



Report to South Area Planning Committee

Application Number:	PL/23/2325/FA
Proposal:	Change of use to storage (Class B8) (retrospective) and associated landscaping
Site location:	Iver Flowerland Norwood Lane Iver Heath SLO OEW
Applicant:	Iver Flowerland Garden Centre
Case Officer:	Richard Regan
Ward affected:	Iver
Parish-Town Council:	Iver Parish Council
Valid date:	17 July 2023
Determination date:	16 November 2023
Recommendation:	Conditional permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 This application seeks planning permission for the change of use to storage (Class B8) and associated landscaping.
- 1.2 It is considered that the proposals are considered to not constitute inappropriate development within the Green Belt and would maintain its openness and not prejudice its purposes.
- 1.3 Whilst the application would result in an increase in HGV movements, these are minimal, and would not lead to any unacceptable impacts on highway safety, nor would there be an adverse impact on Air Quality.
- 1.4 The proposals would also not adversely impact upon the character and appearance of the site or locality in general, nor would there be any unacceptable impacts on the amenities of any neighbouring properties.
- 1.5 The application has been referred for determination by the South Area Planning Committee following it being called in by Cllr Matthews and Cllr Griffin.
- 1.6 Recommendation – Conditional Permission.

2.0 Description of Proposed Development

- 2.1 The application seeks planning permission for the change of use of the land and building within the application site, to storage (Class B8), together with associated landscaping.
- 2.2 The application site relates to a parcel of land that forms part of the wider Iver Flowerland site, which is a nursery/garden centre business. The site, subject to this current application, consists of two large glasshouse buildings, as well as the land around them to the south and west, which is a mixture of hardsurfacing and grass. The site is located within the Green Belt.
- 2.3 The type of storage proposed is specific to the company that currently operates from the site, 'Green Teams', who supply plants and landscaping materials/objects to film companies. It is proposed to re-use the two existing greenhouse buildings on the site, as well as a small area in between the two glasshouses, and a small area immediately to the south of the most southern glasshouse. An area to the west of the glasshouses, which is currently used for storage purposes, without planning permission, is to be returned to open grassland as part of these proposals. It is proposed to utilise the existing vehicular access from Swallow Street.
- 2.4 The application is accompanied by:
 - a) Planning Statement
 - b) Transport Statement
 - c) Travel Plan
 - d) SUDS Statement

3.0 Relevant Planning History

- 3.1 Relevant planning history for the site:
 - 93/00190/FUL – Conditional Permission, 15 August 1997 – Erect Glasshouse; continue use/extn glasshouse for sale garden assoc goods; ret/extn car park with landscaping; area for display/sale plants; use glasshouse for display/sale plants; replacement portaloo.
 - 01/00544/FUL – Conditional Permission, 3 July 2001 - Erection of covered way between greenhouses.
 - 01/00803/ADV – Conditional Consent, 8 August 2001 - Retention of two non-illuminated advertisement hoardings.
 - 01/01515/ADV – Conditional Consent, 31 January 2002 - Retention of two non-illuminated sign boards.
 - 05/01018/FUL – Conditional Permission, 15 September 2005 - Erection of production glasshouse, retail glasshouse, open sided retail canopies. Change of use of existing nursery glasshouse to nursery/garden centre.
 - PL/19/2883/FA - Refused, 14 October 2019 - Change of use of part of the Garden Centre to a Builder's merchant with retail sales (retrospective).
 - PL/22/0758/FA – Refused, 16 June 2022 - Change of use to storage (Class B8) (retrospective) and landscaping.
 - AP/22/0143 – In Progress, - Appeal against a material change of use of the Land and buildings to a mixed use comprising Storage and Distribution (Use Class B8), agriculture and horticulture (the unauthorised use) and integral to the unauthorised

use, the carrying out of operational development comprising the laying of hardstanding, the formation of bunding and the siting of associated paraphernalia, items, equipment and vehicles (the unauthorised development) without planning permission.

4.0 Summary of Representations

4.1 Letters of objection have been received from 7 separate households regarding the proposed development. The Parish Council have raised an objection to the proposals on the grounds of it resulting in an increase in the number of HGV movements occurring on the local highway network and the associated impacts of this. A summary of consultation responses and representations made on the application can be viewed in Appendix A.

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2023.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- Chiltern and South Bucks Townscape Character Study 2017
- Chiltern and South Bucks Community Infrastructure Levy (CIL) Charging Schedule
- The Ivers Neighbourhood Plan 2021-2040

Principle of Development/Green Belt

Local Plan Saved Policies:

GB1 (Green Belt boundaries and the control over development in the Green Belt)

GB2 (Re-use of buildings in the Green Belt)

GB4 (Employment generating and commercial development in the Green Belt (excluding Green Belt settlements)),

GB9 (Agricultural diversification)

- 5.1 The site falls within the Green Belt where the types of development that are deemed acceptable are very limited. Policy GB1 of the Local Plan, together with the National Planning Policy Framework (NPPF) set out the types of development that are deemed acceptable. Where there is a conflict, then the NPPF takes precedence. Section 13 of the NPPF sets out the Governments guidance on development within the Green Belt, as well as identifying its five purposes.
- 5.2 This proposal follows a recently refused application for a similar form of development, which was refused on grounds relating to its impact on the Green Belt and highway safety.
- 5.3 The current proposals differ from that refused scheme by virtue of an increased use of the existing buildings on site, and a reduction in the amount of land being used for external storage.
- 5.4 Para. 150 of the NPPF sets out the forms of development, other than the for erection of a building, which are not inappropriate development within the Green Belt. The caveat to this, is that they must preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Part 'd' of para.150 allows for the re-use of buildings, provided that they are of permanent and substantial construction, whilst part

'e' of the same paragraph allows for material changes in the use of land. Policies GB1 and GB4 of the Local Plan also allow for the re-use of buildings within the Green Belt, provided they are also in compliance with policy GB2, as well as allowing for uses of land which would not compromise the purposes of the Green Belt and would enable it open and undeveloped character to be retained.

- 5.5 It is considered that the existing buildings being proposed to be re-used are of a permanent and substantial construction. The storage of plants and landscaping materials to be used in filming, within the buildings, is considered acceptable, as the items would not have a physical impact on the Green Belt.
- 5.6 With regard to the proposed external storage, this is proposed to be confined to the area in-between the two glasshouses, as well as an area to the south of the most southerly glass house. Both of these areas appear to fall within land directly associated with the existing Iver Flowerland nursery/garden centre operation on the site.
- 5.7 It is considered that the storage of planting and landscaping materials are not dissimilar to items that could be located on these pieces of land in connection with the nursery/garden centre operation on the site, as these areas of land can lawfully be used for the storage of plants and other landscape vegetation such as small trees and hedges, as well as various other items associated with a Garden Centre. The visual appearance of the site would therefore be very similar to that which can lawfully appear on the site. The confinement of the storage to these areas would also ensure that the purposes of the Green Belt are not prejudiced as there would be no encroachment beyond the land lawfully allowed to form part of 'Iver Flowerland'.
- 5.8 It is acknowledged that there are certain items that would exceed the height of anything that would be stored in site in connection with the existing business, such as palm trees and large sections/trunks of dead trees. It is acknowledged that such larger/taller items would appear out of character, and could not be argued to be similar to that which could be found on the existing site. Their greater height would also adversely impact upon openness. It is considered that it would be inappropriate for such items to be stored externally and it would be appropriate for a condition to be used to limit the height of items that can be stored externally.
- 5.9 It is also acknowledged that the storage of the landscape items would introduce a new use with its own associated activities. However, due to the nature of the business, the level of external activity associated with the storage use overall is not expected to be significant. It is noted that the highway assessment submitted as part of the application sets out daily vehicular movements would average out at only 1.4 per day, Monday to Friday, with no movements at the weekends. As such, associated uses of the storage are not considered to adversely impact upon the openness of the Green Belt.
- 5.10 Overall, it is considered that the proposals would not constitute inappropriate development within the Green Belt as it would maintain its openness and not prejudice its purposes. This view is based on there being a restriction on the type of items that can be stored externally, as well as a restriction on the maximum height of any item to be stored on the external parts of the site. As such, it is considered that the proposals are in compliance with policies GB1, GB2, and GB4 of the Local Plan, as well as the exceptions for development in the Green Belt as set out in the NPPF.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

TR10 (Heavy goods vehicles)

Iver Neighbourhood Plan Policies:

IV6 (Sustainable Travel)

IV9 (Reducing HGV)

- 5.11 The applicant has supplied a Transport Statement in support of the application. This sets out that in terms of traffic generation, the use would generate up to 7 HGV movements per week. As the site would not operate at the weekends, the average HGV traffic movements Monday to Friday would therefore be 1.4 movements.
- 5.12 The Council's Highways Officer acknowledges that both Swallow Street and Bangors Road South have a 7.5t weight restriction 'except for loading'. However, they consider that this level of HGV movement would result in a minimal daily increase over and above those HGV movements generated by the adjacent nursery/garden centre site, and access to the site is permitted for loading purposes. In light of these circumstances, they consider that the level of vehicular movements can safely be accommodated onto the local highway network, and would not lead to an unacceptable impact on highway safety, nor would it result in a severe cumulative impact on the road network movements.
- 5.13 It is noted that policy IV9 of the Ivers Neighbourhood Plan seeks to control the level of Heavy Goods Vehicle movements within the Ivers, with part 'b' of that policy advising the following:
- "Proposals for the development of new businesses, or for the intensification of existing businesses, that will lead to an increase in HGV that would have an unacceptable impact on highway safety, or which would result in a severe cumulative impact on the road network movements will not be supported."
- 5.14 It is important to note that policy IV9 does not seek to prevent all applications that would lead to an increase in HGV movements, but only those that would result in unacceptable highway implications. The policy does therefore allow for applications that result in increases in HGV movements. In this instance, in light of the comments of the Council's Highways Officer, it is considered that whilst the proposal would lead to an increase in HGV movements, the increase is minimal, and would not lead to unacceptable impacts on highway safety, nor would it result in a severe cumulative impact on the road network movements. As such, it is considered that the proposal complies with policy IV9.
- 5.15 With regard to the vehicular access, the Council's Highways Officer considers that this provides adequate visibility for vehicles exiting the site, and swept path analysis demonstrates that HGV's can safely turn into and out of the access without having to carry out multiple manoeuvres on the highway or using the public footpath or private driveways opposite the site.
- 5.16 The existing access, in terms of its construction, can be upgraded to a suitable standard, for which the relevant license would need to be obtained.
- 5.17 In light of these comments, it is considered that the use of the existing access is appropriate and would not lead to any unacceptable highway or safety implications.
- 5.18 Overall therefore, it is considered that the proposal would adhere to the relevant

transport related policies including policies IV6 and IV9 of the Ivers Neighbourhood Plan, and would not result in any unacceptable highway implications.

Raising the quality of place making and design

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

EP3 (The Use, Design and Layout of Development)

EP4 (Landscaping)

- 5.19 The NPPF sets out Core Planning principles for the operation of the planning system. One of the principles set out is that authorities should always seek to secure high quality design.
- 5.20 Local Plan policy EP3 states that development will only be permitted where its scale, layout, siting, height, design, external materials and uses are compatible with the character and amenities of the site itself, adjoining development and the locality in general. Poor designs which are out of scale or character with the surroundings will not be permitted.
- 5.21 The proposed development does not involve the provision of any new built form, but would incorporate the presence of landscape products/items on the designated external areas which are immediately adjacent to the existing buildings. The appearance of these landscape products/items would not be too dissimilar to items that you may find on a nursery/garden centre site, and they would be seen in relation to the adjoining garden centre with limited views from the surroundings areas. Consequently, it is not considered that the proposal would adversely impact upon the character or appearance of the area.

Amenity of existing residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

- 5.22 Policy EP3 of the Local Plan requires that development should not adversely affect the character or amenities of any neighbouring properties or the locality in general.
- 5.23 The proposed development would be set well away from neighbouring dwellings and is not considered to give rise to any loss of amenities. It is noted that concern has been raised by some local residents with regard to noise and disturbance resulting from the HGV vehicular movements associated with the proposed use. However, the number of HGV movements associated with the proposed use equates to 1.4 movements per day Monday to Friday, with no such movements at the weekends. It is considered that these levels of movements would not lead to an unacceptable impact on the amenities of local residents in terms of noise and disturbance.

Environmental issues

Core Strategy Policies:

CP13 (Environmental and resource management)

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

Iver Neighbourhood Plan Policies:

IV7 (Air Quality)

- 5.24 The Parish of Iver has been designated as an Air Quality Management Area (AQMA), and

policy IV7 of the Ivers Neighbourhood Plan seeks to protect and where possible improve air quality within Iver.

- 5.25 Given the nature and scale of this application, which does not incorporate any new built form, but rather the re-use of existing land and buildings, criteria 'B' of policy IV7 is the relevant criteria to be applied to this application. This sets out that development proposals will be required to demonstrate at least Air Quality Neutral standard during operation in order to avoid causing or contributing to worsening air quality in the AQMA, and that this should be demonstrated via an air quality assessment.
- 5.26 In this instance, the Council's Environmental Protection Officer has reviewed the proposals and has advised that given the small number of vehicular movements associated with the proposals, there is no requirement for an air quality assessment to be undertaken. This is due to the fact that the levels of Nitrogen Dioxide associated with the vehicular movements would not have a material impact on air quality.
- 5.27 In light of these comments, it is considered that the proposal would not adversely impact upon air quality and therefore would be in compliance with policy IV7 of the Ivers Neighbourhood Plan.

6.0 Weighing and balancing of issues / Overall Assessment

- 6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a. Provision of the development plan insofar as they are material,
 - b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
 - c. Any other material considerations
- 6.2 As set out above it is considered that the proposed development would accord with the development plan policies.
- 6.3 Taking all of the above into account it is considered that the proposal would provide for a sustainable form of development that meets the requirements of the NPPF and relevant Development Plan policies.

7.0 Working with the applicant / agent

- 7.1 In accordance with paragraph 38 of the NPPF (2023) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 7.3 In this instance, the applicant has undertaken pre-application discussions with the Council, whereby the applicant was advised of any issues and provided the opportunity to respond to revise the scheme accordingly.

8.0 Recommendation: Conditional permission, subject to the following conditions:-

1. Any items to be stored externally, outside of the glasshouses, shall not exceed 3m in height.
Reason: To protect the openness of the Green Belt.
2. Any external storage shall be limited to the areas as shown on plan No. P2065-03A.
Reason: To protect the openness of the Green Belt.
3. No more than a total of 7 deliveries shall take place within any given week. All deliveries and collections to and from the site shall only be carried out between the following days and times:
Monday to Friday from 08.00 hours to 17.00 hours.
At no times on Saturdays and Sundays.
Reason: To protect the amenities of the neighbouring properties and to prevent any adverse effects to air quality.
4. The development to which this planning permission relates shall be undertaken solely in accordance with the following drawings:

List of approved plans:

<u>Received</u>	<u>Plan Reference</u>
17 Jul 2023	P2065-01A
17 Jul 2023	P2065-02A
17 Jul 2023	P2065-03A

APPENDIX A: Consultation Responses and Representations

Councillor Comments

Cllr Matthews:

"I would also like to retain my call in of this application both on Green belt grounds and the HGV traffic on a road which has an environmental weight restriction on it."

Cllr Griffin:

"I would like to retain the 'call-in' as this application appears to fall foul of the objectives of the NHP to proactively limit and reduce the number of HGVs accessing The Ivers and specifically on weight limited roads."

Parish Council Comments

"The parish council object and request a call-in due to the following:

As stated in the adopted Ivers Neighbourhood Plan, Policy IV9 (B) Reducing Heavy Goods Vehicles, the parish council will not support development that will lead to an increase in HGV movements.

The parish council dispute the number of HGV movements quoted in association with the application.

If minded to permit, the parish council request the inclusion of the following conditions:

- Active air quality management to be in place
- Hours of operation to be reduced to 09:00 - 17:00
- Restriction on the number of HGV movements - not to exceed 7 per week"

Consultation Responses

Highways Officer:

Swallow Street is an unclassified road which in this location is subject to a speed restriction of 30mph. Proposals include the change of use to storage from a agricultural/horticultural use. Proposals include the change of use to storage for plants and landscaping materials before being sent to filming locations on a rental basis.

The applicant has provided data for the site, which indicates that the site currently generates an average of 1 delivery per day and as such would equate to a total of 2 trips per day. I can confirm that the existing site access onto Swallow Street is of adequate width and visibility to accommodate the intensification in use of the site.

Mindful of the above, I have no objection to the proposals, and in this instance, I have no conditions to suggest for inclusion on any planning consent that you may grant.

Environmental Protection Officer:

"Air Quality Comments

Thank you for consulting us on the proposed development outlined above. I have no comments to make with regards to air quality.

The requirement to undertake an air quality assessment for both construction and operational traffic has been scoped out based on screening criteria outlined in the IAQM Land-Use Planning & Development Control: Planning for Air Quality Guidance. The 1st stage criteria are:

A. If any of the following apply

- 10 or more residential units or a site more than 0.5ha
- More than 1000m² of floor space for all other uses or a site greater than 1ha

B. Coupled with any of the following:

- The development has more than 10 car parking spaces
- The development has a centralised energy facility or other centralised energy facility or other centralised combustion process.

The 2nd stage screening thresholds for residential development includes:

- An Annual Average Daily Flow (AADF) of greater than 100 vehicles below 3.5 tonnes and an AADF greater than 25 Heavy Goods Vehicles if the development is located within, or adjacent to, an Air Quality Management Area.
- An Annual Average Daily Flow (AADF) of greater than 500 vehicles below 3.5 tonnes and an AADF greater than 100 Heavy Goods Vehicles if the development is not located within, or adjacent to, an Air Quality Management Area.

Traffic flows over these thresholds indicates the need for an air quality assessment, whether this takes the form of a Simple or Detailed Assessment.

There are concerns about the potential air quality impacts of cumulative developments in the Ivers as many individual schemes, deemed insignificant in themselves, are potentially contributing to a “creeping baseline”. There is a concern that in combination the emissions of local planning developments and the National Infrastructure Projects could result in a significant increase in NO₂ concentrations in Iver and contribute towards an increase in particulate matter. The Air Quality Action Plan for the Iver contains several measures that should reduce NO₂ concentrations in Iver Parish. The council are requesting a financial contribution from all developments that increase concentrations within the Iver area. In this case the impact on Air Quality is not considered so significant as to request s106 funding the Strategic Environment will consider the CIL contribution from the developer.”

Representations

7 comments have been received objecting to the proposal:

HGV Movements:

Highway Implications;

Contrary to Neighbourhood Plan Policies;

Damage to carriageway and footpaths;

Access inadequate;

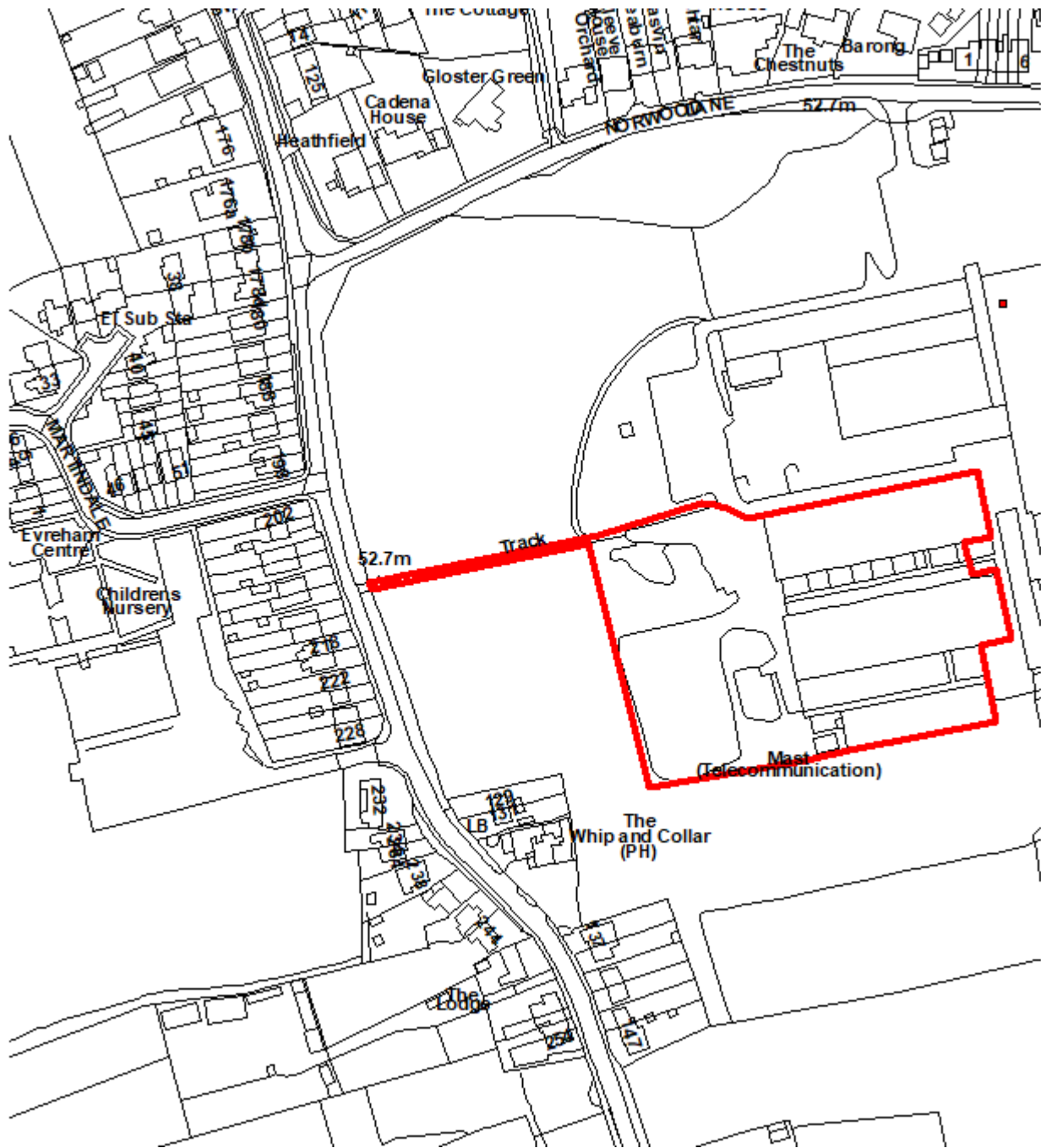
Impact on Green Belt;

Impact on character of area;

Noise disturbance;

Impact on wildlife.

APPENDIX B: Site Location Plan



Do not scale – this map is indicative only

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