

WILTSHIRE COUNCIL

STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 March 2011		
Application Number	N/11/03628/OUT		
Site Address	Land at Silver Street and White Horse Way, Calne		
Proposal	Outline Application for Development of Around 154 Dwellings with Associated Vehicular Access to Residential Development.		
Applicant	CG Fry & Son Limited		
Town/Parish Council	Calne		
Electoral Divisions	Calne Central Calne South & Cherhill	Unitary Members	Howard Marshall Alan Hill
Grid Ref	399687 170067		
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 154 dwellings which, coupled with N/11/03524/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 without Parish Council – submitted an objection.

- No employment provision resulting in out-commuting and further congestion
- Development will increase further high levels of pollution
- This and other development proposals will further exacerbate road traffic congestion – A road infrastructure plan is required
- Additional tree planting required to minimise visual impact
- The scheme should be of architectural merit and raise design standards locally
- Queries the provision for education requirements arising from the development.

A total of 542 representations were received with a petition of 500 signatories included. The petition is for objectors to the scheme proposals. In addition there were a further 32 objectors to the scheme proposals

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
 - 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.

4. Site Description

The application / appeal site comprises some 09.51ha 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 Silver Street and the North of White Horse Way. To the north are the new residential areas of Calne centred around White Horse Way, Silver Street and Wenhill Heights (located off Station Road). To the west of Silver Street there is some limited residential development adjoining the road with open agricultural land beyond. This area features mature vegetation.

The site is triangular in shape and located on rising land with the highest point located in the southern section forming the apex of the triangle. The land to the northern end adjacent White Horse Way is generally level. The site features some mature vegetation adjacent to the south west and along the site boundaries, although these are quite open in nature. Views of the site are available in the short and medium distance particularly the higher land and in some longer distance views. Albeit this is largely within the context of the mature vegetation adjacent the site, along boundaries and the town of Calne and existing development forming a backdrop.

4. Relevant Planning History

Relevant Planning History		
Application Number	Proposal	Decision

12/00515/SCR	Screening Opinion – 154 dwellings.	Target Date 19/3/12
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5. Proposal

- a. Outline planning permission is sought for up to 154 dwellings and associated works. The application Red Line Boundary includes two further sites that will provide land for an extension to the Calne Town Park and new allotment facilities adjacent Station Road and Wenhill Lane respectively.
- 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 154 dwellings and the supporting planning statement confirms the applicant's intention that 30% of these will be affordable dwellings. This results in a site of 108 open market houses and 48 affordable homes (30%). The development is to be accessed via a junction with Silver Street with pedestrian access afforded from White Horse Way.
- d. The applicant confirms in the design and access statement that the development will comprise principally two storey dwellings with some utilisation of roof space, some limited inclusion of three storey dwellings and some limited two bedroom flats above garage spaces. These are laid out around a central green within internal residential access roads, one junction based point of access from Silver Street and an area of public open space on high ground at the southern apex. The site boundaries also features areas of open space in bands setting the built development back from the adjacent roads and development.
- e. The illustrative layout plan shows that the development would be designed to concentrate the higher density terraced style properties on the streets and drives parallel with the contours of the site, but with the site as a whole include a mix of detached, semi detached and terraced houses. Affordable housing is distributed throughout all areas of the site.
- f. The illustrative design layout and design and access statement identifies that parking provision will be provided in the form of garages and off street parking space with each dwelling or in the form of identified spaces on street parallel with the kerb. Visitor parking is on street adjacent to the central green and unallocated.
- g. To the south of the site a large area of informal open space is also making use of the constrained higher ground which is more prominent in views from the surrounding locality. The space will include a footpath and cycle way and which is identified in the Design and Access Statement as suitable for a wide range of activities including sports and games.
- h. The development site provides 7.59ha of open space.
- i. At the time of preparing this report the application is not fully supported by an ecological assessment of the whole site and the impact of all the proposals (Town Park Extension and Allotments). In particular the extension to the town park has the potential to affect ecologically sensitive locations including UK and Wiltshire BAP habitats and protected species including great crested newt. Additional supporting information is required in this respect. There are no ecological objections in respect of the main site.
- j. The design and access statement includes a detailed specification as to the mix and scale and type of dwellings proposed including specification of the number of bed spaces. On this basis it has been possible to accurately assess requirements for community service infrastructure arising from the proposals, which was not the case in respect of the proposals on Land adjacent Oxford Road.

- k. The application has been submitted with the following supporting information:

Planning Statement Nov 2011 (Includes: Statement of Community Involvement; Draft S.106 Heads of Terms; Sustainability Statement; and Waste Management Strategy)
Design and Access Statement Nov 2011
Archaeological Report Sept 2011
Ecology Report and Extended Phase 1 Habitat May
Flood Risk Assessment Aug 2011
Landscape Report Sept 2011
Transport Assessment July 2011
Residential Travel Plan July 2011
Tree Survey & Tree Constraints Plan Sept 2009
Ground Investigation Report July 2009
Topographical Survey

6. Consultation

- a. Calne without Parish Council – submitted an objection – on file and website.
- No employment provision resulting in out-commuting and further congestion
 - Development will increase further high levels of pollution
 - This and other development proposals will further exacerbate road traffic congestion – A road infrastructure plan is required
 - Additional tree planting required to minimise visual impact
 - The scheme should be of architectural merit and raise design standards locally
 - Queries the provision for education requirements arising from the development.
- b. Highways Officer – raise objection specifically in relation to the proposed use of Wenhill Heights to access the new allotment facility. Highways Officers and Urban Design Officer (See Below) raise concerns in respect of the proposed layout identifying a need for more adopted road space to ensure sufficient access for service vehicles and manoeuvring space and parking provision, Objection is raised in respect of the inadequacy of parking provision, including as it does garage parking which is not included in Wiltshire Adopted standards. There is a requirement for pedestrian cycle links to and from Bentley Lane. The proposed links to White Horse Way involve land outside the control of the applicant which requires resolution. Highways Officers have identified a requirement for financial contributions to enhancement of pedestrian and cycle links of £68,000. To date the Section 106 Draft Heads of Terms does not address this matter and the appeal against non-determination has been submitted prior to resolution of the issue.
- c. Urban Design – detailed comments on file/website – No objection raised and aspects of the design and illustrative layout are commended. Concerns raised in respect of the design, layout and impact of the principle access on the rural character of this locality. The road layout does not provide for legible through movement involving extensive use of cul-de sacs. Additional connections via Bentley Lane and White Horse Way are required. Insufficient residential parking provision is made. The illustrative layout requires amendment and clarification in certain respects e.g. it incorporates a uniform approach to the building line create a defensive quality that needs to be addressed.
- 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 – As noted previously no objection is raised with regard to the proposed development of the main site, subject to the inclusion of appropriately worded conditions. However concerns are identified regarding the lack of supporting assessments in relation to the proposed town park extension and allotments. Particularly in respect of the Town Park development should not be permitted without the necessary supporting information, particularly in respect of BAP habitat and Great Crested Newt.
- h. Education Officer – Head of School Buildings and Places confirms that using Education Department methodology, the Silver Street development requires 43 primary school places and 31 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 £541,714. 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. Whilst the developer has confirmed that onsite play could be provided there are no details currently available in this regard. Similarly at this stage there is no information available regarding the implementation and future maintenance of the Town Park extension.
- j. The indication is that the Town Park extension and Allotment provision would be considered by the developer as contributing to open space provision in relation to future development aspirations. The approval of this application cannot provide any surety in this regard or commit the Council to agreement that such provision would meet potential requirements.
- k. Detailed confirmation needed re developer's intentions with incidental areas and their necessity. They could be adopted with a commuted sum.
- l. Contribution sought towards Calne Cemetery of £6,000 is required and no provision for this is made by the applicant in their Section 106 Draft Heads of Terms. The developer has indicated to Amenity and Fleet officers that they will meet the contribution requirements.
- m. Contribution to the upgrading and enhancement of the Calne Leisure Centre is required and a financial contribution of £120,717 is sought. The applicant makes no provision for this in their Section 106 Draft Heads of Terms.
- n. County Archaeologist – following the submission of site survey information no objections are raised.
- o. 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. No commitment is made in respect of the requirement for 5% low cost housing set out in the Council's adopted SPG.

- p. Public Arts Officer –no contribution to public art provision sought.
- q. 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.
- r. Drainage Engineers –Drainage Engineers raise no formal objection to the proposals but concerns are identified in respect of surface water drainage, use of soakaways and flood risk. Detailed design of the scheme proposals will need to address these matters and respond to an FRA.
- s. Wessex Water – no objections subject to pre-commencement condition requiring submission of schemes for separate foul and surface water drainage to be approved. Indications are that a long off site connection to the foul drainage network with related requisition may be required.
- t. Environment Agency – Raised no objection to the proposed development subject to conditions with particular regard to the submission of a surface water drainage strategy for the whole development and a landscape strategy for the Town Park Extension.

7. Publicity

- a. The application was advertised by site notice, press advert and neighbour consultation.
- b. A total of 542 representations were received with a petition of 500 signatories included. The petition is for objectors to the scheme proposals. In addition there were a further 32 objectors to the scheme proposals. The key points are as follows:
 - Increased traffic congestion in Silver Street;
 - Increased traffic along a school route;
 - Lack of schools, doctors, dentists & shops

A large number of the independent objections related to the proposed Allotments utilising Wenhill heights as an access route. Concerns were raised in respect of conflict with pedestrians and cyclists on the right of way, with residents in Wenhill Heights, safety of Children utilising Wenhill Heights for various activities; Likely on street parking resulting in blockages on Wenhill Heights

Other representations raised objections in respect of:

- 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 in respect of the town park proposals
- Design and layout of proposals in respect of parking provision
- Access to the proposed Allotments

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 criticised 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 Policy 1 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. 154 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 37.5% 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 quantum of the parking provision and use of cul de sacs and unadopted roads.
- 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 secondary school and within the catchment of a range 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 which are 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 may be 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 154 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 layout makes extensive use of garage parking provision associated with individual dwellings, which are not accepted under adopted Wiltshire Standards as contributing to parking provision. Experience in Wiltshire shows that the garages are predominantly used for residential storage of ancillary accommodation and not off street parking provision. Ultimately this leads to on street parking demand that cannot be accommodated. The illustrative layout already proposes some level of on-street parking and therefore there are objections that the proposed layout does not adequately provide for the parking requirements of the development proposed. Illustrative design and consequently the layout of the site requires some redesign to demonstrate how parking provision can be satisfactorily achieved. The applicant submitted their appeal before these objections could be identified to them.
- hh. The site layout includes a number of cul-de sacs with limited through routes, similarly there are several locations where unadopted roads utilising rumble strips are shown and it is unclear if these are intended to provide for vehicular access. Consequently the road layout is likely to require significant additional vehicle maneuvering 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.

- ii. The submitted proposals include a proposed site for allotment provision. However, the access to and from this facility utilises Wenhill Heights a private unadopted track that includes a Public Right of Way. Highways Officers do not support vehicular use of private tracks and rights of way, indeed it is unlawful to drive along them without express permission. The proposals do not include measures to improve the access or address potential conflicts with rights of way users and as such there is an unresolved highways objection to the scheme proposals.
- jj. The application and consequently the illustrative masterplan layout in relation to the Town Park extension and proposed allotments is not informed by an Ecological Assessment with particular respect to UK and Wiltshire Biodiversity Action Plan (BAP) protected habitats. This matter is addressed further below.
- kk. 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.
- ll. *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.
- mm. The Council has satisfactory supply in excess of 5 years so as to not engage paragraphs 71 and 69 of PPS3.
- nn. The proposed development of 154 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.
- oo. 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.
- pp. It still remains the case in terms of adopted Structure Plan Policy DP3 that development should be limited in scale to meet local needs.
- qq. 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. Although clearly the development of what is now currently open undeveloped land will result in significant change to the character of the locality and amenities enjoyed by residents in the immediate locality in this regard.

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. Although it is considered that the details in respect of the landscape strategy for the site will be important in minimising impacts in medium to long views of the site.

Highways Impact

- a. Highways Officers have raised no objection to the proposals on the grounds of highways impact in respect of the development of the main part of the site for residential purposes. The impact on the highways network in this regard is not considered so significant as to require the refusal of consent. However highways objection is raised in respect of the proposed allotment site with particular regard to the use of Wenhill heights for access and the conflict with the right of way along this private unadopted track. The applicant/appellant has not submitted proposals to improve the track to form and access or address conflict with users of the right of way along the track.
- b. In addition the proposed illustrative layout masterplan includes extensive use of private garages associated with individual properties in combination with some on street parking and off street drives. This form and consequently quantum of parking provision is inadequate and does not meet the required level of provision under the Council's adopted standards. In particular the Council does not take into account garage in assessing the proposed level of provision. These facilities are invariably used for storage for ancillary residential purposes and do not provide space for the off street parking of vehicles. Consequently demand for parking provision is expressed on street resulting in congestion and on street parking throughout a wider locality. This in turn results in unnecessary vehicle movements which is unsustainable. Highways and Urban design officers object to the proposed layout in this regard.
- c. Similarly the layout of the proposed residential development incorporates several cul-de-sacs and proposes the use of several areas of undefined and unadopted access ways with rumble strips across them. It is unclear in the latter regard if these are unintended to provide vehicular access. In respect of the use of cul-de-sacs and the unadopted road spaces these limit the scope for through movement within the site and will therefore necessitate significant vehicular maneuvering for parking and access/egress by future residents. This is unsustainable and likely to result in disturbance to residential amenity. It is a matter that would have address with the applicant in negotiation over the detailed layout of the site had the application proceeded and potentially this can be readily addressed through design layout alterations. However the applicant has submitted an appeal against non-determination by the Council and this is on the basis of the illustrative masterplan layout as submitted. No revision to the plan has as yet been proposed.
- d. In addition and in a similar regard highways and urban design officers have identified the need for linkages (pedestrian and cycle) through to Bentley Lane. This is not adequately addressed on the submitted layout. In addition proposed links through to White Horse Way make use of land outside the control of the applicant/appellant. The land is in fact in the ownership of the Council. This matter has yet to be resolved. Potentially if no agreement can be reached alternative linkages will need to be demonstrated, if this is not possible then it may be the case that the proposed layout is inappropriate in this respect.

- e. Highways Officers have identified a requirement for off-site financial contributions toward the enhancement of cycle and pedestrians links for the site with the wider locality. To date this has not been resolved with the applicant and the draft section 106 Heads of Terms does not specify that this requirement shall be met.

Impact on drainage/flood risk

- a. The Environment Agency raised no objection to the proposals subject to adoption of conditions. The Council's Drainage Engineers do not formally object to the proposed development but identify concerns regarding flood control, surface water drainage, soakaways. It is considered that these matters can be addressed through the detailed design stage. Additional work in respect developing a surface water drainage scheme, drainage and flood control, flood risk assessment is required but it is not considered that there is a fundamental objection to the proposals and that matters of concern can be addressed through detailed design stage.
- b. Wessex Water has similarly raised no objection to the scheme proposals subject to a range of conditions and has also identified the need for provision of a surface water drainage scheme. In addition they identify that linkages to the foul network are potentially over a substantive distance and may require requisition of land/access rights.

Ecological Impact

- a. The application was submitted with supporting information regarding an assessment of the ecological value of the main development site and impact of development. However this did not incorporate assessment of the proposed allotment site and town centre park extension. The town centre park incorporates habitats of ecological importance which are identified as protected in the UK and Wiltshire BAPs. In particular this includes neutral meadow, floodplain meadow, marshy grassland and fen/swamp. These are sensitive habitat types and listed as protected due to recent declines and are therefore also relevant in respect of PPS9 and NE11. Potential impacts from the proposals include earth works in the creation of more formal elements of the town park extension e.g. kick about area, footpaths, open water features. At this stage without the necessary assessment it is not clear if the habitats exist on site or how they will be affected. However it is not possible to proceed to granted permission for the proposals given the proximity of these habitats in the locality. In addition the presence of the habitats means that a number of protected and notable species are also potentially present within the area including great crested newt, breeding birds, reptiles, invertebrates, water vole and badger. Any proposals affecting such species and their habitat would need to be designed to minimise and mitigate/compensate for any impacts. At this stage it has not been demonstrated that the proposals adequately address these matters and consent cannot therefore be safely granted under the Council's legal obligations defined by European and National legislation.

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, allotments, highways works and sustainable transport measures, 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 106 Heads of Terms does not address identified requirements in respect of the transfer and maintenance of open spaces; 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 and enhancement of pedestrian and cycle links. 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 proposed extension to the town park without harm to ecology.
- e. It has not been satisfactorily shown that the site can accommodate the limit of 154 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 contest 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/habitats protected by the Wildlife and Countryside Act 1981 (as amended) and Habitats Regulations, and listed on the UK/Wiltshire BAP. This would be contrary to Policies C3 and NE11 of the North Wiltshire Local Plan 2011. Planning Policy Statement 9 and statutory obligations established by Circular 06/2005.
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 low cost housing provision on the site, formal Leisure provision at Calne Leisure centre; burial provision at 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.

LP-001 – Location Plan;
P-MP-A3 - Illustrative Layout Masterplan;
E-TE-A3 – Typical Elevations
2911/HA/1 - Proposed Access from Silver Street
Proposed Allotment Layout NPA-10509-P-301
Existing Town Park Site Features NPA 10509BE
Proposed Town Park Layout – NPA-10509BE

Planning Statement Nov 2011 (Includes: Statement of Community Involvement; Draft S.106 Heads of Terms; Sustainability Statement; and Waste Management Strategy)
Design and Access Statement Nov 2011
Archaeological Report Sept 2011
Ecology Report and Extended Phase 1 Habitat May
Flood Risk Assessment Aug 2011

Landscape Report Sept 2011
 Transport Assessment July 2011
 Residential Travel Plan July 2011
 Tree Survey & Tree Constraints Plan Sept 2009
 Ground Investigation Report July 2009
 Topographical Survey – 4765ea-01

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/11/03628/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.

