

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	01.08.2012		
Application Number	W/11/01132/FUL		
Site Address	Land At Grange Farm Bratton Road West Ashton Wiltshire		
Proposal	Erection of 4 workshops and formation of a lake		
Applicant	Mr And Mrs N Baker		
Town/Parish Council	West Ashton Bratton		
Electoral Division	Ethandune	Unitary Member:	Julie Swabey
Grid Ref	389225 154400		
Type of application	Full Plan		
Case Officer	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

Reason for the application being considered by Committee

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

- * Visual impact upon the surrounding area
- * Relationship to adjoining properties; and
- * Environmental/highway impact

1. Purpose of Report

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

Neighbourhood Responses

Two neighbour objections were received, under cover of several items of correspondence.

Parish/Town Council Response

(This application site falls within the boundaries of both the West Ashton and Bratton Parish Councils. The proposed lake lies within West Ashton boundaries whilst the workshops would be within Bratton Parish).

The Bratton Parish Council has no objection.

The West Ashton Parish Council objects to this application for the reasons laid out in the "Consultations" section of this report.

2. Report Summary

The main issues to consider are:

- the principle of the proposed development on this site;
- impacts on the historic environment;
- impacts on the natural environment;
- impact on the appearance of the countryside;

- potential impacts on neighbouring property; and
- highway safety.

3. Site Description

The application site is comprised of two portions of land at "Grange Farm" on the Trowbridge/Bratton Road, approximately 1.25 miles south east of West Ashton. The proposed workshops would be located on a roughly rectangular portion of land immediately to the south west of the road, forward of the existing farm complex on a position previously occupied by buildings.

The proposed lake and associated landscaping would be located on the opposite side of the road, in the eastern half of a field on land some 2.4ha in extent.

Access to the workshops would be via existing points, whilst a new access would be provided to the field accommodating the lake, some 300m from the farm building complex.

4. Relevant Planning History

None relevant to these proposals.

5. Proposal

Fishing Lake

The proposed lake would be of an irregular oblong shape of approximately 200m (west to east, parallel to the road) by 80m (north/south). The southern edge of the lake would be situated 30m to the north of the farm boundary with the Bratton Road. A 220m long landscaped bund would be constructed within the boundary, with parking for 28 vehicles to the north of that. The scheme would include "biodiversity enhancements" in accordance with consultations that were held with the County Ecologist. The access would be at the western extremity of the site.

Following queries raised by objectors the applicant has confirmed that the lake is exclusively for fishing and not for sailing purposes.

Workshops

The proposal on the portion of land to the south west of the road is for the change of use to allow for B1 uses, according to the application form. By definition such uses can be located adjacent to other properties without undue noise, nuisance and disturbance.

The building would be situated in an area previously occupied by a group of agricultural buildings which are understood to have been dilapidated and have largely been removed from site, although remnants and rubble remain. The new structure would accommodate four workshops within a building occupying a footprint of 31.7m x 6m, extended to the rear on its southern end by toilet facilities of 5m x 3.6m in extent. The building would have a staggered roof arrangement to accommodate the local topography, with an average ridge height of approximately 5.1m. It would be of utilitarian appearance served by four 3.7m high roller doors to the road-facing elevation. Materials would be brickwork to the front elevation and concrete block work to the rear, all under concrete roof tiles.

The building would be set back between 6m to 9m from the road, with an access to the south eastern side via an existing opening. An existing private roadway would provide access to the front of the building. Two concrete bollards would restrict access to the northern side of this private road in accordance with the advice of the highway officer following an objection to the initially submitted layout plan. A goods vehicle parking space and additional parking (seven spaces) would be provided to the south east of the building, again in accordance with highway officer/agent discussions with the agent.

In the light of neighbour and Parish objections, the precise nature of proposed use was raised with the agent, who has confirmed that the application is exclusively for B1 type uses. An MOT/servicing use that was originally considered is no longer proposed. This has been confirmed in writing.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration

C1 - Countryside Protection; C31a - Design; C32 - Landscaping; C35 - Light Pollution; C38 - Nuisance
E6 - Rural Employment; E7 - Farm diversification; T10 - Car Parking

National Planning Policy Framework

7. Consultations

Town/ Parish councils

Bratton Parish Council has no objection.

The West Ashton Parish Council initially raised no objection, but requested that that comment be withdrawn following receipt of comment from neighbours. In the light of subsequent consideration the Parish objects on the grounds that there is insufficient detail to confirm the overall viability of the project. More clarity required on the viability of the lake and whether or not proposals for maintenance are adequate. Without a plan of the current site it is not possible to assess how the workshops would fit into the present agricultural scene. Clarification is needed on the new road surface areas because of increased vehicular use on the site.

On the revised plans, the Parish reiterated these comments but added new concerns about potential pollution, as well as what appears to be a skip hire business that is developing. Potential development of a vehicle storage site or scrap yard are also of concern.

Highways

Original Plans:- The highway officer initially raised concerns with the accessibility of the workshop doors to delivery vehicles without driving directly onto Bratton Road. The highway view was that, given the position of the building, the southern access should be used solely for access to the car park, whilst both accesses to Bratton Road will need to be used to provide access to each unit for delivery vehicles. There were no objections to the access and parking arrangements for the lake.

Revised Plans:- Following negotiation between the agent and the highway officer a revised site layout was submitted in accordance with those discussions. The plans include restricting the northern access, as well as parking and turning area alterations. Highways now have no objection to the proposals. No objections are raised with regard to the lake either, but conditions are recommended.

County Ecologist

Notes that the applicant has incorporated pre-application suggestions into the plans, but the application is lacking some detail in respect of the nature of the proposed biodiversity enhancements. It is recommended that a condition is attached to any permission granted, requiring the submission of the planting scheme for the lake and surrounds, prior to the commencement of any construction work on site.

District Archaeologist

There are heritage assets that could be affected by these proposals, namely a medieval moated site and a surviving ridge and furrow in an associated medieval farming landscape. Following discussions the proposed lake was re-sited to its currently proposed position. Conditions are recommended with regard to archaeological monitoring.

Environmental Health

No response was received on initial or subsequent consultation.

English Heritage

The proposals would not have a significant impact on Dunge Moat and it would not be necessary for Scheduled Monument Consent to be obtained.

Environment Agency

No objection in principle but informatives recommended in respect of the need for an abstraction licence and for stocking of fish.

8. Publicity

The application was advertised by site notice, press notice and neighbour notification. Expiry date: 06.05.2011

Summary of points raised:

- Support facilities of the disabled at the lake need to be specified;
- there are questions of commercial viability (although this is not a planning issue);
- the water source needs to be verified;
- the proposed workshop buildings appear ill-suited to their purpose and would be an eyesore;
- potential for noise and light pollution;
- lack of clarity on waste generated by vehicle servicing/MOT use;
- employment levels likely to be greater than the four stated;
- how will opening hours be enforced;
- highway safety in relation to the lake access as well as the workshops;
- the case is complicated by a recent change of use which doesn't seem to have planning endorsement - in additional comment the objector notes that the parking area has been extended and a portacabin added in the recent past, apparently without consent; and
- no proper neighbour consultation by applicants;

9. Planning Considerations

The application comprises two distinct elements, being the lake and the workshops. It is considered that these should be addressed as separate entities.

Lake

[It has been confirmed by the agent that the proposal relates to a fishing lake only.

It is considered that this proposal would in principle conform with the general aims of the "Leisure and Recreation" Development Plan document adopted by the then West Wiltshire District Council to support opportunities to develop a variety of water-based recreation activities, as well as Farm Diversification Policy E7 of the West Wiltshire District Plan.

Development Plan Policy on Farm Diversification (E7) permits tourism (amongst other) diversification proposals where the primary use of the holding remains agricultural and the new use does not detract from the agricultural operation, where they maintain or enhance the countryside environment, where highways problems and flood risk are not created and where the use is compatible in scale and form with the surroundings, and with neighbouring uses.

In this case it is clear from statutory Consultee comments that the lake proposal, subject to appropriate conditions, is acceptable.

The lake would occupy, relative to the entire holding, a limited portion of the whole. The County Ecologist is satisfied that ecological enhancements can be achieved, subject to conditions. The Environment Agency raises no concerns. Highway officers are satisfied with proposed access and parking arrangements. A further consideration in this instance is the archaeological context, where potential issues were identified and have been addressed by the re-location of the lake.

It is not considered that the proposal would give rise to visual harm within the landscape, with the proposed landscaped 3m bund providing a screen to the parking area.

The neighbour comments are noted. There is no requirement in the farm diversification policy that viability of a proposed enterprise needs to be established. The lake, according to the supporting documentation, would be fed from an existing pond to the west of the proposed lake. This is spring-fed and is under the ownership of the applicants.

It is considered that the application for the lake is acceptable, subject to conditions as recommended by consultees. One condition recommended by the highway officer that would restrict the use exclusively to disabled users is however considered unreasonable and unenforceable without excessive use of resources. It is considered also that use by able-bodied persons would enhance the recreational benefits of the proposal. It is also considered reasonable to impose a condition restricting any importation of material onto the site to create landscape features, where that would have the potential to result in nuisance and highway safety issues.

Workshops

The National Planning Policy Framework supports the promotion of the rural economy through new enterprise and tourism ventures.

Policy E6 (Rural Employment) to the West Wiltshire District Plan, 1st Alteration 2004 states that: "*In rural areas, outside the Western Wiltshire Green Belt, proposals for the establishment or expansion of small scale employment enterprises in existing premises or on new sites will be permitted provided that:*

A They do not create significant highway or flood risk problems;

B The scale, design, siting, materials of any buildings, their use and type of operation maintain or enhance, and are compatible with, the rural character of the area and do not harm acknowledged nature conservation interests;

C The proposals are compatible with neighbouring land uses, are not detrimental to residential amenities and do not give rise to pollution issues such as excessive noise, smoke, fumes, effluent or vibration.

Criterion A: The issues that initially concerned the highways officer (i.e. access, parking and turning areas) have been resolved in the revised plans. Provided therefore that development takes place on the workshop site in accordance with those plans, no significant highway issues arise. The Environment Agency has raised no objections, and the workshop site lies wholly within Flood Zone I (the EA classification for areas with the lowest probability of flooding).

Criterion B: The proposed workshops would be located in an area that was occupied by agricultural structures, the final remnants of which remain on site (at the time of the last site visit, 19 July 2012). They would furthermore be set in a context where there is a backdrop of large agricultural structures in a complex of some 4000m² in size, extending to the west and south behind the proposed building to the south and west relative to the road. The fairly substantial farmhouse building, together with related outbuildings, lies to the north west. The County Archaeologist recommended consultation with English Heritage regarding the location of the workshops because of the nearby ancient moat. Initial concerns raised by English Heritage in relation to that nearby Ancient Monument have been addressed, and that body has revised its comments to the effect that no impact requiring separate Ancient Monument Consent would arise. Materials would be appropriate to the utilitarian use of the buildings and the surrounding setting of agricultural structures.

Criterion C: Where it has been confirmed (and can also be conditioned) that the workshops would be for B1-type uses only, there would be no in-principle objection to their presence. B1 uses including light industrial are deemed acceptable in situations where there is residential use in the proximity. The neighbour and Parish comments on potential noise nuisance are noted but it has been clarified that only B1 uses would be implemented. Provided that an appropriate condition is applied, it is considered that issues of potential nuisance would be addressed. It is also the case that the buildings would form part of a fairly large complex of agricultural buildings.

In view of the above, the workshop proposals are recommended for permission, subject to the imposition of conditions.

Other issues raised by Parish and neighbours:-

- Neighbour and Parish comments refer to apparent change of use that has occurred in other buildings on the site, as well as unauthorised works on the parking area and additional structures. The possible use change buildings appear to be outside of the red-line area to this application, but the comments have been referred for further investigation by relevant officers with a request to advise Parish on the outcome. The parking area would be regularised by this application;
- With regard to waste production by an MOT operation, that use would not be permitted under the proposed conditions. The B1 use permitted would by definition be compatible with any nearby residential development, and waste generation would need to comply with Environmental Health requirements in respect of any untoward nuisance; and
- external lighting is controllable by way of condition.

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: C1, C2 and C31a.

- 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 workshop buildings permitted in terms of this application shall be used solely for purposes within 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, other than a use within the same classes, having regard to the circumstances of the case.

West Wiltshire District Plan 1st Alteration 2004 : POLICY C1 & C38

- 4 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C32

- 5 No development shall commence 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, which shall include the roadside hedge alongside the Bratton Road within the site proposed for the lake, together with measures for their protection in the course of development;
 - (c) a planting scheme for the lake and surrounds to include details of all species, planting sizes and planting densities;
 - (d) site levels and contours, including the area surrounding the lake and the location of any bunding in relation to the existing roadside hedge, and finished floor levels to the workshop buildings in relation to ground levels;
 - (e) means of enclosure;
 - (f) car park layouts and details of the bollards to be placed at the northern end of the workshop access;
 - (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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C32

- 6 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first implementation of the development hereby permitted; 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.

POLICY: C31a and C32 West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C31a and C32

- 7 No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.

- 8 No materials for the construction of any landscaping features including new mounding or the proposed bund shall be imported to the site unless a Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include

details of implementation and monitoring and shall be implemented in accordance with these agreed details.

REASON: In the interests of local amenity, road safety and managing vehicular traffic to the development.

West Wiltshire District Plan 1st Alteration, 2004 : Policies C1, C31a and TO4, Transport Aims

- 9 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.

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

- 10 No part of the development hereby permitted shall be first brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

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

- 11 No development of the recreational lake site hereby permitted shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 120 metres to the west and 160 metres to the east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height 0.9m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

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

- 12 The recreational lake hereby permitted shall not be first brought into use until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

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

- 13 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

10/10/1/1 A received on 29 March 2011

10/10/1/2 (Revised) received on 25 May 2012

10/10/1/3 (Revised) received on 25 May 2012

Location Plan - Overall Farm Ownership received on 29 March 2011

10/10/1/5 received on 25 May 2012

10/10/1/6 received on 29 March 2011

10/10/1/7 received on 29 March 2011

10/10/1/8 received on 29 March 2011

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

Informative(s):

- 1 The applicant is advised to contact the Environment Agency with regard to licensing relation to fish stocking and water abstraction.
- 2 The work in relation to Condition 7 should be conducted by a professional recognised archaeological contractor and there will be a financial implication for the applicant.
- 3 The applicant is advised that the landscaping plan shall include the retention of the hedge to the Bratton Road boundary to the fishing lake site and, in the event that any portion of hedge requires re-alignment to accommodate vehicle access visibility splays, details of a programme for replacement.

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