

## WILTSHIRE COUNCIL

### STRATEGIC PLANNING COMMITTEE

### Agenda Item No. 8

Date of Meeting	7 October 2009		
Application Number	N/09/00871		
Site Address	Land at Brynard's Hill, Wootton Bassett		
Proposal	Mixed use development for up to 100 dwellings and 4.9 hectare extension of Interface Business Park, Access, Landscaping and Associated Works		
Applicant	Wainhomes Developments Ltd		
Town/Parish Council	Wootton Bassett		
Electoral Division		Unitary Member	Peter Doyle
Grid Ref	407641 182109		
Type of application	Outline		
Case Officer	Tracy Smith	01249 706642	tracysmith@northwiltshire.gov.uk

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

The application by reason of the scale of employment development being some 15,000sqm is a strategic development and is required to be considered by the Strategic Planning Committee.

Additionally, Cllr Peter Doyle has called the application in to consider the scale, design, height and general appearance of development, visual impact, relationship with existing residential development, environmental and highways impact and car parking in addition to the proposal being contrary to the Local Plan 2011.

#### Purpose of Report

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

#### Main Issues

2. The application is seeking permission for approximately 100 dwellings together with a 4.9ha extension to the Interface Business Park which could provide in the region of some 15,000sqm of employment floor space. A Country Park is also proposed as part of the overall proposals but this is subject to a separate application (09/00870OUT).

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

- Implications for Policies C2, C3, NE15, H4 and BD5 of the North Wiltshire Local Plan 2011
- Principle of development
- Impact on residential amenity
- Impact of character and appearance of the area
- Impact on the highway network
- Ecological Impact
- Other material considerations

## **Site Description**

3. The application site is located on the south eastern edge of the built up area of Wootton Bassett within an area known as Brynard's Hill. Bincknoll Lane forms the northern boundary to the site within Interface Business Park to the west, the Bristol to Swindon Railway Line to the south and existing residential development comprising The Steadings, Vowley View and Highfold to the west. The site currently comprises agricultural land.

4. Site location plans and the masterplan are contained in **Appendix I and II**.

## **Relevant Planning History**

02/00605OUT	Residential development. Refused.  Appeal dismissed.
04/02772OUT	Extension of existing Interface Business Park (B1, B2, B8 uses). Refused.
06/00748OUT	Mixed use development for up to 70 dwellings and 5.01ha extension to Interface Business Park. Withdrawn.
06/00747OUT	Change of use to country park. Withdrawn.

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## **Proposal**

5. The application is made in outline with means of access for consideration at this time and all other matters reserved for future consideration.

6. The application proposes about 100 dwellings as an urban extension to Wootton Bassett and 4.9ha of employment as an extension to the existing Interface Business Park. A country park is proposed between the two areas and is the subject of a separate application which is still being considered.

7. Based on the design and access statement submitted with the application the scheme will comprise some 100 dwellings adjacent the existing residential development. Densities will vary across the residential site having regard to existing development and will be limited to two storey development only.

8. Based on site area the average density of development would be 23 dwellings per hectare. This is lower than the national minimum of 30 dpha set out in PPS3.

9. The residential development will be separated via the existing residential development via a green buffer which effectively comprises the easement for the Government pipeline which runs along this boundary and this prevents development. The residential development is proposed on the western part of the site to the south of The Steadings and east of Branscombe Drive, Sherfields, Highfold and Vowley View.

10. The scale of buildings on the employment development would be in keeping with the existing Business Park.

11. Access to the residential development is proposed off Bincknoll Lane opposite the existing residential development at Huntsland. An emergency access is also proposed onto Vowley View.

12. The employment development would be accessed via and extension to the existing access to the business park. Its scale, in terms of height, would be similar to that at the existing business park.

13. It should be noted that the scheme has been slightly revised to include the provision of a Local Equipped Area of Plan and associated open space adjacent on the western boundary adjacent Highfold/Vowley View.

## **Consultation**

**Wootton Bassett Town Council** – resolved to ask the applicants to withdraw the applications and submit full and separate applications for the employment and residential sites; request the applicants consult further with the local community; change the description of the country park application to public open space.

**Highways Officer** – no objections subject to conditions.

**Spatial Plans Officer** – objects as the proposed development is outside the framework boundary. The Council currently has an adequate five year supply of housing land notwithstanding the emerging strategic allocations in the Regional Spatial Strategy. Specific locations for the distribution of some 5,200 dwellings outside of Chippenham and West of Swindon have yet to be considered in detail and this application is premature to that process.

In relation to the employment, this was considered previously in the Inspector in respect of the North Wiltshire Local Plan 2011. The Inspector concluded that the extension of the Interface Business Park would close the gap that currently existed between the park, the railway line and the canal to the south to the detriment of the landscape of the area.

**Ecological Officer** – no objections subject to conditions/legal agreement.

**Archaeology Officer** – objection on the grounds of the absence of such an archaeological evaluation.

**Housing Officer** – no objections subject to the provision of 40% affordable housing on the site.

**Education Officer** – financial contributions required towards primary and secondary education.

**Drainage Officer** – no objections.

**Landscape Officer** - comments waited.

**Environmental Health Officer** – no objections subject to conditions.

**Highways Agency** – no objections subject to conditions

**Wessex Water** - no objections subject to conditions.

**Thames Water** – no objections.

**Environment Agency** – no objections subject to conditions.

**Network Rail** – object on safety grounds of increased use of the pedestrian crossing over the railway at this location. Negotiations are continuing but unresolved at the time of preparing this report.

**South West Regional Development Agency** – comments waited.

## **7. Publicity**

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

67 letters of objection have been received on the following grounds:

- highways impact on the local network (traffic from St Ivel not taken into account)
- loss of countryside/open space
- no need for either housing or employment
- no need to link employment with housing
- high density development
- noise and light pollution
- previous allocations not supported at Local Plan Inquiry
- harm to mud springs
- archaeological impact
- distance from local facilities
- presence of MOD fuel pipeline
- prominent position detrimental to visual amenity
- poor infrastructure i.e. schools, dentists etc
- flooding/drainage infrastructure
- loss of residential amenity, light and privacy

Following the revision of the masterplan to provide a LEAP as part of the proposed residential development, further consultation has been undertaken with those residents immediately adjacent but not yet concluded at the time of preparing this report. Any responses will be reported as part of late observations.

## **8. Planning Considerations**

### **Principle of development**

The proposed development is located outside of the framework boundary of Wootton Bassett and clearly fails to accord with Policy H4 of the adopted Local Plan 2011.

It is acknowledged that significant housing and employment growth is proposed for the former North Wiltshire area through the Regional Spatial Strategy for the south west with some 5,200 dwellings to be allocated outside of West of Swindon and Chippenham.

The Council in accordance with PPS3 has an adequate five year supply to housing land. Accordingly, there is no housing need to permit the development.

Strategic site options are currently being considered through the LDF process and the proposed development site (housing) is part of that process. Any approval would prejudice that process and the ability to comprehensively plan any development which may be allocated in Wootton Bassett as required by Policy D of the emerging RSS.

In relation to the employment development, it is acknowledged that 1.85ha of land is allocated at the Interface Business Park for employment development and that allocation forms part of the application site. However, the majority of the site is outside of that allocation, outside of the framework boundary in the countryside. Thus, the proposed development fails to accord with Policy BD5 which allows only limited new building or expansion of existing employment sites in the countryside.

The employment element of the site was considered at the Local Plan Inquiry in to the 2011 and the Inspector concluded that any extension would close the gap that currently exists between the

park, the railway line and canal to the south to the detriment of the landscape area, adversely affecting the setting of Brynards Hill.

It is noted that a Government pipeline runs across part of the site along the western boundary and towards Bincknoll Lane. In the main a buffer is proposed across this location with development across it to the north which has regard to its presence and wayleave requirements. The applicant must gain the necessary consent from Defence Estates under separate legislation in order to develop the site.

### **Impact on residential amenity**

The employment element of the proposal would not detrimentally impact upon the residential amenity of adjacent residential properties given their distance to this element of the proposal.

In terms of the residential element, as mentioned above, the residential element is to be located on the western part of the site adjacent to the existing built up residential area which comprises a range of house types.

The illustrative plans show a buffer between the existing and proposed residential development on the southern part of the site which ensures sufficient distance between the existing and proposed development to ensure there is no detrimental impact on privacy or amenity of existing or proposed dwellings. Development on the northern element adjacent The Steadings and Branscombe Drive can be sited and designed so as to ensure the privacy and amenity of existing dwellings is retained.

A Local Equipped Area of Play is required to be provided as part of this development and is shown to be sited adjacent Vowley View. Such a location will enable the scheme to be visually policed in accordance with secure by design objectives by existing and proposed dwellings and will enable the provision of a local facility. Subject to detailed design via a future reserved matters application, it is considered that the LEAP can be satisfactorily accommodated without being detrimental to the residential amenity of nearby residents.

### **Impact on the character and appearance of the area**

Details of siting, design and appearance are reserved for future consideration. Development is proposed to be two storey and will be lower than the minimum density threshold of 30 dwelling per hectare advocated by Central Government due to the landscape and pipeline constraints on the site. Government guidance clearly accepts lower density developments where sites are constrained.

The application site occupies an elevated position clearly visible from the wider countryside. The site lies within the landscape character to which Policy NE15 of the Local Plan 2011 relates. The 2001 Local Plan contained a specific policy (RC6) relating to the Wootton Bassett character setting and was located within the rural buffer (NE2). Neither of the 2001 policies are now applicable.

The residential and employment elements have been considered through both the appeals and Local Plan process at Inquiries.

In 2002, application 02/605OUT was refused and dismissed at appeal. The scheme was for residential development adjacent Vowley View on a site slightly smaller than the current application site. In terms of the current scheme it represents the southern triangle, formed and contained largely by existing hedgerow.

In dismissing the appeal the Inspector considered a number of issues including the landscape setting of Wootton Bassett. The Inspector noted that roads in the vicinity of the site terminate abruptly or have single sided development which in his opinion provided an indication, in terms of urban landscape, that further housing was envisaged.

The Inspector noted that notwithstanding reinforcement of hedgerows the upper parts of dwellings could still be visible from the south and east. He also noted the hilltop setting of the town with existing development extending down on south and east facing slopes to the north and west of the appeal site. Accordingly, it was concluded that whilst the development would be visible, it would accord with the historic and topographical pattern on building in this hilltop town. Thus the development was found to be acceptable on these grounds.

The appeal site was also considered during the Local Plan Inquiry in respect of the 2011 Local Plan. The Inspector considered that development would be visible when viewed from the lower ground to the detriment of the setting of the town. It was noted that if there were a need to allocate the additional housing land within the town that harm would need to be weighed against the benefits of providing new housing.

There still remains no housing need and in the absence of this, it is considered that the Local Plan Inspectors comments are still relevant and material. Accordingly, the proposed development is considered to be detrimental to the landscape setting of Wootton Bassett.

As stated above, the extension to the Interface Business Park was considered by the Local Plan Inspector. Whilst the Inspector accepted there was a strong case for expanding the park, it was noted that such an expansion was constrained by the fact that the park is enclosed on three sides by open land which forms (at that time) part of the Rural Buffer and the setting of Wootton Bassett. The Inspector considered the 1.8ha allocation at the southern end of the park to be appropriately carried forward from the 2001 Local Plan. However, the Inspector was of the view that the remaining land if developed would close the existing gap between the park, railway line and the canal to the detriment of the landscape of the area.

On the basis of there being no need to allocate the site, the harm was not justified at that time.

This position remains and thus in the absence of any need at this time, the proposed employment development is also considered to be harmful to the character and appearance of the countryside.

### **Impact on the highway network**

Access to the site is proposed via a new junction with Bincknoll Lane to serve both the residential development country park with the employment development proposed to be accessed via the existing road serving the business park.

Both the Highways Agency and the Council's highways officer raise no objections to the proposed development subject to conditions which include the provision of a Travel Plan to be secured via a legal agreement.

### **Ecological Impact**

An update ecological assessment has been submitted with the application. The report concludes that the proposed development would result in the loss of some habitats of local value but that no nationally or locally designated wildlife features. The development is acknowledged as having the potential to impact upon great crested newts and commuting and foraging routes for bats.

Opportunities exist to mitigate or compensate for such impacts within the proposed country park with this area providing excellent opportunities for achieving biodiversity action plan objectives for grassland, woodland, hedgerows and watercourses.

In light of this a mitigation and enhancement strategy is proposed and required by a legal agreement to avoid impacts on species which will also be informed by further update surveys.

As a consequence the Council's Ecologist raises no objections to this development subject to a range of conditions including an Ecological Management Plan for the site.

## Other material considerations

The Country Park is proposed as a community benefit. However, its provision is not required as part of the proposed development. Accordingly, there are no material considerations which outweigh the Local Plan policies.

### 9. Recommendation:

Planning Permission be REFUSED for the following reasons:

1. The proposed development is in the countryside, outside the framework boundary of any settlement where residential development is not acceptable under Policy H4 of the North Wiltshire Local Plan 2011 and Policy DP14 of the Wiltshire and Swindon Structure Plan 2016. There are no material considerations which outweigh the development plan policies.
2. The proposal is premature to the formal adoption of the South West Regional Spatial Strategy (SWRSS) and the progression of any LDF or Core Strategy for the area. It is also premature in terms of the identification and means of delivery in respect of any necessary infrastructure in step with any development to be focused in Wootton Bassett. Accordingly, the proposed development fails to accord with emerging Development Policy D in the emerging SWRSS.
3. In the absence of any justifiable need for the development, the proposal development by reason of its location in a prominent position on Brynard's Hill, would be detrimental to the character and appearance of the countryside at this location contrary to Policy NE15 of the adopted North Wiltshire Local Plan 2011.
4. The proposed development does not make any provisions for securing affordable housing on the site or financial contributions towards education provision in the locality or the on-going provision and maintenance of open space on the site. The application is therefore contrary to Policies C2, H5 and CF3 of the North Wiltshire Local Plan 2011 and the North Wiltshire Local Development Framework Affordable Housing SPD (August 2007).
5. The proposed development would result in the increased use of a footpath level crossing over the main railway line in the vicinity of the site to the detriment of rail and pedestrian safety.
6. Insufficient evidence in the form of an archaeological evaluation has been submitted to demonstrate that the proposed development would not detrimentally impact upon an area of archaeological interest.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<b>1.20 2.01 2.02 2.07 2.14 2.24 3.03 3.04 4.05 4.02 4.03 4.04 4.06 4.07 5.01 5.04 6.02 7.01 (RSS)</b>

**BRAD FLEET**

Service Director, Development