

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	07/10/2020
<b>Application Number</b>	19/06559/OUT
<b>Site Address</b>	Golden Lands 11 Beversbrook Lane Calne SN11 9EX
<b>Proposal</b>	Outline application for the layout and redevelopment of residential site including the demolition of existing structures and erection of up to 3no. dwellings including means of access, with all other matters reserved
<b>Applicant</b>	Mr P Godwin
<b>Town/Parish Council</b>	CALNE
<b>Electoral Division</b>	Cllr Tom Rounds
<b>Grid Ref</b>	399566 172178
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Victoria Davis

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

Cllr Tom Round has requested the proposal be put before committee to examine; scale of development, relationship to adjoining properties, design and environmental/highway impact.

**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 planning permission should be **GRANTED** subject to the imposition of planning conditions.

**2. Report Summary**

The key issues in considering the application are as follows:

- Principle of the development
- Impact on highway safety

Calne Town Council raised objection to the proposed development. 20 letters of objection including 2 signed by the residents of Beversbrook Lane.

### **3. Site Description**

The application site is a roughly rectangular portion of land of approximately 0.15 ha. in extent, on which there is an existing bungalow and a detached open fronted storage and stable building. The site is within the settlement framework of Calne. It is not within a conservation area or any other landscape designation and is not in close proximity to any listed buildings. The existing vehicular access to the site is via the privately owned Beversbrook Lane, directly off Lickhill Road which is a public highway.

### **4. The Proposal**

Outline permission is sought to establish the principle of replacing an existing bungalow at Golden Lands, 11 Beversbrook Lane, Calne with up to three dwellings. Detailed matters relating to appearance, landscaping, layout and scale are all 'reserved' with the only matter for detailed consideration at this time relating to the means of access to the site. Approval is being sought for Beversbrook Lane off Lickhill Road to be used as the access to the development.

### **5. Local Planning Policy**

#### Wiltshire Core Strategy 2015 (WCS)

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 60 Sustainable Transport  
Core Policy 61 Transport and Development  
Core Policy 64 Demand Management

#### Calne Neighbourhood Plan 2016-2026

Policy BE1 Integration and Landscaping  
Policy BE2 Design Principles for Local Distinctiveness  
Policy BE3 Parking Provision  
Policy H4 Settlement Boundaries and Housing Sites  
Policy GA2 Highways Impact

#### Wiltshire Local Transport Plan (3) Car Parking Strategy

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

#### National Planning Policy Framework 2019 (NPPF)

Section 5 Delivering a sufficient supply of homes  
Section 9 Promoting sustainable transport  
Section 11 Making effective use of land  
Section 12 Achieving well-designed places

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

Calne Town Council: No Objection to initial consultation. Objection to second and third consultation based on revised location plan and ownership certificate.

*Members did not support the application and were of the opinion that it contravenes Core Policy 57 vii and xi. Concerns were expressed about density and access.*

Highway Officer: No objection to the proposals in principle as long as the parking, access and turning can be provided in accordance with Wiltshire Council Standards and Manual for Streets Guidance. Full comments are available online. Main points summarised below -

- Beversbrook Lane is a private residential road accessed via a junction with Lickhill Road, an unclassified section of public highway subject to a speed limit of 20mph.
- The new access has been indicated with a swept path analysis providing a refuse vehicle with turning, which would be advantageous – presently it is understood that the refuse vehicle would be required to reverse into Beversbrook Lane in order to provide servicing.
- Applicant should contact Waste Management Services in order to discuss servicing arrangements further.
- The swept path shown does appear to overrun the verge/garden areas which would be a private maintenance issue.
- The proposals include a provision for 6 vehicle parking spaces for an ‘unknown’ number of bedrooms, Wiltshire Council have minimum standards for parking provision in residential development.
- Garages will only count as part of the allocated parking provision where they meet the minimum size requirement of 6m x 3m (internal dimensions).
- Additional comments regarding accident data confirms record of a single accident in this location which is not considered to represent a highway safety issue.

Drainage Officer: Holding Objection, Full comments are available online. Main points summarised below -

- Application states foul disposal unknown. This is demolition of existing property which should already be served.
- Prior to development information should be sought to how existing property is drained and how new ones will work. There are sewers available and applicant will need to consult with Wessex Water.
- Application states soakaways. Applicant needs to show how surface water will be dealt with as site is in high groundwater area.

Waste: No objection.

- It is confirmed that the refuse collection vehicles currently travel part way along Beversbrook lane to collect from the properties without a turning facility.
- A 12 tonne lorry services general waste and garden waste and a 15 tonne lorry services blue lidded bin/black box.
- No concerns in relation to serving additional properties in the same manner.

## 8. Publicity

The application was advertised by site notice and neighbour letter. After an initial review of the proposal it was identified that the incorrect ownership certificate had been signed and that the red line location plan did not include Beversbrook Lane as access to the site. Certificate B of the application form and a revised red line location plan was later submitted and the relevant notices issued. A second round of consultation was carried out. During this consultation, it was identified that not all landowners were included and that the owner of an area of land at the entrance to Beversbrook Lane was unknown. Subsequently, ownership Certificate C was submitted to state that the relevant notice had been served to the known landowners and that an advertisement was placed in the local newspaper. Certificate C is used in cases where all reasonable steps have been taken to find out the names and addresses of the other landowners but where the applicant has been unable to identify them. A third round of consultation was carried out.

20 responses were received from 12 local residents including 2 letters signed by the occupants of 1, 3, 5, 7, 9 Beversbrook Lane. The concerns are summarised below -

- Single track lane is inadequate for access and increase in vehicle movements – there are no passing places or lighting
- Council should adopt Beversbrook Lane
- There is a risk to pedestrian safety along the lane
- Surface is not formalised
- Grass verges, drainage ditches and pipes may be damaged
- Possible disturbance during construction period, noise, traffic, dust.
- Parking and access for construction vehicles
- All landowners not notified of application
- Loss of privacy, overshadowing, overbearing development affecting properties on Beversbrook Lane and Stickleback Road – specifically 9 Beversbrook Lane and 56, 60 & 62 Stickleback Road
- House values may be affected
- Turning area is of no benefit to existing residents
- Potential hazardous materials in barn to be demolished
- Loss of trees, impact to habitat/biodiversity
- Houses proposed does not meet local need
- Layout and density is overdevelopment
- Works and ongoing maintenance of Willow Tree close to 62 Stickleback Road
- Foul drainage system is inadequate

- 44 homes requirement identified within WCS for Calne has been surpassed
- Calne Neighbourhood plan references Core Policies 1 and 2 relating to housing growth (over and above that allowed by the Core Strategy) outside the defined limits of development not being supported.
- Policy H5 of the Calne Community Neighbourhood plan states applications with direct highway access only will be considered. We do not believe Beversbrook Lane being privately owned should be considered as having direct highway access.
- Calne Community Neighbourhood plan Policy H3 states bungalows and properties for elderly will be strongly supported. This application clearly shows the intention to demolish a bungalow and replace with dwellings not suited to the elderly.
- Revised site outline directly crosses the boundary outlines within land registry documents for houses 1, 3, 5, 7 and 9.
- Local infrastructure, (schools, surgeries, dentists) are not adequate to serve the development.

## **9. Planning Considerations**

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

### Principle of Development

The site is located within the framework boundary for Calne which is defined within the settlement strategy (Core Policy 1) as a Market Town.

Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

In accordance with Core Policy 1 and the Calne Community Area. Spatial Strategy (Core Policy 8), residential development in this location is acceptable in principle, provided it meets the requirements of other policies within the Wiltshire Core Strategy. Policy H4 of the Calne Neighbourhood Plan is supportive in principle of small windfall housing proposals providing they accord with CP 1 & 2 of the WCS and subject to site specific and locational considerations.

Core Policies 60 and 61 require new development to be located at accessible locations and be designed to reduce the need to travel particularly by private car. These policies should be read in parallel with Core Policies 1 and 2 which seek to promote new development at the most sustainable locations. The application site is located within the settlement of Calne and is considered to be in a sustainable location.

The Community Infrastructure Levy (CIL) is a charge that local authorities in England and Wales can put on new development in their area to raise funds to help deliver the infrastructure necessary to support development. The proposed development would likely represent chargeable development under the Community Infrastructure Levy Regulations

2010 (as amended) and Wiltshire Council's CIL Charging Schedule. Whilst a separate Community Infrastructure Levy Liability Notice would be issued by Council, an informative in this regard should be included in any approval notice.

### Quantum of development

A number of neighbour letters raise concern that the proposed dwellings would lead to a loss of privacy, overbearing development and overshadowing that would affect properties on Beversbrook Lane as well as those to the north and east on Stickleback Road. These are understandable concerns, however, it is crucial to note that the site layout plan is indicative and has been submitted for illustrative purposes only. Matters relating site layout, massing, scale, design and landscaping, as well as technical considerations relating to ecology and drainage, are to be determined at the reserved matters stage. Given the proximity of surrounding properties it is evident that very careful consideration will need to be given to the dwelling positions, their scale, massing and the window placement at reserved matters stage to ensure that the amenity impacts of any proposed development are acceptable. The illustrative layout is considered to demonstrate that there is sufficient space within the plot to accommodate up-to 3 dwellings. Although the density and pattern of development is not characteristic of the spacious plots along Beversbrook Lane, it does reflect the pattern and density within the modern development immediately to the north and east of the site. Accordingly, it is not considered that the creation of three appropriately scaled dwellings would be overdevelopment of this site that would cause harm to the existing character of the area generally. The issue of property values has been mentioned in neighbour comments - this is not a material consideration.

It is also raised that the type of dwellings proposed do not meet local needs. In this case, the site falls within the limits of development where there is no need to demonstrate, or provide for, a specific local need. The scale of development proposed (2 additional dwellings) does not generate an affordable housing requirement. Reference has been made to the WCS housing delivery target of 44 dwellings for Calne being exceeded as well as specific support for the provision of homes suitable for the elderly within the neighbourhood plan. The WCS and Calne Neighbourhood Plan do not seek to enforce limits on the number of dwellings created within the set limits of development, within which this site falls. The support within the Neighbourhood Plan for bungalows and homes suitable for elderly residents is noted, however, it cannot be the intention of the plan to exclude any other form of development entirely. As personal circumstances and land ownership changes it is likely that additional sites like this may come forward and it cannot be the intention of the neighbourhood plan to prevent proposals for such development being considered appropriately and on a case by case basis.

### Highways safety & access

The other key consideration relates to the access to the site as the only matter up for detailed approval. This is also an area of concern amongst local residents, particularly those living on Beversbrook Lane.

A number of objection letters explain that Beversbrook Lane is a privately owned, single track lane which is inadequate for access and increase in vehicle movements. It is raised that the increased vehicle movements will lead to increased risk of accidents, particularly at

the junction with Lickhill Road. It is explained that the surface is not formalised, that the foundation is not suitable and that there are no passing places or lighting. There is also concern that the verges and drainage ditches close to the track may be damaged.

In their comments, the Highways Engineer notes that access to the site along Beversbrook Lane is an existing arrangement and raises no objections to its proposed use to serve two additional dwellings. The potential issue of visibility at the junction with Lickhill Road was raised with the Engineer, who remains satisfied that no unacceptable hazards arise. This lane is currently used as a means of vehicular and pedestrian access to a small number of dwellings and is not therefore heavily trafficked. Whilst the lane does not offer a formal footpath or space for pulling, the Engineer considers that the low levels of vehicular use, low vehicle speeds, and the reasonably clear line of sight along the lane reduces any scope for collisions and conflicts to occur.

Following a request for further information with regard to accident data at the junction of Beversbrook Lane and Lickhill Road, the Highways Engineer queried a period of 20 years and reported one slight accident in this location involving 2 vehicles on 11/12/2018 at 17:40. On investigating further into the accident it is reported that a vehicle exiting Beversbrook Lane in a forward gear was hit by a vehicle on Lickhill Road, the conditions were darkness and the contributory factors were failing to look properly and failing to judge other persons path or speed. The Engineer confirms that a single accident in this location does not represent a highway safety issue, and that the proposed development, resulting in an increase of two dwellings, is not considered to be a significant increase that would have a material impact on the existing highway network.

Whether or not, the applicant, developer or future occupants of the development have a right of access along Beversbrook Lane is a civil matter and not one that the LPA is able to conclude upon or resolve when determining this planning application. The developer or landowner will need to satisfy themselves whether they are able to rely on an existing right of access where future re-development of the site might lead to an intensification of the existing use which may be in excess of the rights which currently exist. This is not a material planning consideration and the planning system is unable to intervene on this matter. Ultimately, any planning permission would not override any private ownership rights. The issues relating to the financial responsibility for ongoing maintenance or damage to the road surface is also a private matter to be resolved between the applicant and the land owners.

A number of objections from neighbouring residents raised concerns relating to construction traffic, noise disturbance, dust management and possible damage to the track and verges. It would be appropriate in this case to impose a condition requiring a Construction Management Plan which would seek to control matters such as access for construction traffic, parking, deliveries, waste management, control of dust and hours of construction. As the lane is not a public right of way that would be maintainable at the public expense the LPA does not have the ability in law to insist that damage to the track is rectified at the developer's expense. As mentioned above, the applicant or developer's right of access and matters relating to maintenance and repair of the lane is a civil matter to be resolved between the relevant parties outside of the planning process.

The Highways Engineer has noted that the illustrative plan indicates two spaces per dwelling but adds that the number of bedrooms is unknown. Reference is also made to the Council

minimum parking standards for parking spaces and garages. It would be appropriate for exact parking allocation to be considered at the reserved matters stage where details relating to the design, site layout and scale are submitted.

Residents note that the turning space shown on the indicative site layout appeared to overrun on land outside of the applicant's control. The Council Waste Team initially requested vehicle tracking information to demonstrate a turning area which did not cut across the neighbour's land. However, it was later confirmed that refuse collection vehicles already travel along Beversbrook Lane to collect from the existing properties without a turning facility. The Waste Team have no concerns with two additional properties being served in the same manner. As the proposed new dwellings can be adequately serviced without a turning space for refuse vehicles, no further information was requested.

### Other matters

Comments received explain that the current landscaping supports a wide variety of wildlife due to its open space, hedgerows and trees. CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. The application does not meet the local requirements for assessment by the Council Ecologist and the site is not known to feature areas of irreplaceable habitat, however, it is expected that a proposed landscaping scheme that forms part of a subsequent reserved matters application should make provision for suitable replacement habitat across the site.

The concerns raised by both neighbours and the Drainage Officer in relation to surface water and foul water drainage are noted, however, as these are not matters for detailed consideration, no further information is requested at this stage. In this case, as the application relates to a previously developed site within an urban area, there is no reason to doubt that adequate drainage arrangements can be secured as necessary

Comments received also raised that there may be hazardous materials within the barn building to be demolished. This is a valid concern and it is important that hazardous materials are handled safely. The planning process in this case will not control the management of demolition materials, however, an informative can be included to advise that the duty to manage hazardous materials appropriately is a legal requirement. The required Construction Management Plan should include basic waste management arrangements as well as measures for the control of dust during the demolition and construction period.

The case officer site visit was conducted on 18/07/2019. Further visits were made by the case officer on 21/01/2020 and 19/08/2020 to erect site notices at the entrance to the lane.

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

The proposal accords with the Development Plan and would deliver two additional dwellings within the established development limits of the designated Market Town of Calne. The proposal is therefore acceptable in principle. The only matter of detail submitted for approval at this outline stage relates to the vehicular means of access to the site which the Highways



Engineer deems to be acceptable. All other matters would be 'reserved' for subsequent consideration at the reserved matters stage. The development would comply with the Wiltshire Core Strategy 2015 policies; CP1, CP2, CP8, CP60 CP61 and CP64, the Calne Neighbourhood Plan Housing Policy H4 and the National Planning Policy Framework 2019. In the absence of any material considerations indicating otherwise, is acceptable in planning terms.

**RECOMMENDATION: That Planning Permission is GRANTED subject to the following conditions:**

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

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

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

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

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

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

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

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

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

Location Plan LDC2193 01 A (received 23 August 2019)

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

- 5 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) wheel washing facilities;
  - e) measures to control the emission of dust and dirt during construction;
  - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
  - g) measures for the protection of the natural environment.
  - h) hours of construction, including deliveries;

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

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

#### INFORMATIVE TO APPLICANT:

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

In particular, it is understood that Beversbrook Lane, which provides access to the site, is privately owned. The applicant is requested to note that planning permission does not override any private ownership rights or alter any existing terms in relation to access rights.

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

INFORMATIVE TO APPLICANT:

The applicant should note that the duty to manage hazardous demolition materials appropriately is a legal requirement - further information can be found at [www.hse.gov.uk](http://www.hse.gov.uk).

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

The applicant is 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).