

**STRATEGIC PLANNING COMMITTEE**

<b>Date of Meeting</b>	30 <sup>th</sup> July 2013		
<b>Application Number</b>	N12.04038.OUT		
<b>Site Address</b>	Marden Farm, Rookery Park, Calne, SN11 0LH		
<b>Proposal</b>	<p><b>A Hybrid Application Comprising: A Full Planning Application for a Specialist Dementia Care Facility Comprising of 75 Dementia Care Beds and a 10 Bed Palliative Care Unit with Associated Service Building, Visitor and Staff Parking and Associated Service Access and Landscaping. Outline Proposal for Residential Development Comprising of up to 125 Units with Affordable Housing, Associated Parking, Gardens, Amenity Space and Public Open Space, Community Orchard, Allotments, Ecological Enhancements, Sustainable Drainage and Vehicular Access Off Stockley Lane. All Matters Except for Access Reserved for Future Consideration.</b></p>		
<b>Applicant</b>	Gleeson Strategic Land and N Notaro Homes Ltd		
<b>Town/Parish Council</b>	Calne TC & Calne Without PC		
<b>Electoral Division</b>	Calne South & Cherhill/Calne Rural	Unitary Member	Councillors Hill and Crisp
<b>Grid Ref</b>	400135 169472		
<b>Type of application</b>	Hybrid		
<b>Case Officer</b>	S T Smith	01249 706 633	Simon.smith@wiltshire.gov.uk

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

Under the Scheme of Delegation Specific to Planning, this application falls to be considered by the Strategic Planning Committee by reason of it being a large-scale major application which, by its nature would raise issues of more than local importance.

**1. Purpose of report**

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

**2. Report summary**

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

1. Principle of C3 residential (the outline element of the application)
2. Principle of C2 care home (the full planning application element of the application)
3. Presumption in favour of sustainable development
4. Housing requirement and 5 year land supply
  - Recent decisions
5. Meeting local housing need
  - Dementia care home
  - Affordable housing

6. Design, layout and landscaping
  - Outline element of submission – nursing home
  - Detailed element of submission – C3 residential
  - Impact on landscape
7. Access and highway issues
  - Accessibility
  - A4/Stockley Lane junction
  - Access to Stockley Lane
  - Access to The Rise
  - Other matters
8. Flood Risk and drainage
  - Surface water
  - Foul water
9. Ecology
10. Impact upon neighbour amenity

The application has generated 156 letters of objection, with 1 letter of support. Both the Calne Town Council and the Heddington Parish Council object to the application.

### **3. Site Description**

Situated some 2.5km South-West of Calne town centre, the Marden Farm site is a 14.0Ha mixture of undeveloped fields, farm buildings and four residential properties and their associated gardens. Previously part of an intensive agricultural holding (Rookery Farm), the agricultural fields have not been cultivated for several years and the farm buildings themselves benefitting from permission for business uses.

Positioned at the edge of Calne, the site remains entirely outside of the Settlement Framework Boundary, as defined by the adopted North Wiltshire Development Plan 2011, thereby rendering the site as part of the countryside. Residential development to the immediate North of the site (Rookery Park) represents the extremity of the town's limits. To the north of the site is the John Bentley School with its playing fields adjoining the site in the north east corner. Land to the south and west of the site is agricultural and currently used for mixed farming.

The site has a gently sloping topography. The land falls gently away to the north, east, south east and south from locally higher ground within the vicinity of the redundant farm buildings (located at 91m AOD). The northern part of the site drains northwards to a small brook which runs along the northern boundary. A ditch runs along the eastern boundary which flows southwards with a feeder ditch crossing the field east of the piggery. The southern part of the site generally falls to the south and south east to drain into a ditch along the southern boundary. The land to the south and south west is largely level. To the east the land falls to the south east through the residential area. The land to the north of the site rises gently up to a low ridge some distance north of the site beyond John Bentley School. To the west the land rises very gently to a low ridge.

### **4. Relevant planning history**

08/00849/FUL - Replacement of Existing Office Building (Retrospective) – Approved 30/07/08

08/02041/OUT - Erection Of Thirteen Dwellings After Demolition Of Existing Semi-Detached Bungalows – Refused 13/10/08

### **5. Proposal**

Submitted as a hybrid application, the proposal comprises two elements. The full application element relates to a proposed 85 bed specialist dementia care facility, positioned to the South-

East corner of the site. The balance of the application is submitted in outline only, with all matters reserved for later consideration except for means of access. This outline element of the application refers (up to) 125 dwelling houses together with associated parking, landscaping, allotments and public open space.

The site is proposed to be accessed at two points. The Stockley Lane access is to remain the principle point of vehicular access/egress with the access to the Rise presented as an access for pedestrian and emergency vehicles only, unless a bus service is identified to serve the site. The applicant has confirmed a willingness to secure a pedestrian linkage from the site to the adjoining John Bentley School playing field, already an informal linkage.

## **6. Planning Policy**

### National Planning Policy Framework (NPPF)

The NPPF was introduced as a principal material consideration in the determination of planning applications in March 2012. It introduces the presumption in favour of sustainable development at para 14 as a 'golden thread' running through plan making and decision taking. Conceptually, the NPPF confirms the following :

- The need to plan positively,
- the need for a 5yr supply of housing,
- the status to be afforded the development plan,
- development management issues

### North Wiltshire Local Plan 2011 (NWLP)

The NWLP was adopted in June 2006 and constitutes the statutory development plan. The following policies within it have been "saved" beyond 2009 by the Secretary of State until a subsequent adopted policy document supersedes them :

- C1 - Sustainability
- C2 – Community Infrastructure
- C3 – Development Control Policy
- NE4 – Areas of Outstanding Natural Beauty
- NE9 – Protection of Species
- NE1 1 – Conserving Biodiversity
- NE14 – Trees and the Control of New Development
- NE15 – The Landscape Character of the Countryside
- HE6 – Locally Important Archaeological Sites
- T1 – Minimising the Need to Travel
- T2 – Transport Assessments and Travel Plans
- T3- Parking
- T4 Cycling, Walking and Public Transport
- H1 – Required Level of Residential Development
- H4 – Residential Development in the Open Countryside
- H5 – Affordable Housing in Rural Areas
- CF3 – Provision of Open Space

The direction of the above NWLP policies is considered entirely consistent with National Planning Policy Framework as they define what is considered sustainable development locally. The NPPF introduces the principle that development should have regard to the presumption in favour of sustainable development. In these circumstances para. 215 of the NPPF states that due weight should be given to these relevant policies.

## Draft Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the NWLP. It has reached an advanced stage of preparation with the examination currently underway. It is anticipated that the plan could be adopted by the end of 2013 or at least the Inspectors report received.

The WCS introduces a housing requirement for the period to 2026 presented by Housing Market Areas. The Local Planning Authority regard this as the most recent expression of housing need in the county, with Topic Paper 15 providing the background to the housing requirement set out within the draft WCS. It is, however, recognised that the WCS is still under formal examination, albeit expecting to conclude on 19<sup>th</sup> July, with potential adoption date of Autumn 2013. Para 216 of the NPPF states that weight can be afforded to emerging policies according to how advanced in the process the plan is, the consistency of the plan with the NPPF and the extent of unresolved objections.

The spatial strategy (core policy 1 and core policy 2) sets the foundations for how 'sustainable development' is defined and applied in Wiltshire. The strategy recognises the importance of delivering new jobs and infrastructure alongside future housing. Core policy 3 seeks to ensure that infrastructure is delivered alongside development.

Within the WCS, Calne is identified as a market town with the ability to support sustainable patterns of living and the potential for significant development where that development enhances services and facilities and promotes better levels of self containment (core policy 1).

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development outside these limits should be brought forward through a community led planning document which identifies specific sites for development. The area strategy for Calne strengthens the need for housing growth to be carefully balanced with job creation and town centre improvement. Furthermore development should be phased to ensure infrastructure and employment provision supports the development of the town (para 5.40).

Core policy 8 identifies the level of housing growth appropriate for Calne and does not identify a specific strategic housing site to provide this growth. Instead sites should come forward through a community led planning document.

## **7. Consultations**

### Calne Town Council –

*“Members strongly objected to this application on the following planning grounds; The proposed development is outside the local development framework boundary. The proposal is in contravention of Local Plan 2011; Housing Topic Area H4 (i) and (ii) and Core Policy C2. Members felt strongly that there is insufficient infrastructure in place to support a development of this scale and nature. Members had huge concerns over the proposed access in and out of the development and the impact the increased traffic will have on an already overloaded road network (Core Policy C3 (viii))”*

Calne Without Parish Council –

*“...the design approach is wrong considering that the proposed open spaces should be on the side of the site nearest the school playing areas. There are also concerns on the longer term ownership of these spaces and the possibility of future development. Council consider there are significant constraints that are not being addressed, particularly with access, to and from the site, which is proposed through the existing housing and to Stockley Lane. The roads of the current housing are narrow with much on road parking. The proposed new road is close to the bend in Stockley Lane that is already an area of highway pressure. Additional traffic from the housing and the vehicles and visiting traffic to the care home will only add pressure to the existing roadways. Are they capable of supporting the increased traffic? Increased traffic will either turn left to further log jam Calne or travel through Calne through the very narrow roads of Blacklands to the A4 and/or Devizes. It would also be beneficial for the proposed housing on this side and far from Calne centre to include shops and additional facilities such as Doctor’s surgery. Unfortunately this is yet another proposed development in the Calne area prior to any agreed Neighbourhood Plan. Calne Without Parish Council is therefore not in favour of the proposed development due to the concerns highlighted.”*

Hedddington Parish Council –

*“...wish to record an objection to the proposal on the grounds of the adverse impact it is believed the proposal will have upon the already poorly maintained and inadequate lanes that are currently used as rat-runs on the following routes: Sandy Lane/Hedddington Common/Broads Green/Stockley; Sandy Lane/Hedddington/Stockley; Whetham/Broads Green/Stockley. The daily use of these rat-runs has increased considerably over past two years as a means of avoiding increasing delays and congestion on the A4 through Calne. It follows that the new residents of the proposed development would use the same routes.”*

Spatial Planning Officer –

Recommends that the application be refused planning permission. Comments form basis of “Principle of Development” section below.

Highway Officer –

*“The TA supporting the application identifies that the site is poorly provided for in terms of proximity to local facilities, services and employment. However, the site is reasonably provided for in terms of local footpaths and footways, facilitating journeys on foot. Dedicated cycle provision is locally poor, despite Stockley Lane forming part of the Sustrans and Wiltshire cycle network, and only provides for leisure trips.*

*Bus services for the site have an uncertain future, with consultation on local routes in the area due to be consulted upon later this year. There can be no guarantee that the bus tops in Fairway and The Rise will be maintained at their current level of service. Because the site is not particularly accessible, it is essential that local bus services are protected; a planning obligation is required to secure funding for a satisfactory level of provision in this regard, for at least 5 years.*

*Existing traffic levels on Stockley Lane are currently modest; the development is forecast to increase flows by 33% in 2017 at the A4 end of the road.*

*The junction of Stockley Lane with the A4 is of a poor standard. Visibility to the left is sub-standard, and visibility to the right can be obstructed by vehicles parking on the roadside verge, which has recently been hardened to reduce verge damage. Capacity is not an issue at this junction, but potential delays caused by right turning traffic can be expected to increase. Facilities for pedestrians needing to cross the A4 in this vicinity are poor, although both uncontrolled and controlled crossing points are available in the vicinity of the footpath link from The Rise. A remodelling of the junction is required, together with measures to prevent parking within the visibility splay.*

*The site is proposed to be accessed at two points. The Stockley Lane junction access is acceptable in principle. The proposed access to The Rise is presented to be for emergency vehicles only, unless a bus service is identified that would pass through the site. There appears to be no reason why The Rise should not be used as an alternative access to the site on a limited basis; it would be a less attractive route than via the Stockley Lane access, and would therefore present only limited additional traffic to The Rise. If it is open to limited traffic it will allow greater local accessibility, and enable a more efficient servicing arrangement, providing time and cost savings to providers such as the postal services and refuse collection services.*

*The TA identifies that local footpaths might be improved to provide reduced journey lengths for prospective residents/employees. In particular, it would appear an improved link to the John Bentley School and leisure centre would improve site accessibility. There is evidence of pedestrian demand on the existing verge to the south of the proposed access to Stockley Lane; this is required to be paved.*

*The accesses to the dementia care facilities are acceptable, but the turning space provided for refuse collection is very tight and would benefit from a minor redesign of the access area.*

*It is unclear what parts of the site access are intended to be addressed under reserved matters. I have assumed that detailed permission is sought in relation to the access to Stockley Lane as far as the western boundary of the dementia facility, including the facility, and that means of access for the remainder of the site seeks detailed permission for access from an extension of that access road and a connection to The Rise.*

*I am not clear as to what the masterplan for the outline part of the site intends in respect of road hierarchy and prospectively maintainable highways. The TA refers to much of the site as 'private drives' and 'green lanes', both providing for access to refuse vehicles and operating as shared surfaces. The D&A Statement expands on this, but is not clear how the roads will operate, nor is any vehicle swept path analysis offered to demonstrate that the roads would be adequately sized. It also states that lighting will be reduced on the 'green lanes' and 'private drives' but does not acknowledge British Standards requirements.*

*I recommend the following:-*

*No objection subject to planning conditions and a planning obligation to secure:*

- *A financial contribution to secure bus services to serve the site for at least five years*
- *A commitment to provide or assist with the upgrade access between the site and the John Bentley School/Leisure Centre.*
- *A surfaced footway on Stockley Lane south of the proposed site access.*
- *and the following conditions:*
- *Improvements of Stockley Lane junction with A4"*

Environmental Health Officer –

No objections subject to the imposition of planning conditions.

Council Leisure and Amenity Officer (public open space) – (Extracts from full response):

*Open space and play provision*

*"In order to make the development acceptable in planning terms, the proposed development has a Public Open Space requirement of 8160m<sup>2</sup>, of which 735m<sup>2</sup> should be play provision. Whilst an exact figure has not been provided, the Illustrative site layout plan (1111/04) shows an area of Open Space far in excess of the planning requirement. Conclusion: In accordance with the current Local Plan there would be sufficient Open Space provided as part of this development*

*The Illustrative site layout plan (1111/04) shows a play area on the formal Open Space. There is no indication as to the size of the play area or confirmation that it will be equipped. As submitted the proposals do not satisfy the play element of CF3. Conclusion: In accordance with the current Local Plan the proposed development would generate a requirement for Play, this has not been satisfied under the current proposals*

*The developer must ensure the Open Space land is secured as Open Space in perpetuity. The developer has indicated that the land will be transferred to a management company. This would be acceptable, although it is the Council's preferred option for Open Space to be transferred into public ownership. Conclusion: The Open Space must be secured as Open Space in perpetuity; preferably the land will be transferred into Public ownership*

#### *Playing pitch*

*Playing Pitch provision comes under the category of Leisure, Sport and Recreation in accordance with Policy C2 of the Local Plan, therefore the contribution is necessary to make the development acceptable in planning terms. Marden Farm will generate an additional 125 dwellings. Using an average of 2.3 persons per dwelling, the development generates a requirement for 3478.75m<sup>2</sup> of playing pitch provision.*

*The cost of providing Sports Pitches is £9.49 per m<sup>2</sup>. This is based on figures from the current Sport England Guidance. £9.49 × 3478.75m<sup>2</sup> = £33,013. This money would be used to upgrade facilities at Stanley Park, Chippenham. Conclusion: In order for the development to be acceptable in planning terms, a contribution of £33,013 for playing Pitch Provision will be sought*

#### *Cemeteries*

*Environment Services have received a request from Calne Town Council to seek a contribution for a cemetery extension in association with this development. Cemeteries come under the category of community facilities, in accordance with Policy C2 of the Local Plan, therefore the contribution is necessary to make the development acceptable in planning terms. All residents of the Parish of Calne are entitled to be buried within the Parish. This will apply to the residents of the Marden Farm development. The population in Calne is currently around 16,500 and Calne Cemetery is almost at capacity. The cost for providing new cemetery space is £41.65 per m<sup>2</sup> (based on SPONS external works and landscaping book) 80m<sup>2</sup> × £41.65 per m<sup>2</sup> = £6,122.55. Conclusion: in order to mitigate the effect of the proposed development a contribution of £6,155.55 towards expanding Calne Cemetery is required."*

NOTE: The Leisure and Amenity Officer has confirmed that the above, and any identified deficiency in the scheme as submitted, may be addressed through appropriate clauses with a legal agreement under s106 of The Act.

#### Council Housing Enabling Officer

*"This site is not within the current local plan, therefore the emerging draft core strategy policies will apply as follows;*

*Core Policy 43 and Core Policy 45 apply to this proposal. Affordable housing provision of 40% will be provided on sites of 5 or more dwellings at nil subsidy subject to housing need. "*

NOTE: Discussions have been undertaken with the developer regarding the delivery of extra care accommodation on the site, so as to meet locally identified housing needs. Agreement to the principle of such delivery has been reached with the applicant and in the event of a grant of planning permission, should form part of the Heads of Terms to any associated agreement under s106 of The Act.

Council Ecologist –

*“Although there are several ecological constraints to the development of this site (including bats, great crested newt, breeding birds, hedgerows, mature hedges with trees and waterbodies) the applicant has submitted a very robust ecological assessment, and I agree with its findings and recommendations. All valuable ecological receptors have been identified and the illustrative design appears to respect most of these where possible, although some impacts will be unavoidable and a wide range of ecological mitigation and enhancement measures are also proposed, while full details and implementation could be secured through a landscape and Ecological Management Plan for the site. Given the impacts upon European Protected Species (bats and great crested newt) I have also carried out a 'three tests' judgement...*

*...I am satisfied that the application could now be determined in accordance with Wiltshire Council's responsibilities under the Habitats Regulations. I therefore have no objection to the application, subject to securing the submission, approval and implementation of a Landscape and Ecological Management Plan for the entire site through a suitably worded condition.”*

Council Urban Design Officer –

Following an iterative series of meetings a revisions to the submitted Masterplan and Design and Access document, the Urban Design Officer is satisfied that all concerns have been addressed. No objection to the proposal is therefore raised.

Council Landscape Officer -

*“The CRoW Act 2000, under section 85 (1) places a duty on public bodies that, “In exercising or performing any functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

*It is my view that the submitted Landscape appraisal has sufficiently evaluated the potential for resulting effects on views to and from the North Wessex Downs AONB and also the potential for proposed development to effect the setting of the AONB. In my opinion, the appraisal's assessed effects are reasoned and accurate in this regard.*

*Generally I concur with the summary and conclusions contained in the submitted LVA, section 7.0 (7.10 to 7.16, Pages 38-39).*

*The LVA & LS includes a description of the Development Proposals in section 5 and outlines the Landscape Strategy which forms an integral part of the development Master Plan. The development strategy states that the proposals have been fundamentally guided by the findings of the LVA and the principal constraints & opportunities identified on Plan 4. The Landscape Strategy lists 'principal objectives' to guide successful integration of new development into the receiving landscape context and states the details illustrated on Plan 5 are “intended to form the basis for a detailed reserved matters application following planning consent”.*

*If the LPA are minded to grant consent, then it will be important for local and wider landscape interests, to ensure these identified 'principle objectives' are carried forward within any subsequent reserved matters application/s. I recommend the LPA should secure this within the scope of carefully worded planning condition.*

*The strategy also identifies the opportunity for implementation of tree planting in the larger outlying areas of proposed open space that are remote from the built development areas, either ahead of, or within the first phase of development. I support this approach as a positive opportunity, and see no reason why this should not be secured by a planning condition, as this will help achieve some*



*of the longer mitigating screening benefits and wider landscape integration to be realised much earlier.*

*Conclusion: I raise no policy reason/s which would result in a recommendation to support a landscape reason for refusal."*

Council Archaeologist –

*"I would advise there is a need here for archaeological evaluation to be undertaken prior to the determination of any planning application on this site. Depending on what is found during the evaluation, there may also be the subsequent need for further archaeological work to be done by condition.*

*I would recommend it should be collected via an archaeological evaluation by geophysical survey and/or trial-trenching, undertaken and reported on before this application is determined. The work must be carried out by a professional, qualified archaeologist, according to a brief set out by this office. The cost of such works will fall to the applicant."*

Council Education Officer – (extracts from full response)

*"The proposed development generates a need for 34 primary and 24 secondary places, based upon 125 units = 87 open market (less 5 being demolished), and 38 affordable units to which our standard 30% discount applies, reducing them by 11 units. Taken together, this gives me 109 qualifying properties for assessment. I am unable to make any exclusions for one bed properties as no detailed housing mix has been supplied. The designated area schools here are Priestley Primary and John Bentley at secondary level.*

*This assessment is specific to the planning application submitted, and so any changes to housing number or mix e.g. the inclusion of one bed units, will necessitate a new assessment. The required contribution is to be secured by way of an S106 agreement to which standard payment terms will apply. In this case, they will include payment phased 50% upon or prior to commencement of development on site, and the remaining 50% at the midway point of construction i.e. before commencement of construction of the 63<sup>rd</sup> housing unit.*

*The cost multiplier quoted is valid on S106s signed up until the end of the current financial year, as per our current Policy. It is therefore unlikely that an agreement regarding this development will reach signature and engrossment by 31 March. In line with best practice, the multipliers will be reviewed for the 2013/14 financial year, and they will apply to any agreements sealed from 1 April 2013 onwards. There is likely therefore to be a change in the sum quoted as the total contribution required, above. "*

Environment Agency –

No objections subject to conditions.

Highway Agency –

*"From the information supplied in your letter, we are content that the proposals will not have any detrimental effect on the Strategic Road Network. On this basis, we offer no objections to the application."*

**8. Publicity**

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

157 letters in total received in response to publicity. 156 of which were in objection to the scheme, including those letters from the CPRE. Summary of key relevant points raised:

- Highway safety would be compromised by additional traffic
- Already a traffic problem in and around this part of Calne, which this proposal would exacerbate
- Traffic likely to turn right out of development and use lanes to travel towards Chippenham, Devizes and Melksham
- Junction between Stockley Lane and A4 cannot cope with additional traffic
- Poor visibility at point of access onto Stockley Lane (especially looking right when egressing from site)
- Doubt that there enough local need for a dementia care scheme of this scale
- Noise and disruption from construction phase
- Overlooking into back garden s of houses on Fairway
- Building would take place on Greenfield land
- Calne does not need more housing - recent permissions for 100s of houses
- Impact upon local drainage and flooding
- Impact upon ecology of site
- Noise and disturbance from vehicles accessing the site and the car park/deliveries of nursing home have an adverse impact upon properties at Fairway and The Knowle
- Nursing home buildings out of keeping with locality
- Nursing home too large to deliver personalised and social care – not a realistic model for care and would fail government and CQC requirements for such.

## 9. Planning Considerations

### Principle of C3 residential development (the outline element of the application)

In considering planning applications, Section 38(6) of the Planning and Compulsory Purchase Act states that:

*“determination[s] must be made in accordance with the plan unless material considerations indicate otherwise”.*

The adopted North Wiltshire Local Plan 2011 (NWLP) comprises the lawful development plan. Policy H4 of the adopted NWLP 2011 controls new residential development in the open countryside. Outside of the Settlement Framework Boundaries defined within the plan, residential development is strictly controlled and only permitted if in connection with the essential needs of agriculture or forestry, or it is a replacement dwelling. The C3 residential element of the proposal under consideration is neither.

Since the proposal is outside of the Settlement Framework Boundary of Calne and is, by definition, therefore development in the open countryside, the C3 residential element of the proposed development must be considered contrary to policy H4 of the North Wiltshire Local Plan, the statutory Development Plan.

Emerging policy within the Wiltshire Core Strategy (WCS) is a material planning consideration with some weight. Core Policy 2 sets out the broad delivery strategy for development defining the limits of development and confirming that development outside of those limits will only be permitted to take place where brought forward through a community led planning document. This proposal is not being brought forward in this way, thereby failing the requirements of this policy.

Core Policy 8 of the WCS sets out the Calne spatial strategy. It confirms Calne as the Market Town in the Community Area. It also confirms that no strategic housing sites allocated in Calne. The proposal would be contrary to the strategy set out by this policy.

### Principle of C2 care home (the full planning application element of the application)

The adopted NWLP 2011 does not explicitly carry a policy relating to nursing accommodation (usually regarded as a C2 use class – “residential institutions”). Nevertheless, Policy H7 relating to affordable housing and Policy CF1 relating to community facilities are considered analogous and do both envisage respective development being, in principle, acceptable on sites that lay outside of, but adjoining, the Settlement Framework Boundary of towns and villages. Such development must not raise unacceptable impacts or fail the provisions of other policies within the development plan.

The WCS recognises that Wiltshire has an ageing population and encourages the care of the elderly within their local community (para 6.51). WCS core policy 46 relates to meeting the needs of Wiltshire’s vulnerable and older people and allows for specialist accommodation outside of but adjacent to the defined limits of development in exceptional circumstances (ie where there is evidence of genuine local need, environmental considerations are not compromised, facilities and services are accessible and the scale and nature of the proposal is appropriate to the settlement). The dementia care beds and the palliative unit would fall into this category of accommodation.

### Presumption in favour of sustainable development

The National Planning Policy Framework (NPPF) introduces the presumption in favour of sustainable development at paragraph 14 as a ‘golden thread’ running through plan making and decision taking. In this context, there are two main considerations in relation to what constitutes sustainable development in Calne:

- i. Is Calne as a whole considered to be a sustainable location for development in the context of Wiltshire and
- ii. Is this specific site considered to be sustainable development in the context of Calne?

In the NWLP and the emerging WCS, Calne is identified as a market town where there is a concentration of services and facilities and where development is appropriate to support its role and function. It is, therefore, identified as one of the communities capable of promoting sustainable development in the context of Wiltshire.

It is also necessary to consider the nature of development. The emerging WCS recognises that reducing levels of out commuting from many of Wiltshire’s settlements is perhaps the most important strategic challenge for Wiltshire (para 2.7, WCS) and includes in its spatial vision *‘market towns and service centres will have become more self contained and supported by the necessary infrastructure. With a consequent reduction in the need to travel.’* (p15, WCS). The strategy for Calne aims to *‘maintain the economic base in the town with mixed growth of employment alongside housing, thus improving the self containment of the settlement.’* (para 5.41 WCS). There is concern that Calne is growing in a manner that does not match a growth in the economic base of Calne with housing growth which could lead to greater out commuting.

Evidence supporting the WCS concludes that Calne has a low level of economic self containment and therefore many residents travel out of Calne for work. It is a location that has a weaker employment market than its neighbours (eg Devizes and Chippenham) and does not attract a lot of inward investment. Areas within Calne are also identified as in the lowest 20% in England in relation to both income and employment deprivation (Source: Indices of Multiple Deprivation 2010). Into this economic environment there have been two recent appeal decisions that will introduce a further 354 homes to Calne without accompanying employment investment. This

application will introduce a further 125 homes. In combination it is considered that these developments will lead to further out commuting and reinforce the growing 'dormitory' nature of the town. This application does not, therefore, sustain or enhance the town's role but will have a potentially negative effect on levels of commuting.

Furthermore there is concern that local infrastructure will not be in place to support this level of growth. Policy C2 of the NWLP and Policy CP3 of the WCS require that infrastructure is in place to support new development. The WCS policy is supported by a draft Infrastructure Delivery Plan, with specific requirements identified for Calne based on the levels of growth proposed in the Calne area strategy. The cumulative impact of this application and those recently approved needs to be assessed to ensure that local service and community infrastructure can support the development. For example, the draft Wiltshire Infrastructure Delivery Plan (IDP) identifies a need for additional GP provision (which, it must be acknowledged, was identified as an issue without a 75 bed dementia care unit in the town). Additionally it is not clear what a housing provision over and above that anticipated in the IDP may have on schools (a further 125 homes would result in around 100 homes over the minimum proposed in the WCS) Bringing forward large sites, in excess of the WCS draft requirements, in this unplanned way could have a significant impact on local infrastructure.

Although the proposal is at a settlement considered in planning policy to be sustainable in the context of Wiltshire, this site is not considered to be sustainable development in terms of its potential impact on the strategy to seek to improve the self containment Calne and because of the potential impact on local infrastructure. Proposals of a strategic nature should come forward through a community led planning document to ensure all the implications of expanding Calne can be considered and equivalent economic growth encouraged to balance housing growth.

#### Housing requirement and 5 year land supply

At paragraph 47 of the NPPF, the LPA is required to '*use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area*', to provide 5 years worth of sites against local targets and plan for a mix of housing. The provision of a 5 year supply of housing is therefore a material consideration in the appraisal of this application.

In relation to the adopted development plan the Council can clearly demonstrate a 5 year supply of housing against WSSP requirements to 2016, although it is accepted that these housing requirements are out of date. (Housing Land Supply Statement 2012.)

The WCS, supported by Topic Paper 15 on the housing requirement, provides more up-to-date local evidence of housing need in Wiltshire and currently being examined (examination due to be completed 19<sup>th</sup> July 2013). It is anticipated that the plan could be adopted by the end of 2013 or at least the Inspectors report received. Against these targets, including the sites proposed for allocation in the WCS, the Council consider there is a 5 year supply of housing in Wiltshire.

Furthermore, the Council also consider that there is a 5 year supply of housing when assessed against the requirements of the (now revoked) draft RSS, although the Council do not consider that this forms the requirement against which the land supply assessment should be undertaken.

All recent appeal decisions have acknowledged that assessing 5 year supply of housing is at a snapshot in time. There have been decisions in the north Wiltshire area since April 2012 that have increased the supply of housing considerably (1000+ homes).

In addition to the above, the NPPF requires a consideration of the historic delivery of housing at a town and community area level so as to inform future supply projections. At April 2012, both Calne as the Market Town ( at 97%) and Calne Community Area (at 93%) the vast majority of the housing requirement has already been identified (assuming that the 354 dwellings granted on appeal in 2012 are developable within the plan period) and so there is considered to be no requirement to identify additional sites at present to maintain a continuous supply. The WCS presents the housing requirement as 'at least' figures. However, the proposed changes clarify when it is appropriate for the requirement to be exceeded (proposed change 16 to para 4.28).

- Recent decisions

Dating from July 2012, two appeal decisions for housing proposals at Calne (200 dwelling at Land off Oxford Street APP/Y3940/A/12/2169716 & 200 dwellings at Land off Silver Street APP/Y3940/A/12/2171106) were allowed, the Inspector concluding that the Council did not at that time have a 5 years supply of deliverable housing and that there were no adverse impacts that would outweigh the benefits of providing the market and affordable housing being proposed. Those permitted developments in themselves adding to the supply for Calne, the Council's Spatial Planning Team do continue to consider that a sufficient land supply can now be demonstrated. Indeed it is the case that additional evidence was presented to the WCS Public Examination to demonstrate the delivery of the Strategic Sites is viable within the next 5 years (NOTE: the Calne Community Area scheduled to be considered at the WCS Hearings on 16<sup>th</sup> July).

Although a little older, the appeal decision at Sandpit Road, Calne (appeal Ref: APP/Y3940/A/09/2108716) from 2010 does assess the relative merits of an "aggregated" or "disaggregated" approach to housing land supply. Concluding that validity of differentiating the situation with regards to supply in the NW area, outside of the West of Swindon locality, the Inspector nonetheless concluded that the land supply issue was such that para.52 of PPS3 (the then in force planning guidance on housing) would be enacted. It should be noted that both PPS3 and the draft Regional Spatial Strategy, upon which the Inspector was basing their conclusions have now been revoked.

Dating from March 2012, the Inspector considering the land at Park Road, Malmesbury site (77 dwellings, appeal ref: APP/Y3940/A/11/2159115) confirmed that the Council could demonstrate a 5 year supply of deliverable housing within the North and West Housing Market area (within which Calne sits). In that context, the proposal was considered to be contrary to development plan policy regarding development in the countryside and the factors which weighed in favour of the proposals were not considered sufficient to overcome the policy presumption against the development.

The site at Filands, Malmesbury is the subject of an appealed refusal to grant planning permission for 177 dwellings (appeal ref: APP/Y3940/A/2183526). The existence of a 5 years land supply for housing (thereby rendering the development contrary to the Development Plan) was used by the Council as a reason to refuse planning permission. Whilst a decision notice has been issued by the Planning Inspectorate, it was done so in error and was subsequently withdrawn on 19<sup>th</sup> March 2012. The situation is currently the subject of a High Court Challenge by the appellant.

### Prematurity and Neighbourhood Planning

The Localism Act 2011 introduced significant changes to the planning system. The development plan now comprises local plans and at a lower tier, neighbourhood plans. The opportunity for local communities to have greater control over development in their area through neighbourhood planning is, therefore, now established. The NPPF reflects the Localism Act 2011 and empowers local communities to develop neighbourhood plans (paragraphs 183-184).

Once adopted, neighbourhood plans become part of the statutory development plan and should be given full weight in accordance with the NPPF. Communities are able to identify sites for growth within neighbourhood plans and to embrace localism Wiltshire Council took this opportunity to

enable communities to identify 'non-strategic' sites for development through neighbourhood plans, as outlined above in Core Policy 2. This approach was introduced in the Wiltshire Core Strategy Consultation Document 2011.

As previously identified, no specific sites are allocated at Calne (Core Policy 8). Instead, it is envisaged that sites will be identified through a community led planning document (Core Policy 2). Work has indeed commenced on such a community led planning initiative. In 2012 the town council produced a 'Vision and Scoping Report' which identified a number of key projects for the town. Consultation on the findings of the 'Vision and Scoping Report' took place during the winter 2012. Workshops have been held in January 2013 to discuss how to deliver the objectives of the vision and scoping report and there is commitment from the community to producing:

- i. Town centre master plan
- ii. Renewable energy scheme as part of a front-runner funded Neighbourhood Development Order (NDO), with an established steering group
- iii. Neighbourhood plan to address wider housing and employment issues
- iv. Regeneration plan for Porte Marsh industrial estate.

Whilst work on a community led plan has progressed since the recent housing appeals in Calne in July 2012 (Land off Oxford Street appeal ref: APP/Y3940/A/12/2169716 & Land off Silver Street appeal ref: APP/Y3940/A/12/2171106), it does, however, remain embryonic. Critically, it has not been scrutinised or adopted as part of the development plan. Whilst the Council's Spatial Planning Team remain rightly concerned that to grant planning permission for the proposed development could undermine the momentum gained in Calne to produce a neighbourhood plan, but as recent appeal decisions elsewhere in the administrative area have demonstrated (most particularly in Malmesbury), at this stage, little weight can be attached to such community led plan as a document or process.

### Meeting local housing needs

- Dementia care home

The application is submitted in hybrid format, with the nursing home element of the proposal seeking full planning permission. It comprises a 75 bed specialist dementia care home, complete with 10 bed palliative care unit. Albeit with covered linking corridors, the care home is to be substantively separated into four single storey buildings, each with communal areas but one of which forming the palliative care unit and services.

The Council's Adult Social Care Team recognises the aging population of Wiltshire (Calne being no exception) and the corporate need to address the issues that naturally follow. In broadly welcoming the principle of a development which seeks to meet that need, caution is raised in two respects. Firstly, as a private enterprise, there is no guarantee that the proposed care home would meet the needs of local population; rather, it being likely that residents would derive from anywhere in the country and only a proportion of the bed spaces being taken by local residents. Secondly, the scale and operating model is not one that the Council regard as necessarily fitting local circumstances or market, the Council's own models for providing such accommodation preferring complexes of smaller numbers of bedrooms.

Indeed on this second point, the Council's 'Wiltshire's Older People Accommodation Development Strategy' suggests that local need would not necessarily support a care facility of this scale. Nevertheless, the Adult Social Care Team recognise that whilst not the Council's own preference for providing such facilities, the joint applicant (N Notaro Homes Ltd) is an established provider of such care and will have undertaken their own market investigations based on their own operating

model. As such there is not believed to be a reason to dispute this aspect of the application in the context of a form of development that renders an early “conversion” to C3 residential unlikely.

In relation to access to services and facilities (as required by Policy CP46 of the WCS), the site is reasonable related to the centre of Calne where the majority of services are provided with a bus stop on the A4. This policy is in line with advice in NPPF at para 50 which requires LPAs to *‘plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community’*

It should be noted that this element of the application would result in the delivery of employment opportunities to Calne (estimated by the application to be 109 FTEs). This should be regarded as a positive material consideration in the context of the NPPF, which confirms the contribution played by a strong, responsive and competitive economy in the definition of sustainable development.

- Affordable housing

Ostensibly the applicant seeks support for their application from the emerging WCS. In this context, Core Policy 43 and Core Policy 45 of the WCS must apply to this proposal, whereby affordable housing provision of 40% will be provided on sites of 5 or more dwellings at nil subsidy subject to housing need. This would equate to 50 of the dwellinghouses, if the entire 125 dwellings being proposed were to be built.

Iterative discussions have been undertaken with the developer regarding the delivery of extra care accommodation on the site as part of the affordable housing requirement, so as to meet locally identified housing needs. Agreement to the principle of such delivery has been reached with the applicant (letter from Gleeson Strategic Land, dated 8<sup>th</sup> July) and in the event of a grant of planning permission, should form part of the Heads of Terms to any associated agreement under s106 of The Act.

### Design, layout and landscaping

The NPPF (Section 7) attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The guidance also states that permission should be refused for development of poor quality that fails to take into account the opportunities available for improving the character and quality of an area and the way it functions.

- Detailed element of submission - nursing home

The nursing home element of the application is submitted in detailed application form. A view should therefore be formed as to the acceptability of this aspect of the proposal on the basis of the plans as submitted. With a combined footprint of 5,275m<sup>2</sup>, the nursing home takes the form of four separated single storey buildings (albeit with corridor links), set in a crescent like pattern within a landscaped garden area. A central parking area for 40 spaces (plus cycle parking) nestles in a central position between, accessed from the main access road leading to Stockley Lane. The building themselves are of a nuanced design with low-slung pitched roof (providing a ridges and eaves height of some 5.9m and 2.8m, respectively) complete with raised clerestory style lights and a mixed aluminium/sedum covering. The walls are to be a mix of timber cladding and a buff coloured brick.

The Council's Urban Design Officer has confirmed his general satisfaction with this aspect of the proposal. In large part, this is due to the applicant's deliberate choice of the Eastern part of the wider Marden Farm site, as the topographic low point, being most suitable to accommodate the largest buildings. The potential visual impact of the building on the wider landscape from its

stepped siting on the lower slope of the site (which falls away from roughly east round to the south).

To further aid integration into the landscape, the aluminium roof, all associated fixtures, and external wall facings could reasonably be the subject of a suitably worded planning condition, specifying a non reflective finish, and not overly light, dark, or bright in colour to ensure the building does not unduly stand out in the wider landscape and where it may be seen on the skyline. This suggests a mid grey colour roof finish and weathered silver grey timber wall cladding and for the window frames/panes of the significant areas of high level clerestory glazing to reduce light reflectance from the sun path, for example the device of angling the window frames/panes slightly off vertical. Equally, measures to mitigate potential light pollution from internal lighting through the high level glazing could also be addressed via a planning condition.

The selection of plant species/colours for the sedum roof should aim to merge the roof into the landscape and seek to avoid the prominent red bloom that has been experienced on other developments.

- Outline element of submission – C3 residential

The outline element of the submission seeks permission for up to 125 dwellings, complete with all associated infrastructure. The accompanying Design and Access Statement states that a mix of detached, semi-detached and terraced dwellings would be predominantly 2 storey in height, relying upon a limited palette of locally sourced materials but with “detailing design to promote identity” (p.50). The layout would be arranged with a hierarchical street pattern (designated as “Main Street”, “Green Edges”, “Private Drives” and “Courtyards” p.38-42) of descending roadway widths and formality, the “Green Lane” and “Private Drives” envisaged as a shared use type surface. A corresponding gradation of density of development would follow the same pattern, with “Main Street” following the principle routes into the development being the highest density on the site, the “Green Lanes” area, feathering the western edge of the public open space, envisaged as the lowest.

The Illustrative masterplan when considered in conjunction with the concepts and principles set out within the Design and Access Statement, is considered to demonstrate that a development of the quantum proposed can in principle be accommodated on the site. Precisely the purpose of an outline submission, where all matters relating to layout, landscaping, appearance and scale are reserved for later consideration.

A series of iterative meetings has taken place between the Council’s Urban Design Officer and the applicant, so as to develop agreed themes and principles that should be taken account of with any future Reserved Matters submission. Matters discussed ranging from the intangible (but no less important), such as the need to deliver a feel and character to the development through the articulation and expression of built form, spaces, legibility and the linkages between them, to the rather more prosaic, such as car parking, private garden and external storage space. Those meeting have resulted in supplementary design information being submitted to the satisfaction of the Council’s Urban Design Officer.

Initial concerns regarding the amount of public open space proposed to be delivered within the application site (variously labelled as play areas, formal parkland, informal parkland, informal meadows and community orchard) have been balanced by a recognition as to its purpose. Whilst the quantum of development would not justify the amount of public open space shown (when considered against adopted NWLP policy), it is synonymous with the most elevated part of the site, and therefore it is integral to the success of the scheme that it remains free from development. Of course, the fear that elements of the open space could at some point become a second phase of development remains present, but it must be conceded that, even if the land were somehow excluded from the development site entirely, that fear would remain. The grant of a permission that confirms the land’s designation as public open space (or similar) at least provides a degree of security, particularly if the land were to be transferred to Council ownership or a private management company made up of the new residents.



- Impact on landscape

Although well defined by landscaped boundaries, the site is nevertheless on the periphery of Calne, and is visible from elevated ground, most notably at Cherhill. Whilst likely impossible that absolutely no views will be had of such a large development from the wider landscape, care has been taken by the developer to ensure the most elevated parts of the site have been avoided altogether. The position and extent of public open space not being accidental, since it forms the most elevated part of the site. Similarly, the position of the nursing home buildings is the topographic low point.

The submitted Landscape Visual Assessment (LVA) and Strategy documents, form an integral part of the development Master Plan. The development strategy as a whole states that the proposals have been fundamentally guided by the findings of the LVA and the principal constraints & opportunities identified on Plan 4. The strategy also identifies the opportunity for implementation of tree planting in the larger outlying areas of proposed open space that are remote from the built development areas, either ahead of, or within the first phase of development. This approach is supported as a positive opportunity, and could be secured by a planning condition, as this will help achieve some of the longer mitigating screening benefits and wider landscape integration to be realised much earlier. The Council's Landscape Planning Officer is satisfied with its conclusions and outcomes of the LVA and landscape Strategy.

The Landscape Planning Officer advises that, in the event of planning permission being granted, it would be reasonable and necessary for the identified 'principle objectives' of the LVA are carried forward within any subsequent reserved matters applications and therefore should be the subject of carefully worded planning conditions. There is no reason to disagree with this suggestion.

#### Access and highway issues

- Accessibility

Whilst some distance from the town centre of Calne, both the Council's Highway and Spatial Planning Officers agree that the site is reasonably provided for in terms of local connectivity to services and facilities by means other than by the private car. There is no reason to diverge from this view. In contrast, however, the Highway Officer does note that bus services for the site do have an uncertain future, with consultation on local routes in the area due to be consulted upon later this year. There can be no guarantee that existing bus stops in Fairway and The Rise will be maintained at their current level of service. In the event of planning permission being granted, the Highway Officer advises that a planning obligation would be required to secure funding for a satisfactory bus connection, for at least a 5 year timeframe.

The TA identifies that local footpaths might be improved to provide reduced journey lengths for prospective residents/employees. In particular, it would appear an improved link to the John Bentley School and leisure centre would improve site accessibility. The Highway Officer confirm his opinion that the existing cross-field footpath route is unattractive and not well placed in relation to the development, with a better route being feasible at the side of the field and/or partly within the grounds of the school. In this respect, and as part of an associated agreement under s106 of The Act, it is considered reasonable to seek to secure a package of measures and commitments from the developer that would enable an improvement to this footpath link to the site.

- Stockley Lane/A4 junction

The Council's Highway Officer notes that existing traffic levels on Stockley Lane are currently modest; with the submitted Transport Assessment forecasting an increase flow by 33% in 2017 at the A4 end of the road. The junction of Stockley Lane with the A4 is known to be of a poor standard. Visibility to the left is sub-standard, and visibility to the right can be obstructed by vehicles parking on the roadside verge, which has recently been hardened to reduce verge

damage. Notwithstanding the concerns of local residents, the Highway Officer notes that capacity is not an issue at this junction, but potential delays caused by right turning traffic can be expected to increase. Whilst this may be an inconvenience, it is not thought by the Highway Officer to be a reason to refuse planning permission, and, whilst acknowledging the concerns of local residents, in the absence of actual evidence to the contrary, there is no reason to disagree.

Facilities for pedestrians needing to cross the A4 in the vicinity of the junction with Stockley Lane are poor, although both uncontrolled and controlled crossing points are available in the vicinity of the footpath link from The Rise. A remodelling of the junction is required, together with measures to prevent parking within the visibility splay. A scheme for this to be undertaken has been agreed in principle between the applicants and the Council's Highway Officer.

- Stockley Lane access

Turning to the intended method of vehicular access to the site. The application seeks to create a main new access onto Stockley Lane (to the East of the site, following the demolition of a dwelling fronting Stockley Lane, which is now under the control of the applicant), whilst retaining the existing road access to The Rise (to the Northern corner of the site), which would be for emergency vehicles only, unless a bus service is identified that would pass through the site.

A simple priority junction access to the site from Stockley Lane is proposed. The access road has a carriageway width of 6m and 6m radii to Stockley Lane. The carriageway width is sufficient to allow two large vehicles to pass each other and a vehicle swept path analysis has been undertaken by the applicant, which demonstrates that refuse and emergency vehicles can negotiate the junction safely. Either side of the proposed access road are 2m footways. The proposed northern footway links into the existing footway provision along the western side of Rookery Park. A further footway is proposed along the western verge of Stockley Lane between the proposed access and The Knowle to improve pedestrian access. The Highway Officer confirms that in his view The Stockley Lane access is acceptable in principle. Again, whilst the concerns of the neighbours are understood and sympathy must be expressed, in the absence of an evidence base to demonstrate the contrary, it would be unreasonable for the Council to withhold a planning permission on this basis.

Stockley Lane is subject to a 30mph speed limit in the vicinity of the proposed access, with the national speed limit change being located to the south of the bend in Stockley Lane. To an extent, the bend in Stockley Lane itself acts as a speed attenuation feature. For precisely the same reason, concerns have been raised by local residents regarding the safety of the access to the site from Stockley Lane, and in particular the "dog-leg" in the road restricting visibility to the right (toward Stockley/Heddington) when egressing from the site. Guidance in Manual for Streets requires splays of 2.4m X 43m for roads in 30mph speed limit areas, which Stockley Lane is. The actual available visibility in the southerly direction towards the bend is approaching 2.4m X 70m and thus significantly exceeds the minimum requirement.

The Highway Officer confirms that, in his view, the Stockley Lane access is acceptable in principle. As the acknowledged expert specifically employed by the Council to take a dispassionate view on such matters, the conclusions of the Highway Officer must also be the expressed position of the Council. Whilst the concerns of the neighbours are understood and sympathy must be expressed, in the absence of an evidence base to demonstrate the contrary, it would be unreasonable for the Council to withhold a planning permission on this basis.

- The Rise access

The Highway Officer confirms his view that there appears to be no reason why The Rise should not be used as an alternative access to the site on a limited basis. However, it is clear that the applicants have listened to the comments received during the community engagement undertaken prior to the submission of the planning application and that there is no intention by the applicant to alter the proposition in this respect (ie. that it is to be used as a pedestrian access and for emergency

purposes only). In this context, it is not thought necessary to insist that the access to The Rise be opened up to general use.

- Other matters

The Highway Officer expresses his desire for clarity over the masterplan for the outline part of the application in respect of road hierarchy and prospectively maintainable highways. The TA refers to much of the site as 'private drives' and 'green lanes', both providing for access to refuse vehicles and operating as shared surfaces. It should, however, be noted that the outline element of the application is submitted with all matters reserved (with the exception of access) and it is therefore possible for such matters to be the subject of separate consideration as part of any Reserved Matters submissions in respect of layout, appearance, landscaping and scale.

### Flooding and drainage

- Surface water

The application site is confirmed to be within Flood Zone 1 (low risk of flooding). The Environment Agency have agreed with this view. Due to the size of the application site, a Flood Risk Assessment has been undertaken and submitted with the application. The FRA establishes baseline conditions, run-off rates and devises a sustainable urban drainage solution to accommodate the proposed development.

At present, surface water runoff from the northern half of the site discharges in a north- easterly direction through the existing ditch network into the watercourse along the northern boundary. The ditch along the eastern boundary discharges into an existing 600mm diameter pipe under the site access and into the existing watercourse. An existing pond is located in the low-lying north-eastern corner of the site and overflows into the watercourse in times of heavy rainfall.

Surface water runoff in the southern half of the site discharges in a south-easterly direction via the existing ditch network into the existing 225mm diameter pipe which passes through The Knowle land and discharges into an existing ditch running along the eastern edge of Stockley Lane. During the 1% annual probability flood event (the 1 in 100 year flood) the existing surface water discharge rate is estimated at 87.5 l/s into the northern watercourse, and 44.6 l/s into the existing 225 diameter pipe near The Knowle. At present these outfalls are freely discharging and unattenuated, and are possibly the cause of flooding issues reported by residents at The Knowle/Stockley Lane area.

As required by local and national policy, the proposed surface water drainage system for the entire development is to incorporate Sustainable Drainage Systems (SuDS) and limits the discharge to the existing greenfield discharge rate. A proposed reduction in discharge rates vs existing is required due to no infiltration drainage solution possible as the site geology is impermeable clay. At a macro level, the SuDS network is to consist of permeable paving, swales, cellular storage and attenuation ponds. The SuDS system will provide conveyance, surface water attenuation and surface water treatment via filtration through permeable paving and natural cleansing through vegetation and reeds within the swales and ponds prior to outfall. The proposed green SuDS (swales and ponds, the latter of which would not be dry-scrapes) would naturally enhance the natural habitats, as integrated into the ecological mitigation package. At a micro scale, rainwater harvesting is proposed via water butts in rear gardens to store rainwater for irrigation during dry spells reducing the demand on potable water.

The surface water drainage system will be designed to attenuate surface water runoff from the development onsite during the 1 in 100 year flood event, including a 30% increase to rainfall intensities so as to allow for the predicted impact of climate change over the next 100 years. The discharge rates will be limited to the existing greenfield rate, also offering over 50% reduction to existing 1 in 100 year discharge rates. Specifically, it is predicted that the northern catchment will be limited to 32.8 l/s (vs existing 87.5 l/s) and the southern catchment will be limited to 15.2 l/s (vs

existing 44.6 l/s) during the 1 in 100 year flood event. It is anticipated that the Council would assume future responsibility for the maintenance of the drainage system.

The concerns of local residents are understood, since intuitively, the loss of a predominantly Greenfield site to hard urban form will be perceived as leading to an increase to surface water run-off. However, it must be assumed that the system proposed and the calculations supplied will be both effective and accurate. In that context, it is therefore the case that the development will in fact offer a reduced level of flood risk offsite for flood events up to and including the 1 in 100 year flood event. The Environment Agency have indicated their satisfaction with the proposals and, in the absence of an evidenced argument to the contrary, it would be unreasonable to refuse planning permission on this issue.

- Foul water

With regard to Foul Drainage, due to the lack of evidence indicating an onsite pipe network, it is believed that foul effluent from the existing farm discharges into a septic tank which would require regular emptying by a tanker.

Foul effluent from the development will discharge via a Wessex Water adopted gravity sewer network, pumping station and rising main into Wessex Water's existing public sewer in 'The Rise' north-east of the site and connect under a Section 106 Water Industry Act agreement. Wessex Water has previously confirmed that a foul water capacity study will be required to establish whether any network improvement works are required to facilitate the development and any such improvements would be the responsibility of the developer. Agreement between the developer and Wessex Water will need to be reached under separate legislation, and as such there is no reason for a planning permission to be withheld.

### Ecology

Local Plan Policy NE9 states that planning permission will not be granted for development which would have an adverse effect on badgers or species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 as amended by section 74 of the Countryside and Rights of Way Act 2000 or Schedule 2 of The Conservation (Natural Habitats) Regulations (1994) and Protection of Badgers Act 2000. Similarly, policy CP 50 of the Core Strategy seeks to protect and enhance nature conservation interests and biodiversity.

An Ecological Impact Assessment has been submitted in support of the application. The assessment confirms the site as improved/semi-improved grassland. Potential habitats identified were the hedgerows, three residential buildings, the central complex of agricultural buildings as well as various streams, ditches and ponds (most particularly to the northern part of the site). Several ecological constraints to the development of the site (including bats, great crested newt, breeding birds, hedgerows, mature hedges with trees and waterbodies) were identified.

Notwithstanding the constraints, the Council's Ecologist is of the opinion that the applicant has submitted a very robust ecological assessment. All valuable ecological receptors have been identified and the illustrative design appears to respect most, where possible, although some impacts will be unavoidable, a wide range of ecological mitigation and enhancement measures have been incorporated into the scheme (the timing of construction to avoid bird nesting season, hedgerow retention, reptile translocation and exclusion, bat boxes and house together with a "wildlife corridor" and ponds). Full details and implementation could be secured through a landscape and Ecological Management Plan for the site.

### Impact upon neighbour amenity

It is undeniable that existing residents looking out across the site will experience an abrupt and significant change to their view – from open fields to urban form. However, a change to an

existing outlook is simply that, and does not necessarily result in an unacceptably oppressive form of development, loss of amenity or, therefore, a reason to refuse planning permission.

Clearly the majority of the application is submitted in outline only, it being the case that the final layout, appearance, landscaping etc. will almost certainly be different from that shown on the submitted masterplan, as is allowed for under a Reserved Matters submission. Nevertheless, to a very large extent the masterplan does demonstrate that the amenities of existing residents at The Rise, Fairway and The Knowle, all of which back onto the site, are able to be protected by reasonable rear gardens and intervening landscaped space, out-buildings and boundary treatments, whilst simultaneously delivering an attractive development without encroaching upon the highest parts of the site, currently shown as being reserved for public open space and meadows.

Being the detailed portion of the submission, the impact of the nursing home is for immediate consideration. In most cases between some 20-30m, the degree of separation between the proposed buildings and the common boundaries of existing residential properties at The Knowle and Fairway does allow for the unacceptable impacts upon amenity (overlooking, oppressiveness and noise/disturbance) to be avoided. Given the intended occupants, the defined gardens associated with the nursing home are not likely to be generators of excessive noise – certainly no more than a typical domestic garden. Indeed, the single storey design (complete with sedum roof) of the building themselves, does allow for a respectful ridge and eaves height, further diminishing their likely impact. Fixed plant/air-conditioning etc., its positioning and design, could be controlled via planning condition.

The applicant has incorporated strengthened boundary treatments where the site adjoins existing properties (page 51 of Design and Access Statement), as well as a new 2.0m close boarded fence to Fairway, which in the event of planning permission being granted, could be the subject of a suitable worded planning condition.

The insertion of the new access to serve the entire site is, understandably, of great concern to the nearest neighbours. At some 6.0m (with 2.0m footways either side) in width, the access road is of a typical scale, but would of course be an appreciable step-change to the perceptions of the nearest neighbours. Although sympathy for sensibilities should rightly be expressed, it is nevertheless the case that an appropriate distance would still be retained either side of the highway to those existing neighbours, so as to allow for a decent buffering from the noise/disturbance typically associated with traffic movements. The applicant has confirmed their intention to plant additional hedging as well as regularly spaced trees to aid such integration.

Similarly, the concerns of existing neighbours also extends to the noise and disturbance generated by the car park to the nursing home. Nestled centrally to the spread of 4 nursing home buildings, the car park is some 20m+ from the rear gardens of properties at Fairway. This, when combined with the strengthened planting across the common boundary is considered sufficient to mitigate noise and disturbance from manoeuvring cars, headlights in winter evenings etc. The nursing home buildings themselves shield the car park from properties at The Knowle.

## **10. Conclusion**

It is considered that the application is contrary to the adopted development plan which comprises the adopted NWLP 2011.

In relation to proposed market housing (the outline element of the application) it is also considered that the application is contrary to core policy 2 of the emerging core strategy as it is outside the defined limits of development for Calne and has not been identified through a community led planning policy document. Furthermore, the cumulative impact of this application with the recently approved housing sites at Oxford Road and Silver Street will lead to an in-balance of new homes and new jobs in Calne fuelling out migration contrary to the strategy for Calne outlined in the

Wiltshire Core Strategy. As the council can demonstrate a 5 year supply of housing and a demonstrable supply of deliverable housing sites, this additional housing, brought forward without a community led plan is not appropriate. There are, however, considered to be no site specific reasons why the development should not take place.

The element of the application relating to the nursing home accommodation (the full planning element of the application) is considered to be consistent with emerging Core Policy 46. There are no site specific reasons why development should not take place and this element of the application would deliver new employment to Calne, albeit of a specific nature.

There is no ability for the Council to separate the application into components, by granting permission for the nursing home element of the scheme whilst refusing permission for the new dwellinghouses. Since the proposal for 125 new open market homes is considered to be contrary to emerging and adopted policy, as expressed in the NWLP and the emerging WCS, there can be only but one recommendation, and that must be for refusal.

## **11. Recommendation**

### **Planning Permission be REFUSED for the following reasons:**

- 1 In accordance with paragraph 187 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.  
  
By reason of the proposed development being located in the open countryside, outside of the defined Settlement Framework Boundary, the application would be contrary to the provisions of Policy H4 of the adopted North Wiltshire Local Plan 2011. There are no material considerations in terms of benefits that could be delivered as part of the development, which would be sufficient to outweigh development plan policy.
2. The proposal is premature to the progression of Wiltshire's Local Development Framework (LDF) and the Wiltshire Core Strategy document for the area, and prejudicial to the Council's plan-led approach to sustainable development and the phasing of future growth. In accordance with the NPPF there is a deliverable 5 year supply of land for housing in place and there are no other material considerations that outweigh this position. It is also premature in terms of the identification and means of delivery in respect of any infrastructure in step with development to be focused in Calne over the plan period. As such, the balance of considerations is such that planning permission should not be granted having regard to policies CP2 and CP8 of the Draft Wiltshire Core Strategy and guidance in the National Planning Policy Framework, in particular at paragraphs 12, 14, 17, 47, 49, 150, 183, 184, 185, 196, 209, 210, 211, 212, 214, 215, 216.
3. The proposed development fails to provide or secure adequate provision for affordable and/or extra care housing, public open space, play equipment and footpath connections to the town adjoining school and leisure centre, all of which should take place on the site. In addition, the proposal fails to secure contributions towards education provision in the locality, contributions towards public transport, contributions towards leisure provision, contributions towards improving cemetery capacity, contributions towards waste collection as well as the lack of a scheme or

contribution to secure the on-going maintenance of open space and play equipment on the site, all of which should take the form of an off-site financial contribution in lieu of on-site provision. The application is therefore contrary to Policies C2, H5 and CF3 of the adopted North Wiltshire Local Plan 2011.

Informative:

The Council and the applicant have undertaken detailed and without prejudice negotiation and discussion as to the package of community infrastructure that would be expected to be delivered as part of the development in the event of planning permission being granted. It is understood that the Council and applicant have reached broad agreement of the likely Heads of Terms that would form an agreement under s106 of The Act and that the package of community infrastructure would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010. In the event of such an agreement under s106 of The Act being satisfactorily reached, reason for refusal 03 would be addressed.

