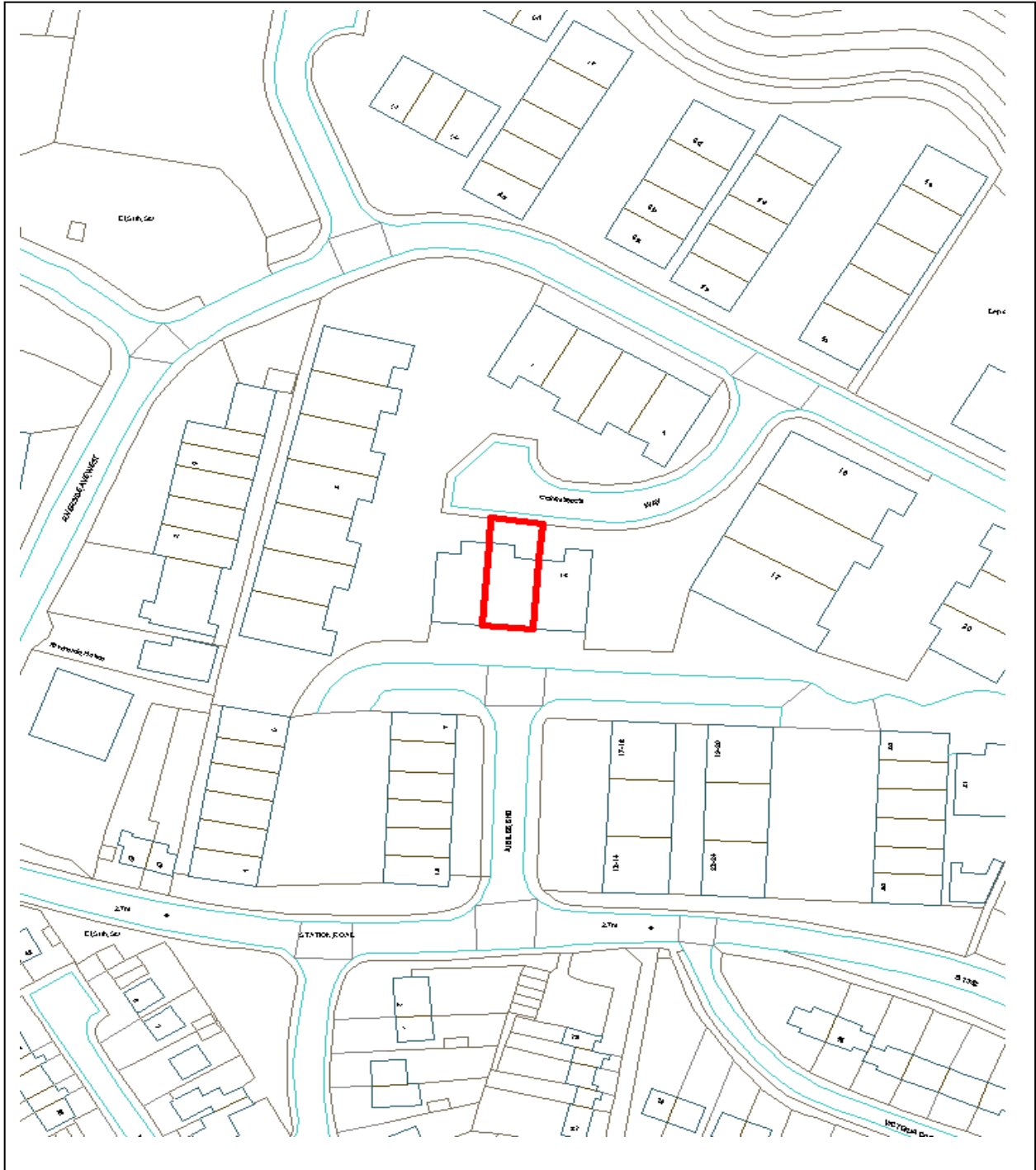


PLANNING COMMITTEE

23 AUGUST 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 11/00810/FUL - 13 COMMERCE WAY , LAWFORD, CO11 1UT**



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<b>Application:</b>	11/00810/FUL	<b>Town / Parish:</b> Lawford Parish Council
<b>Applicant:</b>	Equiglobal Ltd - Mr Steve Russell	
<b>Address:</b>	13 Commerce Way Lawford Manningtree, CO11 1UT	
<b>Development:</b>	Retrospective change of use of industrial units (B1) to storage and distribution and retail (A1, B8) uses.	

## 1. Executive Summary

- 1.1 The site is located within the defined settlement limits for Lawford and lies within flood zone 3. The site also lies within the allocated Principal Business and Industrial Area of Lawford Dale Industrial Estate. The unit is currently in use for the storage and sale of animal feeds and products to trade and the general public, and a small area for the storage and display of wholesale work wear. The mezzanine floor is used to display large fishing equipment for Manningtree Angling with all sales from their shop at 7 South Street, Manningtree.
- 1.2 It is considered that this mixed storage and distribution and retail use, which requires a level of floor space and off street parking not available within Manningtree Town Centre, is acceptable by virtue of its close proximity (350 metres) and easy walking distance from the town centre. There is no objection in relation to flood risk or highway safety.

**Recommendation: Approve (after expiration of Development Plan Departure advertisement on 26<sup>th</sup> August 2011).**

### Conditions:

- List of approved plans
- Restriction to storage and distribution of animal feeds and products, work wear and large fishing equipment (B8), and retail of animal feeds and products (A1).

### Reason for approval:

Having regard to the pattern of existing development in the area and the development plan policies listed it is considered that subject to compliance with the conditions attached to this permission and owing to the mixed storage and distribution and retail use being located within close proximity (350 metres) and easy walking distance from the town centre, the development to be retained would not reduce the amenities enjoyed by occupants of neighbouring property, would not have an adverse impact upon the character of the surrounding area and is acceptable in terms of highway safety and flood risk.

## 2. Planning Policy

### National Policy:

PPS4 Planning for Sustainable Economic Growth

PPS25 Development and Flood Risk

Draft National Planning Policy Framework

Local Plan Policy:

Tendring District Local Plan (2007)

QL3 Minimising and Managing Flood Risk

ER2 Principal Business and Industrial Areas

ER3 Protection of Employment Land

ER4 Non Employment Uses in Employment Areas

ER32 Town Centre Uses Outside Existing Town Centres

Core Strategy and Development Policies Proposed Submission Draft (2010)

CP7 Flood Risk, Coastal Change and Water Conservation

CP13 Employment Sites

CP16 Town, District, Village and Neighbourhood Centres

DP1 Design of New Development

**3. Relevant Planning History**

None

**4. Consultations**

Environmental Health No objection.

Regeneration Support. The business has been operating here since 2005 and the changing business practices have necessitated the need for this application. The current retail element of the business cannot reasonably be relocated to Manningtree high street as there are currently only two empty shops, both of which are far too small for their needs.

ECC Highways No objection.

**5. Representations**

Lawford Parish Council – No objection.

No neighbour letters have been received.

**6. Assessment**

The main planning considerations are:

- Context
- Principle of development;
- Highway safety, and:
- Flood risk.

## **Context**

- 6.1 The site is located within the defined settlement limits for Lawford and lies within flood zone 3. The site also lies within the allocated Principal Business and Industrial Area of Lawford Dale Industrial Estate and is completely surrounded by industrial units. The immediate area therefore has a strong industrial character although a number of neighbouring units are in non-industrial uses, including hot food takeaways and two double units to the immediate south east as carpet and flooring showrooms which were approved at Planning Committee in October 2010 and March 2011.
- 6.2 The unit is currently in use for the storage and sale of animal feeds and products to trade and the general public, and a small area for the storage and display of wholesale work wear. The mezzanine floor is used to display large fishing equipment for Manningtree Angling with all sales from their shop at 7 South Street, Manningtree. The 1980 planning permission for the unit was for light industrial use (B1). The current mixed use of storage and distribution (B8) and retail (A1) is therefore unauthorised. This application seeks to regularise the situation. No external alterations to the building have occurred, or are proposed under this application.

## **Principle of Development**

- 6.3 The site lies within the allocated Principal Business and Industrial Area for Lawford and is therefore protected under local plan policy ER2 for employment use. B1 light industrial uses are usually not permitted in these areas and the Council would generally seek B2 (general industrial) or B8 (storage and distribution) uses. However, this site differs from most employment sites by virtue of the 1980 planning permission for light industrial development (B1). The mixed use to be retained is partly B8 (storage and distribution) and partly A1 (retail). Due to the policy allocation, the B8 use is appropriate for this industrial site but retailing is not usually encouraged on employment land, although it is recognised that the operational needs of some firms has changed and small scale ancillary retailing of bulky non-food goods manufactured on the premises may be acceptable within employment areas. In this case many of the goods are bulky but they are not manufactured on site.
- 6.4 The application site lies approximately 350 metres from the edge of the town centre boundary for Manningtree and approximately 530 metres from the primary shopping frontage. An edge of centre retail site should be within 300 metres of the primary shopping area and other uses should be within 300 metres of the town centre boundary in order to be classed as edge of centre. This mixed retail and storage use lies just outside that range but is within easy walking distance of the town centre. It is also a bulky retail use where large sacks of animal feed can be purchased on site and would generally need to be collected by car.
- 6.5 There is considered to be no conflict with the Draft National Planning Policy Framework (July 2011 consultation document) as the proposal retains 3.5 FTE posts, would not harm the vitality and viability of the town centre (as discussed below), and meet the needs of consumers for accessible retail services. The DNPPF states planning policies should avoid the long term protection of employment land or floor space, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.
- 6.6 Planning Policy Statement 4 (Planning for Sustainable Economic Growth) and local plan policy ER32 state that proposals for town centre uses, such as retail, which lie outside existing town centres will be considered against a sequential site approach and impact assessment (with Officer response in brackets).

- 6.7 Under the sequential assessment the site should: a) be assessed for availability, suitability and viability (*the business already operates from the building and has done so since 2005 with retail sales to the general public beginning in 2009*). b) Ensure all in-centre options have been thoroughly assessed before less central sites are considered (*Manningtree's primary shopping area is very small, with only small units which also do not have off street parking to facilitate collection of these bulky goods and would not therefore be suitable*). c) Where b) above is demonstrated preference should be given to edge of centre locations which are well connected by easy pedestrian access (*the site lies 350 metres from the town centre boundary and has good pedestrian access. Other units within closer proximity of the town centre are also within the allocated employment area and therefore raise the same policy concerns*). d) In considering edge of centre sites operators should demonstrate flexibility in terms of (i) reducing floor space (*the unit is already near capacity with a mezzanine floor and large racking systems*) (ii) altered layout (*the building is one large space internally therefore maximising usable floor space*) (iii) car parking provision (*the nature of the goods being sold require collection and delivery by vehicle and a reduction in parking provision would not therefore be suitable*). (iv) subdivision to sequentially preferable sites (*units within Manningtree town centre are small and do not have on site parking, other units within closer proximity of the town centre are also within the allocated employment area and therefore raise the same policy concerns. The fishing tackle element has also already moved to a shop in the town centre*).
- 6.8 The impact assessment requires applications for main town centre uses that are not in the town centre to be assessed against a number of potential impacts on the town centre. This case is for a mixed storage and distribution and retail use where the size of building required and the necessity for off street parking render this use unsuited to Manningtree Town Centre, by virtue of the towns small size and deficiency of parking provision. There is one pet shop in the town centre but as a bulky animal feeds retailer, there is little overlap between the two businesses. Therefore the proposals add to the range of goods available within this edge of centre area. There are no allocated retail sites outside the town centre.
- 6.9 It is therefore considered that this mixed storage and distribution and retail use, which necessitates a level of floor space and off street parking not available within Manningtree Town Centre, is acceptable by virtue of its close proximity (350 metres) and easy walking distance from the town centre. The storage and distribution use is wholly appropriate to the industrial estate which contains a variety of non-industrial uses including a number of hot food takeaways and carpet and flooring showrooms within the immediate locality of the site. A condition is recommended to restrict use of the building to storage and distribution of animal feeds and products, work wear and large fishing equipment (B8), and retail of animal feeds and products (A1) to enable the Council to retain control over the development in the interests of protecting employment land.

### **Highway safety**

- 6.10 The Highway Authority has no objection to the proposal. Three off street parking spaces are provided to the front of the building and there is ample parking within the surrounding area and therefore there is considered to be no objection on highway safety grounds.

### **Flood risk**

- 6.11 The site lies within flood zone 3 but no alterations are proposed and the application is for a change of use with the previous and current uses falling within the less vulnerable category. There is therefore no objection on the grounds of flood risk.

### **Background Papers**

None