

## SOUTHERN AREA PLANNING COMMITTEE

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 13 DECEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.**

**Present:**

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr John Smale, Cllr Trevor Carbin (Substitute) and Cllr Robert Yuill (Substitute)

**Also Present:**

Cllr Mary Douglas

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**337 Apologies**

Apologies had been received from:

- Cllr Brian Dalton – who was substituted by Cllr Trevor Carbin
- Cllr Sven Hocking – who was substituted by Cllr Robert Yuill
- Cllr George Jeans

**338 Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 15<sup>th</sup> November 2018 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes.**

**339 Declarations of Interest**

There were none.

**340 Chairman's Announcements**

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

The Committee noted its respects for former Wiltshire Councillor, Cllr Bill Moss, who had passed away the previous week.

341 **Public Participation**

The committee noted the rules on public participation.

342 **Planning Appeals and Updates**

Cllr Green – Why do the weekly lists no longer include the agents name on the list? Answer: The Planning Team Leader would circulate a response following the meeting.

Cllr Britton - For members benefit our refusal of 50 houses at Firs Road in Alderbury had been lost at appeal. The Inspector had determined quite clearly that Wiltshire Council did not have a five year land supply, and that obviously has serious ramifications for us.

Cllr Devine – Was there now a loop hole where every developer can quote that as a material consideration? Answer: Legal Officer - We would need to take this into account – however all applications have to be taken on their own merits.

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 02/11/2018 to 30/11/2018 be noted.**

343 **Planning Applications**

344 **18/07328/VAR - Land north of Hilltop Way, Salisbury, SP1 3QX**

**Public Participation**

John Gateley spoke in support of the application

Keith Leslie spoke in support of the application

The Senior Planning Officer, Becky Jones presented the application which was for a 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.

It was noted that the Inspector had allowed the original application at appeal, with the condition to provide some level of affordable housing, and at the time the applicant had offered 100% affordable housing.

A further application for variation then came in which proposed to remove the affordable housing condition and have no affordable housing on the site, however as the site was subject to CPC which required 40% affordable housing, the applicant was advised to retain a provision of 40%, and a subsequent application for variation, providing this was then submitted, and is for consideration today.

The application was recommended for approval.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that the Inspector had not made a specific recommendation as to the level of affordable housing required on the site.

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

The main points raised included that the site had been brought into the Housing Allocations Plan, and that the proposed 40% of affordable housing would be at the level expected in the Core Strategy.

Local residents supported a 40% allocation of affordable housing. It was noted that the road had recently been resurfaced and works to provide utilities would see this road dug up and patch filled. Residents asked the Committee to consider whether a condition could be applied to resurface the road completely rather than patch work.

The Division Member Cllr Douglas then spoke to note the public concern and the integrity of the planning process. The 100% of affordable housing as approved by the Inspector should be upheld. The original decision of the Committee was overturned on the grounds that it met housing need, on the basis of 100% affordable housing. The applicant then offered 0%, this was a mockery of the planning process. With Officer intervention they have now offered 40%. This Committee is the means by which we can iron out these creases.

Cllr Hewitt then moved the motion of Approval in line with Officer recommendation. This was seconded by Cllr McLennan.

A debate followed where the key issues raised included that the 100% could not be upheld as the Planning Inspector noted in his report that the Council could not demonstrate a five-year housing supply, he was attracted to the 100% affordable housing, but that was the overarching reason he allowed the appeal. We can apply CP43 and that requires 40%.

The local resident's enquiry on the inclusion of a condition to reinstate the road surface, was not possible as the Committee could not include a condition to the application at this stage. Consideration was solely on the variation of the provision of affordable housing.

The Committee then voted on the motion of Approval in line with Officer recommendation.

**Resolved**

**That application 18/07328/VAR be Approved in line with Officer recommendation, 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 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.**

**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.**

345 **18/09164/VAR, 18/09004/VAR & 18/09012/VAR - Land North & North East, Matrons College Farm, Castle Lane, Whaddon, SP5 3EQ**

Public Participation

Mr Speer (Agent) spoke in support of the application

Senior Planning Officer, Warren Simmonds presented the application for a Variation of conditions 4 & 15 of 13/02543/OUT to remove the requirement for the use of a building as a proposed health centre, and 17/11704/REM - 28 dwellings and health centre, which had been approved in 2016.

It was noted that a Section 106 legal agreement was entered in to by the land owner to provide these things on the site.

Since the original applications were approved in 2016, quite extensive efforts had been made to find a user for the proposed health centre provision, with no avail.

It was recommended 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.

Attention was drawn to the late correspondence circulated at the meeting which detailed the updated proposal of a three-staged schedule of payments from the developer and the type of use for the funds.

Members had the opportunity to ask technical questions of the Officer, where it was clarified that this site differed from the Old Sarum site, in that the medical centre had not yet been built here, whereas at Old Sarum the build Doctors Surgery had been completed and laid empty for some time. The £200k set



aside to build the medical centre here could be transferred to the parish council for use on the village hall which was central to the village, unlike the land where the medical centre had been proposed.

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

The main points included that the owners had instructed extensive work be undertaken to try and identify potential users, however this had been fruitless. They had also been determined that there should be a benefit to the village, and therefore had supported the proposal to transfer the original £200k towards a facility elsewhere which would benefit the village more.

The Division Member, Cllr Richard Britton spoke noting that when this application had originally come to committee, he had felt it should be deferred until evidence showed that a medical centre could be provided, and here we are now being told the medical centre cannot be provided.

He was thankful to the land owner for continuing to support the village by allocating the £200k to a meaningful benefit for the village. The first tranche payment would allow work to get underway on the village hall.

He supported the proposal as it would enable work on the village hall, which was a benefit for the wider village community.

Cllr Britton moved the motion of approval in line with Officers recommendation. This was seconded by Cllr Hewitt.

A debate then followed, where the key issues raised included that the original proposal had been supported by a local doctor, the reality of a viable medical centre on the site had not come to fruition, fortunately, something good would come out of this.

The Committee then voted on the motion of approval in line with Officers recommendations, with delegated authority to the Head of Development Services in line with late correspondence.

### **Resolved**

**Members resolved to delegate authority to the Director of Economic Development & Planning for:**

- 1. 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), 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 financial contribution of £200,000 to Wiltshire Council (to be paid in three**

**increments as described), the financial contribution to be used for improvements to the Alderbury Village Hall and/or other community project(s) in the Alderbury and Whaddon village area(s).**

346 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 3.50 pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,  
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