

## AGENDA

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**Meeting:** Northern Area Planning Committee  
**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham  
**Date:** Wednesday 12 December 2012  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 713948 or email [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

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### Membership:

Cllr Desna Allen	Cllr Peter Hutton
Cllr Peter Colmer	Cllr Simon Killane
Cllr Christine Crisp	Cllr Mark Packard
Cllr Peter Davis	Cllr Toby Sturgis
Cllr Peter Doyle	Cllr Anthony Trotman (Chairman)
Cllr Alan Hill (Vice Chairman)	

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### Substitutes:

Cllr Chuck Berry	Cllr Howard Marshall
Cllr Bill Douglas	Cllr Bill Roberts
Cllr Mollie Groom	Cllr Judy Rooke

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies for absence.

2 **Minutes of the previous Meeting** (*Pages 1 - 20*)

To approve and sign as a correct record the minutes of the meeting held on 31 October 2012 .

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting.**

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this **agenda no later than 5pm on Wednesday 5 December 2012.** Please contact the officer named on the front of this agenda

for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals** (*Pages 21 - 22*)

An appeals update report is attached for information.

7 **Planning Applications** (*Pages 23 - 24*)

To consider and determine planning applications in the attached schedule.

7a **12/00105/S73A - Cotswold Airport, Kemble, GL7 6BA** (*Pages 25 - 32*)

7b **12/02096/OUT - Land at Braydon Lane, Chelworth Industrial Estate, Cricklade** (*Pages 33 - 46*)

7c **12/02928/LB and 11/03983/FUL - Highways Land off London Road, Box SN13 8EP** (*Pages 47 - 54*)

8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

**Part II**

**Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed**

None

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## **NORTHERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 31 OCTOBER 2012 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM.**

#### **Present:**

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Colmer, Cllr Peter Davis,  
Cllr Bill Douglas (Substitute), Cllr Mollie Groom (Substitute), Cllr Peter Hutton,  
Cllr Simon Killane, Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

#### **Also Present:**

Cllr Allison Bucknell, Cllr Jacqui Lay, Cllr John Thomson and Cllr Dick Tonge

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#### 107 **Apologies**

Apologies were received from Councillors Crisp, Hill and Packard.

Cllr Crisp was substituted by Cllr Berry.

Cllr Hill was substituted by Cllr Groom.

Cllr Packard was substituted by Cllr Douglas.

#### 108 **Minutes of the previous Meeting**

The minutes of the meeting held on 10 October 2012 were presented.

#### **Resolved:**

**To approve as a true and correct record and sign the minutes.**

#### 109 **Declarations of Interest**

Cllr Doyle declared an interest in agenda item no. 7b being a member of the Cotswold Conservation Board. He declared he would participate in the debate and vote for each item with an open mind.

110 **Chairman's Announcements**

Tracey Smith was thanked for her hard work and the Committee wished her every success in her new role.

111 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

112 **Planning Appeals**

The Committee noted the contents of the appeals update.

113 **Planning Applications**

Attention was drawn to the late list of observations provided at the meeting and attached to these minutes, in respect of applications **7a**, **7b** and **7c** as listed in the agenda pack.

114 **11/02978/FUL - Mardrea, The Hyde, Purton SN5 4DX**

**Public Participation**

Claire Fish spoke in objection to the application.

Tony Doyle spoke in support of the application.

The Planning Officer introduced the report which recommended that the application be DELEGATED to the Area Development Manager for APPROVAL subject to:

- conditions; and
- subject to the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space; refuse/recycling bin provision on site and an indemnity agreement whereby vehicular access is permitted to all properties on the site.

It was explained that concerns over flooding had been addressed and the provision for surface water drainage catered for a 100 year event plus 30%. The access had also been improved to provide a turning point. Officers will try to negotiate a contribution for Purton Cemetery.

There were no technical questions asked.

Members of the Public were then given the opportunity to address the Committee with their views as detailed above.

The Local Member, Councillor Jacqui Lay spoke in objection to the application.

A debate followed during which concern was raised over surface water drainage, the lack of decent access to the site and potential damage to the road surface by construction vehicles. The need to ensure any surface water scheme was maintained thereafter was highlighted.

At the end of the debate it was:-

**RESOLVED:**

**To DELEGATE to the Area Development Manager for APPROVAL subject to:**

- the applicant entering into a legal agreement under S.106 of the Town and Country Planning Act 1990 in respect of the provision of a financial contribution towards public open space, refuse/recycling bin provision on site and an indemnity agreement.

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**For the following reason:**

The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway, rights of way or pedestrian safety. The proposed development would not be harmful to existing trees and would not be subject to an unacceptable risk of flooding or materially increase the risk of flooding elsewhere. In this way the proposed development is considered to comply with the provisions of policies C3, NE14, H3 and CF3 of the adopted North Wiltshire Local Plan 2011 and the guidance contained within the National Planning Policy Framework.

**And 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 the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.**

2. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning

**Authority.** Development shall be carried out in accordance with the approved details.

**REASON:** In the interests of visual amenity and the character and appearance of the area.

**POLICY - C3 of the North Wiltshire Local Plan 2011.**

- 3. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:**
  - (a) indications of all existing trees and hedgerows on the land;**
  - (b) details of any to be retained, together with measures for their protection in the course of development;**
  - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;**
  - (d) finished levels and contours;**
  - (e) means of enclosure;**
  - (f) hard surfacing materials;**
  - (g) bin stores and collection points**

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**POLICY - C3 of the North Wiltshire Local Plan 2011.**

- 4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.**

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**POLICY - C3 of the North Wiltshire Local Plan 2011.**



- 5. No retained trees shall be cut down, uprooted, or destroyed, nor shall any retained trees be topped or lopped other than in accordance with the approved plans and particulars without prior written approval of the Local Planning Authority. Any topping or lopping approval shall be carried out in accordance with BS 3998 2010 British Standard for Tree Work or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.**

**If any tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place at a size and species planted at such time that must be agreed in writing with the Local Planning Authority.**

**The protective fencing shown on Tree Protection Plan Dwg No. 111114-MHL-TPP-LI&AM shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations without prior written approval by the Local Planning Authority.**

**In this condition 'retained trees' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development whichever is later.**

**No fires shall be lit within 15 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or adjoining land and no concrete, oil, cement, bitumen, or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.**

**REASON: To prevent trees being retained on or adjacent to the site from being damaged during the construction works and in the interest of visual amenity in accordance with policy NE14 of the North Wiltshire Local Plan 2011.**

- 6. No demolition, site clearance or development shall commence on site until a Detailed Arboricultural Method Statement prepared by an arboricultural consultant providing comprehensive details of construction in relation to trees shall be submitted to and approved in writing by the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following :-**

- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005;
- Details of general arboricultural matters such as the area for the storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities which have implications for trees on or adjacent to the site.

**REASON:** In order than the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with policy NE14 of the North Wiltshire Local Plan 2011 and the current best practice and Section 197 of the Town and Country Planning Act 1990.

7. The development shall be carried out as specified in the approved Arboricultural Method Statement and shall be supervised by an arboricultural consultant.

**REASON:** To prevent trees on site from being damaged during construction works in accordance with policy NE14 of the North Wiltshire Local Plan 2011.

8. No development shall commence until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme. The scheme shall be maintained thereafter.

**REASON:** To ensure that the development can be adequately drained in accordance with policy C3 of the North Wiltshire Local Plan and the guidance contained with the National Planning Policy Framework.

- 9. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.**

**REASON: To ensure that the proposal is provided with a satisfactory means of drainage.**

- 10. No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans (LPC 2805.11.03 'Proposed Residential Development' dated 3rd August 2011). The areas shall be maintained for those purposes at all times thereafter.**

**REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.**

- 11. The development hereby permitted shall not be first brought into use until the first ten metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.**

- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.**

**REASON: To safeguard the amenities and character of the area and in the interest of highway safety in accordance with policy C3 of the North Wiltshire Local Plan 2011.**

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.**

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

14. Before the development hereby permitted is first occupied all bathroom and ensuite windows at first floor level shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window and shall be permanently maintained as such at all times thereafter.

**REASON:** In the interests of residential amenity and privacy.

15. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

LPC.2805.10A – Site plan, date stamped 27 September 2012

PLC.2805.10A – Site plan with red line date stamped 16 October 2012

LPC.2805.11.04A – Site plan visibility splay and refuse vehicle, date stamped 27 September 2012

LPC.2805.11.05A – Floor plans, plots 1, 2 & 3 – plot 4 handed, date stamped 3rd October 2011

LPC.2805.11.06 – Elevations plot 3, plot 4 handed, date stamped 1st September 2011

LPC.2805.11.07 – Elevations plots 1 & 2, date stamped 1st September 2011

**REASON:** To ensure that the development is implemented as approved.

16. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries;
- measures for making good any damage to the road based on a survey undertaken to establish the condition of the road prior to the commencement of development;
- the size of construction vehicles to access the site.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall be carried out in accordance with the approved construction method statement.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

#### **Informatives**

1. Thames Water will aim to provide customers with a minimum pressure of 10 m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.
2. Any changes to the surfaces (including grass) within the site will require planning permission unless they are a like for like replacement given the drainage requirements for this site.

115 **12/03017/S73A - 2 Gibbs Cottages, Castle Combe, Chippenham, Wiltshire SN14 7NQ**

#### Public Participation

Mr Richard Neale spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be REFUSED. Attention was drawn to a typographical error in the report on page 40 of the agenda and it was confirmed that the second paragraph of the Conclusion should read:

‘Concerns raised at the refusal of the previous application, in respect of inadequacy of access to the site, have been not been withdrawn by the Highways Officer in acknowledgement of the improvement works that have been undertaken to the verge to the northeast of Gibb Cottages. However, the

location of the site for these purposes remains inherently unsustainable, and this is a relevant consideration.'

It was explained that this was a retrospective application, and a previous application had been refused in 2008. The property is sited outside the village boundary, and Wiltshire Council's policy was to direct holiday lets to villages. Access to the site was a concern due to poor visibility.

There were no technical questions asked.

Members of the public then had the opportunity to address the Committee as detailed above.

The Local Member, Councillor Jane Scott, who was represented by Councillor John Thomson, spoke in support of the application.

A debate ensued during which concerns over road safety were discussed and whether the change of use would result in more vehicles compared to the existing permitted business use. It was noted that bed and breakfast could be offered from their house with no permission needed, and that there was an existing bed and breakfast facility using the access road.

At the end of the debate it was:

**RESOLVED:**

**To APPROVE Planning Permission for the following reason:**

**The proposed change of use by reason of its scale and location in close proximity to the tourist attraction of Castle Combe and its associated facilities is considered to be a benefit to the local economy and would not be detrimental to any residential amenities or highway safety. The proposal thus accords with Policies C3, NE4 and NE15 of the adopted North Wiltshire Local Plan; Policy RLT9 of the adopted Wiltshire and Swindon Structure Plan; and Core Policy 39 of the emerging Wiltshire Core Strategy.**

**Subject to the following conditions:**

- 1. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation hereby permitted shall be used for holiday accommodation only and for no other purpose.**

**REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access,**

and planning policies pertaining to the area, would not permit permanent residential accommodation.

2. The owners/ operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/log cabins/chalets on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

**REASON:** This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

3. The accommodation hereby permitted shall not be occupied as a persons' sole or main place or residence.

**REASON:** This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

4. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

2367/01 – Plans and elevations as built

2367/02 – First floor as built

Design and Access Statement

Received 3 September 2012

**REASON:** To ensure that the development is implemented as approved.

116 **12/00850/OUT - Royal Arthur Park, Westwells, Corsham, Wiltshire SN13 9SF**

Public Participation

Mr Fuller spoke in objection to the application

Paul Coleman and Councillor Anstey spoke in support of the application.

The Planning Officer introduced the report which recommended that the application be DELEGATED to officers for planning permission to be GRANTED subject to conditions.

It was explained that this was a hybrid application containing both detailed and outline plans. The established C2 use was confirmed as continuing and the designs were considered appropriate. Attention was drawn to the late observations in which details were given of an assessment on traffic increase and which addressed resident's concerns.

The Committee was then given the opportunity to ask technical questions of the officers and it was queried whether it was right to include bin provision within the Section 106 agreement and whether it should be delegated in conjunction with the Waste Service.

Members of the Public then had the opportunity to address the Committee as detailed above.

The Local Member, Councillor Tonge expressed his concerns about the traffic implications and the cumulative effect on Neston. He requested that if the Committee were going to approve the application consideration was given to ways of diverting traffic towards the A4 and away from Neston and that the proposed minibus be made available for community use.

In the ensuing debate the need for this sort of facility in the community was highlighted and it was confirmed that a regular bus service passed at the end of the road.

**RESOLVED:**

**Subject to no new and substantive issues being raised by the Council's Ecologist and Natural England, including the addition and/or alteration of relevant planning conditions**

**And**

**Subject to all parties entering into a legal agreement under s106 of The Act in respect of (and following the covenants set out in existing legal agreement associated with permission 10/04093/FUL): age restrictions, provision of communal facilities, highway improvements, travel plan, minimum care requirements and contributions to bin/recycling provision in light of the proposed Waste Strategy , then:**

**To DELEGATE to officers for Planning Permission to be GRANTED for the following reason:**

**The site has a lawful use as a residential training centre (Class C2) and in common with previous permissions on this site, the proposal overcomes the reasons for dismissal of the subsequent appeal, under reference 05/02094/OUT. The legal Agreement associated with this planning permission secures, in perpetuity, the nature of the use permitted,**



sustainable travel and highway improvements. The revised design respects the character of the site and continues to provide significant landscape improvements. As was the case with previous permissions, traffic generation compares favourably with the lawful use and would be lower than potential alternatives. The biodiversity of the site, including protected species, will be preserved and enhanced. In light of the above, the proposal is considered to comply with policies C1, C2, C3, NE5, NE9, NE11, NE14, NE15, NE17, NE29, T1, T2, T3 and T4 of the North Wiltshire Local Plan 2011 as well as guidance contained within the National Planning Policy Framework.

Subject to the following conditions:

1. The full development hereby permitted (as shown green on phasing plan dwg no. 2234/051) shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004

2. Prior to the commencement of the development hereby permitted (as shown shaded red on the phasing plan dwg no. 2234/051), details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the local planning authority:
  - (a) The siting of the development (including existing and proposed levels);
  - (b) The design of the development;
  - (c) The external appearance of the development;
  - (d) The landscaping of the site;

Where the development permitted is to be carried out in a phased manner, the development of each phase shall not start until details of the matters listed above have been submitted to and approved in writing by the local planning authority insofar as they relate to that phase.

The development shall be carried out in accordance with the approved details.

**REASON:** The application was made for outline planning permission.

3. (a) The application for approval in respect of all matters reserved in Condition No.1 above shall be made to the local planning authority within a period of three years, commencing on the date of this permission.

- (b) The development hereby permitted shall be begun before the expiration of two years of the date of approval of the last of the reserved matters to be approved.

**REASON:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The approved landscaping scheme shall be implemented in accordance with a phased scheme of implementation to be submitted to and approved by the local planning authority before development commences. The landscaping shall be maintained thereafter for a period of not less than five years from the implementation of each phase. This maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

**REASON:** In the interests of amenity.

5. Prior to the commencement of the development hereby permitted and before any equipment, machinery or materials are brought onto the site for the purposes of the development, details of fencing to be erected for the protection of retained trees/hedges/shrubs shall be submitted to and approved in writing by the local planning authority. Fencing for the protection of retained trees/hedges/shrubs shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

**REASON:** In the interests of protecting the existing trees/ hedges/ shrubs on the site.

6. No development shall take place until a detailed scheme for the positioning of all service trenches, pipe runs and/or drains has been submitted to and approved in writing by the Local Planning Authority. Such detailed scheme shall be configured such that no trenches, pipe runs and/or drains are sited within the root protection zone of retained trees set out in the approved landscape strategy and plans.

**REASON:** To maintain a vigorous and healthy root system to ensure the retention of trees in a safe and healthy condition.

- 7. No development shall take place until details of the construction of all walls, fences and other means of enclosure have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timescale to be approved by the local planning authority**

**REASON:**In the interests of amenity.

- 8. No development shall take place until a scheme for remediation of ground contamination shall be submitted to and approved by the local planning authority. The remediation shall be carried out in complete accordance with the details agreed under this condition and with timescales, which shall be contained within the scheme. A remediation validation report shall be submitted to and approved by the local planning authority within three months of completion of the approved remediation works.**

**REASON:**To avoid risk of contamination.

- 9. Absolutely no external lighting (including any lighting installed for security purposes or used during construction) shall be installed anywhere on the site until full details (which shall include positioning, levels of luminance and hours of illumination), have been submitted to and approved in writing by the local planning authority. The lighting shall thereafter be installed and operated in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority in the form of a separate planning permission in that regard.**

**REASON:** In the interests of amenity and nature conservation.

- 10. Prior to the erection of any building hereby granted planning permission, details of all materials to be used externally shall be submitted to, and approved in writing by, the local planning authority. The development shall be built in the materials approved.**

**REASON:** In the interests of visual amenity.

- 11. Prior to the first use or occupation of any building on the site, a demand responsive bus service for the use of residents and staff shall commence and be provided in perpetuity. Specific details of type of bus, days / hours of operation and area to be covered by the service, which shall be agreed in writing with the local planning authority prior to commencement of that service.**

**REASON: In the interests of highway safety and accessibility.**

**12.No development shall take place on the site until detailed schemes for the access road, junctions and footways along the access road (to include the installation of street lighting on the access road), has been submitted to, and agreed in writing, by the local planning authority. For the avoidance of doubt, details shall include any necessary Traffic Regulation Orders. Development shall be carried out in complete accordance with those details approved prior to the first use or occupation of any of the buildings hereby granted planning permission.**

**REASON: In the interests of highway safety and accessibility.**

**13.No development shall take place until detailed schemes for the upgrading of rights of way Box 49, Box 50, Box 51 and Corsham 63 (within 1500m of the site) have be submitted to, and agreed in writing by the local planning authority. For the avoidance of doubt, this shall include any necessary Traffic Regulation Orders. Development shall be carried out in complete accordance with those details approved prior to the first use or occupation of any of the buildings hereby granted planning permission.**

**REASON: In the interests of highway safety and accessibility.**

**14.Prior to first occupation of any of the buildings, the access road, access road footway, access road street lighting, junctions and rights of way improvements to be constructed on the detailed phase of development shall be completed in their entirety.**

**REASON: In the interests of highway safety and accessibility.**

**15.No development shall take place until a construction method statement, including phasing of development in relation to nature conservation interests has been submitted to and approved by the Local Planning Authority. The development shall be carried out in complete accordance with the approved statement.**

**REASON: In the interests of nature conservation.**

**16.Prior to the commencement of development a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the Plan.**

**REASON: In the interests of the amenity and waste reduction objectives of the adopted Wiltshire and Swindon Waste Core Strategy July 2009.**

## **Informatives:**

- 1. Attention is drawn to the Legal Agreement relating to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Section 111 of the Local Government Act 1972, Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 or other enabling powers and the Deed of Variation dated 21/06/2011.**
- 2. The Council should like to encourage the applicant to introduce any measures in conjunction with Highways Officers to reduce the potential for turning left from the site to seek to ensure main routes from the development are used.**
- 3. If an on-demand bus service is provided for the site, local community groups would welcome the opportunity to share the use of the bus if feasible.**

## **117 12/01914/S73A - Land at Harrow Grove, Lyneham, Wiltshire SN15 4AB**

### Public Participation

Mr Drummond Harris and Mr Bartle spoke in objection to the application

Councillor Sturgis left before discussion, debate and voting on the last item.

The Planning Officer introduced the report which recommended that planning permission be GRANTED FOR A TEMPORARY PERIOD OF SIX MONTHS subject to conditions.

It was explained that this was a retrospective application for a change of use from public open space to storage. The compound was described as visually intrusive, out of accord with the character of the neighbourhood and considered inappropriate to the locality. The service the applicant was providing was considered important and was reflected in the recommendation which gave time to work towards relocation.

The Committee then had the opportunity to ask technical questions and it was explained that waste was brought to the site from a broader locality, concerns over dust, gates and content could be addressed through conditions, that if conditions were breached then a breach of condition notice could be issued which required immediate compliance and that 6 months was considered a reasonable timeframe to relocate.

Members of the Public then had the opportunity to put their views before the Committee as detailed above.

The Local Member, Councillor Allison Bucknell then spoke in objection to the application.

A debate followed during which the inappropriateness of the location was discussed and the need to get it relocated as soon as possible was highlighted.

**RESOLVED:**

**That Planning Permission be GRANTED FOR A TEMPORARY PERIOD OF ONE MONTH for the following reason:**

**The change of use and erection of the fencing and gates to create the storage compound would result in a loss of open space contrary to policies CF2 and CF3 of the North Wiltshire Local Plan. The operation and use of the compound would result in harm to existing residential amenities through noise and general disturbance contrary to policy C3 of the adopted North Wiltshire Local Plan 2011. In addition the erection of the fencing and gates would be visually prominent and out of character with the locality and is visually harmful to the locality contrary to policy C3 of the Adopted North Wiltshire Local Plan. The proposed development is contrary to adopted Local Plan policies and inappropriate in this location. A permanent consent for the proposed development in this location is inappropriate and harmful. The grant of a temporary consent for a limited period to allow the relocation of the employment activity to an appropriate location is considered acceptable and appropriate in the context of the support for economic and employment development contained within the National Planning Policy Framework, in particular paragraphs 18 – 22 of the NPPF.**

**Subject to the following conditions:**

- 1. The delivery and despatch of waste materials to and from the site shall be limited to the hours of 7am and 7pm on Mondays to Fridays Saturdays, and at no time on Sundays and Bank or Public Holidays.**

**REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.**

**POLICY-C3**

- 2. The building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition on or before 1 (one) month from the date of this permission (Decision Letter) in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

**REASON:** In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

**POLICY – C3**

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside of the storage compound hereby approved for a temporary period of one month .

**REASON:** In the interests of the appearance of the site and the amenities of the area.

**POLICY--C3**

4. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored above the maximum height of the erected fencing forming the storage compound hereby approved for a temporary period of one month.

**REASON:** In the interests of the appearance of the site and the amenities of the area.

**POLICY-C3**

5. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 1914/1; 1914/2; 1914/3 Dated: 24/8/12

**REASON:** To ensure that the development is implemented as approved.

**INFORMATIVE**

1. It is recommended that the applicant contacts the Council's Economy & Enterprise Team to discuss relocation options and potential site availability information.

118 **Urgent Items**

There were no urgent items.

(Duration of meeting: 6.03 - 9.15 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line (01225) 713948, e-mail [kirsty.butcher@wiltshire.gov.uk](mailto:kirsty.butcher@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115



**Wiltshire Council**  
**Northern Area Planning Committee**  
**12th December 2012**

Forthcoming Hearings and Public Inquiries between 28/11/2012 and 31/05/2013

Application No	Location	Parish	Proposal	Appeal Type	Date
11/03734/FUL	OS 437, Bremhill, Calne	Bremhill	Erection of Temporary Agricultural Dwelling	Informal Hearing	17/01/2013
11/04126/OUT	Land South of Filands, Malmesbury, Wiltshire.	Malmesbury/St Paul Without	Outline Application For Residential Development Comprising of 180 Dwellings and Provision of Land for Primary School	Public Inquiry	22/01/2013

Planning Appeals Received between 16/10/2012 and 28/11/2012

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
11/04162/FUL	Phase 3, Brynards Hill, Bincknoll Lane, Wootton Bassett, SN4 8SY	Wootton Bassett	Phase 3 - Erection of 43 Dwellings with Associated Roads, Sewers, Landscaping, Parking, Garages and Associated Works.	DEL	Refusal	Public Inquiry
12/00306/LBC	Pines Hotel, 81/82 Marshfield Road, Chippenham, Wiltshire, SN15 1JR	Chippenham	Alterations to Side Wall of Hotel to Increase Width of Access	DEL	Refusal	Written Representations
12/01044/CLE	Warwick Farm, Ballards Ash, Wootton Bassett, Wiltshire, SN4 8DY	Lydiard Tregoz	Rescue and Housing of Domestic and Agricultural Animals/Birds Together with Wild Animals and Birds Pending Rehabilitation and Rehousing	DEL	Refusal	Written Representations
12/01365/FUL	West Cottage, Swindon Road, Little Somerford, Chippenham, SN15 5BH	Little Somerford	Two Storey Extension to Existing Dwelling And New Single Detached Garage	DEL	Refusal	Written Representations
12/01527/FUL	4 Patterdown, Chippenham, Wiltshire, SN15 2NP	Chippenham	First Floor Extension to Garage	DEL	Refusal	Written Representations
12/01622/FUL	Upper House, Thickwood Lane, Thickwood, Wiltshire, SN14 8BL	Colerne	Extensions to Garage to form Annexe ancillary to Main House	DEL	Refusal	Written Representations
12/01637/FUL	The Old Forge, Corsham, Wiltshire, SN13 0PS	Corsham	Detached Single Garage	DEL	Refusal	Written Representations
12/01992/FUL	24 Church Street, Wootton Bassett, Wiltshire, SN4 7BQ	Wootton Bassett	Installation of Roof Lights to Provide Balcony to Front Elevation	DEL	Refusal	Written Representations
12/02351/FUL	Hafaway, Hoggs Lane, Purton, Wiltshire, SN5 4BU	Purton	Replace Single Storey Garage with Two Storey Extension.	DEL	Refusal	Written Representations

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
11/03074/FUL	Land Adjacent to Wood Lane House, Wood Lane, Brinkworth, Wiltshire, SN15 5EF	Brinkworth	Use of 3 Stables for Full Time Livery	DEL	Allowed with Conditions	Refusal	Written Representations
11/03981/FUL	Wickfield Farm, Wootton Bassett, Wiltshire, SN4 8QR	Lydiard Tregoz	Conversion of Cartshed to Dwelling	DEL	Appeal Dismissed	Refusal	Written Representations
12/00384/FUL	58 Pickwick Road, Corsham, SN13 9BX	Corsham	Extend Dropped Kerb & Remove Part of Boundary Wall to Create Parking Space	DEL	Appeal Dismissed	Refusal	Written Representations
12/01282/FUL	Sagemore, 37 Vicarage Lane, Charlton, Malmesbury, SN16 9DN	Charlton	Erection of Detached Oak Framed Garage/Store Building	DEL	Appeal Dismissed	Refusal	Written Representations
11/03322/S106	Land to the South of Middle Farm Close, Dauntsey, Chippenham, Wiltshire SN15 4GY	Dauntsey	Application to Vary the Requirements or Legal Agreement Associated with Planning Permission 03/02654/OUT in Respect of Open Space.	DEL	Appeal Withdrawn	Refusal	Informal Hearing
12/00847/ADV	Sainsburys Supermarkets Ltd, Bath Road, Chippenham, SN14 0BJ	Chippenham	Totem sign	DEL	Appeal Withdrawn	Refusal	Written Representations
12/00759/CAC	58 Pickwick Road, Corsham, Wiltshire, SN13 9BX	Corsham	Demolition of Part of Front Boundary Wall	DEL	Void	Refusal	Written Representations

# Agenda Item 7

## INDEX OF APPLICATIONS ON 12/12/2012

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
(a)	12/00105/S73A	Cotswold Airport, Kemble, Glos, GL7 6BA	Continued Use of Land for Non-Aviational Events and Activities.	Delegated to Area Development Manager
(b)	12/02096/OUT	Land off Braydon Lane, Chelworth Industrial Estate, Cricklade, Wiltshire	Proposed Outline Development for B1 Light Industrial Units (Resubmission of 11/03707/OUT)	Permission
(c)	12/02928/LBC and 11/03983/FUL	Highways Land off London Road, Box, Corsham, Wiltshire SN13 8EP	Erection of 8M High Telecommunications Telegraph Pole with One Antenna Located at the Top of the Telegraph Pole & One Equipment Cabinet	Permission

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## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	12 December 2012		
Application Number	12/00105/S73A		
Site Address	Cotswold Airport, Kemble, GL7 6BA		
Proposal	Continued Use of Land for Non-Aviational events and Activities.		
Applicant	Kemble Airfield Estates Ltd.		
Town/Parish Council	Crudwell		
Electoral Division	Minety	Unitary Member	Carole Soden
Grid Ref	396288 196315		
Type of application	S73A		
Case Officer	Charmian Burkey	01249 706667	Charmian.burkey@wiltshire.gov.uk

### Reason for the application being considered by Committee

Councillor Soden has requested that the application be heard by committee to assess the scale of the development, visual impact on the surrounding area and the environmental/highway impact.

### 1. Purpose of report

To consider the above application and to recommend that Planning Permission be DELEGATED to the Area Team Leader for the formal submission of a signed copy of the Unilateral Undertaking.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Existing and historic uses of the site.
- The proposal and Unilateral Undertaking.
- Impact upon neighbour amenity
- Impact upon highway safety
- Impact upon visual amenity and landscape character.
- The local economy.

The application has generated objections from 2 parish councils together with legal representation for 3 of the Gloucestershire Parishes; support from 2 local residents and 113 letters of objection from the public.

### 3. Site Description

Cotswold Airport is situated in open countryside with sections of the airport falling within the two Councils' administrative boundaries of Wiltshire and Cotswold District Council. The application site falls wholly within Wiltshire although the Unilateral Agreement is cross boundary. The airfield was a former military base from the 1938 onwards with the Red Arrows aerobatics team being based there until 1983. Military flying stopped in 1993 and the site moved into private ownership in 2002.

The site is almost completely flat and lies close to the boundary of the Cotswolds AONB. The A429 bounds the site to the east with the village of Kemble lying approx. 1km to the north. Kemble

Business Park lies immediately to the south and there are a number of properties in close proximity to the airfield.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
08/00887/CLE	Certificate of Lawfulness regarding established use of Kemble Airfield.	Withdrawn
12/01668/CLE	Certificate of Lawfulness – Primary use of airport for general aviation purposes	Delegated

## **5. Proposal**

The proposal follows on from several years of discussion and negotiation with the Airport and local community and it should be stressed that the application has been made voluntarily together with the submission of a Unilateral Undertaking (covered later). As the Airport is a cross boundary facility, the work has also been undertaken in close conjunction with Cotswold District Council and has involved the Parishes within Gloucestershire as well as those within Wiltshire.

The proposal is for the continued use of land for non-aviational events and activities. Most of the activities have been undertaken to some level for the last 10 years. In general they can be categorised as show days, corporate and promotional events, driver training days, filming and photo-shoots, car testing and 'other'. Essentially 'other' covers activities such as charity runs.

The application seeks, by way of the Unilateral Undertaking, to voluntarily control the number of days that could cause nuisance (mainly car testing and show days), whilst allowing the airport to undertake an increase in the days which cause little or no disturbance in addition to a small increase in the number of potential show days.

The Unilateral Undertaking originally proposed the following:

- No more than 24 show days.\*\*
- No more than 50 corporate or promotional events.
- No more than 100 driver training days.
- No more than 50 commercial filming and photo-shoot days.
- No more than 12 days car attesting.
- No more than 12 days 'other' events.

\*\* Now reduced to 16

## **6. Planning Policy**

North Wiltshire Local Plan: policies C3 and NE15

National Planning Policy Framework (NPPF)

## **7. Consultations**

Crudwell Parish Council comment that the title of the application is slightly misleading, because within the document, the definition of "show days" states that these will include both aviation and non-aviation activity within this small area. There is a need for greater accuracy.

The term aviation activity needs to be further defined as either non-flying aviation days or flying aviation days. There is no objection to either but definitions need to be accurately and fully

understood to judge the impact. For example, the western boundary of the event area is set with a gap roughly parallel to the main runway. It is assumed this is to protect a crowd safety line.

Lack of Certificate of General Aviation for the whole airfield and approval of the application gives tacit approval by Wiltshire Council. (ATL – the Certificate is under consideration).

The 3 Emergency Services should be consulted on the proposed increase in activity.

Crudwell Parish Council do not object to the proposal and welcome this attempt to bring to a close the very real problems faced during the transition from military to civilian use. It is disappointing that more jobs are not to be created.

Oaksey Parish Council has not yet responded.

Ashley and Culkerton Parish Council are represented by the Solicitor as below, but also comment as follows:

1. The application is for continued existing use under S73A which does not permit any increase above the existing for whatever reason.
2. The definition for the use in the application is too general to be properly defined. The Unilateral Undertaking does not restrict the site only to the listed uses. This needs explaining.
3. If the application by a CLEUD for general aviation is proceeding and if granted the land will have two primary uses – one for non aviation events and activities and the other for general aviation. This is planning nonsense.
4. The Highways Officer has reduced his request for a traffic statement because the applicant has now reduced the number of show days for each year to 16. Nothing can alter the hazard of traffic and the chaos of parking on showdays in Culkerton. The Highways Officer still owes a duty of care to those affected and the Committee needs to know why he has changed his mind.
5. The noise of F1 testing is a problem in their parish. To control this when it is outside the application site by means of a unilateral undertaking and by increasing the number of events and activities beyond those currently taking place on the application site, is ultra vires as far as S73A is concerned.

Rodmarton Parish Council – see below. Coates

Parish Council has not yet responded. Kemble

and Ewen Parish Council - see below.

On behalf of the parishes of Rodmarton, Kemble and Ewen and Ashley and Culkerton a solicitor has written and raises the following concerns:

- What is permission being sought for? Non-aviation is a broad term without meaning and the site could be used as a gypsy site or for car boot.
- The application is S73A and should reflect the usage that has occurred. The application together with the Unilateral undertaking represent a massive increase in use. The average use over the last 10 years has been 170 days and 248 are being requested.
- The application site only covers that in Wiltshire. The runway is only controlled in car testing as defined in the Unilateral Undertaking.
- Concerns about additional uses being permitted outside the control of the application.
- The word 'event' needs definition. Driver Training days exclude speed trial and mechanical tests but these are not covered under Car Testing either.
- More notice should be given to the Council for "other events".
- The log covered in clause 11 should be put on the website and require a monthly submission, not be by request. Why are events not being accurately recorded.

Highways have raised issues mainly concerning the number of show days. The site does not have a properly designed access but uses the airfield emergency access which has substandard

visibility to the north. They do acknowledge that events have been held before and that there are no recorded injury accidents relating to the use of the access. The proposed number of filming activities is significantly higher than the maximum of the past (19 average per year increasing to 50). They consider that the proposal should more closely correspond to the ten year average.

They also have concerns that “Other Events” should not be open to the public as this could increase the number of show days.

A method statement of how traffic will be controlled on show days as visitor numbers can be high should be conditioned. Highways authorities should have clarity that there will be adequate traffic control and signing at the entrance to major events. In addition it may be worth requiring a schedule of “Show Days” to be submitted at the start of each year in addition to the monthly schedules mentioned in the UU.

Legal Services has been involved throughout the application process and officers have also been working with Legal services in Cotswold District Council. Legal Services are now broadly happy with the application and the Unilateral Undertaking, subject to conditions.

Environmental Health has worked with the Airport in previous years to remove a statutory noise nuisance from the site. They are satisfied that 12 days of F1 testing are acceptable but recommend that there should be no more than 2 days in any one week. They are however, concerned about the number of show days. The average over the last 10 years has fluctuated between 8 and 15 days and the 24 applied for could lead to residential amenity concerns. He would prefer the limit to be 18 days.

He points out that notwithstanding the planning application and Unilateral Undertaking, both Council have powers under their nuisance legislation to investigate and act on any subsequent noise nuisance generated from the site.

Cotswold District Council welcomes the opportunity that this application provides to bring the non-aviation activities that currently take place on the site under the control of Wiltshire and Cotswold District Council by way of the Unilateral Undertaking submitted by the applicant. CDC would recommend that music related events, concerts and stunts etc should be included within “show days” as set out in the Unilateral Undertaking and that they should be included within the total number of days sought by the applicant. Additionally, it should be clarified that music events are not included in the “other events” category.

CDC note that Gloucestershire Highways have been formally consulted and ask that their comments are taken into account.

CDC would expect the views of Kemble Parish Council to be taken into account in the consideration and determination of the application.

Gloucestershire Highways are yet to formally respond.

Wiltshire, Police, Fire and Ambulance services have been consulted and their responses are awaited.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

108 letters of objection and 1 letter of support have been received

Summary of key relevant points raised:

- Increased activity by aircraft and other uses.
- Car testing creating horrendous noise.



- Increased number of large scale events.
- Unsustainable location.
- Insensitivity eg airplanes parked close to public highway and houses.
- Most of the events involve motorised activities.
- Activities lead to increased traffic activity & highway safety concerns.
- Safety and pollution concerns.
- Lack of understanding of primary use of the land.
- 

## 9. Planning Considerations

- **Existing and historic uses of the site.**

The main and primary use of Cotswold Airport is as an airport. Within the Gloucestershire/Cotswold side of the airport there is a Certificate of Lawfulness for General Aviation granted in 2008. Wiltshire Council is currently dealing with a similar application for the area of the airport that lies within its jurisdiction – 12/01668/CLE.

Whilst the principal use of the site is for general aviation, a number of other uses occur on the site. Some of these are contained within hangars and relate to commercial uses as well as plane maintenance etc carried out under the umbrella of general aviation. All of the non-aviation uses in buildings occur outside of Wiltshire. Other uses that occur on the site largely relate to the application site (“show ground”) and involve uses such as show days, photo shoots, driver days, corporate and promotional events etc. The application site does not include the runway running east to west, which is where the car testing takes place. The car testing is currently operated under the 28 day rule of permitted development. However, because the Unilateral Agreement that accompanies the application refers to restrictions to the car testing, it is included within that document.

Car testing has a permitted allowance of 28 days because the other uses which might take up that allowance are lawful. A certificate of lawfulness does not need to exist for a use to be lawful. If it has been occurring for 10 years or more, then it is considered to be lawful and neither Council has any information to refute this. A permitted development (pd) allowance over and above the lawful uses is still permitted and hence the 28 days of car testing.

- **The Proposal and Unilateral Undertaking.**

The proposal follows on from several years of discussion and negotiation with the Airport and local community and it should be stressed that the application has been made voluntarily together with the submission of a Unilateral Undertaking (covered later). As the Airport is a cross boundary facility, the work has also been undertaken in close conjunction with Cotswold District Council and has involved the Parishes within Gloucestershire as well as those within Wiltshire.

The proposal is for the continued use of land for non-aviational events and activities. Most of the activities have been undertaken to some level for the last 10 years. In general they can be categorised as show days, corporate and promotional events, driver training days, filming and photo-shoots, car testing and ‘other’. Essentially ‘other’ covers activities such as charity runs.

The application seeks, by way of the Unilateral Undertaking, to voluntarily control the number of days that could cause nuisance (mainly car testing and show days), whilst allowing the airport to undertake an increase in the days which cause little or no disturbance.

The table below shows the average number of events undertaken over the last 10 years and the number proposed through the Unilateral Undertaking.

	<b>Average</b>	Maximum	Minimum	<b>Proposed</b>
Show Days	<b>14</b>	23	8	<b>16 **</b>
Corporate & Promotion	<b>29</b>	71	2	<b>50</b>
Driver Training	<b>72</b>	149	33	<b>100</b>
Filming & Photoshoots	<b>19</b>	38	7	<b>50</b>
Car Testing (including track days)	<b>23</b>	28	18	<b>12</b> <b>Straight car testing</b>
Other	<b>6</b>	8	4	<b>12</b>
<b>Annual Total</b>	<b>170</b>	<b>299</b>	<b>104</b>	<b>240</b>

\*\* Revised number.

It is widely accepted that it is the Show Days and Car testing which cause greatest concern. The significant increase in the other uses is very unlikely to raise any concerns because by their nature and controls contained within the Unilateral Undertaking, they do not cause disturbance of traffic issues.

The car testing can be operated up to 28 days in any calendar year without consent, so a reduction to 12 days with restrictions on days to be Mon-Thursday inclusive and only 180 minutes in any day and from 09:00-17:00 hours is considered to be a significant improvement in the potential disturbance to local residents.

It should also be noted that both Councils have additional controls through Environmental Protection to deal with noise issues.

The number of show days has now been reduced to 16 and this is in line with the average. This is a significant compromise by the airfield and is welcomed. It also removes the Highways concerns and responds to the comments made by Environmental Health.

The concerns of all the parish councils have been instrumental in the negotiations and alterations to this application and Unilateral Undertaking over the last few years and especially through the application process where a meeting was arranged with all parishes (including those in Gloucestershire) to allow discussion about any residual concerns. Some of those concerns have been able to be addressed ie the number of show days has been reduced from 24 to 16, the Unilateral undertaking tightened in the extent of its physical coverage and clarification that the Emergency Services (subject to consultation responses) are able to deal with any increase in capacity. Whilst it is acknowledged that some concerns may well remain these are not considered to be sufficient to refuse an application (together with the Unilateral Undertaking), which considerably reduces the “nuisance” aspect of additional activities at the airport. It is considered that the Unilateral Undertaking is sufficiently robust to control the activities to the satisfaction of each of Wiltshire Council and Cotswold District Council.

It is, therefore, now considered that whilst the general levels of activity are raised, the higher numbers are restricted to “non-nuisance” activities and that the “nuisance” activities are controlled to a level where they are acceptable in planning terms.

- **Impact upon neighbour amenity**

The area of land in question is in open countryside close to the Cotswold AONB. The village of Kemble lies approx 1km north of the site with the other villages of Crudwell and Oaksey nearby. There is also a dispersed population either living in small clusters or individual houses.

The key areas of concern, associated with this application, are noise and traffic disturbance. Both of these issues are addressed in the section above and whilst the residents may well experience some disturbance they are clear on how much and for how long. It should be noted that this refers only to those activities applied for and not general aviation which is outside the scope of this application.

The additional statutory controls over noise and the licensing of events (non-aviation) are also still valid and applicable.

- **Impact upon highway safety**

Highways originally raised concerns about the increase in number of “show days” to 24. The subsequent reduction to 16 (the previous 10 year average being 14) has allayed those concerns. However, they do request a condition regarding the methodology for traffic control on the show days.

The Fire, Ambulance and Police have been consulted because of the inevitable increase in resources needed for show days. However, this is not a planning matter per se and could not be used to substantiate a refusal. Whilst local residents’ concerns are acknowledged, it is not anticipated that there are any concerns in any event, due to the long standing nature of the events. Their responses will be reported as late observations.

- **Impact upon visual amenity and landscape character.**

The site lies within open countryside close to the Cotswold AONB. The nature of the use of the site isn’t changing and therefore, the proposal will not impact on this open area any more than the existing or historical activities.

## **10. Conclusion**

It is considered that the proposed continued use of the land for non-aviational events and activities together with the signed Unilateral Undertaking is an acceptable use of the land given its historical uses and that the Unilateral Undertaking in particular, will considerably assist Wiltshire and Cotswold District Council in controlling activities on site and allow them to take appropriate action, should it be required, in the future.

It is considered that the proposal concurs with policies C3 and NE15 of the North Wiltshire District Plan 2011.

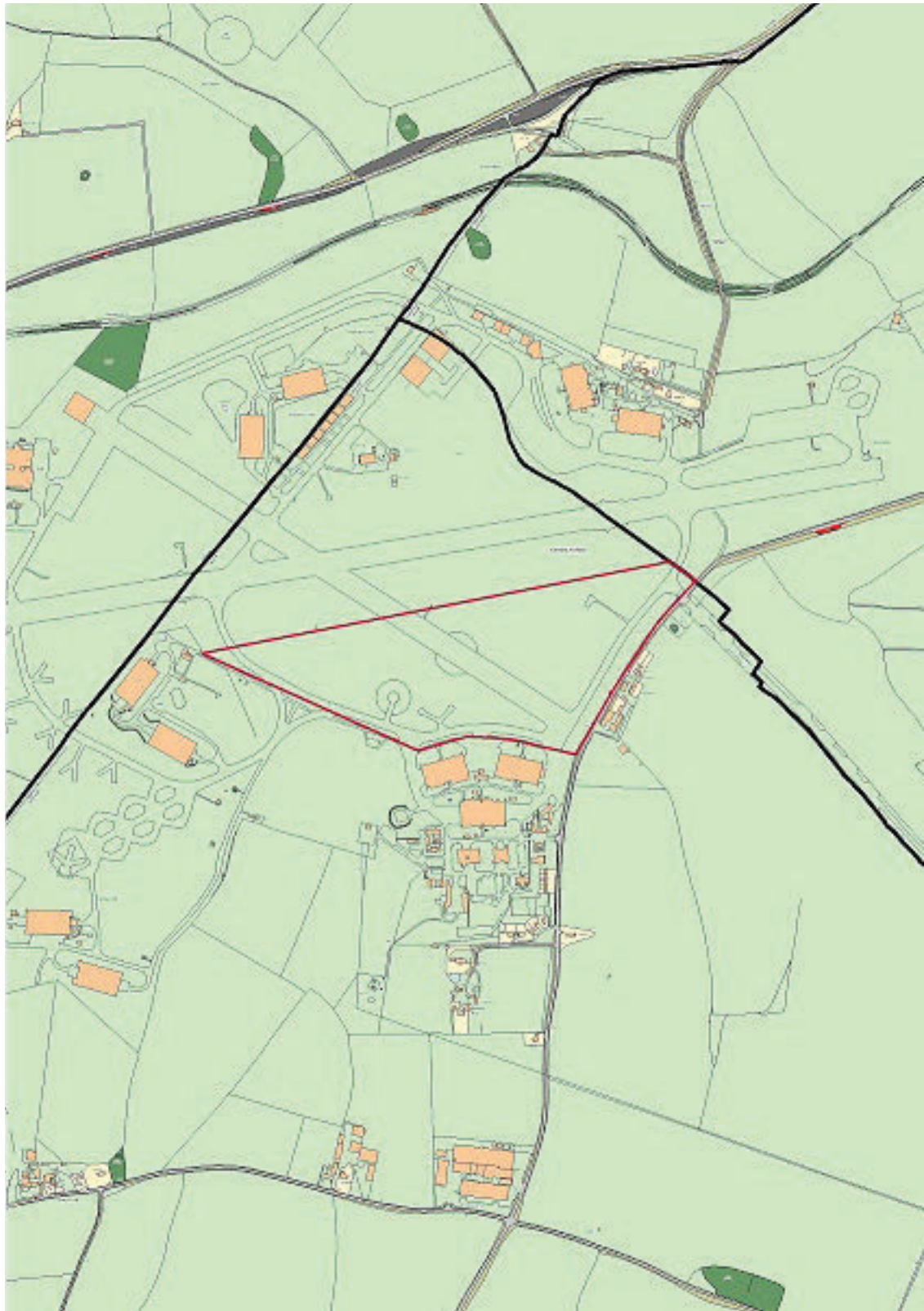
## **11. Recommendation**

Planning Permission be DELEGATED to the Area Team Leader for the formal submission of a signed copy of the Unilateral Undertaking.

Subject to the following conditions:

- 1) Within 3 months of the date of this permission a Method Statement for the management and control of traffic on “Show Days” shall be submitted to and approved in writing by the local planning authority. “Show Days” traffic management shall be carried out in accordance with the approved method statement unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	<b>12<sup>th</sup> Dec 2012</b>		
<b>Application Number</b>	<b>12/02096/OUT</b>		
<b>Site Address</b>	<b>Land off Braydon Lane, Chelworth Industrial Estate, Cricklade, Wiltshire</b>		
<b>Proposal</b>	<b>Proposed Outline Development for B1 Light Industrial Units (Resubmission of 11/03707/OUT), Land off Braydon Lane, Chelworth Industrial Estate, Cricklade.</b>		
<b>Applicant</b>	<b>Mr A Clifford</b>		
<b>Town/Parish Council</b>	<b>Cricklade</b>		
<b>Electoral Division</b>	<b>Cricklade &amp; Latton</b>	<b>Unitary Member</b>	<b>Councillor Colmer</b>
<b>Grid Ref</b>	<b>408097 192049</b>		
<b>Type of application</b>	<b>Outline</b>		
<b>Case Officer</b>	<b>C MOORFIELD</b>	<b>Christine.moorfield@wiltshire.gov.uk</b>	<b>01249 706686</b>

### **Reason for the application being considered by Committee**

The application has been called to committee by Cllr. Colmer for consideration of the following matters in relation to this proposal:  
Scale, visual impact, design, mass and bulk and relationship to other buildings. Impact on the environment highways and parking provision.

### **1. Purpose of Report**

To consider the above application and to recommend that the application be delegated to planning officers to APPROVE to grant planning permission subject to no objections being raised by English Heritage.

### **2. Main Issues**

The main issues in considering the application are:

- Principle of development. In line with Policies C3, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011
- Consideration of The NPPF and other relevant emerging policies and guidance, Core Policies and Town Plan.
- Scale and size of the proposal its impact on traffic generation, biodiversity and the rural environment.



### 3. Site Description

The site is located within Chelworth Estate which is located to the south of Cricklade. It is served by Braydon Lane which sits between the B4040 and B4553. Purton Stoke is to the south east and Leigh is to the south. The estate is characterised by a variety of old and new buildings. The application site which was part of a larger site used as a WWII airfield is generally open land. There are substantial hedges around the boundary of the site. Within the site the land is predominantly grass in amongst which the concrete bases of demolished buildings exist.

4. Relevant Planning History		
Application Number	Proposal	Decision
N11/03707	Proposed outline development for B1 light industrial units. This planning application was withdrawn and therefore, the suggested highway reasons for refusal were never included on a decision notice.	Withdrawn

### 5. Proposal

This outline application for B1 light industrial units has all matters reserved. In line with the requirements in respect of outline planning applications the following supporting details have been submitted.

Site location, Site layout plan, Elevations, Ecological issues report, Transfer of land information, Planning statement, Design and access statement, Transport statement and Flood risk assessment.

The layout plan indicates a new entrance with three detached buildings the floor areas being 4 semi detached units all with floor areas of 600sqm; they are arranged in two blocks and a larger block of 1100sqm. Each block has an allocated car parking area. The site which is long and thin has a service road running along the northern side of the site. There is relatively thick hedging along the boundaries and this is shown to be retained.

### 6. Consultations

Cricklade Town Council-

Object to the proposal for the following reasons

- Town plan seeks to shift development away from Chelworth industrial site due to the problems of increased traffic through Cricklade.
- This is development of a Greenfield Site.
- The comparisons within the study are they reasonable. There are more spaces provided than vehicles envisaged. Different uses on the site such as showrooms could attract more traffic than that anticipated. This appears a speculative development.
- There is a need for small units but not here.

## **Highways**

The Highway Engineer objected to the previous application submitted which was withdrawn. On balance and subject to the permission relating to small B1 units as shown on the layout plan no objection is raised. The fuller consideration of these issues is addressed below.

With regard to the details in the Transport Assessment, the Highway Engineer is reasonably satisfied with its findings.

The Highway engineer is satisfied with the parking layout and numbers as shown.

The key highway concerns in relation to this site relate to the incremental development of this estate and the impact on the highway network, especially by HGVs. The comments and assessments of this proposal are considered in more detail within the planning judgement section of this report. It is not considered that on traffic grounds that an objection at an appeal could be justified. At this stage if the applicant tried to convert to B8 it is likely an objection would be raised.

Further comments from the highway engineer have been received accepting the transport study submitted and confirming the acceptability of the car parking numbers.

## **Thames Water**

On the basis of information provided, Thames Water would advise that with regard to water infrastructure we would not have any objection to this planning application. However an informative is recommended in respect of water pressures.

## **Wiltshire Wildlife Trust**

Site that may have conservation importance.

**Environment Agency** No objections raised subject to a condition in respect of compliance with the FRA

## **Environmental Health Officer**

No adverse comments in relation to this application.

## **Archaeology**

There is potential for archaeological remains here as it is a green field development and close to the Scheduled Monument (a well preserved moated site). The standard archaeological condition requiring a watching brief to be undertaken should be attached to any permission.

English Heritage is consulted.

## **Spatial planning-**

Comprehensive guidance has been provided by the Councils Spatial Planning Team. These comments are included within the planning judgement section below. The planning policy framework is addressed and weighting considered for the guidance and policies in place at the present time. In conclusion no objection to the scheme was raised.

## **Drainage**

Having considered the FRA with the Micro Drainage modelling the Councils Drainage Engineer confirms that the calculated target for water leaving the site is about 19 litres per second but the attenuated discharge for a one in one hundred year storm event plus thirty percent allowance for climate change is just over 8 litres per second so surface water drainage rates will be improved over the Greenfield rates. The proposed site will therefore constitute an improvement over the undeveloped site and I therefore support the application.

Given the fine balance of the flooding situation downstream at Bournelake on the far side of the B4040, this scheme will make a small improvement to the downstream flood risk there.

## **Ecology**

Following recent correspondence with the agent and his consultants, we have now resolved outstanding issues in relation to ecology. The consultants have provided further information on the grassland habitats types present, clarifying that the grassland is not a national BAP habitat type, although it is moderately species-rich and probably of local biodiversity interest. Loss of this area of habitat of this type could be offset through the favourable management of grassland in a mitigation area to the south which the applicant has offered. In relation to the nationally rare tubular water-dropwort, the consultant has confirmed that only a single plant occurs onsite and this forms part of a larger population offsite to the south, including the mitigation. Again, favourable management of this wider population within the identified mitigation area would offset the loss of a single plant.

Initially concerns were raised in respect of great crested newts on the site. However the applicant submitted a method statement which sets out how this species will be protected during the construction phase of development. The development will result in the loss of an area of great crested newt terrestrial habitat. It is considered that in principle favourable management of retained habitats in the mitigation area could offset that loss. The Councils ecologist is satisfied that together these measures would be sufficient for the scheme to secure a European Protected Species licence from Natural England, however it would be prudent to point out that planning permission does not discharge the applicant's legal responsibilities and they should consider the need for a licence before commencing works. This matter could be attached as an informative.

In conclusion permission can be granted in accordance with local Policy NE11, NPPF (para.118), Circular 06/2005 and the Habitats Regulations (2010) subject to suitably worded conditions / informatives and submission of a plan showing the boundaries of the mitigation area.

## **7. Publicity**

One Letter of objection has been received concerns raised.

- Concerns in respect of the increase in traffic.
- Archaeological issues.

## **8. Planning Considerations**

### **Principle of development.**

The current strategic and local planning policy for the Cricklade area is provided by the Wiltshire and Swindon Structure Plan 2016 and the North Wiltshire Local Plan 2011. The majority of the policies in the Structure Plan and Local Plan have been saved until further notice. National planning policy is provided by the National Planning Policy Framework (NPPF) which was published in March 2012. The North Wiltshire Local Plan was adopted in June 2006 and paragraph 214 of the NPPF indicates that the Local Plan policies can continue to be given full weight for 12 months from the day of adoption of the NPPF, even if there is a limited degree of conflict with the NPPF.



With regards to future planning policy, the Wiltshire Core Strategy Pre-submission Document has recently been submitted to the Secretary of State for independent examination. It is proposed that the Wiltshire Core Strategy will supersede all the Structure Plan policies which are relevant to Wiltshire, and that it will also replace a number of the policies in the North Wiltshire Local Plan. Paragraph 216 of the NPPF indicates that decision-takers may give weight to relevant policies in emerging plans according to the stage of preparation of the plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The site is located immediately to the southwest of the Braydon Lane employment allocation (as identified in the North Wiltshire Local Plan) and is within the open countryside for the purposes of the plan. The spatial planning response to a previous planning application on this site (11/03707/OUT) indicated that there was no policy objection to the application. This response was provided in January 2012 and it is therefore necessary to reconsider the proposals in light of any changes in circumstance, including the publication of the NPPF and the Wiltshire Core Strategy Pre-submission Document.

The key policy issue is considered to be whether B1 light industrial uses are appropriate in this location. As stated in the policy response to 11/03707/OUT, policy BD5 of the North Wiltshire Local Plan indicates that development proposals for business uses in the countryside will be permitted where development “involves limited new building located within or well related to an existing group of buildings which respects local building styles and materials, and is in keeping with its surroundings”. Policy BD5 also makes it clear that the proposal should not lead to dispersal of business uses that would be detrimental to town and village vitality and economic viability; and that due consideration should be given to the impact on the road network in the vicinity of the development.

This site is located adjacent to a site identified for employment proposals, policy BD1 of the North Wiltshire Local Plan 2011. To the north of the site are other business/ industrial uses. To the south is also an industrial site. This site is however, a cleared site which has become overgrown. The proposal is for 3,500msq of floor space and is considered to be well related to other development in the locality. All matters are reserved but the submitted illustrative plans a form of development which is considered to be in keeping with the surrounding context in terms of density appearance, design and materials used. The surrounding sites are used for mixed ‘B’ type uses as would be expected in an estate of this nature. It is recognised that B1 uses are by definition uses that are Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area. This proposal therefore is considered to comply with BD5 of the North Wiltshire Local Plan 2011.

It is proposed that policy BD5 will be replaced by core policies 34 and 48 of the Wiltshire Core Strategy once this is adopted. The proposed core policy 48 (supporting rural life) is not relevant to this application, and the implications of the proposed core policy 34 are discussed below.

Paragraph 28 of the NPPF indicates that “planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development” and that “local and neighbourhood plans should ... support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings”. Paragraph 19 of the NPPF states that “significant weight should be placed on the need to support economic growth through the planning system”. The need for smaller units within the locality has been recognised by the Town Council but it is questioned whether this is the right location given other considerations.

In terms of likely future local planning policy, the proposed core policy 19 of the Wiltshire Core Strategy Pre-submission Document indicates that 5ha of employment land will be provided in the Royal Wootton Bassett and Cricklade Community Area, including 3.7ha on a saved North Wiltshire Local Plan allocation at land to the West of Templars Way, Royal Wootton Bassett. This leaves 1.3ha of employment land to be provided elsewhere in the community area (although additional land could also be identified if appropriate). The area of the proposed site off Braydon Lane is 1.35 ha.

The Wiltshire Core Strategy Pre-submission Document also includes the proposed core policy 34 which sets out the approach to be taken to proposals for additional employment land, on sites not allocated in the Core Strategy. This policy supports proposals for additional employment land within the Principal Settlements, Market Towns and Local Service Centres, and also supports developments outside these settlements in certain specified circumstances. It is not considered that the proposal for employment land off Braydon Lane would meet criteria i) to iii) of the policy, as the site is not on the edge of a Principal Settlement, Market Town, Local Service Centre or Large or Small Village; the proposals do not support sustainable farming and food production; and the site is not within or adjacent to a Large or Small Village. The policy does also indicate that proposals may be supported where they “are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council”, but the supporting text clarifies that any applications of this nature will need to be adjacent to a Principal Settlement, Market Town or Local Service Centre and that such applications would need to be determined by the relevant planning committee, and not by officers using delegated powers. Therefore, the core strategy is not seen to support this proposal in quite the same way as policy BD5 of the North Wiltshire Local Plan 2011 does.

The proposed core policy 34 does not offer specific support for a proposal of this nature. The proposed core policy 2 of the core strategy makes it clear that development outside the defined limits of development will only be permitted where it has been identified through future planning policy documents (such as neighbourhood plans) or where it meets the exceptional circumstances set out in the other policies of the core strategy (including core policy 34).

The above summary indicates that the proposal for employment land off Braydon Road could be supported in principal by policy BD5 of the North Wiltshire Local Plan, but would not be supported by the proposed core policy 34 in the emerging Wiltshire Core Strategy. It is therefore necessary to consider the weight to be given to the policies in the emerging Wiltshire Core Strategy, in line with paragraph 216 of the NPPF. The Core Strategy has been submitted to the Secretary of State for examination, and hence is considered to be at an advance stage of preparation. It is also considered that the proposed core policy 34 is consistent with paragraph 28 of the NPPF, and hence can be given a degree of weight on this count.

There are unresolved objections to core policy 34. 16 comments have been recorded on the portal as relating specifically to core policy 34. Of these, there are four comments which are considered to be particularly relevant to the current case. A representation from the Badminton Estate states that “Potential employment sites should not be limited to the principal settlements, market towns and local service centres of Wiltshire - since within rural areas local employment opportunities reduce reliance on commuting to major settlements and can, therefore, provide significant sustainability gains”. Representations from the Jacques Partnership and the Chippenham Chamber of Commerce both state that “There remains a need to support small businesses within the rural areas and this note seems somewhat reluctant and negative about the principle of this”. The Sealy Farm Partnership state the following in their representation

“Although sites that come forward may not lie within or adjoining the boundaries of existing settlements this does not mean that they automatically comprise ‘unsustainable’ development. Quite the contrary such a scheme could deliver significant economic, environmental and social sustainability benefits. For example the vast majority of those that commute out of Wiltshire for work are higher paid workers. By attracting high value businesses to the area such sites have the potential to significantly reduce the level of out-commuting from the county as they will provide the opportunity for such people to work closer to home”.

Given these outstanding objections to core policy 34 it is considered that the approach set out in the emerging core strategy can be given only limited weight at this time.

It is also worth mentioning the views of Cricklade Town Council, which are considered to be a material consideration which weighs against the proposal. The Town Council have indicated in their response to the planning application that a Town Plan consultation, concluded in March, “confirmed the continuing desire of the community to shift industrial and commercial development away from Chelworth as a means of reducing the impact of traffic within the town”.

It is considered that the principle of providing employment development in this location is supported by policy BD5 of the North Wiltshire Local Plan 2011, providing that the case officer is satisfied that the proposal would not lead to dispersal of business uses that would be detrimental to town and village vitality and economic viability, that impacts on the road network could be adequately addressed, and that the requirements of other local plan policies (e.g. those relating to biodiversity) would be met. However, it is important to note that the emerging Wiltshire Core Strategy includes a less flexible approach to employment development in the rural areas, and it is considered that the proposal would not be supported by the proposed core policy 34. The core strategy is now at a significantly more advanced stage compared to the time of the previous application (11/03707/OUT, policy response provided in January 2012). However, the extent to which weight can be given to the emerging core strategy is currently limited by the fact that representations relating to core policy 34 were received during the pre-submission consultation, and some of these representations raise specific concerns around the need to support business development within the rural areas.

In the light of this thorough consideration of the policy framework at present officers consider that this proposal must be judged against policy BD5 and whilst the emerging core policies and Town plan conclusions are material considerations at this moment in time they would not be considered to carry enough weight to provide a defensible refusal to this proposal.

The issue of officers being satisfied that the proposal would not lead to dispersal of business uses that would be detrimental to town and village vitality and economic viability, that impact on the road network is addressed below the impact of the proposal on biodiversity has been covered in the Consultations section.

### **Highway Issues**

The Highway Engineer in his comments wanted to demonstrate the grounds on which his comments are based. It is not the intention that in highway terms ‘not objecting’ to this proposal signifies a green light to incremental development at the site.

Since the current planning application there have been further discussions relating to the site. The Highway Engineers comments were made following consideration of the Spatial Planning teams view not to raise an objection on planning policy terms

Previous comments from the Highway Engineer recommended refusal of the application. However, bearing in mind other comments it is not considered that a suitable case could be made on a sustainable transport basis given that PPG 13 Transport has now been withdrawn.

With regard to the second refusal reason, previously recommended, in respect of the increased traffic generation and its impact on the highway network, it is considered that an objection on this basis would not be defensible. While comparison is made of the existing level and type of movements, it is not considered that this relatively small scale 2,300 sq.m development of B1 use of starter units (offices, light industry contained in three separate buildings) would create significant or severe impact. Considering the type and mix of B1 units, it is not considered that a significant number of HGV and other movements would be attracted to create substantial externalities to substantiate a highway refusal. The NPPF at paragraph 32 states *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.

With regard to the third refusal reason previously stated the highway engineer comments that the matter of traffic associated with this site crossing third party land is a civil matter that needs to be demonstrated to planning. In the light of this comment the agent has submitted legal documents which indicate that the land necessary to facilitate this development is within the ownership of the applicant and therefore there is not an issue in respect of access to the site.

The Highway Engineer has questioned the control the planning authority would have over the development of this site given that this is an outline planning application with all matters reserved. In theory this indicative layout is a type of master plan for the site. As an outline application the applicant would be able to submit as a reserved matters application a scheme which reflects the development hereby approved. The applicant could re-submit an amended layout, but this would have to be buildings for of B1 use, NOT other land uses. It is considered unlikely that the site would be taken on by one occupier given this location. HGV movements would be low for this type of use. The type and mix of the 2,300sq.m floor area could impact on the number of HGVs attracted to the site. If the applicant came in at reserved stage for different uses i.e. B8, B2 or other uses, this would trigger a need for a separate application. Therefore a showroom could not appear on this site without the submission of a new application, this matter being specifically raised by the Town Council. The location of this site is considered to sit within the Chelworth industrial estate, as there is the Petroleum Company to the south and developments adjacent.

Further comments received from the Highway Engineer have confirmed that with regard to traffic generation, the transport statement submitted utilises the industry standard TRICS database. Considering the data available within the package and its relevance to the site in Cricklade, it would seem reasonable with the sites they have selected. Council officers have no other relevant data available that could critically challenge the data they have derived from TRICS.

The level of car parking has been queried the Car Parking shown for 2,300sq.m / 80 spaces = 1 space per 28sq.m. This does not exceed Wiltshire's Maximum parking guidelines and would seem a reasonable level of parking.

#### **Design and environmental impact.**

The layout as submitted indicates units of an acceptable design mass and bulk. The foot prints are 4 x 600sqm and 1 x 1100sqm. The units are shown to be a maximum of 10m high. The pallet of materials as indicated comprises a dark brown brick with vertical timber cladding and sheet roofing. The layout indicates parking areas allocated with each unit and landscaped belts between the units. The existing hedging along the boundaries is to be retained.

It is recognised that all matters are reserved and therefore whilst this gives an indication it is not a guarantee of what will be erected on this site.

The access arrangements and parking layout and levels are acceptable. The proposed development will add to the built environment that forms Chelworth Industrial Estate but will not impact to a great extent on the rural character and appearance of the locality. The retained hedging will retain some of the natural features on the site and therefore this proposal is not considered to conflict with NE15 and or C3 of the North Wiltshire Local Plan 2011.

### **Controls considered necessary in relation to this outline planning application.**

Changes made with effect from 10<sup>th</sup> August 2006 modified the outline planning permission regime in England with regard to the information that is required to be provided at the outline application stage and the matters that may be reserved. Guidance on these changes was set out in CLG Circular 01/2006.

Para.44 of Circular 11/95 advises that applicants may choose to submit as part of an outline application any of the reserved matters, and that unless submitted for “illustrative purposes only” local authorities must treat them as part of the application and they cannot “reserve” such matters.

In England, Article 4 of the DMPO requires that a certain amount of information must be provided, as follows:

- where layout is a reserved matter the application for outline planning permission shall state the approximate location of buildings, routes and open spaces included in the development proposed;
- where scale is a reserved matter the application for outline planning permission shall state the upper and lower limit for the height, width and length of each building included in the development proposed;
- Where access is a reserved matter the application for outline planning permission shall state the area or areas where access points to the development proposed will be situated.

Under the ‘old’ outline planning application regime In England and Wales, “illustrative plans” were often submitted as part of an outline application to amplify the developer’s intentions. Circular 11/95 para.44, which remains extant (despite being superseded to a large extent by the latest procedural requirements), advises that unless applicants state that such plans are only intended for illustrative purposes they must be considered as a formal part of the application. In this instance where the plans submitted are considered important in order to ensure a certain type and form of development and acceptable then the indicated development characteristics must be secured by specific conditions.

### **Archaeology**

This proposed development site is close to a Scheduled moated site (SM12037) located at SU0836 9199.

Due to this proximity English Heritage have been consulted but comments have not as yet been received. Therefore it is considered acceptable to recommend that consent can only be granted subject to no objections being raised by English Heritage.

### **9. Conclusion**

It is considered that the principle of providing employment development in this location is supported by policy BD5 of the North Wiltshire Local Plan 2011. This development is not considered to lead to dispersal of business uses that would be detrimental to Cricklades' vitality



and economic viability impacting on the local road network or biodiversity in the locality. It is recognised that the emerging Wiltshire Core Strategy includes a less flexible approach to employment development in the rural areas, and it is considered that the proposal would not be supported by the proposed core policy 34. In addition this scheme does not accord with the conclusions of the Town Plan for Cricklade. However, the extent to which weight can be given to the emerging core strategy is currently limited by the fact that representations relating to core policy 34 have been received. Therefore, your officers consider that this proposal must be judged primarily against policy BD5 of the Local Plan 2011 and whilst the emerging core policies and Town plan conclusions are material considerations at this moment in time they would not be considered to carry enough weight to provide a defensible refusal to this proposal.

#### RECOMMENDATION

DELEGATED TO PLANNING OFFICERS TO APPROVE SUBJECT TO NO OBJECTIONS BEING RECEIVED FROM ENGLISH HERITAGE AND SUBJECT TO THE FOLLOWING CONDITIONS

1-The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2-The site shall be used for B1 Light Industrial Units only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

#### POLICY-C3 NE15

3-The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans 600-02E 03 04A 05A 06 all dated 23/07/12 Ecological report, Transfer of land report, Planning Statement Design and access statement Flood Risk assessment 23/07/12.

REASON: To ensure that the development is implemented as approved.

4-Prior to commencement of development an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall set out in detail how the area identified as the 'Mitigation Area' on Plan 600-03 is to be managed for the benefit of biodiversity, particularly neutral grassland, tubular water-dropwort

and great crested newt. The Mitigation Area shall be managed in accordance with the approved Ecological Management Plan unless otherwise agreed in writing by the Local Planning Authority.

5- All site enabling works and construction works shall be carried out in full accordance with the approved 'Method Statement for the Protection of Great Crested Newt at Cricklade' (Revised 07/11/12), unless otherwise agreed in writing by the Local Planning Authority.

6- No development shall commence on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

#### POLICY-C3 NE15

7- An application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;
- (e) The means of access to the site.

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

8- All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY- C3 NE15

9- No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY- C3 NE15

10- The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by PFA Consulting (Job no. W414, Dated 25/10/11) and the following mitigation measures detailed within the FRA.

1-Surface water discharge rates shall not exceed 8.5l/s during the 1 in 100 year storm event with an allowance for climate change in accordance with Table 2 of the FRA.

2-The surface water attenuation devices shall be sized for the 1 in 100 year storm event with an allowance for climate change.

3- The surface water drainage system shall include Permeable Paving, as detailed in paragraph 3.22 of the FRA

Reason to prevent flooding by ensuring the satisfactory storage of/disposal of surface water for the site.

11- Development shall not begin until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON- To prevent the increased risk of flooding to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the drainage scheme.

12- The development hereby approved shall not be occupied until the vehicular access arrangements, road layout and parking areas has been provided in accordance with details



submitted (Drawing 600-02 Rev E). Full details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

REASON: To ensure that adequate provision is made for parking and access in the interests of highway safety.

13- No development shall commence within the area indicated on plan no.600-03 adjacent to a Scheduled moated site (SM12037) located at SU0836 9199 until:

- (a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- (b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

POLICY-HE5

Informative:

1-Great crested newt is known to be present locally and could potentially occur onsite. The applicant should note that this permission does not derogate any potential offences under the Habitats Regulations (2010) involving European Protected Species. The applicant should satisfy themselves that the proposed works would not breach Regulation 41 of the Habitats Regulations, otherwise they should obtain a licence from Natural England prior to commencing works.

2- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

3- Foul drainage should in the first instance be directed to the mains foul sewer. The applicant should discuss with the sewage undertaker the feasibility on connecting to the mains system. If a non main foul drainage system is produced that discharges to the water environment (e.g. septic tank package treatment plan) the applicant should be aware that this is likely to require an Environment Permit or Exception from the Environment Agency. Further information on foul drainage for new development can be accessed through the following link;  
<http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>



## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

<b>Date of Meeting</b>	12 <sup>th</sup> December 2012		
<b>Application Number</b>	11/03983FUL and 12/02928LBC		
<b>Site Address</b>	Highways land off London Road, Box SN13 8EP		
<b>Proposal</b>	Erection of 8 metre high telecommunications telegraph pole with one antenna located at the top of the telegraph pole and one equipment cabinet		
<b>Applicant</b>	Everything Everywhere Ltd		
<b>Town/Parish Council</b>	Box		
<b>Electoral Division</b>	Box & Colerne	Unitary Member	Sheila Parker
<b>Grid Ref</b>	382765 168899		
<b>Type of application</b>	FULL		
<b>Case Officer</b>	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

### Reason for the application being considered by Committee

Cllr Parker has called the application in to consider the visual impact on the surrounding area which includes a Grade II Listed Building, a nursing home, residential area and in an AONB.

### 1. Purpose of Report

To consider the above application and to recommend that planning permission and Listed Building Consent be GRANTED subject to conditions.

Box Parish Council objects given the prominence of the site in the AONB and Green Belt. 33 letters of objection have also been received.

### 2. Main Issues

The main issues in considering this application are:

- The impact on the character and appearance of the area including the AONB and Green Belt
- The impact on the Listed Buildings
- Impact on pedestrian safety.

### 3. Site Description

The site comprises the pavement on the southern side of the London Road (A4) road bridge that crosses the railway line south of Box Tunnel. The pavement widens at this point at the junction with The Wharf.

The bridge upon which the cabinet and pole will be positioned is Grade II listed and the nearby Box Tunnel is Grade II\* Listed.

The application site lies within the Green Belt and AONB but falls within the built up area of Box with development of varying forms in the vicinity. Atop the woods at Box Wharf is a

telecommunications mast which has been in place for about a decade and which is clearly visible within the landscape.

#### **4. Relevant Planning History – none of specific relevance to land.**

#### **5. Proposal**

The erection of an 8m high telecommunications telegraph pole with a directional antenna at the top of the mast with an associated equipment cabinet (approx 1.5m wide by 1.5 m in height) and feeder pillar (1m in height) at the edge of the pavement area in front of a dwarf stone wall with fencing above which forms a parapet over the bridge.

The application has been revised since its submission and followed on from a site meeting between officers and the applicant. The scheme has been revised with the feeder pillar being moved to in between the cabinet and pole.

The application has arisen out of a report commissioned by Ofcom and the Government into Rail “Not Spots” which highlighted this as a major issue and the operators have been targeted with providing continuous network coverage to the particular problem locations.

#### **6. Planning Policy**

North Wiltshire Local Plan 2011:

Policy C3 – Core Policy Development Control

Policy NE1 – Western Wiltshire Green Belt

Policy NE4 – Areas of Outstanding Natural Beauty

NPPF – Chapter 5 which states:

*“5. Supporting high quality communications infrastructure*

*42. Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.*

*46. Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”*

#### **7. Consultations**

Box Parish Council – objects on the grounds that the proposal is in the Green Belt and the Area of Outstanding Natural Beauty and is outside the Village Framework. The site is adjacent to a Grade II\* Listed Building and also adjacent to residential properties and a proposed Care Home. It is also felt that could be dangerous to pedestrians as the pavement is very narrow. There are also concerns that the landowners are making a decision on an application which would generate an income to them.

Senior Conservation Officer – *“The telecom mast and equipment box are not likely to enhance the conservation area or setting of the listed structures. However, I feel that ensuring they are not touching the listed structures and are painted a suitable colour will on balance minimise the impact on the proposed telecom masts and equipment cabinets on the heritage assets. I would therefore ask that the masts and cabinets be painted a stone colour (to be agreed) and that all equipment is installed so that they are not physically touching the listed bridges. I would also ask that a condition be added to any consent granted which ensures that the equipment is removed as soon as it becomes redundant.”*

Highways - the introduction of the telecommunications box and mast at this location should not result in a significant detrimental effect on the safety of the users of adjacent highway by this vehicles or pedestrians. The adjacent lay-by offers a satisfactory location for the temporary parking of service vehicles. There is no highway objection.

Network Rail – following internal discussions within Network Rail (and the realisation that the mast was not being positioned on the bridge itself) previous objections are now withdrawn to the applications on the basis of an inclusion of a planning condition or advice note requiring the developer to enter into an Asset Protection Agreement to ensure the safe construction of the structure due to the close proximity of the railway.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

33 letters of objection have been received in respect of the FULL application and 21 in respect of the LBC application. The objections are as follows:

- It is a new structure in the West Wiltshire Green Belt and unnecessary clutter and an eyesore in the AONB. It will be extremely prominent and spoil the area around Brunel's tunnel and bridge which is Grade II Listed.
- At time Middlehill mast was being considered the same grounds of objection were made as that mast would not provide the promised cover as elevation too high due to the hill that Box tunnel goes through.
- Antennas should be placed close to portal
- real reason for these masts is need for countryside to plastered with masts for nationwide internet coverage
- could achieve same network connections through use of co-axial cables in tunnels
- Location is unsightly and inappropriate being the first obstacle that people view on their way into Box
- Is situated adjacent to the road bridge and directly opposite Brunel's tunnel
- Pole would be sited on a narrow busy stretch of A4 and surrounding equipment cabinet would be vulnerable to any accident. Dimensions of cabinet have not been provided
- Inherent danger of siting mast in a residential area
- In the summer cars park off the road to view the tunnel and therefore there would be conflict with the equipment
- Why does Box need another mast?

## **9. Planning Considerations**

The need for any development is not a material planning consideration. However, the applicant confirms that the mast and equipment are required and designed to be able to give the required level of coverage required to this part of the Bristol to Paddington railway running through this area of Box. There are no available masts in this area that could be shared to achieve the coverage required. He goes onto say that the site lies “in the AONB and the siting and design has taken this



into account and so will not significantly detract from the visual amenity of the locality. It is appreciated that the uppermost part of the installation may be visible from some viewpoints, but every effort has been undertaken to reduce the visual impact of the proposal and the installation has been sited to utilise as much of the available screening as possible.”

As part of the application documents, the applicant has submitted details of two other sites that were not considered appropriate:

- Highways on A4, Bath Road Box GR381333/168678. It was not chosen as was not highway owned land and so not progressed further
- Network Rail land adj railway Box GR 381535/168685 Network Rail does not allow telecommunications equipment on their land

The mast also meets the ICNIRP guidelines and a Declaration of Conformity with these guidelines has been submitted with the application.

#### Impact on the character and appearance of the area including the Green Belt and AONB designations

This site is located within the AONB and Green Belt. The mast is to be sited on a relatively open area of road on the A4 near the junction with The Wharf. There are trees and vegetation in the vicinity mainly on the southern side of the road with some along the cutting towards the Listed tunnel to the north.

Policy NE1 which relates to the Green Belt designation does not strictly apply to the proposals as it specifically refer to controlling buildings in such locations.

The aim of the policy is to maintain the openness of the Green Belt.

Policy NE4 relates to the AONB designation and covers all development. Proposals of a commercial nature will not be permitted except in exceptional circumstances which should be for the public interest for the area. The proposed mast would not benefit the local users of the Everywhere Everything network as it would be for the passengers in the passing trains only. This is considered particularly important for Network Rail and the Train Operating Companies and its users.

Notwithstanding the environmentally sensitive nature of the area, the proposed pole would be seen in the immediate context of one existing electric pole (10 metres in height) and a street light (11 metres in height) all located on the edge of the bridge as the pavement widens. In the wider context to the north at the junction of The Wharf are two electric poles and a street lighting column. At the other end of the bridge parapet towards Box there is an electric pole and street lighting column.

It is accepted that there are no cabinets/pillars in the area, the cabinet and pillar are required to be stone in colour to replicate the colour of the parapet wall against which it is sited. This along with its siting flush to the wall at the back of the pavement is considered to be appropriate and not result in any overt visual intrusion.

Accordingly, whilst it is accepted that the AONB and Green Belt designations make this a sensitive location in terms of any new development, it is very clear that street furniture is already well established and characterises this location. When viewed on the ground walking across the bridge and looking to the Tunnel to the north, the application mast will not be in the same view and if the view away from the Tunnel is taken towards Box Wharf, modern three storey development under construction is seen with a terrace of elevated houses.

Thus it is considered that the visual impact of one additional mast in the form of a telegraph pole, smaller than the existing pole and column is considered to be de minimis in relation to any detrimental effect upon the AONB and Green Belt at this location.

### Impact upon Listed Buildings

Given the presence of street furniture at the periphery of the Listed Bridge, it is very difficult to substantiate a case on grounds of harm to the Listed Building, particularly as the structures are not physically attached such buildings.

It is acknowledged that the proposals will not enhance the Listed Building mitigation has been achieved by improving the siting and requiring the equipment to be in a stone colour to be agreed to blend into the listed features. Further the proposals are only permitted so long as this technology requires and should be removed thereafter.

In terms of the Grade II\* Listed Tunnel, it is not possible to stand and view the Tunnel and its immediate setting before the bridge and have the proposed mast and equipment in the same view. When looking at the Tunnel, the mast in Box Woods is clearly in view in any event.

No objection is raised by the Senior Conservation Officer on these grounds either.

### Impact upon pedestrian safety

The proposed development is not objectionable on highways grounds as a consequence of the set back from the road which would be no different than the main stretch of the bridge itself. There will be some limited increase from the proposed care development at Box Wharf but the proposed development would not hinder vehicle or pedestrian movement to an extent that warrants a refusal for this reason.

## **10. Conclusion**

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of much larger street furniture immediately adjacent to it. Consequently, it is considered that any harm to the character and appearance of the area would be de minimis and would not detract from the openness of the Green Belt at this location. Further no harm is caused to nearby Listed Buildings of their settings having regard to existing characteristics. The proposals thus accord with policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

## **11. Recommendation**

Both applications 11/3983FUL and 12/2928FUL:

Planning Permission be GRANTED for the following reason:

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of much larger street furniture immediately adjacent to it. Consequently, it is considered that any harm to the character and appearance of the area would be de minimis and would not detract from the openness of the Green Belt at this location. Further no harm is caused to nearby Listed Buildings of their settings having regard to existing characteristics. The proposals thus accord with policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

Subject to the following conditions:

1. The development/works hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 and the provisions of

Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Notwithstanding the details submitted, prior to the commencement of development/works, details of the colour and finish of the mast and associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the details approved and maintained thereafter.

REASON: In the interests of the character and appearance of the area and adjacent Listed Building.

3. The mast and equipment shall be removed from the site within 3 months of it ceasing to be required for telecommunication purposes.

Reason: In the interests of visual amenity and the adjacent Listed Building.

4. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans:- HD102-20048 01 Rev B; HD102-200480 02 Rev B; HD102-20048 03 Rev B; HD102-20048 04 Rev B. Dated 2<sup>nd</sup> August 2012

REASON: To ensure that the development is implemented as approved.

Subject to the following Informatives:

#### 1. SAFETY

The applicant is advised that no work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's structures and adjoining land. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land. In view of the close proximity of these proposed works to the railway boundary the developer should contact Richard Selwood at Network Rail on [AssetProtectionWestern@networkrail.co.uk](mailto:AssetProtectionWestern@networkrail.co.uk) before works begin.





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