

## REPORT FOR AREA PLANNING COMMITTEES

Date of Meeting	18 <sup>th</sup> December 2024
Application Number	PL/2023/07797
Site Address	Land Off Park Road, Malmesbury, Wilts
Proposal	Reserved Matters Application pursuant of Outline Permission 19/05898/OUT (Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access) relating to Appearance, Landscaping, Layout and Scale
Applicant	Lagan Homes and White Lion Land (Malmesbury) Limited
Town/Parish Council	Malmesbury Town Council
Ward	Malmesbury
Latitude and Longitude	53.386624, - 5.190328
Type of application	Reserved Matters
Case Officer	James Repper

### Addendum

The planning application was originally heard by the Northern Area planning committee on Wednesday the 20<sup>th</sup> November 2024.

The application was deferred as the committee requested a legal opinion as to whether the committee could be involved in the determination of the discharge of condition application relating to Condition 12 of the outline application 19/05898/OUT. At the time of going to print the legal opinion from Wiltshire Council's legal department is outstanding, however, the response is deemed to be imminent. The Discharge of Conditions application is still to be determined and further technical negotiations are taking place between the applicants and the council's Highways department. During the meeting, the committee raised no concerns relating to the reserved matters at hand, as such the original report is appended with no alterations to the recommendation or the suggested conditions. Once the response is received from Wiltshire Council's own legal department it shall be added as a further addendum.

A legal response has been provided at this stage from Guy Williams KC of Landmark Chambers which has been included at Appendix A.

### **RECOMMENDATION:**

**Approve subject to the following conditions.**

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application Form & Certificate Received 13<sup>th</sup> September 2023  
Documents & Plans Ref:  
Documents Issue Register REF: 62445-MCB-XX-XX-IE-X-0002 Received 6<sup>th</sup> November 2024  
Landscaping 7 Ecology Register REF: edp7403 Received 6<sup>th</sup> November 2024

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

3. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All

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

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

4. Prior to first occupation of any unit the cycle parking for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023.

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

5. Prior to first occupation of any unit the electric vehicle charge point for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 and the EV Charging Points drawing reference MALMW-MCB-ZZ-ZZ-DR-A-0237 D5-P4 dated 22.07.2024.

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

6. Prior to first occupation of the development the measures set out at table 6 of the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 shall be provided in order to achieve the carbon emission savings set out in table 2 and table 7 of the statement.

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

7. Notwithstanding the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

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

8. No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

9. No development shall continue on-site beyond slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, in the interests of visual amenity and the character and appearance of the area.

## REPORT FOR NORTHERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	20 <sup>th</sup> November 2024
<b>Application Number</b>	PL/2023/07797
<b>Site Address</b>	Land Off Park Road, Malmesbury, Wilts
<b>Proposal</b>	Reserved Matters Application pursuant of Outline Permission 19/05898/OUT (Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access) relating to Appearance, Landscaping, Layout and Scale
<b>Applicant</b>	Lagan Homes and White Lion Land (Malmesbury) Limited
<b>Town/Parish Council</b>	Malmesbury Town Council
<b>Ward</b>	Malmesbury
<b>Latitude and Longitude</b>	53.386624, - 5.190328
<b>Type of application</b>	Reserved Matters
<b>Case Officer</b>	James Repper

### Reason for the application being considered by Committee

Councillor Grant has called the application to committee for the following reasons:

- Environmental Impacts
- Highway Impacts

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission should be APPROVED subject to conditions.

#### 2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle of development
- Scale, design, impacts on the character and the appearance of the area
- Residential amenity/living conditions

The revised application has generated an Objection from Malmesbury Town Council and 31 letters of representation from members of the public.

#### 3. Site Description

The application site, as outlined in red, consists of an area of land totalling 1.2 hectares in area, drawn around part of an existing open field located close to the rear boundaries of properties 21 -26 White Lion Park. The application site includes the hedge boundaries located to the southwest boundary and boundary with Park Road.

The site outlined in red forms part of an open grassed, closely mown field. The application site includes the current field boundaries to the southwest and southeast of the site. The application site includes the hedge boundary and ditches that run along the southern side of Park Road and two preserved trees (subject of TPO N/12/00001/IND) that are also contained within the north east boundary of the existing field. The remaining TPO trees and woodland subject of that order are not contained within the red site boundary but are within the applicant's ownership boundary.

The site slopes up from Park Road fairly steeply towards White Lion Park. The site is located in the Avon River Valley with the boundary to the Cotswold AONB located to the western side of Park Lane. Park Road, including land within the red site boundary forming the proposed access to the site, is low lying and close to the river valley and is located in Flood Risk Zones 2 and 3 and part of the application site is also an area at risk of both groundwater and surface water flooding.

The proposed development site lies in countryside outside the town's settlement boundary and is not identified as a housing site within the 'Wiltshire Housing Sites Allocation Plan' (February 2020) or the Malmesbury Neighbourhood Plan (Made 2015) or allocated for any form of development in the adopted development plan.

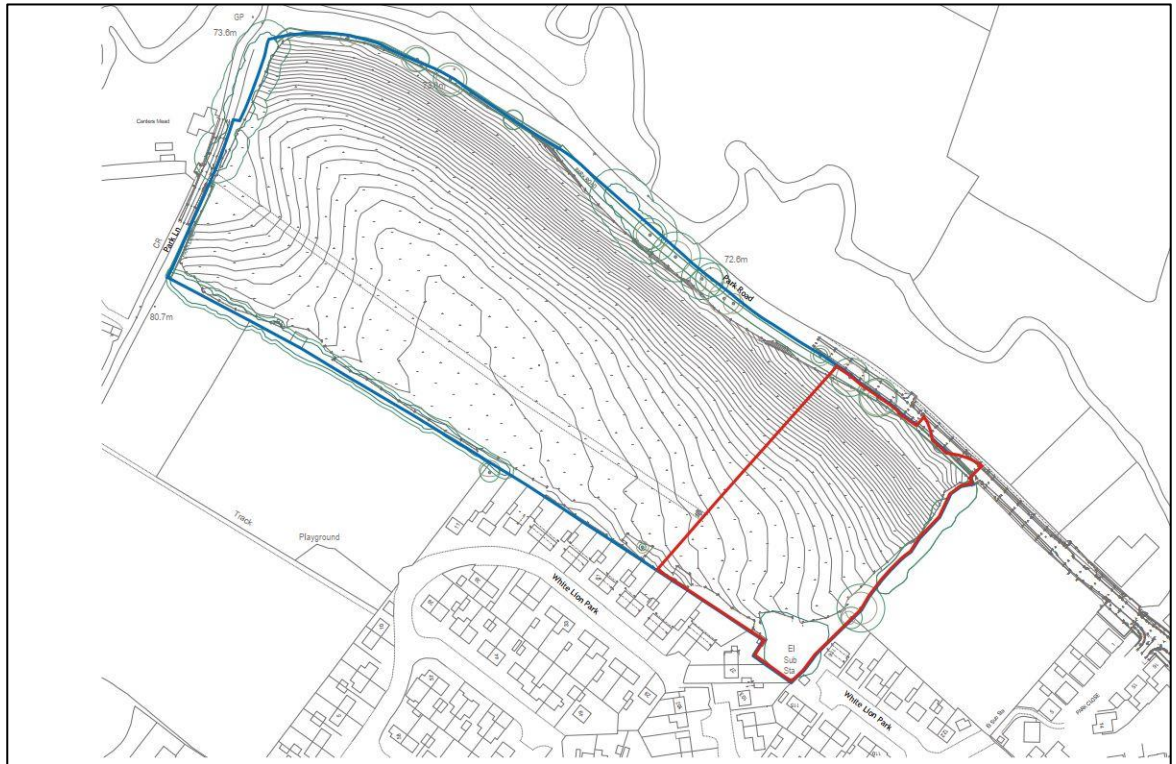


Figure 1 Site Location Plan

#### 4. Planning History

Application Ref	Proposal	Decision
19/05898/OUT	Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access.	Approved via Appeal September 2022
PL/2023/08583	Approval of details reserved by a condition	Under Consultation
20/08341/OUT	Neighbouring Site to East - Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Spaces, Landscaping and Associated Engineering Works.	Approved via Appeal September 2022
PL/2023/05471	Neighbouring Site to East - Approval of all reserved matters comprising of the erection of 23 dwellings together with associated infrastructure and landscaping following Outline Planning Permission ref 20/08341/OUT	Approved September 2024

#### 5. The Proposal

This is a Reserved Matters Application seeking consent for all those matters not approved as part of the outline application or subsequent Discharge of Condition Applications, Namely, layout, design, detail and landscaping.

#### 6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guidance (Planning practice guidance for beautiful, enduring and successful places) 2021

**North Wiltshire Local Plan 2011 saved policies:**

H4 – Residential Development in the Open Countryside  
NE14: Trees, Site Features and the control of new development.  
CF3: Provision of Open Space  
NE18: Noise and Pollution

**Wiltshire Core Strategy:**

Core Policy 1- Settlement Strategy  
Core Policy 2 - Delivery Strategy  
Core Policy 3 – Infrastructure Strategy  
Core Policy 13 - Malmesbury Community Area  
Core Policy 43 – Providing Affordable Homes  
Core Policy 50 - Biodiversity and Geodiversity  
Core Policy 51- Landscape.  
Core Policy 52 - Green Infrastructure.  
Core Policy 57 - Ensuring High Quality Design and Place Shaping  
Core Policy 60 – Sustainable Transport  
Core Policy 61 – Transport and New Development  
Core Policy 64 – Demand Management

**Supplementary Planning Guidance:**

Wiltshire Design Guide (Shaping the Future – My Place, Your Place, Our Place) 2024  
Wiltshire Local Transport Plan – Car Parking Strategy  
Malmesbury Neighbourhood Plan (February 2015)

**7. Summary of Consultation Responses**

All publishable comments from members of the public and consultees are available to view via the Wiltshire Council's planning website, below are summaries of those responses.

**Malmesbury Town Council: Object**

- At the Malmesbury Town Council planning and environment committee meeting on 13th August 2024, the following comment was resolved:-

As with previous comments (WC-23-10-283704/WC-24-03-296341/WC-24-07-305341) Malmesbury Town Council's Planning and Environment Committee is minded to object to this application in the strongest possible terms. The application remains Called -In.

MTC has made well-documented representations with regards to the clear risk of flooding. (We draw to attention the commentary provided by the Environment Agency on the 26th of March where they reference the fact Park Road is subject to flooding of unsafe depth and velocity.)

Measures suggested including rainwater storage are still, in our option (opinion (sic)), shortsighted, given the network of streams, ditches available to release said rainwater, all of which have to service similar discharges from an ever-growing town.

Overall, the fact that this development sits outside of the made neighbourhood plan is of paramount importance to this council and to the people of Malmesbury.

**Spatial Planning – No Comment****Highways Department – No Objection**

- I refer to the further revised plans received on 22nd July and 7th August 2024 in respect of the above reserved matters planning application.

**Site Layout**

The site layout has been further amended in line with the previous highway consultation response, with the visitor parking bays within the turning head being defined with a flush upturned HB2 kerb which should ensure that parking only takes place within these bays, and the entrance to the emergency access route is kept free of obstruction.

A footway has been reinstated to adjoin the carriageway fronting Plots 19-27, with a separate footpath serving as access to the property frontages, providing an acceptable highway layout.

### Parking

The car parking arrangements for all plots are now considered acceptable, and the provision for cycle parking is also acceptable.

### Emergency link

The Highways Response Note dated 22nd July 2024 refers to the indicative gated access to the emergency access route on the site layout plan and advises that the gate keypads to control its use are likely to have master locks that can only be unlocked by the management company or emergency services. These details are to be provided prior to the occupation of the site, as stated in condition 12.

The treatment of the connection of the emergency access with the public highway of Park Lane is suggested to be of a permeable hardstanding between the carriageway of Park Lane and a gate on the emergency access route. These details have been provided in the Highways Response Note dated 24th May 2024 on drawing no. LHMALMESBURY.1/30 indicating a gate set back 9m from the Park Lane carriageway edge and 2m by 70m visibility splays from the access.

Having regard to the above, I am happy that the highway layout for the site is now acceptable. The means of control of the emergency access route requires further clarification, but is covered by condition 12, and is considered as part of the discharge of conditions application, PL/2023/08583.

The development will be the subject of a Section 38 Agreement with the Highway Authority to secure the appropriate construction and adoption as public highway. The full engineering details of which have been submitted for technical approval, although currently not approved. I, therefore, recommend that no highway objection is raised to this reserved matters application.

### **Public Protection -**

#### **Urban Design – No Objection**

- The revised Materials layout with added annotation to identify the retaining wall in RC stone and pantile roofs in clay has satisfactorily addressed my objection outstanding.

#### **Archaeology – No Objection**

#### **Drainage – No Objection**

- Documents Reviewed:
  - Update with EA LLFA Response - Discharge of Condition 12
  - Construction Phase Plan

In November 2023 the LLFA requested addition information to discharge Condition 10 as follows:

- The topo suggests flow from the non-developed side would indicate runoff towards the site not as indicated in Figure 4.3. The applicant is required to provide a more detailed surface runoff analysis to confirm that this is not the case.  
This has been satisfactorily addressed in Sections 4.28 to 4.30
- The applicant is required to supply a construction phasing plan.  
This has been provided and is acceptable.

The LLFA has no further objections to this application.

#### **Landscape – No Objection**

- Following on from my last landscape consultation response, 02/09/2024, I note the inclusion of revised plans and documents subsequently uploaded onto the council's planning system, namely those uploaded 01/10/2024 (onwards) including revised;
  - Site layout.
  - Illustrative street scenes- AA, BB, CC.
  - External materials Plan.
  - GA Residential plots.
  - Planting Plan Residential Plots.
  - Planting Plan (POS areas).

- Flooding emergency access and egress MP.
- Tree protection Plan.
- Landscape & Ecological Management Plan.

Following further review of the content of these revised submissions, I consider that; The previously submitted street scene drawings, now more accurately illustrate the revised development proposal.

Location and specification of street trees are further clarified to provide an enforceable landscaping scheme.

The extent of necessary hedgerow removals at site access points are defined and included within the Tree Protection Plan. (Please ensure that the 'Tree Protection Plan' is included as an approved particular of development as part of the approved RM landscaping).

Further clarification of materials to be used for retaining walls (Re-con Stone) are included on the revised materials plan.

In light of the above I remove my previously advised landscape holding objection, and offer no further landscape reasons to object to the latest development proposal.

**Public Open Space – Comment**

- I have calculated the Public Open Space requirement for the 42 dwellings as per the formula set out in the S106 agreement, the requirement is 2505m<sup>2</sup> and I am satisfied that this has been met with the proposals shown within the blue line ownership boundary and that this is in accordance with the S106.

The S106 agreement also sets out a formula for calculating the off-site play space contribution; this will be £35,856.00 plus indexation payable prior to commencement of the development.

**Police Liaison Officer – No Comment**

**Housing Enabling Team – Comment**

- The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council, on a nil subsidy basis.

It is strongly recommended that the applicant contacts Registered Providers and Wiltshire Council's Residential Development Team as soon as possible in order to discuss the best option for the affordable dwellings including an indication of transfer prices that can be expected. A list of Registered Providers who work in partnership with Wiltshire Council, and contact details for Wiltshire Council's Residential Development Team, can be provided on request.

**Environment Agency – No Objection Subject to Condition**

- Thank you for consulting the Environment Agency on the above application. Please note that we have written our response in conjunction with our response to the Discharge of Conditions application we were also consulted on (PL/2023/08583). The same documentation submitted as part of the discharge of conditions has been submitted as part of this reserved matters application.

We have reviewed the submitted updated report - Mayer Brown document Discharge of Condition 10,11 &12 (reference LHMALMESBURY.10-DOC, version 7, dated February 2024) which was also submitted as part of the Discharge of Conditions application.

**Environment Agency position**

We have no objection to this application providing it is carried out in accordance with the submitted document above and the appendices submitted.

**Advice to LPA**

We recommend that you consult your Emergency Planners and the Emergency Services regarding the information submitted. As the primary access on Park Road is known to flood to potentially unsafe depths and velocities, it is noted that the applicant is proposing an alternative access through the field outside of the redline boundary to the west of the site.

We can accept that this route is above the design flood level and the Discharge of Condition flooding

document indicates that it will be reinforced and controlled by residents with a coded access. Whilst emergency planning is outside of our statutory remit, we recommend that the Emergency Planners and Emergency Services comment on whether the proposed surfacing and manner to restrict the use of the access (coded lock) is a sustainable option for access/egress for the lifetime of the development (100 years).

**Waste (Refuse & Management) – No Objection Subject to Conditions**

- Waste Management support with application as long as the attached conditions are adhered to.
- Conditions
- Land indemnity as set out SPD
- Parking at turning head as raised under Vehicle access.
- Informative: The council requires an indemnity in order to operate on any roads that are not adopted, including during any period where the council needs to deliver waste collection services prior to adoption. The required arrangements are set out in section 5.8 of the attached guidance with a sample indemnity provided in Appendix C

**Wessex Water DC – No Comment**

**Education – No Comment**

- As the education requirements for this development are secured by an S106 dated 21/07/22 against the outline application, we have no comments to make regarding the amended plans /additional information for this REM.

**Public Protection – No Comment**

**Ecology – No Objection**

**Arboricultural Officer – No Objection**

- Following submission of the Revised Arboricultural Method Statement prepared by EDP dated February 2024, I have no further comments to make.

**Climate Team – No Objection Subject to Conditions**

- No substantive comment, but disappointed to note loss of the feature tree to the south of plots now labelled 9 and 10.
- Prior to first occupation of any unit the cycle parking for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.
- Prior to first occupation of any unit the electric vehicle charge point for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 and the EV Charging Points drawing reference MALMW-MCB-ZZ-ZZ-DR-A-0237 D5-P4 dated 22.07.2024. REASON: To ensure that the objectives of sustainable development set out in policies CP41, CP55, CP57, and CP60 of the Wiltshire Core Strategy are achieved.
- Prior to first occupation of the development the measures set out at table 6 of the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 shall be provided in order to achieve the carbon emission savings set out in table 2 and table 7 of the statement. REASON: To ensure that the objectives of sustainable development set out in policies CP41 and CP57 of the Wiltshire Core Strategy are achieved.
- Notwithstanding the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach. REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.



- No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details. REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

**Dorset & Wiltshire Fire & Rescue Service – Comment**

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

**8. Publicity**

This application was advertised through the use of a site notice and letters of consultation.

31 letters of representation were received In response to the public consultation, 24 in Objection, 7 in comment form and 0 in support. The full comments can be viewed via the Wiltshire Council Planning Website, a summary of the points raised is as follows;

- Flooding
- Dangerous Access
- Wildlife Harm
- Lack of Employment
- Outside Neighbourhood Plan
- Insufficient School Places
- Insufficient Medical Provision
- Loss of Privacy
- Disruption
- Higways Impacts
- Insufficient Green Space
- Poorly Design Attenuation Basin
- Danger to TPO'd Trees
- Integral bird bricks should be universal rather than species-specific

**9. Planning Considerations**

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

At the current time, the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020) and the Malmesbury Neighbourhood Plan (adopted February 2015)

**9.1 Principle:**

This application is for reserved matters, the principle of development having been established with the grant of outline permission. There is accordingly no question as to the principle of development and the consideration of this proposal is confined to the details provided. Access was not a reserved matter at outline phase and this matter is also considered settled in planning terms as is drainage and flooding, this application is concerned with the remaining matters: appearance, landscaping, layout and scale.

**9.2 The Proposal:**

The proposal has undergone substantial revision over the course of the application. The most significant of these were followed by full re-consultations, with neighbours and commentators notified of additional plans. The outline permission was granted at appeal subject to a range of conditions. It will not be necessary to replicate these and this application sits alongside a separate application made to discharge pre-

commencement conditions. Planning practice guidance sets out that any conditions to be attached at reserved matters stage following a grant of outline planning permission can only be those that directly relate to the reserved matters.

The final proposal before the committee is as follows; 40 Dwellings with associated parking, amenity space, public open space, hard and soft landscaping plus associated works.

### 9.3 Appearance, Landscaping & Layout:

Core Policy 57 states that new development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Good design helps to provide a sense of place, creates or reinforces local distinctiveness, and promotes community cohesiveness and social wellbeing; The layout and design of new developments must also be based on a thorough understanding of the site itself and its wider context, and seek to maximise the benefits of the site's characteristics. This will require careful consideration of the site layout. No two sites share the same landscapes, contours, relationship with surrounding buildings, street patterns and features. The proximity of poor quality or indistinct development is not a justification for standard or poor design solutions. New development should integrate into its surroundings whilst seeking to enhance the overall character of the locality; A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings.

The application has undergone five rounds of consultation and redesigned with the Council's Urban Design team which has resolved concerns over materials, overbearing design and the rigidity of the site. The parking arrangements, verges and separation of public and private land have also undergone multiple areas of revision via negotiation with the team. These revisions have been accepted and the Urban Design team's objection has been withdrawn from the application.



Figure 2 Current Application Site Plan



Figure 4 Illustrative Street Scenes

Overall, it is considered that in view of the collaborative work between the applicants and the Urban Design team, the proposals before the committee are of an acceptable scale, massing, height and design to provide 40 dwellings with their associated parking and amenities in line with local and national policies. Given that the outline permission was for an indicative 50 dwellings the proposals presented within this revised application offer improved density and facilities to future occupants.

#### **9.4 Housing Mix:**

The proposed development is for a total of 40 dwellings of which 10 will be affordable housing, 7 will be shared ownership and the remaining 23 will be open-market housing. This represents a 42.5% affordable housing mix which is considered to be acceptable by the housing enablement team. After initial errors were made in the labelling of plans, the errors were corrected and design points had already been taken on board. The make-up of the affordable housing and mixtures was part of the original outline permission and secured via the original S106. It should also be noted that the applicants have engaged with the requests of the Housing Enablement Team throughout the application process and made multiple revisions until the team were happy with the offering.

#### **9.5 Residential Amenity:**

WCS policy CP57 (Ensuring High Quality Design & Space Shaping) requires that development should ensure the impact on the amenities of existing occupants/neighbours is acceptable and ensuring that appropriate levels of amenity are achievable within the development itself. The NPPF includes that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”. Residential amenity is affected by significant changes to the environment including privacy, outlook, daylight and sunlight, and living areas within private gardens and this, therefore, needs to be carefully considered accordingly.

The development is located to the Northeast of White Lion Park and to the north-northwest of the new development of 23 houses. This location is therefore considered to have no overshadowing effects on either of those estates. Comments have been raised in regard to loss of privacy to dwellings located within White Lion Park where dwellings gardens will back onto their own. It is however considered that there is a buffer of amenity spaces backing onto each other and those properties in White Lion Park are part of a linear form development where there is already a degree of overlooking between properties. The proposed dwellings are not considered to add any significant increase in overlook and, therefore, are considered to be acceptable in terms of protecting existing levels of residential amenities.

As per the negotiations between the applicants and the Urban Design team, the amenities provided to the new residents are considered to be acceptable.

#### **9.6 Highways:**

The site access was considered at the outline stage and does not form part of the reserved matters application.

General highway provision across the site has been subject to the tensions inherent between securing a liveable and permeable place while facilitating vehicular movement and also meeting the Council's parking standards as set out in the Local Transport Plan. The proposed site layout meets the relevant standards in this regard.

#### **9.7 Drainage:**

The drainage of the site was considered during the outline phase of the application with conditions requiring the provisions to be discharged. The details for those discharge of conditions were also provided within this application and the comments from the drainage team show on a point by point basis that all 19 requirements of condition 10 as well as the requirements for conditions 12 and 13 have been adequately addressed. The provision of that information within this application was informative in nature and is not part of the decision process for the reserved matters application, however, it is clear that the information provided is compatible with the reserved matters detail for which approval is sought.

#### **9.8 Other Matters**

Multiple comments have been received from members of the public and the town council relating to matters beyond the scope of this reserved matters application such as the flooding of the access, ecology and protected species, vehicle access to the site during the construction phase, hours of operation etc. These matters were either determined by the inspector directly when granting the outline planning permission or secured by conditions requiring discharging with the specialist officers from the specific departments. For clarity, the Reserved Matters application only concerns appearance, landscaping, layout and scale, other matters are not relevant to this application.

#### **10. Conclusion:**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The recommendation to grant permission has been taken having regard to the policies and proposals in the Wiltshire Core Strategy (Adopted January 2015), the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006) and the Malmesbury Neighbourhood Plan (February 2015), and to all the relevant material considerations set out in the report.

**RECOMMENDATION:**

Approve subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Application Form & Certificate Received 13<sup>th</sup> September 2023  
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Landscaping 7 Ecology Register REF: edp7403 Received 6<sup>th</sup> November 2024

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

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

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

4. Prior to first occupation of any unit the cycle parking for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023.

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

5. Prior to first occupation of any unit the electric vehicle charge point for that property shall be provided and made available to use as set out in the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 and the EV Charging Points drawing reference MALMW-MCB-ZZ-ZZ-DR-A-0237 D5-P4 dated 22.07.2024.

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

6. Prior to first occupation of the development the measures set out at table 6 of the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023 shall be provided in order to achieve the carbon emission savings set out in table 2 and table 7 of the statement.

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

7. Notwithstanding the Energy & Sustainability Statement by Energist Revision 01 dated 23 November 2023, the dwellings shall be constructed to meet as a minimum the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach.

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

8. No development above slab level shall occur until final details of the low-carbon and renewable energy technologies (such as air source heat pumps and roof-mounted solar PV) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

REASON: In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41, CP55 and CP57 of the Wiltshire Core Strategy.

9. No development shall continue on-site beyond slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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, in the interests of visual amenity and the character and appearance of the area.