

**ADDITIONAL INFORMATION**

**The text in bold is additional/amended information to that circulated to Members on Tuesday 9th October 2007**

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.

**ITEM 1 – 07/00966/FUL**

**Avon Edge, Dark Lane, Malmesbury, Wiltshire**

Environment Agency

In their letter of 13 September 2007 the Environment Agency state “we accept your conclusion (ie. the applicant’s consultants) that the remediation exercise has not resulted in the raising of ground levels in the floodplain (at least) to an extent that would exacerbate the risk of flooding elsewhere. We shall therefore not be referring this matter to our Enforcement team.”

Head of Development Control

Officer recommendation on page 13 should be “planning permission to be GRANTED subject to conditions:”

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**Item 2 – 07/01868/FUL**

**7 Lanes End, Gastard, Corsham, SN13 9QS**

**Agricultural consultant**

**A report has been received, commenting on the revised design and proposals.**

**The proposed building has been reduced to 45m<sup>2</sup> and the number of farrowing sows to two. All other details remain the same, with the appropriate reduction in required feed storage. The maximum size necessary for the latest number of animals is 31m<sup>2</sup> therefore the building is still larger than necessary for the proposed agricultural use.**

**WCC Highways**

**A comment has been received based on the revised number of animals and possible vehicular movements.**

**Highways still recommend refusal as any increase in use of the substandard access generated by the proposed development would be prejudicial to road safety.**

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**Corsham Town Council**

**Have considered the revised proposals and recommend that the planning application be refused and enforcement action taken to remove the existing structure.**

**Objector**

**One further letter of objection has been received for the revised scheme, commenting on the design and materials for the agricultural building. Also included were comments on the number of animals on site, the lack of information about location and removal of the muck heap, plus the possible impact if there was a ban on animal movement.**

**Head of Development Control**

**Amended reason for refusal:**

**1. The proposed new building would result in the erection of a structure that is significantly larger and more obtrusive, when compared to the recently demolished structure. The proposed building would be harmful to the character, appearance of the adjacent listed buildings and conservation area. Insufficient evidence has been submitted to demonstrate that the building is reasonably necessary for the purpose of agriculture. The proposal is contrary to advice contained within Planning Policy Guidance Note (PPG) 15 and to policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011.**

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**ITEM 3 – 07/00863/FUL**

**78/80 DERRIADS LANE, CHIPPENHAM**

**Head of Development Control**

**The report should make reference to the Parish of Chippenham Without Council, not the Chippenham Town Council as specified.**

**Amended plans**

**In complete accordance with the requirements set out in the report, amended plans have been received that alter the position of plot 6 as well as the position of windows to plots 5 and 6.**

**WCC Education**

**Have confirmed that they do not consider this site to be of such a scale that would warrant consideration for a contribution to be made towards education provision.**

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**Chippenham Without Parish Council**

**“On behalf of the Chippenham Without Parish Council, I disagree with your interpretation of the North Wiltshire Local Plan 2011 Written Statement.**

**It is a general principle of English law that, when interpreting the meaning of a document, the words used shall be given their ordinary English meaning.**

**Although Policy H8, at page 50 of the Local Plan, is headed "Residential Extension", the first sentence of the Policy reads:**

**"Household extensions and development within a residential curtilage will be permitted provided that:"**

**I would draw your attention to the words "and" and "residential curtilage".**

**The Oxford English Dictionary defines 'curtilage' as: "an area of land attached to a house and forming one enclosure with it". Clearly, the proposed development is within a 'residential curtilage'. It follows that the proposal is a "development within a residential curtilage" and Policy H8 applies.**

**Notwithstanding your view on Policy H8 and your comments under the heading 'Principle of development' on page 27, planning decisions should still represent good practice and have respect for the occupiers of neighbouring properties.**

**It is the view of the Chippenham Without Parish Council that the principles laid down in sub-sections (ii) and (iii) that:**

**ii) {development] does not result in unneighbourly development, which would result in loss of light, overshadowing, loss of privacy, oppression or other harm to amenities of either adjacent dwellings ....**

**iii) it maintains the scale and siting of the [development] in relation to adjoining development, open spaces and the character of the area and the wider landscape,**

**should be applied in this case as good planning practice and having respect for the occupiers of neighbouring properties. The proposed development is clearly in breach of these principles.**

**You may be aware that the Chippenham Without Parish Council has already clashed with the North Wiltshire District Council on the interpretation of statute and government guidance. That was in connection with the District Council's proposals for boundary changes that, had they been accepted by the Department for Communities and Local Government, would have seen the Cepen Park South area of Chippenham Without Parish being incorporated within the boundary of Chippenham Town.**

**If the Development Control Committee does approve this application in its present form, the Chippenham Without Parish Council would have to consider**

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taking legal advice on seeking a judicial review in the courts of the District Council's action.”

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**ITEMS 4 and 5 – 07/01986/FUL and 07/01987/LBC**

**Land Adjoining 54, Gloucester Street, Malmesbury, SN16 0AA**

The Conservation Area Study and Management Plan (Final Draft) April 2005

Within this final draft statement the garden of No. 54 Gloucester Street is referred to. The view from the top of Betty Geezer's steps is recognised and described as breathtaking.

The view from further down the steps is referred to but this is the area where the extent of the view will be reduced. The document recommends that **the erection of sheds etc on this site should be discouraged.**

This document is in its final draft stage and is a material consideration in the decision process. As a draft the document must be attributed with the appropriate weight and importance in the consideration of this scheme.

The policies within the adopted Local Plan **should** also be attributed with **greater** weight and consideration and it is a balance between the various policies, which leads to a recommendation being made. In this instance the planning and Conservation Officers are of the opinion that this scheme is acceptable and therefore a recommendation of approval is made.

**3 further letters of objection**

Comments received disputing the issues raised in the letter 'addressing concerns raised by objectors' submitted by the applicant.

Points disputed-

Acceptability of the scheme,

The contribution to the historic character,

Parking within the vicinity

Information in relation to development programming **and safeguarding of neighbour's amenity during the development period**

Conclusion that this is not appropriate development for this Conservation Area.

*These issues are referred to in the report.*

Concerns in respect of the amended plans and the fact that they have not been made available for interested parties to comment on.

*The Authority received amended plans on the 1<sup>st</sup> October 2007. These plans show that the unit has been lowered on the site by 1m. The plans also show the removal of the side, first floor window, as referred to in the report.*

**Amended plans**

Drawings amended date stamped 1/10/07 –  
1177/01A/02A/03A/04A/05A/06A/07A/08A/P5/P6/P7

- Additional information from the applicant has been submitted

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A CD with the applicant's response to letters

Photos and appendices

Structural Engineers Correspondence

Letter to residents

-A letter circulated by the applicant, which informs interested parties of the appearance of the new dwelling now it, has been lowered into the site.

The applicant's letter addresses the following issues

- Views Betty Geezers steps
- Car Parking
- Wall to Burnivale
- Reopening of pedestrian access to site
- Local Plan Policies
- Information in respect of the history of the site.

Impact on the amenity of residents during the construction period

It is recognised that development of this site should permission be granted would result in a period of time when adjacent residents would be disturbed. The applicant has submitted information to try to address the fears of residents that their amenity will be considered at all times. However this is an issue which cannot be controlled by planning conditions.

#### **History on the site**

**Some objectors have raised the issue of the previous application for a dwelling on this site. (Application no. N96.1709.OL) This was refused on design grounds and parking issues. Reason 5 made reference to the views out from Malmesbury Conservation Area over the site from the gardens and footpath. These issues have been addressed within the body of the report.**

**Letter of support submitted**

**Next door neighbour to the site considers the development to be acceptable.**

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#### **ITEM 6 – 07/02220/COU**

**31 Church Street, Calne, SN11 0HZ**

**Agent**

**Has submitted amended plans showing the current floor layout as well as proposed.**

**Local Resident**

**1 further local resident has objected on similar grounds as the main objections.**

**Head of Development Control**

**It is considered that the additional conditions are added:**

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4. This permission shall relate to the ground floor only.

Reason: In the interests of defining the permission.

5. The bar area and meeting room shown on the approved plans shall be used solely for purposes ancillary to the use of the building as a restaurant and for persons using the restaurant hereby permitted and not for any other visiting members of the public.

Reason: The permission is for A3 use only and not for a mixed A3/A4/D2 use.

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**ITEM 9 – 07/02323/FUL**

**North Farm House, Water Eaton, Swindon, SN6 6JT**

**Environmental Health**

The Council's Environmental Health officers have been consulted and have raised no objections to the proposed wind turbine. The Officer confirms that the noise levels obtained for a 6kw wind turbine will have no adverse noise impact on any nearby residential properties which are located some 250 to 300m away from the wind turbine.

**County Archaeologist**

No consultation response has been received from the County Archaeologist.

**Parish Council**

No consultation response has been received from the Parish Council.

**MOD**

The Ministry of Defence has also been consulted to ensure that the turbine will not affect flight paths or radar installations but a response is still awaited.

**Head of Development Control**

**Recommendation**

**Delegate to GRANT permission subject to consultation responses.**

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**ITEM 10 – 07/01323/FUL**

**20 Templars Firs, Wootton Bassett**

**Development Control Team Leader**

**In accordance with the requirements of Policy CF3 of the adopted North Wiltshire Local Plan 2011, the following condition should be added to the recommendation:**

- 11 The development hereby approved shall not begin until a scheme for a contribution towards the creation of, or improvement and/or management of existing public open space, in accordance with the North Wiltshire Open Space Study, has been submitted to and approved in writing by the Local Planning Authority. Such a contribution shall be made in accordance with the timing detailed within the approved scheme.**

**Reason: In order to comply with the provisions of Policy CF3 of the adopted North Wiltshire Local Plan 2011.**

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**ITEM 11 – 07/02047/ADV**

**Circuit Motors, Castle Combe, Chippenham, SN14 7EY**

**Agent**

The agent has confirmed that the sign has been in place since 14<sup>th</sup> November 2003 and confirms they agree the sign should be non-illuminated.

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**ITEM 13 – 07/02168/OUT**

**Former St Ivel Site, Station Road, Wootton Bassett, SN4 7ED**

**Objector**

**1 further letter of objection has been received in respect of the above application in relation to the proposed move of the Town Council offices to Station House. The reasons for the objection are:**

**Poor location compared with 117 High Street and Civic Centre which will involve increased car use.**

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**ITEM 15 – 07/02127/OUT**

**6/8 BRADFORD ROAD, CORSHAM**

**Neighbour**

**One letter of objection received. Relevant issues raised: (a) Site lies outside of the Settlement Framework Boundary; (b) County Council have in the past objected to development that increases the number of vehicles accessing the A4 at this point; (c) Because of the 1.0m height difference between the sites ground level and the neighbours property, concerns about drainage and works during construction; (d) depending on the siting of plot 4, there may be an overlooking issue; (e) the 2.0m footway across the site will run beside the neighbours boundary wall and passers by will overlook into the neighbours property – pedestrians would be at knee height to the top of the boundary wall.**

**Corsham Town Council**

**Resolved that the application be refused for the following reason: The proposed development is contrary to Policy C3, sub paragraph (iv) of the adopted North Wiltshire Local Plan 2011 (the proposed access to the site via a major road, the A4, is inappropriate.**

**Head of Development Control**

**In accordance with the requirements of Policy CF3 of the adopted North Wiltshire Local Plan 2011, the following condition should be added to the recommendation:**

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**Reason: In order to comply with the provisions of Policy CF3 of the adopted North Wiltshire Local Plan 2011.**

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