

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	March 11 <sup>th</sup> 2015
<b>Application Number</b>	14/09262/OUT
<b>Site Address</b>	Land North of Bitham Park Trowbridge Road Westbury
<b>Proposal</b>	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
<b>Applicant</b>	Robert Hitchins Ltd
<b>Town/Parish Council</b>	HEYWOOD
<b>Ward</b>	ETHANDUNE
<b>Grid Ref</b>	387527 151962
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	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 3<sup>rd</sup> 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 20<sup>th</sup> 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 (1<sup>st</sup> 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 1100m<sup>2</sup> of Public Open Space of which 531m<sup>2</sup> 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 7080m<sup>2</sup> 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 30<sup>th</sup> 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 531m<sup>2</sup> 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 7080m<sup>2</sup> 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 3<sup>rd</sup> 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.

