

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	25th July 2013
Application Number	S/2012/1835
Site Address	Area 11, Old Sarum, Salisbury, SP4 6BT
Proposal	Erection of 35 dwellings with associated car parking, landscaping and infrastructure
Applicant	Charles Church Wessex
Town/Parish Council	Laverstock
Grid Ref	415180 134162
Type of application	Full Planning
Case Officer	AMANDA ILES

REASON FOR REPORT TO COMMITTEE

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

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

1. Purpose of report

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

2. Report summary

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

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

The Parish Council object

Neighbourhood Responses:

25 letters commenting on the application received

3. Site Description

The site forms part of the SWALE land, north-west of the proposed Area 9A/9B and the approved Area 2 which is under construction.

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

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

4. Relevant Planning History

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

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

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

S/2012/1826 - Mod Playing Fields, Old Sarum, Salisbury, Modification of s106 agreement associated with planning permission s/2005/0619 to take account of revised layout.

S/2012/1778 – 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/2012/1836- Area 12 - Erection of 22 dwellings and associated car parking, landscaping and infrastructure.

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

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

5. Proposal

This is a full application for the erection of 35 dwellings, car parking and landscaping.

6. Planning Policy

Given the scale of the wider development most of the policies within the Adopted South Wiltshire Core strategy (incorporating saved policies from the Salisbury District Local Plan) could be construed as being in some way relevant to this proposal. However, for the purposes of this application, the following policies are considered most relevant:

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

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

In addition the following are relevant:

Adopted Supplementary Planning Guidance "Creating Places"

Policy WCS 6 of the Waste Core Strategy

NPPF

Draft Wiltshire Core strategy policies:

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

7. Consultations

Laverstock & Ford Parish Council

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

Highways Agency

No objection

RSPB

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

Natural England

No objection

English Heritage

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

Environment Agency

No objection

MoD

No safeguarding objections

Ecology Department

Objection

Housing Department

No objection

Archaeology Department

No objection subject to condition (see below)

Environmental Health

Object (see below)

Open space Department

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

Highways Department

Awaited

Education Department

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

Waste and Recycling Department

No objections subject to additional contributions in line with policy.

Wiltshire Police

Highlighted some areas of poor natural surveillance

Wiltshire Fire & Safety

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

8. Publicity

25 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
19. The community hall and local centre have not been built yet
20. Country walk trails have been created on the Swale land
21. The existing road layouts are inadequate
22. The proposal will have an impact on the surrounding road network
23. The land is needed as a buffer between Old Sarum and Longhedge

Old Sarum Residents Association

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

Salisbury Civic Society

- Strongly object to the loss of the open space and the strategic landscaping

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

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

9. Planning Considerations

9.1 Principle of additional dwellings

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

Also, in 2005, an outline application was approved for mixed development on the allocated land. After prolonged negotiations, a detailed section 106 legal agreement was completed, which secured various planning gains in line with those outlined in the Development Brief and subsequent outline planning permission was finally issued in June 2007. The land subject of this application formed part of the land within this outline consent.

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 (33) would be over and above the provision of housing originally envisaged. However, no upper limit for the number of dwellings to be provided was conditionally imposed on the original outline consent. However, 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.

The provision of 35 dwellings is not so clear cut. The current housing scheme being proposed therefore needs to be assessed against the criteria within the adopted Development Brief and the Design Code, the impact on the adjacent Conservation Area, the Scheduled Ancient Monument, and the surrounding landscape.

9.2 Impact on heritage assets

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

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

However, the existing development is already readily visible from the Conservation Area of the Old Sarum Monument, and whilst this proposal would protrude even further into the landscape buffer around the development, given the lack of objection from English Heritage on this point, it is considered an objection to this development based on the visual impact on the setting of the Old Sarum SAM would be difficult to justify.

Regards the impact on the adjacent Conservation Area of the Airfield, 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, and particular, as the site is well screened and separated from the nearby Conservation Area and listed buildings, it is considered that any harm caused would be negligible.

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.

This site was not originally proposed for housing and therefore was not identified as a character area in the Design Code. However, it is close to the rural edge of Areas 9A/9B and 2 and therefore it is considered that it should reflect this character area.

The Design Code states that this will represent a rural edge character with large houses and has areas of both low and medium density. Detached buildings will predominate with occasional semi-detached and short terraces. Buildings will be predominately 2 storey with the occasional 2.5 storey feature building. There will be no consistent building line with buildings arranged informally with variable width of front gardens. Brick and render will be the predominant materials with natural stone and flint used on some buildings.

Whilst it is considered that the proposal would accord with the general description of the above character area, the very fact that the dwellings are being proposed on an open area of land adjacent to the originally planned “Country Lane” dwellings seems to defeat the fundamental purpose and concept of this character area, in that the originally planned dwellings would not then be situated on the edge of the development.

As a result, it is considered that a refusal of the scheme in terms of the way the design and built form affects the character of the immediate area is justified.

9.4 Impacts on Residential Amenities and loss of open space

The application site is shown in the agreed Masterplan as forming part of a larger public open space, which had been formed due to the need to provide SWALES to serve as drainage ditches for the proposed development.

The applicants are now assert that part of the SWALE drainage area is no longer needed for drainage purposes, with drainage for the dwellings being undertaken largely through other more traditional methods (soakaways etc). The applicants drainage report supports this assertion, and the various consultees have not objected to the loss of part of the drainage area. Therefore, in terms of the impact of the scheme on the drainage and flooding, it is considered that it would be difficult to justify refusal. The applicants argue simply that as there is an over provision of open space on the development, that it would therefore be acceptable to develop part of the over-provided open space for housing. They are also of the opinion that this area was only ever intended to be used as a drainage area, not a public open space.

The NPPF makes it clear that:

“Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping.*

59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”.

Furthermore, the sensitivity of this area of the development had been ascertained at a very early stage of the development of the layout of the housing site, and from then on the masterplan layout was developed and the concept of the Rural Edge and the Country Lane aesthetic created. This concept was then agreed as part of the masterplan, along with the other planned “character areas”.

The original concept and masterplan for this area intended this area of the scheme to have a rural character, and to have an open aspect with some housing looking across an area of open space and beyond. It is considered that the visual amenity of those dwellings along the planned western edge of the development opposite the site would suffer a significant reduction in their amenity in terms of over dominance and reduced privacy.

Furthermore, whilst it is acknowledged in purely technical/numerical terms there appears to be a surplus of public open space provided at the Old Sarum site, areas of openness such as originally planned offer visual relief from the harder urban character of the associated development. It is clear from the third party comments received that residents of Old Sarum already consider the existing housing estate to have too many dwellings and to be too cramped, and it is clear that the loss of this planned open space area would be objectionable to local residents.

In officers opinion, the proposal does result in the loss of an area which the Council has always intended to also utilise as public open space, and to act as a landscape buffer to the development. The original masterplan drawings of the larger site show the area containing a childrens play area, and a public path running through the area. Notwithstanding this, as it has already been agreed that the land will be taken over by the Council in due course, in future years the land could be utilised by the Council in whatever way it chooses, and the Council’s parks officer confirms that it is his intention to utilise the area as part of the open space network.

As a result, it is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings.

Vibration and noise issues

There is currently an environmental health issue related to an ongoing industrial operation and the creation of vibration emanating from one of the adjacent industrial units. A number of existing properties on the Old Sarum site have apparently experienced this vibration. The Council's environmental health officers object to the construction of additional dwellings in this area due to the nuisance caused by this vibration issue, at least until a full study and remedial work is undertaken as part of the scheme. Therefore they object to this application, due to the lack of any agreed mitigation towards the known vibration/noise issues.

9.5 Impacts on Highway System/Parking

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

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

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

9.6 Affordable Housing

The provision of affordable housing on this parcel of land is acceptable to the Council's Housing officer and is in line with Council policy.

9.7 Other matters

Ecology

The Council Ecologist has objected strongly to the development of this area, stating that:

"I consider that the effect of disturbance on wildlife has been underestimated given the scale of urbanisation at Old Sarum. Conversion of arable/grassland habitats to urban will reduce food availability for wildlife, while the effects of increased lighting, noise, and movement would all lead to a change away from farmland specialist towards generalist species. There will be also losses due to cat predation. Farmland birds, for example, is one of the Government biodiversity indicators that is in long term decline, as are generalist butterflies in the wider countryside and plant diversity in boundary habitats. Where hedgerows fall within the cartilage of new properties, there is no security that the hedges will be managed or even retained.

The potential effects on the hedge line to the north of Area 11 are of particular concern. There is no information in the ES to suggest this hedge line has been surveyed for bats or other interests and it is not even recognised as a biodiversity

feature on the extended phase 1 habitat map (figure 7.3). Given it is probably the most significant ecological feature on the site, this is a significant omission. Effects on this hedge line are likely to be considerable given the proximity of housing proposed in Area 11. The roads serving properties backing onto it will inevitably have to be lit and this would significantly affect its role as wildlife corridor not only for the Old Sarum development but also for development at Longhedge.

Taking all this into consideration, I consider that together the applications currently being proposed at Old Sarum do not meet the requirements of South Wiltshire Core policy 22 for green infrastructure. Nor do they meet Core policy 50 in the Wiltshire Core Strategy Submission document.

Application S/12/1835 should be refused for lack of information to inform the assessment of ecological impacts as highlighted above. However if this site was to be allocated as informal public space, this would go some way to reducing the net biodiversity loss that I believe would otherwise result if all the applications were approved".

It is therefore considered that the proposal is unacceptable in ecology terms.

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. If the application were approved a condition could be added regarding this.

Drainage

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

Waste and Recycling

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

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

Education Provision

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

Public Art

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

Community Hall

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

- Additional public open space facilities
- Contributions towards the planned community centre
- Affordable housing
- Additional waste and recycling facilities
- Additional educational facilities
- Additional public art contributions
- Contributions towards Stone Curlew project
- Contributions towards sustainable transport infrastructure
- Community hall

10. Conclusion

The proposal would result in the development of a large area of intended public open space which is ecologically sensitive. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. It is considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, contrary to the agreed masterplan.

In the absence of a signed S106 Agreement, the proposal would also fail to mitigate against the impact of the additional dwellings in terms of additional provisions towards local infrastructure, services and facilities. Furthermore, in the absence of a suitable report demonstrating whether and to what extent these areas are affected, the Local Planning Authority considers that the future occupiers of the proposed units may suffer a significant adverse impact to their residential amenity to the detriment of the enjoyment of their property from vibration and noise emanating from an adjacent commercial operation.

RECOMMENDATION: REFUSE, for the following reasons:

1. The proposal would result in the development of a large area of intended public open space which is considered to be ecologically sensitive. Whilst there is an acknowledged over-provision of such land to serve the housing development, the proposed area was intended by the agreed Masterplan to have a more rural and spacious visual quality, as well as helping to provide a strong character and sense of place to the development. Further, in the absence of a detailed ecological assessment regarding the impact of the development, it is considered that the proposal would be likely to cause significant harm to the ecology and biodiversity of the site and area.

It is therefore considered that the loss of the proposed open area and its development for housing as proposed would have a significant detrimental impact on the open character and visual qualities of the area, and would adversely affect the amenities of adjacent dwellings, and potentially cause significant harm to the ecology and biodiversity of the site and area. The proposal is therefore considered to be contrary to the agreed masterplan, and contrary to policies Salisbury District Local Plan policies H2D, G2, D1, R5, R6, C6, C7, C8 as saved within the Adopted South Wiltshire Core Strategy, Adopted South Wiltshire Core Strategy policies CP21 & CP22 and the NPPF, particularly paragraphs 58 & 59 in relation to design codes and provision of attractive and quality open spaces and paragraphs 109 to 119 related to biodiversity and ecology matters.

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

- Additional affordable Housing
- Additional contributions towards the planned community centre
- Additional contributions towards the existing educational facilities
- Additional public art contributions
- Contributions towards the Wessex Stone Curlew project
- Additional contributions towards public open space and equipment
- Additional contributions towards sustainable transport infrastructure, including bus and cycle vouchers
- Waste and recycling facilities

However, in the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 Waste Core Strategy and saved policies D8, R2 & G9 of the Salisbury District Local Plan and guidance provided in the NPPF regarding planning obligations.

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