

Date of Meeting	18 <sup>th</sup> August 2011		
Application Number:	S/2011/1046/S73B		
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.

### **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.

## **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 11<sup>th</sup> 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**

The formal comments of the highways authority had not been received at the time of writing the report and these will be reported to members at the committee. However 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

#### 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.