

AGENDA

Meeting: Southern Area Planning Committee
Place: Alamein Suite - City Hall, Malthouse Lane, Salisbury, SP2 7TU
Date: Thursday 8 September 2011
Time: 6.00 pm

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718371 or email pam.denton@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Richard Britton	Cllr George Jeans
Cllr Brian Dalton	Cllr Ian McLennan
Cllr Christopher Devine	Cllr Paul Sample
Cllr Mary Douglas	Cllr Ian West
Cllr Jose Green	Cllr Fred Westmoreland
Cllr Mike Hewitt	

Substitutes:

Cllr Ernie Clark	Cllr Stephen Petty
Cllr Russell Hawker	Cllr Leo Randall
Cllr David Jenkins	Cllr Ricky Rogers
Cllr Bill Moss	Cllr John Smale
Cllr Christopher Newbury	Cllr Graham Wright

AGENDA

Part I

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

1. **Apologies for Absence**

2. **Minutes** (*Pages 1 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 18 August 2011 (copy herewith).

3. **Declarations of Interest**

To receive any declarations of personal or prejudicial interests or dispensations granted by the Standards Committee.

4. **Chairman's Announcements**

5. **Public Participation and Councillors' Questions**

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 in person no later than 5.50pm on the day of the meeting.

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

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 (acting on behalf of the Director of Resources) no later than 5pm on Thursday 1 September 2011. 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 application no. S/2011/708/FULL - Hillbilly Acre, Southampton Road, Clarendon, Salisbury, SP5 3DG** (*Pages 17 - 26*)

7. **Planning Appeals** (*Pages 27 - 28*)

To receive details of completed and pending appeals (copy herewith).

8. **Planning Applications** (*Pages 29 - 30*)

To consider and determine planning applications in the attached schedule.

8a **S/2011/1046 - Former Pembroke Park School, Penruddock Close, SP2 9HH** (*Pages 31 - 48*)

9. **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

10. **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 11 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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

11. **The Old Coach House, East Grimstead** (*Pages 49 - 54*)

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 18 AUGUST 2011 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Mary Douglas, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian West and Cllr Fred Westmoreland (Chairman)

Also Present:

Cllr Tony Deane and Cllr Bill Moss

96. Apologies for Absence

Apologies for absence were received from Cllr Ian McLennan and Cllr Paul Sample. Cllr Jeans had informed officers that he would be arriving late.

97. Minutes

The minutes of the meeting held 28.07.2011 were presented.

Councillor West raised a point of accuracy regarding minute number 94c. It was suggested that the condition agreed by committee was in fact to grant planning permission following delegation to officers, as stated in the minutes, but to stipulate that the applicant retain all the roadside trees.

The following matters arising from the minutes were also discussed:

- Minute number 92 – The update report requested by Cllr Britton and to be discussed in closed session was too brief.
- Minute number 94 – Members requested that a report from officers on site selection be brought to committee at the earliest opportunity.
- Minute number 96 – An application S/2010/1549 (Packway Garage, The Packway, Larkhill) that was deferred from the previous meeting. Officers explained that this application had originally been called-in by the local unitary councillor, with a recommendation of approval from officers. The Councillor had since withdrawn his call-in request, so delegated powers returned to officers, who took the decision to approve the application.

Resolved:

To approve as a correct record and sign the minutes, once amended to include the following amended paragraph as the decision under minute number 94c: “That the decision to grant planning permission be delegated to officers following negotiations with the applicant to retain all the roadside trees and amend condition no.18 accordingly”.

98. Declarations of Interest

Cllr Devine explained that he held a personal interest in Item 7, which he did not believe was prejudicial, but could be perceived as such, so he would withdraw from the room for this item only.

99. Chairman's Announcements

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

100. Public Participation and Councillors' Questions

The committee noted the rules on public participation.

101. Planning Appeals

The committee received details of the following appeal decisions:

S/2010/1699 - Opposite Southview Cottage, Brook Hill, Donhead St. Andrew – Delegated – Dismissed

And forthcoming appeals as follows:

S/2011/0166 - Maddington Manor Cottage, The Common, Shrewton

S/2011/0073 – Lions Head, The Common, Winterslow

S/2011/0694 - Site at Flower Lane, Amesbury (L/B Appeal).

102. Land at the former Wisma Poultry Farm/Stonehenge Campsite, Berwick Road, Berwick St. James, Wiltshire SP3 4TQ

Public Participation:

Mr W Fox-Grant spoke in favour of the application.

The planning officer outlined the background to the report under consideration. He noted the Inspector's appeal decision, and the lengthy and tailored nature of the conditions applied to that decision as an important motivation for the recommendation. He also drew attention to the additional representations for and against the confirmation of the Article 4 Direction that were contained in the late list.

Resolved:

That the Article 4 Direction made in respect of this site on 7th June 2011, is NOT confirmed.

103. **Planning Applications**

104. **S/2011/0551 - Site adjacent to Fitz Farm, Teffont, Salisbury, SP3 5QY**

Cllr Tony Deane (in attendance) left the room.

Public Participation:

Mr Gary Adlem, the Applicant, spoke in support of the application

The Chairman also noted a late submission from Mr Richard Longfox of Teffont Parish Council (see attached Schedule of late correspondence)

The planning officer outlined his report and ran through the amended plans for this property.

Technical questions were answered as follows:

- With the additional loft conversion the property was now a 4-bedroom residence
- The applicant had agreed to pay an additional S.106 contribution.

There was general support for the application to proceed on the basis laid out in the officer's report, inclusive of the lower pitched garage roof agreed in negotiations with the applicant and a fixed opaque roof light replacing one of the existing rooflights, as promised verbally by the applicant at the meeting.

Resolved:

That subject to the applicant entering into an appropriate revised section 106 legal agreement to secure the appropriate financial contribution towards off-site recreational open space

Planning Permission be GRANTED for the following reason:

The proposed amendments to the dwelling, comprising a loft conversion and provision of a detached garage, would not significantly

alter the planning merits of the scheme as originally consented subject to conditions including the fixing shut and fitting of obscure glazing to a roof light. The proposal would therefore still accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, G5, H19, D2, C4, C5, C12, C13, C17, C18, CN8, CN10, CN11, CN21, CN22, TR11, TR14, R2 and PPS3, PPS5, PPS9, PPS25.

Subject to 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2) The development shall only be undertaken in accordance with the following approved plans:

Plan Ref....C/603/1...	Date Received....18.04.11....
Plan Ref....9.0...	Date Received....29.03.11....
Plan Ref....9.02...	Date Received....29.03.11....
Plan Ref....9.06 First Floor...	Date Received....20.05.11....
Plan Ref....9.06 Second Floor...	Date Received....20.05.11....
Plan Ref....C/603/5...	Date Received....29.03.11....
Plan Ref....C/603/15...	Date Received....18.04.11....
Plan Ref....9.01rev b...	Date Received....01.08.11....

Reason: For the avoidance of doubt.

- 3) No development shall commence on the garage until a schedule of external facing materials, and where so requested samples, 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: To secure a harmonious form of development.

Policy: H19, D2, CN8

- 4) The finished floor level of the garage shall be set no lower than the finished floor level of the dwelling, as detailed within submitted drg. no. C/603/15.

Reason: In the interests of minimising flood risk.

Policy: PPS25

- 5) No development shall commence on the garage until details of all new windows and external doors have been submitted to and approved in

writing by the Local Planning Authority. Where so requested by the local planning authority detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and detailed sections and elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the development.

Policy: CN8

- 6) Before the first occupation of the development hereby permitted the southern-most roof light in the rear elevation of the dwelling shall be glazed with obscure glass only and permanently fixed shut or fixed with a ventilation stay restricting the opening of the window, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interests of residential amenity and privacy.

Policy: G2

- 7) No development shall commence on the garage until details of all new rainwater goods 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 the interests of the visual amenity of the development.

Policy: CN8

- 8) No development shall commence on the garage until details of the proposed means of enclosure for the boundaries of the site 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 the first occupation of the dwelling.

Reason: In the interests of the visual amenity of the development.

Policy: G2, CN8

- 9) No development shall commence on the garage until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of the dwelling.

Reason: In the interests of the visual amenity of the development.

Policy: H19, CN8

10) No development shall commence within the area of the proposed garage until:

- **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**
- **The approved programme of archaeological work has been carried out in accordance with the approved details.**

Reason: To enable the recording of any matters of archaeological interest.

Policy: CN22

11) Notwithstanding the provisions of Classes A to E of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling nor the erection of any structures within the curtilages unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: In the interests of visual and neighbouring amenity.

Policy: G2, H19, CN8

12) The development shall be carried out in accordance with the pollution prevention method statement submitted as part of this application.

Reason: To avoid pollution of the river system.

Policy: C18

105. S/2011/0322 - Land Off Hindon Lane, Tisbury, Salisbury, SP3 6PU

Public Participation:

Mr David Lohfink, the applicant, C G Fry and Sons, spoke in support of the application.

Mr Patrick Duffy, Tisbury Parish Council, stated his organisations' support subject to certain conditions being met.

Cllr Tony Deane, unitary member for Tisbury, stated his support for the proposal and focused on a number of points which should be clarified, including: need for unfettered access across and to the site, the community will against street lighting, and the need for joined up thinking given the possible future development of Wiltshire Council's campus to the immediate south of the site.

The planning officers summarised his report and drew the committee's attention to a number of additions to his suggested conditions. He explained that this was a reserved matters application. These included the addition of a 'plans list' condition, an informative that the application should be read in conjunction with the original application and the S.106 agreement for the application.

Technical questions on the application were received from the committee members, as follows:

- *Lighting* – Members queried the legal necessity for lighting within the scheme. In response the planning officer suggested that the flexibility existed in the proposed condition as worded to allow for a minimal scheme of lighting, however he was unsure of the legality of imposing a condition of no lighting.
- *Police Audit* – There was no police audit of the application proposed.
- *Retail units*- No retail units were proposed within the development
- *Numbers of Homes / Affordable homes* – Officers clarified that there were a total of 90 homes confirmed, of which 32 were affordable housing.
- *Road standards / adoptability* – It was confirmed that all roads on the development were to be built to an adoptable standard and it was planned that they would be adopted by the council.

There followed a lengthy debate wherein the following key points were debated:

- The final form of the access to Hindon lane (T-Junction / Roundabout)
- Members' support for open access to Weaveland Road and the Wiltshire Campus site - during the debate it was made clear that all parties were amenable to achieving a through access to Weaveland Road and that Wiltshire Council should pursue this option without delay.
- The level of affordable housing and usefulness of R2 funds
- Local support for measures to minimise / have no street lighting

Resolved:

That planning Permission be GRANTED for the following reason:

This reserved matters application is considered to have addressed the matters reserved by the outline application S/2008/0779 in an appropriate manner. The proposal is well designed overall in accordance with the aims and objectives of the adopted Development Brief for the site "Hindon Lane, Tisbury" December 2006. And in detail the proposal reflects the established characteristics of Tisbury, will utilize acceptable high quality materials throughout and will not result in any demonstrable or, unreasonable harm to the residential amenity of neighbouring properties, the highways network both on and off site, protected species and drainage and in all other regards. As such the proposal is considered to be in general accordance with local planning policies H14, E14A, G1, G2, G5,G9, D1, D6, D7, H25, TR1, TR11, TR12, TR13, TR14, R2, R4, R17,C4, C5, C12 and with the aims and objectives of government planning guidance particularly PPS7, PPS1, PPS3, PPS9, PPS22, circulars 11/95, 01/2005.

Subject to 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 approved by this permission shall be commenced until details of a scheme for the provision of surface water run off limitation incorporating sustainable drainage principles (SUDS) in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd Report No 2651 FRA 3 dated April 2008 has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Policies: G5 adopted Salisbury District Local Plan

- 3) Prior to the commencement of development approved by this planning permission or such other date or stage in development as may be agreed in writing with the Local Planning Authority a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the local planning authority. That scheme shall include all of the following elements unless specifically excluded in writing by the Local Planning Authority:

- a) A desk study identifying: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources pathways and receptors; potentially unacceptable risks arising from contamination at the site.

- b). A site investigation scheme based on 1 to provide information for an assessment of the risk to all receptors that may be affected including those off site

- c) The results of the site investigation and risk assessment 2 and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken;

- d). A verification report on completion of the works set out in 3 confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

Policies: G2 adopted Salisbury District Local Plan

4) No development approved by this permission shall be commenced until a Construction Environmental Management Plan incorporating pollution prevention measures has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

Reason: To prevent pollution of the water environment

G2 adopted Salisbury District Local Plan

5) Prior to the commencement of construction works a scheme for the washing of construction lorries' wheels upon leaving the site shall be submitted to and approved, in writing, by the Local Planning Authority. Construction works shall be undertaken in accordance with the approved details.

Reason: in the interests of the amenities of nearby properties

Policies: G2 adopted Salisbury District Local Plan

6) Prior to the commencement of development, details of the water and energy efficiency measures to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

Reason: in the interests of sustainable development.

Policies: G2 adopted Salisbury District Local Plan

7) The development hereby approved shall be undertaken in accordance with the recommendations of the submitted protected species surveys unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of protected species

Policies: G2 adopted Salisbury District Local Plan

8) Construction works shall only take place during the following periods: Mondays to Fridays 7.00am to 6.00pm, Saturdays 7.00am to 1pm and not at all on Sundays.

Reason: in the interests of the amenities of nearby properties

Policies: G2 adopted Salisbury District Local Plan

9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order re-enacting or revoking that order) there shall be no extensions to the dwellings hereby approved, not any outbuildings erected within the curtilage, unless

otherwise approved by the Local Planning Authority by means of a planning application.

Reason: in the interests of the character and appearance of the area

Policies: G2 adopted Salisbury District Local Plan

10) No development shall commence until a detailed design of the access junction in the form of a mini-roundabout or, any other type of access that may be agreed, including footways, and bus stops and shelters on Hindon Lane, and the extension of the 30mph speed limit, all as illustrated on drawing number 2424/HA/1 of the Outline permission S/2008/0779 has been submitted to and approved, in writing, by the Local Planning Authority. The access junction, footways and extension to the 30mph limit shall be constructed and provided in accordance with the approved details before the commencement of development or, any other programme that may be agreed in writing by the LPA (other than highway development approved through this condition). The approved bus shelters shall be provided before the first occupation of the development.

Reason: in the interests of highway safety and sustainable development and to avoid unnecessary damage to road surfaces as a result of the construction process being phased.

Policies: G2 adopted Salisbury District Local Plan

11) In relation to all trees and hedges identified as being retained in the Existing Tree and Hedgerow Plan, prior to the commencement of any development there shall be submitted to and approved in writing by the local planning authority details:

- a) of the specification and position of fencing incorporating the proposed alignment of the fencing and any other measures to be taken that will be provided for the protection of all such trees and hedges from damage during the carrying out of any work in respect of the development;
- b) of the time periods for the provision and retention of the fencing and other measures identified for the purposes of sub-paragraph (a); and
- c) for the laying of such hedges or parts thereof in advance of any part of the development being commenced.

Reason: in the interests of the character and appearance of the area

Policies: G2 adopted Salisbury District Local Plan

12) All trees and hedges which are identified as being retained in the Existing Tree and Hedgerow Plan shall at all times during the implementation of the development be protected, and in the case of hedges laid, in accordance with the Tree and Hedge Protection Details, provided that the Tree and Hedge Protection Details may be amended in accordance

with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

Reason: in the interests of the character and appearance of the area

Policies: G2,C4,C5 adopted Salisbury District Local Plan

13) All landscaping provided in relation to the development shall be in accordance with the Landscaping Principles, provided that the Landscaping Principles may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

Reason: in the interests of the character and appearance of the area

Policies: G2,C4,C5 adopted Salisbury District Local plan

14) The development shall only be implemented in accordance with the Landscape Management Plan; and landscaping once provided shall at all times thereafter be managed and maintained (and where relevant replaced) in accordance with the Landscape Management Plan, provided that the Landscape Management Plan may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such a purpose.

Reason: in the interests of the character and appearance of the area

Policies: G2,C4,C5 adopted Salisbury District Local Plan

15) The development shall only be implemented in accordance with the Design Code, provided that the Design Code may be amended in accordance with a detailed design justification for any changes that may be expressly submitted to and approved in writing by the local planning authority for such a purpose.

Reason: in the interests of the character and appearance of the area

Policies: G2 adopted Salisbury District Local Plan

16) Prior to any part of the development being commenced, details of all lighting proposals shall be submitted to and approved in writing by the local planning authority which shall in particular include:

- a) street lighting including lighting for all carriageways, roads, cycleways, footways, footpaths and turning spaces;
- b) lighting of communal parking areas and all other publicly accessible areas;
- c) the proposed intensity of the lighting;

d) the design of light columns; and

e) a lighting contour plan

Development shall only be implemented in accordance with the details that have been approved by the local planning authority unless otherwise agreed, in writing, by the local planning authority.

Reason: in the interests of the character and appearance of the area

Policies: G2 adopted Salisbury District Local Plan

17) No building within the site shall exceed 2.5 stories in height.

Reason: in the interests of the character and appearance of the area.

Policies: G2 adopted Salisbury District Local Plan

18)) Prior to any part of the development shall be commenced, plans and sections of a scale not less than 1:200 showing the level of the finished floor slab of every building in relation to Ordnance Datum shall be submitted to and approved in writing by the local planning authority. Development shall only be implemented in accordance with the Floor Level Details that have been approved by the local planning authority.

Reason: in the interests of the character and appearance of the area.

Policies: G2 adopted Salisbury District Local Plan

19) No development shall commence on site until details and samples of the materials to be used for the external walls and roofs 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 the interests of visual amenity and the character and appearance of the area.

Policies: adopted Salisbury District Local Plan

20) No development approved by this permission shall be commenced until details of existing and proposed ground levels including overland flow routes and exceedance overflow protection in accordance with the Flood Risk Assessment Laurence Rae Associates Ltd report No 2651FRA 3 dated April 2008 and finished floor levels has been submitted to and approved in writing by the LPA . The scheme shall be completed in accordance with the approved programme of details.

Reason: To minimise flood risk to the development, neighbouring property and Hindon Lane.

Policy: G4,G5 adopted salisbury District Local Plan

(21) The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure that the development is served by an adequate means of access.

Policy: G2 adopted Salisbury District Local Plan

(22) No development shall commence on site until full engineering details of the internal layout have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with approved details prior to the full occupation of the development.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

Policy: G2 adopted Salisbury District Local Plan

(23) Notwithstanding the details illustrated on plan ref No PP-106BC Received 29/06/11, there shall be no gates erected at the approved new road access point (southern boundary) to the Community / Leisure Centre and School site.

Reason: The council wishes to take the opportunity to ensure that unrestricted access is achieved through this site to the Community / Leisure Centre and School site.

Policy: G2 adopted Salisbury District Local Plan

(24) The development shall only be undertaken in accordance with the following approved specifications and plans:

"Design Code & Access Statement", received 04/03/11

"Tree Survey & Tree Constraints Plan" (TCP) 20 July 2010, received 04/03/11

Plan Ref:03482 TCP 01 Date Received 04/03/11

Plan Ref:03482 TCP 02 Date Received 04/03/11

Plan Ref:346-3 Rev E Date Received 08/06/11

Plan Ref:346-3 Rev C Date Received 08/06/11

Plan Ref:PP-001A Date Received 10/03/11

Plan Ref:PP-108,109,110,111,112 Date Received 04/03/11

Plan Ref No's between:PP-003 through PP-097 Date Received 04/03/11

Plan Ref:PP-098 Date Received 03/06/11

Plan Ref:PP-099 Date received 04/03/11

Plan Ref:PP-100 Date received 04/03/11

Plan Ref:PP-101 Date received 03/06/11

Plan Ref:PP-102 Date received 04/03/11

Plan Ref:PP-103 Date received 04/03/11
Plan Ref:PP-104 Date received 04/03/11
Plan Ref:PP-106 Date received 29/06/11
Plan Ref:PP- SK-002 Date received 04/03/11
Plan Ref:PP- SK-003 Date received 04/03/11
Plan Ref:PP-113 Date received 04/03/11
Plan Ref:PP-114 Date received 04/03/11
Plan Ref:PP-115 Date received 04/03/11
Plan Ref:PP-116 Date received 04/03/11
Plan Ref:PP- 31262/SK/01 Rev: D Date received 04/03/11
Plan Ref:262-PDL-03 Rev: A Date received 03/06/11
Plan Ref:262-SD-1001 Rev: A Received 03/06/11
Plan Ref:31262/PDL/01 Rev: C Received 03/06/11
"Flood Risk Assessment Addendum", Dated 17 May 2011 Received 03/06/11
"Car Parking Technical Note" Received 03/06/11

Reason: For the avoidance of doubt.

INFORMATIVE 1:

The applicants attention is drawn to the comments made in the letter dated 14th June 2011 from Wessex Water.

INFORMATIVE 2:

The applicant is advised of the need to apply without delay for a variation to the existing Section 106 agreement to allow for the construction of a "T" Junction and NOT a Mini Roundabout at the proposed main access off Hindon Lane.

INFORMATIVE 3:

This decision should be read in conjunction with the outline planning permission S/2008/0779 and the related Section 106 agreements dated 21st June 2010.

106. **S/2011/1046/S73B - Former Pembroke Park School, Penruddock Close, SP2 9HH**

Public Participation:

Mr D Ezard, local resident, spoke in objection to the application
Mr McCombe, local resident, spoke in objection to the application

Cllr Joe Rooney, Salisbury City Council, presented the City council's concerns.

The planning officer outlined the application. He then drew members' attention to the late correspondence which contained three additional proposed conditions to add to the officers' recommendation.

Technical questions were asked of the planning officer on the following topics:

- *Tree felling on the site* – It was explained that 6 trees recently cut down by Jubilee Close were always intended to be felled and replaced, and that no trees that had been designated as protected had been cut down.
- *Monies to fund the entrance from Pembroke Road* – The planning officer explained that it was his understanding that the existing funding allowed for the construction of the amended application only; not the access via Pembroke road.

A debate ensued and focused on the following matters:

- Errors in the planning and execution of the previously approved application
- The desirability of the planned affordable homes and the time-limited nature of funding from the Homes and Communities Agency (HCA).
- Suitability of access through Penruddock close.

Resolved:

- 1) **To defer this item to the following visit in order for members to hold a site visit and receive further information on the current situation of the site.**
- 2) **To request that work on plots 4-7 (only) be halted until the matter is resolved at the next committee meeting.**

107. **Urgent Items**

None

108. **Exclusion of the Press and Public**

Resolved:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute no. 44 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 1 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

109. **Update on open enforcement cases**

The Committee received a confidential update on two ongoing enforcement cases.

Resolved:

- 1) **That a full report with planning history and detail of all enforcement measures be brought to the next committee meeting regarding application number S/2004/0496.**

- 2) That a warning letter be sent to the applicant regarding further breaches at application number S/2011/0708, and any subsequent breaches to be followed by enforcement measures.**

(Duration of meeting: 6.00 - 9.20 pm)

The Officer who has produced these minutes is Liam Paul, of Democratic Services, direct line 01225 718376, e-mail liam.paul@wiltshire.gov.uk

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

WILTSHIRE COUNCIL

SOUTHERN AREA PLANNING COMMITTEE

8 September 2011

**Subject: Planning application no. S/2011/708/FULL –
Hillbilly Acre, Southampton Road, Clarendon, Salisbury, SP5 3DG**

Purpose of Report

1. To advise the Committee on the 'site selection criteria' currently used by officers to assess the acceptability of gypsy and traveller sites, including the recent Hillbilly Acre site.

Background

2. The Committee will be aware that it refused planning application no. S/2011/708/FULL for the change of use of Hillbilly Acre to a residential gypsy site containing eight mobile home units and related alterations on 28 July 2011 against officer advice for the following reasons:
 - (i) The application site lies within the countryside where new residential development is strictly controlled. Emerging government policy set out in the DCLG consultation document 'Planning for Travellers Sites' seeks fair play with everyone being treated equally and even-handedly through consistent application of policy on housing provision for both the travelling and settled communities. The local planning authority applies considerable weight to this emerging policy, particularly in view of the statement in the Ministerial foreword that '... the current planning policy for traveller sites does not work'. The proposal, to permanently station residential mobile homes on the site, would not achieve consistency with housing policy in the countryside, and consequently conflicts with the emerging policy.
 - (ii) Notwithstanding reason for refusal no. 1, the application site lies within a sensitive countryside location comprising open land and woodland, and scattered residential properties. The importance of the landscape within the area is recognised by its inclusion within the Landscape Setting of Salisbury policy area where new development is strictly controlled to ensure there is no detriment to the visual quality of the landscape. To the immediate south-east side of the site is a grade I listed residential property (St Maries Grange) and to its north-west side a grade II listed residential property (Belmont House); both properties are set in extensive parkland gardens which positively contribute to the countryside character of the area; and the natural and un-cluttered landscape which surrounds these properties equally contributes to their grand country house status and historic significance. To the south-west side of the site is a flood plain of the River Avon, designated as an Area of High Ecological Value; the River Avon itself is a Site of Special Scientific Interest and a Special Area of Conservation.

The proposed development, by reason of the relatively intensive nature of the use and the resulting appearance and spread of the various mobile structures, buildings and engineering works and by reason of the inevitable associated

activity and domestic paraphernalia, would be inappropriate in, and uncharacteristic of, this particularly sensitive countryside area as described. In addition, the proposed development, again by reason of the appearance and spread of the various mobile structures, buildings and engineering works, would not preserve the setting or outlook of the adjacent grade I listed house (St Maries Grange) in particular.

The local planning authority recognises that there is a need for accommodation consistent with gypsies nomadic lifestyle. However, the sensitivities of this particular site make it unsuitable as a gypsy site in view of the demonstrated overriding environmental objections. The proposal is, therefore, contrary to Policies H34 (Gypsy Sites), G1 (General Principles for Development), G2 (General Criteria for Development), C2 (Rural Environment), C7 (Landscape Setting of Salisbury), CN3 (Listed Buildings) and CN5 (Listed Buildings) of the Salisbury District Local Plan 2003, and the aims and objectives of PPS5 (Planning for the Historic Environment).

3. During the debate the Chairman requested that a report be prepared setting out the site selection methodology used by officers to assess sites, and this site in particular.

Current policy

4. Current planning policy relating to Gypsy and Traveller Sites comprises Policy DP15 of the Wiltshire and Swindon Structure Plan and Policy H34 of the Salisbury District Local Plan. Policy DP15 states that suitable sites for gypsies and travellers may be found both within and outside of existing settlements. It further states that sites should have minimum impact on adjoining land uses and the natural and built environment, and should be well located to meet the needs of occupants. Policy H34 states the following:

Proposals for gypsy sites outside Housing Policy Boundaries or Housing Restraint Areas will be subject to the following considerations:

- (i) Where the proposal is in the New Forest Heritage Area, the Cranbourne Chase and West Wiltshire Downs AONB, the Stonehenge WHS, or any Site of Special Scientific Interest or Area of High Ecological Value, such development will only be permitted where there will be no adverse impact on these designated areas.*
 - (ii) Elsewhere in the District, proposals should be acceptable in landscape and nature conservation terms, there are no overriding environmental objections, and the access and services are satisfactory; and*
 - (iii) The site is situated within or close to a settlement and is well located in relation to local services and amenities.*
5. Current guidance at the national level is provided by Circular 01/06 – Planning for Gypsy and Traveller Caravan Sites. The “main intentions” of this guidance are:
 - a) *to create and support sustainable, respectful, and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education, health and welfare provision; where there is mutual respect and consideration between all communities for the rights and responsibilities of each community and individual; and where there is respect between individuals and communities towards the environments in which they live and work;*

- b) *to reduce the number of unauthorised encampments and developments and the conflict and controversy they cause and to make enforcement more effective where local authorities have complied with the guidance in this Circular;*
 - c) *to increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission in order to address under-provision over the next 3 – 5 years;*
 - d) *to recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers, whilst respecting the interests of the settled community;*
 - e) *to underline the importance of assessing needs at regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;*
 - f) *to identify and make provision for the resultant land and accommodation requirements;*
 - g) *to ensure that DPDs include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;*
 - h) *to promote more private gypsy and traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites; and*
 - i) *to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.*
6. The Circular expects local planning authorities to assess gypsy and traveller accommodation needs as part of a gypsy and traveller accommodation assessment (GTAA). The Circular states that there is a need to provide sites, including transit sites, in locations that meet the current working patterns of gypsies and travellers. The Circular advises that the data collected through the GTAA process will inform the preparation of Development Plan Documents as part of the Local Development Framework. The Circular further states that the core strategy should set out criteria for the location of gypsy and traveller sites which will be used to guide the allocation of sites in relevant DPD. These criteria will also be used to meet unexpected demand.
7. Salisbury District Council undertook a Gypsy and Traveller Accommodation Assessment in 2006. This revealed that South Wiltshire has a good range of pitches, and the number of unauthorised pitches has been low. However, it still revealed a need to make provision for an additional 18 residential and 5 transit pitches in South Wiltshire in the period up to 2011.
8. Circular 01/06 further states that issues of sustainability should not only be considered in terms of transport mode and distances from services, but such consideration should also include:
- a) *the promotion of peaceful and integrated co-existence between the site and the local community;*
 - b) *the wider benefits of easier access to GP and other health services;*
 - c) *children attending school on a regular basis;*

- d) *the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; and*
- e) *not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.*

Emerging Policy

9. Emerging planning policy is set out in the South Wiltshire Core Strategy (SWCS). The SWCS is reasonably well-advanced in the plan making process and consequently it and its evidence base can be given some weight as a material consideration. Core Policy 4 of the SWCS is intended to replace Policy H34 of the Local Plan, and it takes account of the findings of the Gypsy and Traveller Accommodation Assessment referred to above. It states the following:

Within the Gypsy and Traveller Site Allocations DPD, sites will be identified to meet the demand for eighteen residential and five transit Gypsy and Traveller pitches in south Wiltshire and to contribute towards the 5 plots required to meet the needs of travelling showpeople to 2011. Beyond 2011, provision will either be compounded up into the future or a further study to identify Gypsy, Travellers and Travelling Showpeople's needs will be undertaken.

The following considerations will be taken into account in the determination of relevant planning applications as well as for the identification for new Gypsy and Traveller pitches prior to the DPD being adopted:

- 1. The intended occupants meet the definition of Gypsies and Travellers within circular 01/2006;*
 - 2. The site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy;*
 - 3. The site will be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity as well as any commercial activity that is required;*
 - 4. Adequate levels of privacy should be provided for occupiers;*
 - 5. Development of the site should be appropriate to the scale and character of its surroundings and the existing settlement;*
 - 6. The site does not compromise a nationally recognised designation;*
 - 7. The site should not be constrained by flooding nor have the potential for adverse effects on river quality, biodiversity or archaeology.*
10. In due course a Wiltshire-wide Gypsy and Traveller Site Allocations DPD will allocate specific sites to meet the demonstrated outstanding need for accommodation. A draft document is at an early stage of the plan-making process, but has been on-hold pending the outcome of the Core Strategy process (which itself has been delayed by the demise of Regional Spatial Strategies). Limited weight can, therefore, be given to it at this time.

11. At the national level a new Planning Policy Statement to replace Circular 01/06 is being prepared. Consultations on the draft version ended on 3 August, and the Government is now considering representations received. The DCLG website advises that the new Circular will be published as soon as possible. In the meantime only limited weight can be attached to the draft version as it may be subject to change. The draft indicates a clear emphasis on applying a consistent approach for 'normal' housing and traveller sites.

Applying the 'site selection criteria' to Hillbilly Acre

12. It is evident from the foregoing paragraphs that there are in current planning policies and advice various criteria to take into account. These are summarised as follows:

Policy HC34 -

- *proposals being acceptable in landscape and nature conservation terms, there being no overriding environmental objections, and access and services being satisfactory; and*
- *the site being situated within or close to a settlement and well located in relation to local services and amenities.*

Circular 01/06 -

- *The existing level of provision and need for sites in the area;*
- *The availability (or lack of) alternative accommodation;*
- *Other personal circumstances;*
- *The likely impact on the surrounding area;*
- *Road access;*
- *The availability of services;*
- *Potential conflict with statutory undertakers or agricultural interests;*
- *Any other significant environmental impacts;*
- *The promotion of peaceful and integrated co-existence between the site and local community;*
- *The wider benefits of easier access to GP and other health services;*
- *Children attending school on a regular basis;*
- *The provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by un-authorized encampments; and,*
- *Not locating sites in areas of high flood risk of flooding, including functional floodplain.*

13. An assessment against this criteria led officers to the following judgements:

- There is inadequate provision of gypsy sites to meet demonstrated needs within South Wiltshire;
- The impact of this particular site on the surrounding area is limited in view of the site's scale and visibility in particular;
- Safe vehicular access to the site can be achieved;
- Services to the site can be appropriately provided, and there is no conflict with statutory undertakers;
- There is no reason to assume that the site would not integrate with the local community having regard to its limited scale and circumstances;
- There are no other significant environmental impacts, as confirmed by consultees (eg. Environment Agency, County Ecologist, etc.);

- The site is close to settlements with essential facilities (GP/other health services and schools). A bus service runs close to the site;
 - The site is not in an area of flood risk.
14. This assessment was undertaken as part of the application process and in consultation with the Spatial Planning team. The specific response from the Spatial Planning Team follows this report.

Conclusion

15. This report sets out the policy background and site selection criteria based on current policy against which applications for gypsy sites are assessed, including the Hillbilly Acre application. The report is in response to a request for clarification made by the Committee.

Recommendation

The report is for information only.

Report Author: Andrew Guest, Area Development Manager (South)

Date of report: 23 August 2011

Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

SPATIAL PLANNING **CONSULTATION RESPONSE**

To: Warren Simmonds

Ref: S/2011/708

Proposal: Resubmission of S/2011/0422 - change of use of land to residential gypsy site containing eight mobile home units (three of which are retrospective), alterations to highway access, boundary treatments, provision of parking areas and associated landscaping.

Location: Hillbilly Acre, Alderbury

Date: 15 June 2011

Key Policies

ODPM Circular 01/06 *Planning for Gypsy and Traveller Caravan Sites*.

The DCLG *Designing Gypsy and Traveller Sites – Good Practice Guide* (May 2008)

Adopted Salisbury District Local Plan (“SDLP”)
H34 (Gypsy Sites)
R2 (Recreational open space)

Emerging South Wiltshire Core Strategy (“SWCS”)
Core Policy 4 (Making adequate provision for gypsies and travellers)

Emerging Wiltshire Core Strategy (“WCS”)
Core Policy 31 (meeting the needs of gypsy and travellers)

Gypsy and Traveller Site Allocations DPD *Issues and General Approach Report* (April 2010)

Key Issues

Current adopted policy relating to Gypsy and Traveller Sites is provided by the Wiltshire and Swindon Structure Plan 2016 (As saved) Policy DP15 and the Salisbury District Local Plan (As saved) Policy H34. In addition, guidance is provided at the national level through the ODPM Circular 01/06 *Planning for Gypsy and Traveller Caravan Sites*. The Coalition Government has indicated that guidance contained within this Circular will be replaced with a light-touch guidance outlining the council’s statutory obligations.¹ Circular 01/06 remains pertinent to this particular case until a replacement is issued.

The DCLG *Designing Gypsy and Traveller Sites – Good Practice Guide* (May 2008) should also be considered in assessing the suitability of this site for Gypsy and Traveller Accommodation.

In addition to this guidance the Gypsy and Traveller Site Allocations DPD *Issues and General Approach Report* (April 2010) identifies a Site Selection Methodology to assist in identifying sites to meet Gypsy and Traveller needs. The criteria is based on Circular 01/06 and Good Practice Guidance and is being developed through a process of local consultation, with both the settled and travelling communities. An initial assessment of this site based on the Site Assessment Template found at Appendix C of the DPD suggests that this site would be suitable for development given its relatively sustainable location.

¹ <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm100726/text/100726w0002.htm#10072632000565>

SPATIAL PLANNING **CONSULTATION RESPONSE**

Wiltshire Council is committed to meeting the accommodation needs of Gypsies and Travellers and the progress to date on the Wiltshire Gypsy and Traveller Site Allocations DPD clearly signals the intention to plan for current and future accommodation needs through the plan-led process. There is concern that the delivery of sites for the Travelling community outside of the DPD process may undermine this process and therefore the granting of permissions may be premature. This has been consistently argued by the Council in previous applications and remains a genuine concern.

However, a recent appeal decision² at a site near to Sutton Benger concluded that “*the emerging DPD was still at a relatively early stage in the plan-making process at the date of the inquiry and it can only carry limited weight*”. This appeal decision is material consideration in the determination of this application and whilst the preparation of the DPD continues, it has not at this time reached a significantly advanced stage to depart from the Inspectors conclusions that it should carry only *limited weight*.

Current adopted policy relating to Gypsy and Traveller Sites is provided by the Wiltshire and Swindon Structure Plan 2016 (As saved) Policy DP15 and the Salisbury District Local Plan 2011 (As saved) Policy H34. The site is located outside of any current Housing Policy Boundaries, Housing Restraint Areas and international and national designations, and Policy H34 of the SDLP is permissive of proposals for gypsy sites in these circumstances, subject to:

- proposals being acceptable in landscape and nature conservation terms, there being no overriding environmental objections, and access and services being satisfactory; and
- the site being situated within or close to a settlement and well located in relation to local services and amenities.

I assume you will make your own judgement with regard to the first criterion. My view on the second criterion is that the site is relatively well situated in terms of access to two settlements (i.e. Salisbury and Alderbury) and the services and amenities they provide.

You will of course be aware that the SWCS is currently subject of an Examination In Public, and therefore the SWCS can now be taken as a material consideration when determining planning applications.

It is proposed that Core Policy 4 of the SWCS will replace Policy H34 of the SDLP to provide clearer guidance towards meeting identified needs for new gypsy and traveller sites in South Wiltshire. A proposed Wiltshire-wide Gypsy and Traveller Site Allocations DPD will allocate specific sites to meet any remaining outstanding need in due course. However, it is acknowledged that individual proposals can begin to meet this need in the meantime.

Core Policy 4 sets out the following criteria for where such proposals would be acceptable:

- The intended occupants meet the definition of Gypsies and Travellers within circular 01/2006.
- The site should be located within or close to a settlement as defined by the Sustainable Settlement Strategy.
- The site will be large enough to provide for adequate on site facilities for parking, storage, play and residential amenity as well as any commercial activity that is required.
- Adequate levels of privacy should be provided for occupiers.
- Development of the site should be appropriate to the scale and character of its surroundings and the existing settlement.
- The site does not compromise a nationally recognised designation.
- The site should not be constrained by flooding nor have the potential for adverse effects on river quality, biodiversity or archaeology.

I am again assuming you will make your own judgement with regard to most of these criteria, My view on the second criterion is that the site is relatively well situated in terms of access to two settlements defined by the Sustainable Settlement Strategy (i.e. Salisbury and Alderbury).

² App/Y3940/A/10/2122592

SPATIAL PLANNING **CONSULTATION RESPONSE**

Policy DP15 of the Wiltshire and Swindon Structure Plan 2016 is clear that suitable sites for Gypsies and Travellers may be found both within and outside of existing settlements; sites should have minimum impact on adjoining land uses and the natural and built environment; and sites should be well located to meet the needs of occupants. The site is adjacent to a bus stop, with an hourly service to Southampton and Salisbury.

Circular 01/06 represents the most relevant policy and I would draw your attention to Paragraphs 58-63 ('Applications'). The key considerations for Gypsy and Traveller Site applications are likely to include:

- The likely impact on the surrounding area;
- The existing level of provision and need for sites in the area;
- The availability (or lack of) alternative accommodation; and,
- Other personal circumstances.

Other considerations should include, as a minimum:

- Road access;
- The availability of services;
- Potential conflict with statutory undertakers or agricultural interests;
- Any significant environmental impacts;
- Flood risk.

Finally, an assessment of the sustainability of the site should also be undertaken and in accordance with Circular 01/06, this should consider:

- The promotion of peaceful and integrated co-existence between the site and local community;
- The wider benefits of easier access to GP and other health services;
- Children attending school on a regular basis;
- The provision of a settled based that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampments; and,
- Not locating sites in areas of high flood risk of flooding, including functional floodplain.

The emerging Planning Policy Statement: *Planning for Traveller Sites* provides a useful insight into how Traveller site applications will be assessed in the future. There is a clear emphasis on applying a consistent approach for 'normal' housing and applications for Traveller sites, indeed the need to provide a 5, 10 and 15 year supply is symptomatic of this new approach.

PPS3: *Housing*, paragraph 71 will form an important aspect in the determination of future applications as in circumstances where an LPA is unable to demonstrate a five year supply of housing/traveller sites, applications should be considered "*favourably*". As indicated previously there is an outstanding need in this area and this amounts to some 21 permanent pitches (based on table 6.21 of the emerging WCS) Therefore there remains an identified unmet need in this part of Wiltshire which is a consideration that weighs in favour of this proposal and also represents a key consideration in the guidance contained within Circular 01/2006.

If permission is granted on a permanent basis, then R2 contributions would also be required. If a temporary permission was granted, then this would not have to be paid at this point, but if at some point in the future an application for a permanent site, then it's at this point the monies would need to be paid.

I note from the application that the number of bedrooms for each dwelling is not known at this point. In this instance the R2 contributions could be worked out on an average occupancy basis, as they are on an outline application.

Recommendation

The proposal would conform in principle to Policy H34 of the Adopted Salisbury District Local Plan and Core Policy 4 of the Emerging South Wiltshire Core Strategy.

SPATIAL PLANNING **CONSULTATION RESPONSE**

This consultation response is based on a desk based appraisal of policies and other available guidance by Spatial Planning and cannot take account of specific site based issues where detail is required to be assumed.

APPEALS

Appeal Decisions

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overtake	Costs
S/2010/1350	29 Holders Road, Amesbury	WR	Delegated	Dismissed	No	Yes (Part)
S/2011/0102	29 Holders Road, Amesbury	WR	Delegated	Dismissed	No	Yes (Part)
S/2010/1233	Old Manor Hospital Wilton Road, Salisbury	H	Hearing	Part Allow/ Dismissed	No	No
S/2010/1235	Old Manor Hospital Wilton Road, Salisbury	H	Hearing	Dismissed	No	No
S/2010/1903	8 The Poplars, Barford St Martin	WR	Delegated	Dismissed	No	No
S/2011/0218	57 New Canal, Salisbury	WR	Delegated	Dismissed	No	No
S/2011/0015	Hampton Inn, Bishopdown Salisbury	WR	Delegated	Allowed	No	No
S/2011/0527	19 Southbourne Way, Porton	HH	Delegated	Allowed	No	No

New Appeals

Application Number	Site	Appeal Type	Application Delegated/ Committee	Decision	Overtake	Costs Applied for?

WR Written Representations
HH Fastrack Householder Appeal
H Hearing
LI Local Inquiry
ENF Enforcement Appeal

26th August 2011

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1
Application No: S/2011/1046 **Site visit required 16:45**

Site Location: Former Pembroke Park School, Penruddock Close, SP2 9HH

Development: Variation of condition 15 of S/2010/0173 to include amendments to the positioning of plots 4-7, 28-43, car parking and boundary adjacent wooded area and for the inclusion of solar cells to roofs. Variation to condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site

Recommendation: Approve With Conditions

Division: Cllr Ricky Rogers

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Agenda Item 8a

Date of Meeting	8 th September 2011		
Application Number:	S/2011/1046/S73		
Site Address:	Former Pembroke Park School, Penruddock Close, SP2 9HH		
Proposal:	Variation of condition 15 of S/2010/0173 to include amendments to the positioning of plots 4-7, 28-43, car parking and boundary adjacent wooded area and for the inclusion of solar cells to roofs. Variation to condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site.		
Applicant/ Agent:	Quattro Design Architects Ltd		
Parish:	Salisbury City Council		
Grid Reference:	412262.846 131032.168		
Type of Application:	S73 Variation of condition		
Conservation Area:		LB Grade:	
Case Officer:	Adam Madge	Contact Number:	01722 434380

Reason for the application being considered by Committee

Cllr Rogers has requested consideration of this application by committee because of the interest shown in the application by local residents.

This application was deferred at the last meeting of the Southern area committee on the 18th August 2011 in order for members to carry out a site visit. In addition members asked for clarification and additional information on the following topics.

- a) Confirmation of the distance change between plots 4-7 on the amended plans (Those plots adjacent Pembroke Park Bungalow) and those on the approved plans.
- b) Members wished to see a plan with an overlay on it showing the old scheme as approved and the new scheme in order that they could better understand how the changes had taken place
- c) Members wanted an explanation of the removal of the fir trees on the Western side of the site.
- d) Members wanted to understand the potential alternative arrangements if the Penruddock Close access was not to be used for access to the site and if members considered it was not suitable.

The following corresponds to the above items –

a) Distance change between the approved and revised plans for plot 7

Members were concerned that whilst the applicants plans showed a distance of 90cm change on plot 7 between the approved and revised plans this was disputed by the owner of the neighbouring Pembroke Park bungalow who considered the change to be some metres and not just 90cm as shown on the revised plans.

In order to verify the correct distances, the councils building regulations department are to visit the site and accurately measure the distance between the new and revised plans. This had not been carried out at the time of writing but their findings will be brought to members at the meeting.

In addition to this the applicants agents and architects (Quattro design) have supplied a letter clarifying this issue which is reproduced at Appendix A. A further plan has also been produced explaining this situation and will be shown at committee.

b) An overlay plan showing the differences between the old and new scheme

An overlay plan has been requested of the applicant showing the new and old scheme in overlay and will be provided at the next committee.

c) The fir trees on the Western boundary

Planning application S/2010/0173 which was approved on the 11th February 2011 showed the removal of these fir trees and replacements to be put in when the development was complete.

The reason that the trees were to be removed is set out in the arboricultural report that accompanied the previous planning application. The arboricultural report was carried out by hi line tree consultancy. The group that were removed are named as group G5 and consisted of Cypress and pine trees including five Lawson Cyresses and a Bhutan pine. They were categorized as category C2 which is an arboricultural classification and in arboricultural terms, category C is the lowest quality of trees. The appendix at the back of the report states that the specific group of trees in question had an anticipated remaining lifespan of ten years. The councils tree officer has stated that they were very close to a retaining wall and the roots of the trees could have in addition caused structural problems to the wall as well. Given all of this it was considered best to remove the trees and replace them with new trees with an increased life expectancy where they would not affect the wall and would provide screening for a significant period into the future.

A condition of planning permission is that any new trees must be planted (at the latest) in the first planting season following occupation of the dwellings.

An additional condition is suggested in the officers report if members are minded to approve the planning application which states –

Notwithstanding the landscaping details shown on plans approved for planning application S/2010/0173, a scheme showing retained and proposed planting along the Western boundary adjacent houses in Jubilee Close shall be agreed with the local planning authority prior to first occupation of the development hereby approved. Such a scheme as is agreed shall be implemented, and retained thereafter for a period of at least five years and should any tree or plant die during this period it shall be replaced with a suitable alternative of a size and type to match the original planting.

Reason: In order to ensure adequate future screening of those properties in Jubilee Close which presently have screening along the boundary with Pembroke Park

Local plan policy G2

- d) Members asked for information regarding the alternative arrangements that would take place if they considered in particular that the Penruddock Close access should not be used for access to the affordable/council housing at the site.

In relation to the funding of the Pembroke road access the Council's housing department have stated on behalf of the applicant the following -

“- the only alternative access to the new council homes would be building out the road onto Pembroke Road.

- The cost of these works have been estimated at somewhere between £250K and £500K.*
- The time taken to build out the road would be approximately 6 months from date of instruction. However, instruction could not be given until procurement regulations had been satisfied and the capital funding secured as these works would be additional to the current build contract. This could take between 2 - 3 months.*
- there is no allocated capital budget within the Council for covering the cost of building the road out to Pembroke Road. It is not included within the project costs because the current planning permission requires the developer of the open market housing to complete the road.*
- approval to either borrow the capital funding or use capital funding allocated for other purposes would need to be sought from Cabinet as an additional cost as the capital budget for the Council has already been agreed.*

Consequently this is not a viable option because:

- 1. The road would be unlikely to be completed before May 2012 and as the current planning condition does not allow the homes to be occupied prior to completion of the road the new homes would not be occupied until June 2012 . This would mean a loss of gross rental income estimated at over £ 7,000. The financing of the project would not be possible with this level of loss.*
- 2. The start of the project would need to be delayed pending approvals being given for the capital funding of the road and further work on the scheme would need to be held up until approvals had been given. This would mean that completion of the scheme by 14 Mar 2012 would be unlikely and would seriously put at risk our ability to claim the £1.5 M of grant aid for the project*
- 3. Whilst the funding of the road could be offered on the basis that this would be recovered in the site value when it is sold to a private developer, there is always the risk that it may be some considerable time before the site is sold, and/or the site does not realise sufficient value to repay the capital investment put in for the road.*

Approving the variation to condition 18 to allow the continued use of the Penruddock Close access on a temporary basis, pending the completion of the Pembroke Road access by the developer of the open market housing, would enable the development to continue and enable residents to occupy the new units on completion.”

In view of this statement it is considered that there must be some risk that the monies will not be forthcoming to complete the access onto Pembroke Road until the open market housing is built and the access is funded by them. In effect the applicant is arguing that the proposed access works leading off Pembroke Road are not necessary to facilitate the development and would be so prohibitively expensive that the development may not be able to go ahead (be continued). Members will therefore need to consider how much weight should be given to the risk in deciding whether to vary condition 18 of the planning permission to allow the council properties access via Penruddock Close.

It is officers view that given the highways officers comments which are, that subject to conditions the Penruddock Close access is acceptable for the use of the council housing

that condition 18 of the original planning permission should be varied to allow the council housing to be accessed by vehicular traffic until the Pembroke road access is built.

The following is the original committee report updated with the late correspondence from the previous committee which is included in italics

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon neighbour amenity

The application has generated objections from the city council and 2 letters of objection from the public. (please note that the period for publicity had not expired at the time of writing the report and therefore any further representations will be reported to at the meeting.)

Neighbourhood Responses

3 letters received objecting to the proposal

0 letters of support received

0 letters commenting on the application received

3. Site Description

The site is that of the former Pembroke Park school located towards the North of the city centre. The site is currently being developed in two phases the first phase of which has been commenced for the affordable housing. At the time of writing the development had not progressed above ground level.

4. Relevant Planning History

Application Number	Proposal	Decision
S/2010/0173	Redevelopment for 65 new dwellings inclusive of new vehicular access to Pembroke Road and emergency access to Penruddock Close and associated ground modeling and drainage works.	Approved 11/2/2011

5. Proposal

The proposal is to amend condition 15 which contained the approved plan numbers to allow the inclusion of solar cells to the roofs of all the plots to meet code for sustainable homes code level four.

Also to allow the repositioning of plots 4 to 7 and plots 28-43 along with the car parking and the boundary treatment.

The proposal is also to amend condition 18 to allow the use of the Penruddock Close access to the site for the affordable housing until the open market housing is developed at the site.

6. Planning Policy

Local plan saved policies

G1 general policies

G2 General policies amenity and access

7. Consultations

Salisbury City Council:

Members of the public who live locally to the development raised concerns and requested that SCC take these forward. It seems clear that the plans on the WC website, submitted by the developer do not reflect what was actually being built on the ground.

Therefore, SCC would like to request that:

- 1. The Planning Enforcement Officers at Wiltshire Council visit the site as a matter of urgency and issue a Stop notice in the event that the developer is building outside the existing approval.*
- 2. The Planning Enforcement Officers also invite a member of SCC's Planning and Transportation Committee to attend that visit.*

The local planning authority are expecting further comments from the city council regarding the merits of the case. These will be reported to the committee when received.

Highways: No formal comments had been received from the highways authority at the time of writing the report but highways comments will be reported to members when they are received.

8. Publicity

The application was advertised by site notice and neighbour consultation.

3 letters of objection received

Summary of key relevant points raised:

- The area around Penruddock Close is very busy with parked cars and new access is not suitable for a large number of vehicles. To use this access would be dangerous. This access should be bollarded off and only used for emergency use.
- Two houses have been given permission to be built adjacent the entranceway into Penruddock Close and to allow access through here would be dangerous.

- Concern expressed that the changes between what is proposed now and what was previously proposed are not shown properly on the plans.
 - Concern is expressed that the plans have only come about because inaccurate measurements were shown on the original plans.
 - Windows from plot 7 will look down directly into the former caretakers bungalow situated at the rear of this plot.
 - Work has continued at the site without planning permission and in breach of the conditions previously applied.
 - Neighbouring houses will be devalued as a result of this application.
 - Consider that plot 7 could be moved next to plot 4 to avoid overlooking of caretakers bungalow.
- *Plans that have been submitted are different to what is being built on the ground.*
 - *Work should stop until the plans match what is being built.*
 - *Object to the use of the Penruddock access for 22 houses. Penruddock access was previously only to be used for emergency access and nothing has substantially changed. Homes in Penruddock close will be disadvantaged by more traffic. Any future developer will point out the usefulness of an existing access and it will in future be left to committee the job of sorting out a disregard of the arguments against that access to all 65 homes. The lack of a proper access is contrary to policy G9 of the local plan.*
 - *Object to the change to blocks 28-43 which has become necessary because of inaccurate plans. Plots have little material effect on anybody.*
 - *Object to movement of plots 4-7 and the effect on the householder in the former Pembroke Park Caretakers Bungalow*
 - *Concern is expressed about the way in which these plots in particular have been moved consider this has been done disgracefully including obfuscation, misleading statements,, outright refusal to co-operate and, allegedly downright lies.*
 - *Various points are made about the way in which the development has been carried out including asking the developer to change their plans at an early stage, removing part of the thick woodland, beginning and ending work outside the allowed hours, severing sewage and electricity lines when working on site etc*
 - *Concern is also expressed that the plans are not coherent and not easy to understand as shown on the website unless the details of the development are already well known.*

Applicants comments

With reference to the development of the 22 affordable homes owned and managed by the council which was given planning permission in November 18th 2010 and returned to committee in February 2011 to allow the building of the 22 homes because the land sale had not succeeded.

I would greatly appreciate if the decisions regarding the application to vary the conditions could be discussed and not deferred because of the impact it would have on the development.

I would like to advise the committee that the development must complete by the 14 March 2012 in order to receive the homes and communities agency grant funding of £1.43 million because the development has already been delayed a year from the issues of working with the previous developer. If we delay past the completion date promised to the Homes and Communities Agency, we will lose the funding and the impact of this is we would not be able to pay the construction costs of the project.

9. Planning Considerations

9.1 The principle of development

This has already been approved as part of the previous planning application number S/2010/0173 which was approved at committee on the 11th February 2011. It is the changes to this which need to be considered now.

The first change is that solar panels have been added to the roofs of all the affordable units in order that they reach code for sustainable homes code four. This essentially will make the units overall more sustainable and reduce the carbon footprint of the site as a whole. As such it helps meet the councils sustainability objectives. No objections have been received to this element of the scheme and it is considered that the panels will not detract from the surrounding environment as such it is considered this element of the proposal complies with policy G2 of the adopted local plan.

9.1.1 The second element of the scheme is the movement of plots 4-7 and plots 28-43 from their original positioning to a new position on the plan.

Plots 4-7 have been moved across from the original position shown on the approved plan across so that they now extend beyond a line taken from the neighbouring bungalow and the neighbour has raised concerns that this now has the two fold effect of blocking their view and being overlooked from the first floor windows of particularly plot 7. These concerns are addressed in the paragraph 9.3 below.

The other plots to be moved are those of plots 28 -43 which have been moved away from the boundaries of the site and further into the site as a result of the steep gradient that exists around the site. Moving these properties further into the development has had the effect of moving the proposed properties further away from existing houses and as a result of this the planning authority has received no objection to this change from neighbouring residents.

It is considered that this element of the scheme will be a positive improvement to the development and as such complies with policy G2(vi) of the saved policies of the adopted local plan.

9.2 Highway issues

Highways comments

No highway objection is raised to the variation of conditions 15 and 18, which were standard conditions imposed regularly on housing schemes where adoptable roads are proposed and where full construction details are not supplied with the detail submission.

I consider that the proposed temporary access is acceptable for a temporary period to serve around 22 dwellings. This temporary period will of course depend on the amount of time it takes to develop the whole Pembroke Park site, but I feel that the old school access is of sufficient standard, in terms of its geometry, to provide a reasonable access for a private development of this scale. For a longer term solution, either the original proposed access from Pembroke Road will provide all access to serve the properties, or the old school access should be upgraded to an adoptable standard to only serve the 22 properties and no more.

I do consider that the old school access needs to be maintained to a reasonable standard and to this end recommend the following conditions as replacement conditions on the consent:-

1. The internal access road shall be constructed in accordance with full details which shall be submitted for further approval and shall thereafter be constructed in accordance with the full details before full occupation of the development and in any event shall be constructed to basecourse level (binder course) before occupation of each dwelling between, and including, the dwelling frontage and the access point to where the development meets the existing access leading from Penruddock Close.

2. Before first occupation of the development, the former school access leading from Penruddock Close to the development shall be improved in accordance with a scheme which shall be submitted to and approved by the LPA.

Informative:- For clarity, condition 2 above will involve any necessary, agreed maintenance work to ensure that the carriageway and footway leading into the development site is of a reasonable and sufficient standard for the purpose of providing access to this residential development.

The highways officer has confirmed that he considers the use of the Penruddock access on a temporary basis to be acceptable. Provided that the Pembroke road access is used when the rest of the site is developed, at this point he would expect the Penruddock access to be used only by pedestrians, cyclists and emergency vehicles only.

A condition can be applied to ensure that this occurs.

9.3 Overlooking loss of amenity

Concern has been expressed by the resident of the former caretakers bungalow that he will be overlooked by the new development. The plots 4-7 have been moved across the site such that they are now nearer the former caretakers bungalow than previously the distance from the back wall of the proposed new house to the front wall of the bungalow being 18M. Whilst there may be a sense of feeling overlooked from these properties it is not considered by officers significantly worse in planning terms than that previously approved. The distance from wall to wall would not in officers opinion be significant enough to refuse planning permission. Whilst the residents concerns are understood the new positioning of the proposed housing unit is not sufficiently close to the bungalow as to warrant refusal of planning permission.

9.4 Other issues

Other issues that have arisen during the course of the application are that work was progressing particularly on plots 4-7 without planning permission. Work has now stopped on

these units until such time as the council has reached a decision on this planning application.

Similarly concern was expressed that work was being carried out on site outside the agreed hours. This has been brought to the applicants attention and has now stopped outside the allowed hours.

Concern was expressed that the plans were not easy to read on the website officers have contacted those neighbours who have expressed concerns and offered to help them understand the plans.

10. Conclusion

It is considered that the proposed changes to the positioning of the new units are acceptable in planning terms. It is not considered that there will be overlooking from units 4-7 sufficient to warrant refusal of planning permission and it is considered that the movement of units 28-43 away from properties in Jubilee Close will be a positive improvement to neighbours in these properties. The introduction of solar panels to the roofs of properties will enable achievement of code level four for sustainable homes.

The use of Penruddock Close as an access to the site is considered acceptable on a temporary basis subject to it being closed off for emergency use and cyclists and pedestrians when the rest of the site is completed.

11. Recommendation

Planning Permission be GRANTED for the following reason:

It is considered that the proposed changes to the positioning of the new units are acceptable in planning terms. It is not considered that there will be overlooking from units 4-7 sufficient to warrant refusal of planning permission and it is considered that the movement of units 28-43 away from properties in Jubilee Close will be a positive improvement to neighbours in these properties. The introduction of solar panels to the roofs of properties will enable achievement of code level four for sustainable homes. As such it is considered that the proposal complies with policies G1 and G2 of the saved policies of the adopted local plan.

The use of Penruddock Close as an access to the site is considered acceptable on a temporary basis subject to it being closed off for emergency use and cyclists and pedestrians when the rest of the site is completed as such it is considered that the proposal complies with policy G2 (i) of the saved policies of the adopted local plan.

Subject to the following conditions:

1) Details and samples of all external facing and roofing materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the open market dwellings and where so required by the Local Planning Authority sample panels of the external finishes shall be constructed on the site and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The affordable housing shall be completed in accordance with details already agreed.

REASON: To secure a harmonious form of development.

2) Prior to first occupation of the development details/a plan indicating the positions, design, height, materials and type of boundary treatments to be erected shall be submitted to, and approved in writing by, the Local Planning Authority in respect of the open market housing. The development shall be carried out in accordance with the approved details and the boundary treatments shall be erected prior to the first occupation of the dwellings hereby approved and shall thereafter be maintained for a period of five years and thereafter retained. The affordable housing shall be completed in accordance with the details already agreed.

REASON: In the interests of neighbouring residential amenity and the environment of the development.

POLICY G2

3) The approved details of the ecological management plan shall be implemented in accordance with the timescale set out in the approved plan.

REASON : In the interests of protecting wildlife on the site

POLICY G2

4) The development approved shall be carried out in accordance with the details approved in the badger protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

5) The development approved shall be carried out in accordance with the details in the reptile protection plan.

REASON: In the interests of protecting wildlife on the site.

POLICY G2

6) Prior to commencement of development any works shall be carried out in accordance with the details in the tree protection report submitted and approved.

REASON: In the interests of protecting wildlife on the site.

7) The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:

a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;

b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;

c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and

d) the whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity and the environment of the development and to ensure that the approved landscaping scheme is carried out at the proper times.

POLICY G2

8) Prior to commencement details for the hard landscaping of the open market part of the site, including full details of the surfacing materials and colours of all hard surfaces and kerbing, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of the amenities of the site and to secure a well planned development.

9) Prior to the commencement of development on the open market housing full details of the road layout and construction shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include longitudinal sections, typical cross sections including surface materials, street lighting and road drainage. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until that part of the access road which serves it has been constructed up to and including bindercourse (basecourse) surfacing in accordance with the approved details.

REASON: In the interests of highway safety and to ensure that an adequate means of access is available when the dwellings are occupied.

POLICY G2

10) Prior to the first occupation of any of the dwellings, hereby approved, the garaging/parking, cycle parking and turning space indicated on the approved plan shall be constructed, laid out and made available for use and shall thereafter be retained and kept available for those purposes at all times.

REASON: In the interests of highway safety and to ensure an adequate level of parking provision to serve the development.

POLICY G2

11) No development shall commence on the open market dwellings until a scheme of water efficiency measures to reduce the water consumption of the dwellings, hereby approved, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interests of the conservation of water resources and to protect the Hampshire Avon River and its habitats.

POLICY G3

12) No development shall take place on the open market part of the site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme is to be maintained and managed after completion.

REASON: To prevent the increased risk of flooding to improve and protect water quality and to ensure the future maintenance of the surface water drainage system.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Classes A, B, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the visual amenity.

14) The development hereby approved shall be undertaken in full accordance with the following approved plans:

3360-P-12D Proposed Site Layout
3360-P-13 Site extract- Reposition
3360-P-14 Site Overlay and Extract
3360-W-10B Proposed site Layout Extract Parking
Location Plan dwg no 0064 -0_101
Topographical survey plan 011-D1 –A
Topographical survey plan 011-D2 – A
Topographical survey plan 011-D3 – A
Affordable housing plan 0064 -2-203
Slab levels and drainage plan 0064-2-206
Street lighting plan 0064 – 5-531
Site sections 0064-2-208-A
Materials Plan 0064-2-300
Street scene elevations 0064-2-301-B
House type A – rev A
House Type B – rev A
House Type C – rev A
House Type D – rev A
House Type E – rev B
House Type F – rev B
House Type F1 – rev A
House Type G
House Type H –rev A
House Type H1 – rev A
House Type H2
House Type J – rev B

House Type J1
House Type K – rev A
Landscape Proposals dwg no 0064-3001 –rev A

REASON: For the avoidance of doubt

15) Construction works shall not take place except between the hours of 07.30hrs to 1800hrs on Mondays to Friday and 08:00 to 13:00hrs on Saturday No work on Sundays and Public Holidays.

This condition does not apply to the internal fitting out of the buildings

REASON: In order to limit the noise and disruption to adjacent neighbours during antisocial hours

16) Before development commences on the open market housing , further details of the emergency link to Penruddock Close shall be submitted and approved in writing by the Local Planning Authority. Such details shall show a 3m width of maintainable public highway for use for pedestrians and cyclists, with suitable measures to prevent access by vehicular traffic other than emergency vehicles.

REASON: In order to limit the use of the northern access by non emergency vehicles in order to reduce the level of traffic using the access to an acceptable level in the interests of amenity.

POLICY G2

17) The road link to Penruddock close hereby approved shall only be used until such time as the first occupation of the open market housing or the construction of the vehicular access to Pembroke Road, whichever is the sooner. Upon the opening of the vehicular access to Pembroke road the Penruddock entrance to the site shall be closed and used only for emergency vehicles and pedestrian and cyclists traffic in accordance with the submitted scheme the subject of condition 16 of this planning permission

REASON: In the interests of highway safety

18) The internal access road shall be constructed in accordance with full details which shall be submitted for further approval and shall thereafter be constructed in accordance with the full details before full occupation of the development and in any event shall be constructed to basecourse level (binder course) before occupation of each dwelling between, and including, the dwelling frontage and the access point to where the development meets the existing access leading from Penruddock Close.

Reason: In the interests of Highway safety

Local plan policy G2

19) Before first occupation of the development, the former school access leading from Penruddock Close to the development shall be improved in accordance with a scheme which shall be submitted to and approved by the LPA.

Reason: In the interests of highway safety

Local plan policy G2

20) *Notwithstanding the landscaping details shown on plans hereby approved, a scheme showing retained and proposed planting along the Western boundary adjacent houses in Jubilee Close shall be agreed with the local planning authority prior to first occupation of the development hereby approved. Such a scheme as is agreed shall be implemented, and retained thereafter for a period of at least five years and should any tree or plant die during this period it shall be replaced with a suitable alternative of a size and type to match the original planting.*

Reason: In order to ensure adequate future screening of those properties in Jubilee Close which presently have screening along the boundary with Pembroke Park

Local plan policy G2

Informatives

1) It should be noted that the development hereby approved was originally resolved to be granted by the Councils Southern Area Committee on the 10th February 2011. This resolution for approval is subject to the developer of the open market housing and the four affordable units (plots 34 -37) as shown on plan no 0064 -2-203, entering into a legal agreement with the council to cover the following matters –

- (1) the provision of 4 affordable housing units (which forms part of the 40 per cent affordable housing requirement across the site as a whole).
- (2) the minimum provision on site of 0.18 hectares of formal open space (excluding the wooded area on the Eastern boundary) and the provision of a commuted sum for the continued maintenance and upkeep of the open space and the wooded area. In addition a scheme for the opening of the wooded area to the public on a trial basis.
- (3) A contribution towards off site open space (R2)
- (4) Waste and recycling scheme provision
- (5) The achievement of an environmentally –friendly sustainable scheme, including at least a code three code for sustainable homes rating.
- (6) A financial contribution towards the provision of off-site traffic calming measures and/or other sustainable highway measures along Pembroke Road;

2) The applicant's attention is drawn to the comments of Wessex Water, a copy of which is attached to this decision notice. In this respect, Wessex Water has advised that there is a public foul sewer crossing the site. Wessex Water normally requires a minimum 3.0 metre easement width on either side of its apparatus for the purposes of maintenance and repair and therefore diversion or protection works may need to be agreed.

3) In conjunction with Condition No's 13 and 14 above, the applicant's attention is drawn to the comments of the Environment Agency, a copy of which is attached to this decision notice. For any further advice regarding any of the issues covered by these conditions the applicant is advised to contact the Environment Agency, RiversHouse, Sunrise Business Park, Higher Shaftesbury Road, Blandford Forum, Dorset, DT11 8ST. Tel: 01258 483390 / Fax: 01258 455998.



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Appendix A

Adam Madge Team Leader (South) Dept of Neighbourhood & Planning Wiltshire Council PO Box 2281 Salisbury
SP2 2HX

22nd August 2011

ref: 3360/03/CC

Dear Mr Madge

Re: Pembroke Park, Salisbury

I am writing as a response to your request to provide you with information as Design Consultants to the contractor ISG in relation to the issues experienced at the above-mentioned scheme.

The first key point to be made, and that we request all concerned parties clearly understand, is that we have been brought in by the contractor ISG at construction stage to produce working and technical drawings of what was approved within the planning application. This application was submitted by Bovis Homes prior to either ourselves or ISG being involved. This is an important point and it has to be understood that the layout and design had been designed by another party without our or ISG's involvement. The relevance of this point will be made clear as you progress through this statement.

You have asked me to produce an 'overlay' drawing of the entire scheme for a comparison. Unfortunately this is not possible as we have only been contracted by ISG to produce working drawings for the affordable units and therefore have no bearing on the remainder of the scheme (of which we have not produced any drawn information). We can not produce a drawing providing information that is outside our scope of works and we have no connection with the open market section of the proposal. However, we can not completely ignore the remainder of the site as you know, as any changes we propose to make to the affordable phase of the development will have a knock on effect to the remainder of the scheme. This is a fine and careful balancing act we've had to negotiate.

We can produce an overlay of the affordable units, but as I've explained previously, the use of this is limited. The reason for this limitation is that the planning drawings produced and submitted by Bovis Homes and approved by Wiltshire Council can only be deemed as accurate to a certain extent. As I'm sure you understand, and have had experienced on previous occasions, a proposed site layout drawing at 1: 500 scale, based on an Ordnance Survey Drawing and sent electronically in PDF format can not be classed as wholly accurate. It must also be understood that the actual information shown on the drawings produced by Bovis Homes and approved by Wiltshire Council could be said to be limited in its accuracy.

Cont/.....

On the approved Site Plan, the existing access road from Penruddock Close (the area shown outside the red line boundary) shows a significant 'kink' or change in direction. This is not accurate as to the line of the existing access road which is evident on the ground and on the Topographical Survey produced prior to commencing on site. The result is that the existing road actually enters the site in a different location and runs in a different line to that shown on the planning approved site plan. As a consequence, it was an absolute necessity to adjust positions of certain elements such as the road, some parking spaces, and as a knock on effect units 4-7 (47-50 on the approved site plan) so that they correctly correlate with what is actually on the ground.

In addition it seems that the information within the planning application in relation to existing banks and existing vegetation can again be said to be somewhat limited. Once the Topographical Survey was produced and we were able to gain access to site, it was realised that much of the existing banking on both the east and west boundaries, and the existing vegetation, created clashes with the proposed locations of some of the units and their rear gardens. We felt as designers that to carry on and locate the units exactly where they were approved could be seen as poor practice and would be to the detriment to the occupiers of those units. Therefore the decision was made to apply for an amendment to the original application to relocate some of the units, the road and parking to improve the scheme. It is clear and proven by correspondence with the planning authority, and submitted information to yourself, that we have consistently acted within the required limitation of the planning system and have acted with the appropriate due care and diligence expected from us as design consultants.

We have attached a drawing that will hopefully help clarify a few points. The attached does indeed show the planning approved site plan overlaid by our revised drawing submitted as part of the application to amend. The position of our units are shown in pink and the position of the approved units are shown in black. As can be seen, from a planning point of view units 47-50 only move by a minor amount. Please also note the difference in the position of the access road entering the site.

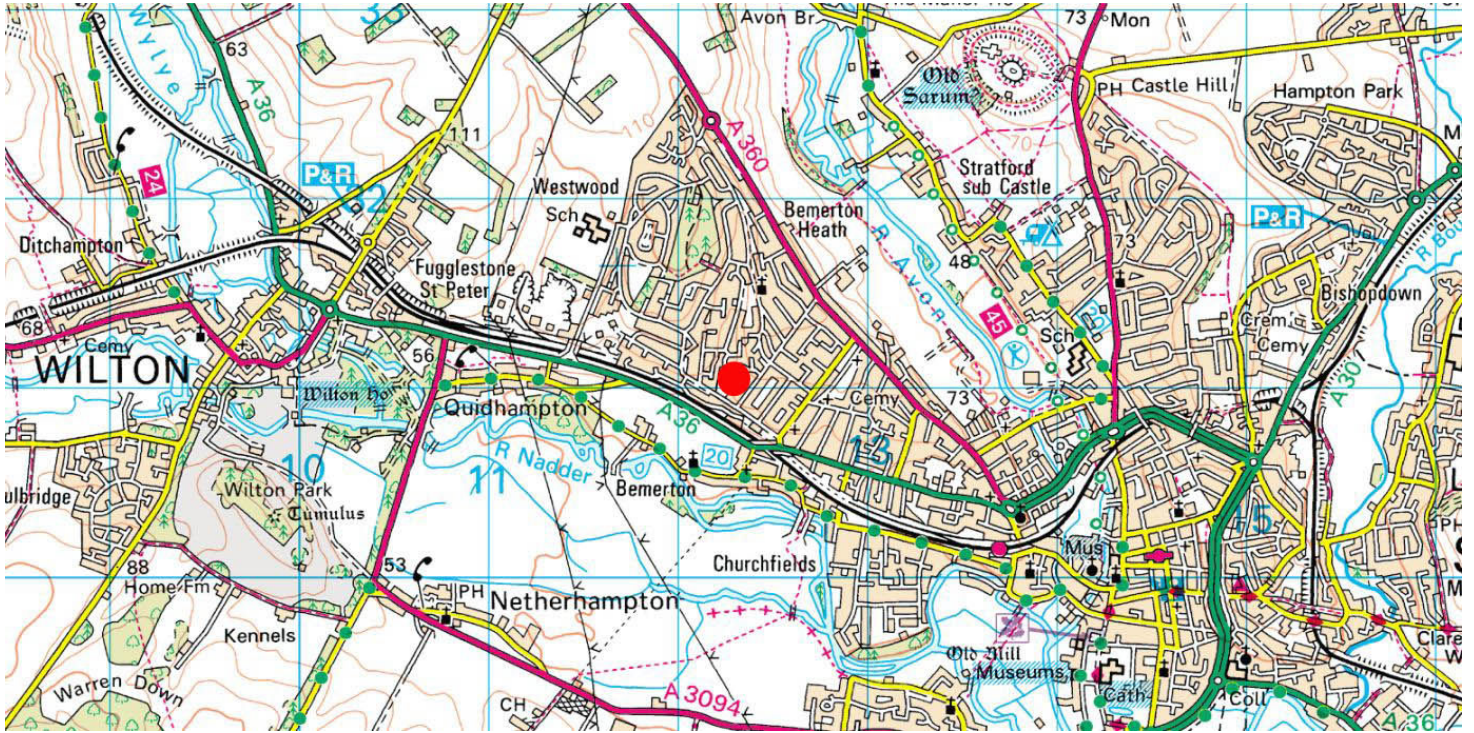
Within this drawing we have also shown a diagrammatic explanation of Mr Ezard's point of view. It must be noted that from the information Mr Ezard stated that he was provided with by Bovis Homes, he is correct in stating that units 47-50 are in an incorrect position. Indeed as can be seen, even if the units were positioned in the planning approved location, they would still be incorrect from Mr Ezard's point of view. This derives from a meeting that Mr Ezard had with a representative of Bovis Homes before their involvement expired. Mr Ezard was assured that if he was to stand with his back to his existing concrete post (with shoulders parallel to the post) and looked forward, the line of vision is where the gable end of unit 50 would be. It should be understood therefore why Mr Ezard feels put out. Unfortunately neither the contractor, the client nor any other consultant was party to this 'assurance' from Bovis. Furthermore, it is our view that the information given to Mr Ezard could be easily misinterpreted. Indeed all it would need would be for someone to rotate very slightly off this line and the difference in position would be considerable. In any case, this assurance was not included as part of the planning application and as such, can not be deemed as a formal consideration or objection to the proposal to relocate. Cont/.....

Unfortunately we feel therefore that although we do understand Mr Ezard's view, his nor any other objection based on assurances can not be deemed as material and the decision should still be to approve the proposed amendment.

We hope that this clarifies the position somewhat. Should you have any further queries please do not hesitate to contact us.

Colm Coyle

 01452 429131
 colm@quattro-glos.co.uk
cc: Shane Jay -ISG
Jude Gregory -GreenSquare



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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