

## AGENDA

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**Meeting:** Strategic Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park,  
Chippenham, SN15 1ER  
**Date:** Wednesday 22 January 2014  
**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 713035713035 or email [roger.bishton@wiltshire.gov.uk](mailto:roger.bishton@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

### Pre-meeting training

**There will be a briefing session in the Council Chamber at Monkton Park, Chippenham, starting at 9.30am immediately before the formal meeting on the Inspector's letter on the Wiltshire Core Strategy and implications for decision making.**

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<b>Briefing Arrangements:</b>	<b>Date</b>	<b>Time</b>	<b>Place</b>
<b>PARTY SPOKESMEN</b>	Tuesday 22 January 2014	2.30pm	Council Chamber, County Hall

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### **Membership:**

Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Anthony Trotman
Cllr Andrew Davis (Chairman)	Cllr Nick Watts
Cllr Jose Green (Vice Chairman)	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr Bill Moss	

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**Substitutes:**

Cllr Trevor Carbin  
Cllr Ernie Clark  
Cllr Stewart Dobson  
Cllr Mary Douglas  
Cllr Dennis Drewett  
Cllr Russell Hawker

Cllr George Jeans  
Cllr Gordon King  
Cllr Howard Marshall  
Cllr Paul Oatway  
Cllr Ian West  
Cllr Philip Whalley

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## 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 - 4*)

To confirm the minutes of the previous meeting held on 11 December 2013.  
(Copy attached)

3 **Declarations of Interest**

To receive any declarations of disclosable 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 15 January 2014**. 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 **N/13/01610/WCM - Extension to Condition 9 of N.88/1828 - Retention of Concrete Products Factory) Sands Farm Quarry, Sand Pit Road, Calne, SN11 8TJ for Aggregate Industries Ltd. (Pages 5 - 32)**

A report by the Case Officer is attached.

- 7 **N/13/01916/WCM - Retention of existing compost facility, access & increase in throughput at Parkgate Farm Waste Management Facility, Purton, SN5 4HG for Hills Waste Solutions Ltd. (Pages 33 - 52)**

A report by the Case Officer is attached.

- 8 **N13/01747/FUL - Hunters Moon, Easton Lane, Chippenham, SN14 0RW (Pages 53 - 76)**

A report by the Case Officer is attached.

- 9 **N/12.0438/OUT - Marden Farm, Rookery Park, Calne, SN11 0LH - Update (Pages 77 - 126)**

A report by the Case Officer is attached.

- 10 **Date of Next Meeting**

To note that the next meeting is due to be held on Wednesday 12 February 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

- 11 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be considered as a matter of urgency. Urgent items of a confidential nature may be considered under Part II of this agenda.

## **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**

## **STRATEGIC PLANNING COMMITTEE**

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**DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 DECEMBER 2013 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.**

**Present:**

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman, Cllr Nick Watts and Cllr Graham Wright

**Also Present:**

Cllr Chuck Berry, Cllr Alan Hill and Cllr Toby Sturgis

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**48 Apologies for Absence**

An apology for absence was received from Councillor Fred Westmoreland.

**49 Minutes of the Previous Meeting**

The minutes of the meeting held on 23 October 2013 were presented for consideration. It was,

**Resolved:**

**That subject to the alteration of 'Councillor Christopher Newbury requested his objection to the approval for scheme A be recorded' to 'Councillor Christopher Newbury requested his vote against the approval for scheme A be recorded' under Minute 46, to APPROVE as a true and correct record and sign the minutes.**

**50 Declarations of Interest**

Councillors Tony Trotman and Glenis Ansell declared a non-pecuniary interest in application 13/03187/WCM: Units 3 to 5, 2 Porte Marsh Road, Calne, Wiltshire, SN11 9BN, by virtue of being members of Calne Town Council, but would speak and vote on the item, considering the item on its merits.

**51 Chairman's Announcements**

There were no announcements.

**52 Public Participation and Councillors' Questions**

The rules on public participation were noted.

53 **Planning Applications**

54 **13/03187/WCM: Units 3 To 5, 2 Porte Marsh Road, Calne, Wiltshire, SN11 9BN**

Public Participation

Cllr Heather Canfer, Calne Town Council, spoke in objection to the application.

The Area Development Manager presented the report which recommended that permission for the variance to condition 5 to permit loading outside of the building on the site be granted. The original permission was granted in September 2011, and the key issues were stated to include the impact on residential amenity and the local environment and the reasons for imposing the initial condition.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on whether additional conditions could be altered or added, and it was confirmed that it could be done only if the additions and alterations were in relation to the changes being requested. In response to queries it was stated that there was no fencing around the site, and that throughput had increased significantly since the original permission was granted, with the applicants stating health and safety concerns necessitated the changing of condition 5 as a result.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

Councillor Alan Hill, a Unitary Member for Calne, then spoke in objection to the application, drawing attention to the presence of nearby schools and homes which would be affected by the movement of activities outside the confines of the building.

The Local Member, Councillor Glenis Ansell, then spoke in objection to the application, noting concerns of activities spilling out on pavements and increased traffic movements in the area.

A debate followed, where members considered whether the reasons for imposing the original condition 5 were still valid in light of the changed circumstances of the facility, and if the proposed new condition was satisfactory in addressing concerns. Whether the Health and Safety concerns from increased throughput were sufficient to justify permitting the loading of vehicles outside was debated, along with the details of how any unloading would take place.

At the end of discussion, it was,

**Resolved:**

**To REFUSE the application for the following reason:**

The variation of condition 5 as requested would permit loading of vehicles by forklifts to take place outside of the building. The building is located close to nearby residential properties and this change in operation would create an unacceptable increase in noise pollution and litter, to the detriment of the amenity of nearby residential properties. This would conflict with policy WDC 2 of the Wiltshire & Swindon Waste Development Control Policies Development Plan Document, that seeks to avoid adverse impacts from waste management development.

*Councillor Terry Chivers requested that his vote against the refusal be recorded.*

55 **13/01593/FUL: Kemble Enterprise Park, Nr Kemble, Gloucestershire, GL7 6BQ**

Public Participation

Mr Paul Fong, agent, spoke in support of the application.

The Planning Officer introduced the report which recommended permission be refused. The application was stated to be a hybrid application, containing aspects which were outline and others with full detail. Key issues were stated to include the principal of the development, the effect on listed buildings, sustainability and design.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the views of Kemble Parish Council, and whether the site had been identified specifically for employment uses with the emerging Core Strategy or other policies, which it was confirmed was not the case.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Chuck Berry, then spoke to the application, noting the need to balance the concerns of officers and some residents against the benefits the proposal brought.

A discussion followed, where the scale of the proposed developments over existing buildings was assessed, along with the suitability of transport arrangements for the business park, the prominence of the proposed development on a Greenfield site and whether they enhanced the setting or character of the listed buildings on the site.

At the conclusion of debate, it was,

**Resolved:**

**To REFUSE the application for the following reasons:**

- 1) The proposal is located within open countryside and on a Greenfield site within a former MoD site. The proposals are not**

considered to be limited expansion or redevelopment of an existing premises; are not well related to any existing settlements and are considered to be remote, involving development of an open area. The proposals are thus considered to conflict with policies BD5 and NE20 of the North Wiltshire Local Plan 2011 and Wiltshire Core Strategy Policy 37.

- 2) The proposals lack sufficient detail to ensure that they preserve or enhance the setting of the Grade II listed hangars on site and are thus contrary to Policy HE4 of the North Wiltshire Local Plan 2011, Wiltshire Core Strategy Policy 58, section 12 of the National Planning Policy Framework 2012 and the guidance given in S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) The proposals are set within an open landscape and of a scale, massing and design that is considered to have a detrimental impact on the “special” character of the area and its openness, causing the built form to coalesce, contrary to policy NE15 of the North Wiltshire Plan 2011, Wiltshire Core Strategy Policy 51 and Section 11 of the National Planning Policy Framework 2012 on conserving and enhancing the natural environment.
- 4) The proposal is sited within a remote location with poor public transport facilities and the sustainability proposals put forward by the applicants are considered to be insufficient to outweigh the harm caused and thus the development is considered to be contrary to Policies T1 and T2 of the North Wiltshire Local Plan 2011 together with Wiltshire Core Strategy Policies 60 and 61 and advice within the National Planning Policy Framework 2012 about delivering sustainable development.

56 **Date of the next meeting**

The date of the next meeting was confirmed as 22 January 2014

(Duration of meeting: 10.30 am - 12.10 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic & Members' Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

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



## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 January 2014
<b>Application Number</b>	N/13/01610/WCM
<b>Site Address</b>	Aggregate Industries UK Limited Sands Farm Quarry Sand Pit Road Calne SN11 8TJ
<b>Proposal</b>	Extension to Condition 9 of N.88/1828 (Resubmission of 12/03244/WCM)
<b>Applicant</b>	Aggregate Industries UK Limited
<b>Town/Parish Council</b>	Calne Without/Cherhill
<b>Grid Ref</b>	401341 171695
<b>Type of application</b>	County Matter
<b>Case Officer</b>	Jason Day

### Reason for the application being considered by Committee

Members will recall that the Committee previously resolved to defer consideration of this Section 73 application to extend the life of the concrete products factory at Sands Farm Quarry, in order to receive further information about the perceived impact from noise and airborne emissions on the residential properties subsequently built adjacent to Sandpit Road.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission is GRANTED.

Further, to address the concerns of Members at the meeting of 11 September 2013, namely:

- whether sufficient information had been provided on the level of impact from additional noise and air emissions and necessary measures that would be taken to address them, and
- whether additional new conditions relating to matters such as hours of operations could be imposed as part of the consideration of this section 73 application.

Additional information has now been received in the form of a Supplementary Planning Statement submitted by the Applicant to illustrate that the impact of the existing concrete products factory was considered by the housing developer within their planning application to develop a housing estate adjacent to Sandpit Road, and these impacts were considered acceptable. It also provides details on how the company intends to manage and monitor environmental noise and airborne emissions once the factory is reopened. These matters are addressed in the officer's appraisal at Planning Considerations.

A copy of the report presented to the Committee at its meeting held on 11 September 2013 is attached as Appendix A.

## **2. Report Summary**

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

- Principle of extending the life of the temporary planning permission
- Sustainable development and the economic impact of the proposal
- Impact of noise on residential areas
- Impact of dust on residential areas and impact on air quality
- Traffic/road infrastructure

## **3. Site Description**

The application site comprises the decorative Concrete Products Factory building, weighbridge, stock yard and car park situated at Sands Farm Quarry. The main factory building is 9 metres in height with a raised central section to accommodate conveyor elements at 17.2 metres in height.

The external material of the building is of profile steel cladding, with side elevations 'olive green' and roof 'moorland green' in colour. The building floor space is 7,533 square metres. The overall site area is 5.8 hectares.

The land to the immediate south of the factory is the site of mineral processing plant associated with the Sands Farm Quarry and Landfill, which extends southwards from the site and linked by conveyor to a quarry at Compton Bassett operated by Hills Quarry Products Ltd. Land to the north and south west of the factory is in agricultural use. The land to the northeast is also agricultural and is allocated in the Wiltshire and Swindon Aggregate Minerals Site Allocations Plan for sand extraction.

The application site also includes the line of Sandpit Road which provides a connection between Oxford Road and Abberd Lane and which was purposely constructed to provide access to the Concrete Products Factory. The land to the west of Sandpit Road is occupied by a recent housing development. The land to the east of Sandpit Road is agricultural in use but some of this land, an area off Oxford Road, has received outline planning permission for housing development of up to 200 dwellings.

## **4. Planning History**

N/88/1828 – Application for the decorative concrete products factory and stock yard by E.C.C. Quarries Ltd. Permission granted 16 February 1989.

N/90/1721 – Extension to the sand extraction operations with restoration back to agriculture by the importation of waste. Permission granted October 1992.

N/08/07016 – Application for the extraction of sand followed by backfilling with clay to original ground levels and restoration to an Orchard at Sands Farm for AIUK. Permission granted 5 June 2009.

N/10/03782/WCM – Variation of condition 11 of N/88/1828 to allow moulding to be undertaken at the concrete products factory. Permission granted 22 December 2010.

N/10/03280/WCM - Construction of conveyor to link Low Lane and Old Camp Farm mineral extraction to Sands Farm Quarry and retention of processing plant. Permission granted 17 November 2010.

N/12.03244/WCM - Extension to condition 9 of N.88/1828 to retain concrete products factory to 30 November 2022 or cessation of the processing of sand whichever the sooner. Application withdrawn March 2013, pending submission of a transport assessment.

## 5. The Proposal

The application has been made under section 73 of the Town and Country Planning Act 1990 [as amended] to vary condition 9 of N/88/1828 to extend the operational life of a concrete products factory and stock yard. The proposal does not seek to make any changes to the physical appearance of the existing building and stock yard.

Currently, Condition 9 reads:

9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before the expiration of a 25 year period from the date of the granting of this permission or the exhaustion of the companies adjoining sand resources, whichever is the sooner.

Reason: In the interest of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

The date of permission N/88/1828 is 16 February 1989. Consequently, condition 9 limits the operational life of the Concrete Products Factory and stockyard to 16 February 2014 at the latest. However, whilst the sand resources at Sands Farm Quarry have almost been worked out, the grant of planning permission N/10/03280/WCM allows sand from the adjacent quarry at Low Lane to be brought to the Sands Farm plant site by conveyor for processing. That operation is time limited to cease by 30 November 2022.

The applicant therefore proposes to 'vary' the wording of condition 9 to read:

- x. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.

## **6. Planning Policy**

### National Guidance

National Planning Policy Framework (March 2012)

### Development Plan

Wiltshire and Swindon Minerals Core Strategy DPD 2006 – 2026

Policy MCS 6: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities.

Policy MCS8 Living with Minerals Development – Protecting Residential Amenity

Wiltshire and Swindon Minerals Development Control Policies DPD

Policy MDC2 Managing the impacts of minerals development

Policy MDC8 Sustainable transport and minerals development

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan

Land near Compton Bassett

## **7. Consultations**

The supplementary statement has been publicised and consulted on, with all those who previously commented on the proposals notified and invited to submit further comments.

Local Member – no comments received

Calne Town Council – no comments received

Cherhill Parish Council - no comments received

Calne Without Parish Council - no comments received

Environment Agency - no objection in principle to the application from a planning perspective.

Highways – no comments received.

Environmental Health Officer – satisfied that both dust and noise emissions would not be significant enough so as to warrant a concern/objection from Public Protection. Is of the opinion that additional information demonstrates that the distance from the site to the new houses ensures there should be no significant noise impact. Notwithstanding this, as previously stated, any noise complaints against the site can be investigated and acted on under the Environmental Protection Act 1990, should nuisance be established. With regard to associated HGV's operating on the Sand Pit Road, advises that can raise no objection to this in the same way that did not and could not raise an objection to the 'proposed' residential development back in 2008 when these vehicle movements were considered and assessed.

Strategic Landscape Team – remains of the view that there is unlikely to be any significant impact on local ecology from this proposal.

## **8. Publicity**

12 further letters of objection were received in response to the additional information.

Summary of key relevant points raised:-

- Calne already suffers high levels of industrial heavy traffic.
- Views of the countryside are tarnished by lorries travelling down Sandpit Lane.
- Do not wish to be woken by lorries passing by at 6am each morning.
- Noise will be disruptive to the local amenity.
- Reopening the factory will be detrimental, bringing extra noise, congestion, dust and air pollution.
- Whilst noise and emissions from the factory could be minimised, HGV traffic will only increase noise pollution and emissions.
- Sandpit road cannot support the factory, residential development off sandpit road, plus those houses yet to be built.
- The new information does not offer anything tangible in the way to solutions to the two major problems of noise and airborne pollutants. What it seems to do instead is focus on criticising the residential development in Sandpit Road. This is separate issue and should not be used as an argument.

Hilmarton Parish Council – raises concerns regarding the increase in heavy vehicles using the A3102 through the parish.

Sandpit Rd Lobby Group (comprising residents of both the Persimmon and Redrow estates) - object to the application for the following reasons:-

- i. The potential traffic increase of 210 lorry movements a day along Sandpit Rd and the hinter roads (A4 A3102) will cause additional traffic congestion, noise and air pollution on all roads coming into and out of Calne. Many of the homes along Sandpit Lane are within yards of the road carrying these heavy vehicles.
- ii. Many of these HGV's will travel to and from Calne via Junctions 17 and 16 of the M4. This will adversely affect all towns and villages along these routes i.e. (Chippenham, Wootton Bassett, Lyneham, possibly Sutton Benger) also exposing residents along these roads to additional air pollution from emissions and lorry noise.

- iii. The proposed working hours involve early morning starts, late finishes and weekend deliveries to and from the site. These hours will greatly impact on local residents' quality of life and right to peace in out of office hours and as such are unreasonable.
- iv. We understand that for development projects such as this, it would be the norm for the local planning authority to request a noise impact assessment; assessing all noise making activities including vehicular activity to and from the site. Whilst data has been gathered relating to noise from the site itself and the numbers of lorries have been quantified by Aggregate Industries, no data/assessment has been submitted regarding the noise impact of the additional traffic activity, with the argument being that there is no historical, representative or potential data to draw upon. We would argue that a predictive assessment of traffic noise along Sandpit Lane and the Beversbrook by pass is feasible and should be undertaken. This should be done in accordance with BS 5228 or CRTN (Calculation of road traffic noise) to ensure residents are protected against harmful noise impact. Guideline reference noise levels can be found in BS 8233: 1999 and WHO 2000.
- v. Aggregate Industries argue in their recent submission that the developers, who built the houses along Sandpit Rd knew that they were building on an area with a 'known noise source'. How can the developers assessment undertaken in 2008 when the factory was mothballed (and there was less other traffic on Sandpit Rd) now be used as evidence to show that over 20,000 extra lorry movements a year will not impact on the residents now living in this area.
- vi. The Environmental Noise submission suggests that permission be granted and then when the complaints come in, monitoring and action can take place! We would argue that this is unreasonable. We urge Wiltshire Council to obtain predictive figures on noise and air emissions before the decision on this application is made.
- vii. For these reasons and the fact that this proposal only presents Calne with the prospect of 35 -100 additional jobs (most of which will be relocated from South Cerney), we would argue this is not in the interests of the town of Calne or indeed North Wiltshire and we strongly object to this application.

## **9. Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all applications for planning permission to be determined in accordance with the development plan unless other material considerations indicate otherwise.

Members will recall that the Committee resolved to defer consideration of this Section 73 application to extend the life of the concrete products factory at Sands Farm Quarry, in order to receive further information about the potential impact from noise and airborne emissions on the residential properties subsequently built adjacent to Sandpit Road.

The Applicant has provided a supplementary statement with the purpose to illustrate that the impact of the existing concrete products factory was considered by the housing developer within their planning application to develop a housing estate adjacent to Sandpit Road, and these impacts were considered acceptable. It also provides details on how the company intends to manage and monitor environmental noise and airborne emissions once the factory is reopened.

#### Airborne emissions

The Applicant has highlighted that the extant planning permission contains a condition (number 6) stating: "Best practicable means must be used to ensure there is no dust or noise nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate silencers." The Applicant has provided an overview of the manufacturing process, which describes the process controls in place to minimise airborne emissions. This includes the main aggregate storage building being completely enclosed, together external conveyors and the shrink-wrapping of finished products stored in the stock yard. Through these process controls there have been no complaints with regard to dust emissions from the factory.

The Applicant also draws attention to the fact that as well as the planning permission, in order to operate the factory, the company must hold an Environmental Permit granted under the Pollution, Prevention and Control Act 1999 and The Environmental Permitting (England and Wales) Regulations 2007. The Permit imposes controls on airborne emissions (dust and odour) from all elements of the production process; from the importation of materials used within the manufacturing process, to the distribution of the finished concrete products. The permit contains 28 separate conditions to achieve its aims and, when operational, the factory is regularly visited by Wiltshire Council Environmental Health Officers who check compliance. The permit can be reviewed by the Environmental Health Department and updated as required.

The Environmental Health Officer has confirmed that, having assessed the submitted additional information, he is satisfied that both dust emissions from the concrete products factory would not be significant enough so as to warrant a concern/objection from the Public Protection Team.

#### Noise emissions

As with airborne emissions, the Applicant is subject to the same planning condition with regard to noise nuisance from the factory. The Applicant has provided an overview of the manufacturing process which includes a process description explaining the noise controls that are in place. These include containing the manufacturing process wholly within the main factory building and the enclosure of external hoppers and conveyors.

The Environmental Health Officer has confirmed that, having assessed the submitted additional information and a further 'desk-top' calculation, he is satisfied that noise emissions from the concrete products factory to the nearest dwellings in the new residential development would not be significant enough so as to warrant a concern/objection from the Public Protection Team.

The main concern raised by the residential properties adjacent to Sandpit Road is the potential impact of noise from the transportation of raw materials to the Factory and the distribution of finished products. As noted in the previous report, Sandpit Road is a highway specifically built as a requirement of the permission to construct the Factory.

Sandpit Road is also used by HGVs accessing to the various businesses at Sands Farm Quarry and the waste transfer site at Abberd Lane.

The planning application for the houses was submitted in 2008, and granted on appeal in 2010, included a noise assessment. The Applicant has referred to this noise assessment and highlighted that it considered the impact of HGV traffic on Sandpit Road on the housing development. The housing developer's assessment concluded the site was suitable for residential development and *"With appropriate mitigation measures incorporated into the design of the dwellings sited directly adjacent to the road, no noise impacts have been identified for the dwellings within the development."* These mitigation measures were subsequently built into the development.

Officers have obtained a copy of the noise assessment and note that within the section of the report that describes the site and potential noise sources it is stated:-

To the east, the site is bounded by Sandpit Road. This lane has recently been constructed to carry the HGV traffic into the quarry and block works sites which are to the south east of the site. During the daytime period there are regular vehicle movements along this road and traffic using this lane forms the main noise source within the proposed Development. This lane will form the main access into the Development and traffic flows along the lane will increase once the development is occupied.

The following key points are also noted from the noise assessment report:-

- A series of noise measurements were carried out to ascertain the existing noise environment within the development, which is principally influenced by HGV road traffic on Sandpit Road accessing the quarry and block work sites at the end of the lane;
- The assessments concluded the site was suitable for a residential development; and
- With appropriate mitigation measures incorporated into the design of the dwellings sited directly adjacent to the road, no noise impacts were identified for the dwellings within the development.

The Environmental Health Officer has confirmed that, with regard to associated HGV's operating on Sandpit Road, he can raise no objection to this in the same way that he did and could not raise an objection to the residential development back in 2008, when these vehicle movements were considered and assessed.

The Applicant has also provided a copy of an 'Environmental Noise and Dust Control Scheme' under which, in the event of a noise complaint or a specific request being received from Wiltshire Council, the company would undertake noise monitoring. The Environmental Health Officer has advised that any noise complaints against the site can be investigated and acted on under the Environmental Protection Act 1990, should nuisance be established.



## Operating hours

With respect to the query over whether additional new conditions relating to matters such as hours of operations could be imposed on any permission granted, officers have sought further legal advice to clarify the position as to whether this is possible under Section 73. The advice is that where an application under Section 73 is approved, the effect is to create a new grant of planning permission. Consequently, the planning authority can grant such permission unconditionally or subject to different conditions (this can include imposing new conditions to address changes in circumstances since the original grant of permission), or can refuse the application if it decides that the original condition(s) should stand.

Therefore, should the Committee consider it necessary, in light of additional information, to restrict the hours that HGVs enter and leave the site, then a condition can be imposed on any permission granted to secure this. The Applicant has confirmed that in past deliveries of imported aggregate were received between the hours of 0600 hours to 1800 hours. However, quarry and landfill vehicle times are restricted to 0700 hours to 1800 hours. A suitable condition to reflect this arrangement as part of any permission granted for retention of the concrete products factory is included in the recommendation section below.

## **10. Conclusion**

The Applicant has provided additional information that establishes there would be no unacceptable noise or dust impacts from the Concrete Products Factory on the new housing development subsequently built adjacent to Sandpit Road. The Environmental Health Officer is satisfied that both dust and noise emissions would not be significant enough so as to warrant an objection from Public Protection. Notwithstanding, any noise or dust complaints against the site can be investigated and acted on under the Environmental Protection Act 1990. The associated HGV's operating on the Sandpit Road and the likely impact on adjacent dwellings was assessed by the housing developer through the application/appeal process and it concluded the site was suitable for a residential development.

The retention of the decorative concrete products factory for a temporary period to 30 November 2022 is considered consistent with the longstanding use of the local area for mineral extraction and manufacture of concrete products and would provide additional employment for the local area.

## **RECOMMENDATION**

That, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989,

### **Permission be GRANTED**

Subject to the following condition(s):

1. The development should be carried out in accordance with the submitted Plan Nos 8831/01 and 8831/02 and accompanying statement dated 15th June 1988.  
Reason: To define the nature and extent of the development permitted.
2. Prior to the commissioning of the plant and production of products from it, an access road shall be constructed from the A3102 to Abberd Lane in accordance with details to be agreed in writing with the Director of Planning and Highways. Details shall include: the alignment, construction and landscaping requirements.  
Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.
3. On completion of the access road referred to in condition 2 above, no vehicles entering or leaving the Sands Farm site shall use Abberd Way or Woodhill Rise.  
Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.  
Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD
4. Landscaping requirements are to be undertaken in accordance with the submitted scheme as shown on plan No. 88.418.03. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development and any trees 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.  
Reason: To safeguard the amenities of the area.  
Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD
5. Best practicable means must be used to ensure that no mud or other detritus is carried onto the highway.  
Reason: To ensure compliance with highway regulations.  
Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD
6. Best practicable means must be used to ensure there is no dust or noise nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate silencers.  
Reason: To safeguard the amenities of the area.  
Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

7. Best practicable means shall be taken to prevent any solid matter or excess amounts of suspended matter from passing into any watercourse.
- Reason: To protect water supplies and reduce pollution of water courses.
- Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies DPD
8. The storage of finished products in the stock yard shall not exceed 3 metres in height.
- Reason: To safeguard the amenities of the area.
- Policy: MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD
- 9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.**
- Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.**
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD**
10. Prior to the commencement of the construction of the decorative products factory building, samples of the materials and colours to be used in the external elevations of the buildings shall be submitted to and approved by the Mineral Planning Authority.
- Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.
- Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD
11. The building hereby permitted shall be used solely for the manufacture of concrete products and for no other purpose unless otherwise approved by the Mineral Planning Authority.
- Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.
- Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

**12. No lorry traffic shall enter or leave the site except between the hours of:**

**0600 hours and 1800 hours Monday to Friday; and  
0600 hours and 1300 hours Saturday.**

**No vehicles shall enter or leave the site on Sundays or Public Holidays.**

**Reason: To safeguard the amenity of local residents and properties adjacent to Sandpit Road.**

**Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD**

## **APPENDICES**

Appendix A: Copy of report presented to the Strategic Planning Committee meeting held on 11 September 2013.

### **Background Documents Used in the Preparation of this Report:**

Supplementary Planning Statement submitted by Aggregate Industries UK Ltd - November 2013

Noise Assessment for Proposed Residential Development on Land Adjacent to Sandpit Road, Calne for Robert Hitchins Limited – October 2008

# WILTSHIRE COUNCIL

## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>11 September 2013</b>		
<b>Application Number</b>	<b>N/13/01610/WCM</b>		
<b>Site Address</b>	<b>Sands Farm Quarry, Sand Pit Road, Calne, SN11 8TJ</b>		
<b>Proposal</b>	<b>Extension to condition 9 of N.88/1828 (Resubmission of 12/03244/WCM)</b>		
<b>Applicant</b>	<b>Aggregate Industries UK Limited</b>		
<b>Town/Parish Council</b>	<b>Calne Without/ Cherhill / Calne</b>		
<b>Grid Ref</b>	<b>401341 171695</b>		
<b>Type of application</b>	<b>County Matter</b>		
<b>Case Officer</b>	<b>Mark Henderson</b>	<b>01225 718598</b>	<b>mark.henderson@wiltshire.gov.uk</b>

### Reason for the application being considered by Committee

Councillor Tony Trotman has requested that this application be determined by the Committee for the following reasons:

- It may have a detrimental effect to occupiers on the new 258 housing development at Sandpit Lane, and other residential developments to take place along the route, and others expected close to the application site. Possible noise, dust, and the expected increases in heavy vehicle movements have already been highlighted from objectors.

### 1. Purpose of Report

To consider the above application and to recommend that, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989, planning permission be GRANTED, subject to conditions.

### 2. Report Summary

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

- Principle of extending the life of the temporary planning permission
- Sustainable development and the economic impact of the proposal
- Impact of noise on residential areas
- Impact of dust on residential areas and impact on air quality
- Traffic/road infrastructure

The application has generated 37 letters of objection from local residents and 1 response in support of the proposal.

Calne Town Council, Cherhill Parish Council and Calne Without Parish Council – all object to the application.

### **3. Site Description**

The application site comprises the decorative Concrete Products Factory building, weighbridge, stock yard and car park situated at Sands Farm Quarry. The main factory building is 9 metres in height with a raised central section to accommodate conveyor elements at 17.2 metres in height. The external material of the building is of profile steel cladding, with side elevations 'olive green' and roof 'moorland green' in colour. The building floor space is 7,533 square metres. The overall site area is 5.8 hectares.

The land to the immediate south of the factory is the site of mineral processing plant associated with the Sands Farm Quarry and Landfill, which extends southwards from the site and linked by conveyor to a quarry at Compton Bassett operated by Hills Quarry Products Ltd. Land to the north and south west of the factory is in agricultural use. The land to the northeast is also agricultural and is allocated in the Wiltshire and Swindon Aggregate Minerals Site Allocations Plan for sand extraction.

The application site also includes the line of Sandpit Road which provides a connection between Oxford Road and Abberd Lane and which was purposely constructed to provide access to the Concrete Products Factory. The land to the west of Sandpit Road is occupied by a recent housing development. The land to the east of Sandpit Road is agricultural in use but some of this land, an area off Oxford Road, has received outline planning permission for housing development of up to 200 dwellings.

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

- |                  |  |
|------------------|--|
| N/88/1828 –      | Application for the decorative concrete products factory and stock yard by E.C.C. Quarries Ltd. Permission granted 16 February 1989.   |
| N/90/1721 –      | Extension to the sand extraction operations with restoration back to agriculture by the importation of waste. Permission granted October 1992.   |
| N/08/07016 –     | Application for the extraction of sand followed by backfilling with clay to original ground levels and restoration to an Orchard at Sands Farm for AIUK. Permission granted 5 June 2009.   |
| N/10/03782/WCM – | Variation of condition 11 of N/88/1828 to allow moulding to be undertaken at the concrete products factory. Permission granted 22 December 2010.   |
| N/10/03280/WCM - | Construction of conveyor to link Low Lane and Old Camp Farm mineral extraction to Sands Farm Quarry and retention of processing plant. Permission granted 17 November 2010.  |
| N/12.03244/WCM - | Extension to condition 9 of N.88/1828 to retain concrete products factory to 30 November 2022 or cessation of the processing of sand whichever the sooner. Application withdrawn March 2013, pending submission of a transport assessment. |

### **5. Proposal**

The application has been made under section 73 of the Town and Country Planning Act 1990 [as amended] to vary condition 9 of N/88/1828 to extend the operational life of a concrete products factory and stock yard. The proposal does not seek to make any changes to the physical appearance of the existing building and stock yard.

Currently, Condition 9 reads:

*9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before the expiration of a 25 year period from the date of the granting of this permission or the exhaustion of the companies adjoining sand resources, whichever is the sooner.*

*Reason: In the interest of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.*

The date of permission N/88/1828 is 16 February 1989. Consequently, condition 9 limits the operational life of the Concrete Products Factory and stockyard to 16 February 2014 at the latest.

However, whilst the sand resources at Sands Farm Quarry have almost been worked out, the grant of planning permission N/10/03280/WCM allows sand from the adjacent quarry at Low Lane to be brought to the Sands Farm plant site by conveyor for processing. That operation is time limited to cease by 30 November 2022.

The applicant therefore proposes to 'vary' the wording of condition 9 to read:

*The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.*

## **6. Planning Policy**

National Guidance

National Planning Policy Framework (March 2012)

Development Plan

Wiltshire and Swindon Minerals Core Strategy DPD 2006 – 2026

MCS 6: Safeguarding Mineral Resources, Rail-head Facilities and Mineral Recycling Facilities.

Policy MCS8 Living with Minerals Development – Protecting Residential Amenity

Wiltshire and Swindon Minerals Development Control Policies DPD

Policy MDC2 Managing the impacts of minerals development

Policy MDC8 Sustainable transport and minerals development

Wiltshire and Swindon Aggregate Minerals Site Allocations Local Plan

Land near Compton Bassett

## 7. Consultations

Local Member, Councillor Tony Trotman – [The proposal] may have a detrimental effect to occupiers on the new 258 housing development at Sandpit Lane, and other residential developments to take place along the route, and others expected close to the application site. Possible noise, dust, and the expected increases in heavy vehicle movements have already been highlighted from objectors.

Local Member, Councillor Alan Hill – Objects to this application and raises a number of issues which are summarised as follows:

- Increase in HGVs would put an unacceptable burden on the local infrastructure
- Impact of HGVs on residents of housing developments off Sandpit Road and Oxford Road would be unacceptable
- It is a reasonable expectation of the residents of Calne that the temporary permission for the factory to 2014 should be upheld
- HGVs would be noisy and dirty to the detriment of the local community
- The proposal would add to already unacceptable air pollution in the area. It would be contrary to EU law to grant planning permission for a development that would adversely impact upon the UK's ability to meet its NO<sub>2</sub> targets for the area.

Calne Town Council – Objects to this application and raises a number of issues which are summarised as follows:

- It is a reasonable expectation of the residents of Calne that the temporary permission for the factory to 2014 should be upheld
- Increase in HGVs would put an unacceptable burden on the local infrastructure
- The proposal is in close proximity to a new Tesco store which will increase the number of pedestrians, cyclists and motorists negotiating, using and competing the increase in lorry movements.
- Concerns regarding the safety of residents using the same road infrastructure, which is already buckling, as the proposed HGVs.
- The sustainability of the proposal has not been taken into account
- The impact of noise and dust will mean disastrous consequences on the well being of the Calne Community
- Impact on already poor air quality in Calne.
- This application contravenes North Wiltshire Local Plan Core Policy C1, Core Policy C2 and Topic Area Policies NE18.

Cherhill Parish Council - Object to this application. This will cause increased traffic along the A4 through our Village which is itself a Conservation Area, also through the North Wilts Downs Area of Outstanding Beauty. Councillors felt that there could be the potential for a hazard from corrosive cement dust borne on the prevailing wind

Calne Without Parish Council - Agreed by majority decision that the application was unsuitable on the basis of further increase in lorry traffic in Calne, additional air pollution and now being very close to new residential housing. This in council opinion makes the application unacceptable.

Highways - no objection to the application

Environmental Health - no objection to the application

Environment Agency - no objection to the application

Strategic Landscape Team – no objection to the application



## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

37 letters of objection were received in response to the application and 1 response in support of the proposal.

Summary of key relevant points raised:

### Proximity to residential development

- The development of housing off of Sandpit road and further housing to be built to the north of Sandpit Road means that it would be inappropriate to extend the life of the concrete products factory, an industrial use, in what is now a residential area.
- Granting planning permission for housing meaning that the decision has been made, in principle, that the future of the vicinity was to be for residential purposes not commercial/industrial.
- The application contravenes: C2 Community Infrastructure Core Policy requirements, including environmental protection and enhancement.

### Dust/Air Quality/odour

- HGV lorries would produce high CO<sub>2</sub> and Nitrogen Dioxide emissions which would exacerbate air quality issues in the centre of Calne, which is designated as an Air Quality Management Area.
- The proposal would create air pollution in the form of dust from cement and other mineral resources utilised in the manufacturing process and from passing HGV traffic.
- The application contravenes Topic Area Policies NE18 – Noise and Pollution.

### Noise

- The proposal would increase noise levels significantly reducing the quality of life of residents now living in the area.
- The application contravenes Topic Area Policies NE18 – Noise and Pollution.

### Traffic/ Road infrastructure

- Impact of the additional HGV movements would be unacceptable along Sandpit Road and Abberd Lane and would add to traffic problems in Calne and surrounding areas.
- Impact of the proposal on the safety of residents and pedestrians using Sandpit road and Abberd Lane.
- Impact of additional HGVs on the access to High Penn via an unmade track off Oxford.
- Sandpit Road is often littered with debris from HGVs which is a hazard to all using the road or pavement.

### Status of the temporary planning permission

- It is a reasonable expectation of the residents of Calne that the condition of the permission causing it to cease operating in 2014 should be upheld.

### Operating hours

- Impact of HGVs using Sandpit Road every 4.6 minutes during proposed operating hours from 06:00 to 22:00 Monday to Friday and 06:00 to 14:00 on Saturdays.
- The extended hours proposed would make it unsafe for dog walkers, cyclists and families to gain access to the countryside and the local farm to purchase honey.

### Status of Sandpit Road/ Abberd Lane

- Impact on the Abberd Lane Bridleway
- The proposal would change the road usage to heavy industrial traffic status.

### Local economy

- There would be a negative impact on the local economy.
- The additional jobs to be created would be welcomed
- The application contravenes C1 Sustainability Core Policy 1, which states that any development should promote or maintain the long term economic health of the local economy.

### Sustainable Transport

- The proposal would import 80% of materials meaning that HGVs will be travelling hundreds of miles to the site.

## **9. Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all applications for planning permission to be determined in accordance with the development plan unless other material considerations indicate otherwise.

### Principle of extending the life of the temporary planning permission

Numerous responses to the application have questioned whether it would be reasonable to allow the Concrete Products Factory to continue to operate beyond 2014. It is argued that the limit imposed by the current condition has influenced the expectations and decisions made by developers, Wiltshire Council and the local community and therefore should be adhered to.

Permission was granted to erect a decorative concrete products factory and stock yard in 1989. Condition 9 of N.88.1828 links the life of the Concrete Products Factory to the life of the adjoining sand reserves. This was envisaged at the time to equate to a period of 25 years. Since permission was granted, the Sands Farm Quarry has experienced reductions in activities following the downturn in the economy. It is not uncommon for temporary minerals permissions to be extended, should circumstances change that would justify their retention for a further period of time. There is nothing in planning legislation, policy or guidance that prevents a temporary planning permission from being extended.

Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD seeks to ensure that all plant and machinery associated with mineral development be limited to the life of the mineral reserve it serves.

In this case additional local sand reserves have been released through the grant of planning permission for land at Low Lane and Old Camp Farm. These reserves are imported to the Sands Farm processing plant by conveyor system and distributed to market via Abberd Lane and Sandpit Road. The planning permission to operate the mineral processing plant and conveyor is time limited to 30 November 2022. The extension to the adjoining mineral reserves and the retention of the adjacent mineral processing plant effectively commits the area to mineral extraction and related uses until at least November 2022. Moreover, the adopted Wiltshire and Swindon Aggregate Minerals Site Allocations Plan includes an allocation of land adjacent to the Concrete Products Factory for future sand extraction. A further extension of minerals extraction in this area should not therefore be discounted.

As the land adjoining the concrete products factory will clearly continue to be in use for minerals development until at least November 2022, it is therefore considered reasonable, in principle, to extend to the time that the concrete products factory can continue to operate in line with the life of the adjacent minerals planning permissions, subject to the environmental acceptability of the proposal.

## Sustainable development and the economic impact of the proposal

A number of objections considered that the proposal would offer little benefit to the local economy. Concerns were expressed that the proposal would be contrary to 'saved' policy C1 of the North Wiltshire Local Plan because it would not promote or maintain the long term economic health of the local economy. It was, however, also suggested that the employment that would be created would be welcomed.

The minerals industry has experienced a dramatic reduction in output in recent years with mineral production in Wiltshire now at less than half of what it was in 2008. The National Planning Policy Framework (NPPF), published after the adoption of the North Wiltshire Local Plan and which should be given greater weight than the Local Plan, considers that "*minerals are essential to support sustainable economic growth*" (paragraph 142). The NPPF also states "*When determining planning applications, local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy*" (paragraph 144).

The concrete products factory at Sands Farm Quarry was mothballed in 2009. This was a result of the economic downturn, and the applicant took the decision to temporarily cease production at the site. Since that date, the demand for building materials has reduced further. As a consequence, the applicant company has sought to rationalise its operations. Of the company's concrete products factories, Calne is one of the most modern facilities within its ownership and it is therefore proposed to concentrate manufacturing at Calne.

The applicant anticipates that 35 new jobs would be created by the proposal. It would be reasonable to expect at least some of these jobs to be filled by local Calne residents, which would be a direct economic benefit locally. Those that come to work from outside of Calne could contribute to the local economy in terms of spending on activities outside of their working hours. Regardless of the extent of the economic benefits offered by the proposal, there is no evidence to suggest that it would result in a negative impact on the local economy.

Responses to the application have also highlighted that the majority of materials for the manufacture of concrete products at the factory are to be imported from other locations and questioned the sustainability of locating the site at Calne. Historically, materials have been brought into the site for the manufacture of decorative concrete products. The proposal does not seek to change the production method.

The main market area for the products that will be manufactured at Calne is the South West and the South East of England. The only other site within the Aggregate Industries portfolio capable of manufacturing these products is its Hulland Ward premises near Asbourne, Derbyshire. This is where the products are currently being manufactured. The South East and South West market share is 43% of Hulland Ward's output, and therefore, reopening Calne would significantly reduce the distance that these products travel. Hulland Ward would continue to serve markets outside of the South West and the South East.

It should not be overlooked that the proposal is not for the permanent retention of the Factory, rather its retention for a temporary period of approximately 8.5 years or until cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.

Returning again to the strong policy stance of the NPPF, it is considered that the economic benefits of the proposal, which includes facilitating the recovery of the minerals sector of the economy, carries significant weight and therefore the proposal should be supported in this respect.

However, further changes in circumstances have occurred since the original grant of planning permission for the concrete products factory, including the grant of planning permission for residential developments off Sandpits Road and Oxford Road and the designation of an Air Quality Management Area in Calne. A number of objections considered that the granting of permission for housing development in proximity to the decorative concrete products factory meant the status of

the area was changing from industrial to residential and that the two were not compatible. The implication of the proposal on these changes in circumstance is considered further below.

### Impact of noise on residential areas

Many of the objections to the proposal express concerns about the impact of noise resulting from the proposal and the adverse impact that this would have on residents of the new housing estate off Sandpit Road and those that would eventually occupy the homes to be built off Oxford Road, in proximity to Sandpit Road. The concerns mainly relate to the noise that would be generated by HGV traffic travelling to and from the application site but some objections also considered that operation of the concrete products factory itself would also result in unacceptable noise levels. The Council's Environmental Health Officer, however, has not objected to the proposal.

Policy MCS8 of the Wiltshire and Swindon Minerals Core Strategy seeks to ensure that an acceptable separation distance is maintained between minerals development and residential areas.

The manufacture of concrete products itself would take place in an insulated, enclosed building which is more than 500m distance from the recently built houses off Sandpit Road and greater than 700m distance from the permitted housing development off Oxford Road. Both areas of the new housing developments are closer in distance to Oxford Road and the Porte Marsh Industrial Estate to the north, which are themselves sources of industrial and road traffic noise. It is therefore considered highly unlikely that noise resulting from operation of the concrete products factory would affect residents in the new housing developments off Sandpit Road or Oxford Road.

Abberd Field Farm, the closest residential property, is approximately 250 metres from the factory. The products factory has operated for several years at this location without complaint. The separation distance is therefore deemed to be acceptable and the proposal is therefore considered to be compliant with Policy MCS8.

With regard to the noise generated by HGVs, it is accepted that the proposal would result in an increase in HGV traffic using Abberd Lane and Sandpit Road compared to the current HGV traffic levels. Policy MDC2 of the Minerals Development Control Policies DPD seeks to ensure that applications for minerals development will only be permitted where it is demonstrated that significant adverse noise impacts can be avoided and/or appropriately mitigated for.

The applicant has not undertaken a noise assessment for the proposal. However, the implication of noise from HGVs and other traffic using Sandpit Road was considered by the application for the new housing development (N/08/02438/OUT). No assumption was made by the applicant for the housing development about the operational life of the nearby quarry, landfill or concrete product factory. The Noise Assessment submitted to support the application for the housing development, having taken into consideration the impact of traffic using Sandpit Road and having been undertaken whilst the concrete products factory was operational, concluded that residential development would be appropriate at that location.

It is also worth noting that following refusal of planning permission for the housing development by the Council, the transport consultant acting on behalf of the appellant stated that the "*...Appeal Scheme will result in Sandpit Road becoming a public highway and in the event further development is proposed, there is the potential for this road to be extended southwards to form an eastern distributor. This could include links into Abberd Way and/or Prince Charles Drive to reduce the existing development's dependency on a single point of access from Oxford Road.*" (paragraph 7.9 PFA Consulting Appeal Statement, dated 2/11/2009). It is clear from this statement that the housing developer considered that traffic using Sandpit Road would increase in the future, rather than decrease.

Essentially the applicant for the housing development has demonstrated that the impact of noise generated by traffic using Sandpit Road, on residents of the housing estate has been considered, concluding that the housing development is compatible with the nearby minerals and waste land

uses in this respect. It is therefore considered that the noise generated by HGVs and the operation of the concrete products factory would not result in a significant adverse impact on local residents.

A number of responses raised concerns about the proposed operating hours of the concrete products factory and, in particular, that HGVs would be travelling along Abberd Lane and Sandpit road from 06:00 – 22:00 from Monday to Friday and 06:00 to 14:00 on Saturdays. These details are provided in paragraph 5.1 of the Transport Assessment.

It is, however, also stated in paragraph 5.1 of the TA that “*it is more likely that commercial vehicle movements would stop at 1800 hours*”. This is largely because the operational hours for the quarries supplying materials to the site are restricted in their operating hours to 18:00, requiring drivers to return to those sites by that time. The operating hours for the Sands Farm quarry and landfill site is also restricted to 07:00 to 17:00 on Mondays to Fridays and 07:00 to 13:00 on Saturdays.

Table 6.5 of the transport assessment provides a ‘worst case scenario’ estimate for HGV traffic movements between the hours of 07:00 and 19:00, showing all 105 two way HGV movements (210 trips) travelling between these hours.

Whilst it is accepted that it is likely that a large proportion of HGV traffic would be active up to 18:00 on Mondays to Fridays, it is still possible that, should a double shift pattern be implemented, some HGV traffic, albeit a relatively low level, would travel along Abberd Lane and Sandpit Road outside of the core hours of 07:00 to 19:00.

However, given that application for the residential development off Sandpit Road has considered the impact of the HGV traffic noise and judged that the impact would not be significant, it is considered that the proposal is also compliant with Policy MDC 2 in this respect.

#### Impact of dust on residential area and impact on air quality

Many of the objections received in response to the application also expressed concerns about the impact of dust emissions (including cement dust) and other airborne pollutants resulting from the proposal.

Policy MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD seeks to ensure that applications for minerals development will only be permitted where it is demonstrated that significant adverse impacts of dust emissions associated with a proposal can be avoided and/or appropriately mitigated.

The concrete products would be manufactured within a building, with storage bays and feed hoppers, which are roofed, located outside and facing towards the quarry rather than the residential areas. The operation of the concrete products factory would be controlled by a Local Authority Pollution Prevention and Control (LAPPC) Licence to ensure that airborne emissions are kept within acceptable environmental limits. Condition 6 of N/88/1828 controls dust emissions from the application site. Should planning permission be granted, this condition would be carried over into the fresh planning permission.

The lorries travelling to and from the site would be sheeted to prevent spillage of dust during transportation. The site would be managed so that lorries would leave the site without dragging out debris onto Abberd Lane etc. These matters are controlled by conditions 5 and 6 of the current planning permission for the site.

With the above measures in place, it is considered that, in terms of dust emissions, it is unlikely that the proposal would result in significant adverse impacts on those living in the houses off Sandpit Road or those living on or using of Abberd Lane.

Concerns have been expressed about Carbon Dioxide and Nitrogen Dioxide emissions from traffic associated with the proposal. This is partly because an area within the centre of Calne has been designated as an Air Quality Management Area (AQMA) with exceedances in Nitrogen Dioxide being declared. However, all HGVs will access the site via Sandpit Road and the junction with Oxford Road. At this junction (coming from Sandpit Road), HGVs will need to go north towards the A3102 due to the weight restriction on Oxford Road southbound towards Calne town centre. The TA records that 91% of trips would be via the A4 West / A3102 North and 9% via the A3102 north. These routes do not fall within or cross the AQMA. In addition, the grant of planning permission N.88.1828 was subject to a legal agreement requiring traffic associated with the concrete products factory (excluding local deliveries) to be routed via the site access road and to avoid Calne town centre. It is therefore recommended that the routing agreement is carried forward to the fresh grant of planning permission for the site by a variation of the legal agreement.

### Traffic/road infrastructure

Several responses questioned the suitability of the road infrastructure to accommodate the additional traffic movements. The applicant has submitted a transport assessment (TA) which has considered the impact of the proposal on the local highway network. It was also suggested that the proposal contravenes Policy C2 (Community Infrastructure) of the North Wiltshire Local Plan.

It is worth noting that Sandpit Road was constructed by Aggregate Industries for the purpose of ensuring that HGV traffic associated with the concrete products factory avoided the use of routes that would involve travelling through the centre of Calne. Notwithstanding the fact that Policy C2 does not apply to minerals development, this was a significant contribution to local transport infrastructure diverting minerals and waste traffic away from the centre of Calne.

A number of objections have been raised regarding the impact of the proposal on the safety of the users of Sandpit Road during the proposed operating hours and also Abberd Lane during the evening and on Saturdays. It has also been suggested that the proposal would present a safety risk to those using the junction with the Oxford Road to access properties at High Penn and that the developer should be required to improve the Oxford Road/High Penn Lane junction arrangements.

However, Sandpit Road has historically been used by HGV traffic serving the Sands Farm quarry and landfill and also a waste transfer operation off Abberd Lane. The use of this road by HGV traffic not related to the decorative concrete products factory, and traffic associated with the residential development will continue into the future.

The traffic increases on Sandpit Road following the reopening of the Concrete Products Factory would be an additional 13 vehicles (including 8 HGVs) in the AM peak and 18 vehicles (including 2 HGVs) in the PM peak for the 'most likely scenario'.

Sandpit Road is of a sufficient width and standard for HGVs to pass safely and now effectively forms part of the highway network. Table 7.7 of the Transport Assessment shows that the proposal would contribute to approximately 1% of the traffic at the Oxford Road/A3102 junction during the AM peak of 08:00 – 09:00, and less than 0.5% during the PM peak of 17:00 – 18:00. It is considered that this would not have a significant impact on those accessing Oxford Road from the new residential development or from High Penn.

Regarding use of the roads by pedestrians, footpaths have been incorporated into the design of the residential development off Sandpit Road providing the option for pedestrians to travel into Calne by foot without the need to walk along Sandpit Road. Abberd Lane has been used historically by Aggregate Industries for many years. The Transport Assessment states that the majority of HGV movements would take place before 18:00 Monday to Friday. Any HGV traffic on Saturdays would take place during the same hours as the adjacent Sands Farm Quarry.

Policy MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD requires that proposals have direct access or suitable links with the Wiltshire HGV Route Network or the primary route network. The policy also requires that any adverse impact on the safety, capacity or use of a highway or public right of way is mitigated or compensated for.

However, there is no evidence to suggest that the safety of the highway would be compromised as a result of the proposal. A requirement to make improvements to make a contribution to the Oxford Road/ High Penn Lane junction would not meet the tests for planning obligations.

The TA has concluded that the road network is suitable for the proposed use and that there would not be any adverse impact on the highway network as a consequence of the additional traffic. The route has also been used for several years by the minerals and waste industry and will continue to do so for some time to come. The Highways Authority does not object to the proposal.

The proposal is therefore considered compliant with policy MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD.

Planning permission N.88.1828 is subject to a legal agreement requiring traffic associated with the concrete products factory (excluding local deliveries) to be routed via the purpose built site access road to the A3102 north. This prescribed route was designed to prevent HGVs from travelling through Calne town centre. However, in the years since planning permission was granted for the concrete products factory, the A3102 northern loop (Beverbrook Road) has been built, bypassing the town centre for vehicles travelling west. In addition, a 7.5 tonne weight restriction has been implemented on Oxford Road to the south of the roundabout with Sandpit Road. It is therefore recommended that the routing agreement is updated and carried forward to the fresh grant of planning permission for the site by a variation of the legal agreement.

### Conclusion

The existing decorative concrete products factory is linked to mineral extraction in the area that will continue to operate for several years alongside existing waste management operations. HGV traffic associated with the existing permitted minerals and waste developments not related to the concrete products factory will therefore continue to use Abberd Lane and Sandpit Road during the period to 30 November 2022. An existing legal agreement linked to the original planning permission can be amended and attached to a new planning permission for the factory, to ensure that HGVs would avoid passing through the Air Quality Management Area in the Centre of Calne.

There is no evidence in this case to indicate that there would be significant adverse impact on local residents, the road infrastructure or the environment as a result of the proposal.

The proposal to extend the life of the decorative concrete products factory also offers the benefit of additional employment for the local area.

### **10. Recommendation:**

That, subject to completion of a variation of the legal agreement attached to N/88/1828 dated 2 February 1989

Planning Permission be granted for the following reason:

The proposed development is in accordance with the Development Plan and that there are no material considerations that indicate the decision should be made otherwise. The retention of the decorative concrete products factory for a temporary period to 30 November 2022 is considered consistent with the longstanding use of the local area for mineral extraction and manufacture of concrete products and would provide additional employment for the local area.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

1. The development should be carried out in accordance with the submitted Plan Nos 8831/01 and 8831/02 and accompanying statement dated 15<sup>th</sup> June 1988.

Reason: To define the nature and extent of the development permitted.

2. Prior to the commissioning of the plant and production of products from it, an access road shall be constructed from the A3102 to Abberd Lane in accordance with details to be agreed in writing with the Director of Planning and Highways. Details shall include: the alignment, construction and landscaping requirements.

Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.

3. On completion of the access road referred to in condition 2 above, no vehicles entering or leaving the Sands Farm site shall use Abberd Way or Woodhill Rise.

Reason: To minimise danger to traffic and to remove heavy lorry traffic from residential areas.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD

4. Landscaping requirements are to be undertaken in accordance with the submitted scheme as shown on plan No. 88.418.03. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development and any trees 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.

Reason: To safeguard the amenities of the area.

Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD

5. Best practicable means must be used to ensure that no mud or other detritus is carried onto the highway.

Reason: To ensure compliance with highway regulations.

Policy: MDC8 of the Wiltshire and Swindon Minerals Development Control Policies DPD

6. Best practicable means must be used to ensure there is no dust or noise nuisance from the site. All mechanical equipment used on site shall be fitted with appropriate silencers.

Reason: To safeguard the amenities of the area.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

7. Best practicable means shall be taken to prevent any solid matter or excess amounts of suspended matter from passing into any watercourse.

Reason: To protect water supplies and reduce pollution of water courses.

Policy: MDC3 of the Wiltshire and Swindon Minerals Development Control Policies DPD



8. The storage of finished products in the stock yard shall not exceed 3 metres in height.

Reason: To safeguard the amenities of the area.

Policy: MDC1 of the Wiltshire and Swindon Minerals Development Control Policies DPD

9. The building and products stock yard hereby permitted shall be removed, the use thereof shall be discontinued and the land reinstated to its former condition at or before 30 November 2022 or the cessation of the processing of sand as permitted under planning permission N/10/03280/WCM, whichever is the sooner.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

10. Prior to the commencement of the construction of the decorative products factory building, samples of the materials and colours to be used in the external elevations of the buildings shall be submitted to and approved by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC5 of the Wiltshire and Swindon Minerals Development Control Policies DPD

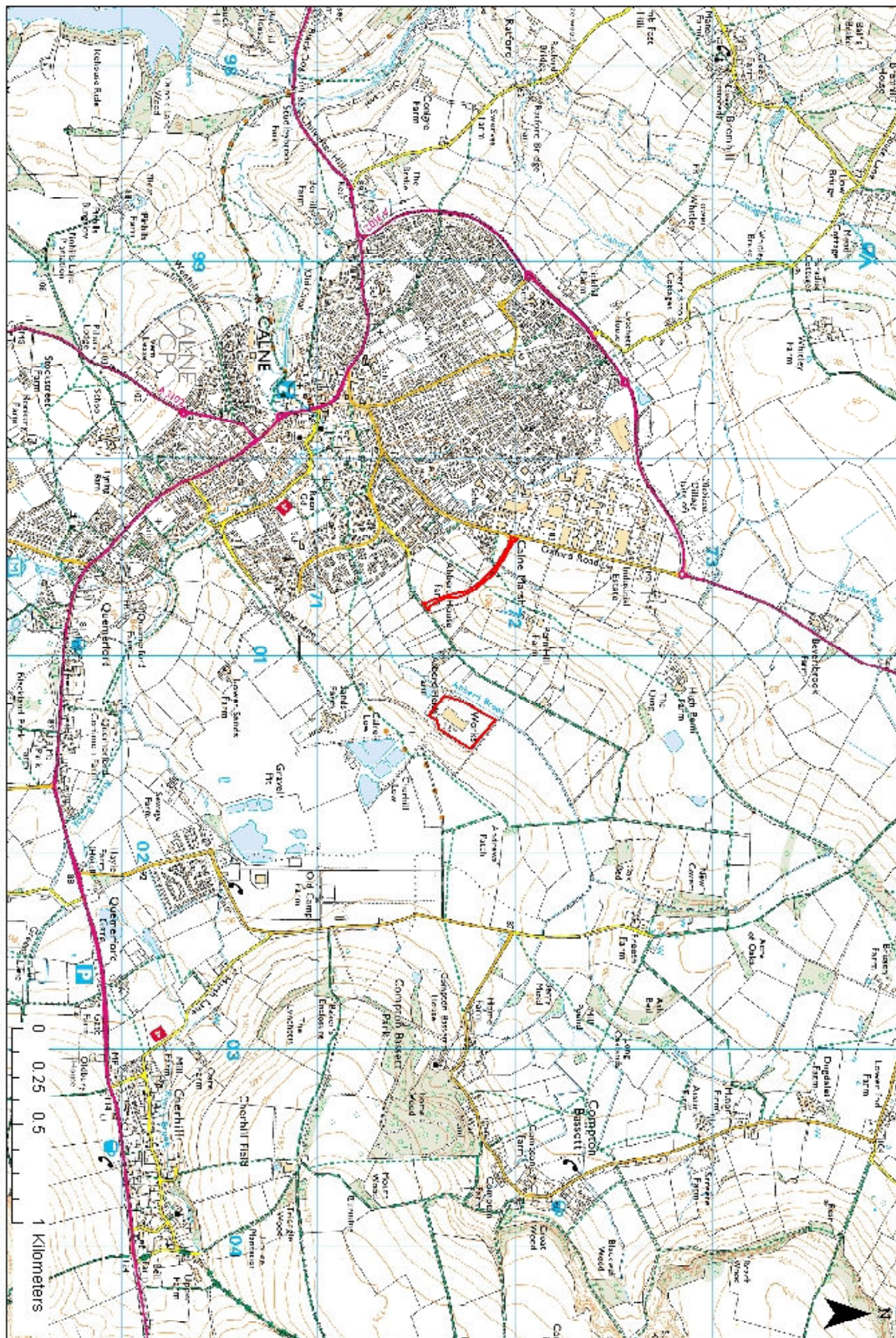
11. The building hereby permitted shall be used solely for the manufacture of concrete products and for no other purpose unless otherwise approved by the Mineral Planning Authority.

Reason: In the interests of the amenity of the area and to ensure the building hereby permitted is not used for inappropriate purposes.

Policy: MDC2 of the Wiltshire and Swindon Minerals Development Control Policies DPD

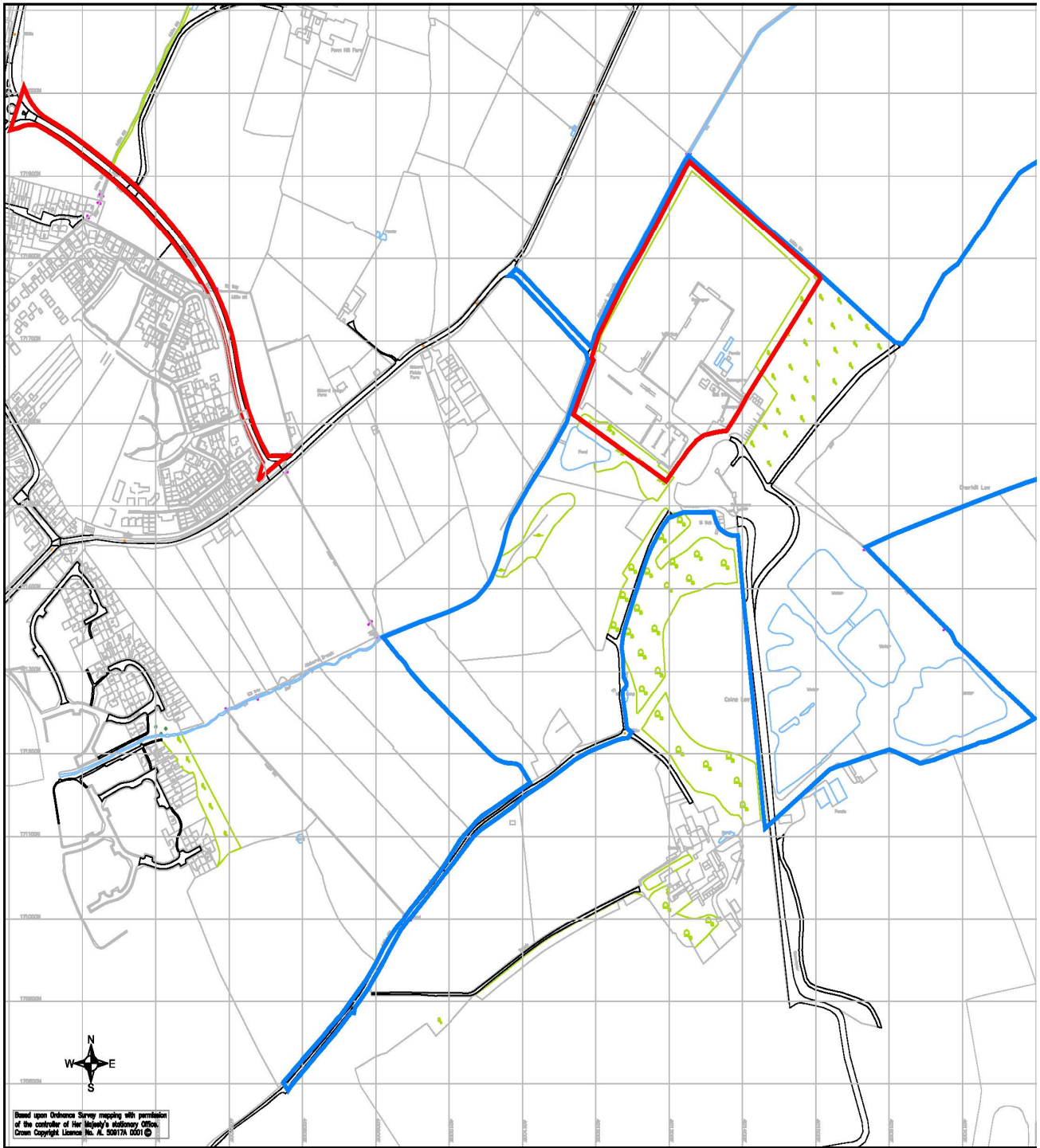
<b>Appendices:</b>	<b>Appendix 1: Site Location Plan</b> <b>Appendix 2: Site layout plan</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>National Planning Policy Framework</b>

# Appendix 1: Site Location Plan



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# Appendix 2: Site Layout Plan



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## REPORT TO THE STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 January 2014
<b>Application Number</b>	N/13/01916/WCM
<b>Site Address</b>	Parkgate Farm Waste Management Facility Purton Swindon Wiltshire SN5 4HG
<b>Proposal</b>	Retention of Existing Composting Facility, Access & Increase in Throughput
<b>Applicant</b>	Hills Waste Solutions Ltd
<b>Town/Parish Council</b>	PURTON
<b>Grid Ref</b>	407555 188659
<b>Type of application</b>	County Matter
<b>Case Officer</b>	Jason Day

### Reason for the application being considered by Committee

a) Councillor Jacqui Lay has requested that this application be determined by the Committee for the following reasons:

- Scale of development
- Visual impact upon surrounding area
- Environmental/highway impact
- Other (see below)

b) The Applicant has 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 13 November 2013. As a consequence no formal decision can be made by the Council in respect of this application. However, in order to progress with the appeal and in light of the call-in request, officers seek the opinion of the Committee in respect of the application had they been in a position to determine it and on what grounds the Committee wish to contest the scheme at appeal, if at all.

### 1. Purpose of Report

To consider the above application and to recommend that, had the Council been in a position to determine the application, planning permission be REFUSED.

## **2. Report Summary**

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

- Principle of the development
- Odour impact
- Transportation of waste

The application has generated 2 letters of objection from local residents.

Purton Parish Council raises no objections, but expresses some concerns. Cricklade Town Council strongly objects to this application.

## **3. Site Description**

The site is located to the north of Purton, adjacent to Parkgate Farm Landfill site. The application site is 4 hectares in area and is currently used for open-air turned-windrow composting operations. The wider Parkgate Farm site comprises a collection of derelict farm buildings to the west of the site area and landfill operations to the east.

The site is 1km north-west of the village of Purton and approximately 500 metres north of the settlement of Paven Hill.

Access to the site is via a temporary haul road and over a railway bridge associated with the Landfill site, which links the site with Mopes Lane, a private road connecting the Mopes Lane Industrial Estate with the C414. Due to there being a 7.5 tonnes weight limit at Purton, vehicles entering or leaving Mopes Lane have to use the north bound section of the B4553.

The River Key runs along the northern edge of the site. A bridleway runs immediately west of the site boundary and there is a footpath along the southern boundary. The Gloucester to Swindon railway line runs 600 metres to the north west of the application site. There are no residential properties within 500 metres of the boundary of the application site.

## **4. Planning History**

N/07/07008 – Composting Facility and Tyre Recycling Operation

N/08/07022 – S73 application: Composting Facility and Tyre Recycling Operation without compliance with Condition 15 of Permission N/07/07008

## **5. The Proposal**

The proposal is to 'replace' the existing temporary planning permission for a composting and tyre shredding facility with a permanent composting facility. The capacity of the composting operation would increase from the current permitted 25,000 tonnes per annum to 50,000 tonnes per annum. The proposal would result in the loss of 12,000 tonnes per annum permitted tyre shredding capacity, although this element of the existing permission has never been implemented.

The Applicant also proposes to retain, on a permanent basis, the existing haul road that was been constructed as part of the implementation of the adjacent landfill site.

The composting operations would comprise a series of open windrows, which are turned on a weekly basis on an approximate 12 week cycle to turn the green waste into high grade compost.

### Environmental Impact Assessment

The Council has adopted a screening opinion that EIA is no required for the proposed development.

### Application timeline

The planning application was originally submitted in June 2013, without any recent pre-application discussion/s taking place before submission or to establish what supporting information was likely to be required with an application.

In light of the call-in for determination by committee, an extension of time to 13 November 2013 for the Council to make a decision was agreed with the Applicant.

The proposals for the Parkgate Farm site include replacing a temporary permission with a larger permanent permission. The appropriateness of making permanent a development that was previously granted a temporary/time-limited permission is currently the subject of legal debate around the planning application for the Applicant's facility at Lower Compton. Accordingly, due to there being similarities/relationship between the two proposals the Planning Authority considered it appropriate to wait until conclusive legal advice on the matter had been received before presenting the Parkgate Farm application to the Strategic Planning Committee. Having been informed that this delay would result in the application not being presented to the December 2013 meeting of the Committee, Hills Waste Solutions lodged the appeal against non-determination of the application within the prescribed time period.

## **6. Planning Policy**

The following Development Plan documents are considered to be most relevant to the proposal:

Wiltshire & Swindon Waste Core Strategy Development Plan Document July 2009

Policy WCS1:	The Need for Additional Waste Management Capacity and Self Sufficiency
Policy WCS2:	Future Waste Site Locations
Policy WCS3:	Preferred Locations of Waste Management Facilities by Type and the Provision of Flexibility
Policy WCS5:	The Wiltshire and Swindon Waste Hierarchy and Sustainable Waste Management

Wiltshire and Swindon Waste Development Control Policies Development Plan Document  
Adopted September 2009

Policy WDC1:	Key criteria for ensuring sustainable waste management development
Policy WDC2:	Managing the impact of waste management
Policy WDC3:	Water Environment
Policy WDC5:	Canals and Railways
Policy WDC7:	Conserving Landscape Character
Policy WDC8:	Biodiversity and Geological Interest
Policy WDC11:	Sustainable Transportation of Waste

Wiltshire and Swindon Waste Site Allocations Local Plan February 2013

WSA1:	Presumption in Favour of Sustainable Development
Inset map:	N1 – Parkgate Farm, Purton
Table 2.1:	Parkgate Farm, Purton

Other

Wiltshire Municipal Waste Management Strategy (2012), which reviews and updates the Joint Wiltshire Municipal Waste Management Strategy from 2006.

National Guidance

National Planning Policy Framework (March 2012)

Planning Policy Statement 10 – Planning for Sustainable Waste Management (revised March 2011)

**7. Consultations**

Local Member, Councillor Jacqui Lay – in addition to the key issues identified for call-in of the application, raises the following other concerns: The biggest concern is the HGV movements in the area on roads which are B and C roads and are already damaged. Traffic coming through Cricklade and Royal Wootton Bassett. Is there a need for increased volume at this site as composting should be handled locally to where it is created and not transported across the community areas in articulated vehicles. Have alternative routes been looked at? Prefer temporary permission and not a permanent permission. The site is in an area where there are outstanding views, and having such operations in this area blight the countryside. The River Key which feeds into the Thames is very close by and smells coming from the site impact local residents on route and in the neighbourhood.

Purton Parish Council - raises no objections to the proposed change of use from that of a tyre shredding to green waste management. It was noted that the size of the site will not change. There are some concerns however about the volume of HGV traffic that may arise as a result of the proposal. Traffic assessments are based on estimated figures and time scales in relation to the various operations and all are subject to change. A further concern is that permission is sought for permanent use rather than restricted and the estimated volumes of HGV traffic will continue on that basis. In view of this the Council would like to



see a dedicated vehicle route to the site, potentially via Braydon/Braydon Cross Roads this would also help to reduce HGV movements through Cricklade.

Cricklade Town Council - strongly agreed to object to this application. The application is located in Purton Parish, but has obvious implications for Cricklade. The main concern for Cricklade is any increase in HGV movements to the site. The documentation attached to the application suggests that there could be a 33% increase in composting materials and traffic movements. The applicants have produced figures suggesting that as the number of already agreed movements for the whole site are not currently being fully used this application will actually mean a reduction in the existing approved movements. The fact remains that there will be an actual increase in composting lorries and will inevitably lead to more movements going through the town. At a recent liaison meeting with Hills we were advised that the number of movements generally was being reduced due to the use of larger HGVs. This has an adverse affect on our Town as they cause greater pollution, damage to property and quality of life of residents as they attempt to negotiate Calcutt Street and High Street South, often in excess of the 20mph limit, particularly at the junction by the clock.

Environment Agency - no objection to the proposed time extension and the proposed new tonnage is within limits of the existing environmental permit.

Network Rail – no objection in principle to the proposal; advising that the applicant has completed a lease agreement in 2013 in regard to the bridge over the railway. In relation to the safe operation of the railway and protection of the adjoining land, a number of requirements are set out relating to drainage; safety; heaping, dust and litter; lighting; and safety barrier.

Highways – initially concerned that whilst a reduction in overall HGV movements from the site maybe the case, it was not known whether there was any controls to ensure the other activities could not resume – if they could resume, then overall situation could not be considered a reduction in vehicle movements. Further information was requested. Having considered the Applicants response that the traffic figures reflect the full permitted tonnages and it was unlikely these levels of vehicles estimated in 2006 would ever be achieved, advised that as an appeal situation would be difficult they did not wish to raise a highway objection.

Environmental Health – no adverse comments raised.

Landscape Officer – no comments received

County Ecologist – considers the increase in composting in place of the tyre recycling unlikely to result in any adverse impact on the ecology of the site. However, comments that it is difficult to predict any long term effects that might arise from making the site permanent, since there are few composting facilities of this size that have been operational for any considerable length of time. Suggests that a time limit is applied to any permission granted. This would give opportunity to review how resilient the surrounding habitats are to this type of facility, especially the River Key which runs very close to the northern boundary of the site.

## 8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

2 letters of objection were received in response to the application.

Summary of key relevant points raised:

- Concern over ever-increasing numbers of HGVs, causing damage to local roads and verges and diminishing local amenity through smell, noise and vibration.
- When Hills ceases to use the permitted HGV loads those surplus to requirements should be retired not transferred to some other operation.
- The additional volumes of composting material will be coming from further afield.
- An alternative route should be sought into the Mopes Lane complex.
- Site is an eyesore and blights views from adjacent high ground.
- Often the smell of rotting waste is noticeable when using local footpaths.
- Rubbish has blown from the site to surrounding areas.
- Site is in an inconvenient location in the county with poor access from main roads.
- Facility brings few in any benefits to Purton or Braydon
- No more permissions should be granted and the sites should be closed after current licences expire.

## 9. Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all applications for planning permission to be determined in accordance with the development plan unless other material considerations indicate otherwise.

### Principle of the development

The wider Parkgate Farm site operates as a strategic landfill facility for hazardous and non-hazardous waste. Planning permission to develop the application site, on land adjacent to a landfill site, as a composting facility and tyre shredding/recycling facility was granted in November 2007. The composting operation commenced in April 2012. The tyre recycling is no longer required due to industry changes in the way waste tyres are now managed. The existing planning permission is for limited period ending in 2024.

In February 2013, the Council adopted the Waste Site Allocations Local Plan which presents a framework of 35 strategic and local scale sites offering a range of potential waste uses to flexibly meet the capacity requirements of Wiltshire and Swindon up to 2026. Some 43 ha of land at Parkgate Farm (comprising the landfill operations, the composting facility and other land for additional potential waste management use/s) is allocated in the Local Plan as a 'strategic' scale site.

In principle the Council will be supportive of applications for appropriate waste management facilities within the locations set out in the Local Plan, although any proposals that come forward on the sites will be subject to a detailed planning application process.

The Applicant currently holds a contract with Wiltshire Council to manage all municipal waste generated in the County. The Joint Municipal Waste Management Strategy (JMWMS) adopted by the former County Council and four District Councils in 2006, sets out Wiltshire Council's approach to managing municipal waste in Wiltshire. The JMWMS included proposals (Principle 4) to increase municipal waste management facilities in pursuit of recycling, composting and overall recovery targets. Facilities required to meet targets included:

- Maximisation of capacity at the Lower Compton outdoor composting facility (30,000 tonnes per annum)
- Provision of additional outdoor composting capacity (up to 20,000 tonnes per annum)

The composting facility proposed in the 2007 planning application for Parkgate Farm was to receive a maximum of 25,000 tonnes of green waste per annum from household recycling centres and kerbside collections in and around Swindon.

The Wiltshire Municipal Waste Management Strategy (WMWMS), approved in November 2012, reports the progress made in providing the associated built capacity for municipal waste treatment since the JMWMS was adopted. This notes that significant progress has been made in providing capacity and that this is likely to meet most forecast needs to 2020, subject to:- i) changes in the rate of growth of MSW, ii) changes in statutory requirements [e.g. introduction of landfill bans] and iii) the outcome of outstanding planning applications.

In relation to point iii), the WMWMS reports that from 2007/08 the composting operation at Lower Compton handled more than 30,000 tonnes from Wiltshire. To deal with pressure on available space at this site and the forecast increase in garden waste tonnage arising from April 2012 onwards due to the Council's new collection service, the Council and Hills Waste Solutions have worked together to open the additional composting pad at Parkgate Farm, which includes the bulk transfer of garden waste tipped at Lower Compton to the new site at Parkgate Farm. It is stated in that if the planning application being prepared (during 2012) for Parkgate Farm is permitted [i.e. the application that is now subject of this report], there will be sufficient capacity to compost the Council's collections.

The capacity of the composting operation would increase from the current permitted 25,000 tonnes per annum to 50,000 tonnes per annum. Responses received to consultation and publicity of the proposals have queried whether there is a need for increased volume at this site, as composting should be handled locally to where it is created and not transported across the community areas in articulated vehicles.

In policy terms, the Parkgate Farm facilities are allocated in the Waste Site Allocations Local Plan as a 'strategic' scale site. The Local Plan states strategic-scale sites are generally considered to include (but not exclusively):

- Large-scale waste treatment facilities - e.g. energy from waste, mechanical biological treatment (MBT), pyrolysis, gasification, anaerobic digestion and in-vessel composting;
- Strategic materials recovery facilities (MRFs) - e.g. collecting, separating, sorting and bulking a significant quantity and wide range of waste materials prior to transfer (includes waste from black box collections) received from a wide area - e.g. an amalgamation of municipal waste collection rounds serving a number of towns across Wiltshire and Swindon;

- **Strategic-scale composting facilities - e.g. on large waste management sites receiving inputs from a wide area;**
- Landfill/landraise facilities.

It is explained at paragraph 5.7 of the Waste Core Strategy that strategic facilities are expected to serve either large areas within, or the entire Plan area (county and borough). Additionally, they may also serve areas of Wiltshire and Swindon and surrounding local authorities in a more sub-regional context. Consequently, the principle of locating a strategic composting facility at Parkgate Farm to manage a large area of Wiltshire and Swindon's municipal green waste is in accordance with the provisions of the Development Plan.

The WMWMS reports that the Council and Hills Waste Solutions are working to maintain use of the on-farm composting site at Grateley (a site located just over the County boundary in Hampshire, between Amesbury and Andover), to provide some capacity to serve the south of the county. The WMWMS notes that further on-farm sites would be beneficial in reducing 'waste miles', but there is limited interest in provision currently - this is believed to be due to the capital investment required.

#### Permanent retention

The application seeks to 'permanently' retain the existing green waste composting facility, due to there being no unacceptable impact or detriment to surrounding land users identified to merit the current temporary consent for the facility. Permission is also sought to retain the access/bridge 'permanently' in connection with the composting facilities and potential future development of the land allocated for strategic waste management use/s in Waste Site Allocations Local Plan.

The composting and tyre shredding/recycling facility was granted planning permission for a limited period in November 2007. Planning Condition Number 2 requires the discontinuance of the use and reinstatement of the land by 15 August 2024.

The reason stated on the decision notice for the imposition of the condition is "to comply with section 91 of the Town and Country Planning Act 1990". This is clearly erroneous as section 91 is concerned with the time period within which a development is to be begun. However, it is noted that the report considered by the Council's then Regulatory Committee in 2007 suggested the use would be temporary as the permission for the landfill to the east requires removal of the haul road and bridge over the railway by 15 August 2024. It was stated that if the application was approved then the composting and tyre shredding/recycling facility would be tied to that end date (i.e. the bridge over the railway providing access to the composting site would have been removed).

The end date of August 2024 is a consequence of the Applicant's planning application, submitted in 2005, to extend the life of the landfill site from 12 years from the date of commencement to 18 years. This extension of time was to take into account the change in use of part of the landfill site to allow for disposal of hazardous waste and the implications this and other factors had on input rates and site restoration timescales.

Circular 11/95: 'Use of conditions in planning permission' advises that in deciding whether a temporary permission is appropriate, three main factors should be taken into account. First, it will rarely be necessary to give a temporary permission to an applicant who wishes to carry out development which conforms with the provisions of the development plan. Next, it is undesirable to impose a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent. Lastly, the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. Thus, the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenities of the area.

In deciding whether, in this case, a temporary permission is appropriate, the following points are considered relevant:-

- Within the 2007 planning application the Applicant stated the access bridge over the railway is in place with agreement of Network Rail and its consent would be sought when the landfill is completed to retain the bridge in connection with the composting and tyre shredding/recycling facility. Network Rail advises that the Applicant completed a further lease agreement in regard to the bridge over the railway;
- Access is via an industrial estate and the bridge over the railway has been in place for 13 years (though permission for its construction was first granted in 1996) and is consented for a further period of 10 years. The bridge resembles other bridges over the railway for farmers' access and no concerns have been raised in respect of its retention;
- The composting facility, landfill operations and other land have subsequently been allocated for waste management use/s in the adopted the Waste Site Allocations Local Plan, which identifies sites to meet the capacity requirements of Wiltshire and Swindon up to 2026;
- The composting site is not on the landfill site and is not an integral part of the operation of that site; and
- Notwithstanding the status of the site in the Local Plan, Policy WCS3 of the Wiltshire and Swindon Waste Core Strategy identifies 'preferred' locations for outdoor composting facilities to include '*Land in Agricultural or Forestry Use*'. Prior to the creation of the existing composting facility the application site was in agricultural use.

It is considered these factors, taken together, indicate a temporary permission is not appropriate in this case.

#### Environmental protection

Waste management facilities have the potential to impact significantly on the setting, character and environment of individual properties, settlements and surrounding land uses, thereby potentially affecting the health and quality of life for people living and working nearby and the use of land for recreation.

Since planning permission for limited period was granted for the composting and tyre shredding/recycling facility, the Council has adopted the Wiltshire and Swindon Waste Development Control Policies DPD (adopted September 2009). The DPD explains that in order to fully consider proposals for waste development, the Council must have sufficient information upon which to base its development control decisions.

Policy WDC2 of the Waste Development Control Policies DPD states that proposals for waste management development will be permitted where it can be demonstrated that the proposal firstly avoids, adequately mitigates against, or compensates for significant adverse impacts. Proposals for waste management development are to be accompanied where necessary by assessments of the impacts relating to the issues as listed in the policy, including amenity, transportation of waste and air emissions (inc. odour).

### Odour

In relation to odour, the Applicant has provided only a commentary within a 'Planning Statement', rather than any specific 'odour impact assessment' to support its application. The statement merely notes that: (i) the prevailing wind direction is south westerly and any airborne emissions are most likely to be blown to the north east: the landfill site and railway line lie to the north east of the site and neither of these receptors have a high sensitivity to air quality issues; (ii) the site is in excess of 500m from any residence and therefore the Environment Agency do not require a site specific risk assessment on bioaerosols; and (iii) Hills Waste Solutions has not received any substantiated complaints arising from the existing operations since opening.

The omission of an assessment of the impacts relating to odour is contrary to the requirements of Policy WDC2 of the Waste Development Control Policies DPD.

The Applicant has provided a copy of the 'odour management plan' (OMP) for the site. The OMP is a requirement of the Environmental Permit for the site, issued by the Environment Agency. As advised in PPS10, planning and pollution control regimes are separate, but complementary. Planning permission determines if the development is an acceptable use of the land. Permitting determines if an operation can be managed on an ongoing basis to prevent or minimise pollution.

An OMP is a working or live documented operational management system detailing the measures employed to anticipate the formation of odours and to control their release from the site. This is just one element of the range of information that should be provided by the Applicant in the format of an Odour Impact Assessment report. It should also be noted that odour is a different consideration to that of bioaerosols.

The Defra guidance document "Good Practice and Regulatory Guidance on Composting and Odour Control for Local Authorities" (March 2009) advises that as part of the planning application process the Planning Authority must consider whether the development will give rise to undue harm to the amenity of local residents. The document states that planning applications for new composting plant or for plant undergoing significant redevelopment have the potential to cause off-site odour impact and should be supported by an evaluation of the expected odour impact and proposals for odour mitigation measures. It is further stated it is now common and accepted practice for planning applications for such composting plant to be supported by detailed odour impact assessments. These assessments are typically based on computer models which predict odour dispersion from the proposed development, based on local weather records and estimated or predicted odour emissions from the proposed development.

No such information has been provided with this application and so the Planning Authority cannot be confident the development will not result in unacceptable risks from pollution when considering if the development is an appropriate use of the land. The information provided by the Applicant is not complete and it has not been demonstrated the 100% increase in the quantity of compost managed at the site can be done so without causing off-site odour impact.

The need for the Applicant to submit a full and detailed Odour Impact Assessment report to accompany the planning application is reinforced by comments made by the Environment Agency in the report of the site audit it carried out in October 2013. The audit focussed on management procedures for processing compost and minimising odour generation, and included a discussion on how the Applicant intends to operate and manage these issues should the increased tonnage be permitted. It is noted that in the actions/recommendations section of the audit report from the Applicant was required to review the OMP and to consider the pad capacity and composting best practice (windrow separation, windrow size, window orientation etc) to determine maximum tonnage that can be handled on site whilst controlling emissions.

Concerns regarding smells said to be emitted from the site, and from vehicles importing waste to the site, have been raised by the local member and residents who commented on the application. The Environment Agency audit records that, by October, there had been 12 odour complaints in 2013, relating to 7 separate events. Other information provided by the Environment Agency records a further 6 complaints in 2012. The Environment Agency advises that it has generally not been possible to determine the source of the odour, where an odour has been substantiated. The locations from where the complaints were received are to the east and north east of the composting site.

As noted above, the applicant has commented in the planning statement that the prevailing wind direction is south westerly and so any emissions are most likely to be blown to the north east. However, the site audit records that a mobile odour suppressant unit is positioned on the south east corner of the site for use during north westerly winds that may take any odour towards Purton.

This indicates potential for odour to extend over distance and the need for an odour impact assessment to address how the enlarged composting facility will affect its surroundings.

With regard to smells from vehicles coming to the site impacting on local residents on route and in the neighbourhood, it is noted that during a compliance visit to the site in September 2012, Environment Agency officers experienced a distinct green waste odour coming off an incoming lorry transporting waste from Lower Compton. The procedures to tackle odour from incoming waste were to be reviewed as part of the OMP.

The Applicant has not demonstrated the 100% increase in throughput of green waste managed at the site can be done so without causing off-site odour impact. Insufficient information has been submitted. The omission of a detailed odour impact assessment to evaluate the potential odour impact and confirm any necessary mitigation measures is contrary to the provisions of Policy WDC2 of the Waste Development Control Policies DPD.

## Transport

As with odour, the Applicant has provided only a commentary within the Planning Statement to address the transport and related environmental impacts, rather than any specific assessment. In addition to Policy WDC2, Policy WDC11 of the WDCP DPD requires that applications will need to be accompanied by either a Transport Assessment or Transport Statement, or no formal assessment if the issue of transport is considered to be of limited significance.

The omission of an assessment setting out the issues relating to the transportation of waste is contrary to the requirements of Policy WDC2 of the Waste Development Control Policies DPD.

The proposed increase in composting activity will increase the number of HGVs from 18 to 28 per day (i.e. 36 to 56 movements); a 55.5% increase, and the proposal is to retain the facility permanently. On this basis, the issue of transport cannot be considered to be of limited significance such that no formal assessment is necessary. The DfT Guidance on Transport Assessment indicates that any development generating 100 or more two-way vehicle movements per day will require a full Transport Assessment. Accordingly, a simplified Transport Statement should have been produced.

The DfT Guidance on preparing a transport statement states a developer should provide a full description of existing site information and baseline transport data, and that this information should be accurately established to understand the context of the development proposed.

The commentary in the Planning Statement includes an update of information which the Applicant produced for waste sites community liaison group in 2008. This looks at overall vehicle numbers associated with all of the activities at Parkgate Farm and at Purton Industrial Estate, which it is suggested represents the total HGVs using the public highway of Mopes Lane.

The Applicant surmises that even with additional green waste for composting coming to Parkgate Farm, the total number of HGVs has fallen in recent years due to lower landfill input rates and less clay extraction. The estimated vehicle HGV numbers provided in the Planning Statement are as follows:-



Activity	Estimated HGV numbers per day based on tonnages managed in 2007 (Permitted)	Estimated HGV potential numbers per day based on tonnages managed in 2013 (Proposed)
Parkgate Farm Hazardous Landfill	9	5
Parkgate Farm Non-Hazardous Landfill	36	20
Clay Extraction	14	7
Purton Household Recycling Centre	4	4
Parkgate Composting and Tyre Recycling	18	28
Purton Concrete Plant	30	30
Vehicle Maintenance and Skip Depot	22	22
Booths Fabrication	3	3
MacGas	25	0
Hills Property	4	4
	<b>165</b>	<b>123</b>

However, no data, such as vehicle survey counts or weighbridge records has been provided to evidence these figures. The figures also rely on the removal of vehicle numbers resulting from the moth-balling of the MacGas business, with no consideration given to either the possible re-opening of this business or a potential new occupier. Neither is consideration given to the potential for landfill input rates to increase, especially in the case of the hazardous landfill. It is highlighted in the Waste Core Strategy that it is probable additional population, employment and housing growth during the period to 2026 will generate additional construction and demolition wastes, which will potentially result in an increase in hazardous waste in the Plan area. Moreover, Parkgate Farm provides hazardous waste capacity for the South West Region.

The Applicant's claim that the rise in tonnage of green waste would, in the context of total HGV movements on Mopes Lane, lead to a 25% reduction in the daily average compared to 2007 is unsubstantiated. If other activities resume, the overall situation could not be considered a reduction in vehicle movements.

Furthermore, whilst the Applicant's commentary assumes the number of HGVs will decrease, no consideration has been given to the different composition in HGV sizes associated with the bulk transfer of green waste to the site from Lower Compton. The development proposed in the 2007 planning application involved kerbside collection vehicles and skips from household recycling centres, whereas the bulk transfer from Lower Compton uses larger, articulated lorries.

Such larger vehicles are likely to have greater environmental impact in terms of noise, air pollution, visual amenity and pedestrian intimidation.

The Applicant's commentary identifies policies within the waste development plan framework which seek to minimise "waste mileage". However, the commentary does not demonstrate how the development will facilitate sustainable transport. The suitability of providing the proposed facility in this location has not been demonstrated in transport terms relative to other potential sites.

The Applicant has not demonstrated the 55.5% increase in the number of HGVs visiting the site as a result of the increase in throughput of green waste managed at the site will not result in any adverse impact on the safety, capacity and use of the highway network or minimise transportation distances. Insufficient information has been submitted. The omission of a transport statement/assessment is contrary to the provisions of Policies WDC2 and WDC11 of the Waste Development Control Policies DPD.

#### Other issues

Concerns have been raised regarding visual impact, however as the site is currently operating as a composting facility and is adjacent to a landfill site, it is considered the visual and landscape impacts of the proposals are minor. Prior to composting commencing additional landscape planting was carried out strengthen existing boundary hedges, which minimises the visual impact of the composting operations.

### **10. Conclusion**

Planning permission has previously been granted for green waste composting at this site and the wider Parkgate Farm site is allocated in the adopted Waste Site Allocations Local Plan as a site suitable for waste management use. The Wiltshire Municipal Waste Management Strategy states that if the permitted there will be sufficient capacity to compost the Council's green waste collections. Accordingly, there is 'in principle' support for the proposals.

However, whilst the Council will be supportive of applications for appropriate waste management facilities within the locations set out in the Local Plan, any proposals that come forward on the sites are to be subject to a detailed planning application process. In this case, the information provided by the Applicant is not complete and it has not been demonstrated the increase in the quantity of compost managed at the site can be done so without causing off-site odour impact. Neither has it been demonstrated that the resultant increase in the number of HGVs will not result in any adverse impact on the safety, capacity and use of the highway network.

Consequently, taking application as it stands, the recommendation can only be that permission should be refused on basis of the Applicant having not submitted sufficient information, contrary to the provisions of the Development Plan.

### **RECOMMENDATION**

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

1. Insufficient information has been submitted to demonstrate that the increase in throughput of green waste managed at the site can be done so without causing adverse off-site odour impact. The application is not supported by a detailed odour impact assessment. The omission of an assessment of the impacts relating to odour is contrary to the provisions of Policy WDC2 of the Waste Development Control Policies DPD.
2. Insufficient information has been submitted to demonstrate the proposals facilitate sustainable transport by mitigating or compensating for any adverse impact on the safety, capacity and use of the highway network or minimises transportation distances. The omission of an assessment of the impacts relating to the transportation of waste is contrary to the requirements of Policy WDC2 and Policy WDC11 of the Waste Development Control Policies DPD.

**Appendices:**

Appendix 1: Site Location Plan

Appendix 2: Site layout plan

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For information only - do not scale

**Hills Waste Solutions Ltd  
Parkgate Farm Composting**

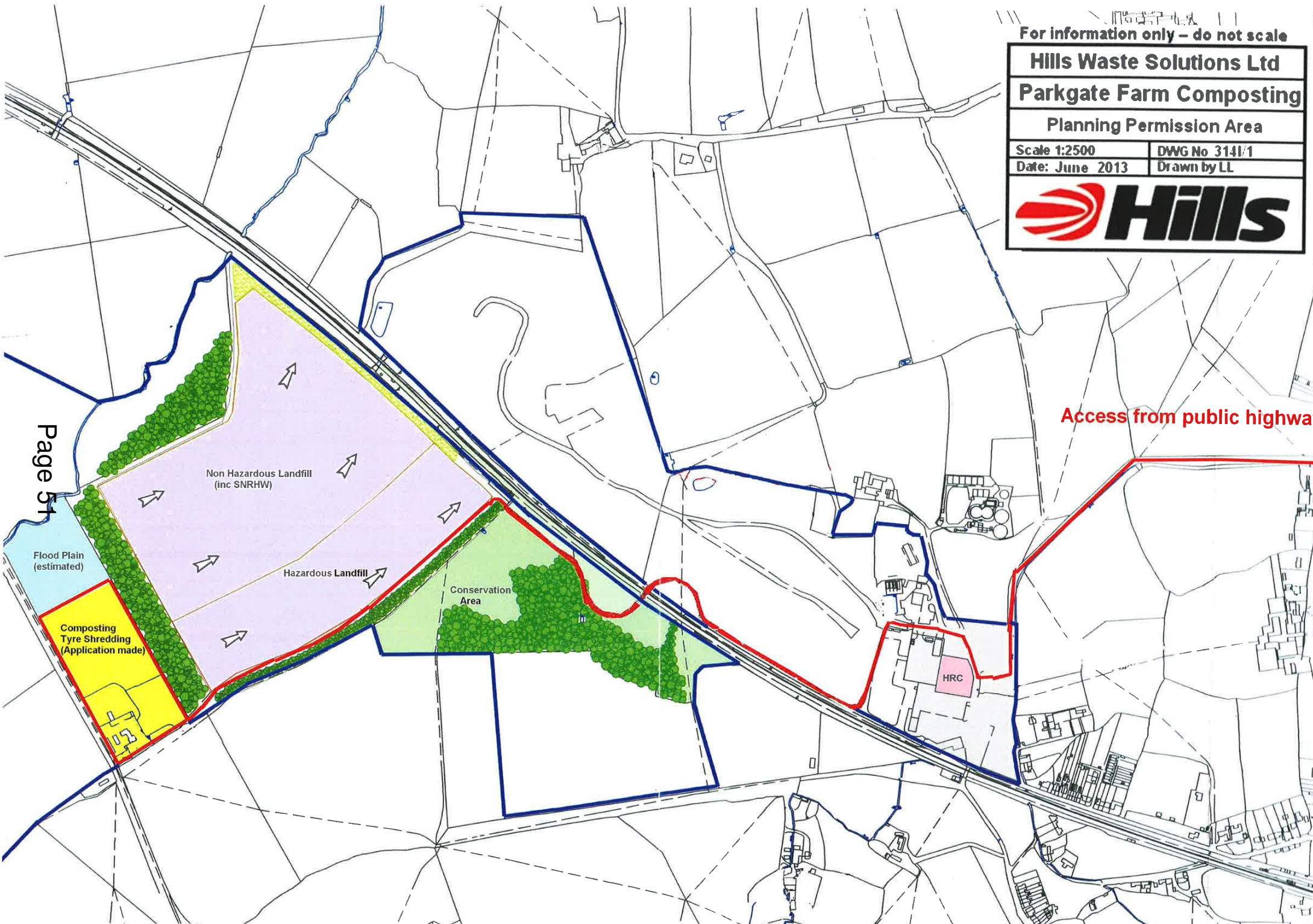
**Planning Permission Area**

Scale 1:2500

DWG No 3141/1

Date: June 2013

Drawn by LL



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Access from public highway

Flood Plain (estimated)

Non Hazardous Landfill (inc SNRHW)

Hazardous Landfill

Conservation Area

Composting Tyre Shredding (Application made)

HRC

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## WILTSHIRE COUNCIL

### STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	22 January 2014		
<b>Application Number</b>	13/01747/FUL		
<b>Site Address</b>	Hunters Moon, Easton Lane, Chippenham, SN14 0RW		
<b>Proposal</b>	An outline application for the demolition of existing buildings and structures and mixed-use development, comprising up to 450 dwellings; up to 2.33 ha of employment (B1, B2 & B8) development; land for a primary school; public open space; landscaping; and all associated infrastructure works (with all matters reserved other than access); with a full planning application for the first phase of the development comprising 103 dwellings, open space and 10 no. B1 employment units, drainage works including attenuation pond, and associated infrastructure.		
<b>Applicant</b>	Bloor Homes		
<b>Town/Parish Council</b>	Corsham / Chippenham		
<b>Electoral Division</b>	Corsham Town	Unitary Member	Cllr Philip Whalley
<b>Grid Ref</b>	390298 171764		
<b>Type of application</b>	HYBRID		
<b>Case Officer</b>	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

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

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance. In addition, the application is recommended for approval and if permission is so granted, would be a departure from the policies of the statutory development plan.

#### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to all parties entering into a legal agreement under s106 of The Act (as amended) and subject to planning conditions.

#### 2. Report Summary

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

- Principle of development;
- Landscape and visual impact;
- Design, appearance and layout;
- Affordable housing;
- Employment;
- Education;
- Access;
- Ecology; and
- s106 contributions.

The application has generated 9 letters of comment from local residents on behalf of the occupiers of 7 properties – 5 raising objections and 2 comments raising specific issues. Corsham Town Council object to the application and Chippenham Town Council welcomes this development but has some concerns over the possible impact it may have on highways deferring a decision until after the adoption of the Wiltshire Core Strategy.

A Scoping Opinion was provided on 18<sup>th</sup> October 2012 which confirmed that the proposals constituted Environmental Impact Assessment (EIA) development. The application is therefore supported by an Environmental Statement.

### **3. Site Description**

The application site comprises approximately 30 hectares of agricultural land in an area known locally as Hunters Moon, located on the southern edge of Chippenham.

The site is roughly triangular in shape and comprises a group of 11 fields. There are a number of substantial hedgerows and trees that help to define the boundaries of the site, which are proposed to be retained as part of the development. The southern area of the site is divided into two discrete areas by Saltersford Lane.

The land is located on a low hill, with the central mound set at approximately 74.7m AOD. From the highest point the land then falls in all directions, with the lowest points being approximately 55.4m AOD to the south and 53.4m AOD to the north.

There is no current public or vehicular access into the site, with the exception of agricultural access points off Saltersford Lane.

The site is located within an area with a low risk of flooding (Flood Zone 1) according to the Environment Agency Flood Map although there are known off site flooding issues locally adjacent the site. The site is not the subject of any landscape or archaeological designations, nor does it contain any public rights of way.

The site is located to the south of Chippenham on the edge of the urban area. To the north, the site is bounded by Easton Lane and the Methuen Business Park. To the east, the B4528 Saltersford Lane, with the existing railway line just beyond. The A350 Bypass runs to the west and south of the site.

There are a number of residential properties within close proximity of the application site boundary: these include Hunters Moon Farm, Taffswell Farm and Queensbridge Cottages.

Methuen Business Park provides a vehicular link through to a roundabout junction (named Methuen Park) on the A4 Bath Road. The A4 links west to a roundabout junction (named Chequers) on the north/south A350 bypass before continuing west towards Corsham and Bath. The A4 also links east to another roundabout junction (named The Pheasant) and beyond towards Chippenham town centre and Calne. Easton Lane is also present to the north which connects to the B4528 Saltersford Lane and in turn leads north to form the southern approach to the Pheasant roundabout.

The proposed first phase of development is located within the defined Settlement Framework Boundary for Chippenham as defined on the proposals map for both the North Wiltshire Local Plan 2011 and the emerging Wiltshire Core Strategy. The remainder of the site is located outside of the framework boundary.

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

The site has previously been promoted at both the 1996 North Wiltshire Local Plan Inquiry and the 2005 North Wiltshire Local Plan Examination. Both inspectors previously stated that the site was

suitable for housing and that: *“there is a good case for continuing to locate housing within the line of the western bypass, where it would be physically contained, and not too remote from the town centre and public transport. (Para 2.91.27)”*

The application site was promoted and considered as a potential site at Chippenham through the Wiltshire Core Strategy. The Hunters Moon site was included as part of the South West Chippenham Area of Search in the Wiltshire Core Strategy Consultation document 2011 when it was concluded that:

*“This site could deliver housing to help meet the strategic housing requirement for Chippenham, although this would need to be in conjunction with other sites. The proposals do not include strategic employment provision on site. However, Showell Farm is located nearby. Therefore, it is felt that that this site should be included as part of the sustainable urban extension linking Showell Farm and Patterdown with the town centre and will help to round off development to the west of Chippenham.*

*Owing to the designations in the area, further work is required to determine the exact number and location of housing. Therefore, this site is proposed to be identified as part of an area of search.” (Wiltshire Core Strategy Topic Paper 12 Appendix 3 Page 87)*

Following the 2011 consultation, the evidence was reviewed after which it was concluded that although the Hunters Moon site would provide an opportunity to round-off development to the west of Chippenham and help to meet the strategic housing requirement for Chippenham, it is unclear as to what further benefits they will have for the town and to meet the strategy set out in the Core Strategy and the vision objectives. However, it remains the case that Hunters Moon is not identified as a strategic site in the Wiltshire Core Strategy Submission Document (July 2012).

## **5. Proposal**

The applicant seeks consent for a mixed-use scheme comprising an outline planning application for up to 450 dwellings (40% of which to be affordable); 2.33 ha of employment uses (B1, B2 & B8); 1.2 ha of land for a single-form entry primary school; 10.42 ha of Public Open Space to include a Central Green, Neighbourhood Equipped Area of Play (NEAP); a Multi Use Games Area (MUGA); allotments; central hill-top park and informal recreation areas.

The application is submitted as a hybrid with the majority of the site being submitted in outline form with appearance, landscaping, layout and scale reserved for future consideration. Phase 1 of the development is submitted in full, this element of the scheme proposes 103 dwellings (including 40% affordable); 10 no. business ‘starter units’ (1,065 m<sup>2</sup>); and 3 no. new access junctions off Easton Lane, on the northern boundary of the site.

Revised proposals have been submitted following consultation and liaison with officers in response to concerns raised and these have been the subject of further consultation.

## **6. Planning Policy**

Saved policies from the North Wiltshire Local Plan 2011 (NWLP) represent the adopted development plan. In that plan, the site lies partly within the settlement framework and partly outside the settlement framework. Relevant policies include:

- C2 – Community Infrastructure
- C3 – Development Control Policy
- NE9 – Protection of Species
- NE15 – The Landscape Character of the Countryside
- H3 – Housing Development with Settlement Boundaries
- H4 – Housing Development in the Countryside
- H5 – Affordable Housing within Urban Areas
- BD1 – New Employment Land at Hunters Moon

- CF2 – Open Space Provision

Draft Wiltshire Core Strategy Submission Document (July, 2012):

- Core Policy 1: Settlement Strategy
- Core Policy 2: Delivery Strategy
- Core Policy 3: Infrastructure
- Core Policy 10: Chippenham Area Strategy.
- Core Policy 34: Additional Employment land
- Core Policy 43: Affordable Housing

Due weight can be given to relevant policies in the North Wiltshire Local Plan 2011 (NMLP) according to their degree of consistency with the NPPF. Policy H3 is to be replaced by policies CP1 and CP2 of the emerging Wiltshire core strategy (eWCS) once adopted (Appendix D, eWCS). Policy H5 is to be replaced by CP43 and NE15 by CP51 of the eWCS. It is not proposed that the allocation of Hunters Moon as an employment site is to be carried forward to the eWCS. Policy H4 will continue to be saved.

The Inspector appointed to the examination of the Core Strategy has recently asked for more information on certain areas of the strategy through his latest procedural letter dated 2<sup>nd</sup> December 2013 which has potential implications for the above mentioned policies which are currently being considered.

The National Planning Policy Framework (hereafter referred to as NPPF).

## **7. Consultations**

Corsham Town Council – Objects to the application for the following reasons:

- Would be detrimental to Corsham and a drain on Corsham's resources;
- Greenfield site;
- Not identified for development in the draft Wiltshire Core Strategy;
- The environmental impact would be significant and would provide little benefit to Corsham itself;
- Acts as a green buffer between Corsham and Chippenham;
- Unsustainable;
- Site's distance from Corsham would make the provision of services by Corsham Town Council difficult; and
- Would adversely affect the privacy of the neighbouring properties.

Chippenham Town Council – Welcomes this development but has some concerns over the possible impact it may have on highways and defers decision until the Wiltshire Core Strategy Inspector's Report is published.

Corsham Civic Society – Objects to the application for the following reasons:

- With no neighbourhood plan for Corsham, the Town Council will need to rely upon the Core Strategy. The Hunters Moon site was included in the draft Core Strategy but was taken out by Wiltshire Council due to its remoteness. The number of houses needed in the Corsham Community Area outside of Corsham Town, by 2026, is nil;
- Unsustainable;
- The proposed site is on agricultural land, which will be needed to ensure a supply of food for future generations;
- The existing roads are fairly narrow, rural roads, not suitable for traffic to the employment areas;
- This is, in effect, a new small village;
- There is no requirement for this development; and

- Impact on Corsham parish in terms of added traffic, additional impact on schools, surgeries and other resources.

Council Leisure and Amenity Officer (public open space) – In accordance with the current Local Plan there would be sufficient Open Space provided as part of this development. Are satisfied with the proposals in terms of public open space and play, subject to a suitably worded s106 agreement including the proposed open space being secured in perpetuity.

Highways – In summary, no objections subject to conditions and s106 agreement. Comments referred to within the main body of the report.

Environmental Health Officer - As it is not known whether this site extracted clay on site for bricks in which case there would be infilled ground with an unknown gassing status, it is advocated that the precautionary principle be applied in terms of land contamination at a neighbouring site potentially affecting this development. Conditions in relation to contaminated land, noise, dust and lighting are recommended.

Environment Agency - No objection in principle subject to conditions and informatives.

Urban Design – A number of comments raised which have been addressed through the submission of amended plans.

Council Landscape Officer – While the proposed development will result in local change, with some identified localised adverse landscape and visual effects identified in the Landscape and Visual Impact Assessment, the Council's Landscape Officer concurs with the assessment findings and does not consider that the landscape and visual effects resulting from the proposed development to be significantly adverse. It is recommended that the submitted Landscape Strategy be clearly referenced in a necessary planning condition so that the identified objectives and design elements are carried through, and form the basis for the necessary 'detailed landscape scheme' within any subsequent reserved matters application(s).

It is recommended that the implementation of the detailed landscaping scheme for phase 1 be conditioned. Appropriate tree protection measures should be conditioned.

Spatial Planning- Development Services – In summary and in terms of the principal of development on this site there are no in principal policy objections to the proposal. Although this would represent a departure from policy – permitted development outside the limits of development for Chippenham, when that development has not come through a community led plan or development plan document, the local circumstances (status of Chippenham, recent slow housing delivery, economic strategy for the town, history of the site, self containment of the site) suggests this should not set a precedent. Comments referred to within the main body of the report.

Wessex Water – The applicant has instructed the first phase of network modelling to enable consideration of a foul drainage strategy. A condition relating to a foul and surface water drainage strategy is recommended.

Natural England – The proposal is unlikely to affect any statutorily protected sites or landscapes.

Highways Agency – Are content that the proposals will not have any detrimental effect on the Strategic Road Network. On this basis, no objection is raised.

Wiltshire Fire & Rescue Service – Require a s106 contribution of £45,442.50.

Wiltshire and Swindon Biological Records Centre – Otter recorded within c.300 metres (2007).

Public Art Officer - Public realm art requested via contribution.

Housing Officer – Supports proposals.

County Archaeologist – The Archaeological Evaluation Report (from the programme of geophysical survey and trial trenching) indicates the site has some potential archaeological and historic interest. Seven zones of archaeological interest have been identified in Figure 1 of the report. An archaeological condition is recommended to allow for archaeological mitigation to be undertaken. This further work should take the form of strip, map and record excavation in and around the areas identified in Figure 1 of the evaluation report.

Education – Require a contribution of £1,650,416 towards primary education provision and £1,647,330 towards secondary education provision.

County Ecologist – No objection subject to appropriately worded conditions.

Leisure Services – Requested a contribution of £230,238 towards: the provision of a new / upgraded multipurpose hall and changing to lessen the demand on the existing sports hall; and upgrading of the existing MUGA to Artificial Turf Pitch standard.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation. Neighbours were notified of the submission of amended plans and an addendum Environmental Statement by letter dated 29<sup>th</sup> November 2013. In addition, a further press notice was published on 12<sup>th</sup> December 2013 which in addition to making reference to the amended plans and addendum Environmental Statement, advertised the application as a departure to the provisions of the development plan.

9 letters of representation have been received in response to the application publicity from the occupiers of 7 different properties, 5 raising objections and 2 comments raising specific issues. The concerns and comments raised are summarised below:

- Loss of privacy;
- Loss of light;
- Objects to the location of the affordable housing;
- Proximity of garages would result in additional noise;
- Proximity of proposed house would be like looking at a prison wall;
- Expected to see a buffer area of mature trees and hedging surrounding existing properties;
- The site is outside the Wiltshire Core Strategy proposals;
- Development on such a conspicuous site is inappropriate;
- The transport and roads infrastructure cannot cope with demand;
- Educational needs have not been properly considered;
- There is no demand for business development;
- Drainage;
- The plans are not opposed but concerns are raised regarding traffic increase;
- Loss of property value;
- Whilst broadly in support of the proposal, concern is raised regarding the protection of the historic villages of Westrop and Easton and for the safety of visitors and residents;
- Would further erode the buffer between Chippenham and Corsham;
- Chippenham Town Centre is too small for the size of the town;
- The site has a large flat summit on top of a hill which has far reaching views in every direction and is visible from the slopes around Lacock. The bucolic vista will be lost;
- Unsustainable;
- The railway embankment offers a wildlife corridor and the fields surrounding the line are home to all manner of creatures; and
- Will impact greatly on the infrastructure on this side of Chippenham / Corsham.

## 9. Planning Considerations

### Principle of development

### Policy Weighting

The NPPF was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at Paragraph 14 as a 'golden thread' running through plan-making and decision-taking. The NPPF confirms the following:

- The need to plan positively;
- The need for a 5 year supply of housing;
- The status to be afforded the development plan; and
- Development management issues.

The North Wiltshire Local Plan (NWLP) was adopted in June 2006 and constitutes the statutory development plan.

The draft Wiltshire Core Strategy (dWCS) has now been submitted to the Secretary of State. This is an advanced stage in its production and, therefore, weight should be given to the draft policies within core strategy where there are no significant outstanding objections to that policy.

The Inspector has recently asked for more information on certain areas of the strategy through his latest procedural letter, dated 2<sup>nd</sup> December 2013. The Council has now responded by letter dated 19<sup>th</sup> December 2013. It is considered that this does not affect the planning policy position for this site. The reasons described below remain applicable and weight should be given to them in the determination of this application.

### The Strategy for Chippenham

The strategy for Chippenham in the dWCS is to seek to build a more resilient community to strengthen its role and function as a principal settlement (WCS vision page 15). Delivering job growth to help improve the self containment of the town is central to the strategy (paragraph 5.47 of the Plan). The strategy recognises there is a residual need for 193 homes to be identified in Chippenham (at April 2013).

That part of the proposal within the settlement boundary would be consistent with adopted policy (H3 of NWLP) and emerging policy (CP1/2 of the dWCS) as it delivers jobs and homes within the settlement boundary; providing homes to contribute to the residual housing requirement of 193 homes in the town (CP10) and bringing jobs forward early in the plan process to improve self containment.

Development outside of the settlement boundary does not comply with adopted Policy H4 nor Policies CP1 /2. However, this element of the application proposal needs to be considered against the overall strategy for Chippenham and other material considerations, which are set out below:

### Housing delivery at Chippenham

Chippenham is a town which has seen limited levels of housing delivery in recent years as compared to historic levels of delivery. Indeed, only 24 dwellings were completed between 2012 and 2013, and on average 137 dwellings have been completed per year since the start of the plan period (2006 to 2013), compared to an annual average of 200 homes required over the plan period as a whole. To this end, it could be argued that the needs of Chippenham are being met at other, more rural locations within the North and West Wiltshire Housing Market Area, which is contrary to the sustainable delivery strategy of the emerging Core Strategy, which focuses growth at the principal settlements.

The application proposal's for additional delivery of new homes at Chippenham would, therefore, supplement supply in the town in the short-term and would help meet current need and complement strategic delivery. Furthermore, the housing requirement at Chippenham is expressed as a minimum and should not be used as a ceiling, especially where the proposal supports the strategy for the town. Indeed the Council's evidence suggested the site could be brought forward as a standalone development provided its local landscape context is respected, lower housing numbers combined with a mixed use scheme is proposed and connectivity to the town centre can be improved.

In the case of Chippenham, at this moment in time, the early delivery of the housing element of the application proposal would improve the short-term delivery of housing in Chippenham to support the distribution of housing proposed in the plan while strengthening the strategy to make Chippenham a strategic centre for growth in the county. It would also support the strategies for other towns where pressure for housing has been felt in the past due to the historical under delivery of housing in Chippenham.

### Economic strategy

The application proposal comprise 2.3 hectares of employment land, including 10 no. business units totalling 1,065 m<sup>2</sup> as part of the first phase of development. Chippenham has had relatively little employment development since 2006 and the employment elements of this scheme would likely benefit the local area, not least because new employment provision in Chippenham is a priority and will help to redress the existing levels of net out-commuting. The application proposal would, therefore, result in business units brought forward early in the plan period and present an opportunity to safeguard jobs and retain Chippenham and Wiltshire based businesses in the county.

Core Strategy Core Policy 34 '*Additional Employment Land*' is applicable and states that proposals for employment development (B1, B2 or B8) will be supported within principal settlements in addition to the employment land allocated in the Core Strategy. Therefore, the proposal for 2.3ha employment, wholly within the settlement boundary, is acceptable from this perspective.

The developer has indicated that the site will deliver between 166 and 970 jobs. As well as delivering jobs to the market, new employment land will add to the range of sites available and provide additional options to businesses in Chippenham and Wiltshire. Temporary construction jobs associated with the development will also bring economic benefits. This is in accordance with the NPPF and could also potentially contribute to achieving the priorities of the Wiltshire and Swindon Local Enterprise Partnership (LEP) which include:

- Creating 10,000 new private sector jobs and safeguarding a further 8,000.
- Supporting the delivery of at least 30 hectares of employment land to the market.
- Developing an inward investment offer and creating business opportunities.
- Providing economic infrastructure.
- Stimulating growth.

At present, there are no end-users identified for the site. Therefore, the suggestion that 166 and 970 jobs could be provided is estimated. Clarification on the origin of these statistics is contained in the environmental statement submitted alongside the planning application.

It is considered that 970 jobs is high for an employment allocation of 2.3ha, although if 970 can be delivered then this would greatly benefit the local area. However, for 970 jobs to be created, all the proposed employment space would have to be B1 office. Core policy 34 (as amended) makes it clear that office development outside a town centre must be accompanied by a sequential assessment and impact assessment in relation to the town centre. Given the proposed design of the business units, they look suited to light industrial activity, which would give a more realistic job creation of approx 200 (based on an estimation using HCA job density guidance and 40% site coverage).



The employment element of the scheme is wholly within the proposed settlement boundary for Chippenham and would support the economic objectives of both the dWCS and the Wiltshire & Swindon Local Enterprise Partnership for Chippenham. Given the history of the site, it is possible that the employment element of the proposal would not have been forthcoming without the other uses now proposed on the larger site.

### Development in the countryside

It has been argued above that bringing forward the mixed-use scheme would support the strategy for Chippenham and bring forward housing to assist delivery in the town in the short-term. However, the element of the site outside the settlement boundary is contrary to Policy H4 of the adopted North Wiltshire Local Plan. A policy that remains up-to-date and is being carried forward as part of the dWCS.

The landscape officer has no objection to the application proposal, subject to the proposed Landscape Strategy (Fig 7.9 of the LVIA) being reference by planning condition, in accordance with the landscape policies of the adopted NWLP and dWCS (NE15, NWLP and CP51, dWCS).

On balance, it is considered that issues of housing delivery and support for the 'Strategy for Chippenham' are important material planning considerations in the determination of the application proposals.

### Promoting Sustainable Development

As stated earlier, the NPPF contains a presumption in favour of sustainable development and policies in the dWCS represent the local definition of sustainable development for Wiltshire. In the NWLP and dWCS Chippenham is identified as a settlement where there is a concentration of services and facilities and where development is appropriate to support its role and function. It is, therefore, identified as one of the communities capable of promoting sustainable development in the context of Wiltshire.

It is also necessary to consider the nature of development. The emerging dWCS recognises that reducing levels of out-commuting from many of Wiltshire's settlements is perhaps the most important strategic challenge for Wiltshire (para 2.7, dWCS), as it undermines their role and function by diminishing the jobs and services they can support. The dWCS, therefore, includes in its spatial vision the objective that "*Wiltshire will have stronger more resilient communities based on a sustainable pattern of development focused principally on Trowbridge, Chippenham and Salisbury*" (p15, dWCS). The strategy for Chippenham is based on delivering significant job growth to improve the self-containment of the town. (paragraph 5.47, dWCS)

This proposal provides homes and jobs at a principal settlement in a location detached from the wider landscape by roads and railways which has previously been acknowledged by the Council as an opportunity to 'round off Chippenham.' It would also bring forward homes in the short-term to respond to the recent under delivery of housing against the annual average completion rate assumed in the dWCS helping to reinforce the Principal Settlement status of Chippenham and fulfil its role within the sustainable settlement hierarchy of the Plan, expressed in dWCS Core Policy 1. The employment element will provide local jobs.

### Landscape and Visual Impact

The application site lies within the 'Avon Valley Lowland' landscape character area as defined by the North Wiltshire Landscape Character Assessment, June 2004. The main characteristics of this area, which can be said to apply to the application site and its surroundings include:

- Intact and predominantly well managed hedgerows frequently with hedgerow trees;
- Shelterbelts of Poplar act as significant vertical elements in the horizontal landscape;
- Strong rural sense of place, which begins to break down around Chippenham and communication corridor; and

- Significance of electricity transmission lines.

The application site does not contain any listed buildings, Scheduled Monuments or Registered Historic Parks, and is not the subject of any landscape designation. The site is surrounded by significant boundary vegetation, which restricts views into the site.

The A350 bypass to the south of the application site follows the landform around the west and south of the town, and combined with the associated belt of planting forms a major landscape and visual boundary, creating a visual break between town and countryside.

Due to the substantial existing linear corridors of the A350 bypass and the railway corridor, and their associated vegetation, the site is well contained and as part of the existing form of Chippenham, rather than the open and more rural character of the wider countryside, which lies beyond the bypass and railway.

The application proposals have been prepared in accordance with an appropriate and acceptable landscape strategy that reflects and responds to the characteristics of the site and locality.

A landscape and Visual Impact Assessment (LVIA) accompanies this application, prepared as part of the Environmental Assessment.

The Council's Landscape Officer considers the application proposals to be acceptable and has no objections subject to an appropriately worded condition.

#### Design, Appearance and Layout

The application is (in part) submitted with appearance, landscaping, layout and scale being matters for later consideration (as part of Reserved Matters applications). Nevertheless, illustrative details have been submitted so as to enable an assessment of how the site could be developed.

The scheme proposals have been amended following comments received from the Council's Urban Design Officer. A design and access statement addendum has been submitted to address the amendments which in summary include:

- The illustrative gateways at either end of the hilltop park have been re-designed to create high quality public places and focal points;
- The school building has been moved back to provide more hard surfaced space to provide an enhanced and distinctive sense of space;
- The parking principles have been amended and principles relating to bins added; and
- A differentiation of surface treatment is shown to the spine road in shared surface spaces.

In relation to the outline phase of development, the submitted Design and Access Statement and illustrative layout is considered to articulate an agreeably balanced form of development, which sets out the broad parameters for future appearance, materials used and scale of new buildings, to which future Reserved Matters submissions must adhere.

Within the detailed first phase of development dwellings will feature a mix of types and characteristics including a range of materials which reflect and respond to the residential character of the locality. A mix of house types is secured in this way and includes a range of between 1 – 5 bedrooms and 2 and 2.5 storey properties. Materials include red stock brick, coloured render or reconstituted 'cotswold' stone finishes to walls and blue / black, or red / brown roof tiles. The employment units would be 1 storey in height (6.5 metres).

Properties proposed to the east of the first phase of development (notably plots 66, 67 and 103) lie adjacent to Taffswell Farm. This is a large two storey detached property accessed from Saltersford Lane. The rear elevation of Taffswell Farm faces roughly north west. At its closest point, the conservatory to the rear of Taffswell Farm would be situated approximately 10 metres

from the single storey double garage proposed for plots 66 and 67 with the rear elevations of these two storey properties themselves situated approximately 19 metres at the closest point. The single storey garage would measure approximately 2.4 metres to eaves level with a maximum ridge height of 4.4 metres sloping away from Taffswell Farm. These distances are sufficient to ensure that a sufficient level of amenity is retained for the occupiers of this property in terms of overlooking and overshadowing. In terms of plot 103, a two storey property, this would be situated approximately 20 metres from Taffswell Farm at its closest point and its rear elevation is orientated to the east at an oblique angle. Concern has been raised regarding the noise created by cars driving in and out of the garage to plots 66 and 67, however, the access to the garage is to the north away from Taffswell Farm and it is not therefore considered that any noise created could be regarded as materially significant.

The existing Hunters Moon Farm sits to the south west of the first phase of development and would be bounded by new residential properties to the north east and north west. These two storey properties at their closest point would be at a distance of approximately 13 metres. This distance is considered to be sufficient to ensure no significant loss of light through overshadowing. A secondary lounge window is proposed in the south east elevation of plot 28 at first floor level, facing Hunters Moon Farm at a distance of approximately 25 metres thereby ensuring no material harm in terms of overlooking.

### Affordable housing

The application proposes 40% affordable housing provision of which 70% is proposed as affordable rented and 30% as New Build Homebuy. This in addition includes 10% of affordable rented homes to Life Time Homes standard. This exceeds the requirements of both adopted Policy H5 of the North Wiltshire Local Plan 2011 and dWCS Policy CP43.

41 affordable homes are proposed as part of the first phase of development. These would be made up of 6 one bedroom flats, 16 two bedroom houses, 18 three bedroom houses and 1 four bedroom house. These would be arranged in one group of 18, one group of 13 dwellings and one group of 10 dwellings.

The Council's Housing officer supports the application proposals and has agreed an exception to policy to allow a cluster of more than 15 affordable units on this phase, however on future phases clusters of no more than 15 units would be supported.

### Employment

The application proposal comprise 2.3 hectares of employment land, including 10 no. business units totalling 1,065 m<sup>2</sup> as part of the first phase of development. Chippenham has had relatively little employment development since 2006 and the employment elements of this scheme would likely benefit the local area, not least because new employment provision in Chippenham is a priority and will help to redress the existing levels of net out-commuting.

The early delivery of business units within the plan period would present an opportunity to safeguard jobs and retain Chippenham and Wiltshire based businesses in the county as in an important consideration in the determination of the application.

### Education

Chippenham is served by ten primary schools and three secondary schools – these schools also serve part of the surrounding rural area. As the application site is located within the Corsham Community Area, the designated area (catchment) schools are Corsham Primary and Corsham Secondary. However, as there is very little development currently within the locality of the site, the formal designated areas have had little importance hitherto.

The Council's Education Officer therefore advises that when the area is developed it will be to all intents and purposes part of Chippenham and it would be surprising if the designated area

boundaries were not redrawn accordingly. Furthermore, schools in Chippenham, are closer. In view of these factors the Corsham schools are not considered further in the assessment of the application.

The closest primary schools to the site are Queens Crescent and St Mary's RC VA; and the closest secondary school is Sheldon. Whilst the two local schools are close to full and would be unable to accommodate all development pupils based on current forecasts, this situation is likely to change due to the relative popularity of schools changing; and other schools (notably Frogwell) do have capacity to accommodate the proposed development.

The application makes provision for a one form entry primary school site. In view of this a 1.2 ha site has been identified and reserved for use for a school for a period of three years following commencement of development subject to the Council satisfactorily demonstrating the need for the site to meet primary education needs. If a contract for the development of a primary school has not been let prior to the three years, the Council will transfer the school site to the developer at a price equivalent to the open market value of the school site plus a top-up payment in the event that the open market value is lower than the requested education contribution (capped at the original education contribution request of £1,650,416).

This approach is supported by the Education Officer.

The Education Officer advises that the likely demand arising from the proposed development is for 86 secondary places, based on 40% affordable housing. This amounts to a contribution of £1,647,330. The applicant has included this contribution as part of the heads of terms for the s106 agreement.

### Access

Access into the site will be achieved at 4 different points on Easton Lane, on the northern boundary of the site.

1. The primary vehicular access (which will be the furthest west of the three) is proposed to be taken via an extension of the Methuen Business Park access road, which would cross Easton Lane just west of the existing Hunters Moon Farm access. Easton Lane between the farm access and the extension of Methuen Park would be stopped up to vehicles. Easton Lane to the west of the Methuen Park extension would be diverted in part from its existing route but with the current road alignment being retained as a pedestrian/cycle route. Whilst it will be possible for vehicles to exit the site and turn west on Easton Lane, the geometry of the junction will make it relatively difficult for vehicles to make this manoeuvre thereby encouraging drivers to use the A4 which is more suitable to accommodate the additional traffic from the Hunters Moon site.
2. A site access point just east of the Hunters Moon farm access is proposed to provide a link to the first phase of employment on the site. Easton Lane from the east would turn into the employment site as the main road, with the western part of Easton Lane (heading towards the farm) being the give-way arm.
3. The access that is proposed furthest east on Easton Lane will be located approximately 200m west of its junction with Saltersford Lane, and 250m east of the proposed access from Methuen Park. The junction will be a standard priority junction, and to the east of the junction Easton Lane will be widened to 6m in width, with a 3m shared footway/cycleway being provided on its southern side. It is proposed that this junction will provide access to the first phase of the residential development.
4. A secondary access point is proposed to be located 220 metres west of its junction with Saltersford Lane to serve 7 new homes as part of a cul-de-sac to the first phase of the residential development.

Access is a matter for consideration and the grant of outline permission would also mean granting specific permission for the positioning of the proposed access points.

The Council's Highway Officer has no objections to the application proposals, subject to the provisions of a s106 agreement and recommended planning conditions.

Concern has been raised regarding improvement to the pedestrian links from Cepen Park to the proposed children's activities and hilltop park which will attract local children and equally for people wishing to access Sainsbury's from the new development.

The Council's Highways team have reviewed the existing controlled crossing on the A4 outside Sainsbury's and has advised that there are no known difficulties with it. The crossing is not a Toucan, however, so it does not provide for use by cyclists to cycle as of right; but cyclists would be free to push cycles over the crossing, as pedestrians. There is no reason to suppose that children attracted to Hunters Moon from existing residential property to the north of the A4 would be more or less exposed to danger if a different controlled crossing type were to be available.

The Methuen Park connection from Hunters Moon to the A4 does not have dedicated cycle provision, and there is no shared pedestrian / cycle route on the south side of the A4. It is questionable whether seeking to upgrade the existing controlled crossing to a Toucan, without dedicated cycle facilities on the south side of the A4, would be worthwhile. There is a dropped kerb on Methuen Park at the splitter island where cyclists can join the A4 controlled crossing route. It is reasonable to assume that, should upgrades be considered appropriate in the light of any other local changes, then the development's contribution to the Chippenham Transport Strategy schemes could be used.

The desire lines at the eastern end of the site (Easton Lane to The Pheasant roundabout) will be accommodated by uncontrolled crossings using the splitter islands for the roundabout, where generous width on the west-side splitter island is available. At the junction access can be made to the northern side A4 shared use route, and to the Hungerdown Lane cycle lane. The development makes provision for cyclists from the Hunters Moon site to the junction, by way of local improvements on the western side of Saltersford Lane, connecting into the site. Again, the Chippenham Transport Strategy contribution is an appropriate source of funding for any future upgrade schemes offering a more strategic benefit for cyclists.

### Ecology

There have been extensive discussions regarding a number of ecological issues including most notably, wood pasture, traditional orchard, dormice and bats. Following these discussions, additional survey work has been done and an Addendum Environmental Statement in relation to ecology submitted. An amended plan has also been submitted, showing the possible location on site of a replacement orchard. On balance, the Council's Ecologist has raised no objections subject to the imposition of a number of appropriately worded conditions.

### s106 Planning Contributions

The applicant has submitted heads of terms for a s106 agreement, which in summary include provision for:

- Affordable housing equivalent to 40% of the total number of residential units comprised in the development. The affordable housing will include 70% Affordable Rented; and 30% New Build Homebuy. 10% of the affordable homes for rent to be constructed to the Life Time Homes standard.
- Contributions to site access works, cycleways, off-site works including works to Pheasant roundabout, and provision of new bus to allow dedicated service to run through the site.
- Costs associated with proposed Travel Plan

- A contribution of £4,264 per dwelling towards strategic highways works
- Provision and future maintenance costs for:
  - Multi Use Games Area
  - Neighbourhood Equipped Area of Play
  - Local Area of Play
  - Allotments
  - Natural play areas
  - Hill top park
- To provide 1.2 ha of land for the provision of a single-form entry primary school. If a contract for the development of a primary school has not been let prior to a period of three years, the Council will transfer the School Site to the developer at a price equivalent to the open market value of the school site plus a top-up payment in the event that the open market value is lower than requested education contribution (capped at the original education contribution request of £1,650,416).
- To pay to Wiltshire Council £19,155 per additional secondary school place

Additional s106 contributions have been requested by the Public Art Officer and Wiltshire Fire & Rescue. Having reviewed the requests they are not compliant with the CIL regulations and would fail the tests set out in the Circular:

- Public Art - Although it may be desirable there is no indication that a payment of £204,900 is necessary in order to make the scheme acceptable in planning terms. There are no identified projects and it is not possible to determine whether the contribution would be directly related to the proposed development. It would not appear to comply with CIL regulations and would fail the tests set out in the Circular.
- Wiltshire Fire & Rescue - The requested contribution of £45,442.50 by Wiltshire Fire & Rescue Service (WFRS) is not considered to be compliant with CIL Regulation 122, in that it is not necessary to make the development acceptable in planning terms; it is not directly related to the development; and it is not fairly and reasonably related in scale and kind to the development.

The CIL assessment is relevant because the Council does not at this point in time have adopted policies supporting these requirements.

The submitted Section 106 Agreement Heads of Terms are considered to be adequate to make the application proposal acceptable in planning terms.

## 10. Recommendation

**Subject to all parties entering into an agreement under s106 of The Act (as amended) in relation to the following matters:**

- **The delivery of affordable housing**
- **The delivery and maintenance of on-site play and public open space**
- **The delivery of site access works, cycleways, off-site works including works to Pheasant roundabout, and provision of new bus to allow dedicated service to run through the site**
- **The delivery of costs associated with proposed Travel Plan**
- **The delivery of a contribution towards strategic highways works**
- **The delivery of 1.2 hectare of land for the provision of a single-form entry primary school**

- **The delivery of a contribution towards local education provision**

**Then:**

**Planning Permission be GRANTED subject to the following conditions:**

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

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

- 2 The outline element of 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.

- 3 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

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

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

- 4 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.

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

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

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

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

area.

- 7 There shall be no access to Saltersford Lane, except for buses, cyclists and pedestrians, and no access to the A350 West Cepen Way.

REASON: In the interests of highway safety, and to deter rat-running through the site.

- 8 Prior to the commencement of development, details of the proposed access to Saltersford Lane adjacent Plot 68/69 shall be submitted to and approved in writing by the local planning authority, and the link shall be completed prior to the occupation of the 20th dwelling on the development road to which the access is linked.

REASON: In the interests of sustainable transport and to secure the link at an appropriate time in the development.

- 9 Before any other part of the development commences Easton Lane shall be widened to a minimum width of 6.5 metres between Saltersford Lane and the access to the employment land in Phase 1, together with the provision of a 3 metre wide footway / cycleway on the southern side of Easton Lane, in accordance with details which shall first have been submitted to and agreed in writing by the local planning authority.

REASON: In the interests of highway safety, to secure an acceptable access to serve construction of phase 1 of the development, and to make proper provision for cyclists on National Cycle Route 403.

- 10 Prior to the commencement of the development a detailed drawing showing the network of cycle / footpaths to serve the site, with particular emphasis on access to the proposed primary school and the employment areas, shall be submitted to and approved by the local planning authority.

REASON: In the interests of sustainable transport and to ensure that a comprehensive approach to movement within to and from the site has been secured.

- 11 The gradient of all private drives shall not at any point be steeper than 7% for a distance of 5 metres from its junction with the prospectively maintainable highway.

REASON: In the interests of highway safety.

- 12 There shall be no gates provided on any private accesses served from the prospectively maintainable highways.

REASON: In the interests of highway safety.

- 13 Notwithstanding the details submitted on Drg SW-005-12-MAS.01J, no development within any individually approved phase of the development shall commence on site until details of the estate roads, footways, footpaths, unsegregated pedestrian / cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works within any particular phase, have been submitted to and approved by the local planning authority. The development of each phase of development shall not be first occupied until the estate roads, footways, footpaths, unsegregated pedestrian / cycle routes, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details, unless an alternative timetable is agreed in the approved details.



REASON: To ensure that the roads are laid out and constructed in a satisfactory manner, and are of adequate amenity for users.

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

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

- 15 No dwelling shall be occupied until the parking space(s) for that dwelling, together with the access thereto, have been provided in accordance with the approved plans. Parking provision for all dwellings shall meet the minimum parking standards set out in the Wiltshire LTP3 2011-2026 Car Parking Strategy, March 2011, and any garages counting towards parking spaces shall be provided with minimum internal dimensions of 3 metres by 6 metres per vehicle space; in relation to cycles the parking provision shall be in accordance with Appendix 4 of the LTP 2001-2026 Cycling Strategy.

REASON: In the interests of highway safety and the amenity of future occupants.

- 16 No development shall commence on site until details of secure covered cycle parking and, in the case of employment land, changing and shower facilities have been submitted to and approved in writing by the local planning authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the buildings to which they relate and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 Prior to the first occupation of any dwelling within Phase 1 of the development a scheme for the improvement of PRow CORM122 shall have been submitted to and approved in writing by the local planning authority and the improvement completed in accordance with the approved scheme.

REASON: In the interests of sustainable transport and to secure a surface finish compatible with intensified pedestrian use.

- 18 Prior to the commencement of Phase 2 of the development details of a footpath link between the site and the east side of Queensbridge shall be submitted to and approved by the local planning authority; the footpath link shall be completed prior to the occupation of more than 75% of the number of dwellings comprised in the phase of development to which the path connects in accordance with the approved details.

REASON: In the interests of sustainable transport and to secure a link between the development site and the Core Strategy strategic employment and housing sites to the south and east of Queensbridge respectively.

- 19 Prior to the commencement of Phase 2 of the development details of a connecting route between the site and the southern part of Saltersford Lane shall be submitted to and approved in writing by the local planning authority. The details shall include provision for vehicular access from the site to the cottages for serving and for a pedestrian and cycle link between the site and the Queensbridge junction.

REASON: In order to rationalise traffic movements at Queensbridge and effect a safer environment for pedestrian and cycle movements under the bridge, and to secure more efficient transport arrangements for servicing the existing dwellings on Saltersford Lane.

- 20 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
  - b) detailing of routing arrangements for lorry traffic associated with the development;
  - c) loading and unloading of plant and materials;
  - d) storage of plant and materials used in constructing the development;
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) wheel washing facilities;
  - g) measures to control the emission of dust and dirt during construction;
  - h) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - i) measures for the protection of the natural environment.
  - j) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

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

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

REASON: To enable the recording of any matters of archaeological interest.

- 22 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the local planning authority:

Step 1 (i) A written report has been submitted to and approved by the local planning authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step 2 (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's 'Model Procedures for the Management of Land Contamination CLR11' and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the local planning authority.

Step 3 (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the local planning authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the local planning authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the local planning authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the local planning authority.

23 During the site preparation and construction of the development, activity which may give rise to noise audible beyond the site boundary shall not be undertaken outside the following hours unless written permission is obtained from the Local Planning Authority:

- 08:00 to 18:00 Monday to Friday
- 09:00 to 13:00 Saturday
- No working Sundays and Bank Holidays

This shall include, excavation, construction, loading, unloading, deliveries or any similar construction related activity.

REASON: To protect the amenity of nearby residents.

24 All building services plant shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor.

REASON: To protect the amenity of nearby residents.

25 A dust suppression scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development and shall be designed to minimise windblown dust from affecting adjoining neighbouring properties. This scheme should cover all the phases of the construction site, including earth works, spoil heap storage, vehicle movements and cutting of materials. All development shall be carried out in full accordance with the approved scheme and retained as such thereafter.

REASON: To protect the amenity of nearby residents.

26 A lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and shall be so designed as to overcome glare, sky glow, spillage and intrusion. The scheme should aim to achieve Environmental Zone E2 as specified in the guidance issued by the Institution of Lighting Engineers. All development shall be carried out in full accordance with the approved lighting scheme and retained as such thereafter.

REASON: To protect the amenities of nearby residents.

27 (a) No retained tree/s shall be cut down, uprooted, or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

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

(c) No equipment, machinery or materials shall be brought onto the site for the purpose of development until a scheme showing the exact position of protective fencing to enclose all retained trees and hedgerows beyond the outer edge of overhang of their branches in accordance with British Standard 5837: 2005: Trees in Relation to Construction has been submitted to and approved in writing by the Local Planning Authority and protective fencing has been erected in accordance with the approved plans. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.

In this condition "retained trees" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development whichever is later.

REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity.

28 No development shall commence until a foul and surface water drainage strategy is submitted and approved in writing by the local planning authority. The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

REASON: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property.

29 No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority. The approved drainage works shall be completed and maintained in accordance with the details and timetable agreed.

REASON: To ensure adequate adoption and maintenance and therefore better working and longer lifetime of surface water drainage schemes.

30 Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to, and agreed in writing by, the local planning authority. The masterplan shall be in accordance with the Flood Risk Assessment and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development.

31 No development shall take place on land to which reserved matters relate until the detailed drainage design for each plot, phase or parcel of land, incorporating sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, have been submitted to and approved by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the plot or parcel is completed.

REASON: To prevent the increased risk of flooding as a result of the development.

32 No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety.

33 No development shall commence on phase 1 until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

(b) finished levels and contours;

(c) means of enclosure;

(d) hard surfacing materials;

(e) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and

(f) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

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

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

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

35 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General

Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

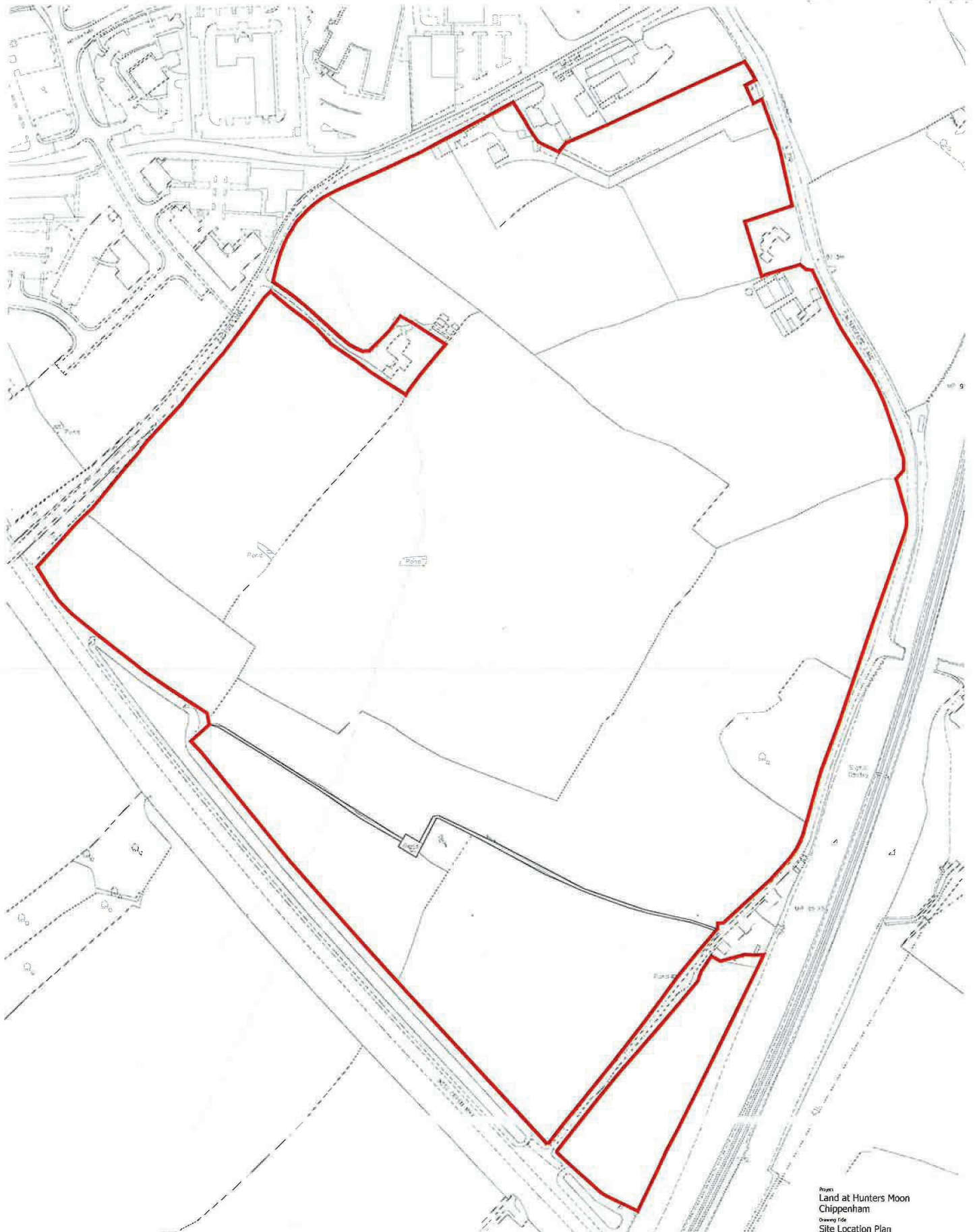
REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 36 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

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

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



 Application Site Boundary

Project  
**Land at Hunters Moon**  
**Chippenham**  
 Drawing title  
**Site Location Plan**

Date	31.01.13	Scale	1:1250@A1	Drawn by	MW	Check by	KP
Project No.	16563	Drawing No.	9050	Revision			



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# Agenda Item 9

<b>Date of Meeting</b>	<b>22<sup>nd</sup> January 2014</b>		
<b>Application Number</b>	<b>N12.04038.OUT</b>		
<b>Site Address</b>	<b>Marden Farm, Rookery Park, Calne, SN11 0LH</b>		
<b>Proposal</b>	<b>A Hybrid Application Comprising: A Full Planning Application for a Specialist Dementia Care Facility Comprising of 75 Dementia Care Beds and a 10 Bed Palliative Care Unit with Associated Service Building, Visitor and Staff Parking and Associated Service Access and Landscaping. Outline Proposal for Residential Development Comprising of up to 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage and Vehicular Access Off Stockley Lane. All Matters Except for Access Reserved for Future Consideration.</b>		
<b>Applicant</b>	<b>Gleeson Strategic Land and N Notaro Homes Ltd</b>		
<b>Town/Parish Council</b>	<b>Calne TC &amp; Calne Without PC</b>		
<b>Electoral Division</b>	<b>Calne South &amp; Cherhill/Calne Rural</b>	<b>Unitary Member</b>	<b>Councillors Hill and Crisp</b>
<b>Grid Ref</b>	<b>400135 169472</b>		
<b>Type of application</b>	<b>Hybrid</b>		
<b>Case Officer</b>	<b>S T Smith</b>	<b>01249 706 633</b>	<b>Simon.smith@wiltshire.gov.u</b>

## 1. Purpose of report

This application was previously refused planning permission by Strategic Planning Committee on 30<sup>th</sup> July 2013. The applicants have subsequently lodged an appeal and a Public Inquiry is scheduled to take place week commencing 24<sup>th</sup> February 2014.

The Inspectors tenth procedural letter (2<sup>nd</sup> December 2013) to the Wiltshire Core Strategy has changed the context within which this application should be considered and impact upon the reasons for refusal. Strategic Planning Committee should therefore consider the approach to the conduct of this appeal.

The full report prepared at the time of the Strategic Planning Committee considering this application in July 2013, has been appended to this report (**Appendix 1**). It includes a description of the site and the current proposal, the planning history for the site and additional detail on the planning policy context.

This report focuses on the changes in circumstances since the original decision on the

application was made.

## **2. Report summary**

The main issues to be considered with regard to the approach to this appeal are as follows:

- a) Original reasons for refusal
- b) Summary of relevant planning policy
- c) Matters arising from the Inspector's letters
- d) Possible approaches to the appeal

## **3. Original reasons for refusal**

The application was refused on 30<sup>th</sup> July 2013 for the following reasons:

1. *In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and /or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission. By reason of the proposed development being located in the open countryside, outside of the defined Settlement Framework Boundary, the application would be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011. There are no material considerations in terms of benefits that could be delivered as part of the development, which would be sufficient to outweigh development plan policy.*
2. *The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF) and the Wiltshire Core Strategy document for the area, and prejudicial to the Council's plan-led approach to sustainable development and the phasing of future growth. In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position. It is also premature in terms of the identification and means of delivery in respect of any infrastructure in step with development to be focused in Calne over the plan period. As such, the balance of considerations is such that planning permission should not be granted having regard to policies CP2 and CP8 of the Draft Wiltshire Core Strategy and guidance in the National Planning Policy Framework, in particular at paragraphs 12,14, 17, 47, 49, 150, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.*
3. *The proposed development fails to provide or secure adequate provision for affordable and /or extra case housing, public open space, play equipment and footpath connections to the town adjoining school and leisure centre, all of which should take place on the site. In addition, the proposal fails to secure*

*contributions towards education provision in the locality, contributions towards public transport, contributions towards leisure provision, contributions towards improving cemetery capacity, contributions towards waste collection as well as the lack of a scheme or contribution to secure the on-going maintenance of open space and play equipment on the site, all of which should take the form of an off-site financial contribution in lieu of on-site provision. The application is therefore contrary to Policies C2, H5 and CF3 of the adopted North Wiltshire Local Plan 2011.*

The first and second reasons for refusal are the main issues for the appeal as it is expected that the third reason for refusal will be satisfied following the submission of an acceptable s106 unilateral undertaking.

#### **4. Planning Policy**

##### The Planning and Compulsory Purchase Act 2004 (as amended)

The Act requires that applications should be determined in conformity with the extant development plan.

##### National Planning Policy Framework (NPPF)

The NPPF was introduced as a principal material consideration in the determination of planning applications in March 2012. Of particular relevance to the reasons for refusal, the NPPF identifies:

- The need for the Local Planning Authority to maintain a 5yr supply of housing.
- That where a 5yr supply cannot be demonstrated, relevant policies of the development plan should not be considered up to date and planning applications should be considered with a presumption in favour of sustainable development.

##### North Wiltshire Local Plan 2011 (NWLP)

The NWLP was adopted in June 2006 and constitutes the statutory development plan. Policy H4 has been “saved” beyond 2009 by the Secretary of State until it is superseded by a subsequent adopted policy document.

Policy H4 restricts development outside of the settlement boundaries. The direction of policy H4 is considered entirely consistent with National Planning Policy Framework as it defines what is considered sustainable development locally. Indeed, the use of settlement boundaries as part of the development plan for Wiltshire has been confirmed by the Inspector examining the Wiltshire Core Strategy. However, the Inspector has raised concerns over whether the settlement boundaries are up to date. This is discussed below.

## Draft Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the NWLP.

The WCS has reached an advanced stage of preparation with the examination hearings having been completed in July 2013. On 2<sup>nd</sup> December 2013, the examining Inspector provided a tenth procedural letter to Wiltshire Council seeking the views of the Council on a number of issues. Wiltshire Council responded identifying how these issues would be addressed and the Inspector has since produced an eleventh procedural letter (23<sup>rd</sup> December 2013) responding to the proposals of the Council. (These are attached at **Appendices 2, 3, 4**)

The submitted WCS introduced a housing requirement for the period from 2006 to 2026 presented by Housing Market Areas. The Inspector examining the Wiltshire Core Strategy has identified in his tenth procedural letter that he considers that the housing requirement for Wiltshire from 2006 to 2026 should be increased. Wiltshire Council has responded proposing to increase the housing requirement from 37,000 homes to 42,000 homes. In his eleventh procedural letter the Inspector identifies that he considers this reasonable.

The spatial strategy (core policy 1 and core policy 2) sets the foundations for how 'sustainable development' is defined and applied in Wiltshire. Within the WCS, Calne is identified as a market town with the ability to support sustainable patterns of living and the potential for significant development where that development enhances services and facilities and promotes better levels of self containment (core policy 1).

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development of the type proposed outside these limits should be brought forward through a community led planning policy document which identifies specific sites for development. However, the Inspectors tenth procedural letter states, in referring to the settlement boundaries as defined in the adopted Local Plan, that "*...it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the Core Strategy plan period*". The Council has proposed to undertake a review of boundaries through a subsequent Site Allocations DPD, which is anticipated to be adopted by July 2015, to address this.

Core policy 8 identifies the level of housing growth appropriate for Calne and does not identify a specific strategic housing site to provide for growth. The housing requirement for Calne is likely to increase as a result of the Inspectors tenth procedural letter, which identifies an increase in the housing requirement for Wiltshire.

#### 4. **Matters arising from the Inspector's letters**

##### Refusal Reason 1

The first reason for refusal reflected the proposals failure to comply with the adopted development plan by virtue of the fact that the proposed development is located in the open countryside, outside of the defined Settlement Framework Boundary, and is therefore contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011.

The Inspector identifies in his tenth procedural letter that it cannot be argued with great strength that the settlement boundaries proposed in the core strategy are up-to-date although he continues to support the approach to define where sustainable development is appropriate through settlement boundaries. By raising this issue he has by implication questioned the reliability of boundaries where additional housing is required to meet the housing requirement. Additional housing was not required in Calne at the time of the decision but it may be the case now due to the absence of up-to-date evidence to demonstrate a 5 year supply of developable land against the proposed overall increased requirement (see reason for refusal 2). The strength of saved policy H4 as it relates to settlement boundaries is therefore weakened if there are no site specific reasons to refuse planning permission. In Calne no site specific reasons for refusal have been given eg on grounds of landscape impact, ecological impact, access, infrastructure. Given the lack of other constraints on this site, the weight to be attributed to the saved policy H4 will be diminished to some extent. This has repercussions on the first reason for refusal.

Paragraph 14 of the NPPF requires that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in this Framework indicate development should be restricted. If the settlement boundary of Calne to which Policy H4 relates is considered to be out of date then paragraph 14 of NPPF will apply unless the development can be demonstrated not to be sustainable development.

The only local plan policy relied upon in the first reason for refusal is Policy H4 and, in the context described above, this cannot now be ascribed significant weight.

Furthermore, the NPPF at paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development where a five year supply of housing cannot be demonstrated. Policy H4 is considered relevant to the supply of housing as it restricts housing supply beyond the Settlement Framework Boundary. The weight to be afforded to the settlement boundary, therefore, also has to be considered in the context of the 5 year land supply (see below).

It is therefore considered that Policy H4 of the adopted plan, which restricts development outside of the Settlement Framework Boundary, cannot be ascribed significant weight.

## Refusal Reason 2

Reason for refusal 2 states that the Council has a 5 year supply of housing land and there are no material considerations to outweigh this consideration. In accordance with the NPPF the Council is expected to maintain a 5 year supply of housing sites. Where a 5 year supply cannot be demonstrated, relevant policies of the development plan should not be considered up to date and planning applications should be considered with a presumption in favour of sustainable development.

The Council has accepted that the overall housing requirement for Wiltshire should increase in line with the Inspector's suggestions in his letter of 2 December (ie an increase to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Inspector states that the evidence suggests that a 5 year (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures. This assessment will include reexamining the land supply taking account of the revised housing requirement and the significant number of large planning applications granted in the last year. Until this assessment is complete officers will be unable to say with any confidence at that stage that the requirement in paragraph 47 of NPPF to maintain a 5 year housing supply (together with a 5% buffer) is currently being met.

Reason for refusal 2 also relates to grounds of prematurity. As to the concerns expressed over prematurity, the indication from the Inspector's letter as to the settlement boundaries and the need to increase the housing requirement mean that, again at this stage, the Council cannot rely on this reason for refusal – at least until a 5 year supply is identified. Similarly it is not felt that Policies CP2 and CP8 can be given significant weight until the housing land supply situation is clarified. The paragraphs relied on from the NPPF in general refer to the housing land supply situation and to the weight to be given to up to date development plan policy. The context in which reliance has been placed on these paragraphs has, therefore, now changed.

## Refusal Reason 3

So far as the issue with respect to infrastructure is concerned an agreement or unilateral undertaking under s106 of the Act has not yet been entered into. However, this reason for refusal could be addressed once a completed agreement has been entered into. Should agreement not be achieved it will be discussed at the appeal.

## **5. Possible approaches to the appeal**

The uncertainty introduced by the core strategy Inspector's letters is an important consideration for this appeal.

Given the uncertainty over the housing requirement at this time and in the wider context of the Government's support for housing growth as set out in the NPPF, planning applications

on unconstrained, sustainable sites should be considered favourably. Notwithstanding the reasons for refusal, the Marden Farm site was acknowledged as being in a sustainable location within the first report to the Strategic Planning Committee. Subject to the satisfactory resolution of a Section 106 Agreement there are no overriding constraints to development. Developing the site will help boost housing delivery in Wiltshire and strengthen the existing land supply, which will in turn help protect the County from unsustainable development in the future.

Once a sufficient five year housing land supply can be demonstrated against the revised housing requirement this interim position will change. At this point once again all applications should be considered in the context of the extant and emerging development plans.

This change in approach to the appeal site could be secured by either agreeing with the appellants to support a resubmitted application or by agreeing that Wiltshire Council do not defend the decision at appeal, providing that costs are not pursued. Alternatively, Wiltshire Council could pursue this appeal but if the appeal is allowed, an award for costs may be granted.

The proposed approach to this appeal has been developed within the circumstances that prevail now in relation to the core strategy and with regard to site specific considerations. It is not intended to set a precedent for all appeals and major applications currently before the Council as each will be considered on their individual merits in a changing context and with regard to local circumstances.

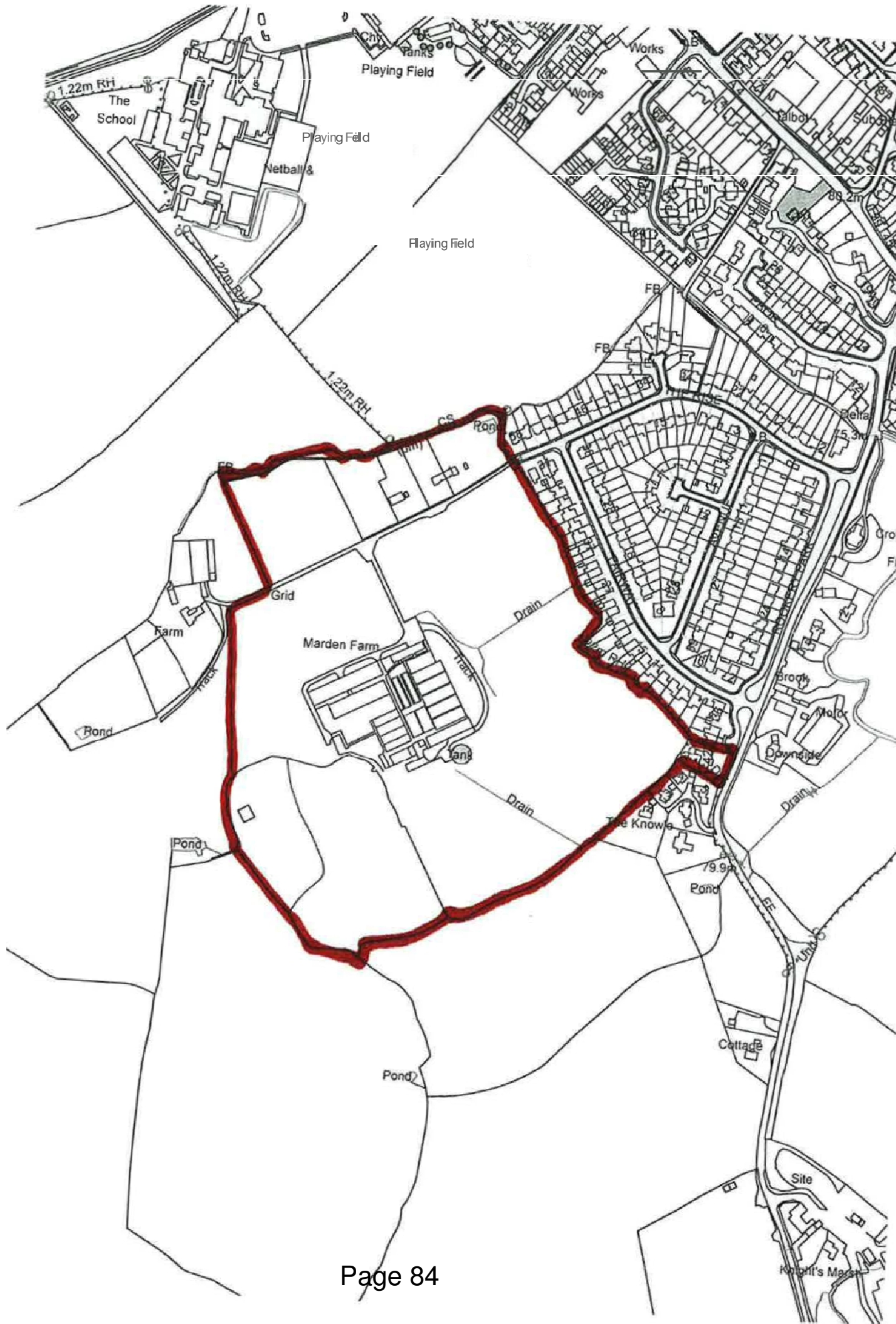
## **6. Conclusion**

The weight to be attributed to the existing reasons for refusal has been significantly affected by the Inspectors procedural letters. In this context, it is considered appropriate for Strategic Planning Committee to consider how Wiltshire Council approaches this appeal.

In this context, officers now consider that this appeal cannot be defended and it is considered appropriate for the Council to offer no evidence at the forthcoming Public Inquiry, other than to work with the appellants to secure satisfactory community infrastructure as set out in the third reason for refusal.

It is recommended that:

The Council offer no defence at the forthcoming appeal and invite the applicant to resubmit the application for reconsideration by the Council, in the context of the recent comments made by the Core Strategy Inspector. In the event of the appellant refusing to resubmit a planning application, the Council would continue to offer no defence at the forthcoming appeal other than to work with the appellants to secure satisfactory community infrastructure as set out in the third reason for refusal.





**STRATEGIC PLANNING COMMITTEE**

<b>Date of Meeting</b>	30 <sup>th</sup> July 2013		
<b>Application Number</b>	N12.04038.OUT		
<b>Site Address</b>	Marden Farm, Rookery Park, Calne, SN11 0LH		
<b>Proposal</b>	<p><b>A Hybrid Application Comprising: A Full Planning Application for a Specialist Dementia Care Facility Comprising of 75 Dementia Care Beds and a 10 Bed Palliative Care Unit with Associated Service Building, Visitor and Staff Parking and Associated Service Access and Landscaping. Outline Proposal for Residential Development Comprising of up to 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage and Vehicular Access Off Stockley Lane. All Matters Except for Access Reserved for Future Consideration.</b></p>		
<b>Applicant</b>	Gleeson Strategic Land and N Notaro Homes Ltd		
<b>Town/Parish Council</b>	Calne TC & Calne Without PC		
<b>Electoral Division</b>	Calne South & Cherhill/Calne Rural	Unitary Member	Councillors Hill and Crisp
<b>Grid Ref</b>	400135 169472		
<b>Type of application</b>	Hybrid		
<b>Case Officer</b>	S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

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

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

**1. Purpose of report**

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

**2. Report summary**

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

1. Principle of C3 residential (the outline element of the application)
2. Principle of C2 care home (the full planning application element of the application)
3. Presumption in favour of sustainable development
4. Housing requirement and 5 year land supply
  - Recent decisions
5. Meeting local housing need
  - Dementia care home
  - Affordable housing

6. Design, layout and landscaping
  - Outline element of submission – nursing home
  - Detailed element of submission – C3 residential
  - Impact on landscape
7. Access and highway issues
  - Accessibility
  - A4/Stockley Lane junction
  - Access to Stockley Lane
  - Access to The Rise
  - Other matters
8. Flood Risk and drainage
  - Surface water
  - Foul water
9. Ecology
10. Impact upon neighbour amenity

The application has generated 156 letters of objection, with 1 letter of support. Both the Calne Town Council and the Heddington Parish Council object to the application.

### **3. Site Description**

Situated some 2.5km South-West of Calne town centre, the Marden Farm site is a 14.0Ha mixture of undeveloped fields, farm buildings and four residential properties and their associated gardens. Previously part of an intensive agricultural holding (Rookery Farm), the agricultural fields have not been cultivated for several years and the farm buildings themselves benefitting from permission for business uses.

Positioned at the edge of Calne, the site remains entirely outside of the Settlement Framework Boundary, as defined by the adopted North Wiltshire Development Plan 2011, thereby rendering the site as part of the countryside. Residential development to the immediate North of the site (Rookery Park) represents the extremity of the towns limits. To the north of the site is the John Bentley School with its playing fields adjoining the site in the north east corner. Land to the south and west of the site is agricultural and currently used for mixed farming.

The site has a gently sloping topography. The land falls gently away to the north, east, south east and south from locally higher ground within the vicinity of the redundant farm buildings (located at 91m AOD). The northern part of the site drains northwards to a small brook which runs along the northern boundary. A ditch runs along the eastern boundary which flows southwards with a feeder ditch crossing the field east of the piggery. The southern part of the site generally falls to the south and south east to drain into a ditch along the southern boundary. The land to the south and south west is largely level. To the east the land falls to the south east through the residential area. The land to the north of the site rises gently up to a low ridge some distance north of the site beyond John Bentley School. To the west the land rises very gently to a low ridge.

### **4. Relevant planning history**

08/00849/FUL - Replacement of Existing Office Building (Retrospective) – Approved 30/07/08

08/02041/OUT - Erection Of Thirteen Dwellings After Demolition Of Existing Semi-Detached Bungalows – Refused 13/10/08

### **5. Proposal**

Submitted as a hybrid application, the proposal comprises two elements. The full application element relates to a proposed 85 bed specialist dementia care facility, positioned to the South-

East corner of the site. The balance of the application is submitted in outline only, with all matters reserved for later consideration except for means of access. This outline element of the application refers (up to) 125 dwelling houses together with associated parking, landscaping, allotments and public open space.

The site is proposed to be accessed at two points. The Stockley Lane access is to remain the principle point of vehicular access/egress with the access to the Rise presented as an access for pedestrian and emergency vehicles only, unless a bus service is identified to serve the site. The applicant has confirmed a willingness to secure a pedestrian linkage from the site to the adjoining John Bentley School playing field, already an informal linkage.

## **6. Planning Policy**

### National Planning Policy Framework (NPPF)

The NPPF was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at para 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following :

- The need to plan positively,
- the need for a 5yr supply of housing,
- the status to be afforded the development plan,
- development management issues

### North Wiltshire Local Plan 2011 (NWLP)

The NWLP was adopted in June 2006 and constitutes the statutory development plan. The following policies within it have been "saved" beyond 2009 by the Secretary of State until a subsequent adopted policy document supersedes them :

- C1 - Sustainability
- C2 – Community Infrastructure
- C3 – Development Control Policy
- NE4 – Areas of Outstanding Natural Beauty
- NE9 – Protection of Species
- NE1 1 – Conserving Biodiversity
- NE14 – Trees and the Control of New Development
- NE15 – The Landscape Character of the Countryside
- HE6 – Locally Important Archaeological Sites
- T1 – Minimising the Need to Travel
- T2 – Transport Assessments and Travel Plans
- T3- Parking
- T4 Cycling, Walking and Public Transport
- H1 – Required Level of Residential Development
- H4 – Residential Development in the Open Countryside
- H5 – Affordable Housing in Rural Areas
- CF3 – Provision of Open Space

The direction of the above NWLP policies is considered entirely consistent with National Planning Policy Framework as they define what is considered sustainable development locally. The NPPF introduces the principle that development should have regard to the presumption in favour of sustainable development. In these circumstances para. 215 of the NPPF states that due weight should be given to these relevant policies.

## Draft Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the NWLP. It has reached an advanced stage of preparation with the examination currently underway. It is anticipated that the plan could be adopted by the end of 2013 or at least the Inspectors report received.

The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas. The Local Planning Authority regard this as the most recent expression of housing need in the county, with Topic Paper 15 providing the background to the housing requirement set out within the draft WCS. It is, however, recognised that the WCS is still under formal examination, albeit expecting to conclude on 19<sup>th</sup> July, with potential adoption date of Autumn 2013. Para 216 of the NPPF states that weight can be afforded to emerging policies according to how advanced in the process the plan is, the consistency of the plan with the NPPF and the extent of unresolved objections.

The spatial strategy (core policy 1 and core policy 2) sets the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. Core policy 3 seeks to ensure that infrastructure is delivered alongside development.

Within the WCS, Calne is identified as a market town with the ability to support sustainable patterns of living and the potential for significant development where that development enhances services and facilities and promotes better levels of self containment (core policy 1).

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development outside these limits should be brought forward through a community led planning document which identifies specific sites for development. The area strategy for Calne strengthens the need for housing growth to be carefully balanced with job creation and town centre improvement. Furthermore development should be phased to ensure infrastructure and employment provision supports the development of the town (para 5.40).

Core policy 8 identifies the level of housing growth appropriate for Calne and does not identify a specific strategic housing site to provide this growth. Instead sites should come forward through a community led planning document.

## **7. Consultations**

### Calne Town Council –

*“Members strongly objected to this application on the following planning grounds; The proposed development is outside the local development framework boundary. The proposal is in contravention of Local Plan 2011; Housing Topic Area H4 (i) and (ii) and Core Policy C2. Members felt strongly that there is insufficient infrastructure in place to support a development of this scale and nature. Members had huge concerns over the proposed access in and out of the development and the impact the increased traffic will have on an already overloaded road network (Core Policy C3 (viii))”*

### Calne Without Parish Council –

*“...the design approach is wrong considering that the proposed open spaces should be on the side of the site nearest the school playing areas. There are also concerns on the longer term ownership of these spaces and the possibility of future development. Council consider there are significant constraints that are not being addressed, particularly with access, to and from the site, which is proposed through the existing housing and to Stockley Lane. The roads of the current housing are narrow with much on road parking. The proposed new road is close to the bend in Stockley Lane that is already an area of highway pressure. Additional traffic from the housing and the vehicles and visiting traffic to the care home will only add pressure to the existing roadways. Are they capable of supporting the increased traffic? Increased traffic will either turn left to further log jam Calne or travel through Calne through the very narrow roads of Blacklands to the A4 and/or Devizes. It would also be beneficial for the proposed housing on this side and far from Calne centre to include shops and additional facilities such as Doctor’s surgery. Unfortunately this is yet another proposed development in the Calne area prior to any agreed Neighbourhood Plan. Calne Without Parish Council is therefore not in favour of the proposed development due to the concerns highlighted.”*

Hedddington Parish Council –

*“...wish to record an objection to the proposal on the grounds of the adverse impact it is believed the proposal will have upon the already poorly maintained and inadequate lanes that are currently used as rat-runs on the following routes: Sandy Lane/Hedddington Common/Broads Green/Stockley; Sandy Lane/Hedddington/Stockley; Whetham/Broads Green/Stockley. The daily use of these rat-runs has increased considerably over past two years as a means of avoiding increasing delays and congestion on the A4 through Calne. It follows that the new residents of the proposed development would use the same routes.”*

Spatial Planning Officer –

Recommends that the application be refused planning permission. Comments form basis of “Principle of Development” section below.

Highway Officer –

*“The TA supporting the application identifies that the site is poorly provided for in terms of proximity to local facilities, services and employment. However, the site is reasonably provided for in terms of local footpaths and footways, facilitating journeys on foot. Dedicated cycle provision is locally poor, despite Stockley Lane forming part of the Sustrans and Wiltshire cycle network, and only provides for leisure trips.*

*Bus services for the site have an uncertain future, with consultation on local routes in the area due to be consulted upon later this year. There can be no guarantee that the bus stops in Fairway and The Rise will be maintained at their current level of service. Because the site is not particularly accessible, it is essential that local bus services are protected; a planning obligation is required to secure funding for a satisfactory level of provision in this regard, for at least 5 years.*

*Existing traffic levels on Stockley Lane are currently modest; the development is forecast to increase flows by 33% in 2017 at the A4 end of the road.*

*The junction of Stockley Lane with the A4 is of a poor standard. Visibility to the left is sub-standard, and visibility to the right can be obstructed by vehicles parking on the roadside verge, which has recently been hardened to reduce verge damage. Capacity is not an issue at this junction, but potential delays caused by right turning traffic can be expected to increase. Facilities for pedestrians needing to cross the A4 in this vicinity are poor, although both uncontrolled and controlled crossing points are available in the vicinity of the footpath link from The Rise. A remodelling of the junction is required, together with measures to prevent parking within the visibility splay.*

*The site is proposed to be accessed at two points. The Stockley Lane junction access is acceptable in principle. The proposed access to The Rise is presented to be for emergency vehicles only, unless a bus service is identified that would pass through the site. There appears to be no reason why The Rise should not be used as an alternative access to the site on a limited basis; it would be a less attractive route than via the Stockley Lane access, and would therefore present only limited additional traffic to The Rise. If it is open to limited traffic it will allow greater local accessibility, and enable a more efficient servicing arrangement, providing time and cost savings to providers such as the postal services and refuse collection services.*

*The TA identifies that local footpaths might be improved to provide reduced journey lengths for prospective residents/employees. In particular, it would appear an improved link to the John Bentley School and leisure centre would improve site accessibility. There is evidence of pedestrian demand on the existing verge to the south of the proposed access to Stockley Lane; this is required to be paved.*

*The accesses to the dementia care facilities are acceptable, but the turning space provided for refuse collection is very tight and would benefit from a minor redesign of the access area.*

*It is unclear what parts of the site access are intended to be addressed under reserved matters. I have assumed that detailed permission is sought in relation to the access to Stockley Lane as far as the western boundary of the dementia facility, including the facility, and that means of access for the remainder of the site seeks detailed permission for access from an extension of that access road and a connection to The Rise.*

*I am not clear as to what the masterplan for the outline part of the site intends in respect of road hierarchy and prospectively maintainable highways. The TA refers to much of the site as 'private drives' and 'green lanes', both providing for access to refuse vehicles and operating as shared surfaces. The D&A Statement expands on this, but is not clear how the roads will operate, nor is any vehicle swept path analysis offered to demonstrate that the roads would be adequately sized. It also states that lighting will be reduced on the 'green lanes' and 'private drives' but does not acknowledge British Standards requirements.*

*I recommend the following:-*

*No objection subject to planning conditions and a planning obligation to secure:*

- A financial contribution to secure bus services to serve the site for at least five years*
- A commitment to provide or assist with the upgrade access between the site and the John Bentley School/Leisure Centre.*
- A surfaced footway on Stockley Lane south of the proposed site access.*
- and the following conditions:*
- Improvements of Stockley Lane junction with A4"*

Environmental Health Officer –

No objections subject to the imposition of planning conditions.

Council Leisure and Amenity Officer (public open space) – (Extracts from full response):

*Open space and play provision*

*"In order to make the development acceptable in planning terms, the proposed development has a Public Open Space requirement of 8160m<sup>2</sup>, of which 735m<sup>2</sup> should be play provision. Whilst an exact figure has not been provided, the Illustrative site layout plan (1111/04) shows an area of Open Space far in excess of the planning requirement. Conclusion: In accordance with the current Local Plan there would be sufficient Open Space provided as part of this development*

*The Illustrative site layout plan (1111/04) shows a play area on the formal Open Space. There is no indication as to the size of the play area or confirmation that it will be equipped. As submitted the proposals do not satisfy the play element of CF3. Conclusion: In accordance with the current Local Plan the proposed development would generate a requirement for Play, this has not been satisfied under the current proposals*

*The developer must ensure the Open Space land is secured as Open Space in perpetuity. The developer has indicated that the land will be transferred to a management company. This would be acceptable, although it is the Council's preferred option for Open Space to be transferred into public ownership. Conclusion: The Open Space must be secured as Open Space in perpetuity; preferably the land will be transferred into Public ownership*

#### *Playing pitch*

*Playing Pitch provision comes under the category of Leisure, Sport and Recreation in accordance with Policy C2 of the Local Plan, therefore the contribution is necessary to make the development acceptable in planning terms. Marden Farm will generate an additional 125 dwellings. Using an average of 2.3 persons per dwelling, the development generates a requirement for 3478.75m<sup>2</sup> of playing pitch provision.*

*The cost of providing Sports Pitches is £9.49 per m<sup>2</sup>. This is based on figures from the current Sport England Guidance. £9.49 × 3478.75m<sup>2</sup> = £33,013. This money would be used to upgrade facilities at Stanley Park, Chippenham. Conclusion: In order for the development to be acceptable in planning terms, a contribution of £33,013 for playing Pitch Provision will be sought*

#### *Cemeteries*

*Environment Services have received a request from Calne Town Council to seek a contribution for a cemetery extension in association with this development. Cemeteries come under the category of community facilities, in accordance with Policy C2 of the Local Plan, therefore the contribution is necessary to make the development acceptable in planning terms. All residents of the Parish of Calne are entitled to be buried within the Parish. This will apply to the residents of the Marden Farm development. The population in Calne is currently around 16,500 and Calne Cemetery is almost at capacity. The cost for providing new cemetery space is £41.65 per m<sup>2</sup> (based on SPONS external works and landscaping book) 80m<sup>2</sup> × £41.65 per m<sup>2</sup> = £6,122.55. Conclusion: in order to mitigate the effect of the proposed development a contribution of £6,155.55 towards expanding Calne Cemetery is required.”*

NOTE: The Leisure and Amenity Officer has confirmed that the above, and any identified deficiency in the scheme as submitted, may be addressed through appropriate clauses with a legal agreement under s106 of The Act.

#### Council Housing Enabling Officer

*“This site is not within the current local plan, therefore the emerging draft core strategy policies will apply as follows;*

*Core Policy 43 and Core Policy 45 apply to this proposal. Affordable housing provision of 40% will be provided on sites of 5 or more dwellings at nil subsidy subject to housing need. “*

NOTE: Discussions have been undertaken with the developer regarding the delivery of extra care accommodation on the site, so as to meet locally identified housing needs. Agreement to the principle of such delivery has been reached with the applicant and in the event of a grant of planning permission, should form part of the Heads of Terms to any associated agreement under s106 of The Act.

Council Ecologist –

*“Although there are several ecological constraints to the development of this site (including bats, great crested newt, breeding birds, hedgerows, mature hedges with trees and waterbodies) the applicant has submitted a very robust ecological assessment, and I agree with its findings and recommendations. All valuable ecological receptors have been identified and the illustrative design appears to respect most of these where possible, although some impacts will be unavoidable and a wide range of ecological mitigation and enhancement measures are also proposed, while full details and implementation could be secured through a landscape and Ecological Management Plan for the site. Given the impacts upon European Protected Species (bats and great crested newt) I have also carried out a 'three tests' judgement...*

*...I am satisfied that the application could now be determined in accordance with Wiltshire Council's responsibilities under the Habitats Regulations. I therefore have no objection to the application, subject to securing the submission, approval and implementation of a Landscape and Ecological Management Plan for the entire site through a suitably worded condition.”*

Council Urban Design Officer –

Following an iterative series of meetings a revisions to the submitted Masterplan and Design and Access document, the Urban Design Officer is satisfied that all concerns have been addressed. No objection to the proposal is therefore raised.

Council Landscape Officer -

*“The CRoW Act 2000, under section 85 (1) places a duty on public bodies that, “In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

*It is my view that the submitted Landscape appraisal has sufficiently evaluated the potential for resulting effects on views to and from the North Wessex Downs AONB and also the potential for proposed development to effect the setting of the AONB. In my opinion, the appraisal's assessed effects are reasoned and accurate in this regard.*

*Generally I concur with the summary and conclusions contained in the submitted LVA, section 7.0 (7.10 to 7.16, Pages 38-39).*

*The LVA & LS includes a description of the Development Proposals in section 5 and outlines the Landscape Strategy which forms an integral part of the development Master Plan. The development strategy states that the proposals have been fundamentally guided by the findings of the LVA and the principal constraints & opportunities identified on Plan 4. The Landscape Strategy lists 'principal objectives' to guide successful integration of new development into the receiving landscape context and states the details illustrated on Plan 5 are “intended to form the basis for a detailed reserved matters application following planning consent”.*

*If the LPA are minded to grant consent, then it will be important for local and wider landscape interests, to ensure these identified 'principle objectives' are carried forward within any subsequent reserved matters application/s. I recommend the LPA should secure this within the scope of carefully worded planning condition.*

*The strategy also identifies the opportunity for implementation of tree planting in the larger outlying areas of proposed open space that are remote from the built development areas, either ahead of, or within the first phase of development. I support this approach as a positive opportunity, and see no reason why this should not be secured by a planning condition, as this will help achieve some*



*of the longer mitigating screening benefits and wider landscape integration to be realised much earlier.*

*Conclusion: I raise no policy reason/s which would result in a recommendation to support a landscape reason for refusal."*

Council Archaeologist –

*"I would advise there is a need here for archaeological evaluation to be undertaken prior to the determination of any planning application on this site. Depending on what is found during the evaluation, there may also be the subsequent need for further archaeological work to be done by condition.*

*I would recommend it should be collected via an archaeological evaluation by geophysical survey and/or trial-trenching, undertaken and reported on before this application is determined. The work must be carried out by a professional, qualified archaeologist, according to a brief set out by this office. The cost of such works will fall to the applicant."*

Council Education Officer – (extracts from full response)

*"The proposed development generates a need for 34 primary and 24 secondary places, based upon 125 units = 87 open market (less 5 being demolished), and 38 affordable units to which our standard 30% discount applies, reducing them by 11 units. Taken together, this gives me 109 qualifying properties for assessment. I am unable to make any exclusions for one bed properties as no detailed housing mix has been supplied. The designated area schools here are Priestley Primary and John Bentley at secondary level.*

*This assessment is specific to the planning application submitted, and so any changes to housing number or mix e.g. the inclusion of one bed units, will necessitate a new assessment. The required contribution is to be secured by way of an S106 agreement to which standard payment terms will apply. In this case, they will include payment phased 50% upon or prior to commencement of development on site, and the remaining 50% at the midway point of construction i.e. before commencement of construction of the 63<sup>rd</sup> housing unit.*

*The cost multiplier quoted is valid on S106s signed up until the end of the current financial year, as per our current Policy. It is therefore unlikely that an agreement regarding this development will reach signature and engrossment by 31 March. In line with best practice, the multipliers will be reviewed for the 2013/14 financial year, and they will apply to any agreements sealed from 1 April 2013 onwards. There is likely therefore to be a change in the sum quoted as the total contribution required, above. "*

Environment Agency –

No objections subject to conditions.

Highway Agency –

*"From the information supplied in your letter, we are content that the proposals will not have any detrimental effect on the Strategic Road Network. On this basis, we offer no objections to the application."*

**8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

157 letters in total received in response to publicity. 156 of which were in objection to the scheme, including those letters from the CPRE. Summary of key relevant points raised:

- Highway safety would be compromised by additional traffic
- Already a traffic problem in and around this part of Calne, which this proposal would exacerbate
- Traffic likely to turn right out of development and use lanes to travel towards Chippenham, Devizes and Melksham
- Junction between Stockley Lane and A4 cannot cope with additional traffic
- Poor visibility at point of access onto Stockley Lane (especially looking right when egressing from site)
- Doubt that there enough local need for a dementia care scheme of this scale
- Noise and disruption from construction phase
- Overlooking into back gardens of houses on Fairway
- Building would take place on Greenfield land
- Calne does not need more housing - recent permissions for 100s of houses
- Impact upon local drainage and flooding
- Impact upon ecology of site
- Noise and disturbance from vehicles accessing the site and the car park/deliveries of nursing home have an adverse impact upon properties at Fairway and The Knowle
- Nursing home buildings out of keeping with locality
- Nursing home too large to deliver personalised and social care – not a realistic model for care and would fail government and CQC requirements for such.

## 9. Planning Considerations

### Principle of C3 residential development (the outline element of the application)

In considering planning applications, Section 38(6) of the Planning and Compulsory Purchase Act states that:

*“determination[s] must be made in accordance with the plan unless material considerations indicate otherwise”.*

The adopted North Wiltshire Local Plan 2011 (NWLP) comprises the lawful development plan. Policy H4 of the adopted NWLP 2011 controls new residential development in the open countryside. Outside of the Settlement Framework Boundaries defined within the plan, residential development is strictly controlled and only permitted if in connection with the essential needs of agriculture or forestry, or it is a replacement dwelling. The C3 residential element of the proposal under consideration is neither.

Since the proposal is outside of the Settlement Framework Boundary of Calne and is, by definition, therefore development in the open countryside, the C3 residential element of the proposed development must be considered contrary to policy H4 of the North Wiltshire Local Plan, the statutory Development Plan.

Emerging policy within the Wiltshire Core Strategy (WCS) is a material planning consideration with some weight. Core Policy 2 sets out the broad delivery strategy for development defining the limits of development and confirming that development outside of those limits will only be permitted to take place where brought forward through a community led planning document. This proposal is not being brought forward in this way, thereby failing the requirements of this policy.

Core Policy 8 of the WCS sets out the Calne spatial strategy. It confirms Calne as the Market Town in the Community Area. It also confirms that no strategic housing sites allocated in Calne. The proposal would be contrary to the strategy set out by this policy.

#### Principle of C2 care home (the full planning application element of the application)

The adopted NWLP 2011 does not explicitly carry a policy relating to nursing accommodation (usually regarded as a C2 use class – “residential institutions”). Nevertheless, Policy H7 relating to affordable housing and Policy CF1 relating to community facilities are considered analogous and do both envisage respective development being, in principle, acceptable on sites that lay outside of, but adjoining, the Settlement Framework Boundary of towns and villages. Such development must not raise unacceptable impacts or fail the provisions of other policies within the development plan.

The WCS recognises that Wiltshire has an ageing population and encourages the care of the elderly within their local community (para 6.51). WCS core policy 46 relates to meeting the needs of Wiltshire’s vulnerable and older people and allows for specialist accommodation outside of but adjacent to the defined limits of development in exceptional circumstances (ie where there is evidence of genuine local need, environmental considerations are not compromised, facilities and services are accessible and the scale and nature of the proposal is appropriate to the settlement). The dementia care beds and the palliative unit would fall into this category of accommodation.

#### Presumption in favour of sustainable development

The National Planning Policy Framework (NPPF) introduces the presumption in favour of sustainable development at paragraph 14 as a ‘golden thread’ running through plan making and decision taking. In this context, there are two main considerations in relation to what constitutes sustainable development in Calne:

- i. Is Calne as a whole considered to be a sustainable location for development in the context of Wiltshire and
- ii. Is this specific site considered to be sustainable development in the context of Calne?

In the NWLP and the emerging WCS, Calne is identified as a market town where there is a concentration of services and facilities and where development is appropriate to support its role and function. It is, therefore, identified as one of the communities capable of promoting sustainable development in the context of Wiltshire.

It is also necessary to consider the nature of development. The emerging WCS recognises that reducing levels of out commuting from many of Wiltshire’s settlements is perhaps the most important strategic challenge for Wiltshire (para 2.7, WCS) and includes in its spatial vision *‘market towns and service centres will have become more self contained and supported by the necessary infrastructure. With a consequent reduction in the need to travel.’* (p15, WCS). The strategy for Calne aims to *‘maintain the economic base in the town with mixed growth of employment alongside housing, thus improving the self containment of the settlement.’* (para 5.41 WCS). There is concern that Calne is growing in a manner that does not match a growth in the economic base of Calne with housing growth which could lead to greater out commuting.

Evidence supporting the WCS concludes that Calne has a low level of economic self containment and therefore many residents travel out of Calne for work. It is a location that has a weaker employment market than its neighbours (eg Devizes and Chippenham) and does not attract a lot of inward investment. Areas within Calne are also identified as in the lowest 20% in England in

relation to both income and employment deprivation (Source: Indices of Multiple Deprivation 2010). Into this economic environment there have been two recent appeal decisions that will introduce a further 354 homes to Calne without accompanying employment investment. This application will introduce a further 125 homes. In combination it is considered that these developments will lead to further out commuting and reinforce the growing 'dormitory' nature of the town. This application does not, therefore, sustain or enhance the town's role but will have a potentially negative effect on levels of commuting.

Furthermore there is concern that local infrastructure will not be in place to support this level of growth. Policy C2 of the NWLP and Policy CP3 of the WCS require that infrastructure is in place to support new development. The WCS policy is supported by a draft Infrastructure Delivery Plan, with specific requirements identified for Calne based on the levels of growth proposed in the Calne area strategy. The cumulative impact of this application and those recently approved needs to be assessed to ensure that local service and community infrastructure can support the development. For example, the draft Wiltshire Infrastructure Delivery Plan (IDP) identifies a need for additional GP provision (which, it must be acknowledged, was identified as an issue without a 75 bed dementia care unit in the town). Additionally it is not clear what a housing provision over and above that anticipated in the IDP may have on schools (a further 125 homes would result in around 100 homes over the minimum proposed in the WCS) Bringing forward large sites, in excess of the WCS draft requirements, in this unplanned way could have a significant impact on local infrastructure.

Although the proposal is at a settlement considered in planning policy to be sustainable in the context of Wiltshire, this site is not considered to be sustainable development in terms of its potential impact on the strategy to seek to improve the self containment Calne and because of the potential impact on local infrastructure. Proposals of a strategic nature should come forward through a community led planning document to ensure all the implications of expanding Calne can be considered and equivalent economic growth encouraged to balance housing growth.

#### Housing requirement and 5 year land supply

At paragraph 47 of the NPPF, the LPA is required to '*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*', to provide 5 years worth of sites against local targets and plan for a mix of housing. The provision of a 5 year supply of housing is therefore a material consideration in the appraisal of this application.

In relation to the adopted development plan the Council can clearly demonstrate a 5 year supply of housing against WSSP requirements to 2016, although it is accepted that these housing requirements are out of date. (Housing Land Supply Statement 2012.)

The WCS, supported by Topic Paper 15 on the housing requirement, provides more up-to-date local evidence of housing need in Wiltshire and currently being examined (examination due to be completed 19<sup>th</sup> July 2013). It is anticipated that the plan could be adopted by the end of 2013 or at least the Inspectors report received. Against these targets, including the sites proposed for allocation in the WCS, the Council consider there is a 5 year supply of housing in Wiltshire.

Furthermore, the Council also consider that there is a 5 year supply of housing when assessed against the requirements of the (now revoked) draft RSS, although the Council do not consider that this forms the requirement against which the land supply assessment should be undertaken.

All recent appeal decisions have acknowledged that assessing 5 year supply of housing is at a snapshot in time. There have been decisions in the north Wiltshire area since April 2012 that have increased the supply of housing considerably (1000+ homes).

In addition to the above, the NPPF requires a consideration of the historic delivery of housing at a town and community area level so as to inform future supply projections. At April 2012, both Calne as the Market Town ( at 97%) and Calne Community Area (at 93%) the vast majority of the housing requirement has already been identified (assuming that the 354 dwellings granted on appeal in 2012 are developable within the plan period) and so there is considered to be no requirement to identify additional sites at present to maintain a continuous supply. The WCS presents the housing requirement as 'at least' figures. However, the proposed changes clarify when it is appropriate for the requirement to be exceeded (proposed change 16 to para 4.28).

- Recent decisions

Dating from July 2012, two appeal decisions for housing proposals at Calne (200 dwelling at Land off Oxford Street APP/Y3940/A/12/2169716 & 200 dwellings at Land off Silver Street APP/Y3940/A/12/2171106) were allowed, the Inspector concluding that the Council did not at that time have a 5 years supply of deliverable housing and that there were no adverse impacts that would outweigh the benefits of providing the market and affordable housing being proposed. Those permitted developments in themselves adding to the supply for Calne, the Council's Spatial Planning Team do continue to consider that a sufficient land supply can now be demonstrated. Indeed it is the case that additional evidence was presented to the WCS Public Examination to demonstrate the delivery of the Strategic Sites is viable within the next 5 years (NOTE: the Calne Community Area scheduled to be considered at the WCS Hearings on 16<sup>th</sup> July).

Although a little older, the appeal decision at Sandpit Road, Calne (appeal Ref: APP/Y3940/A/09/2108716) from 2010 does assess the relative merits of an "aggregated" or "disaggregated" approach to housing land supply. Concluding that validity of differentiating the situation with regards to supply in the NW area, outside of the West of Swindon locality, the Inspector nonetheless concluded that the land supply issue was such that para.52 of PPS3 (the then in force planning guidance on housing) would be enacted. It should be noted that both PPS£ and the draft Regional Spatial Strategy, upon which the Inspector was basing their conclusions have now been revoked.

Dating from March 2012, the Inspector considering the land at Park Road, Malmesbury site (77 dwellings, appeal ref: APP/Y3940/A/11/2159115) confirmed that the Council could demonstrate a 5 year supply of deliverable housing within the North and West Housing Market area (within which Calne sits). In that context, the proposal was considered to be contrary to development plan policy regarding development in the countryside and the factors which weighed in favour of the proposals were not considered sufficient to overcome the policy presumption against the development.

The site at Filands, Malmesbury is the subject of an appealed refusal to grant planning permission for 177 dwellings (appeal ref: APP/Y3940/A/2183526). The existence of a 5 years land supply for housing (thereby rendering the development contrary to the Development Plan) was used by the Council as a reason to refuse planning permission. Whilst a decision notice has been issued by the Planning Inspectorate, it was done so in error and was subsequently withdrawn on 19<sup>th</sup> March 2012. The situation is currently the subject of a High Court Challenge by the appellant.

### Prematurity and Neighbourhood Planning

The Localism Act 2011 introduced significant changes to the planning system. The development plan now comprises local plans and at a lower tier, neighbourhood plans. The opportunity for local communities to have greater control over development in their area through neighbourhood planning is, therefore, now established. The NPPF reflects the Localism Act 2011 and empowers local communities to develop neighbourhood plans (paragraphs 183-184).

Once adopted, neighbourhood plans become part of the statutory development plan and should be given full weight in accordance with the NPPF. Communities are able to identify sites for growth within neighbourhood plans and to embrace localism. Wiltshire Council took this opportunity to enable communities to identify 'non-strategic' sites for development through neighbourhood plans, as outlined above in Core Policy 2. This approach was introduced in the Wiltshire Core Strategy Consultation Document 2011.

As previously identified, no specific sites are allocated at Calne (Core Policy 8). Instead, it is envisaged that sites will be identified through a community led planning document (Core Policy 2). Work has indeed commenced on such a community led planning initiative. In 2012 the town council produced a 'Vision and Scoping Report' which identified a number of key projects for the town. Consultation on the findings of the 'Vision and Scoping Report' took place during the winter 2012. Workshops have been held in January 2013 to discuss how to deliver the objectives of the vision and scoping report and there is commitment from the community to producing:

- i. Town centre master plan
- ii. Renewable energy scheme as part of a front-runner funded Neighbourhood Development Order (NDO), with an established steering group
- iii. Neighbourhood plan to address wider housing and employment issues
- iv. Regeneration plan for Porte Marsh industrial estate.

Whilst work on a community led plan has progressed since the recent housing appeals in Calne in July 2012 (Land off Oxford Street appeal ref: APP/Y3940/A/12/2169716 & Land off Silver Street appeal ref: APP/Y3940/A/12/2171106), it does, however, remain embryonic. Critically, it has not been scrutinised or adopted as part of the development plan. Whilst the Council's Spatial Planning Team remain rightly concerned that to grant planning permission for the proposed development could undermine the momentum gained in Calne to produce a neighbourhood plan, but as recent appeal decisions elsewhere in the administrative area have demonstrated (most particularly in Malmesbury), at this stage, little weight can be attached to such community led plan as a document or process.

#### Meeting local housing needs

- Dementia care home

The application is submitted in hybrid format, with the nursing home element of the proposal seeking full planning permission. It comprises a 75 bed specialist dementia care home, complete with 10 bed palliative care unit. Albeit with covered linking corridors, the care home is to be substantively separated into four single storey buildings, each with communal areas but one of which forming the palliative care unit and services.

The Council's Adult Social Care Team recognises the aging population of Wiltshire (Calne being no exception) and the corporate need to address the issues that naturally follow. In broadly welcoming the principle of a development which seeks to meet that need, caution is raised in two respects. Firstly, as a private enterprise, there is no guarantee that the proposed care home would meet the needs of local population; rather, it being likely that residents would derive from anywhere in the country and only a proportion of the bed spaces being taken by local residents. Secondly, the scale and operating model is not one that the Council regard as necessarily fitting local circumstances or market, the Council's own models for providing such accommodation preferring complexes of smaller numbers of bedrooms.

Indeed on this second point, the Council's 'Wiltshire's Older People Accommodation Development Strategy' suggests that local need would not necessarily support a care facility of this scale.

Nevertheless, the Adult Social Care Team recognise that whilst not the Council's own preference for providing such facilities, the joint applicant (N Notaro Homes Ltd) is an established provider of such care and will have undertaken their own market investigations based on their own operating model. As such there is not believed to be a reason to dispute this aspect of the application in the context of a form of development that renders an early "conversion" to C3 residential unlikely.

In relation to access to services and facilities (as required by Policy CP46 of the WCS), the site is reasonable related to the centre of Calne where the majority of services are provided with a bus stop on the A4. This policy is in line with advice in NPPF at para 50 which requires LPAs to '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community*'

It should be noted that this element of the application would result in the delivery of employment opportunities to Calne (estimated by the application to be 109 FTEs). This should be regarded as a positive material consideration in the context of the NPPF, which confirms the contribution played by a strong, responsive and competitive economy in the definition of sustainable development.

- Affordable housing

Ostensibly the applicant seeks support for their application from the emerging WCS. In this context, Core Policy 43 and Core Policy 45 of the WCS must apply to this proposal, whereby affordable housing provision of 40% will be provided on sites of 5 or more dwellings at nil subsidy subject to housing need. This would equate to 50 of the dwellinghouses, if the entire 125 dwellings being proposed were to be built.

Iterative discussions have been undertaken with the developer regarding the delivery of extra care accommodation on the site as part of the affordable housing requirement, so as to meet locally identified housing needs. Agreement to the principle of such delivery has been reached with the applicant (letter from Gleeson Strategic Land, dated 8<sup>th</sup> July) and in the event of a grant of planning permission, should form part of the Heads of Terms to any associated agreement under s106 of The Act.

### Design, layout and landscaping

The NPPF (Section 7) attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The guidance also states that permission should be refused for development of poor quality that fails to take into account the opportunities available for improving the character and quality of an area and the way it functions.

- Detailed element of submission - nursing home

The nursing home element of the application is submitted in detailed application form. A view should therefore be formed as to the acceptability of this aspect of the proposal on the basis of the plans as submitted. With a combined footprint of 5,275m<sup>2</sup>, the nursing home takes the form of four separated single storey buildings (albeit with corridor links), set in a crescent like pattern within a landscaped garden area. A central parking area for 40 spaces (plus cycle parking) nestles in a central position between, accessed from the main access road leading to Stockley Lane. The building themselves are of a nuanced design with low-slung pitched roof (providing a ridges and eaves height of some 5.9m and 2.8m, respectively) complete with raised clerestory style lights and a mixed aluminium/sedum covering. The walls are to be a mix of timber cladding and a buff coloured brick.

The Council's Urban Design Officer has confirmed his general satisfaction with this aspect of the proposal. In large part, this is due to the applicant's deliberate choice of the Eastern part of the

wider Marden Farm site, as the topographic low point, being most suitable to accommodate the largest buildings. The potential visual impact of the building on the wider landscape from its stepped siting on the lower slope of the site (which falls away from roughly east round to the south).

To further aid integration into the landscape, the aluminium roof, all associated fixtures, and external wall facings could reasonably be the subject of a suitably worded planning condition, specifying a non reflective finish, and not overly light, dark, or bright in colour to ensure the building does not unduly stand out in the wider landscape and where it may be seen on the skyline. This suggests a mid grey colour roof finish and weathered silver grey timber wall cladding and for the window frames/panes of the significant areas of high level clerestory glazing to reduce light reflectance from the sun path, for example the device of angling the window frames/panes slightly off vertical. Equally, measures to mitigate potential light pollution from internal lighting through the high level glazing could also be addressed via a planning condition.

The selection of plant species/colours for the sedum roof should aim to merge the roof into the landscape and seek to avoid the prominent red bloom that has been experienced on other developments.

- Outline element of submission – C3 residential

The outline element of the submission seeks permission for up to 125 dwellings, complete with all associated infrastructure. The accompanying Design and Access Statement states that a mix of detached, semi-detached and terraced dwellings would be predominantly 2 storey in height, relying upon a limited palette of locally sourced materials but with “detailing design to promote identity” (p.50). The layout would be arranged with a hierarchical street pattern (designated as “Main Street”, “Green Edges”, “Private Drives” and “Courtyards” p.38-42) of descending roadway widths and formality, the “Green Lane” and “Private Drives” envisaged as a shared use type surface. A corresponding gradation of density of development would follow the same pattern, with “Main Street” following the principle routes into the development being the highest density on the site, the “Green Lanes” area, feathering the western edge of the public open space, envisaged as the lowest.

The Illustrative masterplan when considered in conjunction with the concepts and principles set out within the Design and Access Statement, is considered to demonstrate that a development of the quantum proposed can in principle be accommodated on the site. Precisely the purpose of an outline submission, where all matters relating to layout, landscaping, appearance and scale are reserved for later consideration.

A series of iterative meetings has taken place between the Council’s Urban Design Officer and the applicant, so as to develop agreed themes and principles that should be taken account of with any future Reserved Matters submission. Matters discussed ranging from the intangible (but no less important), such as the need to deliver a feel and character to the development through the articulation and expression of built form, spaces, legibility and the linkages between them, to the rather more prosaic, such as car parking, private garden and external storage space. Those meeting have resulted in supplementary design information being submitted to the satisfaction of the Council’s Urban Design Officer.

Initial concerns regarding the amount of public open space proposed to be delivered within the application site (variously labelled as play areas, formal parkland, informal parkland, informal meadows and community orchard) have been balanced by a recognition as to its purpose. Whilst the quantum of development would not justify the amount of public open space shown (when considered against adopted NWLP policy), it is synonymous with the most elevated part of the site, and therefore it is integral to the success of the scheme that it remains free from development. Of course, the fear that elements of the open space could at some point become a second phase of development remains present, but it must be conceded that, even if the land were somehow excluded from the development site entirely, that fear would remain. The grant of a permission that confirms the land’s designation as public open space (or similar) at least



provides a degree of security, particularly if the land were to be transferred to Council ownership or a private management company made up of the new residents.

- Impact on landscape

Although well defined by landscaped boundaries, the site is nevertheless on the periphery of Calne, and is visible from elevated ground, most notably at Cherhill. Whilst likely impossible that absolutely no views will be had of such a large development from the wider landscape, care has been taken by the developer to ensure the most elevated parts of the site have been avoided altogether. The position and extent of public open space not being accidental, since it forms the most elevated part of the site. Similarly, the position of the nursing home buildings is the topographic low point.

The submitted Landscape Visual Assessment (LVA) and Strategy documents, form an integral part of the development Master Plan. The development strategy as a whole states that the proposals have been fundamentally guided by the findings of the LVA and the principal constraints & opportunities identified on Plan 4. The strategy also identifies the opportunity for implementation of tree planting in the larger outlying areas of proposed open space that are remote from the built development areas, either ahead of, or within the first phase of development. This approach is supported as a positive opportunity, and could be secured by a planning condition, as this will help achieve some of the longer mitigating screening benefits and wider landscape integration to be realised much earlier. The Council's Landscape Planning Officer is satisfied with its conclusions and outcomes of the LVA and landscape Strategy.

The Landscape Planning Officer advises that, in the event of planning permission being granted, it would be reasonable and necessary for the identified 'principle objectives' of the LVA are carried forward within any subsequent reserved matters applications and therefore should be the subject of carefully worded planning conditions. There is no reason to disagree with this suggestion.

#### Access and highway issues

- Accessibility

Whilst some distance from the town centre of Calne, both the Council's Highway and Spatial Planning Officers agree that the site is reasonably provided for in terms of local connectivity to services and facilities by means other than by the private car. There is no reason to diverge from this view. In contrast, however, the Highway Officer does note that bus services for the site do have an uncertain future, with consultation on local routes in the area due to be consulted upon later this year. There can be no guarantee that existing bus stops in Fairway and The Rise will be maintained at their current level of service. In the event of planning permission being granted, the Highway Officer advises that a planning obligation would be required to secure funding for a satisfactory bus connection, for at least a 5 year timeframe.

The TA identifies that local footpaths might be improved to provide reduced journey lengths for prospective residents/employees. In particular, it would appear an improved link to the John Bentley School and leisure centre would improve site accessibility. The Highway Officer confirm his opinion that the existing cross-field footpath route is unattractive and not well placed in relation to the development, with a better route being feasible at the side of the field and/or partly within the grounds of the school. In this respect, and as part of an associated agreement under s106 of The Act, it is considered reasonable to seek to secure a package of measures and commitments from the developer that would enable an improvement to this footpath link to the site.

- Stockley Lane/A4 junction

The Council's Highway Officer notes that existing traffic levels on Stockley Lane are currently modest; with the submitted Transport Assessment forecasting an increase flow by 33% in 2017 at the A4 end of the road. The junction of Stockley Lane with the A4 is known to be of a poor

standard. Visibility to the left is sub-standard, and visibility to the right can be obstructed by vehicles parking on the roadside verge, which has recently been hardened to reduce verge damage. Notwithstanding the concerns of local residents, the Highway Officer notes that capacity is not an issue at this junction, but potential delays caused by right turning traffic can be expected to increase. Whilst this may be an inconvenience, it is not thought by the Highway Officer to be a reason to refuse planning permission, and, whilst acknowledging the concerns of local residents, in the absence of actual evidence to the contrary, there is no reason to disagree.

Facilities for pedestrians needing to cross the A4 in the vicinity of the junction with Stockley Lane are poor, although both uncontrolled and controlled crossing points are available in the vicinity of the footpath link from The Rise. A remodelling of the junction is required, together with measures to prevent parking within the visibility splay. A scheme for this to be undertaken has been agreed in principle between the applicants and the Council's Highway Officer.

- Stockley Lane access

Turning to the intended method of vehicular access to the site. The application seeks to create a main new access onto Stockley Lane (to the East of the site, following the demolition of a dwelling fronting Stockley Lane, which is now under the control of the applicant), whilst retaining the existing road access to The Rise (to the Northern corner of the site), which would be for emergency vehicles only, unless a bus service is identified that would pass through the site.

A simple priority junction access to the site from Stockley Lane is proposed. The access road has a carriageway width of 6m and 6m radii to Stockley Lane. The carriageway width is sufficient to allow two large vehicles to pass each other and a vehicle swept path analysis has been undertaken by the applicant, which demonstrates that refuse and emergency vehicles can negotiate the junction safely. Either side of the proposed access road are 2m footways. The proposed northern footway links into the existing footway provision along the western side of Rookery Park. A further footway is proposed along the western verge of Stockley Lane between the proposed access and The Knowle to improve pedestrian access. The Highway Officer confirms that in his view The Stockley Lane access is acceptable in principle. Again, whilst the concerns of the neighbours are understood and sympathy must be expressed, in the absence of an evidence base to demonstrate the contrary, it would be unreasonable for the Council to withhold a planning permission on this basis.

Stockley Lane is subject to a 30mph speed limit in the vicinity of the proposed access, with the national speed limit change being located to the south of the bend in Stockley Lane. To an extent, the bend in Stockley Lane itself acts as a speed attenuation feature. For precisely the same reason, concerns have been raised by local residents regarding the safety of the access to the site from Stockley Lane, and in particular the "dog-leg" in the road restricting visibility to the right (toward Stockley/Heddington) when egressing from the site. Guidance in Manual for Streets requires splays of 2.4m X 43m for roads in 30mph speed limit areas, which Stockley Lane is. The actual available visibility in the southerly direction towards the bend is approaching 2.4m X 70m and thus significantly exceeds the minimum requirement.

The Highway Officer confirms that, in his view, the Stockley Lane access is acceptable in principle. As the acknowledged expert specifically employed by the Council to take a dispassionate view on such matters, the conclusions of the Highway Officer must also be the expressed position of the Council. Whilst the concerns of the neighbours are understood and sympathy must be expressed, in the absence of an evidence base to demonstrate the contrary, it would be unreasonable for the Council to withhold a planning permission on this basis.

- The Rise access

The Highway Officer confirms his view that there appears to be no reason why The Rise should not be used as an alternative access to the site on a limited basis. However, it is clear that the applicants have listened to the comments received during the community engagement undertaken prior to the submission of the planning application and that there is no intention by the applicant to

alter the proposition in this respect (ie. that it is to be used as a pedestrian access and for emergency purposes only). In this context, it is not thought necessary to insist that the access to The Rise be opened up to general use.

- Other matters

The Highway Officer expresses his desire for clarity over the masterplan for the outline part of the application in respect of road hierarchy and prospectively maintainable highways. The TA refers to much of the site as 'private drives' and 'green lanes', both providing for access to refuse vehicles and operating as shared surfaces. It should, however, be noted that the outline element of the application is submitted with all matters reserved (with the exception of access) and it is therefore possible for such matters to be the subject of separate consideration as part of any Reserved Matters submissions in respect of layout, appearance, landscaping and scale.

### Flooding and drainage

- Surface water

The application site is confirmed to be within Flood Zone 1 (low risk of flooding). The Environment Agency have agreed with this view. Due to the size of the application site, a Flood Risk Assessment has been undertaken and submitted with the application. The FRA establishes baseline conditions, run-off rates and devises a sustainable urban drainage solution to accommodate the proposed development.

At present, surface water runoff from the northern half of the site discharges in a north-easterly direction through the existing ditch network into the watercourse along the northern boundary. The ditch along the eastern boundary discharges into an existing 600mm diameter pipe under the site access and into the existing watercourse. An existing pond is located in the low-lying north-eastern corner of the site and overflows into the watercourse in times of heavy rainfall.

Surface water runoff in the southern half of the site discharges in a south-easterly direction via the existing ditch network into the existing 225mm diameter pipe which passes through The Knowle and discharges into an existing ditch running along the eastern edge of Stockley Lane. During the 1% annual probability flood event (the 1 in 100 year flood) the existing surface water discharge rate is estimated at 87.5 l/s into the northern watercourse, and 44.6 l/s into the existing 225 diameter pipe near The Knowle. At present these outfalls are freely discharging and unattenuated, and are possibly the cause of flooding issues reported by residents at The Knowle/Stockley Lane area.

As required by local and national policy, the proposed surface water drainage system for the entire development is to incorporate Sustainable Drainage Systems (SuDS) and limits the discharge to the existing greenfield discharge rate. A proposed reduction in discharge rates vs existing is required due to no infiltration drainage solution possible as the site geology is impermeable clay. At a macro level, the SuDS network is to consist of permeable paving, swales, cellular storage and attenuation ponds. The SuDS system will provide conveyance, surface water attenuation and surface water treatment via filtration through permeable paving and natural cleansing through vegetation and reeds within the swales and ponds prior to outfall. The proposed green SuDS (swales and ponds, the latter of which would not be dry-scrapes) would naturally enhance the natural habitats, as integrated into the ecological mitigation package. At a micro scale, rainwater harvesting is proposed via water butts in rear gardens to store rainwater for irrigation during dry spells reducing the demand on potable water.

The surface water drainage system will be designed to attenuate surface water runoff from the development onsite during the 1 in 100 year flood event, including a 30% increase to rainfall intensities so as to allow for the predicted impact of climate change over the next 100 years. The discharge rates will be limited to the existing greenfield rate, also offering over 50% reduction to existing 1 in 100 year discharge rates. Specifically, it is predicted that the northern catchment will

be limited to 32.8 l/s (vs existing 87.5 l/s) and the southern catchment will be limited to 15.2 l/s (vs existing 44.6 l/s) during the 1 in 100 year flood event. It is anticipated that the Council would assume future responsibility for the maintenance of the drainage system.

The concerns of local residents are understood, since intuitively, the loss of a predominantly Greenfield site to hard urban form will be perceived as leading to an increase to surface water run-off. However, it must be assumed that the system proposed and the calculations supplied will be both effective and accurate. In that context, it is therefore the case that the development will in fact offer a reduced level of flood risk offsite for flood events up to and including the 1 in 100 year flood event. The Environment Agency have indicated their satisfaction with the proposals and, in the absence of an evidenced argument to the contrary, it would be unreasonable to refuse planning permission on this issue.

- Foul water

With regard to Foul Drainage, due to the lack of evidence indicating an onsite pipe network, it is believed that foul effluent from the existing farm discharges into a septic tank which would require regular emptying by a tanker.

Foul effluent from the development will discharge via a Wessex Water adopted gravity sewer network, pumping station and rising main into Wessex Water's existing public sewer in 'The Rise' north-east of the site and connect under a Section 106 Water Industry Act agreement. Wessex Water has previously confirmed that a foul water capacity study will be required to establish whether any network improvement works are required to facilitate the development and any such improvements would be the responsibility of the developer. Agreement between the developer and Wessex Water will need to be reached under separate legislation, and as such there is no reason for a planning permission to be withheld.

### Ecology

Local Plan Policy NE9 states that planning permission will not be granted for development which would have an adverse effect on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 as amended by section 74 of the Countryside and Rights of Way Act 2000 or Schedule 2 of The Conservation (Natural Habitats) Regulations (1994) and Protection of Badgers Act 2000. Similarly, policy CP 50 of the Core Strategy seeks to protect and enhance nature conservation interests and biodiversity.

An Ecological Impact Assessment has been submitted in support of the application. The assessment confirms the site as improved/semi-improved grassland. Potential habitats identified were the hedgerows, three residential buildings, the central complex of agricultural buildings as well as various streams, ditches and ponds (most particularly to the northern part of the site). Several ecological constraints to the development of the site (including bats, great crested newt, breeding birds, hedgerows, mature hedges with trees and waterbodies) were identified.

Notwithstanding the constraints, the Council's Ecologist is of the opinion that the applicant has submitted a very robust ecological assessment. All valuable ecological receptors have been identified and the illustrative design appears to respect most, where possible, although some impacts will be unavoidable, a wide range of ecological mitigation and enhancement measures have been incorporated into the scheme (the timing of construction to avoid bird nesting season, hedgerow retention, reptile translocation and exclusion, bat boxes and house together with a "wildlife corridor" and ponds). Full details and implementation could be secured through a landscape and Ecological Management Plan for the site.

### Impact upon neighbour amenity

It is undeniable that existing residents looking out across the site will experience an abrupt and significant change to their view – from open fields to urban form. However, a change to an

existing outlook is simply that, and does not necessarily result in an unacceptably oppressive form of development, loss of amenity or, therefore, a reason to refuse planning permission.

Clearly the majority of the application is submitted in outline only, it being the case that the final layout, appearance, landscaping etc. will almost certainly be different from that shown on the submitted masterplan, as is allowed for under a Reserved Matters submission. Nevertheless, to a very large extent the masterplan does demonstrate that the amenities of existing residents at The Rise, Fairway and The Knowle, all of which back onto the site, are able to be protected by reasonable rear gardens and intervening landscaped space, out-buildings and boundary treatments, whilst simultaneously delivering an attractive development without encroaching upon the highest parts of the site, currently shown as being reserved for public open space and meadows.

Being the detailed portion of the submission, the impact of the nursing home is for immediate consideration. In most cases between some 20-30m, the degree of separation between the proposed buildings and the common boundaries of existing residential properties at The Knowle and Fairway does allow for the unacceptable impacts upon amenity (overlooking, oppressiveness and noise/disturbance) to be avoided. Given the intended occupants, the defined gardens associated with the nursing home are not likely to be generators of excessive noise – certainly no more than a typical domestic garden. Indeed, the single storey design (complete with sedum roof) of the building themselves, does allow for a respectful ridge and eaves height, further diminishing their likely impact. Fixed plant/air-conditioning etc., its positioning and design, could be controlled via planning condition.

The applicant has incorporated strengthened boundary treatments where the site adjoins existing properties (page 51 of Design and Access Statement), as well as a new 2.0m close boarded fence to Fairway, which in the event of planning permission being granted, could be the subject of a suitable worded planning condition.

The insertion of the new access to serve the entire site is, understandably, of great concern to the nearest neighbours. At some 6.0m (with 2.0m footways either side) in width, the access road is of a typical scale, but would of course be an appreciable step-change to the perceptions of the nearest neighbours. Although sympathy for sensibilities should rightly be expressed, it is nevertheless the case that an appropriate distance would still be retained either side of the highway to those existing neighbours, so as to allow for a decent buffering from the noise/disturbance typically associated with traffic movements. The applicant has confirmed their intention to plant additional hedging as well as regularly spaced trees to aid such integration.

Similarly, the concerns of existing neighbours also extends to the noise and disturbance generated by the car park to the nursing home. Nestled centrally to the spread of 4 nursing home buildings, the car park is some 20m+ from the rear gardens of properties at Fairway. This, when combined with the strengthened planting across the common boundary is considered sufficient to mitigate noise and disturbance from manoeuvring cars, headlights in winter evenings etc. The nursing home buildings themselves shield the car park from properties at The Knowle.

## **10. Conclusion**

It is considered that the application is contrary to the adopted development plan which comprises the adopted NWLP 2011.

In relation to proposed market housing (the outline element of the application) it is also considered that the application is contrary to core policy 2 of the emerging core strategy as it is outside the defined limits of development for Calne and has not been identified through a community led planning policy document. Furthermore, the cumulative impact of this application with the recently approved housing sites at Oxford Road and Silver Street will lead to an in-balance of new homes and new jobs in Calne fuelling out migration contrary to the strategy for Calne outlined in the

Wiltshire Core Strategy. As the council can demonstrate a 5 year supply of housing and a demonstrable supply of deliverable housing sites, this additional housing, brought forward without a community led plan is not appropriate. There are, however, considered to be no site specific reasons why the development should not take place.

The element of the application relating to the nursing home accommodation (the full planning element of the application) is considered to be consistent with emerging Core Policy 46. There are no site specific reasons why development should not take place and this element of the application would deliver new employment to Calne, albeit of a specific nature.

There is no ability for the Council to separate the application into components, by granting permission for the nursing home element of the scheme whilst refusing permission for the new dwellinghouses. Since the proposal for 125 new open market homes is considered to be contrary to emerging and adopted policy, as expressed in the NWLP and the emerging WCS, there can be only but one recommendation, and that must be for refusal.

## **11. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

- 1 In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

By reason of the proposed development being located in the open countryside, outside of the defined Settlement Framework Boundary, the application would be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011. There are no material considerations in terms of benefits that could be delivered as part of the development, which would be sufficient to outweigh development plan policy.

2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF) and the Wiltshire Core Strategy document for the area, and prejudicial to the Council's plan-led approach to sustainable development and the phasing of future growth. In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position. It is also premature in terms of the identification and means of delivery in respect of any infrastructure in step with development to be focused in Calne over the plan period. As such, the balance of considerations is such that planning permission should not be granted having regard to policies CP2 and CP8 of the Draft Wiltshire Core Strategy and guidance in the National Planning Policy Framework, in particular at paragraphs 12, 14, 17, 47, 49, 150, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.
3. The proposed development fails to provide or secure adequate provision for affordable and/or extra care housing, public open space, play equipment and footpath connections to the town adjoining school and leisure centre, all of which

should take place on the site. In addition, the proposal fails to secure contributions towards education provision in the locality, contributions towards public transport, contributions towards leisure provision, contributions towards improving cemetery capacity, contributions towards waste collection as well as the lack of a scheme or contribution to secure the on-going maintenance of open space and play equipment on the site, all of which should take the form of an off-site financial contribution in lieu of on-site provision. The application is therefore contrary to Policies C2, H5 and CF3 of the adopted North Wiltshire Local Plan 2011.

Informative:

The Council and the applicant have undertaken detailed and without prejudice negotiation and discussion as to the package of community infrastructure that would be expected to be delivered as part of the development in the event of planning permission being granted. It is understood that the Council and applicant have reached broad agreement of the likely Heads of Terms that would form an agreement under s106 of The Act and that the package of community infrastructure would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In the event of such an agreement under s106 of The Act being satisfactorily reached, reason for refusal 03 would be addressed.

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Our Ref: PINS/Y3940/429/9

Date: 2<sup>nd</sup> December 2013

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Dear Mr Cunningham,

## Wiltshire Core Strategy

I acknowledge receipt of the latest bundle of Examination documents which include the outcome of the most recent post-hearings consultation and EXAM/34A (28<sup>th</sup> Nov), the track changed Core Strategy. Whilst my report is not yet complete and as indicated in my last letter, I am in a position to seek the views of the Council on a number of key matters. In so doing, I am conscious of the Council's formal request under S20(7c) for me to modify the submitted plan in order to secure soundness.

As you would expect, I recognise that Wiltshire is a large county and that the Core Strategy seeks to address a broad range of inter-related and often complex issues. There are many good planning reasons for having a sound plan to be in place as soon as possible and I appreciate the endeavours of your team to supply information and clarifications to date. Working further towards this end, the matters summarised below are those upon which I am most interested to hear how the Council may wish to proceed. Such matters are not exhaustive of those that will be addressed in my final report albeit many aspects of the plan appear justified, positively prepared, consistent with national policy and likely to be effective in their implementation.

### 1) **Housing**

As you will be aware, the National Planning Policy Framework requires, amongst many other matters, that any Local Plan/Core Strategy should be based upon robust evidence to ensure that the full objectively assessed needs for market and affordable housing are met within a specific Housing Market Area (HMA) as far as is consistent with other Framework policies. The Framework, which post dates some of the Council's evidence such as Topic

Paper 15, has the aim of boosting significantly the supply of housing and indicates that Councils should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups.

Against this context, I am mindful of the body of evidence that has been provided to the Examination, including the Council's Topic Papers, the SHMA and the wealth of submissions made by interested parties. In short, I am currently inclined to conclude that the balance of the evidence does not support an objectively assessed housing need as low as 37,000 homes.

For example, based upon the Fordham work, allowing for completions and notwithstanding an affordable housing need that may exceed 1,100 dwellings per year<sup>1</sup>, levels of housing need appear to warrant provision in the order of 44,000 dwellings over the plan period. Alternatively, based upon ONS population projections, the Council's evidence suggests the housing need would appear to be in the order of 43,200 (43,900 allowing for concealed households). Various alternative assessments of housing need produced by interested parties have utilised the available data in differing ways, for example employing the Chelmer methodology, to indicate that levels of need exist above 44,000 dwellings over the plan period<sup>2</sup>. Such approaches incorporate consideration of 2nd home ownership, vacancy rates and the economic aspirations of the Council. Ultimately they support an objectively assessed need that is significantly greater than the minimum CS figure of 37,000 dwellings over the plan period.

Rates of migration undoubtedly influence levels of housing need and I have had regard to the Council's balancing housing markets model. However, a housing figure as low as 37,000 homes over the plan period does not appear justified. My current interpretation of the evidence leads me to find that the objectively assessed housing need across the three Wiltshire HMAs would be in the region of 44,000 homes for the plan period.

With paragraph 47 in mind, the Council will be aware that the Framework requires a Local Plan to be aspirational but realistic. Against this context, the setting of a housing requirement which is undeliverable may compromise the ability of the Plan to effectively deliver sustainable forms of development supported by adequate infrastructure. Topic Paper 15 indicates that past delivery rates have averaged approximately 2,100 homes per annum during the period of 2001-2008. The Council consider that the potential deliverability of housing should result in a base for the dwelling requirement that does not exceed 43,200 new dwellings over the plan period which seems reasonable. Indeed, the evidence indicates that a notable increase in average housing delivery over the remainder of the plan period would be required to deliver, for example, in excess of 44,000 homes.

Nonetheless, the Framework calls for a significant boost to housing supply. The preferred Option 1 within the Council's SA identifies the broad acceptability of between 35,800 and 42,100 new homes. With regard to the evidence, including past delivery rates, and to ensure consistency with national policy, I am minded currently to find that the CS housing requirement should be expressed as a minimum figure towards the upper end of this range. Any

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<sup>1</sup> STU/21 para 9.49 on

<sup>2</sup> See POS Barton Wilmore and Gladman and Redrow et al

suggestions you may have as to how this can be established within the CS would be appreciated.

Such a modification would have implications for other parts of the CS, for example, the disaggregation of housing across the three HMAs, the distribution of development within the community areas and the indicative housing land supply. Could you please indicate how the Council would contemplate accommodating such a change?

I note from Table 3 of the Council's updated Housing Land Supply Statement that the Council considers that it has a deliverable housing land supply of some 11,164 homes for the period 2013-2018 which would represent in the region of a 5 year (+5%) housing land supply based on a requirement of approximately 42,000 homes. Such figures would need to be revisited and confirmed for the most up to date assessment to indicate consistency with national policy. Is it feasible, for example, to identify a broad disaggregation for each HMA whereby the early production of a Sites Allocation DPD could provide a means of providing the subsequent detail of site allocation? Such a process could be complementary to any neighbourhood planning process currently underway or those which subsequently emerge and would supplement the planned CS Review. To ensure consistency with the Framework, I would need clarification as to how the LDS would be amended and how the housing land supply would be met against an increased housing requirement.

## **2) Affordable Housing**

The evidence indicates a considerable need for various forms of affordable housing throughout Wiltshire. Core Policy 43 seeks the provision of at least 40% (net) on sites of 5 or more dwellings and financial contributions in other circumstances. In essence and whilst I recognise a considerable need for such housing, I am concerned that the figure of 40% is not justified adequately by the evidence base, particularly the Affordable Housing Viability Assessment (STU/51).

STU/51 provides some support for the policy figure of 40% for both the strategic sites and other notional sites but it does so primarily on the basis of tenure being affordable rent. If, for example, social rent were required, STU/51 indicates the likely need for flexibility to be necessary in securing other potential infrastructure, particularly in areas of lower value. Similarly, STU/51 indicates that 40% affordable housing can only be required on the basis of the Code for Sustainable Homes Level 4 from 2013 (in the context of providing housing for affordable rent) and that Code 5 from 2016 would only be viable if supported by a proportionate increase in sales values in the intervening period.

The Framework requires a Local Plan to be produced with due consideration of relevant standards and policies together with their impact upon development throughout the economic cycle. It would therefore appear that a range of tenures delivering 40% affordable housing without subsidy (accommodating changes to the Code for Sustainable Homes) is most challenging to secure under current and foreseeable circumstances. As mentioned previously, the CS can reasonably be aspirational but must also be capable of effective delivery.

Whilst the Council has proposed to delete its requirement for affordable housing to be constructed to the latest Housing Corporation Standards, there

appears to be no substantive evidence which analyses alternative affordable housing proportions, for example those lower than 40%. Whilst being progressed, there are only limited details of the Council's intended Community Infrastructure Levy. The Framework (para 173) is clear that the sites and scale of development in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. With particular regard to STU/51, the CS approach to affordable housing does appear to risk the delivery of key elements of the plan.

Core Policy 43 acknowledges that the provision of affordable housing may vary on a site by site basis with regard to factors which include development viability. This introduces a necessary degree of flexibility which could aid the effectiveness of the CS. Nonetheless, the CS should be justified adequately and the balance of the evidence does not currently support the 40% figure as a minimum requirement for affordable housing on sites of five dwellings or more. The justification and effectiveness of the policy is in question. However, there is insufficient evidence to establish what alternative figure may be justified and therefore I am faced with a conundrum of how Core Policy 43 and its supporting text may be modified to ensure the CS as a whole is justified adequately and will be effective in operation.

For example, the simple deletion of the 40% reference within Core Policy 43 would remove the unjustified requirement on all sites but it would not provide particular precision for the plan as a whole or an effective means of maximising the provision of necessary affordable homes in the county. Supplementing the modified policy by keeping a broad target within the supporting text may be feasible but would require justification and I remain conscious of the need to avoid the ineffective burden of individual site negotiations on the majority of schemes which come forward. Can the Council direct me to any evidence which supports clearly a lower figure than 40%? It may be necessary for the Council to revise STU/51 to look at alternatives which will be clearly viable in a more comprehensive range of circumstances so that the objectives of the CS may be fulfilled. Clearly, subsequent review could be programmed as necessary. I would appreciate your constructive thoughts on how to progress this important matter.

### **3) Gypsy and Travellers**

The 'Planning policy for traveller sites' (PPTS), alongside the Framework, sets out national policy on this issue and indicates the evidence based approach that local planning authorities should take in relation to gypsies and travellers.

As indicated by the PPTS (para 6), there is an expectation that a robust evidence base exists to establish accommodation needs and inform the preparation of a local plan. By its own evidence, the Council acknowledges that the Gypsy and Travellers Needs Assessment (GTAA) undertaken in 2006 and which informed the draft RSS had a number of weaknesses that led to an underestimation of need and a consistent understatement of the level of requirement for residential pitches. It relied too heavily on caravan count data, failed to provide an accurate estimate of the travelling community residing in bricks and mortar, produced a low estimate of need from unauthorised sites, included a high pitch turnover on the supply side and did not examine adequately the needs of Travelling Showpeople. Furthermore, it also sought to provide an indication of requirements only between 2006 and 2011. The

subsequent Proposed Changes to the draft RSS increased pitch provision and were used by the Council to inform its Wiltshire Core Strategy Consultation Document (core policy 31).

Subsequent concerns as to the efficacy of the proposed pitch provisions led to what the Council has termed 'a light touch' review of the GTAA to provide revised pitch requirements for the period 2011-2021. The pitch provisions in the CS are lower than those in its Consultation Document. The Council's Topic Paper 16 provides a review of the GTAA and uses the July 2011 caravan count as evidence of current need. The Council considers that this Topic Paper represents an up to date statement of the need for traveller pitches in Wiltshire as of December 2011.

During the Examination process a number of issues were raised in relation to the Council's justification for Core Policy 47 and the content of Topic Paper 16. In particular and with regards to the latter, concerns were raised at the validity of the figures contained in Table 6 and the absence of any independent benchmarking of the Topic Paper as a whole. These concerns would appear to have some validity in as much as overcrowding on local authority sites and unauthorised developments/ encampments may have been underestimated with the consequent effect that there may be an additional need for pitches that exceeds the Council's figure of 88 ( Table 6 2011-2016). With regards to supply, the Council appears to countenance 10 pitches (Cricklade) which have unresolved issues of deliverability whilst a further 6 may have limitations as to their occupation (eg family members only). The evidence is not conclusive on these matters but leads to a concern that the potential supply of additional pitches (2011-2016) is overestimated. The net effect is that there is a degree of substantive doubt as to whether the figures within Topic Paper 16 justify robustly the pitch requirements within Core Policy 47. The data contained and presented in the caravan count for 2013 does not aid clarity on this point.

With regard to the PPTS (para 9) the CS does not identify a supply of specific deliverable sites for the next 5 years nor does it identify a supply of specific developable sites or broad locations for growth for the remainder of the plan period. Consistency with this aspect of national policy is not achieved.

The Council has proposed a change to Core Policy 47 that would make clear that the pitch requirements are minimums. This would be prudent and would introduce flexibility within the plan which would aid the effectiveness of its delivery. The CS is also clear that a Gypsy and Travellers Site Allocation DPD, providing a further opportunity to work with neighbouring authorities, will be prepared to aid the implementation of Core Policy 47 and to deliver the pitch requirements therein. Overall however, the justification for the pitch requirements of Core Policy 47, which will inform any subsequent part of the development plan, is weak. Given the content and subsequent analysis of the GTAA, a more robust approach for the purposes of informing the CS may have been to pursue 'Alternative Option 4' to recalculate local need. It is unsatisfactory that the Council has chosen to merely undertake a limited review of a document which contained previously acknowledged flaws.

Indeed, Topic Paper 16 acknowledges that the data relating to the needs of Travelling Showpeople is limited and not robust enough to extrapolate beyond 2011. The 5 plots identified within Core Policy 47 appear to have been derived from the draft RSS which were required in the period to 2011 but not delivered. At best this figure is that of an historic identified need; rolling it forwards is a

simplistic approach which does not incorporate robust evidence of current or forecast needs for the immediate plan period.

Whilst the Topic Paper appropriately discounts the option of not making provision for transit sites, the subsequent CS approach is undermined by the absence of clear and substantive evidence. As Topic Paper 16 indicates: "Given the lack of consistent records the range indicated in Table 11 of between 17 ... and 35 ... unauthorised encampments may in reality be much higher than that recorded." The figure of 25 (2011-2016) is consequently not particularly well founded and is itself inconsistent with Core Policy 47 which seeks 25 between 2011 and 2021.

Notwithstanding the intended DPD, I must query whether the CS approach towards gypsies, travellers and showpeople is consistent with national policy and is justified by the evidence base. Whilst the Council has requested that I modify the plan to ensure soundness, this is most challenging and may not be feasible on the basis of the available data.

It appears to me that the Council could reassess this matter with a view to ensuring that it does not underestimate the requirements for the remainder of the Plan period. The programmed DPD could assist in matters of specific delivery but the CS should logically set a robust indication of necessary pitch provision for the relevant period, including the next five years whilst acknowledging the absence of a specific land supply. Consequently further work would appear to be required to ensure that there is reliable data to inform the strategic content of the plan. Your constructive thoughts on how to progress this matter would be welcome.

#### **4) Chippenham and Strategic Allocations**

Without going into full details, there is a body of evidence which provides support for the strategic allocations identified in Core Policy 10. Nevertheless, the Council is obliged to consider whether reasonable alternatives exist in order to ensure that the submitted plan is justified adequately.

During the preparation of the submitted CS, the Council considered there was positive scope for further strategic development to the east of Chippenham. The approach presented was amended following consultation on the Wiltshire 2026 publication. In this context, yet not exclusively so, a number of concerns have been expressed at the way in which the Council has considered alternatives to the content of Core Policy 10 and the way in which options have been assessed. In short, I share some of those concerns.

It is important, as indicated by case law, that the process and outcomes of Sustainability Appraisal (SA) can withstand scrutiny as an evidence source which assists in justifying the content of the CS. With this in mind, the proponents of unallocated land to the east of Chippenham (the '2020 site') have submitted detailed evidence identifying potential shortcomings in the Council's SA and site selection process. A primary concern is the way in which the Council has dealt with the 2020 site in relation to other options.

Whilst recognising that professional judgements need to be made in undertaking the SA process, it is important for reasons of robustness and legal compliance, that the SA process deals with reasonable alternatives in a fair and

comparable manner. The reasoning for the Council's amended approach to strategic sites in Chippenham can be found within Topic Paper 12<sup>3</sup> and elsewhere. The process of site selection has been informed by the iterative SA which has been updated on numerous occasions. Yet the evidence does not indicate that the Council considered equitably the reasonable alternative of an East Chippenham allocation (reduced in scale compared to the Wiltshire 2026 proposal) against the preferred option that ultimately found its way to be part of Core Policy 10.

The Council's SA states that transport impacts are a key issue in the consideration of Chippenham's strategic site options. However and amidst a wealth of other evidence, the assessment of Option 3 (within STU/11) that informed the SA and which included the 2020 site, was undertaken without an assumption that a completed eastern distributor road would be provided through developer contributions. This is in contrast to the consideration of Options 1 and 2 with their associated infrastructure, the latter of which was assessed with the assumption that a necessary road bridge would be provided through developer contributions. The balance of evidence suggests both elements of infrastructure for Options 2 and 3 are capable of being delivered.

Whilst the Council's evidence acknowledges that mitigation in the form of a completed eastern distributor road for Option 3 was likely, the mitigation was not assumed to be in place for the testing/modelling of Option 3. Instead, Option 3 was tested on the basis of a connection to the A4. Such an approach is not equitable for the purposes of the SA; particularly when the evidence indicates that Option 3 could not be feasibly completed without the distributor road. The manner in which this matter has been treated has affected the content of the SA.

The consequent effect of such an approach risks the inaccurate identification of transport effects within the SA. The basis for the SA assessment of Option 3, particularly in terms of the 'Transport' criterion, is therefore not well founded. In this relatively narrow respect, it is unreliable evidence which does not accurately inform the identification of preferred options. The 'Entran' report prepared in support of the 2020 site provides evidence which supports a conclusion contrary to that of the Council. The justification for the different approach taken by the Council in relation to Options 2 and 3 is unconvincing<sup>4</sup>; I do not accept that the omission of testing the evidentially required eastern distributor road was necessary to ensure a 'level playing field' with other alternative options.

Furthermore, the evidence submitted by proponents of the 2020 site as part of the CS pre-submission consultation, which includes specialist SA evidence, indicates that the 2020 site would perform better against the SA objectives than perceived by the Council. Whilst I accept that different professional judgements can be exercised, this evidence is not countered specifically and fully by the Council, has some weight and consequently introduces a degree of substantive doubt as to whether the Council's SA accurately assesses the effects of the 2020 site against the SA criteria.

I have considered, in the context of all the SA criteria and the balance of the evidence available, whether the weaknesses in the Council's approach are

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<sup>3</sup> Topic Paper 12 Figure 1, Table 4 et al

<sup>4</sup> EXAM/09C

sufficient to undermine the justification for the content of Core Policy 10. Ultimately, I conclude that they do.

In totality and with regard to the strategic allocations of Chippenham, the SA does not inform robustly the equitable consideration of reasonable alternatives and the subsequent content of Core Policy 10. This is an unfortunate but fundamental shortcoming for this community area. I am unable to conclude that the content of the CS with regard to the strategic allocations of Core Policy 10 is justified and could form part of a sound plan. Consequently, I am considering a modification to the plan which would, in effect, remove the strategic allocations contained within Core Policy 10.

Submissions have been made to the Examination in relation to a large number of potential development sites in and around Chippenham. It is primarily for the Council to ascertain, through due and equitable consideration of alternatives, how best any new development should be accommodated. In the absence of a robust SA in these regards, I have insufficient clear evidence upon which to base a recommendation as to which sites should be developed through until 2026.

It therefore appears necessary for the Council to review its approach to development allocations within Chippenham. Without causing undue delay to the progress of the submitted CS, this could reasonably be secured through a subsequent plan, for example the Sites Allocation DPD or a document specific to Chippenham. Such a review would enable further consideration to be given to not only the housing allocations but also, as necessary, the provision of employment land.

Your thoughts on how this matter should be progressed would be appreciated.

## **5) Settlement boundaries**

The CS refers to defined settlement boundaries for the hierarchy at the level of Large Villages and above. By such means the Council intends to provide clarity on what forms of sustainable development may be carried out where in a manner consistent with the Framework. There is no compelling evidence to suggest that such an approach is flawed.

However, the Council has not reviewed the extent of the boundaries to inform the CS; instead relying upon the pre-existing development plan documents. Some of these were adopted some years ago, for example the Kennet Local Plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the CS plan period. Indeed, the Council concedes in Topic Paper 3 'Settlement Strategy' that whilst existing boundaries offer protection to the countryside and guard against urban sprawl/ribbon development they are out of date, do not reflect current urban form and require review and updating ... 'a new boundary would be the ideal solution'. To review boundaries, the Council identifies community led planning as the vehicle to deliver the necessary updates. However, there remains a considerable risk that, for example, Neighbourhood Plans will not be delivered across the county in a comprehensive or timely fashion. Such an outcome would, in the context of the CS Settlement and Delivery Strategy, potentially stymie development initiatives on the basis of an unjustified evidence base and therefore not represent a positive form of planning.



The large geographic scale of Wiltshire and the sheer number and variety of its settlements does present challenges to the practical completion of an appropriate and swift review of settlement boundaries. Rather than delay to a disproportionate extent the adoption of the submitted CS, there appears scope to advance such a timely review through a Sites Allocation DPD as broadly referenced within CS paragraph 4.26. Such work could complement that emerging from any advanced community led planning process and would not negate such processes from reviewing the validity of revised settlement boundaries in the future. Can you identify any specific objection to such an approach and confirm how this may be incorporated suitably both into the CS and the LDS?

#### **6) Retail frontages – town centre boundaries**

The Framework requires that plans should, amongst other matters, define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages in designated centres. In this regard, the CS relies upon preceding documents and their saved policies. Due to the various ages of such plans, the approach of the CS is not strong in this regard. The evidence base cannot be considered to be particularly robust with regard to designated frontages and most town centre boundaries. The Council proposes that the partial review of the CS will provide an opportunity to update the designated town centres and their frontages; alternatively this could be accommodated through the Sites Allocation DPD. I would be grateful for your clarification as to the Council's preferred way of moving forwards on these matters and how they could be swiftly resolved.

I trust the above is clear. My work continues and subsequent matters may arise. In the meantime I would be grateful for your early indication as to how the Council would wish to proceed.

Yours sincerely,

*Andrew Seaman*

Senior Housing and Planning Inspector

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19<sup>th</sup> December 2013

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Your ref:  
Our ref : AC/PT

Dear Mr Seaman

**Re: Wiltshire Core Strategy**

Thank you for your letter of 2 December 2013 and confirmation of receipt of the latest bundle of Examination documents.

As you appreciate, a priority for the Council is to have a sound plan in place as soon as possible and to this end your commitment to provide us with the opportunity to address the issues you have identified in your letter is welcomed.

As requested, we have considered the points in your letter and set out below how the Council wishes to proceed with the matters raised. I will of course write to you again once we have undertaken the necessary work to provide a full response to the matters you raise.

In the interest of maintaining progress on the plan could you please confirm that you are happy with the approaches we are proposing in response to the issues you raise, as set out below?

**Housing**

I note that you are minded to find that the Core Strategy housing requirement should be expressed as a minimum towards the upper end of the range that has been assessed within the Council's Sustainability Appraisal as 35,800 to 42,100.

This can be established within the Core Strategy by replacing all references to the housing requirement of 37,000 within the draft plan with 42,000 homes. In particular, Core Policy 2 'Delivery Strategy' as the policy relating to the housing requirement would need to be revised.

The higher housing figure would also need to be disaggregated across the three Housing Market Areas (HMA) and distributed at the Community Area level (Principal Settlements, Market Towns and in the South Wiltshire HMA the Local Service Centres, and community area remainders). In addition to Core Policy 2, corresponding changes would also be needed to the housing requirements within each Community Area Strategy policy.

We are therefore reviewing the evidence to determine what the appropriate level of growth would be for each HMA and are minded to use a methodology that is based on the distribution of the additional growth on a proportionate basis, in order to maintain the integrity of the spatial strategy and current balance of growth between each area. We intend to test this at a community area level to ensure consistency with the NPPF and maintain a distribution of growth consistent with Core Policy 1. In doing this, we are mindful that there may be constraints, greater potential or other issues in a particular area that will mean some adjustment of the figure for some Community Areas. The Sustainability Appraisal process will help inform what the appropriate figures are for a particular area.

This work will also consider how the housing land supply can be met against the increased housing requirement. However, we anticipate that it will be necessary for a Site Allocations Development Plan Document (DPD) to be prepared in order to identify new sites and this will be programmed within a revised Local Development Scheme (LDS), which will be considered by Cabinet at their meeting on 21<sup>st</sup> January 2014.

Your thoughts on the appropriateness of this approach would be appreciated.

If you can confirm that this is acceptable to you in principle we will, following completion of the work, provide the requisite changes to the Plan including the necessary modifications to Core Policy 2, amended community area policies and a revised housing trajectory to demonstrate supply. This will be accompanied with supporting documentation as necessary.

### **Affordable Housing**

As suggested, we have reviewed the evidence relating to levels of affordable housing and conclude that it would be prudent to revise this in order to provide appropriate justification for Core Policy 43 and its supporting text. We therefore propose to instigate an independent review of affordable housing viability in order to look at viable alternatives to inform Core Policy 43 so that the objectives of the Core Strategy may be fulfilled and are making arrangements to expedite this. It is anticipated that we will have an initial report by the first week of February. It is our intention to involve the Swindon and Wiltshire Housing Market Partnership in this work.

Again your thoughts on this approach would be welcomed.

### **Gypsy and Travellers**

In order to provide a more robust indication of pitch requirements for Core Policy 47, we propose to review and update the evidence in Topic Paper 16 in the form of an addendum to take into account the points you raise regarding overcrowding on local authority sites, unauthorised developments and encampments; and pitch supply in the north and east HMA. The outcome would inform proposed changes to the permanent pitch and transit provision requirements in Core Policy 47. This would enable the council to suggest permanent pitch and transit provision requirements, based on a more robust evidence base, via a proposed change to Core Policy 47.

In addition, the council will undertake a complete and comprehensive review of local need in the form of a full Gypsy and Traveller Accommodation Assessment (GTAA) with a base date of January 2014. This work would be undertaken as a matter of urgency culminating

in a swift review of pitch requirements in Core Policy 47 either by way of a single issue review or by widening the scope of the current Gypsy and Traveller Site Allocations DPD, as identified in the LDS, to encompass proposals and formal examination of this aspect. Further work on a revised LDS can determine which of the two would be the most timely and effective, if the general approach is acceptable to you. The need of travelling showpeople will be addressed as part of the GTAA and subsequent DPD.

### **Chippenham**

In the light of your comments on Chippenham and the approach to development allocations, we consider that the most expedient way forward would be to prepare a development plan document specific to Chippenham and for Core Policy 10 to be modified through the removal of the strategic allocations. In order to provide the right context for this, it is proposed that the level of growth for the town be identified within the Core Strategy as set out above.

### **Settlement boundaries**

We are able to confirm that the review of the settlement boundaries can be undertaken as part of the Site Allocations DPD referred to above and this can be referenced within the Core Strategy in the supporting text to Core Policy 2.

### **Retail Frontages**

The Council's preferred approach to update the designated town centres and their frontages would be through the partial review, as already identified in the LDS. The timetable for this will be updated in the revised LDS.

### **Revision to Local Development Scheme**

As referred to above, we are currently working on a revised LDS for approval by Cabinet at its meeting on 21<sup>st</sup> January. We will be able to let you have a copy of the draft report early in the New Year when it is available.

If you should be minded to accept our suggestions in principle then I will write again setting out the programme of work that we will undertake to allow this process to move forward. With holiday season upon us, an early reply would be appreciated.

Yours sincerely



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Our Ref: PINS/Y3940/429/9]

Your Ref: AC/PT

Date: 23<sup>rd</sup> December 2013

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Dear Mr Cunningham,

## Wiltshire Core Strategy

Thank you for your letter dated 19<sup>th</sup> December 2013. I am pleased that positive progress appears capable of being made with regard to the content of the plan, its justification and the Examination as a whole.

### **Housing**

Your suggestion that the references to 37,000 homes be replaced with 42,000 homes seems reasonable. This will require a disaggregation of the revised housing figure across the three HMAs and, as you mention, this will necessitate a redrafting of Core Policy 2.

I note your proposed approach towards the distribution of growth across the HMAs which seems logical. It is important for the Core Strategy to provide a proportionate level of detail of, in simple terms, what new development is intended to go where and, amongst other documents, the SA, the HRA and the SHLAA will be informative to this process. With this in mind, the issue of further disaggregation of the housing supply at the level of community areas is a matter that I would wish the Council to lead upon.

Provided an adequate housing land supply can be demonstrated, I consider currently that the proposed alterations to the LDS to accommodate a Sites Allocation DPD will provide an effective mechanism, subject to public involvement and independent examination, by which the level of specific detail for each community area over the plan period can be resolved. Indeed, I assume that the Council will retain its intention for an early review of the CS within the revised LDS. Consequently, I consider that there may be scope for a broader and more flexible approach within the CS towards the disaggregation of housing across community areas within each HMA, particularly as many potential developments may fall to be realised later in the current plan period. Thus the Council may wish to come to a view as to whether prescriptive



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minimum housing 'targets' for each community area are necessary at this stage. Clearly, the CS needs to be internally consistent and any redrafted Core Policy 2 must reflect the intentions of the Council's strategy as a whole and Core Policy 1.

I will therefore be pleased to receive an update upon the housing provision of the Core Strategy, its disaggregation, the housing land supply and trajectory with supporting evidence at the earliest opportunity.

### **Affordable Housing**

Your suggested approach towards reviewing the evidence that has informed Core Policy 43 seems sensible. It seems logical that this will be undertaken in the knowledge of my earlier comments and also the submissions made to the CS and in relation to the Hearing for Matter 4 'Housing'.

### **Gypsy and Travellers**

I welcome the intention to provide further evidence upon the issue of Gypsy and Travellers and note your intention to update Topic Paper 16 which should be of particular use. I assume from your letter that you intend the new GTAA would follow the update to the Topic Paper but would not be available to inform the currently submitted CS.

If that is the case, then it is important for the Council to be able to show as far as is practicable and proportionate, within the proposed addendum, how the CS is consistent with national policy, particularly the 'Planning policy for traveller sites' (especially Policies A to D). Such work should also identify how, albeit in an interim fashion until the GTAA is complete, the Council will adopt a positive approach towards the gypsy and travelling community. In the interests of clarity and to aid future decision making in the shorter term, it may be necessary for the Council to acknowledge within the CS any absence of a requisite land supply until such time as the GTAA and the proposed DPD are completed.

Please note however, that I can give no assurance at this time that such an approach will be adequate for the purposes of my examination. The details will be determinative.

### **Chippenham**

In light of your comments, I would be pleased to receive any suggested changes from the Council to the CS and Core Policy 10 in particular.

### **Settlement Boundaries and Retail Frontages**

In light of my previous correspondence, I would be most interested at the speed by which both of these important matters can be resolved satisfactorily. Undue delay in identifying robust boundaries and frontages may weaken the overall approach of the CS in the context of national policy. The content of the revised LDS, which I note will be available in draft shortly, will be important in these regards.



It would appear that there may be a practical and reasonable way forwards in relation to the current Examination. I look forward to receiving further details of the Council's work programme which will help to deliver the matters referred to above. I remain anxious to expedite the Examination process in an efficient manner although there may be a necessity for further hearings if the consultation processes, that will invariably be required, and matters arising cannot be dealt with adequately by way of written representation.

Yours sincerely,

*Andrew Seaman*

Senior Housing and Planning Inspector

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