

## EASTERN AREA PLANNING COMMITTEE

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### DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 31 MARCH 2011 AT COUNCIL CHAMBER - COUNCIL OFFICES, BROWFORT, DEVIZES.

#### **Present:**

Cllr Jane Burton, Cllr Peggy Dow, Cllr Nick Fogg, Cllr Richard Gamble (Vice Chairman),  
Cllr Charles Howard (Chairman), Cllr Jerry Kunkler (Reserve) and Cllr Jemima Milton

#### **Also Present:**

Cllr Nigel Carter and Cllr Stuart Wheeler

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#### 118. **Apologies for Absence**

Apologies were received from Cllr Christopher Williams, substituted by Cllr Jerry Kunkler, Cllr Chris Humphries and Cllr Laura Mayes.

#### 119. **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 February 2011 were presented and it was,

#### **Resolved:**

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

#### 120. **Declarations of Interest**

There were no interests declared.

#### 121. **Chairman's Announcements**

There were no Chairman's Announcements.

#### 122. **Public Participation**

The Committee noted the rules on public participation and the manner in which the meeting would proceed.

123. **Planning Applications**

124. **E/11/0224/S73**

Land at Kennet Rise, Axford, Marlborough, Wilts SN8 2HA – Removal of condition 9 of permission E/09/0873/FUL to remove requirement for visibility splay.

**The following people spoke against the proposal:**

Mrs Rosemary Henderson, local resident  
Mr David De Saxe, local resident  
Mr Hamish Watson, local resident

**The following people spoke in favour of the proposal:**

Mr Christian Silk, the applicant's solicitor

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval, and drew members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

The Committee sought the professional advice of Grahame Kean, Senior Solicitor, and Roger Witt, Senior Highways Development Control Officer, on behalf of the authority.

After discussion regarding:

- Whether the proposed removal of the condition in question would have an unacceptably adverse impact on highway safety

It was,

**Resolved:**

**To defer and delegate authority to the Area Development Manager to grant planning permission, subject to a Section 106 agreement to the same effect as that made in respect of the original application (ref. E/09/0873/FUL) for the following reasons:**

**The retention of the planning condition is not essential as satisfactory visibility can be safeguarded to the west and whilst there is limited**

obstruction of the visibility splay to the east, the access is in the same position as the long-existing access that has served a parking court and parking area on this site for more than 25 years without any accident record. As the levels of traffic from the use of the access to serve the development proposed are unlikely to be materially different from the historic use, it would be unreasonable to insist that the condition be retained. Removal of the condition would therefore not conflict with policy PD1 of the Kennet Local Plan.

And subject to the following conditions:

1. The development hereby permitted shall be begun before 9<sup>th</sup> August 2013.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used for the external walls and roofs shall be those specified in the External Materials Schedule dated 20/09/10. Development shall be carried out in accordance with these approved details.

**REASON:** To secure harmonious architectural treatment.

3. All soft landscaping comprised in the approved details of landscaping shown on drawing no. KEN.AX.01 Rev B shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner; any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shown on drawing numbers 3166/002 dated 29/04/09 and E/3194/04 dated 06/10/09 shall be completed prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the local planning authority.

**REASON:** To ensure a satisfactory landscaped setting for the development.

4. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars, including trees on land adjoining the site; and paragraphs (a) and (b) below shall have effect until the expiration of three years from the first occupation or the completion of the development, whichever is the earlier.

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the local planning authority.**

**(c) All retained trees shall before any equipment, machinery or materials are brought on to the site for the purpose of the development, be enclosed in accordance with British Standard 5837 (2005) Tress in Relation to Construction at the outer edge of the overhang of their branches by a chestnut paling fence (or other type of fencing agreed in writing by the local planning authority). The exact position of this fencing shall be as shown on drawing no. CON/281/TP1. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.**

**REASON: To enable the local planning authority to ensure the retention of trees on and adjoining the site in the interests of visual amenity.**

- 5. The proposed 1.8 metre high close boarded fences shown on drawing numbers 3166/002 dated 29/04/2009 and 3166-20 dated September 2010, together with the hedges approved under the approved landscaping scheme shall be completed in accordance with the approved details, with the fences completed prior to the first occupation of the houses and the hedges in accordance with the landscaping scheme in condition 3 above.**

**REASON: To ensure a satisfactory setting for the development.**

- 6. Before any part of the development hereby permitted is first occupied the access, turning area and 30 parking spaces shall be completed in accordance with the details shown on the approved plans, and shall thereafter be maintained for these purposes. Ten of the parking spaces shall be reserved exclusively for the approved development; the remaining 20 spaces shall be made available to the public, and use for this purpose and access thereto, shall be made available at all times.**

**REASON:** In the interests of highway safety and the proper planning of the site, to ensure that the parking area proposed is not kept solely for the residents of the proposed houses, as this would be over provision, but is made available to provide off-street parking for the public, in the interests of road safety.

7. The gradient of the new access road shall not exceed 1 in 12 for the first 5 metres back from the edge of the public highway.

**REASON:** In the interests of highway safety and to provide a safe and usable means of access to the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings, other than those shown on the approved plans shall be inserted in the east facing elevation of the building hereby permitted.

**REASON:** In the interests of the privacy of the neighbouring properties.

9. Before the first occupation of any dwelling on the site, the 2 metre wide footway shown on drawing E/3194/04 & E/3194/02 shall be completed in accordance with the details shown.

**REASON:** In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no additions to, or extensions or enlargements of, the buildings hereby approved shall be erected.

**REASON:** To enable the local planning authority to retain control over the enlargement of the building(s) in the interests of the proper planning and amenity area.

11. The treatment of the common boundary between the site and nos. 1-3 Quality Court shall be as shown on drawing nos KEN.AX.01RevB and 3166/102 RevA. The development shall not be occupied until the boundary treatment is implemented in accordance with the approved details.

**REASON:** In the interests of safeguarding the privacy of the occupiers of nos 1-3 Quality Court.

12. No dwelling shall be occupied until the sewerage treatment works have been completed in accordance with the submitted plans.

**REASON:** To ensure satisfactory foul water drainage.

13. The surface water drainage scheme shown on drawing no E/3194/03 Rev B shall be carried out in accordance with the approved details before any dwelling is first occupied.

**REASON:** To ensure satisfactory surface water drainage.

14. The site shall be decontaminated in accordance with the revised method statement for capping to landscaped areas and gardens by T&P Regeneration dated 23/09/10 before any dwelling is first occupied.

**REASON:** In the interests of the safety of the public and the environment.

15. The ground floor slab levels shall be as set out in drawing numbers E/3194/02 and 04 (and the related retaining structures shown on drawing numbers 3166-022; 023 and 024). Development shall be carried out in accordance with these approved details.

**REASON:** In the interests of visual amenity.

16. The developer shall give one month's written notice to the County Library and Museum Service, County Hall, Trowbridge, before any operations commence on site, and shall afford access at all reasonable times to any archaeologist and allow him/her to observe the excavations and record items of interest and finds.

**REASON:** The proposal involves building operations in an area of potential archaeological interest.

**17. INFORMATIVE TO APPLICANT:**

This decision relates to documents/plans submitted with the application E/09/0873/Ful, listed below. With the exception of the visibility splay that as a result of this decision is no longer required, No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan no. 3166/002 Rev G dated 29/04/09 (received by Ipa 22/10/09);  
Plan no. 3166/003 Rev B dated 08/09 (received by Ipa 08/09/09).

#### **18. INFORMATIVE TO APPLICANT**

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside his/her control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

#### **19. INFORMATIVE TO APPLICANT:**

In relation to the access road, the applicant is advised that the Highway Authority is not required to adopt a road of this type which essentially provides access to a privately owned car park and sewerage treatment works. In any event, the access road would appear on face value to have a gradient in excess of what would be acceptable to the Highway Authority to adopt.

#### **125. E/10/1652/FUL**

Buckerfields Nursery, Southend, Ogbourne St George, Marlborough, Wiltshire, SN8 1SG – Conversion of storage barn to four units of holiday accommodation including erection of single storey extensions.

#### **The following people spoke in favour of the proposal:**

Mr Paul Oakley, the agent  
Mr Terrence Wright, the applicant

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Cllr Jemima Milton made a statement on behalf of Ogbourne St George Parish Council, objecting to the proposal, and after discussion regarding,

- The principle of allowing re-use and extension of the building to provide holiday accommodation;
- The compatibility of the proposed use with the principles of sustainability
- The impact of the proposed use on the countryside and Area of Outstanding Natural Beauty;
- The impact on highway safety;

- The impact on residential amenity;
- The levels of local demand and supply of holiday accommodation; and
- The prospect of limiting guests' stay length through planning conditions to ensure primarily tourist, and not business, use

It was,

**Resolved:**

**To approve the application for the following reasons:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance, including the character and appearance of the landscape of this part of the area of outstanding natural beauty, and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: policies PD1 & NR7; and Central Government planning policy set out in PPS4 & PPS7.**

**And subject to the following conditions:**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 3. Notwithstanding Class C3 of the Schedule of the Town and County Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the accommodation hereby permitted shall be used to provide holiday accommodation only, which shall not be occupied as permanent, unrestricted accommodation or as primary place of residence. An up-to-date register of names and main home address of all occupiers shall be maintained by the owner and shall be made available at all reasonable times to the Local Planning Authority.**



**REASON:** In order to ensure that the accommodation is not occupied on a long-term basis because the site is in an area where the Local Planning Authority would not normally permit new dwellings.

4. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

**Drawing nos. 3163.1 & 3164.2 dated Nov 2010 (and received by the lpa 09/12/2010) and red-edged site plan.**

126. **E/11/0029/FUL**

South of Byron Road, East of Thomas Wyatt Road, West of Green Lane (Former Katherine McNeil Clinic Site, Green Lane, Devizes) – Extension of time limit for implementing planning permission K/42334/O for the erection of 36 houses and 26 flats.

**The following people spoke against the proposal:**

Mr Chris Callow, of Roundway Parish Council  
Mrs Pat Rugg, of Roundway Parish Council and on behalf of the residents of Byron Road

**The following people spoke in favour of the proposal:**

Miss Amy Hallam, the agent

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended that Members defer and delegate to officers to approve the application subject to a revised Section 106 agreement, and drew Members' attention to the late items.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Cllr Richard Gamble presented a statement on behalf of the absent divisional Member, Cllr Laura Mayes, in opposition to the proposal, and after discussion by the Committee regarding:

- Whether there had been a material change in circumstances since the granting of outline permission under reference K/42334/O in respect of

the authority's adoption of minimum car parking standards for new developments in December 2010

It was,

**Resolved:**

**To refuse permission for an extension of the period for implementing the planning permission for the following reason:**

**The development makes inadequate provision for car parking for the number of dwellings proposed. Since the original planning permission was granted, there has been a material change in circumstances in the publication of the revised PPG13 which removes references to maximum parking standards for residential development. The Council has also adopted a new Local Transport Plan in March 2011 that sets minimum standards for car parking for residential developments, of which this proposal falls well short.**

127. **E/10/1620/FUL**

Wansdyke Farm, Ham Spray, Marlborough, Wiltshire SN8 3QZ – Demolition of redundant farm building and a cottage. Removal of slurry pit. Erection of one replacement dwelling with associated outbuilding; residential barn conversion with associated outbuildings; landscaping and access; creation of two statutory public bridle paths and one permissible public footpath; restoration of farmland with associated landscaping and biodiversity improvements; re-contouring of land.

**The following people spoke in favour of the proposal:**

Mr Nicholas Baring, Chairman of Ham Parish Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report, which recommended approval.

Members of the Committee then had the opportunity to ask technical questions, after which the Committee received statements from members of the public as detailed above, expressing their views regarding this planning application.

Upon hearing the views of the divisional Member, Cllr Stuart Wheeler, and after discussion regarding:

- Whether the proposal is acceptable in principle;
- Whether the proposal would have detrimental impact on the character and appearance of the North Wessex Downs Area of Outstanding Natural Beauty (AONB);

- Whether the design of the two dwellings and associated buildings is acceptable;
- Whether the scheme would give rise to an adverse impact upon residential amenity;
- Whether the scheme would cause harm in respect of highway safety;
- Whether the scheme would cause harm to protected ecological species and/or their habitats;
- Whether the proposed footpaths are acceptable both in terms of their suitability for formal adoption by the Council and in respect of their impact upon adjacent farmland; and
- Impact upon the setting of the adjacent listed Ham Spray House

It was,

**Resolved:**

**To grant planning permission for the following reasons:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following policies and proposals in the Kennet Local Plan 2011 namely: HC25 (replacement dwellings), HC26 (dwellings within the open countryside), PD1 (general development principles) and NR6 (sustainability and protection of the countryside) as well as advice and guidance contained within PPS5 (Planning and Historic Environment), PPS7 (Sustainable Development in Rural Areas), PPS9 (Biodiversity and Geological Conservation), North Wessex Downs Management Plan (2009) and Kennet Landscape Conservation Strategy Supplementary Planning Guidance (2005).**

**And subject to the following conditions:**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

**REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

- 2. No development within the application site shall commence until:**

**(i) An ecological survey has been carried out by a suitably qualified and experienced ecologist within the landscape regeneration area (details of the exact area to be surveyed to be first agreed in writing by the local planning authority), and**

**(ii) A landscape regeneration and ecology management plan has been submitted to and approved in writing by the local planning authority. This shall include the following:**

- (a) A scale plan showing the exact routes of the two new bridlepaths and one permissive footpath;**
- (b) Details of bridlepath and footpath surfacing/construction (including samples if requested);**
- (c) A programme for the provision of the bridlepaths/footpath and formal adoption of the bridlepaths by Wiltshire Council;**
- (d) A scale plan showing the extent of the area to be sustainably managed/farmed;**
- (e) Details of the sustainable farming methods to be introduced and a programme for their introduction and ongoing management (including details of management responsibilities and monitoring);**
- (f) Details (species, density, location) of all planting required in association with the sustainable management/farming of the land.**
- (g) The recommendations of the ecological survey and a programme for their implementation.**

**Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of protecting/enhancing the ecology of the site and the amenities of the North Wessex Downs Area of Outstanding Natural Beauty.**

- 3. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until all the existing farm buildings on the site have been permanently demolished and all of the demolition materials and debris resulting there from have either been removed from the site or recycled as part of the construction works.**

**REASON: In the interests of the character and appearance of the area.**

- 4. The dwelling referred to as Greensand Cottage (to the north of Wansdyke Dairy Farm) shall be permanently demolished and all of the demolition materials and debris resulting removed from the site before the first occupation of any part of the dwelling or outbuildings at the Wansdyke Dairy Farm site.**

**REASON: In the interests of sustainability (in that a new dwelling within the open countryside has been permitted elsewhere at Wansdyke Dairy Farm) and the character and appearance of the area.**

- 5. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until:**

**(a) a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.**

**and**

**(b) details and samples of the brick to be used for the external walls and the roofing materials have been submitted to and approved in writing by the Local Planning Authority.**

**Development shall be carried out in accordance with the approved details and using flints hand laid in a random pattern with no preformed panels.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 6. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details and window surround details), doors, rainwater goods, chimneys, porches and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 7. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of the design, height, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 8. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in**

writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) other vehicle and pedestrian access and circulation areas, including the narrowing of the existing vehicular access (as shown on the approved plans);
- (e) hard surfacing materials;
- (i) any required lighting;

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. All soft landscaping comprised in the approved details of landscaping for the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10. Notwithstanding the approved plans, no development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until the access has been completed in accordance with the details shown on the approved plans and visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 33 metres to the east and 33 metres to the west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently

**maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON: In the interests of highway safety.**

- 11. The development hereby permitted at the Wansdyke Dairy Farm site shall not be first occupied until the first 4.5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**

- 12. Any gates at the new access at the Wansdyke Dairy Farm site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.**

**REASON: In the interests of highway safety.**

- 13. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence on site until details of the proposed ground floor slab levels for all of the approved buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.**

**REASON: In the interests of visual amenity.**

- 14. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological 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 include:**

**(a) Filtration strips as outlined in section 5.7 of the Wansdyke Dairy Flood Risk Assessment document reference: KMR/MAC/E3761/10881.RR**

**(b) As per section 5.5 of the Wansdyke Dairy Flood Risk Assessment document reference: KMR/MAC/E3761/10881.RR, confirmation of the infiltration rate through infiltration tests should be provided.**

**REASON: To prevent the increased risk of flooding to properties downstream of the site and to prevent pollution of surface water.**

**15. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall begin until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:**

**1) A site investigation scheme, based on Environmental Protection Strategies Ltd, Environmental Desk Study, Wansdyke Dairy, Jan 2010, [Ref UK09.0817) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.**

**2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.**

**3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.**

**REASON: Previous activities on the site may have resulted in contamination. The site is located on the upper greensand principle aquifer, which we would regard as a sensitive controlled water receptor. A phased investigation would be required to determine the extent of any contamination present and to what extent it pose a risk to controlled waters. Any risk identified would need to be adequately resolved, this is may include site remediation.**

**16. Prior to the occupation of any part of the dwelling or outbuildings at the Wansdyke Dairy Farm site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.**

**REASON: To ensure that contamination at the site is remediate, such that the site does not pose a threat to controlled waters.**



**For more information regarding Groundwater and Contaminated Land issues please contact Tom Wickens Groundwater and Contaminated Land Technical Officer on 01491 828627.**

- 17. All development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall be carried out in accordance with the mitigation measures for bats and barn owl set out in the submitted report Wansdyke Dairy, Ham Spray, Wiltshire and Manor Farm, Ham, Wiltshire Phase 1 and Phase 2 Surveys (Rev. 1) (Ecosa, September 2010). Prior to the first occupation of any part of the dwelling or outbuildings, a licensed bat worker shall provide written confirmation to the Local Planning Authority that all mitigation measures have been implemented in full.**

**REASON: In the interests of ecology.**

- 18. The residential curtilage for the new dwelling permitted at the Wansdyke Dairy Farm site shall be as outlined in red on the landscape layout plan received on the 2nd March 2011.**

**REASON: In the interests of clarity to define the extent of the domestic/residential curtilage.**

- 19. The outbuildings hereby permitted at the Manor Farm site shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.**

**REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.**

- 20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Wansdyke Dairy Farm site.**

**REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.**

- 21. No development relating to the new dwelling and outbuildings at the Wansdyke Dairy Farm site shall commence until details (including samples if requested) of the material(s) for the surfacing of the vehicular access and new farm track at the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**REASON: In the interests of visual amenity.**

- 22. No development relating to the new dwelling and outbuildings at the Manor Farm site shall commence on site until all the existing buildings on the site, except for the barn to be converted to a dwellinghouse, have been permanently demolished and all of the demolition materials and debris resulting there from have either been removed from the site or recycled as part of the construction works.**

**REASON: In the interests of the character and appearance of the area.**

- 23. Notwithstanding the details contained on the approved drawings, no development relating to the barn conversion and outbuildings at the Manor Farm site shall commence on site until:**

**(a) a sample panel of flintwork, not less than 1 metre square, constructed using flints hand laid in a random pattern (with no preformed panels to be used), has been erected on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample panel, using flints hand laid in a random pattern with no preformed panels.**

**and**

**(b) details and samples of the brick to be used for the external walls and the roofing materials have been submitted to and approved in writing by the Local Planning Authority.**

**Development shall be carried out in accordance with the approved details and using flints hand laid in a random pattern with no preformed panels.**

**REASON: In the interests of visual amenity and the character and appearance of the area.**

- 24. No development relating to the barn conversion and outbuildings at the Manor Farm site shall commence on site until details of the finish to external timber (both on the existing barn and new buildings),**

including any paint or stain to be used on the external walls and window joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first occupied.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

25. No development relating to the new buildings at the Manor Farm site shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

26. No development relating to the new dwelling and outbuildings at the Manor Farm site shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) other vehicle and pedestrian access and circulation areas;
- (e) hard surfacing materials;
- (i) any required lighting;

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

27. All soft landscaping comprised in the approved details of landscaping for the barn conversion and outbuildings at the Manor Farm site shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the

local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

28. No part of the development hereby permitted at the Manor Farm site shall be first occupied until the access and turning area have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

**REASON:** In the interests of highway safety.

29. The new dwelling hereby permitted at the Manor Farm site shall not be first occupied until the first 4.5 metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

**REASON:** In the interests of highway safety.

30. Any gates at the new access at the Manor Farm site shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

**REASON:** In the interests of highway safety.

31. No part of the development hereby permitted at the Manor Farm site shall commence on site until details of the permanent closure of the existing access have been submitted to and approved in writing by the Local Planning Authority. The details shall make provision for the reinstatement of the grass verge across the access position. The stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

**REASON:** In the interests of highway safety.

32. No part of the development hereby permitted at the Manor Farm site shall commence on site until details of the proposed ground floor slab levels for the new buildings have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

**REASON:** In the interests of visual amenity.

33. No part of the development hereby permitted at the Manor Farm site shall commence on site until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological 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 include:

(a) All surface water produced on the site with allowance for 30% increase due to climate change to be retained on site in the filtration strips as outlined section 5.7 of the manor farm flood risk assessment, document reference: KMR/MAC/E3761/10878.R.

(b) As per section 5.5 of the Manor Farm Flood Risk Assessment, document reference: KMR/MAC/E3761/10878.R, confirmation of the infiltration rate through infiltration tests should be provided.

**REASON:** To prevent the increased risk of flooding to properties downstream of the site and to prevent pollution of surface water.

34. All development relating to the new dwelling and outbuildings at the Manor Farm site shall be carried out in accordance with the mitigation measures for bats and barn owl set out in the submitted report Wansdyke Dairy, Ham Spray, Wiltshire and Manor Farm, Ham, Wiltshire Phase 1 and Phase 2 Surveys (Rev. 1) (Ecosa, September 2010). Prior to the first occupation of any part of the dwelling or outbuildings, a licensed bat worker shall provide written confirmation to the Local Planning Authority that all mitigation measures have been implemented in full.

**REASON:** To protect the ecology of the site.

35. The residential curtilage for the new dwelling permitted at the Manor Farm site shall be as outlined in red on the landscape proposals plan received on the 2nd March 2011.

**REASON:** In the interests of clarity to define the extent of the domestic/residential curtilage.

36. The buildings hereby permitted at the Manor Farm site shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at the converted barn.

**REASON:** The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit a wholly separate dwelling.

37. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements to the new dwelling or outbuildings hereby approved at the Manor Farm site.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings over 10 cubic metres shall be erected anywhere within the residential curtilage of the new dwellings permitted at the Manor Farm site.

**REASON:** To safeguard the character and appearance of the area.

39. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no walls or panel fencing of any type shall be erected or placed anywhere within the Manor Farm site.

**REASON:** In the interests of visual amenity.

40. **INFORMATIVE TO APPLICANT:**

If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or if there is an increase in effluent volume into an existing system, an Environmental Permit may be required. This must be obtained from the Environment Agency us before any discharge occurs and before any development commences. This process can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact us on 08708 506506 for further details

on Environmental Permits or visit <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>.

If you want to discharge treated sewage effluent, to a river, stream, estuary or the sea and the volume is 5 cubic metres per day or less, you might be eligible for an exemption rather than a permit. Similarly, if you want to discharge sewage effluent, to groundwater via a drainage field or infiltration system, and the volume is 2 cubic metres per day or less, you might be eligible for an exemption rather than a permit.

Please note, this Environmental Permit may be subject to an Appropriate Assessment under the Habitats Directive, which would involve consultation with, and agreement from, Natural England. This is likely to apply if it is proposed to discharge into a watercourse that is within or up to 3km upstream of a SAC, SPA, Ramsar or SSSI. This may also apply if it is proposed to discharge into the ground (Eg soakaway) within 250m of a SAC, SPA, Ramsar or SSSI.

**41. INFORMATIVE TO APPLICANT:**

The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

Applicants are advised to refer to the following for further guidance

<http://www.environment-agency.gov.uk/homeandleisure/drought/31755.aspx>  
<http://www.savewatersavemoney.co.uk/>

**42. INFORMATIVE TO APPLICANT:**

Under current legislation developers have a Duty of Care, which requires all waste to be handled, recovered or disposed of responsibly. Records should be kept on site to demonstrate that the Duty has been adhered to. Similarly, for hazardous wastes, such as cement asbestos, contaminated soil, oil-contaminated tanks, copies of consignment notes should be kept. Agency officers may audit these records during the demolition/construction phase. More detailed information on these requirements can be found on the Agency's website at [www.environment-agency.gov.uk/netregs](http://www.environment-agency.gov.uk/netregs).

**Site Waste Management Plan**

From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- (A) types of waste removed from the site
- (B) identity of the person who removed the waste
- (C) site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- (A) types of waste removed from the site
- (B) identity of the person who removed the waste and their waste carrier registration number
- (C) a description of the waste
- (D) site that the waste was taken to
- (E) environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

**43. INFORMATIVE TO APPLICANT:**

Premises used wholly or mainly as a single private dwelling where less than 3500 litres of oil are stored are exempt from The Control of Pollution (Oil Storage)(England) Regulations 2001. However any oil should be stored according to the Agency Pollution Prevention Guidelines (PPG2) Above Ground Oil Storage. Copies of PPG2 (and the Oil Storage Regulations) are available from your local Agency office on 01491 828370 or the Environment Agency website at [www.environment-agency.gov.uk/ppg](http://www.environment-agency.gov.uk/ppg)

**44. INFORMATIVE TO APPLICANT**

The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service dated the 10th November 2010.

- 45. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.**



**Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.**

**Location Plan (titled Ham Spray and Wansdyke Estate Regeneration Plan), Received on 2nd March 2011;**

**Wansdyke Site Location Plan, Received on 25th October 2010;**

**Wansdyke Farm Landscape Layout, Received on 2nd March 2011;**

**Wansdyke Farm Landscape Layout, Received on 2nd March 2011;**

**DF01, Received on the 25th October 2010;**

**DF02, Received on the 25th October 2010;**

**DF03, Received on the 25th October 2010;**

**DF04, Received on the 25th October 2010;**

**DF05, Received on the 25th October 2010;**

**DF06, Received on the 25th October 2010;**

**DF07, Received on the 25th October 2010;**

**DF08, Received on the 25th October 2010;**

**DF09, Received on the 25th October 2010;**

**DF10, Received on the 25th October 2010;**

**DF11, Received on the 25th October 2010;**

**Lower Ground Party Room floor plan (Wansdyke Site), Received on the 2nd February 2011;**

**138WD01 (Wansdyke Site Survey), Received on the 25th October 2010;**

**Sections through bund and pond Sheet 1(Wansdyke Site), Received on the 25th October 2010;**

**Section Lines Overlaid Sheet 2(Wansdyke Site), Received on the 25th October 2010;**

**Sections through bund and pond Sheet 3(Wansdyke Site), Received on the 25th October 2010;**

**Proposed entrance to Wansdyke Dairy site, Received on the 4th March 2011-03-21;**

**PPS 25: flood risk assessment (Wansdyke Site), Received on the 25th October 2010;**

**Environmental Desk Study (Wansdyke Site), Received on the 25th October 2010;**

**Manor Farm Site Location Plan, Received on 25th October 2010;**

**Manor Farm Landscape Proposals, Received on 2nd March 2011;**

**100803-01, Received on the 25th October 2010;**

**100803-02, Received on the 25th October 2010;**

**100803-03, Received on the 25th October 2010;**

**100803-04, Received on the 25th October 2010;**

**100803-05, Received on the 25th October 2010;**

**100803-06, Received on the 25th October 2010;**

**138MF01 (Manor Farm Site Survey), Received on the 25th October 2010;**

**PPS 25: flood risk assessment (Manor Farm Site), Received on the 25th October 2010;**

**ECOSA Phase 1 and Phase 2 ecological surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;**  
**ECOSA Updating Phase 2 bat surveys Wansdyke and Manor Farm site, Received on the 25th October 2010;**

128. **Urgent items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.35 pm)

The Officer who has produced these minutes is Chris Marsh, of Democratic Services, direct line (01225) 713058, e-mail [chris.marsh@wiltshire.gov.uk](mailto:chris.marsh@wiltshire.gov.uk)

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