

NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION
29th August 2012

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 28th August 2012

Item 7(a) – 11/04069/FUL – Land at Manor Farm, Corston, Malmesbury, Wiltshire, SN16 0HF

Comments received from the Senior Public Protection Officer (SPPO) in respect of this application raised the following concerns resulting in the subsequent objection and reason for refusal 2:

- The proposal is likely to give rise to noise concerns.
- The proposed development has the potential to significantly change and adversely impact on the residential amenity currently enjoyed by nearby residents in terms of noise generated by the position of the play area and the comings and goings associated with vehicle movement.

The SPPO suggested alterations in order that these concerns could be overcome:

- Greater distance between the building/ play area and residents.
- Less children
- Screening the play area by rotating the building.

As referred to in the report, discussions have been on going with the agent in light of the comments from the SPPO and the following information has been submitted:

The agent submitted further information in respect of these concerns.

“An acoustic barrier fence has been added on the common boundary with the bungalow.

The practice the garden will be divided into areas where children of differing ages will be able to interact and benefit from an outdoor environment at times when the weather and temperature permits. It will be seen from the layout of the building and its relationship with the outside space that there are three zones available for use by the children and the staff responsible for their care. The first zone is the enclosed space within the building which will provide four multi-purpose spaces for play, the taking of meals and toilet/ washing/cleaning facilities. The second zone is the shelter area adjoining the inside space where activities can take place when weather or temperature conditions are not conducive to outside play. The third zone is the outside play space. Access to the outside space is both weather and age dependant and whilst using the outside areas the children will be monitored at all times by the staff responsible for their care to ensure that appropriate separation between the different age groups sharing the outside space. Whilst in the outside space the children’s use of equipment appropriate to their age and ability will be supervised at all times by staff.

During periods of good weather it is reasonable to anticipate that at certain times of the day all of the children will be using different parts of the outside space under staff supervision. The use of this space is recognised by OFSTED as an essential part of a child’s development and should be encouraged whenever possible. However the use of this outside space should be seen as an integral part of the child’s day at the Nursery and not, as

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in the case of primary and middle school playgrounds, as a space where children are able to 'let off steam' after a period of instruction or tuition within a classroom. The movement between the inside and outside spaces of the Nursery will be governed by temperature and weather conditions as well as the age and ability of the group of children concerned. Although the experiences that the child will have during a day at the Nursery will follow a pattern, that pattern will not be time structured as in the case of a primary school where there are specified periods where the child is free to use a playground. The outside space is appropriately described as the 'garden' and not 'playground' as it will function in a very similar way in which a child uses a garden for activities involving play, relaxation, adventure and learning. The major part of the garden will be grass as opposed to the extensive areas of hard surfacing associated with schools. The very nature of the grass surface will in turn impose a regulation on the times during the year that children will be able to use the area and will minimise noise generation due to the 'absorbent' nature of grassed areas.

The outside play equipment to be used by children of the age attending this Nursery would be similar to that found in the 'toddler' section of a children's play area comprising climbing frames, swings, seesaws together with a range of small ride-on and construction toys There will be no noise generated by the equipment itself.

From the above it will be seen that the use of the planning system to impose a restriction on the number of children using the garden at any one time will be neither practical or appropriate.

The hours during which the children will be attending the Day Nursery will be between 8.00am and 6.00pm, Mondays to Fridays. The Nursery will not be open on Bank Holidays. These operating hours are as stated in paragraph 3 of the Planning Statement that accompanied the application. Subject to weather conditions it would be reasonable to conclude that there will be some days when the garden will be used by some of the children between 08.30am and 5.30 pm."

On the basis of this information submitted by the agent the SPPO has withdrawn his noise objection subject to a condition which controls the hours of use to those outlined by the applicant.

On this basis reason for refusal is no longer necessary:

RECOMMENDATION:

1. The proposed nursery development, in the absence of any framework boundary for Corston, is located within the open countryside. The site is not considered to be an infill site having regard to the character, built form and appearance of the area and is therefore, contrary to saved policies C3, CF1 and NE15 of the adopted Local Plan 2011 and Core Policy C2 of the emerging Wiltshire Core Strategy.

INFORMATIVE:

This decision relates to documents/plans submitted with the application, listed below.

Dated 15/12/2011

Design and Access Statement

P01 P1

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Psite 02 P1

Psite 01 P1

Psite 03 P1

Psite 04 P1

Dated 15/5/2012

Ssite 01 P1

Psite 05 P2

E02-P2

Dated 29/5/2012

E01-P3

Ssite 01 P2

7(c) – 11/02946/FUL and 11/03200/FUL - Great Middle Green Farm

Dauntsey Parish Council (in relation to drainage scheme)

“No Objection in principle – please take into consideration the comments below plus the comments made on the 4th October 2011 with reference to application N/11/0946/FUL.

The Council have no objection to the actual location of the pond but would like to re-iterate how important it is that all professional bodies surrounding this application (Environment Agency, Flooding Experts and all other technical experts) are completely satisfied that this proposal will be successful.

It must also be noted that should this application be successful it is enforced and agreed that the original size and area of the public open space, footpath and ditch will not be at all affected.

The Council would like to note this scheme should have been approved and adopted prior to any development or building commenced.”

1 no. additional letter of concern received from a local resident (in relation to drainage scheme). Main issues raised:

Authorities have seen sense that water from site has to be dealt with in safe and sensible manner with due consideration to nearby residents.

If roadside ditch is made longer, may become a danger to children. Grass has reached waist height and no longer possible to see ditch or water.

Ditch has become hazard to road users – please ensure ditch is adopted by developer or Council so it remains safe.

Only two-thirds of surface water has been accounted for – developer has covered over an existing ditch and is now a concrete path. Water now puddles into the road and flows into ditch opposite and eventually to a point upstream of Sodom Lane bridge.

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Happy with any plan that takes account the water run-off from GMGF development in a safe way from surrounding residents and does not allow it to enter upstream of Sodom Lane bridge.

Recommendation:

11/02946/FUL – attenuation pond and drainage works

That 11/02946/FUL be DELEGATED back to the Area Development Manager to grant planning permission for the following reason, and subject to the planning conditions set out below and signing of legal agreement under s106 of The Act covering the Heads of Terms set out in the report.

Reason for granting planning permission:

The proposed development is considered to comprise a suitable and effect method of surface water drainage from the Great Middle Green Farm development site. It is a method that meets with the satisfaction of Wessex Water, the Environment Agency and the Council's Drainage Engineer and constitutes development that would be without detriment to the wider amenities of the locality. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would comply with the provisions of Policies C3, NE21 and NE22 of the adopted North Wiltshire Local Plan 2011 as well as guidance contained in the National Planning Policy Framework.

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 development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Design and Access Statement (received 1st September 2011); Premier Surface Water Solutions Ltd – Revised Surface Water Drainage Assessment, including appendices A, B, C and D (received 17/04/12)

REASON: To ensure that the development is implemented as approved.

3. Within three months of the date of this permission full details of the proposed boundary treatments to the attenuation pond shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

REASON: For the avoidance of doubt and so as to secure a safe and visually appropriate of development.

11/03200/FUL – Public open space

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That 11/03200/FUL be DELEGATED back to the Area Development Manager to grant planning permission for the following reason, and subject to the planning conditions set out below and signing of legal agreement under s106 of The Act covering the Heads of Terms, as set out in the report.

Reason for granting planning permission:

The proposed development is considered to be an acceptable solution to the outstanding requirement for public open space provision, which is fairly and reasonably related to the Great Middle Green Farm development site. Subject to planning conditions and all parties entering into an agreement under s106 of The Act, the proposed development would be an acceptable form of development that would respect the amenities of the locality and comply with the provisions of Policies C3 and CF3 of the adopted North Wiltshire Local Plan 2011, the North Wiltshire Open Space Strategy as well as guidance contained in the National Planning Policy Framework.

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 development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Location plan (date stamped 26/09/11); Site layout plan (date stamped 26/09/11); Planning, Flood Risk Assessment and Design and Access Statement (date stamped 26/09/11)

REASON: To ensure that the development is implemented as approved.

3. Within three months of the date of this permission full details of the proposed boundary treatments to the public open space and play area shall have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed.

Reason: For the avoidance of doubt and so as to secure a safe and visually appealing form of development.