

REFERRED ITEM 4

**TITLE: 11/00541/COU
CHANGE USE OF REDUNDANT FARM BUILDINGS TO USE
CLASSES B1 (BUSINESS/OFFICES/LIGHT INDUSTRY),
CLASS B2 (GENERAL INDUSTRIAL) AND CLASS B8
(STORAGE AND DISTRIBUTION). PROVIDE OPEN
STORAGE AREA FOR STEEL FABRICATING BUSINESS
PUDSEY HALL FARM PUDSEY HALL LANE CANEWDON**

APPLICANT: MR DEAN FEWINGS

ZONING: METROPOLITAN GREEN BELT

PARISH: CANEWDON PARISH COUNCIL

WARD: ASHINGDON AND CANEWDON

In accordance with the agreed procedure this item is reported to this meeting for consideration.

This application was included in Weekly List no. 1105 requiring notification of referrals to the Head of Planning and Transportation by 1.00 pm on Wednesday, 19 October 2011, with any applications being referred to this meeting of the Committee. The item was referred by Cllr T G Cutmore.

The item that was referred is appended as it appeared in the Weekly List, together with a plan.

NOTES

- 4.1 This application is to a site at the northern end of Pudsey Hall Lane on which exists a group of buildings comprising stables, pole barns and steel framed and clad buildings with concrete surfaced yard areas between and comprising a land holding of some 4.3ha accessed from a private cul-de-sac on the northern side of Larkhill Road between the villages of Ashingdon and Canewdon.
- 4.2 Since the consideration of the previous application the pole barns (building 2 in the application) have been enclosed with metal cladding.

PLANNING HISTORY

- 4.3 An outline application was refused in 1974 to demolish the existing dwelling and erect a detached bungalow (Ref: ROC/455/74). In 1992 a full application was approved to demolish and re-build the same bungalow and add a detached garage (Ref: F/0615/91/ROC).

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This permission expired without being implemented.

- 4.4 In 1995 permission was granted to erect a large livestock building on the western area of the site (Ref: F/0506/95/ROC) to house cattle and pigs. An application was refused in 2000 to erect two extensions to this livestock building (Ref: 98/00551/FUL). No appeal was made against this refusal.
- 4.5 At the same time an outline application was also made to erect a farm worker's dwelling (Ref: 98/00550/OUT). An appeal against this refusal was dismissed (Ref: 00/00020/REFUSE).
- 4.6 In 2000, three applications were considered at this site. The first was a retrospective application for an extension to the livestock building approved in 1995 (Ref: 00/00059/FUL). This extension was being used to house calves and was approved. The second application was for the erection of a new livestock building (Ref: 00/00060/FUL), which was also approved. The third application was for a replacement dwelling (Ref: 00/00061/FUL) after a fire destroyed Pudsey Hall cottage in 1999, which was refused.
- 4.7 Another application for a replacement dwelling was received in 2000 and this was permitted (Ref: 00/00497/FUL).
- 4.8 In 2001 an application was approved for the siting of a mobile home for an agricultural worker (Ref: 01/00163/FUL). In this same year it was decided that prior approval of details was not required for the erection of a general purpose agricultural building (Ref: 01/00906/DPDP6).
- 4.9 Following investigations two enforcement notices were issued in October and December 2005 in relation to the construction of the residential building larger than approved for which the appeal was dismissed and concerning the change of use from agriculture to a mixed use, including agriculture and the use of the land for the siting of mobile homes for which the appeal was allowed in part.
- 4.10 An enforcement notice was served in August 2007 for the erection of a weigh bridge and the change in use of land to a mixed use comprising agriculture and the siting of containers for storage and office purposes, together with another enforcement notice of the same date at the creation of an embankment and the mixed use of the site from agriculture to the mixed use of agriculture, breaking, repair, servicing, parking and storage of vehicles and mobile units and the storage of scrap metal. Appeals against these notices were dismissed.
- 4.11 Most recently a planning application for the change of use of redundant farm buildings to Use Classes B1 (Business/offices/light industry) B2 (General industrial) and B8 (Storage or distribution). Provide open storage and car parking was refused planning permission on 29 October 2010 under application reference 10/00497/COU and for the following reasons:-

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- 4.12 1. The proposal incorporates a B2 use within an open sided building and on adjoining land for use as open storage and in particular for steel fabrication. It is likely that, given the heavy nature of steel work, the use would require substantial mechanical handling equipment and extensive open storage that would be visible from the wider area and the river Crouch, which would impact adversely upon the character and openness of the Metropolitan Green Belt contrary to part (v) to Policy R9 to the Council's saved Local Plan (2006). It would impact adversely upon the appearance of the Roach and Crouch Marshes Special Landscape Area contrary to Policy NR1 to the Council's saved Local Plan (2006) and impact adversely upon the undeveloped coastal areas within the Coastal Protection Belt contrary to Policy CC1 to the Essex and Southend-On-Sea Replacement Structure Plan (2001).
- 4.13 2. In the opinion of the Local Planning Authority the proposal would give rise to an intensification in the use of the site in a remote location giving rise to increased traffic on a remote dead end unmade road distant from the highway network contrary to Part (vi) of Policy R9 to the Council's saved Local Plan (2006). If allowed, the proposal would result in increased pressure on the surrounding rural road network to the detriment of residential amenity of residents near to the site.

PROPOSAL

- 4.14 Planning permission is sought for a change of use to re-use five buildings for a mixture of Use Classes B1 Business (Light Industrial), Use Class B2 General Industry and Use Class B8 Storage or Distribution as set out below:-
- 4.15 Building 1 is proposed to be used for Use Class B1 Business, which includes offices and light industrial processes. This building is currently used as a workshop and stables.
- 4.16 Building 2 is proposed to be used for Use Class B8 Storage or distribution allowing for use such as warehousing. This building formerly comprised animal pens and is located to the south side of the envelope of buildings on the site.
- 4.17 Building 3A is proposed to be used for Use Class B1 and B8.
- 4.18 Building 3B is proposed to be used for B2 General Industrial Use to continue the applicant's steel fabrication business that cuts and welds steel to produce steel products such as gates and railings as well as agricultural machinery repairs. Adjoining this building is an open area located on the northern middle part of the site adjoining Building 3B also proposed to be used for the fabrication business. This area adjoins an existing open area currently used for that purpose.

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The difference between the previous application and that now currently proposed is that the open area to be used for steel fabrication is reduced in size from 306.5 square metres in the previous application to 178.5 square metres in the current application.

- 4.19 Building 4 shown to the central part of the site would be retained in its existing use as a communal mess with toilet and kitchen facilities.
- 4.20 The remainder of the concrete hardstanding areas would be used for staff and visitor car parking totalling some 25 car parking spaces

MATERIAL CONSIDERATIONS

- 4.21 The site is within the Metropolitan Green Belt and within the Crouch/Roach marshes Special Landscape Area to the Council's saved Local Plan (2006).
- 4.22 The site is within the Coastal Protection Belt as identified in the saved part of the Essex and Southend-On-Sea Replacement Structure Plan (2001).
- 4.23 Policy set out in Planning Policy Guidance 2: Green Belts (1995) states that with suitable safeguards the re-use of buildings inside a Green Belt is not inappropriate development provided it does not have a materially greater impact than the present use on the openness of the Green Belt, strict control is exercised over the extension of re-used buildings and over any associated uses of land surrounding buildings that might conflict with openness (such as extensive storage, car parking and boundary walling) and that the buildings are of substantial construction capable of conversion and that the general design of the buildings are appropriate in their surroundings.
- 4.24 The buildings are typical of what can be found on farms and although their use in recent times has been the subject of enforcement history, their agricultural origin and appearance are acceptable in the surroundings. The buildings are of permanent and substantial construction being of agricultural barn/shed style and the adjoining pole barn (building 2) is now enclosed. The applicant does not propose any extension to the buildings. The proposal does not include residential conversion. The proposal meets the requirements of parts (i)–(iv) and part (vii) to saved Policy R9 does not apply to this case. The proposal is not known to be detrimental to any nature conservation interests contrary to Part (viii) to saved Policy R9.
- 4.25 The proposed B2 use of building 3B incorporating an area adjoining the building for use as storage for steel fabrication is actually in progress on the site. The yard area is concrete surfaced but is sunken below existing land level of adjoining open farm land to the immediate north and is lower by some 3 – 4m. There is, however, a gantry crane in use for the handling of the steel work. This current gantry is smaller than a previous crane used on the site and has a height of some 6m. This current crane is less dominant above the adjoining buildings than that previously existing on the site.

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Although the applicant proposes a reduction in size to the open area used for steel working, it is likely that given the heavy nature of steel work that the use of this open area would require substantial mechanical handling equipment that would be visible from the wider area and the river crouch. The use of the building 3B and particularly the open storage area adjoining it would adversely impact upon the visual character and the openness of the area contrary to Part (v) of saved Policy R9. The harm to openness is not dependant upon the development being visible from a public viewpoint. Although reducing the amount of the site given over to the steel fabrication in the open, this does not overcome officers' concerns that the new uses need to be fully contained within the existing buildings so as not to impact adversely upon the landscape and neither overcomes officers' concerns around the intensity of use and the attraction of traffic associated with the B2 use.

- 4.26 The applicant argues that the uses proposed would be contained within the boundaries of the established farmstead and would not affect openness or encroach into the countryside. The farm buildings are not exposed to public view and the farmstead is generally well screened by existing landscaping. The use proposed would therefore be unlikely, in the applicant's view, to affect the character or appearance of the wider countryside. In the current application the applicant argues that the steel fabrication use in that part of the open area of the site has been substantially reduced and would now be confined to an area of the site completely hidden from public view.
- 4.27 The applicant also states that the draft policy framework, albeit of limited weight, seeks to encourage economic development, promote the rural economy and would allow the extension of existing buildings in the Green Belt provided they are not disproportionate in relation to the size of the existing building. The applicant argues that in this case the impact of the fabrication use in that part of the open area of the site would be less visible than a corresponding extension of the adjoining building 3B, which would not be a disproportionate. This refers to draft Development Management policy DM10, which proposes that existing lawfully established commercial premises would be allowed scope for limited extension of existing buildings. However, at present these uses are not lawfully established on the site
- 4.28 The applicant argues that conditions can also be imposed to limit the uses to which individual buildings can be put, to restrict the hours of operation to prohibit Sunday working and to limit external storage. The applicant would also accept that the use of building 3B for fabricating of steel products could be personal to the applicant.
- 4.29 The agricultural activities on the site have all but ceased with limited stabling and storage uses and machinery repairs being undertaken. The fabricating business to Unit 3B is a relatively recent activity of the last three years or so and is unlawful.

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In considering the appeal against the enforcement notice against a mixed use of agriculture, together with the breaking and storage of scrap products, the inspector concluded those activities to be harmful to the appearance of the countryside. Officers conclude that although the use of part of the site for steel fabrication has been reduced and is on a yard area contained by raised land to the north and west and the envelope of buildings on the remaining sides, the use of the open areas of the site is harmful to the character of this part of the Green Belt and openness.

- 4.30 The site is relatively remote from the main highway network and served by an unmade cul-de-sac, which serves some 28 sporadic dwellings and other land as well as the application site. It can be difficult for vehicles to pass along this unmade road. The proposal would introduce an intensification of activity on the site and result in traffic movements and activity greater than can be compared to the occasional agricultural delivery.
- 4.31 The authorised use of the site is for agriculture and was at one time a pig farm. This would entail commercial vehicles delivering feedstuffs and bedding, together with other vehicles collecting pigs for market from time to time, using Pudsey Hall Lane for access. The applicant states that the previous use accommodating up to 3000 pigs and 160 cattle necessitated about 20 lorry movements per week to the site.
- 4.32 The applicant states that in contrast the steel fabrication business (Use Class B2) proposed to one of the buildings would result in 2 or 3 lorry movements per week. The other uses for storage B8 and business B1 are described to result in less vehicle movements by comparison to the pig farm.
- 4.33 The previous unauthorised use of the site has, however, shown through the complaints received in response to the consultation on this current application that commercial use causes nuisance and disturbance over and above that considered acceptable against the backdrop of agricultural uses in the area. Unlike successful conversion developments such as at Lubbards Farm, Hullbridge Road, the site does not have direct access onto a main road carrying significant traffic. Lark Hill Road carries car traffic and occasional servicing and agricultural traffic whereas Brays Lane further south is the designated commercial vehicle route through the area. The more recent history of the site has highlighted the adverse impact of commercial traffic upon the immediately adjoining road network and the proposal would be likely to repeat those circumstances and contrary to Part (vi) to saved Policy R9.
- 4.34 The applicant would accept a condition to limit the uses to the buildings as well as the limitation on the extent of storage, limitation in hours of between 07.30 am – 5.30 pm and no working on Sundays or public holidays. The applicant would also accept a condition that the fabrication business be personal to the applicant. However, the harm identified would be due and has been due to the applicant's own use and restrictions on the use of the buildings would not overcome the concerns set out above.

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Whilst the applicant has reduced the open area given over to steel fabrication it does not overcome officers' concerns.

- 4.35 The applicant sets out in the application particulars that the use proposed would relate to 550 square metres of B1 use floor space requiring a maximum of 18.3 parking spaces, 190 square metres of B2 use floor space requiring 3.8 parking spaces and 350 square metres of storage floor space requiring a maximum of 2.3 car parking spaces in accordance with the Council's currently endorsed parking standards. The application layout would provide for 25 car parking spaces on the existing hard surfaced area, which matches the requirement of the Council's parking standards. These spaces are, however, set out at the former size of 5m x 2.5m and do not reflect the increased size 2.9m x 5.5m now practised. There is, however, room on the site to accommodate the parking required, particularly if the open storage element of the proposal at issue were deleted from the application.
- 4.36 The Ministerial Statement issued by the Government on 23 March 2011 sets out the steps the Government expects Local Planning Authorities to take with immediate effect with regard to economic growth and must be taken into consideration, along with all other material considerations. The Local Authority should support economic recovery and not place unnecessary burdens on development, in order to promote sustainable economic growth. In particular, significant weight needs to be given to secure economic growth and employment. These considerations do not, however, outweigh the harm to the Green Belt to which significant weight must also be attached. Furthermore, the location of the site is not considered a sustainable location given its remoteness from the highway network

Representations:

- 4.37 CANEWDON PARISH COUNCIL: Comments received.
- 4.38 Whilst B1 and B8 uses may be acceptable, B2 uses are not considered appropriate in such a location.
- 4.39 ESSEX COUNTY COUNCIL HIGHWAYS: Comments received.
- 4.40 No objection, subject to the following condition:-
- 4.41 1. The vehicular hardstandings shall have minimum dimensions of 2.9 metres x 5.5 metres
- 4.42 ENVIRONMENT AGENCY: Comments received.
- 4.43 Advise the treatment plant may be development where an Environmental Permit or exemption may be required for the proposed private sewage treatment plant.

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- 4.44 ROCHFORD DISTRICT COUNCIL HEAD OF ENVIRONMENTAL SERVICES: Comments received.
- 4.45 The Head of Environmental Services advises Members that the application includes the proposed B2 (general industrial) use of the redundant farm buildings and that such class of use is one that could harm the amenity of the area. The application is not supported by an acoustic report assessing the site's suitability for B2 use.
- 4.46 In addition, the building in question is open sided and without such an assessment it is not possible to ascertain whether sound insulation of the building envelope or other mitigation measures may be necessary in order to ensure no loss of amenity to local noise sensitive premises.
- 4.47 Should Members be minded to approve the application, the following conditions should be attached to any consent granted:-
- 4.48 1. Prior to the commencement of any use hereby permitted, an acoustic report providing comprehensive details of a scheme of noise control measures, including the construction of acoustic enclosures and/or sound insulation of building envelopes where necessary, shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed measures and works shall be fully implemented prior to the commencement of any use hereby permitted and shall be maintained in the approved form whilst the premises are in use for the permitted purpose.
- 4.49 2. The use hereby permitted shall not take place, no plant/machinery shall be operated and no deliveries shall be taken at, or dispatched from, the site outside the hours of 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday, nor at any time on Sundays, Bank or Public Holidays.
- 4.50 Informative:
- 4.51 In order to prepare the scheme referred to above, the applicant will have regard to BS4142:1997 Method of Rating industrial noise.
- 4.52 NEIGHBOURS: 3 Comment received:-
- 4.53 From the following addresses:-

Pudsey Hall Lane: St. Teresa, 20
Southend Road: 14
- 4.54 And which in the main make the following comments and objections:-

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- Application virtually identical to previous rejected.
- Surprised to see this application is receiving any consideration.
- Various activities still taking place on the site despite previous refusal.
- More commercial traffic going to the site than for domestic residents put together.
- Amount of steel and other raw materials going to the site is sufficient to supply a substantial engineering enterprise.
- If permission were granted there would be no limit to the applicant's activities and to the detriment to the residents of the lane.
- Ask the application be refused as the residents will have to live with the results.
- Will have to be extra vigilant, given previous history.
- The lane is not suitable for a lot of heavy traffic and has to be paid for by the residency.
- Already too much traffic going to the site as if these premises are already there so presume traffic will double or triple if this is allowed.
- If allowed, residents will be in a worse position that they are at present.

REFUSE

- 1 The proposal incorporates a B2 use within an open sided building and on adjoining land for use as open storage and in particular for steel fabrication. It is likely that, given the heavy nature of steel work, the use would require substantial mechanical handling equipment and extensive open storage that would be visible from the wider area and the river Crouch, which would impact adversely upon the character and openness of the Metropolitan Green Belt contrary to part (v) to Policy R9 to the Council's saved Local Plan (2006). It would impact adversely upon the appearance of the Roach and Crouch Marshes Special Landscape Area contrary to Policy NR 1 to the Council's saved Local Plan (2006) and impact adversely upon the undeveloped coastal areas within the Coastal Protection Belt contrary to Policy CC1 to the Essex and Southend-On-Sea Replacement Structure Plan (2001).
- 2 In the opinion of the Local Planning Authority the proposal would give rise to an intensification in the use of the site in a remote location giving rise to increased traffic on a remote dead end unmade road distant from the highway network contrary to Part (vi) of Policy R9 to the Council's saved Local Plan (2006). If allowed, the proposal would result in increased pressure on the surrounding rural road network to the detriment of residential amenity of residents near to the site.

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Relevant Development Plan Policies and Proposals

R9, NR1 of the Rochford District Council Adopted Replacement Local Plan
Rochford District Replacement Local Plan (2006) as saved by Direction of the
Secretary of State for Communities and Local Government and dated 5 June 2009 in
exercise of the power conferred by paragraph 1(3) of schedule 8 to the Planning and
Compulsory Purchase Act 2004.

Parking Standards: Design and Good Practice Supplementary Planning Document
adopted December 2010

Standard B1,B2, B8.

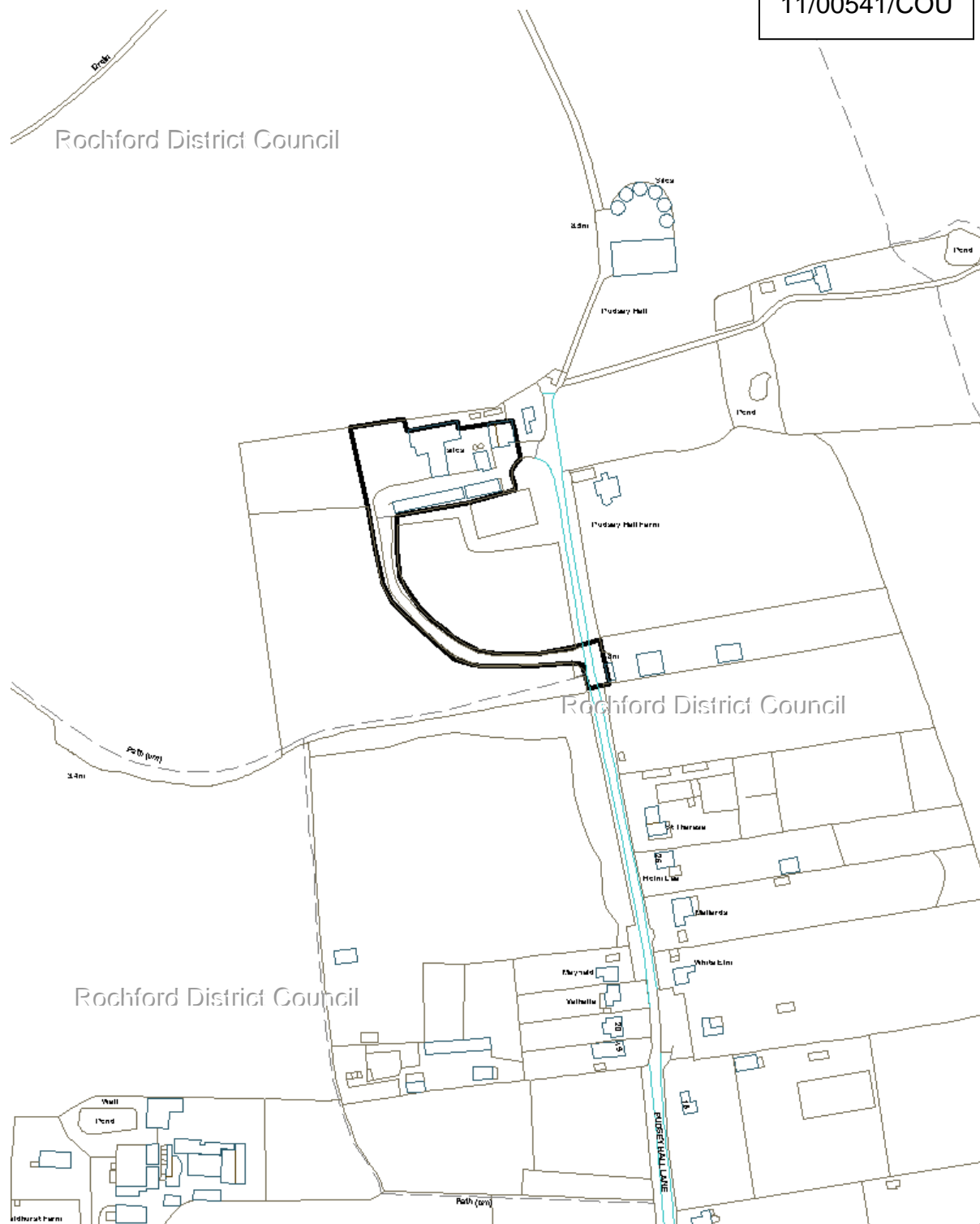


Shaun Scrutton
Head of Planning and Transportation

For further information please contact Mike Stranks on (01702) 318092.

The Ward Members for this item are Cllrs Mrs T J Capon and T G Cutmore

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NTS

