

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 <sup>nd</sup> November 2011		
Application Number	11/02731/FUL		
Site Address	Land off Frankland Road, Lydiard Fields, Swindon		
Proposal	Erection of One Class A1 (Retail) Unit and Two Class A3 (Restaurant/Cafe) Units		
Applicant	Loc 8 Developments		
Town/Parish Council	Lydiard Tregoz		
Electoral Division	Wootton Bassett East	Unitary Member	Cllr Mollie Groom
Grid Ref	410428 183153		
Type of application	Full		
Case Officer	Tracy Smith	01249 706642	tracy.smith@wiltshire.gov.uk

## Reason for the application being considered by Committee

Cllr Mollie Groom has requested the application be brought to committee to consider the scale of the development, visual impact on the surrounding area, design and environmental/highway impact of the development.

### 1. Purpose of Report

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

Lydiard Tregoz Parish Council note the application and have commented on the basic information in the report being incorrect and question other information as to whether it is correct.

### 2. Main Issues

This application is seeking permission for mixed A Class uses on the outskirts of Swindon adjacent Junction 16 of the motorway. The site is an established commercial location with a mix of office/warehouse and research buildings together with hotels, public house and drive-thru cafe.

The proposal needs to be against Policies C3, C4, BD2 and BD5 of the adopted North Wiltshire Local Plan 2011 as well as National guidance contained in PPS4.

The key issues in the determination of this application are:

- Principle of development
- Implications of retail development
- highways

It was ascertained during the course of determining the application that there were inaccuracies in terms of the description of the location of the development and facilities in the vicinity such as Junction 18 of the motorway being referred to and not Junction 16; Holiday Inn being identified instead of Premier Inn and Great Western Road instead of Way. These errors in no way altered the substance of the application and have now been amended through the submission of a revised planning statement.

### 3. Site Description

The application site, whilst falling outside of any framework boundary is located within Lydiard Fields. The area is a well established commercial location/business park to the north east of Great Western Way (A3102) which was granted planning permission in 1990.

The wider land outlined in blue was never the subject of a reserved matters application and due to its size, electricity pylon and pipeline, no interest was taken in the site despite is marketing for nearly a decade.

The site benefits from planning permission for A3 use over two units and as a result the wider site has already been developed and is occupied by a drive-thru Costa Coffee.

Some 51 car parking spaces are provided together with cycle stands for 12 cycles.

The site sits behind the Costa cafe is currently undeveloped and screened off from view. Access to the site as a whole is taken off the adjacent road serving Lydiard Fields. The road is not specifically named but it is considered to be a continuation of Frankland Road to the south east.

Opposite the site are further commercial uses comprises car dealerships and a hotel.

The application site comprises less than 0.1ha.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
11/00472ADV	Display of various internal and external signage, including freestanding signs	Permission
11/00465ADV	Erection of double sided internally illuminated Totem Pole Sign	Permission
10/03823ADV	Erection of pole/gantry sign	Permission
10/01699FUL	Erection of one Class A3 Drive Thru (unit 1) and one Class A3 unit (unit 2) together with parking and associated works.	Permission
90/2792OL	Employment development B1 and B8 hotel and associated facilities	Permission

### 5. Proposal

Planning permission is sought for the erection of 1no. Class A1 retail unit and 2no. Class A3 restaurant/cafe units.

Since planning permission was granted and unit 1 completed and occupied it has become apparent that unit 2 is too large for a single operator.

Hence, the application is seeking permission to subdivide the consented floorspace associated with Unit 2 into 3 separate retail units (2a, 2b and 2c). Unit 2a will be for retail with the remainder being restaurants/cafe.

The division of the 372sqm floorspace is as follows:

Unit 2a – 111.5sqm

Unit 2b – 148.6sqm

Unit 2c - 111.5sqm

The design of the unit will change from that previously permitted and with openings reconfigured for each of the new units.

The applicants confirm that the retail operator for unit 2a is Greggs, with no tenants have been named for the remaining two units.

## **6. Consultations**

Lydiard Tregoze Parish Council – note the application but comment on the basic information being inaccurate i.e. road name, motorway junction and adjacent property/business names. The rest of the content is therefore considered questionable.

Highways officer – no objection.

Environmental Health – no objection.

Highways Agency – no objection.

Swindon Borough Council – no comment provided.

## **7. Publicity**

The application was advertised by site notice only.

No representations have been received.

## **8. Policy Context**

North Wiltshire Local Plan 2011  
Policies C3, C4, BD2 and R4

PPS4 Planning “Planning for Sustainable Economic Growth” DCLG 2009

## **9. Planning Considerations**

### Principle of development

The application site directly adjoins Swindon Borough Council’s administrative boundary and consequently is excluded from any settlement boundary in the North Wiltshire Local Plan 2011.

Lydiard Fields is a well established commercial/business development with a mix of B1, B2, B8, C1 (hotel), A3 (cafe) and A4 (drinking establishment) uses.

The original 1990 permission clearly demonstrates that the principle of development is acceptable on the site and the recent 2010 permission is a material consideration as Class A uses have been considered to be acceptable on this small site.

## Implications of Retail Development

Policy R4 of the adopted North Wiltshire Local Plan 2011 has largely been superseded by guidance contained within PPS4.

The 2010 permission for Class A3 use for 2 new units was not the subject of conditions restricting the units to solely A1 use. Consequently, the proposed unit could be constructed and occupied for A3 use but later used for A1 retail without the need for planning permission.

The imposition of a restrictive condition was not considered wholly necessary given at the time of determining Unit 1 – Costa Coffee were identified as the end user, the scale and form of the floorspace proposed and in light of the site specific constraints.

This fall back position is a material consideration, however, in the context of this new application it is considered reasonable to restrict the A1 retail floorspace.

Having regard to the guidance contained in PPS4, and the fall back position, there is no requirement for the applicant to undertake a sequential assessment or retail impact assessment.

Notwithstanding the above, the application has been considered against Policy EC10.2 of PPS4. The site is accessible via a wide range of transport modes and has a significant potential pedestrian catchment and is thus considered to be sustainable. The building's design is modern and akin to the adjacent approved Costa, meeting hub and the Audi dealership opposite the site on Frankland Road proper.

The potential for employment creation is significant and it is clear that traditional B1 employment was not going to be viable on this site given the extensive period the site was marketed for to no avail.

There are no town or district centres within a reasonable catchment which could be considered to have a potential impact from the scale of A1/A3 retail at this location.

It is noted that on the periphery of Swindon from the motorway junction to the centre, there are numerous retail uses some on established out of centre retail parks.

## Highways Impact

This development has already been accepted in highway terms. Adequate provision is made for both car and cycle parking on the site and there is a bus stop in the vicinity.

The presence of these uses in this location has the potential for reducing some car borne trips from users of the adjacent commercial business and uses.

The Highways Agency have raised no objection.

## **9. Conclusion**

The proposed development by reason of its scale, design and siting is considered to be in keeping with the general character and appearance of the commercial character of development in the vicinity of Junction 16 of the M4. The proposal would result in job creation compliant with Policy BD2 and would not result in any detrimental retail or highways impact. Accordingly, the proposal is considered to accord with Policies C3, C4 and BD2 of the North Wiltshire Local Plan 2011 as well as guidance contained within PPS4.

## 10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development by reason of its scale, design and siting is considered to be in keeping with the general character and appearance of the commercial character of development in the vicinity of Junction 16 of the M4. The proposal would result in job creation compliant with Policy BD2 and would not result in any detrimental retail or highways impact. Accordingly, the proposal is considered to accord with Policies C3, C4 and BD2 of the North Wiltshire Local Plan 2011 as well as guidance contained within 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. Prior to the commencement of development, samples of the walling and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Class(es) A1 and A3 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). The A1 floorspace permitted shall not exceed 111.5sqm and shall be restricted to Unit 2a in accordance with plan 787 PL 201 dated 10 August 2011.

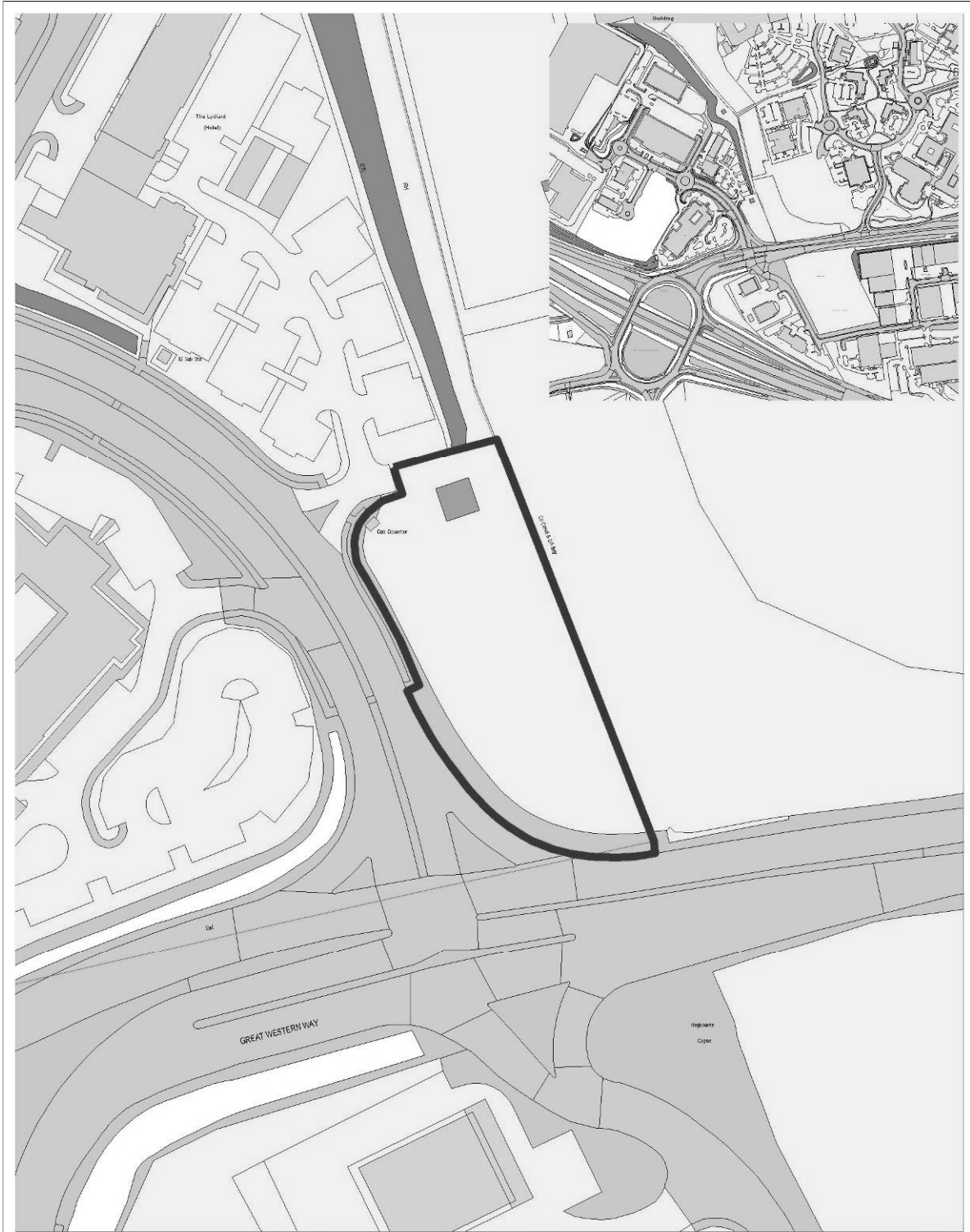
REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same class(es), having regard to the circumstances of the case.

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 787.2PL 00 A dated 8 September 2011

Plans 787 PL 201, 787.2 PL 100, 787 PL 100 E dated 10 August 2011.

REASON: To ensure that the development is implemented as approved.



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SCALE:

18/10/2011

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