

## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	10 December 2014
<b>Application Number</b>	14/09769/OUT
<b>Site Address</b>	Land at Former Blounts Court Nursery, Studley Lane Studley Calne, Wiltshire, SN11 9NQ
<b>Proposal</b>	Erection of 28 Dwellings, Including Access, Car Parking and Landscaping (Re-submission of 14/04177/OUT)
<b>Applicant</b>	Mr Julian Sayers
<b>Town/Parish Council</b>	CALNE WITHOUT
<b>Division</b>	CALNE RURAL- Cllr Crisp
<b>Grid Ref</b>	396450 170996
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mark Staincliffe

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

The application is to be considered by committee as the previous planning application was refused by members of the Northern Area Planning Committee. As the recommendation is contrary to the Committee's previous decision it was considered necessary for a decision to be made by Members.

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

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to planning conditions.

### **2. Report Summary**

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

- Principle of development
- Impact on the character and appearance of the area
- Impact on the adjacent employment site
- Highway safety
- Access
- Design and Layout
- Prejudice to plan making
- S106 Contributions

### **3. Site Description**

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

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

The extant planning permission comprises of:

- 18,000 sq ft commercial buildings
- 4,000 sq ft covered external display areas
- Outdoor display and sales area
- 125 space customer car park

#### 4. Planning History

13/04847/PREAPP	Residential Redevelopment of Brownfield Site with Benefit of Part Implemented Extant Planning Permission for Redevelopment as a Garden Centre
N/99/01373/S73A	RENEWAL OF PERMISSION FOR MOBILE HOME
N/00/02147/CLE	CERTIFICATE OF LAWFULNESS (EXISTING USE) FOR USE OF PART OF NURSERY GARDEN AS A GARDEN CENTRE (SUI-GENERIS)
N/00/02903/CLE	USE OF PART OF NURSERY AS A GARDEN CENTRE (SUI-GENERIS)
N/93/01942/ADC	ADVERTISING DIRECTIONAL SIGN ADVERTISING DIRECTIONAL SIGN
N/90/03055/ADC	ERECTION OF NON ILLUMINATED SIGNBOARDS
N/90/00636/ADC	ADVERTISEMENT SIGN
N/90/02404/ADC	RESUBMISSION - DISPLAY OF THREE NON ILLUMINATED SIGNBOARDS
N/02/00849/FUL	ERECTION OF REPLACEMENT BUILDINGS, CAR PARKING, LANDSCAPING AND HIGHWAY ALTERATIONS
N/03/00403/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/03/03374/FUL	REFURBISHMENT OF EXISTING GARDEN CENTRE INCLUDING ERECTION OF REPLACEMENT BUILDINGS, REVISED CAR PARKING ARRANGEMENTS, LANDSCAPING AND HIGHWAY IMPROVEMENTS
N/05/00132/FUL	Erect 15 Affordable Dwellings 35 Open Market Dwellings, Highway Improvements & Associated Works
N/08/00822/FUL	Erection of replacement buildings (Alteration / Revision to permission 03/03374/FUL)
14/04177/OUT	Erection Of 28 Dwellings, Including Access, Car Parking & Landscaping.

#### 5. The Proposal

The application seeks permission for the erection of up to 28 dwellings including access, car parking and landscaping in lieu of the approved garden centre. The planning application has been submitted in outline form with all matters reserved except access.

The submitted indicative layout plan demonstrates the separation of the proposed residential units and saw mill by way of a landscape and open space buffer, such that the commercial

element and its car park is accessed from an alternative access and to allow the existing employment site to operate without disturbance to the proposed dwellings.

The indicative layout shows a medium-density layout of housing consisting mainly of detached and semi detached properties, each with associated parking areas and outside amenity space, lending a generally suburban character. Toward the centre of the site is a central square and to the North is a large area of public open space.

Since the previous refusal the applicant has clarified and confirmed that the owners of the adjacent saw mill will be signatories to the s106 agreement, thereby ensuring that the noise mitigation measures will be implemented and retained, in accordance with the recommendation and proposals set out in the noise survey.

## **6. Planning Policy**

The adopted policies relevant to the application remain those saved under the North Wiltshire District Plan (NWLP) 2011. As the site lies outside of the development framework boundary, the relevant policies are as follows:

- C1 (Sustainability Core Policy)
- C2 (Community Infrastructure Core Policy)
- C3 (Development Control Core Policy)
- H4 (Residential Development in the Open Countryside)
- NE15 (The Landscape Character of the Countryside)

Policy CF3 of the NWLP is also relevant in relation to the provision of on and off-site public open space.

Turning to the emerging Core Strategy, which due to the publication of the Inspector's report is now well advanced and is a very significant material consideration in the determination of the application, the following policies are particularly relevant:

- CP1 (Settlement Strategy)
- CP2 (Delivery strategy)
- CP8 (Spatial strategy: Calne Community Area)
- CP43 (Providing affordable homes)
- CP45 (Meeting Wiltshire's housing needs)
- CP57 (Ensuring high quality design and place shaping)

Regard should also be paid to the content of the National Planning Policy Framework, and the overarching objectives of Paragraph 14, which sets out the presumption in favour of sustainable development.

## **7. Consultations**

### Archaeology

Nothing at all of archaeological interest, which is unusual. No further work required in relation to this development proposal.

### Housing

As the sites will generally be small in size, the affordable housing should be provided on site in clusters of no more than 5 dwellings, in order to contribute towards mixed and inclusive communities.

Should this proposed site be brought forward within the affordable housing policies of the emerging Wiltshire Core Strategy or as part of a neighbourhood planning process, currently the emerging Wiltshire Core Strategy would seek 30% on-site affordable housing in this location. In this instance, as the proposal is for 28 residential dwellings, we would require 8 homes (i.e. 30% of 28 dwellings) to be for affordable housing. I note that 8 on-site affordable homes have been offered, which we find to be acceptable in terms of our affordable housing requirement; 6 of these homes will need to be for affordable rent (i.e. 80% of 8 units) and 2 homes (i.e. 20% of 8 units) for shared ownership. The Council's Housing Register shows a need from 410 households seeking an affordable home in Calne, requiring 1, 2, 3 and 4 bed houses for rent and shared ownership.

Any affordable housing units agreed will need to be provided on a nil subsidy basis, in perpetuity and be transferred to a Registered Provider. The affordable rented units will need to be let and the shared ownership units will need to be sold, by following the Council's Allocation Policy, which is operated by Homes4Wiltshire.

### Drainage

If the developer proposes infiltration techniques then this would need to be confirmed by carrying out on site permeability testing to BRE Digest 365. These results would provide confirmation of the infiltration rate and should be issued to us for review. If the developer proposes to discharge into a nearby ditch/watercourse, then an application for land drainage consent would also be required.

### Ecology

No objection.

### Spatial Planning

(The comments below are a summary/conclusion. Spatial Planning comments have been incorporated into the policy/principle section of the report).

The location of the application site, being outside the settlement boundary of Derry Hill/Studley, is contrary to adopted and emerging planning policy. It is considered that relevant housing supply policies are consistent with the NPPF. The policy approach to settlement boundaries remains relevant and is carried forward in Core Policy 2 of the Wiltshire Core Strategy, which can now be given very significant weight in accordance with NPPF paragraph 216.

The proposed development does not comply with core policies that allow for exception sites outside of the settlement framework boundary (CP34, CP37, CP39, CP40, CP44, CP46, CP47 and CP48) and the site is not being brought forward through a neighbourhood plan or the Wiltshire Housing Sites Allocations DPD as required by core policy 2.

Currently, the Council considers that there is a 5 year land supply for the housing market area within which the site sits.

In accordance with the NPPF 'housing applications should be considered in the context of the presumption in favour of sustainable development' (paragraph 49). Sustainable development in the context of Wiltshire is defined by policies in the emerging Wiltshire Core Strategy. Within the sustainable development strategy Derry Hill/Studley is defined as a large village where development is to be limited to that needed to help meet the housing

needs of settlements and to improve employment opportunities, services and facilities. (CP1). The sustainable development strategy also prioritises the re-use of previously developed land with a target of 35% of all development on previously developed land (CP2)

Notwithstanding the fact that the site is contrary to policies concerning development in the countryside, it is important to also consider any other material considerations that may warrant a departure from the plan in this specific case.

### Highways

I have insufficient grounds to recommend the application be refused on highway or transport grounds, and therefore recommend that permission subject to conditions.

### Calne Without Parish Council

It has been decided by majority to approve, but the following views should be considered:

- A pelican crossing for the A4 has been suggested. This should form part of the decision.
- If Council are minded to approve the application, a more suitable controlled crossing solution that would allow vehicle crossing from either side, to be easier and safer should be considered.
- Consideration should be given to a staggered crossing, similar to that implemented at the Whitehall Garden Centre junction.

### Public Protection

The noise report states that they can suppress the noise of the saw mill so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This is 5dB below the lowest measured background noise level of 40dB.

Whilst this will require major mitigation measures at source, if this can be achieved, I could raise no objection on noise grounds. The mitigation measures outlined in the report should be clearly prescribed in any agreement and the target level should be validated by measurement after the remedial works have been completed.

The explanation (from the applicant) of the need and format of the legal agreement to resolve the noise issue is still required.

### Public Open Space

The applicant has provided an indicative dwelling mix. The POS requirement for this dwelling mix is 1920m<sup>2</sup>, of which 216m<sup>2</sup> should be play provision. The provision will be provided on site and should be provided through the s106 agreement.

The Site Layout Plan (DH/P/002) shows no play area on site. The Council would prefer the Play requirement for this development to be satisfied with an extended Local Area for Play (LAP) on the proposed Open Space

The developer must ensure the Open Space land is secured as Open Space in perpetuity. The Councils preferred approach would be for the Open Space to be transferred to a management company, or to the Parish Council (if they are willing). A commuted sum for maintenance would also be required. This can be controlled through the s106 agreement.

### Leisure Services

For this development, working on 2.3 people per dwelling the Calculator recommends the following contribution based on 28 dwellings with 30% affordable:

Pools £7,477

Halls	£8,558
Indoor Bowls	£999
Artificial Turf Pitch	£1,089
Total	£18,123

It is proposed that the contribution is used on the following projects:

- Upgrading of the Pool and Sports Hall Seating
- Upgrading of the multi-purpose hall and artificial turf facilities to take the pressure off the main sports hall.

#### Government Pipeline and Storage System

No objection.

#### Landscape

No comments received. Objection to the previous planning application set out below:

Landscape holding objection until such time as the visual effects of any necessary noise attenuation structures or features are clearly established and found to be acceptable. I recommend requesting additional information in the form of illustrative sections through the sites southern and northern boundaries as a minimum. If these measures are subsequently judged to be unduly prominent, uncharacteristic, or harmful to local character and/or visual receptors, these effects will require an effective and appropriate form of landscape mitigation (which should also be included on the requested sections) in order to safeguard local character and visual amenity interests. Successful resolution of this issue may require additional land take which could impact on final deliverable housing numbers.

#### Waste Services

A contribution of £121 per dwelling is required to cover waste and recycling provision costs.

#### Economic Regeneration

Retention of employment sites will support projected employment growth, and will address out-commuting from the area.

Land is a key component in determining the economic capacity of an area and remains a factor in business location decisions. I would thus recommend that employment use of this land is given serious consideration.

### **8. Publicity**

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

64 objections and a petition containing 38 signatures from local residents were received when the previous application was considered.

The current application resulted in the submission of 30 letters of objection.

Summary of key points raised:

- Principle of development and land supply
- Same as the last application. No reason to grant permission
- Impact on site character and appearance
- Impact on highway safety
- Housing not needed
- Traffic signals required

- Housing density too large
- Speed limit on A4
- Adequacy of local services and infrastructure
- Loss of agricultural land
- Drainage problems within the site
- Sewage problems
- Impact on ecology and wildlife
- Noise disturbance from saw mill
- Long term future of saw mill
- Safety concerns relating to oil pipeline running through site
- Loss of employment Land
- Impact on existing employment land
- Outside framework boundary and not closely related to existing settlements.
- Development Urban in appearance
- Acoustic Fence will look poor
- There has been no consultation with the community since the refusal

A letter was also received from 'Studley Action Group'. The submission by this group raised similar concerns as the local residents.

## **9. Planning Considerations**

### Policy and Principle

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.

The starting point for consideration of this application is the policies of the Development Plan. The current development plan is the North Wiltshire Local Plan and the site lies outside both the Framework Boundary of Calne and Studley/Derry Hill. The whole of the site therefore lies in the open countryside where new housing development is not permitted unless justified in connection with the needs of agriculture and forestry. No such justification exists in this case.

The development plan for the area includes Policy H4 of the North Wiltshire Local Plan 2011, adopted in June 2006 and subsequently saved by direction of the Secretary of State. This policy prevents development outside defined Framework Boundaries, save for countryside purposes. For the purposes of Policy H4, the settlement boundary of Derry Hill/Studley is the Framework Boundary. The principle behind policy H4 is both to contain development within the main built up area of a settlement and protect the countryside. The application site lies outside this boundary and the development is therefore contrary to Policy H4.

Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) and the subsequent Planning Practice Guidance (PPG) are material considerations, which can be accorded weight. The Wiltshire Core Strategy (WCS) and the Wiltshire Housing Site Allocations (WHSA) DPD are also material considerations which can be given weight according to their stage of preparation. The WCS being well advanced can be afforded very significant weight.

Policy CP2 allows for development outside settlement boundaries where they are permitted by other policies of the plan or where they are brought forward through a neighbourhood plan or Site Allocations DPD. The principle behind policy CP2 is both to contain development within the main built up area of a settlement and protect the countryside. This proposal is contrary to these policies; it is not being brought forward via these alternative plans and does not comply with core policies that allow for an exception to this approach.

Policy CP2 does allow plan led change to the limits of development through a Site Allocation plan or Neighbourhood plan. The purpose of this is to ensure a proper plan-led approach to identify the most sustainable sites that can best support the development required. The Wiltshire Housing Site Allocations Development Plan Document is currently under preparation, and will identify site(s) within the area to meet the identified housing need. In his recent decision on an appeal at Park Road, Malmesbury, the Secretary of State made it clear that the potential output forthcoming from this was *'an important material consideration to be taken into account'* and that the preparation of this *'needs time to go through the proper consultative and statutory processes'*

At present, neither Calne or the surrounding areas have an adopted or draft neighbourhood plan, although it is understood that there is local intent for this to happen.

Core Policy 2, the key housing delivery strategy of the emerging Wiltshire Core Strategy, states as follows:

*"Within the limits of development, as defined within the proposals maps, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.*

*Development outside of the limits of development will only be permitted where it has been identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This development must be adjacent or well related to the limits of development."*

Studley & Derry Hill are identified together as the sole Large Village under the emerging Core Strategy for the Calne Community Area. The site, albeit separated from Derry Hill to the south by the A4, is located on the edge of this settlement. It relates to a piece of land where the principle of development has been established through the introduction of the garden centre next to the saw mill. In these circumstances, it could be considered that the development does not represent encroachment into the open countryside; an objective of both adopted policy H4 and emerging policy CP2.

#### Prejudice to plan making

The question of prematurity has been raised in comments from local residents. Central Government advice in the NPPG on prematurity states:

*Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*



For the reasons set out above it would be very difficult to sustain a reason for refusal based on prematurity. So far as the Neighbourhood Plan is concerned, this is at a very early stage in its preparation.

In relation to plan making, the scheme is for up to 28 dwellings on the site. The Council's Core Strategy requires additional dwellings in the Calne community area during the plan period. Indeed, Core Policy 8 of the Core Strategy Identifies Studley/Derry Hill as the sole Large Village within the Calne Community Area where the majority of housing, outside of Calne, is likely to come forward (development at small villages is limited to infill only by core policy 2). The latest housing land supply statement (July 2014) indicates that approximately 75 additional homes should come forward over the period to 2026 in the rural parts of the community area.

The effect of allowing this development would not in itself be so significant as to undermine the Plan making process taking into account the previously developed nature and use of the land and its relationship to the settlement boundary.

#### Five Year Land Supply

The NPPF, at paragraph 47, requires that, to boost the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Planning permission should then be granted unless any 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'.

Currently, the Council considers that it does have a five year land supply for the housing market area within which the site sits, a decision endorsed by the Core Strategy Inspector and so this paragraph in the NPPF is not engaged and therefore the development plan policies are considered to be up-to-date.

Notwithstanding the fact that the Council can demonstrate a five year land supply, this should not necessarily be the determining factor of the application and other material considerations should be considered.

#### Previously Developed Land

One of the key reasons for considering an exception to policy in this location is that it is previously developed land. As set out above, the site benefits from planning permission to redevelop the site for a nursery (since implemented). Preference is given to the use of previously developed land in core policy 2 of the Core Strategy and in national guidance contained within the NPPF and PPG. Preference should be given to land such as this for the provision of dwellings providing it conforms to other planning policies.

The scheme is unlikely to have a prominent environmental impact.

#### Noise

The proximity of the proposed development to an established employment generating use is a concern. To overcome this, the applicant has submitted a noise assessment and proposed mitigation measures. These have been considered by the Council's public protection officer and he is of the opinion that the two uses can operate without conflicting with each other.

To ensure that the mitigation is secured in perpetuity, a condition and legal agreement are proposed. The site owner, Council and applicant will be signatories to this document. No objection is raised in terms of noise disturbance from the saw mill.

Similarly, the noise from the adjacent 'A' road can be mitigated through the installation of acoustic fencing. This is also considered to be acceptable and will be controlled by way of condition.

#### Highway Improvements

The scheme will provide highway improvements (some of which were requested through the original consultation exercise). This includes but is not limited to: improved pedestrian crossing facilities; junction improvements; road widening, and speed limit reduction. This is considered to be a public benefit and one that weighs in favour of the proposal.

#### Economic Benefits

The proposed development, as with any housing development of this nature would have economic benefits. As a project, it would generate investment and economic activity. During the construction phase it would create jobs and a demand for local services. After completion, the new residents would bring additional spending power to the local area. Paragraphs 18 and 19 of the NPPF gives weight to the need to support economic growth. These matters count in favour of the proposed development.

#### Market Housing and Affordable Housing

The provision of 28 new dwellings, 30% of which are affordable, would be a benefit to the local area. This specific need for affordable housing is identified within the North Wilts Local Plan and Core Strategy, which seeks the inclusion of affordable housing in all residential developments. The proposal seeks to enter into a legal obligation which ensures that 30% of the units would be provided as affordable rented or intermediate housing, as defined in the relevant national policies. This percentage is the same as that sought in the emerging Core Strategy. The provision of affordable housing would be a benefit.

#### Urban Design & Layout

This site does benefit from an extant permission which could be implemented at any time. The development of this would, as a matter of fact, have an impact on the landscape character of the area.

The applicant has agreed to retain some existing landscape features whilst improving landscaping within and to the edge of the site, such as perimeter hedgerows and some wooded areas. These are proposed for retention within the current proposals, which will be important to follow through if development is accepted in principle. These existing landscape features will need to be appropriately incorporated within the final development proposal to ensure that their value is retained in terms of supporting public visual amenity and wider landscape character, but also to ensure their long term health and viability is sustained for future generations.

The indicative layout has been amended from the submission of the original pre application and has positively addressed many of the issues highlighted. The revised illustrative layout suggests that the level of development proposed could be satisfactorily accommodated in terms of landscape, character and visual impact, residential amenity, place making and space to accommodate adequate maintenance for retained and proposed trees and hedgerows.

It is considered that the proposal results in a good indicative layout, furthermore, the proposed open spaces will be largely overlooked by active development frontage which improves levels of surveillance and positively contributes to place making.

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

The noise assessment requires the installation of acoustic fencing towards the outer limits of the site. It is acknowledged that these are large and can have a detrimental impact on the amenity of the area. However, such mitigation has been used at other sites within Wiltshire and the immediate area and these have assimilated into the area relatively quickly and without harm to the area.

It is considered that the impact on the appearance of the countryside will be acceptable in this location.

### Ecology

Concerns have been raised by local residents in terms of ecological impact. The Council's ecologist has raised no objection to the proposed development and a reason for refusal based on this would be difficult to justify at appeal.

### Highways

Local residents and the local parish council have raised numerous concerns in relation to the provision of a controlled crossing. Previously the highway officer recommended the following condition:

*Prior to the occupation of the first dwelling on the site, a controlled pedestrian crossing and a 2metre wide footway shall have been provided on the A4 in accordance with details which shall first have been submitted to and agreed by the local planning authority.*

It has been suggested that this is replaced with the following condition:

*Prior to the occupation of the first dwelling on the site, improvements to the uncontrolled refuge crossings on the A4 shall have been provided in accordance with a scheme of local junction area improvements which shall first have been submitted to and agreed by the local planning authority. The scheme of local area junction improvements could include additional lighting, refuge improvement, road markings and general informatory signs and visual prompts to highlight the potential pedestrian movement.*

Whilst the suggested condition would not give pedestrians a priority over vehicles in the way a controlled crossing would (and in that regard the situation for some users would be less attractive), it is considered that, on balance, an acceptable outcome can be achieved, avoiding the provision of signal controlled equipment that would likely be underused (and therefore a potential safety risk to safety of road users, because of the infrequency of pedestrian calls) and an expensive additional item to maintain (despite a potential developer commuted maintenance sum).

It is noted that the developer offers to fund a controlled crossing and a TRO to control approach speeds; the latter has an uncertain outcome, and is not, on the basis of current conditions at the junction, justified in relation to the speed limit criteria approved by Members. Whilst the objective remains to counter the severance caused for pedestrians and cyclists by the A4, it is important that measures are not introduced unless justified.

The Calne Without Parish Council has suggested that the cross-roads be controlled by way of traffic signals. The Transport Statement has tested the capacity of the junction, and whilst it is demonstrated that the junction is near or at capacity in respect of certain arms (the Derry

Hill arm), it would be difficult to justify this development being required to pay for such an expensive scheme, given the difference in numbers of peak period trips of the development compared with the fall-back position.

Out of peak periods, traffic flow on the A4 considerably less, and on the side arms is low. Previous concerns in the village have centred on traffic drawn through the village; the recent development to the south western quadrant of the junction was required to install, amongst other things, traffic calming to discourage through traffic. Provisions of signal controls at the junction could have the effect of attracting traffic to the route, especially eastbound through the village.

Should the application be approved, any required works on the A4 would be dealt with by way of a s278 agreement. Should Members be minded to pursue the traffic signal controlled crossing option, then that, along with any TRO that might be deemed appropriate, would also be dealt with via a s278 agreement.

### S106 Contributions

At the present time, given the outline nature of the scheme, a section 106 agreement will be required. The Heads of Terms have not yet been fully agreed in respect of the proposal and will be presented as a late item.

### **10. Conclusion**

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. The location of the site is contrary to policy H4 of the adopted North Wiltshire Local Plan. Furthermore, the Council can demonstrate a 5 year housing land supply, which suggests there is no immediate need to release additional housing now. The development beyond the settlement framework boundary is also contrary to emerging policy in the Wiltshire Core Strategy (CP2).

It is also important to consider whether there are any material considerations that weigh in favour of the development, which would warrant an exception from the plan. This involves a balancing exercise requiring careful assessment of issues relevant to policy considerations and the weight to be given to other material considerations.

A significant benefit that weighs in favour of the proposal is the previously developed nature of the site, reducing the localised impact on the countryside. Priority is given to the use of previously developed land in core policy 2 and in national guidance contained within the NPPF.

The benefits of the proposal also include the delivery of housing, including affordable housing, at a scale of development that is not inappropriate in the context of the local area; and some economic benefits through construction and occupation of the houses. The development would see improved pedestrian linkages between Studley and Derry Hill as well as other highway improvements.

It is also recognised that the core strategy anticipates that some growth is likely at Studley/Derry Hill given the fact that it is the only large village in the Calne Community Area and there is a need for approximately 75 more homes in the rural area. In this context the effect of allowing this development on previously developed land on a site adjacent to a settlement boundary would not be so significant as to undermine the Plan making process.

It is also a material consideration, given the Government's support for localism, that the proposal is supported by the parish council.

On balance, whilst there are in principle objections to the proposal, based on the site being outside of the settlement limits and not being delivered through the plan led approach advocated by CP2, it is considered on this occasion that the benefits as identified above outweigh these concerns on this particular site.

### **RECOMMENDATION**

To delegate authority to grant planning permission to the Area Development Manager, subject to the signing of a Section 106 agreement; and subject to the planning conditions set out below:

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.

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 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

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.

No more than 28 dwellings shall be developed on the application site edged red on the submitted Site Plan.

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

An Urban Design and Landscape Framework Plan for the development of the site hereby permitted shall be submitted to the local planning authority no later than the first submission for approval of any of the reserved matters and shall be approved in writing by the local planning authority. The Urban Design and Landscape Framework Plan shall be broadly in accordance with the submitted Master Plan (Plan Number H.0360\_01F) and shall include details of:

- a. The location, orientation and heights of buildings;
- b. The format of the public realm, including all routes and spaces and the location of children's play areas;
- c. The location of open spaces available to the public, including their function and means of maintenance access.
- d. Tree and hedgerow protection plan
- e. Landscaping details including planting plans, species and density of planting
- f. Hard and soft landscaping details
- g. Materials to be used in the construction of the dwellings

Development shall be carried out in accordance with the approved Urban Design and Landscape Framework Plan.

REASON: For the avoidance of doubt and to ensure the development is of an acceptable visual appearance.

The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

Prior to the commencement of the development Studley Lane shall be widened and improved in accordance with details which shall first have been submitted to and approved by the local planning authority. The details of the widening shall include the

provision of a footway of minimum width 2 metres on the development side of the widened lane, and the provision of a bellmouth junction to the site, which shall include visibility splays for the access, and improvements, by way of forming a footway crossing, to the access retained for car parking for the adjacent sawmills site.

REASON: In the interests of highway safety

Prior to the occupation of the first dwelling on the site, improvements to the uncontrolled refuge crossings on the A4 shall have been provided in accordance with a scheme of local junction area improvements which shall first have been submitted to and agreed by the local planning authority. The scheme of local area junction improvements could include additional lighting, refuge improvement, road markings and general informatory signs and visual prompts to highlight the potential pedestrian movement.

REASON: In the interests of highway safety and to address the severance of the site for pedestrians.

No dwelling built on the site shall be occupied until it has have been provided with car parking spaces in accordance with the minimum standards as required by the Wiltshire LTP 2011-2026 Car Parking Strategy. Any garage counted as a parking space shall have an internal dimension of at least 3m by 6m per space

REASON: To ensure adequate parking space is provided on site clear of the highway.

Before any application for approval of reserved matters is submitted to the Council, the noise mitigation measures set out in 'Emtec Noise Level Survey and Noise Control Measures'- Issue 18 July 2014 shall have been implemented in full. Once the works are complete and before any application for approval of reserved matters is submitted to the Council a Noise Level Survey in accordance with BS4142:1997 shall have been submitted to and approved in writing by the Local planning authority demonstrating that the noise levels from the sawmill have been suppressed so as to achieve a Rating Level of 35dB(BS4142:1997) at 1m from the nearest noise sensitive properties. This noise mitigation shall thereafter be permanently retained.

REASON: To ensure adequate residential amenities of future residents.

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.



