

DEVELOPMENT CONTROL COMMITTEE 30th JULY 2008

ADDITIONAL INFORMATION

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

The text in bold is additional/amended information to that circulated to Members on Tuesday 30th July 2008.

Item 1 – 08/00522/FUL – Pound Mead, Corsham

Neighbour representation

30 additional letters of objection received. Issues raised are generally reflective of those issues contained within report to the DC Committee with particular emphasis upon those issues relating to number of units proposed and inadequacy of access to deal with expected increase in traffic.

Corsham Town Council

Resolved that the application be refused because: (i) it is an overdevelopment of the site; (ii) the s106 agreement should include a substantial contribution towards health and education.

WCC Highways

In response to particular concerns raised by residents in respect of the submitted transport assessment, WCC as the Highways Authority have provided the following commentary:

- 1) Agree that the bus timetables have been misinterpreted to a certain extent. In making our considerations we were aware of the bus services and feel that it does not have an impact on the suitability of the development. In respect of the National Express services, Mr Beever seems to have confused the stopping point with the routing, although the wording is ambiguous.**
- 2) There is little likelihood of a railway station at Corsham in the foreseeable future, so this has little relevance to the assessment of this development.**
- 3) The assessment in chapter 4 is based on previous discussions with the Highway Authority on which necessary assumptions on routings are made in order to identify junctions which may need assessment. It is not intended to be a detailed assessment of all possible routings from the development site.**
- 4) If the road or access to the train track becomes obstructed by vehicles this will be a matter for the police. The access road will be of adequate width to allow two vehicles to pass.**
- 5) The route for pedestrians will be improved as a 2m footway is proposed along the length of Pound mead.**
- 6) The TA is only a tool in the overall highways assessment of the development.**

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Development Control Manager

In accordance with the resolution of the previous Development Control Committee meeting (25/06/08), the applicants have agreed to provide for a contribution of £45k towards public open space and £80k towards education facilities. This has been assured through a further unilateral undertaking (under Section 106 of The Act), supplemental to the original undertaking. The wording of the agreements have been agreed at County and District level and a signed and dated copy is now in the receipt of the District Council.

It is noted that the additional condition 16, in respect of the stability of the banks, as reported in the previous late observations to the last DC Committee meeting should continue to be added to the recommendation. It is worded thus:

16. The stability of the bank along the northern boundary of the site shall be secured in accordance with the conclusions and recommendations contained within the Hydrock reports, dated 30th November 2007 and 12th June 2008 respectively, and in accordance with large scale elevational and constructional details of the new retaining wall, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with those details approved.

Reason: For the avoidance of doubt and in the interests of securing a retaining structure of appropriate appearance.

Item 2 – 08/00849/FUL – Marden Farm, Rookery Park, Calne

Development Control manager - No amended plans has been received, but an agreement in principle has been reached with the applicant that an element of timber boarding could be introduced into the external appearance of the new building. To this end it has been agreed that this issue may be addressed through the rewording of condition 5:

5. Within two months of the date of this permission, details of materials to be used externally, which shall include an element of timber boarding, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be built in the materials so approved.

Subject to the suggested alteration to condition 5, the recommendation can remain to GRANT planning permission.

Item 03 – 07/02819/OUT – Land Rear of 8-10 Bolingbroke Close, Hook

An objector unable to attend the meeting has reiterated objections on highway safety grounds."

The officer has addressed these comments fully in the report.

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Item 4 – 08/00826/FUL – Whitehall Garden Centre

Revised Plans

Revised plans were received from the applicants which principally sought to address the concerns of local residents and local highway authority in terms of the access to the site and the footpath along Corsham Road. Originally the access to the site proposed a widening of the access, with two lanes leaving the site and a single wide lane entering the site. Pedestrians using the footpath along Corsham Road would have had to cross 10.0m of access road. The revised proposals have narrowed the access considerably and introduced a pedestrian refuge. The entrance lane is a maximum of 4.5m wide where pedestrians cross and the egress lane 3.5 m wide with a 2.0m wide pedestrian refuge in the middle. Other internal changes have been made including a separate pedestrian access to the site.

Whilst these changes are certainly important they were not considered to change the nature of the application so significantly that a further round of consultation was necessary. The local highway authority have been consulted along with the Parish Council and local residents (who were advised by letter dated 17th July).

Wiltshire County Council Highways:

The revised junction with Corsham Road is acceptable as is the new pedestrian access arrangement. A detailed layout will be required for the staff car park area in order to ensure the safety of pedestrians through this area, but this can be covered by condition. Similarly a condition will still be required in respect cycle parking and the provision of a suitable bus set down/pick up location that does not conflict with service vehicles. A condition should be imposed requiring details of surface treatments.

Lacock Parish Council

Raises no objection

Representations

A further 14 objections have been received principally reiterating previous comments (as reported), but also objecting to the revised access design in light of the revised plans received:

- Pedestrian refuge is not sufficient size
- Design of refuge not clear
- New footpath/access arrangements will be dangerous
- Sufficient notice of changes to access was not given to residents

A further 36 letters of support (in the form of a tear off slip) have been received.

Environment Agency:

No objections subject to conditions.

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Campaign for the Protection of Rural England:

Still no cycle facilities; no public transport set down/pick up areas; and safety aspects of internal servicing has not been addressed. Pedestrian refuge does not give pedestrians priority over vehicles; refuge too small; no facility for cyclists; not clear if cyclists can use pedestrian access; no safe route through staff car park.

Suggest conditions to address design/size of pedestrian refuge; cycle parking provision; and public transport drop off/pick up point. Legal agreement for works to traffic - lights. Conditions and legal agreement should be reported back to committee.

Development Control Manager

The revised access arrangements were to specifically address concerns raised by the highways authority, parish council and residents. At present the access has a poor alignment (making it difficult for larger vehicles to access the site) and the footpath alongside the Corsham Road crosses the widest part of the bellmouth. The proposal will ease the alignment of the access, will deviate the footway slightly so that pedestrians cross the access at its narrowest (rather than widest point) and provide a 2.0m wide pedestrian refuge. It is the view of the highways authority that this change will be a significant improvement in terms of safety for pedestrians using this stretch of the footpath. The revisions did not, however, address the lack of a bus drop off/ pick up point or provision of cycle parking. Conditions requiring specific details of the refuge, details of the footpath across the staff car park, provision of cycle and bus drop off/pick up facilities should be included in any permission.

Item 7 – 08/01043/FUL - Hardenhuish School

Representations

A further 6 letters of objection have been received raising similar issues to those which have already been raised in the report.

Consultees

A response from the County Ecologist is still awaited.

Recommendation:

As per the main agenda.

Consultees

The District Ecologist has requested that a survey for great crested newts be undertaken at the pond adjacent to the application site (surveys should be done between March-June) and prior to the application being determined.

Based on the above, the applicant has agreed to withdraw the car parking and landscaping element of the application. The description of the proposal has now been amended to read “single storey extensions to the Science Centre.

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Recommendation:

As per the main agenda but with the removal of Conditions 4 and 5 which directly relate to the car parking and landscaping elements of the proposal and which have now been removed.

The following drawings are relevant to the determination of the application:

- Drawing No. 2770/SU-01/A date stamped 23rd June 2008.
- Drawing No. A1/06/20/(SCI)01, A1/06/20/(SCI)02 and A1/06/20/(SCI)03 date stamped 28th April 2008.

Drawing No. A1/06/20/(SCI)11/B, A1/06/20/(SCI)12/B, A1/06/20/(SCI)13/C and A1/06/20/(SCI)15/B date stamped 23rd June 2008.

Item 9 – 08/01345/FUL – 22 Lady Coventry Road, Chippenham

Wessex Water do not object but list criteria which need to be met to allow the development, including a 3m easement.

Development Control Manager

This should be included as an informative to the permission as was done with the permission for the extension (05/01590/FUL).

Item 10 - 08/01347/S73A - Bridge Paddock, Land at Braydon Road, Braydon Road, Nr Minety, Wiltshire, SN6 6RQ

One additional letter of support received confirming that no site is available at a gypsy site in Tewkesbury.

Additional information submitted on the frequency of bus services (placed on file).

One additional objection received.

Similar grounds as previous objections plus reference to alternative sites which may be available at Thingley and in Gloucestershire.

One additional letter of objection received.

Similar grounds of objection plus comment that lack of alternative sites through the LDF process is not a reason for temporary permission.

Item 11 – 08/01443/FUL – 5 Paddock End, Kington St Michael

Representations:

One further letter of objection has been received from a local resident concerned that the extension will block views to the fields located to the rear of the property and will have a detrimental impact on the physical and visual landscape.

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The Parish Council do not object to the application but raise the following matters:

- **Impact on the streetscene.**
- **Development may set precedent.**
- **Development won planning design awards and this application does not fit with the original feel of the development.**

Recommendation:

As per the main agenda.

Item 12 – 08/01444/FUL – 13 Church Street, Wootton Bassett

Representations

A further 14 letters of objection have been received raising similar issues to those which have already been raised in the report. Two additional concerns is loss of light and impact on the local wildlife.

Consultees

The Town Council objects to this application as they believe that the proposal is over-development of a restricted site. They note that the three storey element is out of keeping and out of character with the adjacent Conservation Area upon which it is likely to have an adverse affect. Members were also concerned by the impact of the development on traffic congestion and access at this location.

Recommendation:

As per the main agenda.

Representations

Two further letter of objection has been received.

Consultees

A formal response from County Highways has now been received raising no objections to the proposal subject to conditions being attached to any permission granted.

Legal Agreement

The Applicant is in the process of drawing-up a S106 Agreement to ensure that a financial contribution is made towards the provision of Public Open Space.

Recommendation:

As per the main agenda but with the following highway conditions to be added:

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

Reason: In the interests of amenity and road safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

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2. Prior to the dwellings hereby approved being first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

3. Prior to the dwellings hereby approved being first occupied, an area for the turning of vehicles shall be provided in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The turning area so approved shall thereafter be kept clear for the manoeuvring of vehicles at all times.

Reason: In the interests of highway safety and to comply with Policy C3 of the North Wiltshire Local Plan (2011).

Item 13 - 08/01332/FUL – Kingdom Hall, Ernle Road, Calne

Highways

The proposal is in line with that discussed at the pre-application stage with parking provision increased in line with the increase in building size. Recommend that no objection be raised subject to a condition regarding the parking provision.

Environmental Health

Environmental Health have not received any complaints of noise from activities at the Kingdom Hall.

The hours that the hall is currently used do not seem unreasonable. Despite the Hall being extended, providing activities at the Hall are exactly the same, and the congregation does not increase then there should not be additional noise. It is not clear whether the extension to the hall will lead to increased use, or whether it will be rented to other groups for use.

It is understood that there are concerns from local residents about noise from cars arriving at, and leaving the premises if there were to be increased activities at the Hall. In light of the concerns from local residents, it would be reasonable to impose a condition to restrict the hours the hall may operate to before 10.30pm each evening.

Case Officer

Add additional Conditions:

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

Reason: In the interests of amenity and road safety.

6. The development hereby permitted shall not be used after 10:30 p.m. on any day.

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

A letter in support of the application has been received from a member of the congregation.

Two letters of support have been received. Key points raised:

- **Hall is within easy walking distance for congregation**
- **Congregation is growing and a larger hall is needed**
- **Hall already exists on site**

Item 14 – 07/02862/FUL – Greenway Farm, Tockenham

The Council's agricultural advisor has commented on the further info supplied as follows:

The revisions take account of the previous omissions from the business plan, it does not make any allowance for business rates/rent, but suppositions have been made which now are accepted as the business having been planned on sound financial basis.

The agent has further commented in support of the application that the functional and financial tests have been met; the applicants have submitted a unilateral undertaking about tying the residential accommodation to the business and number of liveries; Mrs Waite has been offered a "contract" to look after out of season racehorses worth up to £75000 each on the basis of facilities and staff at Greenway Farm; The development of the business cannot be achieved by Mrs Waite alone nor can it support the purchase of a house on the open market.

Item 15 - 08/00638/FUL -Trinity Farm, Rodbourne

This application was called to committee by Councillor Ian Henderson and the request was seconded by Councillor Howard Greenman. This should be noted, as the report incorrectly states that Councillor Chuck Berry seconded the request.

Item 16 – 08/01116/FUL – Seagry and Startley Village Hall, Upper Seagry

Development Control Manager

Reason for refusal 1 should be amended to read:

"The proposal would be a new dwelling in the countryside, without special justification, contrary to policies C3 and H3 of North Wiltshire Local Plan 2011 and DP1 and DP14 of the Wiltshire Structure Plan 2016"

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Item 17 – 08/01118/S73A – Lakeside Park, Kington Lane, Stanton St Quintin

Further objections have been received from an objector unable to attend the meeting on the following grounds:

- the planning office has stated that the application would not be allowed by planning law and that the recommendation is because of human rights issues.**
- objections can only be made on planning grounds**
- human rights are separate from planning law**
- the ability of the planning office to recognise if this human right issue is relevant is questioned**
- will there be monitoring of these issues?**
- will the extended period help and if there proof that their situation has been improving in the 7 years they have been allowed to stay by the Council and will this be checked?**
- the situation is not adequately being dealt with**
- there are discrepancies in the way applications are handled**
- the planning application should be turned down, human rights are not your department**

Officer comments:

Planning application are required by law to be considered against the relevant Local Plan policies unless material considerations indicate otherwise. In relation to this application the material considerations are the previous Inspector's decision allowing the retention of the caravans on the site and the Human Rights Act.

The proposal is contrary to policy but the material considerations are considered to be sufficient to outweigh policy in this instance.

The applicant has provided a full written response to non-planning objections raised. A copy of the response is contained in full on the file and is summarised below:

- Applicant consulted neighbours, but not all of them and not those who objected**
- the land is agricultural and there is no requirement for it to be cultivated to become arable. Planning permission was granted for the change of use that has taken place**
- no access has been blocked and access to neighbouring land has been offered. Solicitors correspondence has confirmed this is the case.**
- a libellous objection has been removed from the file**
- a recent police incident at one of the objectors properties is outlined with full detail of the police log provided (on file)**
- the applicant staggered at the accusation of conduct at taxpayers expense, in light of the above incident and wilful abuse of police time and resources at 9pm on a Friday night."**

The Officer has no comments to make in respect of this correspondence and it relates to non-planning matters.

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Item 19 – 08/01234/FUL – 87A Pinewood Way, Colerne

Letter

A letter of support for the proposal has been received from a local resident.

Item 20 – 08/01247/FUL – Splash Cottage, Norton

Further Information from Agent

The Agent has asked that Members be made aware that the entirety of the previously approved development is to take place on land previously in agricultural use.

The second point the Agent wishes to make is that on the basis that planning permission was granted to extend the residential curtilage to accommodate a new vehicular access, garaging and turning facilities and stable block, all taking place on an exposed area of agricultural land alongside the road, why would the extension of the residential curtilage to the rear of the dwelling and on land concealed from public viewpoints no longer be acceptable and contrary to Policies C3 and NE15 of the North Wiltshire Local Plan (2011).

D.C. Manager:

Prior to determining the previous application, negotiations were undertaken with the Agent to re-site the proposed garage for it to fall within the existing residential curtilage of the property. With regards to the access and driveway, it was considered that on the basis that the existing access and drive were dangerous in terms of highway safety, a small encroachment into agricultural land would be acceptable in order to address this highway concern. The stables were sited outside the residential curtilage of the property and acceptable under Policy NE15 of the North Wiltshire Local Plan (2011).

Recommendation:

As per the main agenda.

Item 22 – 08/01284/FUL – Rookery Farmhouse, Hankerton

It has transpired that the application has not been advertised via a site notice which is required given the presence of a footpath in the vicinity of the site. A site notice has been erected on the main road and the consultation period for this expires on 14 August 2008.

A neighbour has been notified of the proposal and objected.

The application should not be determined until such time as the public consultation expires.

Recommendation:

Defer 3 September 2008

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Item 23 – 08/01316/FUL Pillar House, Charlton

Parish Council

Have no comment or objection to raise on this application.

Letters

Three letters of support for the application from neighbouring properties have been forwarded by the applicant.

Item 25 – 08/01393/FUL – Manor Farm Cottage, Grittenham

Environmental Health

No observations

WCC Highways

No objections

Item 26 - 08/00631/FUL - Gospel Hall, Kington Langley

District Ecologist:

No objections

Neighbours:

Representations received from two addresses reiterating support for the proposal (both immediate neighbours of the site). They comment that the site has remained vacant for too long (it has become unsightly and is a cause of concern to neighbouring residents) and the proposed church will use the site in a way that cause little long term disruption.