

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	15 June 2022
Application Number	PL/2021/07203
Site Address	Land at Marshall Road, Devizes, Wiltshire
Proposal	Development of up to 170 homes, means of pedestrian and vehicular access, landscaping, public open space, drainage and associated infrastructure works
Applicant	Princeton Land
Town/Parish Council	DEVIZES
Electoral Division	DEVIZES SOUTH – Cllr Simon Jacobs DEVIZES EAST – Cllr Kelvin Nash
Grid Ref	401876 160146
Type of application	Outline Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application is contrary to the spatial policies of the development plan that direct such schemes to within the recognised settlement boundaries.

1. Purpose of Report

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

2. Report Summary

The main issues to be considered are:

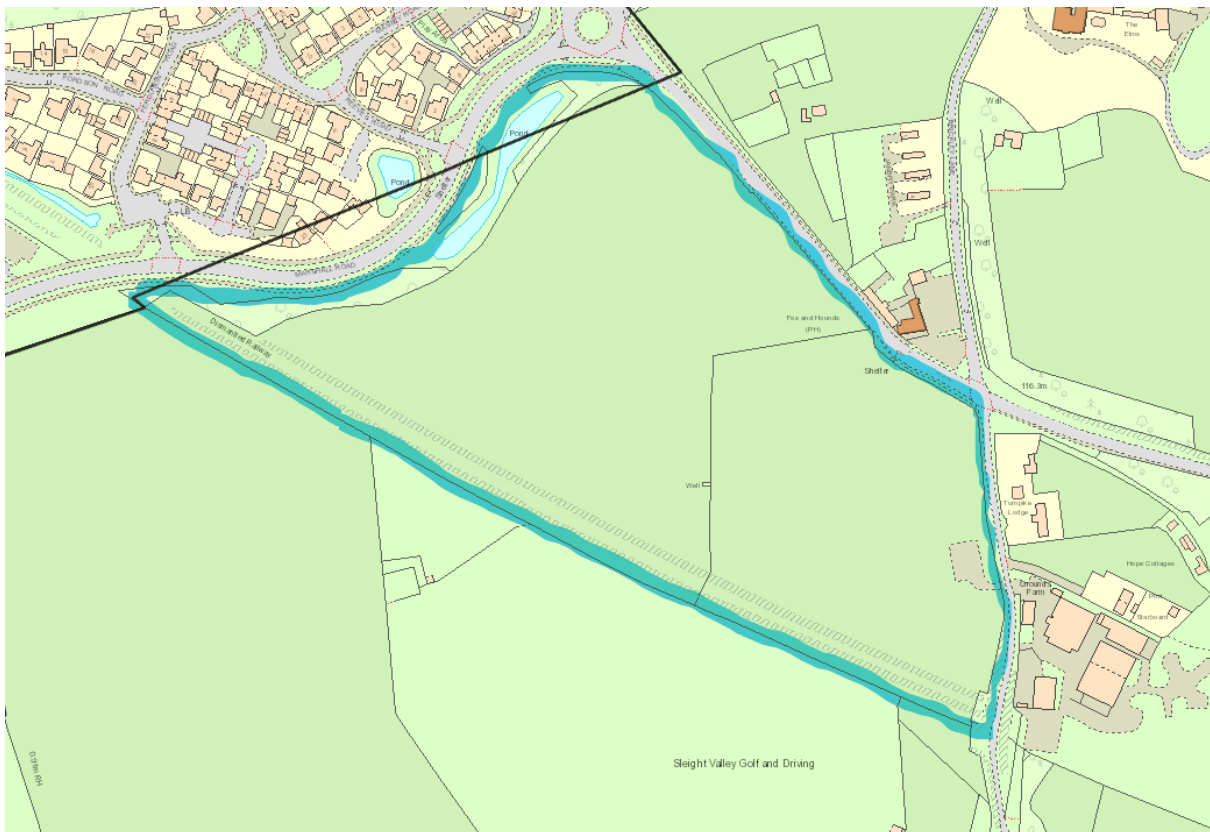
- Whether the development is acceptable in principle (CP 1 and 2)
- Whether the scheme constitutes high quality design in terms of layout (CP 57)
- Whether the scheme would preserve or enhance the historic environment (CP 58)
- Whether the scheme would have an acceptable landscape impact (CP 51)
- Whether the proposal would have a negative effect upon highway safety including if there is sufficient parking for the proposed development (CP 61 and 64)
- Whether the site can be adequately drained without increasing flood risk elsewhere (CP 67)
- Whether there would be any harmful impacts upon protected species or habitats (CP 50)
- Whether there will be any land contamination / air quality issues (CP 55)
- Whether the proposal results in the loss of best and most versatile agricultural land (NPPF 170)

- Are there any other planning issues raised by the development?
- What planning obligations are required to make the development acceptable in planning terms

Devizes Town Council raises no objections, although subject to some detailed comments. There have been 19 letters of objection received at the time of drafting this report, the details of which are summarised in the report below.

3. Site Description

The site is approximately 7.8ha in area and is located on the south-eastern edge of Devizes, with its north-western edge adjoining the settlement boundary of Devizes. The Devizes Air Quality Assessment Zone also forms the north/western boundary of the site.



Site location – bold black line equates to settlement boundary and approximate location of air protection zone for Devizes.

The site comprises two agricultural grassed fields divided by a former hedgerow. The site is generally level within tree and hedgerow and fencing forming the boundaries; the A342 forms the north-east boundary of the site, with Marshall Road forming the north-west boundary and Sleight Lane forming the eastern boundary. Running along the sites southern boundary is the former dismantled railway for Devizes and beyond this the 'Sleight Valley Golf and Driving Range'.

Approximately 50 metres to the north-west of Marshall Road is an existing housing estate and there are residential properties to the north and east. Approximately 100 metres to the west of the site is the health centre and approximately 200 metres from the site is 'Green Lane Hospital'. Beyond the housing to the north-west (approximately 200 metres) is the Nursted Industrial Estate defined as a 'Principal Employment Area' within the WCS (2015). At

approximately 340 metres to the west of the site are the 'Green Lane' playing fields and skate park facilities.

North of the site is the 'Fox and Hounds' public house, a grade II listed building and to the east is the Wiltshire Waste and Recycling centre on Monument Hill. The site is not located within either Flood Risk Zone 2 or 3.

4. Planning History

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

5. The Proposal

This is an outline planning application for the development of the site for up to 170 dwellings with associated access and all other matters pertaining to appearance, landscaping, layout and scale are reserved for future consideration. The proposed means of access is to the west of the site onto Marshall Road.

The application has undergone amendments and revisions, including a reduction in numbers of units from 180 down to 170, following points raised on the scheme. Other than the reduction in the number of the units, the revised details have been re-consulted on.

It was considered that the reduction in numbers down from 180 to 170 did not require a re-consultation as it was a reduction in the scheme and did not prejudice any third parties or consultee responses. The recommendation before the Council is based on this revised scheme.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP41 – Sustainable Construction and Low Carbon Energy
- CP43 - Providing Affordable Homes
- CP45 – Meeting Wiltshire's Housing Needs
- CP48 – Supporting Rural Life
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

Wiltshire Waste Core Strategy

- WCS6 (Waste Audit)

Saved Policies for the Kennet Local Plan

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

Devizes Area Neighbourhood Plan (2015)

- Policy H1 – Settlement Framework Boundary;
- Policy H2 – Built Environment and Sustainability;
- Policy H3 – Site Specific Allocations;
- Policy E1 – Education;
- Policy T1 – Getting Around;
- Policy ESD1 – Environment and Sustainability.

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

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

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

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

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

Devizes Town Council: No objection / support with detailed comments

Whilst Devizes Town Council supported the development of housing on the site at Marshal Road, the revised plans pushed the development towards Slate Lane which is very rural in nature therefore it is not appropriate for housing to be so close and would therefore expect there to be a larger buffer with an operation to move the SUD to the location as it is known to flood. In addition, it is felt that the new Master Plan fails to meet the new planning intent through the build beautiful concept and therefore should be look at again

Devizes Town Council does not object to this application but requests that a planning condition is placed on the developer to seek the reclassification of Marshall Road under the Traffic Management Plan, from a link road to a residential road with a reduction in the speed limit from 40mph to 30mph or preferably 20mph.

Devizes Town Council OBJECTS to the application as it does not consider that the urban design adequately captures the intent of the Government's "Build Beautiful" proposals as it does not create any individual identity for the area in an appropriate built form.

Devizes Town Council's Planning Committee raised no objection to the application, but as the Council is determined to embrace improved environmental standards in the town, agreed that the housing in this 'sustainable development' should incorporate appropriate levels of green energy measures such as solar panels, ground source pumps etc. It further stated that social housing should be built to a similar standard as private homes, as inferior quality buildings too frequently cause later problems for housing associations.

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

The development would be adjacent to the existing built-up area of the town with a good standard of walking and cycle connections towards the town facilities. The development will be within guideline walking and cycling distances of nearly all town facilities including several primary schools and the Devizes secondary school. There are nearby bus stops / services along both Marshall Road and the A342. No objection is offered on transport sustainability grounds.

The application proposes a simple priority form of junction to the distributor type road (Marshall Road). This number of dwellings could normally require a ghost island right turning lane junction, but in this instance, Marshall Road being effectively a large cul-de-sac, there will be very small numbers of right turn vehicles into the site. A right turning lane is therefore not required. The geometrical scale of the junction, including the junction visibility splays, has been discussed at pre-application stage, and is satisfactory to serve the development proposed.

It is recognised that improvements within the area for pedestrian, cycle and to the bus stop will be required and these matters can be considered under condition through the approved matters stage.

The indicative concept internal layout plan has a strong loop road layout which is welcomed and the indicated hierarchy of primary and secondary streets is appropriate. Appropriate boundary features / landscaping will be required to prevent confusion between users of the A342 and users within the estate roads. It is recognised that highway street lighting will be adjusted or omitted at locations where required dark bat corridors cross adoptable roads in full consultation with Ecological officers when adoption of roads within the development is being considered.

Traffic levels have been surveyed and adjusted upwards to reflect pandemic reductions at the time of surveys, also the survey work was based on a higher number of units. The survey works is considered robust. The assessment concludes no or limited capacity issues at junctions. A 'Full Travel Plan' will be required at detailed stage, this should be covered by condition.

Recommended conditions:

- Full Travel Plan.
- Provision of access including visibility splays
- A pedestrian access to Sleight Lane
- Closure of 2 field accesses
- New bus stop at existing layby and new shelter.
- New bus stop at north-east side of A342
- Construction Management Plan
- Widened footway from Sleight Lane to the existing bus layby opposite the Fox and Hounds.
- Widened footway north-east side of A342 to Fox and Hounds pub.

Contributions would be required.

WC Highways raise no concerns that would justify refusing the application. They have offered to advance no objections provided a series of conditions and s106 contributions are

imposed/obtained. These are set out in the report and can be seen in the full Highways response online.

Wiltshire Council - Lead Local Flood Authority: Support the application with conditions

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The drainage team support this Outline Application, subject to conditions being met at Full / Reserved Matters Planning Application stage.

Wiltshire Council Affordable Housing: No objection, subject to S106

Should it be decided that this site is suitable for residential development, under Core Policy 43 (Providing Affordable Homes) of the Wiltshire Core Strategy an on-site affordable housing provision of 30% would be required in this location. As the site is proposing 180 new homes, the on-site affordable housing requirement would be for 54 affordable homes. From this a tenure split of 60% affordable rented homes, 15% shared ownership homes and 25% First Homes. Therefore, we would seek 32 homes for Affordable Rent, 8 homes for Shared Ownership and 14 homes as First Homes.

Please note that due to potential maintenance/management issues, flats over garages/courtyard entrances are not an affordable housing type we would be able to currently support. Furthermore, I understand that 2 bed apartments above ground level are proving difficult to let, so again we would not encourage this property type.

Wiltshire Council Education: No objection, subject to S106

The Council's Education Team have no objections to the development subject to securing a s106 contribution towards the provision of secondary education places. The contribution requested is set out in more detail within the report.

On review of the newly submitted documents as part of this amended plans consultation there are no changes to the housing number/mix from that originally proposed. As a result, our consultation response dated 13/08/21 is still applicable and unchanged. We reiterate our case for a developer contribution towards 3 secondary school places at £22,940 each = £68,820, subject to indexation and to be secured by a S106 agreement to which standard terms will apply.

Wiltshire Council Conservation: No comment on the revised plans in response to ecology.

In terms of the historic environment, (excluding archaeology) the key issue is the potential impact on the Fox and Hounds. While we acknowledge that planning policy does not prevent any change to the historic environment it does set out that there should be no harm, unless there is public benefit. The masterplan shows an open space opposite the Fox and Hounds which is welcome. It is clear the exact size and location of the proposed buildings in the vicinity to be able to judge their potential impact. For example, a two storey building could have a greater mass if it has a wide gable and large roof, especially if located on higher ground than the listed building. I therefore can only reserve judgement at this stage. Another important element will be the boundary treatment to the site on the A342. The hedge gives a rural character to the area and this soft landscaping should be retained and enhanced.

I note that a natural hedge line is to be proposed along the main road which is welcomed. There is an open space opposite the Fox and Hounds the grade II listed building. The Fox and Hounds has a rural character and this should be maintained and not subsumed by development. The final judgment will depend on the height and bulk of the houses nearest to the site and how visible these are on the approach to the town.

Wiltshire Council Public Open Space: No objection, subject to contributions

On site POS and off-site, financial contributions towards the improvement or development of sports pitches or associated facilities that enable their use and the provision for a NEAP. The space requirements and contributions are set out in more detail within the report.

Wiltshire Council Public Protection: No objection, subject to conditions.

The A342 could be a significant source of noise to future occupants of the development and this needs to be assessed along with any other potential sources of commercial noise that could affect future residents. Hence conditions required.

A comprehensive CL assessment has been submitted but it does not conclude (c10.4.1) that a bit more work is necessary in respect of ground gas monitoring which may be significant and so we require conditions.

It's a large site and there is potential for negative impact on the Devizes AQMA. We will need a condition to ensure this is considered and mitigated if needed and also a condition about provision of electric vehicle infrastructure.

Conditions relating to noise, air quality, contaminated land and provision of a CEMP are required.

Wiltshire Council Ecology: No objection, subject to conditions

Initially the development was subject to a holding objection until it could be demonstrated that the proposed scheme would not have an unacceptable impact on ecology, notably local bat populations in terms of habitat loss.

In order to move the application forward, an updated Ecological Parameters Plan was required to be submitted. This plan needed to demonstrate dark corridors for bats of a minimum 15m width and suitable design. The Plan should also define any other areas that are to be specifically retained for the benefit of biodiversity and to provide areas for BNG.

If an acceptable plan were submitted, there would be no requirement for further targeted bat surveys for Annex II species. Lighting specifics and the provision of Biodiversity Net Gain can also be dealt with through the REM application, where they will need to adhere to the Parameters Plan.

Following the submission of a revised parameters plan which was the subject of further consultation: no objections received from the ecologist subject to conditions relating to compliance with the parameters plan, provision of a CEMP, a LEMP and lighting scheme.

The Sketch Master Plan has been revised to accommodate 15m dark corridors along the northern and south-western boundaries of the site, resulting in some configuration of the layout as previously proposed. The Ecological Parameters Plan has also been revised to accommodate the additional buffer widths along these boundaries and shows the location of all proposed dark corridors. Lighting within these areas will be controlled by adherence to a condition. The mechanisms for controlling light spill in these areas will rely on a detailed lighting strategy together with detailed landscaping design and planting plans.

I am satisfied that in combination, these measures will ensure the site retains the functionality of its habitats for wildlife, particularly for Annex II bats known to be active in the immediate

surrounding area (ref. Wiltshire Bat Group studies including radio-tracking and trapping surveys).

The ecologist's final comments disagree with the applicant's suggestion relating to a condition on the extent of the 15m buffer zones and require these to be kept in perpetuity. It has been demonstrated that an adjusted layout can enable the inclusion of 15m buffers, therefore there is no reason to revise downwards, even in the unlikely event that no Annex II bats were recorded. The whole point of fixing the parameters plan at the outline stage is to demonstrate that the development can be achieved within the site while also achieving no net loss of functional habitat. The REM submission will need to present a layout that fits within the parameters agreed at the outline stage.

Wiltshire Council Urban Design: No objection in principle, subject to conditions

The applicant has answered my previous response (my response 23.8.2021; theirs 11th Jan 2022), describing what they had amended and what they had not, with explanations. I am, in general content with the explanations and have no further comments on most of those points. However, I do have one remaining concern, which is that the proposed Amount (Amount being notably one of only 2 matters the applicant does wish to fix at Outline), which appears to depend on there being a substantial amount of flats in the market mix.

There is just no evidence that so any flats are justified to propose for the open market when estimating site capacity. The SHMA also points out that about a quarter or new market homes needed in Wiltshire are 4 bed, so I'd expect this site to align with that, yet this promoter has plotted less which obviously enables them to put a higher figure on the Amount.

Furthermore, actual REM applications in locations such as this systematically show no commercial interest in open market flats, and too much interest in 4 bed houses, and since the promoter is not buildings and selling the homes, I am unable to give their preferred mix much weight. They ought to simply apply a SHMA mix to their design concept and see what Amount comes out. My concern is, that the applicant is introducing a design constraint at Outline that need not be there, and it does not help the case of ensuring high quality design.

Judging from the sketch masterplan as it stands, I suspect that to comply with both CP45 and CP57 and deliver the principles described in Section 4 of the DAS, about 170 units may be demonstrably deliverable, not 180. This would also help redress the lack of parking that several of the plots needlessly appear to have been drawn without.

If time is available, I recommend the applicant design out the flats, include all the parking and revise their Amount. If time is not available, I recommend the applicant agree to amend the description of the proposal to 170 units. On the other hand, if the Case Officer is minded to permit the scheme without further revisions, I would recommend that a Condition is added

WC Landscape Officer: Comments; prepared to remove landscape objection pending the use of a suitably worded condition to ensure that any reserved matters landscaping scheme is required to incorporate double tree lined streets and an improved eastern landscape boundary treatment onto Sleight Lane.

Maintain that the application does not clearly demonstrate, based on the current form/mix and numbers of new housing sought, that the promoted double tree lined primary or secondary streets to be deliverable or that the illustrative proposals demonstrate that the eastern landscape buffer would be deliverable along Sleight Lane.

Support the concerns raised by the Urban Designer relating to mix of properties proposed (flats and 4 bed homes) does not reflect local housing need. Concern raised that if site is sold

on to large volume house builders that a new mix will be proposed which would be unachievable based on the numbers proposed. The current mix, it is considered, is a hidden constraint that will impact on the deliverability of street trees and high quality design and place shaping i.e. a change in mix from flats to 4 bed homes would have major implications on land take requirements within any revised detailed layout. Not only in terms of increased dwellings and garden plot footprints, but also from consequential increased parking standard requirements.

The applicant may continue to justify a case that the layout is illustrative and such concerns are issues for reserved matters stage and can be controlled by the LPA at that stage; however, this view could only be accepted if a condition requiring the delivery of double tree lined streets within any subsequent reserved matters application. These street trees should be incorporated into appropriate width/ volume planting beds to the satisfaction of both the Council's Highways and Landscape officer/s. Such a condition is considered to be necessary as the current illustrative proposals do not clearly demonstrate that double tree lined streets would be deliverable with any certainty, based on the illustrative proposals. It is considered more appropriate for the applicant to demonstrate this at outline stage.

Initial objection was raised on the scheme. Ultimately concur with the LVIA findings in that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself resulting from the corresponding loss of green field countryside. The greatest visual changes arising from the proposed development will be registered by the nearest residential properties along Sleight Lane and the Pub which share existing open views across the site and of course the road users of the adjoining roads.

There is potential for a further adverse resulting night-time visual effect arising from introduction of new external lighting within the site that would likely result in a slight / negligible increased 'sky glow' from the existing settlement, incrementally adding to reduction of AONB 'Dark Skies'.

I do not highlight any other wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting of the AONB if this site were to be developed for new residential uses, subject to securing effective mitigation measures in combination with inherent design measures through use of outline development parameters to inform and control subsequent Reserved Matters application proposals.

There will be some limited harmful landscape and visual change effects likely to arise from this proposed urban development proposal (subject to acceptable design and mitigation measures). These are identified to result from the loss of existing green agricultural fields, replaced by corresponding new areas of residential development and uses, that will extend urbanising influences into countryside. These effects should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged.

While I have identified some minor issues of disagreement within the LVIA text and an issue with one of the LVIA's supporting maps, I do not take issue with the submitted LVIA's findings and consider that the report represents a fair assessment of the resulting landscape and visual effects likely to arise from the application proposals (subject to the delivery and incorporation of the recommendations contained therein, (See earlier comments regarding non compliance with translation of these recommendations into both the accompanying Landscape Strategy and the Illustrative Presentation Masterplan).

This site has been offered and considered within the Council's current Local Plan Review process and no higher-level landscape or visual constraints are identified to prevent this site

moving forward to the next stages of consideration in landscape and visual terms subject to inclusion of appropriate 'substantial' planting in mitigation etc.

Based on my general acceptance of the submitted LVIA findings, and my local knowledge of the area, I do not offer any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptably harmful resulting landscape and visual effects for important landscape features, public visual amenity, the setting to the North Wessex Downs AONB, or wider landscape character as long as the necessary mitigation required in the form of inherent sensitive design principles and a strong mitigating and enhancing landscape scheme delivers a sympathetic transition with adjoining countryside.

I do not currently consider that the application demonstrates that the promoted double tree lined primary or secondary streets are deliverable, or that proposals demonstrate there is much certainty that the critical southern and eastern landscape buffers with countryside could be delivered as part of any subsequent reserved matters application/s based on the current form/mix and numbers of new housing being sought given the amount of space currently indicated to achieve this necessary tree planting.

I do not consider that the currently presented illustrative masterplan could form an acceptable basis for subsequent Reserved Matters application/s as it currently fails to demonstrate that the required mitigation or necessary street trees could be delivered alongside the amount of new urban development being sought.

Wessex Water: No objection; no building within a minimum of 4m either side of the foul sewer and no tree planting within a minimum of 6m. This includes no surface water attenuation features and associated earthworks in the easement strip. Wessex Water will require unrestricted access to maintain and repair our apparatus. Foul drainage can be accommodated within the existing public foul sewers, connection will need to be agreed with WW. No surface water runoff or land drainage will be accepted into the foul sewer either directly or indirectly. The applicant indicates surface water to be attenuated on site and discharge at greenfield QBar to existing surface water sewer; details will need to be agreed with WW. WW have not objected to the development. WW has provided standard advice and guidance in respect of new foul and water supply connections.

Wiltshire Council Arboricultural Officer: No objections

Wiltshire Council Waste and Recycling: No objection, subject to condition and subject to financial contributions secured through a S106 money to provide waste and recycling containers for each dwelling

The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C.

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

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

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

Wiltshire Council Spatial Planning: Do not offer any detailed comments

Environment Agency – Comments;

I have been in discussion with our waste team who manage the permits for the regulated waste transfer station and composting facility. In addition to my previous email, I'm able to offer the following advice.

There are two sites with Environmental Permits approximately 100 metres to the east of the proposed development. These are waste management sites, not COMAH (control of major accident hazard) sites as suggested in one of the letters relating to this application. One of these is a waste transfer station and the other a composting facility. It's worth noting that the composting facility is non-operational currently, but the Permit remains live and therefore there is potential for composting activities to re-commence in the future.

We note concerns regarding two fires since 2014. As part of our regulation, the operators are working towards a suitable fire prevention plan and have already put some measures in place to mitigate these risks. We cannot comment on whether this is a material consideration in the grant/refusal of planning permission, given that there is a certain amount of potential for fire with any domestic / business place.

In terms of amenity issues, we do expect that a residential development this close to a waste management site would give rise to amenity complaints. At this site the issues are more likely to be noise and dust, with potentially odour, especially if the site were to recommence composting activity.

We've not found any amenity issues to date to raise however, with residents potentially being located closer by, it is something that should be considered at an early stage. It is important to note that the waste activities are already permitted, so any development which could increase receptors in the local vicinity, should be determined and designed with this in mind.

Considering the above, we would suggest monitoring / modelling takes place to inform any mitigation / design elements that might be required to address any amenity issues identified. This will need to be incorporated into the development, and potentially conditioned as part of planning permission.

We recommend that this monitoring is undertaken prior to determination so that the issues, mitigation, and design implications can be understood. Given this is an outline application for access, with all other matters reserved, we appreciate it might be appropriate for this to form a condition of the outline permission, with the results and suitable mitigation, being provided as part of the reserved matters application.

I have noticed that the Utilities and Foul Drainage Appraisal Part 1 is not provided on the planning portal. The Application Form though states the proposal will connect to the existing public sewer network. Provided this is the case, there are no constraints within our remit.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. There have been 19 letters of objection received at the time of drafting this report. The following is a summary of the issues raised by members of the public / third parties: -

Contrary to Policy

- Proposal is contrary to strategic approach to development as set out within the local Plan and Neighbourhood Plan
- Site outside of settlement boundary and contrary to many core policies
- By-passing the system undermines the planning processes and cuts out public consultation
- The local plan response for this site, as a potential allocated site, states that the site assessment process carried out so far has identified a pool of sites but ecological considerations have not yet been taken into consideration
- Local plan process is still in early stages and no sustainability appraisal has been carried out on all the site; essential for this happen particularly in light of impact on annex II bats
- Site is not part of the Devizes Neighbourhood Plan; a development of 180 houses exceeds the 65 houses maximum as set out in the plan
- Much of the overall housing requirement for the area has been met leaving only 330 outstanding, when other allocated sites are taken into consideration need will be much less; no need to rush more through
- Overdevelopment
- Premature and in conflict with a plan led system
-
- Unsustainable location, low employment within the area will lead to increase in commuting out of town for jobs
- Conflicts with policies H1, H2 of the Neighbourhood Plan, Policies 1, 2, 12, 61 of the Local Plan and policies contained in the NPPF

Need/Location

- There are plenty of brown field sites in the area
- This greenfield site is not needed for housing

Drainage / Flooding

- Loss of undeveloped land for rain soakaway
- Residential drainage & water supply, this will increase pressure on the Devizes Sewage Treatment works and fresh water supplies.

Ecology / Environment

- Development will have a significant negative impact on a number of protected species
- These negative impacts cannot be adequately mitigated or avoided
- Lack of coordination to local development is enabling erosion of habitats
- Concerned at the dismissal of the 105 recordings of Barbastelle bats within the area as being of low importance
- Demonstrates a clear lack of understanding of the ecology of bats and further work is required
- There is a clear connection between bat usage of this site and the Bath and Bradford on Avon SAC
- Data by the Wiltshire Bat Group has been made available; it is disappointing that this has been disregarded
- Bat surveys undertaken through the Devizes and Stert Valley Bechsteins and Barbastelle Project identified bat species directly linked to the Drews Pond Wood, Devizes with the Bath and Bradford on Avon SAC

- Protection of designated habitat and species should be considered separately to biodiversity net gain
- Natural England recommends the provision of 1ha of LNR to 1000 population; Drews Pond is only LNR in Devizes and consequently well beyond this limit
- Increase in local population having a devastating effect on local environment, eroding paths, impacting on flora and fauna
- Proposed access road is a 'newt' route; they cross from the deep pond to the shallow pond on site
- Impact on bat route through inappropriate lighting from the proposed development
- Should be provision of a wildlife corridor
- Loss of high grade agricultural land
- Development below the SuDs pond should be removed and the whole area given over to a landscape and habitat area
- Conflict between proposed residents and the nearby waste transfer site – major fires at the waste site polluting the atmosphere
- Site is approximately 250 to 500 metres from the centre of the waste transfer site and there have been two significant fires within the last 8 years
- There have been other incidents at the waste transfer site, existing controls are insufficient and as such the number of persons exposed should be minimised
- A full hazard and risk assessment should be undertaken, by a qualified person with the resulting document maintained as a public record
- If the assessment identifies an unacceptable risk then development should be barred unless adequate mitigation can be implemented
- Development will drain to the River SAC; increase in phosphates will damage the SAC and is unacceptable, the Councils Generic AA is totally misconceived and does not account for the increases likely to happen
- All new developments should provide habitat opportunities for species such as swifts
- The recommendations of the Ecological Impact Assessment are welcomed; the increase in bird nesting opportunities (one bat or bird box per dwelling), details to be included within a LEMP

Loss of Green Space

- Loss of a green space essential for the population's mental health
- There are brown field sites in Devizes that could be developed
- Has the recent pandemic taught us the value of green spaces.

Design / Character of the Area

- Development at south end of site will urbanise Sleight Lane
- The hard edge of the development will intrude into the rural character
- Impact on landscape character
- Fails to respond to Governments 'Building Beautiful' policy and the National Design Guide
- There should be a clear and strong urban design concept to set a benchmark against
- No consistent attempt to create coherent spaces
- Surrounding buildings make very little contribution and to low and to disjointed to enclose the space
- Most of the houses will be long serried ranks of detached or semi-detached buildings, alternating with parked cars
- Three storey structures would be wholly inappropriate for development on the rural fringes of the town
-

Infrastructure

- No infrastructure to support such development and the roads are already gridlocked
- A342 in desperate state of disrepair and could not carry additional traffic
- Insufficient leisure, open spaces, employment sites, air quality and schools
- Insufficient open spaces to provide for both adults and children to support their mental well-being

Pollution/Environment

- Air pollution from extra vehicles
- Conflict between waste transfer site and new residents
- No proposed solar panels to the roofs, why is gas being used

Landscape and Visual Impact

- Impacts on the visual amenity of the area
- Visually prominent within the area
- Negative visual impact, spoiling previously rural feel and spreading urban sprawl

Highways / Parking

- Neighbourhood plans state that houses should be within 20 mins walk into Devizes, but this site is 2 miles out of Devizes, taking 35-minute walk
- Public Transport is poor, with few buses running, variable in frequency, dependant on subsidies and relatively expensive
- No railway station in Devizes
- Increase in traffic, highways not fit to deal with increase in traffic
- Conflict between traffic generated and pedestrians and cyclists
- Traffic congestion through the town
- Road infrastructure is already over loaded
- Traffic survey makes not reference to the NHS Centre, survey does not accurately reflect the level of traffic accessing this site
- No mention of increase in farm traffic along the highways
- The old railway line along the SW bounday should be safeguarded for future cycle and pedestrian access to the proposed Parkway Station at Lydeway

Neighbour Amenity

- Detrimental impact upon existing nearby residential amenities with potential loss of daylight, sunlight and privacy, increased noise and congestion, plus air pollution
- Loss of privacy & potential overlooking for those living along Sleight Lane, Marshall Road, Fox & Hound and anyone living nearby

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section

38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

Turning therefore to the development plan (the WCS), the site lies outside the Limits of Development of Devizes, within what is defined as countryside where under Core Policies 1 and 2 of the WCS, development is not permitted unless one of the following applies:

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

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

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

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

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

9.2 Scale, Design and Layout

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

This is an outline planning application for the development of the site for up to 170 dwellings with associated access onto Marshall Road with all other matters relating to appearance, landscaping, layout and scale reserved for future consideration.

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



Sketch Master Plan – for indicative purposes only

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

Whilst paragraph 125 of the NPPF seeks to ensure that planning policies make efficient use of land and that higher densities should be expected in areas well served by public transport and sustainable locations, the density of development at this site is approximately 23 dph which is considered a reasonable level for this area and reflects the constraints of the site and the peri urban context within which the site is set. In light of this current government policy, it is considered that the proposal is for an appropriate density.

The scale and design of the proposal are for future consideration, however, the sketch plan clarifies a potential layout solution that responds to the constraints of the site. Comments received from the Urban Design Officer raise no objection in principle although recommend caveats and conditions that need to be discussed and agreed.

They raise concern at the amount of units proposed and more precisely the number of flats / coach houses proposed in total (21 units, 12 of which would be affordable) which based on their figures amounts to a 6% over supply of this type of dwelling and also an under supply of 4 bed properties with reference to the strategic housing market figures for the area. They argue that there is no justification for so many flats and that evidence suggests a greater need for 4 bed units. On this basis the Urban Designer suggests that the site may be able to accommodate 170 units but not the 180 originally sought. They have requested that the applicant design out the flats and include all parking and revise their amount or at the very least amend the description down to 170 units. The applicant has taken on board the issues

highlighted and has now revised the scheme down from 180 to up to 170 units, in line with the Urban Designers requests.

The concerns raised by the Urban Design Officer are acknowledged, however, the application has now been amended to reflect their request and is for up to 170 dwellings. The site remains constrained for example through the required planting and ecological constraints and at reserved matters stage based on these restrictions it may be necessary for even further reductions as the design evolves. It is now however considered that up to 170 units is more likely reasonable and feasible figure than those previously forwarded.

It is agreed that the concepts and design philosophy set out within the design and access statement relating to the design detailing, scale and layout are supported. As requested by the Urban Design Officer in order to achieve the benefits that this design philosophy sets out it will be necessary to impose conditions and informatives to meet these standards at approval of reserved matters stage.

Whilst the Urban Designer does have some criticisms of the scheme the scheme is now at a stage where the proposal is considered to be in compliance with current local and national policy. The Council's lack of a 5 year housing land supply is considered in this instance a significant material consideration within the planning balance with the provision of housing much needed across the Council's area. With this point in mind, it is considered that the scheme is in broad accordance with the requirements of CP 51 and CP 57 of the WCS (2015). Any outstanding comments from the Urban Designer on matters of detail do not amount to significant or demonstrable harm in planning terms that would merit withholding consent. Conditions raised by the Urban Designer and any other consultee in respect of design matters will be considered in the interests of securing a high-quality build – notably for the approval of reserved matters to come forward in line with the 'Design Philosophy' as set out within the Design and Access Statement.

9.3 Landscape and Visual Impact

Concerns have been raised by local residents at the visual impact that the development of this site would have on the landscape and wider area. In addition, the urbanisation of Sleight Lane has also been highlighted as a point of concern by the landscape officer, residents and town council.

In landscape character terms, the site is agricultural at present, it does have a watercourse running alongside it and some field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type. Development of this field will obviously see the loss of the sites agrarian character, but this in itself is not deemed to be significantly harmful. The agrarian character has already been weakened by urban features/influences (for example housing to the west) which are very much framed in its view. Whilst forming a gateway to Devizes within this location, a well designed scheme with appropriate landscaping would not have a significant visual impact. The WC Landscape Officer is in broad agreement with the conclusions of the LVIA, although disagrees with the conclusions reached within the application that double tree lined streets can be accommodated. The applicant has argued that this would be a matter for consideration under the detailed submission for approval of reserved matters.

The landscaping of the site has to a large extent evolved around ecological matters where bat habitat is needed to be created/enhanced to ensure their conservation. This has led to larger areas of proposed landscaping where bat habitats areas are required to be retained and enhanced. This however, does not remove the requirement for enhanced quality of design through appropriate levels of landscaping across the site and this has been recognised as necessary by the landscape officer.

The Landscape Officer has identified that they are prepared to remove their landscape objection pending the use of a suitably worded condition to ensure that any reserved matters landscaping scheme is required to incorporate double tree lined streets and an improved eastern landscape boundary treatment onto Sleight Lane. This is considered acceptable and necessary and it should be highlighted that the landscaping scheme should be provided as part of a comprehensive scheme, informing the layout of development as opposed to a retrofit at a later date. It should also be highlighted that landscaping along Sleight Lane should be of a natural form and not result in hard features, such as for example, close timber boarded fencing. The boundary features along this line should reflect the countryside location within which this site is located, i.e. hedgerow and feature trees within the hedgerow.

The landscape architect maintains a concern that the current mix is a hidden constraint that will impact on the deliverability of street trees and high quality design and place shaping i.e. a change in mix from flats to 4 bed homes would have major implications on land take requirements within any revised detailed layout. Not only in terms of increased dwellings and garden plot footprints, but also from consequential increased parking standard requirements. It is acknowledged that the application is in outline form and that such detail, which is not for consideration now, can be reasonably conditioned for consideration at reserved matters stage.

It is further acknowledged that street trees should be incorporated into appropriate width/volume planting beds to the satisfaction of both the Council's Highways and Landscape officer/s. The envisaged delivery of suitable street trees along primary routes must not be sacrificed in principle or be unsuitably vulnerable (for example to vandalism) based on the proposed use of small fastigate tree varieties e.g., such as 'Prunus amanogawa' at reserved matters stage.

There is potential for a further adverse resulting night-time visual effect arising from introduction of new external lighting within the site that would likely result in a slight / negligible increased 'sky glow' from the existing settlement, incrementally adding to reduction of AONB 'Dark Skies'. This would not be sufficient grounds to refuse the application on. The landscape officer does not highlight any other wider potential negative landscape or visual effects that would be likely to adversely impact upon the setting of the AONB if this site were to be developed for new residential uses, subject to condition.

In conclusion it is agreed with the LVIA findings that no significant major adverse landscape or visual effects are likely to result from this development proposal apart from the obvious permanent change to the character and land use of the site itself resulting from the corresponding loss of green field countryside. The greatest visual changes arising from the proposed development will be localised, registered by the nearest residential properties along Sleight Lane and the Pub which share existing open views across the site and of course the road users of the adjoining roads. Core Policy 51 requires all new development proposal to conserve Wiltshire's landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that an appropriate landscaping scheme could be conditioned to come forward at reserved matters stage, although this could impact on the number of dwellings proposed.

9.4 Heritage Impact

It is recognised that there is a Grade II Listed building opposite the site, the 'Fox and Hounds' which lies approximately 20m to the north east of the site, across the A342. The building is an 18th century inn with a thatched roof and red bricks



Fox and Hounds

Listing:

Inn, C18 possibly on earlier core, chequered brick and red brick with thatched roof hipped to left, right end stack. Two storeys, 4-window range. Centre section, probably earliest, is chequered brick with raised band and 2 casement pairs above, cambered head 12-pane window and cambered head door below, both probably altered. Left and right sections are added in red brick with band continued across. To left, upper casement pair and ground floor C20 cambered-head 12-pane window. To right, upper casement pair and ground floor triple casement. One rear wall stack.

The application argues that from the analysis of available information and a site visit to the building and its environs it is evident that the significance of this asset is derived from the architectural interest of its built form, although it is recognised that some significance may be drawn from its setting.

More widely, its setting is defined by the rural and agricultural landscape to the south, which includes the north-eastern portions of land within the site and beyond. The site visit established that the frontage of the building addresses the road, and historically would have been appreciated from the south on the approach to Devizes. As such, it is considered that the building as appreciated from the road makes a positive contribution to its significance.

Comments from the conservation Officer clarify that in terms of the historic environment, the key issue is the potential impact on the Fox and Hounds. While it is acknowledged that planning policy does not prevent any change to the historic environment it does set out that there should be no harm, unless there is public benefit. The masterplan shows an open space opposite the Fox and Hounds which is welcome.

It is considered that the exact size and location of the proposed buildings in the vicinity of the heritage asset would be needed to be able to judge their potential impact. For example, a two storey building could have a greater mass if it has a wide gable and large roof, especially if located on higher ground than the listed building. The CO can only reserve judgement at this stage. Another important element will be the boundary treatment to the site on the A342. The hedge gives a rural character to the area and this soft landscaping should be retained and enhanced.

It is noted that a natural hedge line is to be proposed along the main road which is welcomed. There is an open space opposite the Fox and Hounds the grade II listed building. The Fox and Hounds has a rural character and this should be maintained and not subsumed by development. The final judgment will depend on the height and bulk of the houses nearest to the site and how visible these are on the approach to the town.

It is acknowledged that the proposed development would not result in a direct effect on the built form of the listed building and therefore the significance bound up in its architectural, artistic and historic interest within the built fabric would be preserved. The proposals would not remove the ability to experience the listed building from its curtilage, or from the roadside approach to Devizes, from where its form is best appreciated. The site has a minor, but nonetheless positive contribution to the significance of the building, in relation to the surrounding rural landscape. This is acknowledged by the CO. The Presentation Masterplan shows that the proposed development has responded by providing open space directly opposite the listed building in the development, which somewhat helps to preserve the experience of the listed building.

On balance it is considered that the proposed layout ensures that no significant harm would be caused to the setting of the identified designated heritage asset. The proposed open space on site supports setting within which the listed building will be viewed and whilst it is accepted that some harm to the setting will likely occur this would be to the lower end and less than substantial. The public benefits associated with the scheme will be to provide a mixture of market and affordable housing needed for the area, the economic benefits for the area through the payment of CIL and council tax associated with the number of dwellings proposed. It is therefore considered that the proposal would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS.

9.5 Agricultural Land

The majority of the site is classified as grade 1 - i.e. Best and Most Versatile Land (BMV). However, Natural England's concerns over loss of best agricultural land generally only applies where areas greater than 20ha would be lost. This portion of land falls well below that threshold and, therefore, its loss is considered acceptable.

9.6 Drainage

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs).

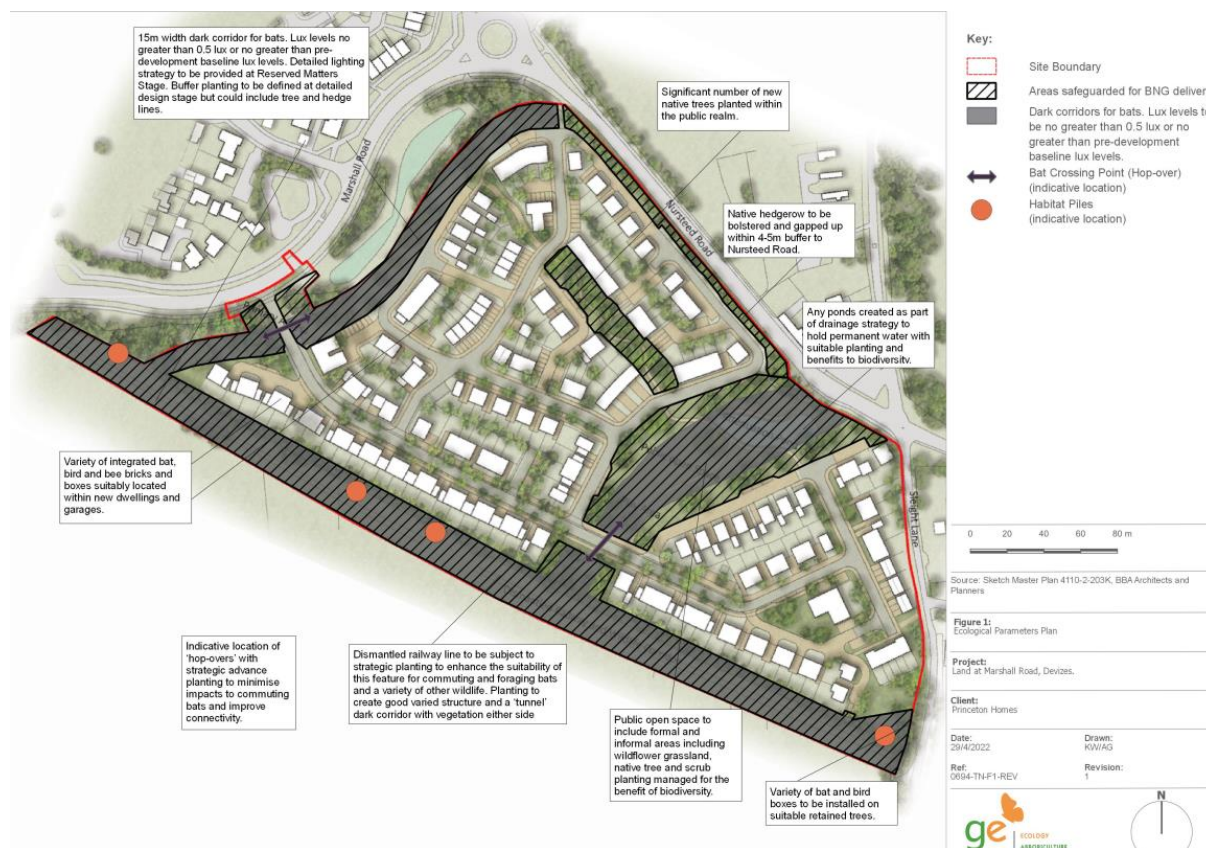
The application has been supported with a Site-Specific Flood Risk Assessment (FRA). The drainage team support this Outline Application, subject to conditions being met at Full / Reserved Matters Planning Application stage.

Based on the latest plans and documents submitted, the Lead Local Flood Authority (LLFA) supports the proposed development, subject to conditions. With such conditions in place to control the points identified within the LLFA comments, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF – that is, that the development would not lead to increased flood risks elsewhere. The conditions are considered necessary and reasonable to impose.

9.7 Ecological Impact

Initially the development was subject to a holding objection until it could be demonstrated that the proposed scheme would not have an unacceptable impact on ecology, notably local bat populations in terms of habitat loss.

The Sketch Master Plan has been revised to accommodate 15m dark corridors along the northern and south-western boundaries of the site, resulting in some configuration of the layout as previously proposed. The Ecological Parameters Plan (below) has also been revised to accommodate the additional buffer widths along these boundaries and shows the location of all proposed dark corridors. Lighting within these areas will be controlled by adherence to a condition. The mechanisms for controlling light spill in these areas will rely on a detailed lighting strategy together with detailed landscaping design and planting plans.



Ecological Parameters Plan

The ecologist is satisfied that in combination, these measures will ensure the site retains the functionality of its habitats for wildlife, particularly for Annex II bats known to be active in the immediate surrounding area. They are content to accept the revised Parameters Plan showing 15m buffers along the northern and south-western boundaries, in the absence of further bat activity surveys.

However, the Council's Ecologist does not agree to the reduction to the 15 metre buffer zones suggested within the consultant ecologists recommended condition, that if further bat surveys are conducted during the current survey season and show low numbers of Annex II bats using the boundary features.

The Council's Ecologist is aware from trapping and radio-tracking undertaken very recently, that Annex II bats, particularly Barbastelles, are prevalent in the area around this site and that the site lies on or adjacent an existing flyway for bats commuting between summer and winter roost sites. Annex II bats are notoriously difficult to detect and record, due to their quiet and directional echo location calls. It must be recognised that these species has already been recorded on the periphery of the site.

The principal reason for fixing the parameters plan at the outline stage is to demonstrate that the development can be achieved within the site while also achieving no net loss of functional habitat. The REM submission will need to present a layout that fits within the parameters agreed at the outline stage, this is important in order to safeguard protected species and their habitats and to ensure enhancements in favour of such species.

The following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with the parameters plan; and
- that development shall not commence until the submission of a Lighting assessment of the final scheme, a LEMP and a CEMP have been approved.

The conditions are reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

9.8 Archaeology

The scheme was considered under preapp where it was identified that from the Council's historic archaeology records these fairly irregular fields lie south of Devizes; they seem to have changed little since the later C19 according to the historic map evidence. They are probably best described as piecemeal enclosures of post medieval date but are not classic examples.

An Archaeological and Heritage Assessment has been carried out in support of the application. The assessment identifies that the site is not located within or contain any designated heritage asset, for example a schedule ancient monument or battlefield and also there is no designated heritage asset on the site (i.e. a listed building). It is recognised that the site sits within the context of the Grade II Listed building (The Fox and Hounds) on the opposite side of the road and this has been covered in the heritage section above.

The report states that an *“analysis of historic sources and archaeological evidence from the immediate environs of the site, confirms that there is a moderate potential that the site may contain features and deposits relating to Prehistoric and Roman activity, most likely representing agricultural activity, if present. There is the potential for very low value medieval and post-medieval agricultural activity to be present”*. The report concludes that *“on the basis of current evidence, and given the likely truncation caused by the modern agricultural regime, any such remains are likely to be of no more than local importance and would not require preservation in situ. Any further archaeological investigations, if deemed necessary, are most suitably secured by a condition”*.

In order to validate the findings of the report and to clearly establish whether any archaeological presence on site remains it is recommended that a condition is imposed on any grant of consent.

9.9 Public Protection

Issues have been highlighted at potential for impact from the waste transfer station to the east of the site. Two separate fires have occurred over the last six years. The prevailing wind during one of the two incidents identified was easterly and thereby blew fumes and debris towards Devizes; the other incident mentioned the winds were westerly. It should be noted that for the UK the prevailing winds are normally south westerly. Comments received from the Environment Agency acknowledge that there are two sites with environmental permits approximately 100 metres to the east of the site, one a waste transfer station and one a composting facility. The EA clarifies that these are waste management sites and not COMAH (control of major accident hazard) sites as suggested within the objections received from local residents. It is worth noting that the composting facility is non-operational currently, but the

permit remains live and therefore there is potential for composting activities to re-commence in the future. In any event the potential for pollution clearly exists at present, with reference to the stated impact on existing householders and as such this as an issue would need to be resolved through the appropriate regulatory process through the Environment Agency and Public Health departments.

The EA note the concerns raised regarding two fires since 2014, such incidents are covered under separate legislation and as part of the EA's regulations, the operators are working towards a suitable fire prevention plan and have already put some measures in place to mitigate these risks. The EA therefore do not comment on whether this is a material consideration in the grant/refusal of this planning application given that there is a certain amount of potential for fire with any domestic / business place.

In terms of amenity issues, it is considered that a residential development this close to a waste management site could give rise to amenity complaints. The EA clarify that at this site the issues are more likely to be noise and dust, with potentially odour, especially if the site were to recommence composting activity. The EA has not found any amenity issues to date to raise however, with residents being located closer, it is an area that should be considered at an early stage. It is important to note that the waste activities are already permitted, so any development which could increase receptors in the local vicinity, should be determined and designed with this in mind.

The EA therefore recommend that monitoring and modelling takes place to inform any mitigation / design elements that might be required to address any amenity issues identified from this additional research. Any necessary mitigation should be designed into the overall scheme.

The Councils Public Protection team also recognise the potential for impact from noise and air quality and contaminated land with this site and therefore recommend the imposition of conditions. Whilst the Public Protection team recommend the imposition of pre-commencement conditions it is considered that such survey work should be carried out in order to inform the final design of the scheme at reserved matters stage.

Neither the EA or the Council's Public Protection team have an objection to the development subject to conditions relating to noise, air quality, contaminated land and the provision of a CEMP. These requirements are reasonable and necessary to make the development acceptable in planning terms.

9.10 Highways

Concerns have been raised that the proposal would result in an impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading. However, the comments received from the highway officer do not raise objections to the proposed scheme subject to the imposition of conditions.

The highway officer considers that the development would be adjacent to the existing built-up area of the town with a good standard of walking and cycle connections towards the town facilities. The development will be within guideline walking and cycling distances of nearly all town facilities including several primary schools and the Devizes secondary school. There are nearby bus stops / services along both Marshall Road and the A342. They offer no objection on transport sustainability grounds. It is agreed that the site is well located in this instance in relation to its location adjoining the market town of Devizes.

The application proposes a simple priority form of junction to the distributor type road (Marshall Road). It is considered that this number of dwellings could normally require a ghost island right

turning lane junction, but in this instance, Marshall Road being effectively a large cul-de-sac, there will be very small numbers of right turn vehicles into the site. A right turning lane is therefore not required. The conclusions of the highway officer are that the geometrical scale of the junction, including the junction visibility splays, are as previously discussed and are considered satisfactory to serve the development proposed.

Traffic levels have been surveyed and adjusted upwards to reflect pandemic reductions at the time of surveys, also the survey work was based on a higher number of units. The survey works is considered robust. The assessment concludes no or limited capacity issues at junctions. A 'Full Travel Plan' will be required at detailed stage, this should be covered condition. It is recognised that improvements within the area for pedestrian, cycle access and access to the bus stop will be required and these matters can be considered under condition through the approved matters stage. The indicative layout sets a strong hierarchy that will need to be developed at reserved matters stage, taking into consideration the constraints of the site relating to ecology, landscaping and drainage issues.

These conditions are reasonable and necessary, and it is therefore recommended that they are imposed on any permission given. With such conditions in place, coupled with the s106 contributions, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

9.11 Community Infrastructure Levy (CIL)

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

10. S106 contributions

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

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

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme. The Applicant has agreed to provide the following:

Affordable Housing

CP 43 states that on dwellings of 5 or more, affordable housing provision of at least 30% should be provided. The applicant has agreed to provide 51 affordable housing units which meets the 30% required for up to 170 dwellings. These will be transferred to a Registered Provider. Based on current housing need figures for Devizes these should be a mix of 60% affordable rent, 15% shared ownership homes and 25% first homes.

Please note that due to potential maintenance/management issues, flats over garages/courtyard entrances are not an affordable housing type the Council would be able to

currently support. Furthermore, it is understood that 2 bed apartments above ground level are proving difficult to let, so again this property type would not be encouraged.

Recreation and Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF. Saved Policy HC34 of the Kennett Local Plan states that where new residential development of 20 or more dwellings recreational open space will be required to be provided. Recreational open space will be required to be provided on the basis of 2.43 ha/1000 people, comprising:

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

As there has been a reduction in the number of dwellings proposed the final figures will be reported following an update from the relevant officer. Needless to say the proposal generates an open space requirement, financial contribution towards leisure and an on-site NEAP.

Education

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs of existing and new communities. As there has been a reduction in the number of dwellings proposed the final figures will be reported following an update from the relevant officer.

Refuse

A contribution of £15,470 (£91 per dwelling x 170) would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development and is listed in Core Policy 3 as an infrastructure priority theme 1.

Highways

CP 61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. Such requests are also listed under Core Policy 3 as infrastructure priority theme 1.

- Full Travel Plan shall include travel vouchers - being offered to household of £250 / £150 where the lower figure is for those households with an occupant entitled to concessionary bus travel.
- A Travel Plan monitoring fee of £7500 (£1500 pa over 5 years)

11. Conclusion (The Planning Balance)

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

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

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

It is recognised that the proposed development has the potential for impact on the setting of the nearby heritage asset, however, it has been concluded that provided that units within the vicinity of the heritage asset are not too tall or bulky and the scheme as a whole retains a degree of rural character that the impact would not cause harm to the setting. The scheme is therefore considered to comply with the requirements of the NPPF. It is further considered that as The Fox and Hounds is a public house on an edge of town location, that it will likely benefit through this development, for example the scheme would potentially provide economic support for this community facility maintaining its viability and thereby continued use as a local facility within this area.

Whilst many concerns have been expressed at the potential for impact on protected species within the area, the submitted parameter's plan has been considered acceptable by the Council's Ecologist to safeguard species using the area. Further enhancements could be included within final design of dwellings that can further enhance the scheme.

The scheme has undergone public consultation and has gained the high level support of Devizes Town Council. The development, if approved, would provide financial benefits towards leisure and travel within the area and on-site 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 of course the economic benefits of a scheme of this size within this location both during the construction phase, where local trade and suppliers may benefit and also economic support for local businesses through additional households spending within the community.

It is acknowledged that the LVIA's findings and report represent a fair assessment of the resulting landscape and visual effects likely to arise from the proposal. It is acknowledged that there will be some limited harmful landscape and visual change effects likely to arise from this proposed urban development. These are identified to result from the loss of existing green agricultural fields, replaced by corresponding new areas of residential development and uses, that will extend urbanising influences into countryside. These effects should be recognised within any planning balancing exercise if the NPPF's 'tilted balance' is engaged. However, the site does not fall within any protected landscape designation. This site has been offered and considered within the Council's current Local Plan Review process and no higher-level landscape or visual constraints are identified to prevent this site moving forward to the next stages of consideration in landscape and visual terms subject to inclusion of appropriate 'substantial' planting in mitigation etc.

It is considered based on the submitted LVIA findings and the landscape officers comments that there would not be any landscape or visual reasons which would substantiate a specific detailed reasoned landscape policy objection based on unacceptably harmful resulting landscape and visual effects for important landscape features, public visual amenity, the setting to the North Wessex Downs AONB, or wider landscape character as long as the necessary mitigation required in the form of inherent sensitive design principles and a strong

mitigating and enhancing landscape scheme delivers a sympathetic transition with the adjoining countryside.

There are no recognised highway safety implications associated with the proposed scheme and support subject to conditions is provided by the highway officer. Enhancements relating to traffic impacts and the scheme include the provision of a new and replacement bus stop, these enhancements would be considered as a benefit for the community as a whole.

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

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application. Officers maintain that the provision of 170 dwellings a proportion of which would be affordable housing would lead to no demonstrable policy harm and the windfall residential provision of 170 dwellings in this location can be fully supported through the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Devizes is defined as a Market Town in policy terms within the Wiltshire Core Strategy and the proposal is considered acceptable in this location adjoining the settlement boundary. The scheme would result in delivering 170 dwellings a proportion of which would be affordable housing at what is considered a sustainable location; and in recognition that there are no substantive planning reasons to counter the titled balance engaged by the NPPF, this application is supported by officers, subject to conditions and section 106 contributions.

RECOMMENDATION

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

Conditions: (28)

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

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

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

(d) The landscaping of the site.

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

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

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

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

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

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

- Site Location Plan, Dwg No. 199 Rev E
- 'Ecological Parameters Plan', Dwg No. 0694-TN-F1-REV Rev 1
- 'Concept Site Access', Dwg No. 41342/5501/SK01 Rev F
- Design and Access Statement 4110

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

- 5 Any application for approval of Reserved Matters shall be designed in strict accordance with the details and parameters set out on the Ecological Parameters Plan (drawing reference. 0694-TN-F1-REV Rev 1) or any variation thereto which is approved in writing by the local planning authority.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity, and of conserving the ecological functionality of the site and to maintain links into the wider landscape area for foraging and commuting wildlife. And in order to establish ecological parameters for the site within which no development can take place and to secure mitigation measures to ensure the site is developed in such a way as to avoid adverse impact to protected habitats and species.

- 6 Notwithstanding any reference to the number of properties proposed contained within the submitted details, any application for approval of Reserved Matters shall be designed in close accordance with the details and parameters as described and illustrated in the approved Design and Access Statement and the principles illustrated within it, specifically:

-

- The 'design philosophies' described in the DAS (section 4)

A statement shall be submitted with each Reserved Matters application, which demonstrates how the application proposals are in compliance with the Design and Access Statement.

REASON: The DAS includes numerous parameters and a simple design code aimed at delivering a varied, high-quality, locally inspired design, relevant to both the public realm and architecture. NPPF paragraph 134 b) states that significant weight should be given

to design that helps raise the standard of design more generally in an area, and weight has been given to this matter in permitting this development, to ensure that high standards of urban design and comprehensively planned development is achieved in accordance with policies of the Core Strategy.

- 7 No development shall commence within the area indicated within the red outline until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

- 8 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses 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 written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been 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 (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been 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: The matter is required to be agreed with the Local Planning Authority before development commences to ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

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

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

NOTE: The Lead Local Flood Authority advises that in order to discharge this condition the detail as highlighted within the 'Land drainage Informative' below should be submitted.

- 10 No development shall commence on site until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - 1) An introduction consisting of definitions and abbreviations and project description and location
 - 2) A description of management responsibilities
 - 3) A description of the construction programme
 - 4) Site working hours and a named person for residents to contact
 - 5) Detailed Site logistics arrangements
 - 6) Details regarding parking, deliveries, and storage; including delivery hours (to avoid peak times), parking of vehicles of site operatives and visitors (on site and not on local highways), and storage on site
 - 7) Details regarding dust and noise mitigation
 - 8) 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
 - 9) Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.
 - 10) The movement of construction vehicles, to include the routes to site
 - 11) The cutting or other processing of building materials on site
 - 12) Wheel washing and vehicle wash down facilities
 - 13) The transportation and storage of waste and building materials
 - 14) The recycling of waste materials (if any)
 - 15) The loading and unloading of equipment, plant and materials
 - 16) The location and use of generators
 - 17) The location of any temporary on site accommodation
 - 18) Where piling is required this must be continuous flight auger piling wherever practicable to minimise impacts
 - 19) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

The construction/demolition phase of the development will be carried out fully in accordance with the construction method statement at all times.

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

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

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

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

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

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

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

- 13 No development shall commence on site until an Air Quality Assessment (AQA) has been submitted to and approved in writing by the Local Planning Authority. The AQA must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality, including impact on residents of the proposed site from the nearby waste transfer station / composting facility from dust and odour. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any mitigation identified from the results of the assessment shall be incorporated into the final design of the proposed development. Development shall be carried out in accordance with the approved details.

REASON: In order to assess the impact of new development within an area subject to an air quality management area restriction, in the interests of the amenity of the area and the site itself and in the interests of protected species and their habitats.

- 14 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

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

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

- 16 Prior to commencement of the development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of construction vehicle routeing, construction staff vehicle parking areas within the site, local road cleaning, and measures to prevent excessive mud and dust being deposited on the public highway. The site construction shall be carried out in accordance with the approved plan.

REASON: In the interests of highway safety and road user convenience.

- 17 Prior to first occupation the two existing field gate access points to the development land shall have been properly and permanently closed in accordance with details to be first submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of preventing indiscriminate use of inappropriate access points to the public highway.

- 18 No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in

accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 19 No development shall take place above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. The use of local natural stone/ heritage clay brick (red, white-washed red and red with blue tones) / natural timber will be used for the facing walls / windows / doors in the detailed design of this scheme. Development shall be carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and in order to secure a high quality of design to make a positive contribution to the site and its surroundings and show consideration for its local context. The appearance and treatment of the spaces between and around buildings is also of great importance.

- 20 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

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

Mondays - Fridays 08:00 – 18:00hrs

Saturdays 08:00 – 13:00hrs

Not at all on Sundays or Bank and Public Holidays

REASON: In the interests of the amenity of the area

- 22 No burning shall take place on site during the construction phase.

REASON: In the interests of the amenity of the area

- 23 Prior to first occupation the access, including the tactile lowered kerb crossing of Marshall Road just east of the vehicular access, shall have been provided, as detailed on plan number 41342/5501/SK01/F.

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

- 24 Prior to occupation of the 100th dwelling the section of 3 metre wide footway on the A342 connecting into the development, and the associated tactile crossing of Marshall Road just west of the Marshall Road / A342 roundabout detailed on plan number 41342/5501/SK01/F shall all have been provided.

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

- 25 Prior to first occupation of the 50th dwelling the new south-east bound bus stop on the A342 as outlined on plan number 41342/5501/SK01/F, including high access kerbs, road markings and a new flag sign, shall all have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of improved public transport accessibility.

- 26 Prior to first occupation of the 50th dwelling a new replacement bus shelter at the existing north-west bound bus layby on the A342, as outlined on plan number 41342/5501/SK01/F, including demolition and removal of the existing shelter, high access kerbs and a flag sign, shall have been provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of improved public transport accessibility.

- 27 Prior to first occupation of the 100th dwelling the existing footway between the Sleight Lane / A342 junction and the existing north-west bound bus layby on the A342 shall have been widened to 2 metres and resurfaced in accordance with details to be first submitted to and approved in writing by the local Planning Authority.

REASON: In the interests of good pedestrian and public transport accessibility.

- 28 Prior to first occupation of the 100th dwelling the existing footway on the north-east side of the A342 shall have been widened to between 1 and 1.2 metres and resurfaced in tarmacadam, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of good pedestrian accessibility.

Informatives: (14)

- 29 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>.

- 30 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 31 This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].
- 32 The attention of the applicant is drawn to the contents of the letter from Wessex Water dated 12 August 2021.
- 33 The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.
- 34 The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
- 35 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
- 36 Informative: The presumed maximum site capacity has been agreed based on the indicative mix shown on Dwg 204: Sketch Masterplan Accommodation Schedule Overlay, which includes a significant number of open market apartments. If, at REM, a market housing mix should be proposed which instead includes a higher proportion of larger homes, then the final Amount may have to reduce in order that the quality of design is in accordance with the design philosophies described in the DAS (section 4).
- 37 Informative: The applicants attention is drawn to the Highways Authority requirements for the minimum car and cycle parking standards to be fully met at this location under any reserved matters application.
- 38 Informative: The reserved matters application should include a pedestrian access connection to Sleight Lane as indicated on the Sketch Masterplan number 4110/2/203/K.
- 39 Informative: The applicants attention is drawn to the requirement that at reserved matters stage a parallel road to A342 only separated by a hedgerow will not be accepted for highway safety reasons. The distance between the two roads and the landscaping will both need to be agreed with the relevant highways, landscape and ecological officers.
- 40 Informative: It is noted that the applicant plans to discharge surface water flows to an existing Wessex Water sewer; this will be subject to separate applications under Section 104 of the Water Industry Act.

It is noted that the applicant plans to utilise blue-green SuDS features throughout the site, within “green corridors”, this is favourable and in line with the current guidance for major developments in the NPPF. The applicant should seek to maximise the use of blue-green SuDS features (such as swales, bioretention, ponds) in order to provide drainage with multi-faceted benefits of managing water quality & quantity, whilst improving biodiversity and amenity. It will be unacceptable to the LLFA for SuDS features to be omitted due to a lack of available space / costs; the applicant’s drainage engineer should work closely with the landscape architect and masterplanner to ensure that SuDS are incorporated into the detailed design proposals.

41 Land Drainage Informative: The Lead Local Flood Authority advises that as part of the reserved matters consent application the following drainage information will be required:

1. Based on the Wiltshire Council SFRA mopping, the site has been identified to be at moderate risk of groundwater flooding. This is supported by the ground conditions assessment which states that perched groundwater has been encountered at approx. 500mm below ground level on adjacent sites. It is noted that the applicant has conducted trial pits to 3.6m depth, and has not encountered groundwater, however in order to demonstrate that the risk of groundwater flooding has been fully managed (in accordance with Paragraph 160 of the NPPF), the applicant should undertake further groundwater monitoring in order to take account of seasonal variations in groundwater level.

2. It is noted that there is a low risk of contamination on site due to historic land use, which will be the subject of additional detailed ground investigations. The applicant will be required to design the proposed drainage system to account for contamination encountered in this investigation, to ensure that a pathway between pollutants and sensitive receptors is not created by the drainage design.

3. In accordance with the Sewerage Sector Guidance (paragraph C.3.12), the applicant is required to consider collection of surface water for re-use, or provide justification as to why it cannot be achieved on this site. This could include rainwater harvesting for greywater applications such as toilet flushing, and domestic water butts.

4. The applicant will be required to provide detailed hydraulic calculations as part of a Full / Reserved Matters Planning Application in order to demonstrate:

a. The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.

b. The 1 in 100 year plus 40% climate change rainfall event does not cause flooding to any building (including a basement) or utility plant.

c. The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

The calculations should set the MADD factor / additional storage value to 0m³/ha to prevent an over-estimation of attenuation storage available on site.

Due to the outfall to a Wessex Water sewer, the calculations should also be simulated with a surcharged outfall, to ensure that this does not cause flooding on site.

The drainage drawings should show the pipe / link & manhole / node numbers used in the calculations in order to link the drawing with the detailed calculations.

5. The applicant will be required to submit plans which demonstrate how exceedance flows in excess of the 1 in 100year rainfall (+40% climate change) will be safely managed on site in order to prevent an increase in flood risk to people or property.
6. The applicant should provide an operation and maintenance programme detailing the proposed ownership details of the drainage infrastructure and the responsibilities of all parties.
7. The applicant should provide a development management and construction phasing plan.
- 42 Landscape Informative: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features the scheme of hard and soft landscaping that is required to be submitted shall include (but not be restricted to): -
- location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure, including details of all boundary treatments;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - retained historic landscape features and proposed restoration, where relevant.
 - additional trees, of a number, size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428
 - additional street trees shall be planted in double tree lines and shall be incorporated into appropriate width / volume planting beds to meet both highways and landscape requirements.