

**Wiltshire Council**

**Cabinet**

**24 May 2011**

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**Subject: Devizes Wharf Planning Brief Consultation**

**Cabinet Member: Councillor John Brady - Economic Development,  
Planning and Housing**

**Key Decision: Yes**

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**Executive Summary**

The purpose of the report is to seek Cabinet approval to consult on a draft Planning Brief for Devizes Wharf. Subject to the outcome of the consultation the intention is for the planning brief to be adopted by the Council as a Supplementary Planning Document within the Wiltshire Local Development Framework.

The purpose of the Planning Brief is to help promote local ambitions for leisure and tourism based regeneration and growth at Devizes Wharf which has the potential to add to the vitality and viability of Devizes town centre.

The Devizes Wharf Planning Brief interprets existing Kennet Local Plan policies (ED21 and HC10) for the area and seeks to bring about incremental development that will complement and enhance the area and not diminish future opportunities. The ambition is to create a distinctive 'canal quarter' in Devizes that appears as a cohesive and coherent whole.

The focus of the planning brief is a series of objectives to protect and enhance the area supported by a statement of design principles that need to be adhered to when considering any planning applications on the site to deliver those objectives.

It is proposed that consultation on the draft Planning Brief place takes place over the period 13 June to 5 August to coincide with the consultation period proposed for the emerging Wiltshire Core Strategy (to be discussed at the special meeting of Cabinet on the rising of this meeting).

## **Proposal**

That Cabinet:

- (i) approve the process of consultation outlined in paragraph 14 and 15 for the emerging draft Devizes Wharf Planning Brief;
- (ii) consider the contents of the emerging draft Devizes Wharf Planning Brief (**Appendix 1**) and approve it for the purposes of consultation and
- (iii) agree to delegate authority to the Corporate Director, Neighbourhood and Planning in consultation with the relevant Cabinet Member to make amendments to the draft Devizes Wharf Planning Brief (**Appendix 1**) to respond to comments raised by Cabinet and to prepare it for consultation purposes.

## **Reason for Proposal**

There have been local ambitions for leisure and tourism based regeneration at Devizes Wharf for many years. As yet proposals have not been implemented, partly due to fragmented ownership. The creation of Wiltshire Council has brought about the opportunity to re-invigorate the project by bringing together services which were previously carried out by either the District or County Council.

In 2010 an approach was made to officers through the Devizes Area Board to revisit the proposals and find an opportunity to re-invigorate the project. The primary motivation was local concerns that this area is underused and under-valued but there was also some concern about the potential impact of an anticipated application by McCarthy and Stone on the adjacent gas holder site.

**Mark Boden**  
**Corporate Director, Neighbourhood and Planning**

## Wiltshire Council

### Cabinet

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**Subject:** Devizes Wharf Planning Brief Consultation

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### Purpose of Report

1. To seek Cabinet approval to consult on a draft Planning Brief for Devizes Wharf. Subject to the outcome of the consultation the intention is for the planning brief to be adopted by the Council as a Supplementary Planning Document within the Wiltshire Local Development Framework.

### Background

2. Specific planning policies for the general area of Northgate, Devizes Wharf and Devizes Hospital were included in both the 2001 and 2011 Kennet Local Plans and although development has progressed on land covered by the same policies on Northgate Street there has been no development at the Wharf or Devizes Hospital<sup>1</sup>. The plan policies promoted visitor based attractions at the Wharf to improve the vitality and diversity of the town centre. Leisure and tourism was the focus with some complementary uses. The development was to respond architecturally to the canal side setting and provide opportunities for water related business to develop. Local ambitions for leisure and tourism based regeneration at Devizes Wharf were restated through the Wiltshire Core Strategy consultation that took place in the Autumn/Winter 2009. Other documents such as the Devizes Community Area Plan and Devizes Design Code also refer to the potential of the Wharf area.
3. In 2010 an approach was made to officers through the Devizes Area Board to revisit the proposals and find an opportunity to re-invigorate the project. The primary motivation was local concerns that this area is under-used and under-valued but there was also some concern about the potential impact of an anticipated application by McCarthy and Stone on the adjacent gas holder site. (An application has since been submitted and is currently being considered by the Council - E/110057/FUL Former Gasholder Site, The Wharf, Devizes).

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<sup>1</sup> The future of Devizes hospital has been uncertain over recent years due to changes in how the health service is delivered locally. The current proposal is for the site to continue to be used to deliver health services in Devizes.

## Main Considerations for the Council

4. The Council needs to consider the best way to support the Devizes community fulfil their aspirations for the Devizes Wharf area. The proposed changes to the planning system being introduced through the Localism Bill will not remove extant local plan policies or the opportunity to prepare supplementary planning documents (SPD) to support those policies.
5. Planning Policy Statement 12 – Local Development Frameworks states that '*A planning authority may prepare Supplementary Planning Documents to provide greater detail on the policies in its DPDs*' (para 6.1) Planning Policy Statement 1 states that '*One of the principles of sustainable development is to involve the community in developing the vision for its area*'. (para 41) Once completed, with appropriate consultation embedded in the process, and adopted by the Council, SPD can be used as a 'material consideration' in the determination of planning applications and will become part of the Wiltshire Local Development Framework.
6. It is proposed that the Devizes Wharf Planning Brief is prepared as an SPD to policies in the adopted Kennet Local Plan (KLP) to provide appropriate weight to its contents. In the future, once the Wiltshire Core Strategy has been adopted the SPD can be reviewed and up-dated to relate to regeneration policies of that document. Alternatively, the SPD can be linked to policies in a neighbourhood plan<sup>2</sup> for Devizes.
7. The outcome of a successful planning brief will be an improved and highly valued public realm which has attracted further investment in Devizes town centre. It could be seen as an example of how to help local communities develop their own identity and deliver its local aspirations.
8. An emerging draft Devizes Wharf Planning Brief, prepared for the purposes of consultation is attached at **Appendix 1**. The project has been lead by a team of elected Members and officers. The brief relates primarily to the land owned by Wiltshire Council (outlined in red in **Figure 1**) but also provides guidance to encourage the co-ordinated and integrated development of the wider area including the adjacent sites of the police station, hospital, Lower Wharf and the site of the former gas holders.
9. The brief contains:
  - (i) An appraisal of the context and setting of Devizes Wharf, including objectives to protect the area arising from that appraisal
  - (ii) A review of relevant local policies and plans, including objectives to enhance the area arising from the review

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<sup>2</sup> The concept of neighbourhood plans has been evolving alongside work on the Devizes Wharf Planning Brief. The level of detail required in relation to the Wharf at this stage is not thought to be appropriate to a neighbourhood plan but this position may change as knowledge about the form and content of neighbourhood plans develops.

- (iii) A statement of design principles to be used when considering any applications for development at the Wharf and
- (iv) Consideration of how the proposed development could be delivered.

### **Consultations so far**

10. To inform this version of the brief a series of local consultations have already taken place. The first stage of consultation was to discuss local aspirations and ambitions about Devizes Wharf with its occupiers and users. The engagement took the form of informal meetings and telephone conversations with a variety of users followed by 2 stakeholder workshops. The first to pull aspirations and ambitions together and the second to discuss proposed design principles for inclusion in the brief. The main objective for the stakeholder events was to begin to develop a shared vision for the future of the Wharf. The key points to emerge from the workshops, to be used to inform the content of the planning brief were:

*Things to value* – public open space, access to the canal, linear historic buildings, views of the site, green backdrop, car parking.

*Things to change* – quality of surrounding buildings, pedestrian experience, connections to town centre, car parking, sense of enclosure, lack of public toilets.

*Opportunities* – introduce craft workshops, more activity, new space for open air performances, links to Lower Wharf, change in levels to create interest, relate to the industrial past.

11. As the project has progressed up-dates have been reported to the Devizes Area Board on 19 July 2010, 4 October 2010, 29 November 2010 and 21 March 2011. The main points to emerge from the Area Board meetings were:

- Key point is to cater for incremental development
- It has been frustratingly slow in the past so need to make sure this is something that can be delivered
- May need to accept some limited housing to lever contributions
- Hope it will be a catalyst to improve the wider area eg New Park Street/Couch Lane?
- Like to see Wharf as part of a wider area with a long term masterplan framework for mixed development.
- Pleased to see British Waterways involved
- Recognise need to get McCarthy and Stone on board

12. A full statement of community engagement which records the meetings held and the comments made during those meetings will be made available as part of the proposed summer consultation.

## Proposed Summer Consultation

13. In February 2010 Wiltshire Council approved and published a 'Statement of Community Involvement' which outlines the level of consultation required for the variety of documents contained in the Local Development Framework. In relation to SPD, consultation is to take place at both the informal stages of the SPDs production and the more formal stages. The process of consultation that has taken place so far in relation to the draft Devizes Wharf Planning Brief equates to Stage 1: Evidence gathering and early community involvement.
14. The next stage is to consult more widely on a draft Devizes Wharf Planning Brief. This is required by planning regulations if the planning brief is to be adopted as SPD. The proposal is to publish a draft SPD for a eight week period to coincide with the proposed Wiltshire Core Strategy consultation over the period 13 June – 5 August 2011. Comments would be invited in response to the questions:
  - Do the ten objectives for the brief, set out in Chapters 2 and 3 of the planning brief, identify the correct elements of the Wharf to protect and enhance?
  - Do the six design principles (Chapter 4, 1 of the planning brief) which seek to influence the appearance of development at the Wharf, accurately reflect the objectives and promote a greater sense of place for the Wharf?
  - Do the four design principles (Chapter 4, 2 of the planning brief) which seek to introduce vitality at the Wharf reflect local aspirations for the nature of uses to be encouraged at the Wharf?
  - Will the three design principles (Chapter 4, 3 planning brief) which seek to improve pedestrian and vehicular movements to and through the Wharf enhance the use of the area?
15. The local press and media will be used to advertise the consultation and notification of the consultation will be sent to everyone registered on the local community area network (generally people who have attended Area Boards or had discussions with representatives of the Local Area Board). Everyone who has been involved in the stakeholder workshops will be sent an electronic copy of the brief directly. There will also be at least one event held within Devizes at the same venue as the Core Strategy consultation and material to raise awareness of the Planning Brief will be available in the local library.
16. At the end of all community consultation exercises, comments received will be fully considered and taken into account before progressing to the next stage which would be to take the brief back to Cabinet for them to consider and agree any changes to the document as a result of the consultation, before seeking approval of the SPD at Full Council.

## **Environmental Impact of the Proposal**

17. Development at the Wharf will have an impact on the existing environment. Objectives are included within the Planning Brief to ensure that the architectural and historic environment are respected and that the general open nature of the site is retained to minimise the impact on the canal corridor. As the site is within the Devizes Conservation Area it is the intention that, through the Brief, all proposals improve and enhance the character of the area.

## **Equalities Impact of the Proposal**

18. The consultation requirements set out above in accordance with the Council's adopted Statement of Community Involvement will provide the opportunity for all sectors of the local community to be involved.

## **Risk Assessment**

19. There were and continue to be a number of risks relating to the Devizes Wharf project, these include:
  - (i) Financial objectives for Council land and activities at the Wharf override community objectives
  - (ii) Developers submit applications before a coherent plan for the area has been established
  - (iii) Existing leisure based activities, which are seen as the catalyst to attract new uses, move away from the Wharf
  - (iv) Economic climate affects the financial viability of any proposed scheme.
20. The risks outlined at (ii) and (iii) are already materialising which adds to the urgency of delivering this Planning Brief. Additional work is required to ensure the proposals remain deliverable in the current economic climate.

## **Financial Implications**

21. Work by officers to prepare the Planning Brief will be undertaken within existing agreed budgets. However, there will be an additional cost to 'buy-in' market expertise for advice on the deliverability of the individual components of the scheme to be included in the final version of the Planning Brief to ensure proposals are realistic.
22. Combining this consultation with the proposed Wiltshire Core Strategy consultation in June/July (see Agenda Item ??) will be more cost effective than undertaking any consultation separately and any additional costs are anticipated to be managed with the agreed budget..

23. The general proposals envisage a reduction in the overall number of car parking spaces in the Wharf area. The income target for 2011/12 was set at £53,000; however, the car park has a low occupancy rate, except on market days. No detailed analysis or modelling has been undertaken on the impact the reduction would have on achieving the income target.
24. The site has been listed as a potential asset for disposal in the future; however, no monetary value has been assigned. Any further disposal would generate a capital receipt that would be used to finance the Council's overall Capital Programme. There is also currently no budget within the Capital Programme for any future capital investment in the site.

### **Legal Implications**

25. The Devizes Wharf Planning Brief is a proposed SPD which will become part of the Wiltshire Local Development Framework. The LDF is part of the policy framework of the Council as defined in paragraph 1 of Part 3 of the constitution (even though SPD generally interpret or implement existing policies). It is a function of Cabinet therefore to consider the draft document to ensure the proper procedures are followed before the final SPD is considered by Full Council.
26. Additionally in order to adopt SPD consultation arrangements need to comply with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended in 2008 and 2009. Officers consider that the consultation arrangements already undertaken and proposed in this report comply with these Regulations.

### **Options Considered**

27. Three courses of action were considered:
  - (i) Do not prepare a detailed brief for the area and rely on existing and emerging planning policies to respond to development in the area;
  - (ii) Agree to prepare a Planning Brief at a later stage once the Wiltshire Core Strategy has progressed to adoption;
  - (iii) Prepare a Planning Brief now to respond to comments raised during consultation on the emerging draft Wiltshire Core Strategy and respond to the request from the Devizes Area Board.
28. Given the development pressures currently being experienced at the Wharf and the continuing concerns of the local community about the lack of progress by the former Council's to respond to the challenges at the Wharf the option to act now was considered appropriate.

## Conclusions

29. The Devizes Wharf area has been the subject of debate for several years and had become the focus of local concerns expressed through the Devizes Area Board and responses to the Wiltshire 2026 Core Strategy consultation carried out in Autumn 2009. Pressures for development around the Wharf and the uncertainty surrounding future uses at Devizes Hospital have raised questions about appropriate future uses and the nature and form of development in the general area. For these reasons it is timely to prepare a detailed Planning Brief for the area to aid Development Management when considering applications which affect the Wharf and provide advice to prospective developers about the expectations from any development they propose. A Supplementary Planning Document to the Kennet Local Plan is the appropriate vehicle to respond to these challenges which brings with it consultation requirements as set out in this report.

**Mark Boden**  
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**The following unpublished documents have been relied on in the preparation of this Report:**

None

## Appendices

Appendix 1 - Emerging draft Devizes Wharf Planning Brief