

**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 25<sup>th</sup> November 2008.**

**Item 1 – 08/01973/FUL – Former Concrete Batching Plant, Station Road, Christian Malford, Chippenham SN15 4BG**

Development Control Manager

Please add the following condition:

16. Notwithstanding the details submitted, the rooflights proposed to serve plots 1 and 2 be set no lower than 1.7 metres from floor level and maintained at this height thereafter.

Reason: In the interests of the residential amenity of neighbouring properties.

**The legal agreement has been completed and secures the following:**

**- the provision of six affordable houses comprising two one bed flats, three two bed houses and one three bed house together with an off-site contribution of £26,000.**

**- an off-site contribution of £79,600 towards open space provision and maintenance**

**- no connection to the public sewer network until completion by Wessex Water of a sewerage improvement scheme.**

**Accordingly the recommendation is now PERMISSION be GRANTED subject to conditions with the following condition also proposed to be added:**

17. Notwithstanding the details submitted, the rooflights proposed to serve plots 1 and 2 be set no lower than 1.7 metres from floor level and maintained at this height thereafter.

Reason: In the interests of the residential amenity of neighbouring properties.

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**Item 2 – 08/02114/FUL - Land adj Framptons Farm, Sutton Benger, Wiltshire SN15 4RL**

**Two additional letters of objection received:**

**Object to this application for the following reasons:-**

- **Area is unsuitable and proposal is out of keeping**

**ADDITIONAL INFORMATION**

- On farm land outside the planning area
  - Unsuitable due to flooding
  - Has a dangerous access
  - Is a right of way to the sewage works serving Sutton Benger
  - May attract other gypsy families to the site
  - Individual neighbours were not notified
  - People already living on the site
  - There are regular bonfires
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**Item 3 – 08/02352/S73A - Purdy's Farm, Braydon**

**Purton Parish Council**

**Wish to object to this application as it does not meet the criteria for gypsy sites. It has been noted that work has already started with hardstanding down and caravans on site.**

**Wiltshire Wildlife Trust**

**Letter received from WWT objecting to the application, it is stated that:**

**“The Wiltshire Wildlife Trust would like to object to the above application. We understand that the pond on this site was filled in by the applicants some weeks ago. Without prior survey, it is impossible to tell if great crested newts were using this pond.**

**The ancient Forest of Braydon is known to support this species, and there is not comprehensive survey information on all known ponds.**

**Retrospective planning applications should be determined as if the works had not taken place. If someone applies to fill in a pond in an area with the potential to support great crested newts, a species protected under the European Habitats Directive as well as under UK law, then the council would ask for a survey to show that they would not be harmed and put appropriate mitigation measures in place. Since no such survey has been undertaken, the council is not in a position to determine the application, and therefore it should be refused.**

**If great crested newts were, in fact present, they will now be in the surrounding areas of cover. Therefore restoring the pond now or constructing a new pond, would protect the population.**

**If the council now grants permission without knowing the impact on great crested newts, and then newts later were found in the area, the council will have opened itself and the applicants to the possibility of prosecution.**

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**I would draw your attention to Planning Policy Statement 9, which is formal Planning Policy. This development does not comply with this policy.”**

**Letter**

**In response to the comments from the WWT, as letter has been received from the previous owner of the site, stating:**

**“As the previous owners of Purdy’s Farm I wish to inform you that there was never a pond on the site. Approximately 2005, as we kept chickens and ducks, we dug out a dip pond for them. But when the weather was bad it tended to flood causing problems and during the summer would dry up. Hence approximately 2006 we did practically fill it back in. It was approximately 1 foot deep.”**

**Development Control Manager**

**The information received has been passed to the District Ecologist at Wiltshire County Council and the WWT. In response, WWT forwarded an email from a local resident that disputed the information supplied by the previous owner, it states that after the ducks and chickens were removed, the pond was left on site as it was, and always had water in it and never dried up.**

**In light of the above, discussions have taken place with WWT who are of the view that the site had the potential to support great crested newts.**

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**Item 4 – 07/01771/COU – The Stables Adj, The Orchard, Wood Street, Clyffe Pypard, Wiltshire, SN4 7PZ**

**Local Residents**

Following the receipt of revised plans, a number of local residents who had previously objected to the proposal have withdrawn their comments. The number of letters of objection received now falls below five which would mean that the application could be determined under delegated powers. However, on the basis that the application was already placed on the agenda prior to the objections being withdrawn, the DC manager has taken the view that this application should be heard at committee.

**Recommendation**

**As per the main agenda.**

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**Item 5 – 08/02167/FUL - Glenhaven, Plough Lane, Kington Langley, Chippenham, Wiltshire, SN15 5PS**

Kington Langley Parish Council

Object to the proposal for the following reasons :

- Prevision applications have been very similar to that now proposed and have been objected to by the Parish Council and refused planning permission by the District Council
- Seven applications have been rejected for this site, with one application to convert the bungalow to a two storey house being granted planning permission with the support of the Parish Council.
- Two proposed houses side by side is out of keeping with the single storey property per plot character of the locality.
- Plough Lane is occupied by a mix of houses and bungalows on both sides of the road with space between them and visually important sense of openness.
- The neighbouring properties share a consistent building-line to Plough lane, which the proposal does not respect.
- Fails policies C3 and H3 of the North Wiltshire Local Plan 2011 in that the proposal would not respect local character and distinctiveness of the area.
- Each house is sited 1.0m in from the boundary line rather than hard against it as previously proposed - acknowledged that this does improve the proposal but the fundamental objection remains.
- No clear datum on the plans that ties down with precision where the structures would stand in the plot nor their proposed height.
- The existing pole that stands centrally in front of the site carrying power and telephone lines is not addressed.

**Agent :**

Letter received making the following points :

- The letter from the Parish Council states there is 1.0m off each boundary. This is not true, as there is in fact 2.0m off each boundary.
- The electric pole will be moved at very little inconvenience to other properties.
- The houses are not in a Conservation Area as stated by the District Councillor.
- The point has been made about lack of access for fire or ambulance services. How many other properties have such provision?
- Plough Lane has a mixture of bungalows, houses and semi-detached houses all of which lay on differing buildings lines with social housing to the rear.
- The dwellings to the side of Glenhaven have been built tight to their boundaries.
- Hope the Committee will look fairly on this application with the pressure we have of housing and keeping it within the permitted development areas.
- We have agreed to give the Council an affordable housing contribution of £26,000 and public open space contribution of £7,800 which was the only objection on the original application.

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**Item 6 – 08/02281/FUL - The Barton, Bushton**

**Environment Agency**

**Letter received stating that the Environment Agency do not wish to make a comment regarding this application. Have referred to guidance relating to the use of a non-mains foul drainage system.**

**Development Control Manager**

**The letter from the Environment Agency to be added as an Informative:**

**4. The applicant's attention is drawn to the contents of the attached letter from the Environment Agency dated the 20<sup>th</sup> November 2008.**

**Drainage Engineer**

**The Council's Drainage Engineer visited the site on 21<sup>st</sup> and the following is a summary of his comments:**

**The existing highway culvert is just about big enough to cope with up to 70% of the possible flows, that can be delivered by the watercourses arriving at the site boundary. The problem is that the existing highway pipe is badly silted and the existing watercourse south of the main road needs excavating. The ideal would be for the applicant to install 450mm diameter pipes up to the highway then lobby Wilts County Council to install a similar pipe in the highway. We would use our powers to insist that the downstream watercourse is dredged to the main receiving watercourse.**

**Assuming rainfalls as in July 2007, due to the falls on the site and the adjacent highway, flooding would break out of the site and cross the road at a depth of less than 100mm where it would discharge into open fields. It is unlikely that the two adjacent uphill properties will suffer flooding from this flood mechanism because they are much higher. The adjacent properties are protected by a shallow ditch on their rear boundaries. However, the ditch is blocked downstream, in the field behind the existing adjacent property (No. 3). If the two existing properties are suffering from excessive overland surface water, then this blockage is the culprit. The field at the rear is clearly no stranger to high moisture levels because of the existing hollow stemmed grasses present.**

**The complete solution should be to establish a drainage path from the rear field to the existing watercourse, remove the blockage, install 450mm diameter pipes on the new development to the highway and upgrade the existing piped road culvert. Finally, re-cut the watercourse south of the highway.**

**Only a small portion of my recommendations are within the control of the applicant, he is willing to comply with my recommendations which will formalise and improve the present site drainage but offsite work is necessary to get the best drainage solution which may not be a planning consideration.**

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**Applicant**

With regards to the ownership of the agricultural land to the rear of the site, the applicant has submitted a letter which states:

“I have had a letter from my solicitor dated 7<sup>th</sup> November to confirm my purchase of the land which will be farmed as normal by the owners of the surrounding farmland (Mr S Pinnegar) for the foreseeable future.”

The applicant has also submitted additional plans showing the drainage details these have been discussed with the Drainage Engineer and he is satisfied that the details are acceptable.

The Drainage Engineer will pursue the adjacent landowners regarding clearing the ditches and Highways regarding upgrading the pipe under the road.

**Development Control Manager**

As stated in the Committee report specific planning permission will be required to use the land to the rear for anything other than agriculture.

Please remove Condition 5(5) and 5(6) and replace condition 9 with the following:

**9. Before the occupation of the dwelling hereby permitted, drainage works including a 450 mm pipe as indicative on the plans received on the 24<sup>th</sup> November 2008 shall be completed. No amendment to the drainage scheme shall be carried out thereafter without the prior written approval of the local planning authority.**

**Reason: In the interests of the drainage of the area.**

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**Item 7 – 08/02293/FUL – Winkworth Farm, Lea, Malmesbury, Wiltshire, SN16 9NH**

Development Control Manager

The parish is incorrectly noted as being Brinkworth, although the comments of the correct parish council, Lea and Cleverton Parish Council, are contained in the report.

2 further letters of support have been received commenting on the proposals compliance with PPS7, PPS4 and PPS referring to Planning and Climate Change and lack of negative impact on the roads.

The agent comments:

- Is disappointed not to have had a meeting prior to the report.

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- Lack of acknowledgement of eco part of proposals eg creation of organic flower and vegetable garden for use. Promotion of green credentials in all aspects of the development.
- The highway statement should be read in conjunction with the planning statement. Draft PPS4 (planning for sustainable economic development) and PPS: Planning and Climate change (supplement to PPS1) which acknowledge local planning authorities should recognise that a site may be acceptable even though it may not be readily accessible other than by private car, although she does acknowledge that the nature of the proposal is likely to attract travel by private car. Weddings by their nature are likely to attract travel by private car. She asks the highways officer to reconsider.
- The highways officer states that coach travel cannot be enforced. But it could be by using a Green Travel Plan.
- The report does not state the grounds on which the 63 letters of support have been written.
- The parking is for 80 cars not 100 as stated in part of the report.
- Concerns over the visual impact of the car park can be addressed by landscaping.
- The report fails to acknowledge that this proposal could support other local businesses - 60 are suggested in the Agricultural Assessment.

**2 further letters of support have been received.**

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**Item 8 – 08/02252/FUL – Environmental Services, Bath Road, Chippenham, Wiltshire, SN14 0AB**

Wiltshire County Council Highway Authority

No objection on the basis that the 28 emergency movements per week is adhered to.

**Changed Recommendation**

**Permission be GRANTED 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 Section 91 of the Town and Country Planning Act 1990.**

**2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.**

**Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.**

**DEVELOPMENT CONTROL COMMITTEE 26<sup>th</sup> November 2008**

**ADDITIONAL INFORMATION**