

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 26 SEPTEMBER 2013 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Richard Clewer, Cllr Brian Dalton, Cllr Christopher Devine (Vice-Chair), Cllr Jose Green, Cllr George Jeans, Cllr Ian McLennan, Cllr John Noeken, Cllr Ian Tomes, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

91 **Apologies for Absence**

There were no apologies received.

92 **Minutes**

The minutes of the meeting held on 05 September 2013 were presented for consideration. It was,

Resolved:

To APPROVE as a true and correct record and sign the minutes.

93 **Declarations of Interest**

There were no declarations.

94 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

95 **Public Participation and Councillors' Questions**

It was agreed a site visit would be held for application 13/00246/FUL - Crouchston Farm The Cross Bishopstone Salisbury Wiltshire SP5 4BW - should the item come before the Committee.

96 **Planning Appeals**

The Committee received details of the appeal decisions as detailed in the agenda.

It was also agreed that the Committee would endorse a letter, to be delivered by the Chairman to the Cabinet, on the delays and expected completion of the council's Gypsy and Traveller Development Plan Document, the lack of which it was felt had exposed the council to negative decisions from Planning Inspectors during appeals.

97 **Planning Applications**

A late list of observations was circulated as attached to these minutes.

98 **S/2012/1778: Old Sarum, Salisbury, SP4 6BB**

Public Participation

Mr Ron Champion, Laverstock and Ford Parish Council, spoke in objection to the application.

The Planning Officer introduced the item, explaining that following the Committee meeting on 05 September 2013 where the application had been refused, the applicants had lodged an appeal the next morning prior to receiving the formal notice of the decision, appealing against the non-determination of the application because of the delays in bringing the item forward for determination.

It was stated that officers therefore sought the Committee's approval of the refusal reasons as listed in the report and agreed at the last meeting, to form the basis of any appeal challenge by the Council.

Members then had the opportunity to ask questions of the officer. It was confirmed the Committee could amend or add additional reasons for refusal if they felt that would be appropriate.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Ian McLennan, reiterated his objection to the application.

A debate followed where the Committee confirmed their previous decision to refuse the application, and discussed potential amendments, including the land supply for housing, burial contributions and other issues.

After discussion, it was,

Resolved:

To approve the grounds for challenging the applicant's appeal as follows:

1) It is acknowledged that the application site is located within the allocated housing site defined by saved policy H2D of the Salisbury District Local Plan and within the approved site associated with outline application S/2005/0211. However, whilst the policy and adopted development brief alludes to additional dwellings being permitted after

2011, the Council is of the opinion that any additional dwellings were envisaged to come forward following a formal consultation and allocation as part of a future Local Plan adoption process. As no such land has been allocated at the Old Sarum site as part of the now adopted South Wiltshire Core Strategy, or is intended as part of the draft Wiltshire Core Strategy, and given that there is a 5 year land supply, it is considered that the proposal is contrary to the Development Plan, in particular policy H2D and the associated development brief, which stipulated a limit of 630 dwellings prior to 2011; policy CP6 of the adopted South Wiltshire Core Strategy, which does not allocated further land in this area, and similarly, draft policy CP1 & CP2 of the Wiltshire Core Strategy. The proposal would therefore also be contrary to the guidance contained with the National Planning Policy Framework, which indicates that housing provision should be considered on the basis of the adopted up to date local planning policies.

2) Notwithstanding the above, the scheme would only provide for 25 percent affordable housing, and would not provide any on site public open space or provide any access to additional planned open space within the allocated Longhedge development located immediately adjacent to the site. As a result, and in the absence of a suitable Section 106 Agreement, the proposal would not accord with either the 33 percent affordable housing provision stipulated by the 2007 Section 106 Agreement related to the outline planning permission S/2005/211, or with the 40 percent affordable housing provision stipulated by adopted policy CP3 of the South Wiltshire Core Strategy. The proposal would therefore also be contrary to the provisions of saved policy R2 which also forms part of the South Wiltshire Core Strategy, in that the proposal fails to provide sufficient public open space on site or a suitable financial contribution towards the provision of such space.

3) 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
- A financial contribution towards Wiltshire Fire and Rescue services

- **A financial contribution towards the provision of cemetery facilities**

However, 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 G2 (ii), D8 & R2 and R4 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.

99 **S/2012/1829: Local Centre, Old Sarum, Salisbury, SP4 6BY**

Public Participation

Mr John Bryant spoke in objection to the application.

Mr Ron Champion, Laverstock and Ford Parish Council, spoke in support of the application.

The Planning Officer introduced the item, explaining that following the Committee meeting on 05 September 2013 where the application had been delegated to the Area Development Manager to approve subject to conditions and the completion of a s.106 legal agreement, the applicants had lodged an appeal the next morning prior to receiving the formal notice of the decision, appealing against the non-determination of the application because of the delays in bringing the item forward for determination.

Attention was drawn to the additional information as attached to these minutes, which detailed the applicant's grounds for appeal, relating to the restriction on the opening hours of the shop, restrictions on the land offered to the school for educational purposes and a dispute over the s.106 contributions.

It was stated that officers therefore sought the Committee's approval for the proposed resolution to form the basis of any appeal challenge by the Council.

Members of the Committee then had the opportunity to ask questions of the officer. It was confirmed in response to queries that Members could amend their resolution from the Committee meeting on 05 September 2013 if they felt certain aspects should be reconsidered. It was also clarified that the Council's Education Department intended to utilise the land offered by the developers for educational use at the local school, meaning that even if a clause was retained stating the land should be used for open space if not used for that purpose, or that it should be returned to the applicant in that circumstance, there was little prospect of that clause being utilised.

Members of the Public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Ian McLennan, reiterated his support for the application on the terms as agreed by the Committee at its previous meeting.

A debate followed where which issues required provision to mitigate the impacts of the development, to be included in any appeal challenge by the Council, was raised, along with the appropriateness of the restriction on opening and delivery hours for the proposed shop.

At the conclusion of debate, it was,

Resolved:

To approve the grounds for challenging the applicant's appeal as follows:

- 1) 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 Educational facilities/contributions including secure use of the blue land as part of the adjacent school, or otherwise as public open space**
 - **Provision of suitable additional waste and recycling provision/contributions**
 - **Provision of additional open play space financial contributions**
 - **Financial contribution towards stone curlew project**
 - **Additional Public open space facilities/contributions**
 - **Additional public art financial contributions**
 - **Additional transportation financial contributions/sustainable transport initiatives**
 - **Additional Financial Contribution towards planned community centre**
 - **Secure affordable housing provision, including 4 additional affordable housing units**
 - **Marketing of shop and provision/timing of shops/surgery**
 - **The provision of an adopted path across the site and unfettered pedestrian and cycle access to and from Partridge Way**
 - **A financial contribution towards Wiltshire Fire and Rescue services**
 - **A financial contribution towards the provision of cemetery facilities**

However, 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 G2 (ii), D8 & R2 and R4 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.”

2) Members resolved to approve the application, and sought to reach a balance between the requirements of the commercial operation and the protection of residential amenity. Members therefore resolved to expand Condition 13 to widen the delivery times. However, the local centre would be located within close proximity to existing dwellings, and directly beneath proposed residential apartments. As a result, Members resolved

to expand the opening time to 7am, but sought to restrict the closing time to 10pm seven days a week. It is therefore considered that the proposed closing time of 11pm would result in a use which may cause harm in terms of general noise and disturbance to adjacent residential amenity, contrary to saved policy G2 of the Salisbury District Local Plan.

100 **13/00438/FUL: Swaffham House, Youngs Paddock, Winterslow, Salisbury, SP5 1RS**

Public Participation

Mr Emad Moussa, applicant, spoke in support of the application.

The Planning Officer introduced a report which recommended that planning permission be granted. It was confirmed no highways concerns had been raised by officers, and that the proposed wall would run directly alongside the pavement, except for a small section which would run behind the street sign and lamp post.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was clarified that permitted development only allowed a wall to be built of up to 1m adjacent to a highway, and that the proposed wall was 2m in height, a reduction of 0.8m from a previously refused application. Details were also sought on the exact path of the proposed wall.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Chris Devine, then spoke in objection to the application.

A debate followed where the impact of the proposed wall on the character of the area was assessed, and the presence of similarly heighted walls and fences in the area was noted.

After discussion, it was,

Resolved:

That permission be GRANTED, for the following reasons:

The proposed new wall, by reason of its reduced height over that previously proposed under refused planning application S/2013/0063, would not present a visually dominant and unduly overbearing structure, and would accord with the existing character of the surrounding area where significant boundary structures are frequently located immediately at the highway edge, and would thereby integrate satisfactorily in relation to other properties and the overall landscape framework.

The proposed development is thereby considered accordant with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), D3 (Design) & H16 (Housing Policy) of the saved policies of the adopted local plan (constituting saved policies listed

in Appendix C, of the adopted South Wiltshire Core Strategy), and the aims and objectives of the NPPF (in particular chapter 7). The proposed development would not be discordant with the guidance contained within the Winterslow Village Design Statement.

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 5677/1/3 dated Sept 2012 and deposited with the local planning authority on 02.05.13.

REASON: For the avoidance of doubt and in the interests of proper planning.

Informative To Applicant

The Highways officer has commented that whilst (in his opinion) the principle of the erection of the proposed retaining wall is acceptable, the applicant should be informed of the following:

The proposed development requires the re-siting of an existing street nameplate. In this connection the applicant should be advised to contact the Council's Area Highway Office at Wilton Tel. 01722 744440 before the commencement of any development hereby permitted.

101 **Urgent Items**

The Committee commented upon the additional information and discussed supporting the view of the Highways officers in appendix 1 regarding a connecting link between Old Sarum and the Longhedge strategic site.

Resolved:

To receive a report from the Highways team on the matter at a future date.

(Duration of meeting: 6.00 - 7.20 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

<p style="text-align: center;">SOUTHERN AREA PLANNING COMMITTEE 26th SEPTEMBER 2013 SCHEDULE OF ADDITIONAL CORRESPONDENCE</p>

Agenda Item 7a

Plan List Item 1 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)
At Local Centre, Old Sarum, Salisbury, SP4 6BY

WC Highways – Wishes to secure a link with the Longhedge site (attached). Members are asked to consider the comments and request of the highways officer, and to confirm whether they wish officers to raise the matter of the provision of a link between the Old Sarum site and the Longhedge site at the forthcoming appeal. Officers will discuss further at the meeting.
(See Appendix 1)

Appellant – Clarification of reasons for launching non determination appeal (See attached). Members will note that the applicants have appealed on three grounds:

1. The members resolution to limit the opening times of the shop to 10pm
2. The members resolution to restrict the use of the intended educational land to open space, if not needed for educational purposes
3. That the S106 contributions are unclear and need to be debated at the same time as the other similar contributions at the forthcoming appeal **(See Appendix 2)**

Third Party – Raising concerns about intended 10pm closure (attached)

Officer comments: **(See Appendix 3)**

Officers originally recommended the following condition, (requested by the Council's EHO

“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.”

However, Members resolved to approve the scheme, they requested that condition 12 be adjusted to the following (as per the minutes).

“12. The retail units shall not be open to the public except between the hours of 7am and 10pm all week

REASON: To ensure that the impact of the development on surrounding Amenity is balanced against the needs of the commercial operation”

However, as the applicants have now appealed, a reason for refusal will need to put forward to the Planning Inspectorate due to the applicants non acceptance of members resolution. Officers have therefore suggested the reason for refusal (2) below

However, before confirming a reason for refusal on this point, Officer requests that Members consider the third party request to retain an 11pm closing time. Members should also note that the Council's Environmental Health officer originally suggested an 2300 finish.

2. Members resolved to alter the Heads of Terms of the S106 Agreement so that they indicated:

“i) Additional Educational facilities/contributions including secure use of the blue land as part of the adjacent school, or otherwise as public open space

The applicants have indicated that if the land identified in blue of the submitted plan were not required for educational purposes, they wished to retain the right to retain ownership of this land so that the land could in future be considered for additional development. Hence, they are not willing to accept a clause in the S106 which means that the applicant relinquishes control of this land in perpetuity. They also believe the land to be unsuitable for public open space.

However, officers have contacted the Council's Education Department, and it has indicated that it would need the offered land for educational use as part of the existing school. Given that the existing school is already oversubscribed, there is a high likelihood that the land will be utilised as part of a future expansion of the school. Consequently, even if a clause were to be retained in the S106 which insisted that the land to be used for public open space or passed back to the applicant, there seems little current prospect of this clause being utilised.

3. Due to the appellants appeal, a S106 agreement has yet to be forthcoming and the appellants have indicated that they wish to discuss this matter at the appeal Inquiry along with all other S106 matters. This means that a refusal reason similar to that imposed on all other areas 9a/9b, 10, 11 & 12 needs to be added.

Subject to members views on the above and the reasons below, officers therefore seek Members authorisation to challenge the appeal regards the Local Centre on the following matters.

01 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**

However, 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 G2 (ii), D8 & R2 and R4 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.”

02 Members resolved to approve the application, and sought to reach a balance between the requirements of the commercial operation and the protection of residential amenity. Members therefore resolved to expand Condition 13 to widen the delivery times. However, the local centre would be located within close proximity to existing dwellings, and directly beneath proposed residential apartments. As a result, Members resolved to expand the opening time of Condition 12, to 7am, but sought to restrict the closing time to 10pm. It is therefore considered that the proposed closing time of 11pm would result in the use would be likely to cause harm in terms of general noise and disturbance to adjacent residential amenity, contrary to saved policy G2 of the Salisbury District Local Plan.

Appeal ref APP/Y3940/A/13/2200882

Areas 10, 11 and 12 Old Sarum

WC Highway
Link to Longhedge

Connectivity Old Sarum to Longhedge Strategic Site

The highway authority seeks a direct connection to serve the interests of the communities of the Old Sarum and Longhedge developments in accessing then facilities that both sites offer, or will offer. A direct link between the sites is sought to facilitate movements only by sustainable transport modes. No direct car link is proposed.

At the time the outline planning permission was submitted and granted for the Old Sarum outline application S/2005/0211 it was envisaged to be the northern limit of development in Salisbury. No connecting link was therefore sought.

Subsequently the council has identified a strategic mixed use site at Longhedge. A planning application 13/00673/OUT has been submitted for determination. The highway authority is seeking a link between Longhedge and Old Sarum in connection with that development.

The applications for Areas 10, 11 and 12 are full applications, not reserved matters applications. The highway authority has, in consultation, sought the link, which is in the interests of sustainable transport for the Old Sarum site, given the known development potential on the Longhedge site.

Consultants for Persimmon Homes have submitted a sketch drawing for the provision of a link within their controlled land, the principle of which is acceptable to the highway authority.

The highway authority would be satisfied if a constructed link be provided in connection with the Old Sarum proposed development to its northern boundary. A connection from the north would be sought on the Longhedge development controlled land to complete the link. In the event of problems with uncontrolled land the highway authority would consider intervening to complete the link.

At this stage buses loop through the Old Sarum site. No firm proposals exist for bus provision within the Longhedge site, but preliminary arrangements will be for a loop through the Longhedge site; this will be reviewed as and when the ability to provide a full link is established.

13/9/13

Appendix 2

Hughes, Richard

From: Rob Riding [Rob.Riding@pegasuspg.co.uk]
Sent: 17 September 2013 09:18
To: appeals@pins.gsi.gov.uk
Cc: Hughes, Richard; Glenn Godwin
Subject: APP/Y3940/A/13/2204979 - Local Centre, Old Sarum

Dear Sir/Madam,

With reference to the above appeal lodged on 6th September 2013, it has been brought to our attention that the grounds of appeal were not drawn through to the appeal forms submitted online. I apologise for any confusion but please see below the Appellants grounds of appeal:

The appeal is lodged against the Local Planning Authority's failure to determine the application within the statutory period.

Members of the South Area Planning Committee resolved to approve the reserved matters at the meeting on 5th September 2013, but changed recommended conditions and obligations which introduced restrictions that are unacceptable to the Appellant.

The restriction of opening hours to 22.00 hours instead of the 23.00 hours recommended is not acceptable to the Appellant.

The requirement for the school "reserve land" to be used as public open space if the school expansion is not considered appropriate in this location and an unnecessary restriction on the potential residential use of the land established by the previous approved "local centre scheme"

In addition, the S106 heads of terms are unclear and would benefit from negotiation and agreement with the other applications at Old Sarum subject of the appeal.

In view of the Committee's decision it is anticipated that all other matters can be agreed with the Local Planning Authority.

I trust this is of assistance.

Regards,

Rob Riding

Senior Planner

Pegasus Group

Planning | Environmental | Retail | Urban Design | Renewables | Landscape Design | Graphic Design | Consultation | Sustainability

T 01285 641717 | F 01285 642348 | M 07867 394390 | E rob.riding@pegasuspg.co.uk

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Richard Hughes Esq
Team Leader
Department of Neighbourhood and Planning
Wiltshire Council
POBOX 2281
Salisbury SP2 2HX

Dear Mr Hughes,

Re: Planning Approval for Local Centre - Old Sarum, Salisbury

Further to your emails both to myself and my client Jeremy Fox at London Orbital with regard to the above I was pleased to see that there was now approval to grant consent for the local centre development as proposed to be constructed by Persimmon for my client.

I have reverted to our prospective tenants for the convenience store, namely Southern Co-operative to see if they will now accept the proposed adjusted trading and delivery hours.

Confidentially for your information, they are the only major operator who were prepared to consider this location with the other retailers commenting that the total number of houses at Old Sarum made the location marginal for a store of this size. Southern Co-op are pleased that the morning hours for trade will now run from 7.00 am all week but are somewhat surprised that the closing time has been adjusted to 10.00 pm from the environmental health officer's original recommendation that this should be 11.00 pm. This will cause Co-op difficulty since the last hour of trade is very lucrative as customers generally make good use of this facility. The current feeling is that the loss of this last hour might tip the balance towards the store becoming very marginal in trading terms. They inform me that it will be essential to make a further application for alteration of the times before they are prepared to sign off on the lease.

I note mention is made of the member for Laverstock stating that the local shop there shuts at 10.00 and that they seem happy with the arrangement. I assume this is the One Stop unit on Church Lane, a scheme where in fact, I let the unit to that company when it was constructed some years ago. One Stop are a slightly different operator in the convenience sector and do not necessarily need to trade for the same number of hours as their parent, Tesco Express and the other major operators, J S Local and Morrison's, which together with Co-op trade for longer periods and in some cases 24 hours a day.

Turning now to the question of delivery hours, I am again pleased to see that the comments in relation to early deliveries of milk and news etc has been acknowledged and in any event these will normally take place from Transit size vehicles which should cause minimum noise disruption. The hours for deliveries are therefore acceptable although they have asked me

2 MELBOURNE HOUSE
13 WELLINGTON TERRACE
CLEVEDON
BS21 7PS

TEL: 07702 293850

to point out that as the logistics for Southern Co-op and indeed all Co-op's are dealt with by CWS's national distribution centres they do not have control over specific times for deliveries during the day. Instead a vehicle will have been loaded at the central distribution depot with a list of stores in the area where deliveries will be made. Drivers are not allowed to make mobile phone calls whilst driving for safety reasons and therefore cannot time a delivery to an exact time. This will depend on traffic conditions and quantity of drop offs on any run. They inform me that they can request that deliveries do not take place during the hours when school children are leaving but there is no way of policing this as it is completely outside Southern Co-op's control. So again as a specific condition it is not practical. Drivers are sensible and will make allowances when manoeuvring to ensure all pedestrians are safe not just children.

So in summary for Co-op to sign off on their lease it will be essential for the hours to be 0700 to 2300 each day although I may just be able to persuade them to accept 2200 on a Sunday and the rather unusual condition prohibiting delivery at school times is simply not practical and needs to be removed. I am informed by Southern that these amendments are essential and the alternative is that we will be without an operator for this store with little prospect of one being found to give the residents the good facilities that are needed and to save them from making car journeys into Salisbury for the top up shopping.

Is there any possibility that these amendments can be incorporated in the consent or will a further application be necessary and to be discussed at Committee?

Should you have any questions please do not hesitate to come back to me or my client direct.

Yours sincerely,

R W PAGE BSc FRICS

