

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite, City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 13 December 2018
Time: 3.00 pm

Please direct any enquiries on this Agenda to Lisa Moore, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01722) 434560 or email lisa.moore@wiltshire.gov.uk

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

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Membership:

Cllr Fred Westmoreland (Chairman)	Cllr Mike Hewitt
Cllr Richard Britton (Vice-Chairman)	Cllr Sven Hocking
Cllr Brian Dalton	Cllr George Jeans
Cllr Matthew Dean	Cllr Ian McLennan
Cllr Christopher Devine	Cllr John Smale
Cllr Jose Green	

Substitutes:

Cllr Trevor Carbin	Cllr Bridget Wayman
Cllr Ernie Clark	Cllr Graham Wright
Cllr Tony Deane	Cllr Robert Yuill
Cllr John Walsh	

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

For assistance on these and other matters please contact the officer named above for details

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on Thursday 15 November 2018.

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**

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 by phone, email or in person no later than 2.50pm on the day of the meeting.

The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice. 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.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

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 6th December 2018**, in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on **Monday 10th December 2018**. 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 and Updates** (*Pages 25 - 26*)

To receive details of completed and pending appeals and other updates as appropriate for the period 02/11/2018 to 30/11/2018.

7 **Planning Applications**

To consider and determine planning applications in the attached schedule.

7a **18/07328/VAR - Land north of Hilltop Way, Salisbury, SP1 3QX** (*Pages 27 - 46*)

Variation of Condition 4 (affordable housing scheme) of planning permission for 16/04126/OUT

Outline application for the proposed erection of 10 semi detached bungalows, new footpath link, and creation of public open space incorporating 20 off street parking spaces and 5x laybys to Hilltop Way.

7b **18/09164/VAR, 18/09004/VAR & 18/09012/VAR - Land North & North East, Matrons College Farm, Castle Lane, Whaddon, SP5 3EQ** (*Pages 47 - 62*)

Variation of conditions 4 & 15 of 13/02543/OUT to remove the requirement for the use of building as a proposed health centre.

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

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 15 NOVEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan and Cllr John Smale

Also Present:

326 Apologies

There were none.

327 Minutes of the Previous Meeting

The minutes of the meeting held on Thursday 20 September 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

328 Declarations of Interest

There were none.

329 Chairman's Announcements

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

330 Public Participation

The Committee noted the rules on public participation.

Questions had been submitted in advance of the meeting and had been circulated as part of the agenda pack. The response to the questions were also published online as a supplement and copies were available at the meeting.

Questions and responses:

Submitted by Dr Claydon, were in relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018:

Q1. The responses given to my submitted questions on 20th September were factually incorrect, misleading and showed a contempt for the due processes required of the LPA in regard to Nightwood Farm. Has the LPA reviewed what they said in the two replies?

Response: The LPA is satisfied with its responses and does not intend to review them.

Q2 Since I was given reassurances at the Planning Meeting of 20th September in regard to the total failure of the LPA to manage the instruction of the Southern Area Planning Committee of the 10th January nor to reject the application for a Certificate of Lawfulness for Nightwood Farm registered 21st June I would request a clarification and an update in what is happening for the benefit of the whole Planning Committee.

Response: After the application was refused the LPA liaised with the Environment Agency who were considering what action to take under their legislation. On 21 February the Environment Agency informed the LPA that they did not intend to take any action. On 1 June the LPA's Enforcement Team served a requisition for information, the first stage in enforcement proceedings but on 31 May the certificate of lawfulness application was received and enforcement action was held in abeyance pending consideration of this application. The CLE remains undetermined and legal advice is expected to be received by 20 November

Q3 What was the legal advice that was given to the LPA in regard to Nightwood Farm and what I consider to have been the incorrectly validated application for the Certificate of Lawfulness.?

Response: The Council is still waiting for the legal advice. However, we do point out that Legal Privilege is a recognised exemption under both the Freedom of Information Act and the Environment Information Regulations and upon receipt of any such advice consideration as to whether such advice can or should be released or not can then be made.

Dr Claydon was then permitted to ask supplementary questions. He addressed the Committee with the following:

Supplementary question 1

The reply that the LPA has no intention of reviewing their reply to my September question is worrying because that reply showed that there is little appreciation by the LPA of the difference between a routine planning application and an application for a certificate of lawfulness. I am not aware, as the original

response seems to be addressing, of it ever being suggested that the validation should have been refused because the site or development is contentious.

Q - Why have the LPA ignored the guideline for validation of a Certificate of Lawfulness application and treated it as a normal planning application?

The validation process required for a certificate of lawfulness is to check if there is any incorrect or false statement in the application. It is an offence to submit anything false or incorrect without any evidence to justify any such statement and the application cannot be validated. My position is that the LPA appears to have overlooked and ignored the specific part of Town and Country Planning Act (Development Management Procedure) (England) Order 2015 para 39 which is specifically in regard to Certificates of Lawfulness and treated the application as if it were a normal planning application. Para 39b requires there to be evidence verifying the information included in the application. The basis throughout the submission for the application is that the land upon which the bunds have been created is agricultural land with associated permitted development rights, when it is accepted and agreed by the LPA that the land is registered as Ancient Woodland. It cannot be treated as agricultural land for the purpose of planning and Ancient Woodland does not have any permitted development rights. There is no submitted evidence claiming that it is not Ancient woodland and indeed the words Ancient Woodland in relation to the land under the bunds is not as far as I can see, mentioned. The Planning Officer should not have validated the application based, as it is, on a false and incorrect assertion.

Furthermore, another false statement in the submission (para 2.2) is that the amount of asbestos in the bunds according to the EA is so negligible that it should be disregarded. This is completely the opposite of what EA actually said, which was that in their view, because of the buried asbestos present in the bunds, disturbing the bunds by removing them was potentially more hazardous than leaving them untouched.

Supplementary question 2

The LPA response is an interesting timeline that exposes the inactivity of the Enforcement Department and a failure to do what was required of them by this Committee on January 10th 2018. On their own admission, for three months after the EA response, absolutely nothing was initiated by Enforcement. Your clear instructions were, it is now shown, apparently ignored for months until it was too late to proceed. I do not need to remind you of the feeling expressed here on January 10th but, in spite of that, the very people who were tasked, I assume is to serve the wish of this Committee, did not act in an acceptable timeframe.

It had taken over two years to get the LPA to require the landowner to submit the retrospective planning application in the first place. There is something about this development site that provokes a reluctance for action by LPA, that does not seem right and I would hope in the interests of democracy will be addressed.

Q – Why did the Enforcement Department take no action for over three months, following the delay of over a month awaiting the reply from the EA, and then only act after the Certificate of Lawfulness application had been received, which effectively halted any enforcement action?

The Chairman noted that a written response would be provided to the supplementary questions.

Cllr Devine re-iterated the Committees previous request that an update on the matter be provide in due course.

Cllr Dean requested the name of the Officer whom had provided the response to the questions. This would be provided to him in writing after the meeting.

331 Planning Appeals and Updates

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

Resolved

That the report on Appeals and Updates for the period of 07/09/2018 to 02/11/2018 be noted.

Cllr Devine asked the Officer how long appeals were currently taking. The Planning Team Leader noted that it varied by case, however once someone appealed, the matter then went to the inspectorate in Bristol, and was then out of the hands of the LPA. On average appeals were taking five to six months, and even up to 12 months in some cases.

332 Planning Applications

333 18/06366/FUL & 18/06723/LBC - Little Manor Nursing Home, Manor Farm Road, Milford, Salisbury, SP1 2RS

Public Participation

Stuart Jamieson spoke in objection to the application.

Richard Fuller spoke in objection to the application.

Matthew Airey (Wessex Care) spoke in support of the application.

Mark Bugden (Project Manager) spoke in support of the application.

Matthew Holmes (Planning Consultant) spoke in support of the application.

The Senior Planning Officer, Becky Jones presented the application for external and internal alterations/refurbishments of the historic Grade II listed part of a 24 bed residential care home. Together with the demolition of the recent (non historically significant) extensions to the rear, and construction of a Care Quality Commission (CQC) compliant replacement extension, increasing capacity to 30 bed. Demolition of two ancillary buildings and associated landscape works and alterations to access (resubmission of 17/11250/FUL).

Previous application 17/11250/FUL which had been refused, was currently at appeal.

It was noted that by 2026 there would be a shortage of 246 bed spaces in the area.

The differences with this application compared to the previous included a row of pleached trees, a screen on upper terrace, stacked bay windows, the distance from the wall had increased, materials had been changed and simplified. The glazed extension had been shortened and now has glazed glass. There were landscaping and gardening proposals and the inclusion of a cycle building and a smoking area with this scheme. Parking remained the same.

The application was recommended for refusal.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that appendix 1 to the report included the full list of amendments.

Members of the public then had the opportunity to present their views as stated above.

The Division Member Cllr Sven Hocking then spoke in support of the application, noting that he had a different opinion to the Conservation and Heritage Officer, in that he agreed the front of the building did have a great amount of character, however the rest of the building which was behind did not, adding that the part the public see would not look any different.

The impact the new build would have on the rest of the local area needs to be weighed up against the benefits. This scheme included better landscaping, and screening of the buildings from Westbourne close.

I sympathise with residents; the previous proposals would have seen a large structure much close to their property but I hope most of the concerns had been addressed. It would be better to have this provision on the site than somewhere out of town.

The positives of a much-improved facility outweigh the negatives.

Cllr Hocking then moved the motion of approval, this was seconded by Cllr Devine.

A debate then followed, where the key issues raised included that the development would result in six additional well needed beds for specific types of care, which would be of great use to the community.

There was a balance to consider, between the harm to the listed building and the impact on the surrounding residents, against the benefits that an improved facility would provide to the community.

The scheme had detailed 26 revisions, which had come about following the refusal at the last meeting.

The previous planning application was at appeal, and may well be determined in favour by the inspector. The dilemma here was to decide between need and planning considerations.

Despite the 26 changes that had been instituted following the refusal last time, on design, scale, mass and proximity, they had not been able to address the scale and mass issues. When it was originally the manor house it was part of a reasonable size estate. If a site is suitable, you can make a design that works. But if a site is not suitable for the scale of the development proposed, you cannot make it work.

With regard to application 18/06366/FUL, the Committee then voted on the motion of approval, against Officers recommendation, on the grounds of need.

Resolved

That application 18/06366/FUL be approved, against Officer's recommendation, on the grounds that the need for the nursing home, and the public gain, was significant enough to outweigh the harm caused to the listed building and residential amenity. To include 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 with regards to the relevant materials and features, until the exact details and samples of the materials to be used for the external walls and roofs, and large scale architectural details of windows, cills, headers, doors, and eaves for the development hereby permitted 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 order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and heritage asset.

3 No development shall commence with respect to the following matters, until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- * full details of any existing trees and other existing landscaping to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * all hard and soft surfacing materials;
- * minor artefacts and structures including the proposed inter-visibility screen
- * Details of timing of planting and future maintenance regime for 5 years following first occupation of the development and 10 years for the pleached trees following first occupation of the development.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and in the interests of neighbouring amenity.

4 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 (or within a period of ten years for the pleached trees), 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.

5 Any boundary and screening walls and/or fences shown on the approved plans shall be erected prior to the first occupation of the enlarged part of the nursing home hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property.

6 No part of the enlarged nursing home extension works hereby permitted shall be brought into use/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: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

7 Before the first occupation of the relevant accommodation/room, full details of the obscure glazing materials shall be submitted to and approved in writing by the Local Planning Authority. The agreed obscure glazing materials must be put in place prior to first occupation of the relevant accommodation/rooms. The relevant windows shown on the approved plans shall be obscured with etched glass and made nonopenable/fixed shut (with the exception of the side panels which shall be clear glazed with restricted opening only), and shall be permanently maintained in this manner in perpetuity.

REASON: In the interest of amenity and to prevent undue overlooking.

8 Unless shown on the approved plans, no lighting or ventilation/extraction equipment /apparatus shall be installed on the building.

REASON: In the interests of the amenities of the area.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely as a residential care home, and for no other purposes within Class(es) C1, C2, C3, or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)(or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

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

Location Plan 1931/100
Proposed Site Plan 1931/300B
Proposed north and west elevations 1931/306C
Proposed south and east elevations 1931/307C
Proposed west elevation and sections 1931/308C
Proposed east street elevation 1931/305C
Proposed section AA and BB 1931/309B
Proposed ground floor plan 1931/301A
Proposed first floor plan 1931/302B
Proposed second floor plan 1931/303B

**Proposed loft and roof plans 1931/304B
Outline Landscape Proposals LAN 01b
Proposed Bike/Smoking shelter 1931/310A
Proposed new steps 1931/220
Proposed dormer alterations 1931/221
Waste Audit (1931) by Relph Ross Architects
Design and Access Statement Rev A June 2018 by Relph Ross Architects
Ecological Appraisal and preliminary Ecological Appraisals by Clarke
Webb Ecology Ltd 19th July-14th Sept 2017 and 19th July 2017
Tree Survey and Arboricultural Impact Assessment by Hellis July 2017
Archaeological Desk Based Assessment by Wessex Archaeology Nov
2017**

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

11 No demolition works shall commence on site and no works to the extension hereby approved shall commence until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- e) wheel washing facilities;**
- f) measures to reduce, manage and control the emission of dust and dirt during construction and demolition;**

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period.

The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing listed building is preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

13 Other than above ground works, no development shall commence within the 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: In order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

14 Any gates shall be set back 6.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

15 No part of the development shall be first brought into use until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm 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.

16 The development hereby permitted shall not be first brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

17 No materials shall be burnt on the development site during the demolition and construction phase of the development. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: In the interests of neighbouring amenities.

18 No development hereby approved shall not be brought into use 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 brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development is occupied in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

INFORMATIVES

The proposal includes alteration to the public highway and the consent hereby granted shall not be construed as authority to carry out works on the highway.

The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

Any removal of shrubs/trees shall be carried out between October and February including so as to avoid the bird nesting season, or otherwise only following a thorough check to confirm that no active bird nests are present at the time. Should birds start to nest within or upon the buildings at any time then all works liable to impact upon such nests should be delayed until the nests are no longer occupied.

With regards to application 18/06723/LBC, the Committee then voted on the motion of approval, against Officers recommendation.

Resolved

That application 18/06723/LBC be approved against Officer recommendation, on the grounds that the need for the nursing home, and the public gain, was significant enough to outweigh the harm caused to the listed building and residential amenity. To include the following conditions:

1 The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 No development shall commence with regards to the relevant materials and features, until the exact details and samples of the materials to be used for the external walls and roofs, and large scale architectural details of windows, cills, headers, doors, and eaves for the development hereby permitted 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 order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and heritage asset.

3 The works hereby granted consent shall be carried out in such a manner as to ensure that the existing listed building(s) is/are preserved and not structurally or superficially altered in any way whatsoever, save in accordance with the approved plans and the said building(s) shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

REASON: To preserve the special architectural and historic interest of the listed building.

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

Location Plan 1931/100

Proposed Site Plan 1931/300B

Proposed north and west elevations 1931/306C

Proposed south and east elevations 1931/307C

Proposed west elevation and sections 1931/308C

Proposed east street elevation 1931/305C

Proposed section AA and BB 1931/309B

Proposed ground floor plan 1931/301A

Proposed first floor plan 1931/302B

Proposed second floor plan 1931/303B

Proposed loft and roof plans 1931/304B

Outline Landscape Proposals LAN 01b

Proposed Bike/Smoking shelter 1931/310A

Proposed new steps 1931/220

Proposed dormer alterations 1931/221

Waste Audit (1931) by Relph Ross Architects

Design and Access Statement Rev A June 2018 by Relph Ross Architects

Ecological Appraisal and preliminary Ecological Appraisals by Clarke Webb Ecology Ltd 19th July-14th Sept 2017 and 19th July 2017

Tree Survey and Arboricultural Impact Assessment by Hellis July 2017

Archaeological Desk Based Assessment by Wessex Archaeology Nov 2017

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

334 **18/04897/FUL - Land referred to as Paddock View Farm, Dean Road, East Grimstead, SP5 1HR**

Public Participation

Zena Church (applicant) spoke in support of the application.

Alan Breckon (Agent) spoke in support of the application.

Rosie Wilkinson spoke on behalf of Grimstead Parish Council.

The Planning Officer, Joe Richardson presented the application for retention and alterations to an existing agricultural building and the retention of a stable block and tack room in connection with the use of land for equine and agricultural purposes (resubmission of 17/04844/FUL).

The previous application which had been refused, sought to amend the design, and that included a groomsman's quarter within the barn.

This application seeks to amend that issue with the removal of the groom's quarter. The site also had a stable block and a tack room.

Other details included in this proposal included the removal of the French windows and replace with a shutter door. The casement windows would be retained and include shutters to give more of a barn appearance. The barn would also be timber clad and have a new roof.

The site was set back from the public highway. There was an existing mobile home on the site, which would be removed.

The use of the barn would remain for agricultural and equestrian use.

The application was recommended for approval.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that current ongoing enforcement action had been suspended pending the consideration of this application. If the application was approved the applicant would in due course be permitted to apply for a variation.

The upper floor area within the barn was for general agricultural use.

Members of the public then had the opportunity to present their views as stated above.

The applicant had previously acted on bad advice of a former agent, and now sought to make improvements to reinstate a more barn like appearance to the building. The requirement of a toilet and seating area was for the comfort of her family members. The applicant did not intend to live on the site, and intended to retain the agricultural use for livestock.

Grimstead Parish Council spoke to object to the application, noting that the current barn did not reflect the original planning permission, in that it had windows and French doors and did not blend in with the surrounding area. The PC consider the building to be more akin to an inhabitable dwelling than a barn.

The Division Member Cllr Chris Devine then spoke in objection to the application, noting a ref to another similar previous development in the local area, called Windrush, which was next to the application site, further down the road. He informed the Committee that Windrush had originally put in for an office and a tack room in a barn, then four years later they put in for a Certificate of Lawfulness and now they were living there. The size of the barn in this application was enormous, it also had a second floor, and was nothing like the original design.

This site was also in a Special Landscape Area (SLA). He felt that the barn should be made to go back to what it was supposed to be. Take the upper floor out of this as well. This is a house in waiting.

Cllr Devine then moved the motion of refusal, this was seconded by Cllr Dalton, on the grounds of overdevelopment, and inappropriate development in a SLA.

The Planning Team Leader, Richard Hughes noted that the application for consideration did not include any residential accommodation.

A debate then followed, where the key issues raised included that the application would need to be considered on its own merits and not speculate on what the applicant or future owners may or may not do.

The applicant had advised that they would not be putting up any lighting externally.

The barn was already there, so it could not be considered overdevelopment.

The Committee then voted on the motion of refusal, against Officers recommendation.

The Motion was not carried.

Cllr Westmoreland then moved the motion of Approval with conditions, in line with Officer's recommendation. This was seconded by Cllr Matthew Dean.

Resolved

That application 18/04897/FUL be approved with the following conditions:

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

DWG No: 918.1 Site Location Plan, Proposed Site Location Plan, Proposed Ground and First Floor Plan of Existing Barn, Existing Floor Plan of Tack Room and Stables Date Received 22.05.18

DWG No: 918.2.A Proposed Barn Elevations Date Received 14.08.18

DWG No: 918.1.A Manure Storage Plan Date Received 02.10.18

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

- 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for the purposes of agriculture and the private stabling of horses associated with the agricultural/equestrian use of the land.**

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

- 3. The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

REASON: In the interests of highway safety.

- 4. No burning of manure or other material derived from the keeping of horses or livestock shall take place on the development site or land connected with it.**

REASON: In the interests of amenity

335 18/08496FUL & 18/08762/LBC - Box Hedge Cottage, High Street, Porton, SP4 0LH

Cllr Jeans left the meeting at 5.15pm, he did not take part in debate or vote on this application.

Public Participation

Rita Pope (Applicant) spoke in support of the application.

The Planning Officer, Hayley Clark then presented the application for retrospective planning permission for a replacement gate.

Members had the opportunity to ask technical questions of the Officer, there were no questions.

Members of the public then had the opportunity to present their views as stated above.

The applicant noted that since owning the cottage in 2016, they had renovated it to a high standard. The gates had been designed to ensure the cottage was always visible. The PC had not objected, and the application had been supported by Highways. The sliding mechanism was felt to have been the best option.

The Division Member Cllr Mike Hewitt then spoke in support of application, noting that the gate was of a unique style. The previous gate had opened onto the road which was now illegal. The PC had no objections and a lot of the PC Cllrs pass this property frequently and were aware of the gate. The gate did not go against the Neighbourhood Plan, and was a safe option for the family and other users.

Cllr Hewitt then moved the motion of approval, against Officer recommendation, this was seconded by Cllr John Smale.

A debate then followed, where the key issues raised included that the cottage was an important 17th century building, and to put a structure of this design was inappropriate and not in keeping with the surroundings.

When a cottage of this period, in a conservation area is taken on, respect for the restrictions and requirements of such a grade II listed building need to be accepted.

The original style of wooden gate should be reinstated.

The Committee then voted on the motion of approval.

The motion was not carried.

Cllr Dalton then moved the motion of refusal in line with Officer's report and recommendation. This was seconded by Cllr Devine.

Resolved

That application 18/08496/FUL be refused, as per the Officer's recommendation, for the following reasons:

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to policies CP57 & CP58 of the Wiltshire Core Strategy, section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

Resolved:

That application 18/08762/LBC be refused as per the Officer's recommendation for the following reasons:

The gate is of a metal barred design, along the lines of railings found on grand country estates, with slabs of timber fixed to it. The timbers, while unique, make for a much more visible structure. The sliding nature of the gate is wholly uncharacteristic for the thatched cottage, the visibly modern technology intruding into all public views of the property, while its location forward of the front elevation serves to emphasis its unusual nature. The NPPF allows for the consideration of some harm to the setting of a listed building where public benefits have been identified that would outweigh that harm; in this situation, the gate provides no such benefits and so the test in para 196 of the NPPF is not met. Further, it is considered that the works fail to preserve the setting of the listed building, contrary to contrary to policies CP57 & CP58 of the Wiltshire Core Strategy, section 66 of the Act, and fail to preserve the character of the Porton Conservation area, contrary to section 72.

336 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.30 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

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

**Wiltshire Council
Southern Area Planning Committee
13th December 2018**

Planning Appeals Received between 02/11/2018 and 30/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
17/07360/FUL	Land at Quarry Farm Ansty, Salisbury Wiltshire, SP3 59S	ANSTY	Re-Profiling of Ground and Provision of Hard Surfaces (Retrospective)	DEL	Written Representations	Refuse	09/11/2018	No

Planning Appeals Decided between 02/11/2018 and 30/11/2018

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
17/11252/FUL	The George George House London Road Shrewton, Salisbury Wiltshire, SP3 4DH	SHREWTON	Change of use from A4 to House of Multiple Occupation (14 bedrooms)	DEL	Written Reps	Refuse	Dismissed	15/11/2018	None
18/02357/FUL	Land rear of 16 Bartlett Road, Salisbury Wiltshire, SP1 3PT	SALISBURY CITY	Proposed dwelling with new vehicle access and dropped kerb	DEL	Written Reps	Refuse	Dismissed	09/11/2018	None
18/02385/FUL	27 High View Close Tisbury, SP3 6PR	WEST TISBURY	First floor extension to existing bungalow	DEL	House Holder Appeal	Refuse	Dismissed	09/11/2018	None

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	13 th December 2018
Application Number	18/07328/VAR
Site Address	Land at Hilltop Way, Salisbury, SP1 3QX
Proposal	Variation of Condition 4 (affordable housing scheme) of planning permission for 16/04126/OUT <i>Outline application for the proposed erection of 10 semi detached bungalows, new footpath link, and creation of public open space incorporating 20 off street parking spaces and 5x laybys to Hilltop Way.</i>
Applicant	Mr. D.J. Pearce
Town/Parish Council	Salisbury City Council
Electoral Division	ST FRANCIS & STRATFORD – Cllr. Mary Douglas
Grid Ref	414555 132146
Type of application	Variation of Condition
Case Officer	Mrs. Becky Jones

Reason for the application being considered by Committee:

Cllr. Douglas has called the application to committee to be determined on the grounds of local concern.

1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **APPROVED**.

2. Report Summary

The main planning issues to consider are:

1. Principle of the development and Appeal Inspector's decision.
2. Affordable Housing Provision and Condition 4
3. Planning condition or S106?
4. Impact of 40 percent affordable housing provision on surrounding area

The application has generated 1 letter of no comment from Laverstock and Ford Parish Council, 1 letter of support, 1 letter of comment and 10 letters of objection.

3. Site Description and Proposal

The site lies in an elevated position between Hilltop Way and the southern side of Castle Hill. The immediate neighbourhood comprises estate housing from the post war period. This is mostly semi detached dwellings with front and rear gardens, set back behind wide roadside verges. Dwellings to the east on Paul's Dene Way are bungalows. The land at Hilltop Way comprises a parcel of scrubby grassland, enclosed to the south by residential development and to the north, by open countryside. The north boundary of the site is formed by public footpath (the Golden Way) and to the north and east is the Hampton Park Country Park land. The site is within the applicant's ownership.

Condition 4 of planning permission 16/04126/OUT seeks to secure 100% affordable housing on the site. However, the applicant is now proposing to change the wording and terms of the condition to provide 40% on site affordable housing provision.

4. Planning History

The site has been subject of a number of applications for housing, including the most recent, as follows:

16/04126/OUT erection of 10 semi-detached bungalows, new footpath link and creation of public open space, incorporating 20 off-street parking spaces and 5x laybys to Hilltop Way. Refused by Southern Area Planning Committee on 3rd November 2016 for the following reasons:

- 1. The site lies outside the defined limits for development and the proposed residential development for affordable housing in this location would be contrary to the Wiltshire Core Strategy Policies 1 and 2 and NPPF para 11, 12, 14 and 49. Although the site is under consideration as part of the Site Allocation process, no decisions have been taken on the likely site choices, and therefore no conclusions can be drawn on the likelihood of this site's designation. Therefore it would be premature to cite this as justification for allowing development contrary to the Core Strategy. By virtue of its scale and nature, the proposal is not considered to meet any of the criteria for exceptional development as set out in the Core Strategy and there are no overriding reasons to treat the land as an appropriate windfall site, because the Council can demonstrate a 5 year housing land supply, which would deliver affordable housing provision under the appropriate policies.*
- 2. The site currently makes a positive contribution to the character of the Pauls Dene Estate and marks a degree of transition between the urban and rural landscapes. The closing of the open area would materially detract from the character of the estate and reduce the attraction of the adjoining bridleway for users, contrary to Core Policy 57 and para 56 of the NPPF.*

However, the subsequent appeal was **allowed** subject to conditions. The decision and conditions is attached at Appendix 1.

5. Local Planning Policy

National Planning Policy Framework (NPPF) and NPPG

Wiltshire Core Strategy (WCS):

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure

Core Policy 20: Spatial Strategy for the Salisbury Community Area

Core Policy 43: Affordable Homes

Core Policy 45: Meeting Wiltshire's Housing Needs

Draft Submission document - Wiltshire Housing Sites DPD

6. Summary of consultation responses

WC Highways – No objections

WC Drainage – No comments

WC Housing – Support principle of provision of affordable housing, subject to a legal agreement to secure details.

Laverstock and Ford parish Council – no comment

7. Publicity

The application was advertised by site notice, press advert and two rounds of neighbour consultation.

10 letters of objection and concern were received, on the following grounds:

- Land designated as public space
- No wider community benefit
- Countryside used by many birds and insects, impact on wildlife, path and bridleway
- Traffic impact and danger to existing traffic and pedestrians. Road is too narrow and laybys and visibility are inadequate. Traffic danger to small children and cyclists
- Add the word ALL to section 4 (iv) so that it reads "...ensure that such provision is affordable for both first and all subsequent occupiers..." to ensure that the third and every following occupancy is affordable.
- Overdevelopment of site
- Object to the affordable housing units being rent tenures. This will impact the stability of the neighbourhood that could change quite frequently, in addition, rented properties are never maintained and cared for as well as freehold property, thereby affecting adversely the attractiveness of the area and potentially property prices.
- Object to 100% affordable housing

1 letter of comment: Landscaping should not impeded sight lines for traffic safety

1 letter of support: Pleased to see that once again four of the proposed ten properties will have to be "affordable" in order to meet planning regulations.

8. Planning Considerations

8.1 Principle of development

The site has been included in the draft submission Wiltshire Housing Sites DPD, which has been submitted to the Secretary of State and will be considered in 2019. The DPD site has not been highlighted for affordable housing only, and therefore a hybrid scheme of affordable and market housing would appear to align with the draft allocation for the site.

However, notwithstanding the above, the principle for the development of this site has been established by the appeal decision for 16/04126/OUT for the erection of 10 semi-detached bungalows, new footpath link and creation of public open space, incorporating 20 off-street parking spaces and 5x laybys to Hilltop Way. The Appeal Inspector allowed the appeal and attached 21 conditions to his decision. He stated in para 13:

From considering the evidence and from my questions at the Hearing, I cannot find any planning arguments, given the need for AH within the Council Area, why a small AH scheme of 10 units would be inappropriate in what is accepted by both parties to be a sustainable location and where it would meet an identified housing need.

Therefore, the principle for the development of 10 dwellings on this site has been established and should not be reconsidered as part of this application. The main focus of the considerations for this application should be on the affordable housing matters and related impacts only.

8.2 Affordable Housing Provision and Condition 4

Condition 4 as imposed by the Inspectors decision (attached) states:

4) No development shall begin above ground level until a scheme for the provision of 100% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- (i) The delivery of 100% on-site affordable housing provision to be delivered at nil subsidy. The sizes shall consist of 4 x one bed units, 4 x two bed units and 2 x three bed units. All of the affordable housing units are to be delivered as affordable rented tenure.*
- (ii) The affordable housing units to be built to Building regulations Part M4 (Category 2) (as are current at the date of design and construction of the Adapted Units) so as to be wheelchair accessible and adaptable as defined in Part M of the Building Regulations and to be provided with a level access shower suitable for wheelchair users.*
- (iii) The arrangements for the transfer of affordable housing to a transferee, which means the Registered Provider, the Council, in its capacity as local housing authority (at the Council's absolute discretion) and/or a third party which meets the requirements of the Council to own and manage Affordable Housing Units.*
- (iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.*
- (v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria should be enforced, which means the Council's policy for allocating Affordable Housing Units for all tenures (for the avoidance of doubt including Shared Ownership Housing) in the administrative area of Wiltshire (as amended from time to time).*

The applicant initially requested the removal of the requirement for affordable housing from the scheme completely, on the basis that the draft submission Wiltshire Housing Sites Plan does not indicate that the site required affordable housing, and that at that time, the national policy guidance indicated that smaller developments of 10 or less did not need to provide any affordable housing.

However, the NPPF (2018) has recently been revised, and its definition of "major development" has also been adjusted, meaning that development where 10 or more homes

will be provided, or the site has an area of 0.5 hectares or more, **now need to provide for affordable housing.**

Consequently, the proposal needs to provide some level of affordable housing, and therefore WC Housing objected to the proposal to remove the affordable housing condition completely stating:

“..Core Policy 43 of the Wiltshire Core Strategy requires 40% on-site Affordable Housing provision within the 40% Housing Zone. There is therefore a requirement to provide 4 affordable units within a scheme of 10 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Salisbury where there is a high level of demand for affordable housing. In order to meet need the affordable housing units should be provided as 2 x 1 bed and 2 x 2 bed units, all to be delivered as Affordable Rented tenure...”

The applicant has now agreed to provide 40% affordable housing on the site in accordance with CP43 and the revised NPPF.

8.3 Planning condition or S106

Members will note that the previous Planning Inspector accepted that the provision of a 100 percent affordable housing scheme could be undertaken by planning condition, hence the need for this application. However, WC Housing have indicated that it is their opinion that the housing provision needs to be provided via a legal agreement, for the following reason:

*“...In the first instance **the policy compliant approach of on-site delivery should be included in the S106.** A commuted sum could not be agreed until, following Reserved Matters approval, it was demonstrated to the satisfaction of the Council that on-site delivery is not possible. As an indication only, if a commuted sum were calculated today for a mix of 4 x 1 bed, 4 x 2 bed and 2 x 3 bed units in a 40% AH Zone, the financial contribution would be £165,486 (Index linked to the UK House Price Index).*

*If the applicant can subsequently provide evidence that none of our partner RPs will take four Affordable Rented units, housing may agree that these units could be provided for Shared Ownership. However, **provision of the units as Discounted Market Units would normally require a S106, due to the detailed procedures associated with this tenure..”***

Consequently, whilst this application requests that Condition 4 is varied, it is the opinion of officers that such provision needs to be included in a legal agreement instead. Thus, in approving this revised application, condition 4 can be omitted in lieu of a S106. All other conditions previously imposed by the Inspector would then be re-imposed on any consent.

8.4 Impact of 40 percent affordable housing provision on surrounding area

As the current proposal would still result in 10 residential dwellings being located on this site as approved, it is considered that the revised proposal would have no more additional impacts (ie on parking, landscape, amenity etc) than the previous 100 percent affordable housing scheme approved by the Inspector previously.

9.0 Conclusion

In policy terms the provision of 40 percent affordable housing on this site would be acceptable. The revised scheme would have no more impacts than the approved scheme.

Consequently, subject to the applicant entering a Section 106 Agreement to provide 40% on site affordable housing, and the re-imposition of other previous planning conditions, the proposal would comply with WCS policies CP43 and CP45, and the revised NPPF, and is considered acceptable.

RECOMMENDATION: APPROVE subject to

- i) the applicant entering a Section 106 Agreement to secure 40% on site affordable housing provision in compliance with CP43 and CP45 and**
- ii) the following conditions:**

1) The development hereby permitted shall take place not later than 3 years from the date of the approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

- (i) Design and Access Statement, Savills, November 2015;
- (ii) Site Plan Ref L001 Rev B, dated May 2016;
- (iii) Illustrative Layout Ref. UD003, dated 12/04/2016;
- (iv) Parking Laybys on Masterplan Ref. 4279-SK-005B;
- (v) Ecological Appraisal & Reptile Mitigation Strategy by ECS, November 2015 (final report)
- (vi) Waste Statement, Savills, November 2015;
- (vii) Tree Survey and Constraints Assessment by Mark Hinsley Arboricultural Consultants Ltd, dated 4 August 2015;
- (viii) Archaeological Desk based Assessment by CGMS Consulting, April 2015;
- (ix) Transport Statement by WSP Parsons Brinckerhoff, April 2016.

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

5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Reason: To Safeguard the character and appearance of the area

6) No railings, fences, gates, walls, bollards or other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish 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: To safeguard the character and appearance of the area

7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason: To Safeguard the character and appearance of the area

8) All planting, seeding or turving included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To Safeguard the character and appearance of the area

9) The development hereby approved shall be single storey in height, with no accommodation or windows in the roof.

Reason: To Safeguard the character and appearance of the area

10) No development shall commence until further details for the proposed footway, its connection with the existing footway and details of the laybys have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before there is any occupation of the dwellings.

Reason: In the interests of highway safety.

11) Details of the new right of way between the existing and proposed bungalows are to be submitted to and approved in writing by the local planning authority, and the scheme is to be completed and surfaced in accordance with the approved details before there is any occupation of the dwellings.

Reason: In the interests of amenity and to secure appropriate access to the proposed Country Park.

12) No development can commence until a scheme for the provision and management of compensatory habitat creation (as an extension to the proposed Hampton Park Country Park to provide a receptor site for existing reptiles) has been submitted to and approved in writing by the local planning authority. The scheme shall include the 0.22 ha of land in the Appellant's ownership to the south-east of the development (shown in green as 'Country

Park' on the plan on page 11 of the Design and Access Statement). The scheme shall be completed in accordance with the approved details, before development is first occupied, or in accordance with the approved timetable in the approved scheme. The receptor site shall be retained for that purpose in perpetuity.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

13) Before works commence, a mitigation scheme for the translocation of reptiles and enhancement of the reptile receptor site shall be submitted to and approved in writing by the local planning authority. The scheme will identify the receptor site, specify how it will be prepared and confirm elements of the scheme which will be undertaken and/or overseen by an ecologist. The works will be completed in accordance with the approved scheme.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

14) At no time before, during or after the construction of the development, will land to be made available for the Hampton Park Country Park shown on the illustrative masterplan (Savills, Job. No. WIPL350874 Drawing L002) be used for temporary or construction works.

Reason: To safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

15) No development shall commence above ground level on site until a scheme of water efficiency measures (to include the water consumption of the development to no more than 110 litres per person per day) has been submitted to and approved in writing by the local planning authority. Before any of the dwellings are occupied, the approved measures shall be implemented in accordance with the approved scheme and thereafter retained.

Reason: In the interests of safeguarding the character of the River Avon SAC.

16) No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

Reason: To prevent increased flood risk and safeguard public health

17) 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, together with permeability test results to BRE365 has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To prevent increased flood risk and safeguard public health.

18) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction of the development. It shall include details of:

(i) the movement of construction vehicles;

(ii) the cutting or other processing of building materials on site;
(iii) wheel washing facilities;
(iv) the transportation and storage of plant, waste and building materials;
(v) the recycling of waste materials (if any);
(vi) the loading and unloading of equipment and materials;
(vii) the location and use of generators and temporary site accommodation; pile driving;
(viii) the parking of vehicles of site operatives and visitors;
(ix) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

19) Demolition or construction works shall take place only between 07:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason: In the interests of safeguarding the living conditions of existing neighbouring occupiers.

20) No development shall commence until the Appellant has completed an assessment of ground gas at the site. Any remediation measures to the proposed development identified as a consequence of the investigation shall be approved in writing by the local planning authority and implemented in accordance with the agreed measures.

Reason: In the interests of public safety and amenity.

Ctd...



Appeal Decision

Hearing held on 27 July 2017

Site visit made on 27 July 2017

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th August 2017.

Appeal Ref: APP/Y3940/W/17/3173509

Land North of Hilltop Way, Salisbury, Wiltshire, SP1 3QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Pearce against the decision of Wiltshire Council.
 - The application Ref 16/04126/OUT, dated 29 April 2016, was refused by notice dated 7 November 2016.
 - The development proposed is for the erection of 10 semi-detached bungalows, new footpath link and creation of public open space, incorporating 20 off-street parking spaces and 5x laybys to Hilltop Way.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 10 semi-detached bungalows, new footpath link and creation of public open space, incorporating 20 off-street parking spaces and 5x laybys to Hilltop Way at land North of Hilltop Way, Salisbury, Wiltshire, SP1 3QX in accordance with the terms of the application Ref 16/04126/OUT, dated 29 April 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. All matters of detail except access and layout have been reserved for future approval. In addition to plans showing site location, access and layout, an illustrative layout of internal spaces was submitted. In addition, there is an illustrative masterplan included in the Design and Access Statement. These plans give a likely indication of the character of the proposed development and its relationship to the surrounding area.

Application for costs

3. At the Hearing an application for costs was made by Mr D Pearce against Wiltshire Council. This application will be the subject of a separate Decision.

Main Issues

4. The main issues are:

(1) Whether the development of the appeal site for housing is appropriate in principle, and particularly in relation to (i) the location of the site outside the defined settlement limits as established in the Wiltshire Core

Strategy; (ii) whether the proposed development for affordable housing in this location would be contrary to the sustainable development principles set out in the Core Strategy; (iii) whether the Council can demonstrate a 5 year housing land supply; and (iv) whether the proposal is premature in relation to the site allocation process in the emerging Local Plan.

(2) Whether the appeal site currently makes a contribution to the character of the Paul's Dene Estate, which marks a degree of transition between the urban and rural landscapes on the periphery of the city of Salisbury, and whether the closing of the open area through the proposed development would materially detract from the character of the estate and reduce the attraction of the adjoining bridleway for users.

Reasons

5. The two main issues form the basis of the Council's reasons for refusal as expressed in its Decision Notice dated 7 November 2016. However, the Council has made significant progress in taking forward the emerging Wiltshire Housing Sites Allocations Plan since the date of that decision. The emerging plan includes the appeal site as a potential housing site. This plan can only be afforded limited weight, as it has just started its public consultation on 14 July 2017. The basis for the appeal site's inclusion as a potentially suitable housing site, however, can be found in the detailed assessment in the Council's Community Area Topic Paper, which is part of the evidence base for the emerging plan.

6. This Topic Paper, which was presented to the Council's Cabinet on 20 June 2017, states that the appeal site is in an accessible and sustainable location, capable of being served by existing highways infrastructure. It also states that the site is not of a size that (development) will significantly add to the pressures on local infrastructure, services and facilities, and that access can be provided from this site to the adjacent Hampton Park Country Park, thereby providing potential health benefits to future residents, by which I take to be future residents both of the scheme and the wider area.

7. The Paper considers that any potential minor adverse impacts associated with the development would be capable of being satisfactorily addressed by straightforward mitigation measures. The Paper also considers that, given the minor nature of the effects allied to the limited benefits in terms of the scale of residential development and scope for affordable housing, there would be minor sustainability benefits resulting from the development. This conclusion is supported by the sustainability appraisal.

8. I also note that the ecological advice to the Council has consistently been that the proposed development could be approved without consulting Natural England, even though the Habitats Regulation Assessment screening assessment for Salisbury, including the proposed development, has identified potential impacts on the River Avon Special Area of Conservation (SAC), in particular relating to impacts arising from abstraction. The ecological advice is that this issue could be addressed through, amongst other things, ensuring that water efficiency measures are fitted in all dwellings to reduce water consumption down to 110 litres per person per day. This can be addressed by a suitable condition.

9. It is clear to me that the detailed level of site analysis that the Council has now undertaken in relation to the site changes the planning context totally from when the proposed development application was refused in November 2016, to the extent that it is now understandable and reasonable for the Council to withdraw its two reasons for refusal.

10. A Statement of Common Ground (SCG) was drawn up, and this identified two further areas of disagreement between the main parties, which require consideration and comment. The first disagreement concerns the issue of whether a sufficient housing land supply can be demonstrated, based on the conclusions of table 3 in the SCG, which stated that using the 'Sedgefield' method, the Council could only demonstrate 4.75 years' housing land supply.

11. Although both parties signed the SCG, it became clear during the Hearing that there were errors in the agreed housing land supply calculations, and a revised table 3 was submitted, following a short adjournment. The revised table 3 was agreed by both main parties. This revised table shows that the Council has a 5.15 years supply of housing using the 'Sedgefield' method, which only just exceeds the requirement. (Using the 'Liverpool' method increased the supply to 5.69 years.) However, with the application of a 5% buffer, based on the 'Sedgefield' method, which appears to be the Government's preference according to the PPG, would point to a requirement of 5.25 years, and against this, the revised table 3 still shows a slight shortfall.

12. However, in the light of the conclusions from the above-mentioned Topic Paper, the site's sustainability attributes support the inclusion of the appeal site for housing in the emerging Plan. From considering the evidence including my own observations of the site and its context, whilst it is true that the proposed development would close off an open area, the scenery is pleasant rather than distinctive and it is not protected by any formal landscape designation. I agree with the recent landscape assessment that the site forms part of an open, rolling landscape, and that the site itself has limited character. There are no important views from the appeal site and I agree with the assessment that there is scope to mitigate the effects of the proposed development through appropriate hedgerow and tree planting, whilst the visual impact on the adjacent bridleway would be minimal.

13. The second area of disagreement identified in the SCG relates to affordable housing (AH) provision, with the Council expressing concern that the proposal is for 100% AH, given that the original proposals were for 40% AH. When questioned at the Hearing about the reasons why the Council disagreed with the provision of 100% AH on the appeal site, no sound planning reasons were given for this stance, and local opposition to such a high proportion of AH was the only comment made. From considering the evidence and from my questions at the Hearing, I cannot find any planning arguments, given the need for AH within the Council Area, why a small AH scheme of 10 units would be inappropriate in what is accepted by both parties to be a sustainable location and where it would meet an identified housing need.

14. I therefore conclude, having considered the SCG and the points of disagreement between the main parties, that it contains no sound planning reasons for dismissing the appeal.

15. Turning to other matters raised by third parties, firstly a view was expressed that allowing the appeal would be premature, as it would firstly, permit housing

development on a site which would breach the settlement limit as designated in the adopted Core Strategy, and secondly that the public are currently being invited to comment on the suitability or otherwise of the appeal site for housing development, so that the process of democracy would be pre-empted if the appeal were to be allowed.

16. I have some sympathy with these views. However, the fact that the Council cannot demonstrate a 5 year housing land supply, when allowing for a 5% buffer would render the adopted plan out of date for the purpose of housing land supply, as paragraph 49 of *the Framework*¹ states – in which case a balancing act would be required. Paragraph 14 of *the Framework* makes it clear that where the development plan is out of date, planning permission should be granted unless (applying the balancing act) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in *the Framework* taken as a whole. I am satisfied, from the evidence before me that any adverse effects would be minor and would not outweigh the benefits of allowing the proposed development.

17. Concern was also expressed regarding potential highway safety, and in particular that the free flow of traffic would be restricted by the number of parked vehicles and access difficulties for emergency service vehicles. Wiltshire Highways Department commented that, having taken into consideration local residents' views and the Appellant's Transport Statement, it considers that the likely vehicular movements associated with the proposed development would not be detrimental to highway safety, and that Hilltop Way and the roads connecting it to the highways network are of sufficient width to allow two vehicles to pass, or a vehicle to pass a parked car, whilst the onstreet parking that occurs is typical of a residential street. I have no evidence to point me to a different conclusion.

Conditions

18. I have considered the list of conditions suggested by the Council, and which are endorsed in the SCG, in the light of the discussion at the Hearing and paragraph 206 of *the Framework*. This has resulted in a few changes to the suggested wording of some of the conditions and the deletion of two conditions; no persuasive arguments were put to me that the withdrawal of permitted development rights were appropriate in relation to the appeal scheme, and the required level of energy performance can be achieved through the Building Regulations.

19. Conditions (1)-(3) are standard in relation to outline applications and comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004). Condition (4) is to ensure that affordable housing is provided on the site, to meet demonstrable need and to ensure that the affordable housing remains as such in perpetuity. Condition (5) is for the avoidance of doubt and in the interests of proper planning. Conditions (6) - (10) are to safeguard the character and appearance of the area. Condition (11) is in the interests of highway safety. Condition (12) is in the interests of amenity and to secure appropriate access to the proposed Country Park. Conditions (13) - (15) are to safeguard the natural habitat with particular reference to reptile conservation, in the context of an extension to the proposed Country Park.

20. Condition (16) is in the interests of safeguarding the character of the River Avon SAC. Conditions (17) – (18) are to prevent increased flood risk and

safeguard public health. Conditions (19) – (20) are in the interests of safeguarding the living conditions of existing neighbouring occupiers. Condition (21) is in the interests of public safety and amenity.

Conclusion

21. The two main issues stem from the Council's two reasons for refusal. Although the Council withdrew these reasons for refusal before the start of the Hearing, it was necessary for me to consider whether the proposed development would be acceptable in relation to these main issues, i.e. in principle and whether it would have an adverse effect on the character and appearance of the area and the attraction of the adjacent bridleway. I have found from the evidence and from my site visit that the proposal would be acceptable on both counts.

22. It was also necessary to consider whether issues arising from the two areas of disagreement identified in the SCG weighed against allowing the appeal, and if so whether this would be conclusive. Although during discussion at the Hearing errors were identified in the subsequently agreed table 3 in the SCG, covering housing land supply, the increased figure of 5.15 years (using the 'Sedgefield' method) is still insufficient to cover the 5 year housing requirements for the plan area, including the application of the 5% buffer, whilst the Council was unable to point to sound planning reasons why the provision of 100% affordable housing was inappropriate. Neither of the issues arising from these areas of disagreement, therefore, outweighed the arguments that persuaded me to allow the appeal.

23. Taking the above considerations into account and having regard to all the other matters raised by third parties and subject to the conditions discussed above, I conclude that the appeal should be allowed.

Mike Fox
INSPECTOR
Appeal Decision APP/Y3940/W/17/3173509
www.planningportal.gov.uk/planninginspectorate 6

Schedule of Conditions

1) The development hereby permitted shall take place not later than 3 years from the date of the approval of the last of the reserved matters to be approved.

2) Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

4) No development shall begin above ground level until a scheme for the provision of 100% affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

(i) The delivery of 100% on-site affordable housing provision to be delivered at nil subsidy. The sizes shall consist of 4 x one bed units, 4 x two bed units and 2 x three bed units. All of the affordable housing units are to be delivered as affordable rented tenure.

(ii) The affordable housing units to be built to Building regulations Part M4 (Category 2) (as are current at the date of design and construction of the Adapted Units) so as to be wheelchair accessible and adaptable as defined in Part M of the Building Regulations and to be provided with a level access shower suitable for wheelchair users.

(iii) The arrangements for the transfer of affordable housing to a transferee, which means the Registered Provider, the Council, in its capacity as local housing authority (at the Council's absolute discretion) and/or a third party which meets the requirements of the Council to own and manage Affordable Housing Units.

(iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.

(v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria should be enforced, which means the Council's policy for allocating Affordable Housing Units for all tenures (for the avoidance of doubt including Shared Ownership Housing) in the administrative area of Wiltshire (as amended from time to time).

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

(i) Design and Access Statement, Savills, November 2015;

(ii) Site Plan Ref L001 Rev B, dated May 2016;

(iii) Illustrative Layout Ref. UD003, dated 12/04/2016;

(iv) Parking Laybys on Masterplan Ref. 4279-SK-005B;

(v) Ecological Appraisal & Reptile Mitigation Strategy by ECS, November 2015 (final report)

(vi) Waste Statement, Savills, November 2015;

(vii) Tree Survey and Constraints Assessment by Mark Hinsley Arboricultural Consultants Ltd, dated 4 August 2015;

(viii) Archaeological Desk based Assessment by CGMS Consulting, April 2015;

(ix) Transport Statement by WSP Parsons Brinckerhoff, April 2016.

6) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

7) No railings, fences, gates, walls, bollards or other means of enclosure shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish 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.

8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9) All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

10) The development hereby approved shall be single storey in height, with no accommodation or windows in the roof.

11) No development shall commence until further details for the proposed footway, its connection with the existing footway and details of the laybys have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details before there is any occupation of the dwellings.

12) Details of the new right of way between the existing and proposed bungalows are to be submitted to and approved in writing by the local planning authority, and the scheme is to be completed and surfaced in accordance with the approved details before there is any occupation of the dwellings.

13) No development can commence until a scheme for the provision and management of compensatory habitat creation (as an extension to the proposed Hampton Park Country Park to provide a receptor site for existing reptiles) has been submitted to and approved in writing by the local planning authority. The scheme shall include the 0.22 ha of land in the Appellant's ownership to the south-east of the development (shown in green as 'Country Park' on the plan on page 11 of the Design and Access Statement). The scheme shall be completed in accordance with the approved details, before development is first occupied, or in accordance with the approved timetable in the approved scheme. The receptor site shall be retained for that purpose in perpetuity.

14) Before works commence, a mitigation scheme for the translocation of reptiles and enhancement of the reptile receptor site shall be submitted to and approved in writing by the local planning authority. The scheme will identify the receptor site, specify how it will be prepared and confirm elements of the scheme which will be undertaken and/or overseen by an ecologist. The works will be completed in accordance with the approved scheme.

15) At no time before, during or after the construction of the development, will land to be made available for the Hampton Park Country Park shown on the illustrative masterplan (Savills, Job. No. WIPL350874 Drawing L002) be used for temporary or construction works.

16) No development shall commence above ground level on site until a scheme of water efficiency measures (to include the water consumption of the development to no more than 110 litres per person per day) has been submitted to and approved in writing by the local planning authority. Before any of the dwellings are occupied, the approved measures shall be implemented in accordance with the approved scheme and thereafter retained.

17) No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

18) 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, together with permeability test results to BRE365 has been submitted to and approved in writing by the local planning authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

19) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the construction of the development. It shall include details of:

- (i) the movement of construction vehicles;
- (ii) the cutting or other processing of building materials on site;

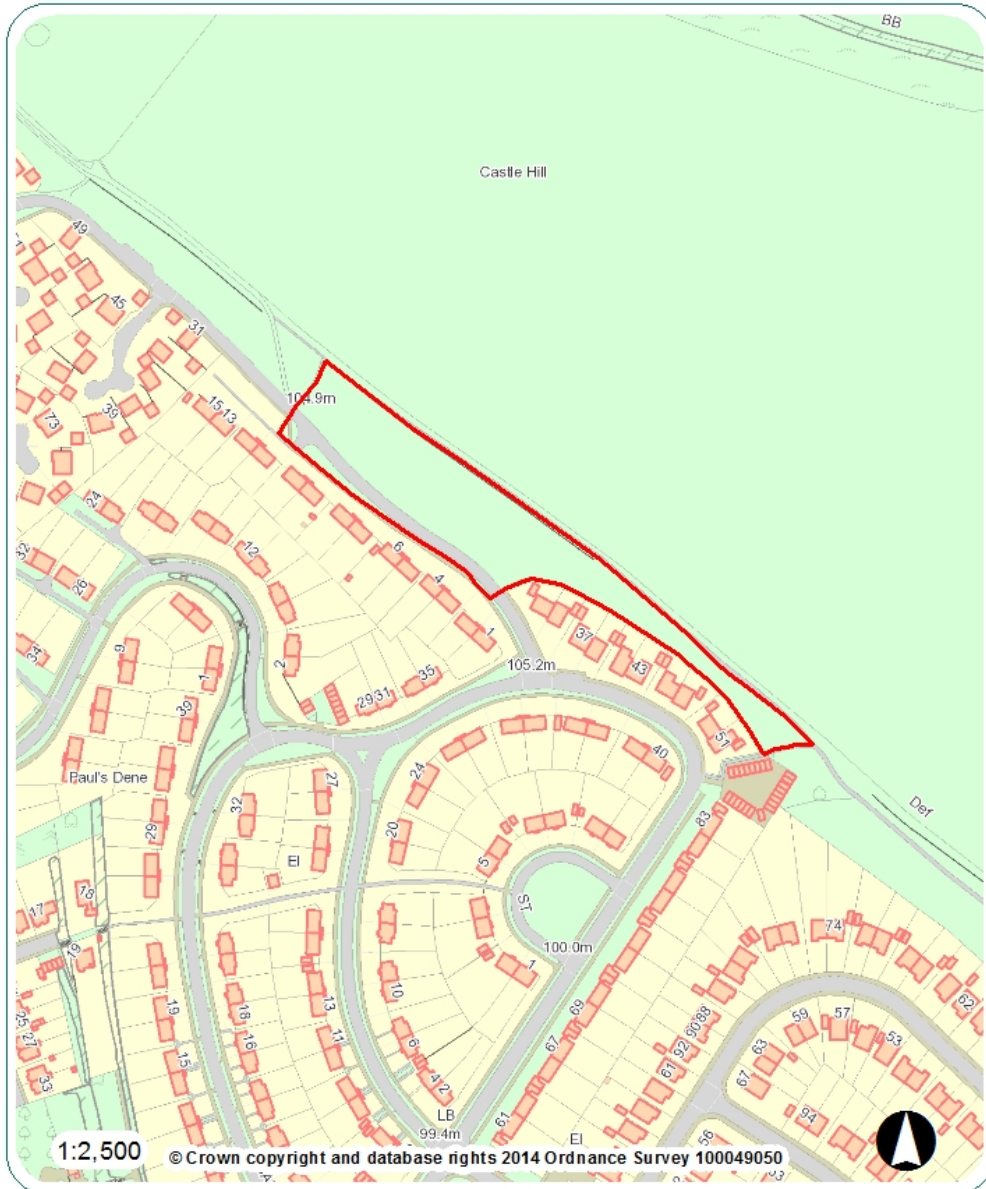
- (iii) wheel washing facilities;
- (iv) the transportation and storage of plant, waste and building materials;
- (v) the recycling of waste materials (if any);
- (vi) the loading and unloading of equipment and materials;
- (vii) the location and use of generators and temporary site accommodation; pile driving;
- (viii) the parking of vehicles of site operatives and visitors;
- (ix) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

20) Demolition or construction works shall take place only between 07:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

21) No development shall commence until the Appellant has completed an assessment of ground gas at the site. Any remediation measures to the proposed development identified as a consequence of the investigation shall be approved in writing by the local planning authority and implemented in accordance with the agreed measures.

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REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

Date of Meeting	13 December 2018
Application Numbers	18/09004/VAR, 18/09164/VAR & 18/09012/106
Site Address	Land North & North East Matrons College Farm Castle Lane Whaddon Salisbury Wiltshire SP5 3EQ
Proposal	Variation of conditions 4 & 15 of 13/02543/OUT to remove the requirement for the use of building as a proposed health centre
Applicant	Messrs T J & R J Leech
Town/Parish Council	ALDERBURY
Electoral Division	ALDERBURY & WHITEPARISH
Grid Ref	419581 126120
Type of application	Full Planning
Case Officer	Warren Simmonds

Reason for the application being considered by Committee

The applications are brought to Committee because they concern amendments to a previous consent which was previously considered by Members of the Committee.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the applications 18/09004/VAR and 18/09164/VAR be approved subject to the landowner entering into a modified Section 106 legal agreement to provide a one-off financial contribution of £200,000 to Wiltshire Council to be used for community project(s) in the Alderbury and Whaddon village area.

2. Report Summary

The main issue in the consideration of these applications is whether on the basis of the information presented to the Council the proposed variation of the existing outline and reserved matters planning consents, together with the modification of the Section 106 legal

agreement should be allowed to enable the development of the site to go ahead without the construction of the approved local health centre (LHC) (thereby leaving the LHC site undeveloped) and instead allowing the applicant to make a one-off financial contribution of £200,000 to Wiltshire Council to be used for community project(s) in the Alderbury and Whaddon settlement.

Alderbury parish council support the proposals, subject to the Condition that a financial contribution of not less than £200,000 is made, to be allocated towards appropriate community project(s) in the Alderbury and Whaddon settlement

The application has generated a total of 10 representations from the public, one was neither in support or opposing the proposal, nine were in opposition to the proposals on grounds including:

- The provision of the LHC was the determining factor in allowing the housing
- Need for a medical facility in the village
- More effort should be made to find a suitable use for the LHC building
- If the LHC building is not to be provided then funds should go towards local projects such as the Village Hall

3. Site Description

The approx. 1.43 ha application site is located on the south eastern edge of Whaddon, close to Alderbury. The previously approved consents have been commenced and work on the site is currently well under way with all foundations complete, construction of 8 of the 28 dwellings is underway with four at roof level and two substantially complete with doors and windows fitted.

4. Planning History

17/11704/REM	Approval of all reserved matters for 28 residential dwellings and a Local Health Centre (Reserved Matters application pursuant of outline permission 13/02543/OUT)
13/02543/OUT	Erect 28 dwellings and Local Health Centre on land to north and north east of Matron's College Farm, change of use of land south east of Matron's College Farm from agricultural to allotments, develop new access adjacent to Oakridge Office Park
18/09012/106	Modification of Schedule 3 of S106 to remove the obligation to build the LHC
18/09164/VAR	Variation of condition 1 of 17/11704/REM to remove the requirement for the use of building as a proposed health centre

5. The Proposal

The applications propose the variation of approved planning applications 13/02543/OUT and 17/11704/REM (the outline planning consent and reserved matters planning consent) to remove the requirement for the provision of an on-site local health centre (leaving the local health centre site undeveloped) and modification of the existing Section 106 legal agreement (which additionally requires the provision of the on-site local health centre) to remove the requirement to provide the local health centre but to provide a one-off financial contribution of £200,000 to Wiltshire Council to be used for community project(s) in the Alderbury and Whaddon village area.

6. Local Planning Policy

Wiltshire Core Strategy

CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP23 (Spatial Strategy), CP34 (Additional Employment Land), CP43 (Providing Affordable Homes), CP45 (Meeting Wiltshire's Housing Needs), CP50 (Biodiversity and Geodiversity), CP57 (Ensuring high Quality Design and Place Shaping), CP58 (Ensuring the Conservation of the Historic Environment) & CP64 (Demand Management)

National Planning policy guidance as set out within the NPPF & NPPG

7. Summary of consultation responses

WC Housing officer – *“As the applications do not affect the provision of affordable housing, I have no comment to make.”*

Scottish & Southern Energy – No response received

WC Rights of Way officer – No response received

Highways Agency – No response received

WC Public protection – No observations

WC Highways – No Highway objection

WC Ecologist – No objection

WC Drainage – No comment

WC Archaeology – No objections

Natural England – No comment

WC Conservation officer – No response received

Environment Agency – No comments

Alderbury parish council – Support subject to the Condition that a financial contribution of not less than £200,000 is made, to be allocated towards appropriate community project(s) in the Alderbury and Whaddon settlement

8. Publicity

The application was advertised by site/press notices and neighbour consultation letters.

The application has generated a total of 10 representations from the public, one was neither in support or opposing the proposal, nine were in opposition to the proposals on grounds including:

- The provision of the LHC was the determining factor in allowing the housing
- Need for a medical facility in the village
- More effort should be made to find a suitable use for the LHC building
- If the LHC building is not to be provided then funds should go towards local projects such as the Village Hall

9. Planning Considerations

9.1 Background

Previous planning approval 13/02543/OUT granted outline planning consent for the erection of 28 dwellings and a Local Health Centre building on land to north and north east of Matron's College Farm, change of use of land south east of Matron's College Farm from agricultural to allotments, and to develop a new access adjacent to Oakridge Office Park. Outline planning application 13/02543/OUT was approved (with all matters reserved save for access), subject to Conditions and a S.106 legal agreement on 24.04.17.

When the outline planning application was considered by Members of the Southern Area Planning Committee, Members debated the financial viability and deliverability of the project.

Whilst the site of the proposed development was outside of the designated/defined limits of development for Alderbury, it was accepted that the proposal included/would bring significant benefits for the local and wider community in the form of the proposed Local Health Centre, a significant element of on-site affordable housing provision (totalling 11 units), equipped children's play space and casual open space provided on site, provision of allotment gardens, and financial contributions towards education, local leisure facilities, Highways improvements (relating to the application site) and ecological mitigation and management.

Members considered the benefits of the proposed development constituted a material consideration which outweighed the planning policy context set out within the Committee report, sufficient to overturn the officer's recommendation, and voted the application be approved, subject to Conditions and a S.106.

Subsequently, planning application 17/11704/REM relating to the reserved matters pursuant to the development was approved, subject to further Conditions and a Section 106 legal agreement with the Council was entered into, which included the specification and timing of the delivery of the agreed LHC.

9.2 Requirements in respect of the provision of the LHC

The applicants' financial requirement for the provision of the LHC has been 'capped' at £200,000 from the outset and throughout the application and S.106 process. This is confirmed with the definitions (Section 1) of the completed S.106 as follows:

“On-site Local Health Centre Facility Specification” means the specification attached at Annex F, with the costs of meeting such specification not in any event to exceed £200,000 (two hundred thousand pounds)

And is set out in further detail at Schedule 3 of the Covenants to the Council:

SCHEDULE 3- PROVISION OF ON-SITE LOCAL HEALTH CENTRE FACILITY

The Owner covenants with the Council that it shall:

1. Provide the On-site Local Health Centre Facility in accordance with the On-Site Local Health Centre Facility Specification which for the avoidance of doubt will mean that the costs of meeting such specification shall not in any event exceed £200,000 (two hundred thousand pounds) and shall transfer the On-site Local Health Centre Facility to a Clinical Managing Body prior to the Occupation of 14 (fourteen) Market Housing Units in the Development
2. Not Occupy allow or permit Occupation of more than 14 (fourteen) Market Housing Units until the On-site Local Health Centre Facility has been provided on the Land in accordance with the On-Site Local Health Centre Facility Specification attached to this Deed at Annex F and to the Council's satisfaction which shall be acknowledged in writing

The triggers for the provision of the LHC were set out in the Conditions of the outline planning consent as being before 8 market dwellings on the site were occupied, however the Section 106 uses the greater figure of ‘not more than 14’ market dwellings being occupied. As the development on the site is currently relatively well advanced, and to allow sufficient time for the modifications to the S.106 to be processed (should Members resolve to approve) it is recommended that the trigger of not more than 14 market dwellings be occupied be applied to the proposed financial contribution.

9.3 The efforts/marketing to find a suitable user for the LHC

During the application process the requirement for a medical facility on the site was heavily promoted and supported by a Doctor of the Sarum CCG who wrote in strong support of the proposal and gave written assurances that the facility was needed and would be taken up by the CCG to provide ‘a key hub for services for Whaddon and Alderbury’. Indeed, the Doctor addressed Members at the Southern Area Planning Committee and urged them to approve the proposal.

Unfortunately, since the granting of planning consent it is understood the Doctor has moved on to another practice and it has become clear that neither the Sarum CCG or Whiteparish Surgery have any interest in using the proposed LHC (see Appendix 1 to this report).

In the absence of this previously anticipated primary demand for the LHC, the applicant has undertaken significant efforts by contacting a wide range of public sector medical organisations and other not for profit community groups (please refer to the Marketing

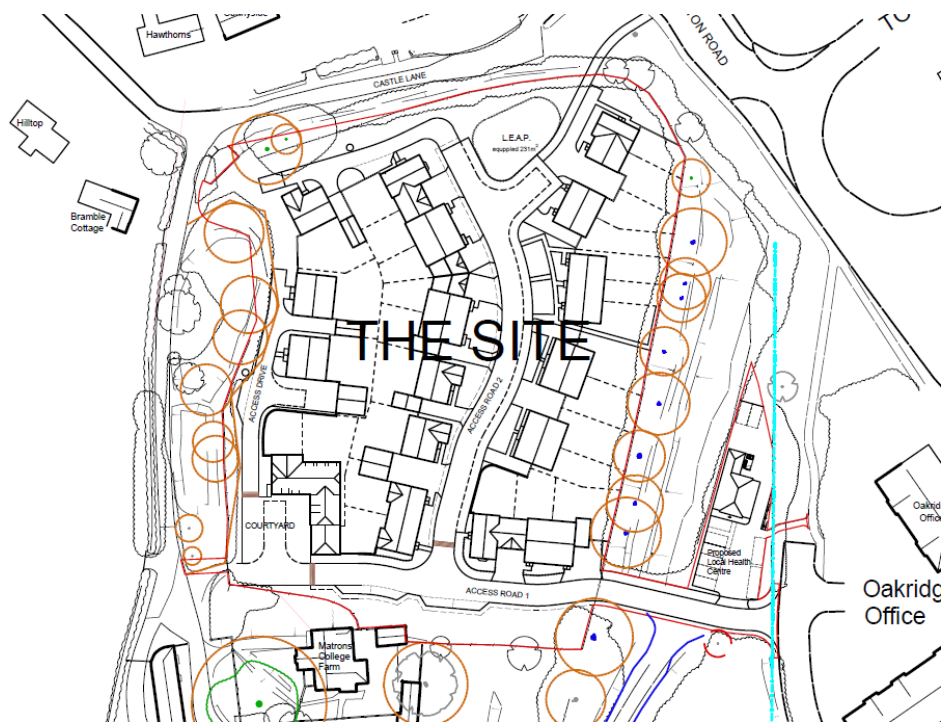
Report dated 3 September 2018, submitted by Middleton & Major and attached to this report as Appendix 1) in an attempt to find a suitable alternative occupier for the building. Of the enquiries made only one response was received - from Wiltshire Care who act as the overriding coordinating body for community care providers in Wiltshire. In their response Wiltshire Care confirmed there is no requirement for them of any of their operational units for such premises.

Officers are content that genuine and appropriate efforts have been made to find a suitable medical related user have been made, sufficient to conclude there to be no demand for the LHC.

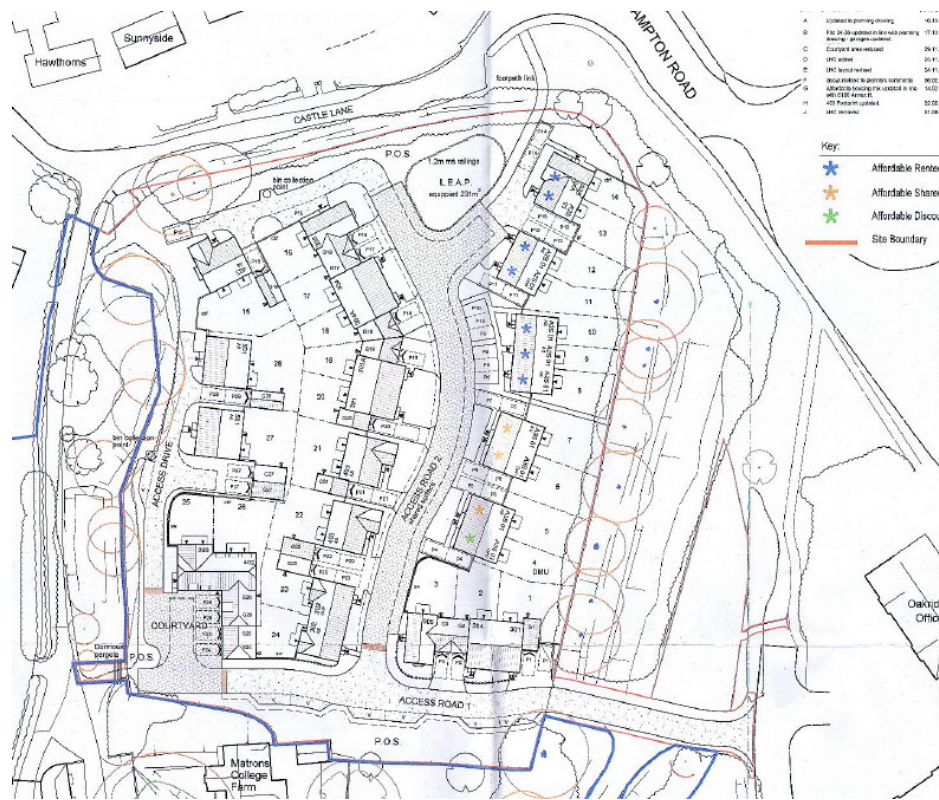
9.4 The subsequent use of the LHC site

The LHC site is situated outside (to the east) of the housing site on undeveloped former railway land. If the proposed variations/modification are approved the LHC site will be left undeveloped in accordance with the submitted revised site plans.

Other than the omission of the LHC building and its associated parking and access provisions, no other changes are proposed to the housing site or layout of the development.



Original site plan showing proposed LHC to the right of the housing



Revised proposed plan showing no development on the former LHC site

10. S106 contributions

No other modification of the existing S.106 heads of terms/contributions are proposed.

11. Conclusion

On the basis of the evidence put forward by the applicant officers are content that sufficient and appropriate efforts have been made to find a suitable medical related user have been made and that there appears to be no demand for the LHC.

Rather than require the applicants to provide a building for which there is no demonstrable demand, the financial cost of providing the building (being capped at £200,000) could be provided as a one-off financial contribution to Wiltshire Council, to be used for community project(s) in the Alderbury and Whaddon settlement, thereby salvaging a meaningful community benefit from the development.

RECOMMENDATION

It is recommended that Members resolve to allow:

1. The variation of approved planning applications 13/02543/OUT and 17/11704/REM (the outline planning consent and reserved matters planning consent) is approved to remove the requirement for the provision of an on-site local health centre (leaving the local health centre site undeveloped), **subject to:**
2. The modification of the existing Section 106 legal agreement to remove the requirement to provide the local health centre but instead to provide a one-off

financial contribution of £200,000 to Wiltshire Council (to be paid over before the occupation of the 15th market dwelling on the site),to be used for community project(s) in the Alderbury and Whaddon village area (the determination and administration of the use of the funds to be undertaken by Wiltshire Council).

Our Ref: DAS/JW/18772

3 September 2018

Planning Department
Wiltshire Council
The Council House
Bourne Hill
Salisbury SP1 3UZ



Dear Sirs

Re: Proposed Health Centre, Castle Lane Whaddon

My firm was instructed by Mr T & Mr J Leech to seek to identify an occupier for the proposed Health Centre at this development, in accordance with the Section 106 Agreement between Wiltshire Council and R & J Leech, dated 20 April 2017.

My firm was instructed to offer the completed Health Clinic to a wide range of public sector medical organisations and other non for profit community groups in an attempt to attract interest in the building, following confirmation from the local Clinical Commissioning Group that they no longer had an interest in acquiring the premises for a local GP surgery (see attached letter).

We proceeded to write to a wide range of organisations; a list of which is attached, seeking to cover potential occupiers from the public health services. We only had one response (a copy of the example letter attached) from Wiltshire Care, who act as the overriding co-ordinating body for community care providers across the county. They confirmed that there was no requirement from them or any of their operational units for such premises.

We must conclude, as a result of this attempt to attract an occupier, that there is no demand from either the local GP surgeries or Sarum Clinical Commissioning Group or Wiltshire Care, for a local health centre provision in this location.

We trust that the above information is sufficient evidence that there appears to be no requirement from within Public Health Services for the utilisation of the building.

If you require any further information, please do not hesitate to contact me.

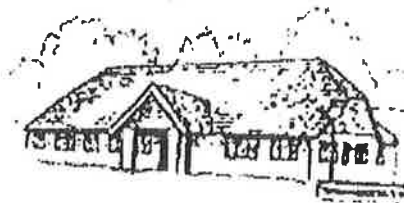
Yours faithfully

D A Speer MRICS

Encs

Whiteparish Surgery

Dr Isabelle Dean
Dr Simon Smith
Dr Simon Hawliczek
Dr Claire Chatt



Friday November 24th 2017

Dear Mr and Mrs Leach,

I write to confirm that Whiteparish Surgery will sadly not be able to go forward with a plan for an Alderbury project as an outreach clinic/day centre for vulnerable patients at this time.

Current funding arrangements within the CCG would make support for such a project impossible.

We do wish you well, however, with whatever form this project takes.

With kind regards,

Hilary Jenkins
Consulting Practice Manager

On behalf of Drs. Dean, Smith, Chatt and Hawliczek

Common Road, Whiteparish, Salisbury SP5 2SU
Tel no. 01794 884269

RECEIVED
24 SEP 2018

Our Ref: DAS/JW/18772

13 February 2018

«AddressBlock»

Dear Sirs

Re: Proposed Medical Facility, Castle Lane, Whaddon, Nr Salisbury

We are contacting your organisation regarding the above proposed medical facility. As part of the planning consent for a nearby residential development, there is a requirement on my client, the landowner, to provide a local medical facility to help benefit the local community.

It was originally envisaged that this would be taken over by Sarum Clinical Commissioning Group for a satellite General Practitioners Surgery. The local surgery, however, does not now wish to take forward the project and we are instructed to contact a range of other medical or community health service providers to establish whether they would be interested in the facility.

The property would comprise a newly constructed building to be finished and fitted out ready for occupation as a medical facility. We enclose a site plan showing the location of the property and consented layout of the building. The intention would be to grant a long leasehold interest in the building at a peppercorn ground rent.

If your organisation could be interested in the property, which may be used for any use within Class D1 (medical facilities), then we would welcome hearing from you as soon as possible.

Yours faithfully

D A Speer MRICS

Encs

Alderbury Parish Council
Wiltshire Health & Care
Alzheimers Support
Forester's Alzheimers Disease Society
Age UK
Alabare Christian Care Centres
The Order of St John's Care Trust
Bishopdown Farm Dental Practice
Salisbury Orthodontics
Chequers Dental Practice
IDH Group
Sarum Dental Practice
My Dentist
Salisbury Dental Care
The Orchard Partnership
Salisbury Medical Practice
Millstream Surgery
Harcourt Terrace Surgery
Three Chequers Surgery
Downton Surgery
New Surgery, Amesbury
Barcroft Surgery, Amesbury

Dean Speer MRICS

RECEIVED
24 SEP 2018

From: HAMILTON, Victoria (WILTSHIRE HEALTH & CARE)
Sent: 07 March 2018 15:55
To: Dean Speer MRICS
Cc: BLAIR, Douglas (WILTSHIRE HEALTH & CARE); FERRARI, Maddy (WILTSHIRE HEALTH & CARE)
Subject: RE: Whaddon

Dear Dean

As discussed, thank you for your letter inviting Wiltshire Health and Care to express an interest in the proposed health facility in Whaddon. Please accept this email as confirmation that Wiltshire Health and Care do not have any plans that would require a facility at this location.

Regards

Victoria

Victoria Hamilton
Head of Development and Performance

www.wiltshirehealthandcare.nhs.uk



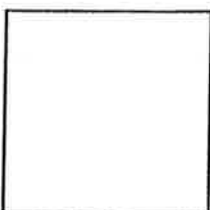
From: Dean Speer MRICS [<mailto:deanspeer@myddeltonmajor.co.uk>]
Sent: 07 March 2018 13:48
To: HAMILTON, Victoria (WILTSHIRE HEALTH & CARE)
Subject: Whaddon

Look forward to hearing from you following our conversation.

Regards

Dean Speer MRICS
Partner
deanspeer@myddeltonmajor.co.uk

Myddelton & Major
49 High Street, Salisbury, Wiltshire, SP1 2PD
Tel: 01722 337 577 Fax: 01722 411 265
Website: www.myddeltonmajor.co.uk



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18/09004/VAR, 18/09012/106 & 18/09164/VAR



Land North & North East
Matrons College Farm
Castle Lane
Whaddon, Salisbury
Wiltshire, SP5 3EQ



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