

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	31 October 2012		
Application Number	N/12/01914/S73A		
Site Address	Land at Harrow Grove, Lyneham, Wiltshire SN15 4AB		
Proposal	Change of Use from Open Space to House Commercial Waste, Erect Fence & Gates (Retrospective)		
Applicant	Mr Curtis. Modern Housing Solutions		
Town/Parish Council	Lyneham and Bradenstoke		
Electoral Division	Lyneham	Unitary Member	Councillor Alison Bucknell
Grid Ref	402541 178843		
Type of application	Retrospective		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

Reason for the application being considered by Committee

The application was called to Committee to allow consideration of the visual impact on the surrounding area and relationship with adjoining properties.

1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions including a condition granting temporary consent for a 6 month period.

2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon highway safety
- Impact upon visual amenity and landscape character
- Impact upon neighbour amenity

The application has generated objections from Lyneham & Bradenstoke Parish Council; and 15 letters of objection from the public.

3. Site Description

The site of the retrospective application is located on informal public open space functioning as amenity land adjacent to existing residential properties forming a small estate within the town of Lyneham, well within the defined settlement framework boundary. The open space is of a substantive size providing usable informal amenity space for residents and is subject to some limited mature planting but is otherwise open and level in character. Directly adjacent the site is an area of off street car parking serving the adjacent residential properties. The open space is surrounded on all sides by the residential access road of Harrow Grove physically separating it from the adjacent properties.

4. Relevant Planning History

None directly relevant to this specific site.

5. The Proposal

The proposal is a retrospective application for the change of use of public open space to storage of commercial waste and for the erection of fencing and gates to create the storage compound. The waste material is stored in skips located within compound.

6. Planning Policy

North Wiltshire Local Plan: policies C3; CF2; CF3

Central Government Planning Policy: National Planning Policy Framework

7. Consultations

Amenity and Fleet

The Council's Amenity and Fleet Team have responsibility in respect of the management and maintenance of Public Open Space provision within the Wiltshire area. Officers identify that the application relates to 90m² of POS within a wider area of 2300m² for the purposes of the North Wiltshire open space survey this equates to local park. Assessed against standards adopted under policy CF3 there is no overprovision of POS in the locality. The POS is the only provision in the immediate locality and Officers have received numerous complaints regarding its loss and is therefore considered to be highly valued by the local community. Officers identify that adopted Local Plan policies CF2 and CF3 resist the loss of existing public open space that result in a deficiency in provision without suitable alternative replacement. Officers identify when assessed against adopted standards open space provision is inadequate and that the loss of the existing open space to the proposed use would worsen this position. Consequently the Amenity and Fleet Team object to the proposal. As an alternative to replacement provision should consent be granted based on other material considerations Officers require that financial provision be made for the enhancement of open spaces elsewhere in the vicinity.

Highways

Highways Officers raised no objections to the proposals.

Defence Infrastructure Organisation (MOD)

No safeguarding objections were raised.

Public Protection

Environmental Health Officers raised no objections to the proposals.

Lyneham & Bradenstoke Parish Council

Object to the development due to its harmful visual impact, noise, loss of open space and as a potential health hazard. Skips should be located away from residential areas.

8. Publicity

The application was advertised by site notice and neighbour consultation.

15 letters of objection received

Summary of key relevant points raised:

- Harmful visual impact
- Inappropriate use in a residential area
- Generates vehicular movements by large scale vehicles on residential use causing highway safety hazard and damage to the road surfaces
- Results in over spill rubbish storage

- Loss of Public Open Space
- Danger to the public and safety concerns
- Loss of value of residential properties

One letter was submitted to the Council's Enforcement Team confidentially raising objections to the scheme proposals. The objector requested that the comments be taken into account in the determination of the application whilst remaining confidential. It is not possible under national legislation and guidance to give weight to representations submitted in this way. Letters of objection or support must be public documents in order to allow a full and fair consideration of the proposals by all interested parties. Consequently no weight has been given to this letter or the comments contained therein.

9. Planning Considerations

Principle of Development

The adopted policies of the North Wiltshire Local Plan allow for the change of use of open space to other uses subject to a range of criteria, including replacement provision or that the loss of the space would not result in a deficiency of POS in that locality when assessed against adopted standards. Neither criteria are met in this instance and the proposal is therefore not acceptable. In addition the location of employment related storage facilities is directed to established employment locations under the terms of general development control policies such as C3 which seek to protect existing residential amenities and the visual character and amenity of a locality.

The facility is required to support the employment related activities in the locality currently accommodated within former residential properties close to the application site. There is no record of an application for or consents being issued for the change of use of these residential properties to B1 office/light industrial uses. It should be noted that the activities have been in operation for some time (albeit undefined) with skips stored and lorries parking on the residential parking space adjacent the open space and residential properties previously. The retrospective application relates to the creation of a compound on the open space immediately adjacent this parking area and was an attempt by the applicant / operator to try to address concerns regarding the activities in this locality.

It is also important to note that the National Planning Policy framework is supportive of employment related development and requires that Local Planning Authorities do not place unnecessary obstacles in the way of sustainable employment development. The NPPF also introduces a presumption in favour of sustainable development. In addition the NPPF requires that new development creates and contributes to high quality environments and public spaces through good design and securing development that functions well within the existing environment. In addition the need to support employment related development in the current economic climate is a material consideration and must in this context be given due weight. Whilst the NPPF is highly supportive of sustainable employment related development the requirement to secure high quality design and place shaping indicates that economic and employment requirements do not override the assessment normal material planning considerations.

Impact upon highway safety

Concerns have been raised about the impact of larger vehicles on the condition of the road surface. This is not a material planning consideration and would not provide a sound reason for refusal. Similarly concerns have been raised regarding speeding vehicles, again this is not a material planning consideration. As regards the traffic generated by the proposals and activities at the site and parking implications Highways Officers have raised no objections. On this basis whilst the traffic generated may be considered inappropriate in to the residential location and with negative impacts in respect of residential amenities, it must be acknowledged that these are public roads and that vehicles of this type can legally use such roadways. Highways Officers do not consider that the volume and nature of vehicular movements generated by the proposals are so harmful as to highway safety or so unsustainable as to warrant the refusal of permission. Similarly it is not considered that the vehicular movements are so disruptive and harmful to existing

residential amenities in terms of general disturbance, noise generation or other pollution as to warrant or justify the refusal of permission on these grounds.

Impact upon visual amenity and landscape character

The site character is described above and is very clearly a large centrally located open and flat public open space serving the neighbouring residential properties. Whilst there is limited mature tree planting within the space this is relatively sparse and provides no significant visual screening of the space. There are no other structures, fences, railings or planting on the space that would provide any visual screening of the erected compound. As a consequence the compound is very visually prominent. Without doubt the proposed storage compound is visually intrusive and wholly out of character with the otherwise open space itself and the neighbouring residential properties. The proposal makes use of basic materials including timber fencing and herras style metal wiremesh. From the front elevation the wiremesh fence treatment leaves the compound visually open with the stored materials/skips visually prominent. It is considered that the erected compound does have a harmful visual impact on the character and visual amenity of the open space itself and the locality.

Impact upon neighbour amenity

The compound is erected in close proximity to neighbouring residential properties and results in the loss of public open space serving those dwellings. The application incorporates very little detail as to the type of materials which are stored at the site simply referring to these as commercial waste. This is likely to include materials and contents from residential properties that are the subject of works of repair. In this context the removal emptying and filling of skips is considered to result in disturbance in terms of noise and general movement and activity. The type of employment activity can be found in close proximity to residential properties in other localities it is important to note that these are generally laid as employment estates adjacent to residential areas rather than converted residential properties with public open space and residential parking functioning as ancillary employment land. The employment use/activity is laid out in an opportunist and haphazard manner, rather than being the result of a planned fully designed development. It is considered that the use and activity is more appropriately suited to a purpose built employment area such as an industrial estate. The combination of the lost open space, the visual impact and harm to the character of the area, the disturbance caused by operation of the facility through noise and general movement and activity is harmful to the amenities of the residents of existing properties in the locality.

10. Conclusion

The change of use and erection of the storage compound results in a loss of public open space; is visually intrusive and out of character with the locality; and harmful to existing residential amenities through noise and general disturbance from movement and activity. The employment related use and activity is more appropriate to an employment area and the neighbouring site office does not appear to benefit from a formal grant of planning permission. The proposal is however a genuine attempt to regularise a more harmful situation that has been occurring for an unspecified period of time. The change of use and erection of the compound relates to an employment based activity and the recently adopted National Planning Policy Framework is very supportive of employment development reflecting the need to support development that contributes to enhancing and improving the economy. An outright refusal of planning permission would result in the need to pursue enforcement action with potentially negative impacts for the operation of the business. Whilst harm to interest of acknowledged importance is identified sufficient to warrant a refusal of planning permission this needs to be considered and weighed against the need to support economic development given the poor state of the economy. The level of harm caused is sufficient to warrant a refusal of consent particularly in respect of the visual impact and the loss of the public open space. However when considered against the need to support employment development and the economy the level of harm caused is not considered to be so significant and severe as to warrant an outright refusal and immediate action that could harm the business itself. As such it is considered that a grant of consent for a limited period to allow the applicant a limited period of time to find alternative premises and relocate the activities is considered to be a reasonable and

appropriate response to the situation. In this regard it is considered that a period of 6 months is adequate and would not result in significant additional harm to neighbouring residents.

11. Recommendation

Planning Permission be GRANTED FOR A TEMPORARY PERIOD OF SIX MONTHS for the following reason:

The change of use and erection of the fencing and gates to create the storage compound would result in a loss of open space contrary to policies CF2 and CF3 of the North Wiltshire Local Plan. The operation and use of the compound would result in harm to existing residential amenities through noise and general disturbance contrary to policy C3 of the adopted North Wiltshire Local Plan 2011. In addition the erection of the fencing and gates would be visually prominent and out of character with the locality and is visually harmful to the locality contrary to policy C3 of the Adopted North Wiltshire Local Plan. The proposed development is contrary to adopted Local Plan policies and inappropriate in this location. A permanent consent for the proposed development in this location is inappropriate and harmful. The grant of a temporary consent for a limited period to allow the relocation of the employment activity to an appropriate location is considered acceptable and appropriate in the context of the support for economic and employment development contained within the National Planning Policy Framework, in particular paragraphs 18 – 22 of the NPPF.

Subject to the following conditions:

1. The delivery and despatch of waste materials to and from the site shall be limited to the hours of 7am and 7pm on Mondays to Fridays Saturdays, and at no time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

POLICY-C3

2. The building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the land restored to its former condition on or before 6 months from the date of this permission (Decision Letter) in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of amenity, in order to secure the restoration of the land upon removal/extinguishment of a building/use for which permission can be justified only on the basis of a special temporary need.

POLICY – C3

3. 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 of the storage compound hereby approved for a temporary period of six months .

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

POLICY--C3

4. 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 above the maximum height of the erected fencing forming the storage compound hereby approved for a temporary period of six months.

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

POLICY-C3

5. 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: 1914/1; 1914/2; 1914/3 Dated: 24/8/12

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

INFORMATIVE

1. It is recommended that the applicant contacts the Council's Economy & Enterprise Team to discuss relocation options and potential site availability information.

