

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th September 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1154/07/F - HINXTON

Extension to Warehouse Building at Mighton Ltd, Hinxton Grange for Mighton Ltd

Recommendation: Refusal

Date for Determination: 8th August 2007

Notes:

This Application has been reported to the Planning Committee for determination at the request of District Councillor, Mr Orgee.

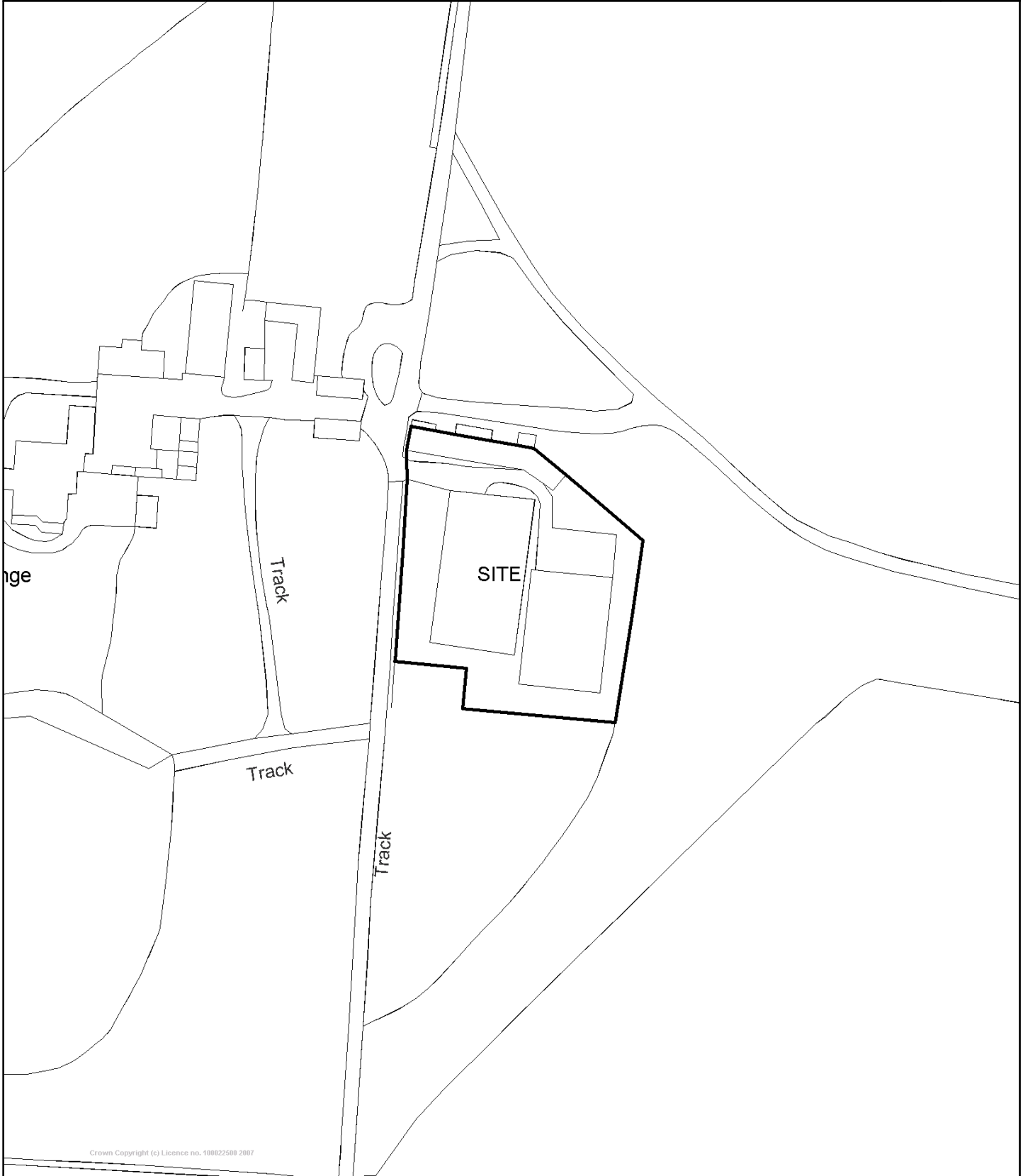
Site and Proposal

1. The application site is located in the countryside on the east side of the A1301 and approximately 1 kilometre to the north-east of the village of Hinxton. It comprises a grey metal clad warehouse building, with a floorspace of 507m², located within an enclosed site. The premises are accessed via a shared private road leading northwards from the old de-classified A11 (this access also serves 4 residential properties), which then continues west until it meets the A1301. The junction of the old A11 with the A1301 is unmetalled and is in poor condition.
2. The full application, submitted on 13th June 2007, seeks to erect an extension, measuring 19.9m x 9.965m (198m²), to the north side of the building in order to create an enlarged storage area. Part B of the application form states that there are 6 existing employees and estimates that there would be up to 2 additional employees as a result of the extension. It is anticipated that there would be just 1 extra vehicle movement per day.

Planning History

3. **S/1057/03/F** – Application for change of use of the building from an equestrian centre to warehouse (B8 use) and ancillary office (B1 use) approved. This was subject, in part, to a condition withdrawing permitted development rights to change the use to any other use within Class B, in order to minimise traffic generation in the interests of highway safety, neighbour amenities and the rural character of the area.
4. **S/0131/07/F** – Application for an identical extension to that now proposed was refused for the following reason:

“The application, which proposes an extension to an existing warehouse, does not relate to a use that specifically requires a rural location and, hence, is not considered to constitute essential development in the countryside. The proposal therefore contravenes Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan



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2003 which states that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.”

Planning Policy

5. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 states that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
6. 2003 Structure Plan **Policy P1/3** requires a high standard of design and sustainability for all new development which minimises the need to travel and reduces car dependency.
7. **Policy P7/6** of the Structure Plan requires development to protect and enhance the quality and distinctiveness of the historic built environment.
8. **Policy DP/2** of the Local Development Framework Development Control Policies 2007 requires all new development to be of a high quality design.
9. Local Development Framework **Policy DP/3** states that permission will not be granted for proposals that would have an unacceptable adverse impact on (amongst other issues): residential amenity, from traffic generated, on village character, on the countryside or from undue environmental disturbance.
10. **Policy DP/7** states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
11. **Policy ET/5** supports the expansion of existing firms, only within village frameworks or previously developed sites next to or very close to village frameworks. **Policy ET/7** supports the change of use or adaptation of buildings in the countryside (without extension) for employment use. Part 2 of this policy states that any increase in floor area will be strictly controlled and must be for the benefit of the design or in order to better integrate the development with its surroundings. There is a general presumption against future extensions of countryside buildings that have been converted to employment use.
12. Local Development Framework **Policy CH/4** states that permission will not be granted for development that would adversely affect the curtilage or wider setting of a Listed Building.

Consultations

13. **Hinxton Parish Council** recommends approval of the application.
14. **The Conservation Manager** advises that the building is located behind the Grade II listed property, Hinxton Grange, with the rear access to the listed building located across the street from the warehouse. The impact of the extension on the setting of the listed building is considered to be minimal. However, the building should be better screened with landscaping and a condition requiring the submission of a landscaping scheme should therefore be added to any permission.
15. **The Local Highways Authority** states that the proposal would increase traffic movements associated with the existing access onto the A1301. To accommodate this increase, the access should be improved to provide a metalled junction, a

minimum of 6 metres wide for the first 25 metres. The access should also have a minimum entry and exit radius of 10 metres. If permission is granted, it is requested that an informative be added to any consent advising that the granting of permission does not constitute a permission or licence to a developer to carry out works within, or disturbance of/interference with, the public highway and that a separate permission must be sought from the Highway Authority for such works.

16. **The Chief Environmental Health Officer** raises no objections in respect of the implications of the proposals in terms of noise and environmental pollution.
17. **The Cambridgeshire Fire and Rescue Service** requests that adequate provision be made for fire hydrants, by way of a Section 106 agreement or planning condition.

Representations

18. No neighbour representations have been received to this latest application. However, the owners of Hinxton Court, a dwelling to the north, did raise concerns about the number of vehicle movements and highway safety issues in respect of the previous identical application. In the original application for the warehousing use, the form stated that there would be 4 vehicle movements a day. However, there have been more like 40 movements a day, including several large lorries. The single track access to the site is shared by 4 residential properties and there have been accidents at the junction.

Representation from District Councillor, Mr Orgee

19. District Councillor Mr Orgee states:

"From information I have been given about this application it seems that there is a difference of opinion regarding the applicability of planning policies in this case. In the light of this I request that this case is taken to the Planning Committee."

Representation by the Applicant's Agent

20. The application has been accompanied by a supporting statement. This states that the application for the extension was previously refused on the grounds that it contravened Policy P1/2, namely that the proposal did not relate to a use that specifically requires a rural location. It is argued that the original application for the conversion of the building from an equestrian centre to a warehouse was given in 2003 and Policy P1/2 must therefore have been a factor in the process of consideration at that time. When permission was given for this use, there were no conditions preventing any future expansion. A flourishing business has been permitted to settle in a rural location with all the benefits it brings to the area in terms of local employment.
21. The applicant's agent states that under Policy EM3 of the 2004 Local Plan, development of light industry is limited to 1850m². The floor area of the existing warehouse is 507m² and the proposed extension of 198m² would take the total up to 705m². Within the policies, there appears to be no reference to expansion of an approved conversion other than the constraint of 1850m² area limitation.
22. One of the objectives of the Local Plan is to support existing businesses by applying positive policies towards the expansion of existing firms. Mighton Ltd is a local company, run by the owner and occupier of Hinxton Grange. It was formed to further the marketing and distribution of products relating to sash windows (thermally efficient

timber sash windows). The products are manufactured elsewhere by other companies and there are few visitors to the site so the company is a low impact organisation.

23. The Company's research and development programme has produced significant benefits. These endeavours are at risk as is the continuing secure employment of the current work force in the local area unless expansion is permitted. The Company's policy of continuous research and development has led to the current situation where they are in real need of increased storage space to accommodate a wider range of products and to allow safer and more convenient access to shelving. The expansion coincides with an increase in export orders for up to 5000 window components per month. The expansion will result in about 2 extra deliveries per week by 7.5 ton vehicles.
24. In approving the original application for the conversion of the building, the Council must have considered the Company to be essential in this location. If this is the case, logic suggests that a modest extension to the original building is also essential, particularly if it can be demonstrated that to constrain expansion would be detrimental to the well being of the business. Very few businesses other than those of an agricultural nature actually require a rural location and Policy P1/2 therefore appears to conflict with Policy EM10 which favours the conversion of existing buildings to employment use.

Planning Comments – Key Issues

25. The key issues to consider in the determination of this application relate to:
 - The principle of extending the building in this countryside location;
 - Visual Impact – including effect upon the setting of adjacent listed building and impact upon the character of the countryside;
 - Highway safety.

The principle of the development

26. The site lies some distance outside the Hinxton village framework and in the countryside. Policies P1/2 of the Structure Plan and DP/7 of the Local Development Framework restrict development in the countryside to that which needs a rural location. The supporting information submitted with the current and previous applications explain that Mighton Ltd is a local company that supplies the construction industry with fixtures and fittings for sash windows and that constraining its ability to provide increased storage space would be detrimental to the well being of the business. Whilst I appreciate that the Company is playing an important role in the research and development of thermally efficient timber framed windows, I remain of the view that this is not a use that specifically requires a rural location and that, if larger premises are required, it would be more appropriate for this distribution company to be located within an industrial estate.
27. Whilst policies aim to support the rural economy and enable farm diversification by encouraging the reuse of existing redundant farm buildings to employment uses, they also seek to ensure that developments are of a scale appropriate to their location (Policy ET/7). For this reason, there is a general presumption against the future expansion of converted rural buildings, particularly in isolated, unsustainable locations. The expansion of this building is not necessary in order to improve its design or to better integrate the development with its surroundings and the proposal therefore fails to comply with the criteria set out within Policies ET/5 and ET/7 of the Local Development Framework.

Visual impact

28. The proposed extension would be the same height and width as the existing building and matching materials would be used. The Grade II listed dwelling, Hinxton Grange, is not visible from the site and the Conservation Manager is satisfied that there would be no undue harm to the setting of the listed building (subject to landscaping). I am also satisfied that the impact of the extended building upon its surroundings and upon the character of the surrounding countryside would not be unduly harmful.

Highway safety

29. The Local Highways Authority (LHA) was not consulted at the time of the original application to change the use of the building from an equestrian to warehouse use. That proposal stated that there would be 4 employees and 4 vehicle movements a day but the permission included no restrictions on the number of employees in an attempt to control/minimise traffic movements. A local resident states that the number of vehicle movements has been much higher than this and refers to accidents that have occurred at the junction of the old A11 with the A1301. The Local Highways Authority has checked the accident records but there have been no reported personal injury accidents at this junction.
30. As the current proposal would increase traffic movements associated with the existing use onto the A1301, the LHA has requested that the access be improved to provide a metalled junction. The applicant does not own this land and his agent is presently trying to establish who does own it, with a view to resolving this issue. Should Members be minded to grant consent for the proposal, it would need to be subject to a Grampian style condition preventing the development being implemented unless the requested highways works are carried out.

Recommendation

31. Refusal:
1. The application, which proposes an extension to an existing warehouse, does not relate to a use that specifically requires a rural location and, hence, is not considered to constitute essential development in the countryside. The proposal therefore contravenes: Policies P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003 and DP/7 of the Local Development Framework 2007 which state that development will be restricted in the countryside unless proposals can be demonstrated to be essential in a particular rural location.
 2. The existing premises are in an isolated location approximately 1 kilometre to the north-east of the village of Hinxton. In addition, the extension of the existing building is not considered to be necessary to better integrate the development with its surroundings. The proposal therefore contravenes the Local Development Framework 2007: Policy ET/5, which only supports the expansion of existing firms located within village frameworks or on previously developed sites next to or very close to village frameworks, and Policy ET/7, within which there is a general presumption against future extensions of buildings in the countryside that have been converted to employment use and which states that any increase in floor area must be for the benefit of the design or in order to better integrate the development with its surroundings.

Background Papers: the following background papers were used in the preparation of this report: Cambridgeshire and Peterborough Structure Plan 2003; Local Development Framework 2007; Planning application references S/1057/03/F, S/0131/07/F and S/1154/07/F

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