

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	07.09.2011		
Application Number	W/11/01563/FUL		
Site Address	Wylve Works Watery Lane Bishopstrow Wiltshire BA12 9HT		
Proposal	Proposed industrial building to cover over existing open yard storage area		
Applicant	GAE Farm Technologies Ltd / John Barbarian		
Town/Parish Council	Bishopstrow		
Electoral Division	Warminster Copheap And Wylve	Unitary Member:	Christopher Newbury
Grid Ref	389768 143893		
Type of application	Full Plan		
Case Officer	Mrs Judith Dale	01225 770344 Ext 15245 judith.dale@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Newbury has requested that this item be determined by Committee due to:

- * Effect on neighbours' amenity
- * In the interests of public debate

1. Purpose of Report

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

Neighbourhood Responses

6 letters of objection have been received from the owner of the property to the west on the opposite side of the Millstream, one of which states that it is written with the 'unanimous accord of Mill Lane and Watery Lane residents'. These cover the following matters:

- The planning history of the site which shows the expansion of the business over the years
- Failure to carry out stated improvements over that time
- An increase in the working hours by 40%
- An increase in traffic movements by 40%
- Inadequacies in the information submitted with the application
- Detrimental impact of the development on the Conservation Area
- Detrimental impact of the development on residential amenity in terms of noise and pollution
- The existing business is a non conforming use
- The proposed development would result in an increase in production on the site with consequent detrimental impact
- The application fails to overcome previous reasons for refusal for a similar development in 2009

Two of these letters were received following the submission of revised plans and cover the following additional points:

- Revised plans do not overcome the fundamental objections raised above

- Rooflights will provide reduced sound resistance
- Resultant increase in daylight within the extension exceeds basic requirement for storage and space is likely to be used for production
- Inadequate sound insulation
- The applicants are being favoured at the expense of the concerns of residents
- No meetings or site visits have been conducted with residents.

One letter has been received from the neighbour sited to the north of the site in support of the above objections.

A statement from the applicant company addressing the various objections raised by neighbours has been subsequently received.

Bishopstrow Parish Meeting Response

The Parish Meeting 'support/object' the application and have submitted the following 'draft' comments:

"This potential application was presented by GEA and discussed at a Village Meeting in September 2010 and again at four display sessions in March 2011 – no adverse comments were received by attending Villagers.

Many Villagers have been aware of this small industry in our midst for 40years and have expressed concerns regarding its proximity to homes occupied during this time and its inclusion in our Conservation Area designation, also within this time.

This proposal appears to address previous concerns of noise, unattractive views, flood risks and river pollution, and GEA's assurances (via their Agent's letter of 14 May 2011 and written responses to neighbour's concerns) are welcomed as indications of their continued wish to recognise and address neighbour's concerns within the constraints of their business operation. Serious consideration given to the more recent positive suggestions put forward by neighbours would also be welcomed for action where possible.

In addition, GEA's expressions of support to our community and wish to address any future neighbour concerns regarding their business would be greatly enhanced by further development of their openness and clarity of their operating practices. Such development would be welcomed for the benefit for all concerned.

NB a question has been raised about the installation of signage for vehicle deliveries to Watery Lane – this is as a result of discussions last year with Wiltshire Council's Highways Dept, its Dept of Neighbourhood & Planning, and our Rural Policing Team regarding general vehicle usage in and around the Village, it being placed by the Highways Dept to direct SATNAV-following traffic to Watery Lane's accessible entrance."

2. Report Summary

The main issues to consider are:

The principle of the development in the context of policy and planning history

Flood risk and drainage considerations

Highway and access considerations

The impact on the setting of the Conservation Area and Special Landscape Area

The impact on residential amenity

The impact on ecology

The impact on trees

3. Site Description

This is a 0.45 ha linear site located between two parallel watercourses of the River Wylye which form its northwest and southeast boundaries. Its rear boundary adjoins two residential properties situated

within the neighbouring enclave based around Bishopstrow Mill; its front boundary adjoins Watery Lane which is the main vehicular access to the site. The rear half of the site is occupied by a factory building with ancillary offices with the larger front part given over to parking and an area of external storage.

The site is located within the flood plain of the R Wylye, within a Site of Special Scientific Interest, a Special Landscape Area, an Area of High Ecological Value, a Special Area of Conservation and within the Bishopstrow Conservation Area. The premises, themselves, are used for the production and distribution of chemicals for the agricultural industry.

4. Relevant Planning History

84/0423 – Single storey extension – Permission – 19.06.84

86/1001 – Demolition of existing buildings and erection of light industrial unit as replacement to existing structures – Permission – 28.10.06

94/1304 – Extension for offices and ancillary facilities – Permission - 28.11.94

94/1461 – Warehouse extension and drainage works – Permission – 24.01.95 (effectively a renewal of 86/1001)

99/01067/FUL – Warehouse extension, drainage containment and river works – Permission – 27.04.00

W/09/00110/FUL – Cover over exposed storage yard, provision of 3 storage containers and 2 storage tanks – Refusal – 09.03.09

In addition, there are a number of applications relating to the erection of a dwelling

5. Proposal

This application is for the demolition of two existing outbuildings and the erection of a steel framed storage building over the existing open storage concrete yard at the rear of the site. The revised scheme proposes a building approx 7m square, constructed of plastic coated steel under a shallow pitched roof, measuring 3.5m to eaves and 4.2m to a central ridge. The extension is required for the undercover storage of the plastic containers which are currently stored openly on this part of the site on 2 tier pallets.

6. Planning Policy

West Wilts District Plan 1st Alteration 2004

C1 – Countryside Protection

C3 – Special Landscape Area

C6 – Area of High Ecological Value

C9 – Rivers

C17 – Conservation Areas

C31a – Design

C32 - Landscaping

C35 – Light Pollution

C38 - Nuisance

E6 – Rural employment

U3 – Flooding

PPS4 Planning for Sustainable Economic Growth

PPS9 Biodiversity and Geological Conservation

PPS25 Development and Flood Risk

7. Consultations

Bishopstrow Parish Meeting

Comments reported above – the Chairman confirms that these comments represent a ‘Catch 22’ view of the development – supports the proposal if the work ‘does do what it purports to achieve for neighbours’ but objects if it does not.

Highway Officer

No highway objection

Environment Agency

No objection subject to informatives referring to the need to obtain Flood Defence Consent for works or structures within 8m of the river and advising that flood proofing measures are incorporated into the design and construction of the building.

Archaeologist

No comments to make, assuming that there is no disturbance to the mill stream to the east of the site.

Ecologist

Confirms that the demolition of the existing structures will not impact on roosting bats and has no objection to the new development subject to the works being carried out in accordance with the Construction Method Statement

Environmental Health Officer

'Potential loss of amenity considered unlikely' and no objection subject to limited hours of construction to restrict noise.

Landscape Officer

No objection subject to the development being carried out in accordance with the Arboricultural Method Statement

8. Publicity

The application was advertised by site and press notice and neighbours were notified; the responses have been reported above.

Expiry date: 09.08.11

9. Planning Considerations

Background

This application has been submitted to address those reasons for refusal in respect of a previous application submitted in 2009 (W/09/00110/FUL). Although that application also included the installation of storage tanks on the front part of the site (subsequently permitted under W/09/01678/FUL), that previous scheme proposed a larger extension over the rear yard (11m by 13.5m) and was refused for 4 reasons:

1. Lack of a submitted Flood Risk assessment to enable an assessment of flood risk
2. Insufficient information to assess the impact on the R Avon SSSI, Special Area of Conservation and protected species
3. Lack of submitted Arboricultural Method Statement to assess the impact on existing trees
4. Impact of development on visual and residential amenity

It is clear from the above that this application was refused for lack of information relating to material considerations and the general detail of the scheme.

Principle of development in context of planning history

In terms of the principle of an extension to these premises, the previous application was assessed as follows:

"This application proposes additional works to an existing industrial site within a very sensitive location. Policy E6 will permit the 'expansion of small scale employment enterprises' providing there are no flood risk or highway problems; the development is compatible with the rural character; it does not harm nature conservation interests or is detrimental to residential amenity.

This industrial business has been operational for many years with the benefit of several planning permissions and is well established on this site. Whether it can now be regarded as 'small scale' is

questionable, but the planning history suggests that the general principle of expansion has been continually supported. Notwithstanding comments and concerns from neighbouring residents, the application form indicates that there is to be no increase in staff or vehicle numbers as a direct result of the proposal from which it might reasonably be deduced that this development is intended primarily to provide a more efficient business rather than an expanded one. On that basis, the principles of consolidating and modernising this business would not appear to be contrary to policy, subject to the criteria outlined above and assessed below.

In addition, planning permission was granted in April 2000 (99/01067/FUL) for a 538 sq ms extension to the rear of these premises. That extension (not built) was intended to replace both the existing collection of buildings and open yard and would have extended over that area now to be covered by the proposed canopy. Although both schemes are significantly different in design and function, the principle of a 'building' over the rear yard appears to have previously accepted."

Since that decision was made, PPS4 has been introduced which further supports the principle of the expansion of existing rural businesses which contribute to the local economy. Within that context and in the light of the previous assessment, there can be no objection 'in principle' to an extension to these premises.

Flood risk and drainage considerations

The current application has been accompanied by a Flood Risk and Drainage report and the Environment Agency raises no objection to the proposal on these grounds. The application therefore addresses and overcomes reason 1 of the previous refusal while raising no additional flooding concerns. Informatives suggested by the Environment Agency are recommended for inclusion in the decision.

Highway and access considerations

As previously, the Highway Officer raises no objection to the application. While concerns have been raised by neighbours over a general increase in vehicular traffic to the site in recent years, there is no evidence to support the assertion that the current proposal, which is simply to provide a covered storage area, would result in a 40% increase in traffic levels.

Impact on setting of Conservation Area and Special Landscape Area

This application is for a low rise extension at the rear of this site with limited views from either the public realm or the wider surrounding landscape and would have no greater impact on either than the current premises.

Furthermore, in considering the previous application W/09/00110/FUL, the report referred to an earlier approval on the site (99/01067) for an extension over this rear yard which the then Planning Officer concluded 'will not adversely affect the character or setting of the conservation area' and 'will not have a significant impact upon the Special Landscape Area'. Against this background, the smaller area of canopy now proposed could not be considered harmful on either count.

Impact on residential amenity

The application site is 'surrounded' along most of 3 sides by residential properties and their gardens with its rear boundary adjoining the two detached properties known as Mill Barn and Mill Cottage; immediately beyond the north east boundary on the opposite side of the mill stream is the modern property of the same name. As a consequence, there is potential for any development within the application site to have an impact on those properties, either in terms of noise and activity levels, loss of privacy, impact on light levels and general intrusion.

The previous application was refused permission because it was considered that the location and design of the proposed storage canopy would be visually intrusive and would have a detrimental impact on the amenities of neighbouring properties. That scheme was for a flat roofed canopy, approx 11m by 13.5m by 4.2m in height, attached to the existing outbuildings within the rear yard and covering the majority of this concrete hardstanding to within 1 metre of the rear boundary. Together with the outbuildings it was effectively proposed as part of a detached storage facility but its poor design, relationship to the main building, encroachment on the site boundaries and potential impact on the existing tree screen were considered to have a harmful impact on neighbouring amenity. The current application has been modified to

- remove the outbuildings,
 - incorporate the storage area as a physical extension to the main building, improve its design to match that of the main building
 - reduce its overall height to only 3.5m at eaves level rising to 4.2m only at the central ridge
 - increase the distance to the rear (north) boundary to 4m
- by removing a section of outbuilding along the eastern boundary, create an open distance of approx 6m to the mill stream.

The cumulative effect of these changes results in a physical extension of appropriate design and improved appearance, set at greater and reasonable distances to the site boundaries which ensures the retention of existing boundary trees. While the development would remain visible from adjoining properties, its considerably improved appearance and lower overall height could not be regarded as detrimental while current noise and activity from the open storage area would be contained within a purpose built structure. It is an important point to note that the current uncontrolled storage use on this part of the site is already visible and audible from neighbouring gardens and there would be considerable benefit to amenity for this to now be contained within an appropriately designed extension.

As reported above, this application has attracted a large volume of objection from the property to the north east of the site on the opposite side of the Mill Stream. Much of the concern relates to the apparent increase in activity at the site in recent years and the suggestion that the proposed extension will lead to a further uncontrolled increase in production and associated harm to existing properties. This assertion has been refuted by the applicant company who confirms that the proposal is simply for additional storage. A number of requests and suggestions have been made by the owner of the neighbouring property which have been considered as part of the processing of this application and where reasonable, have been accommodated; this includes a condition which limits the use of the extension for storage purposes only. However, it is a fact that this application, which is simply for a storage facility to an existing business, cannot be used to unreasonably restrict the current operations at the site, such as imposing working hours or restricting vehicle movements.

It is a further point to note that in 2000, permission was approved for a building on this part of the site which, if implemented, would have been equally, if not more visible than that now proposed and with greater potential for increasing overall levels of activity. The modifications now made are considered to result in a development which would not now be detrimental to residential amenity but would, in certain aspects, actually improve the situation for neighbouring properties. The proposal is therefore considered to overcome reason 4 of the previous refusal.

Impact on ecology

The application has been accompanied by a Construction Method Statement to enable the Ecologist to assess the application in terms of its impact on the River Avon SAC while an ecological survey has confirmed no evidence of bats or barn owls in the buildings to be demolished. The Ecologist has no objections to the development subject to the works being carried out in accordance with the Construction Method Statement and reason 2 of the previous refusal has therefore been addressed and overcome.

Impact on trees

The application has been accompanied by an Arboricultural Method Statement (AMS) which has been updated in accordance with the advice of the Landscape Officer and the scheme has been further revised to move the extension a metre further away from the eastern boundary to protect the rooting system of the important amenity trees. The Landscape Officer has no objections to the development subject to it being carried out in accordance with this assessment and reason 3 of the previous refusal has therefore been addressed and overcome.

Conclusion

Notwithstanding strong objections to the scheme from largely one neighbouring resident, the proposed extension is considered to be acceptable in principle and detail and has overcome the reasons for refusal in relation to a previous scheme for a similar development. The application is therefore recommended for permission subject to a number of conditions.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

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

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

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

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 3 The buildings shown as being demolished shall be removed prior to the construction of the proposed development

REASON: To ensure that the volume of development on this part of the site is consistent with the proposal in the interests of visual and residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 - C31a & C38

- 4 The proposed development hereby approved shall be used solely for the storage of goods in connection with the primary activity on this site and shall not be used for any manufacturing, industrial or production purposes.

REASON: In the interests of residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C38

- 5 There shall be no external storage of materials or equipment within the rear yard in the northeast corner of the site

REASON: In the interests of visual and residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004: C38

- 6 The proposed development shall be carried out in complete accordance with the Construction Method Statement Rev A dated 04 August 2011.

REASON: In the interests of the protection of protected species and their habitats

Planning Policy Statement 9; Biodiversity and Geological Conservation

- 7 The proposed development shall be carried out strictly in accordance with the Arboricultural Assessment and Method Statement with Addendum (NdeB/7010/A/2 dated March 2001; addendum August 2011) and under the supervision of an arboricultural consultant.

REASON: To prevent trees on, and adjacent to, the site being damaged during construction

POLICY: West Wiltshire District Plan 1st Alteration 2004 – C32

- 8 No development shall commence on site until details of any external lighting and mitigation measures to minimise light pollution from the proposed building have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the building is first brought into use and shall be maintained in accordance with the approved details.

REASON: To minimise light pollution and in the interests of the amenities of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

- 9 Construction work in connection with the development hereby permitted shall only take place between the hours of 0730 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and at no time at all on Sundays and Bank or Public Holidays.

REASON: In the interests of residential amenity

POLICY: West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38

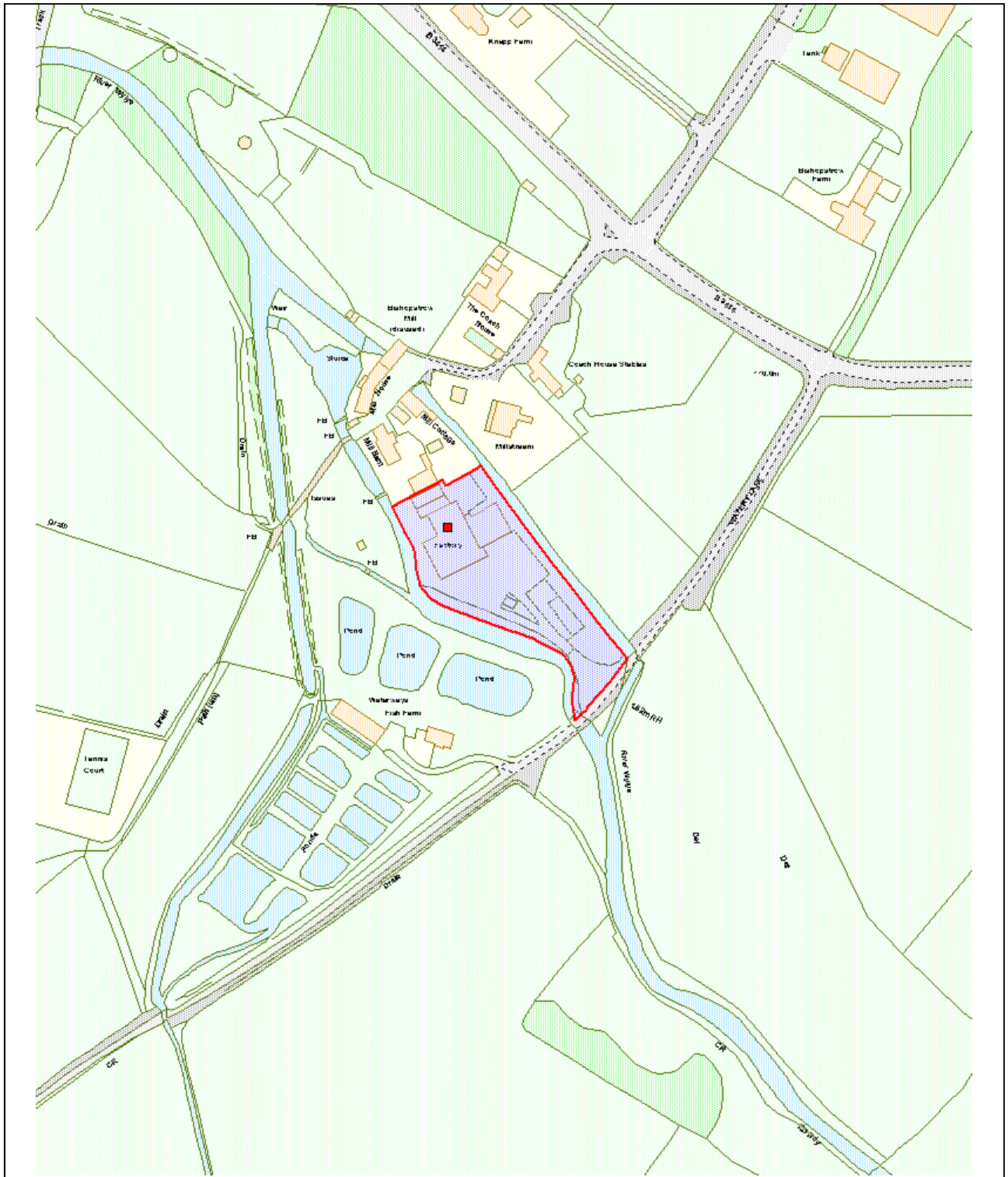
- 10 The proposed development shall only be carried out in complete accordance with the following plans and documents:
09034-1 rev A received on 25.07.11
09034-2 rev B received on 25.07.11
Construction Method Statement rev A received on 04.08.11
Arboricultural Assessment & Method Statement with Addendum received on 15.08.11

REASON: To ensure that the development is carried out in accordance with the plans that have been approved by the local planning authority

Informative(s):

- 1 The applicant is advised that Flood Defence Consent will be required from the Environment Agency for any works or structures within 8m of the of the top of the bank of the River Wylye and Mill Stream. The applicant is therefore advised to consult the Agency (Daniel Griffin 01258 483351) with regard to this matter.
- 2 The applicant is advised that consideration should be given to the incorporation of flood proofing measures in the design and construction of the building, including barriers on ground floor doors, windows, and access points and locating electrical services and plugs above possible flood levels. Additional guidance can be found in the EA's publication 'Damage Limitation' (0845 988 1188 or www.environment-agency.gov.uk) and the DCLG publication 'Improving the flood performance of new buildings'.
- 3 The applicant is advised that in the event of any disturbance to the Mill Stream, he should contact the Council's Archaeologist prior to the continuance of any work

Appendices:	
Background Documents Used in the Preparation of this Report:	



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