

Planning Committee: 11 September 2024

Item Number: 7

Application No: [W 24 / 0224](#)

Town/Parish Council: Hunningham
Case Officer: Jack Lynch

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Registration Date: 22/02/24

Expiry Date: 18/04/24

Mace Buildings Ltd, Long Itchington Road, Hunningham, Leamington Spa, CV33 9ER

Demolition of existing crane structure, to be replaced with erection of portal frame extension to existing workshop. Widening of existing access. FOR Mace Buildings Ltd

This application is being presented to Committee because 5 or more comments in support have been received and the application and is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reason set out at the end of this report.

DETAILS OF THE DEVELOPMENT

The applicant seeks planning permission for the proposed portal frame extension of approximately 538 Sqm. to an existing workshop building, following the demolition of an existing crane structure.

The applicant also seeks permission for the proposed widening of the access onto Long Itchington Road.

THE SITE AND ITS LOCATION

The application site relates to Mace Buildings Ltd. The application site is located on Green Belt land in the parish of Hunningham with access off Long Itchington Road, southeast of the junction where the road is met by the B4455.

The site is host to a workshop for S & H Steel Frames who manufacture steel frames that are supplied to multiple markets. The workshop and ancillary office building are both visible from Long Itchington Road. The workshop is completed with red brickwork at its base with steel cladding on the upper walls and roof, with the rear of the building being completed in green steel cladding. The ancillary office is a two-storey building completed in red brick.

PLANNING HISTORY

W/23/0798 - Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane.

Resubmission of planning application W/22/1701. Refused (Planning Committee – January 2024)

W/22/1701 - Proposed portal frame extension of approximately 965 Sq.m. to existing workshop building to enclose existing site storage area/crane – Withdrawn.

W/16/2138 - Outline application for the demolition of existing commercial units (Use Classes B1, B2 & B8) and the erection of 12 dwellings (Use Class C3) (outline application including details of access and scale). Withdrawn.

W/16/0406 - Change of use from B1/B2 to C3, demolition of existing buildings and erection of 13 dwellings. Withdrawn.

W/94/1445 - Erection of a storage building and a covered loading/unloading area (renewal of pp. W900033). Granted.

W/90/0033 - Erection of a storage building and a covered loading/unloading area. Granted.

W/89/1359 - Positioning of a sawdust extraction system. Granted.

W/84/1233 - Erection of a storage building and a covered loading/ unloading area. Granted.

W/61/3929 – Proposed extension to existing workshop for structural fabrication. Granted

W/61/3714 – Replacement of existing workshop, erection of new building, layout and car parking etc. Granted

W/54/1364 – Proposed living quarters over workshop. Granted.

W/52/0560 – Proposed agricultural machine workshop. Granted.

W/50/0479 – Workshop. Granted.

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)

- Air Quality & Planning Supplementary Planning Document (January 2019)
- NZCSPD – Net Zero Carbon Supplementary Planning Document (SPD)
- NZC4 - Existing Buildings

SUMMARY OF REPRESENTATIONS

WCC Landscape – No objection.

WCC Ecology – No objection subject to the imposition of a condition requiring the submission of a Biodiversity Management Plan.

WCC Highways – No objection subject to the imposition of a condition requiring the widening of the access in accordance with plans whilst ensuring drainage is not compromised.

WDC Environmental Health – No objection.

Public response– Eleven comments in support of the application have been received. Points include:

- Maintains and increases employment opportunities, and
- Allows for improved efficiency and expansion of business operations.

ASSESSMENT

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.

Paragraphs 152-155 of the NPPF set out the requirements for assessing proposals that affect the Green Belt. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, 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 (NPPF, paragraph 153).

Paragraph 154 of the NPPF states that all new buildings in the Green Belt are inappropriate development unless they meet one of the exceptions set out. These exceptions are:

(a) buildings for agriculture and forestry;

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

(e) limited infilling in villages;

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

With regards to local planning policy, Policy DS18 echoes the requirements of the NPPF.

Officers would like to highlight that openness is the main consideration when assessing the impact on the Green Belt. The introduction of landscaping would not be considered to dilute any harm to openness, nor would it be considered a very special circumstance to overcome any harm to the openness to the Green Belt.

The applicant seeks planning permission to increase the size of the existing building by approximately 538 sqm, replacing the existing crane structure.

The gross internal floor area of the original workshop located on this site was approximately 360 sqm. Combining previous extensions, including this proposal, the proposed works would increase the internal floor area to approximately 1,300 sqm. This would be an increase in gross internal floor area by 261%.

In assessing planning applications against paragraph 154 of the NPPF, all new buildings in the Green Belt are considered to be inappropriate development unless they meet one of the exceptions set out. Officers do not consider the proposed works in this case to meet any of the exceptions within paragraph 154.

Exception (c) states, "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". Therefore, for the proposed works to be considered acceptable, the

addition would have to be considered a proportionate addition over and above the size of the original building.

This development includes the removal the existing open sided and open ended crane structure, to be replaced with an enclosed extension with a gross internal floor area of 538 sqm. This will contribute to an overall increase of the gross internal floor area by 261%. The combination of the additional floor area, bulk and massing of the extension would be considered a disproportionate addition over and above the size of the original building. Therefore the proposal does not meet exception (c).

Exception (d) states, "the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces". In the submitted planning statement, the applicant has stated, "The proposal is for a replacement building". This being the case, for the proposed works to be considered acceptable, the replacement building would have to be replaced with a new building that is in the same use and not materially larger than the one it replaces.

Officers would like to note that the proposal does not seek permission for the whole building to be replaced. The applicant wishes to replace the existing open crane structure with an enclosed building (extended off the main workshop). Firstly, officers are satisfied that the proposed replacement building will be of the same use. However, the enclosed extension that will replace the existing open crane structure will be materially larger than the one it replaces.

A recent appeal decision in the District provides some useful guidance on how to assess whether a replacement building is materially larger (APP/T3725/W/23/3326237). It states, "...Floor area and volume are not the only elements of size ...considering actual physical factors such as bulk, massing, scale and form could be used to indicate relative size for the purposes of determining whether a replacement building was 'materially larger' than the building(s) it would replace."

The amended drawings introduce an enclosed building (extension) which has significant additional bulk and massing over and above the open crane structure that it is to replace. With the existing crane being largely limited to just an open framework, this allows views through to open areas beyond and within the structure, thus limiting the impact on openness. The solid sides of the replacement building would obscure these views, thus appearing considerably more dominant and thereby materially larger. Therefore the proposal does not meet exception (d).

Furthermore, it is clear based on the use of the site and proposed works, that the development also does not meet exceptions a, b, e, f and g. Therefore the proposal constitutes inappropriate development within the Green Belt.

It is now necessary to consider the level of harm that would be caused to the Green Belt. In view of the significant size of the proposed building and the introduction of significant built form into what is currently an open structure, the

proposals would result in a significant reduction in the openness of the Green Belt. This would be a significant adverse impact, both visual and spatial terms.

It is now necessary to consider whether there are any very special circumstances that could outweigh the harm by reason of inappropriateness and the harm by reason of loss of openness.

The submitted economic report states, "The Development will secure the long-term success and growth of the business, it will secure the retention of the existing employment, as well as generate four additional rural jobs. Enabling the Development presents an excellent opportunity to support rural enterprise, enabling growth through expansion on previously developed land."

The applicant explains that the extension proposed in this planning application will enable the business to "function effectively, grow and expand". They highlight that the extended part of the building will be used to, "allow steel to be bought in bulk, which will reduce the number of deliveries and will help to increase the profitability of the business".

The benefits of the proposal as summarised above are recognised and weigh in favour of the proposal. However, in planning policy terms, as also set out above, weighed against that is the significant harm to the Green Belt which would result from this proposal which the Committee are required to give substantial weight to.

For that reason, there is an objection in principle to the development and planning permission should therefore be refused unless Very Special Circumstances can be demonstrated.

Whilst the benefits of the proposal are acknowledged, Officers do not consider that they comprise very special circumstances sufficient to outweigh the significant harm to the Green Belt.

In order to comprise such circumstances, the applicant's justification must be sufficiently compelling to demonstrate that it outweighs the harm to the Green Belt to which substantial weight must be given, for example by demonstrating the clear economic benefits of the proposal which can only be achieved at this location by means of an extension of this scale.

The purpose of the proposal is to provide additional storage capacity at the site which will improve the efficiency and effectiveness with which the business operates.

The applicant, in seeking to demonstrate that there are no alternative sites that would be suitable to meet the commercial needs of the company has submitted a marketing review.

As part of that the applicant notes that their requirements include:

- i. A stand-alone site,
- ii. A minimum of 15,000 sq ft of covered building space,
- iii. Suitable for heavy industrial use,

- iv. The building would require a minimum eaves height of 6 metres to allow operation of their crane hoist system to allow handling of steel work,
- v. A large external area suitable for lorry and trailer deliveries,
- vi. Close proximity of employee's houses. The business employs 20 members of staff, the majority of which live within 5 miles.

The marketing review completed a search at a 10-mile and 15-mile radius of the application site and concluded that there were no commercial properties currently available to meet the commercial needs of Mace Building Limited.

Officers have reviewed this document and consider that the parameters set regarding the site requirements are restrictive, not only in terms of the radius of search but also the nature of the specific requirements used.

Officers note that Leamington Spa and Coventry are 5 miles and 11 miles away respectively, with potential brownfield sites available, some of which have been referenced in the marketing review and discredited. Furthermore, other large towns in Stratford Upon Avon and Nuneaton are within 20 miles of the site, both also offering brownfield sites for such operations.

Officers therefore consider that the case advanced related to the lack of alternative appropriate sites isn't sufficiently robust to demonstrate that there are Very Special Circumstances in this case sufficient to outweigh the harm to the Green Belt.

During the lifetime of this application the applicant has noted that they would be willing to enter a unilateral undertaking not to implement the existing planning consent for a storage building included in a previous planning consent (W/94/1445). Condition 1 attached to this planning permission, stated that development should begin within 5 years of the permission. It is noted that this storage building has not been erected. Regardless of this, should the applicant provide evidence to suggest that works had taken place to begin the erection of this storage building, the suggestion of a unilateral undertaking restricting its erection would remain inappropriate. The storage building referenced is a very small building that is not comparable to the scale and mass of the proposed works in this application. Restricting the erection of this storage building would not outweigh the harm to the openness of the Green Belt.

As instructed by the NPPF, substantial weight must be given to this harm. The justifications for the proposal that have been advanced are considered to carry limited weight in Green Belt terms and are not considered to be sufficient to comprise Very Special Circumstances so as to outweigh the harm that has been identified (bearing in mind the substantial weight which must be given to the harm identified). Subsequently, the very special circumstances necessary to justify the proposal are not considered to exist.

Impact on character of surrounding area

Local Plan Policy BE1 states new development will be permitted where it positively contributes to the character and quality of its environment through good layout and design.

Notwithstanding the harm identified to the openness of the Green Belt, the proposed design is considered to reflect the design of the existing workshop. The appearance of the workshop by way of its design does not have a negative impact on the character of the area due to the setting of the existing development.

The proposal is therefore considered to be in accordance with Local Plan policy BE1 and the NPPF.

Amenity of neighbouring properties

Local Plan Policy BE3 states development should not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The nearest residential property is approximately 100 metres away. Therefore, due to the relationship between the proposed building and neighbouring properties, the proposal would not have a materially harmful impact on these adjacent occupiers. The proposal would therefore be acceptable in this regard.

The development is therefore considered to be in accordance with Local Plan policy BE3 and the NPPF.

Highways

Local Plan Policy TR1 states that development will only be permitted that provides safe, suitable and attractive access routes for pedestrians, cyclists, public transport users, emergency vehicles, delivery vehicles, refuse vehicles and other users of motor vehicles, as appropriate. Policy TR3 states that development will only be permitted that makes appropriate provision for parking.

As part of the application, the applicant seeks to widen the existing access to the site. WCC Highways have been consulted as part of the scheme and provided the following comments, raising no objection to the amended plans:

“Drawing entitled “Proposed site – Rev C (04.07.24)” has been submitted as part of the re-consultation, and demonstrates that the proposed gate has been omitted from the layout, therefore allowing HGVs to drive into the site rather than over hanging the public highway while waiting for the gates to open, thus alleviating the previous concerns of the Highway Authority.

Based on the appraisal of the proposals and the supporting information in the planning application the Highway Authority’s response is one of no objection...”

The applicant has also provided sufficient parking as per the requirements of the Warwick DC Parking Standards SPD.

The proposal is therefore considered to be in accordance with Local Plan policy TR1, TR3 and Warwick DC Parking Standards SPD.

Ecology

Local Plan policy NE2 states that the Council will protect designated areas and species of national and local importance for biodiversity and geodiversity. Policy NE3 states that new development will be permitted provided that it protects, enhances and / or restores habitat biodiversity.

WCC Ecology have raised no objection to the proposal. They are satisfied that the submitted landscaping proposals would likely achieve a biodiversity net gain on site. Had the application otherwise been acceptable, a pre commencement condition would have been attached requiring the submission of a Biodiversity Management Plan.

The proposal is therefore considered to be in accordance with Local Plan policy NE2 and NE3.

Landscape

Local Plan Policy NE4 states that new development will be permitted that positively contributes to landscape character.

WCC Landscape have raised no objection to the proposed works.

The applicant has submitted a drawing to demonstrate the landscape proposals on site. The landscaping proposed will benefit the site's landscape character. The application is considered acceptable in this regard and in accordance with Local Plan Policy NE4.

Officers note that despite this, openness is the main consideration when assessing the appropriateness of development in the Green Belt. The introduction of landscaping would not be considered to dilute the harm to openness, nor would it be considered a very special circumstance to overcome harm to the openness to the Green Belt.

Sustainability

As required by the Council's Net Zero Carbon Development Plan Document (DPD) Policy NZC4, an Energy Statement has been submitted which demonstrates a consideration to sustainable construction and design, in accordance with Local Plan Policy CC1 – Planning for Climate Change Adaptation.

Conclusion

The proposal constitutes inappropriate development within the Green Belt and fails to preserve the openness of the Green Belt by virtue of being of an excessive height, mass, bulk and scale. The very special circumstances presented are considered to be insufficient to clearly outweigh the harm to the Green Belt.

The development is therefore considered to be contrary to the NPPF and Local Plan policy DS18.

REFUSAL REASONS

1 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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. Local Plan policy DS18 echoes the requirements of the NPPF.

It is considered that the proposal represents inappropriate development, which is harmful by definition. There would be substantial harm to the openness of the Green Belt in both visual and spatial terms and the development would represent encroachment which would conflict with one of the purposes of the Green Belt. It is not considered that there are very special circumstances which exist that clearly outweigh the harm to the Green Belt.
