

**NORTHERN AREA PLANNING COMMITTEE ADDITIONAL INFORMATION**  
**29<sup>th</sup> May 2013**

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 May 2013.**

**Item 7(a) – 13/00054/FUL – Field Adjacent Old Inn, Upper Minety**

Amendment to text in respect of Planning policy

**6. Planning Policy- Wiltshire and Swindon Structure Plan revoked 20/05/2013**

It has been confirmed that the proposed gated entrance into the open space will be a swing gate or kissing gate therefore entrance into the area will not be restricted.

Clarification of finished floor levels as shown on drawing number 6229 D 0301B as confirmed by agent on 28<sup>th</sup> May 2013. This varies from the comments expressed in section DESIGN AND LAYOUT in particular paragraph two.

*The FFL of Unit 2 is the same as Unit 1 - and these are the lowest on the site at 100.90. The ridge height of unit 2 is the lowest on the site.*

*All Unit FFLs are at least 300mm above surrounding EGL, with Unit 2 FFL 900mm above EGL as the flood plan is at 100.00, and roadway fronting this has the SUDs tanking which must be 100.70 (to ensure the tanking is above the 100.00 flood plain level). The difference between unit 2 FFL and EGL is only notable within the gardens, with steps and an accessible ramp down to EGLs. Flooding report requires no development on floodplain to maintain this area (see COMMENTS in email 17/4/2013 and borrow and share analysis on flooding layout).*

These finished floor levels are considered acceptable given the position of the units on the site and in relation to the context. The units do not sit adjacent to existing properties but read as a self contained group.

Further comments received from the Highway Engineer in conjunction with the Highway Drainage Engineer are, as follows.

*I can confirm that I have spoken to Danny Everett this afternoon. From a highways drainage view we have no concerns. This is on basis that the drainage system within the site (permeable paving) will not be connecting to any highway system in the locality. I also note that the roads will remain un-adopted. With regard to water from the site entering the highway, this should not take place as the roads will have permeable paving.*

*With regard to the piping of the ditches for vehicular and pedestrian access I am happy to adhere to the condition we agreed. But as a note Danny suggested that when details are submitted, we will only approve pipes with a 450mm diameter.*

Further clarification from the housing officer in respect of the proposed tenure of the residential units.

*It is 10 affordable rent homes. Affordable rented homes will be made available to tenants at up to a maximum of 80% of market rent and allocated in the same way as social housing is at present.*

The Education Officer has been consulted in order to that the total education costs required can be given as these were not fully confirmed in the report.

The figure given is and this is to be included within the 106 agreement payments.

2 primary places and 2 secondary places.

Present multipliers are £12713 for primary and £19155 for secondary

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Therefore total requested = £25426 for primary and £38310 for secondary

Total request for education = £63736

**3 further letters received 1 in support of scheme although issue of drainage and surface water raised- this matter is addressed in the report.**

**2 letters of objection have been received –**

**Water voles have been raised as an issue-**

**This matter has been raised with the councils ecologist who has commented in full. The conclusion of the ecologist is that a condition to ensure minimal disruption to the habitat of any water voles found would be satisfactory, therefore the following additional condition should be attached to any permission granted-**

***15- Prior to commencement of development a Water Vole Mitigation Statement shall be submitted to and approved by the Local Planning Authority. The mitigation statement shall include:***

- ***A detailed survey of all watercourses adjacent to the site boundaries, mapping all water vole burrows***
- ***Methods to protect all water vole burrows and suitable habitats within 5m of construction works, which shall be retained in situ from damage and disturbance***
- ***Methods and timescales to exclude water voles from those burrows which cannot be retained in situ***
- ***Methods to restore and enhance any damaged water vole habitats***

***All construction works shall be carried out in full accordance with the approved mitigation strategy unless otherwise agreed in writing with the Local Planning Authority.***

***REASON- In order to minimize and protect any water voles on this site.***

**Further issues have been raised in respect of the officers report. These are -**

- **Local Support-** this is covered in the officers report. It is recognized that there is a split between residents in Upper Minety and those in Minety.
- **Policies** are covered in officers report.
- **The availability of other sites** is also addressed.
- **It is considered by officers that a fair and due process has been followed.**

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**Item 7(b) – 11/04092/OUT – Malmesbury Garden Centre, Crudwell Road, Malmesbury, Wiltshire, SN16 9JL**

**Since the report was drafted a number of further letters of objection and support have been received. The current total as at 13:00 on 29<sup>th</sup> May was:**

**198 letters of support received (key points as summarized in report)**

**315 letters of objection received (key points as summarized in report)**

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The Malmesbury Neighbourhood Plan Steering Group (MNPSG) have analysed the responses to the Draft Neighbourhood Planning document and have summarized the responses where they relate to issues of a retail planning:

The following information can be used to show how local people view the proposed sites and in fact because of the pre existing plans, often refer to the supermarkets by brand name rather than by site name. Feedback has been collated from those people who made particular reference to a potential supermarket site(s) or supermarket(s) and also those who stated in some way that they supported or agreed with the draft Neighbourhood Plan.

- Some people came along to more than one event or gave more than one similar feedback, so their feedback is being amalgamated into one entry.
- Some people commented on more than one site or supermarket in their feedback. (N.B Therefore percentages will not calculate to 100% in total).
- There were no specific questions on the feedback forms and some residents did not comment at all about the supermarkets or sites only other areas of interest.
- The Avon Mills Site is identified in the draft Neighbourhood Plan.

<b>Feedback Comments</b>	<b>Number of Residents Who Gave Feedback<sup>[1]</sup></b>	<b>Percentage of Residents Who Gave Feedback</b>
<b>Feedback pro Avon Mills Site/ Waitrose</b>	<b>167</b>	<b>64%</b>
<b>Feedback contra Avon Mills Site/ Waitrose</b>	<b>58</b>	<b>22%</b>
<b>Feedback pro Sainsburys/ Garden Centre Site</b>	<b>26</b>	<b>10%</b>
<b>Feedback contra Sainsburys/ Garden Centre Site</b>	<b>26</b>	<b>10%</b>
<b>Feedback indicating preference for the Co-Op to be expanded or taken over and/or no supermarket at all</b>	<b>34</b>	<b>13%</b>

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<sup>[1]</sup> Included a very few local people just outside the designated Plan area, but who use Malmesbury town facilities.

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It should be noted that an objector has submitted a different analysis of the submitted responses. However, this (albeit initial) analysis has been provided by the Steering Group in good faith to reflect the work that has been carried out and the responses received. The neighbourhood Plan in its current unadopted form carries little weight, but is a useful indicator of the views expressed locally.

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**Item 7(c) – 12/00165/FUL – Land to the Rear of Avon Mills, Malmesbury, Wiltshire**

Since the report was drafted a number of further letters of objection and support have been received. The current total as at 13:00 on 29<sup>th</sup> may was:

**190 letters of *objection* have been received raising issues as detailed in the report**

**In addition to the petition with 66 signatures reported a further e-petition with 121 signatures objecting to the application has been received from the Malmesbury Greenfield Group.**

**505 letters of *support*. (This included 405 letters which were identically worded supporting the proposal and identifying the following benefits:**

- **More choice for residents of Malmesbury helping to retain trade in the town**
- **Location around 300m from town centre is close enough to encourage linked trips**
- **Car park can be used by customers and those visiting the town centre**
- **Store is primarily a food store**
- **Financial support to provide a series of measures promoting and supporting the town centre**
- **Highway improvements plus pedestrian crossing.)**

**A petition supporting the application with 41 signatures has also been received.**

**(Please note comments above regarding the analysis of the MNPSG)**

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**Item 7(e) - 13/00244/FUL– 8 Willowbrook & Ashgrove House, Purton, Wiltshire, SN5 4AG**

**Section 10. Recommendation is incorrect and should be replaced with;  
In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the social, economic and environmental conditions of the area. The proposed physical extension is considered to be acceptable in the context of the surrounding area and would not impact unduly on the character or appearance of the area. The use of the building as an improved facility to an existing residential care home is considered acceptable in the context of existing residential uses and impact on amenities of local residents has is considered acceptable. The proposal is therefore in accord with policies C1 and C3 of the North Wiltshire Local Plan 2011.**

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Comments have been received objecting to the application. These are summarised below;

- Incorrect information on website regarding neighbour notification
- No site notice posted
- Description of works not explicit enough
- Above results in disregard for planning procedures and should therefore be refused as insufficient consultation

**Officer Comments**

As noted in the main body of the report, site notices were erected at the time of the application and when notified by the Parish Council that they were no longer in situ, fresh site notices were erected in Willowbrook and on Station Road which allowed 21 days for comments to be received from that date.

In respect of the information on the website there is an anomaly where comments received are grouped with neighbour notification letters. This is an IT issue which should be resolved with the introduction of the new IT system. Neighbours were consulted inline with the neighbour notification procedure adopted by the Council. Broadly, this includes notification of any neighbours who lives adjacent to the site or is within 4 metres. The following properties were sent letters on 01.02.13. The consultation process was therefore conducted correctly.

5, 6, 7, 9, & 10 Willowbrook

61, 62 & 64 Station Road

75 & & 76 Witts Lane

The Bramleys

Protea

Deva House

10 Station Road

In respect of the description of the work, it is for a new building and link to a residential care home to be used for residential care. The wording of the description is therefore considered sufficient to indicate the nature of the works proposed.

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**Item 7(f) - 13/00477/FUL and 13/00478/LBC – The Horse and Jockey, Gosditch, Ashton Keynes**

**Agent's Response to Parish Council Comments**

A letter dated 14<sup>th</sup> May 2013 was received making the following points:

Survey had a response rate of 27% so 73% did not reply.

Statute requires applications to be determined in accordance with the development plan policies unless material considerations indicate otherwise.

Attention is drawn to the policies of the development plan relating to the loss of valued local facilities, which highlight the requirement for the business no longer being viable, the marketing of the premises and for there to be alternative facilities within walking distance.

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With regard to viability:

The applicant is the owner of a local food business serving the pub and restaurant trade and is therefore well aware of viability issues. Evidence submitted by the owner and subsequently Perry Bishop and chambers confirms that significant expenditure would be required for the building to reopen as a pub, and that it is doubtful that it would be viable once opened.

With regard to alternative local services:

The application demonstrates a wide range of community facilities, all within convenient distance, including a pub.

It is questioned that the Pub was a valued local facility in recent years.

With regard to marketing:

The level of interest initially shown was primarily due to the low rent of £20,000 for the first 3 years and the low buy-in amount of £5,000. However no viable offers were received. All of the interested parties had limited availability of funds; insufficient to fund the deposit and the refurbishment, pay the rent, and finance the running of the business as loss making for a period of time until trade was developed.

Detail of the reason for rejecting the offers made is given in the letter.

With regard to intent:

The applicant acknowledges that they seek the change of use for their own occupation, as a single family dwelling. Had a developer bought the premises there could well have been pressure for more intensive development.

As there is no guarantee that change of use would be forthcoming the pub use is a secondary option but given the viability findings this is unlikely to be realistic.

Reference is made to "another interested party". However this person is unknown to the applicant and no approach to the applicant has been made.

It is believed that all relevant points raised by the Parish Council have been addressed.

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