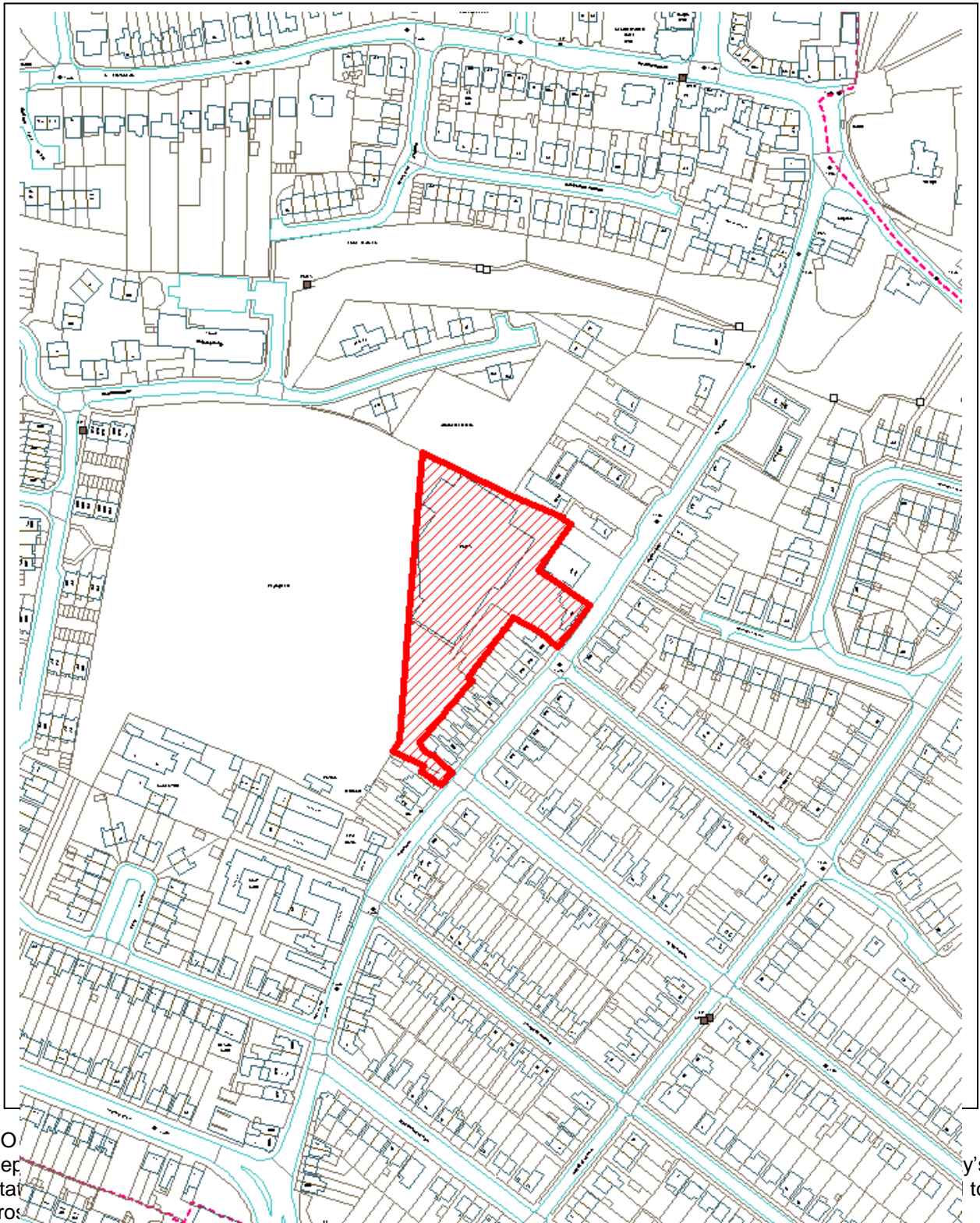


PLANNING COMMITTEE

23 APRIL 2013

REPORT OF THE HEAD OF PLANNING

**A.4 PLANNING APPLICATION - 12/01377/FUL - BOWENS INTERNATIONAL, 355 OLD ROAD, CLACTON ON SEA, CO15 3RQ**



DO  
Rep  
Stat  
pro

y's  
to

<b>Agenda Item No.</b>	A.4	
<b>Application:</b>	12/01377/FUL	<b>Town / Parish:</b> Clacton Non Parished
<b>Applicant:</b>	Garden Trellis Company - Mr Julian Furness	
<b>Address:</b>	Bowens International, 355 Old Road, Clacton-on-Sea, CO15 3RQ	
<b>Development:</b>	Formation of an enclosed timber storage area on an existing industrial site along with external planting to the road and entrance. Siting of external air plant equipment to the North West of the workshop, a boiler flue & flues from the spraying area, and 4 no. air conditioning units on the south-east elevation of the building.	

## 1. Executive Summary

- 1.1 This application has been referred to the Planning Committee at the request of Councillor Tracey on the basis that the proposal is contrary to policy QL11 of the Tendring District Local Plan 2007 (*commensurate policy SD9 of the Tendring District Local Plan Proposed Submission Draft November 2012*), negative impact on the street scene, negative impact on neighbours, and concern about the potential effect on air quality resulting from emissions from the air extraction plant and biomass boiler.
- 1.2 The application site falls within the development boundary for Clacton. The site has an existing lawful B2 use, with planning permission being originally granted in 1983 for a factory for the manufacturing of electronic components. This application retains the B2 lawful use on the site, and therefore retains this site for employment purposes in the Clacton area. The application has been submitted by The Garden Trellis Company who have relocated from two sites in Brunel Road to expand and consolidate their business on one site.
- 1.3 The proposal is considered to sit comfortably with the overarching sentiments of the National Planning Policy Framework, and in this instance are not considered to have any significant adverse impact on neighbouring residential amenities, or visual amenity, and assist in allowing a local business to expand and create new jobs for the local economy and ensure that this building remains in employment use.
- 1.4 The application is therefore recommended for approval.

### **Recommendation: Approve**

#### **Conditions:**

1. No working of external air plant equipment between 21:00 and 07:00 the following day (Monday to Saturday, no working on Sundays or Public Holidays).
2. Control of noise levels from the air plant equipment from the rear boundary of 122/124 Elmden Court.
3. Planting to be completed within the next planting season (Oct to March inclusive), and if any plants die, are removed or seriously damaged or seriously diseased, shall be replaced within the next planting season.

**Reason for Granting Planning Permission:**

The proposals are considered to accord with the overarching sentiments of the National Planning Policy Framework which seeks to promote sustainable economic growth, and is in accordance with the provisions of the policies SD1 and SD9 of the Tendring District Local Plan Proposed Submission Draft (November 2012). In particular, the proposals are not considered to have any significant adverse impact on neighbouring residential amenities, or visual amenity, and assist in allowing a local business to expand and create new jobs for the local economy and ensure that this building remains in employment use.

**2. Planning Policy**

National Policy:

National Planning Policy Framework

Local Plan Policy:

*Tendring District Local Plan Proposed Submission Draft November 2012*

SD1 - Presumption in Favour of Sustainable Development

SD9 - Design of New Development

**3. Relevant Planning History**

TEN/41/83	Extension to existing factory for manufacturing of electronic components. Approved 2 March 1983.
TEN/268/83	Extension to premises to form warehouse and alterations to proposals under TEN/41/83. Approved 4 May 1983.
99/01502/FUL	Factory extension. Approved 23 December 1999.
04/02058/FUL	Extension to existing warehouse. Approved 13 December 2004.
12/00943/DEMCON	Demolition of building. Determined on 05 October 2012.
12/00895/FUL	Alterations to existing workshop to improve the office and staff facilities; introduction of three garage doors to the existing workshop; and the extension of an existing concrete accessway. Approved 28 December 2012.

**4. Consultations**

Public Experience (Environmental Services):

- 4.1 Advises that following the carrying out of a noise survey to the rear of the premises, the extraction system although audible above the background noise, levels are at such a level as to only be of marginal concern. Therefore they have no objections to make regarding noise based on the proposed operating times.
- 4.2 With regards to the proposed biomass boiler, the levels are within those that are required to be met to ensure that local air quality objectives are not exceeded.

4.3 No comment to make on the spraying operation as the amount of Volatile Organic Compounds used is below the Solvents Emission Directive threshold for this type of operation.

4.4 No objection to the new air conditioning units.

## 5. **Representations**

5.1 A total of 8 representations of objection have been received. The salient points are as summarised below:

- Noise has increased from previously experienced when Bowens were in operation.
- Work has already started without planning permission.
- Proposal does not boost local economy as applicant has moved from an industrial area in Clacton.
- Concern over works behind houses in Old Road.
- Concern over long operating hours.
- Planting project a long way off in offering any barrier against noise, fumes, or air pollution.
- Site out of keeping with large ducts etc on roofs and walls.
- The site is utilised on all boundaries by children, pets, allotments, houses, gardens, and pedestrians to their detriment.
- Disagree with comment from Env Services that the operating noise is of marginal concern.
- Noise is constant during the factory's opening hours.
- Now a constant low hum coming from the factory when it is closed.
- Question whether noise levels breach the condition attached to TEN/41/83.
- Request a condition to impose an operating hours restriction to stop the running of equipment within the factory during the night and weekends.
- Concern that equipment is being operated in an empty factory.
- Residents have a right to enjoy the playing fields in peace in a residential area.
- Timber storage area too close to housing and the Mill building.
- Enclosed timber store a visual eyesore – neither enclosed nor does it have a roof.
- Timber racking protrudes above the acoustic fencing which will allow sound to escape.
- Noise from loading and unloading concern next to gardens.
- Fire hazard next to housing.
- Timber storage area should be where car park is.
- Concern over fumes from NW of workshop being toxic or harmful.
- Is the whole of the boundary fencing to be replaced with soundproof fencing?
- Objection from Clacton and District Local History Society – planned building is completely out of character to Old Road street scene.
- Demolition of Hill House bad enough but this would destroy this part of the Great Clacton village atmosphere.
- Proposals adversely affect the neighbouring properties in terms of disturbance, noise, smell, dust, visual impact and vibration.

5.2 Councillor Tracey (Ward Member for St Mary's) – Objects for the following reasons:

- Concern over impact on air quality – impact on the health of residents.
- Concern over significant noise pollution to neighbouring residents.
- Concern that works have already been built without planning permission.

## 6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Policy Context;
- Impact upon Residential Amenity;
- Impact upon Visual Amenity; and
- Other Issues.

### **Context and Background**

- 6.2 The application site is located within the defined settlement limits of Clacton-on-Sea. The site has an existing lawful B2 use, which includes a substantial factory building, set behind a smaller mill building which is not within the application site. Part of the site is retained by the previous owner, Bowens International Ltd, whose offices remain in the former mill building fronting onto Old Road.
- 6.3 The site benefits from three separate vehicular accesses, all onto Old Road. Car parking is located to the south-west of the main factory building, behind dwellings fronting Old Road.
- 6.4 Residential properties are located to the north, east and south of the application site. To the west is Knox Road playing fields, which includes equipped play space, and in addition an allotment site is located to the north of the site.
- 6.5 The application has been submitted by The Garden Trellis Company who have relocated from two sites in Brunel Road to expand and consolidate their business from one site.
- 6.6 This application follows the grant of planning permission under 12/00895/FUL (see section 3), which was amended during the course of that application to remove more controversial elements of the scheme, being a timber storage area to the front of the site in place of No. 355 Old Road which has been demolished, and an internal bio-mass boiler and flue with external air plant equipment. However, it has come to the Council's attention that works have already progressed on site with regards to these two elements. Whilst not endorsed, there are no stipulations in law that planning permission should be obtained before commencing works, however, this would always be done at the applicant's own risk, and the applicant has been made aware of this.
- 6.7 It has further come to the Council's attention that during the course of this current application 4 no. air conditioning units have been installed on the south-east elevation of the factory building. As these require planning permission in their own right, the air conditioning units have been included within this current application, and a further round of consultation has been undertaken.

### **Proposal**

- 6.8 The proposal which forms this application, and what is being considered, now includes the erection of an enclosed timber storage area, along with external planting to the road and entrance; siting of external air plant equipment to the North West of the workshop; a boiler flue for an internal biomass boiler and 3 no. flues from the spraying area; and 4 no. air conditioning units on the south-east elevation of the building.
- 6.9 The timber storage area is located between what is known as the Mill building (No.357 and retained as Bowens International Ltd offices), and No. 349 Old Road (a residential property). The timber storage area is located in part approximately where No.355 Old Road once stood before it was demolished under 12/00943/DEMCON. The storage area measures approx 13.5 metres in width, 23.5 metres in length, with acoustic timber fencing measuring 3 metres in height (the steel storage racks measure 3.7 metres in height set

behind the fencing). The storage area is set back from the adjacent footpath on Old Road by approx. 2.5 metres, and a planting belt of approx 1.5 metres in depth is proposed around the Old Road frontage and side fronting No.349 Old Road. In addition, part of the side facing the existing car park area to No.357 Old Road is to be planted. A landscaping scheme has been included with the application for these areas. Entrance to the storage area will be from the rear only, nearest the factory building. On average, 2 deliveries of timber are received a day.

- 6.10 The proposed external air plant equipment is located on the north-west of the workshop building, and includes a low level fan, modular filter screw conveyor, and geared motor unit. The external air plant equipment is approx 6.6 metres in height. In operational terms, an internal ducting system has been incorporated into the factory building which involves moving timber dust from inside the building produced by the working saws, planer and other machines into the external air plant system which filters this waste into a useable fuel which is stored and mechanically fed into the biomass boiler. This then internally heats the large factory building. The air plant equipment is only in operation when the building is in use, whilst the biomass boiler is used between 9 and 24 hours a day, depending on whether the heating is required or the waste needs to be burnt. The biomass boiler flue, which is approx 9 metres in height, with approx 6 metres of the flue contained within the building, and 3 metres above the roof of the building. Therefore, there is a carbon neutral process in the recycling of waste produced by the operations within the building to heat the building.
- 6.11 The 3 no. flues above the spraying booths are approx 3 metres in height, located above the roof of the building.
- 6.12 The air conditioning units are wall mounted on the south-east elevation of the building, and proposed to be set behind open timber slated screens. These units measure approx. 640mm x 800mm x 290mm.
- 6.13 It is understood that all the works proposed have been completed (except the timber slated screens to the air conditioning units), and therefore must be treated as a retention of these works.

### **Policy Context**

- 6.14 National planning policy is provided within the National Planning Policy Framework (The Framework). The Framework promotes the principles of sustainable development and seeks to build a strong, competitive economy, by securing economic growth in order to create jobs and prosperity. In addition the Framework states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
- 6.15 The application site falls within the development boundary for Clacton. The site has an existing lawful B2 use, with planning permission being originally granted in 1983 for a factory for the manufacturing of electronic components under ref. TEN/41/83. This application, and the previous application under 12/00895/FUL, retain the B2 lawful use on the site, and therefore retain this site for employment purposes in the Clacton area. The application has been submitted by The Garden Trellis Company who have relocated from two sites in Brunel Road to expand and consolidate their business on one site. It is understood 2 full time jobs have already been created by this relocation of the business. As a result, it is considered that the proposed development sits comfortably with the overarching sentiments of the Framework.

- 6.16 As the proposal sits comfortably with the overarching sentiments of the Framework, the proposed development of the site would be acceptable in principle, subject to policies in the emerging Local Plan in relation to impact upon residential amenity, and visual amenity. These issues will be considered below. It is noted that the Tendring District Local Plan 2007 is no longer relevant, therefore the proposal needs to be considered against the policies within the Tendring District Local Plan Proposed Submission Draft (November 2012). Those policies of relevance are considered to be SD1 'Presumption in Favour of Sustainable Development', and SD9 'Design in New Development'. Policy SD1 reflects the core objectives of the Framework and therefore the proposal sits comfortably with this policy. Policy SD9 refers to the design, practical requirements and the impacts and compatibility of all new developments on surrounding uses, and to minimise any adverse environmental impacts. Policy SD9 therefore needs to be considered in relation to the impacts upon residential and visual amenity of this proposal.

### **Impact upon Residential Amenity**

- 6.17 A number of objections have been received with regards to impact on neighbouring residential amenity through increased noise. Firstly, it must be remembered that the site has operated lawfully as a commercial site for a number of years (behind existing residential properties), and it is understood that when Bowen's were fully operational at the site it was historically as a 9 till 5 operation, however they were never restricted to these hours, and a new operator from the site can lawfully work from the site without being restricted to these hours. As a result, should the applicant's company wish to operate from the site during longer working hours, they can lawfully do this. That said, the applicant has confirmed the operational hours of the external air plant equipment will be switched on between 7:00-8:00am until between 17:00-18:00pm Monday to Friday, and occasionally between 8:00am and 13:00pm on Saturdays.
- 6.18 With regards to the external air plant equipment, objections have been received from residential properties in Old Road, Elmden Court and Regency Lodge due to noise being emitted from this unit. Noticeably though, no objections have been received from those properties nearest to the unit, at 122/124 Elmden Court (approx 50 metres away).
- 6.19 Colleagues in Public Experience (Environmental Services) have carried out a noise survey to the rear of the premises based on BS4142 guidelines and the results of this lead to the conclusion that the external air plant equipment, although audible above the background noise, levels are at such a level as to only be of a marginal concern. They therefore have no objections to make regarding noise based on the proposed operating times. The applicant's commercial activity is generally operated at this site between 7am and 6pm. That said, there may be times when activity at the site continues beyond 6pm. As previously stated, the Council can not control the hours of operation at the site, but if considered necessary, the Council can control the hours of operation of the proposed air plant equipment. In this instance, it is considered appropriate that a controlling condition is necessary to protect the amenities of neighbouring residents, and it is considered that a condition to ensure the air plant equipment is not operational between 9pm and 7am (Monday to Saturday, and no working on Sundays or Public Holidays) is not unreasonable. Furthermore, it is considered necessary to ensure noise levels from the air plant equipment do not exceed a certain level so as to become a statutory nuisance. It is considered reasonable that as the air plant equipment is in close proximity to the boundary with the playing fields, that the point where noise levels should not exceed a statutory nuisance are taken from the rear fence of Nos.122/124 Elmden Court (the nearest residential properties to the air plant equipment). The precise levels will be requested from colleagues in Public Experience and an update will be given at Committee. As a result, and subject to these conditions, it is considered that the external air plant equipment will not adversely affect neighbouring residential amenity to such a degree as to warrant a refusal of planning permission in this instance.

- 6.20 Colleagues in Public Experience (Environmental Services) have also liaised with an Environmental Consultant regarding the output from the proposed biomass boiler, and the levels are within those that are required to be met to ensure that local air quality objectives are not exceeded. It is noted from the literature submitted; that all the units produced by the manufacturer of the air plant equipment and biomass boiler meet emissions required for use within the Clean Air Act. As a result, it is considered that the emissions from the biomass boiler and flue will not adversely affect local air quality objectives, and will not adversely affect neighbouring residential amenity to such a degree as to warrant a refusal of planning permission in this instance.
- 6.21 Colleagues in Public Experience (Environmental Services) have no comments to make on the spraying operation within the building and the proposed emissions from the flues as the amount of Volatile Organic Compounds used is below the Solvents Emission Directive threshold for this type of operation.
- 6.22 Noise from the new air conditioning units to the front of the building are barely audible while running, even from close proximity. These are therefore not of concern.
- 6.23 With regards to the timber storage area, access into this area is from the rear (that elevation closest to the factory building), and this therefore places all movements and deliveries outside of the acoustic fenced area away from the residential properties on Old Road, and offers the shortest distance available to move timber from the timber storage area into the workshop for manufacturing. It is noted that the acoustic fence is 3 metres in height (although the racks are 3.7 metres in height), and the side elevation of No.349 Old Road facing this area, which is approx 7 metres from this area, is devoid of facing windows. The curtilage of this property is also formed by a 1.8m close boarded fence with trellis above. As a result, it is considered that the siting of the timber storage area, and the movements and operations involved with this element of the business, will not adversely affect neighbouring residential amenity to such a degree as to warrant a refusal of planning permission in this instance.

#### **Impact upon Visual Amenity**

- 6.24 The proposed timber storage area is located in a position where it is clearly visible from Old Road. However, this area is set back from the footpath by approx 2.5 metres with planting in front of the timber acoustic fencing. It is acknowledged that the timber acoustic fencing which fronts onto Old Road is approx in the same position as the previous two-storey building, and this fencing sits in line with the building line at No.349 Old Road. It is also acknowledged that a large Ash tree is situated on this frontage which assists in breaking up the visual element of the fence. It is considered that whilst the planting scheme, which includes Silver Birch, Maple, Pyracantha, Laurel, Hydrangea and Cotoneaster, will take some time to establish itself, over time this will help to soften the appearance of the new fencing, and with a natural silvering of the fence over time, the timber storage area will not adversely affect the visual amenity of the area to such a degree as to warrant a refusal of planning permission in this instance.
- 6.25 The proposed external air plant equipment, and flues are seen against an established factory building. Again, although these are clearly visible from public vantage points, mainly Knox Road Playing Fields, these parts of the proposal will not adversely affect the visual amenity of the area to such a degree as to warrant a refusal of planning permission in this instance



### **Other Issues**

- 6.26 It is noted that comments have been received with regards to the works that have already progressed on site. Whilst not endorsed, there are no stipulations in law that planning permission should be obtained before commencing works and it is not a reason to refuse planning permission, however, this would always be done at the applicant's own risk, and the applicant has been made aware of this.
- 6.27 An issue has been raised with regards to the timber storage area and the potential fire hazard that this could create, next to residential properties. It is noted that the timber storage area is located next to the public highway at the front of the site, and with no roof, is accessible to Fire Appliances in the event of a fire. This concern is not considered to be a material reason to refusal planning permission.

### **Background Papers**

None.