

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 12 December 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Matt Hitch of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718059 or email matthew.hitch@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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Membership

Cllr Philip Whitehead (Chairman)

Cllr Paul Oatway QPM (Vice-Chairman)

Cllr Adrian Foster

Cllr Kelvin Nash

Cllr Sam Pearce-Kearney

Cllr Tony Pickernell

Cllr Iain Wallis

Cllr Stuart Wheeler

Substitutes:

Cllr David Bowler

Cllr Ross Henning

Cllr Mel Jacob

Cllr Carole King

Cllr Jerry Kunkler

Cllr Laura Mayes

Cllr Dominic Muns

Cllr Tamara Reay

Cllr James Sheppard

Cllr Caroline Thomas

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

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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 5 - 34*)

To approve and sign as a correct record the minutes of the meetings held on 22 August and 21 November 2024.

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 minutes before the start 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.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

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 5 December 2024 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 9 December 2024. 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 35 - 36)

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

Planning Applications

To consider and determine the following planning applications.

7 PL/2024/03117: Land North of Quakers Road and South of Parkfields, Devizes, Wiltshire (Pages 37 - 64)

Residential development of 54 dwellings together with new vehicular accesses onto Parkfields and Quakers Road, parking, pedestrian links, areas of public open space and associated landscaping (Reserved Matters Application pursuant of outline application 21/02477/OUT relating to Appearance, Landscaping, Layout and Scale)

8 Urgent items

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

Part II

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

Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 22 AUGUST 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Philip Whitehead (Chairman), Cllr Adrian Foster, Cllr Kelvin Nash, Cllr Iain Wallis, Cllr Stuart Wheeler and Cllr Sam Pearce-Kearney (Substitute)

Also Present:

Cllr Tamara Reay

60. **Apologies**

Apologies for absence were received from:

- Cllr Paul Oatway QPM
- Cllr Dr Brian Mathew MP, substituted by Cllr Sam Pearce-Kearney

The Committee sent their best wishes to Cllr Oatway QPM who was unable to attend due to ill health.

61. **Minutes of the Previous Meeting**

On the proposal of the Chairman, seconded by Cllr Adrian Foster, it was:

Resolved

To approve the minutes of the meeting held on 11 July 2024 as a true and correct record.

62. **Declarations of Interest**

There were no declarations of interest.

63. **Chairman's Announcements**

There were no announcements.

64. **Public Participation**

The Committee noted the rules on public participation.

65. **Planning Appeals and Updates**

The Chairman observed that the Inspector had allowed applications for the installation of solar panels on the garage of a listed building.

On the proposal of the Chairman, seconded by Cllr Stuart Wheeler, it was:

Resolved

To note the planning appeals update for the period between 28 June and 9 August 2024.

66. **PL/2024/01509: Townsend Farm Yard, Poulshot, Devizes, SN10 1RZ**

Public Participation

- Ms Clare Plank had a statement read out in opposition to the application
- Mr Richard Cosker (RCC Town Planning) spoke in support of the application
- Mr Nick Church (Gaiger Brothers Ltd) spoke in support of the application

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the redevelopment of a redundant farmyard to provide 14 'net zero' dwellings and associated works, be approved subject to conditions and the completion of a S106 agreement. Key details were stated to include the principle, and design, of the development as well as the landscape, highway and drainage impacts.

It was reported that the application had been brought to Committee as it was being recommended for approval despite being a departure from the policies of the Development Plan. The proposed development was in open countryside and was contrary to Core Policy 1 (Settlement Strategy), Core Policy 2 (Delivery Strategy) and Core Policy 61 (Transport and Development) of the Wiltshire Core Strategy.

However, the Senior Planning Officer explained that the redevelopment of the land, in landscape and visual impact terms, should have significant positive weight in the planning balance. The proposed development would have several benefits including, delivering an 85 percent biodiversity net gain, improving drainage, as well creating a new bus shelter and footway. Furthermore, the proposed development would provide housing on a site which was unlikely to be economically viable for commercial operation without significant rebuilding.

The Senior Planning Officer argued that the benefits that the development would deliver outweighed the harm it would cause, highlighting that Paragraph 9 of the National Planning Policy Framework (NPPF) stated that development should take account of local circumstances to reflect the character, need and opportunities of each area.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer. Details were sought about the distribution of affordable housing within the development and whether it met the need

identified in the area. The Senior Planning Officer explained that Wiltshire Council's Housing Enabling Officer had not objected to the scheme, subject to the completion of the S106 agreement. The affordable properties, plots two to five, would include two two-bedroomed dwellings and two three-bedroomed dwellings.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Chairman read out a statement in objection on behalf of Ms Clare Plank, who was unable to attend in person.

The Unitary Division Member, Cllr Tamara Reay, then spoke in support of the application.

The Senior Planning Officer then had the opportunity to respond to the points raised by the public and Unitary Division Member.

So that the Committee had something to debate, the Chairman, seconded by Cllr Stuart Wheeler, proposed that the application be approved in line with officer recommendation.

Details were sought about whether the application site was classified as brownfield land. The Senior Planning Officer explained that the site was technically classed as agricultural, which is excluded from the definition of brownfield land.

The Senior Planning Officer drew attention to a late representation by the Agent proposing amendments to the sequencing of the work. She explained that the Agent's proposed amendments to Conditions 13, 17 and 24 would require that the heat pumps, parking, electric vehicle charging, cycle parking and bin storage facilities, were completed for each property before it could be occupied. This was a change from the conditions in the report that required those works be completed for all the properties before the first could be occupied. Furthermore, the Agent had requested that the requirement for the bus shelter and shared use path to be finished before any of the properties be occupied, under conditions 22 and 23, be amended to require their completion before the occupation of the fifth dwelling. The Senior Planning Officer explained that, although she was content with most of the proposed changes, she did have concerns about the proposals to update Conditions 22 and 23, given the need to guarantee that the footpath and bus shelter were delivered.

Whilst the Committee appreciated the funding challenges in providing the infrastructure up front, they did emphasise that they wanted all the potential benefits associated with the scheme to be realised if the application was approved. Legal advice was sought about whether it would be possible to guarantee the completion of the footpath and bus shelter through the S106 to avoid the need for a revised planning application. The Legal Advisor, Alwyn Thomas, advised that it would be possible to ensure this via a performance bond.

The Chairman and the seconder, Cllr Wheeler, were content for the substantive motion to be amended to include the changes, subject to a guarantee via a performance bond in the S106 agreement that the footpath and bus shelter would be completed. The Committee were happy to delegate the final wording of the conditions to the Senior Planning Officer and Development Management Team Leader, Karen Guest, in consultation with the Chairman. At the conclusion of the discussion, it was:

Resolved

To GRANT permission for the redevelopment of redundant farmyard to provide 14 'net zero' dwellings and associated works, subject to conditions and the completion of a S106 agreement covering the matters set out in the report.

- 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 documents:**

Documents:

- Application Form**
- Planning Statement by RCC Town Planning Consultancy - Dated January 2024**
- Design & Access Statement by Mathewson Water Architects Rev A - 26-7-2024**
- Transport Statement by PFA Consulting dated December 2023**
- Preliminary Contamination Risk Assessment - P22-069pra_v2**
- Energy and Sustainability Strategy Revision A by JS Lewis Ltc dated December 2023**
- Landscape and Visual Impact Assessment - 22.2437 Revision B by WHLandscape**
- Flood Risk Assessment by PFA Consulting dated January 2024**
- Waste Audit (x2, January 2024) by Gaiger**
- Ecological Appraisal by Malford Environmental Consulting - 12th December 2023**
- Biodiversity Metric 4.0 dated 7th December 2023**
- Report on Structural Aspects of the Feasibility of Conversion of an Agricultural Outbuilding by Structural Solutions dated 4th April 2023**
- Heritage Impact Statement dated October 2023**
- Statement of Community Involvement**

Plans:

- Site Location Plan - Drawing No. 21146.100-H
- Proposed Block Plan - Drawing No. 21146-102-D
- Topographical & Drainage Survey Sheets 1 of 3, 2 of 3, 3 of 3- Drawing No. 24176-200-01-REV D
- Landscape Mitigation and Enhancement Strategy - Drawing No. WHL-1437-06 Rev B
- Hard Landscaping - Drawing No. 21146.114-L
- Bat & Bird Boxes - Drawing No. 21146.140-A
- Solar, ASHP & EV Plan - Drawing No. 21146.141-B
- Demolition Plan - Drawing No. 21146.142
- Site Cross-Sections - Drawing No. 21146.139-A
- Plot 1: As Proposed - Drawing No. 21146.124-B
- Plots 2-5 Elevations - Drawing No. 21146.125-B
- Plots 2-5: Floor Plans - Drawing No. 21146.116-C
- Plot 6: Plans & Elevations - Drawing No. 21146.126-A
- Plot 7 - Elevations - Drawing No. 21146.127-B
- Plot 7: Floor Plans - Drawing No. 21146.119-D
- Plot 8 - Elevations - Drawing No. 21146.128-B
- Plot 8: Floor Plans - Drawing No. 21146.120-D
- Plot 9 - Elevations - Drawing No. 21146.129-D
- Plot 9: Floor Plans - Drawing No. 21146.122-D
- Plot 10 - Elevations - Drawing No. 21146.130-B
- Plot 10: Floor Plans - Drawing No. 21146.121-C
- Plots 11 and 12 - Elevations - Drawing No. 21146.131-A
- Plots 11 and 12: Floor Plans - Drawing No. 21146.118-B
- Plot 13 - Elevations - Drawing No. 21146.132-D
- Plot 13: Floor Plans - Drawing No. 21146.123-D
- Plot 14: Plans & Elevations - Drawing No. 21146.133-A
- P14 Garage & P2-5 stores - Drawing No. 21146.137-A
- Garages: Plots 1&6 - Drawing No. 21146.135-A
- Garage: Plot 10 - Drawing No. 21146.135
- Garage Elevations: Plot 9 - Drawing No. 21146.138-A
- Garage: Plot 13 - Drawing No. 21146.136-A

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

3. Notwithstanding the details of on the approved plans, no development above slab level shall commence on site until the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Details shall include the brick bond and mortar, rainwater goods and specifications of materials. Development shall be carried out in accordance with the approved details.

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

4. No development shall commence on site (including any works of demolition), until a Construction Method and Management Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - 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) measures for the protection of the natural environment.
 - i) hours of construction, including deliveries;
 - j) pre-condition photo survey - any damage related to the development will be put right (to the satisfaction of the Local Highway Authority) within 6 months of the development completion.
 - k) monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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 drainage arrangements and dangers to highway safety, during the construction phase.

5. The development hereby approved shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Site working hours and a named person for residents to contact;
 - v. Detailed Site logistics arrangements;

- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the Local Planning Authority and local community regarding key construction issues – newsletters, fliers etc.

REASON: In the interests of amenity during the demolition and construction phase.

6. No works shall take place on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) is submitted to and approved by the Local Planning Authority 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 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 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.

7. No development shall commence on site until further work regarding the existence of contamination arising from previous

uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (ii) If the report submitted pursuant to step (i) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: Core Policy 56, To reduce the risks associated with land contamination

8. No development shall commence on site until the following details are submitted to and approved by the Local Planning Authority:
 - Modelling of the site and overland flow route considering proposed interventions such as ground profiling, the surface water bund on the north western boundary, and de-culverted reach. This modelling should include analysis within the overland flow paths and exceedance paths to understand the impact of these interventions on flood risk for the development site and adjacent land.
 - Details of the measures for managing contamination from the sludge pit.
 - During the infiltration test, perched groundwater was observed in the trial pits (TP1 and SA2), and groundwater monitoring was recommended rear the attenuation pond to confirm whether lining with clay will be required. Monitoring the groundwater level (in line with the recommendation made in the submitted FRA) to determine the peak groundwater level on site. Details of such to be submitted.

REASON: In the interests of adequate drainage of the site.

9. No development shall commence on site until a Landscape Ecological Management Plan (LEMP), including long-term design objectives and targets, management responsibilities and

maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) and ecological features 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 has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details and be implemented in full for the lifetime of the development.

REASON: To ensure the proper 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.

10. No development shall commence above slab level on 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:

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;**
- finished levels and contours;**
- means of enclosure, including specifications, heights and materials of any boundary fencing;**
- 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: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

12. No windows or doors shall be inserted on any dwelling until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the Conservation Area and the significant unlisted building being converted.

13. Prior to first occupation of the dwellings, details of the air source heat pumps (including dimensions, appearance and specifications) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and installed for each dwelling prior to the occupation of that dwelling.

REASON: In the interests of sustainable development and visual amenity.

14. The permitted rooflights shall be 'conservation rooflights' in style fitted flush with the roofslope.

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

15. Prior to the installation of any solar panels, full details shall be submitted to and approved by the Local Planning Authority in writing. The details shall include the specifications, colour and fixings. The development shall be carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

REASON: In the interests of visual amenity and sustainable construction.

16. Prior to works to 'Plot 1' (the Coach House) a repair specification and method statement for the conversion of this building shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

REASON: In the interests of the character and appearance of the Conservation Area and to ensure the appropriate conversion of the significant unlisted building.

17. No dwelling shall be first occupied until the access, turning areas, parking spaces and electric vehicle charging point pertaining to that dwelling has been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

18. There shall be no burning undertaken on site any time of the demolition and construction phase.

REASON: In the interests of residential amenity.

19. Construction and demolition works on-site shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working shall take place on Sundays or Bank Holidays.

REASON: In the interests of residential amenity.

20. No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

21. The development hereby permitted shall not be first occupied until 10m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

22. No dwelling on the development hereby approved shall be occupied until the shared use path connecting to Byde Mill Lane, the footway across the site frontage, the crossing point, bus stop, village entrance feature and footway extension at the junction of Mill Lane (details as approved within the approved Transport Statement) have been completed in full.

REASON: To provide the highway mitigation measures and in the interests of highway safety.

23. Prior to the installation of the bus stop shelter hereby permitted, full elevation plans and details, including materials) shall be submitted to and approved by the Local Planning Authority. The bus stop shelter (which also would require agreement with the Local Highway Authority through the Section 278 agreement) shall be

carried out in accordance with these approved details and installed prior to first occupation of the dwellings.

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

- 24.** Notwithstanding the submitted details, no dwelling hereby permitted shall first be occupied until the approved cycle parking and bin storage facilities relating to that dwelling have been provided in full and made available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and bin storage facilities shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles and storage of waste are provided and to encourage travel by means other than the private car.

- 25.** The development shall be carried out in strict accordance with the following documents:

- Ecological Appraisal (Malford Environmental Consulting, 12th December 2023);
- Landscape Mitigation and Enhancement Strategy. Drawing No. WHL-1437-06 Rev B (WHLandscape, Dec 2023);
- Biodiversity Metric 4.0 Completed by Dominic Hill, 07 December 2023

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

- 26.** Before the development hereby permitted is first occupied the following windows shall be glazed with obscure glass only to an obscurity level of no less than level 4 and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, or the windows are installed with such measures to restrict opening as may first have been submitted to and approved in writing by the local planning authority:

- Plot 7 dwelling - first floor side elevation (south western and north eastern) windows.
- Plot 8 dwelling- first floor side elevation (north eastern and south western) windows.
- Plot 9 garage - first floor window on south western elevation.
- Plot 10 first floor windows on the south western side elevation.
- Plot 13 - first floor eastern side elevation windows.
- Plot 14 - first floor north western side elevation.

The windows shall be permanently maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

Informatives:

- 1. This permission shall be read in conjunction with the Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT WHEN SIGNED] the requirements of which must be complied with in addition to the conditions of this permission.**
- 2. The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works on the highway hereby approved.**
- 3. There is a low risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from a consultant ecologist.**
- 4. There is a low risk that bats may occur at the development site. Bats are a transient species and many species depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a consultant professional ecologist or to contact Natural England's Batline through the internet.**
- 5. The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to September inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended)**

and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st September but some species are known to breed outside these limits.

6. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
7. 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>.

8. Any alterations to the approved plans, brought by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of works.
9. Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

67. **PL/2024/05326: Forest View, East Grafton, Marlborough, SN8 3DB**

Public Participation

- Mr Michael Fowler (Fowler Architecture and Planning Ltd) spoke in support of the application
- Mr Bill Clemence spoke in support of the application

Cllr Stuart Wheeler recused himself from the Committee and sat with the public. He spoke only in his capacity as Unitary Division Member.

The Senior Planning Officer, Meredith Baker, introduced a report which recommended that the application for the erection of a one and a half storey detached garage be refused for the reasons outlined in the report. Key details were stated to include the principle of development, as well as the design, highway and ecological impacts.

Attention was drawn to the location of the proposed development within the East Grafton Conservation Area. The Senior Planning Officer explained that although there was a substantial hedge screening the site, by nature of its design, sighting and 6.1 metre height, the proposed development was contrary to Core Policy 57 (Ensuring High Quality Design and Place Shaping) and Core Policy 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy. As a substantial structure, the proposed one and a half storey garage would not have a subordinate relationship with its host dwelling and would overdevelop the front of the site. Furthermore, insufficient information had been provided to ensure that the proposed development would not harm the surrounding trees and hedgerows, so it was contrary to Core Policy 51 (Landscape) of the Wiltshire Core Strategy.

Members of the Committee then had the opportunity to ask technical questions of the Senior Planning Officer and Development Management Team Leader, Karen Guest. Details were sought about whether it would be possible, if the development were to be approved, to add a condition to guarantee the retention of the nearby trees and hedge. The Development Management Team Leader explained that it would not be possible to condition the retention of the hedgerow long term unless their trunks were above a certain size. She noted that trees would have a degree of protection as they were in a conservation area but would not necessarily have Tree Protection Orders (TPOs). The Senior Planning Officer highlighted that the existing planning permission for parking on the site included permission to remove the tree shown on page 74 of the agenda pack, so removal of this tree had already been approved.

In response to a query about whether the possibility of erecting a single garage had been discussed with the Applicant, the Senior Planning Officer confirmed that it had. She noted that she would be likely to recommend approval for a single storey car port on the site. The Development Management Team Leader

emphasised that the height of the proposed development in relation to existing buildings on the site was the Planning Authority's principal concern.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Cllr Wheeler then spoke in support of the application, arguing that the proposed application would not be detrimental to the conservation area and would be well screened by a hedge that the Applicant planned to retain.

In response to the points raised by the public and Unitary Division Member, the Senior Planning Officer noted that she had informed the Applicant that a single storey garage with a door was likely to be acceptable on the site. She had not requested a specific height for the pitch of the roof. She noted that the tree report provided for the application was a resubmission of the report provided under application PL/2023/05139. The report had not been updated to reflect that the proposed garage was larger than the parking spaces approved under the previous application. The Development Management Team Leader highlighted that a height of around four metres was typical for a garage and it was not uncommon for a two-storey dwelling to be under seven metres in height.

So that the Committee had something to debate, the Chairman, seconded by Cllr Adrian Foster, proposed that the application be refused for the reasons outlined in the report.

A debate followed where the height of the proposed development, potential for future conversion and turning circles for vehicles, were discussed.

At the conclusion of the debate, it was:

Resolved

That planning permission for the erection of a detached garage be REFUSED.

Reasons

- 1. The proposed detached outbuilding by reason of its design, height and siting would be visually intrusive and detrimental to the character and appearance of the site and would overdevelop the front of the site. The proposed outbuilding would also fail to preserve or enhance the character and appearance of the East Grafton Conservation Area whereby there would be no public benefits to outweigh the harm generated. As such the proposal would be contrary to the National Planning Policy Framework (2023) and Policies 57 and 58 of the Wiltshire Core Strategy.**

2. Insufficient information has been submitted to adequately demonstrate that the proposal would protect and safeguard the surrounding trees, large shrubs and hedges within the East Grafton Conservation Area contrary to the National Planning Policy Framework (2023) and Policies 51 and 57 of the Wiltshire Core Strategy.

68. **Urgent items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

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Eastern Area Planning Committee

MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 21 NOVEMBER 2024 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Paul Oatway QPM (Vice-Chairman), Cllr Adrian Foster, Cllr Sam Pearce-Kearney, Cllr Tony Pickernell, Cllr Iain Wallis, Cllr Stuart Wheeler, Cllr Jerry Kunkler (Substitute) and Cllr Dominic Muns (Substitute)

Also Present:

Cllr Philip Whitehead and Cllr James Sheppard

77. **Apologies**

Apologies for absence were received from:

- Cllr Philip Whitehead (who attended in his capacity as the Local Member) – substituted by Cllr Dominic Muns
- Cllr Kelvin Nash – substituted by Cllr Jerry Kunkler

78. **Minutes of the Previous Meeting**

On the proposal of the Vice-Chairman, seconded by Cllr Dominic Muns, it was:

Resolved

To approve the minutes of the meeting held on 19 September 2024 as a true and correct record.

79. **Declarations of Interest**

There were no declarations of interest.

80. **Chairman's Announcements**

The Vice-Chairman reported that Cllr Sam Pearce-Kearney had replaced Cllr Dr Brian Mathew MP as a Committee member. He also noted that Cllr David Bowler has been added as a substitute member of the Committee.

The Vice-Chairman stated that he was looking forward to working with the new members and gave his thanks to Cllr Mathew for his work on the Committee.

81. **Public Participation**

The Committee noted the rules on public participation.

82. **Planning Appeals and Updates**

In response to a query about why costs had been approved for application PL/2022/09535 when the appeal was listed as being refused, the Head of Development Management, Andrew Guest, explained that there were multiple reasons for refusal and that the inspector had not upheld all of them.

On the proposal of the Vice-Chairman, seconded by Cllr Stuart Wheeler, it was:

Resolved

To note the planning appeals update for the period between 6 September and 8 November 2024.

Cllr Tony Pickernell arrived at 3:10pm.

83. **PL/2024/07035: Urchfont Garage, High Street, Devizes, SN10 4QH**

Public Participation

- Mr Alistair Gordon – spoke in opposition to the application
- Mr Bill Donald – spoke in opposition to the application
- Mr Neil Jones – spoke in opposition to the application
- Mr Richard Cosker (RCC Town Planning Consultancy) – spoke in support of the application
- Mr Nick Church (Gaiger Brothers) – spoke in support of the application
- Mr Sam Gaiger (Gaiger Brothers) - spoke in support of the application
- Cllr Pam Moscrop (Urchfont Parish Council) – spoke in opposition to the application

The Senior Planning Officer, David Millinship, introduced a report which recommended that the application for the demolition of existing buildings, including the local garage, and construction of five dwellings and associated works, be granted. Key details were stated to include the principle of development, highway impacts, the design and the impact on the historic environment.

Attention was drawn to comments from neighbours of the proposed development that had been received since the report had been published. The officer confirmed that none of the comments changed the conclusions of his report. He also drew the Committee's attention to the incorrectly listed planning references in condition 9 of the report and advised them to update this condition if they were minded to approve the application.

The officer explained that the proposed development was considered to preserve the setting of nearby listed buildings, so would enhance the appearance of the conservation area that bisected the site. Although it was

acknowledged that the proposed development would result in the loss of an employment site, it was not in conflict with Core Policy 35 (Existing Employment Land) of the Wiltshire Core Strategy. The erection of five new dwellings would deliver new homes on a site allocated for development in the Urchfont Neighbourhood Plan.

Members of the Committee then had the opportunity to ask technical questions of officers.

Details were sought on how long the site had operated as a commercial premises, as well as the number of people that had commented on the application. It was confirmed that commercial activity had taken place on the site over many decades and that around 140 responses had been received.

The Committee noted that it would not be necessary for the applicant to apply for a separate listed building consent, as the party wall with the nearby Grade II listed building would not be impacted.

Officers explained how Wiltshire Council's inability to demonstrate a four-year housing supply impacted how they had assessed the application. It was noted that the housing land supply was a material consideration, as it placed greater emphasis on the tilted planning balance in the National Planning Policy Framework (NPPF). However, although the proposed development would make a small positive contribution towards meeting the housing land supply, it was explained that the starting points for decision making were the Wiltshire Core Strategy and Urchfont Neighbourhood Plan. The Core Strategy did not have any specific policies that protected employment sites in villages, as it did for market towns and service centres. The site had also been allocated for development in the Neighbourhood Plan.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Cllr Philip Whitehead then spoke in opposition to the application.

In response to the points raised by the public and Unitary Division Member, it was emphasised that, notwithstanding concerns about the information available to the Urchfont Neighbourhood Plan Steering Group at the time that the Neighbourhood Plan was voted on, it was a democratically approved and needed to be accorded appropriate weight in the planning balance.

The officers explained that the loss of employment and a community facility were factors considered in the planning balance. However, Urchfont garage fell outside of the types of 'local services' within the NPPF list (within para. 88d) and was not considered to be of a sufficient scale to warrant protection for "its long term and strategic" contribution to employment land within Wiltshire. Given that the site was allocated for housing in the Neighbourhood Plan, it enhanced the appearance of the conservation area and provided rural housing, it was not considered that the tilted balance was against the development.

In order to start the debate, Cllr Dominic Muns, seconded by Cllr Stuart Wheeler, proposed that the application be refused contrary to officer recommendation.

A debate followed where issues such as the level of public opposition to the proposals and the need to support rural employment opportunities were discussed.

Some members raised concerns about the examination phase, and submission to referendum, of the Neighbourhood Plan. It was noted that the garage was struggling financially at the time that the Neighbourhood Plan was drafted and that it was now a viable concern. However, some members cautioned against including the Neighbourhood Plan as a reason for refusal, given that it had still gone through a democratic process and as they did not want to create a precedent for other applications.

Officers also advised against refusing the application on highway safety grounds as the council's highway team were satisfied that there would not be any unacceptable impacts.

At the conclusion of the discussion, it was then:

Resolved

To REFUSE the application for the demolition of existing buildings, including the local garage, and construction of five dwellings and associated works.

Reasons

The proposal would result in the loss of a village employment site that provides a valued local service, to the detriment of the principles of sustainable development. This is contrary to Core Policy 49 of the Wiltshire Core Strategy and paragraphs 7, 8 11(d)(ii) and 88 of the National Planning Policy Framework.

84. **PL/2024/02062: 8 The Orchard, Urchfont, Devizes, SN10 4QX**

Public Participation

- Mr Howard Waters - spoke in support of the application
- Cllr Jackie Waddel (Urchfont Parish Council) – spoke in opposition to the application

The Conservation and Planning Officer, Joe Leesam, introduced a report which recommended that the application to vary conditions 2 and 3 on planning consent ref: 20/08600/FUL to enable the outbuilding, currently permitted for an annexe use, to also be used for holiday let purposes, be approved. Key details

were stated to include the principle of development, the overdevelopment of the site, as well as the design and visual impacts.

Attention was drawn to proposed changes to the wording to condition 3 of the report. It was explained that the changes added greater clarity about the proposed usage of the site for holiday accommodation and placed a 28-day limit on the continuous use by a single person or group. In addition, the officer suggested that an informative be added to advise the applicant that dropping the kerb of the pavement in front of the dwelling would require the appropriate licence, even if permission for the development was granted.

The officer emphasised that there would not be any significant adverse visual impacts from the proposed development, as it was for the conversion of an existing annexe. Similarly, there would not be any significant negative highway impacts. Sufficient parking would be provided, with three spaces for the main dwelling and a separate parking space for the holiday annexe.

Members of the Committee then had the opportunity to ask technical questions of officers. Details were sought about restricting the maximum stay and no-return period for holiday makers to 28 days. It was explained that this was a common requirement to ensure that holiday accommodation was used for the intended purpose. However, it would be possible for the Committee to amend the no return period if they felt that it was appropriate to do so.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Cllr Philip Whitehead then spoke in opposition to the application.

In response to the points raised by the public and Unitary Division Member, it was explained by officers that it was their view that there would not be any negative impacts upon the conservation area in which the development was located, as there would not be any physical changes to the appearance of the outbuilding. They also did not feel that granting permission would set a precedent for the erection of holiday accommodation in the gardens of neighbouring properties, as the proposed development was in an existing outbuilding.

It was highlighted that some of the other outbuildings on the site did not have planning permission and that their removal was a matter for the enforcement team.

In order to begin the debate, it was proposed by the Vice-Chairman, seconded by Cllr Stuart Wheeler, that the application be granted.

A debate followed where the demand for holiday accommodation was discussed. It was also queried whether using the outbuilding as holiday accommodation would mean that it could still be regarded as an ancillary usage to the main dwelling. Furthermore, concerns were raised about the proposed

development encouraging similar applications and whether it could open up the possibility of the title being split in future.

Following debate, a vote on the motion to approve the application was lost.

Cllr Iain Wallis, seconded by Cllr Dominic Muns, then moved a motion to refuse the application on the grounds that the proposed location was unsuitable for anything other than ancillary use.

At the conclusion of the discussion on the proposal, it was then:

Resolved

That the application to vary conditions 2 and 3 on planning consent ref: 20/08600/FUL to enable the outbuilding, currently permitted for an annexe use, to also be used for holiday let purposes, be REFUSED.

Reason

The introduction of a holiday let use into the existing ancillary residential annexe would lead to additional activity and related disturbance which would be detrimental to the amenities of the surrounding close-knit residential area. This is contrary to Core Policy 57(vii) of the Wiltshire Core Strategy and paragraph 135 of the National Planning Policy Framework.

85. **PL/2024/07276: Broadacre, Southward Lane, Aldbourne, Marlborough, SN8 2LA**

Public Participation

- Mr Robert Bailey - spoke in opposition to the application
- Mr Dan Roycroft - spoke in support of the application
- Cllr Alan Phizacklea (Aldbourne Parish Council) – spoke in opposition to the application

The Conservation and Planning Officer James Repper introduced a report which recommended that the application for the demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works, be approved. Key details were stated to include the scale and appearance of the development as well as its impact on the North Wessex Downs National Landscape.

The officer explained that the proposed development was located in open countryside approximately a kilometre outside of the village of Aldbourne. Whilst it was outside of defined settlement boundaries, the proposed development met the exception policies in the Wiltshire Core Strategy as it was replacing an existing dwelling. Although the proposed development was taller than the existing bungalow, it was highlighted that the design, in the vernacular style,

conformed to guidance in the National Landscape's management plan and that the scheme had not received any objections from the council's landscape team.

Members of the Committee then had the opportunity to ask technical questions of officers.

Details were sought on how the footprint of the proposed dwelling compared to the existing bungalow on the site. It was explained that the footprint was similar in size to the existing structure, although the height would increase from 5.91 metres to 8.92 metres. It was reported that a Policy HC25 from the old Kennet District Local Plan specified that a replacement dwelling should not be substantially larger. However, an inspector had found that the definition of substantial was imprecise.

It was clarified that the North Wessex Downs National Landscape had been invited to comment on the application, but they had not done so.

It was also noted that there had been changes to the original design which had seen the proposed replacement dwelling moved further from the northern boundary of the site to allow enhanced planting.

In response to a query about whether it was necessary for the detached garage for the property to be two storeys high, officers reiterated that there had been no technical objections from statutory consultees.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Unitary Division Member, Cllr James Sheppard then spoke in objection to the application.

Officers then had the opportunity to respond to the points raised by the public and Unitary Division Member.

In order to begin the debate, it was proposed by the Vice-Chairman, seconded by Cllr Dominic Muns, that the application be granted.

A debate followed where issues such as the landscape impact, external lighting, design and elevated position of the development, were discussed. In response to queries it was stated that permitted development rights would allow the existing bungalow to be extended into the loft.

At the conclusion of the discussion on the proposal, it was then:

Resolved

That planning permission for the demolition of existing dwelling (Use Class C3), and erection of replacement dwelling, garage, hard and soft landscaping and associated works, be APPROVED.

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:

- Application Form & Certificate Received 1st August 2024
- Plans & Documents Ref:
- Location Plan Received 1st August 2024
- Revised Landscaping & Block Plan DWG: DPLC/413/LP01/A Received 26th September 2024
- Revised Proposed South Elevation DWG: 820 P110 B Received 26th September 2024
- Revised Proposed Ground Floor Plan DWG: 820 P100 A Received 26th September 2024
- Revised Proposed West Elevation. DWG: 820 P113 A Received 26th September 2024
- Revised Proposed First Floor Plan DWG: 820 P101 A Received 26th September 2024
- Revised Proposed North Elevation DWG: 820 P111 B Received 26th September 2024
- Arboricultural Report – ADS Surveys Received 1st August 2024
- Tree Removal Plan DWG: 25.10.24-TCP-A3L Received 25th October 2024
- Tree Protection Plan DWG: 25.10.24-TCP-A3L Received 25th October 2024
- Landscape Masterplan DPLC413LM01 Received 1st August 2024
- Preliminary Ecological Appraisal. 22/05/2023. Ecosupport Received 1st August 2024

REASON: For the avoidance of doubt, in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

3. No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or

without modification), no rooflights, other than those shown on the approved plans, shall be inserted in the roof slopes of the development hereby permitted.

REASON: In the interests of residential amenities, privacy and to prevent excessive light pollution within the North Wessex Downs National Landscape.

5. The development hereby permitted shall not be first occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

6. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces [to include at least 1 EV space] have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter and maintained free from the storage of materials.

REASON: In the interests of highway safety.

7. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:
 1. the parking of vehicles of site operatives and visitors;
 2. Number and size of delivery vehicles/ construction vehicles
 3. loading and unloading of plant and materials;
 4. storage of plant and materials used in constructing the development;
 5. wheel washing facilities;
 6. measures to control the emission of dust and dirt during construction;
 7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 8. measures for the protection of the natural environment.
 9. hours of construction, including deliveries;
 10. pre-condition photo survey (a photo taken every 20m) along the Brown track for where it meets the main road to the site access (specific photos of site access to be taken) any damage related to the development (including to verge/over-run areas) will be put right (to the satisfaction of the LHA) within 6 months of the development completion.

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.

8. 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

Informative:

1. The application involves changes to the existing access on a Brown Track. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will 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. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application. The applicant must also ensure that any works within 8m of a watercourse (including discharge to and/or piping of roadside ditches) will require full Land Drainage Consent. Please contact the Drainage Team at Drainage@wiltshire.gov.uk
2. 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>.

- 3. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**
- 4. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**

86. Urgent items

There were no urgent items.

(Duration of meeting: 3.00 - 5.40 pm)

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**Wiltshire Council
Eastern Area Planning Committee
12th December 2024**

Planning Appeals Received between 08/11/2024 and 29/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2024/02073	Land to the south of 1 Townsend, Devizes, SN10 5TL	Cheverell Magna	Outline application (with all matters reserved except for access) for two dwellings	DEL	Written Representations	Refuse	12/11/2024	No
PL/2024/02829	D Arenberg House, Chandlers Yard, High Street, Marlborough, Wilts, SN8 1HT	Marlborough	Erection of open sided veranda attached to house to provide shelter for existing patio and provision of domestic outdoor secure cat pen. (Retrospective)	DEL	Householder Appeal	Refuse	22/11/2024	No

Planning Appeals Decided between 08/11/2024 and 29/11/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2023/10286	Rose Cottage, 124 High Street, Worton, Devizes, SN10 5SE	Worton	Partial rebuilding, extension and loft conversion of existing garage	DEL	Householder Appeal	Refuse	Dismissed	25/11/2024	None

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	12 December 2024
Application Number	PL/2024/03117
Site Address	Land North of Quakers Road and South of Parkfields, Devizes, Wilts
Proposal	Residential development of 54 dwellings together with new vehicular accesses onto Parkfields and Quakers Road, parking, pedestrian links, areas of public open space and associated landscaping (Reserved Matters Application pursuant of outline application 21/02477/OUT relating to Appearance, Landscaping, Layout and Scale)
Applicant	Redcliffe Homes Limited
Town/Parish Council	Devizes Town Council
Ward	Bromham, Rowde and Roundway
Type of application	Approval of Reserved Matters
Case Officer	Jonathan James

Reason for the application being considered by Committee:

This application has been ‘called-in’ by Cllr Mayes to discuss the impact of the proposed development in relation to the scale of development, the relationship to adjoining properties, design (bulk, height, general appearance), the environment, and highways and car parking and to allow an opportunity for a transparent debate on the proposal.

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 key issues for consideration are:

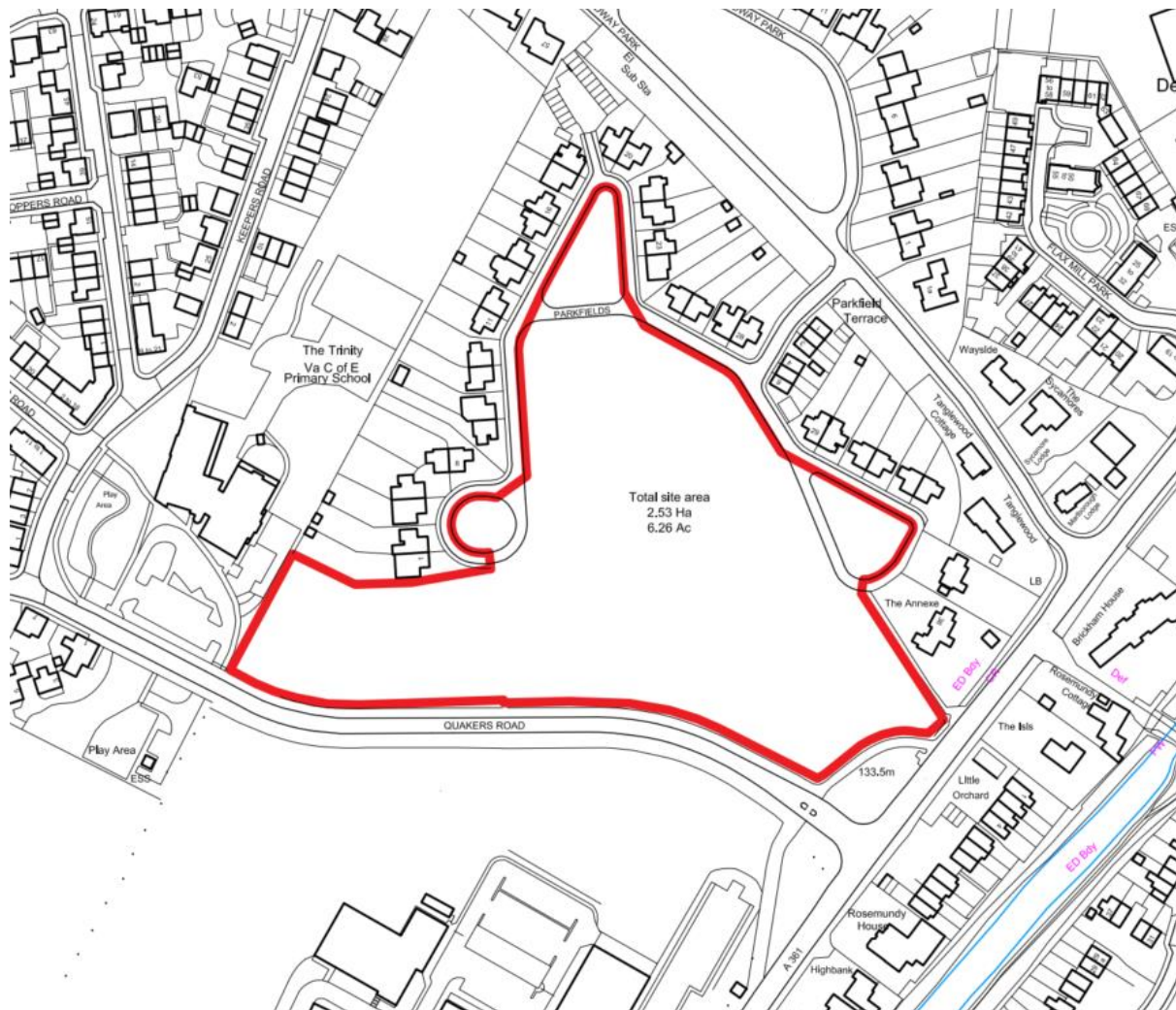
- Principle of development CP1, CP2
- Landscape and visual impact (including design) CP51, CP57
- Impact on neighbour amenity CP57
- Highways impact CP61, CP64
- Environmental and ecological impacts CP50
- Other matters

The application has been the subject of public consultation. All representations have been taken into consideration in reaching a recommendation on this application and remain relevant to the determination of the current application.

3. Site Description

The application site comprises c. 2.53 ha of mainly open land located on the north side of Devizes, within its defined 'Market Town' limits of development. The larger part of the site can reasonably be described as an enclosed field, albeit with some central small tree groups and a hard-surfaced area on its east side (former tennis courts, long-term disused). On its north side, the site also includes sections of Parkfields road, including three 'islands' of open space. The site is generally level.

To the south-east side of the site is London Road (A361). To the south side is Quakers Road, with the Wiltshire Police Headquarters beyond. To the south-west side is the Trinity Primary School. To the west, north and east sides is Parkfields road and a footpath link to London Road, with residential properties beyond. The site is enclosed by fencing and/or hedgerows with existing access gates from Parkfields.



Location of site

In planning policy terms, the site lies within the limits of development of Devizes 'Market Town'. The site has no specific land use designation.

4. Planning History

- 21/02477/OUT - Residential development of up to 57 dwellings together with new vehicular accesses onto Parkfields and Quakers Road, parking, pedestrian links, areas of public open space and landscaping (Outline application relating to access) – Refused – Allowed at appeal

The outline application was refused for two reasons, the first being impact on highway safety through the increased traffic movements in Parkfields and Parkfield Terrace associated with the proposed development; and the second being that the development would have a detrimental impact on a badger sett. The applicant appealed against the Council's decision and the scheme was allowed by the appointed planning inspector.

5. The Proposal

The application before the is for approval of those matters that were reserved under the outline application. Outline consent was granted for up to 57 dwellings with new vehicular accesses onto Parkfields and Quakers Road, with all other matters, including, appearance, landscaping, layout and scale reserved for subsequent approval.

The reserved matters application proposes 54 dwellings with associated infrastructure. The access to the site was approved under the outline consent. As this is still extant, it is not possible to re-visit this issue; only the reserved matters are now for consideration.

The site is divided into two sections - the northern part (plots 23 to 54) that exits onto 'Parkfields' and the southern section (plots 1 to 22) that exits onto 'Quakers Road'. The scheme consists of a mixture of 1 and 2 storey units, albeit these are predominantly 2 storey dwellings.

The development will provide 30% affordable housing as per the requirements for this area and as approved at the outline stage. This will be made up of 1, 2, 3 and 4 bed properties, with the predominant mix being 2 and 3 bed properties.



Fig. 1.0 - Site wide landscape plan

The scheme maintains a central undeveloped area which will remain as open space and provide environmental benefits for the proposed development. The proposed layout is in general conformity with the indicative layout that was submitted at the outline stage.

6. Planning Policy

National Context:

National Planning Policy Framework 2023 (NPPF)

Planning Practice Guidance (guidance on the policies contained within the NPPF)

Local Context:

Wiltshire Core Strategy (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 3 – Infrastructure requirements
- Core Policy 12 - Spatial Strategy for the Devizes Community Area
- Core Policy 41 - Sustainable Construction and Low Carbon Energy
- Core Policy 43 - Providing Affordable Homes
- Core Policy 45 – Meeting Wiltshire’s Housing Needs
- Core Policy 50 – Biodiversity and Geodiversity
- Core Policy 51 – Landscape
- Core Policy 52 – Green Infrastructure
- Core Policy 55 – Air Quality
- Core Policy 57 - Ensuring high quality design and place shaping
- Core Policy 58 - Ensuring the Conservation of the Historic Environment
- Core Policy 60 – Sustainable Transport
- Core Policy 61 - Transport and Development
- Core Policy 64 - Demand Management
- Core Policy 67 – Flood Risk
- Core Policy 68 – Water Resources

Devizes Area Neighbourhood Plan:

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

Policy WCS6 of the Wiltshire and Swindon Waste Core Strategy

Wiltshire Council Design Guide (March 2024)

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

7. Consultations

Devizes Town Council – Final comments: Object; Devizes Town Council continues to object to these plans, as the amendments submitted do not propose changes that would negate previous objections. In addition, Wiltshire Council is asked to clarify the status of a gap in the hedge at the south-east corner of the site towards London Road, annotated as "wayleave".

Original comments:

Devizes Town Council continues its objection to this application as the revisions and reserved matters have in no way resolved any of the highways issues set out in our original objection, with a proposed dog leg route for large vehicles such as refuse collection through the existing Parkfields Estate to the new estate having a negative impact on traffic movement within

Parkfields; and proposed double yellow lines significantly impacting on those residents who have no off-street parking and have to park on the highways, creating a problem that currently does not exist. The application continues to fail to deal with previous objections regarding managing increased traffic flow which will result in congestion between London Road and the access roads. The Council's concerns about the threat to local biodiversity and overdevelopment of the site are not addressed within this application. The Council also objects to the orientation of the housing that overlooks Parkfields and this should be tuned to face into the estate. The application also fails to adequately explain how it will manage the considerable amount of wildlife on the site during the construction phase, especially badgers, and permission should not be granted until such time that mitigation measures have been independently assessed by the Wiltshire Badger Group.

WC Highways Department – Final comments; 'I accept the amended drawings. I adhere to the request for the other matters relating to TRO funding etc to be included in the S106. As an aside the applicant should be aware that the internal SUPs will also need to be offered for adoption, they are currently not being shown as such.

Where there are parking spaces directly off a shared use road there should be a 1m buffer to help mitigate any potential over hanging. Please could the applicant add this detail to the following parking spaces: Plot 1, Plots 33-35 and 37, plots 48-49 and plots 50-52.

Also I would like confirmation that there is a SUP link to the existing path between plots 18 and 19.

I am also expecting a Copenhagen crossing at Quakers Road, I am aware that the applicant is discussing this with an agent and I will provide comments once I have seen this detail.

I note there is a note on the "engineering for planning" drawing showing that the existing road will be widened but I would like the applicant to provide a specific drawing as previously provided which shows the existing and the proposed widths.

The internal paths appear to have now been widened to 3m as requested.

Original comments: Mindful that this is a reserved matters application. There have been some changes to the layout that will require reconsideration. Changes to the road layout as submitted under outline are raising concerns:

- Change in layout requires a SUP path
- Access design requiring vehicles to reverse into the highway unacceptable
- Omission of Copenhagen Layout
- Internal paths expected to meet minimum requirements
- Link arrangements should be provided
- Parking to meet required standards
- Widening of existing roads as per the outline

WC Urban Design – No objection; 'The revised drawings indexed 11th October 2024 on the application webpage have satisfactorily addressed my consultation response dated 14.05.2024 and 25.06.2024 notably the removal of the parking court off the west side close of Park Road and the current revised Planning Layout 23605/5001X following the approach of my sketch site layout in the latter response in order to provide in the southern part of the development an appropriate front door /active window elevation with plots now largely facing towards rather than backing onto Quakers Road and London Road, while also similarly fronting onto the central green public space. The revision has also satisfactorily addressed my comment 18.07 2024 to give house 2 a front door /active window frontage facing onto the area of open space at this end rather than the previous poor side elevation/ driveway down this side.'

Summary of original comments:

Following an initial objection, improvements to built frontage not satisfactorily addressed; return and street facades in the street scene require some further work, although some matters have been amended and addressed; parking court deleted; and rear garden boundary pulled back.

WC Landscape – No comment.

Previous comments:

“Please see marked up drawings. I am concerned that the principles that are laid out in the Wiltshire Design Guide regarding boundary treatments between Public and private spaces, narrowness and small areas of turf planting which become a maintenance issue, design out crime considerations, and the provision of a community orchard have not been properly considered by the applicant”.

Previous comments before redesign:

“Please note comments on attached landscape plans. Thin sections of grass need to be removed due to maintenance issues and replaced with shrub planting. Also I would remind the applicant of NPPF para 131 and the need to provide 'tree-lined' streets. I have suggested a few additional locations where trees should be planted and a community orchard in the PoS, again in line with the NPPF”.

WC Arboricultural Officer – No objection subject to condition. The Tree Officer is satisfied that the information provided within the Tree Protection Plan, including Arboricultural Method Statement, prepared by ACD Environmental and dated October 2024, provides sufficient information to ensure the trees to be retained on site have been appropriately considered and protected.

WC Housing – Comments; In line with the completed Unilateral Undertaking and 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. Under Outline planning permission 57 new homes (17 affordable homes) were secured in the Unilateral Undertaking. However, under the Reserved Matters planning application, permission is being sought for 54 new homes, and as such the onsite affordable housing requirement would be for 16 affordable homes, of which we would seek 60% as affordable rented homes i.e.10 homes and 40% as shared ownership homes i.e. 6 homes. The below affordable homes have been proposed and are acceptable: -

Affordable Rented (10 homes)

1 bed/2 person apartments = 2 apartments in a 'house-style' dwelling with the ground floor apartment to be built to M4(2) standard with a level access shower.

2 bed/4 person houses = 4 houses.

2 bed/3 person bungalow = 1 bungalow to be built to M4(2) standard with a level access shower.

3 bed/5 person houses = 2 houses.

4 bed/7 person house = 1 house.

Shared Ownership (6 homes)

2 bed/4 person houses = 4 houses.

3 bed/5 person houses = 2 houses.

It is noted on the Affordable Housing Mix Plan that plots 40 (affordable rented) and 41 (shared ownership) no longer adjoin, this is acceptable as it has addressed the issue previously raised (Affordable Housing planning consultation response dated 10.9.24).

Regard should be given to Core Policy 45 of Wiltshire Core Strategy which requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet

identified affordable housing need in order to create mixed and balanced communities. The parking and clustering proposed for the affordable homes is acceptable.

The Wiltshire Core Strategy specifies that affordable housing is expected to meet high standards of design, quality and should be visually indistinguishable from open market housing. In addition to complying with The Homes and Communities Agency's Design and Quality standards (or any other subsequent design guidance which may supersede); Wiltshire Council recommends, as a guide, that all affordable dwellings meet the minimum 85% NDSS space standards. The sizes of the proposed affordable homes are acceptable.

With regard to Wiltshire Core Policy CP46, where there is a housing need identified for Extra Care or adapted properties, these units will be sought within the affordable housing mix. Adapted units will be required to be built to Building Regulations M4 Category 2: Accessible and adaptable dwellings standards with ground floor units to be wheelchair accessible and provided with level access showers (rather than bathrooms) suitable for wheelchair users, and a ground floor bedroom with level access shower in 3 bed and 3+ bed houses. Based on current demonstrable need we can advise that within the 30% affordable housing contribution to be delivered on a nil subsidy basis at least 10% of these affordable homes i.e. 2 affordable rented units (1 x 1 bed ground floor apartment and 1 x 2 bed bungalow) are required to be built to meet the specific needs of vulnerable and older people or those with disabilities. The units being proposed by the applicant are in line with our requirement and are therefore acceptable. The applicant should ensure that the affordable homes to be built to M4(2) standard are located on a topography suitable for their intended use, taking into consideration the needs of future occupiers of these dwellings.

The 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. A list of Registered Providers who work in partnership with Wiltshire Council can be provided on request as can the contact details for Wiltshire Council's Residential Development Team. The affordable homes secured via the completed Unilateral Undertaking will be nominated in line with the Council's current Allocation Policy and Procedures.

WC Education – No comments; As the Education requirements for this site are secured by a UU dated 07/11/22 against the outline application, we have no comments to make regarding this REM.

Further comments following re-consultation:

No comments received.

WC Drainage – Support subject to condition; further detail relating to 'exceedance flows' and 'drainage calculations' required either now or as part of pre-commencement conditions.

Further comments following re-consultation:

The application has been supported with a Site Specific Flood Risk Assessment (FRA).

It is noted drainage calculation have now applied a 45% climate change uplift – this previous condition has therefore been removed. However, overland exceedance flows are still limited to just the road surfaces and lack the detail that previously requested via condition – this condition therefore remains.

WC Climate Team – No objection objection to condition; No further substantive comment to the latest plans. I note the comments regarding conditions and happy to accept the developer's suggestion to make 1 and 2 compliance conditions.

Original comments:

“The Sustainable Energy Strategy hasn’t followed the approach I was advocating, but they have addressed the issue sufficiently to outline a low carbon approach to the development consistent with CP41. I consider that the scheme proposed, and strategy outlined at this stage is a positive consideration in any planning assessment, but of limited weight given the level of ambition demonstrated and ambiguity in parts. As such, I no longer raise objection to the proposals and if you are minded approving the scheme I suggest the conditions below.

However, I still have some comments to support and encourage the developer to improve this scheme in terms of addressing climate change. I am not seeking perfection, but I can see opportunity positive outcomes with a little more attention at this RIBA stage on matters that will be hard to revisit once planning has been obtained. Making all or some of these changes would be positive and could be afforded additional positive weight in any planning balance”.

WC Waste – Support subject to conditions; The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution set out in the table below is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed below. This figure is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the attached SPD.

Vehicle tracking needs to demonstrate that refuse collection vehicles (RCVs) can move through the development. Each dwelling should have a collection point that is on level hardstanding off any roadway or footway at the curtilage of the property and should demonstrate storage points for containers. Residents should not have to carry their waste containers more than 25m from the storage point to the collection point and crew walk no more than 10m. Plans should demonstrate that this is achievable for each dwelling.

WC Archaeology – Comments; This site was assessed via a trial trench archaeological evaluation in October 2021. This evaluation established the presence of a former medieval deer park pale running across the centre of the site, with the remains of a post-medieval structure identified in the south east corner. These two archaeological features are to be investigated further via Strip, Map and Record (SMR) excavations prior to the commencement of the construction phase. These SMR excavations have been secured via Conditions 6 and 7 that were attached to appeal decision notice APP/Y3940/W/22/3301605. To this end a Written Scheme of Investigation (WSI) has been prepared by SLR Consulting, setting out how the SMR excavations are to be carried out and their results published, in accordance with Conditions 6 and 7. This WSI has been reviewed and approved by Wiltshire Council Archaeology Service (WCAS) and has also been included among the supporting documentation attached to the above application. I am currently awaiting the appointment of an archaeological contractor to carry out the excavations.

WC Ecology - No objection subject to condition; an updated site plan to show measures to protect the badger sett has been provided that adequately addresses this issue. Biodiversity enhancements to be shown on an enforceable plan shall be secured via condition.

The application is supported by the following ecology documents:

- Ecological Verification Report (ref. eg230168 rev 01); and
- Biodiversity Net Gain metric (Excel spreadsheet dated 15th Mar 2024).

The proposed layout differs from the Indicative Coloured Site Plan approved under 21/02477/OUT. The changes appear to have allowed the incorporation of a “dark corridor” to the north of plots 1 and 3, and the relocation of a path away from the badger sett. These changes appear to represent an improvement for badger from the previously approved situation.

A Badger Protection Plan to protect badger during construction is set out in Section 3 of the Ecological Verification Report. The Tree Protection Plan (REC2444-03) highlights the

requirement to ensure tree protection fencing remains accessible for badger. Construction activities must be carried out in accordance with these documents.

The Landscape Proposals (ref: REDC24444-11E Sheet 1) have been updated to show scrub planting and suitable fencing around the badger sett, suitable fencing to the ecology corridor, and the inclusion of fruit trees in the planting plans. This request for further information has been suitably addressed.

This is a reserved matters application associated with an outline application that was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024. BNG per se is therefore not obligatory, however, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of local biodiversity resource and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d). A completed biodiversity metric has been submitted which indicates the proposals will result in a net gain for biodiversity. The proposals have also been designed to maintain functionality of the site by incorporating a dark, vegetated corridor.

10 bat boxes and 10 bird boxes are proposed, this is in accordance with biodiversity enhancements approved under the outline application (21/02477/OUT). As noted by Salisbury & Wilton Swifts it is now expected that new residential developments will provide integral features to benefit biodiversity at the ratio of 1:1 feature to building.

The Swift Brick Plan shows the proposed locations for 54 swift bricks. The uplift in features for biodiversity is welcomed, however continued commitment to delivering at least 10 bat boxes (as approved under the outline application 21/02477/OUT) is encouraged. Furthermore, to ensure the delivery of features during the construction of the dwellings the features should be shown on elevations drawings, this can be secured via condition.

The proposed adoptable lighting scheme appears acceptable. Any new lighting, including private area lighting, should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Hampshire Avon

Although the application site lies within the very edge of the Hampshire River Avon Special Area of Conservation (SAC) Catchment, the sewer to which the site will connect has been confirmed by the applicant as Potterne Sewage Treatment Works (STW). Wessex Water have confirmed that flows from the site will go to Potterne STW, some 4 km SW of the site. This STW discharges to the Semington Brook which is part of the Bristol Avon catchment. There can therefore be no potential impact on the Hampshire River Avon SAC as a result of the development proposal.

Biodiversity Net Gain

From 12 February 2024 Biodiversity Net Gain (BNG) became mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Based on the information available the biodiversity gain planning condition is not considered to apply to this application as this is an approval of reserved matters and the application for outline planning permission was made before 12 February 2024.

Natural England – Comments; Natural England has previously commented on this proposal and made comments to the authority in our response dated 26 April 2024 reference number 473730 (attached)

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Summary of original comments

"SUMMARY OF NATURAL ENGLAND'S ADVICE

Water Quality/Nutrient Neutrality Advice

This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities.

When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. For large scale developments, Natural England may provide advice on a cost recovery basis through our Discretionary advice service.

All queries in relation to the application of this methodology to specific applications or development of strategic solutions will be treated as pre-application advice and therefore subject to chargeable services.

NO OBJECTION FOR NON-NUTRIENT NEUTRALITY SITES ONLY

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A."

WC Rights of Way – No comments received.

Further comments following re-consultation:

No further comments to add to previous comments.

WC Public Protection – No comments received.

Further comments following re-consultation:

No further comments to add to previous comments.

WC Public Open Space – No comments received.

Further comments following re-consultation:

No further comments to add to previous comments.

Wessex Water - No comments received.

Further comments following re-consultation:

No comments received.

Police Liaison - No comments received.

Further comments following re-consultation:
No comments received.

Environment Agency - No comments received.

Further comments following re-consultation:
No comments received.

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees, through the posting of a site notice and within the local press. At the time of drafting this report, the Council had received 96 letters objecting, 5 comments and 1 mixed, although there are examples of repeat correspondence from the same correspondents. The following is a summary of the comments received:

Objections:

Principle

- Council is over its new housing allocation
- Site is not designated in either the Devizes Neighbourhood Plan and Wiltshire Core Strategy as suitable for development
- Contrary to the Core Policies of the Wiltshire Core Strategy
- Scheme should reflect the existing adjoining housing stock and provide more 4 bedroom properties
- Placing the expensive houses on Quakers Road and the more affordable properties on Parkfields does not seem socially inclusive

Visual / Landscape impact

- Design, appearance and layout are unacceptable
- Design is entirely unbalanced, more prestigious properties to the Quakers Road side
- Higher density of properties to the northern end of the site onto Parkfields
- Layout should be amended to put the rear of the properties to Parkfields
- Fails to respect the local street pattern
- Out of character

Highways

- Existing estate not designed with increased traffic in mind
- Insufficient parking to accommodate new dwellings
- Not in accordance with the parking standards as set out in the 'parking standards for new developments'
- Exacerbate on-street parking
- Road congestion issues through increase in traffic, associated noise, air and light pollution
- Entrance to Parkfields is a single carriageway and tight with existing issues associated with large traffic
- Widening of roads within Parkfield is not achievable due to existing infrastructure
- Proposed speed limit will be ineffective
- Access should be onto Parkfield Terrace
- Conflict with existing uses
- Town infrastructure cannot cope with more traffic
- Access for emergency vehicles
- Very busy especially during peak times
- Box junction or roundabout should be provided
- Lack of parking for visitors

- Visibility splay issues on existing access points
- More parking for existing residents needs to be considered
- Limited pedestrian access and crossing points

Neighbour amenity

- Impacts on neighbour amenity
- Effect on the level of daylight and privacy
- Noise, light and air pollution
- Loss of amenity green space for children
- Loss of play areas
- Open green spaces important to emotional and mental wellbeing
- Should be a 22 metre separation distance between windows
- Anti-social behaviour

Environment

- Climate change issues, loss of 'green lung'
- Loss of green spaces within town
- Will create air pollution
- Air quality in Devizes must be considered (AQMA)
- Impact on wildlife
- Site is rare nature reserve
- Protected species on site include badgers, bats, rabbits, foxes and deer
- Site is also a hunting ground for birds of prey
- Grass snakes and slow worms live on site
- Impact on TPO trees
- Loss of trees and hedgerow through the proposed development
- Destruction of habitats and protected wildlife opportunities
- Detrimental impacts on biodiversity and local species
- Scheme does not do enough against climate change, installation of solar panels and heat pumps
- Flooding issues through increased hard surfaces
- Enhancement should be provided for wildlife

Other matters

- Secure by design, proposed routes through the site will open 'Parkfields' to security issues
- Contradictory design solutions between the two parts of the scheme
- Impacts on water pressure, gas pressure and electrical supply system
- Opportunity for an archaeological school project
- Previous applicant did not own all of the land
- Insufficient infrastructure such as dentists, hospital, A+E facilities, GP's, schools
- Number of dwellings should be reduced
- Local residents have maintained the land
- Not sustainable development, households will still be dependent on cars

Mixed:

- Exit via Roundway Park is complicated, with traffic onto a busy highway
- Traffic lights at this junction would improve traffic safety

Salisbury & Wilton Swifts – Welcome the inclusion of swift bricks across the site; should be included on the plans.

Wilts Badger Group - The author states that they propose additional fencing to offer 'greater protection for badgers'. Any proposed fencing would need to be done under licence (assuming

it is within 30m of the sett) and must not prohibit/reduce the feeding habits of the badgers. They need free access to the surrounding fields/gardens and cannot be fenced in. It is not possible to comment further at this stage as there are no plans enclosed.

Trust for Devizes:

'1. We acknowledge that the 'principle' of this development has been settled by the appeal decision. 2. However, the new proposals have the houses backing on to Quakers Road. The indicative layout submitted with the outline app/appeal had a pointless extra road between the houses and Quakers Road, but they 'fronted' towards Quakers Road. The present proposal conflicts with the National Design Guide and the draft Wilts Design Guide, because it fails to create a coherent built form, or 'street scene'. The draft Wilts Guide goes further, calling for housing developments to 'aim for perimeter blocks'. It conflicts with the National and draft Wilts Design Guides in relation to Built Form, and would fail to create an appropriate street scene. 3. The present app is not in accordance with the (appeal) outline permission. This is because the layout of the development fronting Quakers Road is substantially different from the indicative layout, in conflict with condition (4) of the (appeal) outline permission, which requires the development to be 'substantially in accordance with the 'Indicative Coloured Site plan Constraints Diagram' (0202B), the 'Indicative Coloured Site Plan' (0201C)'. In our view, approval cannot lawfully be granted for this layout, as submitted.

All consultee and third party comments are available to view on the Council's webpage, through this link: [Planning Application: PL/2024/03117](#)

9. Planning Considerations

Principle of development

This is a reserved matters application submitted further to outline application ref. 21/02477/OUT, which was allowed on appeal. This established the principle of residential development for up to 57 dwellings and remains extant. The Inspector held the view that the proposal was consistent with the settlement hierarchy outlined in the development plan and, for that reason, the scheme carries significant weight.

With regard to the Wiltshire Core Strategy (WCS, 2015) the site is located within the limits of development of the Market Town of Devizes. Core Policies 1 and 2 set out the strategic approach for delivering development within the development plan area and identify that there is a presumption in favour of new residential development within the defined Limits of Development of the settlements.

The proposal therefore accords with the spatial strategy as set out in the Wiltshire Core Strategy, which aims for Wiltshire to have stronger, more resilient communities based on a sustainable pattern of development.

Landscape and visual impact (including design)

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.

Concerns have been raised that the proposed scheme would be out of character with the surrounding area, with an inappropriate layout and design; and that the properties to the northern part of the site are too high density with a failure to respect the local street pattern.

The layout of the scheme has been revised during the course of the application and it now reflects that proposed indicatively at the outline stage. Whilst the layout was not formally approved at the

outline stage, the indicative layout envisaged the site being accessed onto both Quakers Walk and Parkfields, with housing provided to both the north and south of the site (ref. Indicative Site Plan – 0201 C below, as referred to in the Inspectors report.)



Fig. 2.0 - Indicative Site Plan – 0201 C (considered at outline stage)

When comparing the layout illustrated above with the ‘Site wide landscape plan’ at figure 1.0, both include a central green ‘lung’ with housing above and below this. The proposed layouts do differ to some extent, however, the fundamental elements are as previously considered.

The submission clarifies that proposed materials will comprise a palette of red brick and part red brick, part roughcast render, with either a Mendip pantile smooth brown tile or grey slate tile to the roofs. Proposed boundary treatments will comprise a mixture of brick walls to match the elevations of the dwellings, close boarded fences and black mesh fencing and gates. It is considered that this material palette respects the materials used on nearby properties.

The development will be made up of predominantly two storey dwellings, the character and style of which are considered to respect the existing style of properties in Parkfields. Predominantly semi-detached and detached properties, the proposed dwellings at Parkfields incorporate design detailing such as soldier courses over openings and small porch canopies.



Fig. 3.0 - Proposed streetscene – ‘Parkfields’ side of site

With regard to the Quakers Road approach to the site, as this will be seen more isolated from the existing built form within the area, it allows for a degree of flexibility in the materials/design detailing.



Fig. 4.0 – Proposed streetscene – ‘Quakers Road’ approach to site

The properties along this part of the site, will also be two storey in height, replicating the predominant form of development within this area. They will be constructed using a mix of brick and render to the walls which will soften the appearance of the development in this location.

The Council’s Urban Design Officer raises no objection to the proposed dwelling designs and is content that the revised drawings have satisfactorily addressed the points raised by them in earlier consultation rounds. The scheme is now considered to provide an appropriate front door /active window elevation, with plots now largely facing towards rather than backing onto Quakers Road and London Road, whilst also similarly fronting onto the central green public space. The revision has also created a front door /active window frontage facing onto the area of open space at plot 2, rather than the previous poorly designed side elevation/ driveway down this side.

Likewise, the Council’s Landscape Officer raises no further objections following the final submission, noting that the proposed landscaping creates a ‘green lung’ within the central part of the site that connects with the surrounding area and also provides beneficial biodiversity opportunities. This green open space adds to the existing open areas on Parkfields thus providing better opportunities/access for local residents. The site will be seen within the existing built form of Devizes and would not encroach into the surrounding countryside. In terms of wider landscape impacts, it is considered that there would not be any due to the well-contained nature of the development.

In terms of visual impact, the design, scale and materials are compatible with the existing built form. It is therefore concluded that the proposed development would comply with policies CP51 and CP57 in terms of its general layout and landscaping and its placement in the context of the existing built form of the town.

Impact on neighbour amenity

Core Policy 57 of the WCS (2015) requires proposed developments to be designed to ensure no detriment to residential amenity.

Concerns raised by third parties include light and noise impacts, air pollution and impact on privacy, with a statement that there should be a 22 metre separation distance between windows. It has been argued that there would be a loss of green amenity space for children to play on.

The Wiltshire Council Design Guide states that there should be a 20 metre separation distance rear elevation to rear elevation, in order to maintain satisfactory levels of privacy for both the inhabitants of a dwelling and for the enjoyment of their garden areas. The guide, however, states that this distance can be reduced if the design is suitable for the area (high density/town/village centre) and it is sufficiently sensitive to avoid intrusive overlooking.

Distances between proposed back-to-back elevations range from 19.6m up to 24.2m, which are, given the level nature of the site, considered to be reasonable distances in this instance. There are no back-to-back instances between proposed dwellings and existing. However, there are front to front elevation instances around Parkfields which are as close as 11.6 metres, although the same standards do not apply in front-to-front elevations, as front elevations are on to the adjoining public highways

With regard to the properties to the south of the site, several border existing dwellings. To the west are plots 3 and 7 that lie adjacent to 1 Parkfields, which is north of the site. These properties would run parallel with No. 1 and therefore would not directly overlook either the property or its private amenity space. To the east are plots 19 and 22 that are adjacent to 36 Parkfields and The Annexe 36 Parkfields, which are northeast of the site. There is a footpath / public right of way (DEVI73) that runs along the boundary of 36 Parkfields and the site. Plot 22 runs parallel with the footpath so that any views are onto the adjoining plot 19. The distance from the rear elevation of plot 22 and plot 19's garden exceeds the 10 metres guidance (ref. Wiltshire Design Guide) for the size of rear gardens. The rear elevation of Plot 19 looks directly towards the gable elevation of 36 Parkfields and the distance of garden area from the rear elevation of plot 19 and the boundary of the footpath is approx. 15m, again exceeding the guidance of 10m. It is therefore considered that there would be no significant harm caused to amenity through overlooking from either plot.

Impact from noise during the construction phase would be short-lived and controls relating to hours of work, deliveries, storage etc. have already been appropriately conditioned (ref. condition 19 of the outline planning consent). It is considered, by virtue of the level topography of the land, existing screening and the distances between properties, that the development would not result in an overbearing impact or loss of light or overlooking. Similarly, intrusive lighting can be controlled through condition and any issues pertaining to noise control are also subject to separate legislation.

On balance, it is considered that the proposed development would not give rise to any unacceptable impacts upon amenity in terms of overbearing effect, loss of light, overshadowing or overlooking. The scheme is considered to accord with the requirements of CP57 of the WCS and with the NPPF.

Highway safety

Core Policy 57 of the WCS seeks to ensure that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible. Core Policy 61 requires new development to be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives. The policy further requires new development to be capable of being served by safe access to the highway network. Core Policy 64 expects the residential parking standards to be applied.

Strong concerns and objections have been raised by third parties regarding the proposed access onto Parkfields and the addition of visitor parking onto the existing green areas within this cul-de-sac. The concerns are that the existing estate was not designed with the level of increased traffic in mind, that there would be insufficient parking to accommodate the new dwellings, and that existing on-street parking would be displaced onto surrounding roads due to the lack of parking provision proposed. Fundamentally, the objectors consider that the proposed parking levels do not meet parking standards and that the knock-on effect of increased on street parking will further exacerbate road congestion within the area. They identify that the entrance to Parkfields is a single carriageway and tight, with existing issues associated with large traffic movements into and out of Parkfields. They comment that the widening of roads into and within Parkfields is not achievable due to existing infrastructure; as such, there should be no access into Parkfields and all traffic associated with the proposed development should be onto Quakers Road. Concerns have also been raised that existing junctions do not have adequate visibility splays to accommodate the increase in traffic and there would be conflict with existing users including pedestrians and children playing. Concerns are further expressed at the increase in traffic onto the local roads and the associated noise, air and light pollution; and that solutions such as reducing speed limits, box junctions or traffic lights would be insufficient to make the scheme safe.

The highway officer accepts the amended drawings provided in support of the application are satisfactory to resolve the issues and concerns that they have highlighted. On balance they raise no objections to the scheme subject to the delivery of the necessary infrastructure. The financial contributions required along with a travel plan and green travel voucher have already been secured through the legal agreement signed at outline stage, as such there would be no s106 legal agreement discussions on this approval of reserved matters application. The necessary s38 agreement will deliver the agreements in the Unilateral Undertaking and an informative to reference this can be added to any grant of consent.

The scheme will provide sufficient parking for each property in accordance with the required standards as set out within the Wiltshire Local Transport Plan 2011 – 2026: Car Parking Strategy (March 2015). The concerns raised on this particular issue by local residents are acknowledged, however, the submitted details satisfactorily address the points and issues raised by the Councils highway expert. Visitor parking will be provided where both existing and proposed residents will benefit.

With regard to highway impact and access this matter was considered in full at outline stage (application 21/02477/OUT) with only the internal road layout of the scheme requiring further consideration at reserved matters stage. Application 21/02477/OUT was refused as it was considered by members of the committee, that *“the proposal would lead to an increase in vehicular movements in Parkfields and Parkfield Terrace, this as a consequence of the additional houses planned to be accessed from these roads. By reason of the unusual layout of these roads and their relatively narrow carriageway widths (notably in Parkfield Terrace), the additional traffic would lead to increased danger and inconvenience to all users of these roads, to the detriment of highway safety”*.

During the appeal process, the Planning Inspector determined that the movements associated with the development when added to the existing volume of traffic associated with the residents of Parkfields would not *“exceed the carrying capacity thresholds for a “linked road”. Moreover, when spread over the course of a whole day this is not a substantial amount of activity, given the presence of the other residential properties that require access along the road”*. The outline scheme provided for up to 33 units on the northern section of the site whereas the reserved matters now before the council only offers 31 units; a reduction in the number of units previously proposed and thereby a reduction in level of traffic that would be generated as previously considered acceptable by the Planning Inspectorate. As the Planning Inspector found that the scheme at outline stage was acceptable in highway safety terms, it would not be possible to substantiate a refusal on the same grounds, particularly bearing in mind the reduction in the number of units.

In terms of highway safety, the scheme is considered to accord with the requirements of the Core Policies of the WCS (2015). Para. 115 of the NPPF (2023) states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or if residual cumulative impacts on the road network would be ‘severe’. It is considered that the development would not result in a severe negative impact on the road network and that the proposal would not have a severe impact on highway safety.

Environmental and ecological impacts

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy 50 provides the Councils stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. Core Policy 50 also requires all development to demonstrate no net loss of biodiversity and the NPPF also encourages applications to deliver measurable net gains (para 186 d). The application is supported by the following ecology documents:

- Ecological Verification Report (ref. eg230168 rev 01); and
- Biodiversity Net Gain metric (Excel spreadsheet dated 15th Mar 2024).

Objectors to the scheme contend that the scheme will have a detrimental impact on the ecology and biodiversity of the area, by removing important habitat for what residents consider the site to be an ecologically rich area of land within an urban location.

The previous application (21/02477/OUT) was also refused at committee on the grounds that the site is known to support an active badgers sett and that by reason of the limited size and position of the proposed 'green lung' within which the badger sett is planned to be incorporated, the proposal would have a detrimental impact on the badgers and their environment. The Planning Inspector considered that the proposed development would create "*biodiversity enhancements provided through additional planting, bird and bat boxes within dwellings that would satisfy requirements of the development plan*". The Inspector concluded that the "*proposed development would not harm the site's biodiversity interests, with particular regard to local badger habitat. It would accord with Core Policy 50 of the Core Strategy which requires amongst other things, that proposals protect features of nature conservation value and incorporate appropriate measures to avoid and reduce disturbance to species and habitats*".

The reserved matters scheme proposes a central 'green lung area' (approx. 0.78 ha in size), with enhanced planting and access opportunities for wildlife species. The supporting documents demonstrate the ways in which the recommendations of the ecology report have been incorporated into the design of the scheme, including bird box locations, dark corridor and exclusion zone around the badger sett. The revised landscape and ecological enhancement measures have resulted in a biodiversity net gain of 22.9%, which remains an increase from the original submission. The submission concludes that the site remains in the same ecological condition as when it was assessed in respect of the outline planning application. All the requirements for protection of wildlife during construction will be complied with. The proposed layout offers improved connectivity for badgers via a newly included green corridor leading out of the western edge of the site. This will also benefit bats and other wildlife using the green corridor that runs through the site.

The Council's Ecologist raise no objection subject to conditions. An updated site plan has been submitted, which demonstrates that measures to protect the badger sett have been incorporated which adequately addresses this issue. Biodiversity enhancements to be shown on an enforceable plan shall be secured via condition.

Whilst the proposed layout differs from the Indicative Coloured Site Plan approved under 21/02477/OUT, the changes allow the incorporation of a "dark corridor" to the north of plots 1 and 3, and the relocation of a path away from the badger sett. These changes appear to represent an improvement for badger above that of the details considered at outline consent. A Badger Protection Plan to protect badger during construction is set out in Section 3 of the Ecological Verification Report. The Tree Protection Plan (REC2444-03) highlights the requirement to ensure tree protection fencing remains accessible for badger. Construction activities must be carried out in accordance with these documents. The Landscape Proposals (ref: REDC24444-11E Sheet 1) have been updated to show scrub planting and suitable fencing around the badger sett, suitable fencing to the ecology corridor, and the inclusion of fruit trees in the planting plans. This request for further information has been suitably addressed.

The Council's Ecologist acknowledges that this is a reserved matters application associated with an outline application that was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory on 12th February 2024. BNG per se is therefore not obligatory, however, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of local biodiversity resource and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 186 d). A completed biodiversity metric has been submitted which indicates the proposals will result in a 22.9% net gain for

biodiversity. The proposals have also been designed to maintain functionality of the site by incorporating a dark, vegetated corridor.

The scheme will also incorporate 10 bat and bird boxes in accordance with biodiversity enhancements approved under the outline application (21/02477/OUT). As noted by Salisbury & Wilton Swifts, it is now expected that new residential developments will provide integral features to benefit biodiversity at the ratio of 1:1 feature to building.

The Swift Brick Plan shows the proposed locations for 54 swift bricks. The uplift in features for biodiversity is welcomed, however continued commitment to delivering at least 10 bat boxes (as approved under the outline application 21/02477/OUT) is encouraged. Furthermore, to ensure the delivery of features during the construction of the dwellings the features should be shown on the elevation drawings - this can be secured via condition.

The proposed adoptable lighting scheme is acceptable in principle. Any new lighting, including private area lighting, should be for the purposes of safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

Although the application site lies on the very edge of the Hampshire River Avon Special Area of Conservation (SAC) Catchment, it has been confirmed that the sewer will connect to the Potterne Sewage Treatment Works (STW) which in turn discharges to the Bristol Avon catchment. There can therefore be no potential impact on the Hampshire River Avon SAC as a result of the development proposal.

The scheme will, through the provision of enhanced planting and the provision of on-site mitigation such as bat and bird boxes, deliver biodiversity and ecology opportunities that are considered appropriate for this scale of development. BNG will be delivered on site. It is therefore considered that the proposed development accords with Core Policy 50 and requirements in Section 15 of the NPPF.

Drainage

The site is located within an existing parcel of land identified as flood zone 1. The application is supported by a site-specific Flood Risk Assessment (FRA). As part of their assessment, the Council's Drainage Officer has reviewed the following documents, covering letter, revised plans, drainage strategy, flood exceedance routing, impermeable area plan, road and sewer long sections and surface water.

The Drainage Officer raises no objections to the scheme subject to a condition requiring the submission of more details on the exceedance flow routes. In response, the applicant has provided further clarification on the issue. Whilst it is acknowledged that the latest drainage comments state that exceedance flows should demonstrate flow routes from all land types throughout the whole site, they consider that all the engineering information submitted with the submission addresses the issue.

The drainage calculations show that storm events up to the 100 year plus climate change are accommodated within the proposed sewer network with discharge limited to Wessex Water requirements. The Drainage Strategy drawing (Dwg. 605-P-075 rev F) shows the proposed drainage network and the Impermeable Area Plan (Dwg. 605-P-505 rev E) shows all the areas connecting to it. On balance, it is considered that sufficient detail has been submitted to demonstrate that the site can be adequately and safely drained without risk of flooding elsewhere.

Other matters

As previously identified, with regard to heritage assets, the only close-by listed building is Marlborough Lodge and its associated gate posts at the entrance to Roundway Park. However, it is separated from the application site by intervening later housing, and consequently, it would not be affected by the proposals. In terms of the NPPF tests, the impact of the proposal on Marlborough Lodge would be neutral.

The site was assessed via a trial trench archaeological evaluation in October 2021. This evaluation established the presence of a former medieval deer park pale running across the centre of the site, with the remains of a post-medieval structure identified in the south-east corner. These two archaeological features are to be investigated further via Strip, Map and Record (SMR) excavations prior to the commencement of the construction phase. These SMR excavations have been secured via Conditions 6 and 7 that were attached to appeal decision notice APP/Y3940/W/22/3301605. To this end a Written Scheme of Investigation (WSI) has been prepared by SLR Consulting, setting out how the SMR excavations are to be carried out and their results published, in accordance with Conditions 6 and 7. This WSI has been reviewed and approved by Wiltshire Council Archaeology Service (WCAS) and has also been included among the supporting documentation attached to the above application. It is therefore concluded that the archaeological constraints of the site have been satisfactorily concluded, although further works are required in accordance with the conditions.

Regarding recreation provision, the proposal includes an element of informal open space (the 'green lung') which satisfies this requirement. Within close proximity to the site is an established children's play area which would serve the proposed development. The site is presently private, enclosed land; the proposal includes the opening-up of part of the land as informal public amenity space (the green lung) which will allow greater access to it than at present.

Parts of Devizes town centre lie within an Air Quality Management Area. Core Policy 55 of the WCS relating to air quality requires development proposals, by virtue of their scale, nature or location, which are likely to exacerbate existing areas of poor air quality, to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. Mitigation measures may for example include possible traffic management or highway improvements, abatement technology, traffic routing and site management or highway improvements. An air quality assessment was undertaken at the outline stage and this considered a worst-case scenario as it assumes that all vehicle movements generated by the proposed development will be powered by petrol or diesel. It should, however, be noted that the proposals will provide EV charging points at each property and this, coupled with the government's policy on petrol and diesel vehicles being phased out in future years, will mean that the emissions produced by vehicle trips from the proposed development will be lower than that assessed. This view was accepted by the Planning Inspector in appeal deliberations, whereby it was acknowledged that the development would lead to further emissions and consequential effects upon local air quality but that this would be addressed through appropriate mitigation.

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 necessary infrastructure items have been secured under the legal agreement that formed a part of the consent granted at appeal under application 21/02477/OUT and are not for reconsideration under this current application.

The Unilateral Undertaking approved under application 21/02477/OUT agreed the contributions towards 'education', 'transport', 'waste and recycling' and 'affordable housing'. These contributions are not for reconsideration as part of the reserved matters application.

The level of affordable housing to be delivered will be commensurate with the number of units now proposed, the numbers and details of type of housing to be delivered has been confirmed by the housing enabling team as 16 affordable homes, of which 60% shall be affordable rented homes i.e. 10 homes and 40% as shared ownership homes i.e. 6 homes. The below affordable homes have been proposed and are acceptable:

Affordable Rented (10 homes)

- 1 bed/2 person apartments = 2 apartments in a 'house-style' dwelling with the ground floor apartment to be built to M4(2) standard with a level access shower.
- 2 bed/4 person houses = 4 houses.
- 2 bed/3 person bungalow = 1 bungalow to be built to M4(2) standard with a level access shower.
- 3 bed/5 person houses = 2 houses.
- 4 bed/7 person house = 1 house.

Shared Ownership (6 homes)

- 2 bed/4 person houses = 4 houses.
- 3 bed/5 person houses = 2 houses.

11. Conclusion / 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.

At the present time, Wiltshire Council is unable to demonstrate either a 4 or 5 year land supply across the county as a whole. In a recent appeal relating to a site in Westbury, the Inspector concluded that the supply is c. 3.85 years. In accordance with Paragraph 226 of the Framework, the Council only needs to demonstrate a 4 year supply of housing land because its emerging local plan has reached Regulation 19 stage including a policies map and proposed allocations towards meeting housing need. However, as the Council is unable to demonstrate a 4 year land supply, the relevant housing delivery policies of the Core Strategy must be considered out-of-date; in accordance with paragraph 11(d) of the NPPF, planning permission should be granted unless the policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or 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.

In this case, the benefits of granting planning permission – namely, the provision of housing, including affordable housing, in a sustainable location within the confines of a Market Town –

where there would be no demonstrable adverse impacts (in terms of amenity, highway safety, ecology, heritage, etc.) mean that significant weight should be given to the present housing supply position.

The required affordable housing for Devizes is identified, drawing from the neighbourhood plan and needs statement for the area as delivering more 1 and 2 bed properties to be developed and the Devizes Community Area Status Report (Mar 2021) confirms this approach along with a need also to deliver additional more 3+ bed units as well. The proposed scheme will deliver 2 x 1 beds, 9 x 2 beds, 4 x 3 beds and 1 x 4 bed, a reasonable cross range of properties and in line with the guidance available. The delivery of these properties has been confirmed as acceptable by the housing enabling officer. The site benefits from outline consent for up to 57 dwellings and the proposal provides 54, of which 16 will be affordable housing, thereby meeting the required 30% delivery as set out in policy. Significant weight is attributed to the delivery of housing and especially to the delivery of affordable housing.

The site is situated well within the built form of Devizes and would therefore not cause any wider landscape impact. Whilst it is acknowledged that the development will change the character of this area, the scheme maintains a green open space which would now be more accessible to local residents and which also maintains a verdant nature across this site. The creation of this additional open green space along with the biodiversity enhancements being offered as part of this scheme are considered to attract significant weight in the planning balance.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted survey and BNG detail is considered to be sufficient to safeguard species using the area. Further enhancements will be included within the development and as described above the delivery of these ecological benefits carries significant weight in the planning balance.

The scheme, if approved, would provide 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 economic support for local businesses through additional households spending within the community.

There are no identified significant highway safety implications associated with the proposed scheme and it is support (subject to conditions) by the highway officer. The site is well located in terms of sustainability, with good pedestrian and cycling distances to local facilities. There are no technical objections to the proposed scheme and 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; accordingly the provision of much needed open market and affordable housing affords significant weight in favour of the proposal.

The scheme is considered to comply with the requirements of the development plan and is therefore recommended for approval.

RECOMMENDATION:

That reserved matters approval be GRANTED subject to the conditions set out below.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - Existing levels (605-P-004 rev E)
 - Engineering for planning – Sheet 1 of 3 (605-P-050-01 rev G)
 - Engineering for planning – Sheet 2 of 3 (605-P-050-02 rev G)
 - Engineering for planning – Sheet 3 of 3 (605-P-050-03 rev G)
 - Drainage strategy for planning (605-P-075 rev F)
 - Road and sewer longitudinal sections – Sheet 1 of 2 (605-P-200 rev C)
 - Tank sections (605-P-320 rev F)
 - Refuse tracking (605-P-405-01 rev H)
 - Fire tracking (605-P-405-02 rev G) (Unchanged but resubmitted)
 - Visibility and dimensions (605-P-425 rev E)
 - Impermeable areas plan (605-P-505 rev E)
 - Flood exceedance routing (605-P-510 rev D)
 - Extents of Proposed Road Widening Works (605-P-600) (New Document)
 - Street elevations (240910-23605-3600 rev E)
 - Affordable mix strategy (241004-23605-4101 rev I)
 - Parking strategy (241004-23605-4102 rev I)
 - Space management strategy (241004-23605-4103 rev K)
 - Household waste strategy (241004-23605-4104 rev I)
 - Building height strategy (241004-23605-4105 rev I)
 - Building material strategy (241004-23605-4106 rev I)
 - Site layout plan (241004-23605-5001 rev X)
 - Substation (6110) (New Document)
 - Single garage – Gable fronted (6100 rev B) (Unchanged but resubmitted)
 - Large single garage – Gable fronted (6101 rev B) (Unchanged but resubmitted)
 - Large single plus garage – Gable fronted (6103 rev B) (Unchanged but resubmitted)
 - Large twin garage – Hipped roof (6105 rev B) (Unchanged but resubmitted)
 - Large twin Plus garage – Hipped roof (6106) (Unchanged but resubmitted)
 - Bungalow (AH-A24-900 rev D) (Unchanged but resubmitted)
 - Affordable house (AH-B31-900 rev B) (Unchanged but resubmitted)
 - Axminster (HT-AXM-900 rev B) (Unchanged but resubmitted)
 - Ashbury (HT-ASH-901 rev B) (Unchanged but resubmitted)
 - Ashbury (HT-ASH-903 rev C) (Unchanged but resubmitted)
 - Banbury (HT-BAN-901 rev C) (Unchanged but resubmitted)
 - Sherston (HT-SHE-900 rev C) (Unchanged but resubmitted)
 - Sherston (HT-SHE-901 rev C) (Unchanged but resubmitted)
 - York (HT-YORK-900 rev C) (Unchanged but resubmitted)
 - York (HT-YORK-901 rev C) (Unchanged but resubmitted)
 - Affordable rented (AH-C44-900 rev D)
 - Ashbury (HT-ASH-900 rev C)
 - Ashbury (HT-ASH-902 rev E)
 - Banbury (HT-BAN-900 rev D)
 - Foxham (HT-FOX-900 rev D)
 - Foxham (HT-FOX-901 rev D)
 - Foxham (HT-FOX-904A)
 - Foxham (HT-FOX-905A)
 - Affordable house (AH-A22-900 rev C)
 - Affordable maisonette (AH-M16 / M17-900 rev E)

- Dyrham (HT-DYR-900 rev E)
- Dyrham (HT-DYR-901 rev E)
- S38 lighting plan (HLS-943-A D6)
- Transport Position Statement (ref. P23-2217 TR03 Rev B)
- Ecological Verification Report (ref. eg230168 rev 04)
- Swift bricks plan Rev 04
- Biodiversity Net Gain metric rev 05 (Excel spreadsheet dated 10th Oct 2024)
- Tree Protection Plan ('TPP') (REC2444-03B)
- Landscape proposals – Sheet 1 of 3 (REDC24444-11E Sheet 1 of 3)
- Landscape proposals – Sheet 2 of 3 (REDC24444-11E Sheet 2 of 3)
- Landscape proposals – Sheet 3 of 3 (REDC24444-11E Sheet 3 of 3)
- Landscape proposals – Site wide (REDC24444-11E Site wide)

REASON: For the avoidance of doubt and in the interests of proper planning and for the protection, mitigation and enhancement of biodiversity.

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

- S38 lighting plan (HLS-943 rev 3)
- Construction Method Statement (ref. P23-2217 TR02)
- Swift Brick Plan. Engain.
- Ecological Verification Report (ref. eg230168 rev 04)
- Biodiversity Net Gain metric (Excel spreadsheet dated 10th Oct 2024)
- Tree Protection Plan ('TPP') (REC2444-03B)
- Landscape proposals – Sheet 1 of 3 (REDC24444-11E Sheet 1 of 3)
- Landscape proposals – Sheet 2 of 3 (REDC24444-11E Sheet 2 of 3)
- Landscape proposals – Sheet 3 of 3 (REDC24444-11E Sheet 3 of 3)
- Soft Landscape Management and Maintenance Plan (ref. REDC2444_Man); and
- Soft Landscape Specification (ref. REDC2444_Spec)

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

3. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a technical elevations drawings. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

REASON: To provide enhancement for biodiversity.

4. Lighting will be installed in accordance with S38 lighting plan (HLS-943 rev 3). No new external artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of conserving biodiversity.

5. The development shall be carried out in strict accordance with the 'Sustainability and Energy Statement by Redcliffe Homes'.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

6. Prior to the first occupation of each dwelling the electric vehicle charge point for that property shall be provided and made available for use in accordance with the

commitment made in the Sustainability and Energy Statement by Redcliffe Homes dated 14.06.24 and shown on drawing 23605/4102F. Further detail of the charge points (such as location and manufacturer's specification) shall be submitted to and approved in writing by the local planning authority prior to its installation. The development shall be carried out in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

7. Prior to the first occupation of each dwelling the cycle parking for that property shall be provided and made available for use in accordance with the approved details.

REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57 and CP60 of the Wiltshire Core Strategy are achieved.

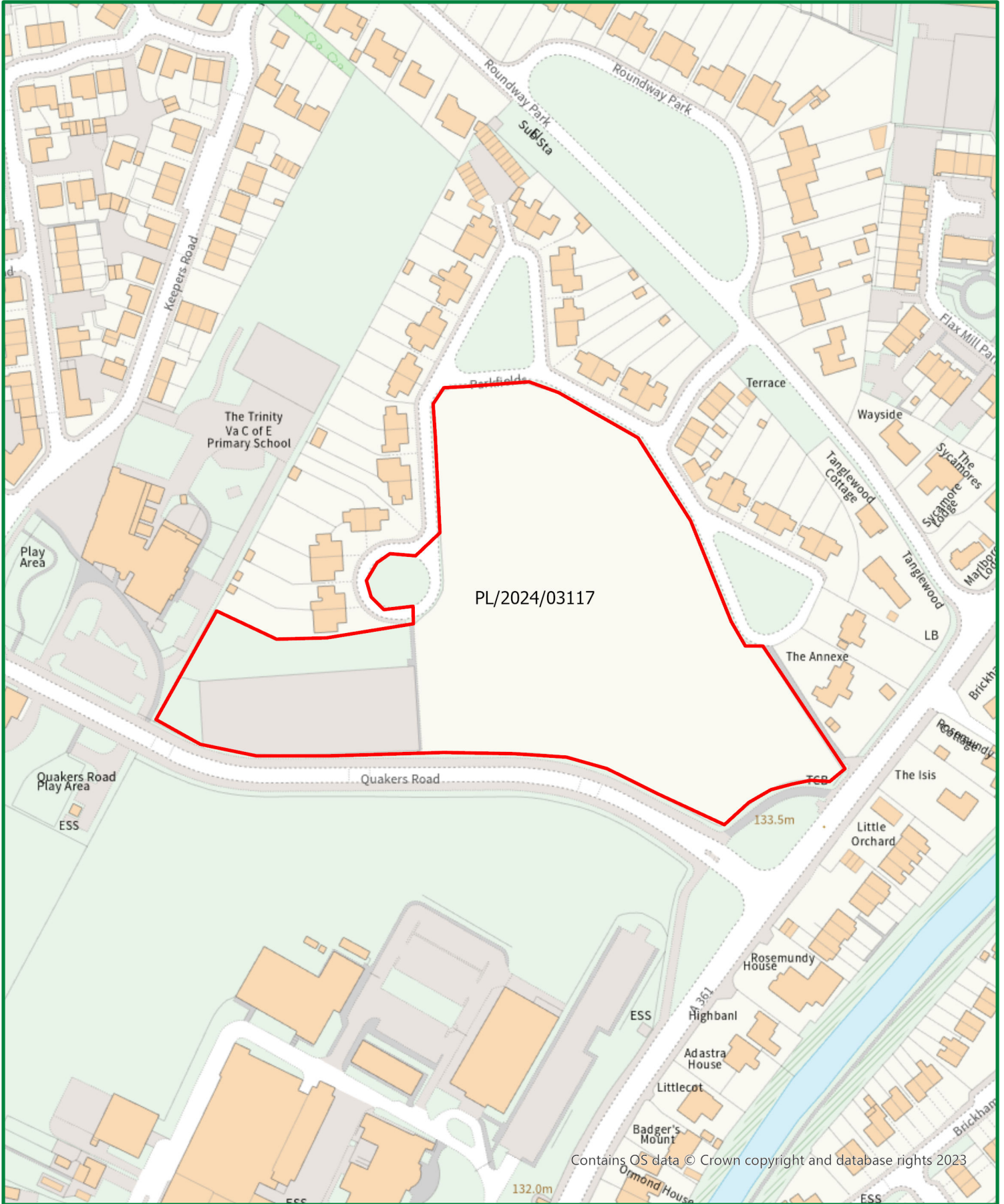
8. The dwellings shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach as per the commitment in the Sustainability and Energy Statement by Redcliffe Homes dated 14.06.24.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

INFORMATIVES:

9. Informative: 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. The required arrangements are set out in section 5.8 of the Councils Waste storage and collection: guidance for developer's supplementary guidance document, with a sample indemnity provided in Appendix C of said document.
10. Informative: It should be noted that bin storage for the scheme should not result in residents walking more than 25 metres to their presentation points for waste removal and crew should not walk more than 10 metres.
11. Informative: The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.
12. Informative: Your attention is drawn to the conditions imposed on the outline planning permission (planning reference 21/02477/OUT, appeal reference APP/Y3940/W/22/3301605) and dated 10th February 2022 and to any subsequent discharge of condition application approved in relation to the conditions thereby attached to that consent.

13. Informative: This permission shall be read in conjunction with the previous outline consent and associated Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 and dated the 7th November 2022.



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