

Date of Meeting	30 th January 2019
Application Number	17/09618/FUL
Site Address	Braydon Lane Garage, Chelworth Industrial Estate, SN6 6HE
Proposal	Use of Land for the Storage of Vehicles (Retrospective)
Applicant	Mr A Boles
Town/Parish Council	CRICKLADE
Electoral Division	Councillor Bob Jones OBE
Grid Ref	408166 192182
Type of application	Full Planning
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application has been called in to Committee, in the event of a recommendation to approve, by the Local Ward Councillor in order to consider the proposal in relation to the site context, highway safety and the retrospective nature of the proposals.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be **GRANTED subject to conditions:**

2. Report Summary

One representation received from members of the public / neighbouring interested parties.

Cricklade Town Council submitted a representation of objection in respect of the proposals.

The key issues in the consideration of the application are as follows:

- Principle of Development/Development Plan Policy Compliance
- Highways Impact
- Drainage Impact
- Ecological Impact

- Impact on the Character and Appearance of the Locality
- Impact on neighbour amenity

3. Site Description

The application relates to a piece of land that measures approx. 0.86ha, it is understood the works were undertaken on the site on 1st May 2017.

The applicants operate from Braydon Lane Garage on the Chelworth Industrial Estate, southwest of Cricklade. The existing business operation is for the purchase and sale of haulage vehicles. The existing site comprises of an administration building at Braydon Lane Garage and open air storage of vehicles.

Additional land is occupied under licence to the northeast of the site and in February 2017 the applicant purchased a larger area with planning consent for B2 & B8 units, parking, roadways and drainage.

The application site lies to the South-East edge of the industrial estate on agricultural land. Permission was granted for B1 light industrial units in 2012 under permission 12/02096/OUT, however this was not implemented and has since lapsed.

The locality is identified as being susceptible to ground water flooding and is on the edge of an existing industrial area. To the east of the site is the Scheduled Ancient Monument at Chelworth Farm which comprises of a moated site and surrounding earthwork enclosure. The site is situated to the north-west of the Blakehill Farm Nature Reserve.

4. Planning History

12/02096/OUT – Proposed Outline Development for B1 Light Industrial Units (Resubmission of

11/03707/OUT) – Granted subject to conditions and a contribution to highways improvements

N/11/03707/OUT – Proposed outline development for B1 light industrial units - Withdrawn

N/03/01795/REM – Erection of B1, B2 and B8 units including car parking, road and drainage –

Approved

N/03/01479/FUL – 2640sqm of industrial warehouse units with associated access and parking -

Approved

5. The Proposal

Retrospective planning permission is sought for the use of land for the storage of vehicles. The works undertaken at the site include the erection of a perimeter fence and resurfacing of the site. The site

has been previously in use as agricultural land and is adjacent to the applicant's existing business J & B Haulage Ltd.

The application is supported with an Ecological Management Plan & Replanting Proposals and supporting Planning Statement.

6. Policies / Legislation

The Core Strategy for Wiltshire was formally adopted by the Council in January 2015. The Core Strategy forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's development Plan now comprises of:

- Wiltshire Core Strategy
- Saved Policies in the North Wiltshire Local Plan 2011
- Strategic Allocations plans (where relevant)
- Neighbourhood plans (where relevant)
- Minerals and Waste plan

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 3 (Infrastructure requirement)

Core Policy 19 (Spatial Strategy for the RWB & Cricklade Community Area)

Core Policy 34 (Additional employment land)

Core Policy 35 (Existing employment land)

Core Policy 51 (Landscape)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 58 (Ensuring the conservation of the historic environment)

Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and new development)

Core Policy 64 (Demand management)

Core Policy 67 (Flood Risk)

Cricklade Neighbourhood Plan March 2018

Policy H8 - Foul Water Management, Flood Risk and Surface Water Management

Policy TT1 – Traffic Impact

Policy B5 – The Chelworth Commercial Area

National Planning Policy Framework

Paragraphs 11 (Presumption in favour of sustainable development)

Section 4 (Decision-making)

Section 6 (Building a strong, competitive economy)

Section 9 (Promoting sustainable transport)

Section 11 (Making effective use of land)

Section 12 (achieving well-designed places)

Section 14 (Meeting the challenge of climate change, flooding and coastal change)

Section 15 (Conserving and enhancing the natural environment)

7. Summary of consultation responses

Cricklade Town Council – Objection

- Description of development should be for a change of use
- Does not comply with CP35 (additional Employment land) or CP35 (relocation of existing businesses)
- Failure to comply with conditions outlined in application 12/02096 (now expired)
- Ecology officer should consider proposed planting
- Concerns over HGV traffic on local road network and lack of mitigation proposed
- Encroachment in countryside
- Lack of effective monitoring of the local area by LPA

Highways – No objection

- In terms of increase in vehicular movements along the network no evidence of severe impact on the existing highway network
- Existing access adequate
- Information provided with the application that there would likely not be a significant increase in vehicular movements in the area of the site
- Condition recommended on the limit the numbers of storage vehicles on site.

Ecology – No objection – subject to conditions in line with recommendations of report

Public Protection – No objection - subject to conditions related to lighting

Spatial Plans Team – Comments – The commercial use should be concentrated on the Chelworth Commercial Area indicated on the map supporting Policy B5 in the NP, and the site is within the boundary of this area. Policy B5 states: In this Area proposals to extend the uses in the Commercial

Area into the surrounding countryside will not be supported. As the proposal falls within the area it enjoys support through Policy B5 in principle.

On that basis, based on NPPF para 30, the NP Policy in this instance supersedes CP34 (a non-strategic policy) which seeks to direct employment use to land falling within or adjacent to settlements. This is because the NP was made after CP34 came into force.

Drainage – Object – No LLFA permissions for the proposals and lack of surface water drainage details, details of surface water drainage and advisory on LDC required.

Archaeology – No comment

Natural England – No comment

Historic England – Raised concerns that the application was not informed by a Heritage impact Assessment with particular reference to Moated Site and surrounding earthwork enclosure, 100m south of Chelworth Farm (National Heritage List for England No. 1013353). Identified impact to the setting of this designated heritage asset resulting in less than substantial harm at the lower end of the scale.

8. Publicity

The application was advertised by site notice and notification to the Town council and Local Ward Member. One representation of objection was received on the basis that the development is in conflict with policy B5 of the Cricklade Neighbourhood Plan.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. This statutory requirement is repeated throughout the NPPF and in particular at paragraphs 2 & 47.

At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015); the Cricklade Neighbourhood Plan (Made March 2018); and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

Principle of development

The application site does not fall within the defined settlement boundary for the town of Cricklade and is not allocated for any form of development in the WCS. However it is adjacent to an existing employment area and falls within the extent of the Chelworth Commercial Area as identified within the Cricklade Neighbourhood Plan in figure 14 supporting policy B5. Policy B5 requires development proposals not to

expand beyond the identified existing area of the industrial estate into adjacent countryside and agricultural land. Whilst the development proposal does not directly accord with the development strategy of the plan as to the scale and distribution of development set out in CP1 & CP2 of the WCS the site is adjacent to the Local Service Centre of Cricklade and the proposal facilitates the expansion of an existing business already located adjacent the town. As such the development is directly in accordance with the requirements and provisions of core Policy CP34 (i) of the WCS. As noted above policy B5 defines the extent of the Chelworth Commercial Area and specifies that development should not expand beyond the limits into the open countryside. The development accords with this policy requirement being located within the defined area and relating to the expansion of an existing business.

On this basis it is considered that there is no in principle conflict with the development plan and the proposals are acceptable in principle subject to the other relevant policies of the development plan and any site specific impacts.

Impact on highways/parking

The access to the site is served from the existing site access located on Braydon Lane. Further clarification has been sought on the number of vehicles parked on the site (edged red on location) which is indicated to be circa. 30 no. vehicles.

The Council's Highways Engineer has reviewed the proposals and is satisfied that the number of traffic movements will not change as the application site is being used to accommodate vehicles currently stored on rented land north east of the administration building.

The Town Council concerns have been considered particularly in regards to the objections on the basis of potential impacts to the local highway network through traffic generation from the development. In this context policy TT1 of the CNP states that proposal for industrial and commercial development will be supported where traffic movements generally and HGV movements in particular can be satisfactorily accommodated on the strategic and local highway network.

The Highways Engineer has confirmed that given the nature and scale of the proposals, and there is no evidence of a severe impact on the highway from site inspections, that the existing access and vehicular movements generated from the proposals are not grounds to object. This is subject to a condition to limit the number of vehicles; it is therefore considered that the development that has taken place can be satisfactorily accommodated on the existing highway network and as such there is no conflict with TT1 Of the CNP or CP34, CP57 or CP62 of the WCS.

Drainage Impact

Limited information has been provided on the drainage impacts of the proposals. The Drainage Engineer has raised a holding objection due to a lack of details on surface water drainage and the lack

of consents sought from the Local Lead Flood Authority for the works.

The site is not within an identified flood risk zone but falls in part within a locality where the Council has records of Ground water flooding. Having regard to the nature of the retrospective works and the scale of the proposals officers recommend that relevant conditions are attached to address surface water drainage. This is duly applied to this recommendation as set out below with an informative that Land Drainage Consent would be required for the works.

Ecology

Officers have sought the submission of an Ecological Management Plan (EMP) for the site which has involved the undertaking of a baseline ecological assessment and its immediate environs, an assessment of the potential ecological loss caused by the works and the production of an ecological management plan for the site that will support and inform a landscaping strategy and offer mitigation for the recent loss of features of ecological value. The site is situated to the north-west of the Blakehill Farm Nature Reserve.

Mitigation proposals in support of the application within the EMP indicates replanting proposals in order to provide foraging opportunities for existing wildlife in the area and compliment the network of hedges in the area. The Council's Ecology officer has accepted the proposals set out in the EMP are based on a sound assessment of the site and local area and a condition is recommended to ensure that mitigation planting is implemented in accordance with the EMP. It is not considered to conflict with Core Policy 50.

Impact on visual and landscape amenity

Core Policy 51 states development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character and any negative impacts must be mitigated through sensible design and landscape measures. In particular development proposals must demonstrate that the local distinctive character of settlements and their landscape settings have been conserved and where possible enhanced.

The application site is part of an agricultural field which forms the delineation of the existing development in Chelworth Industrial Estate and the countryside to the south. The use of land for the parking of vehicles encapsulates the existing site extending into the site and forming a new boundary with the wider area. It is considered that the works have had a localised impact when viewed from public footpaths to the east across to the Industrial area. However the development would be viewed against the backdrop of the existing site from the south looking north. The existing site context is industrial in character on a rural edge and is considered that with appropriate planting mitigation this would effectively mitigate the impact of the site from the wider landscape subject to appropriate conditions. On this basis it is not considered that the development results in conflict with WCS Core

Policy CP51 or the provisions of the NPPF.

Impact on historic environment

The application site is located approx. 20m to the east of the scheduled monument that includes a sub-rectangular moated site and surrounding earthwork enclosure 100m south of Chelworth Farm.

Paragraph 189 of the NPPF requires that in deterring applications Local planning Authorities should require applicants to assess & describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraph 190 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including any development affecting the setting of a heritage asset). Paragraph 196 identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Historic England in their consultation response raised concern that the application was not supported by an assessment of the impact to the designated heritage asset of the scheduled monument. Further that in their assessment the development would affect the open agricultural setting of the monument but given the limited scale of development the resultant harm would be less than substantial and at the lower end of the scale. Following this the applicant has prepared and submitted an impact assessment of the development on the designated asset. It identifies that the setting of the asset as affected by development is in fact restored land following previous use as part of a military airfield and so has been subject to significant change over time and as such is not the original historic character and setting of the asset. The assessment identifies the very limited scale of development proposed as not significantly extending the boundaries of the industrial estate and so not bringing them significantly closer to or impacting upon the monument and its setting. Furthermore, that the location has been the subject of previous grant of consent for built development in 2012. As such the impact is identified as negligible. Finally the assessment also identifies that the development will result in economic benefits through the enhanced operation and retention of the business resulting in retained employment in the locality.

It is considered that the development does not lead to harm to the setting of the heritage asset having regard to the existing site context by reason of its scale, size and position. It is not considered that the development results in conflict with Core Policy 57 (i) and Core Policy 58 of the Wiltshire Core Strategy (2015). Furthermore the Council's Archaeologist has been consulted on the retrospective application and raises no comments. It is considered with proposed planting that the wider visual impact of the proposals can be mitigated appropriately subject to relevant conditions and this will further reduce the potential for impact to the setting of the heritage asset. It is also agreed that the development will result in some level of benefit economically and that this should be weighed in the balance.

Residential amenity

The nearest residential property is located approx. 180m to the south of the site, Purley Farm. It is considered that the development would not be harmful to residential amenity such that a refusal on this basis would be necessary and defensible. It is noted however that the Public Protection officer has requested details of any external lighting that may be proposed within this area. A condition is recommended in this respect.

Other matters

Other matters have been raised in respect of the description of development as retrospective use of land for storage of vehicles. It is noted that this description of development relates to both a material change of use of the land and operational development. As such the description of development is considered to be acceptable as submitted.

10. Conclusion

The development is not within a defined settlement; or established principle employment area and is not allocated for development in the WCS. The development does however directly meet and accord with the requirements of WCS CP34 (i) being for the expansion of an existing business in a location adjacent Cricklade (a Local service centre) and is consistent in scale with its location. Officers are of the view that the development would not conflict with principle policy B5 of the Cricklade Neighbourhood Plan. In these respects the development is considered to be acceptable in principle.

Subject to the use of conditions and on site mitigation the proposal is seen to raise no site specific harmful impacts in terms of highways and access, ecology or landscape and visual impact such that consent ought to be refused on this basis. Given location and proximity to neighbouring existing uses development would raise no issues in relation to residential amenity. In this context the proposals are seen to accord with the relevant policies of the development plan both in terms of the Wiltshire Core Strategy and Cricklade Neighbourhood Plan; and in terms of national guidance contained within the NPPF.

The proposals have resulted in economic benefits in terms of job creation and the enhancement and expansion of an existing local business. The impact to the designated heritage asset is considered to be neutral and in any event outweighed by the benefits of development.

The Town Council objections are noted however it is considered that the development would result in a benefit to an existing business within the site and does not conflict with national or development plan policies and therefore in accordance the guidance contained in paragraph 11 of the NPPF and policies CP34, CP51, CP57 CP58 of the Wiltshire Core Strategy and policies B5 & TT1 of the Cricklade

Neighbourhood plan and in accordance with paragraph 12 of the NPPF consent should be granted.

RECOMMENDATION

That Planning Permission be GRANTED subject to the following conditions:

- (1) Within 3 months of the date of this decision or within the first planting season thereafter the replanting works proposed to mitigate the impact of the development shall be implemented in accordance with J&BH/RPP-01/18.03.18. 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.

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

- (2) The development shall be retained in accordance with the drawings

J&BH/RPP-01/18.03.18
Block Plan LDC 2093_02A
Location Plan LDC 2093_01A

Received 06/04/2018

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

- (3) No more than 30 no. vehicles can be stored on the site (as indicated in red on Location Plan) at any time.

REASON: In the interests of the appearance of the site and the amenities of the area and for the avoidance of doubt and in the interests of proper planning.

- (4) The development hereby permitted shall not be brought into use until a plan showing the precise location of any areas of open storage and specifying a maximum height of open storage within such area(s) has been submitted to and approved in writing by the Local Planning Authority. No materials, goods, plants, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored on the site outside the approved storage area, or above the height agreed as part of this condition.

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

- (5) The parking area hereby permitted shall not be first brought into use until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with any identified water course maintenance

requirements in the offsite downstream system and all required third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained without increasing flood risk to others

- (6) No external lighting shall be installed on site until a scheme of external lighting, including the measures to be taken to minimise sky glow, glare and light trespass, has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall be designed so as to meet the criteria for Environmental Zone E2 as defined by the Institute of Lighting Professionals 'Guidance Notes for the Reduction of Obtrusive Light' 2012. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working order at all times thereafter.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

- (7) Within 3 months of the date of this decision the mitigation measures as set out in the recommendations given in the Ecological Management Plan (Tree Parts Limited Dated 29/03/2018) shall be implemented. The development thereafter shall be permanently retained as such.

REASON: In the interests of the ecology of the site

INFORMATIVES:

Any discharge of storm water to an ordinary water course will require a separate application (LDC) to and approval of the LLFA as well as that of the riparian owner.

If the development generates foul effluent discharge it will either need a full formal discharge licence from the EA or if under their set limit then need to follow the EA guidelines.

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.

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.

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

This decision does not purport to allow any additional signage or advertisements on the building or extensions where separate consent would be required under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

The Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" can be found free online on the following website. www.theilp.org.uk/