

## AGENDA

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**Meeting:** Southern Area Planning Committee  
**Place:** Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU  
**Date:** Thursday 26 September 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

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

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### Substitutes:

Cllr Terry Chivers	Cllr Helena McKeown
Cllr Ernie Clark	Cllr Leo Randall
Cllr Tony Deane	Cllr John Smale
Cllr Dennis Drewett	Cllr John Walsh
Cllr Peter Edge	Cllr Bridget Wayman
Cllr Russell Hawker	Cllr Graham Wright

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# AGENDA

## Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes** (*Pages 1 - 40*)

To approve and sign as a correct record the minutes of the meeting held on 05 September 2013.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting.**

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the

officer named on the front of this agenda **no later than 5pm on Thursday 19 September 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 41 - 42*)

To receive details of completed and pending appeals.

7 **Planning Applications** (*Pages 43 - 44*)

To consider and determine planning applications in the attached schedule.

7a **S/2012/1778: Old Sarum, Salisbury, SP4 6BB** (*Pages 45 - 60*)

7b **S/2012/1829: Local Centre, Old Sarum, Salisbury, SP4 6BY** (*Pages 61 - 80*)

7c **13/00438/FUL: Swaffham House, Youngs Paddock, Winterslow, Salisbury, SP5 1RS** (*Pages 81 - 86*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

**Part II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

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## SOUTHERN AREA PLANNING COMMITTEE

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**DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 5 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

**Also Present:**

Cllr Peter Edge, Cllr Mike Hewitt and Cllr John Walsh

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**75 Apologies for Absence**

There were no apologies for absence. Councillors Brian Dalton and Richard Clewer arrived for the meeting at 18:25 and 19:45 respectively.

**76 Minutes**

The minutes of the meeting held on 25 July 2013 were presented. It was,

**Resolved:**

**That subject to correction of the spelling of Cllr Ian McLennan, to approve as a true and correct record and sign the minutes.**

**77 Declarations of Interest**

Cllr Ian Tomes declared a non-pecuniary interest in Minute 89 - *13/01284/FUL* - as a result of being acquainted with the applicant's father, although not the applicant himself, and so would participate in the debate and vote with an open mind.

Cllr Brian Dalton declared a non-pecuniary interest in Minutes 87-88 - *13/01220/OUT and 13/01223/OUT* - as a result of being a Salisbury City Councillor, and stated he would consider and vote on the matter with an open mind.

**78 Chairman's Announcements**

The Chair announced, with the agreement of the Committee, that the application to be considered under Minute 82 - S/2012/1603/S73 - was to be deferred to the next meeting at the request of the applicant pending receipt of additional information.

**79 Public Participation and Councillors' Questions**

The Chairman explained the meeting procedure to the members of the public and noted the rules on public participation.

**80 Planning Appeals**

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

**81 Planning Applications**

A late list of information received, observations and alterations, as attached to these minutes, was presented. Site visits had taken place in the afternoon prior to the Committee meeting for applications S/2013/0406 and 13/01181/FUL.

**82 S/2012/1603/S73 - Stonehenge Campsite, Berwick St James, Salisbury, SP3 4TQ**

The application was deferred with the agreement of the Committee at the request of the applicant.

**83 S/2012/1778 - Area 9A/9B, Old Sarum, Salisbury, SP4 6BB**

Public Participation

Mr John Wilkinson, Chair of the Old Sarum Residents Association, spoke in objection to the application.

Mr Glen Godwin, agent, spoke in support of the application.

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

A report was presented which recommended that the application be delegated to the Area Development Manager to approve subject to the signing of a S.106 legal agreement as detailed further in the agenda. Key details also included the principle of additional dwellings on the site, the proportion of affordable housing and the impact upon the area, residential amenity and highways.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed that the outline permission for the site had not restricted the number of dwellings in Old Sarum to 630, and therefore the developers were able to apply to increase the number from the current 628 that were approved.

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

The Local Member, Councillor Ian McLennan, then spoke in objection to the application.

A debate followed, where the impact on the highways, open space and other infrastructure from the density of development across Old Sarum was raised, as well as the level of affordable housing being offered also being considered.

At the conclusion of debate, it was,

**Resolved:**

**To REFUSE planning permission for the following reasons:**

- 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, 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**

**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.**

*Councillors Jose Green, John Noeken and Fred Westmoreland requested their votes in opposition to the motion to refuse planning permission be recorded.*

**84 S/2012/1829 - Local Centre, Old Sarum, Salisbury, SP4 6BY**

Public Participation

Mr John Wilkinson, Chair of the Old Sarum Residents Association, spoke in support of the application.

Mr Matt Pallas, Vice-Chair of the Old Sarum Residents Association, spoke in support of the application

Mr Glen Godwin, agent, spoke in support of the application.

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

A report was presented which recommended that the application be delegated to the Area Development Manager to approve subject to the signing of a S.106 legal agreement as detailed further in the agenda. Key details also included the principle of additional dwellings on the site, links to surrounding development land, the impact upon residential amenity, highways and parking and other issues. It was noted that a strip of land on the site was planned to be offered to the local school as part of the development.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed 102 parking spaces were planned, and that the properties above the shops and proposed Doctor's surgery would be two storeys.

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



The Local Member, Councillor Ian McLennan, then spoke in support of the application with appropriate conditions applied, despite continued concerns about residential overdevelopment at Old Sarum, in light of the need for further commercial development.

A debate followed, where the hours of operation of any businesses on the site were discussed, along with the appropriateness of the suggested parking provision. It was also noted that condition three of the recommendation ensured that should another use be desired for the proposed Doctor's surgery, a fresh application would need to be submitted to that effect.

Members fully considered the representation from the applicant which formed part of the additional correspondence. After lengthy debate, Members decided to adjust condition 12, to increase the opening time to 7am but also to slightly reduce the suggested closure time to 10pm, in order to balance the needs of the commercial operation against the impact of the operation on residential amenity. Members also decided to alter suggested condition 13 to expand the hours of delivery to allow greater scope for the commercial operation, with a caveat that no deliveries occur between 3pm to 4pm due to school finishing time. Members also requested that the suggested heads of terms be adjusted to allow for the proposed educational land to be utilised as public open space if not required for educational purposes, and also requested that the additional affordable housing being offered by the applicant be made a firm commitment.

At the conclusion of debate, it was,

**Resolved:**

**To delegate to the Area Development Manager to GRANT planning permission subject to all parties entering into a S106 legal agreement which seeks to secure:**

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

**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 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**

**13. No deliveries shall be taken at or collections made from the development except between the hours of 06:30 to 20:00 hrs all week (04:00 hrs start for bulk items such as newspapers), except that there shall be no deliveries between 3pm to 4pm on weekdays (outside school holidays).**

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

**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  
HTAB02 REV D -Elevations  
HTC02 REV C - 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.**

85 **S/2013/0406 - Shrewton Steam Laundries Ltd, High Street, Shrewton, Salisbury. SP3 4BZ**

Public Participation

Mr Stephen Young, agent, spoke in support of the application.

Cllr Carole Slater, Shrewton Parish Council, spoke in support of the application.

The Planning Officer presented a report which recommended the application be refused planning permission. Key issues were stated to include potential flood risk, loss of potential employment space, scale and design of the proposals and impact upon the wider area.

Members of the Committee then had the opportunity to ask technical questions of the officer.

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

The Local Member, Councillor Ian West, then spoke in support of the application.

A debate followed, where the current state of disrepair on the site was noted, given the concerns raised by the Parish Council. The scale of the designs was discussed, along with whether the site had been marketed appropriately before

a change of use to residential had been proposed. Issues over the lack of affordable housing were raised, as well as concerns over flooding.

**Resolved:**

**To GRANT planning permission.**

**Subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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.**

- 3 No part of the development hereby permitted shall be first brought into use or occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

**Reason: In the interests of highway safety.**

- 4 No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:**

**Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.**

**Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment has been carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.**

**Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details have been submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.**

**Reason: To ensure that land contamination can be dealt with adequately.**

- 5 No construction or demolition work shall take place on Sundays or Bank Holidays or outside the hours of 07:30 to 18:00 weekdays and 08:00 to 13:00 on Saturdays.**

**Reason: In the interests of amenity.**

- 6 No development shall commence (including demolition of existing buildings) within the proposed development site until:**
- a) 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 by the Local Planning Authority; and**
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

**Reason: To enable the recording of any matters of archaeological interest.**

- 7 No development shall commence (including demolition of existing buildings) until a detailed construction method statement has been submitted to and approved in writing by the local planning authority to demonstrate that the river will be protected from access, litter and liquid sources of pollution during the entire demolition and construction period. The development will be completed in accordance with the agreed construction method statement.**

**Reason: To ensure that the nature conservation interests of the River Avon System Site of Special Scientific Interest/Special Area of Conservation are safeguarded.**

- 8 No development shall commence until details of the number, design and locations of features which will be incorporated into the development to provide nesting opportunities for birds and roosting opportunities for bats have been submitted to an approved in writing by the local planning authority. Details will also be provided showing the extent of land that will be sown with a wildflower seed mix. The development will be completed in accordance with the approved measures.**

**Reason: To safeguard protected species and mitigate against the**

loss of existing biodiversity and nature habitats.

- 9 Before plot 3 of the development hereby permitted is first occupied the first floor en-suite bathroom window in the south elevation of plot 3 shall be glazed with obscure glass only and the window shall be permanently maintained with obscure glazing in perpetuity.

Reason: In the interests of residential amenity and privacy.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

Reason: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and in the interests of flood prevention.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

Reason: To safeguard the character and appearance of the area and in the interests of flood prevention.

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

Reason: To safeguard the character and appearance of the area and in the interests of flood prevention.

- 13 No development shall commence on site until details of the design, external appearance and decorative finish of all boundary fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

Reason: In the interests of visual amenity and the character and



appearance of the area.

- 14 Finished Floor Levels shall be set no lower than 80.90mAOD.**

**Reason: To reduce flood risk to the proposed dwellings.**

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that Order with or without modification, no development or ground level alterations at a level above 80.30mAOD shall be erected within the area of garden of plots 3 and 1 that falls within the proposed flood flow route as delineated by the light grey dashed line on Site Layout drawing 1063 P11H.**

**Reason: To ensure the long term maintenance of the scheme in the interests of flood prevention.**

- 16 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**Reason: To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.**

- 17 No development shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

**Reason: In the interests of sustainable development and prudent use of natural resources.**

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

**Plan reference: 1063/P10 Site Location Plan, dated May 2012, received by this office 20/03/2013**

**Plan reference: 1063/P11 Rev H Site Layout, dated April 2012, received by this office 20/03/2013**

**Plan reference: 1063P12 Plot One House Plans, dated 15/05/2012**

**Plan reference: 1063P13 Plot One Elevations, dated 15/05/2012**

**Plan reference: 1063/P14 Plot Two House Plans, dated 15/05/2012**

**Plan reference: 1063/P15 Plot Two Elevations, dated 15/05/2012**

**Plan reference: 1063/P16 Plot Three House Plans, dated 15/05/2012**

**Plan reference: 1063/P17 Plot Three Elevations, dated 15/05/2012**

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

**Informatives:-**

**Environment Agency –**

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Main River Till. The need for Flood Defence Consent is over and above the need for planning permission. To discuss the scope of our controls and to obtain an application form please contact Daniel Griffin on 01258 483 421.

**Water Efficiency -** The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the water efficiency condition will include a water usage calculator showing how the development will not exceed a usage level of 105 litres per person per day.

**Pollution Prevention During Construction -** Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover the use of plant and machinery; oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds; the control and removal of spoil and wastes. The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

www.environment-agency.gov.uk/business/topics/pollution/39083.aspx

**Public protection -** No burning of waste should take place on the site during the demolition or construction phase of the development.

**Archaeology -** The archaeological work would include building recording prior to demolition, as well as a watching brief during the groundworks and should be conducted by a professionally recognised archaeological contractor in accordance with a brief issued by the Council's archaeology department and there will be a financial implication for the applicant.

**Wessex Water -** New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website [www.wessexwater.co.uk/developerservices](http://www.wessexwater.co.uk/developerservices)

New regulations will require all sewer connections serving more than a single dwelling to be subject to a signed adoption agreement with Wessex Water before the connection can be made. These new regulations will be confirmed by DEFRA later this year

Further information can be obtained from our New Connections Team

by telephoning 01225 526 222 for Water Supply and 01225 526 333 for Waste Water.

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526 333 at an early stage if you suspect that a section 105a sewer may be affected.

**Wiltshire Fire & Rescue** - The applicant should be made aware of the letter received from Wiltshire Fire & Rescue Service regarding advice on fire safety measures. This letter can be found on the application file which can be viewed on the council's website against the relevant application record.

**Protected species** - The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. There is a low risk that bats may be roosting in buildings at the application site. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. Planning permission for development does not provide a defence against prosecution under these pieces of legislation. If bats or nesting birds are found during the works, the applicant is advised to stop work and follow advice from their own Ecologist or to contact an Ecologist at Wiltshire Council (01225 71875) before proceeding further.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

**There was a brief recess from 21:10-21:15**

Public Participation

Mrs Judi Elliott spoke in objection to the application.

Mr Richard Maloney, applicant, spoke in support of the application.

Cllr Chris Hammer, Idmiston Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager for approval subject to the signing of a S.106 legal agreement as detailed in the agenda. Key issues were stated to include the principal of development, highways issues and the impact upon the character and appearance of the area and neighbouring properties.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding the level of financial contribution that would be sought in the event of approval.

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

The Local Member, Councillor Mike Hewitt, then spoke in objection to the application.

A debate followed, where the large nature of the site was noted in assessing the impact upon character and amenity of the area. The lack of objection from Highways officers regarding the new access was noted, as well as the busy nature of the road alongside the site.

At the conclusion of debate, it was,

**Resolved:**

**To delegate to the Area Development Manager to GRANT planning permission subject to the applicant entering into a S106 legal agreement to secure:**

- a) Financial contributions towards recreational open space;**
- b) Financial contributions towards affordable housing;**

**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 shall only be undertaken in accordance with the following approved plans:**

Plan Ref....P465-102-P2...	Dated....14.08.13....
Plan Ref....P465-103-P2...	Dated....20.06.13....
Plan Ref....P465-104-P3...	Dated....14.08.13....
Plan Ref....P465-105-P3...	Dated....14.08.13....
Plan Ref....P465-111-P2...	Dated....14.08.13....
Plan Ref....P465-112-P1...	Dated....20.06.13....
Plan Ref....P465-113-P2...	Dated....14.08.13....
Plan Ref....P465-121-P1...	Dated....20.06.13....
Plan Ref....P465-123-P1...	Dated....20.06.13....
Plan Ref....P465-124-P1...	Dated....20.06.13....
Plan Ref....P465-125-P2...	Dated....14.08.13....
Plan Ref....P465-126-P1...	Dated....20.06.13....
Plan Ref....P465-127-P1...	Dated....20.06.13....
Plan Ref....P465-128-P2...	Dated....14.08.13....
Plan Ref....P465-129-P2...	Dated....14.08.13....
Plan Ref....P465-301-P1...	Dated....20.06.13....

**Reason: For the avoidance of doubt.**

- 3) No development shall commence on site until details, and where so requested samples, of the materials to be used for the external walls and roofs of the development 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.**

- 4) No development shall commence on site until a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- details of trees and hedges to be retained, together with measures for their protection in the course of development;
- details of new planting, which shall include planting to be undertaken behind the proposed visibility splay and splayed access;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard surfacing materials;
- minor artefacts and structures (e.g. refuse and other storage units, signs, lighting etc).

**Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.**

- 5) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge

planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6) No development shall commence within the area indicated (proposed development 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 by the Local Planning Authority. The approved programme of archaeological shall be carried out in accordance with the approved details.

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

- 7) The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 8) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason: In the interests of highway safety.

- 9) No part of the development shall be first occupied until the visibility splays shown on the approved plans ref: P465-102 P2 have been provided with no obstruction to visibility at or above a height of 0.9m above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 10) No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**Reason: To ensure that the development can be adequately drained.**

**11) Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday. There shall be no work on Sundays and Public Holidays. This condition does not apply to the internal fitting out of the buildings.**

**Reason: In order to limit the noise and disruption to adjacent neighbours during antisocial hours.**

87 **13/01220/OUT - Land North West of The Avenue, Salisbury, Wiltshire. SP2 9PS**

Public Participation

Mr Glen Godwin, agent, spoke in support of the application.

Mr Matthew Deane spoke in support of the application

Mr Reg Williams, Salisbury City Council, spoke in support of the application.

Cllr Phil Matthews, Wilton Town Council, spoke in support of the application.

The Planning Officer introduced a report which recommended that planning permission be granted. Key issues were stated to include landscape and visual impact, transport and access, air quality and the existence of alternative sites. It was noted the application had previously come to the Committee in February 2013, and had been returned following revision of the application.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was confirmed that all relevant Parish Councils had been consulted for their views.

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

A debate followed, where the need for a new cemetery site was accepted, but the location and impact upon the open countryside was raised, along with issues around any construction to take place on the site and the lack of a travel plan.

At the conclusion of debate, it was,

**Resolved:**

**That planning permission be REFUSED for the following reasons:**

- 1) The proposed cemetery, by reason of its prominent siting in open countryside and the inevitable high visibility of associated development (such as gravestones, the car park and associated**

storage), would detract from the amenities of the countryside contrary to saved policy C2 of the South Wiltshire Core strategy.

- 2) The proposed cemetery by reason of its siting outside of the Fugglestone Red development template area of the Core Strategy and outside the development limits of Salisbury is considered to be too remote from the city and limited primarily to servicing by private motor vehicles. It would therefore be an unsustainable form of development contrary to saved policy G1 of the south Wiltshire Core strategy

*Councillor Ian Tomes left the meeting at 10:15 following this item.*

## 88 **13/01223/OUT - Land East of the Avenue, Salisbury, SP2 9PS**

### Public Participation

Mr Glen Godwin, agent, spoke in support of the application.

Mr Matthew Deane spoke in support of the application

Cllr Phil Matthews, Wilton Town Council, spoke in support of the application.

The Planning Officer introduced a report which recommended that planning permission be granted. The application was stated to be an alternate site to the proposal in the previous application, Minute 87 - 13/01220/OUT – with the key issues stated to include the landscape and visual impact, flood risk, access and other issues. It was noted that some trees would need to be removed to create visibility splays at the access site, and an archaeological survey conducted.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought on alternative access arrangements, and it was confirmed an alternative would necessitate placing an access through the light industrial and residential zones of the proposed Fugglestone Red development.

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

A debate followed, where the need for a new cemetery for the Salisbury area was raised, along with parking and access details.

At the conclusion of debate, it was,

### Resolved:

**To GRANT planning permission for the following reason:**

**The site was originally allocated within the draft masterplan for Fugglestone Red which was considered at the Enquiry in Public. It was considered at that stage as a potential site for a cemetery and no objections were raised to it. None the less the site is more prominent in landscape terms than the site to the North West of the Avenue but with landscaping is not considered inappropriate in landscape terms. The site is located closer to the main built development of Fugglestone Red 2 and therefore in visual terms will be seen in this context. The proposal**



therefore complies with policy Core policy two which allocates the site for development with the south Wiltshire core strategy.

Subject to the following conditions:

1) Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**REASON:** This is an outline application submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

2) Application for the approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

**REASON:** This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**REASON:** This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4) No development approved by this permission shall be commenced until a scheme to assess the risk to groundwater, incorporating suitable measures to mitigate those risks ,must be submitted to and approved by the Local Planning Authority. It should include the following detailed information:

1. Tier 1: Risk screening in accordance with Environment Agency guidance assessing the Groundwater Pollution Potential of Cemetery Developments

2. Where required by the tier 1 assessment, a tier 2: Preliminary quantitative riskassessment with detailed desk study and preliminary site investigation

3. Where required by a tier 2 assessment, a tier 3: Detailed quantitative risk assessment

4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.

**5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.**

**REASON : In order to protect controlled waters**

**5) All burials in the cemetery shall be:**

- 1. a minimum of 50m from a potable groundwater supply source;**
- 2. a minimum of 30m from a water course or spring;**
- 3. a minimum of 10m distance from field drains;**
- 4. no burial into standing water and the base of the grave must be above the local water table;**

**REASON: In order to Protect controlled Waters.**

**6) A landscape masterplan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the first use of the development, for its permitted use. The landscape masterplan shall be carried out as approved.**

**REASON: To ensure the proper management and planning of the landscaped areas in the interests of visual amenity.**

**7) The development shall be carried out strictly in accordance with the following plans and documents –**

**Site location plan PO920\_01-2**

**Design and Access statement PO920\_6-1**

**Planning Statement dated 7 th June 2013 CIR.P.0920**

**Environmental Statement dated June CIR.P.0920**

**Transport statement by Brookbanks**

**Landscape and Visual Impact Assessment dated by the Cooper partnership**

**July 2013**

**Statement of pre application community consultation dated 17<sup>th</sup> June 2013 CIR.P.0920**

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

**8) No development shall commence within the area indicated (proposed development site)**

**Until:**

**A written programme of phased archaeological investigation, which should include on site work and off site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority and**

**The approved programme of archaeological work has been carried out in accordance with the approved details.**

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

*Councillor Brian Dalton left the meeting at 10:30 following this item.*

89 **13/01284/FUL - 12 Middleton Road, Salisbury, Wiltshire, SP2 7AY**

Public Participation

Mr Justin Smith spoke in objection to the application.

Mr Robert James, applicant, spoke in support of the application.

The Planning Officer introduced a report which recommended the application be delegated to the Area Development Manager for approval subject to the signing of a S.106 legal agreement as detailed in the agenda. Key issues were stated to include the principal of the development, the impact upon neighbouring amenity resulting from the conversion into two dwellings and car parking and highways issues.

Members of the Committee then had the opportunity to ask technical questions of the officer. Details were sought regarding placement of recycling bins and the planning history of the site.

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

The Local Member, Councillor Richard Clewer, then spoke in objection to the application.

A debate followed, where the need for small dwellings in the city was raised, along with the level of impact of the proposed conversion upon the highways network.

At the conclusion of debate, it was,

**Resolved:**

**To delegate to the Area Development Manager to GRANT planning permission subject to the applicant entering into a S106 agreement covering the following matters:**

- 1. A financial contribution towards off-site recreation provision; and**
- 2. A financial contribution towards off-site affordable housing provision,**

**unless this is satisfactorily demonstrated to undermine the viability of the development;**

**For the following reason:**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this**

development to improve the social and environmental conditions of the area.

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. This development shall be in accordance with the following submitted drawings:

12/1832/201 A, dated 02/04/13 and received to this office on 25/06/13

**REASON:** For the avoidance of doubt

90 **Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 11.00 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](mailto:kieran.elliott@wiltshire.gov.uk)

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

**SOUTHERN AREA PLANNING COMMITTEE 05<sup>th</sup> SEPTEMBER 2013  
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

## Agenda Item 7a

**Plan List Item 1      S/2012/1603/S73 – Application for the development of land without compliance with Condition 10 of Appeal Decision S/2010/0007 and in accordance with information submitted,  
At Stonehenge Campsite, Berwick St. James, Salisbury, SP3 4TQ**

1 additional third party representation of objection received:

As we understand it, the documentation supplied by the applicant and Officers' report to the Committee for the 28<sup>th</sup> July meeting are unchanged. The number of lights appears to be the same, though we note from Officers' Report that wattages for wall-mounted lights have been reduced to 9 watts, which is a start.

We understand from your conversation with Mr Douse that it is possible that the applicant may come up with some suggested compromise on the day. This is clearly unsatisfactory – indeed would it be lawful to accept such a compromise, as it would deprive interested parties from considering and commenting on the actual proposal?

Having said that, we are clearly in the hands of the lighting consultant when it comes to understanding the effects of the proposals. As we understand it, a substantial proportion of the lighting proposed has yet to be installed, and it may be that the lighting which currently exists is to be moved or altered. We would therefore ask the Consultant, when considering any future proposals, to take into account the points we raised in our letter of 11 December (attached for ease of reference), which seem to us still to be relevant. We agree with your Consultant that uplighters in the middle of the country are quite unnecessary. Also, given the position of our house relative to the site, it is the wall-mounted lights near our border that will affect us most. If these are necessary, could they please be on the outer boundary facing inwards, so that they are as invisible as possible from our house.

We also understand that the applicant has pointed out that the hedging has increased the screening over recent months. We would point out that all the plantings are deciduous and the screening will be less effective in the winter months when the lighting will need to be turned on for the maximum period. Indeed, given that the site is largely unoccupied for many days in the winter months, might it be a condition that lighting is used only for those parts of the site that are actually being occupied?

Finally, we do wonder why all this extra lighting is necessary at all, as Mr. Grant has been running the campsite for several years with the existing lighting (without planning consent for it). We are concerned that what was once a tranquil and dark field in unspoilt countryside could be further (and significantly) changed and with many (39) lights will look like a runway at Heathrow or an industrial estate.

We therefore support your refusal of the application on the grounds, essentially as we interpret your report, that the lighting proposed is excessive.

Yours sincerely

Martin and Rosemary Gairdner

## Agenda Item 7c

**Plan List Item 2 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**

Comment from applicant:

I am aware that you have been in correspondence with the prospective operators of the shops at the local centre. They welcome the recommendation to approve the scheme which has been prepared having regard to their commercial requirements.

However, the proposed restrictions on the hours of operation and deliveries are a concern to them as this will not allow for a viable operation.

This has been explained as follows:

From a purely informative position, I did note in the report the proposed restriction on operating times for the retail units. Whilst this is not likely to be a major issue for the 2 smaller units it will undoubtedly cause problems for the convenience store operator. As I am sure you will be aware these stores by the very nature have to operate with extended delivery and trading hours to maintain viability and effective trading against major foodstore operators in the sector. The very nature of a store such as this, is to serve the local population outside normal trading hours for top up shopping. They have the added benefit of reducing car journeys given their immediate proximity to resident populations.

I am therefore at something of a loss as to why you would want to restrict trading hours on a Saturday, which for a substantial proportion of people is a normal working day in today's society and even more so why you would not allow the store to open at 7.00 am which is a time of the day when many potential customers will be leaving for work and wish to pick up a newspaper and early morning provisions. This time is quite standard throughout the convenience sector for a start and to limit this seems unduly harsh and may even detract operators from wishing to take the unit. Equally a 9.00 am start on a Sunday is much later than many customers would expect.

The other factor which I know will be an issue is no deliveries before 7.30 am and at all on Sundays. Whilst the 7.30 time limitation can be adhered to for large vehicle deliveries I am sure you can understand that news and milk deliveries by their very nature take place before these hours. These are normally from transit type vehicles but for logistical reasons have to take place early. Neither is it possible for a convenience store to have no deliveries on a Sunday I am afraid. It is essential for the smooth operation of a store of this type to be able to take deliveries on a Sunday. Operators are sensitive to noise

issues and will always try to minimise this whilst undertaking deliveries so as to avoid complaints from neighbours.

In the circumstances I would be grateful if you could report this requested amendment to members at tomorrow's South Area Planning Committee meeting i.e an adjustment of the hours as follows:

Condition 12 *"the retail units shall not be open to the public except between the hours of 07.00 and 23.00 every day."*

Condition 13 *"No deliveries shall be taken at or collections made from the development except between the hours of 06.30 and 20.00 every day."*

This is fundamental as the prospective tenant of the local store would not be able to take the local convenience store unit unless the hours are adjusted as requested and this underpins the viability of delivering the local centre

I would suggest that this should not cause undue loss of amenity to residents on the development as the local centre has immediate access from the main road and those who purchase or rent flats above the shops will be aware of the opening hours. In terms of security the shops would be very well exposed to the main road and passers by.

Thank you for your assistance.

Regards

**Glenn Godwin**

Director

Pegasus Group

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## **Agenda Item 7d**

### **Plan List Item 3     S/2013/0406 - Demolition of existing laundry buildings; erection of three four-bedroom dwellings with associated parking, access and landscaping works At Shrewton Steam Laundries Ltd, High Street, Shrewton, Salisbury. SP3 4BZ**

1 email received from applicants in support of the application, provided in full:

We write in relation to the above application, to be considered at your Committee on 5 September. Our company is a small local building firm. This site represents a significant investment for us.

We bought the site in November 2010. It has remained on the market since this time while we sought consent for a redevelopment scheme for the site. The 3<sup>rd</sup> paragraph under heading "9.3 Loss of Employment" of the Officer Report is incorrect in this regard.

We commissioned consultants to prepare the current application for 3x 4-bedroomed detached dwellings. The application before you is the 3<sup>rd</sup> scheme for this vacant and derelict site (significant structural collapse has occurred during our ownership) and we are keen for a constructive resolution. We originally wanted to build small units, as sought by the Parish Council in their response to the current application. However a previous proposal for just this was unsuccessful on urban design and parking provision grounds (in addition to the matters referred to below). Accordingly, we have sought a pragmatic solution to address the issues affecting the site.

Highways (access and parking), ecology, heritage and design matters are all addressed by the current proposal. The only matters potentially remaining outstanding for the proposal before you are:

- flood risk considerations; and
- matters deriving from the former employment use of the site.
- 

#### **Flood Risk considerations**

##### **Finished site levels**

It is relevant to note that an objection from the EA to the scheme was withdrawn in June (see attached letter), subject to a number of conditions including site and finished floor levels.

However, following lobbying by your officers, a further letter re-instating elements of the objection was submitted by the EA in July due to unfounded concerns expressed regarding ongoing control at the site.

Before doing this, it is relevant to note that the July letter from the EA states that "*Hydraulically the current submitted scheme as designed maintains and improves flood flows in this area and is therefore acceptable to us in flood risk terms*" and "*there is a satisfactory scheme to address flood risk*". In short, the application would improve the flood risk situation for Shrewton.

It is suggested, erroneously, that there may be an inability to ensure ongoing control of site levels. This is incorrect. Through a combination of both a) the site levels conditions suggested by the EA in their June letter (or a more detailed version of these) and b) the Environment Agency's legislative remit, it is considered a satisfactory level of ongoing control can be secured.

Section 6(4) of the Environment Act 1995 indicates that the EA shall "exercise a general supervision over all matters relating to flood defence". Specifically, under Section 109 of the Water Resources Act, any works within 8m of the top of the bank of a designated "main river" (such as the adjacent River Till) requires a consent from the



EA. It is relevant to note that the terms of this “any works” goes significantly beyond the scope of the planning system. It can include, for instance, headwalls; outfall structures; fences; riverbank revetments and other structures that, within the context of the Town Planning system would represent “minor” or de minimus works that would fall below the threshold of needing planning permission.

Outside the 8m consent easement width, all land raising within a floodplain including that which does not require planning consent needs consent from the EA under Section 23 of the Land Drainage Act 1991, when local bylaws and the general supervisory duty are considered alongside this.

Thus, in lay terms, the consenting regime operated by the EA is similar to that of Building Regulations – but is specific to river corridors and their floodplains. It has the ability to prevent the installation of structures that would compromise the function of main river channels and their floodplains, including the ability of land to convey flood waters.

Thus, provided acceptable site levels can be specified (and they can in this case) we see no reason why a reasonable, proportionate and enforceable position could not be established in relation to this scheme.

#### Sequential Test

Within the context of the Sequential Test, the site should be considered as a Windfall site. It should be seen within a *balanced* context of seeking to avoid the derelict buildings on site remaining and deteriorating further and becoming an eyesore at the heart of the village. A Strategic Flood Risk Assessment for the settlement has been undertaken by RPS. The justification to reduce the geographical area of search has been given (contrary to the contents of the Officer report). This is provided at paras 4.10 and 4.11 of our consultants’ Design and Access statement, as follows:

The parish of Shrewton represents 5% of the population of the Amesbury Community Area (33,190). The adopted South Wiltshire Core Strategy proposes an additional 2395 houses within the whole Community Area between now and 2026. Of these, most are to be provided from identified sites at the larger settlements, however 170 units still need to be provided by as-yet-unidentified sites. It is reasonable to expect that Shrewton will take its’ fair proportion of this. 5% of the additional 170 houses is around 8-9 units.

A number of sites have been suggested in the Parish to deliver housing and are documented in both the South Wiltshire and county-wide SHLAA documents (from 2009 and 2011 respectively). RPS consider the site against all of these and conclude that, of those sites within the parish potentially able to deliver the required level of development, none are more preferential in flood risk terms.

#### Flood Risk – Summary

It is crucial to note that, if the landform at the site now was already that proposed by the current application, development proposed on the site would not lie within any Flood Zone. Accordingly none of the above flood risk considerations would apply. Thus we consider that the position taken by Council Officers regarding these points has been unduly burdensome in financial terms, and is potentially open to challenge.

We have spent over £30,000 modelling the site and surrounding area, and assessing the flood risk of the schemes. This demonstrates a significant intent to propose a scheme that is realistic, pragmatic and safe.

#### **Employment Uses**

Our Commercial Agents, Myddleton and Major have evaluated this matter closely and their conclusions have been included in the submission. The derelict buildings are unsuitable for continued employment use, and would need to be redeveloped in any event for re-use to occur. An employment redevelopment would be “economically unviable” due to the approximate 600,000sq ft of employment space readily available (as at March 2013).

## Other Matters

We have submitted a viability report to the Council, and this has been accepted by your officers as demonstrating that the development should not incur affordable housing and other developer contributions. We estimate that the development (as it stands) will make a loss of around £158,000.

Despite the lack of viability for the project (as it stands, even without S106 contributions), we are keen to implement the proposed development at the site in order to:

- minimise losses;
- to keep our local staff and contractors employed; and
- to address the eyesore that the site has become.

However the scheme is not expected to deliver a profit.

To compound this, it is further suggested in the Officer Report that, to address the flood risk matters above, Plot 3 should be omitted from the scheme. We estimate that the omission of this unit would result in a £309,000 loss.

We would be happy to answer questions regarding the scheme, and hope you will be able to support the application at the Committee on Thursday.

Yours sincerely

**JOHN RATTUE & MERVYN GRIFFITHS**

## Representations

### **1 additional third party representation of comments received:**

We would like to make the following two comments in relation to the proposed development of the site.

The current state of the site is a dangerous eyesore, and is having an adverse effect on residents and visitors to the village alike - anything would be better than the status quo!

We feel that the proposed plan for the old school site in the village could result in 'family' properties coming on to the market as older residents downsize to the new age-restricted properties on the school site. We believe that this could help overcome the shortage in the village of affordable family properties, removing the need for the laundry site to have the more dense layout that I believe the Council favoured at one point.

John and Sheila Sweeney - The Old Bakery, High Street, Shrewton.

### **1 additional third party representation of objection received:**

I am unable to attend this meeting but wish to put forward my strong opposition to the proposed plans as they stand. I would like to underline once more my point of view and attach my original letter. I rely on your including them in the meeting tomorrow.

I was very concerned to read in the planner's documentation regarding this application that "it is not considered that Winterbourne House would be unduly affected" by this development. Can I suggest that planners view the actual boundary to this property in relation to the proposals?

I must agree with the correspondence recently uploaded to the relevant area of the council website – the property is in a dangerous state of disrepair and needs urgent maintenance before a serious accident occurs.

Emily Westlake, Winterbourne House, Tanners Lane, Shrewton

Letter:

I refer to the above planning application. We are the tenants of Winterbourne House, which directly borders the development site.

We have now considered the revised planning application in full and have many concerns about them, many of which were addressed in previous correspondence and are in no way tackled in the revised plans.

It is of particularly great concern that the planners have shown little empathy whatsoever to the needs of the village when considering this development. Wiltshire Council has in place many strategies to prevent building works from taking place which would not be of benefit to the local community, e.g. business/residential use (core strategy 5); inclusion of social housing (core strategy 3). Moreover, rules are in place to prevent building within flood plains. All of the above have been passed over in the current plans. To allow the current plans to be passed in their current form would be considered to be a misapplication of existing Wiltshire Council policy.

In their covering letter enclosed with the proposed plans, the planning consultants state:

Furthermore, in the context of the Sequential Test, the site should be considered as a Windfall site. It should be seen within a *balanced* context of seeking to avoid the derelict buildings on site remaining and deteriorating further and becoming an eyesore at the heart of the village.

Should we residents infer from this that we should be grateful that the developers have bought this site and should be content with their proposals, whatever form they take? The developers have allowed the site to fall in to terrible disrepair and have shown no respect for the safety of residents or the impact on the village of this neglect.

I am including detailed objections to the current plans as stated below:

- 1/ Change of use from employment land to residential
- 2/ Social Housing requirements/Appropriateness of proposed dwellings for the village
- 3/ Flooding issues
- 4/ Issues regarding the overlooking of existing properties
- 5/ Anomalies in the application form

Addressing each of these points in turn:

**1/ Transfer of use of the site from business to residential**

Middleton and Major have submitted a detailed report in support of the planner's application for transfer of use. The content of this report is questionable. The report contains copious erroneous statements and includes numerous phrases one can only assume are designed to mislead, as detailed below:

- The author states in paragraph 6 that 'Since purchase the current owners have had a regular dialogue with nearby local residents and the Parish Council, all of whom support proposals to remove these derelict industrial buildings and replace them with housing to complement the immediate surroundings'.

The current site owners have never made any form of contact with us, and had we have been contacted; we would have stated our absolute objection to the transfer of use. When I personally initiated contact with the planners for this site in October 2012, the two initial responses were brusque and incomplete, and when I requested further clarification, they chose not to respond at all.

- What is the purpose of the inclusion of a 2010 marketing report for use of the existing buildings commercially, when the author states themselves that it was evident that the buildings were derelict and not fit for such a purpose?

This report states that it was always transparently evident to all parties that the buildings were not fit for business or residential use, and required demolition and rebuilding for either project.

- The author states that they have undertaken 'marketing activities in the region'.

As a local business owner and director, I have not laid eyes on one single piece of marketing material from this or any other agent regarding a requirement for business premises in Shrewton.

- Referring to Appendix V - offered in direct response to Core Strategy 5 of the South Wiltshire Core Policy - it can only be assumed that the author of this report has got confused and submitted a report for another site, because many of the answers contained therein do not in any way relate to the Shrewton Laundry site. If this report does apply to the laundry site, it can only be assumed that it has been completed in such a way to present the worst possible illustration of the site. I would therefore request clarity on the following paragraphs:

Section 2.

e) Noise and other obvious pollutants: Poor (suggested answer: Excellent. This is self-evident due to the position of the site.)

g) Parking, internal circulation and servicing: Poor (suggested answer: Good. Please refer to Middleton and Major's own marketing material contained in this very report at Appendix I, which show photographs of numerous cars and vans parked at the site.)

h) Loading access: Poor (suggested answer: Good, as evidenced above.)

Section 3.

a) Adjacent land: Poor (suggested answer: Excellent. Pollution from adjacent firms – please can the author provide the details of these? We are unaware of a single adjacent firm).

b) Perception of the wider environmental quality: Poor (suggested answer: Excellent. Again, if the author could provide details of such problems, we would be most interested!!!)

c) Local facilities for workforce: Poor (suggested answer: Excellent. This particular answer gives the reader real concern! There is a public house directly opposite the site, and another next door but one, with a social club and a local supermarket within a few minutes' walk!)

**Given the improper answers in this particular Appendix, the accuracy of the whole of this report should be called in to question.**

The report from Middleton and Major includes precedents where other properties have been granted a similar change of use. The disparity of the use of these examples underlines how inappropriate this change of use would be; not one of these properties is in a similar location to Shrewton.

Shrewton Laundry employed 14 people (as per Transport Statement prepared by Stuart Michael Associates, September 2011). Although these employees are now mostly successfully re-employed, this does not detract from the fact that employment opportunities within the village have been reduced by around 30% by the closure of the business.

I also refer to Core Policy 5 of the Wiltshire Council Core Strategy:

“Proposals involving the significant net loss of employment opportunities in a town or main settlement or the loss of an employment use that is important to the rural economy will be resisted. The Council will consider making exceptions to this only where there is clear evidence that the land or premises are no longer viable for an employment generating use and/or where redevelopment of a site for a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.”

I have been seeking premises in Shrewton for my business for the past 5.5 years. There is currently nothing available. One new business in the village (the hairdressing salon on the High Street) could not find premises either and resorted to dividing floor space with another local business.

Shrewton residents have few employment opportunities. Local businesses are nominal. Local employment opportunities (mostly offered by local amenities) are limiting.

According to data produced by Wiltshire Council's Economic Intelligence Unit, Shrewton has a parish working age population of around 1100. Local amenities offer the equivalent full-time employment to around 50 people. Consequently, over 1000 residents are already forced to commute to work from Shrewton.

Shrewton has a pitiable bus service. The earliest an employee can arrive in Salisbury by bus is 8.30, the latest they can leave Salisbury is 5.40pm. Despite Shrewton being classified as coming within the economic area of Amesbury, there is one bus a day between Shrewton and Amesbury. This severely limits any employment non-driving Shrewton residents can seek; underlining their reliance on employment within their own village.

It is clear that the former Laundry premises are not suitable for employment use in their current state, but I believe that it would be deeply regrettable for the use of the site to be transferred to residential as there is a clear requirement for more employment opportunities in the village.

## **2. Social housing requirement**

A housing needs survey for Shrewton is currently underway, the results of which will be available after 22 May 2013. Shrewton is often referred to by local estate agents as 'desirable'. The village is attractive to house purchasers. Consequently, house prices are above the national average meaning that long-standing residents are forced out of the housing market in the village because they simply cannot afford to buy a house there.

It is clear that Shrewton does not need any more luxury housing. Shrewton needs more affordable or retirement housing to prevent further driving out the current residents and their families who cannot afford to live here. Retired individuals, young single people, young families and those on low incomes are forced out of the village, resulting in Shrewton becoming a commuter village.

The dwellings being proposed for this site are imposing, luxury houses with double garages. Two of the houses include pillars in their design. I would suggest that this is not in keeping with the current outlook of the village, nor does it serve the needs of local people. In the Wiltshire Core Strategy Pre-Submission Document published in February 2012:

“People, Places and Priorities: Wiltshire Community Plan 2011 - 2026 sets an objective to: address the lack of affordable housing, including social housing and shared ownership opportunities, by building new housing, bringing empty homes back into use, and through any other means that may become available to meet housing need.

6.40 This means building the right homes in the right places at the right time in order to develop more balanced communities where people can live and work locally. It's also critical that new housing developments provide for the necessary services and infrastructure to create thriving communities, and that they are built to high environmental standards and are well designed. It is also vital that a significant proportion of new housing is affordable. New jobs must be aligned to the delivery of new homes otherwise we are in danger of encouraging more commuting and congestion on roads and consequential environmental harm, as well as increased maintenance on Wiltshire's highway network leading to increased liability for the council and the taxpayer. Only by delivering both homes at the right price and a range of job opportunities can young people in Wiltshire be retained and the long term development of the economy supported. At the same time, the right kind of housing is needed for the ageing population."

<http://www.wiltshire.gov.uk/wiltshire-core-strategy-pre-submission-document-with-bookmarks-february-2012> (accessed 22.04.2013)

### 3. Flood risk assessment

The Environment Agency website states that the area of the laundry is:

**What is the likelihood of flooding from rivers or the sea in my area?**



View current flood warnings in this area

**What does 'significant' mean for me?**

Very Important: Be prepared!

The location you have selected is in an area that has a significant chance of flooding. The chance of flooding each year is greater than 1.3% (1 in 75). This takes into account the effect of any flood defences that may be in this area, whether or not these are currently illustrated on the Flood Map.

Flood defences reduce but do not completely remove the likelihood of flooding and can be over topped or fail in extreme weather conditions.

As per the site: <http://maps.environment-agency.gov.uk/wiyby/wiybyController?ep=query&floodrisk=1.4&lang=e&topic=floodmap&floodX=406944&floodY=144439> Accessed 22.01.2013.

Despite the lengthy document attached to the plans regarding flooding, it must be highlighted that therein, at paragraph 3.2.1 Fluvial Flood Risk: "The EA does not hold modelled flood data for the River Till and there is no gauged data available within the catchment".

Shrewton's flood warden has provided the following table as illustration of the unreliability of the River Till's flow:

Year	Start flow	Dry up	Month													
			Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
2008	Nov 28	-														
2009	Dec 13	June														
2010	-	July														
2011	Mar 02	June														
2012	May 31	-														
2013																

<http://www.shrewton.com/parish-council/flooding-in-shrewton/ups-and-downs-of-the-river-till/> Accessed 22.04.2013.

Unless accurate data is used for the models suggested, the flood risk assessment cannot be taken seriously. Can I also draw your attention to the flood marker at the boundary of the proposed development which shows a flood height roughly equal to the ceiling height of the ground floor of the adjacent property?

The pictures of the water courses contained in the report show the water course as being empty. These should be compared with photographs of the area in January 2013, when the river burst its banks and Elston Lane was filled with over a meter of flood water at worst, and impassable at times to vehicles. Flood warning signs are still evident in this area on 23rd April 2013.

The report accessed as above, also states: "It cannot however accurately calculate or map what happens to the water when it comes out of banks (i.e. a flood event resulting in overland flow)". Much of the water in this area of the River Till is derived from overland flow from existing higher ground, particularly around the Elston area, which is not mentioned in the report.... further underlining the guesswork on which this report is based.

#### 4. Overlooking of existing properties

With regard to the plans that have now been drawn, I would like to underline the differences between the plans submitted in 2011 and the current submission and also the apparent anomalies contained therein. The original Design and Access Statement stated in paragraph 4.47 " Given the distance between the site boundary and the facing elevation of Winterbourne House, it is unlikely that the scheme would give rise to any overlooking of the private amenity space, provided any elevation facing Winterbourne House is located over 20m away from the existing building. In addition, should windows be proposed above the 1<sup>st</sup> floor, these should ideally be roof lights".

The plans pay no regard to this and currently, as per paragraph 4.20 of the new access statement, Winterbourne House will be overlooked by the new properties. A window is clearly shown on the current plans, directly overlooking Winterbourne House, in contradiction to the statement at paragraph 5.16 which 'anticipates' that Winterbourne House will not be overlooked. Are design plans not an exact science? The agent did not answer my question on this subject, and these newly submitted plans actually show an even higher level of overlook to our property and others.

The application makes no reference to the fact that the existing buildings form our garden boundary wall. The demolition of these buildings will have a massive impact on our property and will destroy the

vegetation which has been lovingly tended in this border. We would like to know what proposals will be made to minimise our inconvenience.

**5/ Anomalies in the application form**

The design statement states that "The northern elevation of the building is approximately 10m from the intervening boundary of the site, which is formed by either the end elevation to buildings on the application site or a 2.4m high larch-lap panel fence". The drawn plans actually show a 1.8m high fence. The planners refused to answer the question as to how high they actually intend the fence to be. It is also interesting to note that on the application form the net loss of full time employees is stated as 3, not the true figure of 14. I questioned the planners about this anomaly, but they chose not to reply. It is of great concern that, even at this early stage, the detail in the documentation is incorrect. In conclusion, the application as submitted is fundamentally flawed and should be withdrawn or refused planning consent.

I have faith in the fact you will appreciate these vital discrepancies and trust in Wiltshire Council's policies to ensure they will not be overlooked. I look forward to your comments and remain at your disposal should you wish to discuss any of the above points.



**Agenda Item 7f**

**Plan List Item 4     13/01220/OUT - Outline Application for proposed new cemetery with vehicular access from The Avenue (resubmission of S/2012/0815) At Land North West of The Avenue, Salisbury, Wiltshire. SP2 9PS**

Dear Sir/Madam.

**REF: PLANNING APPLICATIONS: 13/01220/OUT AND 13/01223/OUT**

We hope you will place the below before the Planning Committee as we are one of the principal users of this facility.

I refer to Application 13/01223/OUT and 13/01220/OUT in respect of the two proposed sites for a new cemetery to serve Salisbury and Wilton.

The situation with regard to Cemetery land is becoming desperate for Salisbury, there being little space available in either Salisbury cemeteries or the cemetery in Wilton.

Of the two sites, the one to the East of The Avenue would seem to us to be the better of the two, it being closer to the Park & Ride site and facilities available at Wilton. If, however, this site does not prove to be acceptable then we would welcome the second site, i.e. land to the North West of The Avenue. With the exception of access by public transport, there is little to segregate the two sites in our opinion.

We very much hope that the Planning Committee will be able to approve one, or both, of these sites in order that plans may be undertaken as rapidly as possible so that we may have a new cemetery, certainly by the middle of 2014.

Yours sincerely,

IAN NEWMAN  
I N NEWMAN LTD

Funeral Directors  
55 Winchester St  
Salisbury  
SP1 1HL

## Agenda Item 7g

### **Plan List Item 5    13/01223/OUT - Outline Application for proposed new cemetery with vehicular access from The Avenue At Land East of the Avenue, Salisbury, SP2 9PS**

#### Applicant's comments

The table below shows the trees to be removed:

Tree Number	Category	Reason
T15, T17, T18, T19	A	To facilitate visibility splay
T16, T20 – Part of G27 and G29	B	To facilitate visibility splay
H23, Part of G22, Part of G21	C	To facilitate visibility splay

This totals 6 x trees for removal, 4 x trees for removal in part and 1 x hedge to be removed in part.

Some of the trees present have been considered as groups notably G27, G29, G22 and G21 which are to be removed in part. G27,29,22 and 21 been considered as a group in accordance with BS5387:2012 *Trees in relation to design, demolition and construction*, which states:

**4.4.2.3** Trees growing as groups or woodland should be identified and assessed as such where the arboriculturist determines that this is appropriate. However, an assessment of individuals within any group should still be undertaken if there is a need to differentiate between them, e.g. in order to highlight significant variation in attributes (including physiological or structural condition).

*NOTE The term "group" is intended to identify trees that form cohesive arboricultural features either aerodynamically (e.g. trees that provide companion shelter), visually (e.g. avenues or screens) or culturally, including for biodiversity (e.g. parkland or wood pasture), in respect of each of the three subcategories (see 4.5).*

It is of the opinion of our arboriculture consultant that recording trees as 'individuals' within these groups and recording the exact number of trees to be removed has no real benefit as the trees are relatively young, therefore the Root Protection Areas are pretty much the same throughout, with no real variation in attributes within the groups (see BS detail above). The value is of the group itself as "a cohesive arboricultural feature", we therefore propose that mitigation for its partial loss will be provided through the provision of a cohesive arboricultural feature elsewhere within the site rather than on a tree for tree basis, negating the need to identify each individual tree within the groups to be lost.

## Councils Tree's officers comments

I visited site this afternoon.

The groups of trees are generally young or poor quality and could be replaced relatively easily by new planting (electricity cables run through the avenue at this point and pruning has taken its toll). I do not see any real merit in requesting further information regarding the exact number to be removed – provided new planting is secured by condition to provide further screening/a new avenue.

The mature Beech and Oak to the south of the entrance, which are shown to be removed, will be a significant loss to the amenity of the area. However, one of the Oaks is poor quality and all the Beech have significant defects or poor form. Many of the mature Beech in this avenue are in fairly poor condition and several seem to fall or lose large limbs in high winds each year.

One Oak is a fine specimen and it appears to be in good condition (T19) – although covered in Ivy (which prevented a thorough inspection). It would be a shame to lose this tree but I don't think it warrants a refusal for the whole scheme.

**Agenda Item 7h**

**Plan List Item 6    13/01284/FUL - Conversion of existing end of terrace 4 bedroom house to form 2 dwellings (1 x 2 bed terrace house and 1 x 1 bed end of terrace house)  
At 12 Middleton Road, Salisbury, Wiltshire, SP2 7AY**

*Members should note that the informative included in the report has been put on in error and does not form part of the officer recommendation for this application.*

Wiltshire Council

Southern Area Planning Committee

26 September 2013

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## APPEALS

### Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Appeal Decision	Overturn	Costs
S/2012/1483	Elcombe Farm Bungalow, Alvediston	Hearing	Delegated	Allowed	No	Allowed
S/2012/1307	Trickeys Paddock, Whiteparish	Hearing	Committee	Part allowed, Part dismissed	Yes	No

### New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee		Overturn	Costs Applied for?
S/2012/1566	Penruddocke Arms Hindon Road, Dinton	WR Non-Determination	Delegated		No	No
S/2013/0071	Land adjacent to Parish Church, Salisbury Road, Steeple Langford	WR	Committee		Yes	No

**WR** Written Representations  
**HH** Fastrack Householder Appeal  
**H** Hearing  
**LI** Local Inquiry  
**ENF** Enforcement Appeal

16 September 2013

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## Index of Applications on 26<sup>th</sup> September 2013

1

**Application No:** S/2012/1778  
**Site Location:** Area 9A/9B, Old Sarum, Salisbury, SP4 6BB  
**Development:** Reserved matters application for the erection of 40 dwellings, car parking and landscaping  
**Recommendation:** Approve with Conditions

2

**Application No:** S/2012/1829  
**Site Location:** Local Centre, Old Sarum, Salisbury, SP4 6BY  
**Development:** 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)  
**Recommendation:** Approve with Conditions

3

**Application No:** 13/00438/FUL  
**Site Location:** Swaffham House, Youngs Paddock, Winterslow, Salisbury. SP5 1RS  
**Development:** Erection of retaining wall and fence to front corner boundary (Amendment to S/2013/0063)  
**Recommendation:** Approve with Conditions

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# Agenda Item 7a

## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	26 <sup>th</sup> September 2013		
<b>Application Number</b>	S/2012/1778		
<b>Site Address</b>	Area 9A/9B, Old Sarum, Salisbury. SP4 6EB		
<b>Proposal</b>	Reserved matters application for the erection of 40 dwellings, car parking and landscaping		
<b>Applicant</b>	Persimmon Homes (Wessex) ltd		
<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 415157	Northing 134096	
<b>Type of application</b>	Reserved Matters		
<b>Case Officer</b>	Amanda Iles		

Members will recall that this matter was considered at the 5<sup>th</sup> September Southern Area Committee. Members resolved to refuse the application. 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 confirmation to contest the appeal, and on what grounds.

Following Members resolution to refuse, officers would like Members to agree that the following reasons for refusal reflect Members previous resolution, and that these reasons will therefore form the basis of any appeal challenge by the Council:

01 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, 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.

02 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.

03 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.”

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**

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

1. Principle of Additional Dwellings
2. Impacts on Heritage Assets/Conservation Area
3. Impact on Character of the Area/Compliance with Design Code
4. Impacts on residential amenities
5. Impacts on highway system

6. Affordable Housing
7. Other Issues
8. S106 Heads of Terms

The Parish Council Object

Neighbourhood Responses:

27 letters commenting on the application received

### **3. Site Description**

The site is located on the north western edge of a developing mix use development, between existing built out housing and the proposed SWALE land, which runs the whole length of the boundary of the larger development.

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.

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

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 - Mod Playing Fields, Old Sarum, Salisbury,  
Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

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/2012/1829 -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 reserved matters application for the erection of 40 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.

### **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

**Highways Agency**

No objection

**Archaeology Department**

No objection subject to condition

**Environmental Health Department**

No objections

**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**

No objections subject to additional contributions in line with policy

**Highways Department**

No objections subject to conditions

**Ecology Department**

No objection subject to a contribution being paid towards the stone curlew project.

**Housing Department**

Would not object provided the additional affordable housing required and to be provided as part of the Local Centre application can be secured.

**8. Publicity**

27 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 land is good for cereal crops
14. The open area of the settlement of Old Sarum will be blighted
15. The surrounding conservation areas will be built on affecting ecology
16. The swales are required for drainage and should not be built on

17. It will result in loss of privacy and views for residents on The Portway
18. The existing road crossing on The Portway is poorly designed

#### 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 problem

### 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.

The provision of 40 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, the majority of the proposed dwellings (38) 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.

Therefore whilst the principles of the wider development have been agreed, 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/ Conservation areas

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.

Similarly, the development will be readily visible from the Conservation Area surrounding the aerodrome. 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.

Therefore as the site is well screened and separated from the nearby Conservation Area and listed buildings, it is considered that a refusal of the scheme on this basis 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.

The Design Code splits the larger allocated site up into 3 broad residential neighbourhood areas (see page 27 of Design Code), namely:

**Urban Core** - The highest density area including the planned school and retail area, with densities of typically 45 dwellings per hectare.

**Medium Density** – Intended as a natural progression between the Urban Core and Rural edge areas, with typical density of 30-35 dwellings per hectare.

**Rural Edge** – This is the lowest density area of between 20-25 dwellings per hectare.

Area 9A falls into the medium density and 9B Low Density. Within these neighbourhood areas, the Design Code envisages several architectural “character areas. Plots 215-220 of 9A form part of “East Street” and all of Area 9B except for plot C13 is “Country Lane”.

It is considered that the proposal would accord with the description of the above 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.

### *9.4 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.

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 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. The Council's Environmental Health officer does not object to this application, given that it is a reserved matters application, and the principle of dwellings on this site has already been established by the outline consent.

### *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*

The application site has outline consent, and was always envisaged to be suitable for housing development, albeit within the planned 630 dwelling limit.

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. The provision of parking facilities appears to be wholly sited within private parking areas, which are unlikely to be available to casual visitors, and insufficient space is provided for car parking spaces on plots C7 and C4 - less than 5 metre provision behind the maintained highway boundary and a 6 metre length should be provided between garage doors and the highway to ensure that overhanging of the highway does not occur and space is left to access the garage. Furthermore it is requested that a vehicle swept path analysis is submitted to show that service vehicles can negotiate the road network and drawings are also required to shown the forward visibility splays at bends in the road and between roads and private roads and pedestrian routes.

Amended plans have been received related to these matters and the highways officer does not object to the amendments subject to conditions.

### *9.6 Affordable Housing*

To comply with the outline planning consent there is a requirement to deliver 33% affordable housing across the whole of the site. On this application site this would equate to 13 dwellings. However, the applicants have proposed the equivalent of 25% affordable housing (10 units) but with the additional units being provided on the local centre site which is subject to a separate application (S/2012/1829).

Following discussions between the parties, the Council Affordable Housing officer has confirmed that she would not object to this apparent under-provision on this particular parcel



of land, provided the additional affordable housing (the over-provision) at the Local Centre site actually happens.

In officers' opinion, it would be possible to secure this matter via a specific clause in the legal agreement (see separate section of report).

#### *9.7 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.

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 financial contribution has also been requested towards the Stone Curlew project.

### **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.

### **Drainage**

Concerns have been expressed regards the impact of additional dwellings on the drainage capacity of the infrastructure. However, the applicants have submitted a drainage report which indicates that there will be no adverse impacts, and 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 objection to the proposal subject to appropriate provision being secured via a suitably amended legal agreement.

### **Education matters**

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.

Hence, this provision is secured via the suggested revision to the 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. 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 therefore considered that additional funding of this community facility is required. Hence, this provision is secured via the suggested revision to the S106 Agreement.

### *9.8 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 (subject to legal advice):

- Additional public open space facilities
- Additional funds towards the planned community centre
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards stone curlew project
- Secure provision of affordable housing on site, including 4 units of affordable housing on this site, if the additional units are not provided on the Local Centre site.
- Contributions towards sustainable transport initiatives and infrastructure

## **10. Conclusion**

The principle of residential development in this location 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:**

i) FINANCIAL CONTRIBUTIONS BEING SECURED VIA A S106 LEGAL AGREEMENT TO MITIGATE THE IMPACT OF THE ADDITIONAL DWELLINGS TOWARDS:

- Additional public open space facilities
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public Art provision
- Additional funding towards the planned community centre
- Transport initiatives and infrastructure
- A financial contribution is required towards the Wessex stone curlew project under core policy 22
- The provision of affordable housing on site, including provision of affordable dwellings on the site should the planned additional affordable housing (4 units) fail to be provided on the local centre development site

**That permission be GRANTED, subject to the following conditions:**

1. The development hereby permitted shall be begun either before the expiration of 8 years from the date of outline permission S/2005/0211, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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.

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. No development shall commence until the existing trees to be retained on site and any trees adjacent to the site boundary (as shown on the approved plans) have been protected by means of a scheme, to be 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.

REASON: In the interest of the visual amenity of the area and biodiversity

4. All new planting and landscaping 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.

5. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and

surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

REASON: In order that sufficient parking is available for occupiers of the dwellings, visitors, and users of the open space.

7. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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.

8. No work shall start on site until a scheme for the full details of the soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme submitted shall include details of the planting species, times of planting, and maintenance schedule. Development shall be carried out in accordance with the approved details.

REASON - To secure a harmonious form of development.

9. Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

REASON- To safeguard the amenities and character of the area and in the interests of highway safety

10. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

11. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

12. 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

13. 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.

14. No development shall commence within the area indicated (proposed development 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 by the Local Planning Authority; and
- The approved programme of archaeological work has been carried out in accordance with approved details

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

15. The development shall be carried out in accordance with the amended plans received on the 30<sup>th</sup> May 2013.

REASON: For the avoidance of doubt

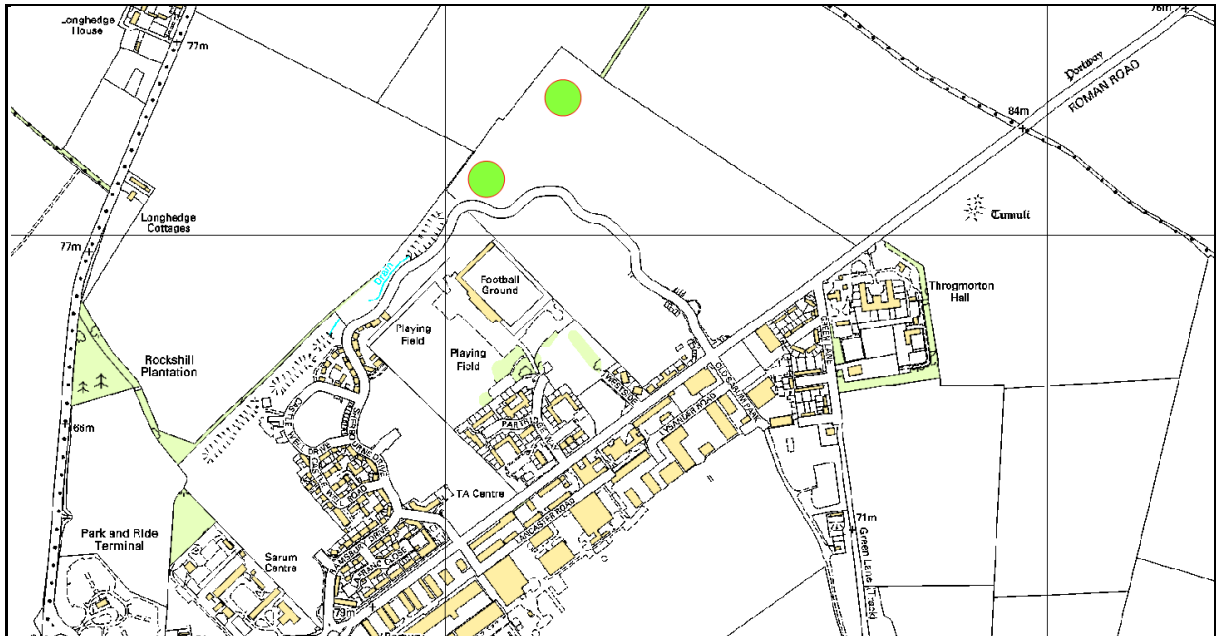
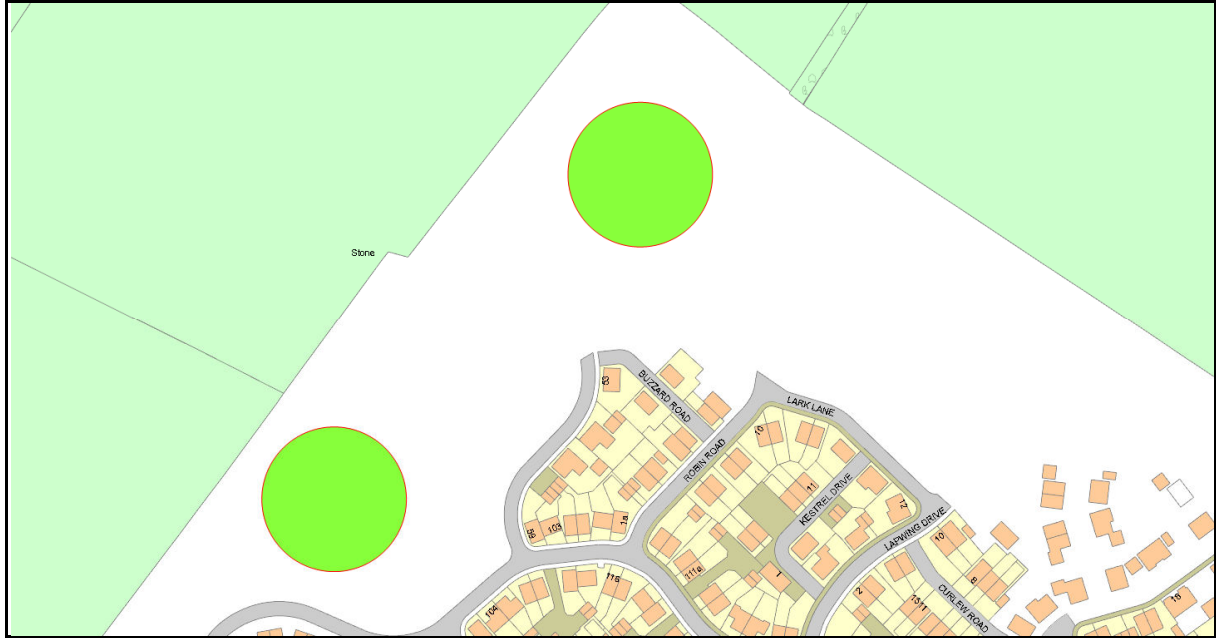
## **INFORMATIVE**

With regard to Condition 14 above the work should be conducted by a professionally recognised 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.

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S/2012/1778 – Area 9A & 9B, Old Sarum, Salisbury. SP4 6BB



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## 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		

### **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.

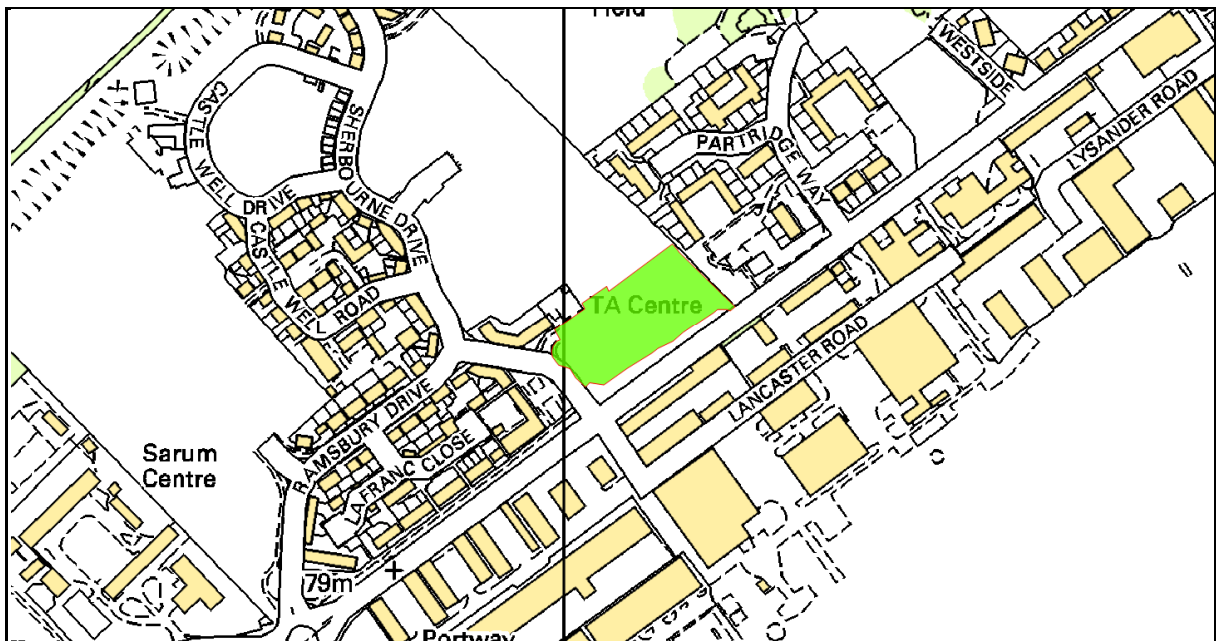
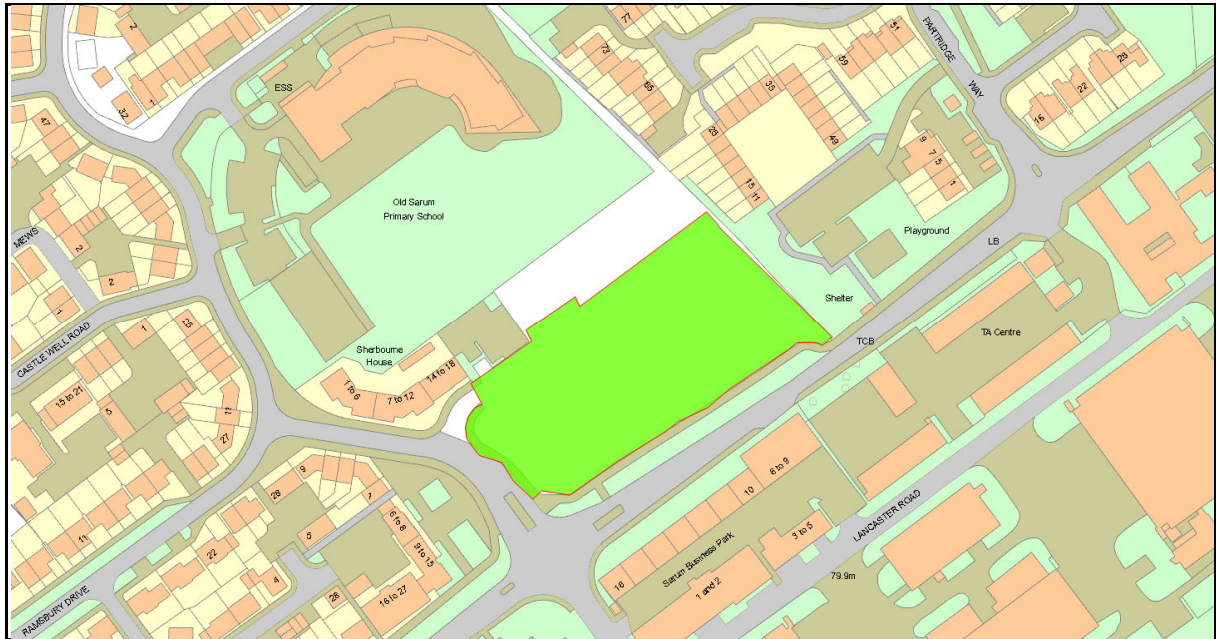
### **INFORMATIVE**

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.

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## Report to the Area Hub Planning Committee

<b>Date of Meeting</b>	26 <sup>th</sup> September 2013		
<b>Application Number</b>	13/00438/FUL		
<b>Site Address</b>	Swaffham House, Youngs Paddock, Winterslow, Salisbury, SP5 1RS		
<b>Proposal</b>	Erection of retaining wall and fence to front corner boundary (Amendment to S/2013/0063)		
<b>Applicant</b>	Mr Emad Moussa		
<b>Town/Parish Council</b>	Winterslow		
<b>Electoral Division</b>	Winterslow	<b>Unitary Member</b>	Chris Devine
<b>Grid Ref</b>	Easting: 424363 Northing: 132841		
<b>Type of application</b>	Full Planning		
<b>Case Officer</b>	Warren Simmonds		

### Reason for the application being considered by Committee

The application has been called to Committee by Cllr Devine due to the level of public interest/local concern

#### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **GRANTED subject to conditions**

#### 2. Report Summary

The application constitutes a reduced scheme and a resubmission of the previously refused application under planning reference S/2013/0063.

The parish council and four third parties object to the proposal.

The application is recommended for approval but has been called-in to Committee by Cllr Devine due to local concerns and the level of interest shown in the application.

#### 3. Site Description

Swaffam House, Youngs Paddock is a detached two storey dwellinghouse situated within a residential area within the settlement of Winterslow.

#### 4. Planning History

S/2013/0063 Erection of retaining wall and fence to front corner boundary Ref 08.03.13

#### 5. The Proposal

The application relates to an area of land to the immediate south of the house and

proposes the construction of a retaining wall with brick piers and timber fence panels along the boundary of the land with the pavement to facilitate the raising of ground levels within the curtilage of the property to level the garden.

## **6. Planning Policy**

- adopted (saved) local plan policy G2 (General Criteria for Development)
- adopted (saved) local plan policy D3 (Extensions)
- adopted (saved) local plan policy H16 (Housing Policy)
- NPPF (in particular chapter 7)
- Winterslow Village Design Statement

## **7. Consultations**

### **Winterslow Parish Council**

Object on grounds of adverse visual impact (loss of the open character of the area) and Highway safety

### **Highways Officer**

No objection in terms of Highway safety, informative suggested in respect of the re-siting of the existing street nameplate

## **8. Publicity**

The application was advertised by site notice and neighbour notification letters  
Expiry date 31.07.13

Four third party representations were received, objecting to the proposal on grounds including not in-keeping with the open plan nature of the existing estate, would obscure visibility to the detriment of Highway and pedestrian safety, concerns in respect of structural safety and adequate drainage

## **9. Planning Considerations**

### *9.1 Scale, design and materials*

Swaffam House, Youngs Paddock is a detached two storey dwellinghouse situated within a residential area within the settlement of Winterslow. The application relates to an area of land to the immediate south of the house and proposes the construction of a retaining wall with brick piers and timber fence panels along the boundary of the land with the pavement.

The area of land currently constitutes an open grassed area which gently slopes from the south facing (side) elevation of the house downwards to the back of the pavement edge.

The application proposes the construction of a brick-built retaining wall with brick piers above and timber fence panels along the southernmost extent of the boundary of the property, for a length of approximately 21 metres immediately along the back (northern) edge of the pavement edge.

The proposed retaining wall would facilitate the importation of fill materials and raising of existing ground levels between the house and the new wall (by up to 1 metre) and would result in the provision of a new boundary structure of approximately 2 metres to 2.3 metres (max) above the existing (slightly undulating) ground levels on the pavement side.

Whilst concerns have been raised in respect of the height of the proposed wall & fence structure, and its potential impact on the character of the surrounding estate development, numerous other boundary walls and structures (including retaining walls) are present in the general street scene within the surrounding area, including low boundary walls of up to 1 metre in height, and other taller boundary fences with enclosing hedges up to (and exceeding) 2 metres (including immediately opposite the proposed wall/fence at the rear roadside boundary of 'Ashmead', and to the immediate west along the side boundary of the adjacent property at number 4.

#### *Highways considerations*

The Highways officer has commented on the application. He considers the proposed retaining wall and fence will not detrimentally affect Highway safety and recommends that no Highway objection be raised to this application.

### **10. Conclusion**

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.

### **RECOMMENDATION**

**That permission be GRANTED, 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.



13/00438/FUL – Swaffham House, Youngs Paddock, Winterslow. SP5 1RS



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