

## AGENDA

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**Meeting:** Strategic Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park,  
Chippenham, SN15 1ER  
**Date:** Wednesday 14 March 2012  
**Time:** 10.30 am

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Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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| <b>Briefing Arrangements:</b> | <b>Date</b> | <b>Time</b> | <b>Place</b>                     |
|-------------------------------|-------------|-------------|----------------------------------|
| <b>PARTY SPOKESMEN</b>        | 14.03.12    | 9.30am      | Council Chamber,<br>Monkton Park |

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### Membership:

|                                      |                        |
|--------------------------------------|------------------------|
| Cllr Mark Connolly                   | Cllr John Knight       |
| Cllr Christine Crisp (Vice Chairman) | Cllr Francis Morland   |
| Cllr Andrew Davis (Chairman)         | Cllr Stephen Petty     |
| Cllr Peter Fuller                    | Cllr Anthony Trotman   |
| Cllr Charles Howard                  | Cllr Ian West          |
| Cllr Chris Humphries                 | Cllr Fred Westmoreland |
| Cllr Julian Johnson                  |                        |

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### Substitutes:

|                    |                     |
|--------------------|---------------------|
| Cllr Trevor Carbin | Cllr Russell Hawker |
| Cllr Ernie Clark   | Cllr Jacqui Lay     |
| Cllr Bill Douglas  | Cllr Mark Packard   |
| Cllr Nick Fogg     | Cllr Leo Randall    |
| Cllr Mollie Groom  |                     |

## PART I

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

1. **Apologies for Absence**

2. **Minutes of the Previous Meeting** (*Pages 1 - 6*)

To approve and sign as a correct record the minutes of the meeting held on 15 February 2012. (Copy attached)

3. **Declarations of Interest**

Councillors are requested to declare any personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

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 10.20am 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 7 March 2012**. 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. **W/11/02312/FUL - George Ward School, Shurnhold, Melksham - Renewal of Planning Appeal Decision 26/6/2008, Planning Application Reference 07/02806/OUT for up to 270 Dwellings including Playing Fields, Car Park and Changing Facilities (Pages 7 - 36)**

A report by the Case Officer is attached.

7. **N/11/03524/OUT - Land at Oxford Road, Calne - Outline Planning Application for Development for up to 200 Dwellings with Associated Works (Pages 37 - 56)**

A report by the Case Officer is attached.

8. **N/11/03628/OUT - Land at Silver Street and White Horse Way, Calne - Outline Application for Development of around 154 Dwellings with Associated Vehicular Access to Residential Development (Pages 57 - 76)**

A report by the Case officer is attached.

## **PART II**

**Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

**None**

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## **STRATEGIC PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 15 FEBRUARY 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.**

#### **Present:**

Cllr Mark Connolly, Cllr Andrew Davis (Chairman), Cllr Peter Fuller, Cllr Charles Howard, Cllr Chris Humphries, Cllr John Knight, Cllr Francis Morland, Cllr Stephen Petty, Cllr Leo Randall (Substitute), Cllr Anthony Trotman, Cllr Ian West and Cllr Fred Westmoreland

#### **Also Present:**

Cllr Peter Colmer, Cllr Peter Davis, Cllr Peter Doyle, Cllr Mollie Groom, Cllr Jacqui Lay and Cllr Dick Tonge

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#### **1. Apologies for Absence**

Apologies for absence were received from Cllr Christine Crisp and Cllr Julian Johnson, (who was substituted by Cllr Leo Randall).

#### **2. Minutes of the Previous Meeting**

##### **Resolved:**

**To confirm and sign as a correct record the minutes of the Committee meeting held on 16 November 2011.**

#### **3. Declarations of Interest**

There were no declarations of interest.

#### **4. Chairman's Announcements**

There were no Chairman's announcements.

#### **5. Public Participation**

Members of the public addressed the Committee as set out in Minute Nos. 6 and 7.

There were no questions received from members of the public or members of the Council.

6. **10/04575 - Ridgeway Farm, Common Platt, Purton, Swindon, SN5 9JT - Residential Development (Up to 700 Dwellings), 10.6 Hectares of Green Infrastructure in Public Open Space, Associated Works, Up to 560 Square Metres of D1 Non-Residential Floorspace, Primary School and Demolition of Existing Buildings**

**The following people spoke against the proposal:**

Dr Richard Pagett, representing Purton P's & Q's  
Mr Robert Buckland, MP for South Swindon (also speaking on behalf of Mr James Gray, MP for North Wiltshire)  
Mr Kevin Fisher, a local resident  
Mr Philip Smith, Planning Policy Manager, Swindon Borough Council  
Cllr Nick Martin, Swindon Borough Council  
Cllr Geoffrey Greenaway, representing Purton Parish Council

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She explained that the applicant had submitted an appeal in respect of this application on the grounds of non-determination, that is the Council's failure to determine the application by the agreed date of 1 July 2011. Consequently, no formal decision could be made by the Council in respect of the application. However, in order to progress with the appeal and in the light of the call-in request, the opinion of the Committee was being sought in respect of the application had they been in a position to determine it and on what grounds the Committee might wish to contest the scheme at appeal, if at all. She also drew Members' attention to the late observations.

A site visit had taken place earlier that morning in respect of this application, which had been attended by Cllr Mark Connolly, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Charles Howard, Cllr Francis Morland, Cllr Stephen Petty, Cllr Leo Randall, Cllr Tony Trotman and Cllr Fred Westmoreland. Cllr Jacqui Lay, Cllr Mollie Groom and Cllr Peter Colmer, as local Members had also attended the site visit.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Jacqui Lay, Cllr Mollie Groom and Cllr Peter Colmer as local Members, who expressed their objections to the proposal on the grounds of the size of the proposed development, which would have a significant impact on the surrounding rural area, eroding the rural buffer

between Swindon and North Wiltshire and the inadequacy of the highway proposals.

Cllr Peter Doyle, as Chairman of the Wootton Bassett & Cricklade Area Board, reported that the Area Board opposed the proposed development on account of its impact on the rural buffer between the rural villages of North Wiltshire and Swindon.

The Committee noted that Section 106 Agreement discussions had been taking place with the applicant during which the Local Authority had stated that with such a large scale development, it would require the developer to provide funding for a complete new primary school and also £700,000 towards the cost of a new secondary school.

After some discussion,

**Resolved:**

**Had the Committee been able to determine this application it would have refused Planning Permission and the officers were authorised to contest the appeal for the following reasons:**

- 1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011.**
- 2. In the absence of a site specific allocation of the application site in any adopted or emerging development plan document, it is considered that there is no policy derived basis for the development of this site. It is proposed that the strategic growth of Swindon will be derived from other more suitable sites identified by Swindon Borough Council in their respect Core Strategy.**
- 3. The proposal is premature to the progression of both Wiltshire Council's and Swindon Borough Council's Local Development Frameworks (LDF), the Core Strategy Development Plan Documents for the area is therefore prejudicial to both councils' plan-led approach to sustainable development, and the spatial vision for the development of Swindon and the surrounding area. As such the proposal is contrary to Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 3: Housing.**
- 4. The proposed development is non-sustainable; it would be located where it is distant from adequate services with an insufficient public transport provision and will therefore increase the need for**

**journeys to be made by private vehicles which is non-sustainable and in conflict with the advice given in PPG13, RPG 10 and Policies C1, C3 and T1 of the adopted North Wiltshire Local Plan 2011.**

- 5. In highway design terms, the proposed development, as illustrated by the Masterplan, is not capable of being built in an acceptable manner. The poor design will encourage speeding, severance, intimidation and safety issues which are contrary to national guidance in Manual for Streets 1 and 2, Policy C3 of the adopted North Wiltshire Local Plan 2011 and current best practice for highway design.**
- 6. In the absence of an acceptable signed S106 agreement, the proposed development does not make any provisions for securing affordable housing and education on the site; it also makes insufficient financial contributions towards mitigating impacts of the development on nearby services and facilities and the maintenance of open space, waste receptacles and surface water attenuation measures on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).**
- 7. The proposed development would detrimentally impact upon the residential amenity of those residents living on through residential roads in the vicinity of the site as a consequence of the development and its associated and cumulative impact on the strategic transport network in the north and west of Swindon. The proposed development is therefore contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011.**

**7. N/09/01258/WCM - Park Lane Quarry, Neston Park, Neston - Environment Act 1995: Application for Determination of Conditions to which a Mineral Site is to be the Subject**

**The following person spoke in favour of the application:**

Mr John Salmon, the agent

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. He introduced the report which requested consideration of the application for approval of full modern planning conditions to facilitate the reactivation of a "dormant" (mineral site). He explained that that, under the provisions of the Environment Act 1995, Park Lane Quarry was classified a "dormant" site and no minerals development could lawfully recommence at this site until a new scheme of conditions had been approved.



The main issue to be considered was whether the submitted conditions were acceptable or should be modified or added to in the light of the particular circumstances of the case and relevant guidance. It was important to note that planning permission already existed for the mine itself and as a consequence the planning merits of permitting a mine in this location were not for consideration.

The Case Officer also drew Members' attention to the late observations.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from the agent as detailed above expressing his views.

Members then heard the views of Cllr Peter Davis and Cllr Dick Tonge, local Members, who both objected to the proposal on highway grounds regarding access to and from the site, the construction of a new haulage road across five fields breaching six long established hedge and wall boundaries, and the sinking of a totally unnecessary new access slope shaft to the underground workings when an existing slope shaft already existed, causing severe damage to the rural setting of the area.

After discussion, during which the appropriateness of the proposed condition requiring vehicles to use a new access onto Brookleaze and route along Rough Street or a modified condition requiring access to be via the previous route along Park Lane was considered,

**Resolved:**

**To defer consideration of the application in order that:-**

- (1) the Officers could consult the local residents on the option of a condition requiring access to and from the site along Park Lane.**
- (2) all members of the Committee could acquaint themselves with the site.**

**8. N/09/02159/WCM - Park Lane Quarry, Neston Park, Neston - Construction of Road Access, Haul Road and Mine Access Area for Park Lane Mine**

**Resolved:**

**To defer consideration of the application for the reasons set out in Minute No 7 above.**

9. **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 2.00 - 4.15 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## WILTSHIRE COUNCIL

### STRATEGIC PLANNING COMMITTEE

|                            |   |   |                  |
|----------------------------|---|---|------------------|
| <b>Date of Meeting</b>     | <b>14 March 2012</b>  |   |                  |
| <b>Application Number</b>  | <b>W/11/02312/FUL</b>   |   |                  |
| <b>Site Address</b>        | <b>George Ward School Shurnhold Melksham Wiltshire</b>  |   |                  |
| <b>Proposal</b>            | <b>Renewal of planning appeal decision 26/6/2008 planning application reference 07/02806/OUT for up to 270 dwellings including playing fields, car park and changing facilities</b> |   |                  |
| <b>Applicant</b>           | <b>Wiltshire Council</b>  |   |                  |
| <b>Town/Parish Council</b> | <b>Melksham (Town)</b>  |   |                  |
| <b>Electoral Division</b>  | <b>Melksham North</b>   | <b>Unitary Member:</b>  | <b>Rod Eaton</b> |
| <b>Grid Ref</b>            | <b>389634 164842</b>  |   |                  |
| <b>Type of application</b> | <b>Full Plan</b>  |   |                  |
| <b>Case Officer</b>        | <b>Mr Michael Kilmister</b>   | 01225 770344 Ext 01225 770228<br>michael.kilmister@wiltshire.gov.uk |                  |

The application meets the criteria for consideration by Strategic Planning Committee because it is a large scale major and the applicant is Wiltshire Council.

The application was also called in by Councillor Eaton due to:

- \* Scale of development
- \* Visual impact upon the surrounding area
- \* Environmental/highway impact
- \* significant reduction of the Melksham Rural Buffer zone

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be granted

Neighbourhood Responses

16 letters of objection have been received.

Parish/Town Council Response

Melksham Town Council object on the reasons given with the previous application 07/02806/OUT and the impact of extra traffic associated with the new Asda store.

#### 2. Report Summary

The sole issue is whether there has been any material change in circumstances which would indicate a need to re-visit the decision in respect of application 07/02806/OUT.

That permission was for an outline application for up to 270 dwellings including playfields, car park and changing facilities. Although recommended for permission by officers, it was subsequently refused by the Council for the following reasons

1. The proposal would result in the loss of existing playing fields, open space and recreational land and it has not been demonstrated that there is an excess of sports pitch provision and public open space in the immediate locality of the site contrary to West Wiltshire District Plan – First Alteration 2004 - Policy R2.

2. The proposal would result in the loss of an important visual gap between Shaw and Melksham that would be harmful to the rural amenity, character of the countryside and character of both settlements contrary to Policies C1 and H1 of the West Wiltshire District Plan 2004.

However, it was granted on appeal (Attached at the end of the report) on 26th August 2008 subject to a S106 agreement and a number of conditions.

### **3. Site Description**

The site is located on the western side of the town of Melksham between Melksham and Shaw. It comprises two separate parcels of land divided by Dunch Lane.

The first parcel of land is located to the south of Dunch Lane which includes the buildings associated with the ex George Ward School which is currently being used as offices in line with a temporary 3 year planning permission 10/01560/REG3. Within this temporary permission the ex astro pitch is used for the storage of demolition material, whilst the ex tennis court area has become an hard standing area for any overspill vehicle parking in association with the office use. The playing fields adjacent were unaffected by the temporary permission. The first parcel of land is where the housing is proposed under planning permission 07/02806/OUT.

The second parcel of land area is to the north on the opposite side of Dunch Lane and is currently meadows and playing fields. This part of the overall site is proposed for recreation and leisure uses. A public footpath crosses the site.

### **4. Relevant Planning History**

07/02806/OUT - Outline application for up to 270 dwellings including playfields, car park and changing facilities – Allowed on appeal 26.8.08

W/10/01560/REG3 - Change of use to offices for a period of 3 years, and associated works – 21st July 2010

### **5. Proposal**

This application is for an extension of time for the implementation of permission 07/02806/OUT which was for an outline application for up to 270 dwellings including playfields, car park and changing facilities.

### **6. Planning Policy**

Wiltshire Structure Plan 2016

DP1 Priorities for sustainable development

DP3 Development strategy

DP4 Town and main settlements

DP7 Housing in towns and main settlements

DP8 Affordable housing

DP9 Re-use of land and buildings

RLT1 Recreation Sport and Leisure

## West Wiltshire District Plan - 1st Alteration 2004

- H1 Housing in towns
- H2 Affordable Housing
- H24 New housing design
- C1 The countryside
- C9 Rivers
- C15 Archaeology
- C31A Design
- C32 Landscaping
- C33 Recycling
- C34A Resources
- C35 Light pollution
- C37 Contamination
- C40 Tree planting
- S1 Education
- T10 Parking
- CF1 Community facilities
- U2 Surface water disposal
- I1 Resources
- I2 The Arts
- I3 Disabled access

## Leisure and Recreation DPD 2009

- LP2 loss of open space or sport and recreation provision
- SC1 Dual use of school facilities
- LP4 Recreational facilities in new development
- LP5 New sport and recreational facilities

- SPG Residential Design Guide
- SPG Affordable Housing
- SPG Public Open Space

- PPS1 Delivering sustainable development
- PPS3 Housing
- PPG13 Transportation

## 7. Consultations

### MELKSHAM TOWN COUNCIL

Reiterate their previous concerns made on application 07/02806/OUT and add that an up to date Traffic Impact Assessment is needed given the new Asda store.

Councillors agreed with residents that they support the development of a new school being built but, having discussed it in great detail, found the application unsatisfactory in its current format and therefore objected to the application for the following reasons:

Overwhelming impact of proposed development on current local community due to the number of houses (270) being proposed and the high density.

The high density of dwellings proposed will be out of keeping with local area. The plan infers that there will be (3 storey buildings) which will be out of character with the local area. However, the Town Council recognise this is only outline planning at this stage and they suggest the site should have more mixed development incorporating bungalows - C18/H1

The plan makes no reference to the impact on the infrastructure for existing and future residents in the area of Melksham as a whole, specifically education and healthcare provision –U1

There will be a negative impact on the rural buffer zone between Melksham and Shaw. This development will reduce the gap to 100 metres.

The rural gateway to Melksham would be lost if the development was approved.

Loss of greenfield site -loss of important play facilities and informal recreational facilities –R1/R2

Councillors also raised the following concerns: There has not been an Environmental Impact Assessment carried out to show how water, drainage and sewerage will be managed. The committee has concerns as this is an area that floods (Southbrook floods as does the entrance to Shaw on the A365). Also the increased traffic movements and subsequent noise increase and pollution - U2, H1-C/Ca.

There is no Transport or Highway impact assessment. The effect on extra transport (noise levels, congestion, routes to school/travel plans, travel to employment and town facilities). There is a lack of understanding of traffic impact on Dunch Lane and access across bridge (road safety, vehicles exiting properties safely) -C36/R1 & R2.

Concerns regarding emergency access to existing properties in area (specifically, access across the playing field to Dunch Lane cul-de-sac).

As well as voicing the above concerns, Councillors requested that Dunch Lane be able to retain its 'lane' status, therefore protecting the hedgerow and surrounding wildlife habitat. Councillors also asked for assurances that the land north of Dunch Lane would be protected from any development in the future and that adequate parking and changing facilities were included in the plans. Finally, Councillors asked for clarification regarding the rural buffer zone, which they understand to be from the Melksham boundary to the Shaw Country Hotel a distance of 100m. If the development were to be granted permission the Council would ask that the Section 106 agreement includes a substantial amount towards Health Service provision and Education.

#### MELKSHAM WITHOUT PARISH COUNCIL

Would like to reiterate their previous comments made on the 12th October 2007, regarding application 07/02806/OUT namely;

Melksham Without Parish Council strongly objects to the above planning application and recommends that it be rejected in its present form, for the following reasons:

1. The application contravenes several current District Plan policies viz:-

(a) Policy R 1 because the proposals destroy recreational facilities which are well used by the general public as well as by the school.

(b) Policy R 2 which states that any alternative replacement facilities for the community should be provided in the immediate locality. The replacement facilities are to be placed over two miles away at the new School site.

(c) Policy HI (D) which states that the development should not result in the loss of an open area or visual gap important for recreation and amenity reasons. This development erodes an important rural visual gap between Melksham and Shaw. The village boundary is only 150 yards away. Clause 3.2.17 No 4 prohibits development off Beanacre Road to prevent coalescence between Beanacre and Melksham yet this development will effectively join up Shaw with Melksham.

(d) The area proposed for this major .large development has not been approved by the Local Plan process: While some are classing it a "windfall" site, it is not really this because a windfall site is defined in Clause 3.2.3. as a "small or medium sized site" However the number of dwellings proposed on this site is more than twice the whole District windfall allocation per annum (117.6).

(e) It has not been approved in the District Plan as a recognised urban "brown field" site. The Urban Extension Allocation for Melksham introduction to Policy H6, Clause 3.2.17 states that "The Trowbridge- Chippenham railway line is considered as a firm boundary to the west of Melksham. Land to the west of the railway line is poorly related to the rest of the town ". This statement must surely be applicable to this large site.

(f) . Policy C31 a states that new development will be required to respect and enhance townscape and landscape features, architecture of surrounding buildings and historic layout and spatial characteristics. This application does none of these things. At present there is low density housing

which pleasantly lessens as the town blends into open countryside, tapering down to one single row of semi-detached houses at the Shaw end of Dunch Lane. Houses include a variety of styles such as attractive nineteenth century cottages to the right of the school at Shurnhold and close by in Shaw on the Bath Road. All existing dwellings are well-spaced with good gardens. These proposals are for a high urban density, at least three times the ratio of the surrounding area. The design and density are more in keeping with a centre of town site, than edge of town in open countryside. The proposed 3 storey dwellings are out of keeping with surrounding dwellings which are mainly two storey cottages with a few small terraces. To place a large, dense housing estate on this site will substantially alter the whole rural character of the area. It will also be detrimental to the setting of the listed building Shaw House and its gateway opposite the site.

2. The proposed development offers no community benefits. Although the project is akin to the size of the East of Bowerhill development built in late 1990s, (which then financed a new village hall and several other community enhancements) this is just a block of housing. It will put additional pressure on health services in Melksham. Doctors' and dentists' books in the town are already full. The present George Ward School has an excellent Training Centre, known as the Old Animal House, which would make a superb village hall for the whole area, including the existing community which has nowhere to meet. This building should be retained as it has recently been completely refurbished with Meeting rooms, kitchen, disabled facilities etc.

3. The application will exacerbate with the existing highway hazards in Dunch Lane. Dunch Lane is a narrow rural lane with a narrow railway bridge at one end and a dangerous blind corner at the Bath Road end. It is already congested and used for parking by existing residents who have no garages. It is just not fit for purpose to take any more traffic or to have any vehicular accesses on to it, especially so close to the bend. If the whole site is developed for housing, with no parking recreational purposes on the George Ward site, the overspill traffic from both the development and the remaining three senior pitches will be jostling to park in the Lane, putting existing residents under enormous stress. In the past the Parish Council has tried without success to obtain extra land for a footway down to A365 to allow children to walk safely to Shaw School. No traffic from the development should be permitted to use Dunch Lane at all.

4. The development would result in the loss of playing fields which are in short supply in the Melksham area. The school playing fields have been used by the local residents for community events for many years.

5. The proposed changing and car parking facilities are inadequate to meet the needs of three senior pitches. If all three pitches are in use at the same time, it can generate between 50 - 100 cars. Changing facilities need to be constructed to Sport England requirements. There should be no sports car parking in Dunch Lane.

6. The proposed development is not sustainable. The travel to school distance is a far more significant factor for primary school children than for secondary pupils. Cycling proficiency certificates are generally not issued until children are 8- 9 years old Children from the new development will be unable to go to Shaw School because it is already oversubscribed and so they will have to be bussed elsewhere. At present the main secondary school from a site is easily accessible with cycle ways, shared paths and three separate accesses. However if housing is put on this site, a lot of traffic will be generated because of the lack of community facilities and no usable schools nearby.

Should the Planning Authority be minded to grant permission, despite their own policies, the Parish Council requests the following amendments?

- a. The rural visual gap between Shaw and Melksham should remain to prevent any coalescence between town and village.
- b. The existing playing fields on the southern George Ward site should be fully preserved and parking incorporated on this site to serve all the open recreational space, including the 3 senior pitches in the northern part of the site.
- c. Housing should be built on the brown field section of this site only i.e. on the area occupied by the current George Ward School buildings.
- d. Housing density should be substantially reduced to match the density of surrounding dwellings.

- e. The Training Centre should be retained as a new Community Village Hall for the whole community.
- f There should be no traffic allowed from the development on to Dunch Lane and no permission allowed for sports field parking on this lane.
- g. The rural character of Dunch Lane should be preserved and existing trees and hedgerows retained
- k Any widening in Dunch Lane should be on the eastern side of the corner to avoid loss of trees or hedgerow on the Show side.
- i. There should be a proper Section 106 Agreement with the planning application which stipulates community facilities and a financial contribution in proportion to the number of houses permitted on site.
- j. The variety of building materials and styles used should reflect the materials and styles of surrounding housing.
- k. There should be no 3 storey dwellings. A greater variety of housing types are needed, including some bungalows.
- l. Environmental and transport impact studies need to be done.

#### HIGHWAYS OFFICER

This submission is a renewal of consent granted upon appeal in August 2008. I can confirm that no material changes in circumstances have occurred since that time which affects the highway recommendation. It is noted that a new Asda store has opened in the last year on the A350, but the signal junction between the A365 and A350 will soon include a MOVA computer controller modification which will improve capacity and improve the linkage with the recently introduced Asda signal controlled junction. I also note that all matters, including means of access, are reserved for future submission.

I therefore have no reason to alter or amend the recommendation of no highway objection made on the original submission, subject to the following repeated requirements:-

The new submission shall be subject to the signing of a new Section 106 Agreement, the highway related terms of which are briefly re-stated below:-

- Contribution of £45,000 towards implementing traffic management measures, if deemed necessary by the Highway Authority.
- Provision of two bus stops with shelters and raised kerbs within the site.
- A residential Travel Plan.
- Contribution of £15,000 towards pedestrian and cycle signing to the town centre and other key locations.
- Contribution of £25,000 for upgrading the footway along the A365 to improve pedestrian and cycle access to Shaw School.

Upon signing of the new Section 106 Agreement by the proposed developer, those conditions which related to highway matters, as laid out in the appeal decision letter dated 26th August 2008, shall be imposed.

#### EDUCATION OFFICER

No objection

#### ECOLOGIST OFFICER

No objection subject to the inclusion of condition 24 of the Inspectors decision being attached on any approval

#### LANDSCAPE ARCHITECT

No objection in principle to renew the planning appeal decision and extend the time for implementation.



#### ENVIRONMENTAL HEALTH OFFICER

No objection subject to conditions being attached regarding noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise and details of lighting.

#### ARCHAEOLOGIST OFFICER

No objection

#### AFFORDABLE HOUSING OFFICER

No objection. I can confirm that the Affordable Housing provision agreed in the original S106 is still in line with current Affordable Housing policy and delivery mechanisms.

#### OPEN SPACE

No objection. The open space provision secured under 07/02806 would accord with the current standards.

#### WESSEX WATER

Wessex Water support planning condition 27 on the previous outline application and recommend the inclusion of this condition on any subsequent planning approval.

#### SPORT ENGLAND

No objection to the renewal subject to a condition being attached relating to the changing rooms in line with the Inspectors decision letter (condition 16)

#### NATURAL ENGLAND

No objection

#### ENVIRONMENT AGENCY

We previously reviewed planning application 07/02806/OUT in November 2007 and recommended conditions to the LPA on any permission given. These conditions were subsequently included on the decision when the appeal was allowed and should be included in any renewed permission.

One of the conditions (no. 25) specified that there should be no buildings or structures within flood zone 2 or 3, unless otherwise agreed with the Local Planning Authority.

Since our review of the planning application in 2007 our Flood Map has changed compared to the one detailed in the 2007 Flood Risk Assessment (FRA) submitted to support the planning application. The updated Flood Map now shows all the site north of Dunch Lane to be in Flood Zone 3. Flood Zone 3 also now extends slightly into the area where residential is proposed south of Dunch Lane.

To satisfy condition 25 the layout that is agreed for reserved matters will therefore need to take into account this revised Flood Map. If any buildings are located within Flood Zone 2 or 3 further flood risk information will need to be submitted at the reserved matters stage to demonstrate that this will be acceptable. This is likely to include, for example, challenging the current Flood Zone 3 designation through modelling work, and demonstrating how the development will be safe and not increase flood risk elsewhere.

### **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification.

Expiry date: 30/09/11

Summary of points raised:

Flooding will occur due to houses being built on playing field  
Infrastructure will not cope.  
Owl and bat population will become affected.  
Against policy to build on playing fields and public open space.  
Removal of Public Open Space which is a buffer area between Melksham and village of Shaw.  
Goes against the Development Plan Policy with regard to coalescence.  
Inappropriate to build changing facilities on playing fields to north of Dunch Lane.  
Details of proposed new housing absent.  
Continue use of buildings as offices – working very well  
Object to landmark buildings being three storeys at edge of development  
Original application was declined and the only way the Council could get it approved was to reject all forms of democracy and force it through legal means.  
Loss of recreational land  
Risk of flooding  
Contravention of Development Plan Policy  
Loss of Open Spaces  
Increased traffic problems  
Lack of facilities for increased population  
Proposal appears to suggest low cost, high density housing which is not appropriate for this area.  
Green buffer zone between Melksham and Shaw  
Negative effect on local wildlife  
Inappropriate 3 storey buildings for a rural area  
Traffic problems caused by short cuts  
No need for 270 dwellings  
Noise implications to local residents

## **9. Planning Considerations**

The assessment of whether there has been a material change in circumstances incorporates two separate elements (a) the Development Plan and (b) the physical circumstances of the site and/or its surroundings.

### **(a) The Development Plan**

The original application was considered within the framework of the Wiltshire Structure Plan 2006 and the West Wiltshire District Plan 1st Alteration 2004.

- The Structure Plan remains in place

- The District Plan remains as the adopted local plan although a number of policies previously relied on have no longer been saved – C36 Noise is no longer saved as it is contained within PPG24; U1 (Infrastructure) is repeated by Structure Plan policy DP2. R2, R3, R4 & R5 has been superseded by policy LP2, SC1, LP4 & LP5 contained within the Leisure and Recreation DPD adopted in 2009.

With regard to government guidance, PPG16 (Archaeology and Planning) is replaced by PPS5 Planning for the historic Environment, PPS3 (Housing) has been amended to remove the requirement for new development to be carried out at minimum densities of 30-50 within the urban area and replaced with general guidance that development should complement the surrounding area.

It should be noted that the Planning Inspector in his appeal decision letter in respect of 07/02806/OUT commented at point 22 that ‘...the density of the proposed development is somewhat on the lower side of the range advocated in PPS3 and I find no reason why the scheme should not include elements of two and a half or three storey buildings in appropriate locations. As I find the scheme to be acceptable as submitted there would be no justification for limiting development to the area occupied by the existing school buildings.’

Since all of the subsequent policies and guidances are substantially the same in terms of objectives, this would not require the decision to be revisited in terms of the development plan.

(b) Site and surroundings

The Flood Map has changed slightly from that which was submitted with the original application in 2007, however, a condition which would be attached covers this aspect in that if any buildings is located within Flood Zone 2 or 3 further flood risk information will need to be submitted at the reserved matters stage to demonstrate that this will be acceptable.

With regards to any Highway issues raised by objectors the Highways Officer has confirmed that no material changes in circumstances have occurred since the appeal decision in August 2008 which affects the highway recommendation of no objection. It is noted that a new Asda store has opened in the last year on the A350, but the signal junction between the A365 and A350 will soon include a MOVA computer controller modification which will improve capacity and improve the linkage with the recently introduced Asda signal controlled junction.

The objections raised by the Town Council, local residents, Melksham Without Parish Council and the Local Councillor are repetitions of the issues raised by them all on the previous application 07/02806/OUT which the Planning Inspector looked at in detail and as he states in his decision letter 'The consultation responses from the various statutory bodies and agencies do not suggest that there would be intractable difficulties with regard to the provision of support services or infrastructure such as to warrant refusal of permission.'

The Inspector went on to say 'Many of the concerns raised by residents have been shown to be capable of resolution through conditions. As the proposals are illustrative there is scope for variation and control of detailed design and layout matters when reserved matters are approved.'

There has been no material change in either the site or surroundings of the application site.

Other Considerations

Since the outline permission was originally granted on appeal, the former West Wiltshire District and Wiltshire County Councils have been replaced as one unitary authority. This is a Councils application and if granted it would be subject to a legal Agreement being attached to secure financial contributions.

Conclusion

There has been no material change in either the development plan or the site and its surroundings, and no other consideration which would require the Council to revisit the appeal decision 07/00115/FUL. A further renewal is therefore recommended subject to the necessary amendments to the existing S106 Agreements.

**Recommendation:**

**Planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to prior completion of a legal agreement to secure:**

- 1) 30% Affordable Housing**
- 2) Provision of Public Open Space together with a maintenance contribution**
- 3) Provision of Public Art**
- 4) Provision of playing fields, changing room, car and coach parking and turning area and access thereto**
- 5) Provision of Surface Water Attenuation scheme**

**6) Provision of Foul Sewerage Pumping Station**

**7) Provision of an index linked financial contribution to education needs arising out of the new housing**

**8) A financial contribution of £45,000 towards implementing the following necessary traffic management measures by the Highway Authority:**

**a) A Traffic Regulation Order to restrict or limit on-street parking on Dunch Lane;**

**b) Design and implementation of traffic management measures relating to the access from Dunch Lane to the A350;**

**c) A Traffic Regulation Order for modification of the speed limit on the A365 to 40 mph past the site and moving the existing gateways.**

**9) Provision of 2 bus stops with shelters and raised kerbs within the site.**

**10) A Residential Travel Plan, which shall include targets, to be undertaken and agreed by the local planning authority prior to the first occupation and appointment of a Travel Plan Co-ordinator. The Travel Plan shall include a welcome pack for new residents, the final contents of which must also be agreed by the local planning authority prior to occupation. This pack must include a map of cycle routes around the town and recommended routes to key destinations such as the new George Ward School, a map of bus routes and bus timetables.**

**11) A financial contribution of £15,000 towards pedestrian and cycle signing to the town centre and other key locations.**

**12) A financial contribution of £25,000 for upgrading the footway along the A365 to improve pedestrian and cycle access to Shaw School.**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**And subject to the following conditions:-**

- 1 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

REASON: In accordance with Section 92 of the Town & Country Planning Act 1990 as amended.

- 2 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.

- 3 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.

- 4 No later than the submission of the last of the reserved matters a plan shall be submitted to the Local Planning Authority showing the phasing of the development of the site; development shall take place in accordance with the approved phasing plan.
- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

- 6 The details of the landscaping of the site submitted in accordance with condition 1 shall include indications of all existing trees and hedgerows on the land, and details of any to be retained
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 9 The reserved matters shall include provision for public open space, amenity areas and play areas. The plans submitted shall define the boundaries of such areas, their proposed uses, the age groups for which they are intended, and the items of equipment, means of enclosure and all other structures which it is proposed to install.

REASON: To ensure that adequate recreation space is provided to meet the needs of the development.

Leisure \_ Recreation Development Plan Document 2009 - LP4

- 10 No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.

REASON: To ensure that existing hedges of value are adequately protected.

- 11 Before any development is commenced on site, including site works or storage of any description, all trees to be retained must be protected. Heras or similar protective fencing must be 2.4 metres in height and supported on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fencing should be erected at a minimum of 2 metres outside the canopy edge of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall not neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete unless the Local Planning Authority gives written consent to any variation.

REASON: To prevent trees that are to be retained on or adjacent to the site from being damaged during the construction works

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

REASON: To secure the proper development of the site and in the interests of the establishment and long term management of the landscaped areas.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32

- 13 Prior to the commencement of the development, detailed designs for the main access junction and the changes to the Dunch Lane/A365 junction shall be submitted to and approved in writing by the local planning authority; and the main access junction and additional works shall be constructed in accordance with the approved drawings prior to the commencement of the development on site.

REASON: In the interests of highway safety.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 14 Detailed plans for vehicle parking, including coach parking, and on-site turning at the sports pitches, together with details of the access to this site and alterations to improve the sight lines at the corner of Dunch Lane together with a travel management plan shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

REASON: In the interests of highway safety.

Leisure \_ Recreation Development Plan Document 2009 - LP4.

- 15 A detailed management plan for the sports pitches should be submitted to, approved in writing by the Local Planning Authority and implemented prior to occupation of the development.

REASON: In the interests of highway safety.

Leisure \_ Recreation Development Plan Document 2009 - LP4.

- 16 Prior to commencement of the development, details of the design and layout of the proposed changing rooms shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The proposed changing rooms shall comply with Sport England's Technical Design Guidance Notes 'Pavilions and Clubhouses' and 'Access for

Disabled People'. The changing rooms shall be constructed in accordance with the approved design and layout details and completed prior to the first occupation of the residential development hereby approved.

REASON: To ensure the development is fit for purpose, subject to high quality design standards and sustainable.

Leisure \_ Recreation Development Plan Document 2009 - LP2 & LP4

- 17 The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, for the provision of facilities that are as accessible and equivalent in terms of size, usefulness, attractiveness and quality as the existing facilities, and shall include a timetable for the provision of the new facilities. The new facilities will be provided in accordance with the approved scheme.

REASON: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

Leisure \_ Recreation Development Plan Document 2009 - LP2 & LP4.

- 18 The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies C38 and PPG24.

- 19 Details of lighting to the site North of Dunch Lane (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C35

- 20 Building and construction work on the development hereby permitted shall not take place outside 07.00 hours to 18.00 hours, Monday to Friday, and 08.00 hours to 13.00 hours on Saturday, and at no time on Sundays and Bank Holidays unless the Local Planning Authority gives written approval to any variation.

REASON: To protect the amenity of the occupiers of nearby dwellings.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C38.

- 21 No materials shall be burnt on site at any time on any phase of the development during the building and construction works.

REASON: In order to minimise nuisance.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C38.

- 22 Any facilities for the storage of oils, fuels or chemicals during the construction phase shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank,

or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

REASON: To minimise the risk of pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy U4.

- 23 Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, including biodiversity enhancing features and provision for enhancement of the South Brook and control of Himalayan Balsam, together with a programme of implementation and an ecological management plan for the whole site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved programme.

REASON: In order to protect wildlife habitats and enhance the long-term biodiversity value of the site as a whole.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C1

- 24 Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species, in particular bats and great crested newts, and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.

REASON: In the interests of natural species which have statutory protection.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy C7.

- 25 There shall be no new buildings, or other structures (including gates, walls and fences) or raised ground levels within the floodplain area (Flood Zones 2 and/or 3), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority. Any building or structure to the north of Dunch Lane shall have a finished floor level no lower than 600mm above the 1 in 100 year flood level including 20% for climate change.

REASON: To maintain flood storage capacity and allow for flood flow routes, ensuring that flood risk is not increased in the vicinity.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy H1.

- 26 No development shall commence on site until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include oil interception for drainage from parking areas and hardstandings, shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water management.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.



27 No development shall commence on site until a scheme for the provision and implementation of foul drainage works has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented strictly in accordance with the approved details prior to the first occupation of each agreed phase of the development.

REASON: To prevent pollution of the water environment.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policies H1 and U2.

28 No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

29 No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of each agreed phase of the development.

REASON: In the interests of sustainable development and prudent use of natural resources.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C34A.

30 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Site Plan - Drawing No W.0196 10 1  
Illustrative Masterplan - Drawing No W.0196 05 1A  
Illustrative Masterplan - Drawing No W.0196 05 1B

Reason: To ensure that the development is carried out in accordance with the approved plans that has been judged to be acceptable by the local planning authority.

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| <b>Appendices:</b>  |  |
| <b>Background Documents Used in the Preparation of this Report:</b> |  |

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# Appeal Decision

Inquiry held on 29 and 30 July 2008

Site visit made on 30 July 2008

by **John R Mattocks** BSc DipTP MRTPI  
FRGS

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
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Decision date:  
26 August 2008

**Appeal Ref: APP/F3925/A/08/2066336**

**George Ward Secondary School, Shurnhold, Melksham, SN12 8DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wiltshire County Council against the decision of West Wiltshire District Council.
- The application, ref. 07/02806/OUT, dated 28 August 2007, was refused by notice dated 31 January 2008.
- The development proposed is "up to 270 dwellings including playing fields, car park and changing facilities".

## Decision

1. I allow the appeal and grant outline planning permission for the erection up to 270 dwellings including playing fields, car park and changing facilities, on land at George Ward Secondary School, Shurnhold, Melksham, SN12 8DQ in accordance with application, ref. 07/02806/OUT, dated 28 August 2007, and the plans submitted with it, subject to the conditions set out in the Schedule appended to the end of this determination.

## Explanatory Note

2. The outline application relates to the whole of the area currently occupied by the George Ward school. This forms two parcels of land. To the north of Dunch Lane is an area of playing fields which is proposed to remain in that use but "made available for public use by way of a community use" as stated in section 3 of the s106 agreement. An illustrative masterplan (ref. W.0196\_05-1A) submitted with the application shows a re-arrangement of the existing pitches and the provision of changing rooms and car parking. In this decision I refer to that area by the abbreviation ND.L.
3. The housing is proposed to be located entirely to the south of Dunch Lane on the area currently occupied by the school buildings, a surfaced multi-use games area (a MUGA) and tennis courts with playing fields extending northwards to Dunch Lane. The main issues in this appeal apply primarily to the proposals for this southern area, to which I refer by the abbreviation SD.L.
4. At the Inquiry I was provided with a copy of the s106 agreement between the principal parties to the appeal, dated, signed and sealed. Amongst other things this provides a link between the development and open space provision and secures affordable housing and highway improvements. I am satisfied that it meets the requirements of Circular 05/2005 and that it is a material consideration in this case.



## **Main issues**

5. There are two main issues in this appeal. They are:
  - a. whether, taking account of Policy R2 in the adopted local plan, the proposals for the replacement of the existing recreational space represent a suitable level of provision for the immediate locality and for the community of Melksham as a whole; and
  - b. the effect of the proposals on the character and appearance of the area particularly in terms of the effect on the visual gap between Melksham and Shaw.

## **Reasoning**

### Issue One

6. The first reason for refusal of the application conflates criteria (ii) and (iii) of saved Policy R2 in the adopted West Wiltshire Local Plan First Alteration. Policy R3 also applies but only requires that the criteria of Policy R2 be satisfied. The site is shown on the Proposals Map as subject to Policy R2.
7. Policy R2 does not permit the loss of playing fields or recreational land except where any one of the three criteria is met. The first is not relevant in this case. Criterion (ii) is that alternative provision of equivalent community benefit should be made in "the immediate vicinity" and criterion (iii) that there is an excess of sports pitch provision in "the area", defined in the plan text as the catchment area for any facility lost through the development.
8. I have put certain terms within inverted commas because the distinction between the two criteria is important. There is no disagreement that the NDL fields are those which are formally laid out as pitches, with goalposts, and are hired out to clubs from a wide area of the town and beyond. Similarly, the MUGA has a wide catchment. I consider it right to equate "the area" for the interpretation of criterion (iii) with Melksham as a whole. The Kit Campbell needs assessment shows a shortfall in the town of nearly 3.5 ha. of multifunctional green-spaces and 4 ha. of sports pitches and courts. Thus, it was not claimed that there is an excess in "the area" but, allowing for the additional 4 ha. at SDL, the 13.2 ha. to be provided at the new school site at Woolmore Farm, granted permission in May 2008, would more than suffice in compensation, at least in terms of recreational land area and quality. It seems to me that the issue of amenity is better considered more locally.
9. With regard to criterion (ii) it was agreed that is reasonable to regard the area lying west of the railway line as the "immediate vicinity" for the purpose of interpreting criterion (ii) of Policy R2. The issue then becomes whether the alternative provision would be of equivalent community benefit, taking the term "community" to mean those living in the "immediate vicinity".
10. It is clear to me from the many letters of representation and from what was said by residents at the Inquiry that both the north and south fields are valued as open space and used by the community for informal recreation, that is walking and informal play. In that sense they are a local amenity even though, apart from the public footpath crossing NDL, members of the public have no right of access to school land and there are signs to that effect at a

number of places. Despite the formal handing over of the NDL fields to the community as provided for in the s106 agreement there will not be the equivalent provision, in the immediate vicinity, of land for informal recreational use on the scale which, albeit on a grace and favour basis, has been enjoyed on the SDL field. Accordingly, I conclude that the proposal does not comply with criterion (ii) of Policy R2.

11. Nevertheless, I consider that there are several material considerations to be weighed against this policy conflict. First is the fact that, access could be denied to the whole of the SDL site once the school has closed. Indeed, it would be necessary to secure the site against trespass by travellers. This casts doubt on the continued value of the SDL land as amenity open space. Should the current application for registration of the land as a village green be successful it would prevent the implementation of the appeal scheme.
12. Secondly, the whole approach of the County Council has been to look at an exchange of land between this site and the new and enhanced provision at Woolmore Farm, as approved or secured through a s106 agreement for that development. I am satisfied that this will be at least as accessible to the majority of Melksham residents, including those living in the proposed east Melksham urban extension, as the current school site and will represent both a qualitative and quantitative improvement. The enhancement of the NDL fields will also be a qualitative improvement. Thus, I consider that this approach accords with the advice in paragraph 13 of PPG17.
13. Thirdly, I attach considerable weight to the assessment carried out by the appellants as to the sufficiency of the open space provision within the immediate locality when measured against local standards. It demonstrates that after the proposed development had taken place local standards of provision would be met or exceeded for all types of space except a bowling green; but there is no bowling green in the area now and it is a Melksham-wide requirement. As for the use of the NDL fields, I accept the appellants' submission that the terms of the s106 agreement would preclude exclusive use by a rugby club. Thus, I consider that, in terms of PPG17 guidance, there would be a suitable level of recreational and open space provision in the immediate locality.
14. I consider that these factors together are sufficient to outweigh the conflict with the second criterion of Policy R2 and, taken together with the wider benefits to Melksham of enhanced facilities at the new school, the identified shortfall in provision for the town would be made good. That is a persuasive argument in favour of permission.

#### Issue Two

15. The SDL land lies within the town development boundary as shown on the adopted Local Plan Proposals Map. That means that there is no objection in principle to residential development subject to Policy H1 of the plan under which criterion D is applicable. The proposal will result in the loss of an open area and recreational land *within* (my emphasis) the town but the importance of the area in those terms is diminished for the reasons I give above. As for a "visual gap" I agree with the appellants that the policy does not apply outside the built-up area of Melksham and cannot apply to the gap between Melksham

and Shaw. Similarly, as the SDL land lies entirely within the defined urban limit, policy C1, which applies to development in the open countryside, does not apply to that area.

16. Even so, I accept that the replacement of an open land use with housing would result in an extension in visual terms of the built-up area of Melksham towards what might be termed the "island" of development around Shaw Farm and Poplar Farm. It means that on approach from the Shaw direction the new housing would be directly in view, subject to landscaping, after rounding the bend by the hotel entrance drive. Housing would also be seen behind the hedgerow east of Bath Road in views northwards towards Dunch Lane from the vicinity of the existing school accesses and would be seen much closer to Bath Road from the field footpath to the west than the existing houses on Dunch Lane appear in that view.
17. Despite this I consider that, narrow though it may be, the visual gap with the Shaw Farm group of houses would not be seriously compromised. It would remain as open countryside and protected by relevant policies. I do not regard the position of the Melksham Without Parish boundary to be a relevant factor in this regard. I consider that the proposed development would be well contained by Bath Road and Dunch Lane and represent a logical extension to the existing developed area. Its effect on the character and appearance of the area would not be such as to outweigh the policy presumption in favour of development within the town boundary.

#### Other considerations

18. I accept that the definition of "previously developed land" as now set out in Annex B of the (2006) revised PPS3 applies to the curtilage of the school buildings, including the SDL playing fields. This post-dates the reference in paragraph 14 of PPG17 with its cross-reference to Annex C of the then extant PPG3. Paragraph 25 of PPS3 identifies the development of such land for housing as a priority and paragraph 40 of PPS3 sets a key objective to make effective use of previously developed land.
19. Furthermore, the draft RSS revision provides for the delivery of 6300 dwellings in West Wiltshire outside Trowbridge in the period 2006-26, which equates with 1575 dwellings in 5 years. The District Council rely on April 2007 based land availability information to suggest that there is an identified supply of 2149 but this includes an assumption that 790 dwellings will be completed in the East Melksham development by April 2012. I heard that a s106 agreement for this site is to be concluded shortly but, even if the Council is right on every other assumption, 216 dwellings would need to be completed at East Melksham to ensure a five-year supply. On the basis of the evidence before me that seems unduly optimistic. I conclude that a five-year supply has not been adequately demonstrated and the advice in paragraph 71 of PPS3.
20. It has been suggested in representations that the site is not a sustainable one for new housing, as it is relatively cut off by the railway line from the rest of the town and referring to the comment to this effect in paragraph 3.2.17 of the Local Plan. However, this development is not of the scale of the allocated area east of Melksham. I do not consider that the site is so poorly related to



the town as to make it unsustainable particularly as Melksham station is located on that side of town and there is at least an hourly bus service along Bath Road. Nor do I consider the scale of development to be inappropriate for a "category B" settlement. The s106 agreement provides for a residential travel plan and enhancement to cycle and pedestrian links.

21. The consultation responses from the various statutory bodies and agencies do not suggest that there would be intractable difficulties with regard to the provision of support services or infrastructure such as to warrant refusal of permission. A detailed transport assessment has been carried out with a package of measures put forward to be secured either by condition or under the s106 agreement. These should overcome concerns as to traffic and highway safety. A flood risk assessment has been carried out in accordance with PPS25 and conditions suggested by the Environment Agency to reduce risk. The assessment shows that part of the NDL land nearest to South Brook is within Flood Zone 3 but only playing fields are proposed within the zone. The club house and car park would be in Flood Zone 1. The development area within SDL is a little above Flood Zone 1 even allowing 20% for climate change and so there is no justification for precautionary measures there.
22. Many of the other concerns raised by local residents have been shown to be capable of resolution through conditions. As the proposals are illustrative there is scope for variation and control of detailed design and layout matters when reserved matters are approved. Furthermore, the density of the proposed development is somewhat on the lower side of the range advocated in PPS3 and I find no reason why the scheme should not include elements of two and a half or three storey buildings in appropriate locations. As I find the scheme to be acceptable as submitted there would be no justification for limiting development to the area occupied by the existing school buildings.

#### Summary Conclusion

23. Although the proposals are not fully in accordance with Local Plan policy R2 in that they would not provide recreational facilities of equivalent community benefit in the immediate vicinity of the site this is outweighed by the wider benefit to the community of Melksham town as a whole through the enhanced facilities to be provided at the relocated school on Woolmore Farm which will be at least as accessible to the majority of the existing and future residents of the town. Furthermore, the alternative provision within the proposed development, including the NDL land, would more than satisfy local standards for the provision of most categories of recreational space.
24. The SDL site lies within the town development boundary of Melksham where policy provided that residential development is to be permitted. The effect on the open gap between Melksham and Shaw, or on local amenity, is not such as to outweigh the policy presumption in favour of the development on previously developed land especially as a five-year supply of land for housing has not been adequately demonstrated.
25. None of the other matters raised in the representations carries such weight as to alter my conclusion that outline planning permission should be granted subject to the conditions discussed below.

### Conditions

26. The principal parties had agreed no fewer than 31 conditions to be attached to any grant of permission. I have considered these in the light of the advice in Circular 11/95 and the amendments discussed at the Inquiry. It was agreed that not all are justified. This applies, in part to suggested landscaping condition 5 which may be controlled on any detailed submission of the reserved matter of landscaping. It may be difficult to achieve a satisfactory travel management plan for the sports pitches but it is necessary to minimise the impact of traffic flows on Dunch Lane. The submitted geophysical survey does not support the need for further archaeological investigation of the site. Suggested condition 26 on floor levels is only applicable to the proposed club house within Flood Zone 1 and can be combined with condition 25. The requirement for an oil interception (condition 28) can be controlled within the generality of suggested condition 27. Finally, I agree that it would be reasonable to require the submission of a plan, in conjunction with the submission of reserved matters, to show the proposed phasing of the development.

*John R Mattocks*

Inspector

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### **SCHEDULE OF CONDITIONS**

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall begin 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, whichever is the later.
4. No later than the submission of the last of the reserved matters a plan shall be submitted to the Local Planning Authority showing the phasing of the development of the site; development shall take place in accordance with the approved phasing plan.
5. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
6. The details of the landscaping of the site submitted in accordance with condition 1 shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.



7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
9. The reserved matters shall include provision for public open space, amenity areas and play areas. The plans submitted shall define the boundaries of such areas, their proposed uses, the age groups for which they are intended, and the items of equipment, means of enclosure and all other structures which it is proposed to install.
10. No hedge shall be felled, uprooted or otherwise removed before, during or after the construction period, except where removal is indicated on the approved plans or on an approved landscaping scheme, or where removal is required to construct a road, footpath or cycleway in accordance with the approved plans.
11. Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The protective fencing should be at minimum, weld mesh panels (Heras or similar) erected on a scaffold framework driven in to the ground by a minimum of 600mm. Alternatively a three-bar post and rail fence should be erected with galvanised livestock mesh attached to it.

The protective fence should be erected at a minimum of 2 metres outside the canopy of each tree or hedgerow. If a group of trees are to be protected the fence should be erected a minimum of 5 metres outside the group canopy.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon.

If trenches for services are required within the fenced off area, they shall be excavated and back-filled by hand avoiding any damage to the bark and any principal tree roots encountered shall be left unsevered. Where excavations do expose roots, these should be surrounded with sharp/grit sand before replacing soil or other material in the vicinity.

The fences shall not be removed without the consent of the local Planning Authority until the whole of the development is complete. unless the Local Planning Authority gives written consent to any variation.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

13. Prior to the commencement of the development, detailed designs for the main access junction and the changes to the Dunch Lane/A365 junction shall be submitted to and approved in writing by the local planning authority; and the main access junction and additional works shall be constructed in accordance with the approved drawings prior to the commencement of the development on site.
14. Detailed plans for vehicle parking, including coach parking, and on-site turning at the sports pitches, together with details of the access to this site and alterations to improve the sight lines at the corner of Dunch Lane together with a travel management plan shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.
15. A detailed management plan for the sports pitches should be submitted to, approved in writing by the Local Planning Authority and implemented prior to occupation of the development.
16. Prior to commencement of the development, details of the design and layout of the proposed changing rooms shall be submitted to and approved in writing by the Local Planning Authority. The proposed changing rooms shall comply with Sport England's Technical Design Guidance Notes 'Pavilions and Clubhouses' and 'Access for Disabled People'. The changing rooms shall be constructed in accordance with the approved design and layout details and completed prior to the first occupation of the residential development hereby approved.
17. The development hereby permitted shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority, for the provision of facilities that are as accessible and equivalent in terms of size, usefulness, attractiveness and quality as the existing facilities, and shall include a timetable for the provision of the new facilities. The new facilities will be provided in accordance with the approved scheme.
18. The development hereby permitted shall not begin until a noise impact assessment and scheme for protecting the proposed dwellings and their curtilages from road traffic noise has been submitted and approved by the Local Planning Authority. Any works which form part of the scheme approved by the Local Planning Authority shall be completed before any permitted dwelling is first occupied, unless an alternative period is agreed in writing by the Local Planning Authority.
19. Details of lighting to the site North of Dunch Lane (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.
20. Building and construction work on the development hereby permitted shall not take place outside 07.00 hours to 18.00 hours, Monday to Friday, and 08.00 hours to 13.00 hours on Saturday, and at no time on Sundays and Bank Holidays unless the Local Planning Authority gives written approval to any variation.
21. No materials shall be burnt on site at any time on any phase of the development during the building and construction works.
22. Any facilities for the storage of oils, fuels or chemicals during the construction phase shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of

interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Full details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall only be carried out in accordance with the approved details.

23. Prior to the commencement of the development hereby permitted, a scheme of conservation and enhancement of all wildlife habitats, including biodiversity enhancing features and provision for enhancement of the South Brook and control of Himalayan Balsam, together with a programme of implementation and an ecological management plan for the whole site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved programme.
24. Prior to the commencement of the development hereby permitted, an ecological survey, investigating and recording details of all protected species, in particular bats and great crested newts, and their habitats, likely to be affected by the development, and measures to mitigate the effect of the development on them, shall be submitted to and approved by the Local Planning Authority. Development shall then only be carried out in accordance with the approved details.
25. There shall be no new buildings, or other structures (including gates, walls and fences) or raised ground levels within the floodplain area (Flood Zones 2 and/or 3), inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority. Any building or structure to the north of Dunch Lane shall have a finished floor level no lower than 600mm above the 1 in 100 year flood level including 20% for climate change.
26. No development shall commence on site until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include oil interception for drainage from parking areas and hardstandings, shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.
27. No development shall commence on site until a scheme for the provision and implementation of foul drainage works has been submitted to approved in writing by the local planning authority. The scheme shall be implemented strictly in accordance with the approved details prior to the first occupation of each agreed phase of the development.
28. No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.
29. No development shall commence on site until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details prior to the occupation of each agreed phase of the development.



- 8 District Housing Land Availability figures based on draft RSS revision, contrasting WCC and WDC estimates
- 9 Amended Statement of Common Ground, signed. Includes suggested conditions
- 10 Extract from Inspector's report on West Wiltshire Local Plan First Alteration with recommendation to carry out PPG17 compliant needs assessment and open space audit
- 11 Copy of minutes of Melksham 1<sup>st</sup> Sports Facilities Group, 14 May 2008

**APPEAL PLANS**

- A Site Plan - Drawing No. W.0196\_10-1
- B Illustrative Masterplan - Drawing No. W.0196\_05-1A
- C Illustrative Masterplan - Drawing No. W.0196\_05-1B January 2008 (showing position of existing school buildings)

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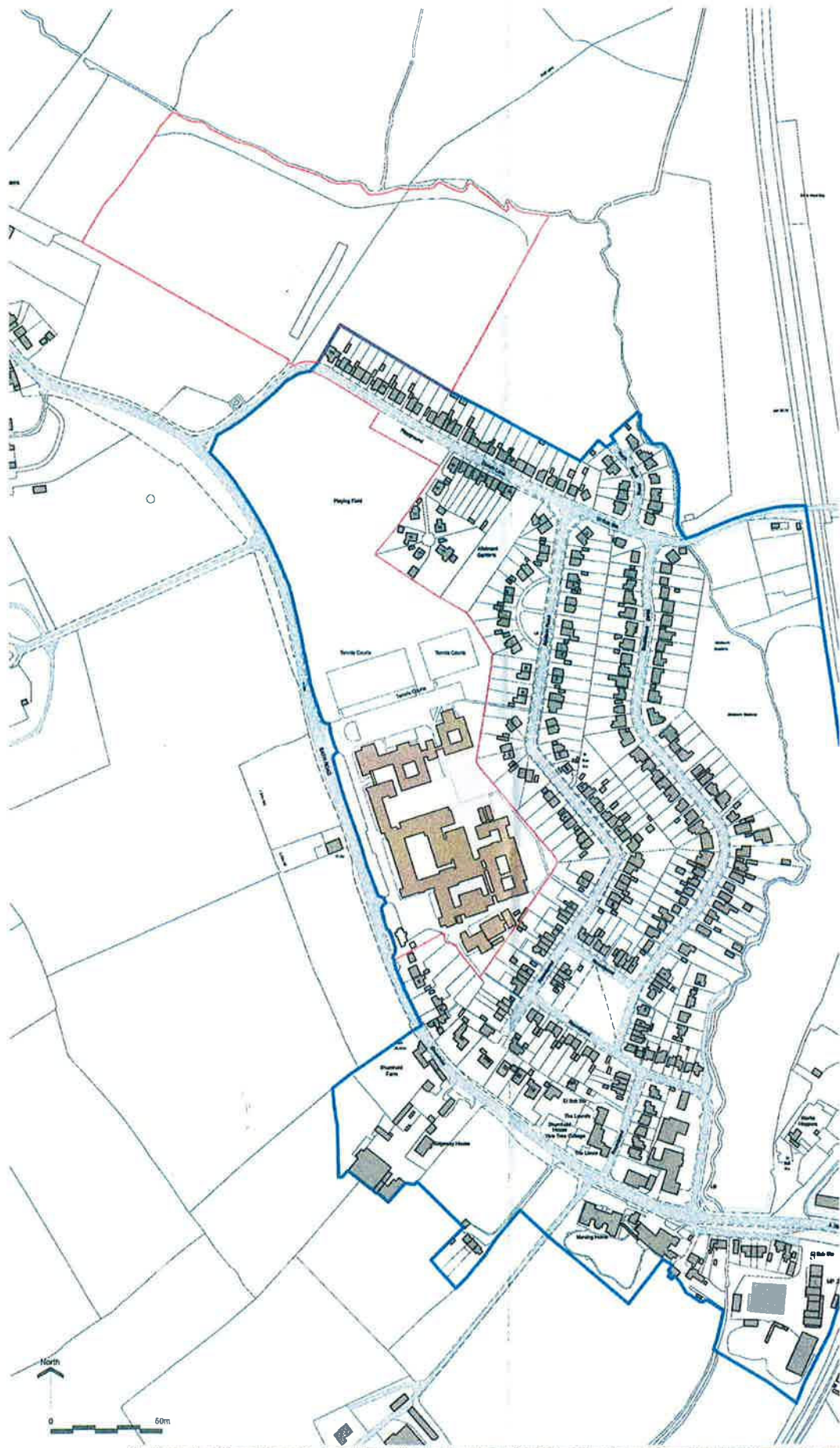


11/02312

Key:



Site boundary



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15 AUG 2011



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### George Ward School redevelopment, Melksham - Site Plan

T 01286 641717 | F 01286 865116 | www.ppg-uk.co.uk | Team MCG/GR/GCT | 28 August 2007 | 1:2600 @A2 | Pegasus Urban Design | dwp: W.0186\_10-1 | Client: Wiltshire County Council |



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## WILTSHIRE COUNCIL

### STRATEGIC PLANNING COMMITTEE

|                            |   |                       |                                    |
|----------------------------|---|-----------------------|------------------------------------|
| <b>Date of Meeting</b>     | <b>14 March 2011</b>  |                       |                                    |
| <b>Application Number</b>  | <b>N/11/03524/OUT</b>   |                       |                                    |
| <b>Site Address</b>        | <b>Land at Oxford Road, Calne</b>   |                       |                                    |
| <b>Proposal</b>            | <b>Outline Planning Application for Development for up to 200 Dwellings with Associated Works</b> |                       |                                    |
| <b>Applicant</b>           | <b>Hills UK Ltd</b>   |                       |                                    |
| <b>Town/Parish Council</b> | <b>Calne</b>  |                       |                                    |
| <b>Electoral Division</b>  | <b>Calne North</b>  | <b>Unitary Member</b> | <b>Chuck Berry</b>                 |
| <b>Grid Ref</b>            | <b>400543 172193</b>  |                       |                                    |
| <b>Type of application</b> | <b>Outline</b>  |                       |                                    |
| <b>Case Officer</b>        | <b>Lee Burman</b>   | <b>01249 706668</b>   | <b>Lee.burman@wiltshire.gov.uk</b> |

#### Reason for the application being considered by Committee

The proposal is for 200 dwellings which, coupled with N/11/03628/OUT is considered to be of strategic importance. In addition, in light of the appeal on grounds of non-determination and given the timescales involved for determination and production of the Council's Statement of Case for the Inquiry (not currently scheduled), and as the recommendation is for refusal, a report has been prepared to firmly establish the Council's position..

As mentioned above, the applicant has submitted an appeal in respect of this application on the grounds of non-determination. As a consequence no formal decision can be made in respect of this application, however, in order to progress with the appeal this report recommends the decision the Council would have taken, under delegated powers, had it been in a position to determine the application.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

Calne Town Council – submitted an objection.

- Contrary to Policy H3 outside framework boundary/open countryside contrary to Policy H4 NWLP 2011
- Premature to the Town Council's Neighbourhood Plan and Wiltshire Council's Core Strategy
- Justification for the need to bring forward housing provisions at this moment is required, the Community identified that growth should be slow, measured and sustainable.

A total of 27 representations were received with 9 formal objections have been in respect of this application.

#### 2. Main Issues

- a. The proposed development needs to be considered against the relevant current adopted policies at national, structure and local plan level i.e. Wiltshire and Swindon Structure Plan 2016, the North Wiltshire Local Plan and guidance contained in PPS3 “Housing”.
- b. The emerging Wiltshire Core Strategy together the draft National Planning Policy Framework are material considerations.
- c. The key issues in the determination of this application are:
  - The principle of development
  - Need/Policy Considerations
  - Highways
  - Ecology

### 3. EIA Regulations

The development does falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the threshold necessary to consider the need for an environmental impact assessment (“EIA”) as the site exceeds 0.5ha. When considered against the criteria contained in Schedule 3 and Annex A of Circular 2/99, it is not considered that an EIA is necessary for this development.

It is noted below that at present there is an ecological objection to the development, however, it is considered that suitable mitigation is likely to be negotiated, only insufficient details have been submitted at this time for this not to be objectionable at this juncture. In any event, this objectionable element is not considered to form substantive grounds for the submission of an EIA.

### 3. Site Description

The application / appeal site comprises some 14.09 ha of land and is located adjacent but outside of the north eastern limits of the framework boundary of the Town of Calne.

The land is currently used for agriculture and lies to the east of Oxford Road and the major employment area of Portemmarsh Industrial estate; and to the north of the Sandpit Lane and the recently permitted residential development adjacent. To the eastern and northern boundaries is open agricultural land.

The site is generally flat with some slight increase in height northwards and with significant increase in height o adjacent land to the east. The site lies adjacent Oxford Road formerly one of the principle access roads to Calne and despite existing mature hedgerows adjacent to the road the site highly visible from Oxford Road and the adjacent Portemmarsh Industrial Estate. Limited views are afforded from the more elevated residential areas to the south. To the north of the site is and area of land allocated in the north Wiltshire Local Plan for employment related uses and the application site would be highly visible from this location.

### 4. Relevant Planning History

| Relevant Planning History |          |          |
|---------------------------|----------|----------|
| Application Number        | Proposal | Decision |
|                           |          |          |

|              |                                    |                 |
|--------------|------------------------------------|-----------------|
| 11/02552/SCR | Screening opinion – 200 dwellings. | No EIA required |
|--------------|------------------------------------|-----------------|

## 5. Proposal

- a. Outline planning permission is sought for up to 200 dwellings and associated works.
- b. All matters are reserved for future consideration with the exception of access.
- c. The Illustrative Layout submitted with the application shows the provision of up to 140 open market houses and 60 affordable homes (30%). The development is to be accessed via a roundabout off Oxford Road.
- d. The applicant confirms in the design and access statement that the development will comprise two and three storey dwellings in two principle areas to the north and south of the site.
- e. The illustrative layout plan shows that the development would be designed to concentrate the higher density larger scale properties to the centre of the site.
- f. The illustrative design layout includes the use of rear parking courts and triple end parking bays to provide to accommodate private motor vehicles on site.
- g. In order to preserve the hedgerows and protect ecological interest the layout includes a broad band of open space. To the north of the site a large area of informal open space is also proposed and will include an area of land that is intended to support biodiversity enhancement of the locality.
- h. Adjacent the principle access the land is at the lowest point of the site and is laid out as an open area that will accommodate balancing ponds.
- i. The development provides 1.14ha of open space.
- j. At the time of preparing this report the application is not supported by up to date ecological assessment of the site. This is particularly relevant in respect of Great Crested Newts (A European protected species). Previous surveys dating 2007 identified no newts as present but did identify potentially suitable habitat. There are records of newts in the nearby locality however Natural England's Standing advice for impacts upon terrestrial habitat within 50 metres of a pond require that surveys should be no older than 2 years i.e. updated toward the end of each 2 year period.
- k. The design and access statement is light on information such as the mix of dwelling types including number of bed spaces. Also it is light in terms of detail, such as materials but such matters will come forward as part of any reserved matters application in respect of matters such as appearance and design.
- l. The application has been submitted with the following supporting information:

Planning Statement Oct 2011  
 Design and Access Statement Oct 2011  
 Arboricultural Report Sept 2011  
 Archaeological Report Oct 2011  
 Extended Phase 1 Habitat and Protected Species Survey Jan 2011 – Survey Elements  
 various dating from 2003/2004  
 Phase 1 Environmental Investigation Oct 2011

Flood Risk Assessment Oct 2011  
Landscape & Visual Appraisal and Landscape Strategy Oct 2011  
Transport Assessment July 2011  
Residential Travel Plan July 2011  
Foul Surface and Water Drainage Assessment July 2011  
Infrastructure Services Report Nov 2010  
Waste Audit Oct 2011  
Sustainable Design Report Oct 2011  
Ambient Noise Assessment Oct 2011  
Statement of Community Involvement Oct 2011  
Topographical Survey

## 6. Consultation

- a. Calne Town Council – submitted an objection – on file and website.
  - Contrary to Policy H3 outside framework boundary/open countryside contrary to Policy H4 NWLP 2011
  - Premature to the Town Council's Neighbourhood Plan and Wiltshire Council's Core Strategy
  - Justification for the need to bring forward housing provisions at this moment is required, the Community identified that growth should be slow, measured and sustainable.
- b. Highways Officer – no objection in principle but identified objections and concerns regarding the illustrative masterplan layout including the use of rear parking courts, triple end parking. Also in respect of the roundabout access layout on the masterplan not reflecting the detailed plans for the junction.
- c. Urban Design – detailed comments on file/website - comments provided re concerns in respect of the use of a single point of access and the local of connectivity to the remainder of Calne; The layout of the southern part of the site in respect of a lack of vehicular through route/use of cul de sacs; the use of rear parking courts and triple end parking; the orientation of proposed dwellings facing inwards..
- d. Spatial Plans - detailed comments on file and confirm the development is contrary to Policy H4 of NWLP 2011; and is premature in respect of preparation of the Core Strategy, more detailed aspects of comments will form the basis of sections of this report below. This response refers to the Wiltshire Core Strategy Consultation Document (June 2011) version of the emerging Wiltshire Core Strategy. Cabinet considered the revised version of the Core Strategy at its meeting on 17 January 2012. Full Council considered the document on the 7<sup>th</sup> February 2012.
- e. The up to date 5 year land supply position as assessed against the June 2011 version of the Core Strategy, using a base date of 1 April 2011, is 6.1 years when assessed against the requirement for the relevant Housing Market Area (HMA) for Wiltshire of 21,400 dwellings within the plan period (2006 to 2026).
- f. In addition, notwithstanding the fact that the draft RSS has in effect been abandoned, Appendix 1 also shows that a 5 year land supply can be demonstrated against the draft RSS (6.0 years when assessed against the North Wiltshire District remainder requirement of 5,200 dwellings).
- g. Principal Ecologist – detailed comments on file/website – Following the submission of additional supporting information there are no concerns in respect of impact on Bats or their habitats. Concerns remain regarding Great Crested Newts' ("GCN") and the lack of up to date information discounting the presence of GCN on site. Preparation and submission of an up to date GCN survey has been agreed for Spring this year with the Applicant's Ecologists, however at this stage there is no information to confirm that newts are absent

from the site. In the event that great crested newt is confirmed the applicant would also be required to submit a mitigation strategy

- h. Education Officer – Head of School Buildings and Places confirms that using Education Department methodology, the Oxford Road development requires 56 primary school places and 41 Secondary School Places. The site falls within the catchment of Priestley Primary School which is at capacity but is physically capable of being expanded/improved to accommodate additional pupils. A financial contribution based on adopted methodology is therefore required of £705,488. Secondary Schools in the locality have spare capacity sufficient to meet requirements from the development.
- i. Public Open Space – Have identified that the overall quantum of space provided within the Illustrative Masterplan Layout is sufficient to meet requirements but there are objections raised regarding the lack of information in respect of future ownership and maintenance responsibilities and the lack of provision of equipped playspace. A requirement for a financial contribution toward adoption and maintenance of the open spaces of £300,000 is required. Similarly a requirement for maintenance and management of Sustainable Urban Drainage Systems of £20,000 and no commitments have been made in this regard by the applicant.
- j. Detailed confirmation needed re developer's intentions with incidental areas and their necessity. They could be adopted with a commuted sum.
- k. Contribution sought towards Calne Cemetery £7,500 approx required and no provision for this is made by the applicant.
- l. Contribution to the upgrading and enhancement of the Calne Leisure Centre is required and a financial contribution of £155,293 is sought. The applicant makes no provision for this
- m. County Archaeologist – following the submission of site survey information no objections are raised.
- n. Housing Officer – 30% affordable housing at nil subsidy is sought. The applicant has submitted a draft Heads of Terms for a Section 106 Agreement which identifies a commitment to provision of this requirement.
- o. Public Arts Officer –no contribution to public art provision sought.
- p. Police Architectural Liaison Officer – Raises no objection to the proposals but identifies that there is scope through detailed design to address crime and community safety issues. An informative attached to any grant of consent is recommended.
- q. Drainage Engineers - Officers raised no objection to the scheme proposals but have concerns regarding surface water drainage, particularly in respect of the connection points and the impact relationship to Highways. Additional work in respect of modeling the drainage is required.
- r. Wessex Water – no objections subject to pre-commencement condition requiring submission of schemes for separate foul and surface water drainage to be approved. Additionally Wessex Water identify that a water main crosses the site and that there should be no development (buildings, structures or tree planting) within 6 meters of this main. Diversion is possible at the cost of the developer. The applicants Infrastructure Report identifies that the developer is aware of the presence of this mains pipe. Wessex Water also indicated that desktop modelling would be required at the expense of the developer to check that there was available capacity to serve the development proposed. This information is not available.

- s. Environment Agency – Submitted an initial objection to the scheme proposals on the basis that the submitted Flood Risk Assessment does not comply with requirements of PPS25 and does not adequately assess the flood risk associated with overland flow from the surrounding land. The applicant provided further information to the Environment Agency following this initial objection and the EA raised further detailed queries which have subsequently been clarified by the appellant and the Environment Agency. The Environment Agency has subsequently withdrawn its objection

## 7. Publicity

- a. The application was advertised by site notice, press advert and neighbour consultation.
- b. A total of 27 representations were received with 9 formal objections have been in respect of this application. The key points are as follows:
- Proposal is contrary to local and national planning policy;
  - Development is premature in advance of the Neighbourhood Plan and related Transport Strategy and is not informed by local resident's views;
  - Development is premature and unsustainable in advance of provision of additional employment opportunities/development and improvements and enhancement to the Town Centre. Development would result in out-commuting.
  - Scheme would have detrimental impact on congestion and highway safety;
  - Insufficiency of local service provision and infrastructure to accommodate and support the associated increase in population and traffic.

## 8. Policy Context

- a. Adopted:

North Wiltshire Local Plan 2011 Policies C2, C3, NE9, H3, H4, H5, T3 and CF3

Wiltshire and Swindon Structure Plan 2016 – Policy DP3

PPS1, PPS3 “Housing”, PPS9, PPS12, PPS13

RPG10 Regional Planning Guidance for the South West.

- b. Emerging – material considerations:

Emerging Wiltshire Core Strategy and Calne Neighbourhood Plan – Development Plan Document

Draft National Planning Policy Framework

## 9. Planning Considerations

- a. The main issues in the consideration of this application, which is the subject of an appeal on grounds of non-determination are:
- Principle and scale of development
  - Ecological Impact
  - Design and layout of proposals in respect of parking provision

### Principle and scale of development

- b. The proposed development falls outside of the framework boundary and is not a site allocated for residential development and is thus contrary to Policy H4 of the adopted North Wiltshire Local Plan 2011.
- c. The site is situated outside of the Settlement Framework Boundary for Calne as defined on the proposals map within open countryside and policy H4 of the Local Plan is therefore relevant. Policy H4 states that new dwellings will be permitted provided that: it is in connection with the essential needs of agriculture or forestry or other rural based enterprise; or it is a replacement for an existing dwelling.
- d. The development strategy, as set out in Policy DP3 of the Wiltshire and Swindon Structure Plan 2016, aims to achieve a better balance of employment and housing, and provide for a range of facilities and services in all settlements to promote more sustainable communities and minimise the need to travel.
- e. Planning Policy Statement 3: Housing (PPS3) makes it clear at paragraph 68 that Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1<sup>st</sup> April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.
- f. PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably subject to the following considerations set out in paragraph 69 of PPS3:
  - Achieving high quality housing;
  - Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people;
  - The suitability of the site for housing, including environmental sustainability;
  - Using land effectively and efficiently; and
  - Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.
- g. The requirements set out in PPS3 are likely to stay until it is replaced by the new National Planning Policy Framework (NPPF), a draft of which was published for consultation in July with the consultation period having expired in October 2011.
- h. The Department for Communities and Local Government have stated that this is a key part of their reforms to make the planning system less complex and more accessible, and to promote sustainable growth.
- i. Paragraph 109 of the draft document states that to boost the supply of housing, local planning authorities should among other things: identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land.
- j. The Planning Inspectorate (PINS) have provided guidance on the draft on their website which reads as follows:

- k. 'The draft NPPF is likely to be referred to by the parties in current appeal/application documentation and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
- l. Inspectors are strongly advised to familiarise themselves with the draft NPPF and also with Part B of the Impact Assessment ('Changes to National Planning Policy'). Annex B sets out the policy changes noted in Part B. When conducting casework you should have regard to the consultation draft guidance and to the general advice in Annex A.'
- m. However, it is recognised that the "additional allowance of at least 20%" has been criticized through the consultation on the draft NPPF and as such it is considered that very limited weight should be afforded to this, as it could be subject to change.
- n. The Council considers in terms of housing land supply, as set out in the Spatial Plans Consultation response referred to above, that a 5 year land supply can be demonstrated against the draft RSS and the emerging Wiltshire Core Strategy North and West Wiltshire Housing Market Area. This is between 6.0 and 6.1 years depending on which document is used.
- o. The emerging development plan comprises the Wiltshire Core Strategy which was the subject of public consultation in the Summer of 2011 (Wiltshire Core Strategy Consultation Document June 2011). This has now been revised and following approval by Cabinet and Full Council on 17 January 2012 and 7 February 2012 respectively is undergoing a final stage of consultation which commenced on the 20<sup>th</sup> February 2012 before it is submitted to the Secretary of State for Examination.
- p. It is accorded weight in the decision making process as a material consideration. Draft Core Policies 1 and 8 identify Calne as a "Market Town" where no allocation for strategic sites has been made but that the towns have the potential to accommodate development.
- q. Core Policy1 also allows for limited development adjacent to the settlement boundaries but requires these to be brought forward through the community led process i.e. Neighbourhood Plans or a site allocation document in accordance with Core Policy 2. The intention is to allow for the development of smaller settlements to be planned in a holistic way so the wider needs of local communities, as well as local housing needs can be planned for. Core Policy 2 sets a presumption in favour of sustainable development within settlement boundaries, requiring development outside settlement boundaries to be brought forward through planning policy documents. Core policy 2 goes on to identify that the Council will work closely with local communities to develop community-led planning documents, including neighbourhood plans to identify further sites for development in line with the strategies for community areas set out in the Draft Core Strategy. Calne Town Council has commissioned Consultants to carry out a vision and scoping study that may form the starting point for a Neighbourhood Plan and the Council is supportive of this process.
- r. Calne is located within the Calne Community Area ("CCA") and housing in the CCA needs to be carefully balanced with job creation and town centre improvement (para 5.40). Furthermore that Calne has been subject to high levels of growth and that large proportion of planned growth has already come forward. Consequently further growth over the Core Strategy Plan Period should be phased so that employment and infrastructure provision appropriately supports development in the town. Core Policy 8 requires 1,240 dwellings to be provided over the full plan period 2006-2026 at Calne with 140 homes within the remainder of the Community Area.



- s. Excluding existing commitments and completions, approximately 370 dwellings remain to be planned (Table 4, page 62) for the period to 2026. Within the remainder of the Community area excluding completions and commitments 40 dwellings remain to be planned or permitted. Therefore in total within the Calne Community Area there is a requirement for 410 dwellings to be planned/permitted.
- t. 200 dwellings represents a significant proportion of that residual growth proposed over the remaining 15 years of the Core Strategy Period for Calne, amounting to some 54% of the total. In addition it is important to note that there are several other proposals of significant scale within and adjacent the Town of Calne.
- u. No doubt the agent will undertake a review of the sites committed in calculating the numbers, as has occurred in respect of other appeal sites e.g. the Brynards Hill appeals on behalf of Wainhomes. The applicant/agent also places significant reliance on the Draft Regional Spatial Strategy for the South West (SWRSS) figures and considers that there is significant shortfall when assessed against these figures. The Council's own assessment taking into account the whole of the former North Wiltshire District Area (including Chippenham) indicates that there is 3.3 years supply. This indicates a significant shortfall but as already noted when Chippenham is excluded the available supply is 6.0 years and when assessed against the more up to date requirement identified in the Draft Core Strategy available supply is 6.1 years.
- v. In considering the proposal against para 69, the following observations are made:
- w. *Achieving high quality housing* – this can, in the main, be secured via the reserved matters application and there is no evidence to indicate that this could not be achieved. However, Urban Design and Highways Officers have raised objections in respect of the proposed form of the parking provision that includes the use of rear courts and triple end parking.
- x. *Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people* - a mix of house types are proposed by the applicant as referred to in their planning statement and Design and Access Statement. There is no specific evidence that older people would be catered for by this development through the provision of lifetime homes for example or cross reference to household types arising from the SHMA. However this is an Outline Application and such matters could be addressed through detailed design.
- y. 30% affordable housing is to be provided which will also seek a mix of house types and tenures.
- z. *The suitability of the site for housing, including environmental sustainability* – The site is located adjacent the defined settlement boundary of Calne near to a major employment area and within the catchment of services and facilities. The applicant has identified in their submitted Draft Section 106 Heads of Terms a commitment to provide financial contributions to upgrading some services and facilities to meet the need arising from the development. Though the scope and scale of contributions has not been the subject of detailed discussion at this stage.
- aa. There are on going and unresolved issues regarding ecology and drainage/water supply and these will be detailed below.
- bb. *Using land effectively and efficiently*; the application site comprises 14.09ha. This includes significant areas of land proposed for open space and ecological uses that are beyond the requirements related specifically to the development proposed. The applicant confirms in their design and access statement and planning statement that development of the site would be 20 – 22 dwellings per hectare (“dpha”).

cc. It is accepted that this density across the true application site is lower than previously used minimum standards of 30 dpha, however this site is on the edge of Calne and adjacent areas of open countryside. As such it is considered that a lowered density maybe acceptable in the site area context.

#### Illustrative layout

dd. Notwithstanding that the submitted layout plan is entitled as for illustrative purposes it does nonetheless represent the submitted masterplan for the site and show how applicant considers the site could be developed to accommodate the full 200 dwellings. To date the applicant/appellant has not submitted a revised version of this masterplan.

ee. There are elements of the illustrative masterplan layout which have raised objections and concerns from Highways Officers and Urban Design Offices and which require further consideration in order to satisfactorily demonstrate that the site could be successfully developed.

ff. These include:

gg. The principle roundabout access is shown in position and configuration that is not as agreed with Officers during pre-application discussions and which does not reflect the detailed design plans for the roundabout that also accompany the submission.

hh. The layout shows access to dwellings directly from the principle roundabout access, which is unacceptable in respect of highway safety.

ii. The layout makes extensive use of rear parking courts and triple end parking provision, which are not acceptable in highway or urban design respects. Rear parking courts are perceived as unsafe, not well related to the housing they serve and have a lack of natural surveillance resulting in low levels of usage and on street parking. Triple end parking results in excessive vehicle manoeuvring for parking purposes again discouraging use and on street parking. Neither are supported and consequently the layout of the site requires complete redesign to demonstrate how parking provision can be satisfactorily achieved. The applicant submitted their appeal before these objections could be identified to them.

jj. The southern section of the site layout (the illustrative layout sets out two distinct areas to the north and south of the site) includes a large number of cul-de sacs with limited through routes. Consequently the road layout and the southern section of the site is likely to require significant additional vehicle manoeuvring for access and egress. Again this is not supported and is a part of the layout which Council Officers would have sought to address through discussion. The applicant submitted their appeal against non-determination before this matter could be addressed.

kk. The application and consequently the illustrative masterplan layout is not informed by an up to date Ecological Survey with particular respect to Great Crested Newts. This matter is addressed in greater detail below.

ll. The illustrative layout plan whilst indicating sufficient open space provision to meet quantitative requirements makes no provision for children's equipped playspace and is unacceptable in this regard being in conflict with policy CF3 of the north Wiltshire local Plan 2011.

mm. *Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues – the proposed development is clearly contrary to current adopted policies and premature to the emerging policies contained within the Core Strategy and the process of identifying non strategic*

sites with the local community either through the neighbourhood planning process or an alternative mechanism.

- nn. The Council has satisfactory supply in excess of 5 years so as to not engage paragraphs 71 and 69 of PPS3.
- oo. The proposed development of 200 dwellings, whilst it may not be considered significant in the context of Calne as Market Town is not considered to be limited in the context of the housing requirement for the Calne Community Area or the North and West Wiltshire Housing Market Area identified in the Draft Wiltshire Core Strategy. Similarly the prominent location on the edge of the town in an open countryside setting results in a significant change to the character of the locality and again the proposal cannot be considered limited in this context.
- pp. In terms of paragraph 22 – there remains no requirement at this time for the site given an excess of 5 year supply, if needed within the context of the level of growth proposed for the CCA outside of Calne itself, this is a matter for a Neighbourhood Plan or site allocations DPD.
- qq. It still remains the case in terms of adopted Structure Plan Policy DP3 that development should be limited in scale to meet local needs.
- rr. In terms of emerging Policy, Core Strategy Core Policy 1 states Market towns have the scope to accommodate significant development but where this will increase the jobs and homes in each town in order to help sustain and where necessary (as in the case of Calne) enhance services and facilities and promote better levels of self containment and viable sustainable communities.

#### **Impact on residential amenity**

- a. Due to scale and siting of the proposed development, it is not considered that generally the amenities of existing residents in the locality would be detrimentally affected as a consequence of this development.

#### **Impact on the character and appearance of the area**

- a. It is not considered that the proposed development would have a significant detrimental impact on the visual amenity or character of the locality such that planning permission ought to be refused.

#### **Highways Impact**

- a. Highways Officers have raised no objection to the proposals on the grounds of Highways Impact. Although this position is subject to the applicant proposing and implementing a single principle roundabout access as agreed during pre-application discussions. As noted above the illustrative masterplan layout includes a single point of access via a roundabout but the position and layout is not as agreed or reflective of the detailed design plans submitted. The applicant has submitted their appeal before this matter could be raised with them and successfully addressed. The current illustrative masterplan as submitted with the application is therefore not acceptable on Highways grounds.
- b. Specifically the roundabout shown has a geometric design which does not comply with published guidance making manoeuvring difficult and dangerous. Whilst it is accepted that a roundabout on a masterplan does not have to be correct in all details, it should portray an acceptable geometric configuration, and be shown in the correct location.

### **Impact on drainage/flood risk/water supply**

- a. The Environment Agency has withdrawn its initial objection to the proposals subject to adoption of a range of conditions. The Council's Drainage Engineers raise no objection to the scheme proposals have a range of detailed concerns regarding surface water drainage, particularly in respect of the connection points and the impact relationship to Highways. Additional work in respect of modelling the drainage is required but it is not considered that there is a fundamental objection to the proposals and that this can be addressed through detailed design.
- b. Wessex Water has similarly raised no objection to the scheme proposals subject to a range of conditions and have also identified the need for provision of modelling work to demonstrate the adequacy of water supply in the locality.

### **Ecological Impact**

- a. The application was submitted with supporting information regarding an assessment of the ecological value of the site and impact of development and this has been subsequently augmented with additional information in respect of Bats. However the site is close proximity to known habitats for Great Crested Newts which are European Protected Species. The survey submitted in this regard dates to a period over 4 years ago and is therefore out of date when considered against National assessment requirements. In addition the submitted data identified that the site had the potential in certain circumstances to provide suitable accommodation for Great Crested Newts. As such their presence on site has not been discounted at this stage and therefore the impact of the proposed development in the Illustrative Masterplan could potentially have an adverse impact through the destruction of terrestrial habitat and could indeed also harm newts themselves. Without supporting information to demonstrate that either no newts are present on site, or if newt habitat is to be affected then the impact can effectively be mitigated, then planning permission cannot legally be issued.

### **Other material considerations**

- a. The applicant has submitted draft Section 106 Agreement Heads of Terms with their application and appeal which indicates a willingness to make contributions toward Education, play, sport and recreation facilities, highways works and sustainable transport infrastructure, library provision, and affordable housing provision. The Council has to date notified the applicant of the Service infrastructure requirements and financial contributions in this regard but heard no response.
- b. The applicant's draft Section 2016 Heads of Terms does not address identified requirements in respect of the transfer and maintenance of open spaces; installation of an equipped children's playspace to Neighborhood Equipped Area for Play Standard; Adoption and maintenance of Sustainable Urban Drainage System relating to the open space and Highways; Formal Leisure provision (Enhancements to Calne Leisure Centre); Expanded Cemetery provision at Calne Cemetery. In addition the applicant makes no reference in their documentation to the requirement for 5% low cost housing provision sought in the Council's Adopted Supplementary Planning Affordable Housing Guidance.
- c. As these matters remain unresolved and an appeal against non determination has been submitted without discussions taking place with regard to these issues the lack of commitment to meeting the identified service and infrastructure requirements arising from the development and conflict with policy C2 of the north Wiltshire Local Plan 2011 is a further reason for refusal of the proposed development.

## **10. Human Rights Act**

- a. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **11. Equalities**

- a. In determining this planning application the Council has regard to its equalities obligations including its obligations under section 71 of the Race Relations Act as amended and the Equalities Act 2010. For the purposes of this application, there are no adverse equalities issues arising from this proposal which are not adequately addressed by the applicant.

## **12. Conclusions**

- a. There is no need for this development as the Council has in excess of 5 year land supply, In any event the proposed development does not entirely satisfy the provisions within paragraph 69 of PPS3.
- b. The proposed development is premature in the context of the preparation of the Wiltshire Core Strategy and the identification of non-strategic sites through the Neighbourhood Planning or Site Allocations Development Plan Document or other planning mechanism.
- c. The proposed development is in an inappropriate location outside the defined framework boundary for the town of Calne, within the open countryside and on a site unallocated for any form of development and is contrary to Policy H4 of the Adopted North Wiltshire Local Plan 2011.
- d. It has not been satisfactorily shown that the site can accommodate the limit of 200 dwellings without harm to ecology.
- e. It has not been satisfactorily shown that the site can accommodate the limit of 200 dwellings with sufficient provision for vehicular parking.
- f. The proposed development does not meet the requirements for community infrastructure and services arising as a result of the proposed level of development.
- g. It is recognised that the proposal would provide a contribution towards the housing land supply, provide much needed affordable housing and would provide important economic benefits, including support for the construction industry and that a presumption in favour of sustainable development is proposed nationally, this must be balanced against the impact on the strategy and bringing forward balanced and timely development in the town with the appropriate infrastructure and community support.

## **Recommendation**

Had the Council been in a position to determine the application, the recommendation would have been that planning permission be REFUSED and that Officers be authorised to context the appeal for the following reasons:

1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.
2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF), the Core Strategy Development Plan Document for the area and subsequent site

allocations development plan document or neighbourhood plan for the area and is thus prejudicial to the council's plan-led approach to sustainable development. As such the proposal is contrary to Planning Policy Statement 3: Housing.

3. The proposed development is not an allocated site within policy H2 and was not required to meet the land supply for the period up to 2011. The proposed development is not required to meet the five year land supply requirement referred to in the June 2011 version of the emerging Wiltshire Core strategy or the January 2012 version of the Wiltshire Core strategy
4. By reason of the scale of development proposed, the application is contrary to Policy DP3 of the adopted Wiltshire and Swindon Structure Plan 2016 and Policies 1 and 20 of the emerging Wiltshire Core Strategy 2026.
5. Insufficient evidence has been submitted to demonstrate the measures that will need to be undertaken to mitigate the effect of the development on species protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations (2010). This would be contrary to PPS9 and statutory obligations under Circular 06/2005 and Policies C3 and NE7 of the North Wiltshire Local Plan 2011.
6. The indicative layout does not satisfy the aims of Manual for Streets and the highway authority's supplemental guidance on safe and satisfactory servicing of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.
7. The proposed development does not make any provisions for securing equipped children's play space or low cost housing provision on the site, Formal Leisure provision at Calne Leisure centre; Calne cemetery; the on-going provision and maintenance of open space and surface water attenuation measures on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).

## INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below.

1586/11/04 – Location Plan;  
A-01-MA-001-P - Illustrative Layout Masterplan;  
3089/SK/201 - Proposed Roundabout  
3089/501/A – Indicative Surface Water Drainage Strategy  
3089/Ser/101 – Indicative Utilities Plan

Planning Statement Oct 2011  
Design and Access Statement Oct 2011  
Arboricultural Report Sept 2011  
Archaeological Report Oct 2011  
Extended Phase 1 Habitat and Protected Species Survey Jan 2011 – Survey Elements various dating from 2003/2004  
Phase 1 Environmental Investigation Oct 2011  
Flood Risk Assessment Oct 2011  
Landscape & Visual Appraisal and Landscape Strategy Oct 2011  
Transport Assessment July 2011  
Residential Travel Plan July 2011  
Foul Surface and Water Drainage Assessment July 2011  
Infrastructure Services Report Nov 2010  
Waste Audit Oct 2011  
Sustainable Design Report Oct 2011  
Ambient Noise Assessment Oct 2011

2. The reasons for confirming why planning permission would have been refused which pertain to highways, ecology and S106 matters have the potential to be overcome and in this respect and in light of the pending appeal, the applicant is invited to meet with the Council to discuss these matters and if necessary provide additional amended plans or heads of terms. Where such matters can be overcome, these aspects will not be pursued at appeal and agreed in a statement of common ground.

|   |   |
|---|---|
| <b>Appendices:</b>  | 1 Five Year Land Supply Statement   |
| <b>Background Documents Used in the Preparation of this Report:</b> | <ul style="list-style-type: none"><li>• Planning Application file N/11/03524/OUT</li><li>• North Wiltshire Local Plan 2011</li><li>• Wiltshire and Swindon Structure Plan 2016</li><li>• Wiltshire Core strategy Pre-Submission Document 2012</li></ul> |

## APPENDIX 1

### Five year land supply statement

#### Policy Context

Planning Policy Statement 3 (PPS3): *Housing* was published in November 2006, replacing Planning Policy Guidance 3 (PPG3) *Housing* (2000) and subsequent amendments. PPS3 has since been revised as of June 2011.

Within PPS3 the Government has set out its guidance in response to the Barker Report<sup>1</sup> in order to deliver a step change in housing delivery.<sup>2</sup> The requirement is for Local Planning Authorities (LPAs) “to set out in LDDs their policies and strategies for delivering the level of housing provision, including indentifying broad locations and specific sites that will enable a continuous delivery of housing for at least 15 years from the date of adoption...”. This goes further to say that this delivery of housing should be assessed “...taking account of the level of housing provision set out in the RSS.”<sup>3</sup>

The adopted development plan for Wiltshire includes the Wiltshire and Swindon Structure Plan 2016, containing a housing requirement from 1996 to 2016 in Policy DP4.

The proposed changes version to the draft South West Regional Spatial Strategy contains a housing requirement from 2006 to 2026 in the HMA policies. This requirement does include a phasing policy, but for Wiltshire the requirement is evenly phased. For ease, and to be consistent with the other housing requirements the phased approach to supply is not included in the figures below.

The Localism Act 2011, makes provision to formally revoke RSSs, including the emerging South West Regional Spatial Strategy (RSS) and the saved policies of the Wiltshire and Swindon Structure Plan. Orders made by the Secretary of State are required before the RSS is formally revoked and so this still forms a consideration in the determination of planning applications.

In response to the announcement by the Secretary of State on 27 May 2010 confirming the Government’s intention to ‘rapidly abolish Regional Strategies’, The Wiltshire Cabinet (19 October 2010) resolved that:

- 1) *Wiltshire’s new housing requirement should be determined through a comprehensive review involving local communities, which responds to the Decentralisation and Localism Bill; and*
- 2) *The new housing requirement should be progressed as part of the Core Strategy Process.*

This approach is consistent with the Government’s intention to ensure that ‘*Local Planning Authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional targets.*’<sup>4</sup>

It is important that Wiltshire’s future housing requirements are identified within the context of the newly enacted ‘Localism’ agenda whilst ensuring that any requirement is based on reliable and robust information able to withstand scrutiny through the examination process. Wiltshire Council has developed a housing requirement, taking on board community aspirations as well as the strategic needs of Wiltshire. The resulting requirement will be used in the Core Strategy pre-submission consultation, ensuring that Wiltshire has appropriate policies to achieve the Visions and Objectives of the Core Strategy.

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<sup>1</sup> Barker Review of Housing Supply (2004)

<sup>2</sup> PPS3 ‘Background’.

<sup>3</sup> PPS3 para 53.

<sup>4</sup> Chief Planning Officer Letter: ‘Revocation of Regional Strategies’. 6 July 2010



PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably.

If this mechanism does come into play the following criteria must be considered, in line with paragraph 69 of PPS3:

- Achieving high quality housing.
- Ensuring development achieves a good mix of housing.
- The suitability of the site for housing, including environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.

#### Housing requirement

A key issue is which housing requirement to assess five year housing land supply against. The most up to date adopted part of the strategic statutory plan is the Wiltshire and Swindon Structure Plan 2016. The draft Regional Spatial Strategy for the region was tasked with setting new housing requirements for the region. The RSS for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend new housing figures for Wiltshire for the period 2006-2026. The new Government is now intending to abolish regional spatial strategies<sup>3</sup>.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council considered that the Structure Plan should continue to be used whilst new Wiltshire derived housing figures are developed.

However in the recent successful appeal decision for development on land at Brynards Hill<sup>4</sup> the Inspector did not believe that the Structure Plan housing requirements effectively reflected the step change in housing delivery that PPS3 intended, the Inspector stated “the SP housing figures do not reflect this step-change in housing delivery” (p4). Instead the housing requirements proposed in the Proposed Changes to the RSS were considered to be the most up to date and were used to assess

The Regional Spatial Strategy (RSS) for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend housing figures for Wiltshire. The new Government is now intending to abolish regional spatial strategies.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council formalised its position in relation to the uncertainty over housing numbers by agreeing to the following:

- To develop a new housing requirement through a review of housing numbers involving local communities.
- To progress that housing requirement through the core strategy.
- To reaffirm that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4).

Appeal reference APP/Y3940/A/10/2141906. It is the Inspectors opinion therefore that we cannot use the Structure Plan figures to assess housing land supply figures.

Since this appeal Wiltshire derived housing figures have been developed for the county and are currently being consulted on. These new figures are based on a robust methodology<sup>5</sup> and more up to date evidence than the housing figures proposed at the regional level. The figures have been subject to public consultation (June 2011).

#### Disaggregation

Using the Wiltshire and Swindon Structure Plan to 2016 five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner

with separate figures for Chippenham and the rest of the district.

Using the draft Regional Spatial Strategy five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner with separate figures for Chippenham, west of Swindon and the rest of the district.

The Draft Core Strategy Consultation Document states that housing land supply will be assessed against housing market areas. These housing market areas are being defined through the new Wiltshire wide Strategic Housing Market Assessment (SHMA). This SHMA is not yet finalised but indicative housing market area boundaries were included in the consultation document.. The SHMA was published in January 2012.

“The new strategic employment land and housing provision will be delivered within the defined Housing Market Areas (HMA’s), once they have been defined. Indicative areas are shown below on Map 4.1 - Wiltshire key diagram (spatial strategy)”.

Paragraph 4.25 states:

“The sources of supply have been assessed to ensure that there is at least a five year supply of deliverable housing, and a ten year supply of developable housing, within the indicative county sub areas shown in map 4.1. The draft county sub areas are presented for the purposes of consultation and are subject to change. It is considered appropriate to assess the strategic housing land supply requirement at this level in order to ensure an appropriate level of supply within Wiltshire’s different housing market areas”.

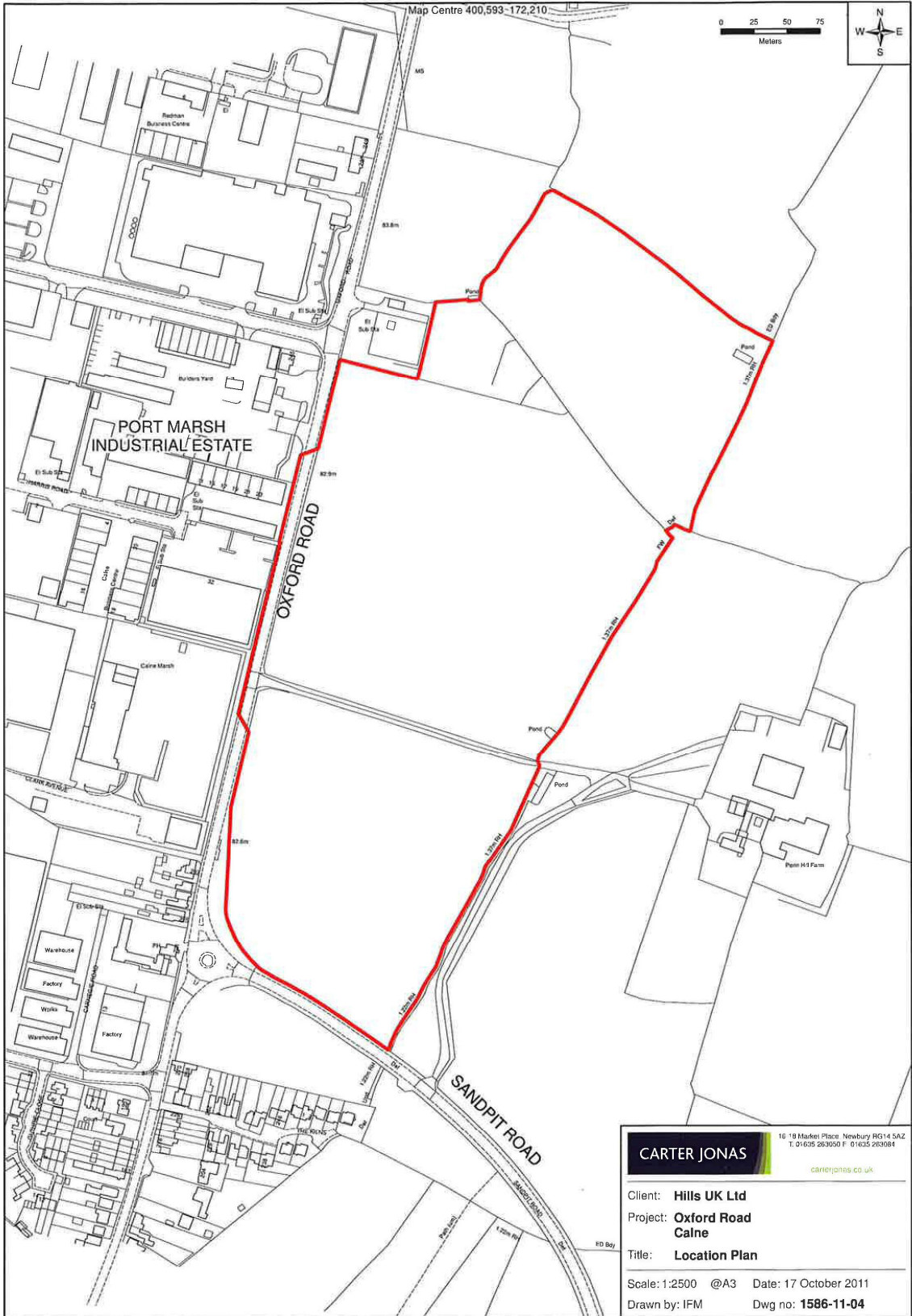
In the context of this proposal therefore housing land supply could be calculated on the Wiltshire derived figures currently being consulted on in the Core Strategy Consultation Document and these should be assessed on a HMA basis (in line with the most up to date boundaries shown in map 2 above).

It should be noted that these figures include the proposed strategic housing allocations in the Draft Core Strategy Consultation Document. The table below shows the emerging five year housing land supply using a base date of April 2011. A statement of five year housing land supply is due to be published by the end of this year.

Table 1: Five year housing land supply at April 2011:

| Housing requirement and area   | Years supply                 |
|--|------------------------------|
| Emerging Core Strategy – North and West housing market area  | 6.1                          |
| Proposed changes to draft RSS – North Wiltshire district remainder (minus Chippenham and west of Swindon requirements) | 6.0                          |
| Proposed changes to draft RSS – North Wiltshire district   | 3.3                          |
| Wiltshire and Swindon Structure Plan 2016 – North Wiltshire remainder (minus Chippenham requirement)                   | Total period target exceeded |
| Wiltshire and Swindon Structure Plan 2016 – North Wiltshire district   | 95.2                         |

A further consideration is the draft NPPF proposal to require local planning authorities to provide 5 years worth of housing land plus 20% contingency, although as the draft NPPF is still in draft form cannot be afforded significant weight.



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# Agenda Item 8

## WILTSHIRE COUNCIL

### STRATEGIC PLANNING COMMITTEE

|                     |  |                 |                              |
|---------------------|--|-----------------|------------------------------|
| Date of Meeting     | 14 March 2011  |                 |                              |
| Application Number  | N/11/03628/OUT   |                 |                              |
| Site Address        | Land at Silver Street and White Horse Way, Calne   |                 |                              |
| Proposal            | Outline Application for Development of Around 154 Dwellings with Associated Vehicular Access to Residential Development. |                 |                              |
| Applicant           | CG Fry & Son Limited   |                 |                              |
| Town/Parish Council | Calne  |                 |                              |
| Electoral Divisions | Calne Central<br>Calne South &<br>Cherhill   | Unitary Members | Howard Marshall<br>Alan Hill |
| Grid Ref            | 399687 170067  |                 |                              |
| Type of application | Outline  |                 |                              |
| Case Officer        | Lee Burman   | 01249 706668    | Lee.burman@wiltshire.gov.uk  |

#### Reason for the application being considered by Committee

The proposal is for 154 dwellings which, coupled with N/11/03524/OUT is considered to be of strategic importance. In addition, in light of the appeal on grounds of non-determination and given the timescales involved for determination and production of the Council's Statement of Case for the Inquiry (not currently scheduled), and as the recommendation is for refusal, a report has been prepared to firmly establish the Council's position..

As mentioned above, the applicant has submitted an appeal in respect of this application on the grounds of non-determination. As a consequence no formal decision can be made in respect of this application, however, in order to progress with the appeal this report recommends the decision the Council would have taken, under delegated powers, had it been in a position to determine the application.

#### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

Calne without Parish Council – submitted an objection.

- No employment provision resulting in out-commuting and further congestion
- Development will increase further high levels of pollution
- This and other development proposals will further exacerbate road traffic congestion – A road infrastructure plan is required
- Additional tree planting required to minimise visual impact
- The scheme should be of architectural merit and raise design standards locally
- Queries the provision for education requirements arising from the development.

A total of 542 representations were received with a petition of 500 signatories included. The petition is for objectors to the scheme proposals. In addition there were a further 32 objectors to the scheme proposals

## 2. Main Issues

- a. The proposed development needs to be considered against the relevant current adopted policies at national, structure and local plan level i.e. Wiltshire and Swindon Structure Plan 2016, the North Wiltshire Local Plan and guidance contained in PPS3 “Housing”.
- b. The emerging Wiltshire Core Strategy together the draft National Planning Policy Framework are material considerations.
- c. The key issues in the determination of this application are:
  - The principle of development
  - Need/Policy Considerations
  - Ecology

## 3. EIA Regulations

The development does falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the threshold necessary to consider the need for an environmental impact assessment (“EIA”) as the site exceeds 0.5ha. When considered against the criteria contained in Schedule 3 and Annex A of Circular 2/99, it is not considered that an EIA is necessary for this development.

It is noted below that at present there is an ecological objection to the development, however, it is considered that suitable mitigation is likely to be negotiated, only insufficient details have been submitted at this time for this not to be objectionable at this juncture. In any event, this objectionable element is not considered to form substantive grounds for the submission of an EIA.

## 4. Site Description

The application / appeal site comprises some 09.51ha of land and is located adjacent but outside of the north eastern limits of the framework boundary of the Town of Calne.

The land is currently used for agriculture and lies to the east of Silver Street and the North of White Horse Way. To the north are the new residential areas of Calne centred around White Horse Way, Silver Street and Wenhill Heights (located off Station Road). To the west of Silver Street there is some limited residential development adjoining the road with open agricultural land beyond. This area features mature vegetation.

The site is triangular in shape and located on rising land with the highest point located in the southern section forming the apex of the triangle. The land to the northern end adjacent White Horse Way is generally level. The site features some mature vegetation adjacent to the south west and along the site boundaries, although these are quite open in nature. Views of the site are available in the short and medium distance particularly the higher land and in some longer distance views. Albeit this is largely within the context of the mature vegetation adjacent the site, along boundaries and the town of Calne and existing development forming a backdrop.

## 4. Relevant Planning History

| Relevant Planning History |          |          |
|---------------------------|----------|----------|
| Application Number        | Proposal | Decision |

|              |                                    |                     |
|--------------|------------------------------------|---------------------|
| 12/00515/SCR | Screening Opinion – 154 dwellings. | Target Date 19/3/12 |
|--------------|------------------------------------|---------------------|

## 5. Proposal

- a. Outline planning permission is sought for up to 154 dwellings and associated works. The application Red Line Boundary includes two further sites that will provide land for an extension to the Calne Town Park and new allotment facilities adjacent Station Road and Wenhill Lane respectively.
- b. All matters are reserved for future consideration with the exception of access.
- c. The Illustrative Layout submitted with the application shows the provision of up to 154 dwellings and the supporting planning statement confirms the applicant's intention that 30% of these will be affordable dwellings. This results in a site of 108 open market houses and 48 affordable homes (30%). The development is to be accessed via a junction with Silver Street with pedestrian access afforded from White Horse Way.
- d. The applicant confirms in the design and access statement that the development will comprise principally two storey dwellings with some utilisation of roof space, some limited inclusion of three storey dwellings and some limited two bedroom flats above garage spaces. These are laid out around a central green within internal residential access roads, one junction based point of access from Silver Street and an area of public open space on high ground at the southern apex. The site boundaries also features areas of open space in bands setting the built development back from the adjacent roads and development.
- e. The illustrative layout plan shows that the development would be designed to concentrate the higher density terraced style properties on the streets and drives parallel with the contours of the site, but with the site as a whole include a mix of detached, semi detached and terraced houses. Affordable housing is distributed throughout all areas of the site.
- f. The illustrative design layout and design and access statement identifies that parking provision will be provided in the form of garages and off street parking space with each dwelling or in the form of identified spaces on street parallel with the kerb. Visitor parking is on street adjacent to the central green and unallocated.
- g. To the south of the site a large area of informal open space is also making use of the constrained higher ground which is more prominent in views from the surrounding locality. The space will include a footpath and cycle way and which is identified in the Design and Access Statement as suitable for a wide range of activities including sports and games.
- h. The development site provides 7.59ha of open space.
- i. At the time of preparing this report the application is not fully supported by an ecological assessment of the whole site and the impact of all the proposals (Town Park Extension and Allotments). In particular the extension to the town park has the potential to affect ecologically sensitive locations including UK and Wiltshire BAP habitats and protected species including great crested newt. Additional supporting information is required in this respect. There are no ecological objections in respect of the main site.
- j. The design and access statement includes a detailed specification as to the mix and scale and type of dwellings proposed including specification of the number of bed spaces. On this basis it has been possible to accurately assess requirements for community service infrastructure arising from the proposals, which was not the case in respect of the proposals on Land adjacent Oxford Road.

- k. The application has been submitted with the following supporting information:

Planning Statement Nov 2011 (Includes: Statement of Community Involvement; Draft S.106 Heads of Terms; Sustainability Statement; and Waste Management Strategy)  
Design and Access Statement Nov 2011  
Archaeological Report Sept 2011  
Ecology Report and Extended Phase 1 Habitat May  
Flood Risk Assessment Aug 2011  
Landscape Report Sept 2011  
Transport Assessment July 2011  
Residential Travel Plan July 2011  
Tree Survey & Tree Constraints Plan Sept 2009  
Ground Investigation Report July 2009  
Topographical Survey

## 6. Consultation

- a. Calne without Parish Council – submitted an objection – on file and website.
- No employment provision resulting in out-commuting and further congestion
  - Development will increase further high levels of pollution
  - This and other development proposals will further exacerbate road traffic congestion – A road infrastructure plan is required
  - Additional tree planting required to minimise visual impact
  - The scheme should be of architectural merit and raise design standards locally
  - Queries the provision for education requirements arising from the development.
- b. Highways Officer – raise objection specifically in relation to the proposed use of Wenhill Heights to access the new allotment facility. Highways Officers and Urban Design Officer (See Below) raise concerns in respect of the proposed layout identifying a need for more adopted road space to ensure sufficient access for service vehicles and manoeuvring space and parking provision, Objection is raised in respect of the inadequacy of parking provision, including as it does garage parking which is not included in Wiltshire Adopted standards. There is a requirement for pedestrian cycle links to and from Bentley Lane. The proposed links to White Horse Way involve land outside the control of the applicant which requires resolution. Highways Officers have identified a requirement for financial contributions to enhancement of pedestrian and cycle links of £68,000. To date the Section 106 Draft Heads of Terms does not address this matter and the appeal against non-determination has been submitted prior to resolution of the issue.
- c. Urban Design – detailed comments on file/website – No objection raised and aspects of the design and illustrative layout are commended. Concerns raised in respect of the design, layout and impact of the principle access on the rural character of this locality. The road layout does not provide for legible through movement involving extensive use of cul-de sacs. Additional connections via Bentley Lane and White Horse Way are required. Insufficient residential parking provision is made. The illustrative layout requires amendment and clarification in certain respects e.g. it incorporates a uniform approach to the building line create a defensive quality that needs to be addressed.
- d. Spatial Plans - detailed comments on file and confirm the development is contrary to Policy H4 of NWLP 2011; and is premature in respect of preparation of the Core Strategy, more detailed aspects of comments will form the basis of sections of this report below. This response refers to the Wiltshire Core Strategy Consultation Document (June 2011) version of the emerging Wiltshire Core Strategy. Cabinet considered the revised version of the Core Strategy at its meeting on 17 January 2012. Full Council considered the document on the 7<sup>th</sup> February 2012.



- e. The up to date 5 year land supply position as assessed against the June 2011 version of the Core Strategy, using a base date of 1 April 2011, is 6.1 years when assessed against the requirement for the relevant Housing Market Area (HMA) for Wiltshire of 21,400 dwellings within the plan period (2006 to 2026).
- f. In addition, notwithstanding the fact that the draft RSS has in effect been abandoned, Appendix 1 also shows that a 5 year land supply can be demonstrated against the draft RSS (6.0 years when assessed against the North Wiltshire District remainder requirement of 5,200 dwellings).
- g. Principal Ecologist – detailed comments on file/website – As noted previously no objection is raised with regard to the proposed development of the main site, subject to the inclusion of appropriately worded conditions. However concerns are identified regarding the lack of supporting assessments in relation to the proposed town park extension and allotments. Particularly in respect of the Town Park development should not be permitted without the necessary supporting information, particularly in respect of BAP habitat and Great Crested Newt.
- h. Education Officer – Head of School Buildings and Places confirms that using Education Department methodology, the Silver Street development requires 43 primary school places and 31 Secondary School Places. The site falls within the catchment of Priestley Primary School which is at capacity but is physically capable of being expanded/improved to accommodate additional pupils. A financial contribution based on adopted methodology is therefore required of £541,714. Secondary Schools in the locality have spare capacity sufficient to meet requirements from the development.
- i. Public Open Space – Have identified that the overall quantum of space provided within the Illustrative Masterplan Layout is sufficient to meet requirements but there are objections raised regarding the lack of information in respect of future ownership and maintenance responsibilities and the lack of provision of equipped playspace. Whilst the developer has confirmed that onsite play could be provided there are no details currently available in this regard. Similarly at this stage there is no information available regarding the implementation and future maintenance of the Town Park extension.
- j. The indication is that the Town Park extension and Allotment provision would be considered by the developer as contributing to open space provision in relation to future development aspirations. The approval of this application cannot provide any surety in this regard or commit the Council to agreement that such provision would meet potential requirements.
- k. Detailed confirmation needed re developer's intentions with incidental areas and their necessity. They could be adopted with a commuted sum.
- l. Contribution sought towards Calne Cemetery of £6,000 is required and no provision for this is made by the applicant in their Section 106 Draft Heads of Terms. The developer has indicated to Amenity and Fleet officers that they will meet the contribution requirements.
- m. Contribution to the upgrading and enhancement of the Calne Leisure Centre is required and a financial contribution of £120,717 is sought. The applicant makes no provision for this in their Section 106 Draft Heads of Terms.
- n. County Archaeologist – following the submission of site survey information no objections are raised.
- o. Housing Officer – 30% affordable housing at nil subsidy is sought. The applicant has submitted a draft Heads of Terms for a Section 106 Agreement which identifies a commitment to provision of this requirement. No commitment is made in respect of the requirement for 5% low cost housing set out in the Council's adopted SPG.

- p. Public Arts Officer –no contribution to public art provision sought.
- q. Police Architectural Liaison Officer – Raises no objection to the proposals but identifies that there is scope through detailed design to address crime and community safety issues. An informative attached to any grant of consent is recommended.
- r. Drainage Engineers –Drainage Engineers raise no formal objection to the proposals but concerns are identified in respect of surface water drainage, use of soakaways and flood risk. Detailed design of the scheme proposals will need to address these matters and respond to an FRA.
- s. Wessex Water – no objections subject to pre-commencement condition requiring submission of schemes for separate foul and surface water drainage to be approved. Indications are that a long off site connection to the foul drainage network with related requisition may be required.
- t. Environment Agency – Raised no objection to the proposed development subject to conditions with particular regard to the submission of a surface water drainage strategy for the whole development and a landscape strategy for the Town Park Extension.

## 7. Publicity

- a. The application was advertised by site notice, press advert and neighbour consultation.
- b. A total of 542 representations were received with a petition of 500 signatories included. The petition is for objectors to the scheme proposals. In addition there were a further 32 objectors to the scheme proposals. The key points are as follows:
  - Increased traffic congestion in Silver Street;
  - Increased traffic along a school route;
  - Lack of schools, doctors, dentists & shops

A large number of the independent objections related to the proposed Allotments utilising Wenhill heights as an access route. Concerns were raised in respect of conflict with pedestrians and cyclists on the right of way, with residents in Wenhill Heights, safety of Children utilising Wenhill Heights for various activities; Likely on street parking resulting in blockages on Wenhill Heights

Other representations raised objections in respect of:

- Proposal is contrary to local and national planning policy;
- Development is premature in advance of the Neighbourhood Plan and related Transport Strategy and is not informed by local resident's views;
- Development is premature and unsustainable in advance of provision of additional employment opportunities/development and improvements and enhancement to the Town Centre. Development would result in out-commuting.
- Scheme would have detrimental impact on congestion and highway safety;
- Insufficiency of local service provision and infrastructure to accommodate and support the associated increase in population and traffic.

## 8. Policy Context

- a. Adopted:

North Wiltshire Local Plan 2011 Policies C2, C3, NE9, H3, H4, H5, T3 and CF3

Wiltshire and Swindon Structure Plan 2016 – Policy DP3

PPS1, PPS3 “Housing”, PPS9, PPS12, PPS13

RPG10 Regional Planning Guidance for the South West.

b. Emerging – material considerations:

Emerging Wiltshire Core Strategy and Calne Neighbourhood Plan – Development Plan Document

Draft National Planning Policy Framework

## 9. Planning Considerations

a. The main issues in the consideration of this application, which is the subject of an appeal on grounds of non-determination are:

- Principle and scale of development
- Ecological Impact in respect of the town park proposals
- Design and layout of proposals in respect of parking provision
- Access to the proposed Allotments

Principle and scale of development

- b. The proposed development falls outside of the framework boundary and is not a site allocated for residential development and is thus contrary to Policy H4 of the adopted North Wiltshire Local Plan 2011.
- c. The site is situated outside of the Settlement Framework Boundary for Calne as defined on the proposals map within open countryside and policy H4 of the Local Plan is therefore relevant. Policy H4 states that new dwellings will be permitted provided that: it is in connection with the essential needs of agriculture or forestry or other rural based enterprise; or it is a replacement for an existing dwelling.
- d. The development strategy, as set out in Policy DP3 of the Wiltshire and Swindon Structure Plan 2016, aims to achieve a better balance of employment and housing, and provide for a range of facilities and services in all settlements to promote more sustainable communities and minimise the need to travel.
- e. Planning Policy Statement 3: Housing (PPS3) makes it clear at paragraph 68 that Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1<sup>st</sup> April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.
- f. PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably subject to the following considerations set out in paragraph 69 of PPS3:
- Achieving high quality housing;

- Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people;
  - The suitability of the site for housing, including environmental sustainability;
  - Using land effectively and efficiently; and
  - Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.
- g. The requirements set out in PPS3 are likely to stay until it is replaced by the new National Planning Policy Framework (NPPF), a draft of which was published for consultation in July with the consultation period having expired in October 2011.
- h. The Department for Communities and Local Government have stated that this is a key part of their reforms to make the planning system less complex and more accessible, and to promote sustainable growth.
- i. Paragraph 109 of the draft document states that to boost the supply of housing, local planning authorities should among other things: identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land.
- j. The Planning Inspectorate (PINS) have provided guidance on the draft on their website which reads as follows:
- k. 'The draft NPPF is likely to be referred to by the parties in current appeal/application documentation and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
- l. Inspectors are strongly advised to familiarise themselves with the draft NPPF and also with Part B of the Impact Assessment ('Changes to National Planning Policy'). Annex B sets out the policy changes noted in Part B. When conducting casework you should have regard to the consultation draft guidance and to the general advice in Annex A.'
- m. However, it is recognised that the "additional allowance of at least 20%" has been criticised through the consultation on the draft NPPF and as such it is considered that very limited weight should be afforded to this, as it could be subject to change.
- n. The Council considers in terms of housing land supply, as set out in the Spatial Plans Consultation response referred to above, that a 5 year land supply can be demonstrated against the draft RSS and the emerging Wiltshire Core Strategy North and West Wiltshire Housing Market Area. This is between 6.0 and 6.1 years depending on which document is used.
- o. The emerging development plan comprises the Wiltshire Core Strategy which was the subject of public consultation in the Summer of 2011 (Wiltshire Core Strategy Consultation Document June 2011). This has now been revised and following approval by Cabinet and Full Council on 17 January 2012 and 7 February 2012 respectively is undergoing a final stage of consultation which commenced on the 20<sup>th</sup> February 2012 before it is submitted to the Secretary of State for Examination.
- p. It is accorded weight in the decision making process as a material consideration. Draft Core Policies 1 and 8 identify Calne as a "Market Town" where no allocation for strategic sites has been made but that the Towns have the potential to accommodate development.

- q. Core Policy 1 allows for limited development adjacent to the settlement boundaries but requires these to be brought forward through the community led process i.e. Neighbourhood Plans or a site allocation document in accordance with Core Policy 2. The intention is to allow for the development of smaller settlements to be planned in a holistic way so the wider needs of local communities, as well as local housing needs can be planned for. Core Policy 2 sets a presumption in favour of sustainable development within settlement boundaries, requiring development outside settlement boundaries to be brought forward through planning policy documents. Core policy 2 goes on to identify that the Council will work closely with local communities to develop community-led planning documents, including neighbourhood plans to identify further sites for development in line with the strategies for community areas set out in the Draft Core Strategy. Calne Town Council has commissioned Consultants to carry out a vision and scoping study that may form the starting point for a Neighbourhood Plan and the Council is supportive of this process.
- r. Calne is located within the Calne Community Area (“CCA”) and housing in the CCA needs to be carefully balanced with job creation and town centre improvement (para 5.40). Furthermore that Calne has been subject to high levels of growth and that large proportion of planned growth has already come forward. Consequently further growth over the Core Strategy Plan Period should be phased so that employment and infrastructure provision appropriately supports development in the town. Core Policy 8 requires 1,240 dwellings to be provided over the full plan period 2006-2026 at Calne with 140 homes within the remainder of the Community Area.
- s. Excluding existing commitments and completions, approximately 370 dwellings remain to be planned (Table 4, page 62) for the period to 2026. Within the remainder of the Community area excluding completions and commitments 40 dwellings remain to be planned or permitted. Therefore in total within the Calne Community Area there is a requirement for 410 dwellings to be planned/permitted.
- t. 154 dwellings represents a significant proportion of that residual growth proposed over the remaining 15 years of the Core Strategy period for Calne, amounting to some 37.5% of the total. In addition it is important to note that there are several other proposals of significant scale within and adjacent the Town of Calne.
- u. No doubt the agent will undertake a review of the sites committed in calculating the numbers, as has occurred in respect of other appeal sites e.g. the Brynards Hill appeals on behalf of Wainhomes. The applicant/agent also places significant reliance on the Draft Regional Spatial Strategy for the South West (SWRSS) figures and considers that there is significant shortfall when assessed against these figures. The Council’s own assessment taking into account the whole of the former North Wiltshire District Area (including Chippenham) indicates that there is 3.3 years supply. This indicates a significant shortfall but as already noted when Chippenham is excluded the available supply is 6.0 years and when assessed against the more up to date requirement identified in the Draft Core Strategy available supply is 6.1 years.
- v. In considering the proposal against para 69, the following observations are made:
- w. *Achieving high quality housing* – this can, in the main, be secured via the reserved matters application and there is no evidence to indicate that this could not be achieved. However, Urban Design and Highways Officers have raised objections in respect of the quantum of the parking provision and use of cul de sacs and unadopted roads.
- x. *Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people* - a mix of house types are proposed by the applicant as referred to in their planning statement and Design and Access Statement. There is no specific evidence that older people would be catered for by this

development through the provision of lifetime homes for example or cross reference to household types arising from the SHMA. However this is an Outline Application and such matters could be addressed through detailed design.

- y. 30% affordable housing is to be provided which will also seek a mix of house types and tenures.
- z. *The suitability of the site for housing, including environmental sustainability* – The site is located adjacent the defined settlement boundary of Calne near to a secondary school and within the catchment of a range of services and facilities. The applicant has identified in their submitted Draft Section 106 Heads of Terms a commitment to provide financial contributions to upgrading some services and facilities to meet the need arising from the development. Though the scope and scale of contributions has not been the subject of detailed discussion at this stage.
- aa. There are on going and unresolved issues regarding ecology which are detailed below.
- bb. *Using land effectively and efficiently*; the application site comprises 14.09ha. This includes significant areas of land proposed for open space and ecological uses that are beyond the requirements related specifically to the development proposed. The applicant confirms in their design and access statement and planning statement that development of the site would be 20 – 22 dwellings per hectare (“dpha”).
- cc. It is accepted that this density across the true application site is lower than previously used minimum standards of 30 dpha, however this site is on the edge of Calne and adjacent areas of open countryside. As such it is considered that a lowered density may be acceptable in the site area context.

#### Illustrative layout

- dd. Notwithstanding that the submitted layout plan is entitled as for illustrative purposes it does nonetheless represent the submitted masterplan for the site and show how applicant considers the site could be developed to accommodate the full 154 dwellings. To date the applicant/appellant has not submitted a revised version of this masterplan.
- ee. There are elements of the illustrative masterplan layout which have raised objections and concerns from Highways Officers and Urban Design Offices and which require further consideration in order to satisfactorily demonstrate that the site could be successfully developed.
- ff. These include:
- gg. The layout makes extensive use of garage parking provision associated with individual dwellings, which are not accepted under adopted Wiltshire Standards as contributing to parking provision. Experience in Wiltshire shows that the garages are predominantly used for residential storage of ancillary accommodation and not off street parking provision. Ultimately this leads to on street parking demand that cannot be accommodated. The illustrative layout already proposes some level of on-street parking and therefore there are objections that the proposed layout does not adequately provide for the parking requirements of the development proposed. Illustrative design and consequently the layout of the site requires some redesign to demonstrate how parking provision can be satisfactorily achieved. The applicant submitted their appeal before these objections could be identified to them.
- hh. The site layout includes a number of cul-de sacs with limited through routes, similarly there are several locations where unadopted roads utilising rumble strips are shown and it is unclear if these are intended to provide for vehicular access. Consequently the road layout is likely to require significant additional vehicle maneuvering for access and egress. Again

this is not supported and is a part of the layout which Council Officers would have sought to address through discussion. The applicant submitted their appeal against non-determination before this matter could be addressed.

- ii. The submitted proposals include a proposed site for allotment provision. However, the access to and from this facility utilises Wenhill Heights a private unadopted track that includes a Public Right of Way. Highways Officers do not support vehicular use of private tracks and rights of way, indeed it is unlawful to drive along them without express permission. The proposals do not include measures to improve the access or address potential conflicts with rights of way users and as such there is an unresolved highways objection to the scheme proposals.
- jj. The application and consequently the illustrative masterplan layout in relation to the Town Park extension and proposed allotments is not informed by an Ecological Assessment with particular respect to UK and Wiltshire Biodiversity Action Plan (BAP) protected habitats. This matter is addressed further below.
- kk. The illustrative layout plan whilst indicating sufficient open space provision to meet quantitative requirements makes no provision for children's equipped playspace and is unacceptable in this regard being in conflict with policy CF3 of the north Wiltshire local Plan 2011.
- ll. *Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues* – the proposed development is clearly contrary to current adopted policies and premature to the emerging policies contained within the Core Strategy and the process of identifying non strategic sites with the local community either through the neighbourhood planning process or an alternative mechanism.
- mm. The Council has satisfactory supply in excess of 5 years so as to not engage paragraphs 71 and 69 of PPS3.
- nn. The proposed development of 154 dwellings, whilst it may not be considered significant in the context of Calne as Market Town is not considered to be limited in the context of the housing requirement for the Calne Community Area or the North and West Wiltshire Housing Market Area identified in the Draft Wiltshire Core Strategy. Similarly the prominent location on the edge of the town in an open countryside setting results in a significant change to the character of the locality and again the proposal cannot be considered limited in this context.
- oo. In terms of paragraph 22 – there remains no requirement at this time for the site given an excess of 5 year supply, if needed within the context of the level of growth proposed for the CCA outside of Calne itself, this is a matter for a Neighbourhood Plan or site allocations DPD.
- pp. It still remains the case in terms of adopted Structure Plan Policy DP3 that development should be limited in scale to meet local needs.
- qq. In terms of emerging Policy, Core Strategy Core Policy 1 states Market Towns have the scope to accommodate significant development but where this will increase the jobs and homes in each town in order to help sustain and where necessary (as in the case of Calne) enhance services and facilities and promote better levels of self containment and viable sustainable communities.

#### **Impact on residential amenity**

- a. Due to scale and siting of the proposed development, it is not considered that generally the amenities of existing residents in the locality would be detrimentally affected as a consequence of this development. Although clearly the development of what is now currently open undeveloped land will result in significant change to the character of the locality and amenities enjoyed by residents in the immediate locality in this regard.

### **Impact on the character and appearance of the area**

- a. It is not considered that the proposed development would have a significant detrimental impact on the visual amenity or character of the locality such that planning permission ought to be refused. Although it is considered that the details in respect of the landscape strategy for the site will be important in minimising impacts in medium to long views of the site.

### **Highways Impact**

- a. Highways Officers have raised no objection to the proposals on the grounds of highways impact in respect of the development of the main part of the site for residential purposes. The impact on the highways network in this regard is not considered so significant as to require the refusal of consent. However highways objection is raised in respect of the proposed allotment site with particular regard to the use of Wenhill heights for access and the conflict with the right of way along this private unadopted track. The applicant/appellant has not submitted proposals to improve the track to form and access or address conflict with users of the right of way along the track.
- b. In addition the proposed illustrative layout masterplan includes extensive use of private garages associated with individual properties in combination with some on street parking and off street drives. This form and consequently quantum of parking provision is inadequate and does not meet the required level of provision under the Council's adopted standards. In particular the Council does not take into account garage in assessing the proposed level of provision. These facilities are invariably used for storage for ancillary residential purposes and do not provide space for the off street parking of vehicles. Consequently demand for parking provision is expressed on street resulting in congestion and on street parking throughout a wider locality. This in turn results in unnecessary vehicle movements which is unsustainable. Highways and Urban design officers object to the proposed layout in this regard.
- c. Similarly the layout of the proposed residential development incorporates several cul-de-sacs and proposes the use of several areas of undefined and unadopted access ways with rumble strips across them. It is unclear in the latter regard if these are unintended to provide vehicular access. In respect of the use of cul-de-sacs and the unadopted road spaces these limit the scope for through movement within the site and will therefore necessitate significant vehicular maneuvering for parking and access/egress by future residents. This is unsustainable and likely to result in disturbance to residential amenity. It is a matter that would have address with the applicant in negotiation over the detailed layout of the site had the application proceeded and potentially this can be readily addressed through design layout alterations. However the applicant has submitted an appeal against non-determination by the Council and this is on the basis of the illustrative masterplan layout as submitted. No revision to the plan has as yet been proposed.
- d. In addition and in a similar regard highways and urban design officers have identified the need for linkages (pedestrian and cycle) through to Bentley Lane. This is not adequately addressed on the submitted layout. In addition proposed links through to White Horse Way make use of land outside the control of the applicant/appellant. The land is in fact in the ownership of the Council. This matter has yet to be resolved. Potentially if no agreement can be reached alternative linkages will need to be demonstrated, if this is not possible then it may be the case that the proposed layout is inappropriate in this respect.



- e. Highways Officers have identified a requirement for off-site financial contributions toward the enhancement of cycle and pedestrians links for the site with the wider locality. To date this has not been resolved with the applicant and the draft section 106 Heads of Terms does not specify that this requirement shall be met.

### **Impact on drainage/flood risk**

- a. The Environment Agency raised no objection to the proposals subject to adoption of conditions. The Council's Drainage Engineers do not formally object to the proposed development but identify concerns regarding flood control, surface water drainage, soakaways. It is considered that these matters can be addressed through the detailed design stage. Additional work in respect developing a surface water drainage scheme, drainage and flood control, flood risk assessment is required but it is not considered that there is a fundamental objection to the proposals and that matters of concern can be addressed through detailed design stage.
- b. Wessex Water has similarly raised no objection to the scheme proposals subject to a range of conditions and has also identified the need for provision of a surface water drainage scheme. In addition they identify that linkages to the foul network are potentially over a substantive distance and may require requisition of land/access rights.

### **Ecological Impact**

- a. The application was submitted with supporting information regarding an assessment of the ecological value of the main development site and impact of development. However this did not incorporate assessment of the proposed allotment site and town centre park extension. The town centre park incorporates habitats of ecological importance which are identified as protected in the UK and Wiltshire BAPs. In particular this includes neutral meadow, floodplain meadow, marshy grassland and fen/swamp. These are sensitive habitat types and listed as protected due to recent declines and are therefore also relevant in respect of PPS9 and NE11. Potential impacts from the proposals include earth works in the creation of more formal elements of the town park extension e.g. kick about area, footpaths, open water features. At this stage without the necessary assessment it is not clear if the habitats exist on site or how they will be affected. However it is not possible to proceed to granted permission for the proposals given the proximity of these habitats in the locality. In addition the presence of the habitats means that a number of protected and notable species are also potentially present within the area including great crested newt, breeding birds, reptiles, invertebrates, water vole and badger. Any proposals affecting such species and their habitat would need to be designed to minimise and mitigate/compensate for any impacts. At this stage it has not been demonstrated that the proposals adequately address these matters and consent cannot therefore be safely granted under the Council's legal obligations defined by European and National legislation.

### **Other material considerations**

- a. The applicant has submitted draft Section 106 Agreement Heads of Terms with their application and appeal which indicates a willingness to make contributions toward Education, play, sport and recreation facilities, allotments, highways works and sustainable transport measures, and affordable housing provision. The Council has to date notified the applicant of the Service infrastructure requirements and financial contributions in this regard but heard no response.
- b. The applicant's draft Section 106 Heads of Terms does not address identified requirements in respect of the transfer and maintenance of open spaces; Adoption and maintenance of Sustainable Urban Drainage System relating to the open space and Highways; Formal Leisure provision (Enhancements to Calne Leisure Centre); Expanded Cemetery provision at Calne Cemetery and enhancement of pedestrian and cycle links. In addition the

applicant makes no reference in their documentation to the requirement for 5% low cost housing provision sought in the Council's Adopted Supplementary Planning Affordable Housing Guidance.

- c. As these matters remain unresolved and an appeal against non determination has been submitted without discussions taking place with regard to these issues the lack of commitment to meeting the identified service and infrastructure requirements arising from the development and conflict with policy C2 of the north Wiltshire Local Plan 2011 is a further reason for refusal of the proposed development.

## **10. Human Rights Act**

- a. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

## **11. Equalities**

- a. In determining this planning application the Council has regard to its equalities obligations including its obligations under section 71 of the Race Relations Act as amended and the Equalities Act 2010. For the purposes of this application, there are no adverse equalities issues arising from this proposal which are not adequately addressed by the applicant.

## **12. Conclusions**

- a. There is no need for this development as the Council has in excess of 5 year land supply, In any event the proposed development does not entirely satisfy the provisions within paragraph 69 of PPS3.
- b. The proposed development is premature in the context of the preparation of the Wiltshire Core Strategy and the identification of non-strategic sites through the Neighbourhood Planning or Site Allocations Development Plan Document or other planning mechanism.
- c. The proposed development is in an inappropriate location outside the defined framework boundary for the town of Calne, within the open countryside and on a site unallocated for any form of development and is contrary to Policy H4 of the Adopted North Wiltshire Local Plan 2011.
- d. It has not been satisfactorily shown that the site can accommodate the proposed extension to the town park without harm to ecology.
- e. It has not been satisfactorily shown that the site can accommodate the limit of 154 dwellings with sufficient provision for vehicular parking.
- f. The proposed development does not meet the requirements for community infrastructure and services arising as a result of the proposed level of development.
- g. It is recognised that the proposal would provide a contribution towards the housing land supply, provide much needed affordable housing and would provide important economic benefits, including support for the construction industry and that a presumption in favour of sustainable development is proposed nationally, this must be balanced against the impact on the strategy and bringing forward balanced and timely development in the town with the appropriate infrastructure and community support.

## **Recommendation**

Had the Council been in a position to determine the application, the recommendation would have been that planning permission be REFUSED and that officers be authorised to contest the appeal for the following reasons:

1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.
2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF), the Core Strategy Development Plan Document for the area and subsequent site allocations development plan document or neighbourhood plan for the area and is thus prejudicial to the council's plan-led approach to sustainable development. As such the proposal is contrary to Planning Policy Statement 3: Housing.
3. The proposed development is not an allocated site within policy H2 and was not required to meet the land supply for the period up to 2011. The proposed development is not required to meet the five year land supply requirement referred to in the June 2011 version of the emerging Wiltshire Core strategy or the January 2012 version of the Wiltshire Core Strategy
4. By reason of the scale of development proposed, the application is contrary to Policy DP3 of the adopted Wiltshire and Swindon Structure Plan 2016 and Policies 1 and 20 of the emerging Wiltshire Core Strategy 2026.
5. Insufficient evidence has been submitted to demonstrate the measures that will need to be undertaken to mitigate the effect of the development on species/habitats protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations, and listed on the UK/Wiltshire BAP. This would be contrary to Policies C3 and NE11 of the North Wiltshire Local Plan 2011. Planning Policy Statement 9 and statutory obligations established by Circular 06/2005.
6. The indicative layout does not satisfy the aims of Manual for Streets and the highway authority's supplemental guidance on safe and satisfactory servicing of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.
7. The proposed development does not make any provisions for securing low cost housing provision on the site, formal Leisure provision at Calne Leisure centre; burial provision at Calne cemetery; the on-going provision and maintenance of open space and surface water attenuation measures on the site . The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).

## INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below.

LP-001 – Location Plan;  
P-MP-A3 - Illustrative Layout Masterplan;  
E-TE-A3 – Typical Elevations  
2911/HA/1 - Proposed Access from Silver Street  
Proposed Allotment Layout NPA-10509-P-301  
Existing Town Park Site Features NPA 10509BE  
Proposed Town Park Layout – NPA-10509BE

Planning Statement Nov 2011 (Includes: Statement of Community Involvement; Draft S.106 Heads of Terms; Sustainability Statement; and Waste Management Strategy)  
Design and Access Statement Nov 2011  
Archaeological Report Sept 2011  
Ecology Report and Extended Phase 1 Habitat May  
Flood Risk Assessment Aug 2011

Landscape Report Sept 2011  
 Transport Assessment July 2011  
 Residential Travel Plan July 2011  
 Tree Survey & Tree Constraints Plan Sept 2009  
 Ground Investigation Report July 2009  
 Topographical Survey – 4765ea-01

2. The reasons for confirming why planning permission would have been refused which pertain to highways, ecology and S106 matters have the potential to be overcome and in this respect and in light of the pending appeal, the applicant is invited to meet with the Council to discuss these matters and if necessary provide additional amended plans or heads of terms. Where such matters can be overcome, these aspects will not be pursued at appeal and agreed in a statement of common ground.

|   |  |
|---|--|
| <b>Appendices:</b>  | 1 Five Year Land Supply Statement  |
| <b>Background Documents Used in the Preparation of this Report:</b> | <ul style="list-style-type: none"> <li>• Planning Application file N/11/03628/OUT</li> <li>• North Wiltshire Local Plan 2011</li> <li>• Wiltshire and Swindon Structure Plan 2016</li> <li>• Wiltshire Core strategy Pre-Submission Document 2012</li> </ul> |

## APPENDIX 1

### Five year land supply statement

#### Policy Context

Planning Policy Statement 3 (PPS3): *Housing* was published in November 2006, replacing Planning Policy Guidance 3 (PPG3) *Housing* (2000) and subsequent amendments. PPS3 has since been revised as of June 2011.

Within PPS3 the Government has set out its guidance in response to the Barker Report<sup>1</sup> in order to deliver a step change in housing delivery.<sup>2</sup> The requirement is for Local Planning Authorities (LPAs) “to set out in LDDs their policies and strategies for delivering the level of housing provision, including indentifying broad locations and specific sites that will enable a continuous delivery of housing for at least 15 years from the date of adoption...”. This goes further to say that this delivery of housing should be assessed “...taking account of the level of housing provision set out in the RSS.”<sup>3</sup>

The adopted development plan for Wiltshire includes the Wiltshire and Swindon Structure Plan 2016, containing a housing requirement from 1996 to 2016 in Policy DP4.

The proposed changes version to the draft South West Regional Spatial Strategy contains a housing requirement from 2006 to 2026 in the HMA policies. This requirement does include a phasing policy, but for Wiltshire the requirement is evenly phased. For ease, and to be consistent with the other housing requirements the phased approach to supply is not included in the figures below.

The Localism Act 2011, makes provision to formally revoke RSSs, including the emerging South West Regional Spatial Strategy (RSS) and the saved policies of the Wiltshire and Swindon Structure Plan. Orders made by the Secretary of State are required before the RSS is formally revoked and so this still forms a consideration in the determination of planning applications.

In response to the announcement by the Secretary of State on 27 May 2010 confirming the Government’s intention to ‘rapidly abolish Regional Strategies’, The Wiltshire Cabinet (19 October 2010) resolved that:

- 1) *Wiltshire’s new housing requirement should be determined through a comprehensive review involving local communities, which responds to the Decentralisation and Localism Bill; and*
- 2) *The new housing requirement should be progressed as part of the Core Strategy Process.*

This approach is consistent with the Government’s intention to ensure that ‘*Local Planning Authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional targets.*’<sup>4</sup>

It is important that Wiltshire’s future housing requirements are identified within the context of the newly enacted ‘Localism’ agenda whilst ensuring that any requirement is based on reliable and robust information able to withstand scrutiny through the examination process. Wiltshire Council has developed a housing requirement, taking on board community aspirations as well as the strategic needs of Wiltshire. The resulting requirement will be used in the Core Strategy pre-submission consultation, ensuring that Wiltshire has appropriate policies to achieve the Visions and Objectives of the Core Strategy.

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<sup>1</sup> Barker Review of Housing Supply (2004)

<sup>2</sup> PPS3 ‘Background’.

<sup>3</sup> PPS3 para 53.

<sup>4</sup> Chief Planning Officer Letter: ‘Revocation of Regional Strategies’. 6 July 2010

PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably.

If this mechanism does come into play the following criteria must be considered, in line with paragraph 69 of PPS3:

- Achieving high quality housing.
- Ensuring development achieves a good mix of housing.
- The suitability of the site for housing, including environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.

#### Housing requirement

A key issue is which housing requirement to assess five year housing land supply against. The most up to date adopted part of the strategic statutory plan is the Wiltshire and Swindon Structure Plan 2016. The draft Regional Spatial Strategy for the region was tasked with setting new housing requirements for the region. The RSS for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend new housing figures for Wiltshire for the period 2006-2026. The new Government is now intending to abolish regional spatial strategies<sup>3</sup>.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council considered that the Structure Plan should continue to be used whilst new Wiltshire derived housing figures are developed.

However in the recent successful appeal decision for development on land at Brynards Hill<sup>4</sup> the Inspector did not believe that the Structure Plan housing requirements effectively reflected the step change in housing delivery that PPS3 intended, the Inspector stated “the SP housing figures do not reflect this step-change in housing delivery” (p4). Instead the housing requirements proposed in the Proposed Changes to the RSS were considered to be the most up to date and were used to assess

The Regional Spatial Strategy (RSS) for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend housing figures for Wiltshire. The new Government is now intending to abolish regional spatial strategies.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council formalised its position in relation to the uncertainty over housing numbers by agreeing to the following:

- To develop a new housing requirement through a review of housing numbers involving local communities.
- To progress that housing requirement through the core strategy.
- To reaffirm that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4).

Appeal reference APP/Y3940/A/10/2141906. It is the Inspectors opinion therefore that we cannot use the Structure Plan figures to assess housing land supply figures.

Since this appeal Wiltshire derived housing figures have been developed for the county and are currently being consulted on. These new figures are based on a robust methodology<sup>5</sup> and more up to date evidence than the housing figures proposed at the regional level. The figures have been subject to public consultation (June 2011).

#### Disaggregation

Using the Wiltshire and Swindon Structure Plan to 2016 five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner

with separate figures for Chippenham and the rest of the district.

Using the draft Regional Spatial Strategy five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner with separate figures for Chippenham, west of Swindon and the rest of the district.

The Draft Core Strategy Consultation Document states that housing land supply will be assessed against housing market areas. These housing market areas are being defined through the new Wiltshire wide Strategic Housing Market Assessment (SHMA). This SHMA is not yet finalised but indicative housing market area boundaries were included in the consultation document.. The SHMA was published in January 2012.

“The new strategic employment land and housing provision will be delivered within the defined Housing Market Areas (HMA’s), once they have been defined. Indicative areas are shown below on Map 4.1 - Wiltshire key diagram (spatial strategy)”.

Paragraph 4.25 states:

“The sources of supply have been assessed to ensure that there is at least a five year supply of deliverable housing, and a ten year supply of developable housing, within the indicative county sub areas shown in map 4.1. The draft county sub areas are presented for the purposes of consultation and are subject to change. It is considered appropriate to assess the strategic housing land supply requirement at this level in order to ensure an appropriate level of supply within Wiltshire’s different housing market areas”.

In the context of this proposal therefore housing land supply could be calculated on the Wiltshire derived figures currently being consulted on in the Core Strategy Consultation Document and these should be assessed on a HMA basis (in line with the most up to date boundaries shown in map 2 above).

It should be noted that these figures include the proposed strategic housing allocations in the Draft Core Strategy Consultation Document. The table below shows the emerging five year housing land supply using a base date of April 2011. A statement of five year housing land supply is due to be published by the end of this year.

Table 1: Five year housing land supply at April 2011:

| Housing requirement and area   | Years supply                 |
|--|------------------------------|
| Emerging Core Strategy – North and West housing market area  | 6.1                          |
| Proposed changes to draft RSS – North Wiltshire district remainder (minus Chippenham and west of Swindon requirements) | 6.0                          |
| Proposed changes to draft RSS – North Wiltshire district   | 3.3                          |
| Wiltshire and Swindon Structure Plan 2016 – North Wiltshire remainder (minus Chippenham requirement)                   | Total period target exceeded |
| Wiltshire and Swindon Structure Plan 2016 – North Wiltshire district   | 95.2                         |

A further consideration is the draft NPPF proposal to require local planning authorities to provide 5 years worth of housing land plus 20% contingency, although as the draft NPPF is still in draft form cannot be afforded significant weight.

