



Devizes Town Council

www.devizes-tc.gov.uk

PLANNING COMMITTEE

You are summonsed to attend a meeting of the Planning Committee at the following, place and date.

Date: Tuesday 1st March 2022

Time: 7pm

Place: Ceres Hall, Corn Exchange, Market Place

Enquiries: Tel: 01380 723333

Chairman: Deputy Mayor, Councillor Corbett

Councillors:	Bridewell	Britten	Brown
	Burton	East	Gay
	Geddes	Giraud-Saunders	Greenwood
	Hopkins	Hoult	Hunter
	Nash	Oliver	Ormerod
	Pennington	Rose	Stevens
	Wallis	Wooldridge	

AGENDA

1. MINUTES

To approve as a correct record and authorise the Chairman to sign the minutes of the meeting held on 15th February 2022, and which have been circulated alongside the agenda.

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE(S) OF INTEREST

To receive any disclosure(s) of interest by a Councillor or an officer in matters to be considered at this meeting, in accordance with provisions of Sections 94 or 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

4. PUBLIC PARTICIPATION

At the Chairman's discretion, members of the public attending the meeting will be allowed to ask questions, make a statement or address the Council upon a matter of concern to that person which is relevant to the Council. A time limit of 5 minutes per person will be permitted, but this may be extended at the Chairman's discretion and a maximum period of 20 minutes has been allocated by the Council for this item of business.

5. REPORT FOR DECISION – PLANNING APPLICATIONS FOR CONSIDERATION

Details of Planning Applications for Consideration are attached ([doc 5/1](#)).

Members wishing to make enquiries about any of the applications listed or inspect plans before the meeting are advised to do so online at Wiltshire Council.

6. REPORT FOR INFORMATION – WILTSHIRE COUNCIL'S NOTICE OF PLANS GRANTED OR REFUSED

Attached ([doc 6/1](#)) a list of plans granted, refused or withdrawn.

7. REPORT FOR INFORMATION – PLANNING INSPECTORATE DECISION, LAND REAR OF 121-125 BRICKLEY LANE

[Doc \(7/1\)](#) attached confirms the Planning Inspector's dismissal of the appeal against Wiltshire Council's refusal of planning permission for the redevelopment of the vacant lock-up garages to provide 4 apartments.

8. REPORT FOR DECISION – 20 MPH SPEED REQUEST, MARSHALL ROAD DEVIZES

Recommendation

That the committee makes a request to Wiltshire Council for metro counters to be placed in Marshall Road, with the aim of bringing the speed limit down from 40mph to 20mph

Purpose of the Report

For the Council to start the process of seeking to reduce the speed along Marshall Road between the A342 Roundabout and the Roundabout with Green Lane and Newman Road.

Background

Officers have received a request from 55 residents of the Reeves Road and Ferguson Road estates, which are already 20mph Zones.

In the request it is noted that when constructed, the purpose of Marshall Road was as a link road between the A342 and Green Lane Hospital. The road now services a number of large residential areas including Reeves and Ferguson Roads and the roads leading off them, the Newman Road development, and Wordsworth Road estate. It also now services the new Green Lane sports facility and the surgical centre.

Over the next few years there will be further housing development feeding off Marshall Road, including a further 180 homes currently under planning consideration, 60 homes as part of the Primary Health Care development and the new Primary Health Care unit itself.

Whilst it is acknowledged that the Town Council has requested the speed limit be reduced along the road as part of the application PL/2021/07203, which is supported by the residents, it believes that even if the development does not go ahead, the nature of the road has materially changed: from a link road from the A342 to the Green Lane Hospital to a residential service road with multiple junctions over a short distance and as such, the speed limit should be reduced from 40mph to 20mph in line with the adjoining housing estates.

Options Considered

The committee needs to decide if it wishes to request that Wiltshire Council places a metro counter in Marshall Road, which residents hope will support their ambition for a reduction of the speed limit in the area to 20mph.

Implications and Risks

Financial and Resource Implications

The request to have metro counters does not carry a cost, however should the results be supportive of a speed reduction, the Town Council may be asked to contribute 25% of the scheme's cost.

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

9. REPORT FOR DECISION – UPDATE ON SUBSTANTIVE HIGHWAYS IMPROVEMENT WORKS IN DEVIZES

Recommendation

That the committee requests an update from Wiltshire Council on road improvements that have been undertaken in the last year, and its plans for substantive repairs and improvements over the next 12 months and beyond.

Purpose of the Report

For the committee to request information on investment that has been made and is due to be made on roads in Devizes.

Background

It is understood that for the financial year 2021/22, Wiltshire Council was awarded £22,924,000 from the Government's Highways Maintenance Fund to pay for a range of highways maintenance and improvements. It is now a year since that funding was awarded and it would be helpful to understand how this funding has supported highways improvements in the county; if any substantive project in the last 12 months have been undertaken in Devizes; and if this Government funding was used to help deliver them.

Furthermore, Devizes Town Council seeks visibility regarding the plan for this coming year's road improvement programme within the Devizes area and what are the local priorities going forward.

Options Considered

The committee needs to decide if it wishes to seek clarification on road maintenance work undertaken in Devizes over the last 12 months, what projects are planned for the financial year 2022/23 and what are the longer-term priorities for the local town network.

Implications and Risks

Financial and Resource Implications

Officers are unaware of any financial or resource implication for the Council associated with this decision

Legal Implications and Legislative Powers

The Council will be considering this matter under its General Power of Competence

Environmental Implications

Officers are unaware of any environmental implication for the Council associated with this decision.

Risk Assessment

Officers are unaware of any risk implication for the Council associated with this decision.

Crime and Disorder

Officers are not aware of any issues the Council should consider under Section 17 of the Crime and Disorder Act 1998.

10. QUESTION TIME

A short time is allowed at the discretion of the Chairman for councillors to ask questions on matters which are not on the current agenda but which are related to matters which have been previously discussed on an agenda relevant to the committee.

At least 24 hours' notice must be given to officers of the intended question. All other matters should be raised on an agenda and the request should be submitted through the Town Clerk

TOWN CLERK



Devizes Town Council
PLANNING COMMITTEE

Committee Members :

DOC5/1

DOC5/1 . **PL/2022/00867** Plot Ref :- Type :- OUTLINE
Applicant Name :- Square Bay (Property Ltd) Date Received :- 15/02/2022
Parish :- South Date Returned :-
Location :- Land West of Hillworth Rd/John Rennie Close
Devizes Agent
Proposals :- Outline planning application for residential development of up to 65 dwellings together with access and assoc works (mix of units to be determined by Reserved Matters) - all matters reserved except access

Observations :-

DOC5/1 . **PL/2021/09263A** Plot Ref :- Type :- HOUSEHOL
Applicant Name :- Wise Date Received :- 16/02/2022
Parish :- North Date Returned :-
Location :- 3 Victoria Road Devizes Agent
Proposals :- Ground floor rear extension, loft conversion, internal alterations plus windows & doors replacement throughout

Observations :-

DOC5/1 . **PL/2022/00500** Plot Ref :- Type :- HOUSEHOL
Applicant Name :- Mr Martin Strange Date Received :- 17/02/2022
Parish :- North Date Returned :-
Location :- 101 Southbroom Road Devizes Agent
Proposals :- The proposed installation of a heat pump condenser unit to be fixed to ground bearing slab at low level to the rear of the property

Observations :-

DOC5/1 . **PL/2022/00540** Plot Ref :- Type :- LISTED
Applicant Name :- Mr M Strange Date Received :- 17/02/2022
Parish :- North Date Returned :-
Location :- 101 Southbroom Road Devizes Agent

Link to Application[/00867](#)
Link to Application[/09263](#)
Link to Application[/00500](#)
Link to Application[/00540](#)

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Proposals :- The proposed installation of a heat pump condenser unit to be fixed to ground bearing slab at low level to the rear of the property

Observations :-

DOC5/1 . **PL/2022/00902** Plot Ref :- Type :- HOUSEHOL
 Applicant Name :- Mr Idris Griffiths Date Received :- 08/02/2022
 Parish :- North Date Returned :-
 Location :- 62 Mayenne Place Agent
 Devizes
 Proposals :- Construction of single storey Conservatory to rear elevation
 Observations :-

DOC5/1 . **PL/2022/00910** Plot Ref :- Type :- HOUSEHOL
 Applicant Name :- Mr Piers Dixon Date Received :- 16/02/2022
 Parish :- Roundway Date Returned :-
 Location :- 6 Roundway Gardens Agent
 Devizes
 Proposals :- Single storey extension to bungalow
 Observations :-

DOC5/1 . **PL/2022/00977** Plot Ref :- Type :- OUTLINE
 Applicant Name :- Berkeley Strategic Land Ltd Date Received :- 18/02/2022
 Parish :- Bishops Cannings Date Returned :-
 Location :- Land N of Horton Rd, Agent
 S of London Road
 Devizes
 Proposals :- Outline planning application with all matters reserved except access for up to 30,000sqm of use class B2 (General industrial), B8 (storage and distribution) and E (commercial, business and service) (g)(i-iii), with landscaping and assoc infrastructure
 Observations :-

DOC5/1 . **PL/2022/01004** Plot Ref :- Type :- HOUSEHOL
 Applicant Name :- Unknown (redacted info) Date Received :- 10/02/2022
 Parish :- South Date Returned :-
 Location :- Poppy Cottage Agent
 Old Park
 Devizes
 Proposals :- Erection of single and two storey extensions; Erection of detached garage
 Observations :-

DOC5/1 . **PL/2022/01092** Plot Ref :- Type :- TREE CONS
 Applicant Name :- Sara Gullmont Date Received :- 15/02/2022
 Parish :- North Date Returned :-
 Location :- 2 Morris Lane Agent
 Devizes

Link to Application/[00902](#)

Link to Application/[00910](#)

Link to Application/[00977](#)

Link to Application/[01004](#)

Link to Application/[01092](#)

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Proposals :- Silver birch tree (dying) - fell; Holly trees - remove
Observations :-

DOC5/1 . **PL/2022/01125** Plot Ref :- Type :- FULL
Applicant Name :- Fussell Wadman Ltd Date Received :- 16/02/2022
Parish :- Roundway Date Returned :-
Location :- Fussell Wadman Ltd Agent
Hopton Road
Devizes
Proposals :- Single storey showroom extension to existing vehicle dealership
building
Observations :-

DOC5/1 . **PL/2022/01213** Plot Ref :- Type :- TPO
Applicant Name :- Mr Maxwell Bishop Date Received :- 18/02/2022
Parish :- South Date Returned :-
Location :- Kimberley Agent
Pinetum Close
Devizes
Proposals :- Fell Pine Tree
Observations :-

Link to Application[/01125](#)

Link to Application[/01213](#)

PLANNING APPLICATIONS WHICH WILTSHIRE COUNCIL HAVE EITHER
GRANTED OR REFUSED PLANNING PERMISSION

Reference	Details	Applicant	Devizes Town Council Response	Granted or Refused
PL/2021/08329	Demolition of existing workshop and warehouse buildings, replacement with 9 dwellings with parking, gardens and assoc works – on Land, corner of New Park St and Northgate St	J Gaiger	No objection, 28-09-2021	Granted, 14-02-2022
PL/2021/07943	Display of two internally illuminated fascia signs – at Fussell Wadman Ltd	Scarlett Dotkova	No objection, 14-09-2021	Granted, 15-02-2022
PL/2021/09957 and PL/2021/10593	Subdivision of Class E unit into 2x Class E units at GF No 4 High St; Creation of a 2-bed apartment on 1 st floor above No 4 High St; Creation of 2-bed apartment on 2 nd floor above No 4 High St – at 4 High St and Untis 1,8,10 Old Swan Yard	Mr M Quigley, QIG Ltd	No objection, 23-11-2022	Granted, 15-02-2022
PL/2022/00299	Variation of conditions of 19/00721/FUL to remain trading and maintain the indoor skatepark. To include amplification equipment to allow for music and to adjust opening hours – at Unit 2, Garden Trading Estate	Mr Terry Corbridge	No objection, 01-02-2022	Granted, 15-02-2022

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PL/2021/10858	Proposed internal alterations to ground and first floors; external alterations for insertion of new window to side elevation, insertion of window and door openings in rear elevation – at Eastcroft House, 38 Long St	Mrs H Wilson	No objection, 04-01-2022	Granted 09-02-2022
PL/2021/11814	Demolish existing conservatory and erect new sun room, inc all other assoc works – at 12 Waylands	Mr Stuart Barnett	No objection, 18-01-2022	Granted, 09-02-2022
PL/2021/11365	Extension and alterations to garage, with assoc works, and change of use to mixed use dwelling house and gym	Mr Justin Whiting	No objection, 18-01-2022	Granted, 10-02-2022

[Click here](#) to return to main agenda.

Doc7/1



The Planning Inspectorate

Appeal Decision

Site visit made on 21 December 2021

by **R E Jones BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Y3940/W/21/3279359

Garage court rear of 121-125 Brickley Lane, Devizes, 401734, 161227

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Clive Stanton against the decision of Wiltshire Council.
 - The application Ref 21/01561/OUT, dated 12 February 2021, was refused by notice dated 28 May 2021.
 - The development proposed is redevelopment of vacant lock-up garages and associated hardstanding to provide 4 apartments and associated car parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally submitted in outline form with means of access to be determined. The applicant later submitted drawings, following a request from the Council, showing details of the scheme's layout and scale. The Council determined the scheme having regard to those matters.
3. There is no evidence before me indicating that the applicant disagreed with this approach, therefore I have determined the scheme in the same way as the Council, taking into consideration matters of access, layout and scale. The submitted drawings include details of the proposal's appearance and site landscaping, however, I have treated those matters as indicative only.
4. The description of development in the appeal form refers to the number of apartments proposed following amendments submitted at the application stage. I have referred to this description in the banner heading above.

Main Issues

5. The main issues are:
 - whether the future occupiers would be likely to experience acceptable living conditions in terms of external amenity space provision;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the provision of public open space (POS), with particular regard to its future use.

Reasons

Amenity space

6. The appeal site encompasses a communal parking court and a long single storey garage block that is located between the rear gardens of dwellings fronting Berkley Lane and an area of POS.
7. The submitted layout and elevation drawings, show rear balconies emanating from the proposed first floor apartments, yet there is no external private amenity space for the two ground floor units. This would deprive occupiers of an external area where qualitative and functional needs could be met, such as outdoor seating, the display of plants or an area for the drying of clothes. Therefore, the absence of external private outdoor space for those future occupiers residing on the ground floor would result in an unacceptable standard of accommodation.
8. There would be access from the rear of the ground floor flats directly on to the POS to the north. This grassed area surrounded by trees would provide future residents with an attractive outlook from within the flats. In addition, the proximity of the space would likely encourage future residents to use it for general exercise and enjoyment. Nonetheless, I do not consider the future use and proximity to this space would fully address the expectations future residents would have for an area for private outdoor amenity.
9. The appellant indicates that the lack of private amenity space could be addressed by resizing the proposed cycle store and rearranging the external areas around the proposed apartment building. However, the cycle store appears separate and disconnected from the ground floor flats, while no detailed proposals of how the external space arrangements could be modified to acceptable private outdoor areas has been provided.
10. The appellant has referred to an appeal decision¹ where the Inspector allowed the development of 39 apartments without any external private amenity space, contrary to local guidance. Yet, from my reading of that decision the constrained nature of the site limited opportunities for outdoor private space, while there were also issues in terms of the scheme's viability if roof top space was allocated. Accordingly, the circumstances are not directly comparable with those which apply in this appeal. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
11. Consequently, I conclude that future occupiers would be likely to experience unsatisfactory living conditions in terms of external amenity space provision. This would fail to accord with Core Policy 57 of the Wiltshire Core Strategy (January 2015) (Core Strategy) and that policy's requirement for high quality design that considers how buildings and spaces would meet the needs of future occupiers.

Character and appearance

12. Brickley Lane and the streets surrounding it comprise mainly two storey dwellings that are arranged in uniform rows or cul-de sacs. The intervening land between dwellings comprises private gardens and verdant communal

¹ APP/M4320/W/20/3266042, allowed 9 July 2021

spaces that combine to create an attractive and spacious residential environment.

13. The site is located to the rear (north) of a line of dwellings fronting Brickley Lane and to the south of the POS and cul-de-sacs at Hodge Close and Hopkins Road. There would be generous areas of space separating the proposed apartment block from those dwellings fronting Brickley Lane. Moreover, the proposal would sit comfortably to the south of the POS and be consistent with some of the cul-de-sac dwellings nearby that form an attractive enclosure around it. In doing so it would not diminish the open aspect to the north, or significantly alter the spatial character of the area.
14. From Brickley Lane, the proposal would be partially visible through the site access, however it would appear as part of the background buildings that surround the POS to the north. It would also consolidate the boundaries surrounding the POS with a further two storey building. Accordingly, from Brickley Lane the proposal's backland setting would not disrupt the linear arrangement of dwellings along the street, such that the character of that road would be harmed.
15. Notwithstanding my concerns in respect of the lack of private amenity space for future occupiers, the communal and undeveloped land around the proposed apartment block would nevertheless ensure that the block does not appear cramped in its context or inconsistent with the spatial arrangement of other buildings in the locality.
16. Therefore, the proposal would not be harmful to the character and appearance of the area. It would accord with Core Policy 57 of the Core Strategy and Policy H2 of the Devizes Area Neighbourhood Plan (July 2015), where they require proposals to assimilate into the built environment and respond positively to existing townscape and landscape features in terms of building layouts.

Public open space

17. The proposed apartment block would not extend into the adjacent POS to the immediate north, nor would it encroach or cut across any of the footpaths that cross the land. The submitted details show it would be a two-storey structure, not substantially different in scale to the other dwellings that surround the POS, whilst it would also be positioned in a similar manner close to its boundary.
18. The Council suggests that the presence of the appeal building would deter people from using the POS near the appeal site. However, there are already two storey structures surrounding the perimeter of the POS, and there is no evidence before me that those dwellings, have the effect of discouraging people from using the space. Indeed, the presence of dwellings with windows directly overlooking the POS results in good levels of natural surveillance of the space where people will feel safe, and the proposal would likely enhance this further.
19. There are also concerns that the proposal would reduce the openness of the POS, however, it would not displace any of the land, whilst its position along the southern boundary would reinforce the way in which the space is enclosed.
20. Accordingly, the proposal would not harm the future use of the POS or deter people from using the space. It would accord with the provisions of

Core Policy 52 of the Core Strategy where it requires developments to retain and enhance the County's green infrastructure network.

Other Matters

21. The appellant has referred to difficulties in engaging with the Council during the application process, whilst also not being able to receive feedback on an alternative scheme. Whilst I note the appellant's frustrations, these are matters that fall outside of this appeal.

Planning Balance

22. There are differences between the main parties in terms of the 5-year housing land supply (5YHLS) position in the sub-market areas of the County and the weight accorded to those positions. Nonetheless, the Council confirms that at a county wide level there is currently a marginal shortfall in the 5YHLS and I have referred to this overall position rather than the figure that relates to the sub-area of the county. Therefore Paragraph 11(d) of the National Planning Policy Framework (2021) (the Framework) is engaged.
23. In relation to the three objectives of sustainable development in the Framework, I acknowledge that the appeal scheme would be located in an existing built-up area on an unused brownfield site with good accessibility to various modes of transport, services and facilities, and the general thrust of national policy seeks to boost housing provision. Whilst I accept that the Framework supports small scale development, the contribution of 4 dwelling units to the supply and mix of housing in the area would be minimal, as would be any economic benefits resulting from the construction period and spending of future occupiers. Accordingly, I have attributed moderate weight to the scheme's benefits.
24. However, the layout of the proposal would have no private amenity space for future occupiers of the ground floor flats and would result in unsatisfactory living conditions. As such it would be contrary to the aims of the Framework which requires proposals to be of a high standard of amenity for future residents (Paragraph 130(f)). The substantial weight I have attributed to this harm would outweigh the scheme's benefits.
25. Overall, even though I have found no harm in respect of the area's character and appearance and the effect it would have on the POS, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. It would also not accord with the development plan.

Conclusion

26. For the reasons given above I conclude that the appeal should be dismissed.

R E Jones

INSPECTOR