

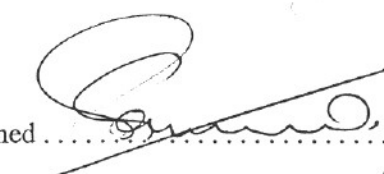
REGULATORY COMMITTEE		DATE	17 <sup>th</sup> DECEMBER 2003
PLANNING APPLICATION	K.46368	SITE LOCATION	BISHOPS CANNINGS
Reproduced from the Ordnance Survey Map with the permission of The Controller of H.M. Stationery Office Crown Copyright reserved. LA 076910		<b>WILTSHIRE COUNTY COUNCIL</b> Director of Environmental Services County Hall Trowbridge Wiltshire BA14 8JD	
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### THE SCHEDULE TO THE PERMISSION

<b>Name of the Local Planning Authority:</b>		WILTSHIRE COUNTY COUNCIL	
<b>Name and address of applicant:</b>	<b>Name and address of agent:</b>		
Hills Minerals and Waste Ltd., Ailesbury Court, High Street, Marlborough. SN8 1AA	Land and Mineral Management Ltd., Walters Farmhouse, Marston Bigot, Frome. BA11 5BR		
<b>Brief Details of the Application:</b>		<b>Application Date:</b> 15 <sup>th</sup> March 1999	
Location:	Land at Hopton Park Industrial Estate, off London Road, Devizes		
Proposed Development:	Change of Use to Operation of a Household Recycling Centre and Ancillary Development		
<b>Conditions:</b>			
1. Unless otherwise agreed in writing by the Waste Planning Authority or required by the conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the details submitted in planning application K.037116, the Supporting Statement, the letters dated 29 <sup>th</sup> April and 24 <sup>th</sup> May 1999 from Land and Mineral Management Limited, and Drawing Numbers 22-87-02, 22-87-02-01A, 22-87-02-02A, 22-87-020-3A and 22-87-02-04.			
2. The development hereby permitted shall commence within five years from the date of this permission.			
3. Except in the case of emergency or unless otherwise agreed in writing by the Waste Planning Authority, no operations or activities authorised or required by this permission shall be carried out and no vehicle shall enter or leave the site other than during the following hours:-			
07.00 - 19.00 hrs	Mondays to Saturdays		
10.00 - 17.00 hrs	Sundays and Public Holidays		
10.00 - 19.00 hrs	Sundays which are followed by a Public Holiday		
4. The site shall be open to the public for not longer than seven hours on any one day within the operational times specified in Condition 3, unless otherwise agreed in writing by the Waste Planning Authority.			
(cont'd)			

Dated this ~~24<sup>th</sup>~~ day of September 1999

Signed  .....

Authorised Officer

## Town and Country Planning Act, 1990

# PERMISSION FOR DEVELOPMENT

1. The Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** subject to the scheduled conditions (if any) for the development proposed by the applicant in the application, which is hereby expressly incorporated herewith and of which brief details are, by way of identification only, set out in the Schedule (see overleaf).
2. The scheduled conditions (if any) have been imposed for the reasons set out in the Schedule.
3. "The Local Planning Authority", "the scheduled conditions", "the applicant" and "the application" referred to above are those described in the Schedule overleaf.

### NOTES

- (1) **Time Limits on Planning Permissions.** By virtue of Sections 91 - 94 of the Town and Country Planning Act, 1990, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of this permission, then that condition must be observed. Otherwise, one or other of the following time limits (as appropriate) will apply:-
  - (i) **Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun either within 5 years from the date of the grant of the outline permission or within 2 years from the final approval of all the matters reserved.
  - (ii) **Where the planning permission is complete and is not in outline** then the development must be begun not later than the expiration of 5 years from the date on which permission was granted.

If the development has not been begun or application been made for approval of matters reserved within the time limits mentioned there is freedom to apply for a new planning permission.

- (2) **Other necessary consents.** This document only conveys permission for the proposed development under the Town and Country Planning Act 1990 and the applicant must also comply with all byelaws, regulations and statutory provisions in force in the district and secure such other approvals and permissions as may be necessary.

In particular the applicant is reminded of the following matters:-

- (a) the need in appropriate cases to obtain approval under Building Regulations;
- (b) the need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public right of way;
- (c) the need to obtain consent under Sections 7 and 74 of the Planning (Listed Buildings & Conservation Areas) Act 1990 to the demolition, alteration or extension of any listed building of architectural or historic interest or any non-listed building in a Conservation Area.
- (d) the need to make any appropriate arrangements under the Highways Act, 1980, in respect of any works within the limits of a public highway.

(It is the responsibility of the applicant to ascertain whether the development affects any public right of way or listed building).

- (3) **Appeals to the Secretary of State**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78(1) of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

- (4) **Purchase Notices**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- (5) **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

5. The landscaping scheme shown on Drawing Number 22-87-02-03A shall be carried out in full and in the first available planting season coinciding with or immediately following completion of the development. Within a period of five years of the planting, any trees or shrubs that die, become diseased, are removed or damaged will be replaced in the first available planting season with others of similar size and species.
6. No development shall take place until a scheme for the fencing of the site's eastern boundary has been submitted to and agreed in writing by the Waste Planning Authority. The scheme as approved shall be carried out in full prior to the development commencing unless otherwise agreed in writing by the Waste Planning Authority.
7. Unless otherwise agreed in writing by the Waste Planning Authority, the development hereby permitted shall not commence until the earth bund and associated acoustic fencing shown on Drawing Number 22-88-02-01A has been constructed to the satisfaction of the Waste Planning Authority. Thereafter the site shall not open to the public until the 1.8 metre high acoustic fencing around the containers has been installed to the satisfaction of the Waste Planning Authority.
8. During the permitted working hours the free-field equivalent continuous noise level attributable to the operation of the Household Recycling Centre shall not exceed 55 dBLAeq, 1 hour at the nearest inhabited residential property, unless otherwise agreed in writing by the Waste Planning Authority.
9. All plant and machinery shall be properly maintained in accordance with the manufacturer's recommendations at all times.
10. The proposed hedgerow shown adjacent to Hopton Road on Drawing Number 22-87-02-03A shall be allowed to grow to, and thereafter be maintained at, the minimum height of 2 metres.
11. Planting to reflect the overall landscaping scheme for the Hopton Park Industrial Estate (comprising "avenue planting" of London Plane trees) shall be provided at the site's frontage, adjacent to Hopton Road, in the first available planting season coinciding with or following completion of the development, unless otherwise agreed in writing with the Waste Planning Authority.
12. The site and its local environs shall be kept in a clean and tidy condition.
13. Unless otherwise agreed in writing by the Waste Planning Authority, there shall be no open stockpiling of waste or reclaimed materials within the site.
14. The site access and hard surfaced areas used by vehicles shall be watered or treated with an approved dust-laying agent at such times as may be necessary to prevent dust nuisance arising from the site.
15. Unless otherwise agreed in writing by the Waste Planning Authority, no development hereby permitted shall take place until a detailed scheme for the surface water drainage of the site has been submitted to and agreed in writing by the Waste Planning Authority. No development shall take place except in accordance with the approved scheme and plan.
16. Any above ground oil storage tank(s) or chemical storage tank(s) should be sited on an impervious base and surrounded by a suitable liquid-tight bunded compound. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipe should be directed downwards into the bund.

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17. Unless otherwise agreed in writing by the Waste Planning Authority, the oil recycling facility together with the bulky household waste, metals and green waste shall be located on an impervious concrete base that drains to a sealed tank, as with all storage of polluting materials.
18. Prior to the development hereby permitted opening to the public, a sign shall be erected (and thereafter maintained) at the site access to be clearly visible to all users of the site informing them of the days and hours when the site is open for the deposit of waste.
19. Details of any external lighting proposed at the site shall be submitted to and agreed in writing by the Waste Planning Authority prior to their installation. Such lighting will be installed in accordance with the agreed details.
20. Details of the proposed on-site office building shall be submitted to and agreed in writing by the Waste Planning Authority prior to its construction/provision. The office shall be constructed in accordance with the agreed details.
21. Prior to the commencement of development details of the construction of the site entrance shall be agreed in writing by the Waste Planning Authority. The site entrance shall be constructed in accordance with the agreed details.
22. The access road and entrance shall have been fully constructed prior to the commencement of the use hereby approved.
23. Details of signing of access routes at either end of Hopton Road and signs at the entrance to the private track off the roundabout on A361 to the south of the site shall be agreed in writing by the Waste Planning Authority, and be erected at the applicant's expense prior to the use commencing.

**Reasons:**

1. For the avoidance of doubt and to ensure the development is carried out in accordance with the submitted details.
2. In accordance with Section 91 of the Town and Country Planning Act 1990.
3. and 4. To protect the amenities of local residents.
5. The provision and maintenance of a satisfactory degree of landscaping is considered essential in the interests of visual amenity.
6. 7. 8. ) To safeguard the amenity of the area and local residents/businesses.
9. 12. and 14. )
10. To screen the operations and to protect the appearance and character of the area.
11. 13. ) In the interests of visual amenity.
19. and 20. )
15. To ensure adequate drainage of the site.
16. and 17. To safeguard water quality.
18. and 23. To inform the public of the location/existence of the facility, its open hours and to protect the amenities of the locality.
21. and 22. In the interests of highway safety.