

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	06 September 2017
Application Number	17/03035/REM
Site Address	Land at Former Blounts Court Nursery, Studley Lane, Studley, Calne, SN11 9NQ
Proposal	Erection of 53 no. Dwellings with Public Open Space and Associated Infrastructure, Approval of Reserved Matters (scale, layout, external appearance and landscaping) to be Conjunction with Outline Application 15/10457/OUT
Applicant	Crest Nicholson South West Ltd
Town/Parish Council	Calne Without
Electoral Division	Calne Rural – Cllr Crisp
Grid Ref	396450 170996
Type of application	Full Planning
Case Officer	Mark Staincliffe

Reason for the application being considered by Committee

The application was called to committee by Cllr Crisp due to the concerns expressed by local residents. In particular concerns still remain relating to the urban nature of the development, the provision of the crossing and the proposed location.

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 **GRANT** planning permission subject to planning conditions.

2. Report Summary

The key issues in considering the application are as follows:

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

The Parish Council object to the proposed development. 28 letters have been received objecting to the proposed development and 0 letters of support were received.

3. Site Description

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

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

4. Planning History

N/99/01373/S73A	Renewal of permission for mobile home
N/00/02147/CLE	Certificate of lawfulness (existing use) for use of part of nursery garden as a garden centre (sui generis)
N/00/02903/CLE	Use of part of nursery as a garden centre (sui-generis)
N/93/01942/ADC	Advertising directional sign advertising directional sign
N/90/03055/ADC	Erection of non illuminated signboards
N/90/00636/ADC	Advertisement sign
N/90/02404/ADC	Resubmission - display of three non illuminated signboards
N/02/00849/FUL	Erection of replacement buildings, car parking, landscaping and highway alterations
N/03/00403/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements
N/03/03374/FUL	Refurbishment of existing garden centre including erection of replacement buildings, revised car parking arrangements, landscaping and highway improvements
N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL)
14/04177/OUT	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping.
14/09769/OUT	Erection of 28 Dwellings, Including Access, Car Parking and Landscaping (Re-submission of 14/04177/OUT) GRANTED
15/10457/OUT	Residential Development of 53 Dwellings Including Access, Car Parking, Landscaping and Associated Infrastructure. GRANTED

5. The Proposal

The application seeks permission for the erection of up to 53 dwellings. It follows the approval of an outline application for up to 53 dwellings. The outline permission sought permission for access only. The current planning application is a reserved matters scheme seeking consent for the appearance, landscaping, layout and scale.

6. Local Planning Policy

Wiltshire Core Strategy Jan 2015:

Core Policy 1- Settlement Strategy

Core Policy 2- Delivery Strategy

Core Policy 3- Infrastructure Requirements

Core Policy 8- Spatial Strategy: Calne Community Area

Core Policy 51- Landscape

Core Policy 43- Providing affordable homes

Core Policy 45- Meeting Wiltshire's housing needs

Core Policy 50- Biodiversity and Geodiversity

Core Policy 51- Landscape

Core Policy 57- Ensuring high quality design and place shaping

Core Policy 58- Ensuring the Conservation of the Historic Environment

Core Policy 62- Development impacts on the transport network

Core Policy 67- Flood Risk

Appendix D

Appendix E

Appendix G

Saved Policies of the North Wiltshire Local Plan:

NE18- Noise and Pollution

T5- Safeguarding

H4- Residential development in the open countryside

CF2- Leisure facilities and open space

CF3- Provisions of open space

National Planning Policy Framework 2012:

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

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

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

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

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

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

7. Summary of consultation responses

Parish Council- Objects to the above planning application on the following grounds:

- The design, layout and materials of the detailed scheme presented in this application do not comply with Wiltshire Councils Core Strategy and the emerging Calne Community Neighbourhood Plan particularly policies below and sections 33.2, 28.1 & 28.3.
- Policy NE3 - Development which adversely affects the rural character of country lanes or **introduces urbanising features** will not be supported

- Policy BE2 – Local Distinctiveness and Aesthetics for all development must be designed to a high quality **that reinforces local distinctiveness, including in relation to materials, built form and settlement patterns**
- Policy H4 – Sustainable Design Development will be required to adhere to the principles of sustainable design and construction whilst **integrating into the environment and the local characteristics of the surroundings**
- In order to comply with these policies the design, layout and materials of the whole scheme must integrate with the local characteristics of the surroundings. That applies to the buildings but also to the layout, boundary treatments and road type. The whole street scene should reinforce local distinctiveness from the road surface to the chimney pots. Unfortunately these proposals clearly fail to do that. The development is at a prominent entrance to the village of Studley and must integrate with the local characteristics and feel of that village rather than the neighbouring village of Derry Hill which is much more urban in character
- The detailed matters which currently fall short are:
 - building mix and design
 - roof lines and material
 - boundary treatments
 - street scene (long continuous building and fence lines)
 - parallel concrete kerbs
 - traffic calming features
 - estate road turning head
 - footways
 - concrete block work
- We would recommend that design improvement should therefore include:
 - more diverse building mix
 - house and garage ridge lines
 - hedge and stone wall boundary treatments
 - some buildings close to the road, others not, some at odd angles
 - variable width carriageway with low countryside kerbs
 - no street lighting
 - verges rather than footways within the scheme
 - footways set back behind verges on Studley Lane and A4
 - gravel and tarmac driveways in keeping with those in the village.
- The location of the pedestrian/cycle (Toucan) crossing, or alternative measures, will have a material influence on the layout of the development. Therefore the location and design of the crossing must form part of the layout which is to be determined. In order to do this Crest should submit their Stage 2 Road Safety Audit (which is understood to have been undertaken) and a Non-Motorised User (NMU) Audit to show where pedestrians and cyclists are travelling to and from, now and in the future. This will not only influence the location and form of the crossing but also the 2m/3m paths on the A4 and through the scheme.

- The provision of the signal controlled Toucan crossing and its location is viewed by the Parish Council as an essential element of the proposals. Council considers it vital that Wiltshire Council and/or the applicant, engages with the Police now, to establish whether or not a reduced speed limit is acceptable. The Parish Council and planning committee can then have confidence that a safe crossing can be delivered as shown in the drawings (or an acceptable alternative location) before they approve the layout as part of the reserved matters application

The application does not appear to include any details of any noise attenuation measures in relation to vehicle noise from the A4. Without effective noise reduction from this source the amenity of future occupiers will be significantly compromised and potentially be detrimental to their health.

Pipeline Agency- Work should not be undertaken or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent.

Drainage- No objection subject to conformity with submitted plans and discharge of conditions attached to the outline planning permission.

Highways- Revised plans have overcome initial concerns. No objection subject to conditions

Housing- No objection

Tree Officer- No objection subject to conditions

Urban Design- Revised plans have overcome initial concerns- No objection

Public Protection- The sawmill noise has been resolved, no objection subject to compliance with conditions attached to the outline application

Landscape- No objection

8. Publicity

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

The application has generated 28 letters of objection and 0 letters of support. A summary of the comments is set out below:

- The site is outside of the village settlement area.
- In conflict with neighbourhood plan
- The site is greenfield, currently used for agricultural purposes.
- will create a precedent for yet more building on greenfield both within and immediately adjacent to the village.
- Over dense with little privacy for the residents.
- proposed development is too large a scale for the village environment.
- Will cause traffic congestion
- Highway safety issues
- Harm the character and appearance of the area

- Cramped and over development
- Parking is already an issue in this area and would be made worse by this development.
- Development would create parking problems.
- Noise problems from the road and saw mill
- Houses not required
- Density of development too high
- Development will harm protected species
- Development on this site has previously been refused planning permission
- Additional noise and light disturbance, street lighting not required
- Insufficient parking
- Development on this land would affect local drainage
- Issues with connectivity
- No details of speed limit reduction or crossing
- Layout more suited to an urban area
- Lack of sewerage capacity

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 Calne Community Area.

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

The principle of development has been established through the approval of the Outline Application and cannot be reconsidered under this application. The Council is asked to look at the suitability of the layout, landscaping, appearance and scale of the development.

Alterations and revisions to the proposed Design & Layout

Local residents have raised concerns that Council Officer's and the applicant have been inflexible in their approach to this application and have not responded to the views of local residents. The concerns of local residents are important and have been taken into consideration and the following changes to the scheme have been made by the applicant since it was received and validated by the Council:

- **Street lighting** – The applicant has removed street lighting from its technical approval submission at the direct request of the local residents and Parish. The suitability of that will be determined by the Highways authority when they are considering technical approval pack. This will subsequently be approved through the discharge of conditions attached to the outline application
- **Connections onto Studley Lane and relationship with Toucan** – The applicant has removed the footpath connection in between plots 39 and 40 and opened up a

new 3m cycle link between plots 47 and 48, this now relates better to the proposed Toucan Crossing.

- **Toucan Crossing** – The applicant has submitted for approval the technical details to both Wiltshire Council and their agents, Atkins, based on the outline approved requirements. The applicant has made the payment to the highways authority for the TRO work to commence. Consultation with external third parties (such as the Police) will now take place over the coming weeks together with advertisement of the proposed speed reduction. The applicant has addressed and returned comments to Atkins and are awaiting further comments. The applicant has also addressed and returned comments re the signals to Atkins. Siemens, who are the signal designers have been party to all these comments and assisted in that respect.
- **Landscaping** – The applicant have enhanced further the landscape planting and boundary treatments, including new estate railings along the A4 and native Horbeam hedgerow in response to concerns raised regarding the impact of the A4 and the need to soften the development. Areas of meadow have also been incorporated within the larger open spaces and along site boundaries to enhance green links through the development.
- **Plots 22/24** –The repositioning of the fence to ensure there is a 10m offset shown to rear of these properties in order to comply with the planning condition and at the request of Vastern Timber.
- **Changes to the landscape strategy** - Due to comments and feedback from the local highways authority. Officers confirmed that that they would not adopt any trees within the road. However, to compensate for this the applicant is proposing to plant 62 semi mature trees on site. In addition the scheme proposes to plant flowering shrub and herbaceous species as well as species rich grassland. Introducing these types of species should enhance the local biodiversity.
- **Ecological Enhancements Plan-** has been produced following discussions with local residents. The applicant is also proposing to provide bird and bat boxes across the site and a comprehensive management strategy to give ecology and landscape the maximum importance.
- **Noise-** Some objectors have raised concerns about noise and impact of the A4. As well as already resolving the original noise issue at Vastern Timber, an additional noise report to look at the impact from the A4 has been prepared. Noise mitigation in the form of a glazing solution and a complementary acoustic vent solution has been proposed for the affected facades.

Urban Design and Layout

Though not tied to the indicative masterplan submitted with the original outline application, the proposed development broadly matches this (in terms of residential development, though some changes have taken place). The urban design officer did express some initial concerns with the development with regards to buildings turning the corner, active frontages and the need to incorporate windows and detailing on exposed flanks.

These suggestions have been embraced and the proposal has made the most of this constrained site. It is considered that the scheme is of a reasonably high quality and makes good use of the opportunities and constraints of the site to deliver a coherent pattern of development interspersed with key focal points and open spaces. Where plots occupy prominent positions, either in terms of longer range views or pedestrian footfall, this has

been recognised through the use of additional fenestration and higher quality boundary treatments. The configuration of parking provision is such as to minimise the prominence of hard standing and avoid a street frontage dominated by on-street parking of private vehicles. Some effort is made to design out similar detriment to the public realm through effective boundary treatments.

Landscape impact

The proposal is broadly in accordance with the illustrative Master Plan. The principle of retaining existing important trees and hedgerows within areas of public open space/ landscape areas are included within this proposal and this is a significant benefit of the scheme and will help with its visual coherence with the existing built form of the locality.

The hard and soft landscaping proposal, as shown and specified within the submitted information is considered to be acceptable and provides a good level of visual amenity and external design quality.

Furthermore, the submitted 'Landscape Management and Maintenance Plan' is fit for its intended purpose and will ensure the long term maintenance of the public open space. In summary, the proposed development embraces opportunities to incorporate the development within the wider landscape area and though there will be some harm, as with any development on a site such as this, it is considered that the proposal is high quality and acceptable and accords with CP 51 and CP57 of the Core Strategy.

Pedestrian crossing

The outline planning permission to which this application relates and was permitted in 2016, with a specific condition requiring that:

'No development shall commence on site until details of a pedestrian link from the development hereby approved to Footpath CALW65 to the west of the site, and pedestrian/cycle links from the development site to the local centre, via a new Toucan crossing on the A4...generally as shown on...drawing SK01'.

The current proposal is a reserved matter application seeking approval of scale, layout, external appearance and landscaping. Matters relating to the access to the site and highway improvements such as the crossing and footways beyond the application red outline were considered at the Outline stage and the provision of them have been controlled through planning conditions and the s106 agreement.

Representations received by local residents focus on two main areas, one being highway safety. It is argued by some that the proposed location of the Toucan crossing will compromise the standard of the adjacent right turn lane.

As set out above, this is a matter controlled by condition attached to the Outline permission and does not form a reserved matters and is therefore not open to debate or consideration in the determination of this application.

To provide clarification on this point, officers can confirm that it is the Council's intention to advertise a reduction in the speed limit fronting the site, and in doing so, standards will be met as a result.

It is also argued by some that there is inadequate provision for cyclists – particularly that there is (alleged within representations) no segregated route between the site, along the A4, and links to the south.

As referred to above however, the outline planning permission was conditioned such that there will be a 3m cycleway on the south side of the A4 connecting the new Toucan crossing with the link to Chapel Street and onwards to the village facilities.

The process of designing and establishing the crossing as well as altering the speed limit within the locality is well underway, though not required by this reserved matters application. Taking into consideration the above there is no reason to withhold permission and the development is considered to accord with both local and national planning policies, including CP62 of the CS.

Highways

The access and offsite highway works were approved and fixed through the approval of the Outline application. These details and any concerns with these can not be reassessed through this application.

Initial concerns were expressed with regards to trees on areas to be adopted as public highway, the width of some access to private drives, the need to meet the Council's parking requirements for cars and cycle parking.

Alterations to the approved plans and additional details have been provided to overcome the initial concerns relating to the trees, and the width of the highway.

Some local residents have expressed concerns with regards to the level of parking provided and questioned whether the proposal meets the Council's parking requirements. Particular concerns was raised with regards to the suitability of tandem parking and counting garages as a parking space.

The Council's adopted Car Parking Strategy does allow for tandem parking and the use of oversized garages to meet its parking standards. Taking into consideration the submitted information, officers are satisfied that the proposal does accord with the Council's parking standards. To ensure that communal parking is not allocated to private households these will be within the adopted highway. To ensure that parking within garages isn't lost permitted development rights for the conversion of garages to habitable accommodation are to be withdrawn.

Setting of Listed Buildings

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

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

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

10. Conclusion

The proposed development is sustainable and, acceptable in principle, supporting the long-term objectives of the local area. The proposal will not result in harm to the natural or built environment or otherwise adversely affect highway safety or residential amenity. The

proposal is therefore compliant in policy terms with the Wiltshire Core Strategy and the National Planning Policy Framework.

RECOMMENDATION

GRANT planning permission subject to planning conditions:

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

2550-5-2-DR-0001 P7 Received 19/07/2017

2550-5-2-DR-0002 P7 Received 10/08/2017

2550-5-2-DR-0003 P7 Received 10/08/2017

2550-5-2-DR-0004 P7 Received 19/07/2017

2550-5-2-DR-0005 P6 Received 19/06/2017

2550-5-2-DR-0006 P2 Received 22/03/2017

2550-5-2-DR-0007 P1 Received 01/02/2017

2550-5-2-DR-0008 P1 Received 01/02/2017

2550-5-2-DR-0009 P1 Received 01/02/2017

2550-5-2-DR-0010 P2 Received 13/07/2017

2550-5-4-LM-T4-S3 P1 Received 01/02/2017

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

- 3 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 garage(s) hereby permitted shall not be converted to habitable accommodation.

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

- 4 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), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the (INSERT) roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 5 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), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.

REASON: In the interests of visual amenity.

- 6 No more than 40 units shall be occupied until the unallocated parking shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for the use of parking motor vehicles at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is 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.

INFORMATIVE TO APPLICANT:

Your attention is also drawn to the conditions imposed on the outline planning permission

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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.