

# AGENDA

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**Meeting:** Strategic Planning Committee

**Place:** Council Chamber - County Hall, Trowbridge BA14 8JN

**Date:** Thursday 3 November 2022

**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Benjamin Fielding, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718656 or email [benjamin.fielding@wiltshire.gov.uk](mailto:benjamin.fielding@wiltshire.gov.uk)

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## Membership:

Cllr Howard Greenman (Chairman)  
Cllr Tony Trotman (Vice-Chairman)  
Cllr Ernie Clark  
Cllr Adrian Foster  
Cllr Sarah Gibson  
Cllr Carole King

Cllr Christopher Newbury  
Cllr Pip Ridout  
Cllr James Sheppard  
Cllr Elizabeth Threlfall  
Cllr Robert Yuill

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## Substitutes:

Cllr Helen Belcher  
Cllr Richard Britton  
Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr George Jeans  
Cllr Dr Nick Murry

Cllr Andrew Oliver  
Cllr Stewart Palmen  
Cllr Nic Puntis  
Cllr Bridget Wayman  
Cllr Graham Wright

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## **Public Participation**

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 5 October 2022.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's [Planning Code of Good Practice](#). The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

### **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Thursday 27 October 2022 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Monday 31 October 2022. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 21 - 22*)

To receive details of completed and pending appeals, and any other updates as appropriate.

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PL/2022/00867 - Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD** (*Pages 23 - 56*)

Outline planning application for residential development of up to 59 dwellings together with access and associated works. (mix of units to be determined by Reserved Matters) - All matters reserved except access.

7b **PL/2021/04774 - Land off Coate Road, Devizes** (*Pages 57 - 86*)

The application seeks consent for residential development of up to 200 dwellings, and:

A local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (sui generis) with a gross internal floor area limit of 1,000m<sup>2</sup> of which no more than 725m<sup>2</sup> shall be used for retail (Class E(a)).

No single retail (Class E(a)) unit shall comprise of more than 325m<sup>2</sup> gross internal floor area.

Associated works, infrastructure, ancillary facilities, open space and landscaping.

Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.

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**Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

**Part II**

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

None

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## Strategic Planning Committee

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**MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 5 OCTOBER 2022 AT MARLAND ROOM, THE CLUBHOUSE, SALISBURY & SOUTH WILTS SPORTS CLUB, SKEW BRIDGE, WILTON ROAD, SALISBURY. SP2 9NY.**

**Present:**

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

**Also Present:**

Cllr Pauline Church and Cllr Brian Dalton

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119 **Apologies**

Apologies were received from:

- Cllr Ernie Clark
- Cllr Sarah Gibson
- Cllr Pip Ridout, who was substituted by Cllr Bridget Wayman
- Cllr Elizabeth Threlfall

120 **Minutes of the Previous Meeting**

The minutes of the meeting held on 10 August 2022 were presented for consideration.

Cllr Adrian Foster noted that at the last meeting he had requested an update from officers on where the Council was with the 5 year Housing Land Supply and if the Council had not met the supply whether there was a strategy in place to reach the required figure. However, that had not been included in the minutes of the last meeting. He requested that an update be provided at the next meeting including the above and a date for when the 5 year Housing Land Supply would be met. It was confirmed that his request would be added to the minutes of this meeting.

It was,

**Resolved:**

**To approve and sign the minutes as a true and correct record.**

121 **Declarations of Interest**

There were no declarations of interest.

122 **Chairman's Announcements**

There were no Chairman's announcements.

123 **Public Participation**

The procedures for public participation were detailed and noted.

124 **Planning Appeals and Updates**

The appeals report in the agenda was detailed.

Members also highlighted that there had been 2 appeal decisions recently regarding applications which the Strategic Planning Committee had refused at Land Off Park Road, Malmesbury (applications 19/05898/OUT and 20/08341/OUT). Both appeals were supported by the planning inspector and the Committee's decision reversed. This related back to the lack of a 5 year housing land supply. So, this was an important factor which the Committee had to take into consideration.

**Resolved:**

**To note the update on appeals.**

125 **Planning Applications**

The following planning application was considered.

126 **PL/2021/06594 - Land North of Netherhampton Road, Salisbury**

Public Participation

Murdo Urquhart spoke in objection to the application

Eleanor Wills spoke in objection to the application.

James Prain spoke in objection to the application.

Des Dunlop spoke in support of the application.

Cllr Annie Riddle of Salisbury City Council spoke in objection to the application.

Adam Madge (Development Management Team Leader, South) presented a report which recommended to delegate to the Head of Development Management to grant planning permission subject to the completion of a section 106 legal agreement and conditions for a residential development comprising 106 dwellings including formation of vehicular access and footways, open space, drainage, landscaping and associated works.

The site consisted of a field which borders the main A3094 (Netherhampton road). In planning policy terms, the site was located in the open countryside, outside the boundary for Salisbury City as a principal settlement as defined in



the Wiltshire Core strategy. It was however allocated in the Wiltshire Housing Sites Allocation DPD.

The planning officer presented the slides for the meeting (published in the agenda supplement). The proposal had a single access point which led onto the A3094. The A3094 led to Wilton in one direction and the Harnham gyratory in the other.

Across the road from the site was another allocated site which had outline planning permission for 640 dwellings. The reserve matters application for that site was currently underway.

The proposal comprised a mixture of houses, bungalows and flats and had a large area of green open space running through the centre so that views of the cathedral could be retained. English Heritage were happy with that approach. There were also some drainage ponds within the open space. The site layout had been updated to increase the size of footpaths on the site so that they could also be used by cyclists. The development was proposing 40% on-site affordable housing provision to include both rented and shared ownership homes.

2 late observations had been received which had been circulated to Members. One had resulted in an amendment to condition 2, the plan for the block of flats would be substituted for one which removed three windows from the Eastern elevation. This was to ensure that houses to the East were not overlooked. This would have little effect on the properties in the block, as they had originally been designed without those extra windows, and each room already had a window on a different elevation.

Officers had spent a long time working on the application and with the developers to ensure that consultees were satisfied. It was on an allocated site and the houses were needed to help meet the 5 year housing land supply. Therefore, the recommendation was for approval.

Members of the committee then had the opportunity to ask technical questions of the officer.

In response the officer explained that the scheme regarding the bronze age ring ditch was to uncover and record the ditch, but it would not be retained. The ditch had already been damaged by ploughing, archaeology had already been undertaken and it was not thought anything significant would be found.

The wording within the reason for condition 5 which included 'delete as appropriate' was a typing error.

Mark Wiltshire (Highways Development Control Officer, Major Projects explained point 2 of the s106 agreement. The site opposite (which was owned by the same developer) had contributed to the extension of the R5 bus service. During negotiations regarding this site, it was agreed that as the site opposite was paying for the extension of the service, then no funding should come from

this site. There was provision to get funding towards the bus route if the site opposite did not come forwards.

The planning officer stated that the natural greenspace within the site would be maintained by a management company. There would be provision of a play area within the space.

The pedestrian and cycle routes connected to a cycle way which was already present on the South side of the A3094. A refuge would be put in by developers at one of the accesses to ensure people could cross the road safely. That met the requirements in the guidance.

The red line which extended from the site location plan was a drainage pipe.

The Committee could not impose solar panels in order to make the development more sustainable as there was not yet a national policy regarding this. It was hoped that both local and national policies would be updated to include such policies. All properties would have an EV charging point.

The affordable housing mix and proportion now being proposed was confirmed as acceptable. There were six 1-bedroom flats in the block.

Highways were comfortable that on this allocated site there was enough mitigation, in the form of a contribution, to meet the traffic impact. A robust estimate was that the scheme would generate 55 trips in peak hours. There was a Harnham gyratory scheme being developed to improve capacity and approximately £250,000 would go towards that if the scheme was approved. It was acknowledged that piecemeal applications could present issues.

There was no allocated refuge/layby for a bus stop as the Public Transport team encouraged bus stops to be in the carriageway because that encouraged bus use. Members could if they were so minded request a condition to require an amended plan showing a bus refuge.

In relation to the high voltage cables, crossing one corner of the site it was explained that usually on developments these are put underground. However, the officer had not spoken to the applicant regarding this.

Members of the public then had the opportunity to present their views, as detailed above. The main issues raised by all speakers in objection were the highways concerns and the increase in traffic, noise and pollution the proposal would cause on an already incredibly busy road.

The unitary division member, Cllr Brian Dalton spoke in objection to the application. Issues raised included flooding, traffic on Netherhampton Road and in particular the Harnham gyratory which was already terrible, he felt that major investment was required. Bus services, of which there was now only 1 an hour and the problems with piecemeal development not providing the required infrastructure were also mentioned.

Cllr Pauline Church, neighbouring division Member for Wilton spoke in objection to the application. Her representation could be seen on page 42 of the agenda. The Cllr highlighted the disproportionate numbers of homes built within or bordering her division, with no thought to transport, highways and infrastructure.

The Chairman then opened the debate and requested that the first Member to speak proposed a motion that the Committee could debate.

Cllr Tony Trotman stated that he had heard the highways concerns of those present and it was a difficult situation. He explained that the Committee had to look at the application which was before them on its own merits. The site was also allocated in the Wiltshire Housing Sites Allocation DPD, so the principal of development had already been approved. Therefore, he proposed a motion to approve the application as per the officer recommendation, with the amendment to condition 2, regarding the removal of 3 windows from the block of flats and an additional condition that the overhead electricity cables be put underground. This was seconded by Cllr Christopher Newbury.

Cllr Foster proposed an amendment to the motion requesting to add a condition that the developers provide a plan showing the provision of a bus refuge/layby, the final wording of the motion would be delegated to officers. This was accepted as a friendly amendment by the proposer and seconder of the original motion.

During debate Members stated that the site allocation created a presumption for approximately 100 dwellings on the site subject to policies being met and views of the consultees. Highways were happy with the £257,000 to mitigate traffic issues so the Committee had to accept that. In order to refuse on highways grounds significant evidence would be required which could be presented at appeal and they did not have that. The Committee could not defer the application until the 640 homes on the site opposite were built as there were deadlines which had to be met. The Committee followed professional advice provided by officers and consultees. The Environment Agency guided on the flooding issues. The Committee had tried to go against this in the Malmesbury applications mentioned earlier which were overturned at appeal. If that happened again there was the possibility of significant costs to the Council. The city and parish objections detailed issues which were either dealt with by the planning inspectorate when the site was allocated or within the s106 agreement. The Committee had to be just to both sides and the applicant had tried to comply with all requests.

Members discussed the additional condition to put the electricity cables underground. A Member pointed out that the site met regulations and therefore they did not think the Committee could add that condition. Officer advice was sought, and the officer confirmed that public protection were consulted and raised no issues, so the applicant could appeal against that condition, therefore he advised not to include that condition.

Cllr Trotman and Cllr Newbury as the proposer and seconder of the motion confirmed that they were happy to remove the extra condition from the motion.

Members highlighted that they did have concerns regarding the highways situation and transport issues. Whilst they understood that Salisbury residents were not responsible for the 5 year housing land supply, this was a principle from central government which had to be followed. The options before the Committee were very limited and the best they could do was to mitigate the effects of the application. They could not always refuse applications when they wanted to if there were no sound planning reasons to do so.

The motion to approve as per the officer recommendation with the amendment to condition 2 and an additional condition that the developer provide a plan for a bus layby (the final wording of which would be delegated to officers) was put to the vote and it was,

**Resolved:**

**To delegate to the Head of Development Management to grant planning permission –**

**(A) Subject to the prior completion of the Section 106 legal agreement by all relevant parties to provide: -**

**1) A financial contribution of  $(1,551,363 / 640) \times 106 = \text{£}256,944$  index linked, time limited towards the measures in the Salisbury Transport Strategy.**

**2) A financial contribution of  $(750,000 / 640) \times 106 = \text{£}124,218$  index linked, time limited towards the extension of bus services to serve the development. To be payable 5 years after the first, first occupation of either H3.1 (the southern site) or H3.3 (this site) and only taken if at that point there is not full occupation of both sites. ie if full occupation of both sites the money will not be required.**

**3) The provision including offering for highway adoption of a 3 metre wide short link within the red line boundary of the site, between the roads or cycleways on the development, and the northern boundary of the development to connect directly to the route of the STS path reference PC09, if at any point within 10 years of occupation of the final dwelling on the development, a contract is let for the construction of the STS path reference PC09 between the development and the Broken Bridges area.**

**4) =  $\text{£}210,264$  towards the development of Early Years provision in this area.**

**5) Retention and management of the open space as Suitable Alternative Natural Greenspace (as shown on a plan) in**

perpetuity or for as long as the development site remains in residential use.

6) A contribution of £8000 towards compliance of SANG provision in accordance with requirements of the Council's Interim recreation mitigation strategy for the New Forest internationally protected sites" (Version 1, 25 March 2022):

- a) to provide a compliance visit in each of the first five years after the open space is laid out,
- b) a compliance visit once every five years thereafter until 30 years after the open space is laid out and;
- c) inclusion of the SANG in a contract for visitor surveys in years 5 and 10 after the open space is laid out.

7) The provision of 40% affordable housing on site.

And subject to the following conditions –

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and reports listed in Drawing Issue Sheet I project no CB\_78\_232 Vistry Homes , with the exception of plan no's CB\_78\_232\_NHR\_IBF\_01 and CB\_78\_232\_NHR\_SS\_02 which shall be substituted by plan no CB\_78\_232\_NHR\_IBF\_01 Rev A and CB\_78\_232\_NHR\_SS\_02 rev A.

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

- 3) No development shall commence above slab level until the exact 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:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission, in the interests of visual amenity and the character and appearance of the area.

**4) No railings, fences, gates, walls, bollards and other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.**

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

**5) No development shall commence above slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-**

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

**REASON: The matter is required to be agreed with the Local Planning Authority before commencement above slab level in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

**6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the 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.

7) The development shall only take place in accordance with the written scheme of investigation for a programme of archaeological excavation and strip, map and sample prepared by Museum of London Archaeology (MOLA), Site code – SBYWM:2021.20, and dated June 2022\*. The condition shall not be discharged until the programme of assessment, analysis, and publication elements of the programme has been fulfilled.

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

This mitigation work is to be carried out following the standards and guidelines for archaeological excavations and monitoring of groundworks as set out by the Chartered Institute for Archaeologists (CIfA). The costs of the work are to be borne by the applicant.

8) NO development above slab level shall commence until a detailed assessment of the drainage strategy shall be submitted to and approved in writing showing that a MADD factor of zero has been used in the assessment and demonstrating how the proposed drainage and storage on site can accommodate the rainfall volumes used in the hydraulic assessment. The drainage strategy as approved by this condition shall be implemented prior to first occupation of the development.

**REASON:** The application contained insufficient information to enable determination of this issue prior to approval.

9) The development will be constructed in strict accordance with the Ecological Parameters Plan, Drwg no edp6768\_d023f

**REASON:** In the interests of conserving biodiversity and to ensure that legally protected habitats and species are not permanently displaced as a result of development.

10) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation

and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

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

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

11) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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



**12)The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the housing being brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.**

**REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located**

**13)No external light fixture or fitting will be installed within the application site until a Lighting Strategy has been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate that a level of 0.5Lux or less can be achieved at the edges of the dark corridors marked on the Ecological Parameters Plan which forms part of this permission.**

**REASON: In the interests of conserving biodiversity.**

**14)Prior to the start of construction, a site plan indicating the number, type and location of all bat and bird boxes and of reptile refugia areas will be submitted for agreement in writing by the local planning authority.**

**REASON: In the interests of conserving biodiversity.**

**15)No residential unit shall be occupied until those parts of the Residential Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied. The Residential Travel Plan Co-ordinator shall be appointed and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the last residential unit.**

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

**16)Prior to first occupation of any dwelling the ghost island right turning lane outlined on drawing CB/78/232/001/C including a pedestrian refuge, any required street lighting and highway drainage alterations to accommodate the right turning lane, resurfacing of the entire width of the A3094 over the length of the right turning lane scheme, the footway to be provided over part of the site frontage, and the tactiled crossing of the access track to the east, shall all provided**

in in accordance with details to be first approved under a Highways Act 1980 Section 278 Agreement.

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

17) Prior to first occupation of any dwelling hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 120 metres to the west and 120 metres to the east.

**REASON:** In the interests of highway safety.

18) Prior to occupation of the any dwelling 2 bus stops including flag signs, road markings and high bus access kerbs shall have been provided on A3094 near to the development in accordance with details to be first submitted to and approved by the Local Planning Authority.

**REASON:** In the interests of providing safe and convenient access to public transport for occupiers of the development.

19) The parking spaces for plot 28, located separate from the plot curtilage shall be clearly demarcated as private spaces for use by the residents of plot 28, prior to the plot being occupied. The demarcation shall be maintained in perpetuity.

**REASON:** In the interests of making clear that these spaces are not for general use.

20) The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Stantec, Ref: 3322310515/4001 Rev: B, dated June 2021 and the mitigation measures detailed. This will include:

- All built development will be located in Flood Zone (FZ) 1
- There shall be no temporary or permanent ground raising, including the storage of material within FZ 2 and/or 3.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**REASON:** The very northern edge of the site lies within flood zones 2 and 3. To reduce the risk of flooding to the proposed development and future occupants and to prevent increasing flooding elsewhere.

**21) No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.**

**REASON: Core Policy55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.**

**22) No construction work (excluding the internal fitting out of dwellings) nor the movement of spoil from the site shall take place outside the hours of 0700 – 2000 Monday to Thursday, 0700 – 1800 on Friday, 0800 – 1300 on Saturday and at no time on Sundays and Bank holidays.**

**REASON: In order to protect the residential amenity of future and adjoining residents.**

**23) Within 3 months of the date of this permission a plan shall be submitted to and agreed with the local planning authority for a childrens play area on the site. The childrens play area as agreed shall be constructed prior to occupation of the 25<sup>th</sup> dwelling on the site and shall be maintained in perpetuity.**

**REASON: In the interests of ensuring adequate outdoor play and recreational facilities exist on the site.**

**24) Within 3 months of the date of this permission a plan shall be submitted to and agreed with the local planning authority for a bus layby within the Southern boundary of the site to serve buses on Netherhampton road travelling in an Easterly direction towards Salisbury. The bus layby as is agreed shall be constructed prior to occupation of the 50<sup>th</sup> dwelling on the site and shall be maintained in perpetuity.**

**REASON: In order to ensure that there is adequate provision for a bus to wait off the main road whilst picking up passengers.**

127 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.40 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail [tara.shannon@wiltshire.gov.uk](mailto:tara.shannon@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114 or email [communications@wiltshire.gov.uk](mailto:communications@wiltshire.gov.uk)

**Wiltshire Council  
Strategic Planning Committee  
3<sup>rd</sup> November 2022**

There are No Planning Appeals Received between 23/09/2022 and 21/10/2022 relating to Decisions made at Strategic Committee

Planning Appeals Decided between 23/09/2022 and 21/10/2022 relating to Decisions made at Strategic Committee

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Decision</b>	<b>Decision Date</b>	<b>Costs Awarded?</b>
20/08341/OUT	Land South West of Park Road Malmesbury Wiltshire	Malmesbury	Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Space, Landscaping and Associated Engineering Works	SPC	Inquiry	Approve with Conditions	Allowed with Conditions	26/09/2022	None
19/05898/OUT	Land off Park Road, Malmesbury, SN16 0QW	Malmesbury	Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access.	SPC	Inquiry	Approve with Conditions	Allowed with Conditions	26/09/2022	None

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## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	3 November 2022
<b>Application Number</b>	PL/2022/00867
<b>Application type</b>	OUTLINE – ALL MATTERS RESERVED EXCEPT ACCESS
<b>Site Address</b>	Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD
<b>Proposal</b>	Outline planning application for residential development of up to 59 dwellings together with access and associated works. (mix of units to be determined by Reserved Matters) - All matters reserved except access.
<b>Applicant</b>	Square Bat (Property) Ltd
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	DEVIZES SOUTH – Cllr Simon Jacobs
<b>Grid Ref</b>	399783 160932
<b>Type of application</b>	Outline Planning
<b>Case Officer</b>	Jonathan James

### Reason for the application being considered by Committee

The application has been ‘called in’ by the Division Member, Cllr Simon Jacobs, as part of the site lies outside of the settlement boundary, insufficient secondary school places exist, the loss of green open space would undermine the character of the area, extra pressure on local highway network, impact on wildlife species, the irreversible and irreparable damage to the landscape and impact on the development site from the treatment works.

#### 1. Purpose of Report

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

#### 2. Report Summary

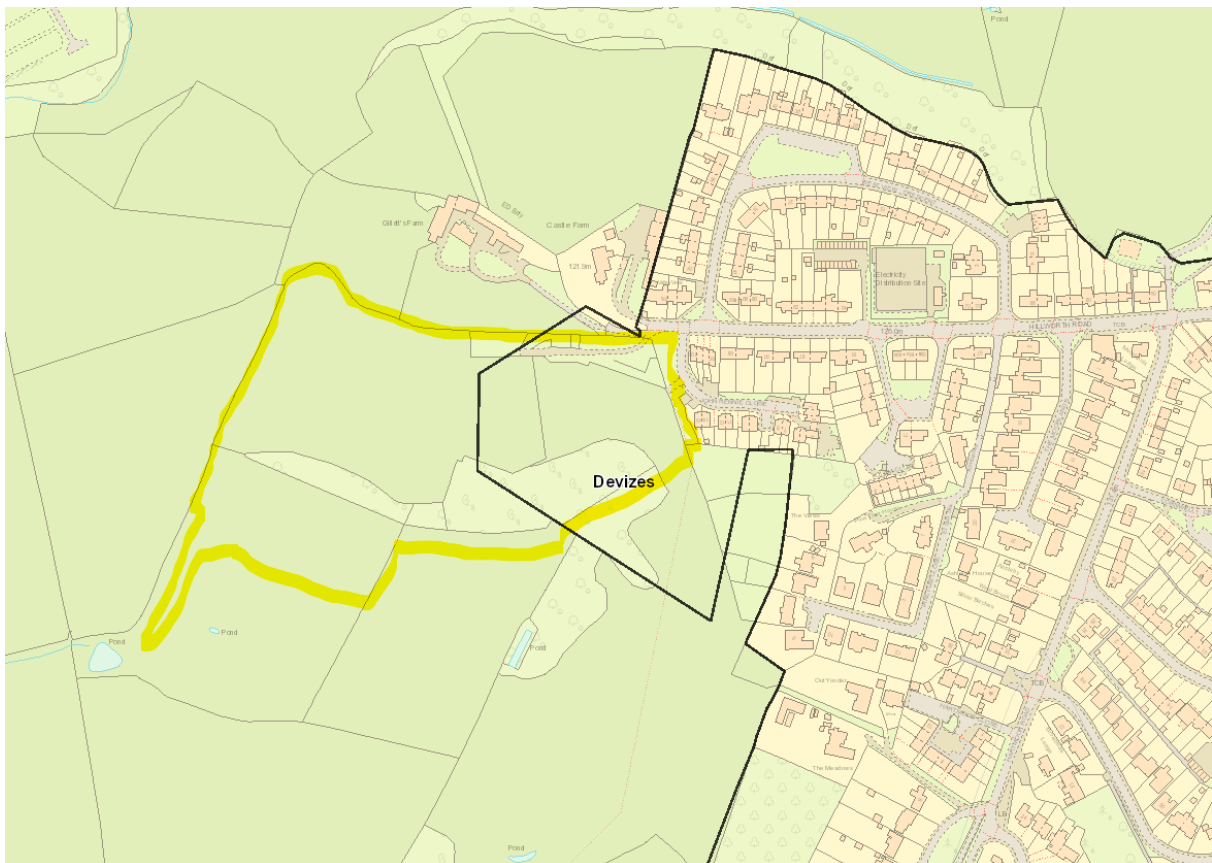
Concerns have been raised at the impact on the environment, the impact on highway safety, the lack of facilities to accommodate the development and conflict with the policies of the area. The planning database recognises 112 letters of objection, although some of these will be repeat correspondence following re-consultations, however, it is clear that there are local concerns to this development. Whilst the concerns raised are acknowledged and have been taken into consideration in the preparation of this report, it must also be highlighted that part of the site is included within the Devizes Area Neighbourhood Plan, which was approved following public consultation, for a development of 47 dwellings.

The main points to be considered are:

- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design in terms of layout (CP 57)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)
- Whether the site can be adequately drained (CP 67)
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64)
- Are there any other planning issues raised by the development
- What planning obligations are required to make the development acceptable in planning terms

### 3. Site Description

The site is approximately 4.3ha in area and is located on the south-western edge of Devizes, with the north-eastern part of the site within the settlement boundary and this edge adjoining the Devizes Air Quality Assessment Zone.



*Site location – bold black line equates to settlement boundary for Devizes.*

The site comprises several agricultural grassed fields bounded by a mixture of fencing, hedgerow and mature trees. The topography of the land slopes down across the site from east to west, with a plateau in the north/east and which slopes steeply down to the south to the lower paddock. Access would be from 'John Rennie Close' which itself is accessed from 'Hillworth Road'. To the east of the site are existing residential properties.



Approximately 230 metres northwest of the site is a sewage works, 450metres to the northeast is Devizes castle, and 700 metres northeast of the site Devizes town centre. The site is not located within either Flood Risk Zone 2 or 3.

#### **4. Planning History**

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

#### **5. The Proposal**

This is an outline planning application for the development of the site for up to 59 dwellings with associated access, and all other matters pertaining to appearance, landscaping, layout and scale are reserved for future consideration. The proposed means of access is to the northeast of the site onto John Rennie Close.



*Illustrative Masterplan*

The application has undergone amendments and revisions, including a reduction in numbers of units from 65 down to 59, following points raised on the scheme. The recommendation before the Council is based on this revised scheme.

#### **6. Planning Policy**

##### Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP12 – Spatial Strategy for the Devizes Community Area
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire’s Housing Needs
- CP48 – Supporting Rural Life

- CP49 – Protection of rural services and community facilities
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

#### Wiltshire Waste Core Strategy

- WCS6 (Waste Audit)

#### Saved Policies for the Kennet Local Plan

- HC34 Recreation Provision on Large Housing Sites (saved Kennet Local Plan policy);
- HC37 Demand for Education (saved Kennet Local Plan policy).

#### Devizes Area Neighbourhood Plan (2015)

- Policy H1 – Settlement Framework Boundary;
- Policy H2 – Built Environment and Sustainability;
- Policy H3 – Site Specific Allocations;
  - o Site 532 – Land at Hillsworth Road: -  
The site was recognised as falling within 800m of the town centre and within a 10 minute walk to public transport. The site is located approx. 487m to a public open space and 1295m to a primary school. The site was allocated for 47 dwellings.
- Policy E1 – Education;
- Policy T1 – Getting Around;
- Policy ESD1 – Environment and Sustainability.

Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015).

Kennet Landscape Conservation Strategy Supplementary Planning Guidance (May 2005) and associated Landscape Character Assessment (1999).

Wiltshire Housing Site Allocations Development Plan Document (DPD) (adopted 25 Feb 2020)

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

### **7. Consultation responses (a summary of the comments provided)**

Devizes Town Council: Object; on the grounds that:

- 1) The plan contravenes CP1 of the Wiltshire Core Strategy and is contrary to the neighbourhood plan

- 2) Access to Hillworth Road from Longstreet is not appropriate for the extra journeys added by this development
- 3) The proposed junction scheme between John Rennie Close and Hillworth Road uses unregistered land not in the control of the developer.
- 4) The development would significantly impact on wildlife species and habitats including those of red and amber list birds, bats, and protected species
- 5) There would be irreversible and irreparable change to the landscape in contravention of policy CP51 which seeks to protect, conserve, or enhance the landscape
- 6) The plan for providing affordable rented and shared ownership properties does not match the requirement set by Wiltshire Councils Housing Team with no provision of a 4 bed home
- 7) Two properties have outdoor amenity space still within the Wessex water 250m buffer zone
- 8) The sniff test should be carried out again in summer months with the wind blowing from the Sewage works as in the first test.
- 9) The site contains street lighting against the recommendation of Wiltshire Councils Ecology department and the Dark Corridors do not comply with the guidance given to exclude paths.
- 10) The site sits on a high vulnerability principal aquifer which is at risk of contamination, there is an increased risk of groundwater flooding, and the area is in a nitrate vulnerable zone.

Wiltshire Council Highways: Comments from the highways team do not raise objections to the proposed scheme

*Site is allocated within Neighbourhood Plan for residential (47 dwellings), the additional increase in number would not be considered a significant increase. The application includes a thorough transport statement (TS) which has been developed as previously scoped with the highway authority. The TS considers traffic generation in a robust manner so the number of trips will be somewhat overestimated. On this basis the development can be expected to generate between 29 and 32 trips in each peak hour (where a trip is a one-way motor car movement). This equates to about one extra vehicle every 2 minutes along Hillworth Road. Hillworth Road is considered able to cope with this degree of extra traffic.*

*The TS examines the impact on the junction of Hillworth Road and Long Street and identifies that there likely only be minimal delays for traffic using this junction. It is agreed that this would not be grounds for refusing the scheme.*

*The existing highway infrastructure can accommodate the proposed traffic movements. The junction is close to the existing junction of John Rennie Close and Hillworth Road but, it is considered that the proposed geometry and likely traffic speeds would not lead to a highway safety issue. There is adequate forward visibility for vehicles to manoeuvre at the junction and intervisibility between drivers and pedestrians.*

*Due to the level difference between the site and adjoining highway, details will need to be provided to demonstrate an access of no more than 1 in 15; this shall include a cross section and drainage details.*

*In regard to connectivity the location is within walking distance of bus services and the town centre and cycling distance of the vast majority of Devizes. However, there is limited opportunity to widen footways etc due to the restrictions in extent of highway. As such the applicant will be expected to agree to contributions to mitigate the impact of the development in terms of sustainable transport.*

*The proposal will increase the number of car trips travelling in the Devizes Air Quality Management Area and will be likely to exacerbate the existing areas of poor air quality in Devizes by adding car trips. In line with Core Policy 55, it will be necessary to demonstrate how emission levels can be effectively mitigated.*

*In accordance with Wiltshire Council's Travel Plan Guidance, as the development exceeds 40 dwelling units, there is a requirement for a Residential Travel Plan to be submitted. The provision of suitable charging points for electric vehicles should be provided. Within the site the applicant should ensure that parking meets minimum adopted standards, tracking for refuse vehicles is demonstrated. Road widths and geometry meets adoptable standards.*

*Following the submission of further details, I am happy that the information provided meets my previous requirements. Any permission will require the application of a Construction Management and Method statement.*

*The changes to the current road arrangement and the new junction can only take place once the applicant has entered into a S278 agreement with the Local Highway Authority.*

Wiltshire Council - Lead Local Flood Authority: Support

Wiltshire Council Affordable Housing: No objection, subject to S106

*Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 59 new homes, the on-site affordable housing requirement would be for 18 affordable homes of which we would seek 60% as affordable rented homes i.e., 11 homes and 40% as shared ownership homes i.e., 7 homes. The property type and tenure mix that has been proposed by the applicant is generally acceptable but, some changes are required and also note that the introduction of First Homes could mean that there is a change to the number and mix of Shared Ownership homes. From the affordable rented mix the provision of an M4 compliant property will be required.*

*Any affordable housing units agreed would need to be provided at nil subsidy, in perpetuity and transferred to a Registered Provider, approved by Wiltshire Council or to Wiltshire Council's Residential Development Team. Affordable housing will be secured via a S106 Agreement and the affordable homes will be nominated in line with the Council's current Allocation Policy and Procedures.*

Wiltshire Council Education: Comments; revised S106 requirements:

**DESIGNATED AREA PRIMARY/IES:**

- *Southbroom Infants School and Southbroom St James Academy (juniors).*
- *The other town primaries: Nursteed, St Joseph's RC, the Trinity and Wansdyke are also within 2 miles safe walking distance of the development site.*

**DESIGNATED AREA SECONDARY/IES:**

- *Devizes School is the designated secondary serving the Devizes area, and no other secondary lies within a 3 miles safe walking distance of the development site.*

**EARLY YEARS ASSESSMENT DETAILS:**

- *There are currently 6 preschools and nurseries and 4 childminders within a two-mile safe walking route of this proposed development.*

*The Local Authority has a duty to provide sufficient childcare for working parents under Section 6 of the Childcare Act 2006. Therefore, any increase in population as a result of this development will require additional childcare provision, based on the qualifying properties.*

*I've now reviewed the amended plans for this application and note that the number of units proposed has reduced from 65 to 59. There are now 17 affordable housing units, five of which*

are one bed size. This has necessitated a review/revision of our S106 requirements in line with the new data supplied.

I have re-calculated, as follows:

Early years = remains unchanged at 7 places x current cost multiplier of £17,522 each = £122,654

Primary school = remains unchanged at no S106 requirement

Secondary school = is reduced by 1 place to 11 places at the current cost multiplier of £22,940 each = £252,340

Wiltshire Council Public Open Space: Comments;

On site POS (for casual, play and sports areas) and financial contributions towards the provision and/or upgrading of playing pitch and ancillary services within the area will be required.

Wiltshire Council Public Protection: Comments; concerned with regard to the close proximity to Devizes Sewage Treatment Works and the potential for loss of amenity due to odours and/or flies.

The sewage treatment works has been identified by Wessex Water as being potentially high risk for Chironomidae fly species. The risk to the potential high sensitive receptors (future occupants of proposed houses) in this specific case is also increased as the proposed residential development is on a higher elevation than the sewage treatment works and it is possible that a number of properties would have a view of the sewage treatment works. I understand this is potentially problematic due to the helical swarms this fly species forms.

Reiterate the requirements that Wessex Water have stated and recommend conditions are included, should planning permission be granted. Should the recommended conditions not be included in any planning permission granted then this may result in a detrimental impact upon amenity.

Wiltshire Council Ecology: No objection subject to conditions

Following an initial objection, the revised/additional submitted details satisfy the questions raised.

Wiltshire Council Urban Design: Comments

DAS – Good, sincere context analysis, which is welcome. And, as is expected, the design concept and parameters do relate back to it. Applicant has engaged constructively with the LPA throughout, taking on board my early pre-app advice and so the plans are close to what was hoped for and I am satisfied they should make a good set of parameters for a good quality, distinctive REM scheme.

Masterplan - Design might have sought to incorporate some blue infrastructure closer to the public realm i.e. at location #16 on the masterplan. The slopes offer creative opportunities for water i.e. multiple weirs or stepped pools. Might the applicant consider a slight amendment to Landscape parameter Plan to address this?

Landscape Parameter Plan should break down type of open space into more detail i.e. orchard, wildflower meadow, allotment etc. (use the public engagement as the reference). This will be useful for comparing mown recreation space with other types of open space. An additional small attenuation start could be added into a recreational space.

*Density plan – switch high for higher, or give averages as per DAS*

*Access parameter plan – identify what the large infrastructure area is, in the NW corner. From other plans it appears to be a pump station but not clear why such a big footprint and so much hardstanding shown; can the indicative plan improve that?*

*Conclusions –*

*The mix appears to be equal amount of 3 bed and 4 beds. Strictly, this is not in accordance with the SHMAs data on local need, and so wouldn't be CP45 compliant.*

*However, as they take up more rather than less space, I am comfortable that a CP45 mix could be similarly accommodated at REM. However, an informative might be useful so that there is no surprise about viability if the REM applicant is unable to produce evidence to justify not having more 2 and 3 bed market homes.*

*For that reason I'd have no design objection since its an outline for Amount and Access only, with detailed matters to be resolved later. the issues I raise above would improve the clarity of the outline but not change it in any fundamental way, and so I'll defer to the case officer on whether to delay the consultation to have the addressed.*

*Any permission should also include an other informative that the design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38)*

*AS per my previous comments, I have no objection to the proposal, and had only a few suggestions which have satisfactorily been considered. This application satisfactorily complies with CP57.*

WC Landscape Officer: Comments

*There was a lot of pre-application discussion on the layout of these proposals as documented in the DAS. The latest iteration of the illustrative masterplan and the supporting cross sections in the DAS shows that the designed layout is achievable.*

The following points raised in pre-app response:

- There will be a loss of Grade 1 land (BMV) – this will need to be considered in the planning balance, however as part of the site was identified as a potential housing site its loss has been accepted.*
- LVA – Have the views influenced the plan? From what I can ascertain from the documents submitted the LVA shows that there are limited views from the public realm, and these are mostly filtered through existing vegetation. In terms of views out the DAS acknowledges the panoramic views from the site but not necessarily a design principle. However, by placing some of the open space on the higher ground offers an opportunity to take in the view.*
- Drainage solutions – There is an indicative attenuation pond to the southern part of the site but little detail on the journey of the surface water. This will be a matter for detailed design at reserved matters.*
- Paul also requested that a detailed overlay be submitted at REM showing the relationship between tree locations and street lighting service and info on soil volumes. This is to help avoid future conflicts where trees might be removed thus lowering the quality of the environment and potentially removing mitigation.*

*The application included a LVA that has been prepared to current best practice and is proportionate to the scale of the development. There will be an obvious change in character*

to the site from agricultural greenfield to urban housing development. It is considered that this change will be adverse, reducing to neutral, through designed mitigation and experienced at a local level.

*In terms of visual effects most views from the public realm are filtered. There will be direct views into the site by pedestrian and motorists on Hillworth Road and John Rennie Close, and potentially from individual residential properties within a 1km distance from the site. The report concludes that while these visual effects are adverse, they are localised and will reduce to neutral with the maturation of the landscape scheme.*

#### Wessex Water: Comments

*The information submitted has now been reviewed by our Regional Scientist and we would comment as follows: -*

*We can confirm that the submitted odour assessment, Odour Sniff Test note: Hillworth Road, Devizes, ref: P1102A\_O3-2 Reve 02, dated 11 July 2022 has been carried out to Wessex Water procedures. The developer has taken onboard our advice and removed 6 residents units from the North West corner of the proposed development site which were all within the odour buffer zone. The odour modelling has included a 20m buffer on the 30UE radius and the developer has redesigned the layout so that properties do not look out over the sewage treatment works.*

*The odour model does not currently predict that proposed residential property is likely to complain due to odour levels from site. Therefore, Wessex Water would remove their objection currently in place on odour grounds to the proposal. However, it is important to advise, that It should be noted that even though the objection is being removed with any development close to a sewage treatment works there remains the risk of odour complaints being received*

*Any subsequent changes to the layout must be reassessed. Please note that where sampling point 9 was is to be a sewage pumping station .*

*We understand the developer is using a 250m buffer zone in regards to potential fly nuisance. It is important this 250m buffer zone is maintained.*

#### Wiltshire Council Archaeologist : No objections

*I would draw your attention to the file entitled 'Archaeological Evaluation Report' that has been added to the supporting documentation attached to this application. This report details the results of an archaeological evaluation carried out across most of the site in February 2022. These investigations concluded that a small number of ditches and pits were found across the site. The majority of these features were undated, although a small amount of late prehistoric pottery was recovered from one ditch and others contained post-medieval/modern artefacts. The majority of the undated and post-medieval/modern ditches are on the broad alignment of the extant field system and presumably represent former elements within that system. Overall the archaeological potential of this part of the site is negligible and I would therefore not wish to raise any further archaeological issues in regard to the proposed development here.*

#### Wiltshire Police Crime Prevention Design Advisor: Comments

*Concerned at proposed hedgerow planting to boundary features and not the provision of robust fences. Hedgerow not sufficient to provide secure boundary treatment. Proposed boundary should be of 1.8m high fences with lockable gates. This is supported by policies of the NPPF and WCS*

Wiltshire Council Waste and Recycling: Support, subject to condition and subject to financial contributions secured through a S106 money to provide waste and recycling containers for each dwelling.

*The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption.*

*Waste Management will need to see vehicle tracking to demonstrate that refuse collection vehicles (RCVs) can move through the development and turn at the ends of roads, especially taking account of cars parked in allocated spaces and at the roadside.*

*Support the application with conditions that future submitted plans detail the requirements as set out in the draft SPD.*

The financial contributions requested is set out in more detail within the report.

Environment Agency: No comments received

## 8. Publicity

The application was advertised by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. The following is a summary of the issues raised by members of the public / third parties: -

- Reduction in number of units does not resolve the issues
- Outside town boundary
- Not within Neighbourhood Plan
- Set a precedent
- Not gone through the process of the current Local Plan review
- Agricultural land
- Loss of agricultural land
- Loss of grazing land
- Brownfield should be built on first
- No need for new housing here
- Lack of affordable housing
- Impact / loss of protected species and habitats
- Sites location to Drews Pond Local Nature Reserve (CWS) suggests more significant ecological issues
- Greater surveillance needs to be carried out for protected species
- Many species across the land, bats, birds, Red Kytes, tawny owls, badger sets etc
- Area of natural beauty
- Disappointed at the number and type of bird boxes proposed, there should be one per dwelling
- Green space used for agriculture
- Protect green belt and wildlife
- Potential for impact on bats means that an appropriate assessment should be carried out and alternative options considered first
- Destruction of local wildlife and hedgerows
- Impact on the character of the area
- Incursion into a rural landscape
- Topography of land makes the site unsuitable for development



- Extensive landscaping required to support the construction work
- Insufficient services / facilities to cater for proposed occupiers
- Properties will be unaffordable for locals
- Issues with the transport plan – does not work
- Inadequate traffic survey
- Poor public transport options and poor cycle options – means shift to sustainable mode of transport not achievable
- Highways inadequate to accommodate increase in traffic movements
- Highways already congested
- On street parking renders the existing highway a single carriage way
- Lack of parking
- Increase in traffic will impact on highway safety
- Increase in cyclists through development will impact on existing commuters
- Inadequate access for emergency vehicles
- Conflict between Hillworth Park users and traffic
- Conflict between pedestrians and increase in traffic
- Junctions inadequate to cater for increase in traffic, including construction vehicles, without causing congestion
- Highways comments questioned
- Impact on heritage assets by large vehicles passing
- Historical area, of significance linked to the Castle
- Site forms part of medieval deer park, associated with the castle and there are archaeological features beneath the ground in this area
- Impact on air quality
- Impact on health through air pollution
- Land should be retained for carbon capture
- Light pollution / loss of dark skies
- Sewerage treatment plant is of concern relating to odour and flies
- Is sewage system adequate to cope with increase
- Impact on the amenity of local residents during construction phase through noise and dust pollution
- Dangerous roads through mud being dragged on by construction vehicles
- Impact on highway safety through construction traffic
- Impact on existing residents from anti-social behaviour from occupiers of Council Housing
- Flood risk
- Rain water runoff issues
- Loss of green space for local children
- Who will be responsible for the proposed pond and wildlife area
- The Devizes Area Plan (DAP) states that this site is tangible for 47 houses, if 59 dwellings are approved what is the point of the DAP
- Surprised at the initial allocation of this site
- Insufficient notification of application

Trust for Devizes –

*“1. The proposal conflicts with the Neighbourhood Plan (NP), by extending development well outside the defined development limits, and outside the NP allocated site. It therefore conflicts with policies CP2 of the Core Strategy and H1 and H3 of the NP. It furthermore conflicts with the spirit of the NP, which set criteria for the allocation of sites for housing development to keep Devizes a walkable and cyclable town. The W part of the site is 20m (66 ft) below Hillworth Road, a major disincentive to walk or cycle from the site into the town. It is also more than 20 min walk from the Market Place. 2. It would also harm the landscape and countryside*

of the Old Park Valley, by intruding outside and below the present built up area, with widespread impact on views from the W, and from the neighbouring Old Park and Bath Road/Avon Road ridges. 3. Access. Hillworth Road is effectively a cul-de-sac W of Hartmoor. There are about 160 houses which can only be accessed by Hillworth Road just W of Hartmoor. Adding the proposed houses, there would be 225, which would be sub-standard, as all those houses would be cut off by an incident on that stretch of Hillworth Road”.

CPRE –

“1. The site was originally allocated for up to 47 dwellings in the Devizes Area Neighbourhood Plan, with a sufficient proportion of affordable housing. The present application is for up to 18 further dwellings in addition to the originally suggested 47. Even 47 may no longer be considered acceptable in view of the housing developments and population growth in the Devizes area in recent years. A lower number of dwellings may now be more appropriate for this location.

2. The access to the site via the long Hillworth Road is usually restricted by parked cars. The junction with the main through route, Long Street, is narrow and visibility is very restricted. Access for emergency vehicles and construction traffic is compromised. The pavements at that end of Hillworth Road are narrow and it is not a good safe walking route.

3. The site is distant from shops and other amenities and thus not easily or conveniently accessed by non-motorised users.

4. There are concerns about the lack of employment opportunities in Devizes and the inevitable increase in out-commuting as a result. We would like to see positive efforts to widen job opportunities in the town at the same time as increased house building.

5. The proposed designs of the houses would be inappropriate for this edge of town situation on a prominent hill slope. Three-storey white-faced structures would be unattractively prominent in distant views of the town, the extensive fenestration also causing light reflection.

6. We note and share the significant concern of local people about urban sprawl and urge the Council to reject this application and, should development of the site now be considered at all, to ask the applicant to reduce the size of the proposals to a far smaller number of low-rise, well-spaced and attractive dwellings in a range of designs and sizes, including the appropriate proportion of affordable houses”.

## **9. Planning Considerations**

### **9.1 Principle of Development**

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight on the planning balance.

Turning, therefore, to the development plan (the WCS), the site lies partly within and partly outside the Limits of Development of Devizes. Part of the site is, therefore, recognised as allocated land within the Devizes Area Neighbourhood Plan and Wiltshire Core Strategy and part falls within what is defined as countryside where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

- the site is to be considered under one of the council’s exceptions policies listed at paragraph 4.25 of the WCS;
- the site is being brought forward through a neighbourhood plan; or,
- the site is being brought forward through a site allocation development plan document.

In this case, part of the scheme is policy compliant and part of the scheme does not fall within any of the identified exceptions policies. The part of the site that falls outside of the LoD has not been brought forward under either the Neighbourhood Plan or allocated through the development plan document for the area. Therefore, this part of the development does not comply with the requirements of Core Policies 1 and 2 of the WCS.

However, the Council cannot currently demonstrate a 5-year supply of deliverable housing land, which is a material consideration. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy which is recognised as a sustainable location for this type of development. The site is well placed in good walking distance of the multiple facilities offered within this town.

## **9.2 Scale, Design and Layout**

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

This is an outline planning application for the development of the site for up to 59 dwellings with associated access onto John Rennie Close / Hillworth Road with all other matters relating to appearance, landscaping, layout and scale reserved for future consideration.

The precise details of the layout, density, design and appearance are therefore unknown at this stage; however, the application is supported by an indicative layout plan in order to demonstrate how the site could be developed and a series of context plans which demonstrate that a scheme can be developed with sufficient supporting infrastructure.



*Illustrative Master Plan – for indicative purposes only*

The layout of the proposed development (as shown in the 'illustrative master plan' above) has been the subject of public consultation and forms the basis for the determination of this application. This plan is for indicative purposes only and should not be construed as the final layout for the proposed scheme.

Whilst paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport and sustainable locations, the density of development at this site is of medium density (approx. 30dph) which in this instance is considered a reasonable level for this area and reflects the constraints of the site and the peri urban context within which the site is set. Policy H1 of the neighbourhood plan supports this approach of a reduction in density graduating from higher densities in a town centre location to lower densities on the urban fringe. In light of this and current government policy, it is considered that the proposal is for an appropriate density.

The scale and design of the proposal are for future consideration, however, the sketch plan clarifies a potential layout solution that responds to the constraints of the site. Comments received from the Urban Design Officer raise no objection to the proposal; whilst initially raising some suggestions, these have satisfactorily been considered within the further submissions. They consider that the design and access statement is good with a sincere context analysis, as is expected, the design concept and parameters do relate back to it. The applicant has engaged constructively with the LPA throughout, taking on board early pre-app advice and so the plans are close to what was discussed and they are satisfied that they should make a good set of parameters for a good quality, distinctive REM scheme. The mix appears to be equal amount of 3 bed and 4 beds. Strictly, this is not in accordance with the Strategic housing Market Assessment (SHMA) data on local need, and so wouldn't be CP45 compliant. However, as they take up more rather than less space, it is considered that a CP45 mix could be similarly accommodated at REM. An informative should be used to highlight this so that there is no surprise about viability if the REM applicant is unable to produce evidence to justify not having more 2 and 3 bed market homes.

The Urban Design officer raises no design objection since the application is in outline form with only amount and access for consideration and with detailed matters to be resolved later. Any permission should also include another informative that the design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38).

On balance, it is considered that the proposal is now acceptable, and the scheme is now at a stage where the proposal is considered to be in compliance with current local and national policy. The Council's lack of a 5 year housing land supply is considered in this instance a significant material consideration on the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the scheme is in broad accordance with the requirements of CP 51 and CP 57 of the WCS (2015). Any negative comments on matters of detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters will be considered in the interests of securing a high-quality build.

### **9.3 Landscape and Visual Impact**

Concerns have been raised by local residents at the visual impact that the development of this site would have on the landscape and wider area. The loss of the green space would undermine the character of the area and the built form would result in irreversible and irreparable damage to the landscape, in contravention of Policy 51 of the WCS.

The site is agricultural in character and consists of grassland bounded by a mixture of post and wire fencing, mature hedgerow and interspersed with trees. Along its southern boundary is an existing mature tree belt, this ranges along the site's length on the steep sloping bank and divides the area proposed for built form from the proposed drainage feature on the lower land to the south.

Comments received from the Council's landscape team raise no objection subject to conditions relating to the provision of a masterplan, a planting plan, a tree and services plan and a landscape and ecology management plan. The site sits in the Berkshire and Marlborough Downs Countryside Character Area and on the boundary between the Greensands Vale (15A) and the Trowbridge Rolling Clay Lowland (11C) as defined by the Wiltshire Landscape Character Assessment. There are no local PRoW close to the site although local housing sits adjacent to the site to the east.

The scheme is supported by a LVA that has been prepared to current best practice and is proportionate to the scale of the development. There will be an obvious change in character to the site from agricultural greenfield to urban housing development. It is considered that this change will be 'adverse' within the site, reducing to 'neutral' through designed mitigation, and experienced at a local level.

In terms of visual effects most views from the public realm are filtered. There will be direct views into the site by pedestrian and motorists on Hillworth Road and John Rennie Close, and potentially from individual residential properties within a 1km distance from the site. The report concludes that while these visual effects are 'adverse', they are localised and will reduce to 'neutral' with the maturation of the landscape scheme.

Whilst it is acknowledged that there would be an initial adverse landscape effect to the site and thereby on the surrounding area, it is considered that over time, through proposed landscaping that any limited impact would decrease to neutral. The latest iteration of the illustrative landscape parameter plan and the supporting plans show that the designed layout is achievable, albeit it is outline stage. Details of the landscaping will be required at reserved

matters stage as will proposed drainage solutions. The indicative attenuation pond to the southern part of the site is accepted, however, the route of the surface water from the development site to this feature will be a matter for detailed design at reserved matters stage. Such detailing can further enhance the scheme. The site would be viewed in the context of the urban built form to its east and will incorporate existing trees along with enhanced planting to soften the boundaries.

There is the potential for a further adverse impact through the introduction of new external lighting within the site that would likely result in a slight / negligible increase in 'sky glow' from the existing settlement. It should be noted that the site does not fall within the vicinity of the AONB 'Dark Skies' or any other protected landscape and would form an extension to the existing built form with associated street lighting within this area. As such the impact is considered to be negligible and would not be sufficient grounds to refuse the application.

The landscape officer does not highlight any wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting and character of the area. It is agreed with the LVA findings that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself. It is further agreed that the visual changes arising from the proposed development will be localised with little effect on the wider character areas. The retention and replacement of boundary vegetation would filter and soften these views and as new vegetation matures will further reduce the visual effect over time.

Core Policy 51 requires all new development proposals to conserve Wiltshire's landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that an appropriate landscaping scheme could be conditioned to come forward at reserved matters stage, that would allow for this scheme to sit comfortably within this location.

#### **9.4 Heritage Impact (Archaeology)**

There are no listed buildings on or within the vicinity of the site and the Devizes Conservation Area is also far removed from the site. Comments relating to the site falling within a former deer park are acknowledged.

The application is supported by an Archaeological Evaluation (Cotswold Archaeology) and a Heritage Desk-based Assessment (SLR Consulting). The submissions have been carried out in accordance with best practices and concludes that there are no known designated heritage assets within the site and therefore none that could be affected by the proposal.

With regard to the setting of the conservation area and listed buildings; it is considered that the degree of separation from the site and the fact that there is no direct inter-visibility between the site and identified assets, not least given the topographic conditions and existing intervening modern built form, that there would be no impact on the setting of these assets.

An archaeological evaluation of the land was carried out, with a total of 22 trenches excavated across the site. The scope of this evaluation was defined by the Council's Archaeologist and the evaluation was carried out in accordance with a Written Scheme of Investigation (WSI) prepared by CA (2022) and approved by the Council's Archaeologist.

Comments received from the Council's Archaeologist, based on the submitted details, conclude that overall the archaeological potential of this part of the site is negligible and raise no archaeological issues in regard to the proposed development.

The public benefits associated with the scheme will be to provide a mixture of market and affordable housing needed for the area; the economic benefits for the area through the payment of CIL and council tax associated with the number of dwellings proposed. However, as there is no harm to heritage there is no requirement for the balance of public benefits against any heritage harm.

On balance it is considered that the proposed development would not result in an impact on any heritage or the setting of heritage assets within the area. Overall, the proposals would be consistent with the provisions of the Planning (Listed Buildings and Conservation Areas) Act (1990), Section 66(i), the NPPF, paragraphs 194-202, as well as the relevant provisions of the Wiltshire Core Strategy (2015).

### **9.5 Agricultural Land**

From the Council's mapping data (ref. figure below), part of the land is noted as grade 1 agricultural land and part is grade 3.

Whilst the grade 3 land classification has not been defined as either a) or b) through soil testing, it is considered that with regard to the topography of the land that it is likely to be at best subgrade 3b.

The agent considers that the quality of the land is poor and at best fits into grade 4 in their professional view and this is consistent with the historic use of this land mainly due to the topography, drainage and restrictions on use of machinery hence its use for grazing which principally sits in these lower grades.

It is acknowledged that the land slopes steeply to the south, where there is an existing range of trees, and also slopes down to the west. As such, it is considered that the land suffers with severe limitations which would significantly restrict the range of crops and/or levels of yield likely off that land. This is reflected within the way that the land has been used for agricultural purposes for the grazing of livestock on.



*Site in relation to land classification designations – Orange: Grade 3, Yellow: Grade 1 and Blue: Urban.  
The blackline denotes the settlement boundary for Devizes and the shaded area is the site.*

The area of Grade 1 land falling within the application site equates to c 2.26ha of which 1.36ha is allocated within the LoD; the site comprises a total area of 4.3ha, as such just over half of the site is grade 1 land and of that approximately 1ha is outside of the allocated LoD.

Grade 1 land is classified as the Best and Most Versatile Land (BMV). There will be a loss of Grade 1 land (BMV) and also Grade 3, however as part of the site was identified as a potential housing site and falls within the limits of development of the town, its loss has already been accepted. Natural England's concerns over loss of best agricultural land (BMV) generally only applies where areas greater than 20ha would be lost. The portion of land associated with this site falls well below that threshold and, therefore, its loss is considered acceptable.

## **9.6 Drainage**

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs). Concerns have been raised by local residents at the potential for flooding within this area and also at the discharge channel to the south of the site.

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The supporting topographic survey confirms that the site falls away from the high point (circa 121.5mAOD) in the northeast corner, towards both the east and south. The site steepens in proximity to the wooded hedgerows on the south boundary of the upper field, which is approximately level at circa 98mAOD. The northern part of the south-west field then falls from this level towards the south. The watercourse beyond the boundary sits at a level of circa 79mAOD.

The site is in Flood Zone 1, with the lowest probability of river or sea flooding. The EA mapping shows the likely routes of surface water flooding within the area and the FRA confirms that development would not take place in those areas. There is the possibility that Wessex Water assets may infringe on the southeast corner, however, no development would be proposed within the appropriate buffer zone for this area. Proposed surface water drainage across the site would be designed to reflect the existing surface water flow routes.

The proposal would provide a surface water drainage strategy for the scheme that would comprise of a network of adoptable and private underground pipework, SuDS Attenuation (basin), hydraulic controls, treatment measures to improve water quality of the discharge, and overland exceedance measures.

The proposed surface water management plan will aim to provide surface water attenuation through the use of SuDS to ensure downstream flood risks are not increased whilst also promoting biodiversity, amenity and water quality enhancement.

Comments received from the drainage team support this outline application. However, as the application is in outline form and the layout has the potential to change at reserved matters stage a drainage scheme will need to be submitted in detail as part of a reserved matters application. This condition would be considered necessary and reasonable to impose.

On balance it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere and with the requirements of CP67 of the WCS.

## **9.7 Ecological Impact**

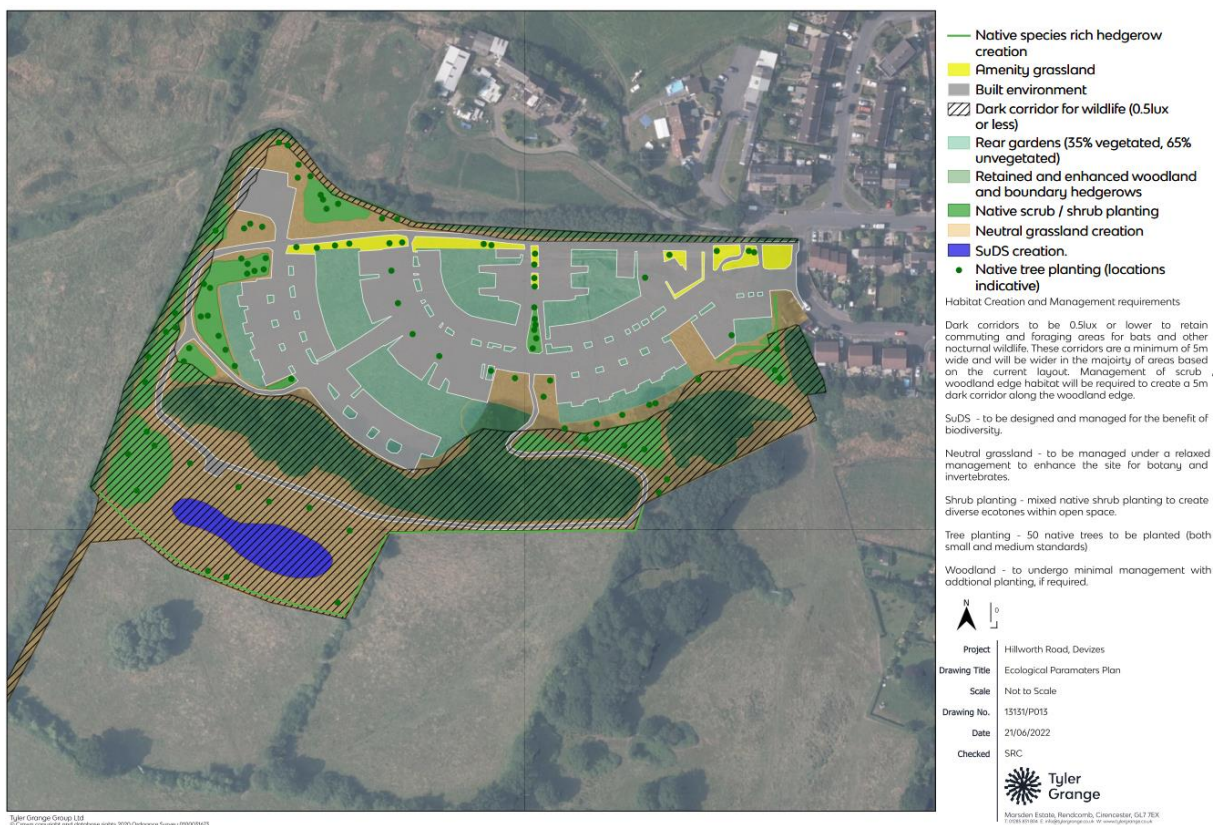
Some local residents object to the proposed scheme on ground of impact on protected species and the loss of their habitats. These concerns are acknowledged and have been taken into



consideration as part of the application process. The application has been submitted with the necessary ecological survey work to identify the way in which the existing land is currently used and show how development can be accommodated within the site boundary and provide sufficient mitigation to support recognised species.

Initially the development was subject to a holding objection from the Councils ecology team until further information was provided in relation to the biodiversity metric spread sheet and ecological parameter plan to show the areas to be retained for biodiversity and particularly dark corridors for bats.

It is recognised that the surveys identified at least eleven species of bat using the site including three Annex II species that were recorded along both the northern and the southern boundary of the site, indicating that the boundary features to the north and south have significant function for bats, and also, logically, for other wildlife species. The required biodiversity net gain calculation has been completed and demonstrates a net gain of habitat and hedgerow. It is considered that the Ecological Parameters Plan satisfactorily clarifies that the areas required to demonstrate no net loss of functional habitat and at least some net gain, can be accommodated within the development proposed.



### Ecological Parameters Plan

Following the submission of the further detail, the ecology team are now satisfied with the scheme as proposed and recommend the inclusion of conditions for the provision of a construction environmental management plan and a landscape and ecological management plan prior to the start of works. The conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

The REM submission will need to respect the layout as shown within the parameters plan as agreed at the outline stage, this is important in order to safeguard protected species and their habitats and to ensure enhancements in favour of such species. On balance the scheme is now considered to meet the requirements as set out within both local and national policy.

## **9.8 Highways**

Core Strategy policies 60 and 61 objectives are to reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire and identify that new development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.

Concerns have been raised that the proposal would result in an impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading, through the additional traffic being in conflict with existing pedestrian users and existing traffic movements. However, the comments received from the highway officer do not reach the same conclusion and do not raise objections to the proposed scheme subject to the imposition of conditions.

Comments from the highway officer suggest that the site location has been set aside in the local Neighbourhood Plan as one for residential development. The NP suggests a number of 47 units, this proposal adds another 18 units. In terms of highway impact, it is considered that this additional number could not be considered a significant increase. As such, the highway officer considers the proposal acceptable in principle.

In regard to connectivity the location is within walking distance of bus services and the town centre and the vast majority of Devizes is within cycling distance of the site. However, there is limited opportunity to widen footways or highway improvements due to the restrictions in extent of highway. As such the applicant will be expected to agree to contributions to mitigate the impact of the development in terms of sustainable transport. The development will be within guideline walking and cycling distances of nearly all town facilities, there is no objection on transport sustainability grounds. It is agreed that the site is well located in relation to its position with the market town of Devizes.

The proposed development will increase the number of car trips travelling in the Devizes Air Quality Management Area. The proposed development is likely to exacerbate the existing areas of poor air quality in Devizes by adding car trips. In line with Core Policy 55, the development will need to demonstrate how emission levels can effectively be mitigated in order to protect public health.

In late 2021 the government announced changes to Building Regulations which means that new EV charging requirements will come into force in England in June this year (2022). In summary these changes will require the following:

- Every new home, including those created from a change of use, with associated parking must have an EV charging point.
- Residential building undergoing a major renovation which will have more than 10 parking spaces must have a least one EV charging point per dwelling with associated parking, along with cable routes in all spaces without charging points.
- All new non-residential buildings with more than 10 parking spaces must have a minimum of one charging point and cable routes for one in five (20%) of the total number of spaces.
- All non-residential buildings undergoing a major renovation that will have more than 10 parking spaces must have a minimum of one charging point, along with cable routes for one in five spaces.

Given the above, the provision of suitable charging points for electric vehicles should be provided in accordance with the buildings regulations because this is a mandatory requirement.

It is acknowledged that the proposed junction to the new housing is close to the existing junction of John Rennie Close and Hillworth Road. However, it is considered that the geometry and vehicle speeds of the proposed access would unlikely lead to a highway safety issue. The design of this junction has required a revision to be made to accommodate the vehicle movements associated with the proposed development. It is now considered that there is adequate forward visibility for vehicles manoeuvring at the junction and intervisibility for drivers and pedestrians.

Hillworth Road itself is of standard width and it is considered that the traffic movements associated with the development can be accommodated within the adjacent road network without detriment to the users of the highway. The Transport Statement which has been written and constructed as previously scoped with the Highway Authority has examined the traffic impact of the junction between Hillworth Road and Long Street. Whilst the conclusions are that there would likely be some delays, the level of delays are not such that an objection could be justified on traffic impact grounds.

The scheme is considered to comply with the requirements of Core Policies 60 and 61 of the WCS (2015). Para. 11 of the NPPF (2012) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe. It is considered that the development would not result in a negative impact on the road network and that the proposal would not create an unacceptable impact on highway safety.

## **9.9 Other Planning Matters**

### **Public Protection**

Issues have been highlighted at potential for impact from the sewage treatment works to the northwest of the site, more specifically from 'flies and odours'. This issue was highlighted to the applicants who in response have reduced the number of proposed properties and removed any dwellings from the 250m buffer zone around the sewage works and provided an 'odour sniff test'.

On re-consultation of this issue, Wessex Water has removed their objection on this matter. It is confirmed that the submitted odour assessment (Odour Sniff Test note: Hillworth Road, Devizes, ref: P1102A\_O3-2 Reve 02, dated 11 July 2022) has been carried out to Wessex Water procedures. The developer has taken onboard WW advice and removed 6 residents units from the North West corner of the proposed development site which were all within the odour buffer zone. The odour modelling has included a 20m buffer on the 30UE radius and the developer has redesigned the layout so that properties do not look out over the sewage treatment works.

The odour model does not currently predict that proposed residential properties are likely to complain due to odour levels from site. Therefore, Wessex Water would remove their objection currently in place on odour grounds to the proposal. Any subsequent changes to the layout must be accordingly reassessed.

The Councils Public Protection team also recognise the potential for impact from odour pollution and flies at the sewage works. The Public Protection team reiterate the requirements and concerns of Wessex Water. Following the amendment to the scheme to meet Wessex

Water requirements no further comments have been raised by the Public Protection team. On balance the issues pertaining to 'odour and flies' have now been reasonably resolved.

### ***Crime Prevention***

Concerns have been raised by the Wiltshire Police Crime Prevention Design Advisor at proposed hedgerow planting to boundary features and not the provision of robust fences. They consider that hedgerow is not sufficient to provide secure boundary treatment. Proposed boundary treatment should be of 1.8m high fences with lockable gates and this is supported by policies of the NPPF and WCS. These concerns are acknowledged; however, they must be taken on balance in association with all other material considerations. For example, consideration to maintaining and enhancing green corridors; the use of a mixed native hedgerow, such as hawthorn can be a significant deterrent; timber fences have a given lifespan before needing replacement and create hard surfaced, blank facades that do not necessarily support a sense of place or community. As such, whilst the CPA comments are taken into consideration, they would not necessarily override all other material planning matters. In addition, this level of detail is yet to be finalised under reserved matters stage.

### ***9.10 Community Infrastructure Levy (CIL)***

Comments pertaining to the provision of facilities, such as school places, transport provisions etc, within the area are acknowledged. These will be covered under CIL payments or under separate legal agreement or under a mixture of both. The Community Infrastructure Levy is a charge which can be levied by local authorities on new development in their area. It is an important tool for local authorities to use to help deliver the infrastructure needed to support development in an area.

The new dwellings would be liable for CIL. The site would fall under charging Zone 1, Category 3 where the sum equates to £85 per square metre of residential floor space created, plus indexation. Floor space calculations can only be provided at detailed design stage and thus CIL calculations would be required at reserved matters stage.

In addition to CIL payments, further financial obligations towards infrastructure specific to a development proposal can be secured through section 106 contributions.

## **10. S106 contributions**

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 55 of the National Planning Policy 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 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. The applicant has agreed to provide the following:

## Affordable Housing

CP 43 states that on sites of dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The site is proposing 59 new homes, the affordable on site housing requirement would be 18 affordable homes of which 60% would be affordable rented homes (i.e. 11 homes) and 40% would be as shared ownership homes (i.e.7 homes).

The property type and tenure mix has been proposed by the applicant and is generally acceptable. However, the Council's housing officer has provided further clarification on the type and tenure (ref. housing officer's response) including properties meeting M4(2) standards (accessible and adaptable) and that the introduction of First Homes could mean that there is a change to the number and mix of Shared Ownership homes. This matter would be further evolved through the section 106 process.

## Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. Saved Policy HC34 of the Kennett Local Plan states that where new residential development of 20 or more dwellings recreational open space will be required to be provided. Recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

- a. equipped play space - 0.31ha/1000 people
- b. casual play space - 0.41ha/1000 people
- c. formal sports/pitches - 1.71 ha/1000 people

As there has been a reduction in the number of dwellings proposed the final figures will be included within the Section 106 agreement following a revision on the figures from the relevant officer. Needless to say, the proposal generates an open space requirement and financial contribution towards recreation.

## Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. The number of units proposed has reduced from 65 to 59. There are now 18 affordable housing units, five of which are one bed size. This has necessitated a review/revision of the S106 requirements in line with the new data supplied.

- Early years = remains unchanged at 7 places x current cost multiplier of £17,522 each = £122,654
- Primary school = remains unchanged at no S106 requirement
- Secondary school = is reduced by 1 place to 11 places at the current cost multiplier of £22,940 each = £252,340

## Refuse

A contribution of £5,369 (£91 per dwelling x 59) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

## Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport

alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

- Contribution of up to £10k to the implementation of the Devizes wayfinding strategy should be sought to help encourage pedestrian and cycle trips to/from the site to destinations within Devizes
- A contribution of £1,800 per property towards the delivery of walking and cycling schemes identified in the Devizes LCWIP.
- Full Travel Plan shall include travel vouchers - being offered to household of £300 / £150 where the lower figure is for those households with an occupant entitled to concessionary bus travel.
- A Travel Plan monitoring fee of £7500 (£1500 pa over 5 years)

## **11. Conclusion (The Planning Balance)**

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with the development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11 of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Part of the site lies within the limits of development and therefore is considered policy compliant. As such it is only that part of the development that lies outside of the settlement boundary that conflicts with the strategic level policy requirements.

The Council cannot currently demonstrate a 5-year supply of deliverable housing land, at the time of drafting this report the current supply figure is set out in the latest Housing Land Supply Statement as 4.72 years. With this recognition, the tilted balance flowing from paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. As such the local plan policies which would restrict new housing provision must be treated as being out of date, but this does not mean that they carry no weight, since the development plan remains the starting point for any decision making. When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Whilst it is acknowledged that there would be an initial adverse landscape effect to the site and thereby on the surrounding area, it is considered that over time and through proposed landscaping that any limited impact would decrease to neutral. The likely impacts should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged; however, the site does not fall within any protected landscape designation. Part of the site falls within the limits of development and is a recognised site within the neighbourhood plan, as such its inclusion within the built form of the settlement has already been accepted. With regard to the topography of the site and level of existing tree coverage to be retained and proposed planting, it is considered that the scheme will sit comfortably within this peri-urban landscape.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted parameter's plan has been considered acceptable by the

Council's Ecologist to safeguard species using the area. Further enhancements could be included within final design of dwellings that can further enhance the scheme.

The scheme, if approved, would provide financial benefits towards leisure and travel within the area and on-site open areas that can be used as local recreational facilities. The provision of affordable housing on site is also considered to be a significant benefit for both the local area and the wider area as a whole, supporting homes for the community.

There are also the economic benefits of a scheme of this size within this location both during the construction phase, where local trade and suppliers may benefit and also economic support for local businesses through additional households spending within the community.

It is considered based on the submitted LVA findings and the landscape officers' comments that there would not be any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptable harm to the landscape and visual effects for important landscape features or public visual amenity.

There are no recognised highway safety implications associated with the proposed scheme and support subject to conditions is provided by the highway officer. It is recognised that the site is well located in terms of sustainability with good pedestrian and cycling distances to local facilities. The financial contributions required are considered to benefit the community as a whole.

It is considered that given the outstanding requirements for housing within Wiltshire as a whole, this proposal would make an important contribution to identified need, and accordingly the provision of market and affordable housing carries significant weight in favour of the proposal.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. Officers maintain that the provision of 59 dwellings a proportion of which would be affordable housing would lead to no demonstrable policy harm and the windfall residential provision of 59 dwellings in this location can be fully supported through the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy and the proposal is considered acceptable in this location, with part of the site within and part adjoining the settlement boundary. The scheme would result in delivering 59 dwellings a proportion of which would be affordable housing at what is considered a sustainable location; and in recognition that there are no substantive planning reasons to counter the titled balance engaged by the NPPF, this application is supported by officers, subject to conditions and section 106 contributions.

## **RECOMMENDATION**

**Defer and Delegate to the Head of Development Management to grant outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the contributions identified in Section 10 of the report.**

**Conditions: -**

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

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

2. 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.

NOTE: The landscaping scheme, as a minimum, shall include the details as identified, within 'Landscaping Informative', below to be submitted at reserved matters stage.

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/documents:
  - (a) Site Location Plan, Dwg No. 21453/1000
  - (b) Site Plan, Dwg No. 21453/1030C
  - (c) 'Illustrative Masterplan', Dwg No. 21453/3211/D
  - (d) 'Illustrative Masterplan / Buffer overlay', Dwg No. 21453/3215
  - (e) 'Ecological Parameters Plan', Dwg No. 13131/P013
  - (f) 'Highway Access Plan', Dwg No. 01-PHL-101 Rev C
  - (g) 'Preliminary Drainage Layout', Dwg No. 01-PDL-101
  - (h) 'Land Use Parameter', Dwg No. 21453/3000E
  - (i) 'Landscape Parameter', Dwg No. 21453/3001E
  - (j) 'Scale Parameter', Dwg no. 21453/3002E
  - (k) 'Access and Movement Parameter', Dwg no. 21453/3004E
  - (l) Covering Letter [24/6/2022]
  - (m) Design and Access Statement [Rev. B, June 2022]
  - (n) Flood Risk Assessment [awp, 0771, dated 25/3/2022]
  - (o) Biodiversity Net Gain Assessment Report [21/06/2022]
  - (p) Preliminary Arboricultural Impact Assessment, 13131\_R02a Rev A
  - (q) Archaeological Evaluation [May 2022]



(r) Odour Sniff Test Note, Ref. P1102A\_03-2

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

5. The development shall be carried out in strict accordance with the following documents:

- (a) Ecological Impact Assessment (Tyler Grange, 31st January 2022 Report Reference: 13131\_R04\_GE\_CW)
- (b) Ecological Parameters Plan (Tyler Grange 21st June Drawing reference: 13131/P013)

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

6. Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and the principles indicated within the approved Illustrative Masterplan. A Design Compliance Statement shall be submitted with each Reserved Matters application which demonstrates this by way of comparison.

REASON: To ensure that high standards of urban design and comprehensively planned development is achieved in accordance with policies of the Core Strategy and, in accordance with the aspirations of NPPF paragraph 130, to ensure that “the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.”

7. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. Notwithstanding the information shown on the supporting plans, no dwelling shall be commenced until a section drawing of the SUDs structures with details of appearance any above ground structures (i.e. inlets, barriers, retaining structures) or amenity features (i.e. seating, natural play, bridges, recreational platforms) 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: Insufficient information was submitted to ensure due regard to the character and appearance of the area, and in the interests of security and safety. This condition is imposed in accordance with the National Planning Policy Framework (2021) and Policy CP57 Wiltshire Core Strategy and CIRIA SUDs guidance on best practice.

9. No development shall commence on site (including any works of demolition, ground works/excavation, site clearance and boundary treatment works), until a Construction Management Statement, together with a site plan, which shall include the following:

- (a) the parking of vehicles of site operatives and visitors;
- (b) Number and size of delivery vehicles/ construction vehicles
- (c) loading and unloading of plant and materials;

- (d) storage of plant and materials used in constructing the development;
- (e) wheel washing facilities;
- (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; and
- (h) hours of construction, including deliveries;
- (i) pre-condition photo survey – any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion.
- (j) A site drawing showing the location of the storage areas/wheel washing/staff parking and visitor parking

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. No development shall commence on site (including any works of demolition, ground works/excavation, site clearance and boundary treatment works), until a Construction Method Statement, which shall include the following:

- (a) Routing plan
- (b) Traffic Management Plan (including signage drawing(s))
- (c) Number (daily/weekly) and size of delivery vehicles.
- (d) Number of staff vehicle movements.
- (e) Details of temporary/permanent Traffic Regulation Orders
- (f) Phases plan

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

11. No development shall commence until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied prior to the implementation of the Travel Plan, (or implementation of those parts capable of being implemented prior to occupation). Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

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

12. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  1. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  2. Working method statements for protected/priority species, such as nesting birds and reptiles.
  3. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
  4. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
  5. Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
  6. Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

13. Prior to the commencement of development, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development site, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

14. No development shall take place above slab level until the exact 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: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of

visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context. The appearance and treatment of the spaces between and around buildings is also of great importance.

15. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

16. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority. 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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

17. In terms of noise audible at any of the site boundaries, the hours of construction shall be restricted to the following times:-

- (a) Mondays - Fridays 08:00 – 18:00hrs
- (b) Saturdays 08:00 – 13:00hrs
- (c) Not at all on Sundays or Bank and Public Holidays

No burning shall take place on site.

REASON: In the interests of the amenity of the area

#### INFORMATIVES:

18. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant

form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

19. 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].
20. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
21. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
22. The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 24 February 2022 pertaining to foul and surface water disposal and to existing services on the site.

It is important that the 250m buffer zone is maintained, relating to fly nuisance. Any subsequent changes to the layout must be reassessed.

23. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
24. Highways Informative: The applicant's attention is drawn to the Highways Authority requirements for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.

Within the site the applicant should ensure that parking meets minimum adopted standards, tracking for refuse vehicles is demonstrated. Road widths and geometry meets adoptable standards.

That Drainage is satisfied including drainage for adoption. All car units are provided with EV charging points and cycle and bin storage. That all pedestrian links are a minimum of 3m wide and offered for shared use.

25. Design Informative: The approved design concept and corresponding Amount is based on a rather bespoke layout with circa 25% of dwellings being split level (DAS p38)

Reserved matters layout will have to comply with the DAS and parameters plans whilst accounting for CP45, which is likely to include a greater proportion of 2 and 3 bed market homes than appears to feature in the illustrative layout.

There shall be a buffer zone of 250m between the proposed development and the boundary of the Devizes Sewage Treatment Works.

Any proposed residential property that would have a view of the sewage treatment works shall have no windows, doors nor outdoor lighting on any of the façades of the proposed development that face the Devizes Sewage Treatment Works.

There shall also be no other large structures or trees on the side of the proposed development that faces the Devizes Sewage Treatment Works that potentially would encourage this Chironomidae fly species to form helical swarms near the residential development.

26. Landscape Informative: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features the scheme of hard and soft landscaping that is required to be submitted shall include (but not be restricted to): -

- (a) location and current canopy spread of all existing trees and hedgerows on the land;
- (b) full details of any to be retained, together with measures for their protection in the course of development;
- (c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- (d) finished levels and contours;
- (e) means of enclosure, including details of all boundary treatments;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) all hard and soft surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.
- (l) additional trees, of a number, size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
- (m) A detailed overlay shall be submitted at REM showing the relationship between tree locations and street lighting service and info on soil volumes. This is to help avoid future conflicts where trees might be removed thus lowering the quality of the environment and potentially removing mitigation.

**Wiltshire Council**

PL/2022/00867

Land West of Hillworth Road /  
John Rennie Close, Devizes,  
Wiltshire, SN10 5HD



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## REPORT FOR STRATEGIC PLANNING COMMITTEE

**Report No.**

<b>Date of Meeting</b>	3 November 2022
<b>Application Number</b>	PL/2021/04774
<b>Application type</b>	OUTLINE – ALL MATTERS RESERVED
<b>Site Address</b>	Land off Coate Road, Devizes
<b>Proposal</b>	<p>The application seeks consent for residential development of up to 200 dwellings, and:</p> <p>A local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (sui generis) with a gross internal floor area limit of 1,000m<sup>2</sup> of which no more than 725m<sup>2</sup> shall be used for retail (Class E(a)).</p> <p>No single retail (Class E(a)) unit shall comprise of more than 325m<sup>2</sup> gross internal floor area.</p> <p>Associated works, infrastructure, ancillary facilities, open space and landscaping.</p> <p>Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.</p>
<b>Applicant</b>	Robert Hitchins Limited
<b>Town/Parish Council</b>	DEVIZES
<b>Electoral Division</b>	DEVIZES EAST – Cllr Kelvin Nash
<b>Grid Ref</b>	402038, 162308
<b>Type of application</b>	Outline planning consent - all matters reserved
<b>Case Officer</b>	Nick Clark

### **Reason for the application being considered by Committee**

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

### **1. Purpose of Report**

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

## 2. Report Summary

The main issues to be considered are:

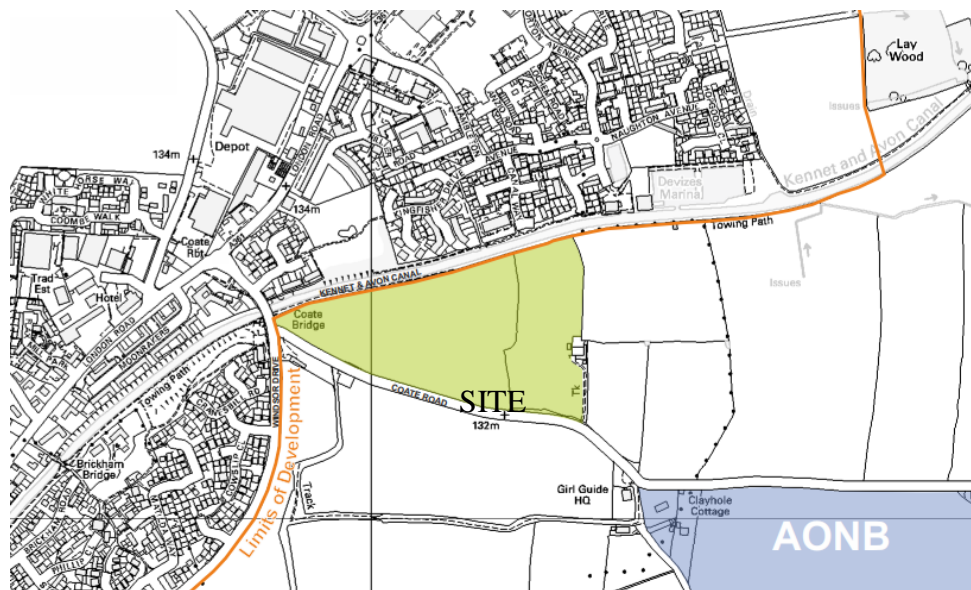
- The principle of the development
- Impact on the setting of the North Wessex Downs AONB and countryside
- Highway and traffic impacts
- Impacts on air quality
- Impact on the corridor of the Kennet & Avon Canal
- Impacts on biodiversity
- Town centre retail impact
- Drainage and flood risk
- Loss of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

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

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

## 3. Site description

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



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

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

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

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

#### **4. Planning history**

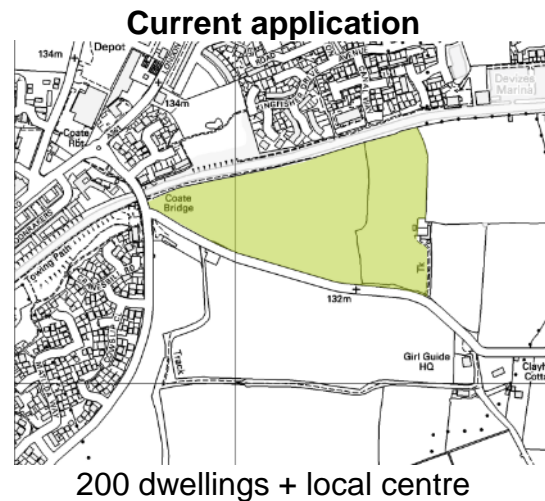
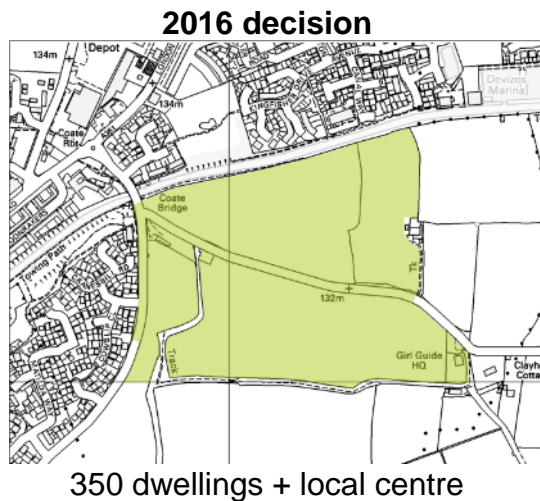
The site previously formed part of a larger site that was subject to an 'Outline planning application for residential development of up to 350 dwellings, local centre of up to 700sqm of class A1 retail use, open space, access roads, cycleway, footpaths, landscaping and associated engineering works' (E/2013/0083/OUT).

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

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

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

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



## 5. The proposals

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

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

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

The revisions also include:

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

### Final drawings and details considered:

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

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

## 6. Planning Policy

### Wiltshire Core Strategy

#### *SPATIAL VISION*

CP1	Settlement strategy
CP2	Delivery strategy
CP3	Infrastructure requirements

#### *AREA STRATEGIES*

CP12	Devizes Area Strategy
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#### *DELIVERING THE SPATIAL OBJECTIVES: CORE POLICIES*

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

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

Wiltshire and Swindon Waste Core Strategy (2009)

WCS6	Waste Reduction and Auditing
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Kennet Local Plan – saved policies

HC34	Recreation provision on large housing sites
HC37	Demand for Education

Devizes Area Neighbourhood Plan

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

## 7. Summary of consultation responses

Devizes Town Council:

Objection:

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

Devizes Area  
Neighbourhood Plan  
Steering Group:

Objection:

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

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

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

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



Stagecoach: No objection

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## 8. Representations

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

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## 9. Planning Considerations

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

### 9.1 The principle of development

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

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

### 9.2 Site specific considerations and development impacts

#### Landscape and rural impact

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

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

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

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

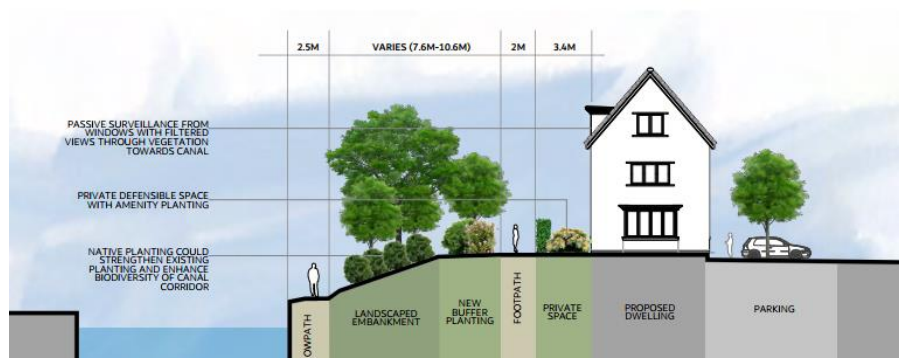
The rural encroachment with the current application is of 8.54 hectares rather than the 20 hectares considered in 2016.

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

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

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

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



*Indicative cross-section between the development and canal*

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

### **Urban design/ quality of design**

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



*Indicative masterplan*

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

### **Highways and traffic**

#### **Additional traffic**

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

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

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

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

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

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

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

#### Site access

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

#### Sustainable transport

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

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

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

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

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

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

## **Ecology**

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

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

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

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

## **Archaeology**

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

## **Air quality**

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

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

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

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

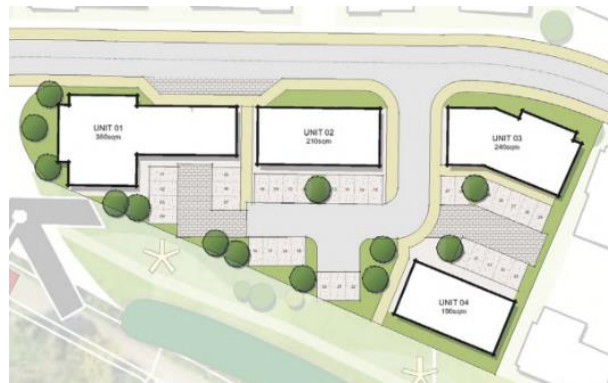
### **Renewable energy and sustainable construction**

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

### **The proposed local centre – retail policy**

The local centre is proposed near the site entrance, comprising 4 detached 1½ storey units with a total 1000m<sup>2</sup> floor space. The uses outlined are commercial, business and service uses, drinking establishment & hot food takeaway.

No more than 725m<sup>2</sup> would be retail and no single retail unit would exceed 325m<sup>2</sup>.



*Illustrative layout of the Local Centre*

Core Policy 38 requires applications involving more than 200m<sup>2</sup> of retail floor space to include a Retail Impact Assessment to demonstrate that the development will not harm the vitality or viability of any nearby retail centres. The submitted Retail Statement identifies that the development of 200 houses would result in more expenditure than could be provided for by the local centre, and that much of the 'excess expenditure' would be directed towards Devizes town centre. The Council's most recent retail assessment also identifies that Devizes town centre is in a healthy state with below UK average vacancies, with a good range of retailers and an attractive retail environment, with identified capacity to support additional retail floorspace. The submitted assessment thus concludes that there would not be any significant impacts on the town centre in terms of its trade or negative impacts on planned investment.

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

### **Affordable housing**

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

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

### Affordable Rented (total 36 homes)

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

### Shared Ownership (total 24 homes)

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

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

### **Flood risk and surface water drainage**

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

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

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

### **Foul water drainage**

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

### **Schools**

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

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

### **Doctors and dentists**

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

### **Local Plan Review / prematurity**

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

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

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

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

### **Loss of agricultural land**

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

### **Economic impact**

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

#### **Construction phase**

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

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

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

### **10 S106 planning obligations**

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal', where necessary by way of Section 106 obligations.

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



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

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

#### Schools

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

#### Highways

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

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

#### Open space, splay and sports facilities

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

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

#### Affordable housing

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

#### Refuse and recycling

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

These obligations have been agreed in principle by the developer

### **11 Other material considerations**

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

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

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

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

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

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

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

### **Planning balance – the previous appeal**

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

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

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

### **Current proposal - adverse impacts**

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

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

### **Undermining of the Neighbourhood Plan**

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

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

### **Current proposal - benefits**

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

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

### **9. Conclusion (The Planning Balance)**

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

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

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

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

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

### **RECOMMENDATION**

**Defer and Delegate to the Head of Development Management to GRANT outline planning permission subject to the conditions set out below and to the prior completion of a Section 106 legal agreement to cover the obligations identified in Section 11 of this report.**

### **Conditions:**

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

### **REASON**

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

2. i) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:
- (a) Access for the development
  - (b) The scale of the development;
  - (c) The layout of the development;
  - (d) The external appearance of the development;
  - (e) The landscaping of the site.
- ii) The development shall be carried out in accordance with the so-approved details.

**REASON**

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. An application for the approval of all of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**REASON**

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

4. The development hereby permitted shall be carried out in accordance with the following approved drawings and details:

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

**REASON**

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

5. Applications for the approval of the Reserved Matters shall be in accordance with the principles described and illustrated in the approved Design and Access Statement Addendum (RHL, 326.UD.11B, April 2022), and the principles indicated within the approved Indicative Masterplan (RHL, Devizes.UD.05 Rev B, dated 5th April 2022). A Design Compliance Statement shall be submitted with each Reserved Matters application which demonstrates this by way of comparison.

**REASON**

To ensure that high standards of urban design and comprehensively planned development is achieved in accordance with policies of the Core Strategy and, in accordance with the aspirations of NPPF paragraph 130, to ensure that “the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.”

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

**REASON**

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

**INFORMATIVE**

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

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

**REASON**

To enable the recording of any matters of archaeological interest.

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

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

**REASON**

The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects on nearby neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction period.

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9. i) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the local planning authority.

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

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

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

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

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

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

**REASON**

The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained in the interests of controlling flood risk.

#### INFORMATIVE

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

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

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

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

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

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

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

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

#### REASON

In the interests of the residential amenities of the area.

#### INFORMATIVE

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

- 
12. i) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

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

#### REASON

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

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

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

#### REASON

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

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14. i) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the substantial completion of the development whichever is the sooner, or otherwise in accordance with such phasing as may be approved the condition above.

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

iii) Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

iv) All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

#### REASON

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

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

**REASON**

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

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

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

**REASON**

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

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

**REASON**

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

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

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

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

**REASON**

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

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

ii) Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein, and shall continue to be implemented as long as any part of the development is occupied.

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

**REASON**

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

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

**REASON**

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

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

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

**REASON**

In order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context.

**INFORMATIVE**

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

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

Ecological Assessment (Ecology Solutions, March 2021)

**REASON**

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

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

**REASON**

In the interests of the amenity of the area

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## INFORMATIVES

1. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

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

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3. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

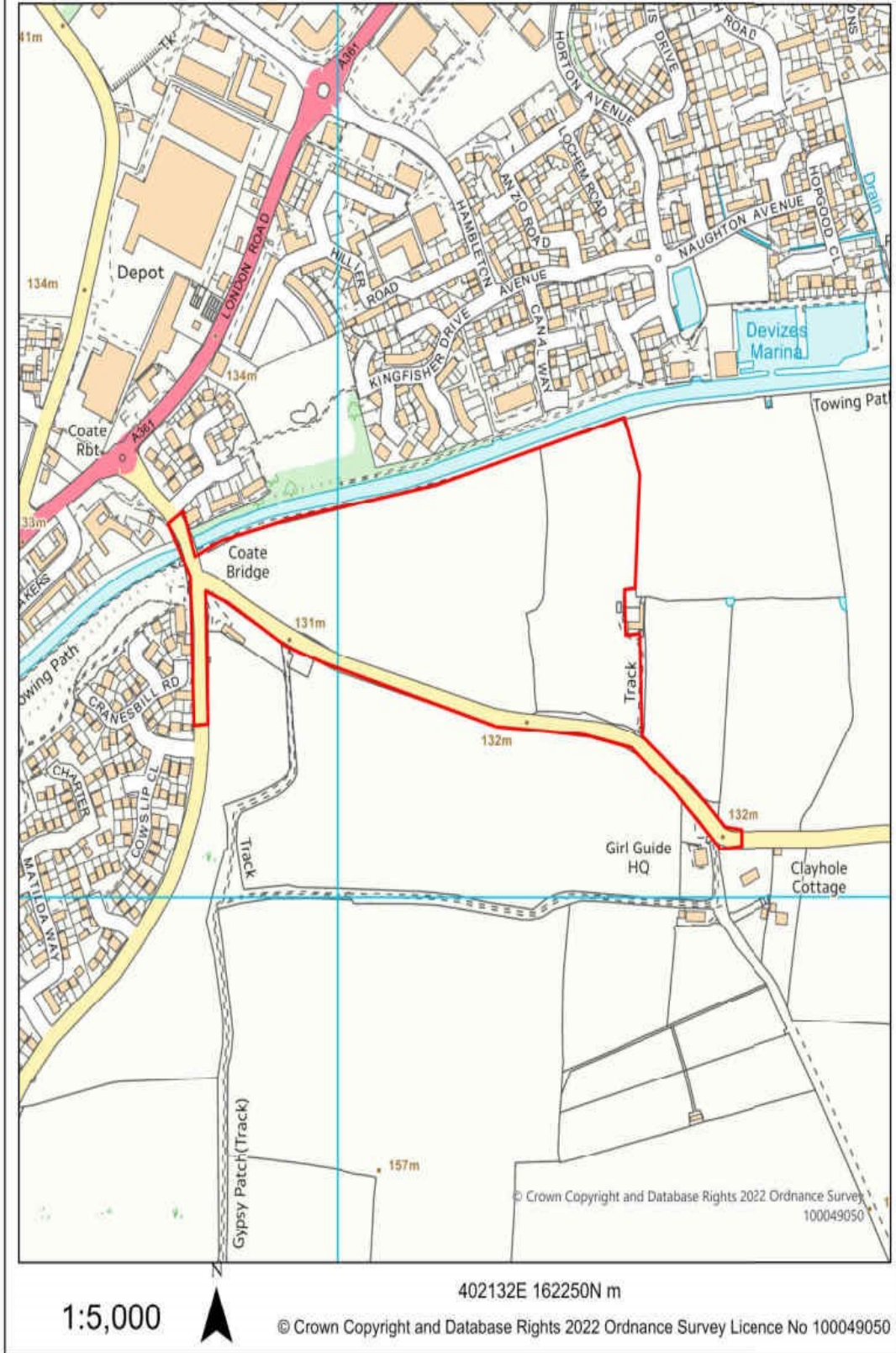
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5. The applicant's attention is drawn to the Highway Authority requirement for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.

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

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