

**SOUTHERN AREA PLANNING COMMITTEE 26th SEPTEMBER 2013
SCHEDULE OF ADDITIONAL CORRESPONDENCE**

Agenda Item 7a 

Plan List Item 1 S/2012/1829 – Reserved matters application for 3 retail units, a doctors surgery and 30 apartments including parking, landscaping and recycling centre (following approval of outline application S/2005/0211)

At Local Centre, Old Sarum, Salisbury, SP4 6BY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

However, the absence of any provision being made at this time for mitigation towards the enhancement of these facilities or any financial contribution offered towards them, the proposal is considered to be contrary to policies CP3, CP21 & CP22 of the adopted South Wiltshire Core Strategy, policy WCS 6 of the Waste Core Strategy, and saved policies G2 (ii), D8 & R2 and R4 of the Salisbury District Local Plan, and guidance provided in the NPPF regards planning obligations.”

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

Appendix 1

Appeal ref APP/Y3940/A/13/2200882

Areas 10, 11 and 12 Old Sarum

WC Highway
Link to Longhedge

Connectivity Old Sarum to Longhedge Strategic Site

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

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

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

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

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

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

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

13/9/13

Appendix 2

Hughes, Richard

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

Dear Sir/Madam,

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

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

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

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

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

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

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

I trust this is of assistance.

Regards,

Rob Riding

Senior Planner

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

Dear Mr Hughes,

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

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

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

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

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

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

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

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

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

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

Yours sincerely,

R W PAGE BSc FRICS

