees along Quakers Walk have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with British Standard 5837 (2005): 'Trees in Relation to Construction' and the information shall include details of the type of fencing to be used and its position. Once the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected area(s).

REASON: To enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 9 No development (including excavation and earthworks) shall take place within 35m of Quakers Walk (identified on the approved plans as the Buffer Zone) until an Arboricultural Implications Report has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To protect trees on the site in the interests of visual amenity.

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

REASON: In the interests of visual amenity.

- 11 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the works have been fully implemented in accordance with the approved details.

REASON: To ensure that the proposal is provided with a satisfactory means of foul drainage.

- 12 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

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

REASON: In the interests of sustainable development and prudent use of natural resources.

14 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment.

15 INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the contents of the attached letter from the Environment Agency and dated 26th September 2011.

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

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

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.

- 17 No development shall commence on site until a scheme for on-site renewable energy to reduce CO2 emissions from energy use by users of the buildings constructed on site by a minimum of 10% has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of reducing CO2 emissions.

- 18 No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. This should include details of:

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

All development shall be carried out in accordance with the approved Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of mitigating the impact of development upon protected species and enhancing the local ecology of the area.

- 19 No external lighting shall be installed on the site without the prior written approval of the Local Planning Authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and thereafter it shall not be modified without the Local Planning Authority's prior written consent.

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

- 20 The development hereby permitted shall not be occupied or otherwise brought into use until a Staff Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request together with any changes to the plan arising from those results.

REASON: To promote car sharing and modes of transport other than the private car, in the interests of sustainable development.

21 The development hereby permitted shall not be occupied or otherwise brought into use until tarmacadam resurfacing works have been carried out in the area outside the Quakers Walk gates, in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority.

REASON: The existing tarmacadem surface just outside of the gates is rough and in poor condition and resurfacing is required to improve access to the town centre for wheelchairs and electric buggies.

22 The development hereby permitted shall not be occupied or otherwise brought into use until the access road, sports club access stub, vehicle parking and turning areas and bicycle parking facilities have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

23 Any entrance gates to the development shall be properly signed including an advance sign and the approach illuminated in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

24 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

(a) Planning Supporting Statement, Design Statement, Documents titled "Defining the C2 Use" & "Care Needs Assessment", Extended Phase One habitat survey (May 2009), Reptile Survey (July 2009), Bat Detector Transect Activity Surveys (Summer 2009), Proposed Site Perspectives (2 no.), Transport Assessment (including Non-Technical Summary), Foul Drainage Options - Preliminary Assessment, Consultation Statement and Drawing nos. PL01, PL03, PL04, PL05, PL06 & PL07 received on 24th August 2011.

(b) Air Quality Assessment received on 6th September 2011.

(c) Revised site layout plan (Drawing no. PL02 Rev E) received on 16th November 2011.

(d) Amended Flood Risk Assessment & Surface Water Drainage Strategy (Revision A) received on 21st November 2011.

