

WILTSHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 March 2011		
Application Number	N/11/03524/OUT		
Site Address	Land at Oxford Road, Calne		
Proposal	Outline Planning Application for Development for up to 200 Dwellings with Associated Works		
Applicant	Hills UK Ltd		
Town/Parish Council	Calne		
Electoral Division	Calne North	Unitary Member	Chuck Berry
Grid Ref	400543 172193		
Type of application	Outline		
Case Officer	Lee Burman	01249 706668	Lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The proposal is for 200 dwellings which, coupled with N/11/03628/OUT is considered to be of strategic importance. In addition, in light of the appeal on grounds of non-determination and given the timescales involved for determination and production of the Council's Statement of Case for the Inquiry (not currently scheduled), and as the recommendation is for refusal, a report has been prepared to firmly establish the Council's position..

As mentioned above, the applicant has submitted an appeal in respect of this application on the grounds of non-determination. As a consequence no formal decision can be made in respect of this application, however, in order to progress with the appeal this report recommends the decision the Council would have taken, under delegated powers, had it been in a position to determine the application.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

Calne Town Council – submitted an objection.

- Contrary to Policy H3 outside framework boundary/open countryside contrary to Policy H4 NWLP 2011
- Premature to the Town Council's Neighbourhood Plan and Wiltshire Council's Core Strategy
- Justification for the need to bring forward housing provisions at this moment is required, the Community identified that growth should be slow, measured and sustainable.

A total of 27 representations were received with 9 formal objections have been in respect of this application.

2. Main Issues

- a. The proposed development needs to be considered against the relevant current adopted policies at national, structure and local plan level i.e. Wiltshire and Swindon Structure Plan 2016, the North Wiltshire Local Plan and guidance contained in PPS3 “Housing”.
- b. The emerging Wiltshire Core Strategy together the draft National Planning Policy Framework are material considerations.
- c. The key issues in the determination of this application are:
 - The principle of development
 - Need/Policy Considerations
 - Highways
 - Ecology

3. EIA Regulations

The development does falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and meets the threshold necessary to consider the need for an environmental impact assessment (“EIA”) as the site exceeds 0.5ha. When considered against the criteria contained in Schedule 3 and Annex A of Circular 2/99, it is not considered that an EIA is necessary for this development.

It is noted below that at present there is an ecological objection to the development, however, it is considered that suitable mitigation is likely to be negotiated, only insufficient details have been submitted at this time for this not to be objectionable at this juncture. In any event, this objectionable element is not considered to form substantive grounds for the submission of an EIA.

3. Site Description

The application / appeal site comprises some 14.09 ha of land and is located adjacent but outside of the north eastern limits of the framework boundary of the Town of Calne.

The land is currently used for agriculture and lies to the east of Oxford Road and the major employment area of Portemmarsh Industrial estate; and to the north of the Sandpit Lane and the recently permitted residential development adjacent. To the eastern and northern boundaries is open agricultural land.

The site is generally flat with some slight increase in height northwards and with significant increase in height o adjacent land to the east. The site lies adjacent Oxford Road formerly one of the principle access roads to Calne and despite existing mature hedgerows adjacent to the road the site highly visible from Oxford Road and the adjacent Portemmarsh Industrial Estate. Limited views are afforded from the more elevated residential areas to the south. To the north of the site is and area of land allocated in the north Wiltshire Local Plan for employment related uses and the application site would be highly visible from this location.

4. Relevant Planning History

Relevant Planning History		
Application Number	Proposal	Decision

11/02552/SCR	Screening opinion – 200 dwellings.	No EIA required
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5. Proposal

- a. Outline planning permission is sought for up to 200 dwellings and associated works.
- b. All matters are reserved for future consideration with the exception of access.
- c. The Illustrative Layout submitted with the application shows the provision of up to 140 open market houses and 60 affordable homes (30%). The development is to be accessed via a roundabout off Oxford Road.
- d. The applicant confirms in the design and access statement that the development will comprise two and three storey dwellings in two principle areas to the north and south of the site.
- e. The illustrative layout plan shows that the development would be designed to concentrate the higher density larger scale properties to the centre of the site.
- f. The illustrative design layout includes the use of rear parking courts and triple end parking bays to provide to accommodate private motor vehicles on site.
- g. In order to preserve the hedgerows and protect ecological interest the layout includes a broad band of open space. To the north of the site a large area of informal open space is also proposed and will include an area of land that is intended to support biodiversity enhancement of the locality.
- h. Adjacent the principle access the land is at the lowest point of the site and is laid out as an open area that will accommodate balancing ponds.
- i. The development provides 1.14ha of open space.
- j. At the time of preparing this report the application is not supported by up to date ecological assessment of the site. This is particularly relevant in respect of Great Crested Newts (A European protected species). Previous surveys dating 2007 identified no newts as present but did identify potentially suitable habitat. There are records of newts in the nearby locality however Natural England's Standing advice for impacts upon terrestrial habitat within 50 metres of a pond require that surveys should be no older than 2 years i.e. updated toward the end of each 2 year period.
- k. The design and access statement is light on information such as the mix of dwelling types including number of bed spaces. Also it is light in terms of detail, such as materials but such matters will come forward as part of any reserved matters application in respect of matters such as appearance and design.
- l. The application has been submitted with the following supporting information:

Planning Statement Oct 2011
 Design and Access Statement Oct 2011
 Arboricultural Report Sept 2011
 Archaeological Report Oct 2011
 Extended Phase 1 Habitat and Protected Species Survey Jan 2011 – Survey Elements
 various dating from 2003/2004
 Phase 1 Environmental Investigation Oct 2011

Flood Risk Assessment Oct 2011
Landscape & Visual Appraisal and Landscape Strategy Oct 2011
Transport Assessment July 2011
Residential Travel Plan July 2011
Foul Surface and Water Drainage Assessment July 2011
Infrastructure Services Report Nov 2010
Waste Audit Oct 2011
Sustainable Design Report Oct 2011
Ambient Noise Assessment Oct 2011
Statement of Community Involvement Oct 2011
Topographical Survey

6. Consultation

- a. Calne Town Council – submitted an objection – on file and website.
 - Contrary to Policy H3 outside framework boundary/open countryside contrary to Policy H4 NWLP 2011
 - Premature to the Town Council's Neighbourhood Plan and Wiltshire Council's Core Strategy
 - Justification for the need to bring forward housing provisions at this moment is required, the Community identified that growth should be slow, measured and sustainable.
- b. Highways Officer – no objection in principle but identified objections and concerns regarding the illustrative masterplan layout including the use of rear parking courts, triple end parking. Also in respect of the roundabout access layout on the masterplan not reflecting the detailed plans for the junction.
- c. Urban Design – detailed comments on file/website - comments provided re concerns in respect of the use of a single point of access and the local of connectivity to the remainder of Calne; The layout of the southern part of the site in respect of a lack of vehicular through route/use of cul de sacs; the use of rear parking courts and triple end parking; the orientation of proposed dwellings facing inwards..
- d. Spatial Plans - detailed comments on file and confirm the development is contrary to Policy H4 of NWLP 2011; and is premature in respect of preparation of the Core Strategy, more detailed aspects of comments will form the basis of sections of this report below. This response refers to the Wiltshire Core Strategy Consultation Document (June 2011) version of the emerging Wiltshire Core Strategy. Cabinet considered the revised version of the Core Strategy at its meeting on 17 January 2012. Full Council considered the document on the 7th February 2012.
- e. The up to date 5 year land supply position as assessed against the June 2011 version of the Core Strategy, using a base date of 1 April 2011, is 6.1 years when assessed against the requirement for the relevant Housing Market Area (HMA) for Wiltshire of 21,400 dwellings within the plan period (2006 to 2026).
- f. In addition, notwithstanding the fact that the draft RSS has in effect been abandoned, Appendix 1 also shows that a 5 year land supply can be demonstrated against the draft RSS (6.0 years when assessed against the North Wiltshire District remainder requirement of 5,200 dwellings).
- g. Principal Ecologist – detailed comments on file/website – Following the submission of additional supporting information there are no concerns in respect of impact on Bats or their habitats. Concerns remain regarding Great Crested Newts' ("GCN") and the lack of up to date information discounting the presence of GCN on site. Preparation and submission of an up to date GCN survey has been agreed for Spring this year with the Applicant's Ecologists, however at this stage there is no information to confirm that newts are absent

from the site. In the event that great crested newt is confirmed the applicant would also be required to submit a mitigation strategy

- h. Education Officer – Head of School Buildings and Places confirms that using Education Department methodology, the Oxford Road development requires 56 primary school places and 41 Secondary School Places. The site falls within the catchment of Priestley Primary School which is at capacity but is physically capable of being expanded/improved to accommodate additional pupils. A financial contribution based on adopted methodology is therefore required of £705,488. Secondary Schools in the locality have spare capacity sufficient to meet requirements from the development.
- i. Public Open Space – Have identified that the overall quantum of space provided within the Illustrative Masterplan Layout is sufficient to meet requirements but there are objections raised regarding the lack of information in respect of future ownership and maintenance responsibilities and the lack of provision of equipped playspace. A requirement for a financial contribution toward adoption and maintenance of the open spaces of £300,000 is required. Similarly a requirement for maintenance and management of Sustainable Urban Drainage Systems of £20,000 and no commitments have been made in this regard by the applicant.
- j. Detailed confirmation needed re developer's intentions with incidental areas and their necessity. They could be adopted with a commuted sum.
- k. Contribution sought towards Calne Cemetery £7,500 approx required and no provision for this is made by the applicant.
- l. Contribution to the upgrading and enhancement of the Calne Leisure Centre is required and a financial contribution of £155,293 is sought. The applicant makes no provision for this
- m. County Archaeologist – following the submission of site survey information no objections are raised.
- n. Housing Officer – 30% affordable housing at nil subsidy is sought. The applicant has submitted a draft Heads of Terms for a Section 106 Agreement which identifies a commitment to provision of this requirement.
- o. Public Arts Officer –no contribution to public art provision sought.
- p. Police Architectural Liaison Officer – Raises no objection to the proposals but identifies that there is scope through detailed design to address crime and community safety issues. An informative attached to any grant of consent is recommended.
- q. Drainage Engineers - Officers raised no objection to the scheme proposals but have concerns regarding surface water drainage, particularly in respect of the connection points and the impact relationship to Highways. Additional work in respect of modeling the drainage is required.
- r. Wessex Water – no objections subject to pre-commencement condition requiring submission of schemes for separate foul and surface water drainage to be approved. Additionally Wessex Water identify that a water main crosses the site and that there should be no development (buildings, structures or tree planting) within 6 meters of this main. Diversion is possible at the cost of the developer. The applicants Infrastructure Report identifies that the developer is aware of the presence of this mains pipe. Wessex Water also indicated that desktop modelling would be required at the expense of the developer to check that there was available capacity to serve the development proposed. This information is not available.

- s. Environment Agency – Submitted an initial objection to the scheme proposals on the basis that the submitted Flood Risk Assessment does not comply with requirements of PPS25 and does not adequately assess the flood risk associated with overland flow from the surrounding land. The applicant provided further information to the Environment Agency following this initial objection and the EA raised further detailed queries which have subsequently been clarified by the appellant and the Environment Agency. The Environment Agency has subsequently withdrawn its objection

7. Publicity

- a. The application was advertised by site notice, press advert and neighbour consultation.
- b. A total of 27 representations were received with 9 formal objections have been in respect of this application. The key points are as follows:
- Proposal is contrary to local and national planning policy;
 - Development is premature in advance of the Neighbourhood Plan and related Transport Strategy and is not informed by local resident's views;
 - Development is premature and unsustainable in advance of provision of additional employment opportunities/development and improvements and enhancement to the Town Centre. Development would result in out-commuting.
 - Scheme would have detrimental impact on congestion and highway safety;
 - Insufficiency of local service provision and infrastructure to accommodate and support the associated increase in population and traffic.

8. Policy Context

- a. Adopted:

North Wiltshire Local Plan 2011 Policies C2, C3, NE9, H3, H4, H5, T3 and CF3

Wiltshire and Swindon Structure Plan 2016 – Policy DP3

PPS1, PPS3 “Housing”, PPS9, PPS12, PPS13

RPG10 Regional Planning Guidance for the South West.

- b. Emerging – material considerations:

Emerging Wiltshire Core Strategy and Calne Neighbourhood Plan – Development Plan Document

Draft National Planning Policy Framework

9. Planning Considerations

- a. The main issues in the consideration of this application, which is the subject of an appeal on grounds of non-determination are:
- Principle and scale of development
 - Ecological Impact
 - Design and layout of proposals in respect of parking provision

Principle and scale of development

- b. The proposed development falls outside of the framework boundary and is not a site allocated for residential development and is thus contrary to Policy H4 of the adopted North Wiltshire Local Plan 2011.
- c. The site is situated outside of the Settlement Framework Boundary for Calne as defined on the proposals map within open countryside and policy H4 of the Local Plan is therefore relevant. Policy H4 states that new dwellings will be permitted provided that: it is in connection with the essential needs of agriculture or forestry or other rural based enterprise; or it is a replacement for an existing dwelling.
- d. The development strategy, as set out in Policy DP3 of the Wiltshire and Swindon Structure Plan 2016, aims to achieve a better balance of employment and housing, and provide for a range of facilities and services in all settlements to promote more sustainable communities and minimise the need to travel.
- e. Planning Policy Statement 3: Housing (PPS3) makes it clear at paragraph 68 that Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.
- f. PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably subject to the following considerations set out in paragraph 69 of PPS3:
 - Achieving high quality housing;
 - Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people;
 - The suitability of the site for housing, including environmental sustainability;
 - Using land effectively and efficiently; and
 - Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.
- g. The requirements set out in PPS3 are likely to stay until it is replaced by the new National Planning Policy Framework (NPPF), a draft of which was published for consultation in July with the consultation period having expired in October 2011.
- h. The Department for Communities and Local Government have stated that this is a key part of their reforms to make the planning system less complex and more accessible, and to promote sustainable growth.
- i. Paragraph 109 of the draft document states that to boost the supply of housing, local planning authorities should among other things: identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land.
- j. The Planning Inspectorate (PINS) have provided guidance on the draft on their website which reads as follows:

- k. 'The draft NPPF is likely to be referred to by the parties in current appeal/application documentation and development plan casework. Whilst it is a consultation document and, therefore, subject to potential amendment, nevertheless it gives a clear indication of the Government's 'direction of travel' in planning policy. Therefore, the draft NPPF is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgement in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.
- l. Inspectors are strongly advised to familiarise themselves with the draft NPPF and also with Part B of the Impact Assessment ('Changes to National Planning Policy'). Annex B sets out the policy changes noted in Part B. When conducting casework you should have regard to the consultation draft guidance and to the general advice in Annex A.'
- m. However, it is recognised that the "additional allowance of at least 20%" has been criticized through the consultation on the draft NPPF and as such it is considered that very limited weight should be afforded to this, as it could be subject to change.
- n. The Council considers in terms of housing land supply, as set out in the Spatial Plans Consultation response referred to above, that a 5 year land supply can be demonstrated against the draft RSS and the emerging Wiltshire Core Strategy North and West Wiltshire Housing Market Area. This is between 6.0 and 6.1 years depending on which document is used.
- o. The emerging development plan comprises the Wiltshire Core Strategy which was the subject of public consultation in the Summer of 2011 (Wiltshire Core Strategy Consultation Document June 2011). This has now been revised and following approval by Cabinet and Full Council on 17 January 2012 and 7 February 2012 respectively is undergoing a final stage of consultation which commenced on the 20th February 2012 before it is submitted to the Secretary of State for Examination.
- p. It is accorded weight in the decision making process as a material consideration. Draft Core Policies 1 and 8 identify Calne as a "Market Town" where no allocation for strategic sites has been made but that the towns have the potential to accommodate development.
- q. Core Policy1 also allows for limited development adjacent to the settlement boundaries but requires these to be brought forward through the community led process i.e. Neighbourhood Plans or a site allocation document in accordance with Core Policy 2. The intention is to allow for the development of smaller settlements to be planned in a holistic way so the wider needs of local communities, as well as local housing needs can be planned for. Core Policy 2 sets a presumption in favour of sustainable development within settlement boundaries, requiring development outside settlement boundaries to be brought forward through planning policy documents. Core policy 2 goes on to identify that the Council will work closely with local communities to develop community-led planning documents, including neighbourhood plans to identify further sites for development in line with the strategies for community areas set out in the Draft Core Strategy. Calne Town Council has commissioned Consultants to carry out a vision and scoping study that may form the starting point for a Neighbourhood Plan and the Council is supportive of this process.
- r. Calne is located within the Calne Community Area ("CCA") and housing in the CCA needs to be carefully balanced with job creation and town centre improvement (para 5.40). Furthermore that Calne has been subject to high levels of growth and that large proportion of planned growth has already come forward. Consequently further growth over the Core Strategy Plan Period should be phased so that employment and infrastructure provision appropriately supports development in the town. Core Policy 8 requires 1,240 dwellings to be provided over the full plan period 2006-2026 at Calne with 140 homes within the remainder of the Community Area.

- s. Excluding existing commitments and completions, approximately 370 dwellings remain to be planned (Table 4, page 62) for the period to 2026. Within the remainder of the Community area excluding completions and commitments 40 dwellings remain to be planned or permitted. Therefore in total within the Calne Community Area there is a requirement for 410 dwellings to be planned/permitted.
- t. 200 dwellings represents a significant proportion of that residual growth proposed over the remaining 15 years of the Core Strategy Period for Calne, amounting to some 54% of the total. In addition it is important to note that there are several other proposals of significant scale within and adjacent the Town of Calne.
- u. No doubt the agent will undertake a review of the sites committed in calculating the numbers, as has occurred in respect of other appeal sites e.g. the Brynards Hill appeals on behalf of Wainhomes. The applicant/agent also places significant reliance on the Draft Regional Spatial Strategy for the South West (SWRSS) figures and considers that there is significant shortfall when assessed against these figures. The Council's own assessment taking into account the whole of the former North Wiltshire District Area (including Chippenham) indicates that there is 3.3 years supply. This indicates a significant shortfall but as already noted when Chippenham is excluded the available supply is 6.0 years and when assessed against the more up to date requirement identified in the Draft Core Strategy available supply is 6.1 years.
- v. In considering the proposal against para 69, the following observations are made:
- w. *Achieving high quality housing* – this can, in the main, be secured via the reserved matters application and there is no evidence to indicate that this could not be achieved. However, Urban Design and Highways Officers have raised objections in respect of the proposed form of the parking provision that includes the use of rear courts and triple end parking.
- x. *Ensuring development achieves a good mix of housing reflecting the accommodation of specific groups, in particular, families and older people* - a mix of house types are proposed by the applicant as referred to in their planning statement and Design and Access Statement. There is no specific evidence that older people would be catered for by this development through the provision of lifetime homes for example or cross reference to household types arising from the SHMA. However this is an Outline Application and such matters could be addressed through detailed design.
- y. 30% affordable housing is to be provided which will also seek a mix of house types and tenures.
- z. *The suitability of the site for housing, including environmental sustainability* – The site is located adjacent the defined settlement boundary of Calne near to a major employment area and within the catchment of services and facilities. The applicant has identified in their submitted Draft Section 106 Heads of Terms a commitment to provide financial contributions to upgrading some services and facilities to meet the need arising from the development. Though the scope and scale of contributions has not been the subject of detailed discussion at this stage.
- aa. There are on going and unresolved issues regarding ecology and drainage/water supply and these will be detailed below.
- bb. *Using land effectively and efficiently*; the application site comprises 14.09ha. This includes significant areas of land proposed for open space and ecological uses that are beyond the requirements related specifically to the development proposed. The applicant confirms in their design and access statement and planning statement that development of the site would be 20 – 22 dwellings per hectare (“dpha”).

- cc. It is accepted that this density across the true application site is lower than previously used minimum standards of 30 dpha, however this site is on the edge of Calne and adjacent areas of open countryside. As such it is considered that a lowered density maybe acceptable in the site area context.

Illustrative layout

- dd. Notwithstanding that the submitted layout plan is entitled as for illustrative purposes it does nonetheless represent the submitted masterplan for the site and show how applicant considers the site could be developed to accommodate the full 200 dwellings. To date the applicant/appellant has not submitted a revised version of this masterplan.
- ee. There are elements of the illustrative masterplan layout which have raised objections and concerns from Highways Officers and Urban Design Offices and which require further consideration in order to satisfactorily demonstrate that the site could be successfully developed.
- ff. These include:
- gg. The principle roundabout access is shown in position and configuration that is not as agreed with Officers during pre-application discussions and which does not reflect the detailed design plans for the roundabout that also accompany the submission.
- hh. The layout shows access to dwellings directly from the principle roundabout access, which is unacceptable in respect of highway safety.
- ii. The layout makes extensive use of rear parking courts and triple end parking provision, which are not acceptable in highway or urban design respects. Rear parking courts are perceived as unsafe, not well related to the housing they serve and have a lack of natural surveillance resulting in low levels of usage and on street parking. Triple end parking results in excessive vehicle manoeuvring for parking purposes again discouraging use and on street parking. Neither are supported and consequently the layout of the site requires complete redesign to demonstrate how parking provision can be satisfactorily achieved. The applicant submitted their appeal before these objections could be identified to them.
- jj. The southern section of the site layout (the illustrative layout sets out two distinct areas to the north and south of the site) includes a large number of cul-de sacs with limited through routes. Consequently the road layout and the southern section of the site is likely to require significant additional vehicle manoeuvring for access and egress. Again this is not supported and is a part of the layout which Council Officers would have sought to address through discussion. The applicant submitted their appeal against non-determination before this matter could be addressed.
- kk. The application and consequently the illustrative masterplan layout is not informed by an up to date Ecological Survey with particular respect to Great Crested Newts. This matter is addressed in greater detail below.
- ll. The illustrative layout plan whilst indicating sufficient open space provision to meet quantitative requirements makes no provision for children's equipped playspace and is unacceptable in this regard being in conflict with policy CF3 of the north Wiltshire local Plan 2011.
- mm. *Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues – the proposed development is clearly contrary to current adopted policies and premature to the emerging policies contained within the Core Strategy and the process of identifying non strategic*

sites with the local community either through the neighbourhood planning process or an alternative mechanism.

- nn. The Council has satisfactory supply in excess of 5 years so as to not engage paragraphs 71 and 69 of PPS3.
- oo. The proposed development of 200 dwellings, whilst it may not be considered significant in the context of Calne as Market Town is not considered to be limited in the context of the housing requirement for the Calne Community Area or the North and West Wiltshire Housing Market Area identified in the Draft Wiltshire Core Strategy. Similarly the prominent location on the edge of the town in an open countryside setting results in a significant change to the character of the locality and again the proposal cannot be considered limited in this context.
- pp. In terms of paragraph 22 – there remains no requirement at this time for the site given an excess of 5 year supply, if needed within the context of the level of growth proposed for the CCA outside of Calne itself, this is a matter for a Neighbourhood Plan or site allocations DPD.
- qq. It still remains the case in terms of adopted Structure Plan Policy DP3 that development should be limited in scale to meet local needs.
- rr. In terms of emerging Policy, Core Strategy Core Policy 1 states Market towns have the scope to accommodate significant development but where this will increase the jobs and homes in each town in order to help sustain and where necessary (as in the case of Calne) enhance services and facilities and promote better levels of self containment and viable sustainable communities.

Impact on residential amenity

- a. Due to scale and siting of the proposed development, it is not considered that generally the amenities of existing residents in the locality would be detrimentally affected as a consequence of this development.

Impact on the character and appearance of the area

- a. It is not considered that the proposed development would have a significant detrimental impact on the visual amenity or character of the locality such that planning permission ought to be refused.

Highways Impact

- a. Highways Officers have raised no objection to the proposals on the grounds of Highways Impact. Although this position is subject to the applicant proposing and implementing a single principle roundabout access as agreed during pre-application discussions. As noted above the illustrative masterplan layout includes a single point of access via a roundabout but the position and layout is not as agreed or reflective of the detailed design plans submitted. The applicant has submitted their appeal before this matter could be raised with them and successfully addressed. The current illustrative masterplan as submitted with the application is therefore not acceptable on Highways grounds.
- b. Specifically the roundabout shown has a geometric design which does not comply with published guidance making manoeuvring difficult and dangerous. Whilst it is accepted that a roundabout on a masterplan does not have to be correct in all details, it should portray an acceptable geometric configuration, and be shown in the correct location.

Impact on drainage/flood risk/water supply

- a. The Environment Agency has withdrawn its initial objection to the proposals subject to adoption of a range of conditions. The Council's Drainage Engineers raise no objection to the scheme proposals have a range of detailed concerns regarding surface water drainage, particularly in respect of the connection points and the impact relationship to Highways. Additional work in respect of modelling the drainage is required but it is not considered that there is a fundamental objection to the proposals and that this can be addressed through detailed design.
- b. Wessex Water has similarly raised no objection to the scheme proposals subject to a range of conditions and have also identified the need for provision of modelling work to demonstrate the adequacy of water supply in the locality.

Ecological Impact

- a. The application was submitted with supporting information regarding an assessment of the ecological value of the site and impact of development and this has been subsequently augmented with additional information in respect of Bats. However the site is close proximity to known habitats for Great Crested Newts which are European Protected Species. The survey submitted in this regard dates to a period over 4 years ago and is therefore out of date when considered against National assessment requirements. In addition the submitted data identified that the site had the potential in certain circumstances to provide suitable accommodation for Great Crested Newts. As such their presence on site has not been discounted at this stage and therefore the impact of the proposed development in the Illustrative Masterplan could potentially have an adverse impact through the destruction of terrestrial habitat and could indeed also harm newts themselves. Without supporting information to demonstrate that either no newts are present on site, or if newt habitat is to be affected then the impact can effectively be mitigated, then planning permission cannot legally be issued.

Other material considerations

- a. The applicant has submitted draft Section 106 Agreement Heads of Terms with their application and appeal which indicates a willingness to make contributions toward Education, play, sport and recreation facilities, highways works and sustainable transport infrastructure, library provision, and affordable housing provision. The Council has to date notified the applicant of the Service infrastructure requirements and financial contributions in this regard but heard no response.
- b. The applicant's draft Section 2016 Heads of Terms does not address identified requirements in respect of the transfer and maintenance of open spaces; installation of an equipped children's playspace to Neighborhood Equipped Area for Play Standard; Adoption and maintenance of Sustainable Urban Drainage System relating to the open space and Highways; Formal Leisure provision (Enhancements to Calne Leisure Centre); Expanded Cemetery provision at Calne Cemetery. In addition the applicant makes no reference in their documentation to the requirement for 5% low cost housing provision sought in the Council's Adopted Supplementary Planning Affordable Housing Guidance.
- c. As these matters remain unresolved and an appeal against non determination has been submitted without discussions taking place with regard to these issues the lack of commitment to meeting the identified service and infrastructure requirements arising from the development and conflict with policy C2 of the north Wiltshire Local Plan 2011 is a further reason for refusal of the proposed development.

10. Human Rights Act

- a. The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

11. Equalities

- a. In determining this planning application the Council has regard to its equalities obligations including its obligations under section 71 of the Race Relations Act as amended and the Equalities Act 2010. For the purposes of this application, there are no adverse equalities issues arising from this proposal which are not adequately addressed by the applicant.

12. Conclusions

- a. There is no need for this development as the Council has in excess of 5 year land supply, In any event the proposed development does not entirely satisfy the provisions within paragraph 69 of PPS3.
- b. The proposed development is premature in the context of the preparation of the Wiltshire Core Strategy and the identification of non-strategic sites through the Neighbourhood Planning or Site Allocations Development Plan Document or other planning mechanism.
- c. The proposed development is in an inappropriate location outside the defined framework boundary for the town of Calne, within the open countryside and on a site unallocated for any form of development and is contrary to Policy H4 of the Adopted North Wiltshire Local Plan 2011.
- d. It has not been satisfactorily shown that the site can accommodate the limit of 200 dwellings without harm to ecology.
- e. It has not been satisfactorily shown that the site can accommodate the limit of 200 dwellings with sufficient provision for vehicular parking.
- f. The proposed development does not meet the requirements for community infrastructure and services arising as a result of the proposed level of development.
- g. It is recognised that the proposal would provide a contribution towards the housing land supply, provide much needed affordable housing and would provide important economic benefits, including support for the construction industry and that a presumption in favour of sustainable development is proposed nationally, this must be balanced against the impact on the strategy and bringing forward balanced and timely development in the town with the appropriate infrastructure and community support.

Recommendation

Had the Council been in a position to determine the application, the recommendation would have been that planning permission be REFUSED and that Officers be authorised to context the appeal for the following reasons:

1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011. There are no material considerations which outweigh the development plan policies.
2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF), the Core Strategy Development Plan Document for the area and subsequent site

allocations development plan document or neighbourhood plan for the area and is thus prejudicial to the council's plan-led approach to sustainable development. As such the proposal is contrary to Planning Policy Statement 3: Housing.

3. The proposed development is not an allocated site within policy H2 and was not required to meet the land supply for the period up to 2011. The proposed development is not required to meet the five year land supply requirement referred to in the June 2011 version of the emerging Wiltshire Core strategy or the January 2012 version of the Wiltshire Core strategy
4. By reason of the scale of development proposed, the application is contrary to Policy DP3 of the adopted Wiltshire and Swindon Structure Plan 2016 and Policies 1 and 20 of the emerging Wiltshire Core Strategy 2026.
5. Insufficient evidence has been submitted to demonstrate the measures that will need to be undertaken to mitigate the effect of the development on species protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations (2010). This would be contrary to PPS9 and statutory obligations under Circular 06/2005 and Policies C3 and NE7 of the North Wiltshire Local Plan 2011.
6. The indicative layout does not satisfy the aims of Manual for Streets and the highway authority's supplemental guidance on safe and satisfactory servicing of the site. The proposal is contrary to Policy C3 of the North Wiltshire Local Plan 2011.
7. The proposed development does not make any provisions for securing equipped children's play space or low cost housing provision on the site, Formal Leisure provision at Calne Leisure centre; Calne cemetery; the on-going provision and maintenance of open space and surface water attenuation measures on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (April 2008).

INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below.

1586/11/04 – Location Plan;
A-01-MA-001-P - Illustrative Layout Masterplan;
3089/SK/201 - Proposed Roundabout
3089/501/A – Indicative Surface Water Drainage Strategy
3089/Ser/101 – Indicative Utilities Plan

Planning Statement Oct 2011
Design and Access Statement Oct 2011
Arboricultural Report Sept 2011
Archaeological Report Oct 2011
Extended Phase 1 Habitat and Protected Species Survey Jan 2011 – Survey Elements various dating from 2003/2004
Phase 1 Environmental Investigation Oct 2011
Flood Risk Assessment Oct 2011
Landscape & Visual Appraisal and Landscape Strategy Oct 2011
Transport Assessment July 2011
Residential Travel Plan July 2011
Foul Surface and Water Drainage Assessment July 2011
Infrastructure Services Report Nov 2010
Waste Audit Oct 2011
Sustainable Design Report Oct 2011
Ambient Noise Assessment Oct 2011

Statement of Community Involvement Oct 2011
Topographical Survey

2. The reasons for confirming why planning permission would have been refused which pertain to highways, ecology and S106 matters have the potential to be overcome and in this respect and in light of the pending appeal, the applicant is invited to meet with the Council to discuss these matters and if necessary provide additional amended plans or heads of terms. Where such matters can be overcome, these aspects will not be pursued at appeal and agreed in a statement of common ground.

Appendices:	1 Five Year Land Supply Statement
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• Planning Application file N/11/03524/OUT• North Wiltshire Local Plan 2011• Wiltshire and Swindon Structure Plan 2016• Wiltshire Core strategy Pre-Submission Document 2012

APPENDIX 1

Five year land supply statement

Policy Context

Planning Policy Statement 3 (PPS3): *Housing* was published in November 2006, replacing Planning Policy Guidance 3 (PPG3) *Housing* (2000) and subsequent amendments. PPS3 has since been revised as of June 2011.

Within PPS3 the Government has set out its guidance in response to the Barker Report¹ in order to deliver a step change in housing delivery.² The requirement is for Local Planning Authorities (LPAs) “to set out in LDDs their policies and strategies for delivering the level of housing provision, including indentifying broad locations and specific sites that will enable a continuous delivery of housing for at least 15 years from the date of adoption...”. This goes further to say that this delivery of housing should be assessed “...taking account of the level of housing provision set out in the RSS.”³

The adopted development plan for Wiltshire includes the Wiltshire and Swindon Structure Plan 2016, containing a housing requirement from 1996 to 2016 in Policy DP4.

The proposed changes version to the draft South West Regional Spatial Strategy contains a housing requirement from 2006 to 2026 in the HMA policies. This requirement does include a phasing policy, but for Wiltshire the requirement is evenly phased. For ease, and to be consistent with the other housing requirements the phased approach to supply is not included in the figures below.

The Localism Act 2011, makes provision to formally revoke RSSs, including the emerging South West Regional Spatial Strategy (RSS) and the saved policies of the Wiltshire and Swindon Structure Plan. Orders made by the Secretary of State are required before the RSS is formally revoked and so this still forms a consideration in the determination of planning applications.

In response to the announcement by the Secretary of State on 27 May 2010 confirming the Government’s intention to ‘rapidly abolish Regional Strategies’, The Wiltshire Cabinet (19 October 2010) resolved that:

- 1) *Wiltshire’s new housing requirement should be determined through a comprehensive review involving local communities, which responds to the Decentralisation and Localism Bill; and*
- 2) *The new housing requirement should be progressed as part of the Core Strategy Process.*

This approach is consistent with the Government’s intention to ensure that ‘*Local Planning Authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional targets.*’⁴

It is important that Wiltshire’s future housing requirements are identified within the context of the newly enacted ‘Localism’ agenda whilst ensuring that any requirement is based on reliable and robust information able to withstand scrutiny through the examination process. Wiltshire Council has developed a housing requirement, taking on board community aspirations as well as the strategic needs of Wiltshire. The resulting requirement will be used in the Core Strategy pre-submission consultation, ensuring that Wiltshire has appropriate policies to achieve the Visions and Objectives of the Core Strategy.

¹ Barker Review of Housing Supply (2004)

² PPS3 ‘Background’.

³ PPS3 para 53.

⁴ Chief Planning Officer Letter: ‘Revocation of Regional Strategies’. 6 July 2010

PPS3 requires Local Planning Authorities to have an up to date supply of land for housing including five years supply of deliverable sites. Paragraph 71 states that if Local Planning Authorities cannot demonstrate an up to date five year supply of land then planning applications for housing should be viewed favourably.

If this mechanism does come into play the following criteria must be considered, in line with paragraph 69 of PPS3:

- Achieving high quality housing.
- Ensuring development achieves a good mix of housing.
- The suitability of the site for housing, including environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting need and demand for housing, and the spatial vision for the area. It should not undermine wider policy objectives such as housing market renewal issues.

Housing requirement

A key issue is which housing requirement to assess five year housing land supply against. The most up to date adopted part of the strategic statutory plan is the Wiltshire and Swindon Structure Plan 2016. The draft Regional Spatial Strategy for the region was tasked with setting new housing requirements for the region. The RSS for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend new housing figures for Wiltshire for the period 2006-2026. The new Government is now intending to abolish regional spatial strategies³.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council considered that the Structure Plan should continue to be used whilst new Wiltshire derived housing figures are developed.

However in the recent successful appeal decision for development on land at Brynards Hill⁴ the Inspector did not believe that the Structure Plan housing requirements effectively reflected the step change in housing delivery that PPS3 intended, the Inspector stated “the SP housing figures do not reflect this step-change in housing delivery” (p4). Instead the housing requirements proposed in the Proposed Changes to the RSS were considered to be the most up to date and were used to assess

The Regional Spatial Strategy (RSS) for the south west had reached the Proposed Changes stage following the examination in public. The Proposed Changes recommend housing figures for Wiltshire. The new Government is now intending to abolish regional spatial strategies.

Following the announcement that the Government intended to abolish regional spatial strategies Wiltshire Council formalised its position in relation to the uncertainty over housing numbers by agreeing to the following:

- To develop a new housing requirement through a review of housing numbers involving local communities.
- To progress that housing requirement through the core strategy.
- To reaffirm that the Wiltshire and Swindon Structure Plan 2016 sets out housing figures for Wiltshire up to 2016 (as set out in saved Policy DP4).

Appeal reference APP/Y3940/A/10/2141906. It is the Inspectors opinion therefore that we cannot use the Structure Plan figures to assess housing land supply figures.

Since this appeal Wiltshire derived housing figures have been developed for the county and are currently being consulted on. These new figures are based on a robust methodology⁵ and more up to date evidence than the housing figures proposed at the regional level. The figures have been subject to public consultation (June 2011).

Disaggregation

Using the Wiltshire and Swindon Structure Plan to 2016 five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner

with separate figures for Chippenham and the rest of the district.

Using the draft Regional Spatial Strategy five year housing land supply can be calculated in a non disaggregated way using a district wide figure, or in a disaggregated manner with separate figures for Chippenham, west of Swindon and the rest of the district.

The Draft Core Strategy Consultation Document states that housing land supply will be assessed against housing market areas. These housing market areas are being defined through the new Wiltshire wide Strategic Housing Market Assessment (SHMA). This SHMA is not yet finalised but indicative housing market area boundaries were included in the consultation document.. The SHMA was published in January 2012.

“The new strategic employment land and housing provision will be delivered within the defined Housing Market Areas (HMA’s), once they have been defined. Indicative areas are shown below on Map 4.1 - Wiltshire key diagram (spatial strategy)”.

Paragraph 4.25 states:

“The sources of supply have been assessed to ensure that there is at least a five year supply of deliverable housing, and a ten year supply of developable housing, within the indicative county sub areas shown in map 4.1. The draft county sub areas are presented for the purposes of consultation and are subject to change. It is considered appropriate to assess the strategic housing land supply requirement at this level in order to ensure an appropriate level of supply within Wiltshire’s different housing market areas”.

In the context of this proposal therefore housing land supply could be calculated on the Wiltshire derived figures currently being consulted on in the Core Strategy Consultation Document and these should be assessed on a HMA basis (in line with the most up to date boundaries shown in map 2 above).

It should be noted that these figures include the proposed strategic housing allocations in the Draft Core Strategy Consultation Document. The table below shows the emerging five year housing land supply using a base date of April 2011. A statement of five year housing land supply is due to be published by the end of this year.

Table 1: Five year housing land supply at April 2011:

Housing requirement and area	Years supply
Emerging Core Strategy – North and West housing market area	6.1
Proposed changes to draft RSS – North Wiltshire district remainder (minus Chippenham and west of Swindon requirements)	6.0
Proposed changes to draft RSS – North Wiltshire district	3.3
Wiltshire and Swindon Structure Plan 2016 – North Wiltshire remainder (minus Chippenham requirement)	Total period target exceeded
Wiltshire and Swindon Structure Plan 2016 – North Wiltshire district	95.2

A further consideration is the draft NPPF proposal to require local planning authorities to provide 5 years worth of housing land plus 20% contingency, although as the draft NPPF is still in draft form cannot be afforded significant weight.

