

Planning Statement

Change of use of Land and
Buildings from Class B2 use to a
Mixed Commercial use, including
Class E, B2 and B8 Use.

Orchard Business Units,
Cockaynes Lane, Alresford, Essex,
CO7 8BZ

J Roy Properties

November 2023

pomery

PLANNING CONSULTANTS

Introduction

- 1.0 This statement has been prepared by Pomery Planning Consultants Limited on behalf of our client, J Roy Properties (the applicant). The statement explains and supports the applicant's proposal to change the use of land and building at Orchard Business Centre, Cockaynes Lane, Alresford, from Class B2 use to a mixed use of Class E, B2 and B8 uses.
- 1.1 The application is submitted retrospectively under s73A of The Town and Country Planning Act 1990, as the changes of use have already occurred.
- 1.2 The applicant company has set out a Statement below, explaining the ethos of the business and its aims and objectives:

“Orchard Business Units Alresford – where innovation meets community and businesses thrive. Our industrial estate is a melting pot of creativity and industry, housing a diverse range of tenants that includes a high tech CNC manufacturer, a state-of-the-art recording studio, a dynamic gym, a fantastic landscaper, two expert upholsterers, a creative sign-writer, a wig maker catering to not only local areas but also London's theatre shows, an online pet food supplier, a skilled pet homes, craftsman and even storage for your local ice-cream man.

Beyond being a hub for diverse businesses, we're deeply committed to giving back to our local community. As proud sponsors of two local junior football teams and our local schools swimming pool fund, we actively contribute to the vibrancy and well-being of the area we call home.

In these challenging economic times, we stand by our tenants, offering unwavering support with an open door policy. With over 50 years of business management experience, we bring a wealth of knowledge to the table, ensuring that your business not only survives but flourishes. We understand the unique needs of our tenants, and our site is in a constant state of improvement, adapting to create an environment where businesses can truly prosper.

Moreover, Orchard Business Units is not just a place of commerce; it's a job-creating engine for the local community. By fostering local employment opportunities, we contribute to the economic growth and prosperity of the entire area.”

The Application Site

- 2.0 The application site extends to some 0.78 hectares and is located on the south side of Cockaynes Lane to the north west of the settlement of Alresford. Whilst the site comprises of significant and established built form, oddly, it is not included within the settlement boundary of Alresford, as can be seen below (orange).



- 2.1 The site itself consists of a collection of industrial building of various types and sizes. There is one large and connected group of buildings, which combine to make up the main group, which are then divided into individual units.

Then there are five further detached buildings, which are also subdivided into separate units, as can be seen below.



The majority of the units are single storey, although there are areas of two storey and the split of first and second floor units are illustrated on the submitted plans.

- 2.2 The site access and egress and its connection with the public highway, is to the north of the site onto Cockaynes Lane. This provides a single point of vehicular and pedestrian access / egress serving the site. The areas in and around the buildings are mainly used to provide circulation and car parking.
- 2.3 To the west of the site are a series of small fishing lakes, to the north and south are two large areas of new housing. To the east is Stable House, which is a residential care home and training centre, beyond Stable House are individual residential properties.

2.5 The application site can be seen in context below.



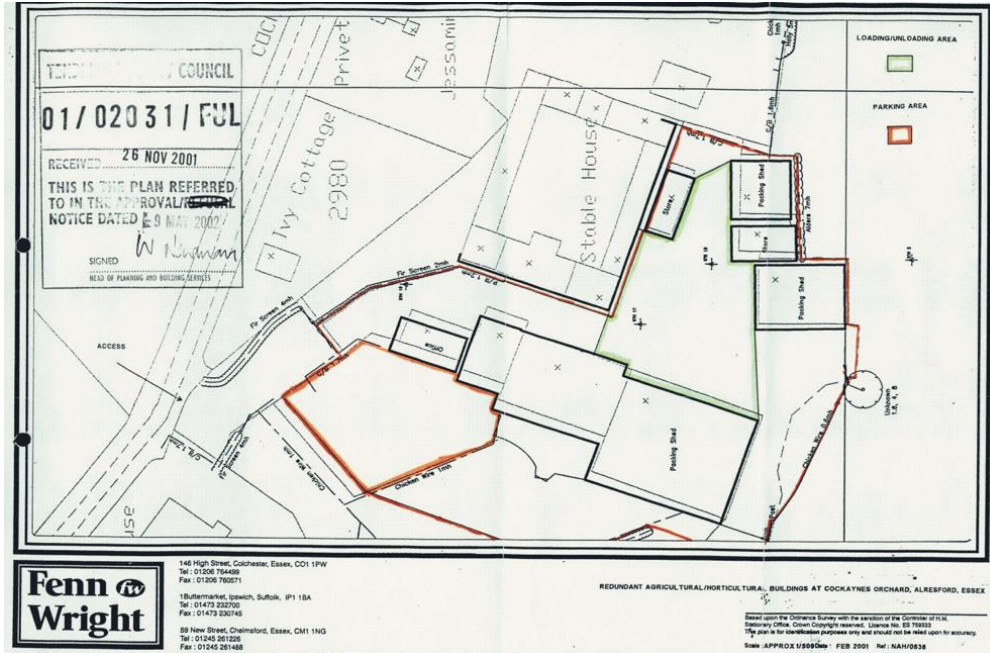
Site and Planning History

3.0 Prior to 2001 the land and buildings were part of an agricultural / horticultural enterprise. On the 9th May 2002, planning permission was granted for the following development:

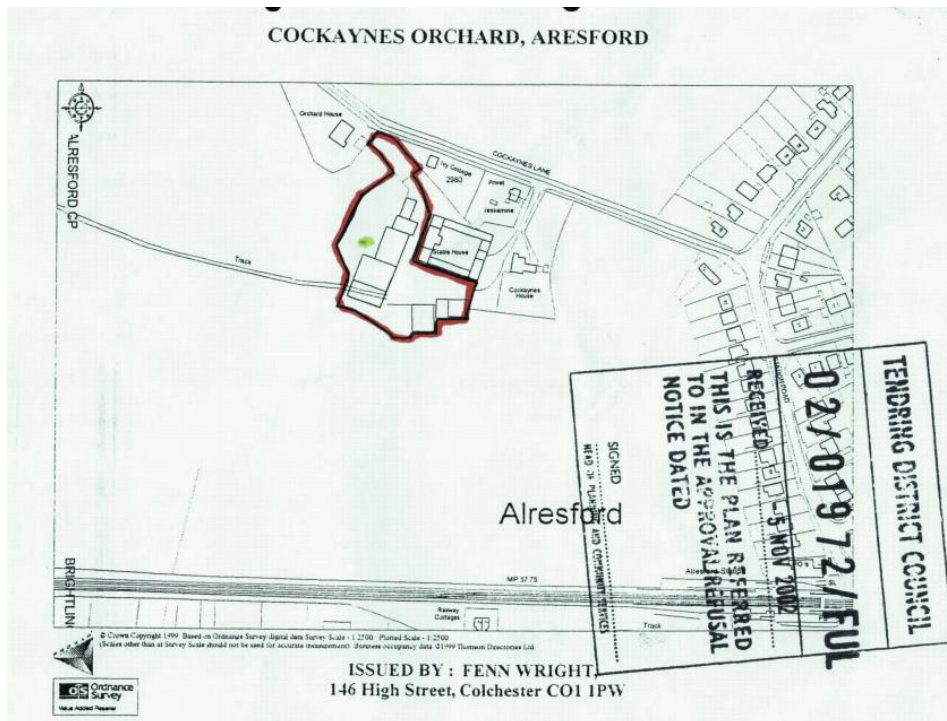
“Change of use of land and building to B2 use, industrial assembly, production and storage of furniture with associated office use and staff car parking”.

3.1 This approval, reference 01/02031/FUL, was subsequently implemented by Contract Interiors Ltd, who manufactured furniture on the site for 13 years, before the company ceased trading in 2014.

3.2 At the time of the planning permission for the change of use to B2, the vast majority of the buildings currently on the site were already in place. Below is the approved block plan from application 01/02031/FUL, where the buildings on the site are clearly evident.



3.3 Below is the approved site plan from 2002, which is broadly similar to the site plan submitted with this current application.



3.4 It is evident from the planning history that the lawful use of the site is B2 Industrial Use, and it is clear that the buildings on the site are also lawful having received the planning permissions below and through the passage of time.

3.5 Since the change of use to B2 use in 2002, the site has been the subject of the following planning approvals for extensions, additional buildings and alterations.

02/01390/FUL First Floor Office Accommodation - Approved.

03/00813/FUL Single storey extension to form showroom and records store - Approved.

02/01972/FUL Alteration to new paint store - Approved.

08/01135/FUL Construction of 2No Storage Building and proposed extension to showroom - Approved.

The Proposal

4.0 The application proposes the retrospective change of use of the land and buildings from B2 use (General Industrial Use) to a mixed commercial use, including Class E, B2 and B8 Use.

4.1 At the time of the application submission the site accommodated some 41 individual businesses, which are engaged in a vast range of uses. The coming and going of businesses on the site is often fluid, with businesses moving on and new uses coming to the site to fill vacancies. Below are some of the diverse businesses in operation on the site.

Car Mechanic

Carpenter

Interior designer

Engraver

Personal Trainer

Photographer

Computer parts repair/storage

Electrician

Sign writer	Wig makers
Furniture manufacturer	Air Condition supplier
Bouncy Castle storage	Plasterers
Caterer	Vintage Car restorer
Salesmen	Loft Converter
Kitchen converter/fitter	Dog Day care
Transport Business	Ice Cream Man
CNC engineering manufacturer	Landscaper and florist
Roller shutter manufacturer	Property Maintenance
Pet food supplier	Builder
Flooring specialist	Recording Studio

4.2 Officers have requested details of each individual use in each individual unit, as such, the application is accompanied by a schedule. Most of the uses have been operational on the site for at least the last 5 years. It is the nature of this type of business park that businesses come and go and uses change over time. Some users expand within the site, taking neighbouring units when they become vacant. To some extent it is a moving feast, but the uses proposed all fall within the the range of uses applied for, that being Class E, B2 use, which is lawful on this soite already and B8 use. In the same way as a new proposal to construct a new business park consisting of a range of unit types and sizes, permission is normally granted for the uses on the site, rather than uses being applied to individual units. This approach allows flexibility without the need to obtain separate planning permissions for changes of use, each time a unit becomes vacant and is then occupied for a different use. The applicant is of the view that the scope of uses applied for, cover the uses on the site presently, with one exception.

4.3 Unit 19 (first floor) is not included as part of this planning application. This unit operates as a recording studio which has been the subject of a recent planning approval, High court challenge and planning refusal. This change of use proposal was originally approved by the Council, but the approval was quashed by the High Court, due to defective planning conditions. Since then the Council has refused the planning permission. However, Gary Guiver has advised the operators of the studio that conditional approval could be granted, if a fresh

application was accompanied by comprehensive noise assessments that demonstrated that the use posed no harm to neighbouring amenity. Those assessments are being undertaken and a new application is being prepared. In view of the complications associated with this unit and the need for the use to be regularised separately, this unit is excluded from this application.

- 4.4 The site has operated without significant harm to amenity for many years, and it should not be forgotten that the lawful use of the site, is as a B2 use, which would be most likely use, to result in noise, smell and general disturbance. The B2 uses currently in operation on the site, are limited to two car related businesses, which have operated on the site for a number of years without incident. More recently, there has been some difficulties with an ice cream van operation, however, the difficulty has been isolated and is likely to be controlled through hours of operation conditions.

Planning Policy Framework

- 5.0 The development plan in Tendring comprises the Tendring Local Plan 2013 – 2033, which is now fully adopted. Relevant Policies are as follows:-

5.1 Tendring District Local Plan 2013-2033

Section 1 Plan (adopted January 2021)

SP1 Presumption in Favour of Sustainable Development

SP3 Spatial Strategy for North Essex

SP7 Place Shaping Principles

Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP6 Employment Sites

PP13 The Rural Economy

CP1 Sustainable Transport and Accessibility

5.2 National Planning Policy is contained within the National Planning Policy Framework, (the Framework) which provides the Government's policy position on all planning matters and how it should be applied, in policy making and decision taking. Relevant to this proposal are paragraphs 84 and 85, which state:

"84. Planning policies and decisions should enable:

(a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

(b) the development and diversification of agricultural and other land-based rural businesses;

(c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

(d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

85. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

The Material Planning Considerations

- 6.0 The application proposal is perhaps a little unusual given the scale of the site and the length of time that has passed without regularisation. That said, the site benefits from a lawful B2 use as a factory for the manufacturer of furniture. As a B2 use, the site has a lawful industrial use, in the least compatible use in relation to a residential area. However, most of the uses on the site operate within Class E, which are compatible with residential locations. Most of the uses have been operational for 9 years without incident, and this above all else, demonstrates that there has been limited impact on residential amenity over this time.
- 6.1 In relation to the location, the site is already in an employment use and is lawful. The proposed change of use of the site to Class E, B8 and B2 uses, will have no material impact on the location of the site.
- 6.3 Policy PP6 of the adopted Tendring District Local Plan recognises the valuable role of locally important existing employment areas and establishes the need to protect them from loss to alternative uses. Whilst the uses on this site are unauthorised, they are established, and make an important contribution to the local economy. As such, they should be given approval and thereafter protected, as any other employment site in the District. Section 2 of the Local Plan, at Paragraph 6.5. advises that Tendring District has a diverse economy with local employment across a range of activities with many of our residents being self-employed or working in small businesses. Tendring District's economy is closely linked to the maritime industry, although it has a diverse economy with local employment across a range of activities. The application site is typical of the nature and type of business operating in the District.
- 6.4 Creating new jobs for existing and future generations of residents is, and will continue to be, one of the Council's top priorities. A key requirement of the Local Plan is to provide for appropriate sustainable employment opportunities for residents in Tendring and to support the growth of local businesses and

attract investment. The Local Plan gives priority to the enhancement of existing employment sites; supports initiatives which promote skills and training and enhances cultural assets of the District. These sentiments mirror the aims and objectives of the applicant company. The units at Orchard Business Centre create the opportunity and the accommodation for new businesses to become established, grow, create jobs and overall, contribute positively to the prosperity of the District.

6.5 Whilst the site is outside of the defined development boundary it is long established, and has become a small business park, which was originally approved as a rural diversification scheme. Paragraph 84 of the NPPF seeks to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Decisions should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings. Having regard to national and local plan policy, the development proposed is considered to be sustainable, and will continue to help support local businesses and create and retain, local employment opportunities.

6.6 The site overall makes a considerable contribution to the economic prosperity of the District, accommodating approximately 40+ separate businesses who employ 200+ staff; most of which being local residents. The site is close to shops, other businesses and public transport facilities in the village, thereby supporting the viability and vitality of the village and its facilities.

6.7 **Access & Parking**

The use of the site access and the available car parking within the site has not changed since the use began in 2014. Given that there has been no recorded collisions at the access or incidents, the access arrangements are proven to be acceptable. The application layout plan includes a parking scheme of 77 parking spaces within the site, these spaces are shown at 5.5m x 2.9 metres. It is difficult to pinpoint a parking standard to apply to this site as there is a wide mix of uses and there is no parking standard for the relatively new Class E use.

However, the site has operated successfully for at least 9 years without a parking issue or vehicles having to be parked outside of the site. On this basis the parking provision is considered to be appropriate.

6.8 Hours of Operation

Given the location and the types of business operating on the site, it is considered to be appropriate that the site continues to operate within the hours of :

07:30 to 18:30 Monday to Friday.

08:00 to 13:00 on Saturdays

No uses on Sundays or Bank Holidays.

- 6.9 The use of the site is considered to be acceptable given its planning history and the period of time it has operated in a mixed use. The change of use proposed is therefore considered to be policy compliant and once approved, the site will continue to positively contribute to the economic growth and sustainability of the District.