

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 11 March 2015
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	Wednesday 11 March	<u>9.00am</u>	Council Chamber, County Hall

Membership:

Cllr Andrew Davis (Chairman)	Cllr Charles Howard
Cllr Tony Trotman (Vice Chairman)	Cllr David Jenkins
Cllr Glenis Ansell	Cllr Bill Moss
Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Fred Westmoreland
Cllr Stewart Dobson	

Substitutes:

Cllr Ernie Clark	Cllr Paul Oatway
Cllr Brian Dalton	Cllr James Sheppard
Cllr Bill Douglas	Cllr Nick Watts
Cllr Mary Douglas	Cllr Ian West
Cllr Dennis Drewett	Cllr Jerry Wickham
Cllr George Jeans	Cllr Graham Wright

PART I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 11 February 2015.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person no later than 10.20am on the day of the meeting.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda (acting on behalf of the Corporate Director) no later than 5pm on **Wednesday 4 March 2015**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

- 6 **14/10556/FUL - Land at west side of B3092, Mapperton Hill, Mere, BA12 6LH - Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access and keeping of horses (Pages 17 - 28)**

A report by the Case Officer is attached.

- 7 **14/09262/OUT - Land north of Bitham Park, Trowbridge Road, Westbury - Proposed development of up to 300 dwellings; Creation of new roundabout access from Trowbridge Road; Creation of a new emergency/cycle and pedestrian access from Coach Road; Open Space; Drainage Works and ancillary works (Pages 29 - 48)**

A report by the Case Officer is attached.

- 8 **Date of the Next Meeting**

To note that the next meeting is scheduled to be held on Wednesday 22 April 2015 at County Hall, Trowbridge, starting at 10.30am.

- 9 **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

PART II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 11 FEBRUARY 2015 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Andrew Davis (Chairman), Cllr Tony Trotman (Vice Chairman), Cllr Glenis Ansell, Cllr Trevor Carbin, Cllr Stewart Dobson, Cllr Charles Howard, Cllr David Jenkins, Cllr Bill Moss, Cllr Christopher Newbury and Cllr Jerry Wickham (Substitute)

Also Present:

Cllr Horace Prickett and Cllr Jonathon Seed

8 Apologies for Absence

Apologies for absence were received from Cllr Terry Chivers and Cllr Fred Westmoreland, who was substituted by Cllr Jerry Wickham.

9 Minutes of the Previous Meeting

Resolved:

To confirm and sign the minutes of the previous meeting held on 21 January 2015 as a correct record.

10 Declarations of Interest

There were no declarations of interest made at the meeting.

11 Chairman's Announcements

There were no Chairman's announcements.

12 Public Participation and Councillors' Questions

There were no questions received from members of the Council.

Mr Francis Morland, an interested party, spoke against the proposals as set out in Minute Nos. 14 and 15 below.

Other members of the public addressed the Committee as set out in Minute Nos. 13 – 15 below.

13 **14/05997/FUL - Former Autechnique Site, London Road, Salisbury, SP1 3HN - Demolition of existing buildings and erection of Class A1 foodstore (1,585 sq.m. gross) and associated access, decked car parking and landscaping and additional Park and Ride parking for ALDI Stores Ltd.**

The following person spoke in support of the proposal:

Mr Dan Templeton, Director of Turley Associates Ltd, the agent.

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. The report was introduced which recommended that planning permission be granted subject to conditions and a suitable Section 106 legal agreement.

The Committee also received late representations from:

- Turley, agent for Aldi, and the response from transport consultant, Entran to comments from RPS, agent for Asda.
- Letter from RPS raising concerns about the recommendation on the grounds of the Aldi format and transport considerations.
- Letter from Cllr Colin Froude, Salisbury City Councillor for St Marks & Bishopdown, objecting to the proposal on transportation and highway safety grounds.
- Letter from Mr David Morgan, a local resident, in support of the application.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received a statement from a member of the public as detailed above, expressing his views regarding the planning application.

Cllr Bill Moss, as a local Member, supported the application but considered that a left hand turn on exiting the site should be imposed for motorists in the interests of highway safety. The Case Officer drew the Committee's attention to the views of the Highways Officer who raised no objection subject to the provision of a legal agreement to secure a financial contribution towards the footway/cyclepath and conditions to secure the right turn lane, crossing points, access to the site, turning, parking and servicing areas.

After some discussion,

Resolved:

To refer the application to the Secretary of State, under the terms of the 2009 Consultation Directive (paras.5.1.(ii) and 2 (d)) thereupon, subject to the views of the Secretary of State, to delegate the Area Development Manager to approve the application, subject to:

(a) A Section 106 legal agreement being entered into with respect to the provision of a financial contribution for and the provision of a footway/cycle link that is required between the "Park & Ride" bus stop and Cheverell Avenue, and

(b) the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (WA1)

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development shall be implemented in accordance with the schedule of materials listed in the approved schedule on plan ref 110591 P(1) 06 received 18th June 2014.

No development shall commence on site until sample wall panels for the flint rubble block and the red facing brickwork for the walls, not less than 1 metre square, have been constructed on site, inspected and approved in writing by the Local Planning Authority. The panels shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved samples.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. No development shall take place until large scale (1:10) details of the windows / doors / entrance canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In order to ensure that the architectural details of the scheme are of an acceptable quality.

4. The development shall be operated in accordance with approved scheme for the storage and control of customer trolleys. The coin operated scheme and shopping trolley storage shall be maintained in working condition for customer use thereafter.

REASON: To limit the impact of the development on adjacent residential amenity and to prevent the removal of shopping trolleys by customers from the car park area.

5. Before the development hereby approved commences a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, shall be submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E3 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: To limit the impact of the development on adjacent residential amenity

6. External lighting shall be turned off at all times when the store is not open to the public, with the exception of one hour before store opening time and one hour after store closure.

REASON: To limit the impact of the development on adjacent residential amenity, and to enable safe access and egress by staff.

7. (i) No deliveries shall be made to or collections made from the development hereby approved except between the hours of 06:00am and 22:00pm Monday to Saturday and 07:00am and 17:00pm on Sundays.

(ii) There shall be no use of reverse beepers on delivery or collection vehicles between 06:00am and 07:00am Monday to Saturday and between 07:00am and 09:00am on Sundays. All deliveries between these approved hours shall be direct via the loading and unloading dock shown on the approved plans.

REASON: To limit the impact of the development on adjacent residential amenity and prevent undue disturbance

8. The retail unit hereby permitted shall not be open to the public except between the hours of 08:00am to 22:00pm on Monday to Saturday, 09:00am to 18:00pm on Sunday & Public Holidays.

REASON: To limit the impact of the development on residential amenity

9. The Aldi customer car park shall be made inaccessible to public vehicles between the hours of 23:00pm and 07:00am on any day of the week.

REASON: To limit the impact of the development on residential amenity and prevent undue disturbance by vehicles at night.

10. No on-site cooking or baking shall take place until a scheme of works for the control and dispersal of atmospheric conditions (in particular

emissions from the cooking or baking of food) has been submitted and approved in writing by the LPA. The approved scheme shall be implemented before any on-site cooking or baking takes place and shall be maintained in effective working condition at all times thereafter.

REASON: In the interests of neighbouring amenities.

11. The development shall be carried out in full accordance with the internal layout of the retail unit shown on the plans hereby permitted. There shall be no subdivision of any of the unit or any additional internal floor space created (including any insertion of mezzanine floors) not covered by this permission.

REASON: In order to limit the impact of the development on the vitality and viability of Salisbury city centre, including the planned Maltings and Central Car Park development, and surrounding small scale neighbourhood retail shops.

12. No development shall take place until a scheme of landscaping for the site, including planting around the proposed cycle/footway along the south west boundary, the screening of the concrete wall on the west boundary of the decked car park, and replacement hedge planting for the west side of the realigned London Road section has been submitted to and approved in writing by the Local Planning Authority, including times of planting, species and size, and a long term maintenance scheme. The landscaping shall be carried out and maintained in accordance with the approved scheme.

REASON: To limit the impact of the development on visual and residential amenity and the surrounding natural habitat.

13. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. (WC2)

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

14. No construction or demolition work shall take place on Sundays or Bank Holidays or outside the hours of 07:30am to 18:00pm on Monday to Friday and 08:00am to 13:00 pm on Saturdays.

REASON: To limit the impact of the development on residential amenity

15. No development shall take place until a scheme for the discharge of surface water from the buildings, car parks, realigned section of London Road and new footway/cycleway hereby permitted has been submitted to and approved in writing by the Local Planning Authority and the drainage scheme shall be carried out and retained in accordance with the approved details. The scheme submitted shall limit surface water run-off and shall involve safe management and on-site storage of surface water in excess of the design capacity of the drainage system.

REASON: To limit the impact of the scheme on the drainage system and surrounding natural habitats.

16. No development shall commence until full details of the right turn lane on the A30 road and associated vehicular access (including the pedestrian crossing and road realignment in accordance with the approved plans) have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that right turn lane and access (including the pedestrian crossing and road realignment) has been completed in accordance with the approved details.

REASON: In the interests of highway safety.

17. No part of the development hereby permitted shall be first brought into use until the servicing area, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

18. Before development commences, a Construction Method Statement shall be submitted to the local planning authority for written approval. The method statement shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species (namely reptiles and breeding birds). Development shall be carried out in full accordance with the method statement).

Reason: To control risks to birds and reptiles during construction

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

i) A preliminary risk assessment which has identified:

**all previous uses
potential contaminants associated with those uses
a conceptual model of the site indicating sources, pathways and
receptors**

potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters from pollution.

20. The development hereby permitted shall achieve a BREEAM (Building Research Establish Environment Assessment Method) rating of 'very good'. No unit shall be occupied until the post-construction state assessment and subsequent BREEAM Certificate certifying that 'very good' status has been achieved has been issued.

REASON: In order to produce a scheme with a high level of sustainable design

21. The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule. (WM14)

Site Location Plan 110591P(1)01 June 2014 received 18/6/14

Block Plan 110591P(1)11 June 2014 received 18/6/14

Site Plan Aldi Level 110591P(1)03B April 2014 received 18/6/14

Site Plan Park and Ride Level 110591P(1)04A April 2014 received 18/6/14

Proposed Site Sections 110591P(1)10 May 2014 received 18/6/14

Proposed Street Elevations 110591P(0)08A June 2014 received 27/1/15

Proposed Store Elevations 110591P(1)07A June 2014 received 27/1/15

Proposed Roof Plan 110591P(1)06 June 2014 received 18/6/14

Proposed Floor Plan 110591P(1)05 June 2014 received 18/6/14

Transport Statement by Entran, June 2014 received 18th June 2014 and updated by response to GCC highways comments received 17/11/14.

Ecological Appraisal and Interim Bat Report by RSK June 2014, received 18/6/14

Historic Environment Appraisal by RSK June 2014 received 18/6/14

Arboricultural Impact Assessment and Tree Protection Plan by BoSky Trees, 17th June 2014, received 18/6/14

Noise Assessment (Rating of Industrial Noise affecting Mixed Industrial and Residential Areas) by KR Associates 17th June 2014, received 18/6/14
Design and Access Statement Kendall Kingscott received 18/6/14
Drainage Strategy by Craddy Pitchers Davidson received 18/6/2014
Drainage Layout Aldi Level 9573-0050B received 18/6/2014
Drainage Layout Park and Ride Level 9573-0051B received 18/6/2014
Site Waste Management Plan 5th June 2014, received 18/6/14
Planning Statement, Turley June 2014, received 18/6/14
Geo environmental Assessment Report, Brownfield Solutions ltd 2014, received 18/6/14
Retail Assessment, Turley June 2014, received 18/6/14

REASON: For the avoidance of doubt and in the interests of proper planning.

22. The site shall be used by a discount food supermarket operator and for no other purpose (including any other purpose in Class A1 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). The following services shall not be operated from the land:

- i) Butcher, fresh fish, bakery, delicatessen or cheese counters
- ii) Hot food
- iii) Banking facilities
- iv) Dispensing pharmacy
- v). Dry cleaning or post office services
- vi). Photographic shop or booth
- vii) Cafe restaurant
- viii) Sales of cigarettes or tobacco

No more than 20% of the net sales floor space shall be used for the sale of non food comparison goods.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposals to change the range and types of goods sold from the premises having regard to the circumstances of the case and the impact on the vitality and viability of the city centre.

- 14 **14/10797/FUL - Greenacres Mobile Park, Semington, Trowbridge, BA14 6HL - Change of use of agricultural land to create 7 additional Gypsy and Traveller pitches with associated ancillary development**

The following people spoke against the proposal:

Mr David Randell, a local resident
Mr Martin Costello, a local resident
Cllr William Scott, representing Semington Parish Council

The following person spoke in support of the application:

Mr Tony Phillips, Director, Thurdleigh Planning Consultancy, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. The report was introduced which recommended that planning permission be granted subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Jonathon Seed, the local Member, objecting to the proposal. He stated that the application was unacceptable in its proximity to the West Wiltshire Crematorium and was contrary to the views expressed by the Planning Inspector in his decision regarding an earlier application in which he restricted development to the east of this site so as not to infringe upon the crematorium.

Members were also advised of a planning application that had been allowed on appeal in 2013 by the Secretary of State in respect of a gypsy site in the vicinity of the Leatherhead (Surrey) crematorium.

A number of Members expressed their concerns about the suitability and size of the proposed development and after further discussion,

Resolved:

To defer consideration of the application pending the holding of a site inspection and to request copies of the Secretary of State's and the Planning Inspector's appeal decision letters be made available to all members of the Committee prior to a decision being made.

- 15 **14/11256/VAR - The Poplars Residential Park, Poplar Tree Lane, Southwick, BA14 9NB - Variation of Condition 1 of planning permission W/12/00537/FUL to state the site shall not be occupied by any persons other than gypsies and travellers**

The following people spoke against the proposal:

Mr Stephen Jones, a local resident
Mr Philip Harcourt, a local resident
Cllr Stephen Carey, Chairman of Southwick Parish Council

The following person spoke in support of the proposal:

Mr Tony Phillips, Director, Thurdleigh Planning Consultancy, the agent

The Committee received a presentation by the Area Development Manager and the Case Officer which set out the main issues in respect of the application. The report was introduced which recommended that planning permission be granted.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Horace Prickett, the local Member, who objected to the proposal on the grounds that the Planning Inspector had decided on a previous application for this site that permission should be restricted to the family of Mr & Mrs Cash.

After discussion,

Resolved:

To refuse permission for the following reason:-

In coming to his decision as recently as March 2013, the Planning Inspector concluded that that the personal circumstances of the Cash family were an important factor in the determination of the appeal and the decision to grant a personal planning permission. The proposed variation to Condition 1 would allow general gypsy/traveller occupation of the site in perpetuity and would therefore be contrary to the Planning Inspector's decision and to the intended effect of Condition 1 to ensure restoration of the land in the event that the land was no longer occupied by Mr Laurence (Lawrence) Cash and Mrs Theresa Cash and their resident dependants. There have been no relevant significant changes in circumstances since the determination of the appeal to justify setting aside his findings and to vary the terms of the permission to remove the personal condition and replace it with a wider one allowing occupancy by any gypsy and traveller,

16 **Date of the Next Meeting**

Resolved:

To note that the next meeting was scheduled to be held on Wednesday 11 March 2015 at County Hall, Trowbridge, starting at 10.30am.

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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REPORT FOR THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	11 March 2015
Application Number	14/10556/FUL
Site Address	Land at west side of B3092 Mapperton Hill Mere Wiltshire BA12 6LH
Proposal	Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses.
Applicant	Mr M. Doe
Town/Parish Council	MERE
Ward	MERE
Grid Ref	380459 130726
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The application was called-in by Local Member Cllr George Jeans on grounds of visual impact on the surrounding area and the sustainability of the proposal given its location within the countryside.

1. Purpose of Report

To consider the application and to recommend to Members of the Strategic Planning Committee that the application should be APPROVED, subject to Conditions.

2. Report Summary

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

- I. The principle of the proposed development in the light of relevant local and national planning policy and guidance
- II. Current levels of provision of gypsy and traveller pitches within the South Wiltshire Housing Management Area
- III. Scale, design & materials and impact on the character of the surrounding landscape
- IV. Drainage/flooding

- V. Highway considerations
- VI. Neighbour amenity considerations

The application has generated a total of 68 representations from the third parties, as follows:

- 1 representation in support of the proposed development;
- 66 representations objecting on grounds including Highway safety, site is too remote from services and facilities, difficulties in respect of refuse collection, flooding, impact on the landscape, development in the countryside, land not suitable for keeping of horses, not in accordance with policy, impact on amenity
- 1 representation making other comments.

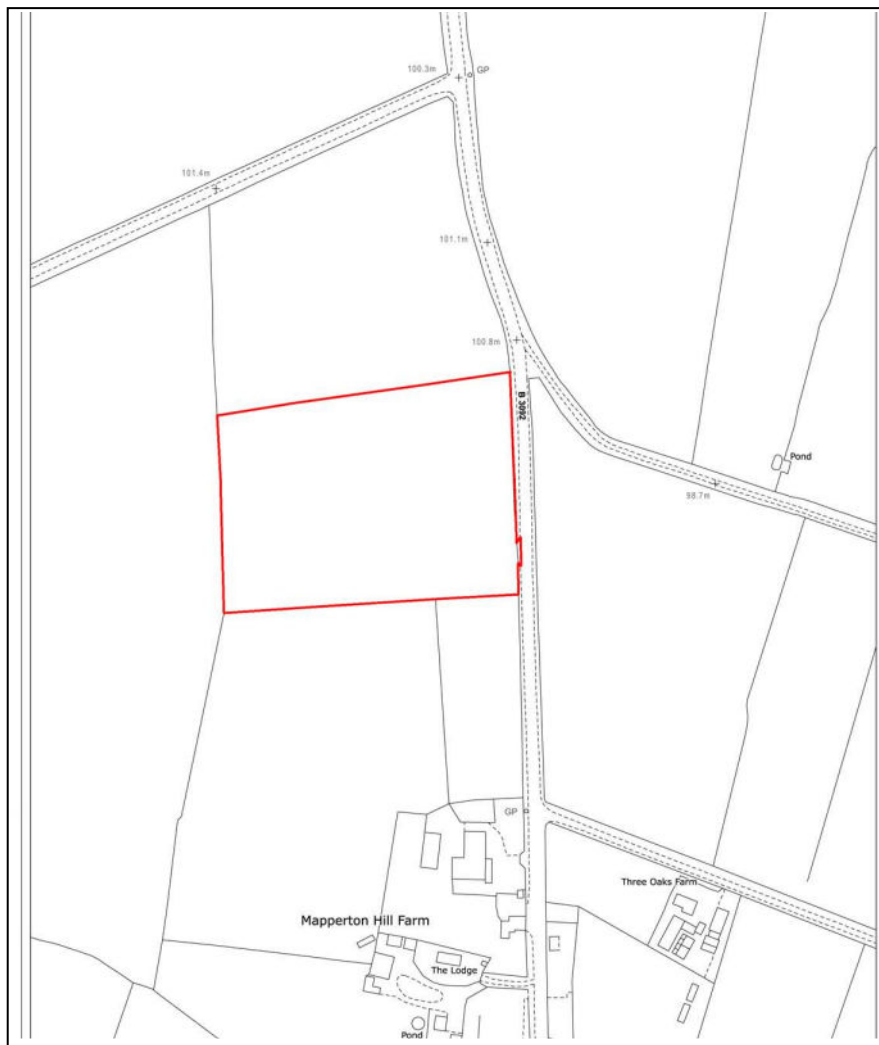
Mere parish council object on grounds of Highway safety, flooding and drainage, visual intrusion, loss of amenity and issues in respect of refuse collection.

Zeals parish council does not support the application, citing grounds including landscape impact, Highway safety and flooding.

Gillingham Town council raised no objections, subject to Conditions.

3. Site Description

The application site consists of an approximately rectangular parcel of agricultural land of approximately 1.9 hectares. The eastern boundary of the application site is bounded by the B3092 (Mapperton Hill) from which the land is currently served by an access.



The application site is located approximately 1.3 miles to the south of Mere (The Square), and approximately 2.6 miles to the north of Gillingham.

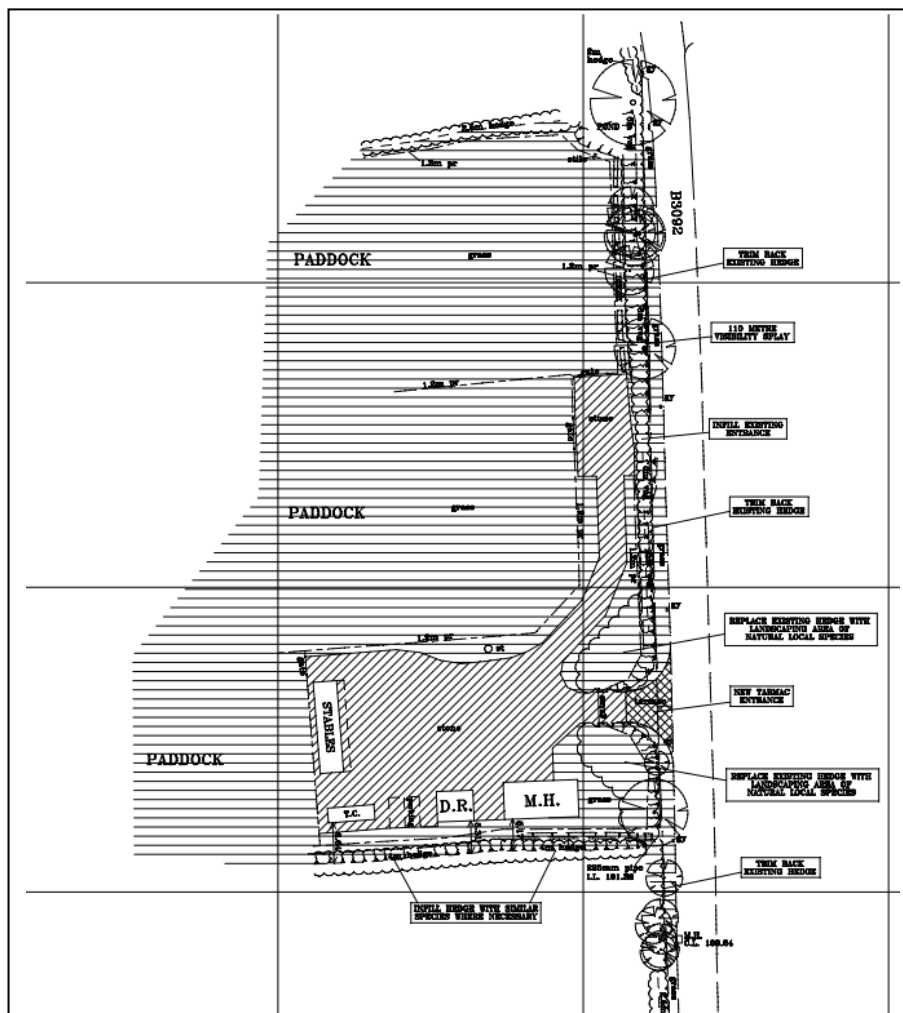
4. Planning History

None relevant to this application

5. The Proposal

The application proposes the change of use of the land to a single pitch person(s) of gypsy and traveller status (as defined within Annex 1 of Planning Policy for Traveller Sites), together with associated works including the siting of 1 x mobile home, the construction of 1 x day room, the siting of 1 x touring caravan, the erection of 1 x four bay timber stable building, the creation of a new access (existing access to be stopped up and planted across with new boundary planting) and hard standing and the use of the land for the keeping of horses.

Proposed site layout:



6. Planning Policy context

Local plan policy

The Wiltshire Core Strategy (WCS) was adopted on 20.01.15. Core policy 47 (Meeting the needs of Gypsies and Travellers) is relevant to this application. Also relevant are core policies CP57 and saved SDLP policy C6.

National Planning Policy

Planning Policy for Traveller Sites (PPTS) (DCLG, March 2012)

National Planning Policy Framework (NPPF) (DCLG, March 2012)

National Planning Policy Guidance (NPPG) (DCLG, March 2014)

7. Summary of consultation responses

Spatial Planning – There is an identified need for additional traveller pitches in this location which is a significant material consideration weighing in favour of this application. However, the case officer would need to be satisfied that the criteria of WCS CP47 are met, specifically in terms of the appropriateness of the proposal to the scale and character of its surroundings; impact on the landscape; and access, before this proposal can be supported.

WC Highways – No Highway objection, subject to Conditions

WC Drainage – Support, subject to Conditions

Public Protection – No adverse comments, advice re septic tank/sewage

Landscape Officer – No response received

Environment Agency – No response received

Mere parish council – Object on grounds of Highway safety, flooding and drainage, visual amenity and difficulties in respect of refuse collection from the site

Zeals parish council – Does not support the application on grounds including visual impact, the site is within the countryside, Highway safety, flooding and public health concerns

Gillingham Town Council – No objections, subject to Conditions

North Dorset District Council – No response received

Dorset County Council – No response received

8. Publicity

The application was publicised by site notice, neighbour notification and on the Councils website.

The application has generated a total of 68 representations from the third parties, as follows:

- 1 representation in support of the proposed development;
- 66 representations objecting on grounds including Highway safety, site is too remote from services and facilities, difficulties in respect of refuse collection, flooding, impact on the landscape, development in the countryside, land not suitable for keeping of horses, not in accordance with policy, impact on amenity
- 1 representation making other comments.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of the proposed development in the light of relevant local and national planning policy and guidance

The Wiltshire Core Strategy (WCS) is the adopted local plan (adopted January 2015). Core Policy CP47 (Meeting the needs of Gypsies and Travellers) of the WCS deals with making provision for gypsies and travellers and is the primary local plan policy relevant to this application. National policy in the Planning Policy for Traveller Sites (PPTS) and National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also applicable.

WCS CP47 states:

Core Policy 47: Meeting the needs of Gypsies and Travellers

Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably:

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable
- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users
- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.
- iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas
- v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.
- vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
- vii. Adequate levels of privacy should be provided for occupiers
- viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements, and
- ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

WCS CP47 (v) requires that sites are located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

Whilst the site is not within Mere itself, it is approximately 1.3 miles to the south of the centre of Mere (The Square), and is approximately 2.6 miles to the north of Gillingham. Whilst feasibly this could be walked, the B3092 is not pedestrian friendly and it is likely that most trips to Mere or Gillingham would be made by motor vehicle.

Mere is classified as a Local Service Centre in the WCS and provides a good level of “everyday” retail and services to the surrounding area, including a primary school and doctors surgery. In these respects it is considered that the location would broadly satisfy the relevant criteria of WCS CP47(v).

CP47 Criterion (viii) states that development should be appropriate to the scale and character of its surroundings and existing nearby settlements. The policy goes further in requiring under criterion (vi) that the development will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings. These issues are further discussed at items 9.6 and 9.3 respectively (below).

CP47 (ix) requires that sites should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology. The application site is an agricultural field within a non-designated (other than locally) landscape. The site is not within a designated Area of Special Archaeological Significance and it is not considered the proposed development would result in undue impacts in terms of river quality or biodiversity.

In addition, CP47 (ii) requires that the site is served by a safe and convenient vehicular and pedestrian access. Highway considerations are discussed at 9.5 (below). Paragraph 32 in the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

CP47 (iii) also requires that the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

Taking into consideration the circumstances specific to the application, and the consultation responses of Statutory Consultees, it is considered on balance that the proposed development is accordant with relevant local and national policy and guidance, and is acceptable in principle.

9.2 Current levels of provision of gypsy and traveller pitches within the South Wiltshire Housing Management Area

In terms of overall need the council’s latest position for the South Wiltshire Housing Market Area is that for the period 2011-16, an additional 37 pitches are required; the council’s latest monitoring data shows that as of December 2014, the residual requirement is 33 pitches. This is set out in the supporting text to WCS Core Policy 47, and the addendum to Topic Paper 16 which contains the evidence underpinning the policy.

However, the Council is currently undertaking a full 2014 Gypsy and Traveller Accommodation Assessment (GTAA) to update the evidence underpinning the Core Strategy; to inform its review post adoption; and the development of the Gypsy and Traveller DPD which will allocate sites to meet that accommodation need. The study has a base date of July 2014 and will cover the period 2014 – 2029, but is not yet available to inform or provide additional information relevant to this application.

Therefore, based on the available evidence at the time of writing, there is currently a significant need for pitches in South Wiltshire, equating to a requirement of additional 33 pitches by 2016.

9.3 Scale, design & materials and impact on the character of the surrounding landscape

The application site constitutes an agricultural field within the countryside and designated Special Landscape Area (a non-national designation).

The application proposes the use of the land as a single pitch for person(s) of Gypsy and Traveller status, to include the provision on the land of 1 x mobile home, 1 x single storey day room measuring approximately 6m by 5m (of brickwork construction under a simple clay tiled pitched roof), 1 x touring caravan, 1 x septic tank, a single storey stable block of timber construction (measuring approximately 15m by 4m) and the construction of a new access to the site (the existing access to be stopped up and local hedgerow varieties planted to infill the gap).

The proposed buildings, structures and works are of relatively single storey form and consequently of low overall height. The materials proposed are considered generally appropriate to the rural surroundings. The presence of the buildings and structures would be relatively well screened and mitigated by existing field boundary treatments consisting of mature hedgerows and trees, and it is considered the proposed development would not be unduly visually prominent within, or unduly affect the existing character of the surrounding landscape.

9.4 Drainage/flooding

CP47 criterion (i) requires that there should be no significant barrier to development in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable. Whilst the site is within Flood Zone 1 (low risk of flooding), it is within an area susceptible to ground water flooding (as submitted photographs from December 2014 show standing water at the eastern end of the site).

However, the Council's Drainage Officer has been consulted on the application and supports the application, subject to Conditions in respect of the agreement of a scheme of foul water from the site, and a scheme for the discharge of surface water from the site. The Drainage Officer also advises that an informative should be added to any approval given, to convey that there will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course, or change to the water course (including any piping or diversion) to cover any permanent and/or temporary works prior to construction of any storm water drainage works on site as required under the Land Drainage Act 1991.

On the basis that the Council's Drainage Officer supports the application subject to Conditions, it is considered the proposed development can be suitably drained in accordance with the requirements of CP47.

9.5 Highway considerations

The Highways officer has visited the site and raises no Highway objection to the proposed development, subject to Conditions in respect of the provision of appropriate visibility splays, consolidation and grading of the new access, and that any gates are set back and open inwards.

9.6 Neighbour amenity considerations

WCS CP47 (vii) requires that adequate levels of privacy should be provided for occupiers. As this proposal is only for one pitch, and the site is immediately surrounded by open fields, it is considered that this criterion is satisfied.

The residences of both Mapperton Hill Farm and Three Oaks Farm are located within close proximity to the site to the south and south-east respectively. As the proposal is for one pitch, and the proposed building and structures are each of single storey form it is reasonable to assume that the proposed development is not of such a scale as to result in harm to the amenity of the neighbouring properties.

By reason of the distance between the application site and the closest neighbouring dwellings to the south (at Mapperton Hill Farm and Three Oaks Farm), and by reason of the existing natural screening to the south of the application site (provided by hedgerows and trees along the field boundaries), it is considered the proposed development would not result in undue impacts on the amenity of neighbouring occupiers.

10. S106 contributions

None relevant to the proposed development.

11. Conclusion

The proposed development is considered accordant with relevant local plan policy, national policy and national policy guidance insofar as it would make provision for a single pitch for persons of Gypsy and Traveller status within a locality where there is currently a significant under-provision of Gypsy and Traveller accommodation, without undue adverse impacts in terms of amenity, Highway safety, environmental or other relevant considerations.

The proposed development is thereby considered accordant with local plan policies CP47 & CP57 of the adopted Wiltshire Core Strategy, saved local plan policy C6, and the aims and objectives of the national planning policy and guidance set out within the NPPF, NPPG and DCLG publication 'Planning Policy for traveller Sites'.

RECOMMENDATION

It is recommended the application be APPROVED, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing number 1464/04 dated November 2014, as deposited with the local planning authority on 28.11.14, and

Drawing number 1464/02A dated November 2014, as deposited with the local planning authority on 28.11.14, and

Drawing number 1464/03A dated November 2014, as deposited with the local planning authority on 28.11.14.

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites.

REASON: To restrict the occupation of the site, the residential use of which is only acceptable on the grounds of local and national planning policy specific to persons of gypsy and traveller status.

4. No more than one caravan (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) shall be stationed on the site at any time and used for residential purposes. In addition no more than 1 other caravan comprising a touring caravan or traditional showman or gypsy wagon shall be accommodated on the site.

REASON: To control the numbers of caravans on the site, in the interests of amenity and Highway safety.

5. No industrial or commercial activities shall take place on the land, including the storage of materials.

REASON: In the interests of amenity and Highway safety.

6. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centreline of the access, extending to each corner of the site frontage. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1.0 metre above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

7. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

8. The gradient of the access shall not at any point be steeper than 1 in 15 for a distance of five metres from its junction with the public highway.

Reason: In the interests of highway safety.

9. Any gates to close the access shall be set back a minimum distance of 4.5 metres from the carriageway edge and made to open inwards (away from the highway) only.

Reason: In the interests of highway safety.

10. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

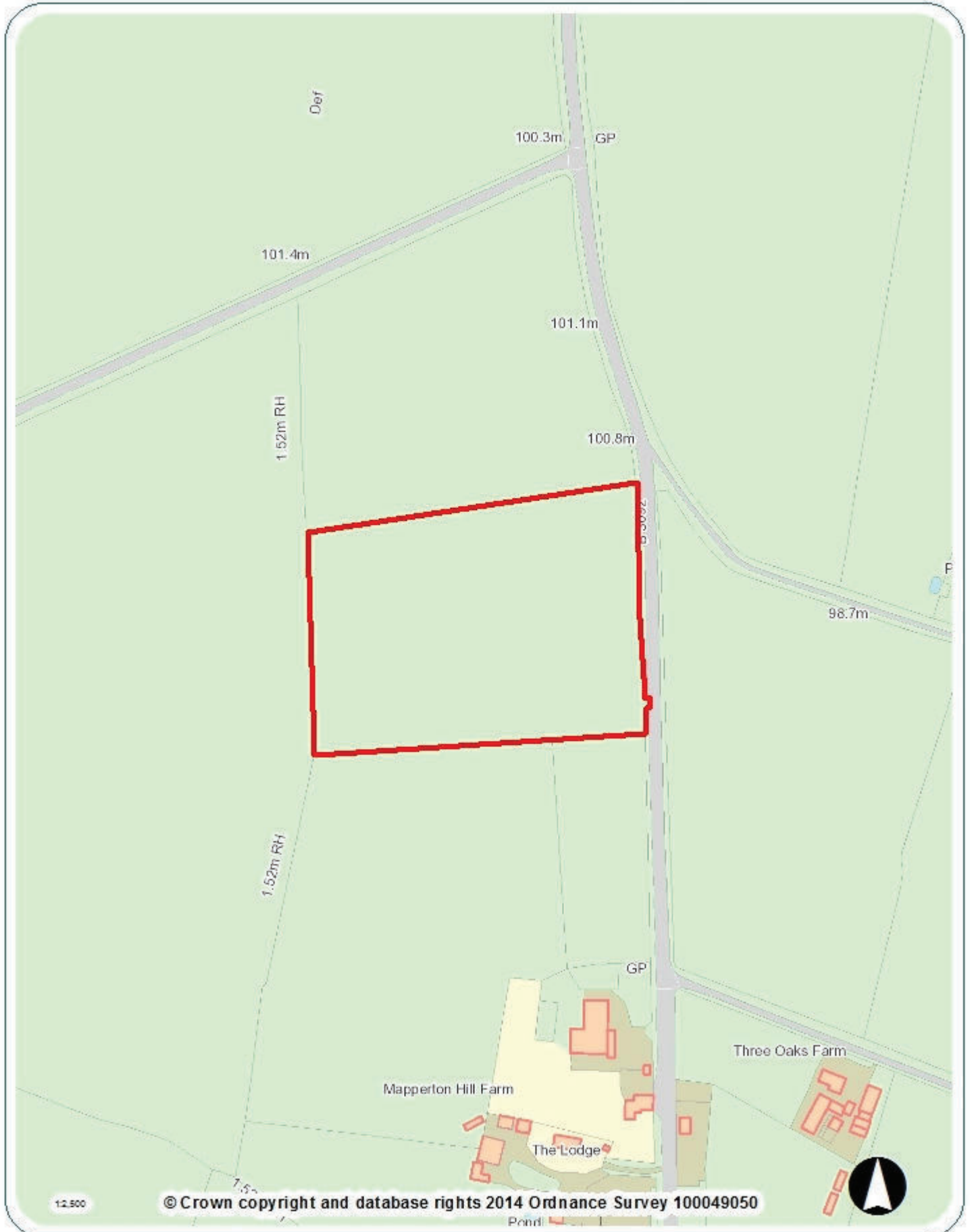
11. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway and formal land drainage consent approval where works are required to ditches/water courses), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

INFORMATIVE:

There will be a need to obtain formal Land Drainage Consent for any proposed outfall to a water course, or changes to the water course (including any piping or diversion) to cover any permanent and/or temporary works prior to construction of any stormwater drainage works on site as required under the Land Drainage Act 1991. Please note that obtaining of planning permission does not remove the need to obtain LDC before starting any works relating to the water course.

14/10556/FUL
Land at west side of B3092
Mapperton Hill
Mere
Wiltshire
BA12 6LH



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	March 11 th 2015
Application Number	14/09262/OUT
Site Address	Land North of Bitham Park Trowbridge Road Westbury
Proposal	Proposed development of up to 300 dwellings; Creation of new roundabout access from Trowbridge Road; Creation of a new emergency/cycle and pedestrian access from Coach Road; Open Space; Drainage Works and ancillary works
Applicant	Robert Hitchins Ltd
Town/Parish Council	HEYWOOD
Ward	ETHANDUNE
Grid Ref	387527 151962
Type of application	Full Planning
Case Officer	Jemma Foster

Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development of up to 300 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Westbury

1. Purpose of Report

To assess the merits of the planning proposal and recommend that the application be refused

2. Report Summary

The main issues to consider are:

- Principle
- Land Quality
- Impact upon the character and appearance of the area
- Impact upon neighbouring amenity
- Access and highways
- Section 106 Obligations
- Other

3. Site Description

The site comprises of 11.18 hectares of agricultural land and is located to the north east of Westbury, beyond the existing limits of development. The site is bounded and enclosed to the north by the embankment of the Railway Line, to the west by the A350, the east by Coach Road and to the south by housing on the Knoll with Bitham Park beyond. A field separates the south-west corner from the built-up limits.

The site on the opposite side of the A350 has received outline planning permission for up to 220 dwellings and the reserved matters application is currently being assessed by the Local Planning Authority.

4. Planning History

Whilst there have been no previous planning applications on this site a screening opinion was sought in March 2014 for the proposed development and it was concluded by the Local Planning Authority that a scheme of the scale proposed would not constitute EIA development

5. The Proposal

This is an outline application for up to 300 dwellings, creation of new roundabout access from Trowbridge Road (A350), Creation of new emergency/cycle and pedestrian access from Coach Road, Open Space, Drainage Works and ancillary works.

The means of access is to be determined at this stage, with all other areas left for future determination under a reserved matters application, including the appearance of buildings, layout of the proposed development, scale of buildings proposed and landscaping. The access arrangements propose a new roundabout junction onto the A350.

Amended plans were submitted on 3rd February 2015 with reference to ecology and drainage and a revised indicative layout. The application is supported by several documents which include a Landscape and Visual Impact Assessment, Transport Assessment, Framework Travel Plan, Flood Risk Assessment, Noise Assessment, Air Quality Screening Assessment, Design and Access Statement, Extended Phase 1 and Protected Species Survey Report, Envirocheck Report, Heritage Statement, Utilities Statement, Arboricultural Survey, Statement of Community Involvement, Archaeology Report, Supplementary Bat Report, Supplementary Ecology Information

6. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this application.

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP32 (Westbury Area Strategy), CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire's housing needs), CP46

(Meeting the needs of Wiltshire's vulnerable and older people), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP58 (Ensuring conservation of the historic environment), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP67 (Flood Risk)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP). Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment), I2 (Arts), I3 (Access for everyone)

West Wiltshire Leisure and Recreation Development Plan Document (2009)

Other important policy documents include:

Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy

2014 Revised Policy for School Infrastructure & Capital Cost Multipliers for Section 106 Agreements (Approved 18/03/14)

HRA and Mitigation Strategy for Salisbury Plain SPA

Government guidance includes the National Planning Policy Framework (NPPF) and Planning Policy Guidance (PPG)

7. Consultations

Westbury Town Council – Object as the site is located outside the Town Policy Limit. No further housing is required in Westbury which has insufficient infrastructure to accommodate further windfall housing. If approved it will delay the allocated site H14. There are no pedestrian links to the town centre due to the site being located away from any frontage to Bitham Park itself. The footway proposed on the eastern side of the development is unsuitable as it is to the side of the main A350. Coach Road is very restricted in width and has a long standing traffic order. The application does not propose to provide any new bus services and it is a long way from the new medical centre.

Heywood Parish Council – Object as the site has no convenient access to Westbury or to Bitham Park Road, it is unsuitable for pedestrian and vehicular access; Coach Road has a Traffic Regulation Order on it and is a single track road; Yarnbrook is already over capacity; the site is outside the Town Policy Limit as it is in open countryside and is contrary to local and national policy.

Wiltshire Council Spatial Planning Officer - The proposal would be contrary to the policies in

the Wiltshire Core Strategy as it is located outside the limits of development for Westbury and therefore cannot be supported on policy grounds.

Wiltshire Council Highways Officer - The means of access is proposed direct from the A350, a National Primary Route, in an area that is not built up and no over-riding need has been demonstrated. The proposal therefore fails to comply with CP62, and in line with this policy, should be refused planning permission.

In relation to other matters, and leaving aside the in-principle objection, the proposed roundabout, traffic increase, capacity issues on nearby junctions are considered to be appropriate. A financial contribution towards sustainable transport measures would be required and conditions regarding highway safety.

Wiltshire Council Affordable Housing Officer – The site falls outside the town policy limits for Westbury but if the site did come forward 30% affordable housing would be required which would equate to 90 units. 72 (80% Of 90) of which would be required for affordable rent and 18 (20% Of 90) would be required for shared ownership. Based on the current housing need in Westbury a mix of 1, 2 and 3 bed dwellings with possibly a small number of 4 and 5 bed units as afforded rent would be required. Some specialised accommodated may also be required. The affordable dwellings should not be in cluster of more than 15 dwellings and would be required to meet the Homes and Communities Agency Design and Quality Standards/Scheme Development Standards and the sold by following the Council's allocated policy.

Arboricultural Officer - No objection

Archaeology Officer – Support. An archaeological trial trench has been carried out following on from a geophysical survey which identified some archaeological remains which would be lost. It would therefore be appropriate to ensure that an appropriate record is made in a manner proportionate to their importance and impact (paragraph 141 of the NPPF). A written programme of archaeological investigation would also be required.

Wiltshire Council Drainage Officer – No objection to amended details subject to conditions regarding the discharge of foul and surface water.

Wiltshire Council Education Officer – Full contributions would be required from the developer to go towards the designated primary and secondary schools.

Wiltshire Council Indoor Leisure Officer – The Indoor Facilities Action Plan shows that Leighton Recreation Centre is over comfortable in capacity in its Sports Hall and Westbury Pool is lacking in its pool spectator facilities. The aim of the Plan is to upgrade all aspects of facilities to a good rating. Using the Sport England calculator the proposed development would require a sum of £238,017 to be contributed towards these facilities.

Wiltshire Council Play and Open Space Officer – The site generates a need for 1100m² of Public Open Space of which 531m² should be equipped play provision. The application shows that there would be sufficient open space which should remain in perpetuity and be maintained by a management company. The Leisure and Recreation DPD identifies an under provision of sports pitches in Westbury and a lack of quality in existing pitches. The development would therefore be required to provide 7080m² which when calculated results in a contribution of £70,800.

Wiltshire Council Public Arts Officer – Public art should be integrated into the site.

Wiltshire Council Ecologist – No objection subject to conditions regarding landscaping, lighting, Landscape and Ecology Management Plan, Construction Environment Management Plan and requirements to be included within a Section 106 Legal Agreement.

Wiltshire Council Public Protection Officer- No objection as there does not appear to be any historical land issues of a potentially contaminative nature. With regards to air quality, the developers should be contributing to local sustainable transport infrastructure in the form of cycle route provision and electric vehicle hook-ups – sums to be received from the Highways Officer.

Wiltshire Council Rights of Way Officer – Coach Road which runs around the site is heavily used by horse riders in the area and is a vital link to keep them safe off the A350. It is also used by cyclists and walkers and therefore we would not wish to see any additional traffic on this link. The vehicular access near the double bend on Coach Road is unacceptable and should only be used as an emergency exit. The link to the north of the site must be for both pedestrian and cyclists and a further link for this use should also be provided at the southern end of the site. High quality, attractive and direct pedestrian and cycle links should also be provided from the site into Westbury.

Natural England – No objection with respect to Salisbury Plain Special Area of Conservation (SAC) and Special Protection Area (SPA) subject to a contribution being in place sufficient for the purposes of mitigation.

Network Rail – No objection in principle but Network Rail would like to be included within any detailed design of the surface water drainage plans including outfall and attenuation pond locations to ensure that increased surface water created by the proposed construction would not adversely affect Network Rails assets. A condition would be required regarding fences, drainage, landscaping.

NHS England – Westbury is well served in terms of GP Premises and should have the capacity to take the number of patients generated by this development.

English Heritage – The proposal would not result in serious impacts to highly sensitive, designated heritage assets forming part of the historic environment.

Environment Agency – No objection in principle subject to conditions regarding surface water drainage and a remediation strategy.

Fire Officer – No objection subject to the development being carried out in accordance with the relevant building regulations.

Wessex Water – No objection as the relevant connections can be made. Surface water drainage systems will be required to serve the development proposals.

Wiltshire Police – Lack of detail reference crime prevention in the Design and Access Statement.

Wiltshire and Swindon Biological Records Centre – Great crested newt and bat species located nearby.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 30th December 2014. 14 Letters of objection have been received with the following concerns:

Principle

- The relevant infrastructure for more housing is not in place, we are not able to see a dentist
- Outside the town limits
- Schools, shops, education, health services, recreation facilities, leisure, jobs all need to be improved in Westbury before further housing takes place as they are already overstretched
- Flooding regularly takes place on this piece of land – the existing surface water pond poured off onto nearby fields
- Bats and peregrine falcons fly over this piece of land and there are adders on site
- We hope the bench will not be removed
- Pedestrian route needs to be relocated to its original route

Design and Neighbouring Amenity

- 3 storey development is unacceptable in this location due to the existing bungalows and two storey dwellings on site
- Damage the natural view to the White Horse
- Residents in Hampshire Gardens already experience significant vibrations and tremors as a result of volume and weight of vehicles passing by –this proposal will exacerbate the problem
- Concerns about future subsidence and building foundations

Highway Safety

- There is no capacity on the roads for more traffic – the A350 is already under strain
- It utilises a single track road which is unsuitable for vehicles
- If approved, access to the country park needs to be improved
- How will public transport get to and from the site as its not located near the train station

9. Planning Considerations

9.1 Principle

Core Policy 1 (CP1) of the Wiltshire Core Strategy sets out the settlement strategy for Wiltshire identifying four tiers of settlement, namely:

- (1) Principal Settlements, (2) Market Towns, (3) Local Service Centres and (4) Large and then Small Villages.

The limits of development of the Principal Settlements, Market Towns, Local Service Centres and Large Villages, as defined by former District Local Plans, are carried forward into the Core Strategy and retained. These settlement boundaries will be reviewed as part of the Wiltshire Housing Site Allocations DPD, as set out in the Council's Local Development Scheme, in order to ensure they are up to date and can adequately reflect changes which have happened since they were first established. It will also be the prerogative of the community to review settlement boundaries through a neighbourhood plan. This approach was supported by the Core Strategy Examining Inspector in his report published in December 2014.

Westbury is identified as a Market Town within the Settlement Strategy. Market Towns are defined as settlements that have:

the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities.

Core Policy 2 (CP2) sets out the delivery strategy. The Core Strategy advises that a number of sources of supply have been identified for new housing in Wiltshire across the plan period including allocations within the Core Strategy, existing commitments, windfall sites and sites identified through future Site Allocations DPDs and neighbourhood plans. The delivery strategy seeks to prioritise the re-use of previously developed land and supports the development of sites within the limits of development. It requires a plan led approach to the identification of new development sites on the edge of settlements outside of the limits of development to allow local people to shape their communities and consider alternative sites.

Core Policy 32 (CP32) sets out the strategy for Westbury and its community area and identifies an indicative requirement of approximately 1,615 new dwellings for the Westbury

community area of which about 1,500 should occur at Westbury. The target is expressed as a 20 year target covering the period from 2006 to 2026. The most recent Housing Land Supply Statement July 2014 identifies a requirement for only a further 74 dwellings in the Westbury town area over the plan period due to a strategic housing allocation (250 homes on land at Station Road), completions and previous permissions (including the 220 dwellings approved at The Mead as recently as March 2014). In total, 50% of the level of growth for Westbury over the Plan period is available in the form of developable commitments. Paragraph 4.28 states that in order to ensure an appropriate distribution of growth across Wiltshire that supports a sustainable pattern of growth in accordance with Core Policy 1 indicative housing requirements are provided below Housing Market Area level including for the Market Towns.

CP2 advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

Whilst the settlement strategy set out in CP1 supports the significant development of Westbury as a Market Town, CP2 seeks to achieve this in a planned and managed way through the identification of sites in a Site Allocations DPD or Neighbourhood Plan. The purpose of this policy in this case is to ensure that the housing required in Westbury is delivered in a plan-led way that identifies the most sustainable sites for development. Therefore as the application site falls outside the identified limits of development for Westbury, the proposal is contrary to CP2 as it has not been brought forward through a Site Allocations DPD, a neighbourhood plan or complies with one of the exception policies that allow particular forms of housing development outside of limits of development.

The Core Strategy Inspector in his final report stated that *subsequent details of housing provision can emerge reasonably through the sites DPD complementing any neighbourhood plans which arise*. He also confirmed when discussing Westbury (CP32) that *a number of other potential housing sites were identified by promoters which may have individual merit....such sites may come forward where justified through the provision of Core Policy 1 and 2 or through the Sites DPD and neighbourhood planning processes*. He also states that the Station Road Strategic Allocation is *justified as a strategic allocation*.

It is also necessary to consider whether there are any other material considerations that should be taken into account in considering the principle of development on this site at this time. One of these is the question of five year housing supply. If the council cannot demonstrate a five year housing land supply, the NPPF advises that planning policies for housing should not be considered up to date, and planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole'. Currently, the council considers that it has a five year land supply for the housing market area (north and west) within which the site lies and this has been endorsed by the findings of the Core

Strategy Inspector. The provision of the NPPF therefore is not engaged and the in principle objection to the scheme is maintained.

In conclusion when discussing the principle of the site and level of housing growth at Westbury, consideration needs to be given to the fact that significant housing growth is already provided for at the Town, which will ensure that the requirements of Core Policy 32 can be achieved across the Plan period. This includes the future delivery of the allocated site at Station Road. The proposal fails to comply with the delivery strategy of the Core Strategy (Core Policy 2), in particular the plan led approach to development of the town including the identification of new sites outside of limits of development. The proposal would be contrary to the newly adopted WCS and result in unnecessary development in the open countryside that fails the NPPF requirement to take into account the intrinsic character and beauty of the countryside (NPPF paragraph 17).

9.2 Land Quality

Land Contamination

The Wiltshire Council Public Protection Officer has confirmed that there does not appear to be any historical land issues of a potentially contaminative nature and therefore no further details are required and the proposal is considered to comply with CP56.

Archaeology

CP58 states that development should *protect, conserve and where possible enhance the historic environment*. The Wiltshire Council Archaeologist has confirmed that following an archaeological trial trench evaluation undertaken at the site in July 2014 which followed on from a geophysical survey, the results identified a concentration of gullies, ditches and pits within the western part of the site. The remains appear to represent several phases of activity at the site during the early/middle Iron Age and Romano-British periods. In line with the National Planning Policy Framework, due to the presence of archaeological remains within the site that would be lost, mitigation is required to ensure an appropriate record is made, in a manner proportionate to their importance and impact (NPPF paragraph 141). As such the proposal is considered to comply with CP58 and if the application were to be approved an appropriate condition to cover this mitigation would be required.

Agricultural Land Quality

The site is made up of land that is largely grade 3a and 3b (broadly equal proportions). The NPPF states that Local Planning Authorities should protect the best and most versatile agricultural land (best is Grades 1, 2 and 3a).

Flood Risk and Drainage

The site lies within Flood Zone 1, which is the lowest risk area where residential uses are considered to be appropriate in terms of minimising flooding risks. A surface water management plan is proposed to ensure that run off will be limited and thus will not impact on flood regimes downstream.

The site proposes a Sustainable Urban Drainage System (SuDS) in the form of drainage attenuation ponds that will ensure that runoff will be less than currently and the risk of off-site flooding is also reduced. It is important to note that the Wiltshire Council Drainage Officer, Wessex Water and the Environment Agency and have raised no objections to the scheme subject to conditions. The proposal is therefore considered to comply with Saved Policy U1a and CP52.

Although the site is within Flood Zone 1, the site is known to be low lying and the area below the railway bridge on Trowbridge Road adjacent to the site is subject to surface water flooding. Any reserved matters application would need to ensure that the development does not rely on ground infiltration unless this can be demonstrated as an effective method of disposal of surface water. Any connections off site would be required to demonstrate that the discharge will not exacerbate problems with flooding of the highway. This detail can be requested to be submitted in the reserved matters application via an appropriate informative.

Ecology

The site is located within 2km of the Salisbury Plain Special Protection Area (SPA) and Salisbury Plain Special Area of Conservation (SAC). The Salisbury Plain Site of Special Scientific Interest (SSSI), Bratton Downs (SSSI), Picket and Clanger Wood (SSSI), Upton Cow Down (SSSI) are also within 2km of the site. The site itself is dominated by semi-improved grassland with several mature hedgerows.

It is considered by the Wiltshire Council Ecologist that there would be no adverse impact upon sensitive wildlife species and habitats (including bats, badgers, great crested newts etc). The development is unlikely to have a significant effect on the integrity of the Bath and Bradford on Avon Bat SAC and the proposal seeks opportunities to enhance biodiversity through the retention of hedgerows, improved landscaping and SuDS. The proposal is therefore considered to comply with the relevant criteria in CP57 relating to ecology . Any approval would need to include conditions for a Construction Environmental Management Plan, lighting details and Landscape and Ecology Management Plan (which should include a 2m verge alongside the hedgerows to be incorporated into the site layout and details of the management of the eastern boundary 10m vegetation buffer).

9.3 Impact upon the character and appearance of the area

The site is only connected to the existing built up form of development at The Knoll and the new development which has outline planning consent at The Mead on the opposite side of the A350. It is therefore considered that the proposal is not well connected to the built up form of Westbury primarily due to the absence of development alongside Bitham Park Road.

The detailed layout and design of the proposal would be a matter for the reserved matters application to assess. However in principle, the design and access statement states that the

scale of the future dwellings is likely to be 2 and 2 ½ storeys (5-6m and 7-10m). Due to the location near to the Westbury White Horse, the scale of the proposed dwellings should be kept at a minimum. Further details would therefore need to be submitted with a reserved matters application with sufficient supportive evidence to prove that views of the White Horse and other sensitive receptors would not be interrupted. Some comments received as part of the consultation process objected to any three storey dwellings but none are proposed.

There is a Scottish and Southern Energy 11KV overhead line that bisects the site from the northern to the southern boundaries. 33KV cables run along the south eastern boundary, along Bitham Park. These cables are suspended by wooden pylons and would need to be underground or diverted, details of which would need to be submitted with the reserved matters application.

Heritage Assets

CP57 requires new developments to be *sympathetic to and conserve historic buildings and historic landscapes*. CP58 states that development *should protect, conserve and where possible enhance the historic environment*. There are no designated heritage assets on the site but the Westbury Conservation Area is located approximately 250m to the south and the nearest listed building is Frogmore House which lies approximately 250m away (south west of the site). Heywood House which is a Grade II* Listed Building lies some 900m to the north of the site. The Scheduled Ancient Monument known as Bratton Camp Iron Age hillfort and the Westbury White Horse are located approximately 1.7km south east of the site.

A heritage statement and a landscape visual impact assessment were submitted with the application demonstrating the impacts the proposal may have on the above designated assets. English Heritage have assessed the proposal and have considered that the proposal would not result in serious impacts to the highly sensitive, designated heritage assets that form part of the historic environment and therefore raised no objections to the proposed scheme. It is therefore considered that the proposal would comply with CP58.

Landscape

The site is characterised by gently rolling topography sloping downward towards the town. The rural character is disturbed by noise and visual intrusion of the trading estates, the former cement works chimney, road and rail networks. The site however has a strong rural character typical of the rolling clay lowland that follows the steep scarps of the chalk uplands from Westbury to Swindon. Small to medium rectangular fields are bounded by largely intact thick hedgerows with mature trees. The Bitham Brook and other wet ditches support rich riparian vegetation which partially encloses the landscape allowing intermittent views of the dominant scarp of Salisbury Plain and the Westbury White Horse. Landscape detractors include the cement works chimney, the railway corridor and the noisy A350. The Wiltshire Council Landscape Officer has stated that in her opinion *the existing landscape elements of hedgerows and riparian vegetation give rise to a semi enclosed landscape*

which could with additional measures accommodate development within field pockets. The site is easily located in views from the adjacent chalk upland because of its proximity to the cement works. Strengthening existing hedgerows and new woodland planting will be essential create a soft urban edge and reduce the visual impact from higher ground. Open space and landscaping forms approximately 26% of the total site area and include play areas, open space, SUDS scheme, and retained trees, hedgerows and green corridors. There is significant proposed planting on the western and northern edge of the development.

However, in your officer's view, the development site is clearly visible from the higher ground on the northern edge of Salisbury Plain to the south of the site, where it would be seen as a significant extension of the built-up area of the town into the surrounding rural landscape. It would have a harmful, urbanising impact that would conflict with one of the core planning principles in the NPPF to recognise the intrinsic character and beauty of the countryside and that would conflict with policy CP51 that seeks to protect the landscape from harmful impact. This would be exacerbated by the isolation of the agricultural land to the south-west of the site from its existing rural context.

Sustainable Construction

CP41 of the emerging Wiltshire Core Strategy identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. In doing so this policy sets the framework for meeting a number of national and local priorities (for example Part L of the current Building Regulations) that seek to achieve sustainable development and conserve natural resources. This policy will help to reduce Wiltshire's contribution to climate change through improved design and construction methods. As a requirement of this policy if this application were to be recommended for approval a condition would be required to secure all new homes to reach at least Code Level 4 (in full) of the Code for Sustainable Homes.

9.4 Impact upon neighbouring amenity

Due to the application being in outline, the impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be assessed as the location of dwellings including heights and location of windows are yet to be determined. The draft indicative layout shows that the proposed residential properties are located away from the railway embankment and the design and access statement states that the amenity of future residents would be reasonable with standard double glazing. Screening will also be provided through a green landscaped environment. The proposal is therefore considered to comply with the relevant parts of CP57.

Concerns raised through the public consultation include loss of views of the White Horse, which is not a matter that can be taken into consideration at this outline planning stage as the detailed design is not yet known. Other concerns include concerns about existing building foundations, future subsidence and vibrations from heavy traffic which are not

material planning considerations when making a recommendation on this application.

9.5 Highway Impact

The site is located in close proximity to a Junior School and a supermarket (Co-op) and access to the site would be via a new roundabout junction off the A350. Core Policy 62 states: *“Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Proposals for new development should not be accessed directly from the national primary route network outside built up areas, unless an over-riding need can be accepted”*.

The Transport Assessment acknowledges that the proposed development is off the A350, but states that permission given on the opposite side of the road causes this to be a built up area. This is not accepted, as the development on the opposite side of the road is not accessed off the A350 where mature hedgerows form the boundaries. Also no evidence has been provided that the traffic calming effects of a roundabout justify the provision of the proposed roundabout, as is suggested. The transport assessment also appears not to offer any over-riding need for such a roundabout and therefore the proposal fails to comply with CP62.

When assessing the detail of the proposed access works, the transport assessment shows that the forecast residual cumulative impact of the development would not be severe so as to justify the refusal of planning permission. The roundabout conforms with the necessary design standards and would be subject to a Section 278 Agreement. The capacity of this roundabout indicates peak period delays not to be excessive and the capacity at the Yarnbrook junction is also not considered to be severe. The Design and Access Statement proposes a package of measures which would be subject to a S106 Legal Agreement.

The internal road has been designed as a minor access road with an ancillary access for emergency vehicles/pedestrian and cycle linkages being provided via Coach Road. The precise details of this road alongside the future car parking will be assessed at the reserved matters stage but will need to comply with the Wiltshire Car Parking Strategy and CP64, the principles of which have been noted in the submitted application.

Two existing bus services serve the site directly from Trowbridge to Westbury Train Station and on to Devizes. Bus stops are located on Bitham Park and The Mead. Westbury Train Station is also located approximately 2km west of the proposed site. The number 87 bus provides an inadequate service to cater for the needs of the development and therefore a developer contribution would be required to support the bus service which would be requested through the Section 106 Legal Agreement.

Air Quality

An air quality management area has been declared on the A350 and the air quality assessment submitted as part of this application show that the proposed development is

unlikely to have significant effect on local air quality. Subject to highway, pedestrian and cycle improvements requested in a S106 Legal Agreement the proposal is considered to comply with CP55.

Public Footpaths

Coach Road runs around the eastern side of the development and is well used by horse riders, cyclists and walker to keep away from the A350. No new vehicular access is proposed onto this road and it will be for the reserved matters application to give details as to how this emergency access would be utilised and how vehicles would be prevented from using it daily.

There is an existing footpath to the north of the site (HEYW18) and to the south of the site (WEST1) which would not be affected by the development, however the links out of the site (north and south) should be for both pedestrians and cycles which would be for the reserved matters to indicate and detail.

The proposal subject to the necessary improvements is considered to comply with policies contained in the Leisure and Recreation DPD.

9.6 Section 106 Obligations

Core Policy 3 advises that 'All new development will be required to provide for the necessary on-site and, where appropriate, off-site infrastructure requirements arising from the proposal. Infrastructure requirements will be delivered directly by the developer and/or through an appropriate financial contribution prior to, or in conjunction with, new development. In ensuring the timely delivery of infrastructure, development proposals must demonstrate that full regard has been paid to the council's Infrastructure Delivery Plan and Schedule and all other relevant policies of this plan. Joint working with adjoining authorities will be encouraged to ensure that wider strategic infrastructure requirements are appropriately addressed'.

This Policy is in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'

The infrastructure items listed below are those that are relevant to the Application site and are required in order to mitigate the impact of the proposed scheme.

Affordable Housing

CP43 requires on sites of 5 or more dwellings, affordable housing of at least 30% will be provided and requires them to be subject to an appropriate legal agreement. 30% of 300 would equate to 90 affordable dwellings being required on this site. 72 of which would be required for affordable rent (80% of 90) and 18 homes would be required for shared ownership (20% of 90). Based on current housing need figures for Westbury these should be a mix of 1, 2 and 3 bed dwellings with possibly a small number of 4 and 5 bed units as

affordable rented. With regards to the shared ownership, the majority of these would be 2 and 3 bed houses. The affordable housing units should also not normally be in groups exceeding 15 dwellings. A further consideration is that an element of specialist accommodation may be sought within the overall affordable contribution in line with CP45 and CP46. Any affordable housing units would need to meet the Homes and Communities Agency Design and Quality Standards/Scheme Development Standards and be provided on a nil subsidy basis, in perpetuity and transferred to a Registered Provider. The affordable rented units will need to be let and the shared ownership units will need to be sold by following the Council's Allocation Policy which is operated by the Homes4Wiltshire team.

Education

The revised policy for School Infrastructure & Capital Cost Multipliers for S106 Agreements was adopted by the Council in March 2014 which identifies how to cost the education requirements in line with CP3. The relevant designated schools for this site are Bitham Brook Primary and at a secondary level Matravers School.

Bitham Brook Primary School is full and therefore a contribution would be required to fund 85 school places at a cost of £16,768 each in order to expand the school.

Matravers is the only secondary school serving Westbury and the surrounding area. The school is also full and therefore a contribution would be required to extend the school to incorporate the 60 school places that the development would generate at a cost of £19,084 each.

The contribution would be required in two instalments, 50% upon commencement of development with the remainder payable at the midway point of construction. The agent states that in his opinion there are surplus school places in the town and therefore the contribution requested is not required in its totality. However the policy requires new housing developments to (where necessary) contribute to the designated area in which the housing development is to be located. In this instance, the designated schools are full and therefore require a full contribution.

The agent also requests details of the planned works to the schools so that they can assess the proportionality that the tests demand. The Education department have confirmed the contribution would go towards the following:

- Bitham Park Primary School: A feasibility study is underway at Bitham Brook Primary to provide additional permanent accommodation in two phases. Phase 1 will provide additional accommodation to meet the demand arising from the previously agreed Mead development and Phase 2 would provide further additional permanent accommodation to meet the demand arising from this application should it be agreed. Phase 2 work is expected to include an additional 3 classrooms, expansion work to the school hall, staff room and admin accommodation along with associated ancillary accommodation.

- Matravers Secondary School: the contribution would be used to provide additional permanent classrooms, specialist accommodation and associated ancillary accommodation required to meet the additional places.

Open Space and Play Provision

Saved Policy LP4 of the Leisure and Recreation DPD states that where *new development (especially housing) creates a need for access to open space or sport recreation provision an assessment will be made as to whether a contribution to open space or sport recreation is required.* Saved Policy GM2 of the Leisure and Recreation DPD requires the *management and maintenance of new or enhance open spaces* which will be included within the S106.

The proposal includes 2.87 hectares of open space of which 531m² would be an equipped play requirement which should be secured in perpetuity. The proposal satisfies these requests. The proposal would also require a Sport and Recreation requirement of 7080m² which has been calculated in accordance with the DPD and results in a requirement of £70,800 to be used to provide or upgrade existing pitches at the cement works, or towards providing changing facilities and a new pitch at Penleigh Recreation ground.

The Indoor Facilities Action Plan shows that the Leighton Recreation Centre is over “comfortable” capacity in its Sports Hall (92% in 2010) and Westbury Pool is lacking in its pool spectator facilities. The aim of the Facilities Plan is to upgrade all aspects of facilities to a GOOD rating. The Sport England Facilities Calculator estimates the amount of demand a given population creates for swimming pools, sports halls, indoor bowls and artificial turf pitches taking into account known local (in this case West Wiltshire) levels of physical activity and converts this demand on indoor leisure facilities into a financial contribution. The contribution required from this development is £238,017 to upgrade the sports hall and changing areas at Leighton Sports Centre and to upgrade the pool spectator environment.

Highways

CP61 states that where appropriate contributions will be sought towards sustainable transport improvements and travel plans will be required to encourage the use of sustainable transport alternatives and more sustainable freight movements. These are as follows:

- The design of the roundabout includes a bus stop and shelter on the south side of the roundabout to facilitate an extension of the town service to serve the site.
- Financial contribution towards local sustainable transport objectives, including local bus subsidy in the sum of £1364 per dwelling index linked from March 2014
- Travel plan liaison work in the sum of £1,500 per annum for 6 years totalling £9,000
- A requirement for the developer to enter into a Section 278 Agreement.

Ecology

The site is located within 4km of the Salisbury Plain Special Protection Area and as the proposal is likely to have a significant effect on stone curlews through recreational disturbance, a contribution of £109.82 per dwelling is to be requested on developments of 10 or more dwellings which is in accordance with the Wessex Stone Curlew Project which has been agreed to by Natural England. This would represent a total commuted sum of £32,946. This has been calculated using the HRA and Mitigation Strategy for Salisbury Plain SPA. Without this commuted sum the application would fail against the HRA regulations and the Ecology Officer would be unable to support the application.

The Ecology Officer has requested that further bat surveys are carried out to ensure that bats continue to use hedgerows and boundary features post-construction. These surveys should be carried out for at least 2 years post-construction and comprise at least 2 visits during the active season (May-August)

A management company also needs to be agreed so that the long term management of the retained habitats and public open space can be confirmed. These requests are in line with CP50.

Arts

The Public Art Officer has stated that they would expect the applicant to integrate public art into the site which would be in line with Policy I2 of the WWDLP and is also referenced in CP3 and CP57. The PPG specifically mentions Public Art as a type of contribution which is not necessary to make a development acceptable but an informative could be added to any approval.

Other

The NHS have responded to the application stating that the newly opened doctors surgery in Westbury has the capacity to accommodate the future residents of this site and therefore no financial contribution has been requested. Despite several requests, to date no information has been provided regarding available dentists within Westbury and therefore no financial contribution can be requested.

Conclusion

The agent on 3rd February 2015 has confirmed that the Applicant has not agreed to the financial contributions above because they feel that the Local Planning Authority are unable to demonstrate why the absence of such sums or part of the sums renders the impact of the proposed development unacceptable. The Agent appears however after lengthy negotiations with the Council to be no longer stating that the sums requested result in the scheme being unviable. Part 9.6 (Section 106 Legal Agreement) of this report clearly outlines the policy background, CIL compliance and reasons for the requested contributions.

9.7 Other Matters

A comment received during the public consultation concerns the loss of the bench located on Coach Road. While this is not a material planning consideration an informative could be attached to any approval to request that the bench is moved to a more suitable location when assessed against the indicative layout.

10. Conclusion

The site is located outside of the limits of development for Westbury as defined in the Wiltshire Core Strategy. The proposal would represent a significant extension of the built-up area into the rural landscape on the eastern edge of the town that would have an adverse impact on the landscape. There are no overriding reasons justifying the grant of planning permission. Significant growth is already committed at the Town including large greenfield sites and the allocation within the Wiltshire Core Strategy, which together with a small allowance for windfall sites within the urban area, would meet the level of growth in Core Policy 32. Any additional land required to meet the requirements for housing growth within the Housing Market Area (HMA) at Westbury should be done through a properly planned process, as required by Core Policy 2. This would enable the distribution of growth across the HMA to be considered comprehensively ensuring that the Spatial Strategy can be delivered and an appropriate balance of growth achieved at all settlements. The plan led approach also allows the merits of different sites to be considered and the community to be engaged in the process consistent with the principles within the NPPF. A decision can then be made on whether the adverse impacts identified here should be accepted if the site is identified through the plan process. However, prior to doing that it would be necessary to consider in principle whether there is clear justification of the need to further increase growth in the town.

Whilst every application should be assessed on its own merits, to allow this development could encourage the submission of further similar proposals outside the limits of development – not least in the area to the south-west of the site that would be entirely surrounded by urban development and the area to the south-east that would be enclosed on three sides by housing development. It would be progressively more difficult for the Council to resist such development that would cause cumulative harm to the character and appearance of the countryside and further distort the spatial strategy.

RECOMMENDATION: Refuse for the following reasons

- 1) The site is located in open countryside outside the limits of development defined for Westbury in the Wiltshire Core Strategy. The proposal would conflict with Core Policy 1, Core Policy 2 and Core Policy 32 of the Wiltshire Core Strategy which seeks to properly plan for sustainable development of housing in Wiltshire. Furthermore, by isolating and enclosing land to the south-west and south-east of the site, the proposal would inevitably result in further development pressure that would lead to significant upward levels of demand for development.

- 2) The proposal conflicts with the Council's plan-led approach to the delivery of new housing sites outside of the identified limits of development, as set out in Core Policy 2 of the Wiltshire Core Strategy which seeks to provide new housing sites to deliver the identified needs in a community area through a Site Allocation DPD and/or a Neighbourhood Plan. This strategy is supported by the Wiltshire Core Strategy Inspector and the Secretary of State in several appeal decisions and the site has not been brought forward through either of these processes.
- 3) The proposed development is not in accordance with Core Policy 62 which seeks to restrict new direct accesses onto the national primary route network. The proposal would consequently result in adverse impacts on the free flow of traffic on the primary route and additional risks to highway safety.
- 4) The developer has failed to agree and submit a Unilateral Undertaking or to enter into a Section 106 Legal Agreement or agree for a viability assessment to be undertaken. The proposal therefore does not provide for the delivery of the necessary infrastructure required to mitigate the direct impacts of the development and fails to comply with Core Policy 3 of the Wiltshire Core Strategy and advice in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and Paragraph 204 of the National Planning Policy Framework.
- 5) The proposal would have an adverse impact on the character and appearance of the area by significantly expanding the built-up area of the settlement into the surrounding rural landscape. This would be highly visible, particularly from viewpoints to the south, and would conflict with a core principle of the NPPF to take account of the intrinsic character and beauty of the countryside and with policy CP51 of the Wiltshire Core Strategy. Furthermore, by isolating a significant piece of agricultural land to the south-west, and enclosing another piece of land to the south-east on what would be three sides by built development, the cumulative adverse impact on the landscape would be increased.

