

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE
10 February 2011

FULL PLANNING APPLICATION S/2008/0572 REVISED APPLICATION TO S/2007/1865 DEMOLITION OF ALL BUILDINGS & REDEVELOPMENT TO FORM A CLASS A1 FOODSTORE WITH ASSOCIATED PARKING & LANDSCAPING & ALTERATIONS TO ACCESS INSTALLATION OF WIND TURBINE AT 140 LONDON ROAD AMESBURY SP4 7EQ. APPLICATION DETERMINED BY INQUIRY.

1. Report Summary:

- 1.1 To advise members of a proposed change to the s.106 agreement associated with the above planning application, in relation to the provision of a bus service for the above store.

2. Considerations:

- 2.1 The background to this report is the resolution of the former Salisbury District Council's, Northern Area Committee to grant planning permission for the above use of land at 140 London Road, Amesbury for a Tesco retail store, including landscaping and alterations, modelling and drainage works. This and another application (for an Asda store at Solstice Park, application reference S/2007/2226) were called in for determination by the Secretary of State at a public inquiry in January 2009. The public inquiry lasted for three weeks, with a further week in April 2009. The inspector's report of the issues was published on 23rd July 2009 and on 22nd September 2009 the Secretary of State granted permission for the Tesco store whilst refusing permission for the Asda store.

- 2.2 The grant of permission for the Tesco store was subject to a s.106 agreement relating to a number of matters these were -

- (1) A contribution of £150,000 towards a pedestrian/cycle link from London Road to Bulford
- (2) The provision of a new circular bus service
- (3) A contribution of £50,000 towards new improved pedestrian access to the town centre
- (4) Off site highway works
- (5) The provision of a board displaying the history of the site
- (6) The routing of delivery vehicles

The existing situation:

- 2.3 It is the provision of a new circular bus route around the town of Amesbury that is the subject of this report. The s.106 legal agreement entered into by Tesco with the Council required that upon the occupation of the store, Tesco would run a new circular bus route on a route contained on the map within the s.106 agreement (see appendix one) to run between the hours of 09.30 and 18.00 Mondays – Saturdays six days a week at a 20 minute frequency.
- 2.4 Provision was also made in the s.106 agreement for a bus service to operate on Sundays for a period of four hours on a similar route to that contained at appendix one. These services were to run to the Tesco store for the duration that the store was occupied (in perpetuity). These provisions are currently in breach.
- 2.5 There is contained within the s.106 agreement a mechanism for the bus service to be reviewed which would include the frequency, route, timings and continuing operation or otherwise of the bus service. The review is to ensure that the bus service is well used and environmentally sustainable.
- 2.6 Late last year at the time that Tesco were opening the store, they approached the Council's transport section with a view to changing the arrangements made for the bus service. Tesco offered a lump sum one off payment of £500,000 for the running of a bus service around the town and to the store, instead of the in perpetuity proposal in the s.106 agreement. The Passenger Transport Unit officer estimates that this will allow the bus to run for a period of about seven years when combined with other payments from the nearby Archers Gate development.
- 2.7 The new route would, in addition to the areas of the town already covered by the route in the s.106 agreement also cover the areas of Archers Gate and Solstice Park. It would run at a thirty minute interval as opposed to the twenty minute interval that is envisaged in the S106 agreement. The Passenger Transport Unit have agreed that they would be able to recommend this approach.
- 2.8 Wiltshire Community Transport have now purchased an 18 seat new bus for use on the proposed new route (see appendix 2). The route is registered to operate from 1st February 2011. However it is presently not operating and has not operated since the new Tesco store opened at the end of last year meaning that the store has been occupied in breach of the s.106 agreement.

The agreed and proposed schemes

- 2.9 It is the view of officers that there are benefits to both the agreed scheme as contained in the s.106 agreement and the proposed scheme . The differences are listed below –

	As Agreed in existing S106	As now proposed
Frequency	Every 20 mins	Every 30 mins

Operating hours	09:30 – 18:00	07:30 -18:00
Duration of service	In perpetuity subject to review mechanism	
Route served	Route around the town centre of Amesbury	Route to include Solstice Park and Archers Gate
No. of vehicles used	one	one
Function	To bring customers to Tesco	wider- To take passengers to work at Solstice Park and to access the Tesco Store.
Advantages	Bus would have run from the occupation of the store enabling customers and staff to get into the habit of bus use from day one. However this has not materialised in that the bus has not operated .	the ability to run the service is guaranteed for as long as the funding from the £500,000 lasts. More places are served. Areas would be served that do not currently have access to a bus route. Community use of the bus would be available on the day the service doesn't operate (Sunday)
Disadvantages	If the bus is not 'well used' it could cease operation within a short time.	The extension of the service to Archers Gate could impact upon the attractiveness to operators of the new retail units constructed there. A reduced frequency makes the service less attractive to users . A longer route makes the service more liable to disruption .

2.10 The views of the Passenger Transport Unit have been sought in respect of the revised arrangements and they have commented as follows -

The bus service proposed by Tesco in the current s106 agreement was for a circular service operating every 20 minutes around the Amesbury and Boscombe Down area between 9.30 am and 6pm, using just one vehicle. This route, however, was felt by Wiltshire Council officers to be inadequate as it mainly operated along roads already covered by bus services

operated by the Wilts & Dorset bus company and left areas such as the new Archers Gate estate completely unserved.

Discussions between Tesco, South Wiltshire Community Transport (who are to operate the bus service on behalf of Tesco) and the Council's Passenger Transport Unit, identified a more comprehensive routing which would encompass Archers Gate as well as other unserved parts of Amesbury and which could still be operated by one vehicle, albeit in a timetable running every 30, rather than every 20 minutes. This revised timetable will also give the bus time to penetrate more of Amesbury town centre and reduce the risk of passengers being abstracted from the existing Wilts & Dorset bus services in the area. The opportunity has also been taken to incorporate into the new timetable, the existing free bus service to the Solstice Park Business Park which has enabled the Tesco service to start much earlier than was originally envisaged and provide a service that is suitable for people living and working in the Amesbury area, as well as for shoppers.

This new timetable has therefore been registered for introduction from 1st February 2011 on an experimental basis and will be monitored closely to see that it matches the needs of customers. It is therefore recommended that permission be given for the s106 agreement to be varied to incorporate this revised route and timetable as it would benefit a greater number of residents in the Amesbury area.

- 2.11 Officers having considered the pros and cons of both schemes and the comments of the Passenger Transport Unit who have viewed the new scheme feel that on balance the benefits of the revisions to the timetable, route and payment outweigh the negative issues and therefore that the new arrangements should be incorporated in a legal agreement. Given that the route is due to commence on the 1st February 2011 and that a vehicle has been purchased there may be some difficulty in reverting to the original agreement.

3. Options for consideration:

3.1

Option 1 Members resolve to delegate to officers the changes proposed to the s.106 agreement as set out in the above report

Option 2 Members decline to change the signed s.106 agreement and resolve to keep the route, timing and payment proposed previously in the s.106 agreement.

Recommendation:

That members resolve to follow **option one** to change the provisions previously secured in the s.106 agreement and to agree the changes to allow the new route, timetable and payment as set out in the above report.

Should members not follow option 1 then a report to consider enforcement action will be brought back to a subsequent Southern area committee.

4. Appendices:

- 1) The route of the bus as proposed in the agreed s106.
- 2) The revised route as proposed