

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25 th July 2013
Application Number	S/2012/1834
Site Address	Area 10, Old Sarum, Salisbury, SP4 6BY
Proposal	Erection of 69 dwellings and associated car parking, landscaping and infrastructure
Applicant	Persimmon Homes Wessex
Town/Parish Council	Laverstock
Grid Ref	415350 133837
Type of application	Full Planning
Case Officer	Amanda Iles

REASON FOR REPORT TO COMMITTEE

Cllr Ian Mclennan has requested that all applications at the Old Sarum site for additional dwellings be considered by Area Committee.

Members should note that the applicant has appealed against non determination in respect of the planning applications for Areas 10, 11, & 12 although at the time of preparing this report these appeals have not been validated by the Planning Inspectorate.

1. Purpose of report

To consider the above application and to recommend of the Area Development Manager that planning permission be **REFUSED** with reasons.

2. Report summary

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

1. Principle of additional dwellings
2. Impacts on heritage assets
3. Impact on character of area/compliance with Design Code
4. Impact on residential amenities
5. Impact on highway system/parking
6. Affordable Housing
7. Other Matters
8. Linkages to adjacent site
9. S106 Heads of Terms

The Parish Council object

Neighbourhood Responses:

26 letters commenting on the application received

3. Site Description

The site is located north west of the existing housing on The Portway adjacent to the City Brisk site with Partridge Way beyond and the proposed employment land to the north-west.

The application site forms part of a 39 hectare mixed use development permitted by outline planning permission S/05/211, which will eventually include 630 dwellings, employment uses, new school, new retail opportunities, and a community building, including public open space. This wider development site is located around an existing football stadium, and an existing modest housing development. The development is served off the Portway. Improvements to this part of the Portway road were secured as part of the outline planning permission, including traffic calming measures and traffic light junctions.

The wider area around the site contains Old Sarum Airfield, which was recently designated as a Conservation area, and to the south west lies Old Sarum Scheduled Ancient Monument. The wider landscape is designated as being a Special Landscape Area.

4. Relevant Planning History

The wider area forms part of the Old Sarum allocation within the Salisbury District Local Plan, and an associated development brief and design code document specifies the need for a local centre at this location. The site also benefits from outline planning permission S/2005/211 which granted outline consent for a local centre, including a shop, and land for a doctors surgery. These facilities were also secured via a S106 legal agreement.

There are several other planning applications currently submitted and awaiting determination for additional dwellings at Old Sarum:

S/2012/1674 – Mod Playing Fields – Reserved matters application for 44 dwellings, including provision of playing pitch and open space, and additional car parking.

S/2012/1826-ModPlayingFields,OldSarum,Salisbury,
Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – Area 9a& 9b – Erection of 40 dwellings, car parking, and landscaping.

S/2012/1835- Area 11 - Erection of 35 dwellings with associated car parking, landscaping and infrastructure.

S/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

S/2012/1829 -Local Centre - Reserved matters application for the erection of 30 dwellings, local facilities, car parking and landscaping.

S/2012/1644 – Community centre, Vary condition 2 of S/2011/1123 to amend the layout for the community building.

5. Proposal

This is a full application for the erection of 69 dwellings, car parking and landscaping.

6. Planning Policy

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan)

could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

H2D, G1, G2, G3, G9, D1, R2, R5, R6, C6, C7, C8, CN11 and CN20-23.

CP1, CP3, CP6, CP14, CP18, CP19, CP20, CP21, CP22

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

CP1, CP2, CP3, CP20, CP23, CP24, CP43, CP45, CP48, CP49, CP50, CP51, CP52, CP57, CP58, CP60, CP61, CP62, CP67, CP68, CP69

7. Consultations

Laverstock & Ford Parish Council

Object as the proposal will result in additional houses over and above the originally agreed 630 with resultant impact on the community facilities, school and already challenging parking situation.

Highways Agency

No objection

Natural England

No objection

English Heritage

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment Agency

No objection

MoD

No safeguarding objections

RSPB

Identified the increased recreational pressure on the Salisbury Plan Special Protection Area

Archaeology Department

No objection subject to condition (see below)

Environmental Health Department

Object (see below)

Open space Department

Technically object, until additional financial contributions required for impacts of additional dwellings on play space and equipment provision are provided via a S106.

Education Department

No objections subject to additional financial contributions for primary and secondary provision

Waste and Recycling Department

No objections subject to additional contributions in line with policy

Highways Department

Awaited

Ecology Department

No objection subject to condition (see below)

Housing Department

Do not object in principle to additional affordable housing, but do not support the lack of provision of affordable housing on Area 12 which results from it

Wiltshire Police

Highlighted some areas of poor natural surveillance

Wiltshire Fire & Safety

Identified some areas where building regulations will need to consider access and facilities for the fire service and water supplies for fire fighting and requested developer contributions towards additional or enhanced fire and rescue service infrastructure.

8. Publicity

26 letters of objection were received regarding:

1. Land previously identified as green space will be built on
2. More houses than originally planned are to be built
3. The proposal will increase ground water run-off and flooding
4. Vehicle movements will be increased in the area with resultant increase in air pollution and noise
5. The infrastructure is not sufficient to support extra people

6. The school will not be sufficient to meet the needs of the enlarged estate
7. There is no children's or youth's play area proposed
8. The density of the housing will increase disallowing natural light
9. The estate is already overcrowded with insufficient parking
10. Parking spaces "nose to tail" for two cars on a driveway is impractical so people will park on the street
11. House prices will decrease if more houses are built
12. Existing archaeology will be destroyed
13. The open area of the settlement of Old Sarum will be blighted
14. It will affect ecology
15. It will result in loss of privacy and views for residents on The Portway
16. The existing road crossing on The Portway is poorly designed
17. There is too much affordable housing
18. The density is too high
19. The block of flats is out of keeping in terms of height
20. The shops and doctors have not been built as planned

Old Sarum Residents Association

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Exacerbate existing parking problems
- The density of the dwellings is too high
- There is too much affordable housing

One email from COGS (Cycling Opportunities Group for Salisbury), objecting to the proposal due to:

- i) Additional dwellings not in the Local Plan
- ii) No residential travel plan submitted
- iii) No targets or monitoring of sustainable transport initiatives is proposed
- iv) No improvements to the cycle network are proposed
- v) The design of the development does not assist promotion of sustainable transport modes and prevent dominance by cars
- vi) Parking spaces are excessive in number
- vii) No cycle parking in the public areas has been proposed

9. Planning Considerations

9.1 Principle of additional dwellings

The wider mixed housing and employment site originally appeared in the draft Salisbury District Local Plan in 1998, and was eventually formally allocated as a development site in 2003 as part of the adopted Local Plan. In 2005, a development brief for the site was adopted, which sought to provide more specific guidance for the future development of the site. The land subject of this application formed part of this allocation.

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent. However, crucially, in the Development Brief document, there is allowance made for 3 areas of land within the allocation which would be developed post 2011. At that point (2005), the plans within the Development Brief document do not identify the application site as one of the three post 2011 sites (ie the site fell at that time within the pre-2011 housing area for 630 dwellings).

However, the land subject of this application is identified in the Design Code masterplan document of 2007 as “post 2011” land, and the inference from the text of this document is that this land is above and beyond the 630 dwellings originally envisaged.

At the time of writing, 628 dwellings have been permitted within the wider housing scheme. As the original policy envisages 630 dwellings including the local centre site, the majority of the proposed dwellings (67) would be over and above the provision of housing originally envisaged. However, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. Further, the inclusion of the site within the Development Brief and later the Design Code as described above would make a refusal in principle difficult to justify. The principle of the provision of 69 dwellings on this land is therefore not so clear cut.

Officers therefore advise that this application should not therefore be refused in principle simply with regards to the number of dwellings exceeding the original 630 figure. Instead, the impact on these additional dwellings (but not the principle) should be considered on the surrounding environment. The following paragraphs cover this issue.

Therefore the current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

9.2 Impact on heritage assets

The site is located close to the Scheduled Ancient Monument of Old Sarum and the newly designated Old Sarum Conservation Area. English Heritage has not objected to the scheme requesting that the application is determined in accordance with national and local policy guidance, and on the basis of local specialist conservation advice.

All and any development on the allocated land (and hence to a lesser extent on the current application site) will be readily visible from the surrounding landscape, and will fundamentally alter the character of the landscape in this particular area and as viewed from surrounding vantage points, particularly Old Sarum Monument.

Similarly, the development will be readily visible from the Conservation Area. However, in this particular instance, the Conservation Area was designated because of the historical significance of the adjacent Old Sarum airfield, and not because of any intrinsic character which existing in the surrounding landscape or the buildings. It may therefore be difficult to argue that any development on sites adjacent to the Conservation Area would not preserve/enhance the character of that Conservation Area. Given the lack of any objections from English Heritage, it is considered that a refusal of the scheme in terms of the impacts on heritage assets would be difficult to justify.

9.3 Impact on character of the area/Compliance with Design Code

As part of the outline planning application, a detailed design code was submitted. This outlined in some detail how the various buildings and spaces on the site as a whole would be treated and designed. 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.

It is considered that the proposal would accord with the description of the character areas. As a result, it is considered that it would be difficult to justify a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area.

9.6 Impacts on Residential Amenities

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit. In considering this point, it is therefore considered that Members should focus on the actual impacts created by the proposed dwellings on adjacent development/housing, and not on the principle of using the site for housing. In focussing on the actual impacts, it should therefore also be accepted that any amount of housing on this site is likely to have a certain level of impact on surrounding dwellings as opposed to leaving the site free of development. The Design Code suggests that this area should fall within the “Urban Core”, a higher density residential area.

In officers opinion, the overall bulk and massing of the dwellings, and their relationship to adjacent dwellings, is not unduly cramped, and is considered to be acceptable, and accords with that suggested by the indicative layout shown in the Design Code. The dwellings as planned are reasonably spacious, and of a two storey design typical of modern housing estates. It is therefore considered that, (notwithstanding the fact that this scheme would represent an increase in dwellings beyond the 630 originally planned for), the scheme as designed would not cause any significant or undue harm to the amenities of the occupiers of adjacent dwellings, in terms of over dominance, overshadowing or reduced privacy, over and above that which would normally be expected within an ordinary housing development.

Vibration and noise issues

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council’s environmental health officers object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme. Therefore they object to the application, given that suitable attenuation measures have not been identified regards the existing vibration/noise issues.

Lack of open space on site

The Council’s Open Space officer considers that a physical open space does not need to be provided on this site, given the close proximity of the site to planned play areas and open land. However, he has requested that additional financial contributions be provided towards the enhancement of planned facilities in the vicinity. These matters will need to be secured via a S106.

9.5 Impacts on Highway System/Parking

Officers are already aware that existing residents of Old Sarum consider there to be a traffic/parking issue on the estate, which appears to be as a result of the combination of quite narrow roads and the parking of cars on the highway, instead of in allocated rear parking courts. The addition of more dwellings above and beyond the 630 dwellings originally planned for has therefore cause significant concern among the local populace.

The Highways Department have raised some issues with regard to the parking and have requested that a vehicle swept path analysis be submitted to show that service vehicles can negotiate the road network, and drawings to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

The comments of the Highways officer are awaited regards following the submission of amended plans and details.

9.6 Affordable Housing

Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. In the Design & Access Statement the applicant has suggested that the 40% affordable housing (9 units) will in this instance be provided on Area 10 instead of area 12, which is also subject to a current planning application (S/2012/1836).

However, the Council's Housing officer has raised an objection to that proposal as an even balance of affordable housing provision across the site should be achieved, and deal with each application on its own merits, on the basis that there is no guarantee that the application for Area 10 will achieve consent. In the event of that separate consent not being granted, the applicant would not have met the affordable housing policy requirements. In addition, the inclusion of those additional 9 units on Area 10 creates an area with a high density of affordable housing.

Whilst it might be possible to approve this current application but with a stipulation that only 40 percent of the housing would be affordable, at the time of writing, no S106 exists, and therefore the applicant has not agreed at this stage to limit the number of affordable dwellings on the site to 40 percent. Members should not that such a proposal may or may not require adjustments to the submitted plans.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

9.7 Other matters

Ecology

The area within which the Old Sarum development is located is ecologically sensitive.

The Council Ecologist considers that there will be an impact on wildlife due to the increased urbanisation and loss of arable/grassland habitats. Where hedgerows fall within the curtilage of new properties there is no security that the hedges will be managed or even retained further reducing habitat. Therefore she has requested that conditions be added requiring the submission of a Construction Environmental Management Plan (CEMP) and a landscaping plan. A landscaping plan has subsequently been submitted so this condition is no longer required. As the development is within 15km of the Salisbury Plain SPA a contribution is required towards the Wessex Stone Curlew Project under Core Policy 22 a contribution will be required per dwelling which should be done via a legal agreement.

Archaeology

An archaeological investigation has been undertaken as part of outline application S/2005/0211, and this application site contains three Bronze Age barrows which were excavated in the autumn of 2006. While the excavation has been completed, the Archaeology Department feel the area outside the excavation needs to be the subject of an intensive watching brief during the initial stages of the construction. As such a condition relating to this could be added to any approval.

Drainage

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, no objections have been received from any consultee regards this matter, and it is considered that a refusal on this matter alone would be difficult to justify.

Waste and Recycling

The previous S106 Agreement related to the outline planning permission secured contributions towards the provision of waste and recycling facilities. However, the S106 was completed in 2007, and the Council's policies and requirements regards waste and recycling provision have altered in the 6 years since then.

The Council's waste and recycling officer has no objections subject to appropriate provision being secured via a legal agreement.

Education Provision

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. This provision should be secured via a S106 Agreement.

Public Art

The previous S106 for the outline secured a fixed sum towards Public Art, which helped provide the existing sculpture adjacent to the development. In accordance with policy D8, the additional dwellings should therefore provide additional funding. This provision should be secured via a S106 Agreement.

Community Hall

A community centre has formed part of the masterplan, and planning consent has already been granted. As part of the original S106, a financial contribution of a maximum of £909k was agreed towards the building of the centre by the developer. Additional dwellings at Old Sarum will place additional pressure of this facility, and it considered that any additional dwellings should provide additional funding. This provision should be secured via a S106 Agreement.

9.8 Linkage to adjacent site

Members should note that this site offers the opportunity to create a linkage with the adjacent land which is owned by a separate third party (which was allocated and further identified as possible future development land in the Development Brief of 2005 and the Design Code document of 2007 as Area D). It also offers the opportunity to remove a "ransom strip" along this part of the boundary which is owned by another third party. However, this would have to be achieved via a S106 between the Council, the applicant, and any third party land owners.

9.9 S106 Heads of Terms

The original S106 Agreement associated with the outline planning permission secured a number of financial contributions and other mitigation measures. Whilst some of these were fixed provisions not based on the number of dwellings, others were secured on the basis of only 630 dwellings being created. As a result, and subject to legal advice, it is considered

that the following additional contributions be made towards the mitigation of the impact of the development:

- Additional public open space facilities
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards Stone Curlew project
- Contributions towards transport infrastructure
- Vehicular/pedestrian link to adjacent land including removal of ransom strip

10. Conclusion

The area of land in question is identified in the Design Code document 2007 as land which may be suitable for development after 2011. It is also located within an emerging settlement, and hence, its development for housing would accord generally with national and local planning policies.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities.

Secondly, the proposal is considered to be contrary to Core Policy CP3 in that without a suitable S106 Agreement, it makes no provision for 40 percent affordable housing within the application scheme, and seeks to separate the location of affordable from market housing, contrary to the guidance provided in the NPPF, which aims to provide high quality affordable housing, and mixed healthy communities.

Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation.

RECOMMENDATION: REFUSE, for the following reasons:

1. Under Core Policy 3 of the South Wiltshire Core Strategy the application requires a target of 40% affordable housing provision. However, the proposal suggests that no affordable housing will be provided on another separate parcel of land (Area 12), subject to a current separate planning application (S/2012/1836), and that all the affordable housing provision for that Area would be included on Area 10 subject of this application.

However, the current proposal would create an uneven balance of affordable housing provision across the wider site and in the absence of a suitable legal agreement which agrees to 40 percent affordable housing provision, the applicant would not have met the affordable housing policy requirements.

As a result, the proposal is considered to be contrary to Core Policy CP3 of the South Wiltshire Core Strategy, and the guidance provided in the NPPF at paragraphs 47 to 50, which aims to provide high quality affordable housing, and inclusive, balanced and mixed communities.

2. The proposal would result in additional dwellings, and hence additional impacts, on existing and proposed facilities. To mitigate the impacts of the development, provision would therefore need to be made towards the following:

- Additional affordable housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities
- Vehicular/pedestrian link with adjacent land including removal of ransom strip

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy and saved policies D8 & R2 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.

3. The site is located close to existing commercial and industrial units, and there is a known vibration/noise problem associated with the processes carried out by one of the occupiers of the industrial estate, which currently affects existing residential amenity in the area. In the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property. On this basis, the proposal is considered to be contrary to saved policy G2 of the Salisbury District Local Plan, as saved within Appendix C of the South Wiltshire Core Strategy, and guidance in the NPPF, in particular paragraph 123