

# AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 17 February 2016  
**Time:** 3.00 pm

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

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

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## Membership:

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

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## Substitutes:

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

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# AGENDA

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

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 5 - 18*)

To approve and sign as a correct record the minutes of the meeting held on **27 January 2016**.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chairman.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

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

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

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 10 February 2016**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

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

6 **Planning Appeals** *(Pages 19 - 20)*

An appeals update report is attached for Members to note.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **15/10682/FUL Marden Farm, Calne** *(Pages 21 - 38)*

7b **15/11230/OUT Land East of Oxford Road, Calne** *(Pages 39 - 58)*

7c **15/10519/OUT Land east of Bradford Road, Corsham** *(Pages 59 - 80)*

8 **Urgent Items**

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

## **NORTHERN AREA PLANNING COMMITTEE**

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### **MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 27 JANUARY 2016 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

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

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#### **1 Apologies**

There were no apologies for absence.

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

The Chairman presented the minutes of the previous meeting and noted that Cllr Ernie Clark was now a substitute member of the Committee and this would be reflected on future agendas.

#### **Resolved:**

**To approve as a true and correct record the minutes of the meeting held on 9 December 2015.**

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

There were no declarations of interest.

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

There were no Chairman's announcements.

#### **5 Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

#### **6 Planning Applications**

7 **15-05255 109 & Foxlea, Gloucester Road, Malmesbury, Wiltshire, SN16 0BT**

Martin Spooner, John Gundry and Jessica Branton spoke against the application.

Chris Geddes spoke in support of the application.

Cllr Roger Budgen (Malmesbury Town Council) spoke against the application.

The planning officer introduced the report which recommended to delegate authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the conditions and informatives, as amended by the late observations, outlined in the report. The application was for the demolition of existing dwellings and redevelopment to build 26 sheltered apartments for the elderly; photographs of the site and neighbouring buildings were shown. The officer highlighted on the plans that the existing lay-by would be extended as a result of the development and the design was in a contemporary style, as supported by the Conservation Officer. It was noted that concerns had been raised by the public and Town Council in relation to highways matters and drainage, however the Planning Authority's statutory consultees on these matters had raised no concerns, subject to the proposed conditions. Attention was drawn to the late observations which amended proposed condition number 26

The Committee was invited to ask technical questions and it was confirmed that the waiting restrictions from the existing lay-by would continue on the extended lay-by, therefore prohibiting parking. Roger Witt, Senior Highways Engineer, confirmed that he considered the proposed parking onsite to be adequate, since occupants of this type of accommodation were generally aged over 75 and therefore car ownership would be low. Parking had been set aside for electric buggies on site. The Case Officer confirmed that the Environment Agency and other statutory consultees on flooding and drainage had raised no concerns, subject to conditions.

Members of the public were then invited to speak as detailed above.

Local member, Cllr Simon Killane, was not able to attend the meeting, the Chairman raised concerns on his behalf in relation to: highways safety, insufficient resident and visitor parking, flooding and drainage, a design inappropriate to the street scene and the need for a Construction Method Statement.

Following the statements, the planning officer advised that a Construction Method Statement was required by way of condition. The Highways Engineer verified that the extension of the lay-by would not result in a loss of two existing parking spaces and the lay-by would prevent parking by way of double yellow lines, leaving it free for service vehicles. It was explained that the applicant had submitted surveys from similar sites to show that the average demand for parking at this type of dwelling was lower than proposed for this site. Officers highlighted that they did not have concerns over parking provision and that refuse collection and deliveries could be serviced from the layby. The planning officer advised that condition 15 related to floor levels and the building would be above the flood level. A drainage strategy would be required, should permission be granted, this would address issues such as permeable surfaces. It was noted that the Council's open space team considered the amenity space to be adequate. Officers emphasised that the contemporary design was proposed to allow a lower, less bulky site and the Conservation officer was in agreement.

In the debate that followed, many councillors expressed concern that there would be inadequate parking for residents, visitors and service vehicles entering the site as a result of the development. Other members commented that the proposal was not for an Extra-Care facility and therefore would not have many service vehicles visiting. Another point raised was that potential buyers would be aware that parking was at a premium and so would not purchase the properties should they need a parking space. It was explained that neighbour concerns about inappropriate parking on their land was not a planning consideration. Councillors differed in opinion about whether the design of the building was appropriate to the street scene and it was suggested that a more traditional design would be more appropriate. Other members were concerned about an increased flood risk as a result of the development.

The planning officer confirmed that all sites proposed for parking were within the boundary of the applicant's land.

Cllr Hutton, seconded by Cllr Sturgis, moved the officer's recommendation with the addition of an informative recommending that one of the parking spaces provided be allocated for service vehicles only. The motion was put to the vote and failed.

The Committee supported the principle of development on site however some councillors did not consider the proposal before them to be suitable redevelopment. Following a question from the Committee, officers advised that the application should be determined at Committee that day and that refusing the application on the grounds of highways and drainage concerns would not be defensible since the planning authority's consultees on these matters had raised no objections to the development. The size and scale of the development was discussed and it was suggested that the development would be more in-keeping with the locality if the design featured more natural stone in the front elevation. Members acknowledged that further parking could not be required by way of condition and expressed disappointment in the number of parking spaces provided.

Cllr Hutton, seconded by Cllr Sturgis, moved the officer's recommendation with the addition of informatives recommending that one of the parking spaces provided be allocated for service vehicles only and that building materials be adjusted to be more in-keeping with the local area, using Cotswold stone where suitable. The motion was put to the vote and passed.

The Committee requested that the additional informative on building materials be stressed to the applicant.

**Resolved:**

**To delegate authority to the Area Development Manager to grant planning permission subject to the signing of a Section 106 agreement and the following conditions and informatives:**

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

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

2. No part of the development hereby permitted shall be occupied until the access, layby, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

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

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

5. No development shall commence on site (including any works of demolition), until Construction Method Statement, which shall include the following:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;
  - j) proposals for the demolition of existing buildings on site;has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

**REASON:** The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in



an acceptable manner, to 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.

6. No part of the development shall be occupied until all the existing buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

**REASON:** In the interests of the character and appearance of the area and neighbouring amenities.

7. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
  - a) Risk assessment of potentially damaging construction activities
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features
  - e) The times during construction when specialists ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
  - h) Use of protective fences, exclusion barriers and warning signs.
  - i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.The CEMP is also required to demonstrate how the following will be prevented:
  - Pollution and physical damage of the River Avon and its banks
  - Impacts upon protected species including birds, reptiles and water vole

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

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

8. Prior to commencement of development including site clearance, a reptile translocation exercise shall be carried out in accordance with the measures set out in the submitted Phase 2 Reptile Survey report (ECOSA,

dated 27th August) unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- indications of all existing trees and hedgerows on the land;
  - details of any to be retained, together with measures for their protection in the course of development;
  - all species, planting sizes and planting densities to be included in a Planting Specification, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
  - finished levels and contours;
  - means of enclosure;
  - car park layouts;
  - other vehicle and pedestrian access and circulation areas;
  - hard surfacing materials;
  - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
  - retained historic landscape features and proposed restoration, where relevant.

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

10. 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.

11. 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 (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 (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 (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.

12. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

**REASON:** In the interests of the amenities of the area.

13. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

**REASON:** In the interests of the amenities of the area.

14. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

**15. Finished floor levels shall be set no lower than 72.23 metres above Ordnance Datum.**

**REASON: To reduce the risk of flooding to the proposed development and future occupants.**

**16. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (Mott MacDonald, Rev A, dated 29 May 2015) and the provision of compensatory flood storage at the site (paragraph 5.5.1).**

**REASON: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.**

**17. No part of the development shall be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To reduce the risk of flooding to the proposed development and future occupants.**

**18. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

**REASON: In the interests of sustainable development and climate change adaptation**

**19. No development shall take place until a scheme for the provision and management of a five metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:**

- plans showing the extent and layout of the buffer zone**
- details of any proposed planting scheme (for example, native species)**
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan**
- details of any proposed footpaths, fencing, lighting etc.**

**REASON: To protect and enhance the river environment. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats**

**Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.**

**20. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**21. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**22. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**23. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**24. No development shall commence on site until a scheme for the provision of flood compensation volume to cater for loss of flood volume from river and ground water levels which the proposed under and above ground development works would cause, has been submitted to and approved in writing by the Local Planning Authority.**

**REASON: To ensure that the development can be adequately drained**

**25. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained**

**26. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.**

**REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.**

**27. No development shall commence on site until details of recycling facilities (including location and range of facilities) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved recycling facilities have been completed and made available for use in accordance with the approved details and they shall be subsequently maintained in accordance with the approved details thereafter.**

**REASON: In the interests of public health and safety.**

**28. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation:**  
**Supporting Stakeholder Engagement Statement by Planning Issues Ltd**  
**Design and Access Statement by Planning Issues Ltd**  
**Affordable Housing Statement by Planning Issues Ltd**  
**Arboricultural Impact Appraisal and Method Statement by Barrell Tree Care**  
**Heritage Statement by Ecus Environmental Consultants**  
**Archaeological Desk-based Assessment by CgMs Consulting**  
**Transport Statement by Mott MacDonald**  
**Sequential Test by Planning Issues Ltd**  
**Landscaping Strategy and Image sheets by UBU**  
**Housing Needs Assessment by David Couttie Associates**  
**Phase 1 Habitat Survey by ECOSA**  
**Desk Study Appraisal by Crossfield Consulting**  
**Received on 29/05/2015**  
**Phase 2 Reptile Survey by ECOSA**  
**Received on 27/08/2015**  
**Flood Risk Assessment by Mott MacDonald**  
**Received on 06/07/2015**  
**Ground Floor Plan - 10075MB PL003 Rev B**  
**First Floor Plan - 10075MB PL004 Rev C**  
**Second Floor Plan - 10075MB PL005 Rev B**  
**Roof Plan - 10075MB PL006 Rev B**  
**Front Elevation - 10075MB PL007 Rev D**  
**North Elevation - 10075MB PL008 Rev D**  
**South Elevation - 10075MB PL009 Rev D**  
**Received on 27/08/2015**  
**Site Plan - 10075MB PL002 Rev B**  
**Received on 12/01/2016**

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

**29. INFORMATIVE TO APPLICANT:**

**This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.**

**30. INFORMATIVE TO APPLICANT:**

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

**31. INFORMATIVE TO APPLICANT:**

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

**32. INFORMATIVE TO APPLICANT:**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

**33. INFORMATIVE TO APPLICANT:**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

**34. INFORMATIVE TO APPLICANT:**

The application involves the creation of a new dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

**35. INFORMATIVE TO APPLICANT:**

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

**36. INFORMATIVE TO APPLICANT:**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent (Flood Defence Consent) of the Environment Agency is required for any proposed works (permanent or temporary) or structures in, under, over or within 8 metres of the top of the bank of the Tetbury Avon, designated a 'main' river. The need for this consent is over and above the need for planning consent. The applicant is

advised to contact Daniel Griffin on 01258 483421 to discuss the scope of our controls.

**37. INFORMATIVE TO APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered. An appropriate submitted scheme to discharge the condition will include a water usage calculator showing how the development will not exceed a total usage level of 110 litres per person per day.

**38. INFORMATIVE TO APPLICANT:**

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- wheel washing and disposal of dirty water
- the use and routing of heavy plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

**39. INFORMATIVE TO APPLICANT:**

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

**40. INFORMATIVE TO APPLICANT**

The applicant should allocate or keep free one parking space for service vehicles.

**41. INFORMATIVE TO APPLICANT**

When submitting details to discharge planning condition 2 of the permission there is an expectation that natural local stone, which is a characteristic of the conservation area and town, is used in the approved scheme.



8 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.25 pm)

The Officer who has produced these minutes is Libby Beale, of Democratic Services,  
direct line 01225 718214 , e-mail [Elizabeth.beale@wiltshire.gov.uk](mailto:Elizabeth.beale@wiltshire.gov.uk)

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

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**17<sup>th</sup> February 2016**

Forthcoming Hearings and Public Inquiries between 04/02/2016 and 31/07/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Date	Overturn at Cttee
14/07602/OUT	Land at Oxford Road Calne Wiltshire	CALNE	Erection Of Up To 41 Dwellings (Outline)	DEL	Inquiry	Refuse	17/05/2016	No
14/11179/OUT	Land at Prince Charles Drive Calne Wiltshire SN11 8NX	CALNE WITHOUT	Residential Development of up to 130 Dwellings, Infrastructure, Ancillary Facilities, Open Space, Landscaping & Construction of New Vehicular Access Off Prince Charles Drive	DEL	Inquiry	Refuse	10/05/2016	No

Planning Appeals Received between 01/01/2016 and 04/02/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
14/10601/FUL	Chelworth Lodge Cricklade Swindon Wiltshire SN6 6HP	CRICKLADE	Erection of 7 Employment Buildings (B1 & B8 Uses)	COMM	Inquiry	Refuse	18/01/2016	No
15/09209/REM	Land at The Coach House Heddington Calne SN110PQ	HEDDINGTON	Demolition of Industrial Buildings & Erection of 8 Dwellings	DEL	Written Representations	Refuse	06/01/2016	No
15/07298/FUL	82 Springfield Close Rudloe Corsham Wiltshire SN13 0JR	BOX	Erection of Detached Dwelling (Re-submission of 15/03509/FUL)	DEL	Written Representations	Refuse	29/01/2016	No
15/09857/FUL	Foxham Farm Foxham Chippenham Wiltshire SN15 4NQ	CHRISTIAN MALFORD	Change of Use of Land from Agricultural to Equestrian & Construction of Outdoor School for Liveries in Conjunction with Holiday Cottages.	DEL	Written Representations	Refuse	06/01/2016	No

Planning Appeals Decided between 01/01/2016 and 04/02/2016

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded
15/00985/FUL	The Knowle Coped Hall Royal Wootton Bassett SN4 8ES	LYDIARD TREGOZ	Demolition of Existing Semi Detached Dwellings & Erect New Dwelling	DEL	Written Reps	Refuse	Dismissed	08/01/2016	

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	17 February 2016
<b>Application Number</b>	15/10682/FUL
<b>Site Address</b>	Marden Farm, Rookery Park, Calne, Wiltshire, SN11 0LH
<b>Proposal</b>	Proposed Development of 56 Residential Dwellings, Open Space, Landscaping, Sustainable Urban Drainage, Vehicular Access & Associated Infrastructure & Engineering Works.
<b>Applicant</b>	Redrow Homes Ltd
<b>Town/Parish Council</b>	CALNE WITHOUT
<b>Electoral Division</b>	CALNE RURAL – Cllr Christine Crisp
<b>Grid Ref</b>	399900 169504
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Crisp in order to consider the scale, visual, amenity and highways impacts of the proposal.

#### 1. Purpose of Report

To consider the above application and recommend that authority is delegated to the Area Development Manager to GRANT planning permission subject to conditions and completion of a S106 agreement within six months, or otherwise refuse the application.

Calne Without Parish Council objects to the proposals, citing the loss of the care home, positive local housing supply and adverse impact on amenity and highways.

Calne Town Council strongly objects to the proposals, citing the loss of employment and care home provision together with adverse impacts in terms of local traffic.

Nine letters of objection have been received from neighbours of the site.

#### 2. Report Summary

The main issues in considering the application are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety and parking
- Impact on site drainage
- Impact on ecology

### 3. Site Description

The application relates to an area of agricultural land a little over 2ha in size and situated on the southwest side of Calne, lying a short distance west of The Fairway and northwest of Stockley Lane, from which the site is to be accessed. A new entrance junction has been installed in place of a bungalow formerly occupying a reasonable plot on Stockley Lane in order to provide dedicated access to the land to the North, on which the 125-dwelling Cherhill View development is currently under construction. This scheme was granted planning permission at appeal in tandem with the building-out of the current application site as an 85-bed dementia and palliative care home, together with associated access, parking and landscaping (12/04038/FUL refers).

In terms of its current appearance, the application site remains as unused open agricultural land varying in height due to the gently sloping relief in this location and the legacy of previous agricultural drainage.

### 4. Planning History

N/12/00066/SCR	Screening Opinion in Respect of Mixed Use Development Including 150 Houses
N/12/04038/FUL	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. <i>(granted planning permission at appeal)</i>
14/08305/REM	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. <i>(permitted)</i>
15/03193/VAR	Variation of Condition 2 of 14/08305/REM Relating to Approved Plans to Accommodate Wheelchair Adapted Affordable Homes <i>(permitted)</i>
15/07983/FUL	The Construction of a 3.5 Metre Wide Agricultural Access Road. <i>(permitted)</i>

### 5. The Proposal

The application relates to the erection of 56 dwellings in lieu of the previously-permitted palliative care home, which is no longer to be built, together with associated access and landscaping. Revised plans were received in late January 2016, amending the scheme's detailed design only. In the immediacy, access is to be obtained directly from the adopted new road already in situ, which leads off of Stockley Lane and continues loosely along the northeast boundary of the wider outline site, onto which a number of units are to front directly. Further units are to be arranged back-to-back with these, with

the remainder of the scheme configured loosely as two additional parcels of 10 and 17no. dwellings interspersed with additional sections of adoptable highway. A large attenuation pond is to be excavated at the southern corner of the site, linking to the historic and improved drainage system that discharges further to the southwest.

As with the approved layout for the adjacent site, many of the larger units are to front onto the substantial formal and informal public open space, from which they are set back behind private driveways. In these parts of the scheme, reconstituted stone and render are more prominent materials, with a greater proportion of brickwork set further into the built envelope of the site. The units are largely detached models from the developer's standard house types, with occasional pairs of semi-detached dwellings and affordable units configured as terraces with extended street-front parking. Prominent corner boundaries are to be treated with brick or stone walls, whilst low post-and-rail timber fencing is to be employed alongside the private driveways to prevent incursion onto the adjacent verges/open space. Some limited landscaping is incorporated into the periphery and street frontage however most space is to be privatised or adopted as highway, save for the large attenuation pond.

## **6. Local Planning Policy**

The adopted Wiltshire Core Strategy forms the substantive local plan, of which the following policies are relevant:

- Core Policy 1 (Settlement strategy)
- Core Policy 2 (Delivery strategy)
- Core Policy 3 (Infrastructure requirements)
- Core Policy 8 (Spatial strategy; Calne Community Area)
- Core Policy 41 (Sustainable construction and low-carbon energy)
- Core Policy 43 (Providing affordable homes)
- Core Policy 45 (Meeting Wiltshire's housing needs)
- Core Policy 46 (Meeting the needs of Wiltshire's vulnerable and older people)
- Core Policy 50 (Biodiversity and geodiversity)
- Core Policy 51 (Landscape)
- Core Policy 55 (Air quality)
- Core Policy 57 (Ensuring high quality design and place shaping)
- Core Policy 60 (Sustainable transport)
- Core Policy 61 (Transport and new development)
- Core Policy 62 (Development impacts on the transport network)
- Core Policy 64 (Demand management)
- Core Policy 67 (Flood risk)
- Core Policy 68 (Water resources)

The site lies outside of the defined area for the Calne Neighbourhood Plan, which remains in its relatively early stages for the time being.

The policies of the National Planning Policy Framework are also relevant; particularly those at Paragraphs 14, 17, 49, 64, 103, 109.

## **7. Summary of consultation responses**

Calne Without Parish Council – objections, citing the loss of the care home, positive local housing supply and adverse impact on amenity and highways.

Calne Town Council – strong objections, citing the loss of employment and care home provision together with adverse impacts in terms of local traffic.

Spatial Plans – no objection

Highways – no objection, subject to conditions and earlier legal agreement

Drainage – support, subject to conditions

Urban Design – no objection, subject to conditions

Landscape – no objection

Waste Services – support, subject to conditions

Environmental Health – no objection, subject to a restriction on construction hours

Ecology – support, subject to conditions

Archaeology – no comments

## **8. Publicity**

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

Nine letters of objection were received from local residents.

Summary of key points raised:

- Proposal replaces approved care home, negating prospective gains in local care provision and employment and exacerbating imbalance between respective numbers of residents and jobs;
- Proposal will give rise to an increase in traffic, particularly at Stockley Lane and its junction with the A4 London Road, and further deplete local air quality;
- Proposal will harm the residential amenity of neighbouring residents by way of overlooking, overshadowing and overbearing;
- Drainage is inadequate and will exacerbate frequency and extent of local flood events; and
- Proposal will adversely affect habitats of protected and non-protected species.

## **9. Planning Considerations**

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

### Principle of development

In principle, the site is considered a sustainable one, as evidenced by the Marden Farm appeal Inspector's conclusions when considering the prospect of a residential care home in this location. Substantively altering the use of the land from C2 (residential institutions) to C3 (dwelling houses) does not materially affect the sustainability of the site; it remains well enough related to local infrastructure, employment and services, and is now of course related to the 125 units being constructed adjacent. Although this and other major residential sites have enabled Calne to exceed the levels of new residential development outlined in Core Policy 8 early in the plan period, these figures are expressed as a minimum, allowing additional policy-compliant housing to be permitted in



certain circumstances. In this instance, whatever the Council's housing land supply, it is considered that the site is a sustainable one and therefore should be assessed on its individual merits. Consideration as to whether NPPF Paragraph 49 and the presumption in favour should be engaged will apply only if there are material factors weighing against the scheme.

It is understood that the care home operator anticipated to take control of the previously-permitted scheme subsequently withdrew for commercial reasons, reducing the probability that this aspect of application N/12/04038/FUL would be implemented. Whilst this is in itself regrettable due to the previously evidenced demand and apparent support for such a facility in Calne, the current proposal must be considered on its individual merits; despite its support in principle for C2 proposals, Core Policy 46 makes no provision for the testing of viability on such consented sites prior to other uses being entertained. If there were some interdependence between the two elements subject of the aforementioned application, the appeal Inspector could have required the scheduled delivery of either one by way a phasing condition. As he did not do so, it can only be concluded that the elements were, in the Inspector's view, independently acceptable.

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

In context, the development proposal will appear as an extension of the substantial 125-unit scheme adjacent, further extending the prevailing suburban character of this part of Calne. The proposed layout, density, house types and materials are as per those previously approved in respect of the neighbouring development and are considered wholly appropriate in this context. Generally, the higher-order stonework has been given precedence on the more visible 'outward' faces of the development, lending a reasonably high-quality appearance to the site through medium-range views of the site available from its environs. Whilst the previously-permitted care home made provision for a greater degree of structured landscaping, it is worthy of note that this to some extent compensated for the inevitably dominant form of such a large and sprawling building whereas the current proposals provide greater scope for integral soft landscaping through their more piecemeal arrangement.

The individual house styles to be assembled within the development are consistent with the standard models prevalent throughout the adjacent scheme. Whilst not particularly indicative of any distinct local style, the house models allow for a varied palette of materials together with adjusted elevations to generate active street frontage and visual interest on more prominent side elevations. Combined with higher quality external boundary and surfacing treatments, this will enhance the public realm element of the proposal, elevating this beyond that possible under the secure care home arrangements. The development engages positively with the public open space and community orchard at Marden Green, which is to be enhanced using S106 contributions, with amended plans indicating improved pedestrian links and measures to prevent intrusion by private vehicles onto this public space. Reasonably high quality materials are to be used for the outward-facing parts of the development, such that the overall visual impact of the scheme will be acceptable in planning terms.

#### Impact on residential amenity

Concerns have been raised by neighbouring occupants at The Fairway in respect of the potential for the units along the northeast side of the site to overlook and/or overshadow their properties, which comprise a mixture of traditional and dormer bungalows. Whilst the scheme will have the effect of bringing the built form of the site closer to their rear boundaries, the closest units will maintain a building-to-building separation distance of over 30m within which the intervening space is largely occupied by an adopted highway.

As such, it cannot be considered that there will be any significant loss of privacy by way of overlooking, nor that the dwellings will unduly impinge on daylight/sunlight. Relative to the existing access road and consented care home, it cannot be reasonably asserted that the proposals would have any significant impact on amenity in terms of general level of activity.

Residents at The Knowle will experience a more significant change in respect of the introduction of a small but reasonably high-density pocket of residential development at the southeast corner of the site. The visual effect of these units will be significant but by reason of their proximity, scale, orientation and intervening land uses they will not detrimentally affect the living conditions of existing occupants. Separation remains at around 20m and the closest units will retain an outlook perpendicular to that of the houses at The Knowle, precluding any direct inter-visibility between properties. Whilst it is noted that the parking area will generate a degree of activity, it is not considered that this is likely to intrude on the peaceful enjoyment of neighbouring properties to any significant extent.

#### Impact on highway safety and parking

In considering the current application, the Council's Highways Officer has had regard to the approved and existing arrangements relevant to the adjacent site, together with off-site measures secured at the time of the earlier appeal and commencement of development. In this regard, the specification for the means of access from Stockley Lane has been agreed previously and the officer is satisfied that this is sufficient to serve the transport needs of a further 56 units. There remains an agreed but as yet unimplemented scheme of works for the junction between Stockley Lane and the A4 London Road, the cost of which is to be borne by the developer. Should these works prove necessary in the future the Local Highways Authority can draw down funding to deliver these however the Highways Officer is satisfied that no additional works are warranted by the current proposals and therefore this arrangement remains adequate.

Turning to the access and parking arrangements within the site, the proposals comply with adopted parking standards and make provision for adequate allocated and visitor parking within the development. Adequate visibility has been demonstrated at the junction between the new access road and existing route from Stockley Lane to the northerly Redrow development, which is to be adopted by the Local Highways Authority in due course. The adopted road sections are to terminate in turning heads from which private driveways will each serve a limited number of units. These turning heads will provide sufficient space for a waste collection vehicle and also provide adequate means for residents to store domestic bins – the provision of which is to be funded by developer contributions – for collection. Subject to conditions to secure the provision of full engineering details and timely implementation/maintenance of access, turning and parking, the Council's Highways Officer has no objections to the proposals.

#### Impact on site drainage

The Council's Drainage Engineer is satisfied that as an extension to the adjacent residential development – full details for the drainage of which have already been agreed in full – the proposed development can be adequately drained. Foul drainage disposal is to be to the mains sewer via an existing connection and Wessex Water has already agreed such a connection in respect of the extended Marden Farm site as a whole. Storm water disposal is to be achieved through a combination of Sustainable Urban Drainage Systems (SUDS) and discharge to the nearby brook, owing to the limited infiltration possible through the clay subsoil. This arrangement is considered

adequate and will meet the requirement for betterment in surface water drainage, reducing this to around a third of its estimated Greenfield runoff rate.

Notwithstanding the above, it is agreed that the pumping station shown at the southern end of the site is necessary as a precautionary measure in order to address the risk of foul drainage overflowing during extreme weather events. The proximity to the attenuation pond is noted as a concern and accordingly the Drainage Engineer has requested further technical details in respect of the pumping station, including means of surfacing and enclosure, in order to ensure that this will perform as it should when required. Submission, consideration and implementation of these details can be secured by condition.

#### Impact on ecology

The site has not changed significantly since the previous Ecological Impact Assessment (EclA) was undertaken in respect of the proposed care home however the extent of the proposed housing would encroach to a degree upon the areas of wildflower grassland previously proposed through the approved Landscape, Ecological and Arboricultural Management Plan (LEAMP) for the site. While this application represents a disappointing withdrawal from commitments previously made by the developer with regards to ecology, the loss of this area is relatively modest when considered in the context of the overall scheme and therefore the County Ecologist has not objected to the proposals.

The addendum to the EclA submitted with the application suggests a number of revised measures for the site, which are welcomed. However it suggests that these are secured through an additional LEAMP for this part of the site, raising concern that there may be some potential for confusion or conflict between the two approved LEAMPs. The County Ecologist therefore recommends that for the purposes of clarity and certainty of implementation and enforcement of these measures a new LEAMP taking account of the existing provisions for the wider Cherhill View site should be secured by condition.

#### Other matters

The Council's Environmental Health Officers have reviewed the application, with particular consideration given to the proximity of neighbouring properties at The Knowle and The Fairway, to whom there is potential for noise and pollution nuisance during the course of construction. A condition is recommended to restrict hours of working on site, and also to prohibit burning of waste materials on site.

The County Archaeologist has confirmed that no comments or objections are raised in respect of the proposals.

### **10. S106 contributions**

The site generates a requirement for the provision of 30% on-site affordable housing, to be provided as indicated on the submitted layout plan. Full details of tenancy types and unit sizes will be agreed by negotiation with the Council's Housing team at S106 stage.

Under Core Policy 3, the development generates a requirement for the provision of 396m<sup>2</sup> of on-site play space in addition to its overall 3660m<sup>2</sup> public open space contribution. An equipped play area is in the course of being provided in relation to the adjacent development and is situated a short distance to the North of the application

site. Accordingly, it is considered appropriate to seek the enhancement of this facility rather than separate provision on the application site. Similarly, due to the substantial over-provision of managed public open space in tandem with the adjacent development, the requirement in this regard can simply be formalised in relation to the scheduled provision.

The scheme also generates a requirement for planning contributions in respect of on-site waste collections and local air quality management schemes. A full S106 schedule, including details of Community Infrastructure Levy (CIL) requirements is attached at **Appendix A**.

## **11. Conclusion**

The current proposal provides for the provision of 56 additional residential units, of which 17 will be Affordable Housing, contributing to the local supply of housing beyond the minimum figures expressed at Core Policy 8. Whilst the effective loss of the consented care home is regrettable, there is no policy mechanism for assessing the viability or employment capacity of such a use, whilst this establishes the site as a sustainable one in residential terms. There are no adverse impacts in terms of local highways, landscape, amenity, drainage, ecology or other matters that cannot be suitably addressed by condition and that would therefore weigh against the proposals. Accordingly, it is considered that the scheme is acceptable in planning terms.

## **RECOMMENDATION**

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

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

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

## **CONDITIONS AND INFORMATIVES:**

- 1        The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
          REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2        The development hereby permitted shall be carried out in accordance with the following approved plans:

D29 16 P4 Rev A - Tree Protection Plan

Received 11 November 2015

MARD-15-04-01 rev A - Site Location Plan  
MARD-15-04-02 rev B - Planning Layout  
MARD-15-04-03 rev C - Proposed Materials Layout  
MARD-15-04-04 rev B - Enclosures Layout  
MARD-15-04-05 rev B - Storey Heights Layout  
MARD-15-04-06 rev B - Adoption Layout  
394-CH-010 rev D - Drainage Strategy  
RED20064-11B Sheet 1 - Landscape Proposals rev B  
RED20064-11B Sheet 2 - Landscape Proposals rev B  
RED20064-11B Sheet 3 - Landscape Proposals rev B  
RED20064-11B Sheet 4 - Landscape Proposals rev B  
RED20064-11B Sheet 5 - Landscape Proposals rev B

Received 25 January 2016

House Types Booklet rev C

Received 26 January 2016

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4 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 buildings 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.

- 5 No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street

furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner.

- 6 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

REASON: In the interests of highway safety.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

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

- 8 No construction works shall take place anywhere on the site outside the hours of 0730 and 1800 on Mondays-Fridays and 0800 and 1300 on Saturdays. Works shall not take place at any time on Sundays and Bank or Public Holidays.

No burning of waste or other materials shall take place anywhere on the site at any time.

REASON: To ensure the retention of an environment free from intrusive levels of noise, activity and pollution in the interests of the amenity of the area.

- 9 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details and information regarding existing ordinary watercourses within the site (as well as pollution protection to the proposed attenuation pond), has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 10 No development shall commence on site until a scheme for the discharge of foul water

from the site, including full details of pumping station/finishes/fencing/prevention measure to prevent pollution of proposed adjacent attenuation pond and other SUDS features, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 11 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a

condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.



- 12 No development shall commence until a Landscape, Ecological and Arboricultural Management Plan (LEAMP) has been submitted to and approved in writing by the Local Planning Authority. The submitted LEAMP shall have particular regard to the measures secured under Condition 21 of the permission N/12/04038/FUL and the addendum to the Ecological Impact Assessment (dated 20th October, 2015) so as to support and enhance the ecological mitigation measures previously agreed.

All capital works shall be carried out to the approved timescales and all areas identified in the LEAMMP shall be managed in accordance with the approved prescriptions in perpetuity. All monitoring reports shall be submitted in writing to the local planning authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority species and habitats.

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

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to 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.

- 14 **INFORMATIVE TO APPLICANT:**  
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 15 **INFORMATIVE TO APPLICANT:**  
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

- 16      **INFORMATIVE TO APPLICANT:**  
The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
- 17      **INFORMATIVE TO APPLICANT:**  
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.
- If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- 18      **INFORMATIVE TO APPLICANT:**  
The applicant should note that any works on, over or near (within 8m of top of bank) an ordinary water course will require a separate formal Land Drainage Consent application and approval, as will any new proposed connection.
- 19      **INFORMATIVE TO APPLICANT:**  
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 20      **INFORMATIVE TO APPLICANT:**  
The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur  
elevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructur/elevy)

**S106 Obligations****Affordable housing:**

- 30% on-site affordable housing (17 units based on 56-unit scheme), indicatively to be delivered as 60% affordable rent / 40% shared ownership.
- A detailed breakdown of unit types and sizes will be secured by direct negotiation with the Council's New Housing Team in setting the final terms of the Agreement.

**Open space:**

- On-site/adjacent provision of 3660m<sup>2</sup> public open space at Marden Green, Calne, with additional 396m<sup>2</sup> local play provision.
- Play provision should include enhancements to the existing equipped play offer as part of the public open space contributions secured under 12/04038/FUL.
- In line with the Council's standard approach, adoption of on-site POS should be offered to the Parish Council in the first instance and otherwise transferred to a management company.

**Waste**

- Contributions toward the provision of on-site waste containers will be sought as follows:

<b>Cost Multiplier</b>	<b>No. Units</b>	<b>Total</b>	<b>Target</b>
£91/dwelling	56	£5,096	On-site waste collections

**Air Quality**

- As the site directly abuts the Air Quality Assessment Zone associated with the Calne Air Quality Management Area (AQMA), a tariff-based contribution is also required in respect of local air quality management, as follows:

	<b>Trigger</b>	<b>Tariff</b>
Area in AQMA	25 or more units of accommodation	£11.325/unit*
	Gross retail area	£1.51/sq metre***
Non AQMA area	50 or more units of accommodation	£5.66/unit**
	Gross Retail Area	£0.75/sq metre

- Based on the above, the Council will require a S106 contribution of 56 x £5.66 = £316.96

**Education**

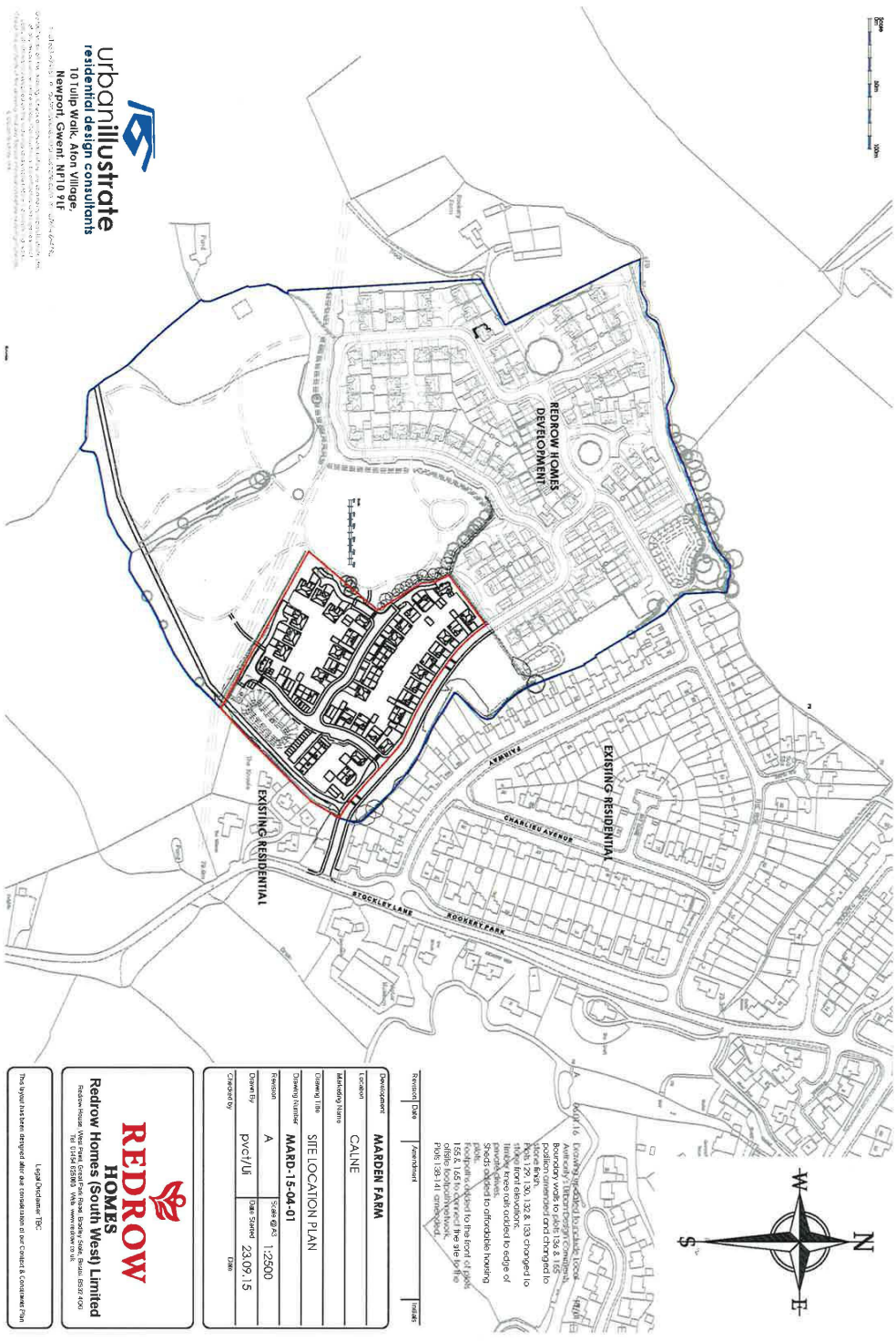
- No site-specific contributions will be sought in respect of Primary or Secondary provision at this time. A costed scheme at Priestly Primary School will be funded through a combination of CIL receipts and S106 contributions from other sites.

### Sports Pitches and Leisure

- The Council will no longer be seeking off-site contributions in respect of local sports pitch and leisure provision. These will be picked up under CIL.

### **Community Infrastructure Levy (CIL)**

The Council has now adopted its CIL charging schedule and this will now pick up all other off-site contributions, including primary and secondary funding, sustainable transport measures and public art. The application site falls within Charging Zone 2 (charged at £55/m<sup>2</sup> floor space), being within the Calne Community Area.



**urbanillustrate**  
 residential design consultants  
 10 Tulip Walk, Aton Village  
 Newport, Gwent, NP10 9JL

01493 333333

Development		<b>MARDEN FARM</b>	
Location		CAULNE	
Mandatory Name		CAULNE	
Drawing Title		SITE LOCATION PLAN	
Drawing Number		MARD-15-04-01	
Revision		Scale	1:2500
Drawing ID		CAULN	23.09.15
Checked by		DWB	

**REDDROW HOMES**  
 Redrow Homes (South West) Limited  
 Redrow House, West Park, Castle Park, Blandford, Dorset, BH20 9JQ  
 Tel: 01258 528282 Fax: 01258 528283

Legal Disclaimer: The layout has been designed after consultation of Council & Contaminant Plan

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	17 February 2016
<b>Application Number</b>	15/11230/OUT
<b>Site Address</b>	Land east of Oxford Rd (Site B), Calne, Wiltshire, SN11 8RS
<b>Proposal</b>	Outline Planning Application for up to 42 Dwellings with Associated Landscaping, Parking, Open Space & New Vehicular Access (All Matters other than Means of Access Reserved)
<b>Applicant</b>	Hollins Strategic Land LLP
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	CALNE NORTH – Cllr Glenis Ansell
<b>Grid Ref</b>	400463 172438
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Chris Marsh

### Reason for the application being considered by Committee

The application has been called in to Committee by the local Member, in order to consider the relationship to adjoining properties and environmental/highways impacts of the proposal.

#### 1. Purpose of Report

To consider the application and recommend that authority is delegated to the Area Development Manager to GRANT planning permission, subject to conditions and completion of a S106 legal agreement within six months of the date of the resolution of this Committee.

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

#### 2. Report Summary

The key issues in considering the application are as follows:

- Principle of development
- Impact on the context and character of the site
- Highways impacts
- Ecology, archaeology and contamination
- S106 contributions

Calne Town Council has objected to the application, citing the over-delivery of housing at Calne and prospective imbalance with employment uses, to which the site would be better suited.

One letter of objection has been received in respect of the proposals.

### 3. Site Description

The proposal relates to a regularly-proportioned parcel of land lying immediately East of Oxford Road, outside of the saved development framework boundary albeit directly abutted by land within in it to the North and West, on the northeast side of Calne. The nearest development is an electrical substation immediately south, with Porte Marsh industrial estate lying directly opposite to the West of Oxford Road. There is also a pair of early-mid C20<sup>th</sup> dwellings on the opposite side of this part of Oxford Road, whilst the older scattered hamlet of High Pen lies between 100 and 600m to the northeast. The site measures 1.3ha in size and its most recent use has been as medium-grade agricultural land, lying as it does at the foot of the North Wessex Downs AONB, the nearest part of which lies approximately 2km to the Southeast. The site is bounded on three sides by mature native hedgerow interspersed with modest trees – particularly on its eastern side – and a more modest wire fence along its southern boundary, over which an overhead line traverses the site from South to North from the substation. The hedgerow boundary to Oxford Road is well maintained and set back behind a narrow highway verge and ditch, with an historic field gate at around the midpoint.

### 4. Planning History

There is no planning history relating directly to the application site.

The following relates to the land immediately north:

N/08/01384/OUT	Erection of Commercial and Light Industrial Units (B1 and B8) - <i>refused</i>
N/09/00862/OUT	Proposed B1 (Business) and B8 (Storage & Distribution) Premises – <i>permitted</i>
N/12/03628/OUT	Proposed B1 (Business) and B8 (Storage & Distribution) Premises (Renewal of 09/00862/OUT) - <i>permitted</i>
14/07602/OUT	Erection Of Up To 41 Dwellings (Outline) – <i>refused</i>
15/12431/OUT	Proposed Erection of up to 41 Dwellings (Access Only, All Other Matters Reserved) (Re-Submission of 14/07602/OUT) – <i>pending determination</i>

The following planning history is also of relevance in relation to the land East/southeast:

N/11/02552/SCR	Screening Opinion - Outline Planning For up to 200 Homes Together With Public Open Space & New Access
N/11/03524/OUT	Outline Planning Application for up to 200 Dwellings and Associated Works – <i>permitted on appeal</i>
15/05831/REM	Reserved Matters Application to N/11/03524/OUT Regarding Layout, Landscaping, Scale & Appearance: for 200 Dwellings; Internal Roads & Footpaths; Garages, Parking; Public Open Spaces & Landscaping. – <i>pending determination</i>



## 5. The Proposal

The proposal relates to the erection of up to 42no. dwellings, together with associated access and landscaping, at Land East of Oxford Road, Calne. All matters except the site access – including layout, design and landscaping – are reserved for later consideration however the indicative layout shows a typically suburban pattern of development commensurate with the proposed density. Access is to be obtained directly from Oxford Road, at approximately the location of the existing agricultural access. From this point, visibility spays to 160m in either direction, relating to the 50mph speed limit in this location, are to be provided, for which it may be necessary to remove and re-plant the existing hedgerow to facilitate this whilst providing a defensible boundary in the longer term.

## 6. Planning Policy

Core Policies 1 (Settlement strategy), 2 (Delivery strategy), 3 (Infrastructure requirements), 8 (Spatial strategy; Calne Community Area), 43 (Providing affordable homes), 50 (Biodiversity and geodiversity), 51 (Landscape), 55 (Air quality), 57 (Ensuring high quality design and place shaping), 60 (Sustainable transport) and 61 (Transport and development) of the Wiltshire Core Strategy, adopted January 2015.

Saved Policies NE14 (Trees, site features and the control of new development) and NE18 (Noise and pollution) of the North Wiltshire Local Plan 2011.

Paragraphs 14, 17, 47, 49, 109, 112 and Sections 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the National Planning Policy Framework, March 2012.

## 7. Summary of consultation responses

Calne Town Council – objections, on the following grounds:

- *Calne and Calne Without have both exceeded their indicative housing numbers up to 2026 in accordance with Wiltshire Core Strategy requirements.*
- *There is a secure 5-year land supply for the North of Wiltshire.*
- *The strip of land east of Oxford Road was identified many years ago by North Wiltshire District Council as being suitable for mixed residential and industrial use; this designation was adopted by the unitary Wiltshire Council when the Districts were disbanded.*
- *As permission has already been granted for 200 houses on the strip of land east of Oxford Road just north of the junction with Sandpit Road, the remainder of the land which is situated on the opposite side of Oxford Road to the Porte Marsh industrial estate should be developed for industrial use in order to maintain the industrial/residential balance designated for this area.*
- *To allow housing on this site would create an isolated community with no services separated from the rest of the town. [This] is not a viable or sustainable situation and is therefore not in keeping with the Core Strategy.*

Spatial Plans – support

Highways – no objection, subject to conditions

Environmental Health – no objection, subject to conditions and S106 contributions

Landscape – no objection, subject to protection of important site features  
Ecology – no objection, subject to conditions  
Trees – no objection, subject to conditions  
Archaeology – no objection, subject to conditions  
Drainage – no objection, subject to conditions  
Wessex Water – no objection, subject to condition

## **8. Publicity**

The application was advertised by press advert, site notice and notification letter.

One letter of objection was received from a near neighbour, citing the capacity for the size and scale to impact adversely on the character of High Penn, unsafe access, inadequate local infrastructure and potential flood and ecology impacts of development.

## **9. Planning Considerations**

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

### Principle of development

The site lies outside of the saved development framework boundary for Calne, albeit that this nonetheless abuts the site to the West, along Oxford Road, and immediately North, where the adjacent parcels of land are allocated for future employment growth. In the strict terms of Core Policy 2, the proposals are not supported as they would result in the protrusion of residential development into the open countryside. As identified by the Council's Spatial Plans Officer, however, there is currently some uncertainty over the Council's ability to demonstrate a robust 5-year supply of deliverable housing following the Inspector's decision at Arms Farm, Sutton Bengier. As the Inspector concluded that Core Policy 2 carries little weight at the current time, the application falls to be considered in the context of Paragraphs 14 and 49 of the National Planning Policy Framework and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or if specific national policies indicate that development should be restricted. It should be noted that, in line with the Inspector's decision, Core Policy 1 remains a robust, up-to-date policy consideration.

Consideration must also be given to nearby planned development, in particular at Sandpit Road further south, where a 200-unit scheme is to extend alongside Oxford Road to enclose much of the application site's eastern boundary (11/03524/OUT refers). Matters reserved by condition to this scheme are currently under consideration (15/05381/REM refers). Although the site was omitted from the suggested revisions to the development framework boundary subject to informal consultation in Summer 2014, these were largely derived from the envelope of development already permitted in this area, with no additional housing land required at Calne over the remainder of the plan period. Taking this into consideration – in conjunction with the existing framework

boundary and allocated employment site and electrical substation bordering the site to the West, North and South respectively – it would be illogical to omit this site from consideration for prospective development altogether.

Whilst the potential for the site to be brought forward for commercial/industrial purposes has been advocated by other parties, the site does not fall within the employment allocation for Calne, which was tested robustly in the examination of the then emerging Wiltshire Core Strategy as recently as December 2014. As the adjacent site to the North remains available and deliverable in respect of such development, it is considered appropriate that this land instead comes forward for employment use, addressing the identified imbalance in the delivery of housing and employment over the plan period. The application must be treated on its individual merits and in the context of the material circumstances referenced above. There is no sequential policy mechanism in respect of new development that would require the consideration of the relative value of alternative uses of the site in this instance.

Some legitimate concern is raised in respect of the development's capacity to exacerbate the current imbalance between the delivery of housing on one hand and employment, infrastructure and local services on the other. This is a real impact of development and a disbenefit of the scheme when considered in the context of Core Policy 8, which identifies this imbalance as a risk to Calne's self-containment and thus sustainability as a settlement. This consideration must be weighed in the planning balance against the benefits of the scheme and other material considerations, as addressed in the conclusions below. It should be noted that it is not anticipated that residential development of this site will sterilise the delivery of employment on neighbouring land as already allocated over the plan period.

#### Impact on the context and character of the site

As previously discussed, the surrounding character of the site will be altered permanently and profoundly by the adjacent scheme for 200 dwellings, rendering the residual pocket of Greenfield land subject of the current application of limited amenity value in the wider context. Notwithstanding this considerable change in circumstances, even with no development actually yet commenced on the adjacent site, it is considered that the application site contributes relatively low agricultural or amenity value that would weigh particularly in favour of its protection as locally valued countryside. The site is of unassuming appearance and does not contribute significantly to the quality or purpose of the North Wessex Downs AONB, from which it is distinctly separated by the steeply sloping intervening landform. Accordingly it is considered that the proposed development of this site with a high quality, locally characteristic residential development will not generate any permanent significant adverse landscape or visual effects, other than the obvious localised permanent change of the site area itself from farmland to a new residential use. The impact on the distinctive rural character of High Penn has been identified, rightly, as a concern. Careful consideration will be required at the reserved matters stage to ensure that there is no abrupt change in character between the site and the nearby cluster of properties; this may be achieved through structural landscaping including hedgerows to limit inter-visibility. This is not in itself a reason to refuse outline

planning permission, particularly when considered in context of the adjacent employment allocation and large-scale housing site, and can be addressed by condition.

The proposed development is able to demonstrate capacity for the retention and, where necessary, re-planting of the native hedgerow that is characteristic of the site and the immediate area. This will also provide a degree of visual filtering of views into the site once developed, as well as enhancing residential amenity by reducing wind and noise reaching private amenity space. Although layout and design are reserved matters, the Design & Access Statement details two-storey detached dwellings consistent with the prevailing character of this part of Calne. It is considered that an appropriately designed development, including associated access and landscaping, could be accommodated in a satisfactory manner without compromising the integrity of important site features. The introduction of a new access onto the highway will be a significant change however it is noted that there are already several such entrances on this part of Oxford Road and accordingly it cannot be said that this will be unduly out-of-keeping once established. It should be noted that the Council's Landscape Officers in consultation with the case officer have raised no objection to the scheme proposals on the grounds of harm to the character and appearance of the locality subject to the use of conditions.

#### Highways impacts

The proposals have been considered by the Council's Highways Officer, who has had particular regard to the proposed access arrangements as full details of these have been provided at this outline stage. The Officer is satisfied that the proposed splayed access arrangement as detailed on plan 1097-F01 will be adequate in relation to the size and type of development proposed, making provision for visibility of 2.4 x 160m in both directions; appropriate in light of the 50mph speed limit in this location. This configuration may require some hedgerow removal however it is considered that the indicative quantum of development will enable this to be re-provided in due course, in order to protect this important landscape feature and habitat.

The Officer has noted the tandem pursuit of residential development on the adjacent site to the north, both through the application and appeal processes, and recommends that a shared access would be a considerable improvement over separate entrances to the two sites. This appears to be agreed by all parties. As the southern site access would be preferable in any case, and as there is no residential permission in place in respect of the neighbouring site, this point does not attract significant weight. The remainder of the proposed access/circulation is indicative at this time but indicates a typically suburban pattern terminating the suitable turning heads and private driveways; it should be noted however that the indicated parking courtyards would not be supported as detailed designs. Accordingly, no concerns are raised as regards highways layout at this time. It has been noted that final layout will also need to conform to the Council's adopted parking standards, including the provision of visitor spaces and garages as appropriate.

In terms of the wider highways impacts of the site, the Highways Officer has concluded that the volume of traffic generated by the scheme is unlikely to impact to a critical extent on traffic congestion in Calne, although this is noted to be an issue locally. It will however introduce additional vehicular movements and accordingly it is considered

reasonable and necessary that this is mitigated through suitable concessions to local sustainable transport such as a Travel Plan, to be submitted and agreed in due course. In order that the development is served properly other than by private vehicle, and to incentivise such means of accessing the development, a series of off-site pedestrian/cycle works are set out by condition. Subject to the provision of the above measures, it is considered that the transport impacts of the development can be suitably mitigated and on this basis no objection is raised on highways grounds.

#### Ecology, archaeology and contamination

Whilst it is not considered that the site presents any specific barriers to development in respect of on-site ecology, archaeology or contamination, a precautionary approach is recommended in all respects. The application refers to the full Phase 1 Habitat Survey undertaken in respect of the adjoining land, concluding the site to be of value in respect of both bird and amphibious populations. In this instance, the most significant disruption is likely to be brought about by the almost wholesale removal of the western hedgerow running alongside Oxford Road, which is likely to be a local resource for birds. The scheme does however make provision in the longer term for the reinstatement of native hedgerow along this boundary and given the relative resilience of affected species together with the retention of robust landscape features elsewhere on the site perimeter, it is not considered likely that the development will result in significant adverse ecological impacts. No detrimental impact is anticipated at this stage in respect of protected species and therefore subject to adherence to the recommendations of the previous Phase 1 survey report, to be secured by planning condition, no objections are raised by the County Ecologist in respect of the proposals.

There is no known historical use of the site likely to have resulted in significant ground contamination issues, as confirmed by the contamination report that accompanies the application. However, previous agricultural activity can result in concentrated and invasive contamination that may not be evident upon undertaking an initial survey of the site surface. To this end, the Council's Public Protection Officer has recommended a precautionary investigation condition to ensure that any suspected contamination subsequently encountered is properly investigated, reported and, if necessary, remediated. A similar watching brief approach is to be adopted in respect of any on-site archaeology; although a desk-based survey did not present any significant findings, a condition is recommended as a mechanism for dealing appropriately with any buried archaeology subsequently encountered during the course of construction or further investigation.

#### Other matters

The site is located within the search area for the Calne Air Quality Management Area (AQMA), the purpose of which is to monitor, manage and mediate poor air quality focused around the centre of Calne. The Council's Environmental Health Officer has recommended that as no Air Quality Assessment indicating that the scheme would not adversely affect local air quality has been provided at the time of writing, a planning contribution is required in order to offset any likely impact in this regard. This contribution will be spent on monitoring and mitigation initiatives within the AQMA.

The Council's Trees Officer is satisfied that the proposals do not put under threat any of the trees of acknowledged quality and amenity value as identified in the submitted arboricultural assessment. Measures for the successful incorporation and protection of retained trees can be secured via a suitable Arboricultural Method Statement (AMS) in due course, and this approach is consistent with the strategic objectives for the landscaping/screening of the site if developed for housing. Some trees may also be of limited value for bat populations.

Comments have been received raising concerns that the development of the site could cause short term disruption of utilities to the properties at High Penn. Whilst to a significant extent this will rely upon the due diligence of the developer, an agreement in respect of water and sewerage connections under S104 of the Act will be required in any case, providing the statutory undertaker with the opportunity to agree an appropriate scheme of works. Both Wessex Water and the Council's Drainage Engineer have confirmed that no objection is raised, subject to subsequent agreement of suitable means of foul and surface water drainage from the site, which may include off-site works as necessary.

#### **10. S106 contributions**

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

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

The development will generate a significant influx in population to this part of Calne, placing additional demand on local primary and secondary education provision. However, the Council's Education Officer has advised that the Council has sufficient S106 receipts to fund expansion schemes at Priestly Primary School and John Bentley School, such that any future provision should be recouped through the Community Infrastructure Levy (CIL) in this instance.

As set out above, the proposal also attracts planning contributions in respect of air quality management. All planning obligations are summarised at **Appendix A**, together with indicative breakdowns where appropriate.

#### **11. Conclusion (The Planning Balance)**

The proposal makes provision for up to 42 residential units on a sustainably-located site on the outskirts of Calne, a settlement identified as being capable of delivering significant growth over the Core Strategy plan period. Whilst the minimum housing numbers for the town have already been exceeded, it is concluded that when considered in context the proposals are acceptable in their own right and will not

prejudice the fulfilment of sustainable development objectives as set out in local and national planning policy.

The development will attract benefits through the provision of both market and affordable housing, together with economic benefits during the construction phase. Weighing against the proposals are the imbalance in delivering housing without employment/services and relationship to the saved development framework boundary however it is critical to note that due to recent appeal decisions the latter in itself commands very little weight.

The individual characteristics of the site are reasonably well suited to residential development and outstanding matters of layout, design, landscaping and appropriate mitigation can be resolved through planning conditions and the reserved matters process. Therefore, taken on balance in the current circumstances, which are liable to change in future, it is considered that the proposals are acceptable in planning terms.

## **RECOMMENDATION**

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

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

The application proposal fails to provide and secure the necessary and required Services and infrastructure supporting the proposed residential development including Affordable Housing; Waste; Public Open Spaces; Air Quality Management and is therefore contrary to Policies CP3 CP43 & CP55 of the Wiltshire Core Strategy Adopted January 2015 and Paras 7, 14 & 17 of the National Planning Policy Framework March 2012.

## **CONDITIONS AND INFORMATIVES:**

- 1 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; and
  - (d) The landscaping of the site.

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3 The reserved matters to be submitted pursuant to Condition 1 above shall relate to a scheme comprising up to 42no. dwellings and no more, together with associated landscaping including on-site public open space and play provision.

REASON: In order to secure an appropriate quantum of development for the application site.

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

Location Plan  
01112/02 - Topographical Survey  
1097-F01 - Proposed Site Access Junction

Received 13 November 2015

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

5 The development hereby permitted shall not be first occupied until the access to the site has been laid out and properly consolidated as detailed on plan number Drawing 1097-F01 'Proposed Site Access Junction' Rev -, dated July 2015.

REASON: In the interests of safe and convenient access to the development.

6 No dwelling shall be occupied until the access to the development has been provided with visibility splays with nothing to exceed the height of 600mm above carriageway level from a point 2.4 metres back along the centre line of the access to points on the nearside carriageway edge 160 metres to the north, and 160 metres to the south. The visibility so provided shall thereafter be maintained in accordance with drawing 1097-F01 'Proposed junction analysis'. Any vegetation/ hedgeline shall set back at least 1m from the visibility splay and maintained as such thereafter, in perpetuity.

REASON: In the interests of safe and convenient access to the development.

7 No part of the development shall be brought into occupied until a 2m - 2.5m wide footway/shared use path has been provided over the entire site frontage in accordance with details to be first submitted to and approved by the Local Planning Authority. The details to be submitted shall include for the relocation of the existing lighting columns to the rear of the new footway and proposals for hedgeline / vegetation to the rear of the new footway.

REASON: In the interests of safe and convenient pedestrian access to the development.

8 No part of the development shall be occupied until a 2m - 2.5 metres wide footway/shared use path including new roadside kerbs has been provided on the highway verge on the western side of the C394 road, between the end of the existing footway near 249 Oxford Road and the end of the shared use cycleway just north of



the access to New Cottages, in accordance with details to be first submitted to and approved by the Local Planning Authority. The details to be submitted shall include for the relocation of the existing lighting columns and proposals for hedgeline / vegetation to the rear of the new footway.

REASON: in the interests of safe and convenient pedestrian access to the development.

- 9 No dwelling shall be occupied until a pedestrian crossing / refuge has been provided over the C394 in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of safe and convenient pedestrian access to the development.

- 10 No development shall take place until a Residential Travel Plan has been submitted and approved in writing by the Local Planning Authority. The Residential Travel Plan shall be actioned in accordance with details approved by the Local Planning Authority prior to first occupation.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 11 No development shall commence on site until details of refuse and recycling facilities (including location and range of facilities and their means of operation) have been submitted to and approved in writing by the Local Planning Authority.

The development hereby permitted shall not be first occupied until the approved recycling facilities have been completed and made available for use in accordance with the approved details. The approved recycling storage shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of public health and safety.

- 12 No development shall commence on site until a scheme for the discharge of stormwater water from the site, including any required off site capacity improvements required to receive flows together with a connection point agreed with the sewerage undertaker and timetable, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme, including any required off site works/improvements within the agreed timetable.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 13 No development shall commence on site until a scheme for the discharge of foul water from the site, including any required off site capacity improvements required to receive flows together with a connection point agreed with the sewerage undertaker and timetable, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme, including any required off site works/improvements within the agreed timetable.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 14 No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (i) to (iii) below have been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- A survey of the extent, nature and scale of contamination on site;
- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;
- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;
- An assessment of the potential risks to
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwater and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and

approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15 The mitigation measures detailed in the approved Ecological Assessment (Resource & Environmental Consultants Ltd, April 2014 and October 2015), together with a

timetable for implementation and measures to secure sensitive retention of mature and over mature trees within the development layout and a buffer of public open space / landscaping between the residential units and the wetland area to the south of the site, to be first agreed in writing by the Local Planning Authority, shall be carried out in full prior to the first occupation of the development hereby approved.

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

16 No development shall commence on site 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, the results and recommendations recorded and submitted to and approved in writing by the Local Planning Authority.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

17 INFORMATIVE TO APPLICANT:

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

18 INFORMATIVE TO APPLICANT:

The applicant is reminded of the need to obtain separate Land Drainage Consent in respect of any alterations to existing watercourses, or works within 8m of the top of any bank thereto.

19 INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

20 INFORMATIVE TO APPLICANT:

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

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

21 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure)  
elevy

**S106 Obligations**Affordable housing:

- 30% on-site affordable housing (13 units based on 42-unit scheme), indicatively to be delivered as 60% affordable rent / 40% shared ownership or discount market.
- A detailed breakdown of unit types and sizes will be secured by direct negotiation with the Council's New Housing Team in setting the final terms of the Agreement.

Open space:

- On-site provision of public open space with proportion of local play provision (quantum TBC, dependent on final dwelling mix).
- In line with the Council's standard approach, adoption of on-site POS should be offered to the Parish Council in the first instance and otherwise transferred to a management company.

Waste

- Contributions toward the provision of on-site waste containers will be sought as follows:

<b>Cost Multiplier</b>	<b>No. Units</b>	<b>Total</b>	<b>Target</b>
£91/dwelling	42	£3,822	On-site waste collections

Air Quality

- As the site falls within the Calne Air Quality Management Area (AQMA), a tariff-based contribution is also required in respect of local air quality management, as follows:

	Trigger	Tariff
Area in AQMA	25 or more units of accommodation	£11.325/unit*
	Gross retail area	£1.51/sq metre***
Non AQMA area	50 or more units of accommodation	£5.66/unit**
	Gross Retail Area	£0.75/sq metre

- Based on the above, the Council will require a S106 contribution of 42 x £11.325 = £475.65

Education

- Whilst the development generates a need for an additional 8no. secondary and 12no. primary school places, forecasts suggest that these can be accommodated through the additional capacity/projects realised at John Bentley School and Priestly Primary School as a result of larger developments in Calne. It is therefore intended to meet any additional requirement through CIL.

### Sports Pitches and Leisure

- The Council will not be seeking off-site contributions in respect of local sports pitch and leisure provision. These will be picked up under CIL.

### Public Transport

- The Council will not be seeking off-site contributions in respect of local public transport provision/improvements in this instance. These will be picked up under CIL.

### **Community Infrastructure Levy (CIL)**

The Council has now adopted its CIL charging schedule and this will now pick up all other off-site contributions, including primary and secondary funding and contributions to public art. The application site falls within Charging Zone 2 (charged at £55/m<sup>2</sup> floor space), being within the Calne Community Area.

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	17 February 2016
<b>Application Number</b>	15/10519/OUT
<b>Site Address</b>	Land at Bradford Road, Corsham, Wiltshire
<b>Proposal</b>	Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access & Associated Works (Resubmission of 14/04179/OUT)
<b>Applicant</b>	Redcliffe Homes
<b>Town/Parish Council</b>	Corsham
<b>Electoral Division</b>	Corsham Without And Box Hill – Cllr R. Tonge
<b>Grid Ref</b>	385297 169999
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application has been called in by Cllr Richard Tonge to consider the effect and scale of the development.

#### **1. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the authority be granted to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement and the imposition of appropriate conditions.

#### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area
- Highway safety
- Design and Layout
- S106 Contributions

The conclusions of the Planning Inspector on the recent appeal (determined in august 2015) are also relevant material considerations.

Corsham Town Council object to the application, which has also generated 8 letters of objection.

#### **3. Site Description**

The application site is approximately 9.7ha of greenfield land located at the western edge of Corsham. The site is bounded by Bradford Road to the north and Park Lane to the south and is approximately 1.8km to the west of Corsham High Street and the historic town centre.

The site is currently accessed by vehicles from Park Lane, via an informal entrance at the eastern end of the site. The majority of the site is a gently sloping arable field, sloping toward the north east, enclosed along the northwest boundary to Bradford Road and in part along the southwest boundary to Park Lane by mature, managed hedgerows and tree lined boundaries. A copse of mature trees is located on the boundary with Park Lane.

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

14/04179/OUT      Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access and Associated Works- planning permission refused and dismissed on appeal. The previous application was refused solely on ecological grounds due to a lack of sufficient information to assess the impact on the Bath and Bradford on Avon Bats Special Area of conservation. At appeal the inspector agreed with the Council's position on this matter

#### **5. The Proposal**

Development of up to 170 Dwellings, Medical Centre/Community Hall, Public Open Space, Access & Associated Works

#### **6. Planning Policy**

Wiltshire Core Strategy Jan 2015:

Core Policy 1-      Settlement Strategy  
Core Policy 2-      Delivery Strategy  
Core Policy 3-      Infrastructure Requirements  
Core Policy 11-     Spatial Strategy: Corsham Community Area  
Core Policy 51-     Landscape  
Core Policy 43-     Providing affordable homes  
Core Policy 45-     Meeting Wiltshire's housing needs  
Core Policy 50-     Biodiversity and Geodiversity  
Core Policy 51-     Landscape  
Core Policy 57-     Ensuring high quality design and place shaping  
Core Policy 58-     Ensuring the Conservation of the Historic Environment  
Core Policy 62-     Development impacts on the transport network  
Core Policy 67-     Flood Risk  
Appendix D  
Appendix E  
Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution  
T5-      Safeguarding  
H4-      Residential development in the open countryside  
CF2-     Leisure facilities and open space  
CF3-     Provisions of open space

National Planning Policy Framework 2012:

Achieving sustainable development – Core Planning Principles (Paragraphs 7 14 & 17)  
Chapter 1-      Building a strong, competitive economy (Paragraphs 18 & 19)  
Chapter 6-      Delivering a wide choice of high quality homes (Paragraphs 47, 49, 50 & 55)  
Chapter 7-      Requiring Good Design (Paragraphs 56, 57, 60, 61, & 64)  
Chapter 8-      Promoting healthy communities (Paragraph 75)  
Chapter 11-     Conserving and enhancing the natural environment (Paragraphs 109, 112, 118 & 123)

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

## **7. Summary of consultation responses**

Network Rail- Whilst there is no objection in principle to this proposal Network Rail wish to make comments and set out requirements for the safe operation of the railway and the protection of Network Rail's land.

Drainage- Final comments will be presented as a late item.

Wiltshire Fire and Rescue Service- The proposed development has been assessed and the detail on the attached schedules relates to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire

Highways- No objection subject to conditions and a s106 agreement.

MOD- No safeguarding objections to this proposal.

Wessex Water- No objection, subject to planning conditions. There is limited capacity within the downstream sewerage system to accommodate the predicted foul flow from the proposed development. Network modelling of the foul sewerage system is required to ascertain the nature and extent of capacity improvements. As a foul drainage strategy is yet to be agreed we request a planning condition relating to this matter.

Corsham Town Council- Recommend that the application be refused on the grounds that Corsham Town Council's policy is to retain a green buffer between Corsham itself and the outlying settlements; concerns over the findings of the mining assessment; inappropriate site when other more suitable sites were coming forward; Corsham has exceeded the indicative housing figure allocated to the town in the Core Strategy, which covers the period to 2026, by at least 15%, this proposed development is not needed; the development was felt to be poorly designed and planned; it is inappropriate to consider medical and community facilities until the need has been established through the Neighbourhood Planning process.

If Wiltshire Council was minded to approve the application that conditions be imposed, there are a number of changes and conditions that would need to be addressed such as traffic and transport issues, cycle and pedestrian connectivity, financial contribution towards a new cemetery and the provision of allotment land.

Public Open Space- 11,220m<sup>2</sup> of open space, including 1,020m<sup>2</sup> of play space, is proposed, which is the planning requirement (based on an estimated dwelling mix).

As it is out line it is not possible at this stage to request more information on the form this POS will take and its approximate location, this will be agreed on the submission of the reserved matters application.

Landscape Team- No objection subject to

Rights of Way- No objection

Ecology- No objection subject to planning conditions. Details and conclusions are contained within the report below.

Spatial Planning- No objection. Formal comments are contained within the report below.

Housing- No objection subject to the provision of 30% onsite affordable housing. The Wiltshire Core Strategy details a requirement in the Corsham Community Area for a 30% affordable housing contribution to be delivered in line with Core Policies 43, 45 and 46 where there is demonstrable need for affordable housing.

Core Policy 43 sets out when affordable housing will be required and indicates the proportion which will be sought from open market housing development ie: an affordable housing provision of 30% will be provided on sites of 5 or more dwellings where there is demonstrable need in the Corsham Community Area.

Education- No objection subject to a contribution of £739,398 for secondary education & £814,992 for primary Education

Early Years- No objection subject to a contribution of £164,160.00 towards Early years provision (3 – 4 Years)

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

The on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. The estimated s106 contribution set out in the table below is required for the provision of this essential infrastructure to make the application acceptable in terms of the policies listed below. This figure is subject to change dependent on the confirmed mix of flats and houses, in accordance with section 10 of the attached draft SPD.

<b>Property type category</b>	<b>Contribution per house/per category</b>	<b>Quantity</b>	<b>Total</b>
Individual house	£91	170	£15,470
Bin store for block of 6-10 flats	£581		£ 0
Bin store for block of 11-14 flats	£1,038		£ 0
Bin store for block of 15-18 flats	£1,474		£ 0
		<b>Total</b>	<b>£15,470</b>

This contribution is directly related to the development and is specifically related to the scale of the development, as it is based upon the number of residential units on site.

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

Based on an indicative figure of £300 per dwelling, a contribution of £51,000 would seem to be an appropriate figure for this site. We would expect for a development of this size to engage a experienced professional public art advisor to join the design team to devise a public art scheme.

## **8. Publicity**

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

8 letters of objections were received from local residents, some residents have submitted more than one letter. Comments were also received from the Pickwick Association.

Summary of key points raised:

- Merely a resubmission of an earlier planning application of the same character and description and for the same site. This has already been dismissed at appeal
- Submitted documentation only contains minor amendments to the previously refused scheme
- Has not overcome the concerns of the Inspector in relation to protected species (bats). The supporting information comes to the totally unfounded conclusion that “The proposed development will not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC
- the affordable housing requirement for Corsham and the surrounding community area is already more than satisfied by the three approved developments. There is no requirement for any further development.
- Corsham does not have sufficient local facilities such as doctors & Schools.
- Community centre not required
- Remove green wedge between Corsham and Rudloe
- Contrary to core strategy. Site not identified in any plan
- Will harm the landscape and historic character of the area

## **9. Planning Considerations**

### Principle of development

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

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

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

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

The Wiltshire Housing Site Allocations Plan and the Corsham Neighbourhood Plan although part of the emerging Development Plan are both at an early stage of preparation and can only be afforded limited weight.

### Wiltshire Core Strategy

Policy CP1 identifies Corsham as a market town with the potential for significant development for jobs and homes. Policy CP2 states that development outside of the limits of existing settlements will only be permitted in exceptional circumstances, or if the site is identified for development through a site allocation document or a Neighbourhood Plan. The

exceptional circumstances are set out in paragraph 4.25 of the Core Strategy. In this case, the site lies outside of the limits of development for Corsham and has yet to be identified for development though either the Sites Allocation Plan or a Neighbourhood Plan, and the proposal does not meet any of the exceptional circumstances in paragraph 4.25. Similarly, as it lies beyond the limits of development, it does not comply with saved policy H4 of the North Wiltshire Local Plan as it does not meet the exceptions, such as agricultural needs, set out in that policy. The proposal is therefore in conflict with the development plan.

### NPPF

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

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

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

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

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

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

The relevance of this appeal decision means that conflict with core policy 2 and saved policy H4 cannot be relied on as a reason for not supporting development until the Council has restored a 5 year supply of housing. It is notable that this context (lack of identified five year



housing supply) was the same context in which the Inspector determined the previous appeal on this site in August 2015. Again, he found that the lack of sufficient information at that time to assess the impact of the proposal on the Bath and Bradford on Avon Bats Special Area of Conservation amounted to significant and demonstrable harm sufficient to outweigh the benefits to housing land supply. However, it is notable that whilst he considered objections raised by local residents to the development, he determined that none of these concerns justified dismissing the appeal. This finding is a relevant consideration in the determination of this application.

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

### Scale of Development

In the Wiltshire Core Strategy (policy CP1), Corsham is identified as a market town, the second tier in the settlement hierarchy below only the three principal settlements. Core Policy 1 describes these settlements as having the potential for 'significant development' as it is recognised that they have the ability to support sustainable patterns of living through their current levels of facilities, and that these can be sustained and enhanced through further growth.

Whilst objections to the application have been made by some residents concerned about the lack of existing facilities, the place of Corsham in the settlement hierarchy was established in the year-old Core Strategy.

Core Policy 11 makes provision for 'approximately' 1392 dwellings to be provided across the Corsham Community Area over the plan period of which 226 homes remain to be identified (April 2015 Housing Land Supply Statement). However, in May 2015 a further 150 homes received planning permission on appeal at Bath Road reducing the residual indicative requirement to 76 homes.

The number of dwellings proposed, when taken with those already approved, will exceed the minimum required in Core Policy 11 for Corsham, but the figure set was a minimum and in the absence of a five year supply in the housing market area, cannot be relied upon as a reason for refusal for a development of this scale that brings with it supporting community infrastructure in the form of a medical centre/community hall, in addition to the benefits secured through the section 106 agreement and Community infrastructure levy (CIL) . Furthermore, the Inspector at the previous appeal did not consider that a development of this scale was unacceptable in this location.

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

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

### Ecology

The site is located approximately 0.6km from Box Mines SSSI / SAC and comprised of large arable fields bounded by hedgerows and dry stone walls. Hartham Park Quarry is situated on the north eastern boundary and a desk study suggests further entrances may be present to the south east. Initial bat surveys carried out in late August – early-October 2014 revealed a wide assemblage of bats using the boundary hedgerows including horseshoe species which the SAC is designated for. Relatively high levels of *Myotis* sp. bat activity was also recorded.

As noted above, the previous appeal at the site was dismissed by the Inspector solely on ecological grounds. The Inspector concluded that reflecting the conclusions of the Wadenzee case, Regulation 61 requires that an appropriate assessment would not only need to take into account the effect of the proposed scheme on the appeal site, but also the possible effect together with (ie in combination with) any other proposed or committed development in the vicinity would have to be considered.

At the Hearing the Inspector considered all recent approvals and was of the view that all of these should be considered in any 'in combination' assessment. The original proposal on its own might not be regarded as representing a likely significant effect (LSE) on the SAC, but the Inspector, in dismissing the appeal, had regard to the possibility of a LSE arising when the appeal was seen together with other committed and proposed development. The inspector adopted the precautionary principle, which must be applied in the application of the Habitats Regulations thus dismissing the appeal.

Since the conclusion of the appeal, in consultation with the Council's ecologist, survey information for a full year is now available for the site and there is now sufficient information to conclude that there would be no significant effect when considered in combination with other permitted schemes in the vicinity.

The Council's ecologist required some changes to the indicative layout and these plans have been submitted to the Council. Having considered the additional survey work and revised plans an appropriate assessment has been completed for the application site and concluded that planning permission should not be withheld on ecology grounds and can be granted permission subject to planning conditions.

### Impact on Landscape

The farmland currently serves to physically separate the settlements of Corsham and Rudloe and was historically protected from development by former Policy NE3 Rural Buffer of the North Wilts Local Plan. While this policy is no longer saved, the issue of settlement coalescence remains a planning consideration for development proposed on the remaining land separating Corsham and Rudloe.

At pre-application stage a number of existing landscape features were identified and their retention sought, such as perimeter hedgerows, dry stone walling and some wooded areas. These are proposed for retention within the current proposals which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended as a result of concerns raised during the determination of the previous appeal and have positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact,

residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees, hedgerows and other landscape features.

At pre-application stage it was suggested that existing retained landscape features and new structural landscaping elements, including the retained dry stone wall, should remain in the public domain in order to ensure their cohesive future management and control and to reduce the risk of their piecemeal removal or neglect over the longer term by private householders. This can be agreed as part of the final layout.

Appropriate access to maintain hedgerows will also be necessary to incorporate at an early design stage as the layout of streets, orientation of dwellings, provision of active frontage etc. will all have a bearing on this, and ultimately the appropriate number of new dwellings that could be comfortably accommodated at this proposed site. It is considered that there has been a significant improvement within the revised layout and proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

The Landscape Character Assessment for this Character Area, highlights the need to improve the existing urban fringe transitions with countryside around Corsham and Rudloe in order to better contain existing and proposed new development edges and additional harmful urban influences on the countryside. It also states that the preference for new development within this character area is on lower lying land, where the landscape and visual effects resulting from urban development can be mitigated by improving existing field boundaries and planting new areas of woodland.

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

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

#### Sustainability of the site

The Council has acknowledged that housing will need to be delivered in and around Corsham- some 76 homes remain to be identified of the indicative requirement of 1220 at Corsham (Core Policy 11). Previously used land is identified in the SHLAA that could meet this residual need and the Wiltshire Housing Site Allocations DPD will identify the most appropriate location. This WHSA will be guided by the Corsham Community Area strategy and overall strategy in the WCS which encourages re-use of previously used land and an holistic approach to the development in the wider Corsham area given the presence of redundant MOD land (Policy CP11 & CP37). The immediate availability of sites in the Corsham area and deliverability of these sites is a material consideration.

The intention for these sites to come forward and the government's preference for development on brownfield sites is noted. However, section 6 of the NPPF requires Councils to identify a supply of specific, developable sites and these should be in a suitable location

for housing development and there should be a reasonable prospect that sites are available and could be viably developed at the point envisaged. Some MOD sites identified in the Strategic Sites Paper and Site Allocations Plan have come forward but not all, thus they fail to fulfil this requirement; therefore limited weight can be attached to them in considering the suitability of this site.

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

#### Setting of Listed Buildings

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

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

The proposed development is located over 300m from the nearest listed building (Hudswell House and 6-10 Hudswell Lane). Having viewed the site from these listed buildings and attempted to view the listed structures from within the site it is considered that the proposal is unlikely to be visible and will therefore have a neutral impact on the setting of the listed buildings. The proposal is considered to accord with CP58 of the Core Strategy and the NPPF.

#### Highways

The technical note has assessed the operation of the A4/B3109 junction under the current layout taking into account appropriate committed developments. The junction has been assessed for a 2015 year and a growth year of 2020.

For the year 2020 there are capacity issues for the B3109 arm. The arm will be well over capacity both with and without the development traffic. The development is shown to add 4 vehicles to the am peak hour queue on the B3109 arm for the worst case extending the forecast queue from 18 to 22 vehicles. While unsatisfactory this could not be considered to be “severe” in the light of the guidance in the NPPF.

Further the developer has put forward a small improvement scheme of adjusting the junction island positions to give a wider ‘give way’ line on the B3109 arm which would mitigate the identified development created detriment at the junction. The Gladman roundabout scheme may come forward before occupation of this development in which case the minor scheme would not need to go ahead. Any S106 would need to be worded to cover this possibility. High way heads of terms are set out below.

#### Affordable Housing

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

#### Community Facility/Doctor Surgery

The statement of community involvement indicates that there is a lack of suitable facilities such as doctor surgery, dentists, community facility & museum. It is acknowledged that the recently opened 'Corsham Campus' is likely to fill the gap relating to community facilities but there would still appear, from the neighbour consultation response, to be a need for the doctors surgery/dentist. The applicants will make the land available for such development through the s106 agreement and they are currently seeking an occupier. The provision of this is regarded as a benefit of the scheme.

### Mining

Concerns have been raised by local residents in relation to the mining report and the proximity of built development to these mines. The mining reports submitted with the original application and this current application clearly identify the location of mines within the locality. The plan on page 12 illustrates that the mine shafts are outside of the planning application red outline. The mines are therefore not underneath the area proposed for housing and no objection is raised to the development in this respect.

### S106 contributions

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

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

The development will generate a significant influx in population to this part of Corsham, placing additional demand on local primary, secondary education provision and early years.

The heads of terms for the s106 are as follows

- On site affordable housing 30%
- Onsite open space totalling 11,220m<sup>2</sup>, including 1,020m<sup>2</sup> of play space
- Primary Education £814,992
- Secondary education £739,398
- Early Years £164,160
- Waste £91 per residential unit
- Delivery of onsite community facility.
- Improvement scheme at A4 / B3109 unless the roundabout secured by application C/13/05188 is implemented first.
- Right turning lane at the access from Bradford Road including resurfacing and visibility splays.
- Right turning lane at the access from Park Lane including resurfacing and visibility splays.
- Street lighting improvements over the Park Lane frontage of the site.
- Street lighting of Bradford Road over the site frontage and as far as Toghill Crescent.
- Widening and resurfacing of the footway between the Bradford Road site access and the Toghill Crescent area (see TA drawing Figure 4.1).
- Minor highway improvement at the A4 / B3353 mini roundabout.

- Minor highway improvement at the A4 Bath Road / Park Lane mini roundabout.
- Implementation of the travel plan.

## 10. Conclusion

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

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

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

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

As recognised in the Arms Farm Appeal Decision as referenced above, the Council, at the moment, cannot demonstrate a 5 year supply in the north and west HMA because of this policy CP2 of the Wiltshire Core Strategy is considered to be out of date. The application should be considered in the context of the presumption in favour of sustainable development. Furthermore, the one objection raised by the Planning Inspector in the previous appeal on this site in August 2015 has been satisfactorily dealt with. In these circumstances, the guidance in the NPPF is that the local planning authority should grant planning permission.

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

balancing exercise which requires a careful assessment of issues relevant to policy considerations and fact.

The report has highlighted that the adverse impacts of the development include the construction of dwellings within the open countryside. The benefits of the proposal include the fact that the proposal will boost housing supply at a scale of development that is not inappropriate in a market town where a current lack of a five year supply of housing is acknowledged, there would be an additional supply of affordable housing and there would be economic benefits through construction and occupation of the houses, the application will protect the long term future of the remaining green gap between Rudloe and Corsham and it is understood that pedestrian linkages to the primary school will be improved. The scheme includes medical/community facilities although the need for these services is questioned by the Town Council and local residents.

It is considered on this occasion that the adverse impacts do not outweigh the benefits of scheme. It is therefore considered sustainable development in the context of the NPPF paragraph 49 and should be permitted.

## **RECOMMENDATION**

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

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

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

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- (a) The scale of the development;

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

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

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 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 buildings 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.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning



authority. The remediation strategy shall be implemented as approved.

REASON: To protect controlled waters from pollution.

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

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to 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.

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

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FIGURE 4.1

FIGURE 4.2

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

- 8 No more than 170 dwellings shall be developed on the application site edged red on the submitted Site Plan.

REASON: For the avoidance and in the interest of proper planning

- 9 The development hereby approved shall not commence until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker.

A drainage scheme shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing.

The drainage scheme shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: There is limited capacity within the downstream sewerage system to accommodate the predicted foul flow from the proposed development. Network modelling of the foul sewerage system is required to ascertain the nature and extent of capacity improvements. The condition will 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 properties.

- 10 Details submitted as part of any reserved matters application for the site shall be in accordance with the mitigation measures set out in the submitted document 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' (Engain, 2015) and the Council's appropriate assessment for this application (dated 27/12/15).

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

- 11 Prior to the commencement of development, an Ecological Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management and Monitoring Plan shall be in general

accordance with the measures set out in the submitted 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' document, and provide full details for the establishment and long-term management of semi-natural features within the site, including:

- " Translocation of sections of the existing hedgerow along Bradford Road
- " Establishment of all new areas of planting / landscaping
- " Establishment of wildflower grassland
- " Establishment of wetland habitats within the SUDs
- " Long-term management of all hedgerows, woodland, grassland and wetland habitat features
- " A schedule for monitoring of the condition of newly established habitat features, and post-development bat activity at the site

The site shall be maintained in accordance with the long-term management measures set out in the Ecological Management and Monitoring Plan unless otherwise agreed in writing by the Local Planning Authority. Results of ecological monitoring shall be submitted to the Local Planning Authority in accordance with the monitoring schedule.

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

- 12 Any reserved matters application shall be accompanied by a lighting scheme for that part of the site, including a lux plot clearly demonstrating that dark corridors (<1 lux) will be retained in accordance with the submitted 'Land at Bradford Road, Corsham: Summary of Results and Proposed Mitigation' document, and the Council's appropriate assessment of this application (dated 27/12/15).

REASON: To ensure that the proposed lighting doesn't have a detrimental impact on protected species..

- 13 No part of the development hereby approved shall be commenced until details of refuse and recycling facilities (including location and range of facilities and their means of operation) have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interest of the visual amenity of the area and in the interests of public safety.

- 14 No development shall commence on site until a scheme for the discharge of stormwater water from the site, including any required on site or off site capacity improvements required to receive flows together with a connection point agreed with the sewerage undertaker and timetable, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme, including any required off site works/improvements within the agreed timetable.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 15 No development shall commence until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

- 16 Prior to the first occupation of any dwelling the pedestrian visibility splays and the footway alterations on drawing Transport Assessment Figure 4.4 SK03 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 17 Prior to the first occupation of any dwelling the pedestrian refuge, visibility splays and bus layby on drawing Transport Assessment Figure 4.5 SK05 shall be provided and thereafter permanently retained

REASON: In the interest of highway and pedestrian safety.

- 18 Prior to the first occupation of any dwelling the pedestrian refuge and visibility splays on drawing Transport Assessment Figure 4.6 SK06 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 19 Prior to the first occupation of any dwelling the visibility splays at the Park Lane access of 2.4 x 120 metres in each direction at a height not exceeding 600mm above carriageway level shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 20 Prior to the first occupation of any dwelling the visibility splays at the Bradford Road access of 2.4 x 160 metres in each direction at a height not exceeding 600mm above carriageway level shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 21 Prior to the first occupation of any dwelling the pedestrian refuge and visibility splays on drawing Transport Assessment Figure 4.7 SK07 shall be provided and thereafter permanently retained.

REASON: In the interest of highway and pedestrian safety.

- 22 INFORMATIVE TO APPLICANT:

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site. You are advised to contact the PROW officer on [INSERT]

- 23 INFORMATIVE TO APPLICANT:

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

24      INFORMATIVE TO APPLICANT:

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

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

25      INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

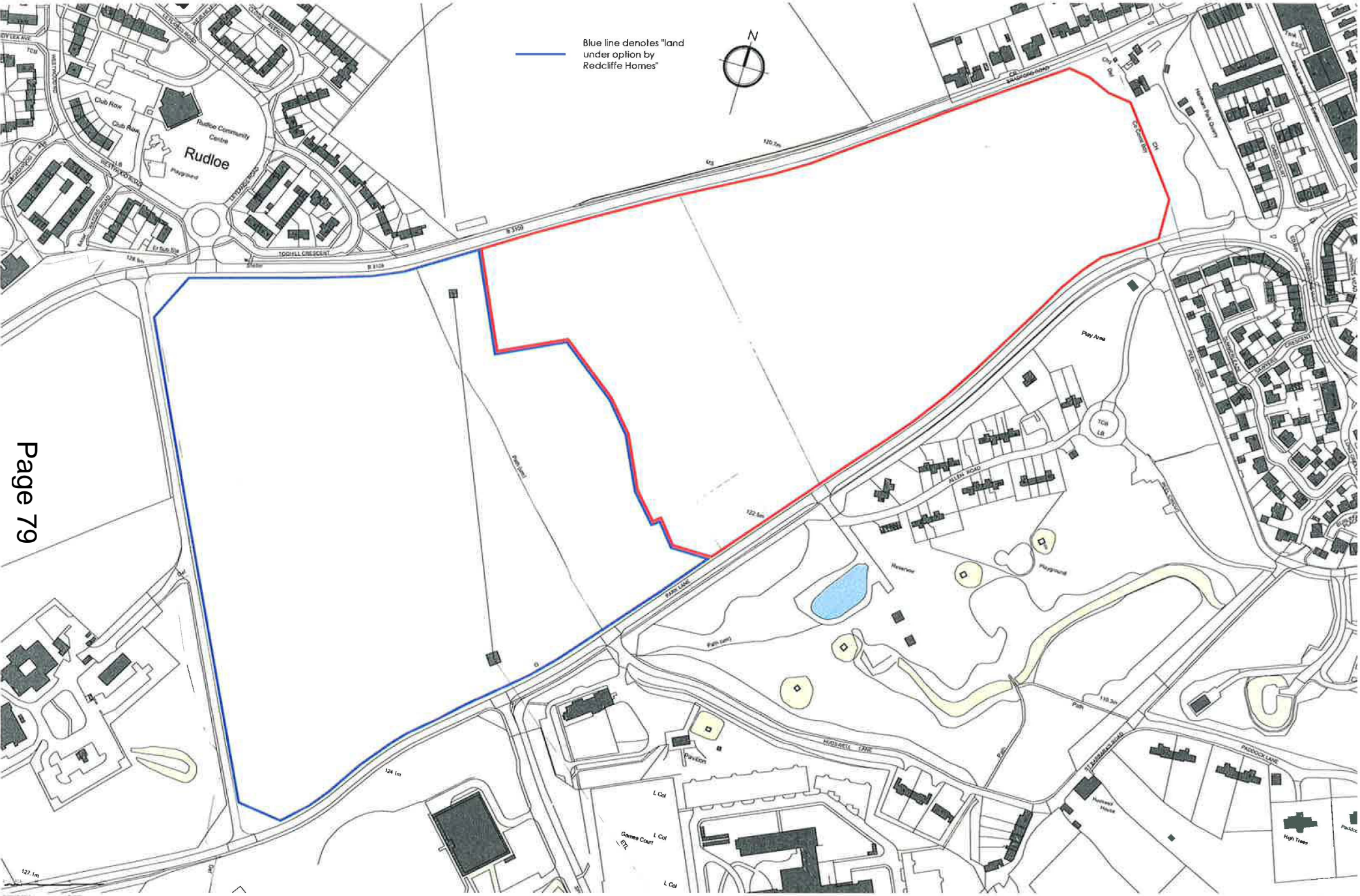
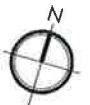
26      INFORMATIVE TO APPLICANT:

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

27      INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

Blue line denotes "land under option by Redcliffe Homes"



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