

## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	26 <sup>th</sup> September 2013		
<b>Application Number</b>	S/2012/1829		
<b>Site Address</b>	Local Centre, Old Sarum, Salisbury, SP4 6BY		
<b>Proposal</b>	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)		
<b>Applicant</b>	Persimmon Homes Wessex		
<b>Town/Parish Council</b>	Laverstock		
<b>Electoral Division</b>	Laverstock, Ford and Old Sarum	<b>Unitary Member</b>	Ian McLennan
<b>Grid Ref</b>	Easting 415052	Northing 133558	
<b>Type of application</b>	Reserved Matters		
<b>Case Officer</b>	Richard Hughes		

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### REASON FOR REPORT TO COMMITTEE

Members will recall that this matter was considered at the 5<sup>th</sup> September Southern Area Committee. Members resolved to approve the application subject to a suitably adjusted S106 agreement, and some adjustments to the suggested conditions. However, following the resolution of the Committee, the applicants have decided to appeal against the non determination of the application.

Following legal advice, it is considered that officers need to seek Members approval to contest the appeal, and on what grounds.

At the time of writing, officers are seeking clarification of exactly what the applicants Grounds of Appeal are, and officers will report in more detail at the Committee.

The previous officer report and original recommendation is attached below for information and background only.

### Original Officer Report to 5<sup>th</sup> September 2013 Southern Area Committee.

#### 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.

## **1. Purpose of Report**

To consider the above application and recommend that permission be GRANTED, subject to a S106 legal agreement, and subject to suitable conditions.

## **2. Report Summary**

1. Principle of additional dwellings
2. Design and impact on wider area including heritage assets
3. Impact on Neighbour amenity
4. Highways and parking issues
5. Linkage to surrounding development
6. Affordable housing provision
7. Education matters
8. Tree protection and landscaping
9. Aircraft safety
10. Other matters
11. S106 heads of terms

The Parish Council object

Neighbourhood responses:

12 letters and emails, (some in part support of the local facility)

## **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 undeveloped, but has already been generally defined in shape by the surrounding housing development and road system. 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, 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.

## **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.

The current application subject of this report forms the reserved matters application to that outline consent.

There is 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 - Mod Playing Fields - 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/2012/1834- Area 10 - Erection of 69 dwellings and associated car parking, landscaping and infrastructure.

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

## **5. Proposal**

This is a reserved matters application, following the outline planning permission, which granted consent for a “local centre” in this location. It is proposed to construct 3 retail units and a doctors surgery, with 30 apartments above. The proposal would also provide associated parking for the uses, and a community square. The site would be accessed via the existing pavements, with vehicles and servicing using a partly constructed access adjacent existing apartment development (Sherbourne House). There would also be a pedestrian and cycle linkage to the adjacent Partridge Way housing estate, utilising an existing informal path and gap which already exists.

It should be noted that planning permission has already been granted in detail for 628 dwellings at Old Sarum, and therefore this proposal for 30 dwellings would effectively result in 28 additional dwellings being created above and beyond the 630 dwellings envisages for the larger site by the original outline planning application.

## **6. Relevant 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. Consultation response**

### **Laverstock and Ford Parish Council**

- Object strongly to additional dwellings – 630 dwellings should be the limit
- No additional benefits to residents and extra strain put on facilities and services
- Over-development of the Parish
- Exacerbate existing parking problems
- Public consultation was limited and inappropriate

### **Archaeology Department**

An archaeology condition was imposed on the outline consent. This condition should be re-imposed on the new consent.

### **English Heritage**

No comments raised.

### **Natural England**

Confirmed that the submitted ecological survey has not identified any significant impacts on protected species, sites or habitats. General advice given on how to incorporate biodiversity in and around the development.

### **Environment Agency**

No objection, with advice on surface water drainage, pollution prevention and water efficiency

### **Wessex Water**

Not the water and sewerage undertaker for the site

### **Scottish and Southern Water**

None received

### **Highways Agency**

No impacts on the strategic road network

### **MOD**

No safeguarding objections

### **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, and to secure additional land for future school expansion.

### **Waste and Recycling Department**

Further to amended plans, no objections subject to additional contributions in line with policy. The previously proposed waste and recycling area on site is no longer required by the Council.

### **Highways Department**

Further to amended plans, no objections to revised parking layout.

### **Ecology Department**

No objection to Local Centre scheme, subject to financial contribution to stone curlew project.

## **8. Third Parties/Publicity**

Old Sarum Residents Association

The association welcomes the changes made from earlier revision of the plans, and support in general the plans for the Local Centre. Eager to see the facilities made available as soon as possible. Preference for doctors surgery, dentist or similar, community facilities, and café, and there has been some interest from local churches. Concerns include lighting and anti-social behaviour and proper signage so that parking area is utilised properly and parking does not spill into adjacent residential areas.

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

10 letters/emails from various parties indicating that:

- i) Scheme too imposing and mundane design
- ii) Hard to see how parking area will work – not enough parking
- iii) Design should be like the imaginative school building
- iv) More soft landscaping needed particularly in the public square

- v) Need lights and CCTV to discourage nighttime anti-social behaviour
- vi) Fully support the provision of these facilities
- vii) The applications for the extra homes will exacerbate existing facilities and services, including drainage issues
- viii) Concern that the community facilities/uses will happen/achievable

## **9.0 Planning Considerations**

### *9.1 Principle of additional housing*

It is considered that the proposal generally accords with the aims of the allocation, the development brief, the design code and the associated S106 Agreement, which date from 1998 to 2007 in terms of the provision of local centre facilities. It is clear that there is also local support for the provision of these facilities from existing occupiers of the surrounding housing estate. As a result, the scheme appears to reflect the type and level of community provision required by the current community. The proposal is therefore considered in accordance with aims of adopted policy CP21 of the SWCS, and is acceptable in principle.

The provision of 30 dwellings is not so clear cut. 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 before 2011, the majority of the proposed dwellings (28) would be over and above the provision of housing originally envisaged. However, the policy alludes to more dwellings being acceptable after 2011.

Furthermore, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. As a result, the applicants are able to apply for reserved matters for more dwellings than originally envisaged, and officers advise that this application should not 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.

### *9.2 Design and impact on wider area (Compliance with the Design Code), including heritage assets*

The design ethos of this scheme follows that of other parcels of development on the Old Sarum site, which has taken a more contemporary and simplistic architectural approach. This approach also mirrors that shown in the original Design Code document which covers the design approach for the rest of the development. The area subject of this application is defined as the "Local Centre", and is described generally as a high density area, containing local facilities, a community square, with apartments above local shops. It was also envisaged that a doctors surgery would be located in this area.

A small public square is envisaged as part of the design, with some landscaping and tree planting. The community/retail uses would be located on the ground floor, with residential apartments above. This would accord with the Design Code.

The elevations would mirror the simple contemporary approach suggested by the Design Code, and reflect the brick and render of adjacent buildings, with the scale being similar to adjacent development. Whilst there have been some objections raised to the design of the proposal, it is considered that the overall similarity of the design to existing approved design would make it difficult to justify a refusal on design and scale grounds.

The site is located opposite the Old Sarum Aerodrome Conservation Area. The proposed building would be 3 storeys tall (similar height to the recently built flats adjacent to the site), and readily visible from this conservation area. However, the adjacent conservation area is slightly unusual in that it was designated due to the historic nature of the airfield and its buildings, and not as would normally be the case, because of the attractive historic character of the area in a visual sense. As a result, given that the proposal would be located adjacent to a modern housing development, divorced from the conservation area by the Portway road, it is considered that the proposal would not have an adverse impact on the character of adjacent conservation area, or adversely affect the historic reasons for its designation.

The site is also visible from the Old Sarum scheduled ancient monument (SAM) which is located some distance to the south west of the site. Whilst the site will be visible from the SAM, it is considered that it will be viewed in the context of the surrounding suburban development and the adjacent aerodrome buildings, and would not by itself adversely affect the character of the SAM conservation area or views to or from it.

English Heritage has not raised any concerns. The Council archaeology department has indicated that the area may have significant archaeological potential, and has recommended that archaeological works take place during construction, and an appropriate condition.

As a result, and subject to suitable conditions, it is considered the impact of the works would not be so significant as to cause harm to heritage assets or the character of the wider landscape, particularly given the scheme is consistent with the general parameters agreed as part of the Design Code document.

### *9.3 Impact on neighbour amenity*

Whilst the development would be quite prominent, the development is generally located in a more divorced location, away from most surrounding properties on the emerging Old Sarum development, although close to existing apartments in Sherbourne Drive. Whilst also close to those established properties in Partridge Way, the development would still be a significant distance from dwellings in that estate, and divided from it by a number of mature trees. It is however likely that the introduction of a large area of vehicles will introduce some noise and general disturbance into the area, with established residents of Partridge Way being most affected in officers opinion. Occupiers of the adjacent apartment blocks opposite may also suffer an increase in general noise and disturbance, caused by any late night operation of the proposed shops, including deliveries.

Three floors of residential accommodation is proposed above the proposed shops and doctors surgery. It therefore seems likely that even with appropriate mitigation and controls, that occupiers of these flats will suffer a reduced level of amenity compared to those dwellings in the surrounding area, particularly during shop and doctors surgery operational hours, and during deliveries. The community square is also likely to generate general noise and disturbance when in use (which may not coincide with the operational times of the associated retail units given its intended public purpose).

However, the Council's Environmental Health Officers have no objections to the scheme, subject to a number of restrictive conditions related to mitigating and limiting the impact of the commercial uses on the residential use. As a result, a refusal based on this precise issue alone would be difficult to justify.

#### *Vibration/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 have indicated that they would normally 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. However, in this particular instance, given that this application is a reserved matters application where the principle of dwellings on this site has already been considered acceptable (as part of the 2005 outline application), they have chosen not to raise a formal objection, subject to suitable conditions controlling the uses within the local centre, including conditions related to insulation measures.

As a result, a refusal based on this precise issue alone would be difficult to justify.

#### *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.

#### *9.4 Highways and parking issues*

The scheme is arranged with parking for users of the scheme immediately adjacent to the retail units, with parking for residents and the doctors surgery to the rear, off Sherbourne Drive.

Local residents have expressed concern regards the impact of the additional dwellings and the operation of the scheme in general on the highway system. Concerns have been highlighted that any proposed parking should not exacerbate existing parking problems in the area. Officers have requested several amended plans, which maximise the number of usable car parking spaces, and which also minimises the likelihood of car parking spilling into surrounding residential streets.



Provision of cycle parking spaces has also been improved, hopefully addressing some of the concerns of the cycle users.

The COGS cycling group have raised a number of concerns, including the fact that no residential travel plan has been submitted, and hence the scheme would not actively support sustainable travel. The original S106 for the outline application and housing did in fact have a residential travel plan associated with it, and one was implemented, with bus vouchers and bike vouchers being provided. (However, if required, officers will ensure that similar additional requirements will be imposed on the additional dwellings suggested by this scheme, via the revised S106). Cycle parking has also been relocated to the front of the shops as suggested by COGS. Following a number of revisions to the plans, the Council Highways Officer has now indicated that the scheme is more acceptable, and will not have significant highway or parking implications. However, suitable planning conditions have been suggested which would hopefully ensure that parking is used effectively.

The removal of the communal waste and recycling area also created an opportunity to increase the level of parking on the site. Amended plans have been submitted showing an extra 3 parking spaces on top of those negotiated as part of this application, and the Council's Highways officer has no objections to the adjustment.

#### *9.5 Linkage to surrounding development*

As required by the original legal agreement related to the 2005 outline planning consent, pedestrian link has been included in the plans, to provide access to and from the established Partridge Way housing area.

#### *9.6 Affordable housing provision*

The applicant has chosen to include 4 additional affordable dwellings into the 30 apartment scheme. Additional affordable housing is in principle welcomed, as it is in line with Council priorities. However, these 4 additional affordable dwellings are in lieu of 4 dwellings which should have been included in the current planning application for Areas 9A & 9B which is subject of a separate application.

However, the Council's housing officer has agreed that provided the additional dwellings would indeed be provided at the local centre, then she would not seek to object to either this application or that for Areas 9a & 9B.

A suitably revised section 106 will therefore be required to secure these additional affordable dwellings on the Local Centre land. Any such amendment should however seek to secure this additional provision as part of Area 9a & 9B, should the Local Centre not come forward or otherwise not be provided.

#### *9.7 Education matters*

This reserved matters scheme does not utilise all the area of land originally envisaged by the previous design code document. Hence, an area of 0.18 hectares has been shown on the plans outlined in blue, and the applicant has indicated that this area is to be reserved for future expansion of the existing primary school (which

may be needed as a result of the proposed additional dwellings which may come forward if approved as part of this and other applications).

Wiltshire Council Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities. The provision of this land is also welcomed in principle.

However, unless this land is somehow restricted by the planning system for future use by the school, then it would be within the applicants gift to withdraw this offer of the provision of land at anytime. As a result it is considered necessary to secure this land for use for educational provision as part of any S106. Furthermore, the additional 28 dwellings require an additional financial contribution to primary and secondary educational provision above and beyond that secured via the original 2007 S106 Agreement. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *9.8 Tree protection and landscaping*

The mature trees along the boundary of the site with the Partridge Way housing area would be protected during development, and these will be protected during construction. Suitable conditions are suggested below. Several new trees would be planted as part of the proposal, including shrub planting around the scheme and to soften the visual impact of the car park serving the retail units.

### *9.9 Aircraft Safety*

Historically, a group which operated from the adjacent airfield (Old Sarum Flying Club) often raised concerns about the impact on any adjacent development on aircraft safety. Their objections centred around an aircraft safety zone which the group itself had created and which was informally agreed with then District Council. The intention was to ensure that light aircraft could safely land, without any adjacent buildings impeding their take-off or landing vectors through the creation of general turbulence and of course due to the appropriate proximity of buildings to the runway in general safety terms.

The Old Sarum Flying Club no longer operate at the aerodrome, and no concerns have been raised by the owners of the airfield to this proposal.

It is considered that whilst the proposed building would be quite prominent and tall, it is located several hundred metres away from the airfield landing strip, and separated from it by a number of larger commercial buildings including hangars. It would therefore seem unlikely in this instance that the proposed local centre buildings would have an adverse affect of aircraft safety.

### *9.10 Other matters* *Ecology*

The site is located within 2km of the River Avon SSSI. Hence the area is sensitive in terms of development which may affect the water systems and drainage.

The applicants have submitted a revised Environmental Statement (ES) which covers the likely impacts on the ecology and water systems. This concludes that there is unlikely to be significant impacts. 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.

### *Drainage*

Some concerns have been expressed by third parties that the quantum of development overall being proposed by the developers, which includes the 5 housing application for additional dwellings, would have an adverse impact on the existing and proposed drainage infrastructure.

However, this particular application and the number of dwellings already has consent in principle as part of the original outline, for both this site and the larger surrounding site. The drainage to serve this development was therefore already agreed as part of this earlier application, and much of the infrastructure has already been constructed and provided as part of the wider housing site already partly built out.

Neither the Environment Agency or the Council Ecologist have raised objections to the proposed scheme. As a result, whilst the local objections and concerns are noted, it is considered that the proposal is unlikely to have an impact in terms of the planned drainage for the site, or any subsequent ecology impacts.

The Council's Drainage and Ecology officers have raised no significant concerns regards this proposal or the additional dwelling numbers. These matters were considered in detail as part of the original outline planning application EIA, where it was envisaged that this site would be utilised for housing and a local centre. The updated ES also confirms that no significant impacts would result from the additional dwellings being proposed.

### *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 has been added.

### *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. In particular, the previously required waste and recycling area for communal recycling is no longer required.

Following discussions with officers and amended plans, the Council's waste and recycling officer is now happy with the revised provision being offered by the

developer, subject to such provision being secured via a suitably amended S106 legal agreement.

The removal of the communal waste and recycling area also created an opportunity to increase the level of parking on the site.

### *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. Hence, this provision is secured via the suggested revision to the 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. However, this was secured some 6 years ago, in 2007.

At the current time, there appears to have been ongoing discussions with Persimmon in relation to providing an up to date and improved internal specification for the building which meets modern day standards.

It is unclear at the present time whether any additional funds will be forthcoming regards such improvements. Furthermore, additional dwellings at Old Sarum will place additional pressure on this facility. Based on existing assumptions and evidence, it is therefore considered that additional funding of this community facility is required. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *9.11 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, it is considered that the following additional contributions be made towards the mitigation of the impact of the development:

- Additional public open space facilities/contributions
- Additional waste and recycling facilities/contributions
- Additional educational facilities/contributions including securing of the educational land in blue on the plans
- Additional public art contributions
- Contributions towards Stone Curlew project
- Affordable housing provision
- Additional transportation contributions and sustainable initiatives
- Contribution towards planned community centre

Notwithstanding the above, the original S106 also secured the marketing of the Local Centre and a link from the Local Centre area to Partridge way. Whilst it may well be that these clauses remain in force and valid, it is considered that any revised S106 may need to ensure that:

- That the local facilities as proposed are marketed and provided within a suitable time scale
- That the proposed path across the site remains available for use in perpetuity and that access to and from Partridge Way is maintained, with no ransom strip across third party land.

## **10. Conclusion**

The principle of a local centre with apartments above was accepted as part of the previous outline planning consent, and this reserved matters application accords with that consent. The creation of 28 dwellings above and beyond the 630 previously suggested is unlikely to cause any significant material harm to the surrounding environment, subject to suitable conditions, and suitable amendments to the previous S106 agreement to secure additional payments to mitigate against the additional impact of 28 dwellings on the surrounding community. As a result, on this basis, the proposal is considered to be acceptable.

### **RECOMMENDATION: Subject to all parties entering into a S106 legal agreement which seeks to:**

- i) Additional Educational facilities/contributions including secure use of the blue land as part of the adjacent school
- ii) Provision of suitable additional waste and recycling provision/contributions
- iii) Provision of additional open play space financial contributions
- iv) Financial contribution towards stone curlew project
- v) Additional Public open space facilities/contributions
- vi) Additional public art financial contributions
- vii) Additional transportation financial contributions/sustainable transport initiatives
- viii) Additional Financial Contribution towards planned community centre
- ix) Secure affordable housing provision, including 4 additional affordable housing units either on this site or areas 9a/9b
- x) Marketing of shop and provision/timing of shops/surgery
- xi) The provision of an adopted path across the site and unfettered pedestrian and cycle access to and from Partridge Way

### **Planning Permission be GRANTED subject to the following conditions:**

1. The development hereby permitted shall commence within one calendar year of the date of approval of this reserved matters application, unless otherwise agreed by the Local Planning Authority.

**REASON:** To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004, and in order to ensure that the local centre and associated facilities are delivered in a timely manner.

2. This approval of matters reserved discharges condition 01, 02, 03, 06, 13, 18, 21 of outline planning permission S/2005/211 only in so far as it relates to the area of land edged in red to which this application relates, but does not by itself constitute a planning permission.

REASON - For the avoidance of doubt and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. The ground floor uses hereby approved shall be restricted to Class A1 retail uses (within the three retail/shop units shown on the approved plan), and a Class D1 doctors surgery use, (within the doctors surgery unit shown on the approved plan), of the Town and Country Planning (Use Classes) Order, and no other uses within or outside the Use Classes, unless otherwise agreed by the Local Planning Authority as part of a formal change of use application in that regard.

REASON: In order to retain the proposed community uses to ensure the vitality and viability of the local centre and the wider community and the limit the harm caused to adjacent residential and general amenities from other uses.

4. No development shall take place within the application site until a written programme of 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 in writing by the Local Planning Authority. The approved programme of archaeological work shall be carried out in accordance with the approved details.

REASON: To safeguard the identification and recording of features of archaeological interest.

5. No development shall commence on site until details and samples of the materials to be used for the external walls, roofs, and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

6. No development shall commence until the existing trees adjacent to the site boundary with Partridge Way to the north east ( as shown on the approved plans) have been protected by means of a scheme submitted to and agreed in writing with the Local Planning Authority prior to works commencing. Development shall be carried out in accordance with the agreed scheme.

The Tree Protection Plan shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as the Root Protection Area (RPA). Unless otherwise agreed, the RPA will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 2012) and no access will be permitted for any development operation.

The Arboricultural Method Statement should specifically include details of how the hard surfacing within the RPA of any retained trees can be implemented, if necessary, without causing root damage.

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing.

REASON: 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.

7. All new planting and landscaping shown on the approved plans, shall be provided/planted out on site within 1 calendar year of the commencement of development, unless a scheme of timing of provision is otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that planting and landscaping are carried out and in a timely manner so that the general visual appearance and amenities of the scheme are protected and enhanced.

8. The pedestrian and cycle path across the site allowing access to Partridge Way shall be provided and made available for safe use concurrently with the development being completed, and prior to any of the approved units or residential units first coming into operation or being first occupied. The pathway shall remain available for public use in perpetuity until its formal adoption by the Local Authority.

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.

9. No dwellings shall be occupied until all car parking (and associated turning and access arrangements) shown on the approved plans has been provided and made available for use.

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

10. No development shall take place until a scheme of acoustic insulation, to include details of acoustic glazing, ventilation, wall and roof construction has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the dwellings being first occupied and maintained at all times thereafter in accordance with the approved details.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

11. No (non residential) unit shall be occupied until a scheme for the control of noise emanating from any externally mounted plant, equipment or ventilation systems has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is first brought into use and shall be maintained at all times thereafter in accordance with the approved details.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

12. The retail units shall not be open to the public except between the hours of 07:30 and 23:00 Monday to Friday, 08:00 and 23:00 on Saturdays and 09:00 and 22:00 on Sundays.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

13. No deliveries shall be taken at or collections made from the development except between the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 18:00 on Saturdays.

REASON: To ensure that the impact of the development on surrounding amenity is reduced.

14. The development shall be carried out in accordance with the following approved plans :

PL03 Rev J – Planning layout  
PL04 Rev G – Materials layout  
PL05 Rev E – Areas for adoption  
PP-01 Rev D – Parking Plan  
HT-AB02 Rev D - Elevations  
BIN-01 – Surgery store plan

REASON: For the avoidance of doubt

15. Before development commences, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority which secures protection of habitats and species during the construction period. The development shall be carried out in accordance with the agreed CEMP.

REASON: In order to protect habitats and species during the construction period so as to limit the impacts of the development

16. Before development commences, a scheme for water efficiency shall be submitted to and approved by the Local Planning Authority. The scheme should



deliver water efficiency measures to a minimum standard equivalent to Level 3 in the Code for Sustainable Homes. Development shall be carried out in accordance with the agreed schemes.

**REASON:** In order to improve the sustainability of the scheme in line with Core Policy 19 of the South Wiltshire Core Strategy.

### **INFORMATIVE**

With regard to condition 4 above the work should be conducted by a professionally recognized archaeological contractor in accordance with a written scheme of investigation agreed by this office and there will be a financial implication for the applicant.

The applicant should ensure that they have thoroughly investigated ground conditions and levels of vibration on the development site and use appropriate construction methods and materials to ensure that the occupants of the houses concerned are not adversely affected by vibration and or/reradiated noise caused by Equinox prior to any of the properties being sold or occupied.