

Date of Meeting	7 th April 2016
Application Number	15/11244/FUL
Site Address	Local Centre Old Sarum Salisbury SP4 6BY
Proposal	Erection of three storey building comprising of 21 affordable housing apartments with parking, bin & cycle stores, associated infrastructure (alterations to S/2012/1829).
Applicant	Mr Christopher Minors
Town/Parish Council	LAVERSTOCK
Electoral Division	LAVERSTOCK, FORD AND OLD SARUM – Councillor Ian Mclennan
Grid Ref	415224 133602
Type of application	Full Planning
Case Officer	Richard Hughes

Reason for the application being considered by Committee

Councillor Ian Mclennan has called the matter to Committee due to the loss of the proposed doctors surgery and community use and the local opposition to this proposal.

1. Purpose of Report

To recommend to Members that the scheme be APPROVED, subject to suitable conditions and a S106 legal agreement.

2. Report Summary

- a) Principal of affordable housing use instead of doctors surgery or community use
- b) Design and impact on area
- c) Impact on parking and highways
- d) Impact on amenity
- e) Ecology/archaeology/drainage
- f) S106 and conditions matters

City Council - Object

Laverstock and Ford PC - Object

Winterbourne PC – Object

5 Third party responses raising concerns and objections

3. Site Description

The site is located at the entrance to the developing Old Sarum housing development, adjacent to The Portway, to the south west of Partridge Way, and to the south east of the existing school and the apartments off Sherbourne Drive. The site is currently being developed for a local centre subject of consent ref S/2012/1829. There are mature trees along the northern boundary of the site with the Partridge Way housing area. The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211. The development is served off the Portway.

4. Planning History

14/05553/VAR	Variation of Conditions 02 and 08 of Reserved Matters application S/2012/1829, to allow one of the units to be used as a hot food takeaway (Class A5) and changes to design to include extraction chimney
S/2012/1829	Reserved matters application for 3 retail units, a doctors surgery and 30 apartments including parking, landscaping and recycling centre (following approval of outline application S/2005/0211)
S/2005/0211	MIXED USE DEVELOPMENT COMPRISING NEW RESIDENTIAL, EMPLOYMENT USES AND COMMUNITY FACILITIES AND ASSOCIATED INFRASTRUCTURE

5. The Proposal

The reserved matters application scheme ref S/2012/1829 which is currently being constructed on site relates to the construction of 3 retail units and a doctors surgery at ground floor level, with 30 apartments above, 40 percent of which would be affordable housing (14 flats above the doctors surgery element). The proposal included associated parking for the uses, and a community square. The site will be accessed via the existing pavements, with vehicles and servicing using a partly constructed access adjacent existing apartment development (Sherbourne House). There will also be a pedestrian and cycle linkage to the adjacent Partridge Way housing estate, utilising an existing informal path and gap which already exists.

This application relates only to the north eastern portion of the approved building (Block C), and proposes replacing the intended doctors surgery space at ground floor level with 7 additional affordable units. Changes are also proposed to reorder the approved parking area, with external adjustments to the approved building. Block A & B and associated parking area remain as approved by permission S/2012/1829. As a result, the overall scheme would contain a total of 37 flats, 21 of which would be affordable, and 16 private market.

6. Local Planning Policy

Wiltshire Core Strategy:

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 41: Sustainable construction and low carbon energy

Core Policy 43: Affordable Housing

Core Policy 49: Protection of services and community facilities

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring the conservation of the historic environment

Core Policy 60: Sustainable transport

Core Policy 61: Transport and development

Core Policy 62: Development impacts on the transport network

Core Policy 64: Demand management

Policy WCS 6 of the Waste Core Strategy

Saved SDLP Policies: H2D, R2, PS1, PS5

National Planning Policy Framework

National Planning Practice Guidance (March 2014)

Adopted Supplementary Planning Guidance "Creating Places"

7. Summary of consultation responses

Laverstock & Ford Parish Council:

The applicant refers to the S106 agreement dated 21 November 2013, which specifically refers to the development of the Local Centre. This agreement refers to the original S106 agreement dated 19 June 2007 that was quoted in this Council's original objection to this application. Paragraph 7.14 of the new S106 acknowledges that the original S106 is now superseded or expended with the exception of Part VI paragraphs 3.2 and 3.3 that refer to the marketing of the Doctors' Surgery Land. The objection of this Council is therefore still valid.

Furthermore, although the applicant has produced modest evidence of attempts to market the Doctors' Surgery Land for a GPs surgery, they have produced no evidence at all of a revised Doctors' Surgery Land Marketing Scheme, approved by Wiltshire Council, for another community use. A letter from one RSL (Appendix 3 to the Planning Statement) does not constitute evidence. This Council is adamant that a community use must be found for these premises and its original OBJECTION remains in place.

City Council - strongly objects to this application and supports the views of Laverstock Parish council that the site should be developed as per the agreed use.

Winterbourne PC - OBJECT to the application - the Parish Council is concerned that the applicant appears to have dismissed the obligation to seek an alternative community use and so the Parish Council wishes to retain an S106 provision for a doctor's surgery or other community use as part of the application.

WC Public Protection: Vibration - We previously raised concerns that re radiated noise from Equinox could adversely impact on future occupants of the proposed properties. However, given the history of this site and having reviewed the recent report and previous reports including the mentioned Proof of Evidence 12/3230/PoE (which relates to the application appeal S/2012/1829) we do not have any grounds to support an objection. Noise - An assessment of noise from deliveries/plant/equipment associated with the retail units and traffic has also been made. In relation to noise from traffic the consultant has identified that standard, thermally sealed double glazing should provide adequate sound reduction to achieve suitable internal levels. In order for the windows that face The Portway to remain closed (to maintain the internal levels), it is expected that an alternative means of ventilation will be required. We would therefore recommend that a condition is attached to any planning permission granted requiring the applicant/agent to submit details of acoustic glazing and ventilation.

WC Highways: No objection to revised parking layout. No contribution required towards Salisbury Transport scheme as covered by CIL.

WC Housing: I confirm that given the planning history of the site and the need to retain separate accesses to the Affordable Rented units and the Shared Ownership units, a tenure split of 70% Affordable Rent and 30% Shared Ownership is acceptable on this occasion. The 15 flats for Affordable Rent and 6 flats for Shared Ownership which are proposed would meet this criteria.

WC Drainage – Raise concern that the scheme could be adequately served by drainage facilities and recommended conditions

WC Waste and recycling – No objection subject to a financial contribution towards waste and recycling facilities

WC Ecology – No objections. No contribution towards stone curlew protection needed as covered by CIL

WC Open Space – Based on increase of 7 dwelling compared to approved scheme, and given the significant areas of open space secured as part of the wider Old Sarum development, no additional open space contribution required. Do not considered that any additional financial contribution is needed as Community Centre now provided.

WC Education – No financial contribution needed as now CIL. However, previous scheme S106 secured additional land for the adjacent school. This is due to be provided shortly, but has yet to be provided. Thus, the previous S106 requirement for the land should be retained.

WC Archaeology – Condition recommended as per previous applications

Wilts Fire and Rescue – General comments

Historic England – No objection

Southern Water – General comments

Wessex Water – General comments

8. Publicity

Old Sarum Residents Association- 1. This application implies that this is a new request, when in fact the initial outline planning was for a building containing a Doctors Surgery on the ground floor and flats above. This was part of the "community gain" for the residents of Old Sarum and specifically written into the Section 106 agreement for the area. This application means that there is now a potential "community loss" if the planned facility is replaced by flats. Surely legally the application should state that it is a change of use?

2. The Residents Association were contacted by Persimmon in email format, and appraised of their intention to build flats instead of a surgery. Persimmon gave their reason for this as being that the Doctors surgery was not feasible as there was no doctor or Trust willing to run it. The Residents Association responded strongly with concerns about the loss of a specific community facility and asked who in particular had been approached via the NHS and how widely the "net" had been thrown. There was no response to these queries.

3. The Residents Association are not aware that any far reaching community consultation has been made about the doctors surgery potential, or other community opportunities. Neither has significant local community consultation occurred in relation to this as far as they are aware. There has not been, we therefore feel, adequate publicity and chance for organisations to respond to the potential.

4. The Residents Association notes that the Section 106 document made it very clear that if the Surgery area could not be used as a "surgery" as planned it could be used by community groups or other organisations. To that end the Residents Association sent a list of suggestions for potential community use of the area namely a community cafe, a children's ball park, a youth centre, a church centre or similar. We did not have a response to our suggestions or replies to our questions. This has led us to believe that the builders do not wish to honour the 106 agreement and would prefer to press for further flats instead of a community resource.

5. A further 21 flats would put more pressure on what is a growing estate with very little in the way of promised community facilities as agreed in the Section 106 document. The playgrounds, a climbing wall and football pitch have still still to be erected by Persimmon, and the delays in building the Local Centre with much needed shops has meant progress has been woefully slow. Now we find another facility is to be "lost" in favour of 21 flats.

6. The Residents Association wish to object to this application as the initial Section 106 document has not been adhered to and a local "community gain" will be lost in the desire to build flats rather than facilities.

5 letters representation have been received. Main points raised: -

- Developer should comply with the S106
- Other suggestions for community uses have been ignored
- No clear community consultation by the applicant
- Developer should redo their community consultation
- What is the community gain if surgery is lost
- Dont need more affordable housing
- Cycle store appears small compared to number of apartments and contrary to Council policy
- Money from the scheme should be put towards the expansion of other medical facilities in the area (run by Salisbury Medical Practice at Bishopdown Farm).

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 Background and principle of the development and the S106 clauses

In 2005, a Development Brief for the site was adopted, which sought to provide more specific guidance for the future development of the site. In 2005, an outline application (S/2005/0211) was approved for mixed development on the allocated land. As part of the outline planning permission, a condition was attached to that consent which essentially required all future development to be carried out in accordance with the details pursuant to the design code, unless otherwise agreed. Following the grant of outline planning permission, the details of the Local Centre were approved under the recent Approval of Reserved Matters (S/2012/1829). This included space for three shop units and doctors surgery at ground floor and residential units above. The principle and details of a mixed use local centre on the site have therefore been long established through the above.

The above consents are also subject to a S106 legal agreement as part of the original outline consent, which secured various planning gains and mitigation, and also included clauses related directly to the doctors surgery. This original S106 has been adjusted twice, firstly as part of reserved matters application S/2012/1829, and then again as part of 14/05553/VAR. This latter S106 adjusted clauses within the original outline S106 which had been deemed to surplus to requirements.

However, the clauses within the S106 related to the Doctors surgery remain extant. These relate to the marketing of the Surgery Land, and also go on to relate to what happens if no suitable offer is received for the Land. A suitable marketing scheme was submitted to the Council around 2007, and it appears that suitable marketing has been carried out by the applicants up until recent times. Notwithstanding the marketing, the Old Sarum development and the Local centre in particular has been the subject of a number of application proposals, and hence, the availability of the retail units and the doctors surgery unit has been in the public domain for many years.

The S106 indicates that the applicant is "entitled to submit" a revised marketing scheme which allows for a community use other than a doctors surgery to operate from the site. The S106 then contains a further clause that should all marketing exercises be unsuccessful, then the applicant be permitted subject to a planning application to develop the doctors surgery site for another use.

Officers are not aware that an alternative "revised" marketing scheme was previously submitted, and it appears that the applicant intends this application to address this clause. There appears to be nothing preventing such a submission in this form with the S106, and indeed, the wording of the clause within the S106 does not appear to force the applicant to submit such a revised marketing scheme. It is therefore considered that the lack of the submission of a revised marketing scheme for a community use prior to the submission of this application cannot in itself be used as a reason to refuse this current application. Instead, the planning impacts of the proposal needs to be fully considered, as per the following sections.

Replacement of doctors surgery use

With regards to community facilities, the NPPF indicates that planning policies should:

“.....promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship..” and “...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services that enhance the sustainability of communities and residential environments..” and “...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs...”

WCS contains policy CP49 which reflects NPPF guidance, and seeks to retain community uses within villages and other settlements outside the city. This indicates that:

Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.

In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non- community use be considered. This marketing plan will, at the very minimum:

- i. Be undertaken for at least 6 months*
- ii. Be as open and as flexible as possible with respect to alternative community use*
- iii. Establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site*
- iv. Demonstrate the marketing has taken into account the hierarchy of preferred uses stated above*
- v. Clearly record all the marketing undertaken and details of respondents, in a manner capable of verification*
- vi. Provide details of any advertisements including date of publication and periods of advertisement*
- vii. Offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility and*
- viii. Demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.*

Similarly, policy PS1 has been saved within the WCS, and this states that:

The development of health, social services, places of worship and community facilities will be permitted within or adjoining the settlements. Proposals to redevelop or enlarge existing facilities which are located outside settlements will be permitted where the proposed development would take place within the existing boundaries of the site.

Whilst the S106 makes it clear that prior to the completion of the S106 in 2007 there may have been a perceived need for a doctors surgery as part of this development, since that time, and to the best of officers knowledge there has been little if any interest from relevant parties in creating a doctors surgery at the old sarum housing development. The developers submission seems to confirm this, and a submitted letter from a local property agents states that:

"...The marketing of the whole Local Centre Site commenced in January 2008 and during that year we wrote to the doctors' practices in Salisbury and Amesbury. At that stage we received some interest from one or two practices who wanted to have further information once the development of houses was well underway.

The Local Centre Site continued to be marketed and in March 2011 a further letter was sent out to all the medical practices to see whether there was now interest as the housing development was taking place. By that stage the PCT was no longer offering any support to doctors' practices in terms of funding and the one or two responses we did receive was that no one could see a viable GP surgery opening at the development due to the lack of financial support. The only interest came from one practice offering a pharmacy facility within a retail unit...

...The Local Centre Site including the Doctor's Surgery continued to be marketed throughout 2012, 2013 and 2014. We have now received several offers from developers for the retail part of the site but there continues to be no interest in the Doctor's Surgery."

Whilst it is clear from the third party letters submitted as part of the application that there is understandably a desire to have a surgery or community facility at the site, no third party evidence has been forthcoming which indicates that there is an actual need for a doctors surgery at this location, or that any party wishes to operate such a facility.

In contrast, the applicant has supported its application by submitting a letter from NHS estates which appears to clearly indicate that there is no need for a doctors surgery at this location. In particular, the submitted letter indicates thus:

".....NHS England has recently approached obvious practices in the Salisbury area regarding this potential proposal to develop an approx. 500m2 doctors practice scheme within the 'district centre' on commercial terms. Whilst there are concerns that the new patient numbers generated by your development will impact on local surgeries (in particular Bishopdown which is the closest) there does not seem to be a requirement from the GP community for a new surgery in this particular location. The practice that operates the Bishopdown surgery does not have any plans to relocate as they feel it serves their existing population well.."

The contents of the above letter are considered by officers to carry significant weight, given that they are the comments of professionals separate from the developers, and who would be the most likely third parties to ordinarily support the establishment of a medical facility. Similarly, officers note that the separate third party submission by Salisbury Medical Practice (to which the NHS estates letter refers) which run a small medical facility at Bishopdown Farm estate, does not explicitly object to the replacement of a doctors surgery space/facility at the Old Sarum estate, and does not make any case that one is feasible in that location.

On the basis of the above evidence, it would appear that there is little if any demand for a doctors surgery use within the local centre building or at the old sarum site, and hence, a refusal of this application on the basis of the loss of this potential use would seem difficult to justify based on currently available evidence.

Alternative community use

The S106 makes it clear that if there appears to be no demand for a doctors surgery, then an alternative community facility should be considered. It is understood that the developer undertook liaison with the local community regards this issue prior to submitting the application, and that this exercise may not have raised any strong objections to an affordable housing use, or highlighted any significant support for an alternative community use. However, these results are countered by the concerns expressed by the Old Sarum Residents association, and the Parish Councils.

However, whilst the current application has been the subject of a number of third party comments, there has not been a significant amount of response from residents of the local area or other parties in relation to establishing a community use, and therefore it is difficult to assess how much support there is within the area for either a doctors surgery or an alternative community facility or whether any alternative use would actually be realistic or feasible.

Notwithstanding this lack of response, the Old Sarum development is currently served by a school (and associated hall), as well as by a community hall, and an adjacent religious hall, which are located close to the application site. Whilst these uses would not of course be suitable for hosting all types of community uses and facilities, it is equally the case that the doctors surgery space would also be less able to accommodate certain types of community uses and activities, given the approved housing on the upper floors.

Need for affordable housing

The provision of affordable housing is also a key priority of national and local planning policy, and Wiltshire Council. The WC Housing officer supports the proposal.

The NPPF indicates that the planning system should play a social role by “.....*supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being..*”.

Policy CP43 of the WCS indicates that:

On sites of 5 or more dwellings, affordable housing provision of at least 30% (net) will be provided within the 30% affordable housing zone and at least 40% (net) will be provided on sites within the 40% affordable housing zone. Only in exceptional circumstances, where it can be proven that on-site delivery is not possible, will a commuted sum be considered.

The provision of affordable housing may vary on a site-by-site basis taking into account evidence of local need, mix of affordable housing proposed and where appropriate, the viability of the development. All affordable housing will be subject to an appropriate legal agreement with the council.

This level of provision should be delivered with nil public subsidy, unless otherwise agreed by the council.

Tenure will be negotiated on a site-by-site basis to reflect the nature of the development and local needs as set out in Core Policy 45 (Meeting Wiltshire's housing needs).

Affordable housing units will be dispersed throughout a development and designed to a high quality, so as to be indistinguishable from other development. In determining the level of integration that can be achieved consideration will be given to the practicalities of management and maintenance associated with the proposal whilst still ensuring affordability, particularly in developments of flats.

The applicants have submitted a letter from Selwood Housing, which indicates that as a result of their concerns about affordable housing being built above the doctors surgery (due to long term leasehold and maintenance arrangements, and possible conflict between residential and future non residential uses), the firm did not submit an offer to handle the affordable housing element of this scheme. It is therefore presumed from their comments that they would support the current proposal for affordable housing within the doctors surgery unit, although this is not explicitly stated in the submitted letter. It is also unclear what other housing associations considered bidding for the accommodation, and whether the location of the flats above a potential non residential use would have been a factor in not applying for the site. Consequently, in officers opinion, limited weight can apply to this particular matter, particularly as a restriction on the change of use of the doctors surgery to a more harmful commercial use could be imposed if necessary.

It is therefore clear that national planning policy sees both the provision of housing and community facilities as an important goal, and that local planning policy also sees the provision of both types of development as desirable and needed. There appears to be little current demand for a doctors surgery at this location, and at this time, limited explicit evidence that the space would be utilised by an alternative community use. There is however policy support for the provision of affordable housing, including the backing of the WC Housing officer. Consequently, a refusal of this scheme for affordable housing may be difficult to justify on current evidence and policy grounds.

9.2 Design & Scale

The scheme is very similar to that already granted approval and being implemented on site, subject to modest elevational changes to accommodate the planned housing, and adjustments to parking layout. The impact of these changes in visual terms on the surrounding area is considered to be negligible, and thus acceptable.

9.3 Residential Amenity

The proposal would be in proximity of other approved dwellings and the retail uses in blocks A & B, and therefore the impact on the amenities of the occupiers of those properties is a material consideration. However, the Council Environmental Health officers have discussed matters at length with the applicant regards this and the previous consent on this site, and the impact of the planned commercial units and adjacent parking and loading areas on residential amenity has been fully considered. Subject to a suitable condition, the EHO has indicated that they could not justify an objection to the scheme.

Notwithstanding this particular consent, Members should note that conditions/restrictions on the adjacent retail use/uses are already imposed on the approved scheme, and therefore there is no need to impose on this current application.

9.4 Highways & Parking/waste

The parking layout related to this application has been adjusted compared to the approved parking layout subject of application S/2012/1829. The revised layout proposed 40 allocated parking spaces for the apartments and 5 visitors spaces. This is 5 spaces above the required WCS policy. The Council's highways officer has raised no objections to the proposal. Similarly, the Council's waste officer has confirmed that they have no objections to the parking and turning adjustments.

The previous Agreements contain provision across the Old Sarum site for residential travel plans to be submitted in an effort to encourage sustainable transport options. Such a provision will need to be repeated in any subsequent legal agreement. However, it is understood that the previously required Sustainable Transport contribution is now secured via the CIL regime.

9.5 Ecology/drainage/archaeology

- i) The previously required Ecology contribution is now secured via the CIL regime and therefore a further payment is not required as part of any new S106 related to this application.
- ii) The Council's drainage officer has suggested conditions. However, the Local Centre already has consent and the building works have commenced on site, and therefore any drainage is therefore likely to have been provided in advance as part of the wider development. As a result, additional drainage conditions are not required as part of this consent.
- iii) The Council's Archaeology officer has suggested a suitable condition.

9.6 Section 106 Matters

A supplemental / new Section 106 Agreement is required (to vary the Section 106 Agreement dated 21st November 2013 attached to Approval of Reserved Matters S/2012/1829 & 14/05554/var). These earlier Agreements secured the following:

- Provision of Affordable Housing
- Community Centre Contribution
- Ecology Contribution
- Primary School Expansion Land
- Primary and Secondary Education Contribution
- Sustainable Transport Contribution
- Travel Planning
- Waste Facilities Contribution
- Youth and Adult off-site open space contribution
- Relevant clauses of the Section 106 Agreement dated 19th June 2007 relating to the Local Centre land

With regards the above, and as indicated in the Consultation responses section of this report, several of these contributions are no longer relevant. In particular, the Transport Contribution is now secured by the CIL Charging Regime, as is the Ecology contribution, the Education contributions, and the open space contributions. The Community centre is now built out, and hence, the relevant contribution is also no longer required. However, at the time of writing, the additional land related to the adjacent school has yet to be formally provided.

As a result, and subject to any further advice of the Council's legal officer prior to the meeting, the revised S106 Agreement needs to relate to the following only:

- Provision of Affordable Housing
- Provision of Primary School Expansion Land
- Travel Planning
- Waste Facilities Contribution

10. Conclusion

The removal of the intended Doctors Surgery use/space is regrettable. However, the S106 only requires land to be provided for this or another community use. The Developer does not itself have to provide the actual use, nor are they able to do so as a house builder.

Whilst strong concerns have been expressed by certain third parties and consultees, during the lifetime of the construction of the Old Sarum development, and the lifetime of this application, officers are not aware that many third parties have expressly come forward to operate either a doctors surgery or another viable community use from this building. Furthermore, changes in the provision and funding of surgeries over the years has made it less likely that a party would seek to operate a small surgery from this site, and the Old Sarum estate is now served by a community centre and a school, thus making it less likely that a further community space is needed or viable. Thus a refusal of the scheme on the basis of the loss of a potential community facility/space would be difficult to justify.

Notwithstanding the above, the proposed replacement use for affordable housing is in line with national and local planning policy, as there is a need for such housing. Consequently, a refusal of a scheme for affordable housing would be difficult to justify in policy terms.

Consequently, given that the various consultees have not offered any significant concerns regards the affordable housing scheme, the proposed additional affordable housing scheme is considered acceptable in planning terms, subject to a revised S106 Agreement.

RECOMMENDATION: SUBJECT TO A S106 AGREEMENT (DEED OF VARIATION) WHICH SECURES THE FOLLOWING:

- Provision of Affordable Housing
- Provision of Primary School Expansion Land
- Residential Travel Plan
- Waste Facilities Financial Contribution

FOR THE AREA DEVELOPMENT MANAGER TO APPROVE, 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 No development shall commence on site with regards to building C hereby approved until details and samples of the materials to be used for the external walls, roofs,

hardsurfacing and a landscaping scheme 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: To protect the character and appearance of the area.

- 3 No development shall commence with regards to building C and the associated car parking area until the existing trees and hedging adjacent to the site boundary with Partridge Way to the north east (as shown on the approved plan) have been protected by means of a scheme submitted to and approved in writing by the Local Planning Authority.

REASON: For the avoidance of doubt and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction. The protection scheme shall be in accordance with the provisions of Condition 23 of the outline planning permission which required the approval of an Arboricultural Method Statement.

- 4 No more than 10 residential units shall be occupied until the pedestrian and cycle path across the site allowing access to Partridge Way (as shown on drawing 149-100-01) has been provided and made available for safe use. The pathway shall thereafter remain available for public use.

REASON: In order to ensure that access from and to Partridge Way and the wider area is provided at an early stage, so as to enhance the connectivity of the wider community and to allow access to facilities and services.

- 5 No dwellings within block C hereby shall be occupied until all car parking (and associated turning and access arrangements) shown on the approved plans to serve the dwellings in that block has been provided and made available for use, and the parking shall be thereafter retained for the use of the dwellings in that block.

REASON: In order that sufficient parking is available for occupiers of the dwellings, visitors, and users of the planned local centre facilities and to avoid the obstruction of the highway.

- 6 The development shall be carried out only in accordance with the following approved plans:

149-100-001 - Location Plan

149-100-01 - Planning layout

149-AptC-01 Rev A – Floor plans

149-AptC-02 Rev A - Elevations

149-AptC-03 - Street Scene

149 -100-BCS - Bin & cycle store

149-100-02 Materials layout

REASON: For the avoidance of doubt as to what is approved.

- 7 No development shall commence on site until a scheme of acoustic insulation, to include details of acoustic glazing and ventilation has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme in respect of that dwelling has been implemented in accordance with the approved details and the measures shall thereafter be retained.

REASON: To reduce the risk of noise disturbance to the occupiers of the residential units and neighbouring residential properties arising from use of the ground floor premises in Block A.

8. No development shall commence within the area indicated (proposed development site) until:

- A written programme of phased archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

9. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

Informatives:

Archaeological work should be conducted by a professional archaeological contractor in accordance with a Written Scheme of Investigation agreed by this office. There will be a financial implication for the applicant.