

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	5 th October 2011		
Application Number	11/02354/FUL		
Site Address	The Stables, Notton, Lacock		
Proposal	Expansion of existing B1 use into adjoining land		
Applicant	Mr Healey		
Town/Parish Council	Lacock		
Electoral Division	Corsham Without & Box Hill	Unitary Member	Cllr Dick Tonge
Grid Ref	391165 169630		
Type of application	Full		
Case Officer	Simon T. Smith	01249 706633	simon.smith@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Tonge has requested that this application be considered by the Development Control Committee so that the scale of development together with its relationship to adjoining properties may be considered.

1. Purpose of Report

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

Lacock Parish Council objects to the application. 20 letters of objection have been received.

2. Main Issues

The application is for the development of a single 262m² B1 office building with associated parking and landscaping. The key points to consider are as follows:

- Implications on DC Core Policies C3, C4, NE15, BD5 and national policy within PPS4
- Principle of development
- Visual impact of proposal vs. local employment
- Impact upon residential amenity
- Highway safety

3. Site Description

The application site is positioned between the A350 and Old Road running through Notton, to the North-East of Lacock. An existing office has been created on the site formed from the conversion of a stable building. A formal parking area has been provided together with dedicated vehicular access track leading to the Old Road through Notton. A hinterland of semi-improved grassland forms the application site and is referred to by the applicant as "paddock land", which is screened from the A350 by a boundary of mature planting.

In planning policy terms, the application site is located in open countryside, with Notton not having Settlement Framework Boundary, as defined within the adopted North Wiltshire Local Plan 2011.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/00035/FUL	Expansion of existing B1 use into adjoining land	Withdrawn

5. Proposal

The proposal is for the construction of a new B1 office unit of 262m² floorspace, together with parking and improvements to existing vehicular access. The unit is to be of single storey design and, from the submitted "Business Overview" document, is understood to be used as expansion floorspace from the company operating from the existing office on the site (also the applicant).

6. Consultations

Lacock Parish Council

"The Parish Council objects to this application. The site is in a rural residential area which is not designated as an employment area in the local plan and is not suitable for the development proposed. The increase in traffic which will be generated is totally unacceptable in what essentially is a country lane. The pavement is very narrow and pedestrians, pushchairs and wheelchair users have to step off the path in order to negotiate their way safely. The proposed enlarged entrance to the site is opposite a listed building and would affect the setting of this property. The Parish Council objected to the original application for this site and its view is now strengthened in view of the proposed further encroachment into green land. With all the business parks available in the area there is no need to use additional land in Notton for further business expansion."

Highways

No objection subject to the imposition of planning conditions relating to access improvements.

Council Ecologist

Following submission of a habitat survey, raise no objections to the proposal.

7. Publicity

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

A total 20 letters of letters of objection have been received. Main issues raised:

- Large new office building inappropriate in Notton
- Scale of development is not small and is out of proportion to Notton
- Notton is a residential area, not designated for employment development
- Impact upon residential amenity – noise/disturbance from deliveries and employees etc.

- Highway safety compromised as a result of additional traffic
- Old Road too narrow to accommodate additional traffic
- Additional strain on foul drainage system
- Development will take place on Greenfield site

8. Planning Considerations

Principle of development

The application site is positioned on a grassed field (described by the applicant as paddock land) outside of any Settlement Framework Boundary, as defined within the adopted North Wiltshire Local Plan 2011. As such, in planning policy terms the site is regarded as open countryside, despite being part the grouping of houses that is Notton. In this context, Policy BD5 of the adopted North Wiltshire Local Plan 2011 is applicable.

Criterion (ii) to Policy BD5 does envisage that the principle of new business development to be acceptable where it :

“Involves limited new building located within or well related to an existing group of buildings which respects local building styles and materials, and is in keeping with its surroundings;”

Clearly there is an existing business building on the site and accordingly, the purpose of this part of the policy is precisely to allow flexibility for rural business to grow on their existing site by allowing for limited expansion and, by extension, increased employment opportunities for local residents and the local rural economy to the benefit of all.

In light of Policy BD5, it is indisputable that the principle of the expansion of the existing business on this site is established. The relative success or failure of the scheme must therefore rest upon more detailed considerations such as the appropriateness of its form, scale, highway safety, impact upon residential amenity, as well as any potential impact upon vitality and viability of nearby town and village centres. Such matters are considered below.

Visual impact of proposal vs. local employment

Although factually a green field, it is considered that the application site is nonetheless defined by the converted office building, the associated car park and access track leading to Old Road. It cannot be said to take the appearance of expansive agricultural land unfettered by boundaries or other residential properties that can be clearly seen from the site. Equally, at the risk of attracting an accusation that the proposal is merely a first phase of development, the chosen siting of the new building is closer to the existing office building, together with a central parking area between them, is better related to existing development than would be possible. Indeed, a greater proportion of the land under the control of the applicant has been excluded from the development site. In this context it is considered that the proposal would indeed be “well related” to the existing development on the site, as is required by Policy BD5.

Locally raised concerns over the future of the land also under the control of the application (in particular to the South and West of the site), but excluded from the application site must, of course, be assessed in the context of a central tenet of planning law and policy: that is every planning application be determined on its own merits. A future proposal for development on that remaining land would necessitate a further planning application, and that application must also stand or fall on its own. Clearly, therefore, a fear of future proposals for development cannot be used as a legitimate reason to refuse planning permission for the application now under consideration. It should be noted, however, that in the event of a resolution to grant planning permission, it would be entirely reasonable for the Development Control Committee to impose planning conditions that would secure a strong southern boundary to the site.

Amongst other requirements, Policy BD5 also requires new business development to be in itself “limited”. For the purposes of assessing the visual impact of the proposal, this requirement is considered to have broadly the same aim as the requirement to be “well related” to existing buildings, but perhaps with the added component of an assessment of the appropriateness of the scale of development to the settlement in which it sits. In the absence of any real definition within the Local Plan, it is left to individual interpretation as to what “limited” is, and whether a proposed development is “in keeping with its surroundings”.

Indeed, objectively, the proposal might still be considered to result in a dramatic visual change from present green field to built development. However, this is a situation that would, to one degree or another, result from most proposals for development being considered against Policy BD5, which of course is a policy worded precisely to at least allow consideration of proposals to expand existing businesses in the countryside. In this particular instance the proposal results in a close to doubling of the office accommodation on the site, but that the overall amount of floorspace that would be in existence is still relatively small and as such is not immediately thought to be inappropriate to the context of Notton – which, whilst not an identified settlement in the Local Plan, does nonetheless consist of a number of buildings, in depth and spreading either side of the site.

The design of the new building, approximating and alluding to accommodation created from converting a rubble stone barn, is reflective of the existing building on the site and is thought to aid consideration of the proposal as an appropriate form of development.

Echoing adopted Local Plan policy C4, National planning policy advice in PPS4: Planning for Sustainable Economic Growth (2009), whilst acknowledging the need to take account of the quality and character of the area within which a development would sit, does state (at EC10.1):

Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Clearly, there is very little development that is more sustainable (in the broadest sense of the word), than development that would provide opportunities for local employment and growth in the local rural economy, in a location where there is currently very little. For this same reason, and given the nature of the business operating from the site, there is not considered to be any likelihood of the proposal adversely effecting the vitality and viability of any nearby town or village centre.

Impact upon residential amenity

The application is submitted on the basis that the new accommodation would be used for (B1) office purposes only. The B1 Office use class is often defined as only encompassing activity that could be undertaken in a residential area without an unacceptable impact upon amenities. In the event of planning permission being granted, suitably worded planning conditions can provide adequate control over those uses permitted.

The concerns of the nearest neighbours in terms of the potential for noise and disturbance from increased use of the access track are acknowledged. However, what also must also be acknowledged is the proposed widening of the access, repositioning of the track and strengthening of boundary treatments. Taken together, the proposed improvements to the access are considered likely to successfully mitigate against any potential impact upon residential amenity.

Highway safety

Subject to the provision of necessary on site parking being made available prior to the first use of the accommodation, the Highway Officer does not raise objections to the proposal on the grounds of highway safety. In this context, and notwithstanding the concerns raised by local residents and

the Parish Council, it is not considered to be reasonable to refuse planning permission on these grounds alone.

9. Conclusion

An assessment has been made that, while acknowledging the visual shift from the present condition of the site as a green field to built form, an existing business would be reasonably expanded to the benefit of the rural economy. The proposal is considered to be of a scale and appearance that would not be so incompatible the pattern and form of Notton or result in an unacceptable impact upon the amenities of nearby residential occupiers.

10. Recommendation:

Planning Permission to be GRANTED for the following reason:

Whilst acknowledging the shift from the present condition of the site as a green field to built form, it is considered that the proposal would involve limited new building that would be well related to an existing building. As such the proposal is of an appropriate form, scale and appearance and would comply with the requirements of Policies C3, C4, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011 and national planning guidance in PPS4.

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 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.

3. 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:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

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

4. 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.

5. Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

6. The development hereby permitted shall not be first brought into use/occupied, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

7. The site shall be used for offices only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

8. No materials, goods, plant, 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 outside any building on the site without the prior approval in writing of the Local Planning Authority.

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

9. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

10. No part of the development hereby approved shall be first occupied until the access, turning area and parking spaces shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interest of highway safety.

11. The development hereby approved shall not be first brought into use/ occupied until the recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

12. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/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.

13. No development shall commence on site until details of the works for the disposal of sewerage 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.

14. Prior to the commencement of development, full and complete details for the treatment of the southern boundary of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with those details so agreed and shall remain in that condition thereafter.

Reason: To define the extent of the development site and so as to ensure a strong boundary treatment to the south of the application site.

