

APPLICATION REFERENCE: PL/2016/00393/MINFOT**Site Address:** Kinorigo, 204 Duggins Lane Berkswell Solihull CV4 9GP

Proposal:	Retrospective application for the erection of a warehouse building (variation of building height to planning permission PL/2015/51702/PPFL).
Web link to Plans:	Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: http://publicaccess.solihull.gov.uk

Reason for Referral to Planning Committee:	The proposal has given rise to substantial weight of public concern and in the opinion of the Head of Development Management should be referred to Planning Committee.
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Recommendation:	APPROVAL SUBJECT TO CONDITIONS.
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EXECUTIVE SUMMARY

The principle of erecting a new warehouse building in the Green Belt at the site has been established under planning permission PL/2011/01766/FULL and altered by planning permission ref: PL/2015/51702/PPFL. Therefore the principle of development established pursuant to these two applications carries substantial weight in the planning balance. This application adds additional height of the warehouse building which does increase marginally the visual perception of the building from the surrounding area and Green Belt when compared against the development already established on site. However, given the scale, mass and disposition of the warehouse building already granted, the additional height does not cause any demonstrable harm to the openness of the Green Belt and the principle of a new warehouse building being established on the site. The proposal therefore accords with the provisions of Policy P17.

The additional height of the warehouse building does not appear overbearing or cause any material loss of light or privacy to the neighbours on Duggins Lane. Thus, the additional height does not cause any demonstrable harm to the amenities of the neighbours on Duggins Lane in comparison to the established position and accords with Policy P14 of the Local Plan.

KEY PLANNING ISSUES

The following key planning issues are material to the determination of this application:

- Principle of Development;
- Green Belt – whether the addition height of the warehouse causes demonstrable harm to the openness of the Green Belt;
- Impact on amenities of neighbours; and
- Other considerations.

CONSULTATION RESPONSES

Statutory Consultees - The following Statutory Consultee responses have been received:

Berkswell Parish Council – Do not object in principle to the retrospective granting of planning permission. The building as originally approved was designed to be no higher than the current building. This cannot have been a minor erection issue but a substantial difference chosen by the applicant. The building is white and this is an inappropriate colour for a building of this height. Had the original planning permission been for the actual height it is now then an olive colour would have been more appropriate.

Non Statutory Consultees - The following Non-Statutory Consultee responses have been received:

SMBC Drainage – No objection.

SMBC Highways – No comments received.

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

13 responses were received including an e-mail from Councillor Diccico. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Amenity

- Loss of view/outlook;
- Loss of light;
- Loss of privacy;
- Building is overbearing; and
- Building obstructs the skyline.

Character and appearance

- Exterior elevation of the warehouse does not complement the existing building;
- Additional height is imposing;
- Warehouse is large and unsightly;
- No regard to the rural setting;
- Actual building is not in keeping with the rural surrounding and bears no comparison to any farm or agricultural building in the area; and
- Building sticks out like a sore thumb.

Green Belt

- Colour and size of building inappropriate in the Green Belt

Highway safety

- New site entrance is on a busy road with HGV's manoeuvring;
- New access will not improve the situation; and
- Traffic impact.

Landscape

- Destruction of the landscape;
- Two large trees have been cut down; and
- Visual impact made worse by the loss of hedgerow and trees.

Other matters

- Business has outgrown its site;
- Not notified of previous application;
- Noise and dust; and
- Lighting impact.

PLANNING ASSESSMENT

This report considers the proposal against the relevant policies of the National Planning Policy Framework ("NPPF") 2012, the National Planning Practice Guidance and the adopted planning policies of Solihull Council. The policies of the Solihull Local Plan "SLP" 2013 that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations.

Principle of Development

The principle of erecting a new warehouse building at the site was established originally in December 2011 under planning reference PL/2011/01766/FULL. The warehouse building had a footprint of 15m in width by 32.3m in length and overall height 6.5m. The warehouse building was sited adjacent to the south eastern elevation of the existing building and orientated so that the side elevation (i.e. 15m

elevation) fronted Duggins Lane. The Council's Planning Committee in balancing all material considerations accepted the very special circumstances advanced, namely the removal of external storage, consolidation of built form, health and safety and the comments in respect of crime provided by the Police were of sufficient weight to justify the new warehouse building within the Green Belt. This consent was however not implemented.

In September 2015 a further planning permission was granted under planning reference PL/2015/51702/PPFL for a new warehouse building measuring 15m by 32.3m with an overall height of 6.56m. The warehouse building however, had been relocated to the rear of the site to run along the north-eastern boundary of the site compared to the 2011 consent. It was considered that the very special circumstances in terms of economic benefits including additional jobs at the site, combined with the previous matters were of sufficient weight to justify the warehouse building within the Green Belt. Before, the planning permission was implemented a non-material amendment was subsequently granted under reference PL/2015/52484/NONMC relocating the building further forward within the site to align the warehouse building with the side elevation of the existing premise. The conditions in relation to the material proposed, landscaping and surface water were discharged.

During the construction of the warehouse the Council were contacted by local residents who considered that the warehouse building had not been built in accordance with the approved plans. Following a detailed site investigation, it was found that the warehouse building had been erected in accordance with agreed site plan and the footprint was in full accordance with the approved plans. The differences related to the height of the warehouse building in terms of its eaves and overall ridge height compared to the approved scheme. The differences are set out in the table below.

Measurements	PL/2015/51702/PPFL (Warehouse with planning permission) (metres)	PL/2016/0393/MINFOT (Retrospective application under consideration) (metres – measured on site)	Difference
Width	15	15	No change
Length	32.3	32.3	No change
Height to eaves	5.238	5.492	+0.254
Height to ridge	6.560	7.32	+0.76

Having regard to the above, the established position granted under PL/2015/51702/PPFL carries substantial weight in consideration of the application. Further, the materials utilised in the external finish of the building have been discharged under the above application.

Green Belt – whether the addition height of the warehouse causes demonstrable harm to the openness of the Green Belt

The adopted Solihull Local Plan identifies the application site within the designated Green Belt within the strategically important Meriden Gap. Paragraph 89 of the NPPF confirms that Local Planning Authority should regard the construction of new buildings as inappropriate development. The exception to this are, extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building.

Policy P17 of the Solihull Local Plan in relation to the Countryside and Green Belt which is in conformity with the NPPF, gives additional guidance to national policy in a small number of areas. This includes the reasonable expansion of established businesses into the Green Belt where the proposal would make a significant contribution to the local economy or employment, providing appropriate mitigation can be secured.

The local plan policy does not render all business expansion as appropriate development for the Green Belt, but provides circumstances under which permission may be granted subject to specific criteria being met. The policy supports standalone expansion into the Green Belt, but makes no reference to proportionate extensions but deals with the matter by way of reasonable expansion.

In the case of *Pertemps Investments Limited v Secretary of State for Communities and Local Government and Solihull Metropolitan Borough Council* relating to expansion at Meriden Hall. The Honourable Mr Justice Lindblom in terms of the interpretation and application of Policy P17 of the Local Plan confirmed that “reasonable expansion of businesses into the Green Belt can involve the erection of new buildings as well as the extension of buildings that already exist. Thus such expansion finds support in principle in the development plan through policy P17”. It can be therefore, seen that Policy P17 supports the expansion of businesses in the Green Belt.

As stated above, the principle of a new warehouse on this site was originally established in 2011. The 2015 planning permission carries substantial weight in terms of the established position given that the building erected on the site in terms of its location and footprint are in accordance with the approved drawings. The issue for consideration relates to whether the additional height causes any demonstrable harm to the Green Belt.

The application site falls 1.8m from its north-western boundary to its south-eastern boundary. The base of the warehouse building erected has been cut into the slope by 0.42m adjacent the existing building and raised by 0.57m adjacent to the south-eastern boundary to create a flat base for the building. In terms of the comparison between the 2015 consent and the current application the eaves height has been raised by 0.254m and the ridge height by 0.76m. The additional height would increase marginally the visual perception of the building from the surrounding area. However, given the scale, mass and disposition of the building already granted, the additional height does not cause any demonstrable harm to the openness of the Green Belt when considered against the fallback position. The proposal therefore accords with the provisions of Policy P17 and carries positive weight in the matter.

Impact on neighbour amenity

Policy P14 of the Solihull Local Plan seeks to protect and enhance the amenity of existing and potential occupiers of houses.

A number of the representations received have raised concerns relating to the impact that the warehouse building has on their amenities. The warehouse building is sited in accordance with the approved plans and thus the relationship with neighbours has been already accepted. The issue for consideration is whether the additional height of 0.76m to the ridge causes demonstrable harm to the amenities of neighbours who front the site on Duggins Lane. Whilst it is, acknowledged the outlook from these properties has changed with the introduction of this warehouse building at the site and it can be viewed from a number of vantage points along the Duggins Lane. The additional height of the building does not appear overbearing or cause any material loss of light or privacy to these neighbours. Thus, I conclude that the additional height does not cause any demonstrable harm to the amenities of the neighbours on Duggins Lane in comparison to the fallback position outlined above.

The imposition of a landscaping condition as stated at condition 2 requiring significant buffer planting to the Duggins Lane frontage of the site and its implementation within the first planting season would provide to some degree screening to the building from neighbours.

The proposal therefore, accords with Policy P14 of the Local Plan and carries positive weight in the matter.

Other issues

A number of representations received have raised the matter of loss of hedgerow and trees at the frontage of the site. The applicant's were required to remove these landscape features at the request of the Council due to health and safety concerns. Clearly, the removal of these landscape features to the site frontage has opened considerably the views into the site from Duggins Lane. The imposition of the landscape condition proposed would secure long term planting for the perimeter of the site, but it is acknowledged that it will take time for any landscaping to form an effective buffer.

Planning permission PL/2015/51702/PPFL also included new vehicular access into the site further south-east of the current access, which as yet has not been implemented. The applicant is required to secure technical approval under the Highways Act from the Highway Authority before this element can proceed. To date no approval has been granted by the Highway Authority. The principle of a new vehicular access is therefore established under the above planning permission.

A number of representations suggest that local residents were not notified of the 2015 permission. Interrogation of the records indicate that 13 neighbour notification were sent out to properties opposite the application site, including a site notice at the entrance to the application site. The application was therefore advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

CONCLUSION

The principle of erecting a new warehouse building at the site was established originally in December 2011 under planning reference PL/2011/01766/FULL for a new warehouse building in the Green Belt. The subsequent planning permission granted in September 2015 under planning reference PL/2015/51702/PPFL and non-material amendment PL/2015/52484/NONMC relocating the building further forward within the site to align the warehouse building with the side elevation of the existing premise establish a fallback position that carries substantial weight in the planning balance.

Whilst, the additional height of the building does increase marginally the visual perception of the building from the surrounding area and Green Belt. Given the scale, mass and disposition of the building already granted, the additional height does not cause any demonstrable harm to the openness of the Green Belt when considered against the established position. The proposal therefore accords with the provisions of Policy P17.

The additional height of the building does not appear overbearing or cause any material loss of light or privacy to these neighbours. Thus, I conclude that the additional height does not cause any demonstrable harm to the amenities of the neighbours on Duggins Lane when compared with the established position. The proposal accords with Policy P14 of the Local Plan.

RECOMMENDATION

Approval is recommended subject to the following précis of conditions:

1. Compliance with all plans – CS00.
2. Within 3 months submission of the permission submit and soft landscape scheme and implement in the first planting season.
3. Within a period of 5 years any tree removed, uprooted destroyed, dies or becomes damaged to be replaced.
4. No external storage of materials at the site.
5. No deliveries shall be taken or dispatched from the site outside the hours of 08.00 to 18.00 hours Monday to Saturday, nor at any time on Sundays or Bank Holidays.
6. The vehicular access to the development shall not commence until technical approval for the access improvements have been granted in accordance with approved drawing number HP/3571/c/2. Thereafter the vehicular access improvements shall be implemented in accordance with approved details.
7. Statement – RE02.