

The Trust for Devizes  
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14<sup>th</sup> May 2012

Rob Parker  
Senior Planning Officer  
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Dear Mr Parker

**Re; E/2012/04443/FUL  
Gas Holder Site – Land Adjacent to The Wharf, Devizes.**

Thank you for your letter dated 13<sup>th</sup> April 2012 concerning the above application concerning the development in Devizes inviting comments from The Trust for Devizes.

Current Planning Situation.

Despite the previous applications concerning this site being rejected and subsequently overruled at appeal, this new application comes forward with minimal change and does not properly address the concerns raised previously.

The Council has an obligation to ensure that it is treated as a new application, therefore should be fully reviewing and balancing the advantages and disadvantages of the impact of the proposal. In doing that, evidence both for and against the proposal should be fully and proportionately researched, considered and reported in a balanced manner.

In addition, since the previous application was considered and rejected the law and regulations on planning matters have changed significantly. The Localism Act 2011 and the National Policy Planning Framework, published as a Regulation taking effect immediately in March 2012, are now relevant considerations. Furthermore, the Wiltshire Council's Core Strategy, which includes the Wharf Development Brief, has been accepted in principle by Wiltshire Council, has completed its public consultation stage and should now be given a suitable degree of weight in relation to the requirements of localism and sustainability.

Original Objections

The key points of objection to the previous application are still valid and are reviewed here, with some updating.

The scale and massing of the buildings is not in sympathy with this conservation area. The architectural design is not satisfactory either in its overall concept or its

detail. The original concept was to reflect nearby commercial buildings and the Wharf environment. However the sheer size of the structures results in unsightly buildings. In breaking up the shapes to improve appearances, the original design concept has been lost and the structures no longer reflect the local vernacular, so we have an unsympathetic over-development. Roof lines are too high. Despite the reduction in roof height at the eastern elevation, the buildings would dominate the Wharf area.

The submitted views from the Wharf area and from the opposite side of the canal are misleading. The scale of the development is illustrated in a misleading way using trees to mask its true appearance.

Parking is well below that recommended by Wiltshire Council for this type of accommodation. There is inadequate parking for residents' cars, visiting warden cars, deliveries, medical services, maintenance services and all other visitors.

Mobility provided by personal transport is essential for a long and healthy life, so parking for all the residents is vital. There is no evidence or any reason to believe that people who are over a certain age wish to give up car use. Indeed, for many older people it becomes an increasingly important means of maintaining independence even if their annual mileage is relatively low. The similar McCarthy and Stone development in New Park Street, Devizes, has a low ratio of parking to occupants and has to have a rationing scheme for parking places, which illustrates that there is a need for more generous parking provision. An appropriate comparison for parking spaces is the Croft, an existing Devizes residential development for older people. There is a parking space for every accommodation unit there, plus visitors' spaces, and they are always fully utilised.

Much has been made by the developer of local public transport links, but these are not reliable or sustainable. For example, some key local bus services are subsidised and have recently been reduced because the subsidies have had to be reduced. Trains are not accessible from Devizes without bus services or costly taxi journeys. The fact that Devizes has quite limited bus services and no train service does mean that access to a car and parking is an important factor in retaining a sustainable and reasonable quality of life. The developer's so-called Green Travel Plan gives the impression that public transport services are much better than they are. It is either a very poor piece of research or a deliberate attempt to mislead. The suggestion that most of the residents should have their shopping delivered and have medical services come to them to avoid travelling is an unwarranted presumption.

Medical facilities are lacking in Devizes and transport is essential to reach other towns. That generally requires personal access to cars because bus services are not only comparatively slow but may not operate at convenient times and are often unreliable. Major hospitals offering treatment at all hours are over 20 miles away. It can be anticipated that older people living in a retirement complex will be needing access to these distant facilities more frequently as they become older.

There must be more room for larger removal and delivery vehicles and emergency

vehicles. In addition, even after the original construction, there will be various maintenance and service vehicles that will need to be parked close to the building. The amended site layout plan (drawing A01-1712-02A) now shows a proposal to encroach upon the external public car parking area to provide manoeuvring space for larger vehicles. Such an encroachment on external areas is not acceptable. That need has arisen because the vehicle space within the site is totally inadequate not only for the residents' parking but also for the needs of construction, for visitors, for deliveries and probably for emergency purposes such as fire-fighting.

The reason why the vehicle space is so inadequate is that the developer is seeking to build the maximum number of accommodation units to make it commercially viable. The requirement to grossly overdevelop the site to make it commercially viable is a good argument for concluding that the site is not suitable for the proposed development. It is not an argument for claiming that the site needs to be so intensively developed in order to make it viable.

Another important consideration is whether the proposal would meet the criteria currently in the Wharf Development Brief. We request that you take this study into account in conjunction with the draft Wharf Area Development Brief in determining the current application. The Wharf Area Development Brief appears to provide many common sense reasons why the proposal is quite unacceptable and some of them might even provide sound planning reasons.

Developers only consider the short term. The community is frequently left to cope with the long term consequences and costs of planning decisions that are based on narrow, one-off considerations without an adequate overall strategic plan. Devizes has suffered significantly from very poor piece-meal planning decisions focussed on housing developments in recent decades and we seek to see planning standards raised for the future in the interests of community sustainability.

A study by DEFRA puts strong emphasis on the value of green, open spaces as a major health factor and even goes so far as to attribute financial values which can be considered by planners in relation to proposals. McCarthy & Stone wish to almost completely fill the available space with accommodation blocks and provide a bare minimum of open space. That would not only have an adverse effect on the people who would be expected to live there but also on the community at large. It is a very good location for retaining some health-giving open, green space. It would be fundamentally wrong to permit a developer to build over the site to the extent proposed. If the development would not be financially viable on a significantly smaller scale, it is a reason for deciding that it is an inappropriate development for that site, not an argument for ignoring the criticisms of the proposal.

There is currently considerable interest in renewable sources of energy but no provision has been made by the developer for the benefit of future residents. For example, the extensive south-oriented roofs lend themselves to relatively inconspicuous solar energy collection and the canal would be an ideal heat source for a heat pump. The building is apparently to be dependent on electrical heating. No consideration has been given to sustainable energy supplies from solar panels,

woodchip-fired boilers or ground-source heat pumps for example [see note below on the current proposal for heat pumps]. The only reason for that is to save on initial capital costs and the scheme may not be commercially viable designed for sustainability. If the proposal is not commercially viable if it were to be designed for sustainability, that is a sound reason for rejecting it.

#### Further Considerations for the Current Planning Application.

1. The reasons the Trust and other parties objected to the previous submission are still valid, have not been properly addressed and need to be reconsidered.
2. The development is within a designated conservation area (a heritage asset) and within the requirements of PPS5 HE7.2 (recently engrossed within the National Planning Policy Framework) requires development within these areas to preserve and protect the landscape and townscape aspects as well as any historic building or facility.
3. The development blocks a significant potential “gateway”<sup>1</sup> into the town from the canal system to the west that could be developed later. This proposal prevents a suitable development of that canal side enabling greater canal tourist access to the town from the major tourist attraction of Caen Hill Locks. This site ought to be part of the overall neighbourhood plan for the town’s development this area. Creating an integrated quay/mooring/marina would facilitate canal traffic to be encouraged into the town via a plaza to Wharf Street and Snuff Street thus bringing life to the retail properties on this “gateway” into the town. A footpath alone would not achieve this. The proposal essentially further isolates the canal access and canal traffic from the town.
4. The original rejection of this proposal clearly states its non-compliance with PPS5 section HE7 as it fails to make a positive contribution to the character and local distinctiveness of the historic environment. It also contravenes policy PD1 of the 2011 Local Plan regarding this development.
5. As a retirement complex, it is exempt from having to provide any element of affordable properties whilst taking 38 units of housing out of the proposed allocation, thus making the achievement of affordable homes even more difficult for Devizes area.
6. This proposed development has been advertised intensively on a national scale so that it will command a unit dwelling price that would not be within most local residents’ ability. It would bring in new people to the town, all over the age of 55, increasing the burden on the already inadequate local General Practitioner provision.

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<sup>1</sup> The requirement of a “gateway” is seen to be much more than a minimal footpath.

7. The additional demands on the drainage and sewerage systems are likely to cause downstream issues and bring forward the need for significant reinforcement of the drainage infrastructure. The cost implications of that may not be a planning issue but the spatial planning concerns should be. The provision of additional pumping at the site resolves only the movement flow demand not the capacity demand.
8. The sustainability of the proposal is in question. No provision is evident for the retention and use of rainwater or personal washing water which can be used for toilet flushing for example. There is a token provision of air source heat pumps indicated in the application drawings to counter previous criticism. It should be noted that air source heat pumps are not the technically and environmentally optimum choice but have a lower capital cost. It is unfortunately a standard developer's ploy to indicate such sustainable systems on submitted plans but not install them in order to save construction costs. The suspicion is that heat pumps will not be installed unless planning conditions require they must be operational *before* the building is occupied and that *no other* forms of electrical space heating are installed.
9. The development will take away some of the parking spaces currently available in the Wharf public car park (estimated at between 6 & 12) and provide only 15 spaces for residents and visitors. With 37 apartments (15 x 1 bed, 22 x 2 bed) gives a population of 59 persons with an assumed car population<sup>2</sup> at 70%: requires a total 26 spaces.

The Wiltshire Council policy<sup>2</sup> figure of 70% for such developments is considered a low assumption for retirement homes for people over 55 years old these days. Independence and mobility are high on their needs. The independence conferred by car ownership actually increases with age as people become less able to walk, cycle or cope with the problems of public transport. The McCarthy and Stone approach to car ownership and car parking is outmoded, as stated above.

10. Whilst all the previous application data is available through the planning portal, for anyone reviewing this application it looks as if there is just a minor issue of roof height. This is very misleading as we have stated above.
11. The Documents available show that the planning officer in making the original recommendation to the Planning Committee only presented information that supported approval of the application and did not provide a balanced assessment of the original proposal's contra-indications. The original refusal letter clearly states that height was NOT the only reason for rejection as there are very compelling arguments

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<sup>2</sup> Wiltshire Council policy for development of this nature. Based on other similar retirement homes such as McCarthy Stone, Calne, and the waiting list for parking at the New Park Street development in Devizes, 70% provision is low.

against this proposal. Some other potential reasons for refusal were not stated by the appeal inspector for various reasons, including that the Wiltshire core Strategy was still in a draft form and the Localism Act and the NPPF Regulations were not then in force. That situation has now changed and all these matters need to be given due weight.

12. The original logged responses and comments on this proposal have been ignored by the applicant who has not addressed the major part of the issues raised. If the planning officer reviewing this application was to adopt the same approach it could be interpreted as an issue of lack of due diligence by the planning department, which would be unacceptable.
13. At appeal, the planning department did not provide any evidence that it had reassessed or reviewed the original recommendation and analysis of the application nor carried out any audit to confirm that the planning officer's presentation had taken account of all the information or comments made. It is hoped that such an omission will not recur.

### Conclusions

The re-submitted documents seek to address only the height of the building as being the reason for rejection. If this argument were accepted it could have the unfortunate result of the planning officer failing to properly review the application as suggested above.

This submission is a new application in full so must comply with the prevailing legislation and the policies and codes of practice of the local planning authority.

The NPPF implies local views are very much part of the process of planning and we trust that the Council will take due note, register and properly consider all the objections to this application on this occasion.

Yours sincerely,

**Ted East**  
Chairman  
Trust for Devizes