

REPORT TO THE NORTH AREA PLANNING COMMITTEE

Date of Meeting	4 th December 2013		
Application Number	N/13/01065/FUL		
Site Address	Sheldon Business Park, Sheldon Corner, Chippenham. SN14 0SQ		
Proposal	Erection of Commercial Building & Associated Landscaping (Resubmission of N/12/01321/FUL)		
Applicant	Sheldon Business Park		
Town/Parish Council	Chippenham Without		
Electoral Division	Kington	Unitary Member	Cllr Greenman
Grid Ref	388912 173650		
Type of application	FULL		
Case Officer	David Cox	01225716774	David.cox@wiltshire.gov.uk

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Greenman to discuss the car parking of the site.

1. Purpose of report

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

2. Report summary

The main issues in considering the application are:
Principle of Development.

- Planning history of the site.
- Impact on visual amenity.
- Car Parking and Highway Safety.
- Impact on neighbouring amenity

3. Site Description

Sheldon Business Park is a small business park which was originally converted from a group of agricultural buildings (units 1-13). The recently built unit 14 is located immediately to the west and remains as a limited extension of the business park

4. Relevant Planning History

Application Number	Proposal	Decision
98/02417/FUL	Change of Use of agricultural buildings to general and light industrial. (B1 and B2 classes)	Appeal allowed
00/02247/FUL	Variation of condition 11 attached to 98.02417.FUL to allow B1 use in units 2, 3 &4	Permission

02/00209/FUL	Alterations and conversion to offices (within Class B1 use)	Permission
12/00556/S73A	Variation of condition 10 of permission 10/02173/FUL erection of commercial premises	Permission
12/01321/FUL	Erection of commercial building and associated landscaping	Dismissed at Appeal
13/03482/FUL	Change of Use of Units 2, 3 & 4 from B1 to B8; Units 5 & 7 from B2 to B8 & Unit 14 from B1 to B8.	

5. Proposal

The proposal is to erect a new B2 building with associated landscaping to the south to complete the hedgerow on the southern boundary. B2 is classified as General Industry which generally involves the manufacture of goods. In this instance the proposed occupier is a company called Vertdegre Ltd who make green fuel products e.g. boilers. They already have a presence on the site and wish to expand their production.

6. Planning Policy

North Wiltshire Local Plan: C3, BD5 and NE15.
Wiltshire Local Transport Plan – Car Parking Strategy.
National Planning Policy Framework sections 3 and 7

7. Consultations

Chippenham Without Parish Council – Objection

- An over development of the site.
- Poor Highway Access and unsuitable for current heavy lorry use.
- Detrimental impact on the visual aspects of a rural area.
- The site is already overcrowded with buildings and cars
- Current activities already breach planning conditions by early morning and late evening lorry use.
- Increased noise pollution.

Highway Officer – Following the receipt of the revised plans from the onsite meeting and negotiations, there is no objection to the proposal

8. Publicity

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

1 letter of objection received.

- The site is already over developed.
- The nature of the construction and function of the site is not in keeping with the rural aspect of the area.
- There should be a limit to the development of parking, storage and industrial facilities on the site.
- The Highways Aspect needs to be re-considered.
- Restrictions on working hours are often ignored causing early morning and late night disturbance.
- The Local Plan aims to direct storage and light manufacturing development to designated areas, the piecemeal development of the site negates this policy.

9. Planning Considerations

Principle of Development:

Policy BD5 of the Local Plan and the National Planning Policy Framework aim to promote sustainable development, especially if it creates jobs.

Policy BD5 of the Local Plan encourages proposals for business uses (B1, B2 and B8) in the countryside. However, development of new buildings must be limited and should be well related to an existing group of buildings and is in keeping with its surroundings. Consideration must also be given to the impact on the road network.

In the recently determined appeal (12/01321/FUL) the Inspectorate concluded that Policy BD5 had been satisfied as the proposed building was well related to existing buildings. This proposal is for the same building, with the same use and in the same location. Therefore subject to the impact on the landscape, parking and highway safety (to follow in this report) the application has national and local planning policy support.

Planning History of the Site:

The business park has an extensive planning history but the most relevant is the recently approved 13/03482/FUL and refused N/12/01321/FUL applications.

The business park was originally converted from agricultural use to industrial use of B1 and B2 buildings. These uses would have included manufacturing and light industry for example.

However, during the course of this application it was ascertained that a number of the buildings were not being used for B1 and B2 purposes contrary to conditions set out in previous permissions. This led to the submission of the 13/03482/FUL application to regularise the uses of units 2, 3, 4, 5, 7 and 14 to B8 (storage and distribution). This has been the primary cause of the delay in the determination of this application to wait for this application to be submitted and approved. Units 1 and 8-13 remain in B1 use and unit 6 remains in B2.

In the N/12/01321/FUL application the proposal included extending the footprint of the business park into the adjacent field to create more car parking to meet the required provision. The application was refused and the Planning Inspectorate dismissed the appeal stating that the extension of the car parking into the adjacent field would adversely affect the character and quality of the surrounding landscape and would weaken the Council's ability to restrict any further future expansion. This situation has now of course changed following the regularisation of the 13/03482/FUL application which has reduced the required parking levels.

Impact on the visual amenity of the area:

In the N/12/01321/FUL application the Inspectorate commented that the design of the proposed building (which is in the same location) is acceptable. It was only the breaking of the historic boundary of the site that caused harm. Additional hedge planting is proposed which will help further enforce the existing southern boundary of the Business Park as it is currently open and exposed. Therefore no harm would be caused to the visual amenity or landscape character of the area and should be enhanced through the additional planting.

A further benefit from this planting is that it will firmly establish the southern boundary of the site which would further discourage any expansion of the site in future.

Car Parking and Highway Safety:

With 13/03482/FUL being approved, this has reduced the maximum car required parking requirement as required by the Wiltshire Transport Plan. With the established uses now on site there is a need for 63 spaces on site. With the proposed development this rises to 69 spaces. The

application site can provide 77 spaces which is an over provision of spaces. With this reduction the Council has agreed with the applicant to remove some of the spaces that were impractical e.g. ones near lorry turning areas. Highways are happy with the revised arrangement of uses and offer no objection.

The applicants have also submitted a Site Management Strategy Document which allocates shared areas for bin storage, commercial vehicle parking, delineated parking spaces and good practice which can be conditioned. A further necessary condition is that before the new building is occupied all of the allocated parking spaces as set out in plan LDC.1620.A.002C will be fully painted and laid out with an accompanied site visit.

In regards to the use of the existing road network by lorries the Inspectorate also commented that "any increase (in traffic) would be minor in relation to existing uses. Any such effects would not warrant the refusal of the application." There is no planning reason not to conclude that the increase in traffic would not be so significant in which to refuse this application.

Impact on neighbouring amenity:

When the Business Park was first granted at appeal the whole of the site was given over to B1 and B2 uses which by their very use class, are prone to create noise, fumes and dust. B8 uses are far more passive in that there is little harm from storing materials. The 13/03482/FUL application regularised a number of the units from B1 and B2 to B8 and was considered to be an improvement over the previous permitted uses as the overall level of disturbance should be lower.

This application is for another B2 use, but the overall level of B2 use would still be significantly below the previous B2 footprint that was originally allowed by the appeal in 1998. It is considered that this additional B2 use, in addition to the existing mix of B1, B2 and B8 buildings would not cause any tangible increase in harm to neighbouring amenity.

Although the use should not cause any adverse harm to neighbouring amenity, the new unit shall be restricted to the same time restrictions and noise levels as imposed by the Inspectorates decision in 98/02417/FUL

10. Conclusion

The proposed development would comply with Sustainable Development principles and would create further rural employment. The proposal would be contained within the existing boundary of the business park and would not harm the landscape character of the area or harm highway safety through the lack of adequate parking provision. The proposal would also not result in the loss of neighbouring residential amenity.

The proposal therefore accords with Policies C3, BD5 and NE15 of the adopted North Wiltshire Local Plan 2011 and Sections 3 and 7 of the National Planning Policy Framework.

11. Recommendation

Planning Permission be GRANTED 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. The new commercial building shall not be brought into use until all of the car parking spaces as identified on plan LDC.1620.A.002C have been painted and laid out across the site. The applicant shall write to the Local Planning Authority to arrange a site meeting to demonstrate that the parking spaces have been provided in accordance with the plan in order to discharge the condition.

REASON: In the interests of Highway Safety.

3. The Business Park shall operate under the submitted Site Management Strategy Document at all times unless authorised by the Local Planning Authority.

REASON: In the interests of Highways Safety.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the adjacent building (Unit 14).

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

5. 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

6. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor any time on Sundays or Bank Holidays except in an emergency:

0800 to 1800 Mondays to Saturdays inclusive.

REASON: In the interests of neighbouring amenity

7. The level of noise emitted from the site shall not exceed 45 dBA_{Leq} 1hr at any time, as measured by the boundaries of the site.

REASON: In the interests of neighbouring amenity

8. The unit permitted shall only be used for Class B2 Business Use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no change of use shall take place without the prior grant of express planning permission.

REASON: In the interest of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of amenity

10. There shall be no external storage for the new building as this would interfere with the designated parking areas and bin storage as set out in the Site Management Document.

REASON: In the interests of visual amenity and highway safety

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - Received 4 April 2013

Proposed Building Plan - Received 4 April 2013

Topographical Survey - Received 4 April 2013

Revised Site Plan 002D - Received 19 November 2013

Site Management Strategy Document - Received 8 October 2013

REASON: For the avoidance of doubt and in the interests of proper planning

