

Parish:	Heacham	
Proposal:	Construction of Replacement Workshop and Store in Builders Yard (Re-Submission)	
Location:	Cedar House 45A the Broadway Heacham Norfolk	
Applicant:	Mr M McGinn	
Case No:	17/00691/F (Full Application)	
Case Officer:	Mr M Broughton	Date for Determination: 1 June 2017 Extension of Time Expiry Date: 7 August 2017

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation

Case Summary

The land is situated in designated countryside, on the south side of The Broadway, Heacham. It is accessed via a 55m track, with entrance to the site opposite to Rolfe Crescent junction, approximately 125m west of the A149 junction. The site forms a builder's yard at 45A The Broadway, Heacham

The application seeks to demolish existing office, workshop and storage buildings and storage greenhouse and construct a new storage / workshop building including office accommodation.

This is a re-submission following a previous refusal at the Planning Committee (March 2017)

The National Planning Policy Framework 2012, the King's Lynn and West Norfolk Core Strategy 2011 and the King's Lynn and West Norfolk Management Polices Plan 2016 are relevant to this application

Key Issues

- Principle of development
- Form and character and amenity
- Highways
- Other considerations
- Crime and disorder
- Appeal decision - adjacent land

Recommendation

APPROVE

THE APPLICATION

The land is situated in designated countryside, on the south side of The Broadway, Heacham, opposite to Rolfe Crescent junction and approximately 125m west of the A149 junction. It is accessed via a 55m narrow track, bordered by 2m fence or conifer hedge between Nos 45 and 47 The Broadway. The development boundary for Heacham includes the access track and rear gardens to the said dwellings.

The site forms a builder's yard at, and is associated with, 45A The Broadway, Heacham – both in the ownership of the applicant.

As the access track terminates into the land, to the west and south are paddocks in ownership, whilst the immediate east is the builder's yard, comprising two mis-matched large workshops forming the centrepiece of the site. There is also a greenhouse with a mix of smaller units all used for builder's storage, an office porta-cabin and an area of hard standing for turning / parking. The said buildings are destined for demolition – specifically the larger buildings comprise partly of asbestos based items.

To the immediate east of the builder's yard is the applicants dwelling and curtilage, with access via the builder's yard.

Notwithstanding its tidy appearance, it was clear on the site visit this was a builder's business yard. Whilst the builder's yard is effectively open on its east and west sides, the south boundary has 1.2m timber slatted fencing, forming a divide between the yard and the paddocks. The rear northern boundary of the site forms the southern boundary to the elongated gardens of Nos 47/49 'The Broadway' and comprises a mix of 2m fence or brick wall, with some hedge. It is of note there is a relatively large outbuilding on the southern boundary of No 47 on its divide with this proposal site.

Following demolition of the outdated buildings (some of which contain asbestos) and greenhouse, the application seeks to construct a new 'U' shaped storage / workshop building with office accommodation. The works are related to the said builder's business use and as such there is no change of use.

This application is a revision of that refused (following deferral) for by the Planning Committee on 6/03/17 for the following reason:

'The overall design of the workshop / store building proposed is overly domestic in appearance, such that it is considered harmful to the character of the countryside and thus fails to accord with the requirements set out in the National Planning Policy Framework 2012, Policies CS06 and CS08 of the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and Policy DM15 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan 2016.

SUPPORTING CASE

The application site is an established builder's yard which has been used by the applicant for the last 15 years as a builder's yard. Prior to this, the builder's yard was in similar use by the applicant's father, who ran a construction company for 25 years.

The applicant's business has developed over the 15 years from a small plant hire and groundwork's company to a full building company offering all aspects of the trade from groundwork through to completion of building projects.

The business currently employs two office staff and 18 local tradesmen.

In the last 12 months the applicant has taken on two local apprentices, offering young people the chance to get a start in the construction industry working locally, without having to travel too far afield or move from the area.

The replacement workshop, store and office building is required to replace existing buildings on the site which comprise a blockwork workshop, asbestos clad storage building, a porta cabin currently used as an office and a large greenhouse used for storage. The asbestos building needs to be removed as this poses a health risk to the applicant and their employees.

As a result of the provision of the replacement building there will be no additional traffic movements to and from the site. The majority of workmen travel direct to working sites and therefore traffic in/out of the site is limited

The proposal for the building has been revised from that previously submitted, which was deemed by the Planning Committee to appear too residential in design in this setting. The amended proposal now put forward is for a single storey building with office space, a workshop and storage area and a covered storage area all at ground level.

A main change in the scheme is the elevational treatment proposed. The intention now is to clad all elevations with horizontal stained timber featheredged boarding with a low level brick plinth so as to provide a more rural appearance.

The roof over the central covered storage area is also shown slightly higher than the projecting wings so as to allow space for attic storage in this area. This additional storage area is required to compensate for the loss of existing storage space. The applicant has 307.6m² of storage within the existing buildings on site. The revised proposal equates to 168m² of storage space including attic storage.

The reduction in height of the proposed building, omission of dormer windows (as shown on the previous scheme) and revised detailing to the building provide a more rural design which has been based upon the design of timber outbuildings and stable buildings.

The applicant considers that to construct a smaller replacement building would simply not be a viable solution to his business which has existed on the site since approximately 1981

PLANNING HISTORY

16/01461/F: Planning Committee - Refused 6/03/17: Replacement workshop / storage building and demolition of existing storage buildings

13/01093/F: Permitted: 25/09/13 - Variation of condition 2 of planning consent 12/02028/F to replace approved drawing with amended drawing - 45 the Broadway

12/02028/F: Permitted: 08/02/13 - Replacement dwelling and demolition of existing dwelling - 45 the Broadway

12/01160/LDE: Was Lawful: 31/10/12 - Lawful Development Certificate: Retain permanent residential unit, with parking area and garden - 45 the Broadway

94/1062/O: Refused: 19/09/94 - Site for construction of chalet bungalow - Land Rear of 49-51 the Broadway

Planning Committee
31 July 2017

Associated land west:

14/01398/F: Refused: 28/11/14 - New build single storey dwelling & garage – rear of 45 the Broadway Heacham

- Appeal Dismissed 03/06/15 (details of this application is referred to in Planning Considerations)

RESPONSE TO CONSULTATION

Parish Council: OBJECTION:

Objected to initial submission and amended scheme - comment:

* Development outside the village envelope

Highways Authority: NO OBJECTION:

CSNN: NO OBJECTION:

Comment – recommend conditions and informative advice

- Condition storage of refuse and waste materials
- Condition workshop to remain in association with No 45A Broadway

Note: It would seem unreasonable to apply waste and refuse conditions to any approval given that none were requested in the previous application, the fact the business has operated on site since 1981 without known complaint and the fact that the applicant resides immediately adjacent to the site

Environmental Quality: NO OBJECTION: Conditions recommended:

Following an assessment of the site and the proposed development it is apparent from the supporting statement that asbestos containing materials are present within the fabric of the building to be demolished. From the information provided there does not appear to be other sources of contamination warranting a full site investigation.

REPRESENTATIONS 1 neighbour OBJECTION (No 51 Broadway):

Height of proposed structure: this could easily be a single storey height building (Previous comments: Scale of proposal creates loss of view)

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

Key Issues

- Principle of development
- Form and character and amenity
- Highways
- Other considerations:
- Crime and Disorder:
- Appeal decision - adjacent land

Principle of development:

The site is on the edge of the settlement boundary, in area deemed countryside in the local plan. Research has identified the area of land in question to have been in use as a builder's yard for a substantial period of time, and accepted as such in previous applications. Thus history identifies the use of the proposal site as an established builder's yard, in use by the applicant since 2001 and similarly by his father before him (1981 – 2001). The site is a brownfield site on the edge of the settlement.

The applicant seeks to construct a replacement workshop / storage building to replace the unkempt buildings on the site and cater for the continued use of the site for the said purpose, with no alterations or increase in use, staff or vehicular movements envisaged.

Nationally, the National Planning Policy Framework (NPPF) 2012 seeks a high standard of design that takes the opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development which responds to the local context and creates or reinforces local distinctiveness, and is visually attractive as a result of good architecture and appropriate landscaping.

S17 NPPF - Core planning principles:

- encourages the effective use of land by reusing land that has been previously developed (brownfield land)
- supports sustainable economic development
- seeks to secure high quality design
- considers the intrinsic character and beauty of the countryside
- supports thriving rural communities

S28 NPPF - A prosperous rural economy:

Supports 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

In terms of the KLWNBC Core Strategy 2011:

- Policies CS01 and CS02 identify Heacham as a Key Rural Service Centre in the settlement hierarchy, where local scale development will be concentrated, including new housing, employment and retail development.
- Policy CS08 advises that good design is a key element of sustainable development
- Policy CS10 supports the rural enterprise and the retention of employment land in these circumstances

Policy DM15 advises that proposals should not impact on the amenity of existing residents and the wider environment, and this will be considered in detail later in this report.

It is therefore considered the principle of the development is acceptable and accords with the National Planning Policy Framework 2012, Core Strategy 2011 and the Site Allocations and Development Management Policies Plan 2016.

Form and character and amenity:

The Broadway, Heacham provides a thoroughfare, from the A149 towards the centre of the village and is lined either side by a mix of dwellings, with those on the south side having elongated 55m depth plots, backing onto land in designated countryside.

The existing builder's yard, in use since 1981, is accessed by a 55m track between two dwellings No's 45 and 47. The applicant uses this track to access his dwelling No 45A and serves the grass paddocks (west of the access) as required

To the east of the access track and backing the greater site are bungalow dwellings (No 47, 49 and 51). These plots are 55m in depth, with 2m high southern boundary wall or fence on the divide with the proposal site. Of note on the said boundary, No 47 has a large outbuilding. No 49 has a 30m garden depth from its rearmost elevation to the said southern boundary.

Land to the south and west of the builder's yard comprises paddocks in ownership, with open countryside beyond.

This proposal is a revised scheme to that presented to the Planning Committee in March 2017 and refused contrary to Officer recommendation, for the following reason:

'The overall design of the workshop / store building proposed is overly domestic in appearance, such that it is considered harmful to the character of the countryside and thus

fails to accord with the requirements set out in the National Planning Policy Framework 2012, Policies CS06 and CS08 of the King's Lynn and West Norfolk Borough Council Core Strategy 2011 and Policy DM15 of the King's Lynn and West Norfolk Borough Council Site Allocations and Development Management Policies Plan 2016.

This application seeks to construct a 'U' shaped, single storey, timber clad building, in a barn-like format which is considered to equate with the countryside setting. The one building would replace the aged buildings on the site and cater for the continued use of the site for the said purpose, with no alterations or increase in use, staff or vehicular movements envisaged.

The proposal would create a workshop / storage / office facility in a single storey building (21.7m x 11.8m) with a maximum ridge height of 5.8m to the central open storage bays of the building. Its northern elevation is set 1m off the northern boundary, thus all future vehicular movements would be restricted to using the west side (from the access track) and the south side of the proposed building, serving the builder's yard and No 45A – the applicants dwelling.

The west wing caters for office space and a small drying room, with one large frame window serving the offices on the southern elevation and an access door and two smaller windows on the west elevation. The east wing caters for enclosed and secure storage accessed by timber doors on the southern elevation and an access door and smaller windows on the east elevation. There are two toilet windows only in the rear northern elevation. The central double-width storage area is open.

The building would be constructed on a brick plinth with stained feather--edged boarding for walls, with all work space at ground floor level only, but utilising central attic space for storage. The shape of the building has altered, but the central area ridge remains at 5.8m high.

Specifically this proposal differs from that refused in March 2017 where a brick building was proposed which included a first floor for offices with south facing dormers and ground floor storage.

The applicant has decreed that constructing a lower ridged building than that proposed would simply not fulfil the requirements of his business in terms of storage space, which that proposed would provide albeit in a different format than that previously refused

Overall the scale and design proposed is considered acceptable to the countryside environment. It will effectively tidy the site and is considered overall appropriate to the location and required use it is to serve.

Comments submitted by a neighbour at No 51 relate to the proposed 5.8m height of the building and previously indicated this would create a loss to view. Whilst the height is a matter for consideration, there is no right to a view. In relation to the scale of the building, it is considered that adverse impact on neighbouring dwellings north would be minimal, given separation distances and layout, and thus is not considered to be overbearing. There are no windows facing the neighbours to the north.

The removal and clearance of existing buildings and materials can be controlled by condition

The existing status of the builder's yard has not changed. However, it is considered prudent to apply a condition to tie the replacement building to the 'use' of the site. A change of use would likely require consent in its own right.

Highways:

The builder's yard is accessed by a narrow track on the south side of The Broadway, situated between No's 45 (west) and 47 (east). It also serves as access, via the builder's yard to the applicants dwelling situated on land adjacent east of the proposal site and also the paddocks in ownership, forming land to the west of the said builder's yard.

Due to the substandard access arrangements NCC Highways would not wish to see any uses which would increase the vehicular use of the access.

At present the site is lawfully used by the applicant for the storage of building materials and, as stated, this will continue, should the application be approved, with no increase in staff or vehicular movements. The application will consolidate the existing storage.

Based upon the above situation, given that the application would not result in an increase in traffic above the levels which could lawfully happen at present, NCC Highways recommend approval of the application.

Other Considerations:

Crime and Disorder:

There are no known issues affecting this site in relation to crime or disorder and no known complaints of noise. Having an indoor workshop/ store in a modern building would only help in regards any impact through noise

Appeal decision:

14/01398/F: Construction of dwelling and garage on land rear of 45 The Broadway Heacham:

The site access track also gives access to the applicant's father (T. McGinn of 45 The Broadway) and to his sister (Mrs N Desborough), who own land to the south-west of the southern tip of the access track.

On 28/11/2014 planning permission 14/01398/F was refused to Mrs Desborough to construct a single storey dwelling & garage on the said land. The KLWNBC considered the proposed new dwelling would be located outside of the settlement boundary (deemed countryside) and reasons for the refusal were:

- No justification for a new dwelling in the Countryside
- Design not in keeping with the form and character of the locality
- Unsatisfactory access
- Intensification in the use of a substandard access onto The Broadway

The Appeal Inspector concurred with the KLWNBC decision and the Appeal was dismissed 03/06/15

Current Application:

The rectangular area of land to which the aforementioned application related is at least 80m west of the western edge of the proposal site (builder's yard), with areas of land in between comprising paddocks in the ownership of T McGinn.

The current application site (builder's yard) has no association with the Appeal site, other than it is on adjacent land owned by a family member.

Notwithstanding the proposal site location (on the edge of the settlement boundary but within land designated as countryside), the current application differs totally in that it relates to the construction of a replacement workshop / store to serve a builder's yard business operating from the site since 1981, with no perceived increase in the staff employed or traffic movements.

The appeal site was for a dwelling in more of an open setting, very different in context to the current application site. In terms of traffic congestion, as previously stated this proposed building replaces existing structures in the builder's yard and is not creating a net increase in traffic. Again, this is a key difference compared to the appeal site

CONCLUSION:

Policies CS01 and CS02 of the KLWNBC Core Strategy 2011 identify and promote Heacham as a Key Service Centre in the Borough. The status of the locality provides a presumption in favour of development.

The site is within the countryside, but on the very edge of the village settlement boundary. The proposal effectively creates a replacement workshop / storage and office building for the existing builder's yard business

The proposed layout, scale and appearance are considered to be acceptable, demonstrating good design in accordance with the principles of the National Planning Policy Framework.

In terms of visual and residential amenity, it is acknowledged there will be some view of the building from neighbouring dwellings (north) but there will be minimal visual intrusion afforded to the passer-by from either The Broadway or the A149 (east). There is no increase in vehicles or staff numbers, thus site activity in terms of noise is unlikely to increase.

The proposal to replace the existing workshop, storage and office units is supported by Policies CS08 and CS10 of the Core Strategy 2011, Policy DM15 of the Development Management Policies 2015 and is in accordance with the principles of the National Planning Policy Framework 2012, as overall it is considered to be sustainable development, supporting rural business and the rural /local economy.

In the light of National Guidance, Development Plan Policies and other material considerations, it is recommended that this application be approved.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Planning Committee
31 July 2017

- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Block plan – drawing 1652-22D – receipt dated 30/06/17
 - Elevations and layout – drawing 1652-30E – receipt dated 14/07/17
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition The workshop / storage building hereby approved shall be used only in connection with the operations of the builder's yard and shall be held in conjunction with the existing business. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order re-enacting or revoking that Order) at no time shall the building be used for any other purpose without further application to the King's Lynn and West Norfolk Borough Council.
- 3 Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF 2012.
- 4 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.
- 5 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 5 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 6 Condition All material arising from the demolition of the existing storage buildings, office and the greenhouse (as detailed on the block plan drawing 1652-22D received 30/06/17) shall be removed from site within 3 months of the commencement of the works unless otherwise agreed in writing by the Local Planning Authority.

6 Reason In the interests of amenity, in accordance with the NPPF 2012