

APPLICATION REFERRED FROM THE WEEKLY LIST**WEEKLY LIST NO. 1370 – 17 FEBRUARY 2017****16/01243/FUL****YARD ADJACENT TO ELMDENE, IRONWELL LANE,
HAWKWELL****CHANGE OF USE FROM AGRICULTURAL TO PART USE
FOR STORAGE (USE CLASS B8) AND PART USE FOR
BUSINESS AND LIGHT INDUSTRIAL USE (USE CLASS B1)****1 DETAILS OF REFERRAL**

- 1.1 This item was referred from Weekly List No. 1370 requiring notification to the Assistant Director, Planning & Regeneration Services by 1.00 pm on Wednesday, 22 February 2017 with any applications being referred to this meeting of the Committee. Cllr J R F Mason referred this item on the grounds of residential amenity.
- 1.2 The item that was referred is attached at appendix 1 as it appeared in the Weekly List.
- 1.3 A plan showing the application site is attached at appendix 2.

2 RECOMMENDATION

- 2.1 It is proposed that the Committee **RESOLVES**

To determine the application, having considered all the evidence.

If you would like this report in large print, Braille or another language please contact 01702 318111.

Appendix 1

Application No : 16/01243/FUL Zoning : Metropolitan Green Belt

Case Officer Mrs Holly Flint

Parish : Hawkwell Parish Council

Ward : Hawkwell West

Location : Yard Adjacent Elmdene Ironwell Lane Hawkwell

Proposal : Change use from agricultural to part use for storage (Use Class B8) and part use for business and light industrial use (Use Class B1)

SITE AND PROPOSAL

Site and Context

1. Planning permission is sought for the change of use of the land and buildings covered by the application site from agricultural use to B8 use as storage and B1 use as light industry. The land was previously used as a commercial nursery but has subsequently fallen out of this use.
2. The site is accessed via Ironwell Lane, close to the junction with Rectory Road and is located within the Metropolitan Green Belt.
3. The site spans an area of approximately 2700 square metres, excluding the access road onto the site, and is largely surrounded by residential development to the north, east and west, with open and agricultural land to the south. The surrounding residential properties are relatively sparse, with higher density development located to the north.
4. The site includes a number of single-storey buildings consisting of brick built structures and greenhouses, which cover approximately 1135 square metres of the land. A number of the buildings are located partially off of the application site, expanding onto the neighbouring piece of land to the west. A total of four existing buildings are proposed for use as B8 storage or B1 light industrial. This consists of each of the existing buildings on the site, minus that which currently provides W/C facilities.

Proposal

5. The proposal includes the change of use of the single-storey structures on the site, as well as the surrounding land, from an agricultural use to use as storage under B8 and light industry under B1 use classes.

6. The site includes four buildings which would be included in the change of use. Each of these buildings are single-storey but vary in size and exterior material, consisting of mainly brick and glass. Each of the buildings are existing and are considered to be of a condition suitable for use. There have been no details submitted as part of this application for the repair or extension of the currently existing buildings.
7. The proposal includes allocated space for the parking of 9 vehicles, 7 at standard sizing and 2 at an increased size for disabled access, 2 powered-two-wheeler vehicles and 4 bicycle spaces.
8. It is noted that the site is currently being utilised under the proposed use classes by the applicants without the benefit of planning permission. Therefore this application is considered as retrospective.

Relevant Planning History

Planning Enforcement

9. 16/00164/COU_C

Use of Site for Storage of HGV's and Builders Yard

Pending Consideration

The currently pending application, subject of this report, has been submitted following discussions as part of the above enforcement case. Should this pending planning application result in a refusal, further enforcement action would be pursued.

The applicant has described the land at this time as a largely disused area, which is currently utilised for the storage of personally owned, and friends items as well as the storage of the odd vehicle at the site by a friend.

An Enforcement Notice has not been served on the site at this time relating to the unauthorised use as the Council are currently working with the applicant to resolve the issues. This would preferably be without the need for a formal notice on the land.

Planning Applications

10. 16/00909/FUL

Change of Use of Land and Buildings from Agricultural Use to B1 Light Industrial Use, (to Include Storage Areas) and Repairs to Existing Buildings

Application Withdrawn

The above application was withdrawn following discussions between the case officer, a member of the planning enforcement team and the applicant. As the details submitted as part of the above planning application would not have regularised the existing use, the applicant was advised as such and to re-submit corrected details within a further application.

This application proposed the change of use of each of the buildings to a combination of light industrial (B1) and storage (B8) use. It also included the change of use of an additional building, which is considered to have deteriorated to a point that it could not be reinstated according to the Council's Green Belt Policies.

Consideration

11. As the site is located within the Green Belt, as identified in the Council's adopted Allocations Plan (2014), the proposal needs to be assessed against local Green Belt policies and in relation to the National Planning Policy Framework. There is a general presumption against inappropriate development within the Green Belt and development should not be approved, except in very special circumstances (shown in paragraphs 79-92). Inappropriate development is, by definition, harmful to the Green Belt.
12. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
13. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The NPPF should be considered alongside the Council's Development Plan Policies. Policy GB1 of Rochford District Council's Core Strategy states that the Council will direct development away from the Green Belt as far as practicable and will prioritise the protection of Green Belt land based on how well the land helps achieve the purposes of the Green Belt. However rural diversification and the continuation of existing rural businesses will be encouraged, as appropriate, so long as such activities do not significantly undermine the objectives or character of the Green Belt. This point is expanded in Policy GB2 which details that forms of rural diversification that may be considered acceptable in appropriate circumstances in the Green Belt include the conversion of existing buildings for small-scale employment use.
15. Of particular relevance to this proposal is Development Management Policy DM13, which states that the reuse or adaptation of existing agricultural and rural buildings will be supported provided that certain limitations are adhered

to. Those which are of relevance to this application state that a proposal would be deemed appropriate providing:

- (i) The application relates to an existing building of permanent and substantial construction;
- (ii) The proposed use would not introduce additional activity or traffic movements likely to materially and adversely affect the openness of the Green Belt, or place unacceptable pressures on the surrounding highway network;
- (iii) The proposal does not exceed the existing footprint of the original building, with the exception of an allowance for additions that would be permitted in accordance with Policy DM11;
- (iv) Would not have undue impact on residential amenity; and
- (v) There would be no detrimental impact on nature conservation or historic environment interests.

16. It is considered that the existing buildings located on the site, included within the change of use application, are of a permanent and substantial construction and are currently in relatively good repair and have not deteriorated to the point that their current impact on the openness of the Green Belt is less than that should an amended use take place, including the possibility of required repairs. The proposal does not include the extension of any of the existing structures on the site, therefore the open character of the Green Belt would not be further deteriorated. As the existing structures are not to be extended and the proportion of the site which is covered by hardstanding is not to be increased, it is not considered that there would be any impact caused in terms of nature conservation. The proposal would therefore adhere to points (i), (iii) and (v) of the above Policy.
17. Policy DM13 states that any development which is permitted should be of a scale, design and siting such that the character of the countryside is not harmed and nature conservation interests are protected. Given that the proposed change of use does not include construction or extension of any of the existing structures on the site it is not considered that the openness of the Green Belt would be further impacted by the change of use of the existing buildings.
18. The proposal also includes an area of existing hardstanding which would be designated for the exterior storage of caravans, trailers or similar vehicles under a B8 use class. This area of the hardstanding is located between existing built forms and in the place of a previously existing building which has suffered from severe deterioration. Given the location of this proposed area of exterior storage it is not considered that an unacceptable impact would be caused to the openness of the Green Belt. Furthermore the previous use of the site would have included the parking of large scale vehicles. Therefore the

use would not exceed the impact caused by the previous lawful use. A condition is to be included on the decision stating that the storage of goods and materials should not take place on the open land outside of this designated area. This is to protect the open character of the Green Belt land.

19. The Highways Authority have stated no objection to the application, provided that an adequate number of vehicle parking spaces are provided. It has been suggested by the Highways Department that a total of 13 spaces would be sufficient to serve the site with dimensions in accordance with current parking standards.
20. The Parking Standards Design and Good Practise Guide (2009) requires that land of B8 use should include a maximum of one vehicle parking space per 150 square metres. For the first 200 or less vehicle bays disabled parking should be made available for either two disabled bays or 5% of the total capacity which ever is greater. Powered-two-wheeler parking would be required at a rate of one space plus one space per 20 car parking spaces (for the first 100 car parking spaces provided). Space would also be required for bicycle parking at a rate of one space per 500 square metres for staff and one space per 1000 square metres for visitors.
21. The proposed B8 use of the site would cover an area of approximately 1136.5 square metres, including the proposed outdoor storage area which measures approximately 250 square metres. Based on the above guidance in relation to the proposed B8 use the site would require a total of 8 car parking spaces, 2 of which should be of sizing adequate for disabled users. There should be adequate space for the parking of one powered-two-wheeler and space for the storage of 3 bicycles.
22. Land under a B1 use class should include a maximum of one vehicle parking space per 30 square metres. Again for the first 200 or less vehicle bays disabled parking should be made available for either two disabled bays or 5% of the total capacity which ever is greater. Powered-two-wheeler parking would be required at a rate of one space plus one space per 20 car parking spaces (for the first 100 car parking spaces provided), the same as a B8 use class. Space would also be required for bicycle parking at a rate of one space per 100 square metres for staff plus one space per 200 square metres for visitors.
23. The proposed B1 use of the site would cover an area of approximately 153.5 square metres. This would therefore require the provision of 5 car parking spaces and 2 bicycle spaces. Given that the requirement would be small the disabled car parking spaces and powered-two-wheelers could be considered together with the B8 use.
24. According to the guidance provided it is considered that the site would require 13 car parking spaces, 2 of which should be of disabled bay sizing, 2 powered-two-wheeler spaces and space for the storage of 5 bicycles considering the uses in conjunction with one another.

-
25. It has been proposed that the site would include 9 car parking spaces, 2 of which would be of a disabled standard. Two spaces have been proposed for powered-two-wheelers and 4 bicycle spaces. The proposal also includes 4 vehicle spaces described as 'other'.
26. The area of land designated on the submitted plan as parking space measures approximately 6.5 metres by 72.5 metres. Taking into consideration the bay sizes as required by the adopted standard, this space would be of adequate sizing for 22 standard car parking spaces and an additional 2 disabled sized bays. It is therefore considered that 13 car parking spaces, two of which would be of disabled bay sizing, would be achievable at the site, with adequate space retained for the parking of powered-two-wheelers and bicycle storage. A condition is therefore to be placed on the application stating that 13 car parking spaces should be in place at the site. The site is almost completely hardsurfaced at present, with the area proposed as parking consisting of a concrete finish much like the remainder of the site. It is therefore considered that the parking requirements of the site would not have a further impact on the open nature of the Green Belt land.
27. Neighbours of the site have raised concerns regarding the use of Ironwell Lane by heavy good vehicles. It is stated by the neighbours of the site that the lane is not suitable to accommodate such vehicles. However the application site, as well as a number of other sites located on this Lane, includes a history of use as nurseries. These would have been frequented by larger scale vehicles providing deliveries and distribution. Therefore it is not considered that the proposed B1 and B8 uses would encourage increased use of the Lane beyond that of previous uses significant enough in order to warrant a reason for refusal. The site also includes an access gate which has been set back from the highway so that vehicles can exit the lane whilst the gate is opened and closed. Essex County Council's Highways Department have raised no objection to the application and there have been no conditions suggested to improve upon the current access to the site.
28. There have been a number of objections received from the occupiers of the neighbouring residential dwellings. However it would appear that there has been some confusion over the proposal. A number of objections mention that waste sorting at the site would not be acceptable in such close proximity to residential dwellings. The applicants are not proposing to operate a waste sorting site, as stated at section 22 of the submitted application form, but have included an area on their plans for the site's bin storage, which would allow for the recycling of the waste materials generated on the site. A recycling centre would fall under a B2 use class, which is not being applied for and cannot be achieved without the requirement for a further planning application.
29. Objection comments also refer to the hours of operation of the site and the disturbance caused. The B1 and B8 use classes applied for would allow for operations at the site including light industry, offices and the research and development of products or processes under the B1 use and storage and distribution centres under the B8 use, which would act as the predominant

use of the site. This application is detailed as requesting B1 use as light industry and B8 as storage. However the use of the site would be able to change within the use class into the future. It should be noted that permitted development allows for the change of use between B1 and B8, with size limits, to use the site under any other use class would require planning permission. The activities which these use classes would allow are deemed as being appropriate adjacent to residential dwellings. However conditions are to be included on the decision of the application restricting the hours of operation of any business as well as the times in which deliveries are completed at the site. This is to ensure that an unacceptable level of disturbance is not caused to neighbouring dwellings during unsociable hours, when ambient noise levels are generally at a lower level and the effects of noise pollution are intensified. It is considered that such restrictions would limit the impact of the site on the neighbouring dwellings to an acceptable level. Furthermore the impact is unlikely to be greater than the current lawful use of the site as a nursery.

30. It should be noted that car repairs would fall under a B2 use class, which covers general industrial uses, and would require further planning permission. Such uses are likely to have a greater impact upon neighbouring amenity and may require further restrictions.

Summary

31. It is not considered that the proposed change of use would have an unacceptable level of impact upon the openness of the Green Belt land or upon the amenity of the neighbouring residential dwellings. The Highways Authority have highlighted no issues with the application and the traffic movements are unlikely to be in excess of the previous use of the site.

Representations:

32. THE COUNCIL'S ARBORICULTURAL AND WOODLAND OFFICER stated no objection to the proposal from a trees and ecology perspective.
33. ESSEX COUNTY COUNCIL HIGHWAYS: The proposal is not proposing any changes to the existing vehicular access.

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The provision of thirteen on-site vehicle parking spaces and an associated turning area. Each parking space shall have dimensions in accordance with current parking standards. The vehicle parking area and associated turning area shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 and to ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

34. NEIGHBOURS: A total of six letters of objection have been received from occupants of neighbouring dwellings. Points raised have been summarised below:

Baytrees, Ironwell Lane

Byeways, Ironwell Lane x 2

Unknown Address - H. Clarke

Autumn Place, Ironwell Lane

The Grange, Ironwell Lane

- We already have to put up with constant traffic to this site, including cars, vans of various sizes, lorries and ambulances, which cause blockages and disruption to the lane
- Ironwell Lane is narrow, with no pavement. There is insufficient room to allow two vehicles to pass side by side, let alone the trucks and lorries. It is considered that this poses a health and safety risk, which would increase should the change of use be allowed.
- The existing entrance to the land includes an inadequate width for business and light industrial use and poses a risk for an accident as the lane is used by many people on foot
- A business is already in operation on the site and breaking the law
- The site is not currently vacant and is being used 7 days a week
- The current use creates a lot of noise 7 days a week
- Rochford Council received business rates from this location
- Rubbish sorting should not exist next door to dwellings

-
- Is the proposed area for bin storage intended to be a disposal unit catering only for waste create, on this site or is the disposal unit or waste transported from other locations in Essex
 - Worried about skip storage and waste sorting immediately behind residential dwellings
 - The land adjacent is Green Belt and agricultural land - to allow the change of use from agricultural to commercial will effect the private residents enjoyment of life
 - The use could cause contamination of the adjacent water course
 - The site is unsuitable for industry
35. Following the receipt of the letter of objection, the applicant decided to submit a response to the concerns of the neighbours. This was received on 12 February 2017. The points detailed in this letter are summarised below:
- No business has been running from the site since we acquired it in 2007
 - The last business use of the site was as a commercial nursery
 - Why would we be restricted from entering and leaving our land when we pleased
 - We have been allowing neighbours to utilise our vehicle access to reach the rear of their properties
 - The proposal is not for a waste management development as declared in section 22 of the completed application form
 - It is a requirement of the council that we show sufficient space for the waste generated by those using the site to be collected, and it is their preference that the space is sufficient for the separating of recyclables (i.e. paper from plastics etc). You can clearly see from the plans submitted the bin area is obviously a very small space, and merely that required by the council.
 - Our access gate is set back so that even a large vehicle is able to vacate the lane while the gate is opened and closed.
 - The access width is not inadequate in width, Highways have raised no issues.
 - There have never been footpaths in the lane. Our proposal will have no effect on this. When the site operated as a commercial nursery there were no footpaths. This is irrelevant to our application. The lane will be no narrower or more pavementless than it always has been.
 - Commercial waste is not burnt on site and no contamination of the water has ever occurred or been suspected
 - A friend uses an area to the rear of the yard to tinker with and repair some old cars
 - Skip storage has not been asked for, isn't done and isn't intended
 - The site is not unsuitable for industry. It was suitable for many years while it ran as a nursery and there is an active nursery further up the lane

APPROVE

- 1 The operation of any business under the use classes hereby permitted at the site shall not take place outside the hours of 07:00 to 18:00 Monday to Friday, 10:00 to 16:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 2 No deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 18:00 Monday to Friday, 10:00 to 16:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.
- 3 A total of thirteen vehicle parking spaces should be provided at the site and retained thereafter in perpetuity, within the area noted as parking on the drawing date stamped 21 December 2016. Each parking space shall have dimensions in accordance with current parking standards as detailed within the Parking Standards Design and Good Practice Guide (2009), with two of the total thirteen meeting the disabled bay size standard. The vehicle parking area should be maintained and free from obstruction at all times and used solely for parking provision at the site.
- 4 No good(s), articles(s), product(s) or other material(s), together with any plant, machinery or equipment, whether or not requisite for the use of the site hereby permitted, shall at any time be stored or otherwise deposited on any open areas of the site apart from the area hatched, and marked as exterior storage, on the drawing date stamped 21 December 2016.

Relevant Development Plan Policies and Proposals:

National Planning Policy Framework

Rochford District Council Local Development Framework Allocations Plan Adopted February 2014

Rochford District Council Local Development Framework Core Strategy Adopted Version (December 2011) - GB1, GB2

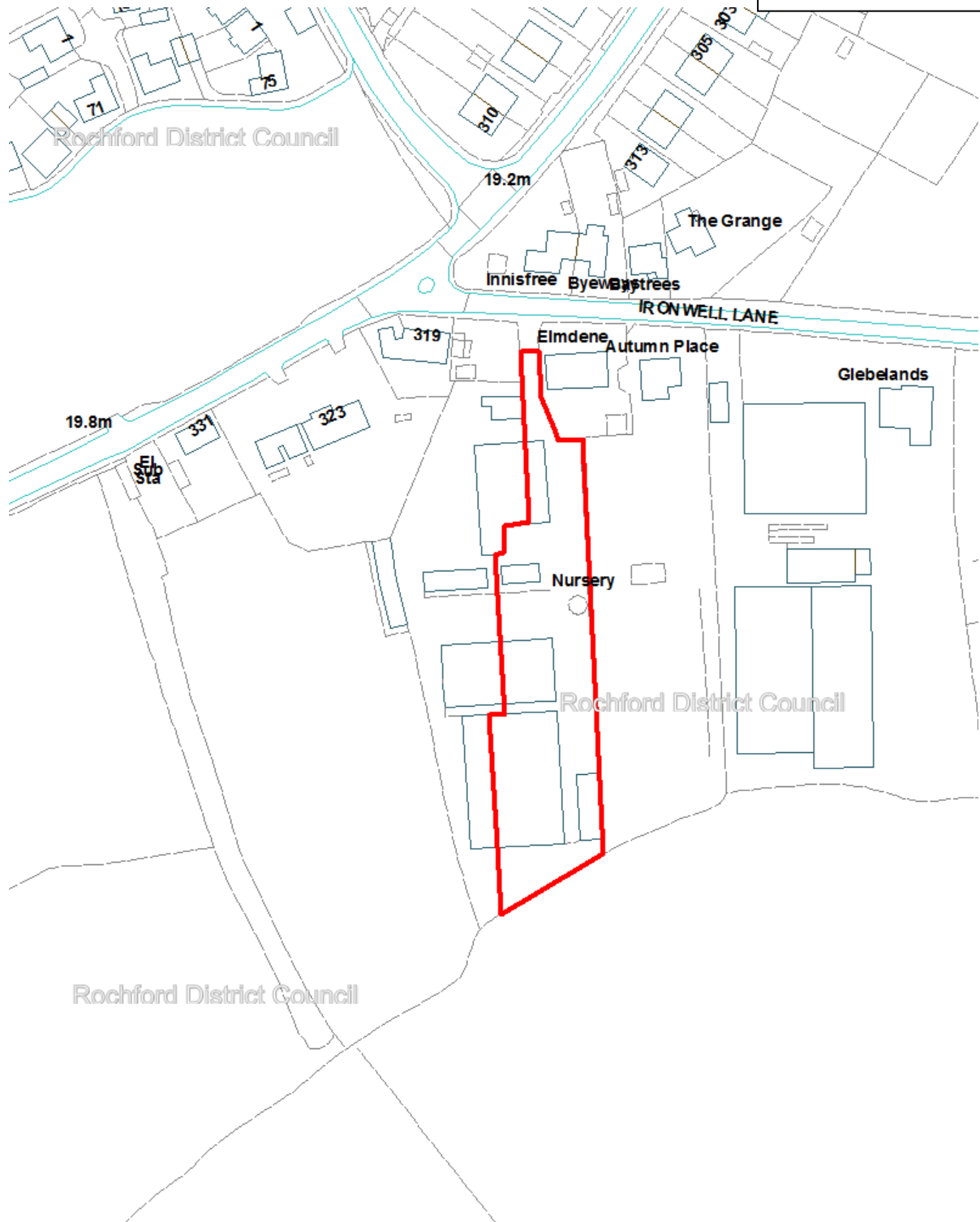
Rochford District Council Local Development Framework Development Management Plan (December 2014) - DM10, DM12, DM13, DM30

Parking Standards Design and Good Practice Guide (2009)

The local Ward Member(s) for the above application are Cllr. J.R.F. Mason Cllr Mrs C Mason Cllr Mrs J R Gooding

Appendix 2

16/01243/FUL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. This copy is believed to be correct.

Nevertheless Rochford District Council can accept no responsibility for any errors or omissions, changes in the details given or for any expense or loss thereby caused.

Rochford District Council, licence No.LA079138

