

REPORT TO THE Overview and Scrutiny Committee		Report No.9
Date of Meeting	23 October 2007	
Title of Report	Public Questions – Cattle Market Site	
Link to Corporate Priorities	Customer Focus	
Public Report	YES	

Summary of Report

At the meeting of the Overview and Scrutiny Committee held on 13 September 2007, the Committee received, in public question time, two sets of questions from local residents in Monkton Park, Chippenham.

The questions related specifically to the development at the former Cattle Market site in Station Road.

This report addresses the issues raised by the local residents.

Officer Recommendations

To note the report

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.

Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
None	None	None	None	None
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1. Introduction

- 1.1 The letters submitted by the residents at the Overview and Scrutiny Committee on 13 September 2007 are attached at Appendix 1 to this report.

2. Options and Options Appraisal

- 2.1 Option 1: - To note the contents of this report.

3. Responses to residents questions

3.1 Roof Heights and Enforcement Action

Just because a development is not built in accordance with approved plans does not mean that enforcement action automatically follows. Government advice to Local Planning Authorities is very clear – a retrospective planning application should be encouraged and the merits of the development should be assessed to establish what harm is caused. Where that harm is judged not to be significant, enforcement action is not justified, solely on the basis that permission was not sought for the proposals from the outset.

3.2 Tarmac Road to contractor's car park

This road will revert back to a non-vehicular access on completion of the development. Any current obstruction of the highway is a police matter.

3.3 Extension of Planting from Cocklebury Road

The land is to be landscaped as part of the freehold agreement, and this is not therefore covered by the planning permission.

3.4 Surface Treatment of Timber Fascias

The maintenance of the properties would be the responsibility of the respective owners, having regard to any contractual obligations imposed by Linden Homes in the Sale Agreement

3.5 Hartwell Site

This site is not being inspected by the Local Planning Authority's Building Control as the developer has chosen the approved Inspectors method as is his right to do so.

3.6 Late Amendments

During the course of the consideration of a planning application, negotiations inevitably result in the submission of amended drawings or details. Where such amendments materially affect the fundamental principles of the proposals, statutory consultees, Town and Parish Council's and third parties are reconsulted on the information. However, in many instances it does not and merely addresses issues raised by Planning Officer, Statutory Consultees or third parties. In such circumstances, reconsultation is not carried out, which is a long established practice that is recognised and endorsed by the Local Government Ombudsman.

Where information is submitted late on in the process, Officers give an explanation of such amendments and it is always open to Members to seek clarification on issues that they do not understand and defer them if thought necessary.

3.7 Layout of Development

Similar height buildings to those along the Cocklebury Road frontage were sited across the development. The nature of the development, the density of which is encouraged in Government Policy, always meant that there would be tall buildings on the site. Bearing in mind the relationships between buildings and the existence of a main road, a refusal would not have been justified.

3.8 Traffic Survey

The Wiltshire County Council acting as Highway Authority provide the expert evidence on highway issues. Their advice has been provided in the knowledge that other developments are planned along Cocklebury Road. In the absence of any adverse comments from the County Council on the merits of the proposals, a refusal would not have been sustained by the Local Planning Authority.

3.9 Heights of Buildings

Drawings were supplied by the developer which included specific heights and levels. It was therefore perfectly reasonable to assume that all subsequent drawings would respect those identified heights and levels.

Notwithstanding any discrepancies in the drawings, the merits of the alterations between the approved drawings and the as built situation, simply did not justify a refusal of the proposals, bearing in mind Government advice.

3.10 Roof Structures and the Timber Frame Construction

It was explained at the Committee Meeting that due to the use of timber framing in the construction of the building, this would affect how much of the building would need to be removed to actually lower the roof.

Each component of the building in this type of construction, including the roof, walls and internal partitions, all contribute to the structural integrity of the building. In such circumstances, it is not simply a case of taking the roof off and reducing the height of the top floor. Due to structural loading, this action alone would be likely to lead to rendered walls failing. It was therefore quite properly pointed out to Members that, if the height of the building needed to be reduced, this would likely result in the substantial removal/demolition of a significant proportion of the building.

4 Implications

- 4.1 There are no implications arising from this report, assuming that Members endorse the recommendation.

5 Risk Analysis

Option 1 0 there are no implications arising from this report, assuming that Members endorse the recommendation.

Appendices:	<ul style="list-style-type: none"> Appendix 1 - Copies of the questions submitted by Mr B Perrett and Mr J Belk
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none"> None

Previous Decisions Connected with this Report

Report	Committee & Date	Minute Reference
Cocklebury Road Development	Overview and Scrutiny Committee 13.September 2007	