

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING REF NO: 071625/026
DATE OF APPLICATION: 28th May 2004

PERMISSION FOR DEVELOPMENT

THE MENDIP DISTRICT COUNCIL, being the LOCAL PLANNING AUTHORITY for the said District, HEREBY GRANT PLANNING PERMISSION, in accordance with the submitted application and the accompanying plan(s), but subject to the conditions hereunder stated.

AGENT/APPLICANT

Focus Design Partnership
The Old Brewery
Lodway
Pill
Bristol
BS20 0DH

APPLICANT

Cuprinol Ltd/Westbury Homes (Holdings) Ltd
C/O Agent

Proposal: Residential development of 116 dwellings, infrastructure and landscaping and retention of existing warehouse building and access thereto [affecting footpaths FR 20/39 & 20/38]
Location: Former Cuprinol Works & Former Squash Club, Adderwell Road, Frome
Parish: Frome

REASON FOR APPROVAL

Conditional planning permission is granted on the basis that the proposals comply with Policies S1, Q1, Q3, Q4, Q5, Q6, Q10, Q12, Q13, EN3, EN5, EN15, EN16, EN17, ER1, SN1, SN2, SN4, SN6, SN7, SN25 and SN26 of the Mendip District Local Plan (adopted December 2002).

CONDITIONS ATTACHED TO PERMISSION AND REASONS THEREFORE

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

Reason: As required by Section 51 of the Planning and Compulsory Purchase Act 2004 and to avoid the accumulation of unimplemented planning permissions.

2. No works shall be undertaken on site unless a sample panel of all external walling materials to be used shall be erected on site, approved in writing by the Local Planning Authority, and kept on site for reference until the development has been erected. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the visual appearance of the building and its character and setting within the street scene having regard to the provisions of Policy Q1 of the Mendip District Local Plan 2002.

3. No works shall be undertaken on site until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: In the interests of the visual appearance of the building and its character and setting within the street scene having regard to the provisions of Policy Q1 of the Mendip District Local Plan 2002.

4. No works shall be undertaken on site until a hard and soft landscape scheme has been first submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences and other boundary treatment and finished ground levels and sections through where necessary; a planting specification to include positions, species and size of all new trees and the location of grassed areas and areas for shrub planting; details of the hard surface treatment of the open parts of the site; and a programme of implementation.

Reason: To ensure the provision of an appropriate landscape setting to the development having regard to the provisions of Policy Q1 and Q4 of the Mendip District Local Plan 2002.

5. All hard and/or soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: To ensure that the landscape scheme is implemented and maintained having regard to the provisions of Policy Q1 and Q4 of the Mendip District Local Plan 2002.

6. No works on the construction of the development shall be undertaken unless a Certificate and Statement of Remediation has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the site conditions are suitable for the development hereby approved, having regard to Policy Q10 of the Mendip District Local Plan 2002.

7. The development hereby approved shall not be occupied unless works for the disposal of sewage and surface water have been provided on site to serve the development in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the adequate provision of drainage infrastructure having regard to the provisions of Policy Q1 and EN14 of the Mendip District Local Plan 2002.

8. No works shall be undertaken on the development unless details have been submitted to and agreed by the Local Planning Authority with regards to how the design layout interfaces with the re-engineered river bank; how the bank profile is to be treated at each end of the river bank; and the landscaping of the river bank.

Reason: In order to protect the integrity of the River Frome and its river bank, having regard to the provisions of Policies Q4, EN3 and EN16 of the Mendip District Local Plan 2002.

9. No works shall commence on the development unless details of the boundary treatment have first been submitted to and agreed in writing by the by the Local Planning Authority. No dwelling shall be occupied unless the agreed details (as may relate to that dwelling) are in place.

Reason: In the interests of visual amenity, having regard to the provisions of Policies Q1 and Q4 of the Mendip District Local Plan 2002.

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

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

11. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be first submitted to and approved by the Local Planning Authority in writing prior to the commencement of the development hereby approved.

Reason: In order to ensure the safety of both pedestrians and drivers using the highway, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

12. The proposed roads, including footpaths and turning spaces where applicable shall be constructed in a manner so as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

13. The access doors on the SW façade of the warehouse building shall not be used or remain open other than for the purposes of deliveries and collections where the unloading or loading is a necessary part of the business activity. Except in the case of emergency all access doors on the SW façade of the warehouse building shall be closed and not used outside of the following hours :

Weekdays 07.00 to 21.00 hours

Saturday 08.00 to 13.00 hours

At no time on Sundays, Bank Holidays or other Public Holidays.

Reason: In order to protect the amenities of the occupiers of the new dwellings in accordance with Policies Q6, Q12 and Q13 of the Mendip District Local Plan.

14. No occupation of the warehouse building (other than B1 use) shall take place unless details of a noise reduction scheme for the access doors has been submitted and agreed by the Local Planning Authority with respect to the to use for deliveries and collections together with a noise management plan which includes all external activities associated with the arrival and departure of vehicles and the loading and unloading of goods or other materials. The warehouse building shall not be in use (other than B1 use) unless all aspects of the approved programme of noise control are in place and operating.

Reason: In order to protect the amenities of the occupiers of the new dwellings in accordance with Policies Q6, Q12 and Q13 of the Mendip District Local Plan.

15. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc.) which is audible at the site boundary shall be installed or operated on the warehouse building site without the prior written consent of the Local Planning Authority, except for that which is required for emergency

Reason: In order to protect the amenities of the occupiers of the new dwellings in accordance with Policies Q6, Q12 and Q13 of the Mendip District Local Plan.

16. No works shall be undertaken on site unless details of the acoustic fence and other boundary treatments along the western boundary of the housing development have been submitted to and agreed by the Local Planning Authority. No houses shall be occupied until such time as the agreed details are in place.

Reason: In order to protect the amenities of the occupiers of the new dwellings in accordance with Policies Q6, Q12 and Q13 of the Mendip District Local Plan.

17. No part of the development hereby approved shall be in use unless the part of the service road that provides access to it has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

18. There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas having co-ordinates of 4.5m x 4.5m at the junction of the proposed estate road with Adderwell Road. No part of the development shall be occupied unless the agreed details are in place.

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

19. No dwelling shall be occupied unless Adderwell Road has been widened in accordance with the approved plans and a 1.8m wide footway has been constructed from its junction with Locks Hill through to the development site along its northern boundary in accordance with details that shall have first been submitted to and agreed by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

20. No dwelling shall be occupied unless the realignment and alteration to the junction of Adderwell Road and Foster Road have been carried out in accordance with details that shall have first been submitted to and agreed by the Local Planning Authority.

Reason: In the interests of highway safety, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

21. Noise emissions from the site during the development of the site ie. The preparation, and construction of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any residential development:

Mon – Fri 08.00 - 18.00

Sat 09.00 - 13.00

All other times, including Sundays, Bank and Public Holidays there shall be no such construction activities.

Reasons: In the interests of residential amenity, having regard to the provisions of Policy Q12 of the Mendip District Local Plan 2002.

22. The development shall not commence unless the applicant has first submitted a method statement for written approval by the Local Planning Authority which shall detail the working methods to be employed on site during the preparation and construction of the site. Measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise, vibration etc. shall be included in the method statement. Details for the safe disposal of waste materials shall also be included. There shall be no burning of materials on site during any phase of the development. The development shall not commence unless the Local Planning Authority has first given written approval.

Reason: In the interests of residential amenity, having regard to the provisions of Policy Q3 of the Mendip District Local Plan 2002.

23. No works shall at any time be carried out to plots 4-6 so as to allow habitable rooms to be accommodated in the 2nd floor dormer on the northeast façade.

Reasons: In order to prevent noise disturbance to the occupiers of those Plots from nearby industrial uses, having regard to the provisions of Policy Q13 of the Mendip District Local Plan 2002.

24. There shall be no balconies or other outside amenity areas provided to the south-southeast or east-northeast elevations of plots 21-29 without the prior written approval of the Local Planning Authority.

Reasons: In order to protect the residential amenity of the occupiers of those plots, having regard to the provisions of Policy Q13 of the Mendip District Local Plan 2002.

25. Unless otherwise first agreed in writing by the Local Planning Authority, all plots referenced shall not be occupied unless they meet the following specification and details have been first submitted to the Local planning Authority confirming how these measures are to be implemented:

PLOT no's House Type Acoustic Measures (See note 5 below)

Plot 3 Blacksmith A B D

Plots 4-6 Leicester A B C D

Plots 8-15 Sycamore A B C D E

Plots 16-20 Berkshire / Shire A B

Plots 21-29 * Aspen A B D

* for Plots 21-29 Aspen B and D only apply to first and second floors of dwellings with fenestration on EastNorthEast and SouthSouthEast elevations

Reason: To safeguard the amenity of future occupants, having regard to the provisions of Policy Q1 of the Mendip District Local Plan 2002.

NOTES

1. This application is the subject of a Section 106 agreement to cover the following issues:

- Provision of affordable housing;
- A Management Company to maintain common infrastructure and open spaces;
- Provision of off-site highway works;
- A contribution to pre-school education through the "Sure Start" scheme;
- Seven parking bays;
- Control of use of warehouse building;

2. This decision relates to the attached Schedule of Approved Drawings and Supporting Documents.

3. With reference to condition 26 The following acoustic measures have been identified.

- A. Glazing to meet minimum weighted reduction specification of RW 33 equivalent to 6/12/6 glazing
- B. Upgrading to ceiling interface with roof space for habitable rooms
- C. Acoustic upgrades to dormer windows serving habitable rooms
- D. Rooms with passive wall vents served by whole house ventilation
- E. No bedrooms on façades facing NE

With reference to acoustic measure D, the requirement is for a system of central ventilation, whole house system or other method typically involving acoustic wall vents for all bedrooms on the NE elevation to the boundary with neighbouring industrial use. In order for the Local Planning authority to be in a position to discharge the condition it is recommended that the wall vents are served by a mechanical ventilation system which is not local to the wall vent. All wall vents should therefore meet requirements of Noise Insulation regulations 1975 or better as identified in Planning Policy Guidance 24 Annex 6.


Janet Wilson
Development Control Service Manager

If you have any queries regarding this notice please contact our Customer Services Team on 01749 648999

Dated 28th July 2006

PLANNING REF. NO. 071625/026

PAGE 5 of 5

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