

Date of Meeting	6 August 2015
Application Number	15/01388/OUT
Site Address	Land at Quakers Road Devizes
Proposal	Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road
Applicant	Society of Merchant Venturers
Parish Council	ROUNDWAY
Ward	ROUNDWAY
Grid Ref	400931 162106
Type of application	Full Planning
Case Officer	Peter Horton

Reason for the application being considered by Committee

The application has been called to committee at the request of Cllr Laura Mayes.

1. Purpose of Report

To consider the recommendation that the application be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering the provision of 37 affordable homes, education contributions towards the expansion of Trinity Primary School, contributions towards surface upgrades of the Kennet & Avon canal towpath and towards surface upgrades of the Quakers Walk footpath.

2. Report Summary

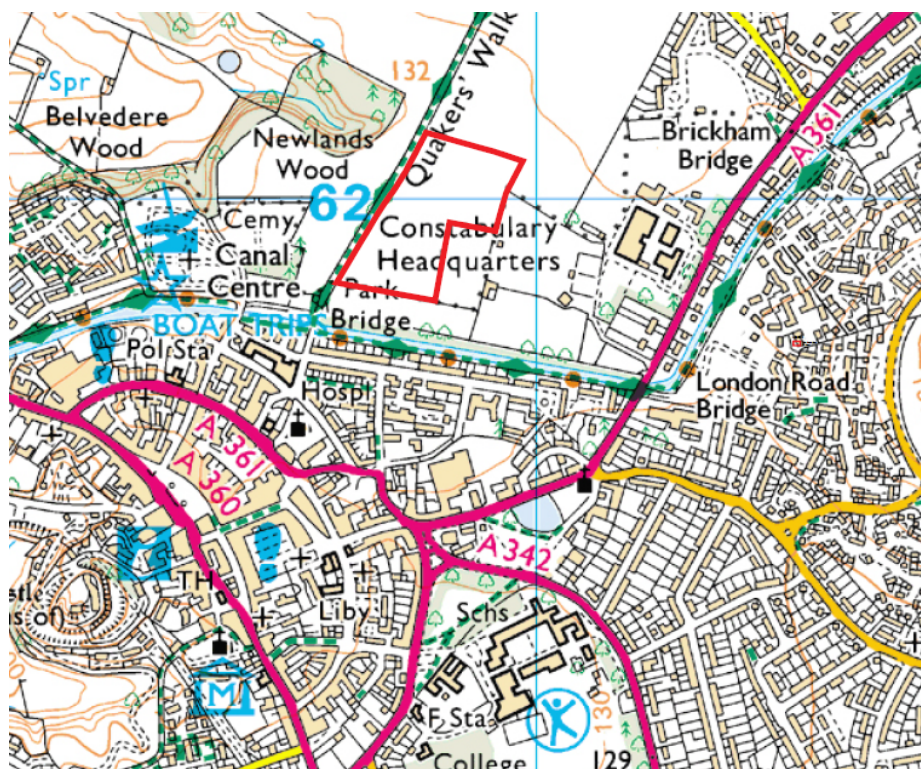
The main issue to consider is whether the proposal represents a sustainable form of development for which planning permission ought to be granted.

3. Site Description

The application site lies to the east of the tree lined Quakers Walk footpath, at the end nearest Devizes Town Centre. The site covers an area of 4.72 hectares and has a designated agricultural use. The recent housing development at Quakers Road lies immediately to the north, Devizes Sports Club is adjacent to the east and allotments about the site to the south. Beyond the allotments lies the Kennet & Avon Canal.

Vehicular access to the site is achieved from the existing access onto Quakers Road. This comprises adopted highway which runs up to the site boundary in the north east

corner. The topography of the site is relatively flat with a slight drop in levels towards Quakers Walk.



The Site

4. Planning History

In 2012 outline planning permission was granted on appeal for “a Care Village (Use Class C2) including access, car parking and landscaping” (ref. E/2011/1139/OUT). Committee had refused the application against officer recommendation. The Care Village included 121 extra-care apartments, 18 extra-care cottages and an 80 bed care home (which would include a 20 bed suite designed for residents with dementia).

The appeal Inspector found that “*the view that the appeal site should be left as an open, green area is not supported by any adopted planning policy. Indeed the Council’s Committee Report made it quite clear that as the site lies within the Limits of Development for the town and is not covered by any Local Plan designations, the proposed development would be acceptable, subject to the setting of the Quakers Walk footpath being preserved*”.

The Inspector also found that “*whilst the proposal would clearly result in the loss of a currently greenfield site, the majority of the site has been shown to be of low conservation interest, and the Council’s Ecologist has raised no objection, subject to a condition requiring the submission of an Ecological Management Plan*”.

Since the grant of planning permission the applicant has marketed the site for sale to care home operators. However no realistic or viable offers have been received and hence the applicant has taken the decision to instead apply for planning permission for residential development, as an extension to the Quakers Road development.

5. The Proposal

This is an outline proposal for up to 123 dwellings together with associated open space. All matters are reserved for subsequent approval except access. The submitted Development Framework Plan identifies an area of 3.51 hectares for residential development and an area of 1.21 hectares for public open space. The latter would predominantly comprise a 35m wide buffer between the new housing and Quakers Walk. The 35m buffer is the same size as was included in the Care Home permission and also the minimum design width for the Quakers Road development to the north. Included within the buffer would be the Local Equipped Area for Play (LEAP). The 123 dwellings over 3.51 hectares would represent a density of 35 dwellings per hectare.

Access to the site would be obtained in the north east corner of the site, off Quakers Road. Adjacent to this access, there would be an emergency vehicular access to Devizes Sports Club. Just to the south of this there would be a pumping station to serve the development. A new pedestrian/cycle link is proposed along the boundary of the developable area and the 35m wide buffer. This route would connect with Quakers Walk in the south west corner and the Quakers Road development to the north.



Illustrative Masterplan

6. Local Planning Policy

Relevant policies in the Wiltshire Core Strategy are CP1, CP2, CP3, CP12, CP41, CP43, CP45, CP50, CP51, CP52, CP55, CP57, CP58, CP60, CP61, CP62, CP64 and CP67.

The site lies within the Limits of Development (LOD) defined for Devizes in the Kennet Local Plan. The Devizes LOD has been saved in the Wiltshire Core Strategy pending a review of all the settlement boundaries in a Housing Site Allocations DPD.

Other relevant saved policies from the Kennet Local Plan are HC34 and HC37

The Devizes Area Neighbourhood Plan (DANP) has been submitted to the Council and a formal consultation period was held in the autumn of 2014. An independent examiner will now consider the DANP and then if approved by the Council, it will be subject to a referendum. Now that the emerging DANP has reached the independent examination stage, it carries significant weight for the purposes of decision making. Relevant draft policies are H1, H2, H3, T1 and ESD1.

National planning policy is set out in the National Planning Policy Framework (NPPF).

7. Summary of consultation responses

Roundway Parish Council

Objects:

- The proposal is an overdevelopment.
- There will be an unacceptable impact on wildlife, notably badgers and bats.
- The development poses risks to both surface water flooding and foul water drainage problems.
- The only vehicular access to the site is through a junction to London Road which already suffers unacceptable peak hour congestion. The traffic forecasts provided with the application significantly underestimate the number of additional vehicle movements which it will generate.
- Unlike the Care Village scheme, no argument of overriding need exists in relation to the current proposal.
- The DANP has identified sufficient alternative sites to meet the area's housing growth targets without development of this site.

Devizes Town Council

Objects:

- The DANP does not include the site as appropriate for housing and the growth targets for Devizes can be met through other sites within Devizes that have been identified in the DANP as better meeting the assessment criteria.
- The proposal will have a negative impact on traffic movements – the traffic counts are historic and traffic numbers should be reviewed in the light of developments that have taken place subsequently.
- The proposal will have an adverse impact on drainage in the light of actual incidents of flooding in the area.
- The proposal will have an adverse impact on sewerage disposal given the problems that exist following the last development in terms of foul smell and blockage.
- The proposal will have an adverse impact on environmental matters including the fact that badgers and bats occupy the site.

Bishops Cannings Parish Council

Objects:

- The proposal is inconsistent with the DANP. Growth targets for Devizes can be met through those sites identified within the DANP and this site is not one

of them. Community aspirations are to meet housing demand through smaller sites spread throughout the locality rather than large concentrations of houses.

- The traffic assessment does not give a true picture of the impact that would be caused by the extra traffic which 123 houses would generate. This particular junction onto London Road is the worst possible place for additional vehicles as it is at this point that traffic is at a standstill during morning and evening rush hours. 123 Houses will generate much more traffic than the Care Village scheme.
- The proposed buffer zone would constitute inadequate open space for the site. This is less than the Care Village proposal, which along with a buffer zone also included open space for a village green and bowling and croquet lawns. Yet the occupants of the proposed development will be more active and will contain many children. This is a cramped development where most of the public open space consists of drainage ponds. To place a LEAP adjacent the ponds is irresponsible.
- Light pollution and loss of habitat will be detrimental to the badgers and bats that occupy the site. No large trees or native hedging is proposed and the boundary fence will prevent the movement of wildlife to the east.

Trust for Devizes

It is acknowledged that the principle of residential development for the site was established by the earlier approval.

There have been smell issues with the foul drainage from the adjoining development. For the Council to approve this application there should be a condition that the developers agree with Wessex Water a solution that removes the odour issues for all people in the area. For the Council to approve this application there would have to be an agreed plan to deal with storm water and drainage which is not currently provisioned. The TRICS traffic model uses inappropriate benchmark towns that are not comparable with Devizes. The proposal will generate 100% more traffic than the Care Village scheme, and so will both increase traffic and worsen air quality along London Road. The Council should not approve developments which make air quality worse. The application should be refused until an effective air quality management plan is in situ and shown to be working.

The Quakers Walk Protection Group

Objects:

- The Care Village proposal was to provide open space within the development. However the current proposal includes no open space within the development.
- It is unacceptable to site a LEAP within the buffer zone which is meant to act as a sound barrier between the development and Quakers Walk and also as a quasi-nature reserve. It is also unacceptable to use the LEAP for drainage.
- The proposed buffer zone is considerably narrower than the buffer zone in the northern housing development.
- Having house and street lighting so close to Quakers Walk will interfere with the bats that use Quakers Walk.
- The proposal would adversely affect the landscape and tranquillity of Quakers Walk.

Devizes Rugby Football Club

Expresses various concerns:

The proposal shows access for emergency vehicles to the cricket and rugby pitches. Sufficient detail should be provided to ensure functionality and security.

The proposed dwellings seem poorly orientated and too close to the edge of floodlit sports pitches (the floodlights on the rugby pitch are in use up until 10.00pm) so the dwellings will be subject to light spillage, and noise impact (from playing and from functions within the Sports Club buildings).

The design of the proposed boundary fence should be agreed at outline stage. Also it should ensure that residents cannot trespass on Sports Club land.

Environment Agency

No objection subject to conditions requiring: (a) the submission of details of a surface water drainage scheme; (b) the submission of a scheme for water efficiency, and; (c) the submission of a Construction Environmental Plan (CEMP).

Wessex Water

Requests that foul and surface water drainage are subject to planning conditions to ensure that satisfactory schemes of drainage are agreed and approved before works commence.

Canal & River Trust

Due to the location of the proposed dwellings, the proposal will result in additional usage of the canal towpath to reach the facilities of the town and beyond. Any increased usage and further degradation that will result from the proposal will place additional burdens on the Trust (who own and maintain the canal and towpath). Therefore requests a contribution of £37,000 based on a figure of £300 per dwelling. The Trust is working with Wiltshire Council and Sustrans to improve the towpath throughout Devizes in 3 phases. Whilst funding is already in place for improvements to the section of towpath closest to the site, a contribution is sought towards the later phases. If however the contribution is not agreed, the Trust may wish to object to the proposal on the grounds that it would create additional usage in the vicinity of the site and have an adverse impact on the quality of the unimproved towpath lengths.

CPRE

Objects:

- The proposal is not consistent with the Wiltshire Core Strategy or DANP and should be refused.
- There is no established need for the proposed housing. The DANP makes clear that the housing needs of the Devizes Area can be more than adequately met on other sites. The application has no arguments for acceptance of housing additional to that planned in the DANP.
- The application has all the traffic and air-quality disadvantages of the Care Village scheme.
- The proposal does not have the job-creation merits of the Care Village scheme.
- There will be conflict between the established activities of Devizes Rugby Club and residents.
- The use of the buffer for drainage mitigation would reduce its value as green space for leisure.

Wiltshire Council Spatial Planning

There would appear to be a case for supporting the proposal in policy terms. The site lies within the Devizes LOD. There is a general presumption in favour of permitting sustainable development in such circumstances. The site already benefits from a grant of planning permission for a significant Care Village proposal. The Council's

published Housing Land Supply Statement (HLSS), July 2014, identifies the site as forming part of the East Wiltshire Housing Market Area's (HMA) deliverable housing land supply.

The emerging draft DANP is a material consideration and, as the document has reached the independent examination stage, can be afforded significant weight in the decision making process. The proposal is situated on land that falls within the current limits of development and thereby accords with draft policy H1 "Settlement Framework Boundary". In addition, the land benefits from planning permission and hence would not need to be considered in the context of addressing the overall indicative housing requirements required to be planned for the town.

Core Strategy policy CP12 identifies a need to bring forward 333 dwellings on top of that already committed through the period to 2026. This is being addressed through the emerging DANP which subject to the resolution of the examination, referendum and adoption process plans to allocate land for approximately 455 dwellings within the current LOD. The applicant asserts that the land in question is already accounted for within the Council's deliverable housing supply chain and this is not disputed. Therefore, it could be argued that the indicative housing requirements to be allocated and delivered in line with CP 12 and the emerging DANP are in fact on top of (i.e. rather than inclusive of), development occurring on the application site.

Wiltshire Council Highways

No objections subject to (a) a condition requiring the provision of the 3m wide shared use cycleway running along the boundary of the developable area and the 35m wide buffer connecting with Quakers Walk in the south west corner and the Quakers Road development to the north, and; (b) planning obligations to secure: (i) a contribution of £43,500 index linked to RoW improvements within 2 miles of the development; (ii) submission of a full Travel Plan based on the submitted outline Travel Plan with the inclusion of green travel vouchers to be offered to households of £250 / £150 where the lower figure is for those households with an occupant entitled to concessionary travel; (iii) travel Plan monitoring fee of £7500 (£1500 pa over 5 years).

The proposal will create net additional trips (where a trip is a one-way vehicular movement) in the peak hours compared with the Care Village of:-

AM peak	Arrivals -15	Departures +27
PM peak	Arrivals +26	Departures +8

The development will generate a total of 51 trips in the AM peak hour and 67 trips in the PM peak hour.

In transport terms the site is fairly sustainable overall for residential development having good access by cycle and walking to the town centre and employment, and with a nearby primary school. The secondary school is within the acceptable guideline walking distance. The bus stops on London Road are about 500m away which is further than the recommended maximum distance to a bus stop of 400m. There is a closer town bus service that routes through the Quakers Road development near to the site.

The junction of Quakers Road with the A361 London Road will operate well within capacity in standalone terms in the future assessed year of 2026. (The peak hour queuing issues on London Road are caused by issues further away. If those issues did not exist the Quakers Road / London Road junction would operate freely).

The traffic effects of the development on the wider network have been assessed by use of the Council's PARAMICS traffic model. Network average journey times are shown to be increased by the development: 0.1% in the AM peak and 10% in the PM peak compared with the network average journey times in 2026 without the development.

For the A361 journey across Devizes the development increases the eastbound time by 2 secs AM, 26 secs PM; and westbound by 25 secs AM, 157 secs PM, in each case compared with the 2026 journey times without the development.

These results include the planned mitigation measures in the Devizes Transport Strategy.

The RoW Team have identified required improvements to footpath ROUN2 (Quakers Walk) in the vicinity of the development which will enable residents to access the countryside towards Roundway Hill for leisure and recreation purposes in a safe and convenient manner. Additionally a contribution is required to improve the surface of the canal towpath in the vicinity of the development. The towpath will provide a useful route for residents to and from The Wharf area of the town centre including the St. Joseph's primary school and other facilities in that area.

Wiltshire Council Rights of Way Section

The proposed residents will place a high demand on Quakers Walk, both to access the town centre/canal to the south and to access the countryside to the north. Much of this demand will be on foot but there will also be demand on bicycle which must be catered for. The status of part of Quakers Walk will need to be changed to a bridleway/cycleway to legally allow this access, which will incur legal fees. In order to cater for the increased demand from the site and provide residents with high quality routes around town and into the countryside, contributions of £43,500 are required towards surface improvements to Quakers Walk and the canal towpath. This breaks down as £30,000 towards surface upgrades to the canal towpath, £11,000 towards surface upgrades to Quakers Walk and £2,500 for legal fees.

Wiltshire Council Ecologist

No objection subject to conditions. The survey of the site has been sufficiently detailed, appropriate to both the ecology of the area and to the proposal, and gives sufficient information about the site to be able to judge the potential impacts as a result of the proposal. It will be possible to accommodate sufficient and appropriate mitigation for bats, reptiles and badgers within the 35m wide buffer strip.

Wiltshire Council Environmental Health

Although the proposed development is not within an Air Quality Management Area (AQMA) it lies adjacent to and will impact upon the Devizes AQMA. The submitted Air Quality Statement has been appraised and is acceptable, the conclusions are noted. However, the preferred scenario in terms of air quality and development is one that is neutral or serves to help reduce potential air quality impacts locally. The Council's adopted Air Quality Strategy seeks positive contributions towards the improvement of air quality in Wiltshire; in view of this we would expect to see the developer demonstrate what positive contributions they could make e.g. sustainable travel alternatives and infrastructure, driver training, tree planting, contributing to local air quality action groups. The applicant has made reference to a travel plan (to be agreed) which they indicate will cover these matters. Requests a financial contribution towards Air Quality work of £1393 (based on £11.325 per dwelling).

No objections or conditions to recommend re. noise provided that the recommendations and mitigation measures outlined in the submitted acoustic report are implemented.

Wiltshire Council Environment Services (re. Public Open Space)

744sqm of equipped play would be required. The proposed LEAP would provide 400sqm of this, leaving an under-provision of 344sqm. Therefore proposes a trim trail or MUGA to meet the shortfall, or a financial contribution in lieu of the deficit. The proposed casual play space is adequate. A contribution of £62,800 is sought towards formal sports pitch provision.

Wiltshire Council Leisure Services

The development generates a requirement for contributions of £112,504 for leisure facilities. These would be used towards the upgrading of dry side and wet side changing at Devizes Leisure Centre and the improvement of the Multi Function Hall and ATP (artificial turf pitch).

Urban Design Officer

Supports, subject to recommendations which would need to be taken into account at reserved matters stage.

Wiltshire Council Education

The development generates a substantial need for school places – 35 primary and 25 secondary places. The designated schools are The Trinity Primary and Devizes School at secondary. Trinity is effectively full. The Council has already planned for an expansion project at Trinity. Full developer contributions are therefore required for the 35 spaces that the proposed development generates a need for, at £16,979 per place = £594,265. This requirement is site specific and the expansion need is directly attributable to the proposed development, so is to be secured via S106 contributions. Devizes School will be able to accommodate the additional pupils within existing forecasts and capacities without the need for expansion. No S106 contributions are sought.

There is sufficient Early Years provision in Devizes and hence no Early Years contributions are sought.

Wiltshire Council New Housing

Policy CP43 requires 37 (30%) of the homes to be affordable. 28 of these should be for affordable rent and 9 should be for shared ownership. The affordable homes should be dispersed throughout the scheme in clusters of no more than 15 units.

Wiltshire Council Land Drainage Engineer

No objection subject to conditions requiring the submission and approval of foul water drainage and surface water drainage schemes. He is aware there have been discussions between the developer and Wessex Water with a view to building a new pumping station which will overcome existing smell issues.

Wiltshire Council Landscape Officer

No objection subject to conditions.

Wiltshire Council Arts Development Officer

Requires a public art contribution figure of £36,900 (£300 per dwelling) to provide public art in the development.

8. Publicity

Objections have been received from 21 local residents. Their main concerns can be summarised as follows:

- One of the claimed benefits of the Care Village proposal was that it would create jobs. However the current application will not create jobs, but only create more traffic, noise and pollution.
- One of the claimed benefits of the Care Village proposal was that it would deliver specialist accommodation for an ageing population. This would not be the case with the current application.
- The proposed housing development has not been considered as part of the DANP, which assumed that the Care Village would go ahead. The DANP has identified sufficient relatively small areas of land for housing.
- The site has not been identified in the Wiltshire Core Strategy.
- Devizes' allocation of housing for the foreseeable future is catered for by using brownfield sites throughout the town. There is no requirement for another huge estate.
- It is a cynical misuse of the planning system to get planning permission for one purpose (a Care Village) and then to apply for a housing estate.
- There will be a loss of green space. Overdevelopment of a greenfield site.
- The application underestimates the numbers of traffic movements which would be generated by the proposal. The traffic generated by the proposal would be much more than by the Care Village. Occupiers of the new houses would not use public transport as there is no train station and an infrequent bus service.
- Use of the TRICS traffic model to predict traffic generation is not accurate because it uses inappropriate cities and towns when assessing traffic and air quality issues.
- The proposal will exacerbate congestion in Devizes. This congestion will turn off potential tourists from visiting the town.
- The proposal will exacerbate delays exiting into London Road.
- Visibility at the junction exiting into London Road is inadequate when two cars are side by side at the junction both waiting to turn in opposite directions.
- The extra traffic will endanger the safety of children playing and riding bikes and children attending Trinity School.
- The site access is narrow and is inappropriate to accommodate the traffic levels.
- Parents dropping off and picking up at Trinity School park on both sides of Quakers Road, making it impossible for two cars to pass.
- Construction traffic will exacerbate existing highway problems and be a major health and safety risk.
- Concern that Quakers Road could be used as an entrance/exit to Devizes Sports Club if the proposed new gated emergency access to the Club is used by more than just emergency vehicles.
- The development will exacerbate the already bad air quality in Devizes.
- There will be problems with sewerage.
- There will be a loss of wildlife habitat and harm to badgers and bats.
- There should be no lighting in or adjacent to the buffer zone so as not to interfere with bats using Quakers Walk.
- There should be no vehicular access and driveway parking on the western edge of the scheme overlooking Quakers Walk as this would impact on the rural nature of the footpath.

- The proposed 35m wide buffer zone is insufficiently wide and is less than exists for the Quakers Road development to the north.
- It is inappropriate to have a LEAP in the buffer zone as it would be detrimental to the rural nature of Quakers Walk.
- Existing properties in Quakers Road would be overlooked by the nearby proposed new dwellings. They would also experience increased noise levels.
- Local surgeries and dentists are already overloaded and cannot cope with more population.
- The submitted noise report is not a true reflection of the noise levels generated by the rugby club as it was not carried out over a weekend when matches take place.
- Light pollution from the rugby club floodlights will be an issue to new residents.
- Noise pollution from events held at the sports club function room will be an issue to new residents. So too will noise from the barking of police dogs housed at the nearby police HQ.

9. Planning Considerations

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

9.1 Principle of Development

The site lies within the Devizes LOD where there is a general presumption in favour of permitting sustainable development. Hence there is no “in principle” objection to developing the site for residential development. Furthermore the site already benefits from a grant of planning permission for a significant Care Village proposal which would provide 139 residential units. The Council’s published Housing Land Supply Statement, July 2014, identifies the site as forming part of the East Wiltshire Housing Market Area’s deliverable housing land supply for 139 units. Hence the principle of residential development on the site has already been accepted. Indeed, the appeal Inspector for the Care Village scheme found that *“the view that the appeal site should be left as an open, green area is not supported by any adopted planning policy”*.

Since the consideration of the Care Village proposal by the Inspector, the policy situation has changed somewhat in that the Wiltshire Core Strategy has been adopted and an emerging neighbourhood plan been produced. However the proposal complies with Core Strategy policy CP2, which states that within LODs, there is a presumption in favour of sustainable development at the Market Towns.

The emerging draft DANP is a material consideration and, as the document has reached the independent examination stage, can be afforded significant weight in the decision making process. The proposal is situated on land that falls within the current limits of development and thereby accords with draft policy H1 “Settlement Framework Boundary”. In addition, the land benefits from planning permission and hence would not need to be considered in the context of addressing the overall indicative housing requirements required to be planned for Devizes.

Core Strategy policy CP12 identifies a need to bring forward 333 dwellings in Devizes on top of that already committed through the period to 2026. This is being addressed through the emerging DANP which subject to the resolution of the

examination, referendum and adoption process plans to allocate land for approximately 455 dwellings within the current LOD. The applicant asserts that the land in question is already accounted for within the Council's deliverable housing supply chain and this is not disputed. Therefore, it could be argued that the indicative housing requirements to be allocated and delivered in line with CP 12 and the emerging DANP are in fact on top of (i.e. rather than inclusive of), development occurring on the application site.

Whilst noting the preference expressed by many of the objectors for the Care Village scheme compared to the current residential scheme, particularly in relation to traffic generation and air quality, the principle of residential development on the site has already been established, as set out above. Furthermore the applicant has marketed the site for sale to care home operators, but no realistic or viable offers were received.

9.2 Illustrative Layout

The application has been submitted in outline with all matters reserved except means of access so the detailed design and layout are not for consideration at this stage. However the applicant has submitted an illustrative masterplan which indicates how the site could be developed. This indicates a 35m wide buffer zone between the developable part of the site and Quakers Walk in order to preserve the rural character of Quakers Walk. Such a buffer is acceptable, being the same size as that put forward in the Care Village scheme. It would incorporate significant levels of new planting to filter views into the site, as well as a LEAP.

The proposal is for up to 123 dwellings on a developable area of 3.51 hectares. This would represent a density of 35 dwellings per hectare, which is considered acceptable. The illustrative masterplan indicates that there would be a variety of detached, semi-detached and terraced properties.

9.3 Highway Considerations

Objectors have raised concerns that the development will increase waiting times when seeking to exit at the junction of Quakers Road with London Road and that congestion on London Road will increase. They have also raised concerns that the development will increase traffic generation compared to the Care Village scheme.

The Highway Authority raises no objection to the development. In transport terms the site is sustainable for residential development having good access by cycle and walking to the town centre and employment, and with a nearby primary school. The secondary school is within the acceptable guideline walking distance. The bus stops on London Road are about 500m away which is further than the recommended maximum distance to a bus stop of 400m. There is a closer town bus service that routes through the Quakers Road development near to the site.

The proposed development will generate a total of 51 trips in the AM peak hour and 67 trips in the PM peak hour. The Highway Authority accepts that the proposal will create net additional trips (where a trip is a one-way vehicular movement) in the peak hours compared with the Care Village of:-

AM peak	Arrivals -15	Departures +27	Net increase +12
PM peak	Arrivals +26	Departures +8	Net increase + 34

However the Highway Authority considers that the junction of Quakers Road with the A361 London Road will operate well within capacity in standalone terms in the future assessed year of 2026. (The peak hour queuing issues on London Road are caused

by issues further away. If those issues did not exist the Quakers Road / London Road junction would operate freely).

The traffic effects of the development on the wider network have been assessed by use of the Councils PARAMICS traffic model. Network average journey times are shown to be increased by the development: 0.1% in the AM peak and 10% in the PM peak compared with the network average journey times in 2026 without the development.

For the A361 journey across Devizes the development increases the eastbound time by 2 secs AM, 26 secs PM; and westbound by 25 secs AM, 157 secs PM, in each case compared with the 2026 journey times without the development. However, when compared with the already authorised care village scheme, the additional average journey time westbound in the peak hour in the evening is increased by 41 seconds. The time is measured for vehicles travelling from one side of Devizes to the other.

Although average journey times will slightly increase by 2026, the magnitude of the increase compared to the authorised care village is not material such that a refusal of planning permission on highway impacts would be justifiable. Although the traffic generation would be greater than the Care Village scheme, the appeal Inspector who considered that scheme concluded that it *"would not have an adverse effect on traffic conditions on London Road"*.

9.4 Air Quality

The development is anticipated to result in an additional 623 vehicle movements per day on the local road network. The percentage change in traffic flow as a result of the proposed development on London Road is anticipated to be less than 2%. The site is not within the Devizes Air Quality Management Area (AQMA) but lies adjacent to it so the proposed development will impact upon the AQMA. However the submitted Air Quality Statement concludes that the proposal would result in "negligible" impacts. The Environmental Health officer finds the Air Quality Statement to be acceptable, and raises no objection to the development on air quality grounds.

The Environmental Health officer would expect to see the developer demonstrate what positive contributions they could make towards the improvement of air quality e.g. through encouraging the use of sustainable modes of transport in preference to single occupancy vehicle use. This is proposed to be secured through the implementation of a Travel Plan. An outline Travel Plan has been submitted with the application. The Highway Authority requires the submission of a full Travel Plan based on the submitted outline Travel Plan, with the inclusion of green travel vouchers to be offered to households, to be secured as part of a S106 legal agreement. It is considered that the implementation of the Travel Plan will ensure that local air quality impacts associated with the development remain "negligible".

The Environmental Health officer has requested a contribution of £1393 towards air quality related works. However with the advent of CIL, such contributions cannot be requested to be secured via S106.

9.5 Ecology

The application was accompanied by ecological surveys, which found evidence of the use of the site by badgers, bats and grass snakes. The Council's Ecologist considers these surveys to be sufficiently detailed, appropriate to both the ecology of the area and to the proposal, and to give sufficient information about the site to be able to judge the potential impacts as a result of the proposal. She considers it will be

possible to accommodate sufficient and appropriate mitigation for bats, reptiles and badgers within the 35m wide buffer strip. She therefore raises no objection, subject to conditions requiring the submission and approval of an Ecological Management Plan, a Construction Environmental Management Plan and a Construction Method Statement. She also requires a condition prohibiting external lighting which would illuminate the 35m wide ecological buffer zone, so as not to interfere with bats using Quakers Walk.

9.6 Noise

The Environmental Health officer raises no objection, and recommends the imposition of no conditions with respect to noise. Noise matters were examined in depth by the appeal Inspector for the Care Village scheme. He acknowledged that *“noise from police helicopter activity and sporting events would be audible in the open areas of the site”* and *“that the timing of such activities may, in many cases, be unpredictable”*. However he concluded that *“future residents of the Care Village would not be exposed to unacceptable noise levels from either the police helicopter landing pad or the nearby sports pitches”*. There are therefore no concerns that the amenities of future occupiers of the proposed development would be materially harmed by noise emanating from the adjoining land.

9.7 Affordable Housing

In accordance with Core Strategy policy CP43, 30% affordable housing would be provided. The proposal would therefore provide much needed affordable housing. This would be secured by way of a S106 agreement.

9.8 Public Open Space

A LEAP is proposed in the buffer zone. 744sqm of equipped play would be required. The proposed LEAP would provide 400sqm of this, leaving an under-provision of 344sqm. Environment Services therefore propose a trim trail or MUGA to meet the shortfall. This is to be agreed. The required equipped play would be secured by means of a S106 agreement.

The proposed casual play space is adequate.

Environment Services request a contribution of £62,800 towards formal sports pitch provision. However with the advent of CIL, this off-site contribution cannot be requested to be secured via S106

9.9 Education

The development generates a substantial need for school places – 35 primary and 25 secondary places. The funding secured from this development would contribute towards a phase 1 expansion of Trinity Primary School. This project does not yet have any planning obligations attached to it and so the funding can be secured via a S106 agreement. At secondary level, Devizes School would be able to accommodate the additional pupils within existing forecasts and capacities without the need for expansion. Hence no contributions at secondary level are required.

9.10 Flood Risk and Drainage

The site lies within Flood Zone 1 and the Environment Agency raises no objection subject to conditions. Neither does the Council's Land Drainage Engineer raise any objection subject to conditions requiring the submission and approval of foul water drainage and surface water drainage schemes.

The proposed drainage assessment demonstrates that surface water can be dealt with, although precise details can be the subject of a planning condition.

With regard to foul drainage, there are no sewers within the vicinity to which a gravity discharge can be achieved. It will therefore be necessary to pump effluent from the site to the public sewer network. It will not be possible to discharge via gravity to the existing pump station, hence a new pumping station is proposed on the eastern boundary of the site.

9.11 Public Rights of Way

There are two well used public rights of way in the vicinity of the site, Quakers Walk and the canal towpath. The proposed residents will undoubtedly place a high demand on both, and hence the Highway Authority, the Rights of Way Section and the Canal & River Trust all request contributions towards the upgrading of the surfaces. S106 contributions can legitimately be required to fund these works and the applicant is in agreement with this.

9.12 Other Matters

Compliance with Core Strategy policy CP41 “Sustainable construction and low-carbon energy” can be secured via condition, although the Council is currently investigating whether this can be justified in light of recently announced changes to Government legislation.

It is not considered that the rugby club floodlights will materially harm the amenity of future residents. In any case, prospective purchasers would be fully aware of the situation before committing to a move.

The impact of the new dwellings on the amenity of existing properties in Quakers Road would be a matter for consideration at reserved matters stage.

10. S106 contributions

S106 contributions are required to fund an expansion of Trinity Primary School, the upgrade of the surface of the canal towpath, and an upgrade to the surface of the Quakers Walk footpath. The applicant has confirmed agreement to make these contributions, as well as to provide 37 affordable homes. The S106 agreement would also require the submission of a Full Travel Plan based on the submitted outline Travel Plan, with the provision to households of green travel vouchers. Furthermore the S106 agreement would cover the provision of the required 744 sqm of equipped play space and the payment of a maintenance commuted sum for the maintenance of the equipped play space and on-site open space.

Contributions were requested by consultees towards indoor leisure facilities, formal sports pitch provision, air quality related works and public art. However with the advent of CIL, such contributions cannot be secured via S106.

11. Conclusion (The Planning Balance)

The site lies within the Devizes LOD where there is no “in principle” objection to developing the site for residential development. Besides, the site benefits from an

existing residential consent (the Care Village scheme) and is identified as being able to provide 139 units in the Council's published Housing Land Supply Statement. The site is capable of accommodating the proposed 123 units, whilst at the same time providing a 35m wide buffer zone between the developable part of the site and Quakers Walk, as did the Care Village scheme. There is therefore no objection to the principle of the development. Furthermore, the proposal would provide much needed affordable housing.

In transport terms the site is sustainable for residential development. Although the development would generate more traffic than the Care Village scheme, the percentage change in traffic flow along London Road would not be significant when compared to the authorised care village and the Highway Authority raises no objection. The magnitude of the increase is not considered to be material and a refusal of planning permission on highway grounds is not justifiable. In terms of air quality, the Environmental Health officer accepts that conclusion of the submitted Air Quality Statement that the proposal would have "negligible" impacts, subject to the implementation of a Travel Plan that encourages the use of sustainable modes of transport.

Other planning matters can be satisfactorily addressed via suitable conditions and in a S106 agreement as set out in sections 9 and 10 above.

RECOMMENDATION: That outline planning permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering the matters identified as necessary in section 10 above, and subject to the following conditions:

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

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

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

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

Any reserved matters application pertaining to layout shall include the details of the access to the Rugby Club, as shown on the Illustrative Masterplan (Rev 003), dated

January 2015 and shall make provision for a 35 metre buffer zone with Quakers Walk.

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 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 [INSERT].

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

Site Location February 2015; Site Boundary February 2015; Development Framework Revision 005 January 2015.

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

- 6 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.

For clarity, these details should be represented on a site drawing.

All development shall be carried out in accordance with the approved Ecological Management Plan.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of mitigating the impact of development upon protected species and enhancing the local ecology of the area.

- 7 No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures together with precautionary timings and working practices to prevent adverse impacts to sensitive habitats and species, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to prevent pollution of the water environment and to prevent adverse impacts to sensitive habitats and species.

- 8 No external lighting shall be installed without the prior 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 it shall not thereafter be modified unless agreed beforehand in writing by the local planning authority.

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

- 9 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) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) hours of construction, including deliveries;
- i) Wheel washing facilities.

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

- 10 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 dwellings 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 and the protection of existing important landscape features.

- 11 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 (2012): 'Trees in Relation to Design, Demolition and Construction - Recommendations' 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

- 12 The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

- 13 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of visual amenity.

- 14 Prior to occupation of the 30th dwelling a 3 metre wide shared use cycleway shall have been provided and made available for use, connecting to the existing shared use path in front of 65B Quakers Road, running parallel to Quakers Walk, and connecting at its south western end to Quakers Walk, as indicated in outline on the Development Framework plan January 2015.

REASON: In the interests of sustainability and accessibility.

- 15 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating

sustainable drainage details together with permeability test results to BRE365 plus if a discharge to the canal is proposed details of the Canal & River Trust approval and details of ownership of detention ponds, and maintenance regimes, has been submitted to and approved in writing by the Local Planning Authority. Any scheme proposing drainage ponds in the 35 metre buffer zone shall demonstrate how their construction and use is compatible with the purpose of the buffer zone to provide an informal and safe landscaped area. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 16 No development shall commence on site until a scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 17 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 climate change adaptation.

- 18 INFORMATIVE TO APPLICANT: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the water efficiency condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

- 19 INFORMATIVE TO APPLICANT: There must be no interruption to the surface water and/or land 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.

- 20 INFORMATIVE TO APPLICANT: Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles

- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

21 INFORMATIVE TO APPLICANT:

The reserved matters application(s) should take into account the comments of the Council's Urban Design officer which are viewable on the Council's website.