

## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <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>Grid Ref</b>	Easting 415157          Northing 134096
<b>Type of application</b>	Reserved Matters
<b>Case Officer</b>	Amanda Iles

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### 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**

WC Education officer have indicated no objections to the proposed additional housing subject to additional financial contributions being required towards primary and secondary educational facilities.

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.