

REPORT TO THE DEVELOPMENT CONTROL COMMITTEE Report No.

Date of Meeting	24th September 2008
Application Number	08/01106/FUL
Site Address	Land at The Linleys, Corsham, Wilts. SN13 3PG
Proposal	Construction of Car and Lorry Park on Agricultural Land and Creation of New Vehicular Access onto Monks Lane
Applicant	Mr G H Martin
Town/Parish Council	Corsham
Grid Ref	387935 168861
Type of applications	Full Application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because more than 5 letters of objection have been received

Summary of Report

Proposal comprises two elements : (i) the creation of an extended lorry park and turning area to serve existing haulage depot; (ii) the creation of a new vehicular access from Monks Lane to a serve two existing dwellings known as "Orchard Leigh" and No.10 The Linleys.

This report is prepared to allow Members of DC Committee to consider the proposal in the context of planning policy and guidance. The key points to consider are as follows:

- Implications of Policies C3, HE4 and NE15 of the adopted North Wiltshire Local Plan 2011
- Reorganisation of parking and highway safety
- Visual appearance of new lorry park/turning area
- Visual appearance of new residential access
- Other matters

Officer Recommendations

Planning Permission be GRANTED subject to the following conditions:

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Proposal and Site Description

Existing vehicle haulage business located in rural area, and gaining access to narrow B3353 The Linleys. Three residential properties (No.10, "Orchard Leigh" and "The Paddocks") immediately to the east are connected to the business, apparently either through ownership and/or actual use by the business.

The B3353 Gastard road passes immediately in front of the access to the haulage yard and "The Paddocks", and also provides for separate access from "Orchard Leigh" and No.10. A separate new access is to be created from Monks Lane to the West of the haulage yard, although it is clear that this is not to be used for any commercial purpose, purely serving No.10 The Linleys and "Orchard Leigh".

No.10 is a Grade II listed building, as is Monks Farm house to the South, which is separated from the application site by some 90m+ across an open agricultural field.

Relevant Planning History		
Application number	Proposal	Decision
04/02702/FUL	Vehicle access	Approved 05/11/04

Consultations

Corsham Town Council - Resolved that permission be granted on the understanding that the new access is not used by HGVs and that a 3.5 ton weight limit be placed on the access.

Wiltshire County Council Highways - No objection subject to conditions. "Allowing a new access at this location should not lead to any significant effect on the adjacent highway (Monks Lane) and will offer a greatly improved means of access for No.10 from the existing. The proposed parking area will also allow for better turning facilities for lorries and staff vehicles."

Environment Agency – No objections subject to conditions.

Environmental Health Officer – No objections

Representations

Seventeen (17) letters of objection received. Main relevant planning issues raised:

- Proposal will result in more vehicles, noise and disturbance to adjoining residents
- The Linleys is dangerous road – any additional traffic would be create a highway safety hazard
- No pavement through this narrow section of B3353
- The present access and parking facilities are adequate
- Lorries and commercial traffic should not be allowed to access the site from Monks Lane
- Vehicles would need to cross pavement at Monks Lane
- Visual impact of creation additional hardstanding area in open field
- "The Paddocks" is not under the ownership of the applicant.

Planning Considerations

Reorganisation of parking and highway safety

It is evident that the haulage business is constrained in terms of access and parking/turning area available. It has been requested that the area available to park lorries be extended to improve the organisation of the business. Subject to various criteria, Policy BD5 of the adopted North Wiltshire Local Plan 2011 does allow for the principle of limited extensions to existing business premises to be considered.

The application has been revised to substantially reduce the amount of suggested land-take necessary for an enlarged lorry parking and turning area. Approximating 30m x 50m, the proposed additional area would effectively round-off the eastern end of the existing business site, and provide enough room for parking and turning. It has been suggested that the business will not expand as a result of the proposal, but it is considered to be relevant and reasonable to impose a condition that would place an upper limit upon numbers of lorries on site at any one time. External lighting on the application site should also be controlled in the interests of residential amenity.

Much local concerns has been expressed about the possible use of the new access from Monks Lane being used for commercial purposes. Although it is understood that some of the residential properties adjoining the haulage yard are currently used for commercial purposes, it has been confirmed that the new vehicular access to be created onto Monks Lane is purely intended as a means to improve residential access to No.10 The Linleys and "Orchard Leigh" and residential properties. No commercial access is proposed from Monks Lane. In the event of a resolution to grant planning permission it is recommended that a suitably worded planning condition be imposed to prohibit commercial use. The existing vehicular accesses direct from the B3353 can be closed for these two properties, thereby significantly improving highway safety. There is no proposal to close the existing access to "The Paddocks" from the B3353.

Although the concerns of local residents in respect of numbers of vehicles accessing the site and Monks Lane, it is clear that the business is not expected to grow as a result of the proposal and in any event, future numbers of vehicles can be accurately limited in the future. It is therefore considered that there is no justifiable reason to diverge from the recommendations of Wiltshire County Council as the authority responsible for highway safety.

Visual impact of lorry park/turning area

The proposed lorry parking area would extend out into an open agricultural field, a concern that has also been raised by the Conservation Officer in respect of the setting of the nearest listed buildings at No.10 and Monks Park farmhouse. However, not only has the extent of the site now been reduced, but open views from Monks Lane or from the East are actually quite limited due to its positioning behind the existing mature hedgeline. For the same reason, the proposal would not have an appreciable effect upon the setting of any listed building. Additional planting is proposed to define the rear extent of the site and to provide further screening. In view of the reduced visual impact and rationalised land-take, the proposal is considered to comprise a limited expansion of an existing business, as required by Policy BD5, HE4 and NE15 of the adopted NWLP 2011.

The proposed residential access from Monks Lane is perhaps more open to public view, particularly between the interspersed hedge planting when approaching from the South along Monks Lane. It is therefore considered necessary to ensure a new natural stone wall be constructed along the length of the new access road, so as to replicate the appearance and extent of the existing that currently defines the boundary between field and residential curtilages. The existing stone wall should remain in current position, with the access road routing between. When combined with the limited 2.5m width of the road together with supplemental planting, the new wall is considered sufficient to ensure a neutral effect upon the landscape. The Conservation Officer has not raised concerns about the effect of the new access upon the setting of No.10.

Ownership

It has been suggested that one or more of the three residential properties associated with the haulage business is not under the control of the applicant, despite the submitted plans demonstrating the blue line indicating "control" being drawn around all three. This matter has been raised with the applicants agent, although revised plans do not alter the suggested position. It is therefore assumed that this matter is a private dispute between the third-part owner of the dwelling(s) and HG Martin & Son as the applicant, of which the third-party is assumed to be a director/part-owner. This is not a planning matter.

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 Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the approved plans subject to such minor amendments to the development as may be approved in writing under this condition by the local planning authority.

Reason: To ensure that the development is implemented in accordance with this decision in the interests of public amenity, but also to allow for the approval of minor variations which do not materially affect the permission.

3. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever appropriate the retention of existing trees, have been submitted to, and approved in writing by, the local planning authority.

The approved landscaping scheme shall be implemented within one year of either the first occupation or use of the development, whether in whole or in part, or its substantial completion, whichever is the sooner, and shall be maintained thereafter for a period of not less than five years. The maintenance shall include the replacement of any tree or shrub which is removed, destroyed or dies by a tree or shrub of the same size and species as that which it replaces, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity.

4. Prior to the commencement of development a sample panel of external stonework to be used for the new wall surrounding the new residential access road, shall have been erected on site and agreed in writing by the Local planning Authority. Such stonework shall match the natural stone used for the existing boundary walls and shall be constructed to the same height and making use of the same dry-stone wall technique as the existing boundary wall. Development shall be carried out in accordance with the agreed sample panel before the access is first used.

Reason: In order to respect the character and appearance of the locality.

5. The new access from Monks Lane shall be used for the sole purpose of gaining access to No.10 The Linleys and "Orchard Leigh" as private residential properties. At no time shall the access be used for any commercial purpose, including the parking of employee cars in connection with the adjoining haulage yard, whatsoever.

Reason: For the avoidance of doubt and highways safety

6. Prior to the first use of the new access onto Monks Lane, any vehicular accesses to No.10 The

Linleys and "Orchard Leigh" from the B3353 shall have been permanently stopped up and closed, in accordance with a scheme that shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: For the avoidance of doubt and highway safety

7. Prior to the commencement of development constructional and material detail of the surfacing of all new accesses, parking and turning areas approved as part of this planning permission, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details approved.

Reason: In the interests of visual amenity and to secure adequate method of surface water.

8. Prior to the commencement details of a scheme for the disposal of surface water from the parking and turning area as well as new access road, shall have been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include proposals for the provision and location of an oil interceptor of suitable capacity, together with timing for its installation. Development shall be carried out in complete accordance with those details so approved.

Reason: To prevent pollution of the water environment.

9. At no time shall the total number of heavy good vehicles within the depot, including the new lorry parking and turning area hereby approved, exceed 25.

Reason: For the avoidance of doubt and in the interests of residential amenity and highway safety.

Informatives

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Plan References

Site plan 3058/100 and Cross-sections3058/101 (Both dated 28/07/08)

Reason for Decision

The proposal is considered to comply with the provisions of Policies C3, HE4 and NE15 of the adopted North Wiltshire Local Plan 2011.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.20; 2.02; 4.04; 5.01