

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham
Date: Wednesday 20 April 2016
Time: 3.00 pm

Please direct any enquiries on this Agenda to Natalie Heritage, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718062 or email natalie.heritage@wiltshire.gov.uk

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

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Membership:

Cllr Tony Trotman (Chairman)	Cllr Toby Sturgis
Cllr Peter Hutton (Vice Chairman)	Cllr Chuck Berry
Cllr Christine Crisp	Cllr Terry Chivers
Cllr Mollie Groom	Cllr Howard Greenman
Cllr Mark Packard	Cllr Howard Marshall
Cllr Sheila Parker	

Substitutes:

Cllr Philip Whalley	Cllr Linda Packard
Cllr Desna Allen	Cllr Graham Wright
Cllr Glenis Ansell	Cllr George Jeans
Cllr Mary Champion	Cllr Melody Thompson
Cllr Ernie Clark	Cllr Chris Hurst
Cllr Dennis Drewett	
Cllr Jacqui Lay	

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AGENDA

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting**

To approve and sign as a correct record the minutes of the meeting held on **30 March 2016**.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 2:50pm on the day of the meeting**.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 13 April 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 5 - 6*)

An appeals update report is attached for information.

7 Planning Applications

To consider and determine planning applications as detailed below.

7a **15/07244/FUL - Land At Moor Lane Farm, Minety, Wiltshire** (*Pages 7 - 26*)

7b **15/10457/OUT - Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ** (*Pages 27 - 50*)

8 Urgent Items

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

Wiltshire Council
Northern Area Planning Committee
20th April 2016

Forthcoming Hearings and Public Inquiries between 07/04/2016 and 31/12/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Date	Overturn at Cttee
14/07602/OUT	Land at Oxford Road Calne Wiltshire	CALNE	Erection Of Up To 41 Dwellings (Outline)	DEL	Inquiry	Refuse	17/05/2016	No
14/09744/WCM	Lower Compton Waste Management Facility, Lower Compton, Calne, Wiltshire SN11 8RB	CALNE WITHOUT	Retain and extend existing Materials Recycling Facility including transfer activities, screening bund and ancillary activities and development	COMM	Inquiry	Refuse	06/09/2016	Yes
14/11179/OUT	Land at Prince Charles Drive Calne, Wiltshire, SN11 8NX	CALNE WITHOUT	Residential Development of up to 130 Dwellings, Infrastructure, Ancillary Facilities, Open Space, Landscaping & Construction of New Vehicular Access Off Prince Charles Drive	DEL	Inquiry	Refuse	10/05/2016	No

Planning Appeals Received between 17/03/2016 and 07/04/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
15/10254/FUL	Field Farm Stud Ashton Road Minety, Wiltshire SN16 9QP	MINETY	Proposed Change of Use to Dwelling Ancillary to Equestrian Use with 2no. Car Parking Spaces	DEL	Written Representations	Refuse	30/03/2016	No
15/10707/PNCOU	The Farm Yard South Farm Water Eaton, Swindon Wiltshire, SN6 6JU	LATTON	Notification of Prior Approval - Proposed Conversion of Agricultural Building to Form Two Dwelling Houses	DEL	Written Representations	Refuse	29/03/2016	No
15/11121/FUL	Land Adjacent Hyde View House, Purton, Swindon, Wiltshire	PURTON	Erection of Four Bed Detached Dwelling with Double Garage (Resubmission of 15/08165/FUL)	DEL	Written Representations	Refuse	17/03/2016	No

Planning Appeals Decided between 17/03/2016 and 07/04/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded
14/11896/FUL	Blackland Park Quemerford Calne Wiltshire SN11 8UQ	CALNE WITHOUT	Change Of Use From Agricultural Land To Residential, Provision Of Tennis Court, Demolish Steel Framed Building & Lean-To Store, Demolish & Re-Build Section Of Boundary Wall, New Entrance Gates, Access & Surfacing To Yard.	DEL	Written Reps	Refuse	Dismissed	31/03/2016	No
14/12013/LBC	Blackland Park Quemerford Calne Wiltshire SN11 8UQ	CALNE WITHOUT	Change Of Use From Agricultural Land To Residential, Provision Of Tennis Court, Demolish Steel Framed Building & Lean-To Store, Demolish & Re-Build Section Of Boundary Wall, New Entrance Gates, Access & Surfacing To	DEL	Written Reps	Refuse	Dismissed	31/03/2016	No

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES		Report No.
Date of Meeting	20 April 2016	
Application Number	15/07244/FUL	
Site Address	Land At Moor Lane Farm Minety Wiltshire	
Proposal	Proposed Construction of Solar Farm Comprising Solar Arrays, Inverters, Transformers, Equipment Housing, Security Fencing, CCTV Cameras, Internal Tracks & Ancillary Equipment.	
Applicant	Rochester	
Electoral Division	MINETY – Chuck Berry	
Grid Ref	402653 191552	
Type of application	Full Planning	
Case Officer	Mathew Pearson	

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Berry, in order to consider the scale of development and its impact upon the surrounding area.

1. Purpose of Report

To consider the above application and recommend that planning permission is Approved with Conditions.

2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on the landscape and visual appearance of the area
- Impact on the setting of the designated heritage asset
- Impact on site ecology
- Impact on highway safety
- Impact on flooding

3. Site Description

The application site is located at Lower Moor, just to the north of Minety. The site is entirely pasture land and comprises two fields with a total area of approximately 9.2 hectares. The site slopes gently from north to south and is enclosed by mature hedgerows and tree belts with a water course at the southern end. A Right of Way runs across the site. To the south of the site a railway line runs from east to west and the village of Minety lies beyond this about 0.5 miles away. A minor road lies to the south of the site linking Lower Moor to the B4696 and Ashton Keynes approx. 1 .5 miles to the north east.

The site lies some 6 miles east of the Cotswolds Area of Outstanding Natural Beauty just south of the Cotswold Water Park. The site lies at the eastern end of landscape character area 05: Minety and Malmesbury Rolling Lowland’ and to the north of landscape character area ‘11B: Minety Rolling Clay Lowland. Historically this area was part of Braydon Forest (royal hunting forest), but unlike Braydon Forest this landscape character area has been continuously occupied by man. It retains a largely medieval field pattern with copses and

small woodlands remaining in a number of locations. The existing landscape character of this area is derived from the combination of gentle topography, the patchwork of small irregular fields, mature hedgerows and large oaks. To the east and west of the site are a number of designated heritage assets all of which are Grade II listed farmhouses. The nearest is Lower Moor Farm to the west

4. Planning History

13/06231/FUL	Change of Use of Agricultural Land & Buildings to Equestrian & Creation of Menage & Horse Walker. – This application is for the field to the east of the site and was approved with conditions.
15/07109/SCR	Screening Opinion Request for Proposed Solar Photovoltaic Farm - Environmental Impact Assessment was not required

5. The Proposal

The proposed development involves the installation and operation of a solar park, with associated infrastructure and equipment. The solar park will have a peak output of approximately 4.5MW. The plans show a series of typical elevations for solar infrastructure. The solar panels will measure 2.9m high at their highest point, with a series of inverter and transformers (2.5m high) located around the site. The panels are mainly sited to the east of the Right of Way (RoW) in the southern field and to the west in the northern field. Access to the site is located to the south with larger infrastructure located at this location including two 3.5m high substations and a 5m satellite pole. Security fencing (2m high) is proposed around the site and alongside the RoW and will be screened by enhancements to existing hedgerows and new planting either side of the RoW. A permanent road will be located to the western side of the site which will cross the RoW and be gated at this point.

The application was accompanied with the following documents;

- Agricultural Land Report
- Construction Method Statement
- Cumulative Impact Statement (an addendum to the LVIA)
- Design and Access Statement (DAS)
- Flood Risk Assessment
- Historic Environment Desk-Based Assessment
- Landscape and Visual Impact Assessment (LIVA)
- Planning Statement
- Preliminary Ecological Assessment

Following a request for further survey work from the Council's Ecologist further assessment was carried out and Habitat and Species Assessment was submitted. During this time the applicant also revised the Construction Environmental Method Statement (CEMS) and provided a draft Landscape and Ecology Mitigation Plan (LEMP) in order to overcome various issues identified by Officers. These matters would normally be address as pre-commencement conditions on the site provided it has been demonstrated that any harm identified can be overcome. Further work is required to finalise both the CEMS and LEMP and this reports recommends that these documents form pre-commencement conditions.

6. Local Planning Policy

7. Summary of consultation responses

Minety Parish Council - Object as there is a change of use from agricultural land to industrial land and a loss of grazing land, which is in short supply in the area. The plan makes no acknowledgement of flooding along the proposed route of cabling. There is a lack of access to the site for heavy goods vehicles as all connecting roads are single track and

have weight restrictions. The proposed feeder route is impractical and will damage the fabric of the local infrastructure.

Wiltshire Council Conservation - The application features a solar array in two fields to the east of Lower Moor Farm, north of Ashton Road. From the conservation point of view my initial comment would be that the Sightline landscape and Visual Appraisal plan is incorrect in that it fails to identify Lower Moor Farm as listed.

The site appears quite well screened from the road, however the southern stretch of the western site boundary, which is the closest to the listed farm and its farmstead, appears to consist of a fence only. Although there is some planting along the edge of the farmstead I consider that, to avoid harm to the farmstead setting, the site boundary will need to be planted up.

Whilst a new hedge is proposed on this line it is stated in the supporting documents that these new hedgerows will take six to seven years to reach maturity. I consider that this is too long a period during which there will be harm to the setting of the listed building.

Wiltshire Council Ecology - It is expected that any permission granted would be subject to a standard pre-commencement condition for approval of a Construction Environmental Management Plan. This standard condition should be modified to include the following measures:

- Protection measures for hedgerow, woodland and other habitat features
- Methods to avoid and minimise impacts on retained grassland;
- A Precautionary Method of Working for the protection of great crested newts/amphibians, including timing of construction works (November-March inclusive);
- Prevention of pollution to watercourses;
- Pre-commencement bat surveys of the mature willow tree
- Measures to avoid impacts upon breeding birds and their nests

A pre-commencement approval of a LEMP should also be conditioned:

Prior to commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be in accordance with the recommendations of the submitted habitat and Species Assessment (Windrush Ecology, 2015), and shall include the following measures:

- *Creation and maintenance of ponds;*
- *Sowing and subsequent management of grassland;*
- *Management of hedgerows;*
- *Management of watercourses;*
- *Management of woodland, including habitat enhancement to compensate for loss of plantation woodland; and*
- *Ecological monitoring*

The application site shall be maintained in accordance with the measures prescribed in the LEMP for the operational lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Wiltshire Council Highways – I consider that the construction traffic routing should be outlined. The routing should be via the B4040. With regard to the access, I require a drawing demonstrating the visibility at the access in both directions. This may require

hedge trimming and vegetation removal, I consider that a visibility splay of 2.4m x 43m should be demonstrated.

Please note that a construction traffic management plan will be required but can be conditioned, it will need to cover the following:

- Condition surveys
- Car parking compounds and turning facilities
- Wheel washing facilities
- Chapter 8 signage
- Banksman

Wiltshire Council Environmental Health - The proposal is for a solar farm and all ancillary works North of Minety. The nearest dwelling has been identified in the Design and Access Statement as Lower Moor Farm and there are also other dwellings on the Southern and Western site perimeters. It is anticipated construction will take ten weeks, however this is based on 7 day a week working and deliveries over relatively long hours for six days of the week.

The construction will involve approximately 15 deliveries a week (again currently planned for 7 days) of piling with an anticipated noise level not exceeding 80dB. The proposed site is in a largely rural area where it is anticipated background noise levels are likely to be low, therefore any abnormal noise is likely to be more noticeable.

The construction method statement makes provision for the control of dust and mud and therefore I have no further comments regarding this aspect. It also discusses artificial light and states this will only be used between 07:00 and 19:00 where necessary. This is unlikely to cause serious light pollution so again I have no concerns about this.

My main concern relates to noise as solar farms have a history of occasioning noise nuisance complaints both during construction and if there is any generator usage as an interim measure prior to full connection of the solar power to the grid. I will be looking for adequate consideration of potential noise and for suitable acoustic enclosures to be utilised as necessary to attenuate this. Once connected, I would agree it is less likely there will be noticeable noise.

I am also concerned about the proposal to work 7 days a week for noisy works and for 6 full days of deliveries as this is likely to have a significant impact on nearby dwellings and may restrict the ability of the occupants to enjoy their property and gardens. This could then lead to complaints of noise nuisance.

Given that it is accepted construction work is inherently noisy, it is my opinion that a construction hours condition is necessary as below:

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. I would also seek a deliveries condition to restrict this to the same hours in the interests of reducing disturbance to nearby dwellings.

Wiltshire Council Landscape - Generally I accept the findings and conclusions of the submitted LVIA. The low height of proposed development, the enclosing characteristics of the site and the local landscape context, in combination with the reversible nature of development leads me to concur that the potential for major adverse landscape and visual effects arising from proposed development are limited to the confines of the site itself. I do not consider the resulting landscape and visual change effects to be harmful to wider

landscape character or visual amenity in this instance. Likewise I also conclude that there is very limited potential for cumulative effects both in terms of accumulation of effects on landscape character or fixed and sequential visual cumulative effects with other solar developments, either constructed, consented or currently being considered within planning.

However, there are a number of unresolved, or inadequate design and management considerations, which will require the existing 'landscape masterplan' to be revised, or a number of carefully worded planning conditions attached to any planning consent the LPA may be minded to grant.

Wiltshire Council Drainage – No Objection - Lower Moor Farm, Minety, in fact all of Minety is a village that from an engineering point of view, I like to keep under scrutiny. The drainage is poor and the strata is clay so anything likely to affect the drainage is of interest.

This council have remodelled some of the existing drainage ditches irrespective of ownership and the ability of the land downstream of Lower Moor has improved for the best part of 2 kilometres. Fortunately solar farms do not interfere with the existing land drainage in any real sense, rainwater falling momentarily on the solar panels before continuing its journey to the grassed field below. I consider that this application will not alter the drainage status quo and I can therefore support it.

Campaign to Protect Rural England

We have concerns with this application which are as follows:

1. The effect on a public footpath and the loss of permanent pasture in a very rural area which in the words of the Planning Statement on the site is " characterised by small pastoral fields well enclosed by hedges and trees." The incarceration of the footpath within a 4m wide corridor which will result in a tunnel of somewhat less than 3m when the hedges planted on the path side are fully grown. This tunnel, 6'6" of industrial steel mesh, painted black, will be entirely visible until the hedges grow higher than the fence. Public Rights of Way receive very little attention and in the interests of the public amenity for local people they should be made as attractive and welcoming as possible. The treatment proposed for MINE 34 does not do so. The winter, leafless, period when the whole site will be visible will cover at least 5 months. New planting will not change this. The industrial effect of solar panels will be clear to see. The LVIA refers to adverse effect for the footpath users, but states it is only temporary. This permission would be for 31 years which cannot be considered to be temporary.

2. What is proposed is the equivalent of one generation's loss of permanent pasture. Fields wholly in keeping with the surrounding agricultural landscape and natural home to a diverse variety of wildlife. These fields could be more intensively farmed and productive without loss of local rural character. Lost for a small gain in electricity.
Cumulative Effect.

3. Have the landscape planners recognised the full meaning of cumulative effect? Has an up to date view been taken of 'accumulation'? These are set out in their own professional guidelines. There are two permitted solar farms within the vicinity.
We object to this application for the reasons given above.

8. Publicity

5 Objections were received to the application. Issues highlighted by objectors included:

- Flooding Risk and increased flooding on adjacent sites, and risk of pollution to local watercourses especially during construction phase.
- Effects on the footpath from security fencing and potential increases in crime.
- Not focusing on non-agricultural land or land which is of lower agricultural quality.

- Impacts on the local landscape and significant harm to the intrinsic character and beauty of this part of the countryside.
- Observations that there was no Ecology plan to manage the area and that the report by Ramm Sanderson Ecology Ltd which is not independent. The proposals do not continue agricultural use or include biodiversity measures incorporated in their plan.
- The impact on nearby businesses and neighbours this proposed site. There is no local benefit in a decrease in energy prices or employment potential if fed straight into the National grid.
- Transport concerns regarding access, safety and routing as it will be necessary to access via routes that have a 7.5 weight limit.
- During construction local people will experience severe disturbance and the surrounding roads do not have the capacity in structure or infrastructure to support the necessary traffic required. There is no information regarding Educational opportunities. However, should this arise it would have a short shelf life.
- Returning the land to its former use in 25-31 years' time is an invalid commitment.

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.

Principle of development

In principle, new renewable energy projects are supported by local and national planning policy with a strategic commitment to decentralising energy production and meeting climate change targets. The Wiltshire Core Strategy contains a "Strategic Objective" to address climate change (Strategic Objective 2) as well as Core Policy 42 (Standalone renewable energy installations) which directly reflects the national policy picture. Core Policy 42 state that projects such as this will be supported subject to resolution of all site specific constraints, including any cumulative effects.

Paragraph 98 of the National Planning Policy Framework (NPPF) and Core Policy 42 make it clear that applicants do not have to demonstrate a need for renewable energy schemes, as justification and the onus is to approve all such applications where the adverse impacts have been adequately mitigated. At the heart of the decision making process as set out by the NPPF is a presumption in favour of sustainable development. It goes further to identify that planning plays a key role in securing radical reductions in greenhouse gas emissions which is central to achieving the economic, social and environmental dimensions of sustainable development. Proposals for the generation of energy from renewable sources are in principle supported by national policy due to their contribution to sustainable development, meeting the challenges of climate change, air quality and fuel security. Policy asserts that such applications should be encouraged and any application be approved if its impacts are or can be made to be acceptable.

Planning Practice Guidance (PPG) and further guidance in the form of the Written Ministerial Statement from 25th March 2015 provide further specific advice on situations where green-field sites are proposed. Particularly relevant is "whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. High quality agricultural land is divided into 5 categories with grade 3 subdivided into subgrade 3a and 3b. Natural England's Technical Note TIN049 as well as Annex 2 of the NPPF confirms that grades 1, 2 and 3a comprise the best and most versatile agricultural land.

The applicant has stated that the agricultural land is grade 3b but the Council's own mapping systems show the site to be grade 4. The discrepancy between the Council and applicant is noted, but in either case the site is not the best and most versatile agricultural land. In principle, and with specific reference to ministerial guidance, the site is an area of Greenfield agricultural land considered an appropriate location for solar development provided all site specific issues can be properly addressed or mitigated.

Core Policy 42 and the NPPF/PPG set out a series of issues that may be relevant to the determination of an application for renewable and/or solar technologies. Considered particularly relevant to this application is the visual impact and the effect on the landscape and the conservation and heritage of designated heritage assets. These issues and other matters are set out further in the following paragraphs

Landscape and Visual Impact

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) together with an addendum to the LVIA which considers the potential for cumulative effects likely to arise from planned development in combination with other solar developments (consented or currently in planning) within a 5km area of search radiating from the centre of the application site. In the opinion of the Council's Landscape Officer the only significant negative visual effect which is likely to result from development, will be experienced by users of footpath MINE 34 & MINE 34A which pass through the application site. The wider views in to the site are limited by the existing mature vegetation and the close nature of the surrounding countryside. This provides the development with a good level of containment and ensures that impacts are not wide spread beyond the immediate site.

The LVIA makes a number of recommendations to help mitigate the minor and moderate effects identified to result from the development proposal. These are outlined at Section 7.2 and 7.3 and are illustrated in the accompanying 'Figure 7 - Masterplan'. However, the Council's Landscape Officer has commented that in his opinion the scheme will benefit from revisions to accommodate appropriate maintenance strips to ensure existing hedgerows can be maintained during life of development and also to take the opportunities available to deliver additional landscape objectives identified within the local landscape character assessments. The applicant has committed to providing a minimum 5m wide buffer zone between the existing hedges and the solar farm fence, to provide sufficient space for maintenance. This is currently set out in the draft Landscape and Ecology Management Plan (LEMP). The LEMP forms a pre-commencement condition and the above matters will need to be agreed by way of discharge of conditions of the LEMP.

In terms of the footpath, the Council's Right of Way team are satisfied with the proposal and are happy that sufficient space has been left to retain and maintain the existing footpath. At the current time it is considered that the protection of the existing line of the footpath is acceptable and the development is providing sufficient mitigation in order to protect this feature. Nevertheless, in line with the recommendations of the Landscape Officer and the noted objections from various consultees, the applicant has expressed a willingness to attempt re-route the Right of Way (RoW). Unfortunately this is not required in terms of planning and can be a lengthy process that is susceptible to delays. It is not considered that re-routing of the RoW is required and that suitable mitigation is proposed as part of this application which will be finalised and secured through the LEMP.

Concerns have been raised by the Parish and Council's Landscape officer about the proposed cable routes. There are two potential cable routes proposed- a short route 20m to the overhead pole to the north of the site and a longer route alongside the highway, roughly around 1 mile long that would connect the development directly to a substation to the north west of the site. The applicant has explicitly stated that any route along the side of the highway will be entirely underground and will also use boring technology to pass under the

watercourse it needs to cross. The applicant is waiting for Southern and Scottish Electric to confirm which connection they prefer. This will be suitably conditioned with full details provided at the point the decision is taken on which will be the final route. This will need to include details of any effects on the watercourse and/or highways in this location.

Overall, the loss of a Greenfield site would result in some harm to the character and appearance of the area. There would be adverse visual effects and to this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features in line with the recommendations of the LVIA. The extent of visual impacts would not be widespread and there would be only limited harm to the landscape setting of immediate area. Detailed issues such as maintenance strips and treatment of the RoW will be addressed as part of the LEMP and is suitably conditioned

Conservation of Designated Heritage Assets

There are three listed buildings in the vicinity of the site. There are two Grade II listed farmhouses to the east of the site. There is enough distance between these properties and the site, with a number of intervening landscape and built development features to ensure that there is no indivisibility with these properties and the site. It is considered that there is no impact on the setting of these properties.

Lower Moor Farm to the west of the site, also a Grade II listed farmhouse, does have some indivisibility with parts of the proposed site. Some filtered views of the upper storey and roofs of listed buildings located within the Lower Farm farmstead are possible from the application site. The application site is separated by a small grass paddock with a timber post and rail / wire fence. The majority of the farmstead and associated listed buildings are screened by intervening trees, some modern farm outbuildings and a hedgerow running along the eastern edge of the farmstead site. Nevertheless, the development will have an impact on the view to and from the farmstead and thus the setting of this designated heritage asset. It is considered that this impact will be less than substantial and in line with paragraphs 131, 132 and 134 of the NPPF and Core Policy 48. Where a development proposal is likely to have some harm to a designated heritage asset the public benefits of the scheme should be weighed against the impact.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This issue of harm and public benefit in regards to the NPPF is explored in more detail in the conclusion. The Council's Conservation Officer is satisfied that mitigation in the form of further hedgerow tree planting on the south western boundary of the site will further help to protect and conserve the setting of Lower Moor Farmhouse. Overall given the existing setting of Lower Moor Farm and the opportunity to provide suitable mitigation it is considered that the proposed development will not fundamentally undermine the significance of Lower Moor Farm. The harm to the setting is able to be suitably mitigated and the Council's Conservation Officer has no objection to the scheme. Nevertheless, some harm is identified and this must be weighed up in the planning balance. This harm weighs against the proposal.

Ecology

The preliminary assessment submitted with the application in September was not considered to provide the level of information required to enable the Council to make a decision on the application. Following the submission of a further full Habitat and Species Report the Council's Ecology Officer has no objections to the scheme subject to the satisfactory

finalisation of an appropriate LEMP in order to ensure that mitigation measures proposed in the report are secured.

The Habitat and Species report includes broad recommendations for the construction phase including protection of trees / hedgerows, grassland and watercourses from damage, and measures to avoid impacts upon great crested newt, bats and birds. Onsite ponds and ditches have been assessed as unsuitable / sub-optimal for great crested newt. Offsite ponds have still not been assessed for the presence of this species, however it is assumed that they are breeding in nearby ponds and therefore likely to be present within terrestrial habitats within the site. The recommendations (above) of the Ecology Officer will form part of the discharge of the LEMP and the Council is already in dialogue to secure.

Impact of Highway

A number of objectors have raised concerns in regards to the construction phase of the scheme and the effect on local roads. The Council has worked with the applicant to secure a revised route for construction traffic and this will be included in the updated Construction Environmental Management Plan CEMP. The revised route will be a one-way circular route to ensure that there are no conflicts in traffic movements. This route will use the Spine Road west to the north and enter the site via the B4696 and Ashton Road, exiting the site vehicles will travel through Minety via Sawyers Hill to the B4040, and then travel back along the B4696 to the Spine Road. Further restrictions for exiting vehicles will occur during school pickup/drop off times. Further details will be required in the CEMP to mitigate construction traffic as part of the application in order to minimise the damage to roads in the area. As part of this a condition survey will ensure that roads are suitably repaired if damaged during construction. This will also need to include plans demonstrating suitable visibility splays. This will be conditioned separately

Flooding

A number of objections have mentioned flood risk. The Council's Drainage Officer has stated that in his opinion Solar Parks such as this one have no material effect on run-off rates. The application is accompanied by a full Flood Risk Assessment (FRA). The FRA recommends that the site uses a SUDS system and that a wet scrape is provided to the south of the solar farm on land between the watercourse and the development. These recommendations will ensure that the speed with which water enters the water course at south of the site will be further reduced. These recommendations are currently part of the draft LEMP and will be finalised during the discharge of this document.

Other matters

A number of objectors have commented on the 'industrialisation' of pasture land. The planning statement sets out that it is the intention to continue to graze and that the panels will be designed so that the land underneath remains grass. The application will be conditioned to so that at the end of the lifetime of the solar panels (31 years) the site will be decommissioned and returned to pasture. Recent decisions issued by the Secretary of State have given very limited weight to 'temporary' nature of this use. However, as stated in the principle of development above, the site is not 'best and most versatile' agricultural land and the proposals includes options to graze and provide limited agricultural use on the land.

Comments with regard to noise and pollution have highlighted concerns particularly around the construction stage of the development. The submitted CEMP has suitable plans for noise and pollution and it is not considered that this is likely to be a major issue during the operation. During construction pollution prevention methods are proposed. The applicant will need to adhere to the construction timings put forward by the Environmental health team in order to ensure there is no public nuisance in terms of noise and anti social hours.

Comments regarding crime are noted. However, the site includes secure fencing and CCTV and has taken reasonable steps to prevent any crime on the site.

10. S106 contributions

None

11. Conclusion (The Planning Balance)

It is considered that the proposed development as a whole contributes towards acknowledged sustainability objectives and as such is inherently justified in principle. The development would not result in the loss of high quality agricultural land, the land can still be used for the grazing of livestock and a comprehensive landscape and ecological assessment has been undertaken that demonstrates that the proposed solar park would not harm any protected species or have highly detrimental visual impact. It is considered that suitably worded planning conditions can adequately control any potential impact and ensure the correct mitigation is secured.

The assessment of the application has identified that less than substantial harm will occur to a designated heritage asset. However, it is considered that suitable mitigation is able to further limit this harm. Although less weight can now be applied to the temporary nature of the proposal, the site is still limited to a 30 year operation and after that time the land will be returned to its form state and the impact on the setting of Lower Moor farm will cease to exist. The overall benefits of scheme in terms of sustainable development and reducing carbon emissions, alongside the limited value of the site in terms of being the best and most versatile agricultural land means that it is considered that the public benefits of scheme outweigh limited harm to a designated heritage asset in this instance.

Accordingly, the scheme is recommended for approval.

RECOMMENDATION

Approve with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Plans

Location Plan Drawing No: D03 (July 2015)

Array Cross Section Plan Drawing No: D04 (July 2015)

Prefabricated Housing DNO Switchgear Plan Drawing No: D05 (July 2015)

CCTV Pole Elevation Plan Drawing No: D06 (July 2015)

Fence 7 Gate Elevation Plan Drawing No: D07 (July 2015)

Inverter & Transformer Elevation Plan Drawing No: D08 (July 2015)

Substation Elevation Plan Drawing No: D09 (July 2015)

Satellite Pole Elevation plan Drawing No: D10 (July 2015)

Storage Container Elevation Plan Drawing No: D11 (July 2015)

Cable Route Plan Drawing No: D12 (July 2015)

Reports

Habitat and Species Report by Windrush Ecology Nov 2015

Planning Statement by DLP Planning July 2015

Flood Risk Assessment by H2O July 2015

Landscape and Visual Impact Assessment by Sightline Landscape July 2015

Design and Access Statement By DLP Planning July 2015

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

3 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- 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;
- 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);

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of development; 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.

- 5 The mitigation measures of SUDs and a Scrape detailed in the approved Flood Risk Assessment (FRA) [July 2015 / J-5489-CFM / H2OK] shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

- 6 The mitigation measures in accordance with the recommendations of the submitted Habitat and Species Assessment (November 2015/ Windrush Ecology 2015) shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 30 year period;

- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full 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 ensure adequate protection, mitigation and compensation for protected species, priority

- 8 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities
 - b) Identification of 'biodiversity protection zones'
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features including
 - " Protection measures for hedgerow, woodland and other habitat features
 - " Methods to avoid and minimise impacts on retained grassland;
 - " A Precautionary Method of Working for the protection of great crested newts/amphibians, including timing of construction works (November-March inclusive);
 - " Prevention of pollution to watercourses;
 - " Pre-commencement bat surveys of the mature willow tree
 - " Measures to avoid impacts upon breeding birds and their nests

- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 9 No development shall commence on site until details of the external finish and colour, including any paint to be used externally on the Fencing, Security Cameras, Inverter Substation, DNO Connection Substation, Auxiliary Transformer and Connection Substation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

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

- 10 No development shall commence on site until full details of the proposed cable route have been submitted and approved in writing by the Local Planning Authority. This will include any details of access and works to third party/public land. The permitted development will only provide a single access route as identified in the scheme.

REASON: In the interests of amenity and to protect from unnecessary noise and disturbance from the site.

- 11 No development shall commence on site until details of demonstrating visibility splays of 2.4m by 43m in both directions have been provided. Such splays shall thereafter be permanently maintained free from obstruction to vision.

REASON: In the interests of highway safety.

- 12 A condition survey of the highway network relating to the access routes to the site (between the B4969 at its junction with the Ashton Road and Ashton Road and Sawyers Hill at its junction with B4040) shall be carried out prior to the

commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. This shall be submitted to an approved in writing by the local planning authority prior to the commencement of development. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification of the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network

13 A 'Construction Traffic Management Plan' shall be submitted and approved in writing by the LPA prior to commencement of development. The details shall include:

1. Deliveries from HGVs shall take place between the hours of 10am-3.30pm. To avoid the peak hour traffic conditions on the A3102 in this location.
2. Wheel washing facilities and measures to prevent mud and other debris entering highway.
3. Signage / traffic management in relation to construction of the access.
4. Details of banksman to manage all HGV deliveries.
5. A programme shall for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network.

Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

REASON: In the interests of Highway safety

14 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

15 The detailed landscaping plans to be submitted pursuant to condition no. 3 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

- 16 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

- 17 Following completion of Construction no materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 18 The Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 31 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

19 Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 30 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition

20 INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

21 INFORMATIVE TO APPLICANT:

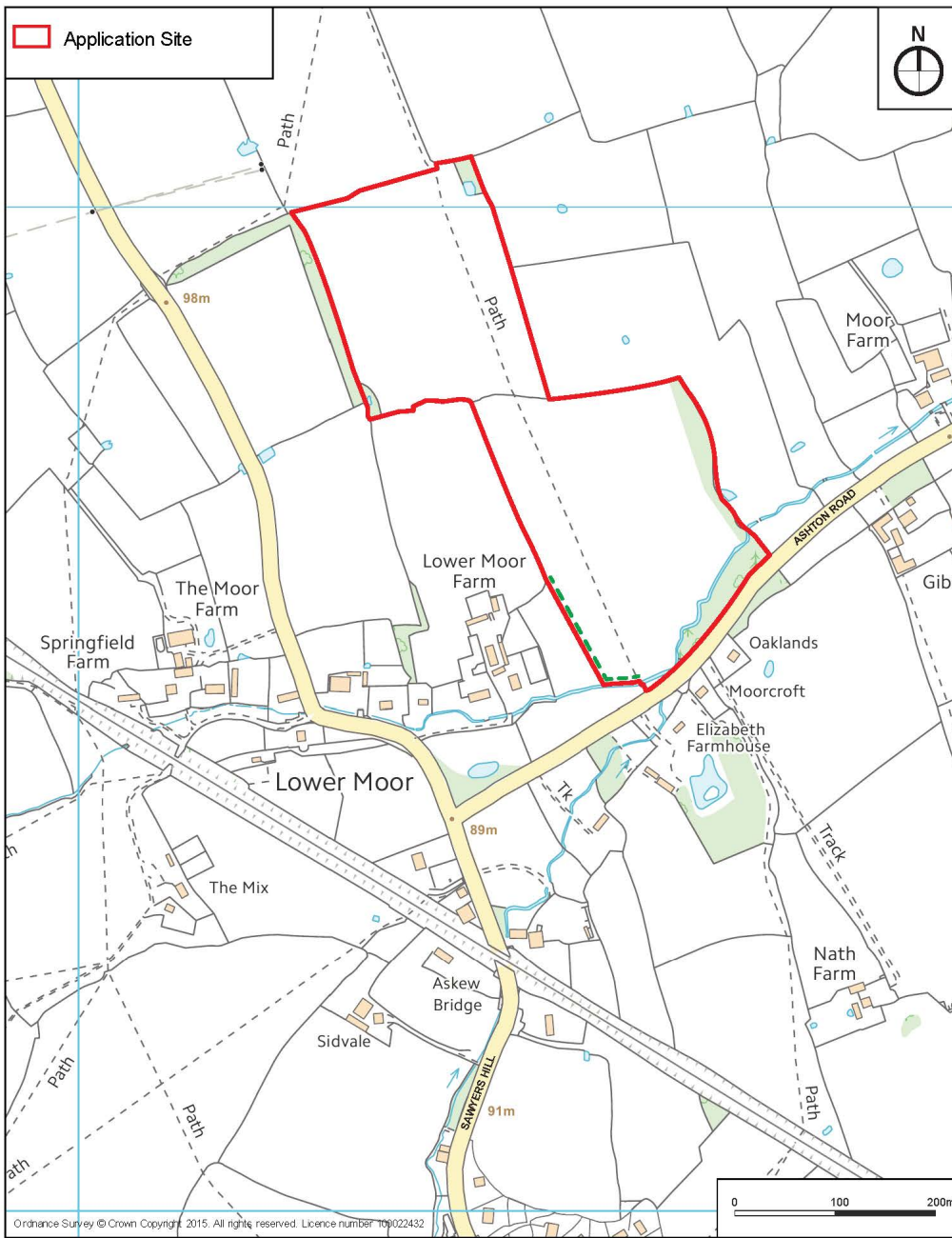
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

22 INFORMATIVE TO APPLICANT:

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.

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CLIENT Elgar Middleton	DATE	22.07.2015	OS REF	Drawn By	DLP PLANNING LIMITED 1 Blenheim Court, Beaufort Office Park, Woodlands, Bladley Stoke, Bristol BS32 4NE	
	SCALE	1:5000 @ A4	DRAWING NO	D03		
PROJECT Lower Moor	JOB NO	VLTS95	REV	AH	t 01454 410 380 e bristol@dipcconsultants.co.uk <small>Offices also at: Bedford, Cardiff, Leeds, London, Nottingham Milton Keynes, Rugby and Sheffield</small>	
	DRAWING TITLE		Option Plan			

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	20 April 2016
Application Number	15/10457/OUT
Site Address	Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, Wiltshire, SN11 9NQ
Proposal	Residential Development of 53 Dwellings Including Access, Car Parking, Landscaping and Associated Infrastructure.
Applicant	Mr Julian Sayers
Town/Parish Council	Calne Without
Electoral Division	Calne Rural – (Cllr Crisp)
Grid Ref	396450 170996
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application is to be considered by committee as the previous planning application for the site was approved by members of the Northern Area Planning Committee. Due to the high volume of local representations and the recommendation at the previous committee it was considered necessary, and in the public interest, for a decision to be made by Members of the Northern Area Planning Committee.

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 That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission

2. Report Summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the adjacent employment site
- Highway safety
- Access
- Design and Layout
- Prejudice to plan making
- S106 Contributions

Calne Without Parish Council object to the application, which has also generated 50 letters (some local residents have responded more than once) of objection and 0 letters of support. Consultation on the additional information resulted in a further 15 letters of objection.

3. Site Description

The application site is located to the south of Studley and the north of Derry Hill in Wiltshire. The site lies adjacent to the A4, with Chippenham approximately 5 km to the west and Calne approximately 4km to the east. To the north of the site lies Vastern Saw Mill and the residential settlement of Derry Hill to the South.

Approximately 1.4 hectares of the site benefits from an extant permission for approximately 1.4 hectares of land as a commercial garden centre, which was granted permission in 2004 and has been lawfully implemented.

The extant planning permission comprises of:

- 18,000 sq ft commercial buildings
- 4,000 sq ft covered external display areas
- Outdoor display and sales area
- 125 space customer car park

A further consent was granted in 2015 for the redevelopment of the site for 28 Dwellings, Including Access, Car Parking, Highway improvements and Landscaping. Though the application has not yet been implemented it is still extant and could be implemented subject to the submission of an acceptable reserved matters application and the discharge of appropriate conditions.

The remaining part of the application site is not previously developed land.

4. Planning History

N/99/01373/S73A	Renewal of permission for mobile home
N/00/02147/CLE	Certificate of lawfulness (existing use) for use of part of nursery garden as a garden centre (sui generis)- CERTIFICATE GRANTED.
N/00/02903/CLE	Use of part of nursery as a garden centre (sui-generis) CERTIFICATE GRANTED
N/90/00636/ADC	Advertisement sign SPLIT DECISION (PART APPROVED & PART REFUSED)
N/90/02404/ADC	Resubmission - display of three no non illuminated signboards PERMISSION REFUSED
N/02/00849/FUL	Erection of replacement buildings, car parking, landscaping and highway alterations WITHDRAWN
N/03/00403/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements PERMISSION REFUSED
N/03/03374/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements PERMISSION GRANTED

N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL) PERMISSION GRANTED
14/04177/OUT	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping. PERMISSION REFUSED
14/09769/OUT	Erection of 28 Dwellings, Including Access, Car Parking and Landscaping (Re-submission of 14/04177/OUT) PERMISSION GRANTED

5. The Proposal

The application seeks permission for the erection of up to 53 dwellings including access, car parking, landscaping and associated infrastructure in lieu of the approved garden centre. The planning application has been submitted in outline form with all matters reserved except access.

The submitted indicative layout plan demonstrates the separation of the proposed residential units and saw mill by way of a landscape and open space buffer, such that the commercial element and its car park is accessed from an alternative access and to allow the existing employment site to operate without disturbance to the proposed dwellings.

The indicative layout shows a medium-density layout of housing similar in layout to the previously consented scheme. The indicative layout consists mainly of detached and semi detached properties, each with associated parking areas and outside amenity space, lending a generally suburban character with areas of public open space and improved pedestrian links to Derry Hill and its services.

Since the previous approval the applicant has carried out the noise mitigation to the saw mill as required by s106 agreement. The adjacent saw mill will still be a signatory to the s106 agreement, thereby ensuring that the noise mitigation measures will be retained, in accordance with the recommendation and proposals set out in the noise survey. Furthermore, the applicants have confirmed a controlled crossing will be provided as well as highway and footpath improvements.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 8- Spatial Strategy: Calne Community Area

Core Policy 51- Landscape

Core Policy 43- Providing affordable homes

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 62- Development impacts on the transport network

Core Policy 67- Flood Risk

Appendix D

Appendix E

Appendix G

Saved Policies of the North Wiltshire Local Plan:
NE18- Noise and Pollution
T5- Safeguarding
H4- Residential development in the open countryside
CF2- Leisure facilities and open space
CF3- Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)

Chapter 1- Building a strong, competitive economy (Paragraphs 18 & 19)

Chapter 6- Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)

Chapter 7- Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64) Chapter 8- Promoting healthy communities (Paragraph 75)

Chapter 11- Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

Chapter 12- Conserving and enhancing the historic environment (Paragraphs 126, 128, 129, 132, 133 and 139)

7. Summary of consultation responses

Calne Without Parish Council

Object for the following reasons:

- The Wiltshire Core Strategy Core Policy 8 requires a total of 165 homes in the “rest of the Community Area” (ie apart from Calne Town) in the period to 2026. This figure has already been met.
- The application is not sustainable, as further development will add to the pressure on the access and the ability for pedestrians and traffic to safely cross the A4, with no reasonable traffic regulation order in place for traffic to travel at a reasonable speed. (Core Policy 62)
- The existing A4 crossing is already beyond capacity and dangerous. Further numbers will increase pressure on the safety.
- There has to be a strong case for a proper guarantee on road improvements to provide a decent means of vehicular access and pedestrian crossing.
- the proposed site adjacent to a sawmill could put pressure on the sawmill to close with the loss of employment.
- the change of use of the greenfield part of this site will cause loss of wildlife habitat.
- continuing problems nearby in Norley Lane with sewage pipe capacity, is already causing problems
- Narrow lanes in poor state of repair being the only other egress from Studley for those wishing to avoid queues and the dangerous exit onto A4

Drainage

Application form states that foul drainage disposal to be via main sewer via existing sewer system – a check will be needed with Wessex Water to confirm if there is available capacity.

Application form states storm water drainage disposal to be achieved via soakaway and sustainable drainage system. Detailed information relating to proposed soakaways is missing but as it is an outline application this can be controlled by way of condition and will form part of the reserved matters application. No objection subject to conditions.

Art Services

Art and design in the public realm will help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development and is listed within the Planning Obligations SPD.

Based on an indicative figure of £300 per dwelling, a contribution of £15,900 would seem to be an appropriate figure for this site and ideally given to the council prior to commencement of the development towards integrating the work of artists into the development or its vicinity.

Rights of Way

Footpath CALW65 runs along the western boundary of this site. The documentation discusses a “possible” link to the footpath and the masterplan shows a link. This link is essential and must be provided so residents have a direct link onto the rights of way network. This can be controlled by condition.

Public Protection

No objections subject to conditions and compliance with the noise assessment submitted with the earlier approved scheme.

Ecology

The additional land includes a significant number of trees and shrubs associated with the former nursery at this site. The additional area of land does not introduce any additional protected species issues to development of the site. No objection

Wessex Water

There is current available capacity within the local water supply network to serve the proposed development.

There is an existing 150mm public foul sewer adjacent to the proposed site in Studley Lane. This sewer conveys foul drainage from a fairly significant upstream catchment and will have limited available capacity to accommodate additional development flows. Further appraisal will be required to consider the impact of the development upon the existing network, the applicant should contact this office for further details. As a foul drainage strategy is yet to be agreed a condition will be required.

Education

Primary education- no contributions required here at this time, but future expansion requirements will be met where necessary, from CIL.

Secondary education- no contributions required here at this time, but future expansion requirements will be met where necessary, from CIL.

Waste Services

I recommend a condition that does not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the draft SPD.

Contribution of £91 per property required for the provision of bins for the new dwellings.

Public Open Space

The current adopted open space policy is saved Policy CF3 from the North Wilts Local Plan. I've estimated a possible dwelling mix and the POS requirement would be 2880m² of Open Space and 258m² of equipped play provision. The planning statement states that this could be met on site (at least in part) and that seems to be the case.

Affordable Housing

Core Strategy Policy 43, Providing Affordable Homes is to be applied, then we would seek a 30% on-site affordable housing provision in this location. In this case, as the proposal is for 53 new homes, we would require 16 homes (i.e. 30% of 53 units) to be for affordable housing. I note that the applicant has proposed that 16 homes should be for affordable housing of which 11 homes (i.e. 70% of 16 homes) are to be for affordable rented tenure and 5 homes (i.e. 30% of 16 homes) to be for shared ownership tenure; this would be acceptable and in line with Core Policy 43.

Highways

No objection subject to conditions. Comments incorporated into the report below

Publicity

The application has generated 50 letters (some local residents have responded more than once) of objection and 0 letters of support. Consultation on the additional information resulted in a further 15 letters of objection.

Summary of key points raised:

- Risk to pedestrian safety.
- A pedestrian subway is the safest solution
- Speed limit should be imposed
- Too many houses
- Already fulfilled the requirements of the Core Strategy
- Noisy site
- Nowhere for children to play
- Loss of ecological habitat
- Poor impact on the character of the area
- Landscape issues
- No local facilities for new residents
- Should wait for the Neighbourhood plan (prejudicial to plan making)
- Do not need extra housing
- Essential that gap remains between the saw mill and the residential dwellings
- Full traffic light signals required
- Locals do not want additional houses
- Indicative layout is not locally distinctive or reflect the character of Studley
- Reduces employment opportunities
- No community benefit
- Proposed 3m high sound barrier is a poor design solution
- Development should be restricted to brownfield sites
- Sewage infrastructure lacking

- Supporting evidence regarding highway safety is flawed.
- No road widening proposed
- A TOUCAN crossing is too urban and suitable for this rural location
- Proposed crossing does not address previous concerns

CPRE

Object on two major issues:

1. Residential development of a considerable number of houses at a site which was separated from community, educational and retail facilities by an exceptionally busy and fast A road. Severance can only be 'mitigated' to a low degree unless major engineering works are undertaken on the A4 . Nowhere were these proposed. A highly unsatisfactory situation.
2. The issue of the only major employer in Derry Hill, Vastern Timber, being compromised by the proximity of households.

The draft Calne and Calne Without Neighbourhood Plan has now brought forward 25 sites for assessment. Until such time as this process has been completed and the Plan and the sites decided upon through the route of community participation and referendum, no one site or combination of sites, should be considered as preferable to another.

Vastern is one of Englands largest hardwood sawmills. As such it should be encouraged to grow as a source of local employment and not be constrained by the very real potential threat of adverse complaints from housing estate residents on its border.

We object to this application i)as premature to the progress of the Neighbourhood Plan, ii)relating to a site which is separated from the main community and its facilities by a fast and very busy A road, iii) is situated so close to a major local employer that the employment source may well be compromised in the future and iv)fails to deliver sufficient of the type of housing most in local demand.

8. Planning Considerations

Principle of Development

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.

In this case, the Wiltshire Core Strategy, including those policies of the North Wiltshire Plan saved in the WCS, forms the relevant development plan for the Calne Community Area. The Wiltshire Housing Sites Allocation Plan and the Neighbourhood Plan are emerging plans but can only be afforded very limited weight at this stage of their preparation.

Important material considerations in this case include the requirement in the National Planning Policy Framework (NPPF) to assess whether the Council has a five year housing supply for the north and west housing market area that includes Calne, and the recent planning decision on this site.

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) are material considerations which can be accorded substantial weight.

Wiltshire Core Strategy

Policy CP1 identifies Derry Hill/Studley as a large village with the potential for some growth and to provide jobs and homes, however, residential development will usually be limited to small housing sites consisting of less than 10 dwellings. Policy CP2 states that development outside of the limits of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Studley/Derry Hill and has yet to be identified for development through either the Sites Allocation Plan or a Neighbourhood Plan, and the proposal does not meet any of the exceptional circumstances in paragraph 4.25.

Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan.

NPPF

Amongst other things, the NPPF aims, within the context of a presumption in favour of sustainable development, to boost significantly the supply of housing. It requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements plus contingency dependent on past rates of delivery. Under the terms of the NPPF if the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered as up to date.

The NPPF makes it clear that where this cannot be demonstrated, relevant policies for the supply of housing (which in this case would include CP2) cannot be considered up to date, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The overall housing requirement for Wiltshire of 42,000 homes is disaggregated into three Housing Market Areas (HMAs) in Wiltshire. The WCS confirms that provision should be made for a minimum of 24,740 homes within the North and West HMA (including Calne). Against this requirement the Council's April 2015 Housing Land Supply Statement indicates that there is 5.6 years supply of deliverable housing in the North and West HMA.

However, The Examination of the Chippenham Site Allocations Plan has been suspended to allow the Council to undertake further work in response to the Inspector's concerns regarding the site selection procedure, sustainability appraisal and deliverability of the proposed allocations in the Plan (Policy CH1 South West Chippenham, CH2 Rawlings Green and Policy CH3 East Chippenham).

These proposed allocations are included in the Council's published housing land supply statement and contribute towards the Council's 5 year land supply for the North and West Housing Market Area (HMA). Following the suspension of the Examination, another planning inspector in December 2015 considered a proposal for a development of up to 28 houses on a site at Arms Farm, Sutton Benger, also within the north and west housing market area. He concluded that with the suspension of the Examination of the Chippenham Sites Plan, the delivery of the sites included within it identified as contributing towards the 5 year housing land supply could not be guaranteed, and that consequently a five year land supply could not be demonstrated.

The Inspector responsible for this appeal decision acknowledged that Core Policy 2 relates to the supply of housing. As Core Policy 2 seeks to constrain development within defined

limits, he concluded that Core Policy 2 is a relevant policy for the supply of housing. As such, he did not consider that it can be regarded as up-to-date, which, in his view, reduced the weight to be afforded to the constraints that it imposes and, thus, to a scheme's conflict with them. As a result Core Policy 2, as a relevant policy for the supply of housing, could not be considered up to date. In this case, he still went on to dismiss the appeal because the impact on the heritage assets he identified constituted significant and demonstrable harm that outweighed the benefit of the supply of the additional housing.

In these circumstances this application for housing must be considered in the context of the policies within the adopted development plan that do not relate to the supply of housing and the NPPF presumption in favour of sustainable development. However, some weight can still be applied to policies relating to the supply of housing. The remainder of this report seeks to set out the planning balance in relation to this application within this context.

Scale of Development

In the Wiltshire Core Strategy (policy CP1), Derry Hill/Studley is identified as a Large Village, the fourth tier in the settlement hierarchy below the three principal settlements, market towns and service centres. Core Policy 1 describes these settlements as having the potential for 'limited development' in order to help retain the vitality of these communities.

Core Policy 8 makes provision for 'approximately' 1605 dwellings to be provided across the Calne Community Area over the plan period of which no further homes remain to be identified (April 2015 Housing Land Supply Statement). However, the above figure does include the 28 dwellings previously permitted on this site. Should permission be granted for this proposal Calne community area would deliver 37 more dwellings than the minimum figure set out in the Core Strategy.

The number of dwellings proposed, when taken with those already approved, will exceed the minimum required in Core Policy 8 for Calne, but the figure set was a minimum and in the absence of a five year supply in the housing market area, cannot be relied upon as a reason for refusal for a development of this scale that brings with it supporting community infrastructure in the form of a pedestrian crossing point, in addition to the benefits secured through the section 106 agreement and Community Infrastructure Levy (CIL) . Furthermore, the Council has accepted this site as an area where residential development, though smaller in scale was acceptable in this location.

As explained above, the weight to be attached to Core Policy 2 is limited but as concluded by the Inspector at 'Arms Farm' Core Policy 1 carries full weight and there is no reason to depart from the conclusion reached by him.

Consultees have set out what is required to make the development acceptable in planning terms through Community Infrastructure Levy (CIL) receipts and the S106 agreement. From the evidence submitted and the consultation responses received there is no suggestion that additional housing within the locality had caused, or would lead to, a lack of community cohesion. The scale of development which includes supporting community infrastructure in the form of public open space and a pedestrian crossing linking Studley to Derry Hill, is therefore, consistent with CP1 in relation to the role of this settlement.

Prejudice to plan making

The question of prematurity has been raised in comments from local residents. Central Government advice in the NPPG on prematurity states:

Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on

grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

In relation to plan making, the scheme is for up to 53 dwellings on the site. The Council's Core Strategy requires additional dwellings in the Calne community area during the plan period. Indeed, Core Policy 8 of the Core Strategy identifies Studley/Derry Hill as the sole Large Village within the Calne Community Area where the majority of housing, outside of Calne, is likely to come forward (development at small villages is limited to infill only by core policy 2).

The effect of allowing this development would not in itself be so significant as to undermine the Plan making process taking into account the previously developed nature of part of the site, the extant permission and its relationship to the settlement boundary.

Highways

In light of the position taken during the determination of the previous planning application at committee in consideration of application 14/09769/OUT, the prospect of being able to defend, on highway grounds, a refusal of planning permission for the 53 dwellings sought, is not sound. The decision undermines, to a material degree, the potential to argue a case at appeal. It is also of significance that the site has an extant permission for use as a garden centre, which has been lawfully implemented.

The previous permission ran alongside a planning obligation requiring the developer to provide a controlled crossing and a reduction of the local speed limit to an undefined lower speed limit and over an undefined length of the road, in the event local consultation provided for that possibility.

Given the commitment in the previous s106 agreement and the ability of the applicant to implement the approved development for the 28 permitted dwellings (14/09769/OUT), there is a far weaker highways and transport argument to resist development for the additional number of dwellings proposed.

A firmer and more precise s106 agreement will be required so that there is complete clarity as to what the end result will be in terms of addressing the severance issue. Whilst the previous concerns remain in relation to this site being severed by the A4, the provision of a controlled crossing would, to a degree, address that concern. However, Members should be aware that, by providing traffic signals on a fast road, the safety risk for pedestrians crossing the A4 might be reduced, but it could be exacerbated for drivers owing to the increased risk of shunt collisions in the vicinity of the signals.

Nevertheless, through careful design the shunt collision risk can be minimised; this would include ensuring that the stopping sight distance to the signals heads was compatible with approaching traffic speeds and that appropriate signing is provided. To this end officers have considered the implications of the previous decision and the planning obligation, and would be prepared to compromise Council policy as it stands in relation to the criteria applied to local speed limits. A compromise could be accepted to allow for a 50 mph speed limit (over a length of not less than about 400m each side of the crossing facility), which, in turn, could allow a more positive approach to be taken in relation to the provision of a controlled

pedestrian crossing. It is not considered that such a compromise to policy would set an unacceptable precedent for similar proposals in Wiltshire.

A reduction in the speed limit would be subject to local consultation, and a speed limit reduction cannot be guaranteed. The local police would have to be consulted and their advice given due consideration. Any reduction in speed limit can be accompanied by a reduction in the length of the right turn deceleration lanes, which increases the flexibility in choice of location for a controlled crossing. Officers consider that the most suitable form of crossing would be a Toucan crossing, to facilitate use by cyclist and pedestrians. The most favourable site would be at the western side of the eastbound deceleration lane, which would provide for i) access between the village footpath (CALW65) and the new housing site and to Studley beyond, and would also be within a more acceptable distance for pedestrians travelling via the crossroads, compared with the distance to the existing refuges, which are not within a particularly attractive walking distance for pedestrians crossing between Church Road and Studley Lane.

The applicant has submitted further information to show where and how a Toucan crossing could be provided, submitted drawing SK01A refers. This drawing shows the arrangement for reducing the length of the deceleration lane to be consistent with a 50 mph speed limit.

Further information has also been submitted to the highway authority to consider what impacts the provision of a Toucan crossing on the A4 might have on the operation of the crossroads junction. The assessment confirms that there is a negligible impact on the Church Road arm, which is where existing and forecast delays occur. In light of the potential increase in shunt collisions, it would be appropriate to ensure that the crossing is considered alongside reinforced 'gating' of any revised village speed limit with a view to impacting on driver perception of local conditions. This might be achieved by reinforced road markings and gateway treatment, but details would be sought only in the event of a permission for the development and this would be controlled by condition.

The provision of a Toucan crossing will require adequate waiting and passing space on the footways in the vicinity of the crossing; the footways on both sides of the A4 would be required to be widened to accommodate this requirement. This requirement has been included on submitted drawings and will be conditioned and will be agreed as part of the reserved matters application.

Concern has been expressed about the nature of the existing footpath (CALW65) and its use by cyclists. This is not considered to be a material issue, but it would be appropriate to require the path to be properly surfaced between A4 and Petty Lane, and for cycle use to be regularised. It is anticipated that use of the path by cyclists would be low, and that conflict would be minimal over the short length involved.

The footpath would be a good and reasonably safe route for children from the proposed development, and Studley beyond, as a route to school. A controlled crossing might have to be accompanied by a system of street lighting in the area to meet safety requirements. This detail will be subject to a later road safety audit.

The applicant has been asked to provide additional speed assessment data and a Stage 1 road safety audit for the crossing; this has not yet been supplied, but is not considered to be material in the context of the planning application determination, because the principle of a controlled crossing in the vicinity has been established by way of the s106 agreement relating to planning permission 14/09769/OUT.

It will be necessary to materially amend the previous s106 agreement for any permission of the current application to achieve the above requirements. The planning obligation for the

development should make provision for the necessary speed limit Orders to be secured, and a crossing consultation and advertisement.

There is also a need to ensure that the site embraces good pedestrian links to i) serve footpath CALW65, including a direct site connection to the path, and ii) provide a pedestrian link through the site to serve as a safe route for Studley pedestrians avoiding the need to walk up to the crossroads junction.

The size of the proposed development triggers a requirement for a residential travel plan in accordance with the Council's policy; the travel plan can be provided for within the planning obligation, and will seek to secure, inter alia, 'taster' tickets for local bus use for all new occupants.

Urban Design & Layout

This site does benefit from an extant permission which could be implemented at any time. The development of this would, as a matter of fact, have an impact on the landscape character of the area.

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals, which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character, but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended from the submission of the originally approved application. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees and hedgerows.

It is considered that the proposal results in a good indicative layout, furthermore, the proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

It is considered that further structured landscaping in the form of new buffers and tree planting would be necessary in order to better integrate the proposed development into the wider landscape context, and to protect the wider panoramas viewed from public vantage points. This can be controlled at the reserved matters stage.

The noise assessment requires the installation of acoustic fencing towards the outer limits of the site. It is acknowledged that these are large and can have a detrimental impact on the amenity of the area. However, such mitigation has been used at other sites within Wiltshire and the immediate area and these have assimilated into the area relatively quickly and without harm to the area.

It is acknowledged that the loss of a greenfield site would result in some harm to the character and appearance of the area. There would be minor adverse visual effects, particularly for nearby residents and people using public footpaths. To this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features. The extent of visual impacts would not be widespread and there would be only

limited harm to the landscape setting of the local area, this harm is not considered to be significant enough to warrant a reason for refusal due to the existing site circumstances and the extant permissions that exist on site & in the locality.

Previously Developed Land

One of the reasons for considering an exception to policy in this location is that part of the site is previously developed land. As set out above, the site benefits from planning permission to redevelop part of the site. Preference is given to the use of previously developed land in core policy 2 of the Core Strategy and in national guidance contained within the NPPF and PPG. Preference should be given to land such as this for the provision of dwellings providing it conforms to other planning policies.

It is acknowledged that the additional land now proposed for development is not previously developed. As set out above, the extant permissions on site for housing and the garden centre in themselves have an impact on the visual appearance and landscape character of the area. The base line for assessing harm to the character of the area is therefore changed and different to the harm if this was a greenfield site with no extant permission. Though the additional housing does have an element of harm any harm is seen in the context of the existing housing and the adjacent saw mill and any harm would be far less than a isolated field in a more prominent location. The fact that part of the site is previously developed land ways in favour of the proposal.

Noise

The proximity of the proposed development to an established employment generating use was a concern when considering the previous planning application. To overcome this, the applicant submitted a noise assessment and proposed mitigation measures. These were considered by the Council's public protection officer and he was of the opinion that the two uses could operate without conflicting with each other.

To ensure that the mitigation is secured in perpetuity, a condition and legal agreement were agreed. The site owner, Council and applicant were signatories to this document and the mitigation measures have been implemented. The noise mitigation has worked and no objection is raised in terms of noise disturbance from the saw mill. A new legal agreement is required to ensure that the noise mitigation is retained in perpetuity.

The noise from the adjacent 'A' road may or may not be an issue but this would become apparent once the reserved matters application is submitted and if necessary could be mitigated through the installation of acoustic fencing. This is considered to be acceptable and will be controlled by way of condition.

Setting of Listed Buildings

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

The House of Lords in the South Lakeland case decided that the "statutorily desirable object of preserving the character of appearance of an area is achieved either by a positive contribution to preservation or by development which leaves character or appearance unharmed, that is to say preserved."

The proposed development is located over 70m from the nearest listed building (Baptist Chapel on Studley Lane). Having viewed the site from the listed building and attempted to view the listed structures from within the site it is considered that the proposal is unlikely to be visible and will therefore have a neutral impact on the setting of the listed buildings. The proposal is considered to accord with CP58 of the Core Strategy and the NPPF.

Sustainability of the Site

The Council has acknowledged that housing will need to be delivered in and around Studley/Derry Hill- no more homes remain to be identified of the indicative requirement of 165 in Calne Community Area remainder (Core Policy 08). Previously used land is identified as a the preferable location for the provision of new housing and as identified above part of the site is previously developed land.

The preference for development on brownfield sites is noted. However, section 6 of the NPPF requires Councils to identify a supply of specific, developable sites and these should be in a suitable location for housing development and there should be a reasonable prospect that sites are available and could be viably developed at the point envisaged. Some housing has been provided on an available brownfield sites but no further land would currently appear to be available, thus they fail to fulfil this requirement.

The proposed site is well located to both Studley and Derry Hill and the services that these offer, such as public transport, shops and schools. The development is therefore considered to be in a sustainable location and would meet the objectives of local and national planning policies. It is also important to note that the Council, in considering the previous application, did not raise concerns in relation to the sustainability credentials of this site.

Affordable Housing

Core Policy 43 states the Council will seek to negotiate an element of affordable housing to meet local needs on all housing developments of 5 or more dwellings. The applicant has agreed to provide 30% onsite affordable housing. This provision will be in accordance with the Council's Housing Department's requirements.

9. S106 contributions

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided in an integrated manner across the application site as agreed at the reserved matters stage. The type and tenancy mix shall be negotiated with the Council's Housing Officers to ensure a 'best fit' for local housing needs.

Under Core Policy 3, the proposal also generates a requirement for the provision of on-site public open space proportionate to the final housing mix, indicated on the submitted layout plan and to include an equipped play are.

The heads of terms for the s106 are as follows:

- 30% affordable housing
- £91 per residential unit for the provision of bins for each property within the site
- Onsite provision of Public open space and play provision (2880m² of Open Space and 258m² of equipped play provision)
- Provision of management company to maintain public open space and play area
- Provision of pedestrian crossing
- Funding of a TRO
- Noise attenuation and noise mitigation to be retained in perpetuity.
- Provision of a travel plan

10. Conclusion (The Planning Balance)

The proposal is not in accordance with the development plan, in that it lies outside of the limits of development and has not been brought forward through the plan led process outlined in policy CP2 of the Core Strategy. However, this has to be set against other material considerations, the most pertinent of which in this case is the Inspector's decision in December 2015 on the Arms Farm appeal which concluded that in the light of the uncertainty surrounding the delivery of sites at Chippenham, for the reasons set out above, policy CP2 could not be relied upon by itself as a defensible housing policy where the Council was unable to currently demonstrate a five year land supply in the housing market area.

As this report demonstrates, unlike Arms Farm, there are no longer any outstanding site specific objections to the development of this site in terms of the scale of development (CP1), affordable housing (CP45), ecology (CP50), landscape (CP51), heritage assets (CP58), flood risk (CP61) and highways (CP62) that would significantly and demonstrably outweigh the benefits that this particular development in this location on the edge of a sustainable settlement.

The conflict with CP2 in terms of its location and the consequential reduction in the gap between Studley and Derry Hill is the main negative impact of the proposal. However, as discussed above, given the current levels of uncertainty surrounding the 5 year housing land supply position in the North and West Wiltshire HMA following the conclusions of the appeal Inspector at Arms Farm Sutton Benger and the suspension of the Chippenham Site Allocations Plan examination great weight cannot be placed on this policy. Therefore, in accordance with the NPPF, the application should be considered in the context of the presumption in favour of sustainable development. This means:

'where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'

As recognised in the Arms Farm Appeal Decision as referenced above, the Council, at the moment, cannot demonstrate a 5 year supply in the north and west HMA because of this policy CP2 of the Wiltshire Core Strategy is considered to be out of date. The application should be considered in the context of the presumption in favour of sustainable development. In these circumstances, the guidance in the NPPF is that the local planning authority should grant planning permission.

This means that to determine the application consideration must be given to many factors. Firstly, whether the development is sustainable given the current policy context (NPPF and Development Plan) and, secondly, whether the presumption in favour of development is outweighed by adverse impacts which are significant and demonstrable. This involves a balancing exercise which requires a careful assessment of issues relevant to policy considerations and fact.

The report has highlighted that the adverse impacts of the development include the construction of dwellings within the open countryside on a partly Greenfield site. The benefits of the proposal include the fact that the proposal will boost housing supply at a scale of development that is not inappropriate in this location adjacent to a large village where a current lack of a five year supply of housing is acknowledged, there would be an additional supply of affordable housing and there would be economic benefits through construction and occupation of the houses.

The application will see significant improvements to pedestrian linkages to the local school and services. It is considered on this occasion that the adverse impacts do not outweigh the benefits of scheme. It is therefore considered sustainable development in the context of the NPPF paragraph 49 and should be permitted.

RECOMMENDATION

That authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Area Development Manager to REFUSE planning permission for the following reason:-

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces and is therefore contrary to Policies CP3 & CP43 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

- 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 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 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 No more than 53 dwellings shall be developed on the application site edged red on the submitted Site Plan.

Reason: For the avoidance of doubt and in the interest of proper planning

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission.

- 6 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing public highway.

REASON: To ensure that the development is served by an adequate means of access

- 8 Prior to first occupation of any of the dwellings hereby approved, the noise mitigation measures set out in 'Emtec Noise Level Survey and Noise Control Measures'- Issue 18 July 2014 shall have been implemented & 'Emtec Noise Level Survey and Noise Control Measures Addendum'- Issue 06 August 2015 in full. Once the works are complete and before the first occupation of any of the dwellings hereby approved a Noise Level Survey in accordance with BS4142:1997 shall have been submitted to and approved in writing by the Local planning authority demonstrating that the noise levels from the sawmill have been suppressed so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This noise mitigation shall thereafter be permanently retained.

Reason: To ensure adequate residential amenities of future residents.

- 9 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.

10 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

Site Location Plan- Received 20 October 2015

Emtec noise survey dated 18 July 2014

Emtec noise survey dated 06 August 2015

Arboricultural Report dated 07 October 2015

Flood Risk Assessment Craddy's Document Reference: 10318w0001

Planning Statement

Ecological Assessment

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

- 12 The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker
- a drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing the drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.
- Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property
- 13 The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.
- REASON: To ensure that the development can be adequately drained
- 14 No development shall commence on site until details of the pedestrian links from the development hereby approved to Footpath CALW65 and pedestrian links from the development to A4 have been submitted to and approved in writing by the local planning authority. Prior to the occupation of the 20th unit the approved details shall be provided.
- Reason: To allow connectivity between the application site and Derry Hill and to ensure that the development is sustainable.
- 15 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 together with permeability test results to BRE365, 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: To ensure that the development can be adequately drained

- 16 No dwelling built on the site shall be occupied until it has have been provided with car parking spaces in accordance with the minimum standards as required by the Wiltshire LTP 2011-2026 Car Parking Strategy. Any garage counted as a parking space shall have an internal dimension of at least 3m by 6m per space

REASON: To ensure adequate parking space is provided on site clear of the highway

- 17 No dwelling shall be occupied before the 20th dwelling hereby permitted is occupied, until:

a) A scheme for the laying out and equipping of the play area shown on the submitted plan, to include landscaping, boundary treatment and provision for future maintenance and safety checks of the equipment has been submitted to and approved in writing by the Local Planning Authority and;

b) The play area has been laid out and equipped in accordance with the approved scheme.

REASON: To ensure that the play area is provided in a timely manner in the interests of the amenity of future residents.

- 18 Prior to the commencement of the development Studley Lane shall be widened and improved in accordance with details which shall first have been submitted to and approved by the local planning authority. The details of the widening shall include the provision of a footway of minimum width 2 metres on the development side of the widened lane, and the provision of a bellmouth junction to the site, which shall include visibility splays for the access, and improvements, by way of forming a footway crossing, to the access retained for car parking for the adjacent sawmills site.

REASON: In the interests of highway safety

INFORMATIVE TO APPLICANT:

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].

INFORMATIVE TO APPLICANT:

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE TO APPLICANT:

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.

INFORMATIVE TO APPLICANT:

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE TO APPLICANT:

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
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur
elevy.

15/10457/OUT
Land at Former Blounts Court Nursery
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Calne
Wiltshire
SN11 9NQ



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