

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12 February 2014
Application Number	13/01243/OUT
Site Address	Land at Lay Wood south of Horton Road Devizes
Proposal	Outline planning application for up to 230 residential dwellings (C3), new access from Horton Road, open space, landscaping, drainage works and ancillary works
Applicant	The Crown Estate
Town/Parish Council	BISHOPS CANNINGS
Ward	Bishops Cannings
Grid Ref	402886 163143
Type of application	Full Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development of up to 230 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Devizes and across the Eastern Housing Market Area of Wiltshire. In addition Local Ward member Councillor Whitehead has requested that the application be called to the Planning Committee for the following reasons:

- Scale of Development
- Environmental or Highway Impact

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

2. Report Summary

The main issues to consider are:

- Principle of the development
- Heritage Assets
- Impact upon the wider landscape
- Land Quality
- Ecology

- Highways
- Section 106 Obligations
- Other matters

3. Site Description

The site is on agricultural land located to the north east of Devizes. It is bounded to the north by Horton Road, to the south by the Kennet and Avon Canal, and to the west by existing residential development, a highways depot and new residential development currently under construction. To the east is open countryside with the North Wessex Downs Area of Outstanding Natural Beauty beyond. To the north of Horton Road is a small residential area and 8.4 hectares of land proposed for Strategic Employment in the emerging Wiltshire Core Strategy (known as Horton Road Strategic Employment Allocation).

4. Planning History

There is no relevant planning history.

5. The Proposal

The proposal is an outline application for up to 230 dwellings, including a new access from Horton Road, open space, landscaping, drainage works and ancillary works on land that has been used for agriculture.

The areas left for future determination under a reserved matters application include the appearance of buildings, layout of the proposed development, scale of buildings proposed and landscaping details. The means of access to the site is for determination now.

The proposal falls into three main areas which include: the northern field adjacent to Horton Road with the Highway Depot to the west; The southern field which is adjacent to the Kennet and Avon Canal to the south, residential development to the west and Lay Wood to the east; and the final area includes Lay Wood, which lies between the two sites and is to be retained.

The site in question measures approximately 17.5 hectares.

The application is supported by several technical documents which include a Transport Assessment and Travel Plan, a Landscape and Visual Impact Assessment, Tree Survey, Phase 1 Habitat Survey, Geophysical Survey, Phase 1 Land Quality Assessment, Flood Risk Assessment, Design and Access Statement, Planning Statement.

Amended plans have been received during the course of consideration of the proposal reducing the amount of dwellings from up to 260 to up to 230. This follows findings from a trial trenching exercise undertaken at the request of the Wiltshire Council Archaeology Officer.

6. Planning Policy

Kennet Local Plan 2011 - Saved policies

PD1 – Development & Design; NR6 – Sustainability & protection of the countryside.

HC28 – Affordable homes target; HC30 – Affordable housing;

HC34 – Recreation provision on large sites; HC37 – Demand for education;

HC42 – Additional social & community needs; ED17 – Town centre development.

HH10 – Areas of minimum change; AT1 – Transport appraisal process;

AT10 – Developer contributions.

Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

Core Policy 2: Delivery Strategy; Core Policy 12: Devizes Community Area;

Core Policy 38: Retail and Leisure;

Core Policy 41: Sustainable construction and low-carbon energy

Core Policy 43: Providing affordable homes; Core Policy 50: Biodiversity and geodiversity.

Core Policy 51: Landscape; Core Policy 52: Green Infrastructure.

Core Policy 55: Air Quality; Core Policy 57: Ensuring High Quality Design & Place Shaping.

Core Policy 61: Transport and Development;

Core Policy 62: Development impacts on the transport network

Supplementary Planning Guidance

- Supplementary Planning Guidance 'Community Benefits from Planning' (March 2005).
- Kennet Landscape Conservation Strategy.
- Interim Development Control Policy 'Renewable Energy and New Development' (September 2007).
- Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

Other Legislation

- National Planning Policy Framework (NPPF)
- Circular 06/2005 Biodiversity and Geological Conservation

7. Consultations

Bishops Cannings Parish Council - This mix is completely inconsistent with the accommodation forecasts in Wiltshire Council's 'Strategic Housing Market Assessment'. A housing development of this size will generate a large volume of traffic focussed on the

roundabout at the Horton Road/ A361 junction. This already suffers from congestion in the evening rush hour period when queues form on the A361 as traffic from the North waits to access the roundabout. A side effect of this is an increase in vehicles taking a 'short-cut' through Bishops Cannings village, a route that would be certainly taken by residents of this proposal. Insertion of a possible link road through the land currently owned by Berkeley Strategic would not resolve this problem.

Bishops Cannings School would be the catchment school for this development, but is full and has confirmed that it has no wish to expand. Parents would therefore have to drive their children to the next available alternatives. Being out of catchment there would be no school bus option and parents with small children will not cycle or walk this distance. This is also the case for all shopping and social requirements and all of these involve using the congested A361 towards Devizes.

The Parish Council did however also make the following comments regarding any Section 106 Legal Agreement:

Supplementary Planning Guidance and policy HC34 also require that for a development of this scale some provision for formal sports is made, equivalent in this case (260 houses x 2.4 people) to about one hectare of land. The parish council would suggest a commuted payment in lieu of this provision would be appropriate, to be used by the parish council for the development of a formal sports facility on another site within the parish.

The parish council would further propose that the ownership of the green infrastructure (including the woodland) is transferred to the local community and a commuted sum paid to provide for its future management,

The total number of dwellings in the parish at the 2011 census was 797. Since that point the Redrow development will add 118, making a total of 915. An additional 260 dwellings will therefore represent a household population increase of 28.4%. This is a significant increase and to make the development acceptable in planning terms (notwithstanding the council's objection) some contribution towards community infrastructure is required. A particular problem for the local community is lack of parking space in Bishop's Cannings village, for users of the hall, school and church. Should this development proceed, the parish council would suggest that the Crown Estate extend the size of the village hall car park that they currently lease to the council; upgrade the car park with a permanent, drained surface and also transfer ownership of the car park land to the local community.

Devizes Town Council – Object - The planning application is contrary to issues to be considered for Devizes set out in the emerging Core Strategy, paragraph 5.65. This identifies that “*the rate of development in Devizes should reduce compared to recent trends in recognition of the need to improve the local infrastructure before significant new development takes place.*” The paragraph goes on to say this strategy will give time for infrastructure and traffic congestion issues to be addressed.

Roundway Parish Council – Object - The application does not address the requirements of the Wiltshire Core Strategy or emerging neighbourhood plan, particularly in relation to demand for affordable housing within the area. The proposed development would also create significant pressure on local infrastructure, especially as regards health care

provision, schools and transport, with no clear strategy for how these pressures should be addressed. Within the planning application there is no clear strategy or commitment on how

Wiltshire Council Spatial Plans Officer - Until the Council has completed work to determine how the increased housing supply will be distributed, and how this supply will be met against the proposed new figures, it is considered that the policies in the development plan relevant to the supply of housing both within the adopted and emerging plan cannot be given significant weight. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph 14). It is therefore considered that the principle of development can be established subject to the normal range of material considerations, which have to be taken into account when determining a planning application, to establish if any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

Wiltshire Council Highways Officer – No objection subject to conditions and S106

Wiltshire Council Landscape and Design Officer – No objections

Wiltshire Council Conservation Officer - In the event that it is concluded that the development of the site is acceptable (i.e. that it will deliver sustainable housing in the most appropriate location in the town) then, provided that the mitigation in terms of the general layout (which provides opportunity for improvement at the eastern edge of the development) and specific design in relation to the western area are delivered, I consider that it has been adequately shown that the harm which would result to the settings of the heritage assets could be outweighed by the public benefits. As a result, I consider that there should be no overriding objection to the proposed development from the point of view of the built historic environment.

Wiltshire Council Arboricultural Officer – No objection to the proposed scheme in principle, however concerns are raised with the loss of significant hedgerow trees on the northern boundary. Also raise concerns with the potential short and long terms impact on Lay Wood which is of significant amenity value which could be covered by way of appropriate conditions regarding method statements and a long term management plan.

Wiltshire Council Environmental Health Officer - Accept the air quality assessment and the need to secure travel planning, cycle and footpath improvements and measures from the Devizes Transport Plan conditioned in S106.

Wiltshire Council Land Adoption Team – No Objection subject to Section 106 contributions being secured regarding equipped play space (including NEAP, LEAP and Trim Trail) and a contribution towards formal pitches.

Wiltshire County Ecologist – No objection

Wiltshire Council Archaeologist – No objection subject to a condition requiring further archaeological investigation, mitigation and recording.

Wiltshire Council Principal Development Officer (Housing) – There is a strong demand for affordable housing in Devizes and therefore 40% affordable housing would be required from this site in the form of 75% rented and 25% shared ownership.

Wiltshire Council Senior Premises Officer (Education) – The development would require a commuted sum for £928,049 for primary school education and £9,960,060 for secondary school education

Wiltshire Council Energy Policy Officer – A condition would be required for the reserved matters to include an energy strategy which is required under Core Policy 41.

Wiltshire Council Drainage Officer – No objections in principle subject to a condition requiring detailed drainage drawings to be submitted prior to the commencement of development

Art Development Officer - It appears that the public art element is a one off ad hoc feature, rather than necessarily being integrated in to the design of the site. Our preferred way of delivering public art for a site of this scale is that we would expect the developer to engage an experienced professional public art advisor to join the design team to devise a public art plan. We would want to work with the design team, assist with the short listing of a public art advisor and approve the final public art plan. The delivery of a public art scheme would be in line with the “East Wiltshire Community Benefits from Planning SPD”, supporting the Kennet Local Plan 2011 and its reference to public art. Although still not adopted, the draft Wiltshire Core Strategy refers to art and design in the public realm (public art) in Core Policies 3 (Infrastructure Requirements) and 57 (Ensuring high quality design and place shaping) of the draft Wiltshire Core Strategy.

North Wessex Downs Area of Outstanding Natural Beauty – No objections subject to conditions regarding landscaping and its management (including a timetable), limit street lighting and control building heights and external materials to ensure the development is not unduly prominent from within the AONB.

The Canal and River Trust – No objection subject to conditions and a legal agreement relating to towpath improvements

Wiltshire Fire and Rescue – request a contribution £19,793.80 to help towards the Wiltshire Fire and Rescue infrastructure

Wessex Water – No objections subject to conditions regarding foul and surface water drainage strategy

Environment Agency – No objections subject to conditions regarding surface water drainage, the requirement for a masterplan, detailed drainage, floor levels, construction management plan, water efficiency details

8. Publicity

The application was advertised by site notice, press notice & neighbour notification. Expiry date: 25th November 2013

Summary of points raised: 36 letters of objection from the public with the following concerns:

Principle

- Lay Wood is an ancient wood and should remain intact
- Important agricultural land is being lost
- Land floods where it joins the canal – where will this be displaced
- Architectural remains have been found, if houses are built they will be lost forever

- Recent public consultation for the Neighbourhood Plan found 30 plus brownfield sites in Devizes rendering it unnecessary to use valuable agricultural land
- This end of Devizes is overdeveloped
- Existing infrastructure cannot support such an increase in housing
- Land not in area approved for development in the Core Strategy
- Site is located away from the town centre and the rest of the facilities
- If approval is given it will set a precedent for further development on brownfield sites
- No details have been given for inside the estate. Will the housing be right for the types of families in Wiltshire. Will the rooms be big enough, will parking be adequate for 6 cars per household, will roads be wide enough, play areas are needed for under 5's, what about employment
- Extreme shortage of employment in the locality
- Countryside being eroded
- There is already a soft edge to Devizes, we do not need another one
- How many affordable dwellings will there be
- Is 40% affordable housing enough?
- Loss of open space
- Lay Wood is registered as a red status for the RSPB which will be lost
- Lay Wood has a diverse range of wildlife which this development will impact upon
- Wiltshire Council should employ an independent provider to look at the ecology report – my Council tax should pay for this
- Site is in the AONB
- Site is located near the AONB and this development will impact upon it
- Decision should be deferred until the Neighbourhood plan has been adopted
- Dwellings are being crammed into a small rural picturesque area
- Poor Drainage on site
- Environment Agency would not allow development of this size to connect to storm water drainage systems and the other option of balancing ponds are drowning hazards to children
- Museum does not have any capacity to store finds and architectural archives as they are full which means that the completion of the exercise required in NPPF cannot be properly secured
- Your decision to refuse Coate Bridge was good and we hope the same is done here
- Play areas for young children will be too far from their homes
- The local preference is to infill

Education

- Issues with schooling, Bishops Cannings parking problem is getting worse
- If the school is Bishops Cannings, how will children get there
- Devizes needs a new school because they are not able to take the increase in children – who is going to pay for this increase if this application is approved

Highways

- Too much traffic on A361 to and from Swindon both mornings and evenings which will get worse

- Horton Road and Horton Avenue are severely congested already
- Serious traffic problem on London Road
- Increase in pollution
- Air quality issue
- Link road between proposed roundabout and proposed employment – there is a restrictive covenant on this land
- There is no pavement along Horton Road which is/will be dangerous for pedestrians. If a footpath is created who will ensure a proper job is done
- Will a footpath be introduced from Horton Road to Chandlers Lane
- Additional street lighting will contaminate the sky
- Proposed roundabout will increase traffic incidents
- The road network in Devizes should be made one-way
- A ring road should be built around Devizes to prevent any further urban sprawl
- Horton Road speed limit should be reduced to 30
- Existing bus services are useless
- What is the lighting strategy
- Increase in traffic congestion will reduce road safety for children and pedestrians
- New footpaths will result in irreversible disturbance to wildlife as they will encourage recreation
- Unacceptable loss of trees on site to make way for site access
- Will a second access be built at a later date via Corncroft Lane

Other

- Crown Estate just want to make profit
- Wavy border not easy for farmers machinery to keep
- Existing employers are not encouraging their employees to use more sustainable levels of transport
- No help for NHS facilities especially in A&E and maternity, there are only 2 main doctors surgeries and 1 community hospital
- Residents in Wellington Drive chose to live there because it is in the countryside. This development will spoil our outlook
- What will young people do in their spare time
- Is the Council benefitting from this development in some manner
- Thought the Crown Estate's objective was to protect wildlife

An objection was also received on behalf of Mactaggart & Mickel Homes Ltd who are the applicants for a different residential proposal at Coate Bridge, Devizes for up to 350 dwellings (E/13/00083/OUT) raising the following concerns:

- Transport Assessment is flawed and therefore not reliable as the proposed roundabout is inadequate for the development, is not comparable to the Development Transport Model, the internal one way link road is not deliverable, no queue survey, overestimation of capacity at junction
- Absence of footpath to the school and cycleways
- Doctors surgery and School are outside the preferred maximum walking distance
- Cyclists cannot use a public right of way

- Proposed roundabout does not meet relevant criteria and has not been tested for capacity
- Landscape & visual impact assessment is flawed as it should have considered the views of the site from footpaths to the north of the site, Wellington Drive, canal. The character area selected is inappropriate
- Photographs and montages are of a lower resolution and smaller scale than stated
- Will Badger setts be flooded

9. Planning Considerations

9.1 PRINCIPLE OF DEVELOPMENT – POLICY BACKGROUND

Planning law requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The first principle is therefore to establish what the development plan states.

Kennet Local Plan 2011

In terms of this proposal, the adopted development plan policies are those set out as ‘saved’ policies in the Kennet Local Plan 2011 (KLP). In this plan, whilst Devizes is identified as a settlement where new housing development will be concentrated, the site proposed in this application straddles the Limits of Development defined for Devizes, with part of the site inside and part outside of these limits.

Policy NR6 of the KLP seeks to direct development to the most sustainable locations within East Wiltshire. It states that *‘In the interests of promoting sustainable development and the protection of the countryside, development will be restricted to locations within the Limits of Development defined for the towns and villages....’*

The proposal seeks the development of areas of land both within and outside the Limits of Development. The area of land contained within the Limits of Development is also defined as an Area of Minimum Change (KLP Saved Policy HH10). This designation is intended to protect those areas of land within, or at the edge of built up areas which make an important contribution to the character and appearance of the settlement. During the KLP examination it was considered that the area of land would not be appropriate for development as it could materially damage the character of the area and could negatively affect the setting of both the canal and the approach to the town from the north east. Therefore when considering this proposal, landscape impact should play an important determining factor. Potential impacts upon the normal range of material considerations, including landscape will have to be taken into account when determining the planning application. These are set out later in this report.

It is therefore evident that a proposal for up to 230 homes on this site, as envisaged in this proposal, is not in accordance with the policies contained in the KLP. However, it is a relevant material consideration as to whether these KLP policies are up to date, as required by the NPPF. This is a matter that has been questioned by the Inspector holding the Inquiry into the Wiltshire Core Strategy, and his findings are dealt with below.

Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the KLP.

The WCS has reached an advanced stage of preparation with the examination hearings having been completed in July 2013. On 2nd December 2013, the examining Inspector provided a procedural letter to Wiltshire Council seeking the views of the Council on a number of issues. Wiltshire Council responded identifying how these issues would be addressed on 19th December 2013. The Inspector has since produced a further procedural letter dated 23rd December 2013 responding to the proposals of the Council.

The submitted WCS introduced a housing requirement for the period from 2006 to 2026 presented by Housing Market Areas. The Inspector examining the Wiltshire Core Strategy has identified in his letter that he considers that the housing requirement for Wiltshire from 2006 to 2026 should be increased. Wiltshire Council has responded proposing to increase the housing requirement from 37,000 homes to 42,000 homes, an increase of 5,000. In his response the Inspector identifies that he considers this reasonable (letter dated 23 December 2013).

The WCS identifies Devizes in Core Policy 12 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development of the type proposed outside these limits should be brought forward through a community led planning policy document which identifies specific sites for development. However, the Inspector's procedural letter states, in referring to the settlement boundaries as defined in the adopted Local Plan, that:

'...some of these were adopted some years ago, for example the Kennet Local plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the Core Strategy plan period.'

The Council has proposed to undertake a review of boundaries through a subsequent Site Allocations DPD, which is anticipated to be adopted by July 2015, to address this matter.

The National Planning Policy Framework

The National planning Policy Framework (NPPF) requires an assessment to be made as to whether the housing market area within which Devizes sits has a five year supply of housing land. If this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph 14). The adequacy or otherwise of a 5 year land supply in the East Wiltshire Housing Market Area within which

Devizes is located is therefore a material consideration in the determination of this application, alongside the relative benefits and disbenefits of this scale of development on this site at this time.

As discussed the Council has accepted that the overall housing requirement for Wiltshire should increase in line with the Inspectors suggestions in his letter of 2 December (i.e. an increase to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Inspector suggests that a 5 year land supply (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is currently being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures. This assessment will include re-examining the land supply taking account of the revised housing requirement at housing market area level and the significant number of planning applications granted in the last year. Until this assessment is complete officers are at this current time unable to say with any confidence that the requirement in paragraph 47 of NPPF to maintain a 5 year housing supply (together with a 5% buffer) is currently being met.

Core Policy 12 identifies the level of housing growth appropriate for Devizes and does not identify a specific strategic housing site to provide for growth. The housing requirement for Devizes is likely to increase as a result of the Inspector's letter, which identifies an increase in the housing requirement for Wiltshire.

Other considerations

A neighbourhood plan for the Devizes area is currently being developed. A steering group has been formed with the specific aim to identify sites for new housing at Devizes in the most suitable and sustainable location(s) to meet the housing requirement of the Core Strategy for Devizes. The plan is being developed for the administrative areas of Devizes Town and the neighbouring parishes of Roundway and Bishops Cannings.

However, in January, the Planning Minister, Nick Boles, made it clear that Neighbourhood Plans can only be given any significant weight in the decision making process when the plan has completed its consultation stage. The Devizes NP has yet to reach this milestone.

Policy Background - Conclusion

Until the Council has completed its work to determine how the increased housing supply will be distributed by housing market area, and how this supply will be met against the proposed new figures, it is considered that the policies in the development plan relevant to the supply of housing both within the adopted and emerging plan cannot at this particular time be given significant weight in this application. Nor can the existing limits of development be regarded as up to date, given the Inspector's comments. In these circumstances, national policy in the NPPF states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF paragraph 14).

9.2 IMPACT UPON THE WIDER AREA

The site lies approximately 300m at the closest point to the boundary of the North Wessex Downs AONB which is east of the proposed site. The AONB Officer is of the opinion that the proposal would bring about a level of change to the setting of the AONB but with suitable

planting especially on the eastern boundary, the level of harm is not significant to warrant an objection.

Part of the site is located in an Area of Minimum Change, designed to protect the character and appearance of the setting of the town. However, it is considered that with the existing landscaping on the southern boundary, the proposed development would not adversely affect the canal. It is also considered that although the development would be seen when approaching the town from the north east, the part of the development to the north of the site which is not within an area of minimum change would be the most visible and therefore it is not considered reasonable to refuse the application on this grounds.

On the proposed site is a woodland known as Lay Wood and there are also significant mature trees on the northern boundary with the adjacent development. These trees appear to be of veteran tree age, or Landmark Trees and the loss of these is considered to be inappropriate. As such the Local Planning Authority have served a Tree Preservation Order on all significant trees which will ensure their future protection. Some trees are to be removed as part of the proposal but not those that have been considered as important.

If this application were to be approved, it would be appropriate to include a condition to require method statements with regards to tree work. The woodland forms part of the open space for the development and therefore would already be protected.

The landscaping proposals include new tree planting along the frontage to Horton Road, continuing the existing tree belt along the route. Further landscaping and planting is also proposed along the eastern side of the development which is intended to create a new soft and natural edge to the Devizes settlement which is considered to be appropriate.

Open space and landscaping form part of the outline proposals and compromises children's play areas, amenity open space, retained woodland and SUDS ponds which have been deemed appropriate by the land adoption team within Wiltshire Council.

Concerns raised through the public consultation regarding the loss of open space. The land is privately owned and therefore the application does not constitute a loss of public open space.

In conclusion it is considered that the proposal would not have a detrimental impact upon the wider area including the AONB and in landscape terms is considered to be acceptable with suitable conditions regarding hard and soft landscaping details to be submitted.

9.3 HERITAGE ASSETS

Laywood Bridge is located just outside the south-eastern boundary of the site and is Grade II Listed, the associated blockhouse is also covered by the listing. No works other than landscaping and drainage are proposed within the vicinity of these buildings and it is therefore considered that their setting will be protected.

The canal is unlisted but is nationally significant. The proposed development will lie directly adjacent to this heritage asset. As the layout is indicative only, the precise detail is likely to be subject to change and therefore any reserved matters application should address the canal in a positive manner through the development design including any appropriate provision for access to the canal from the development.

The proposal is therefore considered not to have a detrimental impact upon heritage assets.

9.4 LAND QUALITY

Flood Risk & Drainage

The site is located in Flood Zone 1 where residential uses are considered to be appropriate in flooding terms. A surface water management plan is proposed to ensure that the development does not increase flood risk downstream. Run-off will be limited to greenfield rates and would not have any impact on flood regimes downstream or the flows required to pass through the culvert underneath the Kennet and Avon Canal.

The drainage from the site will pass under the canal through Culvert 49 which is in need of some improvement. In principle it has been considered by the Wiltshire Council Drainage Officer that the proposal would not have an impact upon drainage issues and if the application were to be approved, more detailed information would be required which can be achieved through an appropriate condition. In principle it is the opinion of the Drainage Officer that suitable drainage can be achieved on this site.

Concerns have been raised by some that the south eastern part of the site is known to flood, but no development has been proposed on this part. Drainage was also raised as a concern however as the Drainage Officer feels that suitable drainage can be achieved it would not be appropriate to refuse the application on such matters.

Archaeology

During the trial trench evaluation, the presence of Romano-British occupation was found and more significantly at the eastern end of the site a concentration of Romano-British features indicative of a range of buildings which probably formed part of a villa complex. The possible villa complex appears to be located on a slightly higher plateau within the field and the finds indicate occupation from the 1st – 4th century AD. A number of historic field boundaries were identified from the evaluation and a large area of the western part of the site had been substantially disturbed in the 20th century when it appears that the ground was truncated and built up. This disturbance may be related to the removal of the Prisoner of War camp and the subsequent construction of the County Council Depot, immediately adjacent to the north-western boundary of the site.

Due to the significance of the archaeology revealed, the plans have been amended to incorporate the likely extent of the villa/settlement site within green open space but further investigation, mitigation and recording will be required which can form a condition to any approval.

Concern has been raised by a member of the public that the Wiltshire Museum in Devizes has very limited storage and therefore the proposal would not be able to comply with requirements in the NPPF to have findings stored. It has been confirmed by the Wiltshire Council Archaeologist that there is still some capacity in other local museums and that the archaeological excavations on site are likely to only generate a small archive, therefore requirements of the NPPF can be achieved.

Agricultural Land Quality

The site is made up of land that is largely grade 3 land, although a small part in the north-east corner is Grade 2.

The NPPF states in paragraph 112 that Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. As only a small part of the overall site is Grade 2, there are no justifiable reasons for refusing permission on this basis.

9.5 ECOLOGY

There are three statutory biodiversity sites of international importance located within 10km of the site including a SPA (Special Protection Areas) and two SACs (Special Areas of Conservation). Within 5km of the site there are seven statutory biodiversity areas of national importance and within 1km of the site there are two non-statutory biodiversity areas which are Lay Wood and the Kennet and Avon Canal.

Protected species that were found on site during the Phase I Habitat Survey include badgers, bats, reptiles, water vole and otters and priority bird species and breeding birds.

The retention of Lay Wood, the creation of SUDS and new buffer areas will help with mitigation and there are existing habitats along the edge of the canal adjacent to the proposed development that should not be altered as a result of this proposal and where possible links between habitats on site with the linear habitats of the canal should be provided. Further mitigation measures will be required to be submitted at the reserved matters stage alongside a lighting strategy and as stated previously, the proposed layout is indicative and will need to be re-looked at before a reserved matters application can be submitted especially with regards to the proposed locations of footpaths. It will therefore be important upon any approval to add an informative advising the applicant that the indicative layout has not been considered to be acceptable in terms of ecology.

9.6 HIGHWAYS

Access to the site is off Horton Road via a new roundabout junction which will reduce speeds on Horton Road. Access within the site has been designed as minor access roads and sees an internal loop arrangement for each piece of land which are then linked together. A pedestrian and cycle link is proposed through the adjoining developments making a connection to the strategic cycle network and existing bus stops. The precise locations and details will need to be provided as part of the reserved matters application.

Pedestrian access to the canal is important and is encouraged by the Canal and River Trust. The canal towpath and the footpath on the offside are both recognised as important sustainable transport routes and form a recreational loop as well as a commuter route into the town centre and therefore a financial contribution is being sought to upgrade these routes within the vicinity of the site.

As part of the proposal the footpath from the entrance to the site to the west bound bus stop on Horton Road is to be upgraded as well as the footpath on the northern side of Horton Road from the bus stop towards the site to which a financial contribution will be sought.

The final internal road layout will also incorporate a bus turning facility so that the existing 1C bus route can be extended into the site

It is acknowledged that Devizes struggles with congestion on a daily basis and in particular the A361, Windsor Drive, Horton Road and Horton Avenue. As the proposal would bring about an increase in traffic to the Devizes area, a financial contribution is being sought by the developers to be put towards the Devizes Transport Strategy which will help alleviate and lessen any potential for additional congestion brought about by this development. This has been considered by the Highways Department to be appropriate. With regards to Air Quality in the area, the proposed site has been run with the Devizes Transport Model and with the proposed mitigation measures results in the predicted emissions falling within UK National Air Quality Objectives by 2026 and is therefore considered to be appropriate.

Concerns that have been raised by the general public include who will ensure that the footpaths are laid correctly which will be the responsibility of Wiltshire Council Highways under separate legislation, the submitted transport assessment being flawed which the Highways Officer has considered to be acceptable, whether a footpath will be introduced to Chandlers Lane which is opposite the site. This is not being proposed however the proposed upgrade in public footpaths on Horton Road will help link up this particular lane. The proposed roundabout will introduce more accidents which is not the recommendation made by the Highways department as they are of the opinion that it will reduce vehicle speeds and therefore should reduce accidents and the school and doctors surgery not being within the recommended walking distance, however a contribution is being sought to improve a local bus service which is considered to be acceptable.

Other concerns include making the road network in Devizes one way, the installation of a ring road around Devizes, quality of existing bus networks and future accesses all of which are not material considerations when making a recommendation on this application. Another issue raised saw the concern of a future link road between the proposed roundabout and the proposed employment land as there is a restrictive covenant on the land. Again this is not for consideration under this application and any future application alongside any related concerns on this site will be considered when and if an application is made.

9.7 SECTION 106 OBLIGATIONS

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'. These are:

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

The developer has agreed to the following Section 106 requirements.

Affordable Housing

Core Policy 43 of the draft Wiltshire Core Strategy is the most up to date Policy regarding affordable housing and therefore Policies HC28 & HC30 of the Kennet Local Plan in terms of

amount and percentage requirements are considered to be out of date. Core Policy 43 requires a level of 40% affordable housing (although the evidence to support this level is another matter that the Core Strategy Inspector has requested more information on). What is not in doubt is that there is a strong demand for affordable housing in the Devizes area and therefore 40% (92 dwellings) is considered to be an appropriate amount to request with the following mix: 1b x 30%, 2b x 40%, 3b x 20%, 4b x 10%

The mix is negotiable and it is anticipated that a tenure mix of 75% rented and 25% shared ownership.

Education

Kennet Local Plan policy H37 requires that developments of 25 or more dwellings should be satisfied that the education needs of the population of the new development can be met by existing school infrastructure or improvements to existing school infrastructure will be sought. This is supported by paragraph 72 of the NPPF. The proposed development based on 40% affordable housing would result in the need for 63 primary school places and 13 secondary school places. The site lies within the catchment area of Bishops Cannings Primary and Devizes Secondary. Bishops Cannings is full and is forecasted to remain as so, therefore Wiltshire Council would require a full developer contribution in respect of the 63 primary school places to go towards this school. The secondary school in Devizes is not forecasted to reach capacity until 2023 onwards, however it is the only secondary school in Devizes and therefore it would be expected to pick up the pupils arising from housing developments within the town and its immediate environment and therefore is likely to be full earlier than the current forecasts indicate. In view of this Wiltshire Council would require a developers contribution towards secondary school infrastructure to the value of 13 places.

These figures are based upon the outline information provided with 40% affordable housing and therefore may be subject to change once the detailed information is received. It is also important to note that the new 2013/14 cost multipliers are due to be in place soon which would also change the monetary figures.

Primary School Places - £12713 per place x 63 = £800,919

Secondary School Places = £19155 per place x 13 = £249,015

Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF Policy. HC34 of the Kennet Local Plan requires developments of over 20 dwelling units to provide recreational open space in the form of equipped play space, casual play space and formal sport pitches. Core Policy 52 supports this by stating that accessible open standards should be in accordance with the adopted Wiltshire Open Space Standards. The proposed development would therefore require the following:

- A Neighbourhood Equipped Area for Play (minimum 1,000m²) to Wiltshire Council's Standard Specification for Equipped Play Space (version 1, June 2012). Aimed at older children, this will provide playground equipment (at least 8 items) and a hardsurfacing area.

- A Local Equipped Area for Play (minimum 400m²) to Wiltshire Council's Standard
- Specification for Equipped Play Space (version 1, June 2012). Aimed at 4-8 year olds this will contain at least five types of play equipment.
- Trim trail activities incorporated into the casual open space (around 500m²).

A maintenance sum would also be requested for all adoptable areas and would be calculated on receipt of a detailed adoption plan, management plan and planting schedule. The total approximate figure provided was £98,365 for maintenance of the equipped play space over a 20 year period and a further financial contribution of £1.2 million but this will need to be reviewed when detailed plans are made available.

A further financial contribution of £141,220 will be put towards off site formal pitches alongside a 20 year maintenance fee.

Highways

The Kennet Local Plan Policy AT10 states that contributions that are reasonably related in scale and kind including public transport, pedestrian and cycle facilities will be sought by way of planning agreements to ensure convenient access via alternatives to the motor car. A financial contribution of £809,500 has been agreed to support the following measures:

- Sum of £400,000 index linked to public transport improvements (based on £80,000 per annum for a period of 5 years). This will cover the cost of an additional bus to extend the 1C service into the site or alternative sustainable transport measures identified in the Devizes Transport Strategy.
- Sum of £405,000 index linked to measures in the Devizes Transport Strategy.
- Sum of £4,500 (£1,500 per annum for a period of 3 years) towards implementation of the travel plan plus travel plan monitoring. The Travel Plan includes measures such as travel vouchers and car share schemes

The Canal and River Trust have requested a sum of money totalling £69,000.00 which has been considered by the Local Planning Authority in this particular case to be CIL compliant as the future occupants of the site are more than likely to utilise the footpath network by the canal. This money is to be put forward to help with the cost of continued maintenance of the towpath and in particular to upgrading the towpath in the vicinity of the site to a wider, harder wearing surface enabling it to be more user-friendly. This is supported through paragraph 75 of the NPPF that states that Local Authorities should seek opportunities to provide better public facilities for users.

Community Benefit

A financial contribution of £57,000 is to be given to Wiltshire Council to help undertake general highway works in the vicinity of the Bishops Cannings school and village hall and could include the following:

- Drainage and re-surfacing of village car park
- New footway along section of road opposite car park by the Village Hall
- Virtual footway markings between the Village Hall and Bishops Cannings School
- Flashing speed signs within the village

It has been highlighted by the general public that facilities, especially parking for Bishops Cannings School is problematic. The commuted sum is therefore considered to be appropriate as it complies with the three tests for S106 noted above and is also supported through Policy HC42 which states: *“In the case of new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) the local planning authority will need to be satisfied that the social and community needs of the new residents can be met. Where the local planning authority has evidence to demonstrate that these needs cannot be met by existing infrastructure appropriate provision to meet the needs arising from the development will be sought”*

Wiltshire Council Highways can in discussion with the Parish Council confirm the details for a footway, footway markings and flashing speed signs. The car park that is to be re-surfaced is owned by the Crown Estate so an agreement would need to be made. However by ensuring that the legal agreement states that the sum of money can be used for “general highway works in the vicinity of the school and village hall within Bishops Cannings” this would be acceptable and allow flexibility.

9.8 OTHER MATTERS

The Fire and Rescue service have requested a commuted sum of £26,981.50 to go towards the cost of hydrants and water supplies for fire fighting. They have also requested sprinklers to be inserted into the homes. There is no policy in the KLP to support this request and therefore is not considered to be CIL compliant. The issue of sprinklers could be dealt with at a later stage through the Building Regulations process. There is also no policy in the KLP on making commuted sums towards health infrastructure and as such it would be unreasonable for the Local Planning Authority to request such monies.

The Parish Council have requested as part of the Section 106 Legal Agreement for land owned by the Crown Estate to be transferred to the local community to allow the village school to expand. This is not considered to be necessary to make the development acceptable and therefore fails one of the S106 tests noted above.

Other issues that have been raised include farmers being able to maintain their land, applicant just wanting to make profit, employment opportunities, residents in Wellington Drive no longer have a rural outlook, young people and what they will do in their spare time are all not material planning considerations when making a decision on this application.

10. CONCLUSION

Greenfield sites of this size are normally brought forward for consideration through the local plan process. However, in the case of Devizes, the draft Core Strategy makes no strategic housing allocations and no housing sites have been allocated for development through the development plan process since 2004, (and those were first considered in 2000). The Kennet Local Plan is now 10 years old, and the limits of development included have been criticised by the Core Strategy Inspector as not being up to date. Whilst the Council is committed to carrying out a review of the development limits in a site allocations document, this will not be ready until 2015. The Devizes Neighbourhood plan, whilst underway, is not at a stage where the Council can give it any significant weight, according to the statements made by the Government Planning Minister. The Council has committed to providing for the 5,000 additional homes the Core Strategy Inspector has said are required, and currently

cannot confirm the existence of a 5 year land supply in the housing market area within which Devizes lies.

In these circumstances, the policies of the National Planning Policy Framework (NPPF) apply. These apply a presumption in favour of sustainable development and state that planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits. In this case, it is considered that there are no such significant and demonstrable adverse impacts that would outweigh presumption on favour of development.

Accordingly, it is recommended that planning permission be granted, subject to the prior completion of a Section 106 legal agreement to deliver the obligations listed in the report, and subject to the conditions set out below.

RECOMMENDATION: Defer and Delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement and subject to the conditions set out below:

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

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

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

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

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

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

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

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

Figure 1.1 (Ref 33976-LEA02d) and Figure 8.1 (Ref 33976-LEA12B) received on

19th June 2013

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

- 5 No dwellings shall be constructed on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 6 No dwelling shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7 No development shall commence on site until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:
- indications of all existing trees and hedgerows on the land;
 - details of any to be retained, together with measures for their protection in the course of development;
 - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - finished levels and contours of the land;
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. 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.

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

- 8 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations";

has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

- 9 No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development

- 10 Construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety

- 11 Construction of dwellings hereby permitted shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers,

drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved items serving that dwelling have been carried out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interest of highway safety

- 13 Prior to first occupation of the 100th dwelling hereby approved an emergency vehicular access link to Horton Road, suitable for pedestrian and cycle use shall have been provided in accordance with details to be first submitted to and approved by the local Planning Authority. The link to be positioned to provide convenient pedestrian access to the bus stops on Horton Road.

REASON: In the interests of safe and convenient access to the site.

- 14 Prior to the occupation of the 100th dwelling a bus turning facility or a loop road suitable for use by buses shall have been provided and made available for use on the section of the development to the north of Lay Wood, in accordance with details to be first submitted to and approved by the Local Planning Authority. A bus turning facility in this area of the site shall at all times thereafter be kept available for use by buses.

REASON: In the interests of the site being conveniently served by public transport.

- 15 Prior to first occupation of any dwelling hereby approved the site access roundabout as indicated in outline on drawing Transport Assessment Figure 8.1, and including street lighting in accordance with BS5489-1:2013, BS EN123201-2:2003, shall have been constructed and made permanently available for use

REASON: In the interests of providing safe and convenient access to the development

- 16 Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to and agreed in writing by the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (AMEC, June 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF

- 17 No development shall commence on site until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development in accordance with the Flood Risk Assessment prepared by RPS Health, Safety & Environment, reference RCEB23864-001R and dated January 2013 , together with a phasing scheme and a timetable explaining when the works are to be constructed, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be first occupied before the surface water drainage scheme for that dwelling has been provided.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF.

- 18 The reserved matters application shall include details of the proposed finished floor levels which shall be set no lower than 129.0 metres above Ordnance Datum (AOD), in accordance with the Flood Risk Assessment (AMEC, June 2013).

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 19 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 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

- 20 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.

- 21 No development shall commence on site until details of the works for the disposal of sewerage, together with a phasing scheme, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details for that dwelling have been fully implemented in accordance with the approved plans and phasing scheme.

REASON: In the interest of future residential amenity

- 22 No development shall commence until:

A written programme of archaeological investigation and mitigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results conducted by a professional recognised archaeological contractor, has been submitted to and approved by the Local Planning Authority; and

The approved programme of archaeological work has been carried out in

accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 23 No dwellings shall be constructed on site until a scheme of acoustic insulation and mitigation for the purposes of attenuating the affects of noise on the occupants of the development from road traffic and the adjacent Wiltshire Council Depot have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the approved insulation and mitigation measures for that dwelling have been fully implemented in accordance with the approved details.

REASON: In the interest of future residential amenity

- 24 No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. It shall include the following:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - measures for the protection of the natural environment; and hours of construction, including deliveries.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out other 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.

- 25 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect neighbouring amenity

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ?? 2014

INFORMATIVE TO APPLICANT:

It is important for the applicant to note that the indicative layout has not been considered acceptable in terms of ecology due to the location of proposed footpaths which the Local Planning Authority will expect to be provided to create links to the neighbouring residential development and to the canal. A further ecological mitigation strategy relevant to species found within the site will also need to be submitted with any reserved matters application for approval.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following informatives requested by the Environment Agency:

- 1) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 2) Any surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.
- 3) There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements
- 4) Wetlands are important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species. Development should aim to prevent deterioration and enhance the status of aquatic ecosystems and associated wetlands. Furthermore a key output of the England Biodiversity Strategy for 2008 is a 50 year vision for wetlands. The Wetland Vision looks forward 50 years to a future where freshwater wetlands full of wildlife are found across the urban and rural landscapes, and where they are valued by society for the services they provide.
- 5) In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care.