Planning Inspectorate

Appeal Decisions

Inquiry held on 21 January 2025

Site visit made on 20 January 2025

by David M H Rose BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal A Reference: APP/Y3940/W/24/3351527
Land south of Abberd Lane, and east of Spitfire Road, Calne, Wiltshire, SN11 8GF
• The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
• The appeal is made by Robert Hitchins Limited against the decision of Wiltshire Council.
• The application Reference is PL/2023/10421.
• The development proposed is 'Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping'.

Appeal B Reference: APP/Y3940/W/24/3351528 **Land off Spitfire Road, Calne, SN11 8TE**
• The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
• The appeal is made by Robert Hitchins Limited against the decision of Wiltshire Council.
• The application Reference is PL/2022/07893.
• The development proposed is 'Residential development for up to 90 dwellings, associated works including infrastructure, ancillary facilities, play area and open space and landscaping. Construction of a new vehicular access off Spitfire Road and demolition of existing structures'.

Decision Appeal A

1. The appeal is allowed and planning permission is granted for 'Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping' at Land South of Abberd Lane, and East of Spitfire Road, Calne, SN11 8GF in accordance with the terms of the application, Reference PL/2023/10421, subject to the conditions in the Schedule at Annex A.

Decision Appeal B

2. The appeal is allowed and planning permission is granted for 'Residential development for up to 90 dwellings, associated works including infrastructure, ancillary facilities, play area and open space and landscaping. Construction of a new vehicular access off Spitfire Road and demolition of existing structures' at Land off Spitfire Road, Calne, SN11 8TE in accordance with the terms of the application, Reference PL/2022/07893, subject to the conditions in the Schedule at Annex B.

Preliminary Matters

3. The Inquiry sat for one day. At the close of the Inquiry, it was agreed that a formal accompanied site visit was not required on the basis of the Inspector's unaccompanied visit on the preceding afternoon.

4. A completed Deed of planning obligations under section 106 of the Town and Country Planning Act 1990, between the Council and the Appellant, was submitted by arrangement after the Inquiry. It is dated 28 January 2025.

5. The application for the local centre (Appeal A) was refused on two grounds namely: its failure to integrate into its setting; and its ad hoc incursion into the countryside.

6. Five reasons were cited for the refusal of the housing scheme (Appeal B) namely: the location of the site outside the defined limits for development; prejudice to the plan making process; insufficient information relating to protected habitats or species; insufficient information to demonstrate acceptable living conditions for future occupiers arising from adjacent land uses; and absence of any measures to secure the provision of essential infrastructure, services and amenities.

7. At the Case Management Conference, held on 18 November 2024, the Council confirmed that the main issue in relation to Appeal A was one of character and appearance if the proposal was considered in isolation of Appeal B. However, if the latter were to succeed, and if a mechanism could be devised to secure the implementation of the local centre in tandem with the housing development, the objection could fall away.

8. In relation to Appeal B, the Council confirmed that it was no longer pursuing reason for refusal 2 relating to the alleged prejudice to plan making; reason for refusal 3 relating to ecology in that it was anticipated that such matters could be resolved by planning conditions; in terms of reason for refusal 4, the issue was related to the alleged adverse effects of noise only (i.e. excluding dust and odour); and in relation to reason for refusal 5, it was anticipated that the provision of infrastructure could be secured by planning obligations with one matter, a public art contribution, said by the Appellant, to be in contention.

9. The subsequent Statement of Common Ground relating to the local centre, confirms that no matters remain in dispute, subject to the precise wording of a condition that would link the local centre and residential appeal schemes.

10. In terms of the residential scheme, the Statement of Common Ground[1] verifies that the only matter remaining in dispute is whether contributions towards public art are necessary to make the proposal acceptable in planning terms. This is not considered to be a determinative issue as an obligation is included within the section 106 agreement in the event that it is concluded that it passes the legal tests.

11. A second, noise specific Statement of Common Ground, following an additional noise assessment, confirms that the issues that were previously in dispute in relation to reason for refusal 4 have been resolved.

[1] Both Statements of Common Ground are headed as 'Draft' – It was confirmed that this word had remained in error in the signed versions

Main Issue Appeal A

12. The main issue is the effect of the proposal on the character and appearance of the area.

Main Issues Appeal B

13. The main issues are:

    1) The relationship of the proposal with the established settlement pattern and the spatial strategy for Calne.

    2) Would future residents have acceptable living conditions, having regard to potential sources of noise from adjoining land uses and, in the event of necessary mitigation measures, whether these could be designed and secured in an acceptable manner.

    3) The adequacy or otherwise of mitigation measures to address the impacts of the development (section 106).

    4) Whether the adverse effects of granting planning permission would significantly and demonstrably outweigh the benefits of the proposal.

Reasons

Appeal A

The effect of the proposal on the character and appearance of the area

14. The appeal site is located within a larger parcel of greenfield land contained on three sides by the proposed housing development site (Appeal B) and, on its fourth side, frontage to Spitfire Road. New housing lies on the opposite side of Spitfire Road and to the north of Abberd Lane around Ceres Place. Land to the east and south is undeveloped.

15. As a stand-alone proposal, the local centre would exist in relative isolation and appear as an arbitrary intrusion into the landscape and out of context with its immediate surroundings. It would thus be in conflict with extant and emerging development plan policies, with particular reference to Wiltshire Core Strategy Core Policy 51 and Policy NE2 of the Calne Community Neighbourhood Plan.[2]

16. Nonetheless, the landscape hereabouts lacks special characteristics or designation and the site is not unduly prominent. Indeed, its wider setting is one of newly built homes on the settlement edge. In this regard, were it to be seen within the framework of new housing proposed in Appeal B, the principle of development would not result in material harm to the character and appearance of the area.

17. As to design, the Design and Access Statement confirms that the scheme is largely a result of end user requirements and the constraints of the site. That said, in my view, the proposed building would not look out of place in its predominant setting of modern dwellings, contemporary design and a varied palette of facing materials, including metal roofing and vertical cladding at Ceres Place.

[2] Reinforced by Policy NE5 of the Referendum version of The Calne Community Neighbourhood Plan 2: 2023-2038

18. Albeit heavily dominated by frontage parking, the proposed single storey building, with the implementation of an approved landscaping scheme, would sit comfortably in its wider context with form following function in a measured manner. In this regard, the facing of the convenience store with a combination of timber and metal cladding, and proportions of a small agricultural building, would reflect the edge of settlement location and be akin to a 'farm shop' type of building. In turn, the use of brickwork and render for the day nursery, under a metal roof, would be entirely consistent with local domestic character.

19. On this basis, I consider that the proposal would be in accordance with Core Policy 57 and also with the high quality design ethos explicit in Neighbourhood Plan Policy BE2[3] and, with appropriate landscaping, it would meet the aims of Policy BE1.

20. Policy WS3 of the Neighbourhood Plan[4] offers support for development proposals that add to and/or sustain the distribution of local neighbourhood convenience shops, designed to be accessible primarily on foot or by cycle, subject to compliance with all relevant development plan policies.

21. Whilst some local residents consider there is no need for an additional convenience shop, and noting the element of overlap with the existing Spar store, it is evident that the proposed retail outlet would usefully serve a local catchment and offer accessibility by non-car modes. There would be no conflict with either Core Strategy Policy 38 or the aim of the National Policy Framework ('the Framework') to protect the role of town centres.

22. Additionally, the purpose built day nursery would provide valuable childcare resources to serve the local community. It is recognised that such facilities support early years education and can also increase the employment rate amongst parents with related benefits to the economy.

Appeal B

The relationship of the proposal with the established settlement pattern and the spatial strategy for Calne

23. The appeal site is situated on the eastern edge of Calne. It comprises three agricultural fields and has frontage to both Abberd Lane and Spitfire Road. A rectangular parcel is excluded from the site forming the subject of Appeal A.

24. Core Policy CP1 of the Core Strategy identifies Calne as one of the Market Towns which have the potential for significant development. However, the appeal site is not identified for any form of development in either the existing or emerging development plan.[5]

25. The wider context is set out in Core Policy 2 which establishes a minimum housing requirement of 42,000 dwellings for the plan period 2006 – 2026. However, that figure fell short of the objectively assessed need for 44,000 homes over the plan period as required by national policy (2012). Although the plan was found to be sound, its anticipated early review has not occurred.

[3] Reinforced by Policy BE1 of the Referendum version of The Calne Community Neighbourhood Plan 2: 2023-2038 and DC.01 of the related Design Guidelines and Codes

[4] Policy CF1(5) of the Referendum version of Neighbourhood Plan 2 supports the provision of new community facilities to meet evidenced local needs …… where the development would not have an unacceptable adverse effect on the local environment or residential amenity

[5] The emerging Wiltshire Local Plan (Regulation 19) was submitted for examination on 28 November 2024

26. The policy also provides a presumption in favour of sustainable development within the defined settlement boundaries and restricts development outside the defined limits. The latter, in common with Neighbourhood Plan Policy H4, fails to admit any overall balance or recognition of material considerations that might indicate that a proposal should be determined other than in accordance with the development plan.

27. The parties agree that the Framework does not include a presumption against housing in the countryside beyond defined settlement boundaries but that planning decisions should recognise the intrinsic character and beauty of the countryside. It is further agreed that the Local Planning Authority raises no landscape or visual impact objections to the appeal scheme.

28. In turn, Core Policy 8 sets a requirement of approximately 1,605 new homes to be provided in the Calne Community Area with some 1,440 homes to be built at Calne. Although the housing number for Calne has been surpassed, the figure is indicative and does not represent a ceiling to development.

29. Moreover, the emerging Local Plan continues to identify Calne as a sustainable location for further housing which undermines the claims, in a number of representations, about the lack of infrastructure and services within Calne. The proposed strategic allocation, through Policies 9 and 11, is for some 570 additional dwellings, employment land and a local centre to the north of the appeal site and employment uses to the east in accordance with Policy 10.

30. Policy 9 also identifies the neighbourhood area designation requirement to be 130 dwellings to be found in the next Neighbourhood Plan. Nonetheless, the plan-wide housing allocation in the emerging Local Plan falls below the standard method required by national policy.

31. The Local Planning Authority cannot currently demonstrate a five-year supply of deliverable housing sites (2.03 years); there have been chronic problems with housing delivery at the first tier settlements; and the Council has been unsuccessful in resisting a number of recent appeals at lower tier settlements including Large and Small Villages. The inevitable conclusion is that, although some representations claim that development is not necessary, new house building will be required on unallocated sites. Priority should be given to the more sustainable locations.

32. It is evident that the appeal site is well related to the existing built-up area of Calne where recent housing development has taken place, and it would form a logical adjunct to the draft allocations for housing and employment in the emerging Local Plan. The site was not included as part of the allocation despite there being nothing apparent in the evidence base to suggest that it performed poorly in planning terms compared to the adjacent lands. Seemingly, according to the Appellant, it was assumed that it would not be required numerically to meet the scale of development identified.

33. However, applications for the land to the north of Abberd Lane, subsequently withdrawn, provided for no more than 545 homes, indicating an immediate shortfall. In addition, the proposals failed to include any provision for a local centre as required by draft Policy 11.

34. In summary, the appeal site is unallocated land outside the defined development limits for Calne and is to be considered as countryside for planning purposes. The proposal would be consistent with Wiltshire Core Strategy Policy CP1 as Calne is a second tier Market Town and by definition has the potential for significant development.

35. However, the proposal would be in conflict with the settlement boundary policies in Core Strategy Policy CP2, Neighbourhood Plan Policy H4 and saved Policy H4 from the North Wiltshire Local Plan. There would also be conflict with Core Strategy Policy CP8 by its reference to Core Strategy Policies CP1 and CP2.

36. It is clear that the settlement boundary policies, by placing general restraint on development outside defined limits, are inconsistent with the Framework. Moreover, it is obvious that greenfield sites will be required, including an anticipated strategic location in the vicinity of the appeal site. In combination with the absence of a five-year housing land supply, the policies which are most important in the consideration of the appeal are out-of-date and the resultant harm merits limited negative weight, the more so in the context of the identified chronic housing shortfall and absent any immediate remedy.[6]

Would future residents have acceptable living conditions, having regard to potential sources of noise from adjoining land uses and, in the event of necessary mitigation measures, whether these could be designed and secured in an acceptable manner

37. Abberd Fields Farm, to the east of the appeal site, was identified by the Local Planning Authority as having activities that could potentially affect the living conditions of future residents. However, noise monitoring surveys have demonstrated that the existing car storage operation and/or reversion to agricultural use would result in a low potential for adverse effects and the relevant standards for internal and external noise levels at the proposed residential properties could be met. The noise specific Statement of Common Ground confirms that the issues which were previously in dispute, in relation to reason for refusal 4, have all been resolved.

38. In terms of the local centre, potential noise sources include the operation of external plant, the comings and goings of service vehicles and children at play. It is agreed that any permission could include conditions to restrict external noise levels and the timing of deliveries and dispatches. In addition, based on the illustrative residential site layout, a 2.0 metre high acoustic fence around the rear and side boundaries of the local centre site, increased to 2.5 metres high bordering the unloading/loading bay, would ensure that neighbouring residential properties would have an acceptable living environment. In any event, the layout of the residential scheme would be the subject of further assessment and approval.

39. Having regard to the above, the Local Planning Authority has not pursued its original objections and, in the absence of contrary evidence, I conclude that future residents would have acceptable living conditions, having regard to potential sources of noise from adjoining land uses. Additionally, the necessary mitigation measures could be designed and secured in an acceptable manner.

[6] It is noted that the Neighbourhood Plan 2 does not address the need for housing allocations (paragraph 9.1.3 refers)

40. There are, however, outstanding representations from Calne Without Parish Council and Calne Town Council about the impact of noise and pollution arising from the use of Abberd Lane, notably by high numbers of heavy goods vehicles, gaining access to and from the waste management facility.

41. Whilst it was said that noise monitoring for a site on the opposite side of Abberd Lane indicated a need to set dwellings back from the highway by some 20 metres, the illustrative masterplan for the appeal site did not include such a constraint.[7] Nonetheless, the Appellant's noise assessment acknowledges that a further noise assessment would be prepared to support an application for the approval of reserved matters based on the proposed layout at that time and any measures to secure mitigation. This can be provided for by a condition attached to the grant of planning permission.

42. In terms of air quality, the application was supported by an Air Quality Assessment that has considered the impacts of the proposed development on local air quality in terms of emissions from road traffic generated by the completed and occupied development. It reaches the following conclusions:

'Air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives throughout the site. The overall operational air quality effects of the proposed development are judged to be 'not significant''.

43. There is no contrary technical evidence before me to suggest a different outcome or identified conflict with Neighbourhood Plan Policy GA2[8] and its reference to the Air Quality Management Area in the town centre.

44. Similarly, the Odour and Dust Assessment confirms that potential odours from a range of sources nearby would be likely to have negligible effects on future residents. Additionally, operational dust effects from Calne Quarry and the recycling plant have been assessed to be 'not significant'.

45. Overall, I identify no conflict with Core Policy 57(vii).

The adequacy or otherwise of mitigation measures to address the impacts of the development (section 106)

46. The parties to the section 106 Agreement are Wiltshire Council and Robert Hitchins Limited. Clause 4.2 provides for any of the stated obligations to be deemed null and void in the event that any obligation (or part thereof) is found not to be a material planning consideration; or no weight can be attached to the obligation in determining the appeal; or otherwise fails to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended).

47. Schedules 1 – 4 make provision for at least 30% affordable housing with related nomination rights, indicative housing mix and space standards. This is supported by Core Policy 43 of the Wiltshire Core Strategy, which seeks to secure at least 30% affordable housing in this location and Core Policy 45 aimed at meeting Wiltshire's housing needs. These obligations meet the relevant policy and statutory tests.

[7] The results of the noise monitoring exercise used to inform the indicative layout (superseded) includes setting the properties back from Abberd Lane by at least 12 metres from the kerb

[8] Policy GA1 (2) of the referendum version of Neighbourhood Plan 2

48. Schedule 5, the provision and management of public open space and/or play area, flows from Core Policies 3 and 52. The former identifies open space and green infrastructure as one of the place-shaping aspects of Infrastructure priority theme 2. Core Policy 52 cross-refers to the adopted Wiltshire Open Space Standards and expects appropriate long term management measures.

49. The level of open space remains to be determined at reserved matters stage based on the number, mix and type of housing to be provided. The methodology is grounded in the 'Revised Wiltshire Planning Obligations Supplementary Planning Document (SPD) (2016), with reference to Saved Policy CF3 of the North Wiltshire Local Plan 2011.

50. Schedules 6 and 7 establish that in the event of any on-site deficiency, payment is to be made towards providing or up-grading an area of off-site open space and/or an off-site play area.

51. Schedule 8 secures a financial contribution towards the upgrading of playing pitches and/or ancillary facilities and/or infrastructure services within the vicinity of the appeal site. This is to be based on the 'Wiltshire Council Playing Pitch Strategy: Strategy and Action Plan, November 2024' which provides a detailed analysis of provision and shortfalls and priority recommendations on discrete area bases.

52. Overall, Schedules 5 – 8 inclusive have robust policy support. They are necessary, directly related to the development and proportionate.

53. A waste and recycling contribution, in Schedule 9, towards the provision of waste and recycling containers for the development flows from Core Policy 3 as part of Infrastructure priority theme 1. The contribution figure is based on costs set out in the 'Waste storage and collection: guidance for developers SPD (2017)'. This contribution meets the relevant tests.

54. The highways contribution, through Schedule 10, relates to phase 2 of the Abberd Brook shared path scheme. This forms part of the strategic walking and cycling network in Calne and, once fully complete, will enable safe access to and from the development site towards the town centre and beyond. This aligns with Core Policies 60 and 61 and Neighbourhood Plan Policy GA1.[9] The contribution of £90,000, based on £1,000 per dwelling, appears reasonable and proportionate and will contribute to the objectives of encouraging sustainable travel options.

55. In combination, the above obligations merit significant weight.

56. Schedule 11 seeks a financial contribution towards the delivery of integrating public art within the development or the vicinity of the development. This was not identified in reason for refusal 5 as one of the elements of essential infrastructure and is disputed by the Appellant.

57. However, the contribution is underpinned by Core Policies 3 and 57(xii) as part of the objective to secure high quality design, place-shaping and cultural well-being. Paragraph 4.37 of the plan identifies public art and streetscape features as one of the aspects of place-shaping infrastructure under Infrastructure priority

[9] Policy GA3 of the Referendum version of Neighbourhood Plan 2.

theme 2. Core Policy 57(xii) seeks high quality design and place-shaping through *'the use of high standards of building materials, finishes and landscaping, including the provision of street furniture and the integration of art and design in the public realm'.*

58. The Revised Wiltshire Planning Obligations SPD supports policies in the Core Strategy, particularly CP3 'Infrastructure Requirements'. Paragraph 1.5 explains: *'This SPD will identify the planning obligations that will be sought by the Council for development that generates a need for new infrastructure.'*

59. The SPD sets out explicit thresholds for, and the application of, contributions required by the SPD for several types of obligations that may be necessary (e.g. affordable housing; open space/green infrastructure; and transport/highways). Chapter 10 relates to other obligations, including art and design, without the preceding level of detail, other than a footnote reference to a Guidance Note (2011).

60. The 'Wiltshire Design Guide' 2024 SPD supports the implementation of Core Policy 57. Section 7.3 makes particular reference to art and provides direction to 'Art and design in the public realm in Wiltshire – 2024 Guidance' which has replaced that published in 2011.

61. The 2024 Guidance sets out the potential benefits of public art and indicates that '*Art and design in the public realm can help to mitigate the impact of development by contributing to good design, place-shaping, infrastructure and engage communities with the development'.*[10] The threshold for public art funding is for residential developments of 50 dwellings or more with contributions set at £300 per dwelling.

62. The Guidance does not have the status of development plan policy or that of an SPD as it has not been subject of consultation or formal process. The Planning Practice Guidance on planning obligations also indicates that '*it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents ……'*.[11] However, the 2024 Guidance is a material consideration albeit of markedly lesser weight than formal policy documents.

63. The 'Arts Contribution' is *'……to be used towards the delivery of integrating public art within the Development or the vicinity of the Development, with no more than 10% of the Arts Contribution to be used to support the development of an Arts scheme'.*

64. In terms of assessing whether the obligation is necessary to make the development acceptable in planning terms, there is a hierarchy of policy support and guidance with the added recognition in the Framework that good design is a key aspect of sustainable development and fundamental to what the planning and development process should achieve.

65. In my opinion, looked at in the round, the provision of public art could be said to be one element that is required to make the appeal proposal acceptable in planning terms. It would serve a clear planning purpose, underpinned by the development plan. Secondly, provision within the appeal site, or the vicinity of the development, would satisfy the test of being directly related to the development.

[10] At paragraph 3.1
[11] At paragraph: 004 Reference ID:23b-004-20190901

66. However, the contribution of £300 per dwelling is not evidence based, or calibrated against any benchmark. There has been no public consultation on the Guidance and there is no identified scheme. Whilst I empathise with the objective of this obligation, including the benefits to the community, placemaking and wellbeing, I cannot conclude on the evidence before me that this obligation would pass all of the statutory tests. In these circumstances I am unable to take it into account and this obligation is deemed to be null and void and of no effect.

67. Finally, Schedule 12, in Part 1, commits the Council to using the sums received for their stated purposes and to return unexpended funds; and Part 2 sets out the basis for delivering the Arts Scheme which falls away in light of the above.

Other considerations

68. The appeal site does not form part of a designated or valued landscape within the terms of the Framework. However, planning decisions should recognise *'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services'*.

69. In this regard, the proposal would inevitably result in some landscape harm through the loss of open fields. However, the site is strongly influenced by the existing settlement edge and is neither unduly prominent nor sensitive in overall terms. Indeed, I am satisfied that, in its existing context, absent any intervisibility, there would be no harm to the North Wessex Downs National Landscape which is some 1.3 kilometres from the site. The harm arising in local landscape terms therefore carries limited negative weight.

70. Considering additional traffic generation, there is no evidence of either highway capacity or safety issues based on a detailed Transport Assessment and endorsement by the Council's Highways Officer. The views of the statutory consultee are a strong material consideration.

71. Although there is local call for a dedicated pedestrian/cycle crossing on Spitfire Road, the proposals provide for the widening of the junction of Abberd Lane and Spitfire Road with modified splitter refuge islands and tactile paving on the respective limbs of the mini roundabout. Similarly, the absence of shelters and raised paving for the proposed bus stops has been found to be acceptable to the Council's Highways Officer and no enhanced provision has been sought.[12]

72. The application was supported by a site specific flood risk assessment and drainage strategy on which the Council's Drainage Officer raises no objection subject to further detailed design. Although comments have been made about flooding in the locality, the appeal site is located entirely within an area with the lowest probability of flooding (Flood Zone 1). Again, whilst it is alleged that the current sewage system cannot cope with the existing number of houses on this side of Calne, there is no objection from the relevant consultee.

73. Core Policies 50 and 52 set out how new developments should make provision for biodiversity and green infrastructure. Allied policies are contained in the made Neighbourhood Plan and the Referendum version.[13] The residential proposal is

[12] Policy GA3 of the Referendum version of the Neighbourhood Plan 2 seeks to promote sustainable transport and inclusive active travel *'……Proposals that retain and improve existing bus infrastructure, will be supported'*

[13] Policies NE2 and NE3 of the Neighbourhood Plan (2018); Policies NE2 and NE3 of the Referendum version of the Neighbourhood Plan 2

submitted in outline and as such the illustrative masterplan layout is not fixed. Further details, including the landscaping of the site, will be the subject of subsequent consideration on the submission of the reserved details. It is also relevant to note that the Local Planning Authority accepts that the proposals would secure net gains for biodiversity in the order of 19%.[14] I am satisfied that the aims of the relevant policies could be met through the submission of reserved matters.

74. A number of representations point to the importance of the plan-led system and the need for proper master planning to guide future growth in the area. Indeed, the Ministerial Statement made on 12 December 2024 states: *'The plan-led approach is, and must remain, the cornerstone of our planning system. It is through local plans that communities shape decisions about how to deliver the housing and wider development their area needs ……'*.

75. However, the Government's commitment to building 1.5 million homes will require unallocated greenfield sites where development plans are not up-to-date and where authorities cannot provide a five-year supply of deliverable sites. These are the circumstances of particular relevance to my consideration of this case.

The Planning Balance

76. In terms of Appeal B, it is common ground that the policies which are most important for determining the appeal are out-of-date. Therefore, paragraph 11d) ii of the Framework indicates that permission should be granted unless '*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination'*.

77. It is also common ground that the residential proposal does not accord with the development plan when read as a whole. In this regard, as set out above, I attach limited weight to that harm. Further, there would be some landscape harm to which I also attach limited weight, given the characteristics and context of the site.

78. As to the benefits, social benefits would arise from the provision of much needed open market and affordable homes (very substantial weight). Economic benefits associated with construction and employment and support for the Market Town role of Calne (significant weight); and investment in community infrastructure through the section 106 agreement (limited weight). Environmental benefits, principally in green infrastructure and biodiversity net gain merit moderate weight.

79. My overall conclusion is that the adverse impacts of allowing the residential appeal would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development which represents a material consideration of sufficient weight to indicate that planning permission should be granted other than in accordance with the development plan.

[14] Based on Drawing Number 343.UD.03 Revision F (superseded)

80. For Appeal A, the proposal would fulfil a social need for a convenience store and day nursery (significant weight); economic benefits associated with construction and employment, both short term and long term (significant weight); and new planting and biodiversity enhancements (limited weight as less extensive than those in Appeal B). In my opinion, in light of my decision in respect of Appeal B, these factors in combination demonstrably outweigh the conflict with the spatial strategy and related policies in the development plan. I therefore find that there are material considerations to justify a determination other than in accordance with the development plan.

Conditions Appeal A

81. The development is to be begun within a period of five years as commencement is dependent on the implementation of the residential scheme. The approved drawings are to be listed for the avoidance of doubt and in the interests of proper planning. [Conditions 1 and 2]

82. Agreement and implementation of a Construction Management Statement and a Construction Environmental Management Plan are necessary for environmental, amenity and ecological reasons. As some of the elements of the required Statement differ from those offered for the residential scheme, and having regard to the potential overlap of site preparation and construction, I have reworded Condition 3 to mirror Condition 5 of the residential scheme for consistency. [Conditions 3 and 17]

83. Further details of the storage facilities for refuse and recycling; any plant store; boundary treatments; and ventilation and extraction equipment, including mitigation measures, are required for general amenity reasons. Similarly, there is to be no other outside storage other than in accordance with the permitted details. [Conditions 4 – 6]

84. Details of hard and soft landscaping, including protection of landscape features, are to be sought and implemented to ensure an appropriate landscape setting for the development. The implementation of specified external lighting and a Landscape Management Plan are required for the protection, mitigation and enhancement of biodiversity. [Conditions 7, 8, 16 and 18]

85. In light of my considerations earlier in this decision, conditions are necessary to preclude development of the scheme in isolation and this can be achieved by a combination of limiting initial works and precluding occupation before the substantial completion of a minimum of 30 dwellings on the adjacent land. [Conditions 9 and 10]

86. The implementation of the approved access arrangements and off-site highway improvements; travel plan; surfacing of access, parking and circulation areas; the provision of cycle and motorcycle storage; and surfacing of the pedestrian tracks are required for highway safety and to encourage travel by means other than the private car. [Conditions 11 - 15]

87. The ability to protect the proposed neighbouring dwellings from unacceptable noise from the operation of plant; movements of delivery vehicles; and hours of use are important amenity considerations. I have reworded condition 20 for clarity. I have also amended Conditions 21 and 22 to specify the permitted daytime hours of delivery, rather than the excluded hours which overlap from

one day to another, to avoid the different timings applicable to Saturday/Sunday and Sunday/Monday. [Conditions 19 – 24]

88. Updated calculations and arrangements for surface water drainage, including measures to control potential pollution to water courses during construction, are necessary to minimise flood risk and to protect the aquatic environment. [Conditions 25 - 27]

89. The implementation of the energy strategy, forming part of the application, would contribute towards the objectives of achieving sustainable development, consistent with the Wiltshire Climate Change Strategy and national guidance. [Condition 28]

90. The nature of the uses within Schedule 2, Part A, Class E of The Town and Country Planning (Use Classes) Order 1987 as amended are to be restricted to protect adjacent residential amenity. [Condition 29]

91. Finally, otherwise permitted extensions or external alterations to the premises are to be controlled to safeguard the character, appearance and amenities of the area. [Condition 30]

Conditions Appeal B

92. The development is to be begun, and application(s) for the approval of reserved matters, are to be submitted within the time periods in statutory provisions. The matters reserved for submission and the approved drawings are to be listed for the avoidance of doubt and in the interests of proper planning. [Conditions 1 – 4]

93. Agreement and implementation of a Construction Management Statement (mirroring amended Condition 3 of the local centre) and a Construction Environmental Management Plan are necessary for environmental, highway safety, amenity and ecological reasons. [Conditions 5 and 14]

94. Details of landscaping, site boundary treatments and a Landscape and Ecology Management Plan, related to the Ecological Assessment and Ecological Parameters Plan, are required to ensure an appropriate landscape setting and for the protection, mitigation and enhancement of biodiversity. The details are to include a scheme of boundary fencing related to the adjoining Abberd Fields Farm as a safeguard against potential sources of noise and to protect residential amenity. [Conditions 7, 13 and 15]

95. The approval and implementation of an external lighting scheme is required to protect bat habitats and additional features are to be provided for biodiversity enhancement. [Conditions 16 and 17]

96. Updated calculations and arrangements for surface water drainage, including measures to control potential pollution to water courses during construction, are necessary to minimise flood risk and to protect the aquatic environment. I have added the condition relating to overland exceedance routes to be consistent with the local centre approval. [Conditions 8 – 12]

97. The implementation of the submitted Residential Travel Plan is to ensure that opportunities for the take up of sustainable modes of transport are maximised. [Condition 6]

98. The addition of a condition requiring assessment of road traffic noise relative to those dwellings proposed alongside Abberd Lane and details of mitigation, as necessary, are to be secured to ensure acceptable living conditions for future residents. [Condition 18]

99. I have made some minor adjustments to both Schedules for consistency and clarity.

Conclusion

100. Having considered all other matters raised, for the above reasons both Appeal A and Appeal B are to be allowed.

David MH Rose

Inspector

ANNEX A: Schedule of Planning Conditions 1 – 30 (Appeal A)

1. **Time limit:** The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. **Approved plans:** The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan	9311-PL01 B
Block Plan	9311-PL02 C
Existing Site Plan	9311-PL03 C
Proposed Site Plan	9311-PL04 G
Proposed Ground Floor Plan	9311-PL10 B
Proposed Roof Plan	9311-PL11 B
Proposed Elevations	9311-PL15 A
Proposed Sections	9311-PL16 A
Proposed 3D Aerial Visualisations	9311-PL20 B
Proposed 3D Street View Visualisations	9311-PL21 B
Proposed 3D Visualisations	9311-PL22 B
Soft Landscape Proposals	21278.101 I
Levels Strategy	P20-109-SK010 P4
Drainage Strategy	P20-109-SK011 P5
External Lighting Plan	SPF-HYD-XX-XX-DR-E-9001 P05

3. **Construction Management Statement**: No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Statement shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

   a) the movement and routing of construction vehicles;
   b) parking of vehicles of site operatives and visitors;
   c) loading and unloading of plant, equipment and materials;
   d) the transportation and storage of waste and building materials;
   e) location and use of generators and temporary site accommodation;
   f) the location and form of work and storage areas and compounds;
   g) storage of plant and materials used in constructing the development;
   h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   i) wheel washing and vehicle wash-down facilities;
   j) measures to control the emission of dust and dirt during construction;
   k) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   l) measures for the protection of the natural environment; and
   m) hours of construction, including deliveries.

   The development shall be implemented in accordance with the approved details.

4. **External storage and plant:** No development above ground floor slab level shall take place until details of the storage of refuse and recycling, any other outside storage and any plant store, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. There shall be no other outside storage whatsoever other than in accordance with the approved details. The development shall not be first brought into use until the approved refuse / recycling / plant storage has been completed and made available for use in accordance with the approved details and it shall be subsequently retained in accordance with the approved details thereafter.

5. **Boundary treatments:** No development above ground floor slab level shall take place until details of any boundary walls and / or fences and / or screens have been submitted to and approved in writing by the Local Planning Authority. Such walls / fences / screens shall be erected in accordance with the approved details prior to the occupation of the building hereby permitted and shall be retained and maintained as such at all times thereafter.

6. **Ventilation and extraction equipment:** The development hereby approved shall not be first occupied until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be retained and maintained in accordance with the approved details.

7. **Hard and soft landscaping:** Notwithstanding the submitted details for the site, no development shall take place above ground floor slab level until a scheme of hard and soft landscaping, for the site and adjoining land, has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

   a) location and current canopy spread of all existing trees and hedgerows on the land;
   b) full details of any to be retained, together with measures for their protection in the course of development;
   c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities on the site and adjoining land;
   d) finished levels and contours;
   e) means of enclosure;
   f) car park layouts;
   g) other vehicle and pedestrian access and circulation areas; and
   h) all hard and soft surfacing materials.

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

8. **Implementation of hard and soft landscaping:** All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are

removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

9. **Preparatory works:** No development shall take place until a scheme detailing the scope, extent, timing and phases of all preparatory works for the site, including their relationship and overlap with the necessary preparatory works for the commencement of the dwellings permitted on the land to the immediate east of the site pursuant to planning permission PL/2022/07893 (appeal ref. no. **APP/Y3940/W/24/3351528)** (or any subsequent permission for similar development), has been submitted to and approved in writing by the Local Planning Authority. All preparatory works shall be undertaken in accordance with the approved details and timings.

10. **Restriction on occupation:** No part of the development hereby approved shall be first occupied until at least 30 no. of the dwellings permitted on the land to the immediate east of the site pursuant to planning permission PL/2022/07893 (appeal ref. no. **APP/Y3940/W/24/3351528)** (or any subsequent permission for similar development) have been substantially completed.

11. **Access and highway works:** No part of the development hereby approved shall be first occupied until the access arrangements and off-site improvements detailed on drawing H690/1 Ref F (Transport Statement, P19-0931/TR01, Jan 2023) have been implemented in accordance with the approved details. The visibility splays shall be maintained free from obstruction thereafter.

12. **Framework Travel Plan:** Prior to first occupation, those parts of the Framework Travel Plan capable of being implemented prior to occupation shall be implemented in full. A Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 9 months of first occupation. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development remains occupied. The Travel Plan Co-ordinator shall be appointed within one month of occupation and carry out the identified duties to implement the Full Travel Plan for a period from first occupation until at least five years following first occupation.

13. **Completion of access and parking areas:** No part of the development hereby approved shall be first brought into use until the access, circulation and parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

14. **Completion of cycle and motorcycle parking:** No part of the development hereby approved shall be first brought into use until the cycle and motorcycle parking provision shown on the approved plans has been installed in accordance with the approved details. These shall be maintained and remain available for this use at all times thereafter.

15. **Surfacing of pedestrian tracks:** No part of the development hereby approved shall be first brought into use until details of the surfacing of the existing and proposed pedestrian tracks (as shown on drawing H690/1 Ref F, Transport Statement, P19-0931/TR01, Jan 2023) have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These shall be constructed, maintained and remain available for this use at all times thereafter.

16. **Tree Protection Plan:** No demolition, site clearance or development shall commence on site, and no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of hedgerows on the site and adjacent land and their protective fencing has been submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

    No retained hedgerow shall be cut down, uprooted or destroyed, other than in accordance with the approved plans. If any hedgerow is removed, uprooted, destroyed or dies, another shall be planted at the same place, at a size and species and planted at such time, that shall be agreed in writing with the Local Planning Authority.

17. **Construction Environmental Management Plan:** Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

    a) identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection (e.g. exclusion fencing);
    b) working method statements for protected/priority species, such as nesting birds and reptiles;
    c) mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for reptiles, birds and bats; this should comprise the preconstruction/construction related elements of strategies only;
    d) work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
    e) key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW); and
    f) timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

    Development shall be carried out in accordance with the approved CEMP.

18. **Lighting and landscape management:** The development shall be carried out in accordance with the following documents, and shall remain in accordance with these details unless otherwise agreed by the Local Planning Authority:

    a) External Lighting, Drawing No: SPF-HYD-XX-XX-DR-E-9001, Revision: P05, Date: 04/04/23 by Hydrock; and
    b) 10 Year Landscape Management Plan, Commercial Centre at Spitfire Road, Calne, Issue No 7, Date: 05/05/2023 by MHP Design Ltd.

19. **Noise limitations:** The rating level (LArTR) of the noise emitted from fixed plant at the proposed development shall not exceed the existing background noise level (LA90T). The rating level shall be determined by measurement or calculation at the boundary of the nearest noise sensitive premises or at another location that is agreed with the Local Planning Authority. Measurements shall be made in accordance with BS4142:2014 +A1:2019. Where the background levels are to be taken as a LA90 one hour during the daytime [07:00 - 23:00] and LA90 15min during the night [23:00 – 07:00], and the specific sound levels expressed as an LAeq one hour during the daytime [07:00 - 23:00] and LAeq 15 minutes during the night [23:00 – 07:00] with all measurements taken at the boundary of the nearest residential noise-sensitive receptors.

20. **Post installation noise assessment:** A post installation noise assessment shall be submitted to the Local Planning Authority within 3 months of first occupation of the local centre confirming compliance with the noise criterion specified in condition 19 above. In the event that measurements show that the criterion is not met, a further mitigation report shall be submitted to the Local Planning Authority for approval within 6 months of first occupation of the local centre. The report shall provide details of an additional mitigation scheme to achieve compliance with condition 19, including a timetable for implementation. The additional mitigation scheme, as may be approved, shall be fully implemented and maintained for the lifetime of the residential development.

21. **Delivery hours:** No heavy goods vehicles for delivery or dispatch shall enter or leave the site (whether laden or unladen) before 07:00 hours and after 23:00 hours Monday to Saturday; and before 08:00 hours and after 20:00 hours on Sundays and Bank Holidays.

22. **Delivery Plan:** Prior to occupation of the development hereby permitted, a delivery plan, setting out how deliveries to and from the premises outside of the hours specified in Condition 21 above are managed to prevent noise and nuisance, shall be submitted to the Local Planning Authority and approved in writing. The scheme shall be based on the principles contained within Appendix A of the Department for Transport's Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers dated April 2014. Any deliveries and dispatches occurring outside of those hours shall be made in accordance with the approved delivery plan scheme details.

23. **Opening hours:** The opening hours of the retail store hereby permitted shall be restricted to 07:00 until 23:00 on any day and the opening hours for the creche shall be restricted to 06:00 until 20:00 on any day.

24. **Acoustic fencing:** Acoustic fencing shall be installed along the rear and side boundaries of the application site, as follows:

    a) on top of the retaining wall along the rear boundary of the food store and along the side of the loading area, extending to the front of the vehicle parking area; and
    b) on top of the retaining wall to the sides and rear of all local centre buildings, extending along the delivery bay and food store public parking.

    Details of the proposed mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to construction. The details shall include an assessment of the noise levels attributable to all deliveries to the site and operation of the nursery, in accordance with the requirements of BS 4142:2014+A1:2019, which demonstrates that the uses would not result in a potential for adverse impacts at neighbouring residential properties.

    The acoustic fencing mitigation shall be fully implemented prior to the first occupation of the development hereby approved and shall be retained for the lifetime of the neighbouring residential development.

25. **Surface water:** Prior to commencement of development, updated calculations and plans shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1-year and the 1 in 100-year return period storm events. The development shall be implemented in accordance with the approved calculations and plans.

26. **Surface water:** Prior to commencement of development, a plan shall be submitted to and approved in writing by the Local Planning Authority showing overland exceedance routes for flows in excess of the 1 in 100-year plus climate change (40%) rainfall event, demonstrating that exceedance flows will be wholly and safely managed on site and will not flood people and/or property. The development shall be implemented in accordance with the approved plan.

27. **Construction Management Plan:** Prior to commencement of development, a Construction Management Plan that details how surface water will be managed on site during construction shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

28. **Energy Statement:** The development shall be undertaken in accordance with the energy and sustainable measures detailed in the Hydrock Energy Statement (dated 31 January 2023). Those measures shall remain in place for the lifetime of the development.

29. **Approved uses:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order) 2015 (or any Order revoking or re-enacting or amending this Orders with or without modification), the part of the development hereby approved for Use Class E(a) shall be used solely for purposes within that Use Class, and the part of the development hereby approved for Use Class E(f) shall be used solely for purposes within that Use Class, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the

Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

30. **Withdrawal of permitted development rights:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (Part 7, Class A) (or any Order revoking or re-enacting or amending this Order with or without modification) there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted.

END OF SCHEDULE (APPEAL A)

ANNEX B: Schedule of Planning Conditions 1 – 18 (Appeal B)

1. **Time limits:** The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. **Reserved matters:** Application(s) for approval of the reserved matters specified in Condition 3 below, shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

3. **Reserved matters:** No development hereby permitted shall commence until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

   a) the access to and within the site;
   b) the scale of the development;
   c) the layout of the development;
   d) the external appearance of the development; and
   e) the landscaping of the site.

   The development shall be carried out in accordance with the approved details. The reserved matters shall be submitted as a single phase unless otherwise agreed by the Local Planning Authority through the submission of a phasing plan and the development shall be implemented in accordance with that approved plan.

4. **Approved plans:** The development hereby permitted shall be carried out in accordance with drawing numbers:

a)	Location Plan	343.P.1.2	K
b)	Ecological Parameters Plan	10185	C

5. **Construction Management Statement:** No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Statement shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

   a) the movement and routing of construction vehicles;
   b) parking of vehicles of site operatives and visitors;
   c) loading and unloading of plant, equipment and materials;
   d) the transportation and storage of waste and building materials;
   e) location and use of generators and temporary site accommodation;
   f) the location and form of work and storage areas and compounds;
   g) storage of plant and materials used in constructing the development;
   h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   i) wheel washing and vehicle wash-down facilities;
   j) measures to control the emission of dust and dirt during construction;

k) a scheme for recycling/disposing of waste resulting from demolition and construction works;
l) measures for the protection of the natural environment; and
m) hours of construction, including deliveries.

The development shall be implemented in accordance with the approved details.

6. **Residential Travel Plan:** The development shall be carried out in accordance with the approved Residential Travel Plan (PFA Consulting, dated September 2022). The provisions and measures contained therein shall be implemented in full and those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development remains occupied.

7. **Boundary with Abberd Fields Farm:** Prior to the occupation of any dwelling adjacent to Abberd Fields Farm, a scheme for the erection of a 2-metre high close boarded fence, including its location and specification, shall have been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. It shall thereafter be retained for the lifetime of the residential development.

8. **Surface water:** Prior to commencement of development, calculations and associated plans which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1-year and the 1 in 100-year return period storm events shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved calculations and associated plans.

9. **Surface water:** Prior to commencement of development, a plan shall be submitted to and approved in writing by the Local Planning Authority showing overland exceedance routes for flows in excess of the 1 in 100-year plus climate change (40%) rainfall event, demonstrating that exceedance flows will be wholly and safely managed on site and will not flood people and/or property. The development shall be implemented in accordance with the approved plan.

10. **Drainage layout:** Prior to commencement of development, a drainage layout drawing, which shows all inspection chamber references, and pipe numbers that correspond to the MicroDrainage outputs shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved layout drawing.

11. **Surface water drainage management:** Prior to the occupation of the first dwelling, an operation and maintenance plan that details the responsibilities of the management company and frequency of maintenance activities with regards to the constructed surface water drainage system shall be submitted to the Local Planning Authority for approval in writing. The plan shall be implemented in accordance with the approved details.

12. **Construction Management Plan:** Prior to commencement of development, a Construction Management Plan that details how surface water will be managed on site during construction shall be submitted to the Local Planning Authority for

approval in writing. The development shall be implemented in accordance with the approved details.

13. **Ecology:** The development shall be carried out in accordance with the following documents:

    a) Ecological Assessment. Ref: 10185.EcoAss.vf2. Ecology Solutions; and
    b) Ecological Parameters Plan. Rev C. December 2023.

14. **Construction Environmental Management Plan**: Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

    a) identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection (e.g. exclusion fencing);
    b) working method statements for protected/priority species, such as nesting birds and reptiles;
    c) mitigation strategies already agreed with the Local Planning Authority prior to determination, such as for reptiles, birds and bats; this should comprise the preconstruction/construction related elements of strategies only;
    d) sensitive lighting strategy to ensure dark corridors identified on the Ecological Parameters Plan (Rev C, December 2023) are maintained throughout construction;
    e) work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site;
    f) key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW); and
    g) timeframe for provision of compliance report to the Local Planning Authority; to be completed by the ecologist/ECoW and to include photographic evidence.

    Development shall be carried out in accordance with the approved CEMP.

15. **Landscape and Ecology Management Plan:** Prior to the commencement of works, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:

    a) long term objectives and targets for retained, created and enhanced habitats;
    b) management responsibilities and maintenance schedules for each ecological feature within the development;
    c) the mechanism for monitoring success of the management prescriptions; and
    d) a procedure for review and necessary adaptive management in order to attain targets.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

16. **Lighting scheme:** Prior to the installation of any external light fixture or fitting, a scheme showing the details of any such features shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will demonstrate that dark corridors identified on the Ecological Parameters Plan (Rev C, December 2023) will be maintained as specified on the plan for the lifetime of the development. Any light fixtures or fittings installed within the application site shall be implemented in accordance with the approved details.

    The details shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 “Bats and artificial lighting at night”, issued by the Bat Conservation Trust and Institution of Lighting Professionals.

17. **Wildlife features:** Prior to the commencement of any works, including vegetation removal and demolition, a scheme (based on a site plan/technical elevations drawing) showing details of the number, design and locations of features for bats, birds, reptiles and invertebrates, as well as a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority.

    The approved details shall be implemented before occupation of the final works. These features shall continue to be available for the target species for the lifetime of the development.

18. **Noise assessment:** Prior to works commencing for the construction of any dwelling alongside Abberd Lane and concurrent with Reserved Matters submissions relating to appearance, scale and layout for the residential development, a further assessment of the noise levels and a scheme for protecting the development from road traffic noise, which demonstrates good acoustic design and complies with the requirements of BS 8233:2014, shall be submitted to and approved in writing by the Local Planning Authority. All works, which form part of the scheme, shall be implemented before any development within that phase so affected is occupied and thereafter retained.

END OF SCHEDULE (APPEAL B)

ANNEX C: CORE DOCUMENTS

A – Planning Application Documents and Plans	
Original Application Documents Submitted 5th October 2022 (LPA Ref: PL/2022/07893) Residential Development – Appeal Reference: APP/Y3940/W/24/3351528	
A1	Cover Letter, submitting Planning application, dated 5th October 2022
A2	Application Form, dated 05.10.22
A3	Planning Statement (including Draft Heads of Terms and Affordable Housing Statement, Pegasus Group, reference P21-207, 21st July 2022)
A4	Design and Access Statement (Robert Hitchins Limited, 343.UD.03B, Revision B, September 2022)
A5	Site Location Plan (Drawing Reference: 343.P.1.2, Revision K)
A6	Illustrative Masterplan (prepared by Robert Hitchins Limited, Drawing Reference: 343.P.3.3, Revision E)
A7	Topographical Survey (prepared by Nigel Ruxton Land Surveys, Reference 21099/01, dated May 2021)
A8	Statement of Community Engagement (Pegasus Group, P21-2702, 20th May 2022)
A9	Landscape and Visual Impact Assessment (MHP, Issue 3, July 2022)
A10	Arboricultural Survey, Impact Assessment and Protection Plan (MHP, reference V3, dated 9th March 2022)
A11	Transport Assessment (PFA Consulting, Issue 2, dated September 2022)
A12	Residential Travel Plan (PFA Consulting, Issue 2, dated September 2022)
A13	Flood Risk Assessment and Drainage Strategy (Phoenix Design Partnership Limited, Revision A, August 2022)
A14	Ecological Assessment (Ecology Solutions, Reference 10185.EcoAss.vf2, September 2022)
A15	Archaeological Desk Based Assessment (RPS, reference JAC27581 V.3.0, dated 23rd September 2021)
A16	Geophysical Survey Report (SUMO, dated 18th July 2022)
A17	Air Quality Assessment (Air Quality Consultants, dated June 2022)
A18	Utilities Statement (Robert Hitchins Limited, reference 343.US.01, July 2022)
A19	Waste Minimisation and Management Plan (Robert Hitchins Limited, reference 342.WMP.01, dated July 2022)
A20	Dust and Odour Assessment (Air Quality Consultants, dated June 2022)
A21	Noise Assessment (LF Acoustics, revision 1.1, dated August 2022)
Additional Documents Submitted	
A22	Archaeological Evaluation (prepared by Wessex Archaeology, Ref: 268670.03, dated October 2022)
A23	Illustrative Masterplan (prepared by Robert Hitchins Limited, Ref: 343.UD.03 Revision F)
A24	Design and Access Statement Addendum (Revision A, dated January 2023)
A25	Proposed Site Access Arrangements (prepared by PFA, Ref: H690/1, Revision F)
A26	Landscape and Visual Impact Assessment (prepared by MHP, Issue 4, January 2023)
A27	Email on Noise/Air Quality from Applicant (email dated 07.03.23)
A28	Biodiversity Net Gain Note (prepared by Ecology Solutions, vf3, dated May 2023)
A29	Ecological Parameters Plan (prepared by Ecology Solutions, Revision B, dated July 2023)

A30	Habitat Condition Assessment Sheets
A31	Biodiversity Metric Calculation Tool
A32	Section – Eastern Boundary (prepared by Robert Hitchins, Ref: 342.UD.10)
A33	Sustainable Energy Statement (prepared by Robert Hitchins, dated October 2023)
A34	Illustrative Masterplan (prepared by Robert Hitchins, Ref: 343.UD.03, Revision L)
A35	Design and Access Statement Addendum (Prepared by Robert Hitchins, Revision D, dated November 2023)
A36	Briefing Note: Ecology response (prepared by Ecology Solutions, dated December 2023)
A37	Ecological Parameters Plan (prepared by Ecology Solutions, Revision C, dated December 2023)
A38	Briefing Note: Updated Biodiversity Net Gain Assessment (prepared by Ecology Solutions, 10185.BiodiversityNetGain.dv2, dated December 2023)
A39	Updated Habitat Condition Assessment Sheets
A40	Biodiversity Metric Calculation Tool
A41	Illustrative Masterplan – Dwelling Numbers (prepared by Robert Hitchins, Drawing Number: 343.UD.05, dated December 2023)
Committee Report and Decision Notice – Residential Development	
A42	Officer Report (LPA Ref: PL/2022/07893)
A43	Decision Notice (LPA Ref: PL/2022/07893)
Original Application Documents Submitted 30th November 2023 (LPA Ref: PL/2023/10421) Local Centre Development - Appeal Reference: APP/Y3940/W/24/3351527	
A44	Covering Letter, dated 30th November 2023
A45	Application Form, dated 30th November 2023
A46	Delivery and Service Management Plan, dated January 2023
A47	10 Year Landscape Management Plan, prepared by mhp, dated 5th May 2023
A48	Extract and Ventilation Statement, prepared by Hydrock, dated 16th November 2023
A49	Transport Statement, prepared by Pegasus Group, dated January 2023
A50	Planning & Retail Statement, prepared by RPS
A51	Energy Statement, prepared by Hydrock
A52	Design and Access Statement, dated November 2023
A53	Drainage Statement, dated 30th January 2023
A54	Carney Sweeney Retail Rebuttal, dated 3rd August 2023
A55	Ecological Assessment, prepared by Ecology Solutions, dated January 2023
A56	Archaeological Evaluation, prepared by Wessex Archaeology, dated October 2022
A57	Ecology Response Briefing Note, prepared by Ecology Solutions
A58	Noise Assessment, prepared by LFAcoustics, dated January 2023
A59	Framework Travel Plan, prepared by Pegasus Group, dated January 2023
A60	Written Scheme of Investigation for Archaeological Evaluation, prepared by Wessex Archaeology, dated August 2022
A61	Biodiversity Net Gain Assessment, prepared by Ecology Solutions
A62	Proposed Roof Plan, Drawing Number: PL11 Revision B, dated 24.10.22
A63	Location Plan, Drawing Number: PL01 Revision B, dated 24.10.22
A64	External Lighting Plan, Hydrock, Drawing Number, SPF-HYD-XX-XX-DR-E-9001 Revision PO5

A65		Proposed Site Plan, Drawing Number: PL04 Revision F, dated 24.10.22
A66		Proposed 3D Street View Visualisations, Drawing Number PL21 Revision B
A67		Proposed GF Plan, Drawing Number: PL10 Revision B
A68		Proposed Elevations, Drawing Number: PL15 Revision A
A69		Proposed Sections, Drawing Number: PL16 Revision A
A70		Proposed 3D Visualisations, Drawing Number: PL22 Revision B
A71		Proposed 3D Aerial Visualisations, Drawing Number: PL20 Revision B
A72		Block Plan, Drawing Number: PL02 Revision C
A73		Landscape Proposals, Drawing Number 21278.101 Revision F
A74		Levels Strategy, Drawing Number: SK010, Revision P4
A75		Drainage Strategy, Drawing Number: SK011, Revision P5
A76		Existing Site Plan, Drawing Number: PL03, Revision C
A77		Landscape and Visual Assessment, prepared by MHP, dated January 2023
Additional Documents Submitted		
A78		Proposed Site Plan, Drawing Number: PL04 Revision G
A79		Landscape Proposals, Drawing Number 21278.101, Revision I
Committee Report and Decision Notice – Local Centre		
A80		Officer Report (LPA Ref: PL/2023/10421)
A81		Decision Notice (LPA Ref: PL/2023/10421)
B – Application Consultation Responses (Consultee)		
Application Consultation Responses (LPA Ref: PL/2022/07893) Residential Development –Appeal Reference: APP/Y3940/W/24/3351528		
B1		Affordable Housing response, dated 31.10.22
B2		Arboricultural Officer, dated 06.03.23
B3	A	Archaeology response 1, dated 02.11.22
	B	Archaeology response 2, dated 15.12.23
B4	A	Calne Town Council response 1, dated 30.11.22
	B	Calne Town Council response 2, dated 21.01.24
B5	A	Calne Without Parish Council response 1, dated 21.11.22
	B	Calne Without Parish Council response 1, dated 09.01.24
B6	A	Climate Team response 1, dated 03.11.22
	B	Climate Team response 2, dated 08.12.23
B7	A	Conservation response 1, dated 17.05.23
	B	Conservation response 2, dated 14.12.23
B8	A	CPRE response 1, dated 10.11.22
	B	CPRE response 2, dated 22.12.23
B9	A	Drainage response 1, dated 03.01.24
	B	Drainage response 2, dated 23.11.22
B10	A	Ecology response 1, dated 15.12.22
	B	Ecology response 2, dated 13.06.23
	C	Ecology response 3, dated 24.10.23
	D	Ecology response 4, dated 28.02.24
B11		Environmental Control and Protection, dated 05.12.22
B12	A	Highways response 1, dated 29.11.22
	B	Highways response 2, dated 02.02.23
	C	Highways response 3, dated 31.03.23
	D	Highways response 4, dated 21.12.23

B13	A	Housing Enabling Team response 1, dated 27.12.23
	B	Housing Enabling Team response 2, dated 18.01.24
B14		Landscape response, dated 22.05.23
B15	A	Natural England response 1, dated 13.03.23
	B	Natural England response 2, dated 05.01.24
B16	A	North Wiltshire Swifts response 1, dated 27.10.22
	B	North Wiltshire Swifts response 2, dated 13.12.23
B17		Public Open Space response, dated 31.01.23
B18		Public Protection response, dated 25.01.24
B19		Rights of Way response, dated 08.03.23
B20		Spatial Planning response, dated 11.11.22
B21	A	Urban Design response 1, dated 14.11.22
	B	Urban Design response 2, dated 12.04.23
	C	Urban Design response 3, dated 10.01.24
B22	A	Waste (Refuse & Management), dated 22.11.22
	B	Waste (Refuse & Management), dated 04.03.24
B23		Wessex Water response, dated 02.02.23
Application Consultation Responses (LPA Ref: PL/2023/10421) Local Centre Development - Appeal Reference: APP/Y3940/W/24/3351527		
B24		Archaeology comment, dated 22.12.23
B25		CPRE Comment, dated 05.01.24
B26		Economic development comment dated 12.01.24
B27		Busy Bees Day Nurseries comment, dated 12.01.24
B28		Education comment, dated 17.01.24
B29		Highways Department's Comment, dated 19.01.24
B30		Calne Town Council's comment, dated 21.01.24
B31		Urban Design's Comment, dated 22.01.24
B32		Drainage's comment, dated 25.01.42
B33		Tesco's Comments, dated 01.02.24
B34		Environmental Health Officer - Public Protection's comment, dated 13.02.24
B35		Calne Without Parish Council's comment 1, dated 16.02.24
B36		Calne Without Parish Council's comment 2, dated 16.02.24
B37		Cllr Ashley O'Neill's Comments, dated 21.03.24 (call in form)
C – Appeal		
Appeal Administration		
C1		Notification of Intention to Submit an Appeal - Residential Scheme
C2		Notification of Intention to Submit an Appeal - Local Centre
C3		List of Plans and Docs Submitted as Part of the Original Submission - Residential Scheme
C4		List of Plans and Docs Submitted as Part of the Original Submission - Local Centre
C5		List of Plans and Docs Submitted During the Application - Residential Scheme
C6		List of Plans and Docs Submitted During the Application - Local Centre
C7		Appeal Form - Residential Scheme
C8		Appeal Form - Local Centre
C9		Start Letter
C10		LPA Appeal Questionnaire - Residential Scheme
C11		LPA Appeal Questionnaire - Local Centre

C12		Post CMC Note
Statements of Case and 3rd Party Comments		
C13	A	Appellant Statement of Case - Residential Scheme
	B	Appellant Statement of Case - Local Centre
C14	A	LPA Statement of Case
	B	Appendix 1
	C	Appendix 2
	D	Appendix 3
	E	Appendix 4
	F	Appendix 5
	G	Appendix 6
	H	Appendix 7
	I	Appendix 8
	J	Appendix 9
C15		Third Party Representations (Compiled) - Residential Scheme
C16		Third Party Representations (Compiled) - Local Centre
Statements of Common Ground		
C17		SoCG between the Appellant and Wiltshire Council - Residential Scheme
C18		SoCG between the Appellant and Wiltshire Council SoCG - Local Centre
C19		SoCG between the Appellant and Wiltshire Council - Noise
C20		Appendix to SoCG between the Appellant and Wiltshire Council - Noise
Appellant and LPA Proofs of Evidence		
C21		Appellant Proof of Evidence - Planning - David Hutchison
C22		Appellant Summary Proof of Evidence - Planning - David Hutchison
C23		Appendix A to Appellant Proof of Evidence - Planning
C24		Appendix B to Appellant Proof of Evidence - Planning
Section 106 Agreement		
C25	A	Final Draft S106 Agreement
	B	Annex A - S106 Plan
	C	Annex B - Standard Specification for Adoption of Public Open Space (1)
	D	Annex B - Standard Specification for Adoption of Public Open Space (2)
	E	Changes Since the Previous Draft S106 was Submitted to PINS in November 2024
CIL Compliance Statement		
C26	A	CIL Compliance Statement
	B	Appendix 1 to CIL Compliance Statement - Revised Planning Obligations SPD Oct 2016
	C	Appendix 2 to CIL Compliance Statement - Wilts CIL Charging Schedule May 2015
	D	Appendix 3 to CIL Compliance Statement - Regulation 123 List Sept 2016
	E	Appendix 4 to CIL Compliance Statement - Infrastructure Delivery Plan 3 Dec 2016
	F	Appendix 5 to CIL Compliance Statement - 2022-2023 Infrastructure Funding Statement
	G	Appendix 6 to CIL Compliance Statement - Education Developer Contributions S106 Standard Methodology 2017

H	Appendix 7 to CIL Compliance Statement - PPS Strategy and Action Plan Nov 2024
I	Appendix 8 to CIL Compliance Statement - Fixed Play Area Spec Jan 2021
J	Appendix 9 to CIL Compliance Statement - North Wiltshire Open Space Study 2024
K	Appendix 10 to CIL Compliance Statement - Standard Specification for Adoption of Public Open Spaces
L	Appendix 11 to CIL Compliance Statement - Waste Collection Guidance for New Developments Jan 2017
M	Appendix 12 to CIL Compliance Statement - Art and Design in the Public Realm
Conditions	
C27	Draft Conditions - Residential Scheme (14.01.25)
C28	Draft Conditions - Local Centre (14.01.25)
C29	Draft Conditions - Residential Scheme (with the Inspector's comments 16.01.25)
C30	Draft Conditions - Local Centre (with the Inspector's comments 16.01.25)
C31	Draft Conditions - Residential Scheme (with the Inspector's comments 17.01.25)
C32	Draft Conditions - Local Centre (with the Inspector's comments 17.01.25)
C33	Draft Conditions - Residential Scheme (with the Inspector's comments 20.01.25)
C34	Draft Conditions - Local Centre (with the Inspector's comments 20.01.25)
D – National Planning Policy, Guidance and Legislation	
D1	National Planning Policy Framework (December 2024)
D2	National Planning Practice Guide *(Electronic Version only)*
D3	Labour Manifesto 2024
D4	The draft NPPF
D5	The Written Ministerial Statement accompanying the draft NPPF
D6	Proposed Reforms to the National Planning Policy Framework and Other Changes to the Planning System
D7	GOV UK Climate Change Guidance (Published 12.07.14, Last updated 15.03.19)
D8	Written Ministerial Statement - Local Energy Efficiency Standards Update, 13.12.23
G – Local Planning Policy, Guidance and Documents	
G1	Wiltshire Core Strategy 2006 - 2026, adopted January 2015
G2	Saved Policies of the North Wiltshire Local Plan 2011 (Housing)
G3	Calne Neighbourhood Plan
G4	Wiltshire Local plan Pre Submission Draft September 2023
G5	Wiltshire Local Plan Planning for Calne September 2023
G6	Report on the Examination of the Wiltshire Core Strategy, by Inspector Andrew J Seaman, dated 1st December 2014
G7	Briefing Note on Housing Land Supply of June 2020
G8	Briefing Note on 5 Yr Housing Land Supply and Housing Delivery Test April 2022
G9	Representations of Pegasus Group to the emerging Local Plan
G10	Report to Cabinet of 11th July 2023
H – Housing Need and Supply	
H1	Wiltshire Housing Land Supply Statement 2023
H2	Statement of Common Ground to the appeal at Westbury Road, Warminster
H3	Statement of Common Ground to the appeal at Purton Road, Swindon
H4	Local Housing Needs Assessment, February 2023

J – Appeal Decisions and Case Law	
J1	Land south of Westwells Road, Neston Appeal Decision, ref APP/Y3940/W/19/3243873, dated 15th March 2021.
J2	Land at Filands/Jenner Lane, Malmesbury Appeal Decision Refs: APP/Y3940/W/21/3278256 & APP/Y3940/W/21/3282365.
J3	Land to the South of Chilvester Hill, Calne Appeal Decision ref: APP/Y3940/W/21/3275477, dated 22nd November 2021.
J4	Land at Sandleaze Farm, Worton Appeal Decision ref APP/Y3940/W/21/3276094, dated 10th December 2021
J5	Land north of St George's Road, Semington Appeal Decision, ref APP/Y3940/W/19/3236860, dated 10th September 2021.
J6	Langley Burrell, Chippenham
J7	Coate Road, Devizes
J8	Widham Farm, Purton
J9	Land off Park Road, Malmesbury
J10	Land south of Broad Town Primary School, Wiltshire
J11	Land at Green Farm, Lyneham, Wiltshire
J12	Land south of Sandhole Lane, Westbury, Wiltshire
J13	Land west of Wilcot Road, Pewsey, Wiltshire
J14	Land west of Semington Road, Melksham, Wiltshire
J15	Land to the east of Church View, Sutton Benger, Wiltshire
J16	Land to the north of Bath Road, Corsham, Wiltshire
J17	Land to the North of Whychurch Farm and to the South of Filands, Malmesbury, Wiltshire
J18	Land North of Webbs Court, Lyneham, Wiltshire
J19	Land at Pavenhill, Purton, Wiltshire
J20	Land at Broadfield Farm, Great Somerford, Wiltshire
J21	Land at Brynards Hill, Royal Wootton Bassett, Wiltshire
J22	Land off Melksham Road, Holt, Wiltshire
J23	Land to the south of Western Way, Melksham, Wiltshire
J24	Land at Saltersford Lane, Chippenham, Wiltshire
J25	Land at Purton Road, Wiltshire
J26	Land south of Trowbridge, Wiltshire
J27	Land south of Pound Lane, Semington
J28	Land off Storridge Road, Westbury, Wiltshire
J29	Land at Kington Lane, Stanton St Quintin, Wiltshire
J30	Land to the west of Semington Road, Melksham, Wiltshire
J31	Land to the south of Alderholt, Dorset
J32	Land east of Rayleigh Road, Castle Point
J33	Land at Watermill Bridge, Wash Water, Basingstoke and Deane
J34	Land west of Langford Road, Langford, Central Bedfordshire
J35	Land at North Lodge, Hallow, Malvern Hills
J36	Land At (OS 8579 4905), South of Post Office Lane, Kempsey, Malvern Hills

ANNEX D: ADDITIONAL INQUIRY DOCUMENTS

ID1	Appellant's Opening Submissions
ID2	Council's Opening Statement
ID3	Councillor Doug Price Statement to the Inquiry – Calne Without Parish Council
ID4	Councillor Glenis Ansell Statement to the Inquiry – Calne Town Council
ID5	Councillor Celia Stevens Statement to the Inquiry – Calne Town Council
ID6	Mrs Anne Henshaw Statement to the Inquiry - CPRE
ID7	The Calne Community Neighbourhood Plan 2: 2023 – 2038 and related documents (electronic copies)
ID8	Extract from The Calne Community Neighbourhood Plan 2: 2023 – 2038 (page 115)
ID9	Written Representations from Leigh Randell
ID10	Written Representations from Councillor Ashley O'Neil – Wiltshire Councillor for the Calne Rural division
ID11	Additional Conditions submitted at the Inquiry by the Local Planning Authority
ID12	Final Schedules of Conditions (following discussion at the Inquiry)
ID13	Appellant's Closing Submissions
ID14	Completed Agreement under s106 of the Town and Country Planning Act 1990 dated 28 January 2025
ID15	Email correspondence relating to two additional conditions (residential scheme)

ANNEX E: APPEARANCES

For Robert Hitchins Limited

Killian Garvey, Barrister Kings Chambers	Instructed by David Hutchinson

He called

David Hutchinson BSc (Hons) DipTP MRTPI	Executive Director and Planning Consultant Pegasus Group
L Jephson[15] BEng(Hons) MIOA	LF Acoustics Consulting Engineers

For Wiltshire Council

Freddie Humphreys, Barrister Kings Chambers	Instructed by Solicitor, Wiltshire Council

He called[16]

Peter Crozier BA(Hons) DipUP MRTPI	Senior Planning Officer Wiltshire Council
Brett Warren	Environmental Health Officer Wiltshire Council

Interested Persons

Councillor Doug Price	Vice Chairman Calne Without Parish Council
Councillor Glenis Ansell	Chairman Calne Planning Licencing & Highways Committee
Councillor Celia Stevens	Calne Town Council
Mrs Anne Henshaw	Chairman Wiltshire Branch CPRE The Countryside Charity

[15] Not formally called – contributor to Conditions Round Table
[16] Not formally called – contributors to Conditions Round Table