

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

Date of Meeting	9 th December 2020
Application Number	19/11601/OUT
Site Address	Land South of Low Lane Calne Wiltshire SN11 8EQ
Proposal	Outline application with all matters reserved for residential development of up to 26 entry level dwellings, associated infrastructure, open space and landscaping with creation of new vehicular access from Low Lane
Applicant	Robert Hitchins Ltd
Town/Parish Council	Calne
Electoral Division	Cllr Ian Thorn
Grid Ref	
Type of application	Outline Planning
Case Officer	Charmian Eyre-Walker

Reason for the application being considered by Committee

The application was called to committee to by Cllr Ian Thorn to allow the Committee to assess the scale, visual impact, relationship to adjoining properties, design and highways impact of the proposal.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

Issues to be addressed:

- Principle of the development
- Design and layout
- Ecology
- Landscaping

- Highways
- Drainage
- S106 requirements

160 letters of objection have been received.

Calne Town Council objects to the application.

Calne Without Parish Council raise no comments

3. The Proposal

This is an application for the erection of up to 26 dwellinghouses.

The proposal is in outline with all matters reserved. Whilst the application is submitted in outline, an illustrative masterplan is included to show how the site is capable of accommodating the proposed number of dwellings and the design of the access. The access point and dimensions are shown on an approved plan, but as the internal layout is not, this still requires a further Reserved Matters application.

The application specifically seeks permission for Entry Level Housing and thus will be 100% Affordable as defined in Annex 2 of the NPPF (2019). Paragraph 71 of the NPPF describes Entry Level Housing as being suitable for first time buyers (or those looking to rent their first home, unless the need for such homes is already being met within the authority's area. Such sites should not be on land already allocated for housing and should be:

- a) Comprise of entry-level housing that offer one or more types of affordable housing as defined in annex 2 of the NPPF; and
- b) Be adjacent to existing settlements, proportionate to them (no larger than 1ha or exceed 5% of the size of the existing settlement; and comply with any local design policies and standards.

The application is accompanied by A Needs Assessment carried out by Pioneer Housing and development consultants. In summary, it concludes that the need for Entry Level/First Time Buyer Affordable Houses for Sale is:

- 640 per annum in the whole of Wiltshire are needed (based on review of the SHMA) with 1582 households on the Help to Buy Agent Affordable Housing Wait List.
- In the Calne Community Area there is an identified need for 33 houses per annum (based on the review of SHMA) with 167 households on the Help To Buy Agent Affordable Housing Waiting List. Even if current net additional affordable homes for sale at 8 per year is delivered, this still represents a large shortfall in meeting the need.

4. Site Description

The application site is a 0.99ha roughly rectangularly shaped, but very linear piece of land to the South-East of the Market Town of Calne. The site is outside the settlement boundary for Calne

and, as such, in planning terms, is in open countryside. Calne is defined as a Principle Settlement within the Wiltshire Core Strategy.

The site is located in a strip to the immediate south of Low Lane which connects to Anchor Road and Mill Street to the West. To the East Low Lane connects to a rural network of lanes leading to Lower Compton Quarry.

The application site is rectangular in shape to the south of the lane but running along a part of its length. There is residential development to the north and west with open countryside to the east and south.

The site is currently used for grazing, with a mature hedge forming the boundary to Low Lane and on the opposite boundary. Low Lane rises up to the east so that the site is gently sloped. All the housing along Low Lane faces onto it.

A housing allocation made via the Calne Neighbourhood Plan (CCNPH1) is under construction to the north west of the site.

The site does not lie in any designated area being Flood Zone 1, outside any Conservation Area with only two grade II listed buildings being over 130m away.

5. Planning History

N/05/01603/HRN – Permitted the removal of approx. 5m of hedge abutting Low Lane to the South-West of the site.

6. Planning Policy

Wiltshire Core Strategy

CP1 Settlement Strategy
CP2 Delivery Strategy
CP3 Infrastructure
CP8 Spatial Strategy: Calne Community Area
CP43 Providing Affordable Homes
CP50 Biodiversity and Geodiversity
CP51 Landscape
CP56 Contaminated Land
CP57 Ensuring High Quality Design and Place Shaping
CP58 Heritage
CP60 Sustainable Transport
CP61 Transport and Development
CP67 Flood Risk

North Wiltshire Local Plan 2011 Policies

NE14 Trees and the control of development

NE18 Noise and pollution
H4 Residential development in the open countryside

NPPE

Section 3 Plan-making
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15. Conserving and enhancing the natural environment

Wiltshire Housing Site Allocations Plan

Adopted 25th February 2020.

Calne Community Neighbourhood Plan (Made February 2018)

Policy H1 – Housing Allocation
Policy H2 – Affordable Housing
Policy H4 – Settlement Boundaries and Housing Sites.
Policy GA2 – Highways Impact
Policy BE1 – Integration and Landscaping
Policy BE2 – Design Principles and Local Distinctiveness
Policy BE3 – Parking Provision
Policy NE3 - Biodiversity

7. Consultations

Calne Town Council object on the following grounds:-

The Calne Community Neighbourhood Plan seeks to empower the communities of Calne and Calne Without to make decisions about future development; including to say where, when and how further housing or commercial building should take place.

There is no longer a shortfall in the indicative housing requirement in Calne Town or in the Calne Community Area remainder area and therefore no requirement to allocate sites for housing.

The application was considered at the Town Development & Planning Committee on 18th December which was attended by 25 local residents. Residents spoke against the application in relation to access, pedestrian and cyclist safety, proposal being contrary to the Local Plan, impact on the local ecology and loss of an historic pond.

The following objections are raised:

Access – The only vehicular access to Low Lane is via Mill Street and Anchor Road or Brewer's Lane and Anchor Road. These roads are narrow and without footpaths in places. Brewer's Lane is the designated walking and cycle route for pupils accessing Kingsbury Green Academy and Holy Trinity School. Low Lane is the access point to the national cycle network route 403 and Low Lane is the on road part of the route. The increase of vehicular traffic will affect pedestrians and cyclists.

The proposal is contrary to the Calne Community Neighbourhood Plan - Policy GA2 – Highway Impact

The proposal would detrimentally impact the highway network in terms of congestion and/or safety and does not include for the appropriate mitigation of these impacts by highway improvements and/or financial contributions for the measures required.

The proposal is likely to adversely affect air quality through Calne town centre and the Air Quality Management Area and does not demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity. The proposal is contrary to the Wiltshire Core Strategy – Core Policy 55 Air quality. Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

The proposal is contrary to Wiltshire Core Strategy Policy 57 ix - ensuring that the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible in accordance with Core Policy 66 (Strategic Transport Network).

Ecological & Environmental

The proposal is contrary to the Wiltshire Core Strategy Policy 50 Biodiversity and geodiversity in that the proposal does not demonstrate how it would protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably.

Housing Allocation & Policy H4

The proposal is contrary to Calne Community Neighbourhood Plan Policy H1 – Housing Allocation & Policy H4 – Settlement Boundaries and Housing Sites - The proposal sits outside the existing allocated area for Housing and outside the settlement boundary of Calne which serves a specific purpose in that it is intended to contain the growth of the town and enable development to take place in a coherent manner, maintaining the structure and form of the existing settlement geography.

Calne Without Parish Council – No comment.

Drainage – Following the submission of further information within the drainage strategy, The Drainage Officer supports the proposal.

Highways Officer – No objection subject to the full details of the access, parking, both vehicle and cycle, turning and mitigation/improvements being submitted. It is not considered that the proposed traffic generation would be detrimental to the surrounding highways network as it would not be considered to be a material increase on the existing traffic levels experienced on Anchor Rd. The contributions (£10k) towards improvements to footways/crossings would be considered to be an enhancement to the surrounding pedestrian network.

Education – The local schools have sufficient capacity and no contribution are required.

Public Protection – Agree with the findings of the Air Quality Assessment and has no objections subject to a condition regarding ULEV infrastructure.

Housing - The Entry Level Affordable Housing Need Report submitted with the planning application clearly demonstrated that there is sufficient need for all of the dwellings to be provided as discounted market sale housing, sold at a discount of 20% below market value, however on this occasion and in line with the NPPF which allows entry-level exception sites to comprise of one or more types of affordable housing as defined in Annex 2 of the NPPF, the applicant is willing to agree to the Council's suggested tenure split:

- 27% Affordable Rent – 7no. dwellings
- 10% Discount Market Sale (with a 20% discount) – 3no. dwellings
- 63% Shared Ownership – 16no. dwellings.

Ecology Officer – No objections subject to conditions.

Urban Design Officer – No objections subject to conditions.

Spatial Plans – States that:

Settlement boundaries were reviewed through the Wiltshire Housing Site Allocations Plan (WHSAP) which was adopted on 25th February 2020. This site is located outside of the Calne settlement boundary but part of the site is adjacent to it.

It is noted that this application is for entry-level homes only. The Wiltshire Core Strategy (adopted January 2015) does not contain policies on entry-level homes; this will be addressed through the emerging Local Plan Review which is currently at an early stage of preparation. In light of this, paragraph 212 of the NPPF states that 'the policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of

its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.'

NPPF paragraph 71 requires local planning authorities to support the development of entry-level exception sites unless the need for such homes is already being met within the authority's area. Further information from Wiltshire Council's Housing Team should be sought in respect of whether this need is already being met, and to confirm if the entry-level homes comprise of at least one type of affordable housing.

NPPF paragraph 71 requires entry-level sites to be 'on land which is not already allocated for housing' - we can confirm that this site is not already allocated for housing.

NPPF paragraph 71 (b) requires entry-level sites to be 'adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.' The site appears to be adjacent (in part) to the existing settlement. The site is for 0.99ha and therefore does not exceed one hectare or exceed 5% of the size of Calne. As to whether the site compromises the protection given to areas or assets of particular importance in the NPPF - further information should be sought from relevant teams within the Council for expert opinion. As to whether it complies with local design policies and standards, relevant policies in the Wiltshire Core Strategy and Calne Community Neighbourhood Plan should be considered and the Council's Urban Design team consulted for expert opinion.

Archaeology – No comment.

Tree Officer – No objection subject to retention of shown trees.

Crime Prevention Officer – Has concerns about the amount of public land, with potential for gathering/anti-social behaviour; lack of defensible space; parking dissociated from homes; double stacked parking shared between homes and POS/LAP visitors.

Public Open Space Officer – States that a LAP has been proposed as well as some POS areas: the developers will need to meet these area requirements and should adjust the size of the proposed LAP and POS accordingly. If the entire provision cannot be included on-site, then we can look to arrange an off-site contribution to offset the remainder once the dwelling mix has been confirmed.

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

Property type category	Contribution per house/per category	Quantity	Total
Individual house	£91	26	£2,366
Bin store for block of 6-10 flats	£581	0	£ 0
Bin store for block of 11-14 flats	£1,038	0	£ 0
Bin store for block of 15-18 flats	£1,474	0	£ 0
Total			£2,366

They also require a planning condition to be imposed in the event of permission being granted, which would not allow commencement of development until details concerning how waste collections will function on the development are submitted to and agreed by the council, to meet the requirements of policies CP3 and WCS6. In effect this would require submitted plans to follow the guidance in the SPD. Further details should be provided and illustrated on master plans, with regards to how waste collections will function for the refuse crew and vehicle, and how waste management will function in relation to storage and collection points.

8. Publicity

The application was advertised by way of site notices and neighbour letters. 160 Letters of objection have been received raising the following main issues:-

- Not in line with the Neighbourhood Plan.
- Too much housing in Calne. Contrary to Calne NP Plan H1 and H4
- Unsuitable local road network.
- Other developments are proposed, which will further exacerbate the issues.
- Loss of green space
- Lack of services to support increase in housing.
- Impact on wildlife.
- Road safety to pedestrians and cyclists etc.contrary to Policy GA2 of the Calne NP
- Noise disturbance by builders.
- Route for construction vehicles to use.
- Being a pedestrian on Anchor Rd is treacherous
- Building on green fields within walking distance on the town centre.
- Not next to other residential development – on opposite side of the lane.
- Ground level differences will make the proposed houses very high and over-bearing.
- Air Pollution increase.
- Low Lane is part of a designated cycle route, meaning cyclists come down the track at a fast pace.
- The Illustrative Masterplan doesn't give enough information.

- Entry level Hosing should form part of the housing already being built.
- The Calne Neighbourhood Plan was supposed to allocate housing and prevent this type of application.
- Primary schools are already full to the brim.
- Flooding already occurs along Mill Street due to the crumbling water drains.
- The pond is not as quoted ie dry. It does support wildlife.
- Impact on trees on site.
- Removal of an open space used by dog walkers etc.
- Water run off down the road/drainage issues
- Light pollution.
- Precedent for other development.
- Brownfield sites should be used 1st.
- Lack of broadband.
- There is no need for additional affordable homes and the proposal does not comply with the guidance.
- There are 210 houses for sale just in Calne, 27 new, 12 Help to Buy and 9 under £300.
- A by-pass is needed to deal with all the additional traffic.
- Use brownfield sites first.
- Calne has reached its housing limit.
- Insufficient doctors etc.
- 2 out of 3 trees are being lost.
- Precedent for further development.

9. Planning Considerations

Environmental Impact Assessment

The proposed development would allow for the erection of 26 dwellings outside any sensitive area (i.e. AONB, SSSI, SAM, WHO, etc.). Therefore, for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the proposed development would not be Schedule 1 development. Similarly, since the proposed development would involve fewer than 150 dwellings, neither would it automatically be Schedule 2 development as such a number is below the indicative threshold for housing development in paragraph 10 (b) (ii).

Since the application site is not located within any particular landscape, heritage, ecological or archaeological policy designation and because of the proposal not exceeding any of the indicative thresholds within the Regulations, when considered against the criteria in Schedule 3 to the Regulations, the proposal is considered to be not likely to have significant effects on the environment which cannot be adequately considered under the normal planning regime. For this reason, Environmental Impact Assessment is not considered to be necessary in this instance.

Principle of the Development – Wiltshire Core Strategy

The starting point for the determination of any application under section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the decision be made in accordance with the development plan, unless material considerations indicate otherwise.

The primacy of the development plan is enshrined in the NPPF and reaffirmed at paragraphs 2, 11, 12 and 47 where emphasis is placed upon the importance of a plan led system. The development plan for Wiltshire is the adopted Wiltshire Core Strategy 2015 (WCS). This is a relatively recently adopted Local Plan, approved by full Council on the 20th January 2015 and has been thoroughly scrutinised through the examination process and found to be legally compliant, sound and in conformity with the then 2012 NPPF. It contains relevant policies a spatial strategy and spatial vision, all of which are designed to achieve sustainable development objectives within Wiltshire. The Part 2 of this plan – The Wiltshire Housing Sites Allocation Plan was approved in February 2020. This sought to update settlement boundaries and allocate sites for housing development in accordance with the spatial strategies and objectives of the WCS. It can now be concluded without debate that the settlement boundary for Calne is up to date.

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the Principal Settlements and Market Towns. Calne is a Principal Settlement within this hierarchy.

Core Policy 2, the delivery strategy, in line with Core Policy 1, seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes, distributed across the three housing market areas. The aim of this policy is to ensure development occurs in the most sustainable locations in conformity with the distribution set out within Core Policy 2. Within the development limits of Principal Settlements, Market Towns and Large Villages there is presumption in favour of sustainable development. Core Policy 2 also lists at paragraph 4.25, exceptions to the rule i.e. what development is permissible outside of the settlement boundaries. These are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

As the proposal is not being brought forward under one of the above exception policies it is clear that the development does not accord with the settlement strategy set out in the WCS and, by extension, would be considered an unsustainable form of development.

Principle of the Development – 5YRHLS

Paragraph 73 to the NPPF compels Local Planning Authorities to retain a minimum of five years supply of deliverable land for housing against their housing requirement. The absence or otherwise of a five year supply of housing land supply of deliverable housing is a material consideration that paragraph 11(d) to the NPPF confirms renders the policies which are most important for the delivery of housing within the adopted development plan as being out of date.

It is accepted at the time of writing this report that the Council is unable to demonstrate a 5YR supply of deliverable housing. The precise figure is ever evolving but, the Council would assert that at this present moment in time it can demonstrate 4.62 years' worth of housing. An approximate shortfall of 810 homes. It is therefore accepted that at the time of determining this application, paragraph 11d of the Framework is engaged. This means the policies most important to the determination of this application would be considered out-of-date. However, this does not mean that they are irrelevant and indeed the Council's asserts that some weight should still be afforded to them.

It has been held in appeal decisions and court judgements that the amount of shortfall is also a relevant material consideration. In this particular instance, the shortfall has already been regarded as being modest by the Inspector at the recent Purton Road inquiry in Wiltshire in February (ref: APP/Y3940/W/18/3202551). The relevance of the shortfall must feed into the overall planning balance.

Principle of Development – Paragraph 71

The proposal is being advanced as an entry-level exception site (ELES) which is area of policy that the WCS does not contain – understandably so, as the WCS was adopted a few years before ELES was introduced in NPPF 2019.

The most relevant policy in this regard would be Core Policy 2 and in principal, the LPA would contend that this policy is still up to date (setting aside the 5YRHLS argument) but, where it doesn't reference ELES, the LPA would defer to NPPF paragraph 71 specifically in relation to those matters not covered in the development plan. Therefore the LPA does not state that the tilted balance is engaged by virtue of the WCS not having any policy on ELES i.e. in WCS terms it should be treated as though it were an exception to the normal rule in the same manner as those policies listed under paragraph 4.25 are.

Turning to paragraph 71 of the NPPF, it is clear that this is an exception to the normal rule i.e. it is a policy aimed at securing 100% affordable housing for those looking to buy or rent their first home. The wording of this paragraph is as follows:

“Local planning authorities should support the development of entry-level exception sites, suitable for first time buyers (or those looking to rent their first home), unless the need for such

homes is already being met within the authority's area. These sites should be on land which is not already allocated for housing and should:

- a) comprise of entry-level homes that offer one or more types of affordable housing as defined in Annex 2 of this Framework, ie 'housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)' and complies with the definition of affordable housing for rent, starter homes, discounted market sales housing and other affordable routes to home ownership', and
- b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in this Framework, and comply with any local design policies and standards.

Entry-level exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement and will not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty or land designated as Green Belt".

The Council's Housing Officer has confirmed that there is an outstanding need for Affordable Homes in Calne and the wider area. Furthermore, the site is not currently allocated for housing.

The application presented to the LPA is for a 100% affordable housing scheme as defined by Annex 2 of the NPPF. The breakdown and mix of the type and tenure of affordable housing is something that can be secured via a s106 agreement but, for the purposes of paragraph 71 meets the requirements stipulated under point a).

With regards to point b) of this paragraph, the field itself where the development is proposed lies adjacent to the existing settlement. In line with the requirements set out in footnote 33, the development is not greater than 1ha in area and does not exceed 5% of the size of the existing settlement. Furthermore, it would not compromise the protection given to areas or assets of particular importance in this Framework i.e. those areas referred to in footnote 6 of the NPPF.

In principle therefore, the site would meet the criteria set out in paragraph 71 of the NPPF and is acceptable in principle.

Highways

Although a reserved matter, the description of the proposed development confirms that means of access will be via Low Lane. The illustrative masterplan shows the site of the access and a technical layout for that access is a plan for approval. The submitted illustrative masterplan shows an indicative road route through the site, but this is not for approval and thus access remains a reserved matter.

Low Lane is a private Road which connects to Anchor Road, an unclassified section of public highway subject to a speed limit of 30mph. Some 90m of the initial section of Low Lane is unclassified public highway until the road splits into a residential access and Low Lane, both of which are private sections of highway. The proposed development site is bound by Low Lane to the west, dwellings on Sandy Ridge, a private cul-de-sac to the south, a PROW and Fields to the east and a short section of private access road to the north.

The proposals include a simple priority junction access from Low Lane at a point where the road is unclassified public highway. The access has been indicated as 5.5m wide with a 2m section of footway along one side of the carriageway, this would be acceptable in terms of serving the site and the internal road layout has provisions for turning to enable vehicles to enter and exit the public highway in a forward gear. The access has been shown with a 2.4m x 40m visibility splay to the west and 2.4m x 22m to the east, this has been stated as being lower on the eastern side as speeds are likely to be lower. The private nature of low lane and the width of the lane is likely to make speeds lower at this location and I am willing to accept a relaxation for the visibility splay here.

There is a PROW footpath to the south of the site, CLAN37, which should remain unaffected by the proposals, although it may be desirable to provide a footpath link through to this on the site. This can be determined at Reserved Matters stage, when the layout is finalised.

A Transport Statement has been submitted with the application which details the proposals in context with regard to access and the local highway network. Existing Traffic Data has been supplied with a turning count at the junction of Anchor Road/Brewers Lane in order to establish the existing traffic distribution and apply this to the proposals when considering the anticipated traffic movements from the development. An Automatic Traffic Counter was also placed on Anchor Road in order to establish the base traffic flows on this road, and the speeds on the road. This has identified that there are approximately 100 two-way movements in either peak period on Anchor Road, the peaks have been determined as 0800-0900 and 1700-1800. The majority of two-way movements in the morning peak are attributed to the traffic travelling north, with 83/100 solely northbound. The majority of the two-way movements in the identified evening peak are also travelling north, with 68/102 solely northbound. The 85th percentile speeds have been calculated and are shown to be below the maximum speed limit of 30mph, at 29.3 mph northbound and 21.6 mph southbound. The northbound flow data has identified that there is an existing issue with rat running on Anchor Road.

With regard to highway safety, the TS has investigated the recorded personal injury Accident Data over the 5-year period 1-1-14 to 31-12-2018 and has correctly identified that during this period there were no identified Accidents. In November 2019 there was an incident on Anchor Road involving a child and a car. This should be taken into account, but it can be seen that in terms of recorded accident data there is not a significant safety issue on Anchor Road. There are no recorded speed issues on Anchor Road.

It has been noted that the central bus stops in Calne are within acceptable walking/cycling distances with appropriate cycle parking available. With regard to walking and Cycling, the footway network along Low Lane, Anchor Road and Mill Street has been investigated and it has been noted that there are footway provisions along the length of Low Lane, Anchor Road and Mill Street, albeit only on one side of the road in places. There are no footway provisions on Brewers Lane, however there is an alternative route using PROW's CLAN 37, CLAN30 and CLAN 32. Cycle Route NCN403 routes along Low Lane and both Anchor Road and Brewers Lane are recommended 'on road' cycle routes for access to the town centre and A4 London Road. The comments from local residents about conflict between users of the right of way along Low Lane for cyclists is noted, but conflict is unlikely to be greater than exists with other egresses onto the lane that exist at the moment.

It is stated within the submitted Transport Statement that 'to facilitate walking and ensure that the proposed development is sustainable in transport terms, it is proposed to make contributions toward the introduction/upgrade of crossing facilities (dropped kerbs and tactile paving) on the route to Calne Town Centre.' This has been agreed as a figure of £10k to be secured via a S106 legal Agreement.

With regard to trip generation and distribution TRICS database has been used and shows there to be an anticipated 14 two-way trips in the AM peak and PM peaks. This would not be considered to be a significant material increase on the existing recorded traffic levels for Anchor Road.

There is an identified existing morning rat run issue with vehicles avoiding London Road by travelling along Brewers Lane and Anchor Road, but the Council's Highways Officer does not believe that the additional vehicular traffic from the development will exacerbate the current situation to an extent that would justify a refusal and in all other respects is of the opinion that Highways could not be justified as a reason for refusal.

Housing

The Council's Housing Officer has confirmed the requirement for Affordable Homes in Calne that are not being met elsewhere and has negotiated with the Applicants to secure a mix of housing types (The applicants originally wanted 100% discounted market sale) and has secured a mix of Affordable Rent, Discount Market Sale and Shared Ownership all as 2 and 3 bed dwellings.

Air Quality

Calne has an Air Quality Management Area and the site lies within close proximity to it. Public Protection Officers requested an Air Quality Assessment (AQA) to assess the impact of the proposed development. The report indicated no net increase, but the applicant has agreed to a condition to provide infrastructure for Ultra Low Energy Vehicles (ULEVs). This is also

considered, together with enhancements for walking routes, to tie in well with Calne Town Council's recent Climate Emergency pledge.

Drainage

Following discussions, the applicant has submitted a revised Drainage Strategy, which addressed the Council's Drainage Engineer's concerns regarding surface water drainage and connections to sewers. There are no drainage matters outstanding.

Ecology

Following concerns raised by the Council's Ecologist in connection with bat surveys, the presence of reptiles and habitat for Dormice together with protection and buffering of hedgerows, additional information was submitted which demonstrates that there will not be a significant impact on reptiles; there has been no change on site that would affect the bats and that there will be no negative impact on Dormice.

The reduction in numbers of houses means that there will be better scope to retain and buffer hedgerows and provide replacement planting.

Subject to conditions, the Council's Ecologist raises no objections.

Impact on Residential Amenity

The proposal is in outline and demonstrates by way of an illustrative masterplan that the site can accommodate 26 dwellings. The design of the dwellings and their actual siting will be the subject of a subsequent application and any impact on amenity by way of loss of privacy etc can be addressed at that stage. Notwithstanding this, the nearest dwelling is approx. 20m from the boundary of the site so that distance to the actual houses on Low Lane cannot be less than that, and given that an access road will also need to be constructed, is likely to be substantially more.

Heritage Matters

The site lies outside any conservation area and the nearest listed buildings are approx. 130m away and are not considered to have their setting affected by the proposal. The application is considered to cause no harm to any nearby heritage asset.

Other matters raised

The Tree Officer has no objections subject to those trees shown to be retained being so and protected with suitable fencing whilst construction takes place.

Whilst the concerns of the local residents are noted and understood, many have been addressed above such as the principle of the development, impact on highways, highway safety

and the Public Rights of Way. Entry level Housing is a new entity, which post-dates the Calne Neighbourhood Plan, which could not therefore include its requirements.

Noise by way of construction can be dealt with via a Construction Method Statement.

The comments raised by the Police Liaison Officer can be addressed at Reserved Matters stage, but should be balanced against the need to provide on-site POS.

S106 requirements

The following are requirements to be addressed via S106 to the Town and Country Planning Act 1990 (as amended):-

- The tenure type and split of the affordable units (100%)
- Contribution to improvements to pedestrian footways - £10k
- Contribution to Public Open Space where not provided on site.
- Waste and Refuse - £2,366 for recycling and waste collection containers

CONCLUSION

Where the proposal does not accord with the Development Plan, (CP1 Settlement Strategy CP2 Delivery Strategy, CP8 Spatial Strategy: Calne Community Area; North Wiltshire Local Plan Saved Policy H4; and Calne Community Neighbourhood Plan Policy H1 – Housing Allocation; Policy; H2 – Affordable Housing; Policy; H4 – Settlement Boundaries and Housing Sites) it is argued that a proposal of 26 AH units for first time buyers would bring significant benefits to the Council in terms of the following:

- Provision of entry level AH / housing to address 5YRHLS shortfall
- Expenditure on construction and investment in the area
- Creation of construction jobs
- Providing homes for economically active people
- Financial contributions towards off site and on site infrastructure (highways & refuse collection)
- Public Open Space
- New native planting and biodiversity enhancements.

At a time where the Council is currently unable to demonstrate a 5 YHLS of deliverable housing sites and the relevant policies for housing are therefore considered to be out of date according to paragraph 11(d) of the Framework, this weighs in favour of the development and must be balanced against any disbenefits. However, notwithstanding this, Para 71 of the NPPF is also relevant which seeks to provide Entry Level Housing on the edges of settlements, which this site does, subject to several criteria, which this application has demonstrated it complies with.

The benefits of the proposal in delivering a para 71 compliant site together with the other benefits set out above, in an area where there is a shortfall in affordable homes, is considered sufficient to outweigh any conflict with the adopted development plan and site specific concerns and those raised by local residents and permission should be granted subject to a S106 Agreement and conditions.

In other respects, and subject to the imposition of relevant planning conditions, the principle of development will not result in an unacceptable impact upon the amenities of surrounding residents, the landscape or other factors of acknowledged importance. Similarly, the creation of an access onto Low Lane will not present unacceptable impacts on highway safety or residual cumulative impacts on the road network.

Accordingly, the proposal is considered to comply with the requirements of policies CP50, CP51, CP56, CP57, CP58, CP60, CP61 and CP67 to the Wiltshire Core Strategy, saved policies NE14 and NE18 to the North Wiltshire Local Plan 2011, policies GA2, BE1, BE2, BE3 and NE3 to the Calne Community Neighbourhood Plan as well as relevant sections of the NPPF.

RECOMMENDATION:

It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and completion of a S106 legal agreement covering Affordable housing, Public Open Space and Highways infrastructure matters, within six months of the date of the resolution of this Committee.

In the event of failure to complete, sign and seal the required section 106 agreement within the defined timeframe to then delegate authority to the Head of Development Management to REFUSE planning permission on the grounds that the proposal fails to secure the necessary highway improvements, Affordable Housing provision, POS and waste and refuse required to render the development acceptable.

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 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;
- (e) The means of access to the site.

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

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

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

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

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

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 6 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

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

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

- 8 No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Core Policy 55; Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

- 9 Prior to commencement of clearance or construction works, a detailed Landscape and Ecological Management Plan ('LEMP') shall be submitted to the LPA and approved in writing, the LEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA. The LEMP shall include measures to ensure no net loss of native hedgerow habitat or ecological functionality of hedgerow habitat, through planting and management proposals, with suitable buffering of hedgerows to protect wildlife including bats.

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 10 Prior to commencement of clearance or construction works, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to the LPA and approved in writing, the CEMP shall be thereafter be fully adhered to unless agreed otherwise with the LPA.

REASON; To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures and to secure net biodiversity gain in accordance with NPPF.

- 11 The development hereby approved shall be carried out in accordance with the Dormouse protection proposals within paragraphs 14 and 15 of the 'Briefing Note: Further Ecology Response' Ecology Solutions, March 2020.as already submitted with the planning application and agreed in principle with the local planning authority before determination, and as modified by a Natural England European protected species licence where required.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures in accordance with NPPF, that were prepared and submitted with the application before determination.

- 12 Before development takes place, details of the provision of biodiversity enhancement measures such as bat roosting features and nesting opportunities for birds shall be submitted to the local planning authority for approval, including a plan showing the location(s) and type(s) of feature(s). The approved details shall be implemented before the development hereby approved is first occupied.

REASON: To provide additional biodiversity opportunities as a biodiversity enhancement, in accordance with paragraph 175 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act 2006.

- 13 No new external artificial lighting shall be installed at on site unless otherwise agreed in writing by the Local Planning Authority.

REASON: Many species active at night (bats, badgers, otters) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

- 14 Applications for the approval of the Reserved Matters shall be in accordance with the principles and parameters described and illustrated in the approved Design and Access Statement and in broad accordance with the structure of the layout shown within the approved Illustrative Masterplan (unless otherwise agreed by the LPA).

REASON: To ensure that high standards of urban design is achieved in accordance with policies of the Core Strategy, the National Design Guide and the NPPF.

- 15 Applications for the approval of the Reserved Matters shall include a compliance statement demonstrating accordance with the approved DAS. With particular regard to the matter of appearance, this statement will demonstrate compliance with the design guidelines of the Calne Neighbourhood Plan.

REASON: To ensure that the character of architecture, urban design and landscape design is in accordance with policies of the Core Policy 57 and the Calne Neighbourhood Plan.

- 16 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 a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

REASON: To protect trees on site in the interests of landscape amenity.

- 17 Any Reserved Matters application shall be accompanied a strategy to demonstrate how waste collections will function on the development are submitted to meet the requirements of policies CP3 and WCS6.

REASON: To ensure the site can be sufficiently serviced.

The development hereby permitted shall be carried out in accordance with the following approved plans: Revised Illustrative Masterplan 301.P.3.1 and Revised DAS received March 5th 2020; Location Plan and Proposed Access Plan H638/01 received 10th December 2019.

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

INFORMATIVE TO APPLICANT:

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

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

INFORMATIVE TO APPLICANT:

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

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.