



Appeal Decision

Site visit made on 6 November 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2019

Appeal Ref: APP/J0350/W/19/3224439

Land at Galleymead House, Old Bath Road, Colnbrook, Slough SL3 0NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Douglas Hepworth on behalf of The Lanz Group against the decision of Slough Borough Council.
 - The application Ref P/10697/011, dated 24 April 2018, was refused by notice dated 8 November 2018.
 - The development proposed is construction of a welfare and maintenance building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form stated the applicant as Mr Douglas Hepworth with a company stated as 'Lanx' whilst the Appeal Form identified the appellant as Mr Phil Taylor of 'Egon Environmental'. These details have been identified as incorrect. The applicant and appellant was confirmed by email to the Planning Inspectorate dated 3 May 2019 as 'The Lanz Group' and the appeal has been determined on that basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness of the Green Belt; and
 - if inappropriate, whether the Green Belt harm and any other harm would be outweighed by other considerations so as to demonstrate that very special circumstances exist to justify the proposed development in this location.

Reasons

Green Belt

4. It is agreed that the proposal would be inappropriate development in the Green Belt. Therefore, it is necessary to determine the Green Belt harm and whether any other harm would result from the proposal. Furthermore, in assessing all other considerations relevant to the appeal, I must determine whether the very special circumstances necessary to justify the proposal exist in this case.
5. In terms of Green Belt harm, I find that the scale and height of the proposed building would result in a substantial new structure on open land within the Green

Belt. Whilst the proposed building would be similar to the existing building, I find its position and dimensions, set on the area of open land, would have a significant adverse impact on Green Belt openness and therefore it would be harmful to it. Notwithstanding the appellant's points relating to existing and proposed screening of the site and building, I find the scale and height of the proposed scheme would result in a substantial built form being created where currently there is none.

6. Therefore, I conclude that the proposal would have a significant detrimental effect on Green Belt openness. As such, it would be contrary to Policy WLP29 of the Berkshire Waste Local Plan (BWLP), Core Policies 1 and 2 of the Slough Borough Council Core Strategy 2008 (CS), the National Planning Policy Framework 2019 (the Framework) and the National Planning Policy for Waste 2014 (NPPW).

Other considerations

7. I now turn to the other considerations which have been set out with regard to the impact of the proposed scheme on its surroundings and neighbouring occupiers.

Impact on Colne Valley Park

8. Policy CG1 of the Slough Borough Council Local Plan 2004 (LP) seeks to control development in the Colne Valley Park (the Park). It states that proposals in the countryside or other open areas within the Park will not be permitted unless, amongst other things, they maintain and enhance the landscape of the Park in terms of its scenic and conservation value and overall amenity, resist the urbanisation of existing areas of the countryside and conserve the nature conservation resources of the Park. The appellant has provided limited substantive evidence to support their argument that the site is within the curtilage of the existing main site of the business and there is nothing before me to confirm that the site is brownfield land. However, it is argued that the proposed building and parking would be on previously developed land that is currently underused.
9. From what I have seen, the surrounding area and land use comprises open countryside to the south and east, albeit beyond a semi-mature tree belt along Poyle Channel, and residential use to the north. The existing business complex is to the west and forms the only industrial use on land immediately adjacent to the site. The proposed building and parking would be located on open land within the Park which, I am led to understand, was previously woodland. At the time of my visit the site had been cleared. Nonetheless, it still maintains scenic value within of the Park. As such, the proposed building would appear as an incongruous addition to that setting and would be harmful to the landscape. It would also have an urbanising effect and would not protect nature conservation sources in the Park.
10. The appellant states that the site contributes little to the overall objectives of the Park and that any such harm could be mitigated by the inclusion of sensitive landscaping. Nonetheless, I find that the character and nature of the site would be significantly changed and the proposal would result in visual harm to the amenity and harm to the nature conservation qualities of the site and surroundings.
11. Consequently, I conclude that the proposed development would have a material detrimental effect on the nature conservation qualities, character and amenity of Colne Valley Park. As a result, it would be contrary to Policy CG1 of the LP.

Scale, massing, bulk and layout

12. The proposed building would be similar in scale, design and appearance to the existing building and I appreciate that the existing building is within the Green Belt. There would also be some existing screening of the proposed building

provided by the tree belt along Poyle Channel and further landscaping proposed. However, when considered cumulatively, in relation to the existing building, I find that the combined visual impact of the two buildings would have a substantive adverse effect on the surrounding area. This would be particularly the case in relation to the residential properties to the north where, as noted during my visit, existing landscaping and screening would be reduced or removed due to the positioning of the proposed building so close to the northern boundary of the site.

13. As a result, I conclude that the proposal, incorporating the scale, massing and bulk of the proposed building and its cumulative impact with the existing building, would be significantly harmful and unacceptably overbearing and dominant in its surroundings. Therefore, it would not comply with Core Policy 8 of the CS and Policy EN1 of the LP.

Impact on neighbouring residential properties

14. The southern boundaries of residential properties on Elbow Meadow are little more than ten metres from the north elevation of the proposed building. The properties are currently screened from the site with existing mature trees and shrubs and various outbuildings. However, from my assessment on site, the position of the proposed building would require the removal of much, if not all, of the existing trees and shrubs along the northern boundary of the appeal site. As such, the natural screening which currently serves the nearby dwellings would be removed by the proposal. Moreover, whilst outbuildings are positioned between the residential properties and the proposed building, I find their predominant single-storey nature and scale would not substantively screen or provide visual relief for occupiers in terms of the substantial north elevation of the proposed development.
15. Given the proximity of the rear gardens of those properties and taking account of the scale and overall bulk of the proposed building, I find the scheme would result in unacceptable harm to the outlook of nearby residents. Moreover, it would have an overbearing and detrimental impact on the amenity value of the nearby gardens which would only be exacerbated by the loss of the existing screening on the site.
16. The Council refers to the potential adverse noise impact which may result from the proposed scheme. I have had regard to the points made relating to a comparison of potential noise levels associated with the proposed scheme and the current situation. However, in the absence of any substantive noise impact assessment or other relevant evidence on this matter, I find that any conclusion is difficult to reach. As such, I have not considered this matter any further in my decision.
17. I have carefully considered the arguments made in support of the proposal, including the layout, design and orientation of the building, its separation distance from nearby dwellings, proposed landscaping and the southerly aspect of its main frontage. Notwithstanding this, I conclude that the scheme would be significantly detrimental to the amenity and outlook of nearby residents. As such, it would be contrary to Core Policy 8 of the CS, Policy EN1 of the LP and the Framework.

Traffic and highways

18. The Council refused the proposal in terms of traffic and highway matters, in part, due to concerns about the movement of vehicles around the site. These concerns relate to the lack of substantive evidence demonstrating that such movements of large vehicles could be achieved safely. I note that the appellant did not provide a 'swept path' analysis to the Council relating to large vehicle movements as, in their view, it was clear that sufficient space exists for such vehicles to turn within the site. Moreover, the appellant argues that other concerns about pedestrian access, cycle storage and bin storage could be dealt with by suitably worded conditions.

19. In my view, it is difficult to assess the appropriateness of this proposal, or the capacity of the site to provide suitable facilities for such vehicle movements, without suitable evidence indicating that it would be possible and acceptable. Whilst it may appear possible on the ground for vehicles to turn within the site, I find it inappropriate and unacceptable to make an informed assessment on that basis alone. Furthermore, whilst imposing conditions may be an appropriate means of ensuring the provision of suitable bin and cycle storage on site, I consider it reasonable and appropriate that the anticipated amount of storage and its details should be provided with the application to enable a proper assessment.
20. Overall, a demonstration of the ability of vehicles to perform necessary movements within the site and an indication of where and how pedestrian routes would be provided is necessary to fully assess the proposal in relation to highway safety. In the absence of such evidence, I find that the proposal to be unacceptable and harmful as such fundamental matters are not, in my view, considered suitable for delivery through conditions in this case.
21. Consequently, I conclude that the proposed development would have a material detrimental effect on highway safety. Therefore, it would be contrary to Core Policy 7 of the CS and Policies T2 and T8 of the LP.

Flood risk

22. The site is within Flood Zones 2 and 3 as defined on the Environment Agency (EA) Flood Map. The EA objects to the proposed scheme due, in part, to the appellant providing no Flood Risk Assessment (FRA). Such an assessment should be undertaken in accordance with Paragraph 163 of the Framework to demonstrate that the proposal would be safe, not lead to increasing flood risk elsewhere or would, where possible, reduce flood risk.
23. The appellant states there would only be a discernible risk of flooding as a result of the proposal because existing flood defences are in place to protect the site. As such, it is argued the site is not at an unacceptable risk of flooding and this is the reason that no FRA was submitted. Moreover, I note that no FRA has been provided during the appeal process to support the appellant's claim.
24. I acknowledge the appellant's points regarding existing flood defences. However, the lack of any substantive evidence submitted in support of this weighs against the proposal. Footnote 50 in Paragraph 163 of the Framework states that '*a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3*'. Without this, it is difficult for the Council to fully assess the proposal in terms of flood risk. Therefore, in the absence of a FRA, it is my view that the objection from the EA cannot be overcome and as such the proposal would be unsatisfactory and unacceptable in this respect.
25. The EA's objection also relates to the proposal's potential effect on the integrity and quality of the riparian corridor and the positioning and proximity of the proposed lorry parking area, particularly with regard to the integrity and stability of the northern bank of the Poyle Channel. From my observations and the submitted plans, I note that the proposed parking area would be just 5 metres from the Poyle Channel. This is in direct conflict with advice provided by the EA recommending that an 8-metre buffer zone is created in such circumstances. As such, I find the proposed distance in this case to be insufficient and may result in an adverse impact on the stability of the land adjacent to the watercourse which would likely lead to an increased risk of flooding.
26. In light of the above and the lack of evidence to the contrary, I conclude that the proposal does not demonstrate that it would have no material adverse impact on

flood risk for the site and its surroundings. As a result, it would be contrary to Core Policy 8 of the CS and the Framework.

Very special circumstances

27. It is argued that the future operation and success of the existing business is substantially related to the proposed scheme. I note the significant volume of waste that is processed at the centre annually and acknowledge that to deliver the necessary processes to achieve this requires appropriate manpower and supporting facilities with regard to the operation and maintenance of waste vehicles. I also appreciate that the proximity of the proposed facilities to the existing site would have benefit in terms of physical practicalities and convenience.
28. Furthermore, it is apparent that existing welfare facilities for employees are limited. The proposed scheme would provide further maintenance facilities for the business's fleet of vehicles and improve welfare facilities for all staff and I note the point that the ability to provide these further facilities would enable the business to continue and flourish at its existing strategic location. I also have had regard to the argument that the proposal seeks to enable compliance with health and safety legislation by improving the welfare facilities for employees.
29. The appellant says that these matters should be given considerable weight against the totality of Green Belt harm and any other harm that would occur if the proposal were allowed. It is argued that the site is underused, is brownfield and situated next to an existing industrial building and residential properties. As such, the usefulness of the site and its contribution to Green Belt purposes is negligible and its loss for recycling purposes should be reasonable and acceptable in principle.
30. Whilst I have had due regard to all of the above, the appellant's assessment was not provided at the application stage. As such, the Council does not accept it and says it should have no weight in this appeal. In the Council's view, the site serves Green Belt purposes a-e, set out in Paragraph 134 of the Framework. Moreover, it is said that the proposal would result in encroachment into the countryside, extend into open land between Slough and London and would harm Green Belt openness.
31. The site was cleared of trees and shrubs approximately 18 months ago and this was confirmed by the appellant during my visit. Whilst I accept that the site is within the environs of the existing business site, as stated by the appellant, there is nothing to indicate that a change of use on the land has been approved, either by planning permission or a certificate of lawful development. As such, I find that the site is not previously developed land, nor in the curtilage of the existing facility.
32. The proposal would have benefits for the existing business, its employees and in terms of sustainable development due to its proximity to existing operations. Nonetheless, in my assessment, when considered individually and cumulatively, I find these benefits to be insufficient to overcome the substantial weight I must give to Green Belt harm and that given to the other harm identified. Accordingly, the very special circumstances needed to justify the proposal do not exist in this case.

Conclusion

33. Therefore, for the above reasons and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A McCormack

INSPECTOR