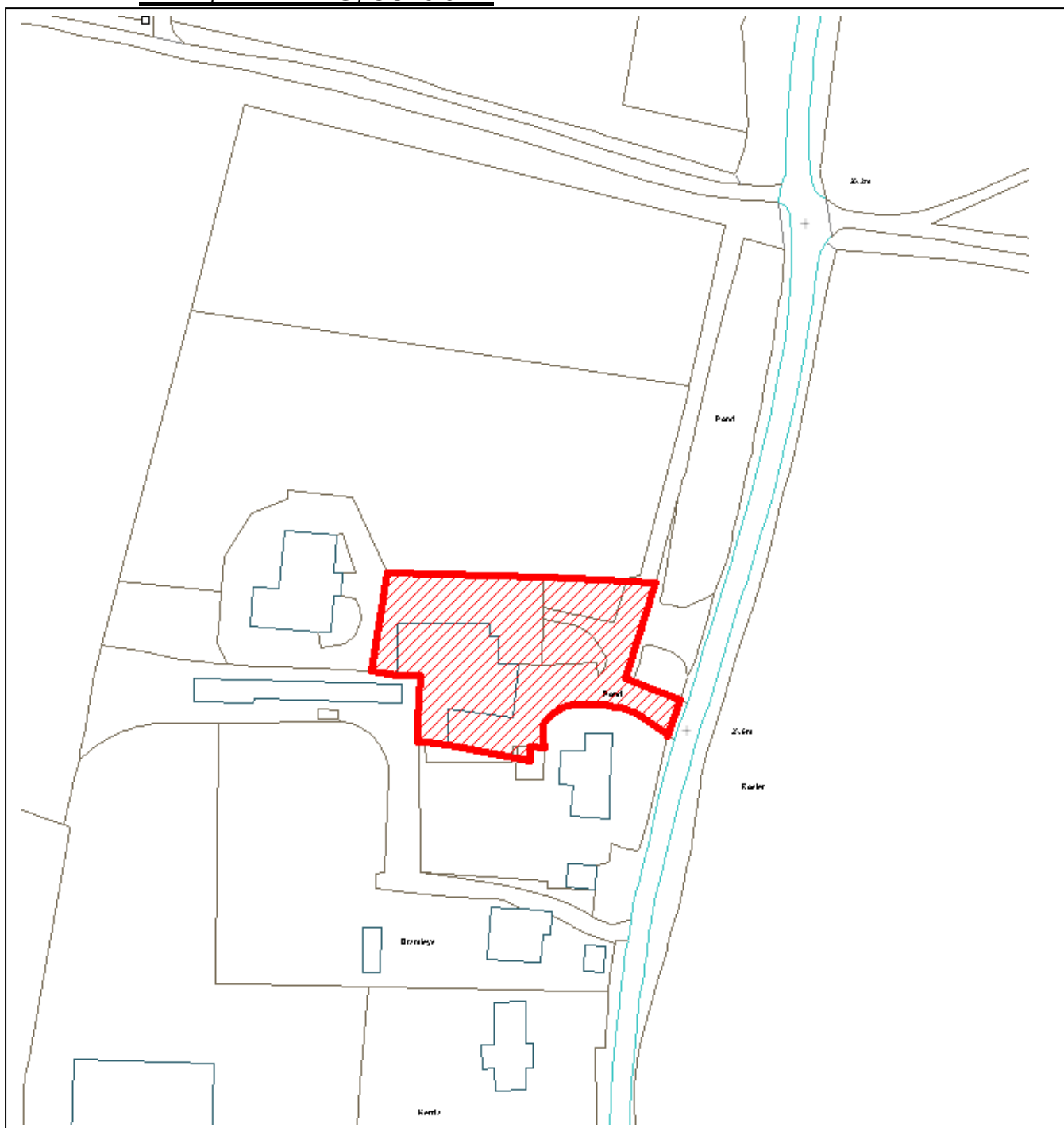


PLANNING COMMITTEE

18 October 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.11 PLANNING APPLICATIONS - 11/00823/FUL - ROSIER , CROWN LANE, TENDRING, CO16 0BH



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Application:	11/00823/FUL	Town / Parish: Tendring Parish Council
Applicant:	Hoverwood Ltd	
Address:	Rosier, Crown Lane, Tendring, CO16 0BH	
Development:	Proposed change of use from the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products to the storage and sale of furniture and associated items together with the demolition of existing buildings associated with the business use and construction of new single storey building as replacement.	

1. Executive Summary

- 1.1 The application site is situated outside of any defined settlement boundaries where development is strictly controlled in the interest of protecting the countryside for its own sake. The proposals are contrary to development plan policies and national guidance, however, the application site has lawful use for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products. This is a material planning consideration.
- 1.2 The existing single-storey buildings are currently used in an unauthorised manner by the applicant. The applicant manufactures, imports and exports furniture under the trading names of Hoverwood Ltd and Hoverwood11 Ltd and the applicant states it is expected that this proposal create 5 jobs at this site.
- 1.3 The main policy consideration is ER7 and a balance needs to be required between the employment which would be created from this proposal and the adverse impact the scale and nature of the development would have on its countryside setting.
- 1.4 As a matter of judgement, Officers consider that the scale and nature of the proposed building and use could not be accommodated without an adverse impact on the amenities and landscape character of the area which would outweigh the employment benefits.
- 1.5 Members will need to exercise particular judgement relating to these issues. Should Members attach greater weight to the creation of jobs, then there could, on balance, be a case for granting planning permission and extinguishing a lawful use which is an un-neighbourly form of development in the countryside.

Recommendation: Refuse

Reason for refusal:

The proposal is considered contrary to Policies QL1, QL9, QL11, ER7, ER32 and EN1 of the Tendring District Local Plan 2007, policy ENV7 of the East of England Plan 2008, and PPS1 (Delivering Sustainable Development), PPS4 (Planning for Sustainable Economic Growth), and PPS7 (Sustainable Development in Rural Areas). Policy QL1 states only development which is consistent with countryside policies will be permitted outside defined settlement boundaries. Policies QL9 and QL11 state that planning permission will only be granted if, amongst other criteria, the development relates well to its site and surroundings, particularly in relation to its siting, height, scale, massing, design and form, and seek to ensure that all new

development is well designed and makes a positive contribution to the quality of the local environment. Policy ER7 states that in considering proposals for business sites the Council will need to be satisfied that (inter alia) the scale and nature of the proposal is appropriate to the locality, including its relationship with adjacent uses, and in rural locations permission may exceptionally be granted providing the criteria within policy ER7 can be met and where new employment opportunities would be generated providing the proposals can be accommodated without an adverse impact on the landscape character of the countryside. Policy ER32 states proposals for town centre uses outside existing town centres will be considered against a sequential site approach and need assessment. Policy EN1 seeks to protect the District's landscape and its distinctive local character from inappropriate development.

In this instance, it is considered the proposed use would be unacceptable as the site lies in an unsustainable location where retail activities should not be supported, and such uses should be directed to the District's sustainable towns and villages as identified in Local Plan policies QL1, ER31 and ER32.

Furthermore, the proposed building, being 8.5m in height, 36m in length and 11.5m in width, is considered to be excessive, and larger than the existing barn on the site. The proposed building may be designed to replicate an agricultural barn by using stained timber cladding, clay peg tiles, and limited window and door openings, but the scale and nature of the proposed building is not considered appropriate in its locality, and can not be accommodated without an adverse impact on the landscape character of the area which would add to the sporadic commercial form of development in this locality, resulting in further creeping erosion and urbanisation of its countryside setting contrary to the aforementioned policies.

2. Planning Policy

National Policy:

- PPS1 Delivering Sustainable Development
- PPS4 Planning for Sustainable Economic Growth
- PPS7 Sustainable Development in Rural Areas

Draft National Planning Policy Framework

Regional Policy:

East of England Plan (2008)

- ENV7 Quality in the Built Environment

Local Policy:

Tendring District Local Plan (2007)

- QL1 Spatial Strategy
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses

- ER7 Business, Industrial and Warehouse Proposals
- ER31 Town Centre Hierarchy and Uses
- ER32 Town Centre Uses Outside Existing Town Centres
- EN1 Landscape Character
- TR1a Development affecting Highways

Core Strategy and Development Policies Proposed Submission Draft (2010)

- CP1 Containing Urban Growth
- CP2 Development in the Countryside
- DP1 Design of New Development
- DP5 Landscape Impacts

3. Relevant Planning History

03/02314/LUEX	Land and buildings used for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products. Buildings used for these purposes were erected prior to 1993, without planning permission.	Approved	12.2.2004
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4. Consultations

- 4.1 Tendring Parish Council has no objections to the application.
- 4.2 Environmental Services consider that in light of the previous use of the site and the vehicle breaking activities that took place there a full contaminated land condition should be imposed on any approval given.
- 4.3 The Highway Authority raises no objection subject to conditions.
- 4.4 Regeneration strongly urge Members to consider supporting this application. The exceptional circumstances relating to the Certificate of Lawful Use which applies to this site, could result in a company retailing used car spares, being able to legally operate from the site tomorrow. This application removes this heavy industry opportunity from this residential area and replaces it with a far less intrusive use. It is recognised that in planning terms the application would allow for very limited low level retailing to take place but this represents approx 1% of the company's sales and very few vehicle movements. In regeneration terms the overall gain is therefore significant and the additional 8 new jobs created through this application provides an additional element in support of the scheme.

5. Representations

5.1 One letter of representation has been received making observations on the application. Their comments are summarised below:

- Proposal is preferable to 'car breaking' use gained by default by Ford Spares.
- Legitimising the use would subject it to proper planning controls and prevent such abuse in the future.
- Consider any retail use to be during normal working hours.
- Industrial use and use of fork lift trucks or other noisy machinery should be restricted to Monday to Friday and not allowed on public holidays.
- The proposed building is more attractive than the current buildings although it is much higher.
- In this regard it is assumed the shape and size will commensurate with planning guidelines and what the committee feel appropriate for the site.

6. Assessment

6.1 The main planning issues to be considered in the determination of this planning application are:

- Context and Background;
- Proposal;
- Policy Context;
- Impact of the Scale and Nature of the Proposal on its Locality;
- Other Issues.

Context and Background

6.2 The application site relates to a 0.21 hectare area of land to the western side of Crown Lane. The applicant also owns the adjacent land to the north which includes an existing barn and land for grazing, and to the south the dwellinghouse known as 'Rosier', which is a two-storey detached dwelling.

6.3 The application site has lawful use for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products. This was granted through a lawful development certificate in 2004 under reference 03/02314/LUEX. The buildings remain on site which consists of an array of single-storey buildings attached to one another forming a floor area of approx. 560 sq m. A site area of approx. 1,540 sq m surround the buildings on three sides and is used for the parking of customers cars and access into and around the buildings.

Proposal

6.4 The existing single-storey buildings are currently used in an unauthorised manner by the applicant. The applicant manufactures, imports and exports furniture under the trading names of Hoverwood Ltd and Hoverwood11 Ltd. The furniture is sold throughout the country to retailers and directly to members of the public. The company have other premises at Alresford Business Centre, trading as Alresford Fine Furnishings and employ 9 people. Some manufacturing takes place at Alresford but majority of furniture is designed in this country but manufactured abroad and imported. The imported furniture is unloaded at Alresford from containers for distribution and storage and from there a small proportion is currently transported, in smaller, transit sized vehicles to Crown Lane for storage and display.

- 6.5 The proposal is to demolish the existing buildings and erect a new barn type structure in a similar manner to the barn at the rear of the site. The proposed barn is approx. 8.5 metres in height, 36 metres in length and 11.5 metres in width, with a entrance lobby attached to the front of the building. The barn will be constructed using an oak frame and timber cladding externally with the roof covered in clay peg tiles. The building will have a floor area of approx. 396 sq m.
- 6.6 The majority of the floor area of the proposed building will be retained for storage, with an area set aside for display purposes. The applicant states the display area is required because although the majority of sales are completed either direct with retailers or via the internet, there is sometimes a requirement from customers to view the products prior to purchase. The building will also provide an area where products can be photographed for sales purposes. The applicant wishes to retain the retail element because some customers viewing the products occasionally wish to make a purchase at that time.
- 6.7 The applicant states the photography of the furniture is an important element as it is the main way of showing their products particularly on the internet.
- 6.8 The applicant states the proposal will create 5 new jobs on this site involved in packaging, warehousing and internet updating. As part of the overall growth of the company, it will also lead to an additional 3 jobs on other sites, as well as improving the overall vitality of the existing business.
- 6.9 Car parking will remain to the north of the building using the existing shared access from Crown Lane through to the existing barn.
- 6.10 The proposed hours of operation are 08:00 to 17:30 Monday to Saturday for the storage areas, and opening times for the sales part of the proposal are 09:00 to 17:30 Monday to Saturday, and 11:00 to 16:00 Sundays and Public Holidays.

Policy Context

- 6.11 The application site is located outside of any defined settlement boundary where development is usually restricted to that mainly associated with agriculture. However, the application site has a lawful use for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products, which forms a material planning consideration. The site is therefore an established industrial/commercial site and guidance in PPS1 and PPS7 provides that all development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.
- 6.12 Central to the assessment of this application (inter alia) are Planning Policy Statement 7 (Sustainable Development in Rural Areas) and Tendring District Local Plan policies QL1 and ER7. Policy QL1 provides that the spatial strategy for Tendring to 2011 follows established national and regional principles for sustainable development, and that most new development is to be concentrated within those defined settlement boundaries as stated in the Local Plan, and outside of these settlement boundaries only development which is consistent with countryside policies will be permitted.
- 6.13 Policy ER7 'Business, Industrial and Warehouse Proposals' in the pre-ample to this policy states that the Council wishes to support the growth of existing businesses and will grant permission for extensions to established business and industrial premises in built up areas or villages and in rural locations providing they have an acceptable

impact on visual and residential amenity, rural amenity and transportation considerations. Furthermore, in rural locations, the visual impact on the landscape character of the countryside will be an important consideration, however planning permission for extensions to existing firms in rural areas may be permitted if proposals would result in the creation of a number of jobs and if satisfactory screening and landscaping can be achieved to minimise the impact of the development on the countryside. It is therefore important that the proposed use is well designed so to minimise any adverse impacts and fits appropriately into its countryside setting.

- 6.14 Other policies of particular note include QL9 which requires all new development to make a positive contribution to the quality of the local environment and protect or enhance local character and that (inter alia) development should relate well to its site and surroundings particularly in relation to its siting, height, scale, massing, form, design and materials. Policy QL11 requires the scale and nature of all new development to be appropriate to its locality, and Policy EN1 seeks to protect the District's landscape and its distinctive local character from inappropriate development.

Impact of the Scale and Nature of the Proposal on its Locality

- 6.15 In this instance, the location for the proposed building and its use is situated outside of any defined settlement boundary as defined within the Local Plan. Therefore the site is located within the countryside for assessing any application against national and local planning policies. Policy QL1 only allows development which is consistent with countryside policies. The reason being the countryside is to be protected for its own sake, with the aim to conserve and enhance the countryside against inappropriate development. This is also reaffirmed in PPS7 which states that new development in the open countryside away from existing settlements should be strictly controlled to protect the countryside for its own sake.
- 6.16 However, policy ER7 is clear in that in rural locations, such as this, permission may exceptionally be granted for extensions to existing businesses where new employment opportunities would be generated providing the proposal can take place without an adverse impact on the landscape character of the countryside. This proposal is not an extension to an existing business as the current business is unauthorised, but it is acknowledged that the existing lawful use of the premises for the storage, dismantling, servicing and repair of vehicles and the storage and sale of new and used automotive products is a material planning consideration in this case.
- 6.17 It is acknowledged that the proposed use would extinguish an un-neighbourly form of development which is unrestricted as planning permission was not obtained and therefore noise, hours of operation, sales etc is not controlled by way of any planning conditions. However, irrespective of the comments submitted by the applicant that retail sales only account for around one per cent of turnover, it is considered a planning condition restricting the amount of retail sales from the Crown Lane site would be unenforceable, and therefore as controls can not be put in place to restrict the amount of sales which can be undertaken at the site, the proposal would be unacceptable as the site lies in an unsustainable location where retail activities should not be supported, and such uses should be directed to the District's sustainable towns and villages as identified in Local Plan policies ER31 and ER32.
- 6.18 The applicant seems to have placed considerable weight on the size, scale and massing of the proposed building representing a design which relates to its local context, principally the existing barn adjacent to the site. It is understood the existing barn was erected in 1990. No planning records exist for its construction, however it appears the building was erected before the applicants purchased the site under

agricultural permitted development rights. The existing buildings being demolished to make way for the erection of the proposed building are single-storey in form with low pitched roofs. The existing buildings, although showing signs of deterioration, are not offensive in their surroundings as a result of their single-storey form, timber cladding and pantile roofs. It could be argued that the existing barn appears somewhat incongruous in its setting, with its associated agricultural/grazing land being limited to approx. 1.2 hectares.

- 6.19 Notwithstanding this, the proposed building is closely associated with the existing barn and its footprint partly intersects the footprint of the existing single-storey buildings to be demolished. However, notwithstanding the floor area of the proposed building being lower than the existing buildings, the proposed building, being 8.5m in height, 36m in length and 11.5m in width, is considered to be excessive, and larger than the existing barn on the site in the same ownership. The proposed building may be designed to replicate an agricultural barn by using stained timber cladding, clay peg tiles, and limited window and door openings, but the scale and nature of the proposed building is not considered appropriate in its locality, in close proximity to residential dwellings, and can not be accommodated without an adverse impact on the landscape character of the area which would add to the sporadic commercial form of development in this locality, resulting in further creeping erosion and urbanisation of its countryside setting.

Other Issues

- 6.20 Comments have been received from a neighbouring property stating the proposed use would be preferable to the lawful use of 'car breaking' gained by default by Ford Spares. Furthermore, legitimising the proposed use would subject the use to proper planning controls and would prevent such abuse in the future and thus avoid unsuitable development in the countryside. However concern is expressed about the hours of operation and they would expect any retail use to be during normal working hours and in addition industrial use and the use of fork lift trucks or other noisy machinery should be restricted to Monday to Friday and not allowed on public holidays.
- 6.21 The dwelling immediately to the south of the application site is in the ownership of the applicant. The next nearest dwelling is approx. 35m from the red line application site. The proposed hours of operation can be seen in paragraph 6.10. In terms of impact on residential amenity, the retail use of the building is unlikely to adversely affect neighbouring residential amenity. It is considered the use of the storage areas of the building may have an impact on residential amenity, and therefore taking into account the lawful use of the site, the storage use of the building and the associated need for fork lift truck usage between the hours of 08:00 and 17:30 Monday to Friday is unlikely to adversely affect neighbouring residential amenity.
- 6.22 The proposal is not considered to adversely affect highway safety, and no objection has been raised by Essex County Council Highways to the proposal, subject to conditions.

Background Papers

None.