

23/01060/FUL
NON MAJOR

MR ASHLEY IBBS-GEORGE

SWINDON
Councillor Roger Lees

Outdoor Creations Limited Hinksford Garden Centre Hinksford Lane Swindon KINGSWINFORD DY6 0BH

Erection of a warehouse building for woodworking and timber fence panel production, including groundworks and a retaining wall.

Pre-commencement conditions required: N/A	Pre-commencement conditions Agreed: N/A	Agreed Extension of Time until: N/A
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SITE DESCRIPTION AND APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site is 0.67ha and is occupied by the builders/DIY merchant OCL Ltd. The site is within the Green Belt amongst a semi-rural location approximately 160m outside of Swindon Development Boundary.

1.1.2 The site comprises warehouse buildings for storage of materials with substantial open areas of hardstanding for the storage and sale building materials. There is also an independent hot food takeaway within the west corner of the site adjacent to the landscape display area. There is parking space for approximately 30-35 vehicles.

1.1.3 The street scene comprises of surrounding fields and there is a residential dwelling 100m to the north west and the edge of Swindon 250m to the north west of the site. To the south of the site is the Staffordshire and Worcester Canal, which is approximately 30m away. This canal is part of a conservation area.

1.2 The Proposal

1.2.1 The application proposes the erection of a warehouse building for woodworking and timber fence panel production. Groundworks are also proposed along with a retaining wall.

1.2.1 The proposed building measures 10m by 6m by 4.6m high (eaves 4m) and will be positioned adjacent to the warehouse building on the front of the site. It would be placed in an area used for open storage of materials and will be coloured olive green.

1.3 Applicant's Submission

1.3.1 The application is accompanied by a planning statement.

Date of site visit - 15 January 2024

SITE HISTORY

Planning Applications

93/00321 Laying Down A Rubble Surface **Approve** 25th May 1993
98/00664 Agricultural Building **Refuse** 29th September 1998
99/00716/FUL Replacement building and to continue use as garden centre **Approve Subject to Conditions** 21st October 1999
14/00754/FUL Demolition of existing administration block and erection of new power tools trade outlet with ancillary office, sale counter and cafe use. **Withdrawn** 15th April 2015
15/00444/FUL Demolition of existing administration block and erection of new power tools trade outlet with ancillary sales office, sale counter and cafe use(resubmission). **Approve Subject to Conditions** 21st August 2015
16/00038/FUL Demolition of existing sheds and outbuildings and replacement with single storage building for small power and engineering tooling. **Approve Subject to Conditions** 20th April 2016
20/00076/VAR Variation of Condition 2 (Approved Plans) of 16/00038/FUL - Revised site layout **Approve Subject to Conditions** 3rd April 2020
22/00353/FUL Retrospective application for the placement of an independent food pod within the landscaping display area of OCL. **Approve Subject to Conditions** 12th July 2022
23/00865/OUT We are looking to build a 6m (wide) x 10m (long) portal framed warehouse. This warehouse is to be used for woodworking and timber fence panel production. The proposed building matches aesthetically with existing site buildings. The development will require groundworks (including a retaining wall) and the erection of the building itself. **Application Returned** 30th November 2023

3. POLICY

3.1 Constraints

Green Belt
Canal And River Trust - Minor Buffer
Great Crested Newt Green Impact Zone:
Newt - Impact Risk Zone White

3.2 Policies

National Planning Policy Framework
National Planning Practice Guidance

Core Strategy
Core Policy 1: The Spatial Strategy
Policy GB1: Development in the Green Belt
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
Policy EQ9: Protecting Residential Amenity
Core Policy 4: Promoting High Quality Design
Policy EQ11: Wider Design Considerations
Policy EQ12: Landscaping
Core Policy 7: Employment and Economic Development
Core Policy 11: Sustainable Transport
Policy EV11: Sustainable Travel
Policy EV12: Parking Provision
Appendix 5 Parking Standards

Supplementary Planning Documents

Green Belt and Open Countryside SPD
Design Guide

4. CONSULTATION RESPONSES

All consultation periods have expired unless noted otherwise.

Site Notice Expires	Press Notice Expires
5 February 2024	N/A

Swindon Parish Council

No Response Received

Councillor Roger Lees J.P - Himley And Swindon Ward

No Response Received

County Highways

26th January 2024

Recommendation Summary: Acceptance

Site Visit Conducted on: 25-Jan-2024

Note to Planning Officer.

The proposed development is located in a semi-rural area within the grounds of an existing business.

Vehicular access and parking is existing off a classified road subject to a speed limit of 60 mph. There are no recorded vehicular accidents within the required visibility splay of the existing access in the last 5 years. The proposed additional building and use is relatively small and vehicular movements will not impact the public highway.

Environmental Health Protection

No Response Received

Canal And River Trust

29th January 2024

No comments on the proposal to make.

Contributors

No Response Received

5. APPRAISAL

The application has been referred to a planning committee meeting as the proposal represents in inappropriate development in the Green Belt, contrary to Local Plan Policy GB1 and Paragraph 154 of the NPPF.

1. Policy & principle of development
2. Layout, design & appearance
3. Access, parking & highway safety
4. Residential Amenity
5. Ecology & biodiversity
6. Arboriculture
7. Human Rights

1. Policy & principle of development

1.1 The National Planning Policy Framework (NPPF) supports economic growth in rural areas and supports sustainable growth. This is reflected in local policy CP7 which supports measures to sustain and develop the local economy. This policy recognises that small and medium sized enterprises play an important role in the prosperity of the district and also recognises the importance of opportunities for these to flourish. Support will be given to existing small businesses outside of service villages, where the proposal is consistent with other policies in the Core Strategy. The planning statement provides that this building will allow for the creation of two additional full time jobs. Therefore, the principle of the proposals which support the existing business is acceptable as it is supported within local and national policy.

1.2 The application site is considered to be previously developed land as the site is used for commercial purposes. Paragraph 154 (g) of the NPPF advises that limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it, can represent development which is not inappropriate in the Green Belt. This is reinforced by the Council's Green Belt and Open Countryside SPD.

1.3 The area where the building is to be placed is used for open storage and whilst open storage will inevitably have an adverse impact on the openness of the Green Belt, the erection of a 40sqm building (4.6m high) will have a greater impact on the openness of the Green Belt than the existing situation. Whilst the impact will not be significant, given the existing use of the land and the adjacent 7m high warehouse, there would be still be a greater harm caused. Therefore, the proposal represents in inappropriate development in the Green Belt contrary to Paragraph 154(g) of the NPPF.

Very Special Circumstances

1.4 Paragraph 153 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.

1.5 OCL is a well-established business and has 19 employees. The building is to be positioned within the existing site boundary and placed in a position on site where least harm will be caused, due to the setting against the backdrop of a larger building. The proposal would help sustain the existing business (allow them to diversify) and result in job creation. It will also inevitably tidy up the appearance of this part of the site which is used for open storage of materials. Given that the proposal would cause minimal harm to the openness of the Green Belt and the local benefits of the proposal, it is considered that very special circumstances have been clearly demonstrated.

Impact on Openness

1.6 Paragraph 142 of the NPPF advises that openness and permanence are the essential characteristics of the Green Belt. Openness has both spatial and visual aspects. For the reasons given above, the proposal would not be considered materially harmful to the spatial or visual openness of the Green Belt.

2. Layout, Design and Appearance

2.1 Chapter 16 of the National Planning Policy Framework and Policy EQ3 of the adopted Core Strategy

state that care and consideration must be taken to ensure no harm is caused to the character or appearance of a heritage asset. Heritage assets are buildings, sites, monuments, places, areas or landscapes identified as significant features in the historic environment. Conservation areas are designated under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and defined as "an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance." The NPPF stipulates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

2.2. The design of the building reflects the adjacent warehouse building and as such there are no concerns raised with its appearance. The application site is approximately 30m from the Staffordshire and Worcester Canal Conservation Area, and in past applications the site has been considered to have a neutral impact on the character and appearance of the Conservation Area. The proposed building given its scale in relation to the existing warehouse building will not cause any adverse harm upon the setting of the Staffordshire and Worcester Canal Conservation Area.

2.3 Policy EQ4 of the Core Strategy advises that "the design and location of new development should take account of the characteristics and sensitivity of the landscape and its surroundings, and not have a detrimental effect on the immediate environment and on any important medium and long distance views". Core Policy 4 similarly seeks to promote high quality design and respect and enhance local character and distinctiveness of the natural and built environment. Policy EQ11 advises that new development should seek to achieve creative and sustainable designs that consider local character and distinctiveness, whilst having regard to matters of use, movement, form and space. Finally, the Council's Design Guide SPD amplifies the principles set out in Policy EQ11 of the Core Strategy.

2.4 The wider landscape to the rear of the site comprises of fields, whereas to the north west is a former sandpit that has since become overgrown with grass and to the south east is a large barn. The site does not form part of a wider undulating landscape and does not have a safeguarded status. It is considered that the proposed building would not have a material impact upon the character of the landscape, nor upon local distinctiveness, particularly as the site is already commercialised.

2.5 The proposal is compliant with policies, EQ3, EQ4 and EQ11 of the Local Plan.

3. Access, Parking & Highway Safety

3.1 The proposal would not affect the existing car park arrangements nor is the proposal likely to result in a material increase in users of the site. The County Councils Highway Team have raised no concerns with the proposal.

4. Residential Amenity

4.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

4.2 The nearest residential dwelling is approximately 70m northwest of the site. This distance is considered sufficient to prevent any undue impact upon residential amenity as a result of the proposed development and its operation. In order to avoid any doubt and to protect the neighbour's amenity the site's approved operation times will be re-attached to this permission. Subject to appropriate conditions the proposal is compliant with Policy EQ9.

5. Ecology & Biodiversity

5.1 The Wildlife and Countryside Act (as amended) 1981 covers the protection of a wide range of protected species and habitats and provides the legislative framework for the designation of Sites of Special Scientific Interest (SSSIs). To comply with the guidance contained within Paragraphs 9, 112 and 122 of the NPPF and the Council's biodiversity duty as defined under section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of any biodiversity value of the site.

5.2 There are no ecological constraints. It is noted that the site is located within a Green Impact Risk Zone for Great Crested Newts and whilst the presence of newts are site are highly unlikely given the proximity of any ponds, an informative will be added to the decision notice.

6. Arboriculture

6.1 Paragraph 186 of the NPPF advises that permission should be refused for development resulting in the loss of aged or veteran trees, unless the benefits of the development outweigh the harm. Strategic Objective 3 and 4 seek to protect, conserve and enhance the District's natural environment, whilst Policy EQ4 states that "The intrinsic rural character and local distinctiveness of the South Staffordshire landscape should be maintained and where possible enhanced. Trees, veteran trees, woodland, ancient woodland and hedgerows should be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved".

6.2 The approved site plan for application 20/00076/VAR showed two trees within proximity of the large warehouse building to be retained and these are no longer in situ. These trees appeared to be in a poor condition before their removal and their critical rooting zone would have been almost certainly heavily compromised and contaminated, with a lot of stem damage occurring from the general site activity. There is therefore no conflict with Policy EQ4.

7. Human Rights

7.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

8. **CONCLUSIONS**

8.1 The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the application.

8.2 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances exist that clearly outweigh the potential harm. There would be no material harm to neighbouring amenity and there would be no adverse effect on the street scene; or on any long term views. The development also raises no material concerns in relation to parking or highway safety. The proposal is therefore considered compliant with both national and local planning policy and associated guidance. Approval is recommended.

9. RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The premises shall be limited to the following opening hours:
1st of April until 1st October: Monday-Friday 06.00-18.00 Saturdays 08.00-16.00
Remainder of calendar year: Monday - Friday 08.00-17.00 Saturdays 09.00-16.00
The premises shall remain closed on Sundays and public holidays. No deliveries to the site shall take place outside of these hours.
4. Deliveries to the site shall only be made during opening hours with no overnight parking.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To ensure that the use of the premises does not detract from the reasonable enjoyment of surrounding residential properties in accordance with policy EQ9 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

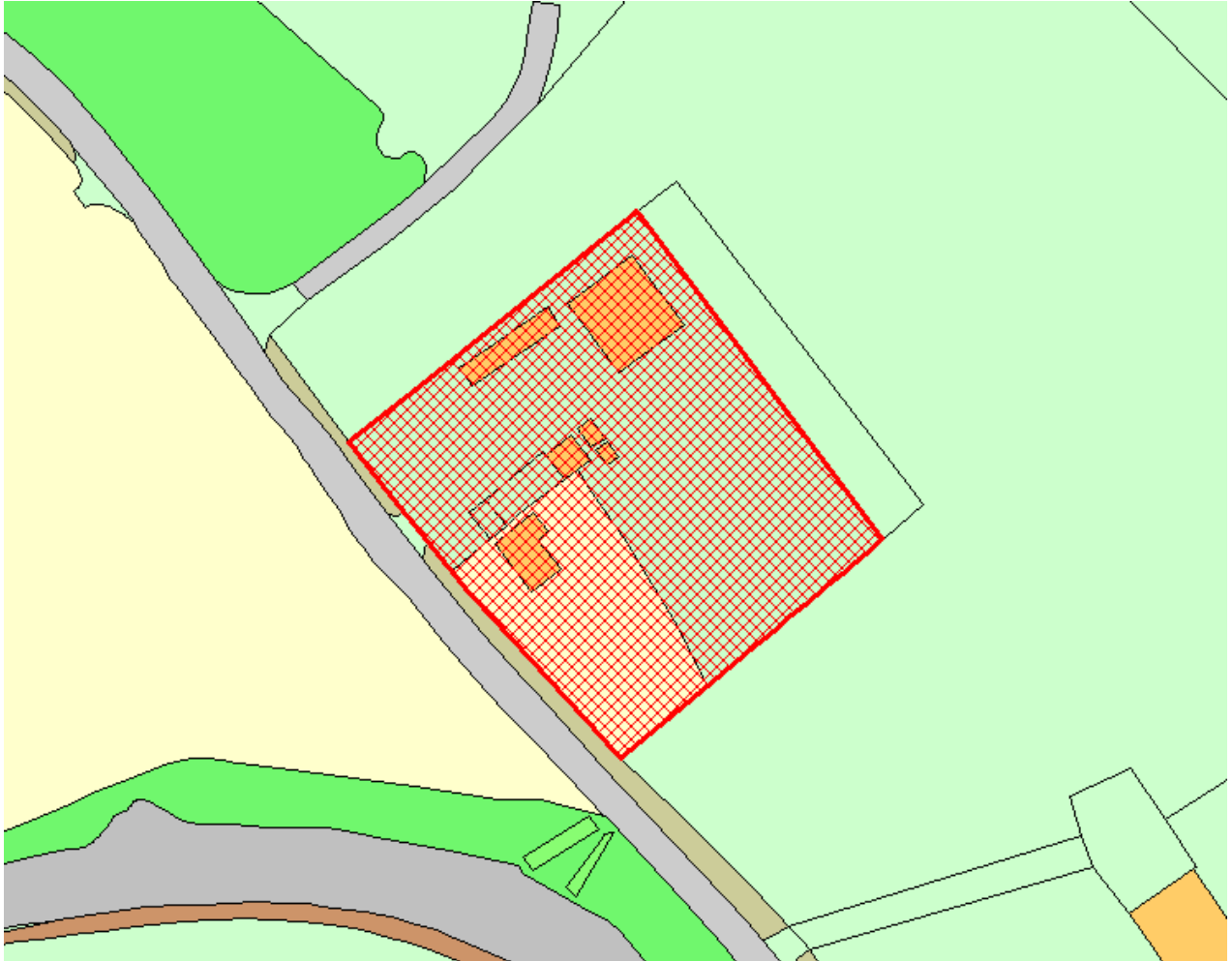
Informative

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2023.

Plans on which this Assessment is based

Plan Type	Reference	Version	Received
Proposed Block Plan			05 January 2024
Proposed Plans and Elevations			20 December 2023



Outdoor Creations Limited, Hinksford Garden Centre, Hinksford Lane, Swindon DY6 0BH