

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	20 February 2008
Application Number	07/02241/S73A
Site Address	Whitehall Garden Centre, Corsham Road, Lacock
Proposal	Continued temporary use of part of overflow car park for storage of goods related to garden centre for a period of three years
Applicant	Peter Self
Town/Parish Council	Lacock
Grid Ref	391175 169055
Type of application	Retrospective

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because 5 letters of objection have been received

Summary of Report

Retrospective temporary permission is sought for the continued use of part of the car park at Whitehall Garden Centre, Lacock as a storage area for goods related to the garden centre.

Given that the proposed use will extend the garden centre operation to a different and less intensively used part of the site the main issues in the consideration of this application are:

- Implications on DC Core Policy C3, Policy NE15 (landscape character) and Policy NE18 (Noise and Pollution)
- Affect of the residential amenity of existing properties by reason of noise and nuisance
- Impact on the character and appearance of the area

Officer Recommendation

Planning Permission be GRANTED subject to the conditions

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Proposal and Site Description

The application site currently comprises the western customer car park for the garden centre and is specifically the north western corner.

The area is currently used to store various items both associated with and not associated with the garden centre. The site is more heavily and appropriately used for the storage of compost during the peak spring and summer months. The need has arisen due to nature of deliveries at the garden centre and health and safety concerns in respect of loading and unloading.

The goods to be stored at this location would be delivered via HGV and then moved to back to the main site when necessary during store hours.

The application site is only visible from within the confines of the garden centre and not the wider countryside due to surrounding vegetation and trees. Notwithstanding this the site is open in appearance and well related to the surrounding countryside.

Due to the nature of the items stored, it is considered to be poor in appearance at present.

Planning History – Whitehall Garden Centre has a long and complicated history from when the garden centre building and associated outdoor display areas were permitted in 1988 (88/1975F relates).

The history of the site for the last 10 years is listed below.

Application number	Proposal	Decision
07/02255FUL	Erection of Replacement Buildings and New Buildings, Alterations of Vehicular Access, Parking & Servicing Areas; Re-Ordering of Outside Display Areas, Circulation Areas and Amenity Areas	On going
04/00517CLE	Use of Building for the Continued Display and Sale of Goods Unrelated to Gardening or Horticulture and Ancillary Storage	Approved
02/02823CLE	Use of Building for the Continued Display and Sale of Goods Unrelated to Gardening or Horticulture and Ancillary Storage	Refused
01/01079F	Use of land as maze (July to September)	Approved
97/2720	Erection of canopy, glasshouse extension, relocation of offices	Refused
97/222	Erection of display building (amendment to siting and design of building 96/1959)	Approved

Consultations

Lacock Parish Council objects as follows:

“the movement of HGV vehicles and forklift trucks on the gravel surface will cause noise nuisance and dust pollution and thus severely affect the amenity of the neighbouring properties. The owners of the property adjacent to the customer overflow car park, Mr and Mrs Newbury, Kent House have written to the Parish Council outlining their objections...” (letter was enclosed)

Wiltshire County Council Highways have no objections.

Environmental Health have no objections to the proposal.

The officer requested a Noise Assessment be undertaken on behalf of the applicants to thoroughly assess any noise impact. The report was undertaken by a suitably qualified professional known to NWDC Environmental Health and its findings, that the proposal would have no detrimental noise impact on adjacent properties, was accepted by the Council's EHO.

CPRE object on grounds of noise and visual nuisance on residential amenity and unsuitability of this part of the site for HGV traffic.

Representations

Three letters of objection have been received on the following grounds:

- Use by HGV's
- Noise from forklifts using gravel surface and manoeuvring sounds
- Dust from access road
- Impact on residential amenity
- Length of use –i.e. potential for long term use

Planning Considerations

Whitehall Garden Centre was broadly established as is in the late 1980's and has expanded in terms of its operation and use of the site since that time.

The delivery of goods via HGV is currently a health and safety issue for the Garden Centre and it is contended by the applicants that the use of this part of the site for the storage of products is necessary on these grounds.

Whilst this is noted, the need for this part of the site to be used for storage is not a planning consideration.

The area proposed to be used for storage currently comprises overflow car parking permitted as part of the garden centre operation. As part of that use it is accessible by all types of vehicles and can do so without restriction.

Noise and nuisance/residential amenity

The officer, in light of the controversial history of this site, felt it necessary to request a noise assessment in order to be able to consider the proposal thoroughly and to identify any potential impact the proposed use might have on adjacent residential properties. The proposed use would necessitate forklift trucks travelling between the service yard and the proposed site. The purpose of the assessment was to ascertain whether the noise generation from forklift truck activity would be detrimental to the amenity of adjacent residents, notwithstanding that these movements can take place at present in any event.

A copy of the noise assessment is contained on the file and on the Council's website as part of the on line supporting documentation for this application.

The assessment was undertaken by a suitable profession and considered by Environmental Health Officer.

Residential properties are sited to the north of the access road within the site which serves the service yard and car parking. As stated this road is part of the garden centre and its use by any type of vehicles is not restricted.

In terms of noise generation, the Corsham Road and the A350 are significant generators of noise already. This ambient noise level in the area is such that notwithstanding vehicles using the access road, the noise levels to the south facade of Kent House would be minimal and not detrimental to the amenity of properties to the north of the site.

It should be noted that as part of the Noise Assessment, noise management measures are proposed. Whilst these are welcomed, it is considered that in accordance with Circular 11/95 conditioning these measures would not be reasonable, relevant or enforceable to attach to this permission. This is largely due to the fact that the use of forklift trucks and their associated noise generation is not considered to be detrimental to residential amenity.

Notwithstanding the above, the measures proposed are supported by Environmental Health officers.

It is considered, therefore, that any increase in the use of the service road to and from the proposal storage area would not be detrimental upon the residential amenity of any adjacent properties and as such the proposal accords with Policies C3 and NE18 of the North Wiltshire Local Plan 2011.

Impact on residential amenity from dust

As mentioned above this service road which accesses the car parks and service yard can be used by a range of vehicles and is not the subject of any planning controls. In terms of dust creation Environmental Health raise no objections to this proposal. It should be noted that in the event of any complaint being received by Environmental Health, it will be investigated.

Impact on the character and appearance of the area

The site is viewed from within the confines of the grounds of the garden centre and in particular the car park in which is located. There are limited if any views from outside the site.

Notwithstanding that the site is located within the customer car park; the car park has an open and well maintained appearance. The site which is the subject of this application can only be described as a dumping ground at present containing various items such as pallets and other shop fittings together with a large container and a car. This detracts from the appearance of the site within this countryside located and is not considered to be acceptable in its current form.

The site is proposed to be used for the storage, particularly compost. Due to concerns with the state of the site at present, the officer has agreed with the applicant that the area will be used for the bulk storage of compost and associated packaging together with two skip bins to recycle the associated waste. The officer considers that a condition confirming location of skips and compost storage within this area is attached to any permission.

Conclusion

The application is seeking to continue the existing use of part of the current overflow car park for the storage of goods associated with the garden centre.

The area is predominantly proposed to be used for the storage of bulk compost together with two associated skip bins. The applicant is willing to accept a condition limiting the area to be used for this purpose only.

The associated vehicular movements with this particular proposal have been assessed in terms of their noise generation from forklift trucks in particular and this has confirmed that any impact will be negligible compared with ambient noise levels from sources including the service road generally, the A350 and Corsham Road.

The proposal is considered to be acceptable since it would not lead to unacceptable nuisance from noise and dust to the detriment of the amenity of adjacent properties, nor would it be detrimental upon the impact of the countryside at this location.

Recommendation and Proposed Conditions

APPROVE 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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. The area shall be used for the bulk storage of compost and associated skip bins, the details of which shall have been submitted to and approved in writing by the Local Planning Authority.

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

4. The proposal shall be carried out in accordance with the details so approved and maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

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

5. Within one month of this decision being issued, the site shall be cleared of all items not related to the bulk storage of compost and kept free of such items, at all times thereafter.

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

INFORMATIVES

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or

structures and may also lead to prosecution.

dwg no LDC.1097A.01 received by the local planning authority 17 August 2007

Reason for Decision

The proposal is considered to be acceptable as it would not lead to unacceptable nuisance from noise and dust to the detriment of the amenity of adjacent properties, nor would it have a detrimental impact upon the countryside at this location. The proposal is considered to accord with Policies C3, NE15 and NE18 of the adopted North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20 2.02 3.06 4.02 4.04 5.01 6.01