

**REPORT FOR STRATEGIC PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	7 <sup>th</sup> October 2020
<b>Application Number</b>	20/01057/FUL
<b>Site Address</b>	Land north-west of Silver Street and south of Fynamore Gardens
<b>Proposal</b>	Development of a Medical Centre (with integral Pharmacy) with associated development, including means of access, access road, diagnostics/ambulance bay, car and cycle parking, bin storage area and hard and soft landscaping
<b>Applicant</b>	Assura Plc.
<b>Town Council</b>	Calne Town Council
<b>Electoral Division</b>	Calne Central – Councillor Ian Thorn
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Simon Smith

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

This application has been called-in to the Northern Area Planning Committee by Councillor Thorn so as to consider the scale of the development, its visual impact on the surrounding area, the relationship with adjoining properties, its design, environmental and highway impact as well as car parking provision.

**1. Purpose of Report**

The purpose of the report is to assess the merits of the proposals against the policies of the development plan and other material considerations and to consider the recommendation that the Committee resolve to delegate Officers to negotiate of a satisfactory access arrangement to the site from Silver Street and, upon agreement of those satisfactory access arrangements, that planning permission should be **GRANTED** subject to the imposition of planning conditions.

**2. Report Summary**

The key issues in considering the applications are as follows:

- Principle of development and location
- Access, parking and highway capacity
- Design, layout and impact on landscape
- Impact on neighbour amenity
- Impact on setting of Grade II\* listed Verne Leaze
- Ecology
- Archaeology

Calne Town Council support the proposal subject to several features being incorporated.

Ninety-one (91) letters of representation have been received, split 44 in support and 47 in objection. In both counts, these numbers include multiple letters from same households, the applicant and the CPRE.

### 3. The Proposal

The application seeks planning permission for the construction of a new “medical centre” with integral pharmacy. It is understood that the new medical centre will be a replacement for the existing Patford House Surgery in the centre of Calne, which the applicant claims is no longer fit for purpose. Critically, this application does not seek permission from the Council *apropos* the future use of the existing Patford House site and its planning use will continue to be a doctors surgery regardless of the outcome of this application.

The application also seeks permission for vehicular and pedestrian access points onto Silver Street, some 58 car parking (including disabled) spaces and space for secure cycle parking. The plans show no provision for the parking of powered two-wheelers.

The proposed new medical centre building is configured in an approximate ‘T’-shaped and accommodation over two floors with some 11no. consulting rooms and a multitude of offices, admin spaces and other ancillary facilities. The submission confirms a GIA of 809 sqm. For the medical centre, 100sqm for the pharmacy.

External finish is a mix of Cotswold stone, buff brick, render and timber cladding and grey roof tiles. Due to the site topography, parking is set at two levels, with a ramp down to the area closest to Fynmore Gardens. A separate pedestrian access is shown as being provided in the North-Eastern corner of the site.

The site layout of the proposed development is shown thus:



The layout plans show dedicated space for mobile diagnostic/ambulance bay adjacent to the South-West elevation of the proposed building (for travelling services, such as mobile breast screening units or blood donation units, to use the space).

The submission suggests that room for future expansion of the building is retained to the North-Eastern part of the site, currently labelled as “external amenity area”, and is claimed to be used as such until such time as it may be needed.

Pedestrian and vehicular access to the site is via the A3102 Silver Street (currently having a speed limit of 50mph), at a point opposite the new housing development taking place on the opposite side of Silver Street; comprising a simple priority junction with right-turn lane “dove-tailing” that for the housing site. A continuous footway from the roundabout adjacent to the south-eastern site boundary to the upper tier car park in front of the proposed medical centre building.

A large turning area and “agricultural access” has been created to the South West of the medical centre building. The plans suggest the creation of a bus stop in this area.

#### **4. Site Description**

The application site located on the Northern side of the A3102 (known as Silver Street), immediately opposite the new housing development being undertaken on the Southern side of the public highway, adjacent to the White Horse Way and the John Bentley School.

The application site is demonstrably greenfield, it being open fields and never having been previously built upon. Its frontage to the A3102 is defined by dense tree and hedgerow cover, which largely prevents views into the site from the public highway. None of those trees are protected.

To the immediate South West of the application site is the property known as Verne Leaze, a Grade II\* listed property. Originally part of a small country estate (which would have included the application site), Verne Leaze continues to have the early nineteenth century country house at its heart (originally called Highlands but known as Vern Leaze since the 1930s). On the roadside at the North East entrance (and next to the proposed medical centre entrance), a mid-nineteenth century estate lodge also continues to exist within the Verne Leaze curtilage.

To the immediate North East, the application site shares a common boundary with a large number of modern residential properties at Fynemore Gardens. Sloping from South-West to North-East, Fynemore gardens are set at a lower level than the application site; the boundary between defined by existing trees and garden fencing.

No other planning policy designations cover the application site and it is not located in an area of high floor risk.

#### **5. Planning History**

No previous planning applications submitted on the application site, although both it and the land beyond was promoted for housing development during the preparation of the Calne Community Neighbourhood Plan. It is not allocated for any development within the Neighbourhood Plan – Policy H1 choosing to instead allocate land at North of Low Lane, to the Eastern side of Calne.

#### **6. Relevant Local Planning Policy**

Wiltshire Core Strategy Jan 2015

Core Policy 1 - Settlement Strategy

Core Policy 2 - Delivery Strategy  
Core Policy 8 – Calne Community Area  
Core Policy 57 - Ensuring high quality design and place shaping  
Core Policy 58 - Ensuring the Conservation of the Historic Environment  
Core Policy 61 - Transport and Development  
Core Policy 62 - Development impacts on the transport network

North Wiltshire Local Plan 2011

Saved policy NE14 – Trees, site features and the control of development

Wiltshire Local Transport Plan 2011 – 2016 (LTP3)

Wiltshire Local Transport Plan 2011 – 2016: Powered Two-Wheeler Strategy

Wiltshire Local Transport Plan 2011 – 2016: Cycling Strategy

Calne Community Neighbourhood Plan 2016 - 2026

Policy CF1 – Health, Leisure and Wellbeing  
Policy CF2 – Community Assets  
Policy BE1 – Integration and Landscaping  
Policy BE2 – Design Principles and Local Distinctiveness  
Policy NE2 – Setting of Calne and Calne Without  
Policy NE3 – Biodiversity

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

Calne Town Council – No objection subject to particular features being secured. Commentary repeated in full below.

12<sup>th</sup> June comments:

*“In considering the amended plans submitted for planning application 20/01057/FUL the Town Development & Planning Committee has carefully considered the public benefit that the replacement surgery provision could bring to the Town and welcomes the investment in primary care facilities. This has been considered against the Calne Community Neighbourhood Plan and Wiltshire Core Strategy.*

*In reaching this decision the benefit of primary care facilities have been given sufficient weight to set aside the objection that the site is outside the settlement boundary and contrary to Policy 2 of the Wiltshire Core Strategy. However access to the site needs to ensure compliance with Core Policy 61 the Wiltshire Core Strategy.*

*We ask that a sum is committed to provide funding for a dial a ride or similar ‘on demand’ public service.*

*We ask that the applicant is required to enter into an agreement to fund improvements to the pedestrian and cyclist access to the site to and from the Town Centre with will include improved signage and lighting.*

*To ensure highway safety that no right turn is allowed from the new Surgery onto the A3102 and that traffic turns left only and uses the White Horse Way Roundabout.*

*To ensure highway and pedestrian safety a speed limit review is undertaken.*

*The Town Development & Planning Committee has approved a Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge which we would ask is considered when determining this application.*

*Subject to above matters being addressed the Town Development & Planning Committee would SUPPORT this proposal.”*

12<sup>th</sup> August comments, to be read in conjunction with earlier 12<sup>th</sup> June comments:

*“RESOLVED to submit no additional comments in relation to the amended plans submitted in July 2020 for application 20/01057/FUL however attention was drawn to the following items which need addressing:*

*Comments from County Archaeologist dated 3rd August - A programme of trial trenching is required prior to determination.*

*Comments from County Ecologist dated 3rd August - In order to be able to fully assess the ecological impacts of the scheme, further information is required;*

*County Highways Officer - no updated response to concerns raised on original and amended plans.”*

NOTE: With the exception of the Highway Engineer now confirming their satisfaction with the application, none of the requirements set out by the Calne Town Council in either response have been incorporated into the proposals.

Wiltshire Council Conservation Officer - Objection. See main “Planning Considerations” section for detailed analysis.

Historic England – Objection. Extract from final comments set out below:

*“We remain of the opinion that the development will be harmful to the significance of Verne Leaze. The harm to Verne Leaze is caused by encroachment of development into its historic park land, despite the lack of inter-visibility between the house and the medical centre; and through suburbanisation of the western side of the A3102, causing erosion of the rural setting of the house. These issues were raised and explored more fully in our letter of 2 April.*

*We note that in the planning agent’s email of 19 May to you, it is stated that it is “clear from [Historic England’s] original response that any residual harm is to the negligible end of the ‘less than substantial’ spectrum”. Historic England would like to clarify that we have not stated this, and have instead indicated that the harm that is caused to Verne Leaze lies within the ‘less than substantial’ range as described by the National Planning Policy Framework (NPPF), and therefore paragraph 196 will be relevant to your authority’s decision making.”*

Wiltshire Council Archaeologist – Objection. See main “Planning Considerations” section for detailed analysis.

Wiltshire Council Ecologist – Objection. See main “Planning Considerations” section for detailed analysis.

Wales and West Utilities – Note that pipes are in the area and may be affected and at risk during construction works. Should the planning application be approved then requires the applicant of these works to contact to discuss requirements in detail before any works commence on site.

Wiltshire Council Highways – Whilst originally raising no objections to the proposed access arrangements, the Highway Engineer has now raised objections:

*“...the issues we have with the proposed junction arrangement:*

- a) The crossroads design introduces significant conflicting vehicle movements between the proposed development and the existing residential development.*
- b) The proposed dovetailing of the right turn lanes has potential to create a number of points of conflict. In particular with vehicles turning right out of either side road.*
- c) The current right hand turn lane for the housing estate has been incorrectly designed with the right turn lane being too far forward, vehicles sat in either right hand turn lane will block any movements from the side roads.*
- d) The design does not provide a buffer between the right turn lanes, any vehicle making a right hand turn manoeuvre will be required to encroach into the opposite right turn lane in order to make this manoeuvre, this increases risk of conflict at this location.*
- e) The applicant has not provided any drawings with forward visibility demonstrated, from assessing the site, the location of the junction is likely to have substandard visibility, therefore it would be inappropriate to accept a design without adequate forward visibility being fully demonstrated by the applicant.*

*...based on the information provided within the application 20/01057/FUL, the highway authority is not satisfied that a suitable and safe junction is being proposed, and would therefore be required to refuse permission.”*

In other respects (accessibility, parking and highway capacity), the Council's Highway Engineer raises no in principle objections to the proposals.

## **8. Publicity**

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

Ninety-one (91) letters of representation have been received, split 44 in support and 47 in objection. On both counts, these numbers include multiple letters from same individual households, the applicant, the CPRE and NHS Bath and North East Somerset, Swindon and Wiltshire Clinical Commissioning Group.

In support of the proposals, the following main issues are raised:

- The existing surgery (Patford House) is not fit for purpose and is inadequate for a town size of Calne
- Lack of alternative sites
- Nice looking building
- Lots of parking proposed

In objection to the proposals, the following main issues are raised:

- Contrary to Calne neighbourhood Plan – land not to be released until 2026
- Will encourage more traffic to use Silver Street and other roads in the locality which are already congested – particular concern about time taken to egress from Fynemore Gardens
- Highway safety will be compromised – particularly for those walking to school
- Will encourage more housing development on land to rear of application site
- Majority of patients and staff will have to travel to site by car – surgery should be located in town centre where better public transport and walking/cycle links are possible
- Site is not accessible by means other than the car due to narrow pavements and uphill location
- Other better sites available in Calne town centre – especially for a pharmacy

- Insufficient car parking
- Will increase air and light pollution to adjoining residents.
- Overlooking from car park
- Surface water run-off from car park into adjoining gardens
- Impact on landscape and setting of Verne Leaze listed building
- Loss of trees and impact on wildlife on site
- Three pipelines are located in the area which would prohibit development
- Will generate desire for lots of signage which could be illuminated
- No public consultation was undertaken by the applicant prior to the submission of the application
- Reduction in house values in locality

## 9. Planning Considerations

### 9.1 Principle of development and location

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 (WCS), including those saved policies of the North Wiltshire Local Plan, and the Calne Community Neighbourhood Plan forms the relevant development plan when considering this application.

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

The application site is located adjoining to the edge of, but entirely outside, the defined limits of development for Calne (Calne being regarded as a Principal Settlement by the *Settlement Strategy* set out in CP1 of the WCS). Whilst Policy CF1 to the North Wiltshire Local Plan confirmed the acceptability of community facilities such as that being proposed in locations adjoining the framework boundaries to town and village, this element of CF1 has been superseded by the Wiltshire Core Strategy, which contains no such provision. Equally, there is nothing within the Calne Neighbourhood plan which suggests such locations for medical centres or community facilities of any kind would be acceptable on land outside of the settlement boundary to Calne (in fact, neither does the Neighbourhood Plan suggest it would be unacceptable either). Neither the WCS or the NP allocate land for new medical facilities, a fact rightly pointed out by the submission.

Nevertheless, the application site immediately adjoins the settlement boundary (it running along the back edge of the rear gardens of properties fronting Fynemore Gardens) and is positioned immediate opposite new residential development being constructed on the South-Eastern side of Silver Street (albeit, that development also being undertaken on land outside of the town's settlement boundaries). The application site is therefore contiguous on two sides with the built-up part of Calne town and in that context is demonstrably not considered to be isolated or remote from the town (in the terms expressed by the NPPF), using the terminology of the NPPF. Whilst contrary to the prevailing development plan, such a location is considered to be a material consideration which should nonetheless weigh in favour of the proposal.

Some of the objections raised to the development notes that the chosen site is on the South-Western edge of the town, when in fact the majority of the housing (particularly the new housing) is taken place on the North and Eastern sides of Calne and a good proportion of prospective patients would be forced to travel across the town in order to reach the site. Such observations are considered accurate and this feature of the site's location should perhaps rightly moderate the amount of weight that could be ascribed to the material consideration identified above.

Other concerns raised suggest that alternative, better located sites (ie. more central to the town centre and equidistant to the main and future centres of residential development) have not been considered by the applicant. In this regard, the applicant's submission does in fact list and provide at least a *prima facie* consideration as to the more obvious vacant sites and alternatives at Calne town. However, whilst the assessment perhaps gives rather cursory mention to "other town centre locations" and "local plan allocations" and does not provide any actual evidence of any enquiries or investigations carried out by the applicant to assess availability of such alternatives, it should be noted that neither the Wiltshire Core Strategy nor the Calne Neighbourhood plan actually allocate or specifically reference how new medical facilities (to accommodate Calne's growth) might be delivered across the plan period. To this extent, the submission perhaps does more to assess the availability and suitability of alternative sites that is strictly necessary to meet the requirements of planning policy.

Ultimately, whilst there is no specific local plan policy support for the principle of new community facilities on this site, the land is demonstrably very closely related to the settlement boundary and built up areas of Calne town and such a contextual location must weigh in favour of the development. Whilst the weight to be given to that material consideration should only perhaps be in the low to moderate region, since the site cannot in anyway be considered to be isolated or remote from the town, it is nonetheless considered sufficient to outweigh the provisions of the Wiltshire Core Strategy and Calne Neighbourhood Plan.

As a footnote to the above conclusion, it should be noted that several objections received in response to the application (rightly) observe that the land was previously part of new housing development being promoted by landowners/developers during preparation of the Neighbourhood Plan and that (wrongly) its exclusion from allocation for new development was also confirmation that it could not be built upon. Whilst there is nothing within the Neighbourhood Plan which specifically excludes the land from future development (the land was merely not allocated by the Plan), it is perhaps reasonable to speculate (as many of the concerns do) that new built form on the application site may dilute the perception of the wider landholding as being untouched open countryside and therefore potentially alter the balance of considerations in respect of any proposal for further development on the surrounding land. Further new development on the wider landholding will require a separate planning application, which must be considered on its own merits if and when submitted.

## 9.2 Accessibility, access arrangements, parking and highway capacity

### *Accessibility and parking*

As rehearsed in the section above, the application site is not considered remote or isolated in absolute terms, but it is acknowledged that it would be located on the edge of the town, away from its centres of gravity. For this reason, in their comments on the application, the Council's Highway Engineer has considered the accessibility of the site to potential patients and employees.

In their various comments on the application, the Council's Highway Engineer suggests that it is not possible to infer that any discounting to car movements to and from the site would be possible, given its location on the edge of Calne town (rather than its centre). They do, however, confirm that the applicant's claims of a bus service would increase the propensity for bus travel are likely correct, but that given the nature of the facility this may only have a significant impact on staff travel patterns and not necessarily alter the modes of transport likely for patients.

Indeed, following those initial concerns of the Council's Highway Engineer in respect of, *inter alia*, parking provision at the site (the level of which is often driven by how accessible a site is to means of transport other than the private car), the applicant prepared a submitted "Technical Note 1 – Transport" (prepared by Entran, April 2020) and revised layout plan. The Technical Note discusses a rearrangement of the parking at the site in order to accommodate a bus stop as well as a pedestrian



link into the North East of the site, at a point closest to the Silver Street/Fynemore Gardens junction and the direction from which patients will be travelling if arriving by foot. Both features are considered to be fundamental underpinnings to the site and its relationship with the town and accessibility and without them, its acceptability would be substantially diminished. Their delivery should be controlled through the use of suitably worded planning condition, although, in separate correspondence, the Council's Bus Network Manager has confirmed that they do not require the planning permission to compel the bus service to actually run. Whilst this does mean that there would be no guarantee the site would be serviced by a bus link, there is no evidence to suggest that a different position should be taken from the Bus Network Manager.

For medical centre/doctor surgery type uses, the Local Transport Plan 2011-2016 (LTP) specifies a standard of 5 car parking spaces per consulting room equating to a requirement of some 55 spaces. Whilst in response the applicant claimed that in their experience, there would be a requirement of 3 spaces (based on an average of 1 consultant, 1 patient and 1 patient waiting), equating to some 33 spaces for the consulting rooms, the eventually submitted revised plans do in fact show some 56 spaces, which would comfortably exceed the requirements of the LTP even accounting for overspill and the pharmacy element (which requires 3 spaces as a maximum). Policy BE3 to the Calne Neighbourhood Plan is not applicable since it explicitly refers to residential development.

With regard to cycle parking, the layout plan does appear to show a dedicated space (a simple rectangular block) close to the main building. However, and whilst acknowledging the text to some of the documents makes reference to the proposed cycle parking to be "secure", no details have been provided so as to be sure that it would meet the LTP Cycling Strategy. Since there does appear to be sufficient space on the site, it is considered reasonable to leave the detail of the secure storage to a particularly worded planning condition.

The submitted details make no dedicated provision for powered two-wheelers (PTW), as is required by the LTP Powered Two-Wheeler Strategy. Given the applicant's claims/hopes that a range of means of transport will be used to access the site, this does appear to be sub-optimal. It is assumed that the PTWs accessing the site would either be left in the cycle area or take up one of the car parking spaces, which is again, sub-optimal and would not respect the Council's LTP strategy. In such a circumstance and because there does appear to be space on site to deliver dedicated provision, it is considered relevant and reasonable to make use of planning conditions to require further details to be submitted for approval.

#### *Vehicular access from Silver Street*

As it stands, the application proposes a new vehicular access to be created for the site on to Silver Street at a point immediate opposite that access created for the new housing development taking place on the opposite side of the public highway. This takes the form of a simple priority junction access with a ghost island for right turning into the site which would 'dovetail' the right turn lane for the residential development opposite. A separate, dedicated pedestrian footway is to be provided alongside the vehicular, together with a separate pedestrian only access at the sites North East corner.

It should be noted that the support of the Town Council are in part predicated on a left turn only arrangement (ie. no right turn) being implemented when egressing from the application site. The proposed development does not deliver that arrangement.

Turning to internal arrangements, the accompanying swept path analysis submitted by the applicant shows that the site can accommodate the movements of a larger vehicle (the diagnostic mobile vehicle, for instance) and that turning into and out of the site can be achieved. The internal layout has been amended to accommodate a turning head and bus stop/field access road – it is claimed so as to remove the need for agricultural vehicles to wait within the initial section of the access road and potentially cause a blocking issue at the access.

Although initially thought to be acceptable, in giving further consideration to the access design, the Council's Highway Engineer is now of the opinion that it would cause conflicting and unsafe vehicle movements with that associated with the new residential development and does not currently demonstrate adequate forward visibility. They recommend that planning permission should not be granted for the access as currently designed. The applicant and the Council as the Highway Authority are in negotiations to arrive at a suitable re-design of the access. However, those negotiations are unlikely to be concluded prior to the now scheduled meeting of the Northern Area Planning Committee and definitely not before the preparation of the agenda papers.

It should also be noted that the applicant will be separately required to enter into a S278 agreement (under the Highways Act) in order to provide any offsite highway works and the provision of the new accesses for vehicles and pedestrians.

### *Highway capacity*

A Transport Statement has been submitted in support of the application in accordance with the thresholds highlighted in Wiltshire Councils Transport Assessment Guidance. This discusses the operational hours for the proposal, the proposed uses within the site, the vehicle parking provision, vehicular and pedestrian/cycle accesses, the accessibility and the anticipated traffic generation. It is noted that this takes into account the alterations to the public highway in terms of speed and alignment relating to the residential development being undertaken on the opposite side of the A3102. Whilst the Council's Highway Engineer notes that the potential to reduce the speed limit on this section of Silver Street (to extend the 30mph further south), such a change cannot be delivered through the grant of planning permission, it being a matter controlled by separate legislation.

As referenced above, a new priority junction access is proposed to be provided on the A3102 with a ghost island for right turning into the site which would 'dovetail' the right turn lane for the residential development opposite. A Technical Note has been submitted in relation to this, with particular reference to traffic generation, existing traffic on the A3102, the permitted residential development to the south and the proposed junction capacity. In their initial commentary on the application, the Council's Highway Engineer expressed particular concern with the right turn storage capacity and this was then tested by the applicant using the PICADY Junction assessment tool. This assessment shows that the observed traffic flows, growthed to opening year using TEMPro, plus the committed development flows and additional flows from the proposal would operate within capacity with no queuing experienced during the peak network hours. The operational reserve capacity of the proposed junction has been tested for the years of 2021 and 2025 and it can be seen that there would be no concerns with capacity or delay on any approach with RFC's shown to be well below the threshold of 0.8.

A Travel Plan has been submitted with the Transport assessment and is detailed at Appendix B. This would be applicable to staff and aimed at reducing the trips to/from the workplace and is intended to reduce traffic on the highway network and would (as far as it is able, since the site is still less sustainable located than one located in the town centre), address the requirements of the Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge made by the Calne Town Council. It is relevant and reasonable to make use of a planning condition so as to ensure the implementation of the Travel Plan.

### *Conclusion on highway issues*

It is understandable that some local residents remain concerned about the additional traffic that would be associated with the medical centre being constructed on this currently greenfield site. In many ways, the initial comments of the Council's Highway Engineer echoed those concerns – particularly in respect of the site's locational characteristics. In response to those concerns, however, the applicant

has carried out additional assessments and made changes to the layout of the site (including the provision of a bus stop and separate pedestrian access) and the Council's Highway Engineer has signalled their broad satisfaction with the principle of development in this location.

Whilst the principle of this type and quantum of development in this location appears to be acceptable to them, there remains an outright objection to the design of the vehicular access when assessed against adopted local plan policy. The applicant and the Council as the Highway Authority are in negotiations to arrive at a suitable re-design of the access but those negotiations are unlikely to be concluded prior to the now scheduled meeting of the Northern Area Planning Committee and definitely not before the preparation of the agenda papers.

However, since there is no suggestion that a suitable access design cannot be arrived at and agreed with the applicant, it is considered possible to continue to recommend that planning permission be granted, subject to a suitable access scheme first being agreed, the negotiation of which being delegated to Council officers.

#### 9.6 Design, layout and impact on landscape

The proposed medical centre building is located centrally within the site, pavilion style, with a hinterland of parking hardsurfacing (an upper and lower level linked by a ramp, due to topography of the land) of tarmac with areas of paving slabs immediately outside the building. The building itself is of a mixed storey and a half element (ie. accommodation in the roof space) linked by flat roof structures to a taller two storey element, with a height of a little over 7.0m to eaves and some 11.0m to ridge at its tallest points. Materials are to be a mix of Cotswold stone, buff brick, render and timber cladding and grey roof tiles (with the addition of two PV panels on the South facing roof to the storey and half element). The proposed drainage arrangements are considered uncontentious, due to the site not being at risk of flooding and the ability to connect to mains (for surface water, via an attenuation storage tank under the car park).

Layout and design is considered to be typical of a modern community facility and, notwithstanding the relationship with the grade II\* Vern Leaze considered elsewhere in this report, to that extent is not considered to overtly conflict with the prevailing appearance of the adjoining development at Fynamore gardens or the new development being built on the opposite side of Silver Street (known as Stokes Croft). New grassed areas and ornamental trees are to be planted so as to soften the internal appearance of the site.

Of concern is the seemingly excessively sized turning area and "gate for agricultural access" to the land beyond the site - its size appearing to be much greater than would be required to provide a turning space for the bus, its dimensions perhaps being associated much more with the desire to retain a readily useable means of accessing the land previously being promoted for residential development. Whatever the reason and the refusal of the applicant to reduce its size, the effect of such a large expanse of hardstanding does have the effect of needlessly increasing built form and consequent impact upon what is currently a greenfield land in the open countryside. Its connected effect upon the historic setting of Vern Leaze is considered elsewhere in this report.

The boundaries to the site are defined by mature planting – particularly the frontage to Silver Street, being primarily a mix of Oak and Sycamore, but also some Pine, Ash and Lime. Three Oaks are also positioned along the boundary to No. 1 Fynamore Gardens and a series of Poplars to the South West, and outside of, the application site. Whilst the majority of the existing trees are unaffected by the proposals (for instance, the hardsurfacing of the car park stops well short of the canopy spread and details of protection during the construction phase have been provide up front), the insertion of the vehicular access to Silver Street (as currently configured) does result in the removal of some 3 mature Oaks of reasonable quality. The insertion of the separate pedestrian access takes advantage of an existing gap between mature trees, only necessitating the removal of smaller self-seeded trees. Such a loss is unfortunate, but it is acknowledged that it comes as a result of the need to create a safe

access that links with that of the existing access to the new housing development on the opposite side of Silver Street. Indeed, development on the site is always likely to require the removal of some trees to create such an access and to that extent, the proposal is as good as it could ever be. Of course, in negotiating the acceptability of revised access arrangements, the effect upon the frontage trees will need to be considered.

The switch from greenfield, undeveloped land to intensively developed and hard surfaced will be undeniable dramatic and the character and appearance of the site (as experienced from public vantage points – there being no rights of way to the North or West of the site) would very much mirror the projection of the urban form of Calne town into the open countryside which has happened on the opposite side of Silver Street. The retention of the trees fronting Silver Street is unlikely to fully mitigate that shift in character, particularly in light of the new access, but it will at least prevent an overt presentation of parked cars and built form to the street.

With exception of the “agricultural access” and turning area, the design and layout of the proposal is unobjectionable in and of itself. Ultimately, however, new built form of any sort on this site will always result in an encroachment into the open countryside in visual terms, but it will be contextualised by the existence of the new development being undertaken on the opposite of the Silver Street. Such a context does not result in a complete amelioration of the impact, but, if the Northern Area Planning Committee concludes that this site is a good site for a new medical facility and notwithstanding residual concerns about the impact of the “agricultural access” and turning area, it is nonetheless considered enough to address the requirements of policy CP51 and CP57 to the Wiltshire Core Strategy, saved policy NE14 to the North Wiltshire Local Plan 2011 and policies BE1 and BE2 to the Calne Neighbourhood Plan.

#### 9.7 Impact on setting of Grade II\* Vern Leaze

Section 66 (2) of the Planning (Listed Building and Conservation Areas) Act 1990, requires the Council to have special regard to the desirability of preserving designated buildings, their settings and any features of special architectural or historic interest which they possess. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. The policy encourages a balanced approach with any potential harm caused by a development being assessed against the public benefits (including heritage benefits) which it would achieve. Paragraph 193 requires that “Great weight should be given to an asset's conservation and the more important the asset, the greater the weight”. The Government's Planning Practice Guidance which accompanies the NPPF provides advice on development within the setting of heritage assets. Further guidance is provided within the Historic England's Historic Environment Good Practice Advice in Planning Note 3: “The Setting of Heritage Assets” second edition published 2017.

At the local plan level, Core Policy 58 to the Wiltshire Core Strategy requires that designated and non-designated heritage assets and their settings will be conserved and where possible enhanced. Similarly Core Policy 57 requires a high standard of design in all new developments. The policy requires that new development should respond positively to existing patterns of development and building layouts and be sympathetic to and conserve historic buildings and landscapes. Policy BE2 to the Calne Neighbourhood Plan requires all new development to designed to a high quality that reinforces local distinctiveness. It should be noted that policy BE4 to the Calne Neighbourhood Plan is not applicable since it explicitly refers to two specific Conservation Areas.

The application site forms part of the historic extent of a small country estate to the south-west of Calne alongside Silver Street, the A3102, Melksham to Devizes road. The early nineteenth century country house at its heart (originally called Highlands but known as Vern Leaze since the 1930s) is listed at grade II\*. On the roadside at the north east entrance a mid-nineteenth century estate lodge is within the curtilage of Vern Leaze and functionally related.



In their comprehensive commentary, the Council's Conservation Officer considers the significance of the listed building and its setting in relation to the application site. They note that the original main block of the house was built c.1813 (with later additions) as a small country mansion set in limited grounds. It was designed to be an out of town country residence of some status for a wealthy and important local businessman, William Wayte. It was one of a number of large houses built outside the main town during the nineteenth century, standing as evidence of the affluence of its wealthiest inhabitants and a conscious expression of their status. The grounds were extended to create a small landscaped 'parkland' with the additions of agricultural land following inclosures in 1818 and 1821. They go on to confirm that the character of the parkland remains legible today and much of the planting, including sheltering tree belts to the South-West and South-East remain. Historic landscaping to the north of the house was supplemented with further mixed woodland planting during the 1960s to provide screening to the newly constructed pumping station from the main house but some of the original planting remains discernible.

Clearly, therefore, the Council's Conservation Officer takes the view that the application site was historically and continues to be, contextual to the setting of Vern Leaze as a heritage asset. Comments from Historic England (Vern Leaze being grade II\*, and therefore within the purview of Historic England to also make comment). In the context of a grade II\* listed building, and in respect of the special regard required by Section 66 of the Act to be given to the desirability of preserving the setting of listed buildings and the great weight ascribed to the conservation of designated assets by paragraph 193 of the NPPF (and "the more important the asset, the greater the weight should be") and the status of the assets involved, it is clear that the level of scrutiny that should be given to proposals for the site should be high.

In support of the application, a Historic Environment Desk Based Assessment has been submitted. That assessment concludes be "no impact" on the significance of the Grade II\* listed Vern Leaze as a result of the development taking place and that, inter alia, the setting of the asset has already been adversely impacted by the new housing development on the opposite side of Silver Street, thereby rendering the impact of further development inconsequential.

Such conclusions reached by the applicant are, however, considered by the Council's Conservation Officer to be without merit and to fundamentally misunderstand the historical context of, and between Vern Leaze and the application site as well as the requirements of policy and guidance. Indeed, within their comments, the Council Conservation Officer provides a detailed critique of the submission and the shortcomings of the information and conclusions reached by the applicant:

- The conclusions of the applicant appear based almost exclusively on views and visual considerations with little acknowledgement of the other issues which contribute to the "historic relationships between places" identified by the PPG. Such an approach is at odds with the need to understand the concept of setting. The PPG defines setting as "the surroundings in which an asset is experienced" and notes that "All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not." The PPG also acknowledges that the extent and importance of setting is often expressed by reference to visual considerations but advises that, although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. It is also noted that "When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change." Historic England guidance on 'setting' makes it clear that it does not rely exclusively on visual issues. It notes that the setting of a historic park or garden may include "land beyond its boundary which adds to its significance, but which need not be visible from the site". This might include "land which is not part of the site [the current development site is clearly now in separate ownership] but which is adjacent and associated with it because it makes an important contribution to the historic character of the site in some other way than by being visible from it". The Conservation Officer is of the very firm view that the submitted Heritage Statement fails to make the holistic assessment of heritage impact that is required by the NPPF.
- In response to the initial comments of the Conservation Officer, the applicant refuted the conclusions reached and supplied information relating to the representations made at the time of the application site's promotion for housing development within the Neighbourhood Plan. It did not alter the Conservation Officers conclusions.
- The submission regards the significance of the heritage asset to only be attributed to a single designed view from the principal garden front of the house outwards to the North-West. No consideration is given to the changes in visual permeability that seasonal variation might bring – with winter allowing the site to be more visible – and there is no evidence that the applicant has gained access to the Vern Leaze property so as to assess actual impact. There is no consideration of how the estate may have been used historically, as an integral part of the property for both leisure and practical purposes – it is not only specific designed views which are important but the general experience from within and around the estate, from the outside looking inwards, and from the inside looking out. Whilst there may be no public access to this land, guidance prepared by Historic England makes it clear that the "contribution of setting to significance does not depend on public rights or ability to access it". The report fails to demonstrate any real understanding of the significance of the wider parkland as the designed setting of the house within which it is experienced and as part of an historic entity. Instead, it seeks to downplay its significance by making a rather artificial connection to the development being carried out on the opposite side of Silver Street.
- The Grade II\* listed house and associated structures in fact have high significance in terms of their architectural and historic interest as a good example of a small country house of the period and, contrary to that asserted in the applicant's submission, are intrinsically related to the clearly legible and surviving historic estate. That includes the ornamental grounds, walled garden, lodge but also the wider parkland on its North, West and South sides (which includes

the application site for the medical centre) all of which comprise the setting within which they are experienced. The continuing ability to appreciate the whole of the extent of the former park as an open landscape adds considerably to the significance of the whole, the combined value of all the elements being greater than any alone. Historic England's "Setting" guidance advises that settings "which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance". Another important element of the setting of the house and estate is the estate's intentional and clear separation from the main town to the North-East, which is maintained by the remaining open grazing land to the rear of Fynamore Gardens, including the current site.

- Whilst the setting of the house has indeed been recently adversely impacted by the encroachment of the new housing development taking place on the opposite side of Silver Street, rather than rendering the impact of further development inconsequential, as suggested in the submission, it surely renders the remaining area of the former parkland of greater rather than lesser value in providing a meaningful setting.
- The proposed development within the historic parkland will remove the intentional separation between the Vern Leaze estate and Calne and remove the ability to appreciate the historic extent of the parkland. It will be visible within views around the parkland and from the approach to the house and around the lodge (with likely greater permeability during winter months). In considering the impact on the setting of heritage assets the PPG advises that LPAs should also take into account the impact of cumulative change. In combination with the modern development currently under construction to the east, the proposed development would add to the gradual erosion and urbanisation of the wider rural setting of the estate and reduce separation from the town.
- The Council's Conservation Officer entirely disagrees with the conclusions reached by the applicant's submission (ie. that there would be "no impact" on the significance of the Grade II\* listed Vern Leaze as a result of the development) since such a conclusion clearly demonstrates a lack of understanding of setting issues and underestimates both the status of the assets and the importance of their historical relationship with the surrounding parkland.
- With respect to the visual appearance and layout of the proposed development itself, the Conservation Officer notes that the building would be substantial in scale and surrounded by car parking with very little mitigation in the way of landscaping. Although clad in natural stone, the scale and proportions of the building are at odds with historic construction.
- The proposed access, turning area, agricultural access and 'diagnostics bay' (and consequent loss of hedging) are all positioned closest to Vern Leaze and would be an obtrusive feature within this otherwise rural landscape. Such features will increase noise, lighting and movement in precisely the worse location.

Clearly, in considering the submission and the inadequacy of the assessment carried out by the applicant, the Council's Conservation Officer is firmly of the view that the proposals would reduce the ability to appreciate and understand the historic extent of the Vern Leaze estate and the setting of this high-status country house grouping, the setting of which can be discerned to this day. Indeed, the Conservation Officer concludes their comment by confirming that harm is indeed caused to the setting of Vern Leaze and that it should be considered be of 'less than substantial harm' (using the NPPF terminology – use of the term 'substantial harm' being reserved for outright demolition) within the middle ranges of that category. Further, they view the proposals as being at odds not only with Section 66 of the Act and the NPPF but also with CP57 and 58 of the Core Strategy which require historic landscapes to be respected and heritage assets conserved.

Since the bald conclusions of the submission (that "no harm" whatsoever is caused) seem unlikely, given the history of the land and relationship to Vern Leaze, the conclusions of the Council's

Conservation Officer and Historic England appear solid and should provide basis for a judgement on the acceptability of the proposal. In this regard, paragraph 196 of the NPPF requires that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. In this particular case, the public benefits associated with an enhanced medical facility for the town of Calne are pronounced and clearly understandable. Whilst there is no reason to suggest that the existing Patford House surgery would close if planning permission for this development were to be refused, neither is there any reason to doubt that the new medical centre development would not be a substantial improvement in accommodation, service delivery and, by extension, the health care offer to the town of Calne. Such public benefits must be considered to be substantial and are considered to carry significant weight in favour of the grant of planning permission.

Whilst it is unfortunate the proposed access, turning area, curiously large “agricultural access” (as well as the consequent loss of trees) are all positioned so close to Vern Leaze itself, there are nonetheless reasonable justifications for such a position to be regarded as optimal (ie. at a point furthest from the Silver Street/Fynamore Gardens junction and directly opposite the access to the new housing development). Indeed, as with the rather modern architectural idiom chosen for the main building itself, whether the access is in the position proposed or at the opposite end of the site, ‘less than substantial’ harm to the setting of Verne Leaze is still likely to occur in the moderate range. To this extent, the design and layout of the development could not be substantively improved upon so as to reduce that harm.

Ultimately, whilst the proposed development will cause less than substantial harm to the significance of Vern Leaze, the public benefits associated with the development taking place are considered to outweigh that harm. As a result, the proposals are considered to meet with the requirements of relevant legislation as well the policies set out in section 16 to the NPPF. The proposal will not comply with the requirements of policy CP58 to the Wiltshire Core Strategy (since it would not conserve or enhance the historic environment), but in this instance the material considerations and compliance with the NPPF outlined above outweigh that conflict.

### 9.8 Impact on neighbour amenity

The application site is immediately adjoining and topographically elevated above the rear gardens of existing residential development at Fynamore Gardens, especially No.1. Whilst also in close proximity to other properties at Vern Leaze (particularly the lodge) and new dwellinghouses being built on the opposite side of Silver Street, those properties are positioned close to the highway frontage and therefore already experience noise and disturbance from passing traffic, activity and street lighting, and the creation of a medical centre complex will not result in such a significant change in their living conditions. Perhaps understandably, several concerns have been expressed by those residents in respect of loss of privacy, noise, light and other disturbances from the activities that would be expected at new development.

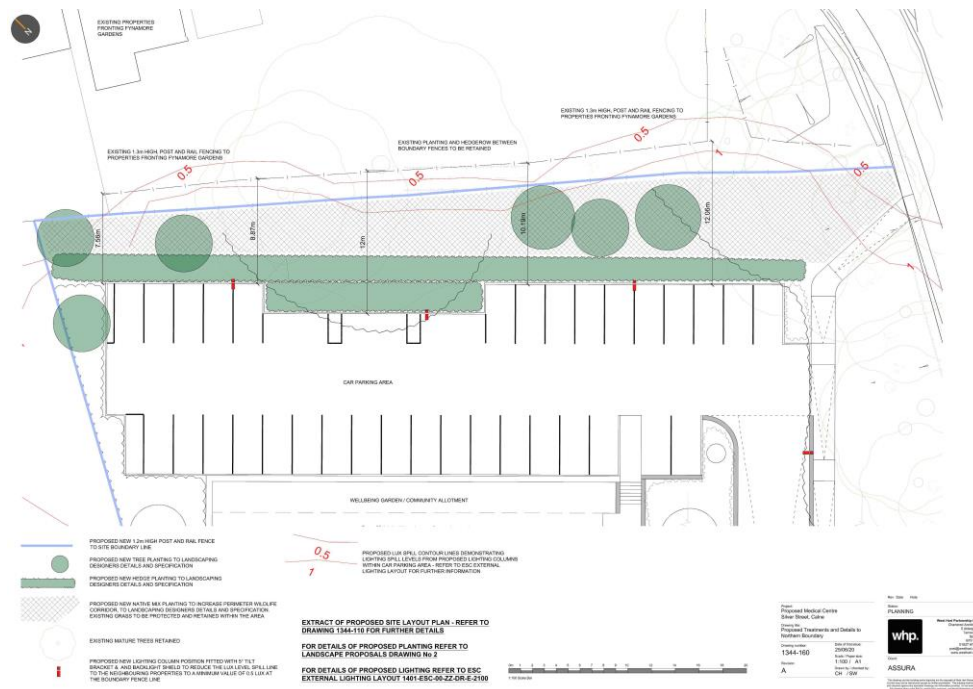
Submitted plans and cross-sections suggest that the proposed medical building will be, at its closest, approximately 46m to the back edge of No.1 Fynamore Gardens, some 50m to No.3 and greater distances thereafter. Clearly, however, the edge of the lower level of the car park will be much closer, at some 7m from the common boundary with the rear gardens. Extracts from the submission below, demonstrating the relationship of the site with the properties at Fynamore Gardens:



**Proposed Site Section B-B with distances to neighbouring properties**

1:500@A1





Notwithstanding the existence of first floor windows in the facing elevation, the distance between the medical building and residential properties at Fynamore Gardens is considered to be sufficient to mitigate against unacceptable overlooking or loss of privacy. However, whilst the intervening land between the edge of the car park and the boundary to the gardens to Fynamore Gardens is to be

landscaped (retention of existing trees, new planting/hedgerow and grass being laid), it is axiomatic that the proposals will result in an abrupt change to the appearance and intensity of noise and activity on the land in relation to the nearest properties – in particular, the movements of cars and people through out the year, including the Winter period when vehicle headlights will be used every day from mid-afternoon until close of business (it remaining curious that only a post and rail fencing being proposed rather than a solid structure so as to stop potential disturbance from headlights).

The above described is a likely outcome from development taking place and must be considered to be an impact on living conditions compared to the existing situation. There are, however, considered to be a series of measures and planning conditions which could be imposed so as to mitigate those impacts to such an extent that the proposal would not fail the requirements of policy CP57 of the Wiltshire Core Strategy:

- The applicant has refused a reasonable request to specify intended opening hours of the new medical facility and associated pharmacy (indeed, the application form submitted oddly claiming that opening hours are “not relevant”). A cursory internet search does, however, reveal the existing Patford House surgery to have opening times of 08:30-18:00 Mon-Fri (closed at weekends) they cannot be automatically regarded as a yardstick for the new facility proposed (despite the submitted Transport Assessment presupposing that it would be). Whilst not a use that would present the most potential for noise and disturbance to surrounding residents, it does still exist, particularly after hours whereupon the car park may become a magnet for anti-social behaviour unconnected to the operators. For this reason and as a consequence of the applicants refusal to engage in respect of opening hours, it is considered relevant and reasonable to make use of a planning condition which compels the submission of an operational management plan, which shall include opening hours, method of securing the car park from access after hours and other measures to be taken to minimise anti-social behaviour on the site.
- The vehicular access, entrance to the building, bin storage, bus stop and diagnostics bay all being optimally positioned, being sufficient distance away from the common boundary with Fynemore Gardens and Vern Leaze Lodge.
- The retention of a landscaped boundary of reasonable depth (of between 7-12m) between the car park and common boundary with Fynemore Gardens – including the retention of existing trees and new planting/hedgerow.
- Whilst no precise details have been provided, a notation on the submitted plans suggest the installation of a “post and rail” type fence along the boundary with Fynemore Gardens. Such a notation implies an *open* type boundary treatment rather than the expected *closed* treatment (such a closed boarded fence or wall) which would perform better in mitigating noise, light and general disturbance to the adjoining neighbours. It is considered to be reasonable for a planning condition to be imposed that would require further details of a closed boundary treatment to be submitted and agreed prior to development taking place.
- Submitted plans do suggest the installation of external lighting to both the building and car park and confirms that light “spillage” will reduce to a very low level along the common boundary with the gardens to Fynemore Gardens. It is, however, considered to be reasonable for a planning condition to be imposed that will restrict all further lighting to be installed at the site without a further planning permission as well as the precise details of the lighting to be installed close to the boundary with Fynemore Gardens prior to development taking place. No external lighting is proposed at the Southern end of the site, close to Vern Leaze Lodge.
- Although not specified on the submitted plans, it is perhaps to be expected that fixed plant will be needed to support the activities at the site. It is anticipated that such plant would be

installed close to or on the building; certainly not close to surrounding residential properties. Nevertheless, it is considered relevant and reasonable to make use of a planning condition which compels the submission of the details and specification of any plant for agreement so as to ensure it is not of a nature that will have an unacceptable impact upon residential amenity, prior to it being installed.

Whilst it is undeniable that the outlook across the site from the properties at Fynamore Gardens will alter substantially, a change in outlook across the site is merely that and does not automatically result in new development being unacceptable when assessed against planning policy. In this particular instance, and subject to the imposition of appropriate worded planning conditions in respect of boundary treatment and external lighting, the development is configured in such a way so as to avoid causing unacceptable impacts upon the amenity and living conditions of adjoining neighbours. For this reason, the proposal is considered to comply with the provisions of policy CP57 of the Wiltshire Core Strategy.

### Ecology

The application site is not located in an area designated as being of particular ecological value. However, the land is undeveloped and surrounded by hedgerows and, therefore, may be a habitat for protected species. For this reason, a habitat survey was undertaken by the applicant so as to support the development proposals.

Following initial concerns being raised by the Council's Ecologist in respect of the survey coverage and effect of external lighting, an update of the ecological assessment (Ecological Report, prepared by Environmental Gain Ltd, 19<sup>th</sup> August 2020) was submitted. That assessment broadly concludes:

- Habitat - The proposal would result in the loss of approximately 275m<sup>2</sup> of broadleaved woodland for the new road access, and 0.5ha of species-poor grassland.
- Badgers - There are no signs of badgers within the site. The field is suitable foraging habitat and the boundary provides a route along which badgers could move through the landscape.
- Bats - There is a lesser horseshoe roost in the nearby Vern Leaze house and known roosts in buildings within the residential area to the North and East of the proposed development. None of the trees that will be removed have any features suitable for roosting bats.
- Birds - There were no signs of nests, but it is likely that at least a small number of birds build nests within the trees and scrub.
- Dormice - There are no records of dormice in the data search. The scrub and trees are suitable habitat for dormice albeit they are relatively small. This area is moderately well connected to hedges and copses in the surrounding landscape, but there are no large stands of woodland nearby.
- Great crested newts - There are no records of great crested newts on or near the site (within 500m). The open field is of little value to amphibians as it is without sheltering places. The adjacent boundaries are better habitat and have areas where amphibians could forage or shelter.
- Reptiles - The open field is of little value to reptiles as it is open without any sheltering places. The adjacent boundaries are better habitat and have areas where reptiles could forage or shelter.

- Otters and water voles - There are records of both species within the data search, however there is no suitable habitat on or adjacent to the site.

The assessment goes on to set out a series of measures to be put in place as a part of development which is intended to avoid and mitigate ecological impacts:

- Two reptile hibernacula (refuge) created in retained vegetation on the edge of the site – to be constructed in accordance with the guidance in the herpetofauna workers manual.
- Built-in bird boxes including three sparrow terraces to be integrated into the fabric of the new building.
- Built-in bat boxes (in the form of three bat tubes) integrated into the fabric of the new building.
- Six bird boxes installed on retained trees adjacent to Silver Street.
- Six bat boxes will be installed on retained trees in the retained vegetation adjacent to Silver Street.
- Grassland along the Eastern and Southern boundaries to be seeded and managed to create a species-rich sward.
- New hedges will be planted along the boundary with Fynamore gardens.
- Formal shrub planting will include species suitable for foraging birds and invertebrates.
- The suggestion of a Construction Environmental Management Plan (CEMP) (secured by planning condition) so as to minimise impacts during the construction phase.
- The preparation of an Ecological Management Plan (EMP) (secured by planning condition) so as to secure the future of the ecological mitigation measures.

The submitted assessment ends with the assertion that the proposed development will result in a net increase in the amount of hedgerow habitat, nesting and roosting habitat for birds and bats, and in the amount of species-rich grassland (thereby referencing the requirements of the NPPF). In their final comments, the Council's Ecologist has signalled their agreement with the assertions and conclusions reached. They do, however, confirm the need for several planning conditions to be imposed in relation to mitigation measures, the CEMP and CMP.

There is no evidence in existence which should result in a different conclusion being reached than that of the submitted ecological assessment and objective comments from the Council's Ecologist. For this reason, and subject to the imposition of planning conditions, the proposal is considered to comply with the requirements of policy CP50 of the WCS, policy NE3 to the Calne Neighbourhood Plan and section 15 to the NPPF.

### Archaeology

In their comments on the application, the Council's Archaeologist confirm that they regard the application site as being in an area of archaeological potential (a factor also identified within the submitted Historic Environment Desk-Based Assessment, prepared by Cotswold Archaeology) due to significant finds on the land being built out on the opposite side of Silver Street. The Council's Archaeologist goes on to suggest that a *desk-based* assessment on its own does not provide enough information to assess the impact of the proposed development on any buried archaeological remains that are likely to be within the site -noting that there has been no previous archaeological investigation on this particular site.

In response, the applicant has carried out a geophysical survey (ie. a magnetic survey to detect any anomalies or disturbances in the ground which may indicate the presence of archaeological remains). This survey found that:

*"...detected two buried services and a potential former field boundary, which appears to correspond with available Tithe maps. The survey has also highlighted several undetermined anomalies near the services and modern field edges. The characteristics of these anomalies*

*are not suggestive of any specific archaeological or non-archaeological features, which has resulted in an 'Undetermined' classification. It is possible these anomalies may represent modern disturbances or the dumping of material, but ascribing a relative date or origin for these anomalies is not possible from the geophysical results. Generally, modern interference was limited to magnetic disturbance from adjacent fences at the field edges."*

The results of the survey do identify some disturbances in the ground where elements of the new development would take place. For this reason, the Council's Archaeologist continues to recommend that planning permission should not be granted until trial trenching is undertaken and the results presented, and consideration is given to the acceptability of building on the site or the need for planning conditions (ie. the inference being that if significant archaeological remains were to be found on the site after the grant of planning permission which renders the development unacceptable, that permission could not be revoked).

However, perhaps understandably, the applicant does not wish to carry out that trial trenching prior to the determination of the application and invite the Council to take a risk-based approach and to make use of planning conditions. In this particular instance, whilst significant found have been found nearby, there are no known remains on the site itself and it is not designated as such. Of course, the applicants own geophysical survey suggests that several anomalies were discerned and there remains a chance they could significant, but the use of an appropriately worded planning condition could still compel detailed investigation (via trenching) and ultimately result in alterations being made to the layout of the development so as to avoid or mitigate harm.

Clearly, there remains a risk that the site could contain significant archaeological remains, subject to the imposition of planning conditions, it is considered that the grant of planning permission prior to the carrying out of trial trenching and subsequent analysis would comply with the requirements of policy CP58 to the Wiltshire Core Strategy and section 16 to the NPPF.

## **10. Conclusion**

Whilst the site for the proposed medical centre is located on the edge of Calne Town outside of the settlement boundary, being located adjacent to other existing and new residential development, it is not considered to be isolated, which is a significant material consideration weighing in favour of the proposal. Further, and subject to the imposition of conditions compelling the delivery of a sufficient car parking spaces bus stop, cycle, powered two-wheeler parking facilities, the proposal is considered to be sustainable development and comply with relevant elements of policies CP2, CP8, CP57, CP60 and CP61 to the Wiltshire Core Strategy as well as policy GA1 and GA2 to the Calne Community Neighbourhood Plan.

The design and layout of the site and built form, as well as the choice of external facing materials, is acceptable in and of itself, and, with the exception of the unnecessarily sized "agricultural access" and turning area, is considered to be optimal so as to minimise impacts upon existing trees and the amenities of neighbouring residential properties. The outlook of those nearest residential properties will undoubtedly change as a result development taking place, but, and subject to the imposition of particularly worded planning conditions, the proposal is not considered to result in unacceptable impacts upon their living conditions through loss of privacy, overshadowing, vibration and pollution. In these respects, the proposal is considered to comply with the requirements of policies CP51 and CP57 of the Wiltshire Core Strategy, saved policy NE14 to the North Wiltshire Local Plan 2011 and policies BE1 and BE2 to the Calne Community Neighbourhood Plan.

It is established that the proposed development will cause less than substantial harm to the significance of Vern Leaze within the middle part of the range. However, the public benefits associated with the creation of a new, enhanced medical facility for the town are demonstrable and are considered to outweigh the harm identified. As a result, the proposals are considered to meet with the requirements of relevant legislation as well the policies set out in section 16 to the NPPF.

Whilst the proposal will not comply with the particular requirements of policy CP58 to the Wiltshire Core Strategy, in this instance the material considerations and compliance with the NPPF outweigh that conflict.

There remains a risk that the site could contain significant archaeological remains, and it is considered that planning conditions should be imposed so as to compel the carrying out of trial trenching and subsequent analysis in order to comply with the requirements of policy CP58 to the Wiltshire Core Strategy and section 16 to the NPPF. Equally, subject to the conclusions and recommendation contained within the ecological assessment being implemented, the proposal would also comply with the requirements of policy CP50 to the Wiltshire Core Strategy and policy NE3 to the Calne Community Neighbourhood Plan and the NPPF.

The Council's Highway Engineer retains objections to the detailed design of the vehicle access, considering it to cause conflicting and unsafe vehicle movements and does not currently demonstrate adequate forward visibility. For this reason alone, the development as currently proposed is considered to be unacceptable when assessed against the relevant elements of policies CP57, CP60 and CP61 to the Wiltshire Core Strategy as well as policy GA2 to the Calne Community Neighbourhood Plan. However, since there is no suggestion that a suitable access design cannot be arrived at and agreed with the applicant, it is considered possible to continue to recommend that planning permission be granted, subject to a suitable access scheme (which not only delivers a safe access, but also does not cause unacceptable impacts upon the frontage trees, ecology, the setting of Verne Leaze, landscape and amenities of existing residents) first being agreed, the negotiation of which being delegated to Council officers.

**RECOMMENDATION: That the Northern Area Planning Committee:**

- **Delegate to Council Officers the negotiation of a suitable design of means of vehicular access to the development from Silver Street, and**
- **In the event that a suitable design of means of vehicular access from Silver Street cannot be agreed then planning permission be REFUSED on those relevant grounds, or**
- **In the event that a suitable design of means of vehicular access from Silver Street can be agreed, then planning permission be GRANTED subject to the following conditions (plus any others necessary pursuant to the agreement of that new design of means of vehicular access):**
  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.

Hours of opening and security

2. Prior to the first use of the development hereby granted planning permission, an Operational Management Plan shall have been submitted to and agreed in writing by the Local Planning Authority. Such a plan shall include the specification of opening hours, the means to restrict access to the car park and site when the medical centre is not open or in use and any other measures to be taken so as to minimise the potential for anti-social behaviour outside of those specified opening hours. At all times thereafter, the operation of the development shall be carried in complete accordance with the details so agreed.

REASON: In the absence of information contained within the application, so as to ensure the operation of the medical centre and condition of the site outside opening times is such that it minimises unacceptable impacts upon the amenities of surrounding residents, including the potential for anti-social behaviour.

#### Materials and landscaping

3. The development shall be constructed using the external facing materials specified on drawing number 1344-310 rev.C (proposed elevations) and drawing number 1344-110 rev.X (proposed site layout).

REASON: For the avoidance of doubt and to ensure that built form takes makes use of an appropriate external finish.

4. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the protection of all retained trees shown on the plans prepared by Martin F. Holland – Landscape Design Consultant (drawing 1 of 3, 2A of 3, 3 of 3, as amended by drawing no.4 which shows the installation of the pedestrian link). Such tree protection shall remain in place until the completion of the construction phase.

REASON: So as to ensure the retention of existing trees on the site in the interests of visual amenity.

5. Unless separately agreed as part of discharging other conditions imposed on this planning permission, the development shall be carried out in accordance with the detailed soft landscaping proposals set out on drawing title “Landscaping Proposals” (drawing 2A of 3), prepared by Martin F Holland, Landscape Design Consultant. All planting shall be carried out in the first planting and seeding season following 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.

#### Highways, accessibility and parking

6. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces (including car, motorcycle and cycle 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.

7. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 1.0m 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

8. Prior to the first use of the medical centre hereby granted planning permission, full and complete details of parking and storage for bicycles and Powered Two-Wheeler transport shall have been submitted to and agreed in writing by the Local Planning Authority. Such parking and storage shall be provided and made available for use in accordance with the approved details prior to the first use of the medical centre and remain available for that use at all times thereafter.

REASON: So as to ensure the development provides for appropriate and, where appropriate, secure parking and storage of bicycles and powered two wheelers, thereby providing a realistic choice of sustainable means of transport, in accordance with the Wiltshire Local Transport Plan 2011-2026 Cycling and Powered Two-Wheeler Strategies.

9. The access to the South Western portion of the site shown on the submitted plans as leading to fields behind the medical centre shall be used for agricultural purposes only and for no other purpose.

REASON: For the avoidance of doubt and so as to limit the harm to the Grade II\* Listed Verne Leaze property and its historic setting.

10. Unless an alternative timescale is agreed beforehand, prior to the first use of the medical centre hereby granted planning permission, the bus stop shall be laid out, any associated shelter and signage installed and shall be made available for use at all times thereafter.

REASON: In view of the location of the site on the edge of Calne town, so as to ensure the site remains accessible by a range of means of transport, not just the private car.

11. Prior to the first use of the medical centre hereby granted planning permission, the pedestrian link to Silver Street from the North-East corner of the application site shall be provided and made available for use thereafter.

REASON: In view of the location of the site on the edge of Calne town, so as to ensure the site remains optimally accessible by pedestrians.

12. The use and operation of the new medical centre shall be carried out in complete accordance with the Travel Plan (prepared by Entran Environmental & Transportation, dated Jan 2020 and embedded as appendix B to the submitted Transport Statement). The programmed monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development which is situated in an edge of town location.



### External lighting, boundary treatments and residential amenity

13. Other than that explicitly shown on drawing number 141-ESC-00-ZZ-DR-E-2100 rev.P (External Lighting Layout), 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 in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

14. Prior to the first use of the medical centre building or its car park, and notwithstanding the general arrangement shown on drawing number 1344-160 rev.A (Proposed Boundary Treatments and Details to Northern Boundary), full and complete details of the treatment to the Northern boundary to the site shall have been submitted to and agreed in writing by the Local Planning Authority. In particular, those details shall include the provision of a wall or close boarded fence of a suitable type so as to mitigate noise and disturbance from activities in the car park to the nearest neighbours and full and complete details of the external lighting to be installed along the North-Eastern extremity of the car park. The boundary treatment and external lighting shall be installed in accordance with the details so agreed prior to the first use of the medical centre and shall remain in that condition thereafter.

REASON: In light of incomplete submitted details of boundary treatments and external lighting, so as to ensure the amenities and living conditions to residents whose properties front Fynemore Gardens are protected against unacceptable impacts from the development, and in particular, activity expected within the car park.

15. No fixed plant shall be installed at the site or on the building until full and complete details of the plant (including position, the specification, noise characteristics and attenuation measures) has been submitted to and agreed in writing by the Local Planning Authority. The fixed plant shall be installed in accordance with the approved details and be subsequently maintained in that condition thereafter.

REASON: So as to ensure any ventilation, extraction, air conditioning equipment or any other form of fixed plant is sited and designed so as to minimise impacts upon the living conditions of surrounding residents.

### Drainage

16. The development shall be carried out using the surface and foul water disposal strategy set out within the submitted "Flood Risk Assessment & Drainage Strategy" (prepared by Matthew Keen and dated 14/01/20; reference 18-7502-FRA).

REASON: The arrangements for the disposal of surface water from the development is required to be agreed with the Local Planning Authority before development commences in order that it is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

## Ecology

17. The development hereby permitted shall be carried out in accordance with the conclusions and recommendations contained within the Ecological Report, dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.002). The detailed mitigation measures set out in paragraph 6.25 to that report shall have been submitted to and agreed in writing by the Local Planning Authority prior to construction to slab level and development shall be carried out in accordance with the details subsequently agreed.

REASON: So as to ensure the development will result in a net increase in habitats for protected species so as to meet the requirements of adopted national and local planning policy.

18. Prior to the commencement of development, and in accordance with the recommendations contained within the Ecological Report dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.0024), a Construction Environmental Management Plan (CEMP) shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall set out all measures to be undertaken so as to protect natural habitats from impacts during the construction phase of development. The construction of the development shall be carried out in complete accordance with the details so agreed.

REASON: So as to ensure the construction phase of development will be undertaken in such a manner so as to minimise impacts upon the natural habitats identified on the site.

19. Prior to the first occupation of the development hereby granted planning permission, an Ecological Management Plan of the habitat areas identified within the submitted Ecological Report dated 19<sup>th</sup> September 2020 (prepared by Environmental Gain Ltd, reference: eg17780.0024), shall have been submitted to and approved in writing by the Local Planning Authority. Such a plan shall set out a regime to be put in place so as to secure the in the long-term management of the ecological mitigation measures identified and the site as a habitat for protected species. The management of the site thereafter shall be carried out in accordance with the details so agreed.

REASON: So as to ensure that, in the long term, the identified ecological impacts from the development are successfully mitigated and that the development will continue to result in a net increase in habitats for protected species so as to meet the requirements of adopted national and local planning policy.

## Archaeology

20. No development shall commence within the application 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.

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

## Construction phase

21. 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 and existing trees on the site;
  - i) hours of construction, including deliveries;

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

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

## Approved plans

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

1344_010_C	Site Location Plan
1344_020_A	Block Plan_Existing
1344_110_X	Site Layout Plan_Proposed
1344_160_A	BoundaryTreatments_Proposed_Northern Boundary
1344_205_B	Layout Plans_Proposed
1344_210_C	Roof Layout Plan_Proposed
1344_310_D	Elevations_Proposed
1401_ESC_00_ZZ_DR_E_2100_P2	External Lighting Layout_Proposed
1344_130_B	Site Layout Plan_Proposed_inc Sections/Dimensions
Design and Access Statement Planning Statement	West Hart Partnership Rocke Associates
Transport Statement1 Transport Technical Note 1 Heritage Assessment Ecological Assessment Ecological Appraisal Update (June 2020) Arboricultural Assessment2 Additional Arboricultural Assessment_New Path Link Flood Risk Assessment / Drainage Strategy	Entran Entran Cotswold Archaeology Engain Engain M F Holland M F Holland Complete Design Partnership

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

**INFORMATIVES:**

- The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that S278 Agreement will be required in order to provide the access proposals.
- 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.
- This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.
- 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.
- Tree roots are normally located in the first 600mm of soil. Roots that are exposed should be immediately wrapped or covered to prevent desiccation and to protect them from rapid temperature changes. Any wrapping should be removed prior to backfilling, which should take place as soon as possible. Roots smaller than 25mm diameter can "agricultural access" and to be pruned back making a clean cut with a sharp tool. Roots occurring in clumps or over 25mm should be severed only following consultation with a qualified arboriculturist, as such roots might be essential to the tree's health and stability. Prior to backfilling retained roots should be surrounded with topsoil or uncompacted sharp sand (builders sand should not be used because of its high salt content, which is toxic to tree roots).
- The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability

Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:  
[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).