

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 Cypresses 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.



Quattro
designarchitects

Imperial Chambers
Longsmith Street
Gloucester GL1 2HT

T. 01452 424234
info@quattro-glos.co.uk
www.quattrodesign.co.uk

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