

**22/00727/FUL
NON MAJOR**

Mr Robert Saunders

**KINVER
Cllr G Sisley
Cllr L Hingley
Cllr H Williams**

Saunders Brothers Salvage Prestwood Drive Stourton Staffordshire DY7 5QT

Retrospective application for the siting of 31 containers for self-storage

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 This application relates to Saunders Brothers Salvage, which is a 1.4 hectare property on the southern side of Prestwood Drive just to the west of the Stourbridge Canal. There are two fixed buildings on the property near to Prestwood Drive, as well as an electrical pylon at the northeast corner of the property. The rest of the land is occupied by salvaged vehicles, access paths and storage containers. The property is surrounded on all sides by mature trees.

1.1.2 The area within the property that is currently being utilised as a self-storage yard is on the eastern property boundary, adjacent to the Canal. There are 31 storage containers with an adjacent hardstanding area and kerb (5.3m by 5.3m which widens to 10m by 11.5m at the southern end), presumably to provide vehicle parking and loading/unloading area for the users of the storage containers.

1.1.3 The eastern portion of the property is to be within the Stourbridge Canal Conservation Area. To the south of the property is a Biodiversity Alert Site, identified locally as having nature conservation value and the potential to be of 'substantive nature conservation value' through appropriate management.

1.2 Planning history

2019 Certificate of lawfulness for an existing use of land for the storage of complete vehicles, Refused [19/00595/LUE] - pertains to strip of land just to the west of subject property

2002 Removal of existing buildings and erection of office, vehicle decontamination plant, open store and secure store/garage, Approved [02/00478/FUL]

1995 Perimeter Fence, Approved [95/00573]

1992 Use of Land for Open Storage of Vehicles, Approved [92/00488]

1991 Established Use Certificate for Motor Vehicle Salvage Dismantling Storage, Approved [91/00956]

1990 Temporary Use as Storage Yard for Overhead Line Construction Materials and Temporary Offices, Approved [90/00204]

2. APPLICATION DETAILS

2.1 Pre-application advice

None

2.2 The Proposal

2.2.1 This application follows enforcement proceedings and is therefore retrospective for the siting of 31 self-storage containers and the associated hardstanding/kerb. The application identifies the use of the storage containers as B8, storage and distribution.

2.2.2 The containers are blue in colour and each measure 2.44m wide x 6.06m long x 2.59m high.

2.2.3 According to the supporting statement (received 28/10/22), the storage use is open from 08:00 to 17:00 Monday to Friday and 08:00 to 16:00 Saturday. When a site visit was undertaken to the property in early August 2022, the signage for Stourton Storage stated "Open 7 Days" with no specified hours. The business website simply states "Open Monday-Saturday".

2.3 Amended plans

2.3.1 The full extent of the proposed development was indicated on the Proposed Block Plan (received 25/7/22).

2.4 Agent's submission

2.4.1 The agent did provide a Planning Statement (received 25/7/22).

2.4.2 Upon being informed that the application was due for refusal due to Green Belt Policy, as well as outstanding concerns from the Canal & River Trust as well as the County Flood Risk Management, the agent provided the following documents (all received 28/10/22):

- Flood Risk Assessment
- Highways & Transport Technical Note
- Landscape & Visual Impact Statement.

3. POLICY CONTEXT

3.1 Within the West Midlands Green Belt.

3.2 Adopted Core Strategy

National Policy 1: The Presumption in Favour of Sustainable Development

Core Policy 1: The Spatial Strategy for South Staffordshire

Policy GB1: Development in Green Belt

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

Policy EQ4: Protecting and Enhancing the Character and Appearance of the Landscape

Core Policy 3: Sustainable Development and Climate Change

Core Policy 7: Employment and Economic Development

Core Policy 9: Rural Diversification

Policy EV5: Rural Employment

Policy EQ11: Wider Design Considerations
Core Policy 11: Sustainable Transport
Policy EV12: Parking Provision
Appendix 5: Car parking standards

3.3 Adopted local guidance (Supplementary Planning Documents (SPDs))
South Staffordshire Design Guide SPD [2018]
Sustainable Development SPD [2018]
Green Belt and Open Countryside SPD [2014]

3.4 National Planning Policy Framework [2021]
12. Achieving well-designed places
13. Protecting Green Belt land
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

4. CONSULTATION RESPONSES

Comments Received:

Councillor Hingley (received 4/8/22) I visited the scrap yard yesterday afternoon and spoke to Mr Saunders and his son about the storage containers. After the explanation I have no objection to them being there. They pose no problem to the public, they are not unsightly and are giving a most necessary service to the people in Kinver and surrounding area.

Kinver Parish Council (Received 11/8/2022): We have the following concerns that should be addressed before the application is considered:-

- Concern over the content of the containers due to the closeness of the canal and the pylons that are over the containers
- Amount of increased vehicle access along an up-adopted gravel track
- Access times need to be confirmed for the site
- The containers need to have a maximum life of 5 years and be renewed after that time (say every 5 years) so they do not become a permanent structure.

County Highways (received 11/8/22) This development is already in operation and does not cause concerns with highway safety

County Council Flood Risk Management (reconsultation response received 15/11/22)
We have reviewed the submitted information and there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed. We would therefore recommend that planning permission is not granted until this has been resolved.
The outstanding issues are as follows:

1. Drainage Method

How will the areas where the storage containers be drained? Provide evidence of infiltration testing in accordance with BRE digest 365. Provide a detailed drainage plan of the proposed surface water system including cover levels, invert levels, gradients, pipe sizes, SuDS details etc. What is meant by semi-permeable granular material?

2. Hydraulic Calculations

Please provide background calculations (MicroDrainage or similar) to demonstrate the performance of the surface water drainage system for a range of return periods and storm

durations. To include as a minimum the 1:1, 1:30, 1:100 and 1:100+CC return periods.

3. Water quality

Please provide supporting information to demonstrate that sufficient water quality measures have been incorporated into the design for all sources of runoff. This should be in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. We would encourage any strategy that delivered wider benefits such as amenity and biodiversity.

4. Management & Maintenance

Please provide a management and maintenance plan for proposed surface water drainage to ensure that surface water drainage systems will be maintained and managed for the lifetime of the development. This should include a schedule of activities. Provide name, contact details and address of the party/-ies responsible for the maintenance.

5. Exceedance

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Provide further detail of exceedance flow routes for example, how does the overland surface water where the proposed containers are situated flow, which direction does the overland surface water by the site access flow?

Environmental Health (received 12/8/22) I have no adverse comment to this application

Canal and River Trust (reconsultation response received 17/11/22) In our previous response we expressed concerns relating to vehicle loadings on Newton Bridge, if access to the site is from the south, off the A458, Bridgnorth Road. The Highways & Transport Technical Note now provided clarifies that this will not be the case, as access to Bridgnorth Road is not possible due to the presence of a gate impeding access close to the site access. Therefore, access is via the A449 Wolverhampton Road to the west. So long as site access routing continues to be via the A449, our concerns relating to impacts on the structural integrity of the bridge and canal will be addressed.

We also note that the surface water drainage layout now provided confirms that excess overland flows are directed away from the canal and collected by an existing channel drain, before passing through an oil separator and discharge to existing soakaway pit some distance from the canal. This addresses any concerns we may have relating to surface run-off discharging into the canal and any impacts of run-off on the canal cutting slope.

No comments from Inland Waterways Association (expired 19/8/22)

No comments from National Grid (expired 19/8/22)

No comments from neighbours (expired 19/8/2022)

Express & Star public notice expired 23/8/22, site notice expired 25/8/22.

5. APPRAISAL

5.1 The application has been called to Planning Committee by Councillor Hingley as “We support the Saunders Brothers in their endeavour to diversify their business to keep going. They have done everything that the officer has told them to do. They have planted a second hedge and put a fence up so that the containers cannot be seen from the Canal Tow Path.”

5.1.1 For clarification, contrary to the content of the call-in form, the Planning Officer did not request that the applicant plant a second hedge or put a fence up so that the containers would not be visible from the Canal Tow Path. As noted in an email from the case officer to the applicant dated 8/9/22: “You may proceed with the matters that John Jowitt (planning agent) is pursuing (the flood risk assessment and the information the Canal & River Trust has requested), but the application will still be recommended for refusal by the Local Planning Authority. Regarding the screening that you emailed me about, I cannot tell you to purchase that. As you said, it is costly and if the application is refused at Committee or the Planning Inspectorate, the storage containers will have to be removed.”

5.2 The key issues in the determination of this proposal are as follows:

- Principle of the development;
- Whether or not the proposal constitutes inappropriate development;
- Very special circumstances;
- Impact on the openness of the Green Belt;
- Impact on character of the Conservation Area;
- Impact on neighbouring amenity;
- Highways/parking

5.3 Principle of the Development

5.3.1 Section 13 of the NPPF along with the Council's Green Belt policies are key considerations in the determination of this application. National planning policy attaches great importance to the protection of Green Belts. The essential characteristics of the Green Belts are their openness and their permanence.

5.4 Whether or not the proposal constitutes inappropriate development

5.4.1 The site is located within the Green Belt. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that planning authorities should ensure that substantial weight is given to any harm to the Green Belt and 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.4.2 Paragraphs 149 and 150 of the NPPF set out forms of development that are not inappropriate in the Green Belt. Under paragraph 150, certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, and under part (e), this includes material changes in the use of land. However, the provision of hardstanding and 31 storage containers has substantially reduced the openness of the Green Belt in this instance and furthermore the development undertaken directly conflicts with one of the Green Belt's main purposes as set out under paragraph 138 (a) of the NPPF, which is to assist in safeguarding the Green Belt from encroachment.

5.4.3 The proposed development would therefore constitute inappropriate development in the Green Belt, contrary to Section 13 of the NPPF and Policy GB1 of the adopted Core Strategy.

5.5 Very Special Circumstances

5.5.1 Paragraph 148 of the NPPF states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.5.2 The proposal would be inappropriate development in the Green Belt and would result in substantial harm to the openness of the Green Belt. The proposal would also be harmful to the visual amenities of the area. These factors weigh heavily against the proposal.

5.5.3 The applicant has not set out any very special circumstances for the proposed development however the following supporting statements have been submitted:

(i) The site is clearly previously developed land in continuing use. The land in question was previously covered by scrap vehicles without control on where they could be stored, or to what height. The containers are positioned at the edge of the site adjacent an existing mature tree boundary and so will not have a greater impact on the openness of the Green Belt than the existing development. The proposal therefore constitutes appropriate development in the Green Belt.

(ii) The storage container units are in keeping with the industrial character of the Conservation Area and help improve the setting of the Conservation Area compared to the scrap car business previously on the site. The new business helps form a buffer between the Canal Conservation Area and the scrap car business, thereby enhancing the setting of the Conservation Area. Accordingly, the appearance of the site is in keeping with the character of the Conservation Area, and improves its setting.

(iii) The amount of traffic visiting the site as a result of the self storage business is very small, and results in no material impact upon the operating, safety or environment of the local highway network. Para 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This will clearly not be the case with respect to this proposal.

(iv) The proposal has no detrimental effect on trees or wildlife compared to the previous vehicle storage and dismantling use of this part of the site.

5.5.4 The first two arguments presented by the agent will now be considered in turn:

(i) Paragraph 84a) of the NPPF (formally paragraph 83a) is noted however this requires the expansion of rural businesses through conversion of existing buildings and well-designed new buildings and this application proposes neither. Furthermore, whilst the Council is supportive of rural businesses comprising small-scale employment development in line with Core Policies 7 and 9; this site lies within the Green Belt where there are national and local policies that seek to protect the Green Belt from further encroachment.

(ii) I am uncertain as to the agent's reference of "the industrial character of the Conservation Area" but I am left to believe that they are referencing the industrial history of canals throughout Great Britain. However, according to the Stourbridge Canal Conservation Area establishing document, "Designation of a Conservation Area draws public attention to its architectural and historic interest and emphasises the need for any new development either within or adjoining the area to be sympathetic to its character." The Canal adjacent to Saunders Brothers Salvage does not currently hold an industrial purpose, but rather provides recreational opportunities for narrow boaters, walkers and equine enthusiasts. Whilst it is the agent's contention that the storage container units improve the setting of the Conservation Area compared to the scrap car business previously on the site, it is my opinion that neither use is sympathetic to the character of the Canal. The existing scrap yard has remained on the property due to a Certificate of Lawfulness issued in the 1990s; it is the

LPA's opinion that a different use should not be authorised because it has "less of an impact" on the Canal Conservation Area than the existing use.

5.5.5 The following points have not been addressed by the agent or applicant, but remain as concerns by the LPA:

(i) Spatial Strategy: Core Policy 1 of the Core Strategy states that growth throughout the District will be located within the most accessible and sustainable locations in line with the Settlement Hierarchy contained within the Policy. Although it is recognised that some land will be released in some locations this is confined to Main and Local Service villages and not the countryside. In this case, whilst the application site is located within an existing rural business, the proposed storage containers use would fall to be considered against Green Belt policy and would represent harmful encroachment of a commercial use outside the recognised Main Centres and Service Villages into the Green Belt to the detriment of the Green Belt. As such, it does not represent appropriate sustainable development that accords with Core Policy 1 of the Spatial Strategy.

(ii) The provision of landscaping to soften the visual impact of the development, which has not specifically been offered by the agent or applicant, would not overcome the principal conflict with Green Belt policy. The applicant did once offer coloured netting between the storage containers and the Canal that would reportedly soften the appearance of the development. According to the Committee call-in form, the applicant has since put in a boundary fence and planted a hedgerow to obscure the view of the containers from the Canal Tow Path (which was not at the request of the LPA). However, the provision of boundary screening as mitigation in my view carries little weight in the planning balance.

(iii) The proposal does not comprise the conversion or reuse of an appropriately located and suitably constructed existing rural building, and no appropriate business case has been provided to demonstrate that the proposal will support the local economy. I did note to the agent that no business case has been provided in August 2022, which has still not been addressed. It was noted within the Highways & Transport Technical Note that vehicle trips to the property are in line with industry standards for storage facilities, but this does not address if there is a community need for self-storage. The proposal is not therefore considered compliant with Policy EV5 of the Core Strategy.

(iv) Paragraph 137 of the NPPF advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects. The agent has persistently noted throughout the application process that the shipping containers represent a less intense use and visual presence than the vehicle dismantling process that previously occupied the eastern portion of the property. Whilst I can agree that at times vehicle dismantling may require large equipment that is more imposing than the shipping containers, I do not find that this justifies allowing a different use on this portion of the property. After completing a site visit, the tops of the shipping containers were clearly visible from the walking path along the adjacent Canal. Since that time, the applicant has apparently installed a boundary fence and planted a hedge row to obscure the view of the containers from the Canal Tow Path (which was not at the request of the LPA). However, it remains my opinion that the characteristics of the surrounding countryside and Green Belt have been impacted by the physical presence of the shipping containers which has resulted in a loss of spatial and visual openness of the Green Belt.

(v) This application has not requested a temporary consent and therefore the storage containers and their resulting impact on the Green Belt and its openness would be permanent.

(vi) The absence of any parking or highway-related issues carries little weight in justifying inappropriate development in the Green Belt. Whilst the agent has provided a statement noting an absence of flood risk/drainage issues, the County Flood Risk Team has responded

with five outstanding concerns that are provided above in Section 4 which remain unaddressed?

5.5.6 It is therefore considered that the above reasons when added together would not amount to the very special circumstances required to clearly outweigh the harm that has been caused to the Green Belt by reason of inappropriateness, loss of openness, and other harm on the visual amenity of the surrounding area.

5.6 Impact on Character of the Conservation Area

5.6.1 Policy EQ3 of the submitted Core Strategy recommends that for proposals within a Conservation Area will be considered against any management plan and appraisal adopted for that area and will adhere to the following principles:

- Minimising the loss and disturbance of historic materials
- Using appropriate materials, and
- Ensuring alterations are reversible.

5.6.2 The provision of 31 blue metal storage containers has introduced an incongruous form of development that is harmful to the visual amenity of the character of the surrounding rural area and Stourbridge Canal Conservation Area, contrary to the aims of Policies EQ3 of the adopted Core Strategy and Chapter 16 of the NPPF.

5.7 Impact on neighbouring properties

5.7.1 Policy EQ9 states that new development "should take into account the amenity of any nearby residents, particularly with regard to privacy [...]and daylight".

5.7.2 The proposed storage containers are separated more than 175m from the nearest residential property to the west and therefore the proposal raises no residential amenity concerns or conflict with Policy EQ9. No neighbour comments have been received; however, a lack of neighbour concerns carries little weight in justifying inappropriate development within the Green Belt and Canal Conservation Area.

5.8 Highways/Parking

5.8.1 County Highways have been consulted on this application and raised no objection, noting that the proposed storage containers will have no impact on the public highway.

6. CONCLUSIONS

6.1.1 The proposal is inappropriate development in the Green Belt and would result in substantial harm to the openness of the Green Belt, contrary to Section 13 of the NPPF and Policy GB1 of the adopted Core Strategy. The proposal would also be harmful to the visual amenity of the surrounding rural area and Stourbridge Canal Conservation Area, contrary to the aims of Policies EQ3 of the adopted Core Strategy and Chapter 16 of the NPPF.

6.1.2 No very special circumstances have been advanced in support of the proposal to clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm to visual amenity. There is no fall- back position argument advanced in relation to the site which could constitute very special circumstances. Therefore, the very special circumstances necessary to justify the proposal do not exist. I therefore recommend the application is refused on these grounds.

7. RECOMMENDATION - REFUSE

Reasons

1. The site is within the Green Belt and the proposed development is considered to be inappropriate new development causing loss of openness and harm to the visual amenity of the area as set out in policy GB1 of the adopted Core Strategy. The development is therefore harmful to the Green Belt, contrary to policy GB1 of the adopted Core Strategy.
2. No very special circumstances have been advanced in support of the proposal to clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm to the visual amenity of the surrounding area.
3. The proposed development would be prejudicial to the character of the rural area and setting of the Stourbridge Canal Conservation Area, contrary to the aims of Policies EQ3 of the adopted Core Strategy and Chapter 16 of the NPPF.

This refusal relates to the following list of plans:- 1145-WHB-SA-20-0002 Rev P00 Proposed Block Plan, 1145-WHB-SA-20-0001 Rev P00 Location and Block Plan and 1145-WHB-MA-20-0001 Rev P00 Shipping Container Plans and Elevations (received 25/7/22).

Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2021) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2021).



Saunders Brothers Salvage, Prestwood Drive, Stourton, Staffordshire DY7 5QT