

AGENDA

Meeting: Northern Area Planning Committee
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 30 January 2013
Time: 6.00 pm

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

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)	

Substitutes:

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

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 **9 January 2013**.

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 23 January 2013**. 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 - 34)**

7b **12/03823/FUL and 12/03824/CAC - Cyprus Cottage, West Kington SN14 7JE (Pages 35 - 40)**

7c **12/03291/S106 - 55B High Street, Corsham SN13 0EZ (Pages 41 - 46)**

7d **12/03969/FUL - St Patricks Church, Corsham (Pages 47 - 52)**

7e **11/03974/FUL and 12/03843/LBC - Highways Land off A4, Bath Road, Box, Corsham SN13 8AF (Pages 53 - 62)**

7f **11/03983/FUL and 12/02928/LBC - Highways Land off London Road, Box, Corsham SN13 8EP (Pages 63 - 72)**

8 Urgent Items

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

9 Exclusion of the Press and Public

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 10 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

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

10 **Confidential Minutes** (*Pages 73 - 74*)

To approve and sign as a correct record the confidential minutes of the meeting held on **9 January 2013**.

NORTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 9 JANUARY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

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

Also Present:

Cllr Howard Greenman and Cllr Dick Tonge

1 Apologies

There were no apologies for absence.

2 Minutes of the previous Meeting

The minutes of the meeting held on 12 December 2012 were presented.

An amendment to change the last sentence of the last paragraph before the resolution of minute no. 127 was accepted. The sentence now reads:-
'An amendment which proposed the addition of a Section 106 agreement securing a contribution towards the upgrading of the road was seconded and accepted'

Resolved:

To approve as a true and correct record and sign the minutes subject to the amendment detailed above.

3 Declarations of Interest

There were no declarations of interest.

4 **Chairman's Announcements**

There were no Chairman's announcements.

5 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

6 **Planning Appeals**

The Committee noted the contents of the appeals update.

7 **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.

The Committee agreed to hear agenda item 7c first due to the officer's limited availability.

7a **N/12/02004/LBC and N/12/02006/FUL - 80 The Triangle, Malmesbury, Wiltshire SN16 0AH**

Public Participation

Mr Charles Manning spoke in support of the application.

The Chairman explained that there were two applications covered by the report and a decision would need to be made on both.

The officer introduced the report which recommended planning permission and listed building consent be refused.

She explained that the application was to demolish and set back a wall at the back of the site and amend the line of the stairs to create one parking space. She highlighted the key concerns as being the impact on listed buildings and the site being situated in a conservation area.

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 Simon Killane explained that it was before the committee due to the polarised views, and noted the requirement to balance the

need for parking against the character of the conservation area and the implications on what others will do if approved.

In the debate that followed the Committee noted that the walls in Malmesbury were known as an integral part of the character of the town. The towns commitment to and good work on its conservation management plan was highlighted, within which it specifically seeks to prevent the loss of the walls.

Resolved:

For N/02006/FUL, to REFUSE planning permission for the following reason:

- 1. The proposed development will have a detrimental impact on the setting of the adjacent listed building and the character and appearance of the Malmesbury Conservation Area due to the proposed removal of this important historic feature and is therefore, contrary to policies C3, HE1 and HE4 of the North Wiltshire Local Plan 2011, The Malmesbury Conservation Area Management Plan 2010 Section.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of S.12 of the NPPF.**

Informatives

This decision relates to documents/plans submitted with the application, listed below.

**Plan Ref: Design and access statement, 756/CAM/2012/1 /2 /3 /4 /5
Dated: all date stamped 18/07/2012**

For N/02004/LBC to REFUSE Listed Building Consent for the following reason:

- 1. The proposed development will have a detrimental impact on the setting of the adjacent listed building due to the proposed removal of this important historic feature and is therefore, contrary to policy HE4 of the North Wiltshire Local Plan 2011, S.16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of Section.12 of the NPPF.**

7b **N/12/02106/FUL - Former Bath and Portland Stoneworks, Westwells, Corsham, Wiltshire**

Public Participation

Mike Kerton spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be GRANTED subject to the signing of a Section 106 agreement.

He explained that the site was contained within the boundaries of Westwells, had been subject to a long and varied history and a previous outline application granted in 2005, although technically expired, remained a material consideration and showed the long-standing development aspirations.

He highlighted that objections received due to the ecological sensitivity of the site had since been withdrawn, leaving the key issue being the use of Moor Park as the principle access. Substantial objections had been received from close residents especially those residing in Moor Park, however the Committee's attention was drawn to the previously approved outline application plans which clearly marked Moor Park as being an access point for the site, and assessments on the access against both current and previous standards had shown it was adequate to take the proposed development.

He explained that the development had been included within the core strategy and was required to meet the 5 year housing land supply, noted the benefits in redevelopment and highlighted the extensive suite of conditions.

Roger Witt, Senior Development Control Officer then explained that the existing access did not meet the standard on the minimum permissible splays for the speed limit and would require land from the adjacent properties if this was to be met. He explained that Moor Park was designed to allow up to 100 dwellings and the additional traffic generated would be approximately equivalent to 1 extra vehicle every 2 minutes at peak time and every 4-5 minutes off peak.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that the proposed application was the same as the previous application and number of dwellings on site had increased by one from 38 to 39 which gave a density of just under 28 per hectare. Concern was raised over the possibility of mineshafts being located within the site however this had been addressed in the conditions in that they required a survey to be undertaken and mitigation work completed as required.

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

The Local Member, Councillor Dick Tonge noted that the site was derelict, containing dangerous buildings and a tank full of rubbish and water, and confirmed there were no mineshafts on the site. He highlighted the key concern as being the access through Moor Park, explaining that it was a fundamental objection both now and 8 years ago. He highlighted that the issue with the existing access not meeting the required standards was difficult to understand and bemusing to residents given its use when a factory was operational there.

He requested that if the Committee were minded to approve the concerns of residents on heavy construction traffic be considered and that the existing entrance be used for these.

In the debate that followed an addition to the conditions to explore the possibility of using the existing access for construction traffic was proposed, seconded and agreed. The Committee noted both that site had been separated and developed for a different use than Moor Park and the need for appropriate open space. Concern raised over the concept being unsuitable for the location with inadequate highways were balanced by recent Planning Inspectorate decisions which highlighted no weight had been given to resident's concerns regarding traffic. It was confirmed that the site was now classed as abandoned meaning a new application would be needed should it be brought back into use as a factory.

Resolved:

To DELEGATE to the Area Development Manager for planning permission to be GRANTED subject to the signing of a Section 106 agreement for the following reason:

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

The proposed development by virtue of its scale, form and layout will secure the redevelopment of a redundant derelict site and deliver residential development necessary to meet identified requirements in both adopted and emerging plans in accordance with previous historic permissions issued at the site. The proposed development of the site accords with policies C1; C2;

C3; NE9; NE11; NE17; NE 18; H3; T2; T3; CF2; CF3 of the Adopted North Wiltshire Local Plan 2011 and paragraphs 1 – 16 of the National Planning Policy Framework.

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 all the existing**

buildings on site have been permanently demolished and all of the demolition materials and debris resulting there from has been removed from the site.

REASON: In the interests of the character and appearance of the area and neighbouring amenities.

POLICY-C3

3. 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

4. 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:-
 - location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - car park layouts;
 - other vehicle and pedestrian access and circulation areas;
 - all hard and soft surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - tree(s), of a size and species and in a location to be agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

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

POLICY- C3

- 5. 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

- 6. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;**

The protective fencing shall be erected in accordance with the approved details. The protective fencing 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.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another

tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows 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.

[In this condition “retained tree” 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 the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

POLICY-C3

- 7. No development shall commence on site until details of all earthworks, including retention of bunds on site, have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall not be occupied/first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.**

REASON: To ensure a satisfactory landscaped setting for the development.

POLICY-C3

- 8. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

REASON: To ensure that the development is served by an adequate means of access.

POLICY-C3

- 9. No development shall commence on site until details of the stopping up of all existing accesses, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first use of the approved access. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.**

REASON: In the interests of highway safety. POLICY-C3

- 10. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.**

REASON: In the interests of highway safety.

POLICY- C3

- 11. Any garage doors installed at any time in the garage(s) hereby permitted shall be fitted so that its leading edge does not project forward of the leading wall of that garage.**

REASON: In the interests of highway safety and convenience.

POLICY- C3

- 12. No dwelling shall be occupied until the parking space(s) together with the access thereto, have been provided in accordance with the approved plans.**

REASON: In the interests of highway safety and the amenity of future occupants.

POLICY-C3

- 13. Notwithstanding the details shown on the submitted plans and forms, no development shall commence on site until details of the integral car ports 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

14. 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 integral car ports hereby permitted shall not be converted to habitable accommodation, nor any external doors fitted.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

POLICY – C3

15. No development (excluding demolition and site clearance) shall commence on site until a detailed and finalised scheme for the discharge of surface water from the site, incorporating sustainable drainage details in accordance with the submitted drainage strategy dated 13/3/12, 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.

REASON: To ensure that the development can be adequately drained.

POLICY-C3

16. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer 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 and does not increase the risk of flooding or pose a risk to public health or the environment.

POLICY-C3

17. The development hereby permitted shall not be occupied until the approved sewage disposal works proposed have been

completed in accordance with the submitted and approved details.

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

POLICY-C3

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

- a) The demolition of existing structures in site and removal and disposal of waste materials;
- b) Demolition and construction traffic access, including measures to facilitate use of the existing site access from Westwells Road;
- c) the parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g) wheel washing facilities;
- h) measures to control the emission of dust and dirt during construction;
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- j) measures for the protection of the natural environment.
- k) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than 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.

POLICY-C3

19. No development shall commence (excluding approved demolition and site clearance works) until the applicant has submitted additional geotechnical and ground investigations the findings and any necessary mitigation proposals and remedial have been approved in writing by the Local Planning Authority. The report must assess and consider the following matters. Two individual hotspots of lead and naphthalene were recorded in the grey angular fine gravel surface covering in TP07 and TP04, these occurrences should be removed where present below proposed private garden areas. Due to the pre-mentioned the entire site should be screened for similar substances and remediated appropriately. Two shallow rotary cored boreholes to allow at least 5 – 6m of penetration into the underlying Oolitic Limestone horizon in order to gain additional geotechnical data for pile design, should it be considered. An additional day's trial pitting is required in order to reduce uncertainty of the thickness of the quarry discards in the northern and southern site areas. TRL-DCP testing across site to gain a better understanding of CBR values at formation depth is required.

Examination of the underlying soils and assessment of the chemical nature of the underlying soils during the site clearance phase of works at the site to collect samples of the shallow soils for testing for typical munitions residues, predominately accelerant and explosive breakdown products.

REASON: In the interests of residential amenities.

20. Pursuant to condition 19

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation

criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial works.

A statement should also be provided by the developer which is signed by a person who is competent to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage (ii) above).

The verification report and signed statement should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. All development shall be carried out in full accordance with the agreed bat mitigation measures, as set out in the submitted Bat Survey Report v4 (ADAS UK, September 2012), without the approval of the Local Planning Authority.

Prior to commencement of development a bat monitoring plan shall be submitted to and approved in writing by the Local Planning Authority. The monitoring plan shall clearly set out the methods and timing of annual post-construction monitoring of bat roosting, foraging and commuting activity to be carried out during the first three years upon completion of the construction phase, as necessary to assess the effectiveness of the approved bat mitigation measures. Annual monitoring reports shall be submitted to the Local Planning Authority in accordance with the agreed monitoring plan.

All external lighting shall be installed and maintained in full accordance with the details provided in the External Lighting Impact Assessment (URS, 2012, Ref: 47063838). No additional or alternative external lighting may be installed without the approval of the Local Planning Authority.

REASON: In the interests of the protection of protected species of wildlife and their habitat.

22. The development hereby permitted shall be carried out in accordance with the following approved plans:

List of plans to follow as additional information

REASON: For the avoidance of doubt and in the interests of proper planning.

POLICY-C3

Informatives

- 1. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.**
- 2. This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990.**
- 3. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.**
- 4. The applicant should note the contents of the attached letter from Wessex Water and the requirements regarding existing Foul Sewers on site.**
- 5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

- 6. The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.**

7c **N/12/03485/FUL - Friday Street, Christian Malford, Chippenham SN15 4BT**

With the agreement of the Committee this application was heard first at the meeting.

Public Participation

Mr Mark Willis spoke in support of the application.

The Planning Officer introduced the report which recommended that planning permission be granted.

The officer explained the objections had included the impact on off site highways however no objections were received from highways.

There were no technical questions asked.

Members of the public then had the opportunity to present their views as detailed above.

The Local Member, Councillor Howard Greenman then addressed the Committee. He gave his thanks to officers for their work in addressing the significant concerns seen at the onset of the application and re-iterated the concerns of the Christian Malford Parish Council seen in section 7 of the officers report and being inadequate on site parking and turning, off site highways impact and it being an inappropriate location for such a facility being in close proximity to a commercial premises and remote from other stables in the vicinity.

In the debate that followed members noted the right of the owner to choose the location on their land. Concern was raised over the potential storing of horseboxes in the turning point and how to ensure the work was completed in a timely manner. An amendment proposing to delegate permission to the Area Development Manager to approve with the existing conditions given in the report and additional conditions to address overnight storage and ensuring the work is done in complete phases was seconded and accepted.

Resolved:

To DELEGATE planning permission to the Area Development Manager for APPROVAL for the following reason:

It is considered that the proposal accords with policies C3 and NE15 of the North Wiltshire Local Plan 2011 and will not lead to any significant detriment to the rural character of the area or highway safety.

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. The riding arena hereby permitted shall be used only for the exercise of horses owned and ridden by the occupier of the site (land edged red & blue) or members of their family and kept at the site and for no visiting horses nor for any commercial purpose whatsoever, including tuition, without the prior written consent of the local planning authority.

REASON: In the interests of highway safety and the amenity of the area in general.

3. No development shall commence on site until details of the access layout improvements has been submitted to and approved in writing by the Local Planning Authority. The access improvements shall be carried out prior to the development taking place. The improvements shall include a 6.5m width for the first 10 metres of the access. The first 10m measured from the edge of the carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Any gates will be required to be set back 10m from the edge of carriageway and made to open inwards. The access shall be made to drain away from the highway.

REASON: In the interests of highway safety.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 2359/01 dated 23rd November 2012.

REASON: For the avoidance of doubt and in the interests of proper planning.

5. There shall be no floodlighting of the development hereby permitted without the prior approval of the local planning authority

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

6. There shall be no overnight parking of horseboxes, caravans,

trailers or other vehicles during the hours between dusk and dawn on the site.

REASON: In order to protect the rural character of the area.

7. Prior to the commencement of the development hereby permitted details of the construction methodology for the arena and access track, to include surfacing materials and phasing, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity of the area

8 **Urgent Items**

There were no urgent items.

9 **Exclusion of the Press and Public**

Resolved:

That in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in agenda item number 10 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

10 **N/11/04162/FUL - Brynards Hill**

Members considered a confidential report regarding Brynards Hill, Royal Wootton Bassett. Councillor Peter Doyle proposed a slightly revised recommendation.

Resolved:

To **RECOMMEND** that the Council advise the Planning Inspectorate that in the light of the changed circumstances and the case specific material considerations including:

- the locational relationship with previous phases of development now under construction immediately to the south of the site and the Interface Business Park to the east;

- **The locational relationship to, and integration of the site within, the existing built area of Royal Wotton Bassett; and**
- **The potential to improve the relationship between the proposed car park and the Country Park;**

it no longer wishes to pursue the reasons put forward for refusing the application.

(Duration of meeting: 6.00 - 7.50 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

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

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**Wiltshire Council
Northern Area Planning Committee
30th January 2013**

Forthcoming Hearings and Public Inquiries between 16/01/2012 and 31/07/2013

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
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.	Public Inquiry	06/03/2013

Planning Appeals Received between 21/12/2012 and 16/01/2013

Application No	Location	Parish	Proposal	DEL or COMM	Officer Recommendation	Appeal Type
12/01716/LBC	61 The Pippin, Calne, Wiltshire, SN11 8JG	Calne	Structural Repairs to West Gable, Re-Roofing, Repairs to Stacks & Dormer Windows, Replacement Windows & Dormers in Gable Elevations; Repairs to Boundary Wall & Internal Alterations (Part Retrospective).	DEL	Permission	Written Representations

Planning Appeals Decided between 21/12/2012 and 16/01/2013

Application No	Location	Parish	Proposal	DEL or COMM	Appeal Decision	Officer Recommendation	Appeal Type
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	Appeal Dismissed	Refusal	Written Representations
12/01417/FUL	29 Doubledays, Cricklade SN6 6AU	Cricklade	Replacement Dwelling	DEL	Appeal Dismissed	Refusal	Written Representations
12/02351/FUL	Hafaway, Hoggs Lane, Purton, Wiltshire, SN5 4BU	Purton	Replace Single Storey Garage with Two Storey Extension.	DEL	Appeal Dismissed	Refusal	Written Representations

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Agenda Item 7

INDEX OF APPLICATIONS ON 30/01/2013

	APPLICATION NO.	SITE LOCATION	DEVELOPMENT	RECOMMENDATION
01	12/00105/S73A	Cotswold Airport, Kemble, Glos, GL7 6BA	Continued Use of Land for Non-Aviational Events and Activities.	Delegated to Area Development Manager
02	12/03823/FUL and 12/3824/CAC	Cyprus Cottage, West Kington, SN14 7JE	Extensions & Alterations & Demolition of Existing Extension Demolition of Existing Rear Retaining Wall	Refusal
03	12/03291/S106	55B HIGH STREET, CORSHAM, WILTSHIRE, SN13 0EZ	Modification of Legal Agreement Dated 15th June 2004 (02/01962/FUL) Relating to Restrictions on Access and Use of Land and Buildings	Permission
04	12/03969/FUL	St Patricks Church, Corsham, Wiltshire	Erection of Replacement Church Hall (Resubmission of N/12/01902/FUL)	Refusal
05	11/03974/FUL And 12/03843/LBC	Highways Land off A4, Bath Road, Box, Corsham, SN13 8AF	Erection of 12 Metre High Telecommunications Telegraph Pole With 1 no Wideband Tri-Sector Antenna & 1 Equipment Cabinet & Ancillary Development. Installation of a 12m High Telecommunications Telegraph Pole with Equipment Cabinet Located Adjacent to the Existing Railway Bridge.	Permission Permission
06	11/03983/FUL And 12/02928/LBC	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 Permission

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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 th January 2013		
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. The Committee resolved on 12th December 2012 to DELEGATE the item to officers to allow the signing of the Unilateral Undertaking in conjunction with the local Councillor. Since then the Airport has requested that the Unilateral Undertaking be amended to include Fridays within the allowable days of Car Testing. It was previously proposed as Monday-Thursday inclusive. (Comments additional to those made at 12/12/12 are highlighted in **bold**).

1. Purpose of report

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

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 114 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.

4. Relevant Planning History		
Application Number	Proposal	Decision
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

The Unilateral Undertaking has now been amended to include aviaational events (used in connection with the lawful use of the site for General Aviation) and non-aviational days and also to include Fridays within the allowable days of car testing so that it is now a weekday occurrence, but without any increase on the 12 days originally sanctioned.

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 represents 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.

Representatives of the Parish Councils have been alerted to the item's return to Committee and the reason for it.

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 Councils have powers under their nuisance legislation to investigate and act on any subsequent noise nuisance generated from the site.

Environmental health do not object to the inclusion of Fridays within the Car Testing Days.

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.

114 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 e.g. 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.

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

** 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-Friday inclusive (changed from Monday-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 i.e. 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 implementation of 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) All Show Days' traffic control shall be carried out in accordance with the Method Statement for the management and control of traffic on "Show Days" submitted to the Local Planning Authority on 29th November 2012 and 11/12/12 and attached to this decision, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 January 2013		
Application Number	N/12/03823/FUL & N/12/03824/CAC		
Site Address	Cyprus Cottage, West Kington, SN14 7JE		
Proposal	Extensions & Alterations & Demolition of Rear Retaining Wall		
Applicant	Mr O'Shea		
Town/Parish Council	Nettleton Parish Council		
Electoral Division	By Brook	Unitary Member	Cllr Jane Scott MBE
Grid Ref	381044 177392		
Type of application	Full and Conservation Area Consent		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The applications have been called in by Cllr Scott to consider the impact of the proposal on the Conservation Area.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

The Parish Council have commented in support of the applications.

2. Main Issues

The main issues in considering the application are:

- Principle of development (H8 & HE2)
- Impact on the character and appearance of the host dwelling (C3 & H8)
- Impact on the character and appearance of the Conservation Area and AONB (HE1& NE4)
- Impact on the privacy and amenity of existing neighbours and potential occupants (C3)
- Impact upon the Listed Building (HE4)
- Impact on highway safety (C3)

3. Site Description

Cyprus Cottage is a detached dwelling set into the steeply sloping land at West Kington, within a Conservation Area and Area of Outstanding Natural Beauty. Separate from the dwelling but within its curtilage stands a detached outbuilding, which was formerly a village reading room, beyond which to the immediate East stands a Grade II-listed building, known as East View. The site is visible in the context of the valley behind, onto which the property's North aspect is orientated. A partially terraced garden is laid out to the West of the dwelling, with a large loose stone parking area between the front elevation and highway, from which the site is bounded by a stone wall.

The double-fronted original cottage is finished in rubble stone with cut stone dressings and a pitched slate roof, with an array of small extensions to its eastern gable end, which may have served variously as coal storage, larder and general utility space. Set down into the hillside to the rear is a two-storey extension finished in painted render, much of which is in a poor state of repair,

with a single-pitch slate roof over. There is a large retaining wall supporting the upper level of the site, which is readily visible from the public footpath that marks the site's northern boundary.

4. Relevant Planning History

Application Number	Proposal	Decision
12/01836/FUL	Extensions & Alterations & Demolition of Existing Extension	Withdrawn
12/01837/CAC	Demolition of Existing Extension	Permitted

Conservation Area Consent was recently granted in respect of the partial demolition of low-quality single-storey additions to the East end of the cottage, the replacement of which is not considered necessary.

5. Proposal

The proposal comprises the extension of the property with the addition of a substantial rear element together with a smaller addition to the side of the property. Conservation Area Consent is also required for the removal of a section of retaining wall to the rear of the property, which is to be rebuilt as part of the rear extension that follows the boundary line.

The rear extension is to be set out over three floors, adjoining the exposed North elevation of the original cottage and West elevation of the existing extension, with a pitched roof terminating in a North-facing gable. The roof is to be set approximately 0.8m below the ridge of the cottage, although level with its eaves, and will be finished in slate to match the dwelling. From first floor level to basement, a fourth bedroom with en suite, dining room and study are to be contained within this element, connected by a new stairwell, with a balcony added to the dining room to provide access to the garden. The North-facing section of the extension is to be finished in render, with full-height timber windows with overlaid oak grilles on the upper two floors, whilst the West elevation is to be predominantly glazed through the lower two floors, with a casement window to the bedroom above. A conservation rooflight is also to be inserted on the eastern plane.

Additionally, it is proposed to remove some of the untidy additions to the East end of the dwelling and replace these with single-storey extension to provide a small entrance lobby and WC, with a flat, synthetic-roofed canopy out to the built line of the main elevation. The extension is to be faced in rubble stone with a pitched clay roman tile roof at its furthest end and slate infill to adjoin the canopy section, which is to extend as far as the front build line. Further alterations are proposed to the fenestration on the existing building, with the replacement of timber windows with uPVC and insertion of a new matching casement window on the northern elevation of the earlier extension. The former reading room is to be brought back into use as a garage, with a pair of timber doors to be installed in the existing opening on the southern elevation.

6. Consultations

Nettleton Parish Council – support
Conservation Officer – objects, on grounds of harm to the Conservation Area

7. Publicity

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

Two letters of support received from neighbours of the site

Summary of key relevant points raised:

- Improvement to the appearance of the building

- Removal of unattractive additions to the property
- Lack of impact upon neighbour amenity

8. Planning Considerations

Principle of development

The principle of residential extensions is established under Policy H8 of the adopted North Wiltshire Local Plan, although such development should be proportionate and sympathetic to the host dwelling. That the property is located within a Conservation Area and adjacent to a listed building should naturally require a correspondingly increased quality of design that conserves or enhances the setting of both. The replacement of dilapidated or otherwise harmful built fabric with a more appropriate development is supported by Policies HE1 and H8.

Impact on the character and appearance of the Conservation Area and AONB

The extension comprises a substantial addition to what is, at present, a defined juxtaposition between original cottage and an already large rear extension, squaring off a corner of the building that is immediately visible from the footpath behind. It is accepted that the existing rear extension has a negative impact on the visual amenity of the site and its setting, mostly due to its poor state of repair, and therefore obscuring this is not considered harmful.

Although the rear extension represents a significant improvement upon the previous scheme, there remain a number of details that, it is considered, require refinement in order to coexist sympathetically as an adjunct to the dwelling. The eaves, sitting level with those of the original cottage, create an awkward shallow roof pitch and make the upper level appear overly bulky in context. Also, the extension would benefit from a small setback from both the northwest corner of the earlier extension and, in particular, the western build line of the original cottage, as this again will otherwise give the appearance of an overlarge addition and fail to recognise the evolution of the property. Likewise, the flat-roofed canopy, whilst not objectionable in principle, should be recessed in order that its form follows its apparent function as a 'link' only.

The demolition of the rear retaining wall, whilst not objectionable in itself, cannot be supported while its replacement with a suitable structure has not yet been secured (i.e. through the approval of a direct replacement or extension of the dwelling to serve the same function). Policy HE2 of the Local Plan sets out this approach.

Impact on the privacy and amenity of existing neighbours and potential occupants

The siting and orientation of the extensions are such that it is considered that the enlarged dwelling will not incur the loss of amenity to neighbouring properties, either by way of overlooking or overbearing. The only property in sufficiently close proximity to be affected by the works, East View, is screened by the built fabric to be retained and adequately removed so as to have its amenity protected.

Impact upon the Listed Building

Following revisions to the scheme to remove a linking section between Cyprus Cottage and the former reading room, it is considered that the setting the neighbouring Grade II-listed building, East View, will be conserved. The site at present appears confused, with little consistency in style or materials, such that the reading room alone makes any meaningful contribution to the comprehension of the designated heritage asset. No objection is raised in respect of the impact on the adjacent listed building, therefore.

Impact on highway safety

As the proposal includes the addition of bedrooms at the property, it is necessary to consider whether the site is capable of accommodating the relevant parking requirement; in this instance

three allocated spaces. The area of loose stone to the front of the dwelling is considered adequate in this regard, providing sufficient space for three vehicles to park and turn to enter and leave the site in a forward gear. It is also worthwhile considering the impact of the proposed rear extension on the public right of way that runs to the North of the site. From the proposed works, it appears apparent that it should be possible to protect the pedestrian route in its entirety throughout the course of works and thereafter. For these reasons it is not considered likely that the proposal should result in detriment to highway safety.

Conclusion

Despite representing a distinct improvement upon the previous submission, it is considered that the revised scheme lacks the refinement necessary to be considered acceptable in planning terms. Simply addressing the detailed recommendations set out in the second paragraph of the 'Impact on the Conservation Area and AONB' section above would overcome these concerns; however at the present time Officers are unable to support the application. As such, it is also recommended that the demolition works proposed are unacceptable, with no suitable replacement offered.

9. Recommendation

N/12/03823/FUL

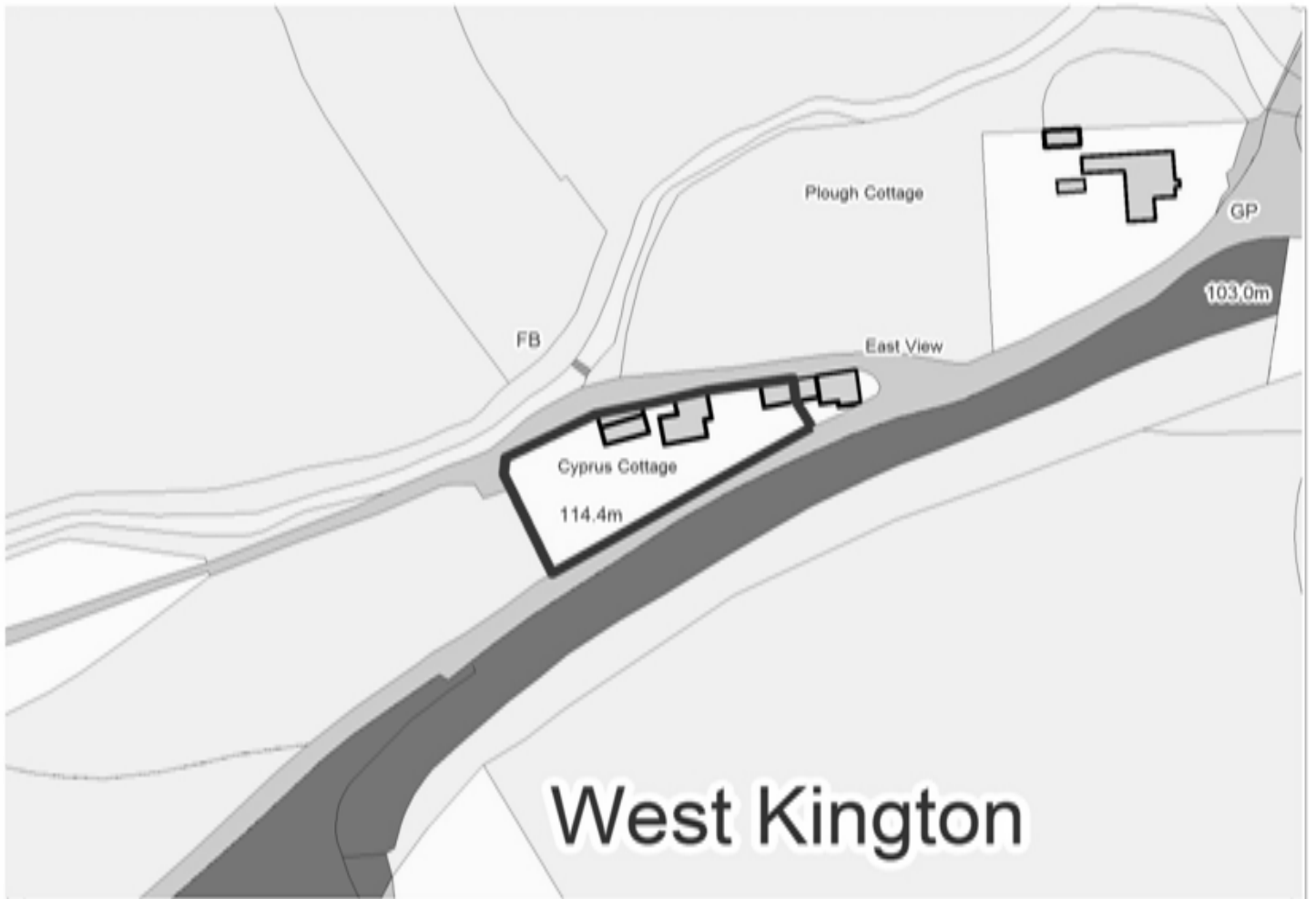
Planning Permission be REFUSED for the following reason:

The proposed development, by reason of its disproportionate scale, massing and design, will have a detrimental effect upon both the host dwelling and its setting of the Conservation Area and the AONB. The proposal is therefore contrary to Policies C3, HE1, NE4 and H8 of the adopted North Wiltshire Local Plan 2011 and Sections 11 and 12 of the National Planning Policy Framework.

N/12/03824/CAC

Conservation Area Consent be REFUSED for the following reason:

Provision has not been made for the necessary and appropriate replacement of the rear retaining wall subject of the application, contrary to Policy HE2 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 January 2013		
Application Number	12/03291/S106		
Site Address	55b High Street, Corsham, Wiltshire SN13 0EZ		
Proposal	Modification of Legal Agreement dated 15 th June 2004 (02/01962/FUL) relating to restrictions on Access and Use of Land and Buildings		
Applicant	Mr S Van Heijningen		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Pickwick & Rudloe	Unitary Member	Cllr Alan Macrae
Grid Ref	387241 170528		
Type of application	Modification/Discharge of Section 106 Agreement		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Macrae, in order to consider the extent to which the Agreement continues to serve a useful planning purpose

1. Purpose of Report

To consider the above application and to recommend that the Section 106 Agreement be MODIFIED.

Corsham Town Council has raised no objection to the application. One letter has been received from a neighbour of the site, to the effect that no objection is raised provided that no alterations are made to the access arrangements to the flat to the rear of no.55 High Street.

2. Main Issues

The main issues in considering the application are:

- Impact on the privacy and amenity of existing neighbours and potential occupants (C3)
- Impact on highway safety (C3)

3. Site Description

The site is located on Corsham's historic High Street, accessible by car and within the Corsham Conservation Area. No.55b is a substantial end-of-terrace building comprised, like most of its neighbours, of a commercial unit at ground floor level with a flat above. In 2001, planning permission was initially granted for the conversion of a storage building to the rear of the property to a dwelling, and, later, for its wholesale replacement with the same (N/02/01962/FUL refers).

The building is accessed via a stone path to the North of 55b, across which there is also a right of access to the flat above the shop, leading to a paved courtyard of amenity space toward which the dwelling is orientated. The building itself is a modest, two-storey and two-bedroom property finished in natural rubble stone, with a pitched slate roof over. An access exists to the land to the rear, an area of which is currently leased by the owners and currently used as garden.

The 2003 permission was granted by the Planning Committee subject to a Section 106 Agreement establishing, after a minor variation soon after, that the dwelling should be owned and occupied in conjunction with the retail unit at 55b, that the owners shall not use any other land or buildings and that no access should be made from the dwelling to the adjacent land at Spring Gardens. At this time, the provisions were used to overcome amenity concerns and a highways objection.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/05/02876/S106	Variation of Legal Agreement to Allow Occupation by Persons not Associated with Existing Commercial Premises	Void
N/02/01977/LBC	Demolition of Section of Brickwork Wall Adjoining No.57 High Street and Replacement with New Gable Wall of Proposed Dwelling	Permitted
N/02/01962/FUL	Erection of New Dwelling on the Site of Existing Structure	Permitted
N/02/01961/CAC	Demolition of Existing Single Storey Structure and Erection of New Dwelling to Meet Current Structural Regulations	Permitted
N/01/00330/FUL	Proposed Conversion of Outbuilding into Two Storey Dwelling	Permitted

An application has previously been made to lift the restriction on ownership only (N/05/02876/S106 refers); however the application was made void as it was submitted within five years of the date of the original Agreement, within which time it may not be modified or discharged.

5. Proposal

The application seeks to vary the substantive Section 106 Agreement, removing the provisions that the dwelling shall be owned and used exclusively in conjunction with the retail unit, and that no access shall be created to or use made of the adjacent land by the owners.

The applicant makes the case that the flat above the unit is already in separate ownership and bears a much closer physical and functional relationship, and that as the owners have a long-term interest in amenity land at Spring Gardens, the creation of a formal access and continued use would not cause any further harm.

The fallback position is that the leased land remains accessible to the owners of the property via a narrow space to the side of the building, although the use of and access to the land by the owners is presently unlawful. Whilst an opening has been made in the rear of the building to access said land, and it is understood that this has existed for some time, this is not a relevant consideration.

6. Consultations

Corsham Town Council – no objection

Highways Officer – objects on grounds of inadequate parking provision, and lack of capacity to accommodate suitable parking due to inadequate vehicular access.

7. Publicity

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

One letter has been received from a neighbour of the site, to the effect that no objection is raised provided that no alterations are made to the access arrangements to the flat to the rear of no.55 High Street.

8. Planning Considerations

The application is considered against the provisions of Section 106A (6) of the Town and Country Planning Act 1990 (Modification and discharge of planning obligations) stating that:

- (6) Where an application is made to an authority under subsection (3), the authority may determine—
- (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

Impact on the privacy and amenity of existing neighbours and potential occupants

It is understood that the owners of the property have an established and long-term interest in the leased land to the rear of the dwelling, albeit an unlawful one if the land is used for purposes ancillary to the property. Account has been taken of the proximity of a series of dwellings at Smith's Yard to the West, some of which overlook the land, and the existing use of the adjoining land used in association with the properties at Spring Gardens.

Notwithstanding the existence of an unlawful opening in the building to said land, it is agreed that the material difference in terms of use – whether by the owners of 55b or of the properties at Spring Gardens – and amenity is negligible and that a lesser harm would be incurred by using the doorway, rather than circumnavigating the building. This element of the application is therefore considered reasonable, and it is recommended that the Agreement is varied to this effect.

Impact on highway safety

It is considered that the creation of, in effect, a wholly separate dwelling by the lifting of the tie to the retail unit would be unacceptable, owing primarily to the implications in terms of parking. A dwelling of this size requires an off-street parking provision of two spaces in accordance with Policy T3 of the adopted North Wiltshire Local Plan 2011, whilst the dwelling in question has no such parking provision. Further, the potential for separate ownership and use of the retail unit and dwelling could have a duplicated effect of residents travelling away from the site to their place of work and likewise the owners/operators of the shop travelling in from elsewhere.

The highways implications are therefore sufficient to warrant a planning objection in respect of the proposal - noting that an objection on the same grounds was only overcome in the first instance by the extant S106 Agreement - and it can therefore be ascertained that the current S106 provision in this regard continues to serve a useful planning purpose. The Highways Officer has visited the site and usefully added that the existing side access to the property is not considered adequate to provide vehicular access, so that the Authority would not support the creation of parking on site.

Conclusion

In summary, it is considered that the Agreement should be modified to continue to prevent the separate sale of the dwelling and commercial premises, on highways grounds, and to discharge the provisions relating to access onto adjoining land and use of any other land.

9. Recommendation

The Section 106 Agreement be varied to the following effect:

That the following sections be removed:

- b) the Owner will not cause or permit any pedestrian access to be formed by opening in the Dwelling onto any adjoining land whatsoever except by openings onto the Commercial Premises

- c) the Owner will not cause or permit any use to be made by the occupiers for the time being of the Dwelling of any land except the Dwelling and the Commercial Premises

And the following section remain:

- a) the Owner will not cause or permit the Dwelling to be used except by the occupiers for the time being of and wholly in conjunction with the Commercial Premises

For the following reason:

The creation of a rear access to and use of the land at Spring Gardens as residential amenity space to the building known as 55b High Street would not result in the significant loss of residential amenity, in accordance with Policy C3 of the adopted North Wiltshire Local Plan 2011. The Section 106 Agreement should therefore be modified by the discharge of covenants (b) and (c).

The creation of a wholly separate dwelling would give rise to an unacceptable lack of allocated parking provision to both the dwelling and retail unit, contrary to Policy C3 of the adopted North Wiltshire Local Plan 2011, such that covenant (a) of the Section 106 Agreement continues to serve a useful planning purpose and therefore the application to modify the Agreement in this respect should be refused.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 January 2013		
Application Number	N/12/03969/FUL		
Site Address	St Patrick's Church, Corsham, SN13		
Proposal	Erection of Church Hall (resubmission of N/12/01902/FUL)		
Applicant	Mr S Chambers		
Town/Parish Council	Corsham Town Council		
Electoral Division	Corsham Pickwick & Rudloe	Unitary Member	Cllr Alan Macrae
Grid Ref	385988 170490		
Type of application	Full		
Case Officer	Chris Marsh	01249 706657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called to Committee by Cllr Macrae, in order to consider the impact of the development on the listed building and Conservation Area.

1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED.

No objection is raised by the Town Council in respect of the application.

2. Main Issues

The main issues in considering the application are:

- Principle of development (C3)
- Impact on the character and appearance of the area and Conservation Area (HE1)
- Impact upon the adjacent Listed Buildings (HE4)
- Impact on neighbour amenity (C3)
- Impact on highway safety (C3)

3. Site Description

St Patrick's Church occupies a reasonably large plot between Park Lane and the main A4 road through Corsham, with vehicular access from the former only. The church is a Grade II-listed mid-C19th former school building that incorporates associated residential accommodation, which remains in use as such. The building's external appearance remains relatively complete, featuring a distinctive rubble stone facing with ashlar quoins and mullion windows, and complex roof clad in a mixture of plain and stone tiles.

To the East of the church is a strip of land currently laid to lawn and bounded by a dry stone wall to the South and East and by a close boarded timber fence to the North. A small stone storage building is incorporated into the southern wall, beyond which lie a number of mature trees and a further lawn. It is understood that this area was previously occupied by a Nissen hut-type building serving as a church hall, photographic evidence of which is included with the application, but this has long since been removed altogether.

4. Relevant Planning History

Application No.	Proposal	Decision
N/12/01902/FUL	Erection of Church Hall	Refusal
N/12/01903/LBC	Erection of Church Hall	Refusal

5. Proposal

The proposed development comprises the erection of a new church hall on the section of land to the East of the church building, currently enclosed by close boarded fencing and a dry stone wall and used as general outside amenity space in conjunction with the use of the church. The building is to be of a simple form, set over an elongated footprint of 18.3 x 6.2m on an East-West axis under an asymmetrical split-level pitched roof, the higher part of which covers the main hall area.

In terms of design, the proposed building is relatively conservative; clad in render with three pairs of timber-framed glazed doors orientated to the South from the main hall, plus additional doors to the East and West, and a slate roof. The enlarged southern roof plane will provide a covered walkway along this elevation of the building, providing access both around the building and from the internal space to the main lawn. Access is principally obtained from the western end, which features a partial canopy leading to a kitchen area with offset WCs and further on to the hall.

The proposal is a resubmission of the previous application, with some relatively minor changes. Previously listed building consent was required as the scheme included the removal of a section of curtilage-listed dry stone wall some 18m long. This is now to remain in situ, with only a small 1.8m-wide breakthrough to be created to provide access between the southern walkway of the hall and the adjacent lawn. A separate small area of garden is to be retained to the East of the building.

6. Consultations

Corsham Town Council – no objection

Conservation – objects, owing to the proposed building's impact upon the adjacent listed buildings

Highways – no objection

7. Publicity

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

No public representations have been received

8. Planning Considerations

Principle of development

The principle of development is considered acceptable under Policy CF1; the proposal relating to a community facility within the development framework boundary. Given the restricted arrangements for providing refreshments and general social meeting space outside of Mass that exist at present, it is considered reasonable that a purpose-built and separate facility could be contained within the site for this purpose. Having considered its defined shape and the existing circulation of the site, the section of land in question is also likely to represent the most appropriate position for such development.

Policy CF1 of the adopted North Wiltshire Local Plan 2011 goes on to state that *“Proposals, no matter how desirable from a social and community point of view, will need to be sympathetically designed to take account of adjoining properties and the area in general”*. This presumption in principle does not, therefore, outweigh the other relevant policies of the development plan against which the proposal should be considered.

Impact upon the adjacent Listed Buildings

St Patrick's is a Grade II-listed building, which has undergone conversion from a schoolhouse to a church and retains identifiable characteristics of each. Although some alterations have been undertaken in the past, its form has generally remained coherent and the building occupies a defined position within the site and street scenes of both the Bath Road and Park Lane. The application has attracted an objection from the Conservation Officer, on the grounds that the proposed new hall is neither modest enough to have limited impact nor sufficiently innovative in design to hold its own complimentary place in context. Whilst the proposed render finish lends a less bulky appearance than natural or reconstituted stone, its extensive use gives the building little identity or definition of design. As such, it is considered the proposal is contrary to Policy HE4 of the adopted Local Plan.

Furthermore, the proposed hall's impact upon the property to the immediate North of the site, The Old Coach House, is an important consideration as any development of this part of the site will be seen in context with the Grade II-listed building. Whilst the close-boarded fence marking the boundary with The Old Coach House will obscure much of the new building, its sizeable northern roof plane will be clearly visible from the main road to the side of the property. Nonetheless, the elevated roof pitch is considered an improvement in relativity to the original scheme, which featured an awkwardly shallow pitch not evident on the traditional buildings in the vicinity.

Impact on the character and appearance of the area and Conservation Area

It is considered that, similarly to the previous application, the design of the proposed hall is inappropriate to both its immediate historic context and the wider area in which it is to be situated. This part of Corsham, although diverse in architectural styles, features a number of sensitive historical buildings occupying the larger and more visible plots near the main routes. Policy HE1 of the adopted Local Plan requires that proposals in Conservation Areas either conserve or enhance their setting; whilst it is considered that the current scheme would in fact detract in this respect.

The building's design makes little concession to its surroundings – the use of slate aside – and character of the Conservation Area. It is considered that the scheme fails to demonstrate the design innovation that might characterise the type of scheme sympathetic to the visual amenity of the area when viewed in context. Subsequent to the last refusal, the Council has made efforts to agree a suitable scheme, recommending the use of lightweight materials and a reconfigured asymmetrical roof and fenestration. Unfortunately, however, this advice has not been followed.

Impact on neighbour amenity

At present, the area of land to the East of the church is used on a regular basis by visitors, and as such general circulation and activity outside on this land is established, and indeed would continue should the current application be unsuccessful. The lack of opening fenestration on the Northern elevation of the hall will mitigate against any significant adverse impact on residential amenity to nearby properties by way of increased noise; either in terms of volume or duration.

Impact on highway safety

Owing to the established and proposed continuing use of the church facilities, it is not anticipated that the development would result in any increased traffic movements to and from the site, and as such no objection is raised on highways grounds.

Conclusion

The proposed development, whilst acceptable in principle, is of an inappropriate design, such that it would detract from the setting of the listed church and the appearance of the wider Conservation Area. Such is the massing of the proposed building, coupled with its limited and unrefined palette of materials, that it would prove detrimental also to the setting of the nearby listed building 'The Old Coach House' also.

9. Recommendation

Planning Permission be REFUSED for the following reason:

The proposed development, by reason of its siting, massing, design and appearance, would be harmful to the setting of the adjacent listed buildings and the character of the wider Conservation Area. The proposal therefore fails to accord with Policies C3, HE1 and HE4 of the adopted North Wiltshire Local Plan 2011 and Section 12 of the National Planning Policy Framework.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30 th January 2013		
Application Number	11/03974/FUL & 12/03843/LBC		
Site Address	Highways Land off A4 Bath Road Box SN13 8AF		
Proposal	Erection of 12m high telecommunications telegraph pole with 1No wideband tri-sector antenna and one equipment cabinet and ancillary development		
Applicant	Everything Everywhere Ltd		
Town/Parish Council	Box		
Electoral Division	Box & Colerne	Unitary Member	Sheila Parker
Grid Ref	382765 168899		
Type of application	FULL and LBC		
Case Officer	Mandy Fyfe	01249 706638	Mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

Cllr Parker has requested that the application be considered by the Committee to consider the visual impact on the Green Belt and AONB.

1. Purpose of Report

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

Box Parish Council objects given the prominence of the site in the AONB and Green Belt and because there is an alternative mast nearby.
12 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 (NE1 & NE4)
- The impact on the listed buildings (HE4)
- Consideration of the two previous applications for the other masts in vicinity

3. Site Description

The site comprises of a strip of partly sloping land to the side of the road bridge over the main railway line. Towards the road junction of C152 road where it joins up with the Bath A4 Road is a Give Way sign attached to a metal pole and a direction road sign too. This small strip of highway land has recently undergone highway works which has resulted in the siting of Marshall Type Titan high containment concrete kerbs between the existing metal fencing on top of the cutting and the original highway kerb which appears to have been so sited so as to protect road users from the close proximity of the top of the railway cutting. The application site lies within the Green Belt and AONB and is outside the village framework boundary to Box. The railway bridge is a Grade II listed heritage asset.

Planning permission was granted on appeal in 2006 for the siting of a slimline tower further down the railway at Shockerwick towards Bath. Permission was also granted for a mast on land at Hill House Farm Ditteridge for an Orange mast in 2007. There are limited views to this mast in the summer months from the application site.

4. Nearby Planning History		
Application Number	Proposal	Decision
Hill House Farm Ditteridge 07/01306/FUL	Installation of 12m dual transformer pole with two antenna and transmission dish, equipment cabinets and ancillary development	Granted
The Old Railway Sidings Shockerwick 06/00819/FUL	Erection of 15m lattice tower, with three antenna, two 600mm dishes, equipment cabinets, enclosure and ancillary telecommunications equipment	Refused Allowed on Appeal

5. Proposal

The erection of a 12m high telecommunications telegraph pole in black brown colour with climbing spurs and a 1No wideband Tri-Sector Antenna would be placed on top of the pole. An associated 1.4m wide 1.6m high cabinet to be painted in Midnight Green to be sited to the east of the telegraph pole. A feeder pillar painted in Light Moss Green 1m in height to be sited to the east of the cabinet. All three items of equipment would be sited inside the new kerbed area close to the edge of the wire fencing.

Although the original plans show this equipment in the same location, this was before the new containment kerb was put in place and the revised plans were submitted following a meeting that took place between officer and the agent last year.

The kerbing works were undertaken by the Wiltshire Council Structures Team. Following the Great Heck (Selby) rail tragedy in 2001 central government tasked all highway authorities to assess the vulnerability of rail bridges with respect to vehicles leaving the road and encroaching onto the railway. In Wiltshire we looked at over 100 sites and have been implementing mitigation measures as and when funding permits. Mitigation measures normally take the form of either high containment kerbing or steel barriers; at Box containment kerbing was chosen as offering the best solution.

The existing highway signage would be retained in its original position and only the proposed telecommunications telegraph pole would be sited in front of the return parapet of Bathstone railway bridge (along with the highway signage).

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 a the particular problem locations.

6. Planning Policy

Adopted North Wiltshire Local Plan 2011:

Policy C3 – Core Policy Development Control

Policy NE1 – Western Wiltshire Green Belt

Policy NE4 – Areas of Outstanding Natural Beauty

National Planning Policy Framework 2012

“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 for public exposure.”

7. Consultations

Box Parish Council: Objections. This is a prominent site at the entrance to the village of Box. It is in the Green Belt and AONB. There would appear to be an alternative site nearby. There has already been a mast erected Middlehill to deal with the problem of reception in the Tunnel. It is felt that this must go to Committee as the decision makers are the landowners. The site map is misleading as it says “Mill Lane” which is inaccurate. There have been numerous objections from local residents. There is also an issue of highway safety as there was an accident on this bridge last year (2010).

Conservation Officer: No objections. The telecom mast and equipment box are not likely to enhance the setting of the listed structures. However I feel that ensuring that they are not touching the listed structures and are painted a suitable colour will on balance minimise the impact of the proposed telecom mast and equipment cabinet on the heritage assets. I would request that mast and equipment is painted a suitable colour and that all equipment is installed so that it is not touching the listed bridge. I would also ask that a condition is added to any consent granted which ensures that the equipment is removed as soon as it becomes redundant.

Highway Authority: No objection: Originally the highways team recommended refusal for the following reason: *The telecommunications telegraph pole by nature of its location will result in a detrimental effect on the safety of the users of the adjacent highway.* However this original conclusion has been revised.

Following further advice, the proposed reason for refusal, although valid in its concern, lacks the strength of argument necessary to maintain a highway reason for refusal through any further planning process. This is due to the fact that there have been no previous objections from the Street Works Team. In hindsight though initial observations were correct in stating that there is a likelihood of conflict it is considered that the occurrence of this conflict is of such a minimal scale that it should no longer warrant a highway refusal. Therefore wish to remove the earlier objection and replace recommendation with no highway objection.

Network Rail: No observations to make

Archaeology: No comments or objections

7. Publicity

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

12 letters of letters of objection received

Summary of key relevant points raised:

- Is in outstandingly picturesque part of AONB and mast would be a monstrosity so would not be in keeping with the area
- Site is badly selected and would result in an incongruous eyesore on the doorstep of the village and likely to ruin the architectural integrity of the locality and one of its historic Brunel landmarks
- Already have adequate coverage on Orange/T-Mobile networks in local area
- Mobile Company is only concerned with the reception in the tunnel but a previous mast was erected nearby the entrance and was strongly opposed at the time
- Also an existing mast less than a mile away adjacent to the A4 in direction of Batheaston, one at Middlehill and one on top of Box Tunnel so this is not necessary
- Concern over potential health issues of masts
- Responsibility of Network Rail and Orange to provide cable into Box Tunnel not that of Box Parish as a mast in this location is a waste of time as people in trains are only "in the zone" for 30 seconds. If Network Rail were interested in improving the service then they would allow a cable to run through the tunnel.
- Mast too close to main road and on a dangerous bend on a busy main road and could be a distraction to motorists and there have been many accidents on and around the bridge in the past, so will the mast get hit and fall onto the proposed newly electrified line in the future?
- Council should be protecting area and not allowing such an intrusion into the landscape
- Community will fight to prevent a rash of masts ruining our village
- As Box Tunnel is on a gradient, the real solution requires the antenna to be close to the portals and at ground level, but Network Rail won't allow this. The network coverage in the tunnels is a smokescreen as the real reason is to plaster the countryside in masts to satiate the public demand for nationwide internet coverage on mobile devices known as 4G.
- Question the need for a 12m high mast and ask applicant to consider an alternative solution
- There are tunnels in other locations which use alternative technology using co-axial cable along the length of the tunnel, so a small microcell dish right outside the tunnel would be a better solution
- Query why applicants have applied for two masts in village are they hoping that only one gets turned down and the second one is allowed through
- Applicants must be very sure that they will get permission as they have already paid for expensive kerbs to be installed at site

8. Planning Considerations

The need for any development is not a material planning consideration. However the applicant has confirmed that the mast and equipment are required and designed to be able to give the required level of 3G coverage required to this part of the Bristol to Paddington railway running through this area of Box. There are no other available masts in this area that could be shared to achieve the coverage required.

He goes onto to say that he is aware that the site lies in the AONB and the siting and design has taken this into account and so it will not significantly detract from the visual amenity of the locality. Indeed the applicant advises that he is aware of the local feelings towards telecommunications and has made every effort to allow for local concern with this application, by utilising a telegraph pole design and minimising the amount of equipment, the effect of the installation will be reduced.

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 GR 3813333/168678 It was not chosen as it was not highways owned land and so not progressed further

- Network Rail Land adjacent to 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 also been submitted with the application.

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

This site is located within the AONB and the Green Belt. The mast is to be sited adjacent to a metal chainlink fence and kerbstone to the side of the Grade II listed structure of Middlehill road bridge. The application site is a small strip of land that is highway verge. It is very open with no trees on this side of the junction of the A4 with C152 until further down into the road. However on the other side of the C road are mature trees beyond the verge and an existing timber telegraph pole.

Policy NE1 which relates to Green Belt designation does not strictly apply to the proposal as it specifically refers to controlling buildings in such locations. The aim of this policy is 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 Everything Everywhere network as it would be solely for the passengers in passing trains only. This is considered particularly important for Network Rail and the Train Operating Companies and their users.

It is acknowledged that the proposed telecoms pole would be highly visible by road and other users driving from Bath into the village, but it would be set back from the bridge parapet and its ancillary equipment would not very prominent.

In mitigation there are two signs at the entrance to this junction and their signage is above the height of the top of the parapet of the bridge, so there is some street furniture already in this location. In addition the proposed cabinet and feeder pillar which are also required for this development would be sited in front of the chainlink fence which in the summer would be overgrown with creeping shrubs, so the colour of the pillar and cabinet in two shades of green is considered appropriate and not result in any overt intrusion.

Following the deferral of the sister applications 11/03983/FUL and 12/02928/LBC for the mast close to the Box Tunnel entrance and on the London Road railway bridge, it should be noted that just because the land is owned by the highway authority does not mean that Wiltshire Council has any control as a landowner or will benefit financially from this development as there is no requirement for a licence as the applicants already have statutory rights to place equipment on or within the highway. The relevant legislation is the Telecommunications Act 1984 as amended by Schedule 3 of the Communications Act 2003. Therefore the Council **do not** receive any monies for the siting of any equipment by the applicants on highway land.

Nevertheless the AONB and Green Belt designations make this a very sensitive site and even more so than the other location due to the fact that there are no other pole of equivalent height in the vicinity on this side of the road, but it should be noted that the site is however not devoid of street furniture due to the presence of the road signage. Officers have asked the applicants whether the height of the mast could be reduced. The proposed mast at Middlehill is located slightly lower than the carriageway and the bridge. The broadcasting area for the masts extends from the bottom of the antenna along the rail line; if the mast were to be at 8m then part of the signal would be 'clipped' by the bridge structure.

At present Network Rail has undertaken a great deal of pruning and clearing along the rail line but in order for the mast to effectively provide coverage along the length of the rail line it must be clear of clutter and trees present a very real problem for the transmission of radio waves due to the water content in them. Consequently wherever possible sites are designed to avoid the tree

canopy and in this instance it is so that EE does not have to seek further permission when the foliage re-grows and prevent effective transmission.

Impact upon Listed Building

Given the presence of street furniture between the application site and the road junction, it is very difficult to substantiate a case on grounds of harm to the heritage asset, particularly as the proposed telecom pole would not be physically attached to the bridge thus being similar to the existing highway signage.

It is acknowledged that the proposal will not enhance the listed bridge structure when viewed from the west, but as the pole will be painted brown in colour it would give the general appearance of a telegraph pole and taken with the two types of green paint proposed for the equipment cabinet and feed pillar which would be set against the metal fencing with overhanging vegetation, the proposal is considered to blend in with the existing features on this highway verge and listed bridge. Finally the proposals should be permitted so long as this technology requires and should be removed when redundant.

It is further acknowledged that other views of the telegraph pole may be seen, but due to the layout of the A4 beyond the bridge with the left hand bend towards Bath immediately after the junction with the C152, there will only be fleeting views in this direction and again road users using the junction would also only get a fleeting views. As far as distant views are concerned with regard to the heritage asset, these will be minimal due to the single pole mast proposed and it would be seen against a backdrop of mature trees on the other side of the junction and the other side of the road bridge looking eastwards.

No objection has been raised by the Senior Conservation Officer on these grounds.

Consideration of the two previous applications for other masts in the vicinity

In 2006, under 06/0819/FUL an application was received for the erection of a 15m lattice tower with 3No antenna, 2No 60mm dishes, equipment cabinets, enclosure and ancillary telecommunications equipment. The applicant was Orange and it was refused for the following reason:

“The proposed tower is located within an Area of Outstanding Natural Beauty and the West Wiltshire Green Belt. The proposal will not preserve the openness of the Green Belt and will have an adverse effect upon the natural beauty and general landscape of the area and is therefore contrary to Policies RC1, RC7, C7 AND RC11 of the North Wiltshire Local Plan 2001 and Policies NE1, NE4 and BD8 of the emerging North Wiltshire Local Plan 2011.”

The application was appealed by Orange and the Inspector allowed the lattice mast and associated apparatus as he considered that the site which was formerly sidings to the adjacent railway line had largely returned to nature, but was also being used for some low level tipping. In addition the site had a number of mature trees and had a backdrop of steep land rising to the south. The Inspector was satisfied that the site was needed as part of the operators railway initiative and was in the national interest in the light of the then PPG8 (which has now been superseded by the NPPF 2012) that it was necessary to achieve continuous coverage between Bath and Box which was achieved by a need to ‘see’ along the railway line. The mast would improve the coverage to the surrounding area of Shockerwick and Kingsdown and that the height of the mast was dictated by the trees along the railway

The Inspector was also satisfied that there were no mast sharing opportunities elsewhere in the area and although alternative sites were considered he could accept the reasons why none of these were suitable.

It should be noted that the telecoms pole currently proposed would only be 8m high a reduction of some 4m from both the permitted previous masts.

The second mast is sited on land above Middlehill Tunnel – 07.01306/FUL and was for the installation of a 12m dual transformer pole with 2No antenna and transmission dish, equipment cabinets and ancillary development. It followed two refusals for 12m masts in the same location prior to this in early 2006 and in 2004.

When this application was considered at Committee in October 2007, details were set out listing the other sites that the applicant had considered for masts and why these were not appropriate. Further information was submitted confirming why equipment could not be sited in the tunnel and what the railway network coverage was for this operator as well as the policy issues.

The view was taken that the applicant had submitted sufficient information to overcome the policy objections and permission was granted.

9. Conclusion

The proposed mast in the form of a telegraph pole and its associated equipment housing would be seen in the context of existing signage immediately adjacent to it as well as the parapet and chainlink fencing attached to the bridge structure. Consequently it is considered that any harm to the character and appearance of this part of the Cotswolds Area of Outstanding Beauty would be minimal and would not detract from the openness of the Green Belt at this location. Furthermore no harm would be caused to the heritage asset or its setting having regard to the existing characteristics. The proposals are therefore in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and paragraphs 42 and 46 of the National Planning Policy Framework 2012.

10. Recommendation

Both applications 11/03974/FUL & 12/03843/LBC

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 existing signage immediately next to it and with mature trees elsewhere in the vicinity. Consequently it is considered that any harm to the character and appearance of the Cotswold AONB and the effect would be minimal and in addition it would not detract from the openness of the Green Belt in this location. Further no harm is caused to the nearby heritage asset - the listed bridge structure or its setting having regard to the existing characteristics. The proposals are thus in accordance with Policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011 and paragraphs 42 and 46 of the National Planning Policy Framework 2012.

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 & 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 telecommunications 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: Map showing preferred and discounted options for Cell No: AVN0552 dated 2nd December 2011

Map showing current GSM (in-train) Coverage from survey February 2011 dated 2nd December 2011

Revised Dwg Nos: A/GA/01 Rev B; A/GA/02 Rev B; A/GA/03 Rev B; A/GA/04/Rev B and A/GA/05 Rev B all dated 16th November 2012.

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

INFORMATIVES

1. 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 before works begin.



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REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	30th January 2013		
Application Number	11/03983/FUL & 12/02928/LBC		
Site Address	Highways Land off London Road Box SN13 8EP		
Proposal	Erection of 8m high telecommunications telegraph pole with one antenna located at the top of the telegraph pole and one equipment cabinet		
Applicant	Everything Everywhere Ltd		
Town/Parish Council	Box		
Electoral Division	Box & Colerne	Unitary Member	Sheila Parker
Grid Ref	382765 168899		
Type of application	FULL and LBC		
Case Officer	Mandy Fyfe	01249 706638	Mandy.fyfe@wiltshire.gov.uk

Reason for the application being considered by Committee

These applications were deferred at the request of the Committee on 12th December 2012 meeting to seek more information from both the applicant and the Officers in respect of this proposal. (These issues are addressed in section 9 of this report under "Planning Considerations".)

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 Grad 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 Tunnel is an existing

telecommunications mast which has been in place since the late 70's and which is clearly visible within the landscape.

4. Relevant Planning History

On top of Box Tunnel

76/00942/OL	Construction of UHF television relay station consisting of lattice steel tower up to 45m high surmounted by aerial system, transmitter housing and ancillary works	Granted
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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 1.5m 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 a the particular problem locations.

6. Planning Policy

Adopted 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 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 it 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 that they are not touching the listed structures and are painted a suitable colour will on balance minimise the impact of the proposed telecom mast and equipment cabinet on the heritage assets. I would therefore ask that the masts and equipment 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 be 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 reasons 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 GR 3813333/168678. 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 also been submitted with the application.

NAPC 12 December 2012

The application was reported to the NAPC on 12th December. The committee deferred making a decision to enable a number of issues to be clarified, including:

- The best/most appropriate location for the mast
- Any other unexplored options for increasing the signal in the tunnel (e.g. using shafts that lead into the tunnel)
- Mast sharing and the need for more mast for other operators
- Requirement for a licence to site on highways land.

1. The best/most appropriate location for the mast

The proposed telecoms mast is intended to provide network coverage along the length of the existing rail line and into the portal of Box Tunnel. In order for the radio signal to be able to propagate along the tunnel and to link with another signal at the eastern end of the tunnel, the antennas need to be sited within line of sight of the portal entrance.

Alternative locations were presented in the application and discounted due to the lack of available land or the inadequacy of the locations from a technical point of view. As the rail line is set within a cutting the antennas would have to be located on or immediately adjacent to the cutting. Virtually all land adjacent to the cutting is owned by Network Rail and they have indicated that the following reasons why a mast cannot be sited on their land. These reasons are:

- Sides of the rail cutting are steep and Network Rail will not allow any installation which may cause a fall onto the track
- No equipment is to be sited where it would impact upon the effective deployment of future electrification of the line
- All available land adjacent to the line not owned by Network Rail has been discounted due to the unwillingness of the site owner(s) to entertain any installations
- Other alternative locations either have not site provider consent and/or are set within heavily treed areas. The radio signal cannot effectively penetrate tree canopies due to the high water content of the leaves.

2. Any other unexplored options for increasing the signal in the tunnel (e.g. using shafts that lead into the tunnel):

An initial suggestion for using ‘leaky feeders’ was investigated but discounted on a technical basis. A ‘leaky feeder’ is an antenna system used predominantly in tunnels which provides coverage along the length of the tunnel. Issues arising from any proposed installation involve the closing of the tunnel for up to a week which is deemed impractical by Network Rail and in reality would never

be granted permission to do so. Also space within the tunnel is limited at the required height for feeders to work effectively. Modern rolling stock would snag the equipment requiring major work to conceal the antennas thus negating their effectiveness and increasing the time the tunnel would have to be closed.

There was a suggestion made at committee to locate antennas down the supporting vertical shafts, however any such antenna would still have to be a size to provide network coverage and located so as not to impact upon the working of the rolling stock and tunnel. Preliminary studies suggest that such a location for antennas would not provide the coverage levels either due to the configuration of the tunnel and the angles required for effective transmission, or for the complexity or installation, maintenance and closure of the tunnel.

3. Mast sharing and the need for more masts for other operators:

There are no available existing telecoms installations within the search area that would provide the necessary coverage. The proposed telecoms mast is intended to provide coverage to a very specific area, that being the rail line and tunnel portal. The surrounding existing telecoms sites provide coverage to the wider geographical area and as such cannot be considered as viable alternative sites to share.

Within government guidelines telecoms operators are advised to share existing sites wherever possible and if any subsequent operator is considering siting equipment within the area then the proposed telegraph pole mast would fall within their search options. It would be at the discretion of any oncoming operator to consider whether the proposed telegraph pole is suitable or not. However it is not for the applicant to present an argument concerning the potential network deployment of a competitor and/or their likely future equipment or network requirements.

4. Requirement for a licence to site on highways land:

There is no requirement for a licence as the applicants have statutory rights to place equipment on, or within the highway. The relevant legislation is the Telecommunications Act 1984 as amended by Schedule 3 of the Communications Act 2003.

Therefore the Council do not receive any monies for the siting of any equipment by the applicants on highway land.

Considerations previously reported to NAPC 12 December 2012

The following paragraphs comprise information previously reported to NAPC.

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 refers 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.

The Council has also received information from the contractor dealing with the electrification of the Great Western Railway line. There was some concern that any electrification works including overhead cabling and gantries might have an impact on the mast's signal. However it has been confirmed that the proposed electrification project would not result in any technical conflict between the two network rail signals and the proposed telecoms mast or will cause any interference with existing or proposed Network Rail equipment.

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. It is clear that siting this equipment in any other location which has been comprehensively explored as an alternative to the proposal would not be appropriate to either the operator or Network Rail. 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 have regard to existing characteristics. In addition, the siting of the mast and the associated equipment is permitted to be sited on highway authority structures, under statute and no monies are payable to the Highway Authority for such development. The proposals thus accord with policies C3, NE1 and NE4 of the adopted North Wiltshire Local Plan 2011.

11. Recommendation

Both applications 11/03983/FUL and 12/02928/FUL:

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 the adjacent Listed Building.

3. The mast and equipment shall be removed from the site within 3 months of it ceasing to be required for telecommunications 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 2nd 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 before works begin.



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By virtue of paragraph(s) 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

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