

DEVELOPMENT CONTROL COMMITTEE 2nd APRIL 2008

ADDITIONAL INFORMATION

This is information that has been received since the committee report was written. This could include additional comments or representation, new information relating to the site, changes to plans etc.

The text in bold is additional/amended information to that circulated to Members on Tuesday 11th March 2008.

The first four planning applications on the Development Control Committee for 2nd April 2008 are interlinked. In addition to the usual 'Additional Information' the purpose of these notes is to identify the relationship between the schemes as well as the major issues in relation to each proposal.

08/00009/FUL- Ballards Ash

Extension to sports pavilion and floodlights. Time scale - expiry date 28/02/08
Large extension to the changing rooms on the site. The proposal seeks to improve the Wootton Bassett Rugby Clubs facilities. The extension includes rearrangements to the car parking area landscaping and the provision of 4 no. pitches. The scheme also includes 4 no. flood lights.
Main Issues-The operation of the facilities, the impact of the floodlighting on the locality, access to the facilities.

07/03318/OUT- Stoneover Lane

Time scale - expiry date 20/03/08
This is a site allocated for residential development within the Local Plan 2011.
This is an outline application for 100 dwellings, which is supported by an illustrative layout plan.
The site plan indicates that 100 dwellings with associated parking access and public open space can be accommodated on the site.
Main Issues-Retention of vegetation on the site and impact on ecology, layout of the development, access to the site, impact on the amenity of adjacent dwellings.

08/00024/FUL- Rylands Way

Development of 168 dwellings, formation of access demolition of no.19 Longleaze associated landscaping open space and infrastructure.
Time scale-expiry date 4/04/08
This is a relatively dense scheme of residential development. The scheme includes an area of public open space. This site is not allocated within the Local Plan 2011.
Main Issues- Loss of the existing facilities, impact on the adjacent residential properties, traffic implication, affordable Housing.

08/00025/FUL- Ballards Ash, Sports Hub.

Development of sports facilities providing football, cricket and tennis pitches, ancillary uses, 2 clubhouses, wardens flat, parking, hard standing, infrastructure, access and landscaping works.
Time scale - expiry date 4/04/08.
Main Issues- Use of the land, accessibility of the development, ecological impact of the scheme, traffic generation, light pollution, drainage, design and layout.

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These applications were all the subject of extensive pre-application discussion with officers.

The schemes are linked. The Gerard Buxton development for residential use provides some of the funding for the Sports Hub development. The Stoneover Lane residential site provides funding for the provision of substantially improved Rugby Club facilities at the Ballards Ash site. Improved football facilities are provided within the Sports Hub site on the North side of the B4042.

These applications represent the conclusions of extensive discussion and negotiation between the interested bodies i.e. Sport England. Wootton Bassett Sports Association and the relevant clubs. The needs of the club's have had to be taken into account as well as the needs and requirements of Planning Officers in terms of design and layout. In addition the comments and opinions of consulted bodies such as the Highway Agency, Wiltshire County Council, Water Authorities, environmental and wildlife groups have had to be addressed and resolved.

These four applications represent a complex package of proposed developments being linked but also needing to stand as individual planning permissions.

There are some areas where compromises have had to be made in respect of details but on balance the four applications are considered to comply with local and government guidance and policy.

The resulting schemes of development are seen to provide a benefit for the town of Wootton Bassett and the sporting community within the locality and therefore each application is recommended for approval subject to the signing of 106 agreements as appropriate and permissions granted will be subject to conditions.

The area of the site is 26 ha.

Last paragraph in consultations needs no. inserted letters received 164.

Latest plans received P317/5D and 30543-01 P05E

Amendment to text- condition no. 4(9) should read 'Structure details for means of covering and enclosing Tennis Courts.'

Item 1 – 07/03318/OUT

Rylands Sports Field, Stoneover Lane, Wootton Bassett, Wilts. SN4 8QX

Development Control Manager

7 additional letters of support - Wootton Bassett Rugby Football Club headed paper.

Amended illustrative layout plan received 26.03.08.

This is an Outline application with only permission for the access being sought.

There are some issues in relation to the potential positioning of buildings adjacent to trees but these issues can be resolved at the detailed stage. This scheme indicates a relatively low-density scheme and as such there is room for some amendments in respect of the positioning of buildings.

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The public open space is shown within the site however it may be appropriate for it to be located on the southern edge of the site adjacent to the public open space to the south. This matter could be looked at more fully at the detailed stage.

Screening Opinion

An application was received under regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The opinion given was as follows:

"The proposal included the following residential development (100 dwellings) on 2.5ha of land at Wootton Bassett Rugby Club Stoneover Lane.

The proposed development comprises an urban development project falling within Schedule 2 of the Regulations to which criteria A18 and 19 relate as contained in annex A to circular 2/99 Environmental Impact assessment. Having regard to the regulations, the Circular together with the characteristics of the area, it is considered that an Environmental Impact Assessment is not required.

Notwithstanding this the range of documentation to be submitted with the application is as follows:

- *Traffic Assessment (including looking at Junction 16 of the M4 in conjunction with WCC Highways and the Highways Agency)*
- *Ecological Assessment- Great crested Newts are reported in the area and existing hedgerows should be considered.*
- *Design and access statement as per Government guidance.*
- *Open space strategy-, which addresses the displacement of recreational facilities from this site."*

The above opinion was issued on the 4/12/06. The decision is based on the opinion of the Officers of the Council and this matter was dealt with in the appropriate manners.

Public Consultation

The Councils Statement of Community Involvement sets out what is expected from Developers in respect of major applications.

Pre application consultation is encouraged but it is not a legislative requirement and therefore, should issues be raised in respect of the process that was carried out in particular circumstances this would not justify refusal of or render invalid an application.

The applicants have submitted a statement of community Involvement. The approach taken by the applicants is in line with the advice as given by the Local Planning Authority in their Statement for community involvement.

Conditions

12. Development shall be carried out in accordance with the conclusions and findings of the submitted Great Crested Newts survey and assessment for other protected species.

Reason: In the interests of protecting wildlife in the locality.

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13. Prior to the commencement of the development hereby approved a scheme for the carrying out of borehole investigations shall be submitted to and approved by the Local Planning Authority the boreholes shall be carried out in accordance with the report and any development of the site shall be carried out in accordance with the conclusions of the investigative works report.

Reason: To ensure the development does not have a detrimental impact on the drainage within the locality.

Additional plans to be added to Informative:

Design and Access statement, Statement of community involvement, Waste Audit, Flood risk assessment, Transport Assessment, Travel Plan, Phase 1 Ecological Study supplemented by protected Species Survey, Development Brief all date stamped 20/12/07

Site location plan C1787/05/02 20/12/07

Illustrative plan C1787 received 26/03/08

Amended illustrative site layout plan has been received this indicates a much improved layout for the site. Illustrative plan C1787 received 26/03/08

Development Control Manager

The density for this development is 40 units per ha not 30 as stated in text. This level of development is in line with both local authority and central government policy.

13: Prior to the commencement of the development hereby approved an amended design and access statement to accompany this application shall be submitted to and approved by the Local planning Authority.

Reason: To ensure a satisfactory form of development.

Item 2 – 08/00009/FUL

Ballards Ash Sports Ground, Malmesbury Road, Wootton Bassett, Wilts. SN6 6RA

7 additional letters of support - Wootton Bassett Rugby Football Club headed paper.

Consultations

Environmental Health Officer has not raised any objection to this proposal although the applicant is advised that the lights as proposed should comply with the advice produced by the Institution of Lighting Engineers.

Highways and Access.

The applicants have agreed to the provision of a bus stop on the Northern boundary of their site adjacent to the B4042. The details in respect of this provision are required in connection with Condition no. 5(9).

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Conditions

10. The lights hereby approved shall be carried out in accordance with guidance contained within the Institute of Lighting Engineers report or in accordance with details agreed with the Local Planning Authority.

Reason: In the Interests of visual amenity.

Item 3 – 08/00024/FUL

Gerard Buxton Sports Ground, Rylands Way, Wootton Bassett, Wilts. SN4 8AY

7 additional letters of support - Wootton Bassett Rugby Football Club headed paper.

Demolition of no 19 Longleaze (Officers Comment - The council cannot justify refusal of an application on the basis that the access arrangements require the demolition of an unlisted dwelling house that is not in a Conservation Area.)

Covenant on no.19 Longleaze. (Officer Comment: Any historic covenants on the existing property are particular to the bodies involved and would not have a bearing on the acceptability of this proposal.)

Site Ownership

Concerns have been raised in respect of the ownership of the site. (Officers Comment: Certificate A was submitted with the application and in the absence of information to the contrary it is accepted that the applicant owns the site.) Site area 3.03 hectares.++

Affordable housing

Negotiations have been taking place between the Councils Housing Officer and the applicants. In terms of the number of units the appropriate level is provided. However there is further detailing in respect of the types of housing that are required. The housing team manager has suggested to rent 9x1bed 20x2 bed and 11x3 bed. (This fig. Should ideally include 2 no. 4 bed in place of 2 of the 2 bed.) S/O 7x2 bed and 3x3 bed.

Sport England

No objections subject to the requirements of policy E4 of our playing fields policy being met. These requiring at least equivalent, if not better, facilities in a suitable location.

In order to ensure that the relocated facilities are provided, a legal agreement is needed. Sport England is satisfied that the replacement facilities are of a greater quantity and quality to the existing facilities.
With regard to the location it is considered that the pedestrian/cycle route coupled with the travel plan are acceptable and result in an accessible development.

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Subject to the above comments no objection is raised to this scheme.

Screening Opinion

An application was received under regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The opinion given was as follows:

"The proposal included the following:

Buildings and infrastructure

The development of this site with 164 dwellings. This development will include a mixture of flats and houses of varying sizes and also some affordable housing. Public open space will also be provided as an integral part of the scheme. Associated parking areas roads and footpaths will be proposed and access to the site will be from Rylands and Longleaze.

Within the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulation 1999 the proposal falls within the definition of a Schedule 2 development, section 10(b) Urban Development Projects.

Developments within Schedule 2 must be assessed in relation to their significant effects on the environment.

It is noted that you are proposing to submit technical reports in relation to the following with the planning application:

- *Transport Assessment*
- *Flood risk and drainage assessment*
- *Design and access statement*
- *Archaeological statement*
- *Arboricultural Report*

The area of proposed development is above 0.5 hectares but is less than 5 hectares and therefore is below the guidance contained within the relevant circular.

164 dwellings are not considered to have a considerable urbanising effect and the site is not within a sensitive area, as defined in Regulation 2(1). The development is not considered to be of a scale or character or to have a significant environmental impact and therefore, I confirm that the Local Planning Authority is of the opinion that an Environmental Impact Assessment is not required in this instance.

Any planning application submitted will need to be accompanied with the technical reports as listed above."

The above opinion was issued on the 10/07/08. The decision is based on the opinion of the Officers of the Council and this matter was dealt with in the appropriate manners.

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Public Consultation.

The Councils Statement of Community Involvement sets out what is expected from Developers in respect of major applications.

Pre application consultation is encouraged but it is not a legislative requirement and therefore, should issues be raised in respect of the process that was carried out in particular circumstances this would not justify refusal of or render invalid an application.

The applicants have submitted a statement in respect of community involvement. Whilst some criticism has been made of this process and in particular it's timing the general approach taken by the applicants is in line with the advice as given by the Local Planning Authority in their Statement for community involvement.

Education Contributions

During initial discussions with the County Council in respect of contributions in relation to education the applicants were advised that no contribution was necessary. This advice was given on the basis of a scheme for 164 units. The number of units now proposed is 168 units. The Education department is now seeking a significant level of contribution. Whilst it is recognised that contributions towards education are reasonable for such developments, in this instance it is considered unreasonable and unjustifiable at this late stage of the development process for a contribution to be insisted upon in the light of previous, recent advice, (Which indicated no contribution would be sought).

Drainage Engineer

"The design is acceptable and the limiting discharge of 15 litres per second is small so there should be no problem as long as there is plenty of on-site attenuation. I would wish to see the final design when it is done. The windes analysis bears out the 15 L/sec for up to the 1:100 year event but I recall flooding of the most northerly point of the site about twenty years ago. There is a large pipe running beneath the eastern site boundary and the clay soil won't allow drainage once there has been a large flood. It's a big pipe and a problem is surely overdue. I wondered if the windes model could be revisited to simulate the discharge from a 300mm diameter pipe in the northern corner.

Apart from that one small point, the design is sound and I have no objections to it. A condition in relation to this issue should be attached to any consent.

Conditions

11. Notwithstanding the drainage details submitted possible flows in accordance with the windes model for a 300mm pipe in the Northern corner of the site should be provided.

Reason: In order that it can be assessed how the existing system will cope.

Plan numbers to be added to Informative

794/01 E	- Site layout
794/13A	- Adoptions Plan (to be amended to match revised layout)
794/04B	- Storey Heights Plan (to be amended to match revised layout and Apartments)

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- 794/05B - Affordable Housing Plan (to be amended to match revised layout)
- 794/14A - Parking Court Monitoring Plan
- 794/08 B - Street Scenes 1 of 2
- 794/44/10B - Apartments Elevations 1 of 4
- 794/44/11B - Apartments Elevations 2 of 4
- 794/50/08 - Gable fronted garage

The scheme indicates a density of development which is in accordance with General Government advice contained with PPS3 where a lower level is proposed recognising that in sustainable locations such as this site higher densities may be appropriate. Therefore this density of development is acceptable.

Environment Agency- Delete.

Plans listed in Informative 1 may need to be updated following further negotiations in respect of details.

Impact on amenity

The scheme is surrounded by residential development. Concerns have been raised in respect of the impact this scheme will have on adjacent residents in particular the development in the Southern corner of the site. These blocks will be 11m in height and sited 33m from the dwellings to the southwest. This will be a large block on the northern side of these dwellings and their gardens but due to orientation impact on light will be minimal. The units which face properties on the opposite side of Rylands are a min of 21m from these dwellings on the opposite side of the road they are located to the NW of these dwellings and

Plot 1 garage roof amended so that the neighbours have a roof that slopes away from them rather than a gable end the max. height of the building will be 4.5m 2m from the southwestern boundary. In addition it is proposed that the roof of unit no. 1 which is a standard two storey dwelling be hipped in order to reduce it's impact on the adjacent bungalow.

Unit 91 is a unit above the garage block. Its maximum height is 8 m at a distance of 12m to the SW of no. Longleaze. This gable end has no windows and it is not considered that the impact of this end elevation on the adjacent residential unit would warrant refusal of this application.

Plot no. 92 is 18m from the adjacent bungalow. It is considered appropriate for the bedroom window to this unit to be repositioned on to the Northern elevation thereby reducing over looking of this property. This matter to be conditioned. The first floor windows for units 93 and 94 are 20m from the adjacent dwellings and therefore the loss of privacy to this unit is not considered to be of a level that would warrant refusal of this application. Alternative access to the site is not possible due to land ownership issues.

Conditions

Condition 10 should be Restrict extensions and external alterations.

ADDITIONAL INFORMATION

Additional Conditions:

11. Notwithstanding the plans submitted or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no windows or other form of opening above ground floor level shall be introduced into the NE elevation of unit no. 92.

Reason: In the interests of residential amenity.

12: Prior to the commencement of the development hereby approved a survey and assessment of the potential for bats on the site of no. 19 Longleaze shall be submitted to and approved by the Local Planning Authority thereafter the necessary actions shall be taken to ensure appropriate measures are undertaken.

Reason: In the interests of protecting wildlife.

Item 4 – 08/00025/FUL

Land North of B4042, Malmesbury Road, Nr Ballards Ash, Wootton Bassett, Wilts

7 additional letters of support - Wootton Bassett Rugby Football Club headed paper.

Total site area 10.57 hectares as confirmed by the agent.

Sport England Comments received 19th March 2008

“In general comments had been that subject to a condition or section 106 securing the replacement site on the north of the B4042 within site for housing would meet the requirements of E4 of their Playing field policy and consequently no objection is raised.

The existing facilities are limited and constrain the clubs growth. The clubs, which make up WBSA, are all successful.

The proposed development of a comprehensive Sports Hub would help to satisfy both current and future demands for the sports involved.

The proposal is seen to secure the operational future of the WBSA by providing improved facilities for the community. The proposed replacement provision will be of much greater sporting benefit than the WBSAs existing site offers.

In terms of accessibility the submitted Access Statement and travel Plan address this matter. The proposed hub application includes a cycle and pedestrian link as well as a bus stop. These elements are seen to improve the access to these facilities from the town.

In conclusion Sport England support this application as they consider it will create significant social, community and economic benefits to Wootton Bassett and the surrounding area.”

Comments have been received in relation to the management of the facilities. This needs to be the subject of a condition.

ADDITIONAL INFORMATION

Screening Opinion

Application submitted under regulation 5(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The opinion issued was as follows:

“The proposal is for the development of land at the above site. The site has an area of 8.2 hectares and is located within the Parish of Lydiard Tregoze.

The development proposed includes the following:

Buildings and infrastructure

The buildings are predominantly single storey and include a clubhouse, which provides function room bar kitchen office changing facilities toilets and storage (footprint approx. 1,000sq m)

Integral groundsmans dwelling accommodation to form a partial second floor (100sq)

Cricket Pavilion

Parking 220 vehicles

Balancing Pool

Footpaths and cycle ways.

Football Club Playing facilities

Pitch and spectators stand

1 full sized pitch

1 senior pitch

2 junior pitches

1 artificial pitch

Cricket

2 cricket square

and practice nets

Tennis

8 courts all floodlit

2 courts houses within all weather ‘bubbles’

Within the Town and Country Planning (Environmental Impact Assessment) England and Wales) Regulation 1999 the proposal falls within the definition of a Schedule 2 development, (section 10(b) Urban Development Projects) and exceeds the area of development threshold of 0.5hectares.

Developments within Schedule 2 must be assessed in relation to their significant effects on the environment.

It is noted that you are proposing to submit technical reports in relation to the following with the planning application:

- *Leisure Assessment*
- *Transport Assessment*
- *Flood risk and drainage assessment*
- *Landscape and Visual assessment*
- *Lighting Assessment*
- *Ecological assessment.*

I can confirm that whilst it is recognised that the scale and location of this scheme will impact on the area it is not considered that the impact would be ‘significant’.

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With regard to the threshold criteria detailed in paragraph 33 of circular 2/99 (Environmental Impact Assessment), it is not considered that this proposal would have an impact of more than local importance, the area is not sensitive in line with clarification contained within Regulation 2(1) and the development is not considered to have a significant urbanising effect due to the nature of the proposal.

Therefore, I confirm that the Local Planning Authority is of the opinion that an Environmental Impact Assessment is not required in this instance.

Any planning application submitted will need to be accompanied with the technical reports as listed above.”

The above opinion was issued on the 10/07/08. The decision is based on the opinion of the Officers of the Council and this matter was dealt with in the appropriate manners.

Archaeology

Comments received from the County Archaeologist in respect of this site requested an evaluation to be carried out prior to any decision being granted. Further negotiations with the applicants have lead to an agreement being reached in respect of the need for a geophysical survey to be carried out whilst any following need to dig investigative trenches etc be the subject of conditions.

Environmental Health Officer

No comment other than the scheme should be in line with guidance produced by the Institution of Lighting Engineers.
This to be added as a condition.

Public Consultation.

The Councils Statement of Community Involvement sets out what is expected from Developers in respect of major applications.

Pre application consultation is encouraged but it is not a legislative requirement and therefore, should issues be raised in respect of the process that was carried out in particular circumstances this would not justify refusal of or render invalid an application.

The applicants have submitted a statement in respect of community involvement. Whilst some criticism has been made of this process and in particular it's timing the general approach taken by the applicants is in line with the advice as given by the Local Planning Authority in their Statement for community involvement.

South West Regional Development Agency

No comment, scheme falls outside their criteria for statutory consultation.

Highway Engineer Comments

I have now looked at the revised plans. The alteration to the setting down area is an improvement from the original layout. I consider that the original layout should be retained in that area.

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The access arrangements are adequate for the level of use likely to occur. There will not be anything like the traffic levels required to justify a roundabout. The type of crossing proposed on the main road is not specified at present and this, and its location, can be left as a matter for future determination with only a requirement to provide within the legal agreement.

There are still no details of pedestrian links between this site and the rugby club site on the opposite side of the road. Neither are there details of possible bus stop locations adjacent to the site. However all this work can be undertaken within the highway boundaries and thus could be incorporated as a requirement within the legal agreement.

The question has been raised as to whether the cycle/ped route can enter the site at its SE corner. This does not appear to have been addressed. Perhaps the developer should be asked to explain in writing why this cannot be done.

As most of the highway matters will be covered by the legal agreement the only highway condition required in respect of parking being retained.

Conditions

14. The lights hereby approved shall be carried out in accordance with guidance contained within the Institute of Lighting Engineers report or in accordance with details agreed with the Local Planning Authority.

Reason: In the interests of amenity.

15. Prior to the commencement of the development hereby approved a management plan for the facilities shall be submitted to and approved by the local planning authority. The management strategy to include details of the availability of the facilities to various groups. Thereafter the facilities shall be managed in accordance with the agreed strategy.

Reason: To ensure the continuing availability of the facilities to the wider community.

16. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and road safety.

17. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme details.

Reason: To prevent the increased risk of flooding.

Informatives

Additional plans to be added to informative:

- 30543-01 PO1 V - Proposed Site Layout (to be provided)
- P317/5 D - Swept Path Analysis for Coaches (sent 18/03)
- P317/25 - Proposed Access Arrangements (sent 18/03)
- 30543-01 PO5 E - Main Clubhouse Elevations (sent 17/03)

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30543-01 P08 F - Cricket Pavilion Elevations (sent 27/03)
30543-01 SK 13 - Sketch of approach to main clubhouse

Additional Informative

The applicant's attention is drawn to the contents of the attached letter from the Environment Agency

Recommendation

Subject to the signing of a section 106 agreement as outlined in the report approval be delegated to the Implementation Team Leader for delegated approval following further discussions with the Wiltshire County Archaeologist and agreement to the travel plan as submitted by the Highway Agency.

Item 6 – 07/02947/FUL

Barretts Yard, Stone Lane, Lydiard Millicent, Wilts. SN5 3LD

A further objection to reinforce an existing objection has been submitted. The objection highlights:

- **That a builders merchants is what the applicants are proposing on the site, although this is not directly requested. The officer is reminded that such an application was refused in 1989 (89.01883 refers).**
- **It is further stated that the workshop on the northern boundary (now proposed to be replaced) should have been removed under permission 76.00040.F.**
- **Household waste processing on the site should have ceased on the site in September 1999; a business is still operating.**
- **There is no confidence in any conditions being attached to any permission being complied with.**
- **No improvement to the site notwithstanding the submission of the application four months ago simply an increase in the related products stored on site and a new sign having been erected.**
- **The importance of the objector's garden adjacent the site.**

Development Control Manager

A builders merchants was refused for a larger site which included the application site. At the time of that application the site was much larger incorporating the adjacent joinery now run as a scaffolding business. The site has clearly been divided since that application.

This application is not for a builders merchants; the goods sold are limited to aggregates and those made on the site. It will not include machinery, equipment etc and this is proposed to be controlled via condition.

ADDITIONAL INFORMATION

The application in 1989 was refused on grounds of coalescence, intensity of commercial activity detrimental to the rural amenities and highways.

Since that application development has been approved on the site and the site operated as a builders yard with manufacture and sale of concrete products and the bagging and sale of aggregates.

The officer does not believe the proposal would result in the coalescence of settlements and employment development is actually supported in the countryside under policy BD5 as documented in the report. It is considered that there has been a significant change in policy and the nature and approach to the site since 1989.

It is noted that the workshop should have been removed following the 1976 permission. This permission again related to the wider site including Barretts Yard and the scaffolding business. The building was not removed and the period for non-compliance with that condition has long expired. The workshop was intended to be removed in association with the 00.00259 application referred to in the report. Accordingly, this fact has little relevance to the current application.

In terms of a household waste operation taking place from the site, this does not form part of this application and as such the use is unlawful and will be investigated.

It must be noted that the Council cannot enforce by condition in respect of this application thus suggestions of conditions relating to any waste sorting ceasing, earthworks etc to be cleared to a specified location and the removal of the HGV trailer and dental caravan now on the site cannot be controlled via condition.

Comments from Environmental Health Officers are documented in the report and on the working file in respect of the burning of materials.

If conditions are not complied with then the Council will take appropriate action if necessary. Again, this application provides the Council the ability to condition operations on the site.

It is the aspiration of the Council to seek to improve the appearance of this site and control the mix of uses appropriately. It is right that no improvements have yet been made, however, planning permission has yet to be granted.

A number of errors in the report have been highlighted and they are as follows:

1. The site area is now 0.16ha and not 0.3ha.
2. For clarification the dwelling that is no. 29 Stone Lane is located 40 metres from the application site. Immediately north of the application site is a builders/scaffolding yard and the garden to no. 29 (some 15 metres distance at its furthest).
3. The approved boarding kennels were not specifically approved for greyhounds. The existing kennels on the site at the time of the 1991 application were used as greyhound boarding kennels. The type of dog occupying them is not of relevance to this application.

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4. Paragraph 2 under Planning History should read: "occupancy of building to one business or individual at any one time".
5. Paragraph 6 should clearly read 1999 and not 2009.

It has also been noted that period for the consultation expires on 3 April 2008, the day after the Committee meeting on 2 April 2008.

The application was submitted December, however, through consultations it came to light that the red line for the application site was incorrect and revised plans were submitted. The application was subsequently re-registered and the consultation period re-commenced on 12 February 2008.

A further error was then noted with the agents description of the application which failed to include reference to the two new buildings proposed notwithstanding that these were shown on the submitted plans. The consultation period in respect of this amended description expires on 3 April 2008 as mentioned above.

The reference to "Kennels" in the description of development should be omitted.

In light of this the recommendation is as follows:

DELEGATE for the approval of the Implementation Team Leader etc upon expiry of the consultation period subject to no new issues/objections being raised and subject to conditions as listed in the report.

The following condition should also be added as follows:

1. The level of noise emitted from the site shall not exceed 45dB LAeq 1hour as measured on the north eastern boundary.

Reason: In the interests of residential amenity.

The following informative is also proposed to be added:

A concrete batching plant is required to have a permit under Section 3.1 Part B(b) of The Environmental Permitting (England and Wales) Regulations 2007. It is an offence to operate a process, which is for the batching of ready-mixed concrete and the manufacture of concrete blocks and other cement products, without holding a permit issued by the local authority.

"Environment Agency raise no objections but makes comments regarding oil storage and waste water effluent. Written consent is also required from the Environment Agency for any discharge of sewage or trade effluent into controlled waters.

The Environment Agency have sent a copy of the letter to the applicant, however for the purposes of clarification the following condition is proposed:

Prior to the commencement of the development hereby permitted, details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:

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- (1) The means of surface water disposal;
- (2) The means of foul sewage disposal.

The development shall be carried out in accordance with the details so approved.

Reason: To prevent ground water pollution.

It has been noted that in addition to paving slabs garden ornaments are also made on site, accordingly Condition 8 is proposed to be amended as follows:

8. The workshop building hereby permitted on the southern boundary as shown on the annotated ariel photograph submitted to the Council on 5 February 2008 and drawing number LPC.2031.02 received on 5 November 2007, shall be used solely for the preparation and drying of concrete slabs and garden ornaments and no other use.

Reason: In the interests of the amenity of the area.

In terms of Condition 12, dog walking is not to be prohibited on the site and the condition is proposed to be amended as follows:

12. Within three months of the date of this permission the use of the land edged blue adjacent the application site shall be cleared of all structures and earthworks and restored to its previous condition.

Reason: In the interests of the amenity of the area.

13. Within six months of the date of this permission all mobile structures and vehicles used on the site for temporary storage shall be removed.

Reason: In the interests of the amenity of the area and as planning permission has been granted for replacement storage buildings.