

NORTHERN AREA PLANNING COMMITTEE

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 30 JANUARY 2013 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Desna Allen, Cllr Chuck Berry (Substitute), Cllr Peter Colmer, Cllr Peter Davis, Cllr Peter Doyle, Cllr Alan Hill (Vice Chairman), Cllr Peter Hutton, Cllr Simon Killane, Cllr Howard Marshall (Substitute), Cllr Toby Sturgis and Cllr Anthony Trotman (Chairman)

Also Present:

Cllr Alan MacRae and Cllr Sheila Parker

11 **Apologies**

Apologies were received from Councillors Crisp and Packard .

Cllr Crisp was substituted by Cllr Berry.

Cllr Packard was substituted by Councillor Marshall.

12 **Minutes of the previous Meeting**

The minutes of the meeting held on 9 January 2012 were presented.

Resolved:

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

13 **Declarations of Interest**

Cllr Doyle declared an interest in agenda item nos. 7a, 7b, 7e and 7f being a member of the Cotswold Conservation Board. He declared he would participate in the debate and vote for each item with an open mind.

14 **Chairman's Announcements**

A minute's silence was held in remembrance of Councillor Monica Blake, a previous chairman of North Wiltshire District Council Planning Committee.

15 **Public Participation and Councillors' Questions**

The Committee noted the rules on public participation.

16 **Planning Appeals**

The Committee noted the contents of the appeals update.

17 **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** and **7e** as listed in the agenda pack.

The Committee agreed that Agenda item 7f would be heard before item 7e.

18 **12/00105/S73A - Cotswold Airport, Kemble GL7 6BA**

Public Participation

Simon Chambers spoke in support of the application.

The Planning Officer introduced the report which recommended that permission be delegated to the Area Development Manager for the signing of a Unilateral Undertaking and subject to conditions.

She explained that this matter had been brought back to Committee for an alteration to include Fridays in the named days for car testing, and highlighted this would not increase the number of days or hours permitted.

She explained that due to technical issues with the signing of the Unilateral Undertaking the information provided in the late observations was incorrect and she was therefore recommending the permission be delegated as detailed in her report.

There were no technical questions asked

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

The Local Member was not in attendance but it was understood that they were in agreement with the officer recommendation.

The Committee noted that the application had previously been debated extensively and the alteration did not increase the number of days or hours for car testing.

Resolved:

To DELEGATE to the Area Development Manager for permission to be GRANTED subject to the correct and accurate signing of the Unilateral Undertaking and

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.

19 **12/03823/FUL and 12/03824/CAC - Cyprus Cottage, West Kington SN14 7JE**

Public Participation

Mr Clinton, Julie O'Shea and Dr Tim Smith all spoke in support of the application.

Councillor Bush, Nettleton Parish Council 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 Planning Officer introduced the report which recommended that planning permission be refused on both applications.

He noted that although progress had been made since the withdrawal of a previous scheme officers were unable to support the revised proposals. He explained that he would be minded to support the application with a few modifications including a change to the pitch of the roof, recessed corners to delineate and play down the bulk of the building and a reduction and recess of the canopy to achieve definition of early forms.

The Committee had the opportunity to ask technical questions of the officer and it was confirmed that demolition works related to the retaining wall at the rear of

the dwelling which required a suitable replacement and as the main application proposal was not supported this element could not be supported.

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

The Local Member, Councillor Jane Scott OBE was unable to attend and Councillor Toby Sturgis spoke on her behalf. Whilst understanding the position of the applicants and residents he noted the concern with setting a precedent and the need to compromise.

He explained that discussions had shown that raising the roof ridge halfway up to the main ridge and dropping the right hand eaves would be acceptable to both parties and reinstate the proper pitch of the roof.

A proposal to delegate to the Area Development Manager for permission to be granted subject to plans being submitted showing the modifications needed was seconded and accepted.

The Committee agreed that it would be wrong to grant Conservation Area Consent prior to the full application being granted.

A proposal to delegate to the Area Development Manager for consent to be granted subject to the full application being granted was seconded and accepted.

Resolved:

N/12/03823/FUL and N/12/03824/CAC

To DELEGATE to the Area Development Manager for permission to be GRANTED and Conservation Area Consent (following the grant of Full Planning Permission) subject to scheme revisions to include:

- **Increase in the ridge height of the roof ridge of the rear (North) extension**
- **Increase the pitch of the rear (North) extension roof profile following increase in height**
- **Lower western (right) eaves level on the rear (North) extension to ensure subservient to the main dwelling eaves**

20 **12/03291/S106 - 55B High Street, Corsham SN13 0EZ**

Public Participation

Mr Sam Van Hijnegen and Simon Chambers spoke in support of the application

The Planning Officer introduced the report which recommended that the Section 106 Agreement be modified to remove the provisions that the dwelling should 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 but to continue to prevent the separate sale of the dwelling and commercial premises.

He explained that conditions imposed related to lack of parking and residential amenity. Whilst consultations had brought no complaints, he drew attention to the highways objection regarding the lack of parking provision. He explained that the applicant had leased land that was formerly part of Spring Gardens

There were no technical questions asked.

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

The Local Member, Councillor Alan Macrae then spoke in support of the application. He highlighted that no other properties in the area had parking, including the new properties at Hobbs Walk. He explained that due to the success of the commercial business it was looking to move to larger premises; however this could be hampered if it is still tied to the residential property.

In the ensuing debate the Committee noted that housing built subsequently to the residential site did not have relevant parking. A proposal to recommend to remove all three conditions was seconded and accepted.

Resolved:

To MODIFY the Section 106 Agreement to the following effect:

That the following sections be removed:

- 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**
- 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**

21 **12/03969/FUL - St Patricks Church, Corsham**

Public Participation

Simon Chambers spoke in support of the application.

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

Whilst accepting the need for a hall and agreeing the site was the correct location he detailed the reason for refusal as being one of design and highlighted the objection received from the conservation officer owing to the proposed building's impact on the adjacent listed buildings.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that community benefit justified the building, existing tiles on the old school building were of stone and the tiles proposed on the application were of slate. He clarified it was a question of definition in design over absolute scale and height.

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

The Local Member, Councillor Alan Macrae spoke in support of the application and highlighted the need for the development with it being the only Roman Catholic church in the area and as such it would benefit the whole community. He explained the design was creating balance whilst not detracting or overpowering the surrounding buildings, and was merely replacing a previous building.

A debate followed during which the Committee noted the development of the surrounding area, the previous development of the site and the existing use of render within the conservation area. A motion to approve was seconded, and an amendment to delegate to the Area Development Manager subject to conditions relating to the detail and materials used was accepted.

Resolved:

To DELEGATE to the Area Development Manager for permission to be GRANTED subject to appropriate conditions including submission and approval of materials.

22 **11/03974/FUL and 12/03843/LBC - Highways Land off A4, Bath Road, Box, Corsham SN13 8AF**

Public Participation

Mr Lyons and Helen Hann spoke in objection to the application.

Mr William Osborne spoke in support of the application.

Councillor Pauline Lyons, Box Parish Council spoke in objection to the application.

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

He highlighted that improving telecoms coverage was both a council and government priority, no conservation objections had been received and the balancing exercise was one of need and requirement against harm to heritage assets and the character and amenity of the locality. He drew attention to the late observations which confirmed that the applicant had permission to alter the alignment of the existing kerbing at their own cost.

The members then had the opportunity to ask technical questions of officers and it was confirmed that the colour of the mast would be sympathetic to its background. Clarification was sought on the Inspector judging the appeals and it was confirmed this was a PINS Inspector.

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

The Local Member, Councillor Sheila Parker had the opportunity to address the Committee, highlighting the mast as sticking out within its surrounding being the only pole visible and suggested the use of a tree design in mitigation.

In the debate that followed the Committee expressed sympathy with the local residents but noted that legislative framework was very clear.

Resolved:

To GRANT planning permission for both applications 11/03974/FUL & 12/03843/LBC 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.
2. The Council will encourage the consideration and use of this mast by other Telecommunications Code System Operators for mast sharing purposes.

23 **11/03983/FUL and 12/02928/LBC - Highways Land off London Road, Box, Corsham SN13 8EP**

The Committee agreed that agenda item 7f would be heard before agenda item 7e.

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

Public Participation

Mr Lyons spoke in objection to the application.

Mr William Osborne spoke in support of the application.

Councillor Pauline Lyons, Box Parish Council spoke in objection to the application.

The Planning Officer introduced the report which recommended that planning permission and listed building consent be granted subject to conditions.

He noted that this application had previously been deferred, and his report addressed the concerns raised.

The Committee then had the opportunity to ask technical questions of officers and it was confirmed that whilst masts can potentially be shared there was no obligation to do so, and it was not possible to condition future applications.

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

The Local Member, Councillor Sheila Parker spoke in objection to the application. Whilst supporting the need for high quality communications she

questioned the benefit of the mast with its role not being for local residents or businesses, not conserving or enhancing natural beauty and queried how its removal when redundant would be enforced.

In the debate that followed the Committee expressed sympathy with the local residents but noted that it should not question the need for telecommunications systems. The addition of an informative for other users to look at using this mast was agreed.

Resolved:

To GRANT planning permission for both applications 11/03983/FUL and 12/02928/FUL 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.

2. The Council will encourage the consideration and use of this mast by other Telecommunications Code System Operators for mast sharing purposes.

24 **Urgent Items**

There were no urgent items.

25 **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 1 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.

26 **Confidential Minutes**

The confidential minute of the meeting held on 9 January 2012 was presented.

Resolved:

To approve as a true and correct record and sign the minute.

(Duration of meeting: 6.05 - 8.25 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