

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

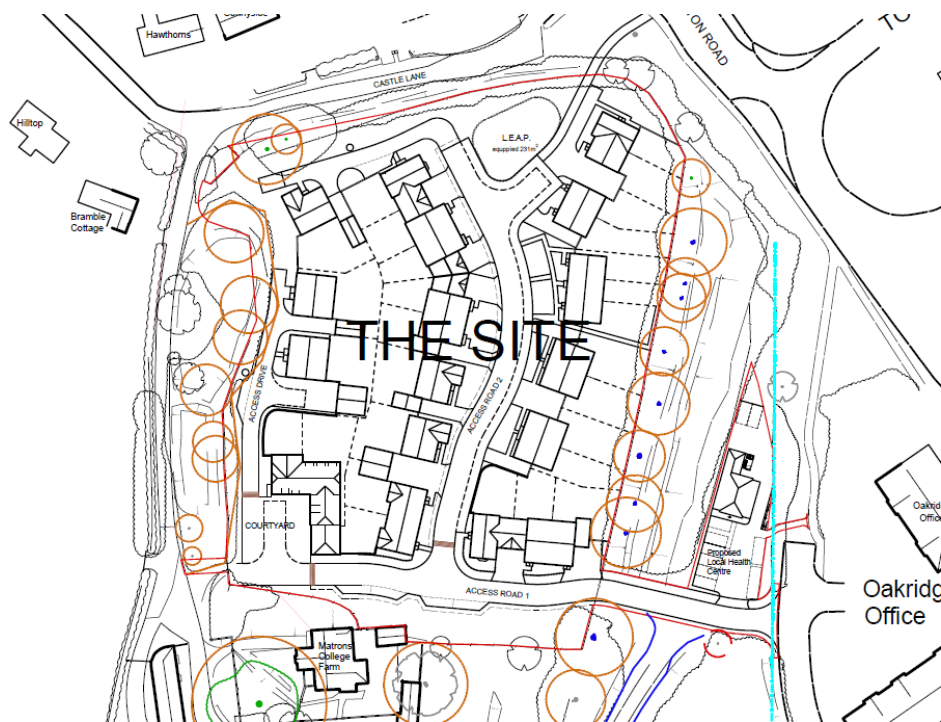
Report dated 3 September 2018, submitted by Middleton & Major and attached to this report as Appendix 1) in an attempt to find a suitable alternative occupier for the building. Of the enquiries made only one response was received - from Wiltshire Care who act as the overriding coordinating body for community 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.

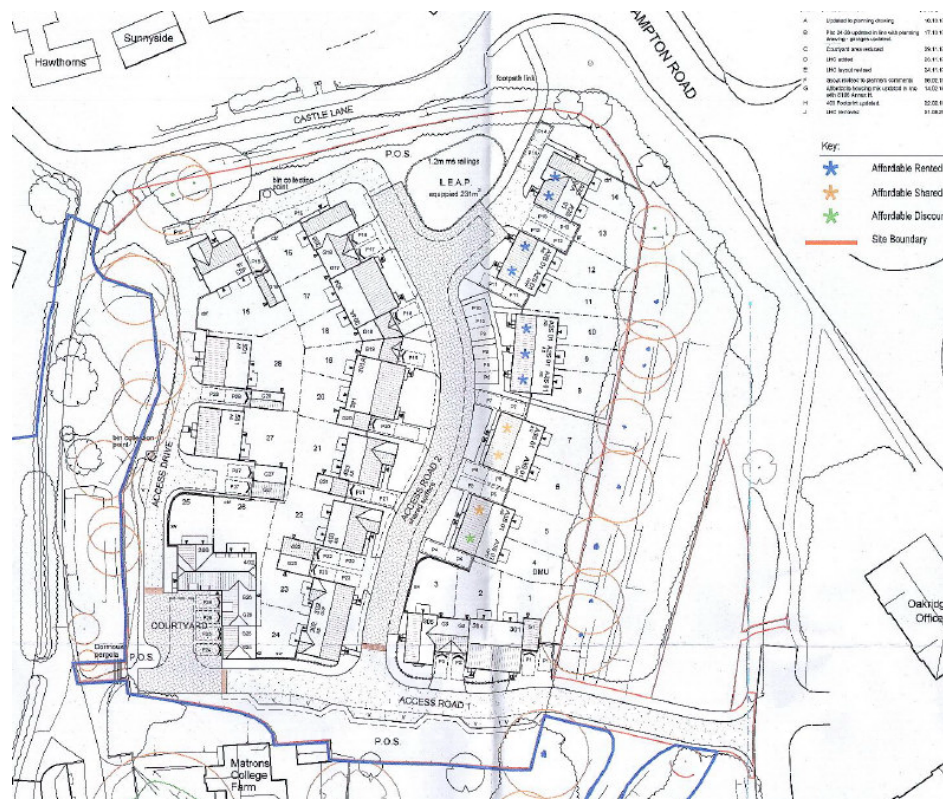
9.4 The subsequent use of the LHC site

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).