



**Planning Committee**  
**Monday, 2nd December, 2019 at 11.30 am**  
**in the Assembly Room - Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

**Reports marked to follow on the Agenda and/or Supplementary Documents**

- a) Decisions on Applications (Pages 2 - 27)

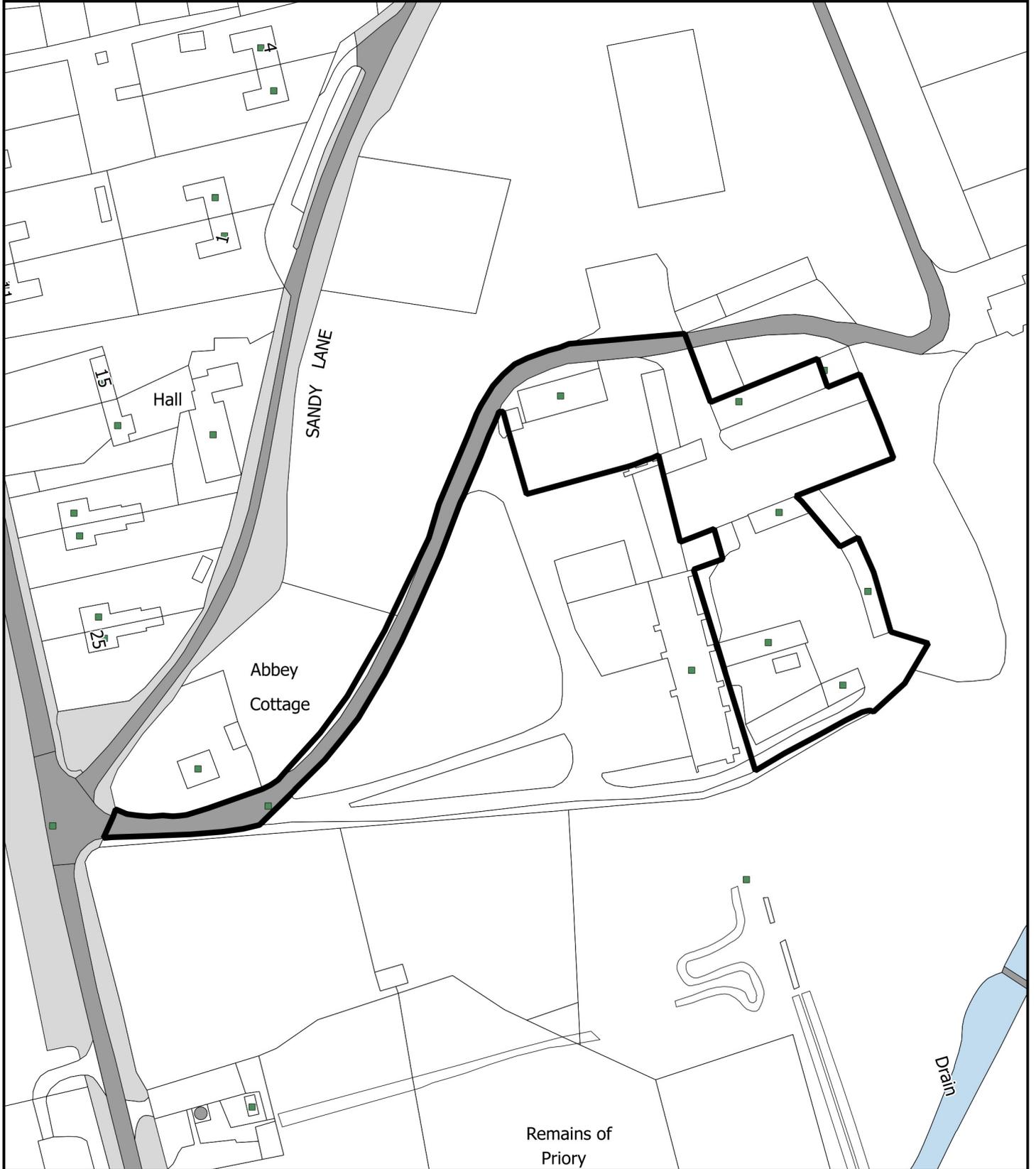
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

**Contact**

Democratic Services  
Borough Council of King's Lynn and West Norfolk  
King's Court  
Chapel Street  
King's Lynn  
Norfolk  
PE30 1EX  
Tel: 01553 616394  
Email: [democratic.services@west-norfolk.gov.uk](mailto:democratic.services@west-norfolk.gov.uk)

# 19/00405/F

## Abbey Farm River Road West Acre





<b>Parish:</b>	<b>West Acre</b>	
<b>Proposal:</b>	<b>Retrospective application for the siting of containers</b>	
<b>Location:</b>	<b>Abbey Farm River Road West Acre KINGS LYNN</b>	
<b>Applicant:</b>	<b>West Acre Estate Management</b>	
<b>Case No:</b>	<b>19/00405/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 30 April 2019 Extension of Time Expiry Date: 9 December 2019</b>

**Reason for Referral to Planning Committee** – Deferred from Committee on the 7<sup>th</sup> October 2019

**Neighbourhood Plan:** No

**Member update**

Members may recall that this application was referred to the Planning Committee on the 7th October with the recommendation of Approval. The application was deferred without discussion due to the submission of late representations from the agent, offering a supporting statement which presented additional information on the nature of the use of the containers. Clarification was therefore required as to the status of each of the containers for further consideration of the issues.

In light of the new information, which indicates that only 2 out of the 15 containers are used by the business owners of Abbey Yard and the remainder are rented out to the general public or other estate businesses, this changes the emphasis on the need for the containers in this location.

The previous report to committee was a balanced recommendation based on the fact that the containers were enabling development which supported the newly approved small businesses at Abbey Yard. Now that it has been clarified that this is not the case and it is apparent that the storage containers form a business use in their own right for self-storage, together with the fact that they are located within a highly sensitive location (within the setting of Listed Buildings and Scheduled Ancient Monuments) the recommendation has been changed to one of refusal.

Further explanation of the issues associated with a storage container business use in this location will be explored later in the report.

## **Case Summary**

The application site is situated within the Abbey Farm Barns complex on the eastern side of River Road, West Acre. The containers are located within the courtyard of the converted barns behind Abbey Barn (Grade II\* Listed) and within the setting of two Scheduled Ancient Monuments.

The application seeks retrospective consent for the siting of 15 storage containers; 6 containers are sited behind the northern section of Abbey Barn, 6 are sited behind the main Abbey Barn building and 3 are currently sited to the front of Abbey Barn but will be moved to the rear.

### **Key Issues**

- Principle of development;
- Visual amenities;
- Heritage issues;
- Highway safety;
- Other material considerations

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

The application site comprises the listed barn complex of Abbey Farm situated on the eastern side of River Road, West Acre.

A series of historic agricultural outbuildings are sited to the rear of Abbey Barn, which is Grade II\* listed and is a Schedule Ancient Monument (SAM). The barns to the rear are listed by virtue of being sited within the complex of the main barn and form part of the SAM.

The application seeks retrospective consent for the siting of 15 portable steel containers within the courtyard area of the barn complex. They are already in use for general storage purposes. The containers are approx. 6m long by 2.5m wide and approx. 2.5m high. Given the applicant's intention to retain the containers on a permanent basis, they are considered structures requiring the benefit of planning permission.

## **SUPPORTING CASE**

A supporting case has been submitted for further consideration and reads as follows:-

"The containers arrived in West Acre in response to an increasing demand for economical small storage options on the Estate. The demand was received from tenants at Abbey Yard, local residents and also local small business owners.

Abbey Yard was initially created many years ago catering for the Estate through offering agricultural and forestry buildings. Tractors would come and go along with other machinery and local workers. Thereafter it was the original setting for Westacre Theatre who transformed the yard and also constructed an outdoor theatre. The theatre along with its

Planning Committee  
02 December 2019

following and popularity then needed to relocate to larger premises. With the theatre gone and the agricultural machinery already relocated it left Abbey Yard empty and vulnerable to degeneration as with many small agricultural buildings and yards throughout the UK.

The Estate owner wanted to create a low impact development which would support local residents and businesses, utilise the space to prevent rural decay and do this in harmony with the historical site. Planning permission has recently been granted for the change of use of the barn workshops which surround the containers. The main barn is now nearing completion of its transformation into a Craft Brewery which has secured the future of this listed building and again generating a new lease of life to the site. The storage containers support this concept of a low impact development due to their temporary nature. They support the demands of the area and prevent any permanent structures being constructed.

Specific factors taken into account whilst considering the location of the containers include the following:

The road feeding into the yard is not a single lane track nor does it include any hidden bends. It is speed restricted and there are changes being implemented in the near future to cater for any additional pressures the brewery may have on the highway.

Rural crime is persistently a concerning factor living remotely so with the containers being within the yard and also in the centre of the village this adds a level of security and reassurance to each and every occupant.

The yard offers suitable surroundings mitigating any visibility and/or impact upon local residents. The containers are sandwiched between the barns and the brewery development and are also not of any greater height than these buildings so do not over shadow or overwhelm the area. Within the yard itself tenants of the units also rent containers so complimenting one another perfectly.

There are 15 containers on site and all are fully utilised. They are of standard size measuring 8ft (2.43m) x 8.5ft (2.59m) x 20ft (6.06m). The containers have been transformed by local artist Harry Malt rather than have them create a dull, oppressive feel. They are open to interpretation as with all art but they are not intrusive nor offensive and are not easily visible unless you enter the yard which you wouldn't need to do unless accessing one of the workshops.

In conclusion the containers offer the area a low impact solution to a demand which promotes sustainability, prevents rural decay which in turn supports the growth of small local businesses therefore promoting rural development".

## **PLANNING HISTORY**

19/00370/F: PERMITTED (Delegated) - Retrospective Change of Use of Outbuilding at Abbey Farm Building 1 Agricultural to B1(c) Paving Slab Workshop. Building 2 Agricultural to B1(c) Fencing Workshop. Building 3 Agricultural to B1(c) Clothing Company (not retail). Building 4 D2 Theatre Dressing Rooms to B1(a) Art Studio. Building 5 D2 Theatre Prop Store to B1(a) Framing Workshop. Building 6 Agricultural to B1(c) Wood Workshop. Building 7 D2 Theatre Bar to D2 Art Gallery.

- Abbey Farm, River Road, West Acre

17/01213/LB: Application Permitted: 12/09/17 - Listed Building Application: Convert barn to brewery. Raise roof of north barn, reuse north barn roof trusses, create new partitions, new joinery. Install wall linings. Install brewery equipment. New reed bed drainage system. New LPG tanks. New shed for electrical mains supply switchgear. Remove overhead electrical supply. Demolish collapsing south gable, rebuild using steel frame and glazing. Install new mezzanine. Install roof glazing. Provide concrete ramps for access and fire

Planning Committee  
02 December 2019

escape. New concrete floors on top of existing. - Abbey Barn Courtyard, River Road, West Acre

17/01212/F: Application Permitted: 28/09/17 - Conversion of barn to brewery. Raise roof of north barn, creation of partitions and installation of wall linings and brewery equipment. New reed bed drainage system, LPG tanks. Remove overhead electrical supply. Demolish collapsing south gable, rebuild using steel frame and glazing. Installation of new mezzanine floor and roof glazing. Provide concrete ramps for access and fire escape. New concrete floors on top of existing. - Abbey Barn Courtyard, River Road, West Acre

16/01878/LB: Application Permitted: 16/12/16 - Listed Building Application: first floor extension to dwelling, alterations to kitchen windows/doors on south elevation, internal refitting of electrical and heating systems and replacement chimney breast - Abbey House, Church Green, West Acre

16/01877/F: Application Permitted: 19/12/16 - First floor extension to dwelling, replacement chimney breast and alterations to windows/doors on south elevation - Abbey House, Church Green, West Acre

09/00119/PREAPP: INFORMAL - Likely to refuse: 27/08/09 - Informal Request - Re-ordering of existing theatre - Sites At Westacre Theatre, River Road, West Acre

07/01930/F: Application Permitted: 02/11/07 - Siting of summer theatre marquee (renewal) - Abbey Barn Courtyard, West Acre

2/96/0161/LB: Application Permitted: 21/08/96 - Conversion of agricultural barn to community hall/theatre with associated dressing rooms kitchens vehicle parking etc - Abbey Farm Barn, West Acre Estate, West Acre

2/96/0160/CU: Application Permitted: 21/08/96 - Conversion of agricultural barn to community hall/theatre with associated dressing rooms and kitchens etc - Abbey Farm Barn, West Acre Estate, West Acre

04/01903/F: Application Permitted: 17/11/04 - Siting of summer marquee - Abbey Barn Courtyard, River Road, West Acre

## RESPONSE TO CONSULTATION

**Parish Council:** Raise concerns as the containers are sited next to the listed Abbey Barn complex and are visible from views over the village from Narborough / South Acre Road.

In this aspect it's a classic example of unforeseen impacts that, if allowed to continue without debate, risk eroding the character of the village by "cumulative impact" over time. We are concerned therefore that this sensitive location is an inappropriate one for the location of storage containers.

The Parish Council is concerned that this is one of a series of "retrospective" applications in the village and we seek your reassurance that all these applications will be scrutinised in detail so that the cumulative impact on village residents is properly considered prior to any permissions being granted.

**Highways Authority:** I am aware that this site is in West Acre and as such we would consider it to be unsustainable in transport terms, being unlike the more recent applications on this site which essentially utilise existing buildings and have exiting traffic and class uses

Planning Committee  
02 December 2019

to consider and balance. This application is for new units that have no existing considerations.

I am therefore of the opinion that the use for any independent storage or separate class uses would be against the principles of transport considerations identified through the NPPF. I am therefore of the view and recommend that any approval of this application should be made on the basis of a condition linking to containers to be only utilised in association with the existing business units on the site, which I note should not be at any odds to the applicant expressed intentions.

**Historic England:** West Acre is a very significant priory and scheduled monument with many surviving and upstanding elements of medieval fabric; Historic England are therefore concerned about the impact of the shipping containers on the significance of the designated heritage assets through a development within their setting. The use of containers is potentially harmful in that they are a discordant element in this environment. Temporary use of shipping containers might be acceptable if a time limited temporary planning permission was proposed, provided we can ensure that these containers do not become a permanent feature of the precinct, or a permanent addition to the scheduled monument.

It is our view that scheduled monument consent (SMC) may also be required for such shipping containers and we would like to explore with the planning authority if you would be prepared to place a condition on the permission (if granted) to ensure that an SMC application is made.

**Conservation Team:** It was previously reported to Committee that the Conservation Team raised no objection to the containers. This was a finely balanced view based on the facts at the time that the containers related to the existing business units on the site and they would be temporary and painted a natural colour, therefore resulting in less than substantial harm to the heritage assets.

However, in light of the new information, the Conservation Team now **OBJECT** to the development on the following grounds:-

This site is a highly sensitive historic area being a within the precinct of a large Scheduled Ancient Monument and with seven listed buildings (Grade II and II\*) in the vicinity.

It has become apparent that these containers do not relate directly to the businesses within the farm yard complex and could therefore be sited elsewhere within the village, away from the SAM and listed buildings.

Para 193 of the NPPF states "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Therefore, given the lack of any justification for the location of these containers, the negative impact on the setting of these important, historic buildings and the SAM, means this application should be refused in accordance with the NPPF as well as the NPPG and Development Plan Policy FCS12 (Environmental Assets).

## REPRESENTATIONS

None received.

## **LDF CORE STRATEGY POLICIES**

**CS10** - The Economy

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:-

- Principle of development;
- Visual Impact;
- Heritage issues;
- Highway safety;
- Other material considerations

### **Principle of Development:**

The application site lies within the settlement of West Acre which is classified as a 'Smaller Village / Hamlet' within the Core Strategy Settlement Hierarchy. These are villages with little or no services and as such they have no development boundary. Countryside protection policies therefore apply to these areas.

Locally, Policy CS06 (Development in Rural Areas) seeks to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.

Policy CS08 (Sustainable Development) states that all new development should be of high quality design. Proposals should protect and enhance the historic environment; enrich the attraction of the borough as an exceptional place to live, work and visit; respond to the context and character of places by ensuring the scale, density, layout and access will

enhance the quality of the environment; optimise site potential, making the best use of land including brownfield land; enhance community well being by accessible, inclusive, locally distinctive, and safe; and achieve high standards of design.

Policy CS12 (Environmental Assets) seeks to protect and enhance the qualities and characteristics of the historic and built environment, among other things. New development should be sensitive to the surrounding area and not detract from the inherent quality of the environment. The Council will protect and enhance sites of historical value from development which damages their interest or significance unless the need for, and public benefits of the development outweigh the loss of interest or significance.

DM15 (Environment, Design and Amenity) further reinforces the need to protect and enhance the amenity of the wider environment including its heritage and cultural value.

Nationally, paragraph 83 of the NPPF supports sustainable business growth, expansion and adaption in rural areas in order to build a strong and prosperous rural economy.

However, paragraph 84 states that “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 public transport)”.

In assessing the historic environment, paragraphs 193 and 194 of the NPPF states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

Paragraph 196 explains that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

The containers are sited on land within the setting of a Grade II\* listed building and within two Scheduled Ancient Monuments. There are a number of units which are painted bright bold colours and are proposed to be used as a permanent storage business; as such consideration will be given to the sensitivity of the site in line with the above mentioned policies.

Members may recall that this application was deferred from the October Planning Committee due to the need to further consider some new information submitted through late representations. The application was previously recommended for approval but this was a balanced assessment based on enabling development where the containers were sited to support the newly approved small businesses at Abbey Yard. On balance this was considered to outweigh the ‘less than substantial’ harm that would result from the siting on the containers on the setting of the Listed Building and the SAMS. The LPA believed that the intentions were for the containers to support the small businesses on site until they were established and could find alternative means of storage, where they would then be removed, which was proposed to have been controlled by way of a temporary time limit condition. Also it was conditioned to paint the containers a neutral colour to reduce their impact.

Planning Committee  
02 December 2019

In light of the new information, the issues will be reassessed under the following sections of this report.

### **Visual Impact:**

The containers are sited behind the main Barn and within the courtyard area of the barn complex and as such are not visible from River Road. However, there are long distance intermittent views of the containers from Narford Road to the west. The containers are painted in bold bright colours which makes their appearance more obvious from those long views.

It was previously considered that, on balance, the containers would cause no material harm to visual amenities of the area on the basis that conditions would be imposed to re-paint the units to a neutral colour and to control the degree of permanency to ensure they are removed within three years once the business uses within Abby Yard were fully established.

The situation has now changed and the containers are required on a permanent basis to provide self-storage for the general public. It could therefore be argued that the permanency of the storage containers would cause long-term harm to the visual amenities of the area.

### **Heritage Issues:**

Heritage assets range from sites and buildings of local historic value to those of the highest significance. In this case, the heritage assets include the adjacent listed buildings (Abbey Barn, including the associated outbuildings and Abbey House) and two Scheduled Ancient Monuments (SAM) (West Acre Priory and Square Barrow). The containers are sited on land within the grounds of the listed outbuilding barns and as such affect their setting.

Section 16 of the NPPF states that “these assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”.

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Given the lack of justification, scale, appearance, number of units and the permanent nature of the storage containers, it is not considered that this type of use is an appropriate location due to the adverse impact on the setting of the listed barns and the SAMs.

Whilst the resulting harm is less than substantial in terms of the NPPF, the intention is for the storage containers to be sited permanently. Irrespective of whether or not the harm amounts to less than substantial harm, the containers are not considered to be a desirable form of development that would make a positive contribution to the local character and distinctiveness, as stated in section 16 of the NPPF.

Furthermore, any public benefit is not directly linked to the businesses on site and as such the containers could be sited in a more appropriate location where site constraints are not as sensitive. It is considered that the limited wider public benefits do not outweigh the harm that the containers have on the heritage assets within this site.

Historic England have made comments on the application expressing their concerns about the impact of the shipping containers on the very significant priory and scheduled monument.

### **Highway Safety:**

The Local Highway Authority raises concerns with the application as West Acre is unsustainable in transport terms.

After further consideration when previously reported to Committee, they raised no objection on the basis that the containers would be temporary and conditioned to be used in connection with the existing business units on the site, thereby not generating additional traffic.

However, given that the circumstances have now changed and the containers will be used for self-storage purposes with no connection to the newly converted barns, it is not considered to be a sustainable form of development. It is not only the unsustainable location of West Acre which raises concern; it is compounded by the nature of the use for self-storage and the associated reliance on use of a car to access the containers.

Whilst the NPPF supports growth and expansion of rural businesses in locations that “may be found adjacent or beyond existing settlements” as laid out in paragraph 84 of the NPPF, there is no overriding justification to allow such a use in an unsustainable location such as West Acre. This paragraph further states that “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”.

It is not considered that the development complies with the provisions of this part of the NPPF, in that it is not sensitive to its surroundings, as discussed above in the Heritage section of this report; it is not physically well-connected or related to adjacent villages and it does not offer any opportunities to make the location more sustainable.

### **Other Material Considerations:**

#### *Crime and Disorder*

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

### **CONCLUSION**

It is your officer’s opinion that a permanent storage container business, unrelated to the ongoing conversion of the Abbey Barn for business uses, is not appropriate in this location as it does not respond sensitively to the local environment and would cause harm to the setting and significance of the heritage assets, contrary to the general provision of the NPPF and particular Section 16; Core Strategy Policies CS06, CS08; and CS12 and SADMP Policy DM15.

There has been a key change since the previous Committee Report recommendation, as the storage containers are not linked to the emerging businesses on the wider site.

Planning Committee  
02 December 2019

Therefore, the limited wider public benefits of the general storage use would not outweigh the resulting harm to the setting of the listed building and the SAMS, contrary to paragraph 16 of the NPPF and Policy CS12 of the Core Strategy.

There are also concerns in relation to the sustainability of the development, due to the remote location of West Acre and the nature of the use being general self-storage and the associated traffic generation, contrary to paragraph 84 of the NPPF.

**RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The storage containers, by virtue of the number of units, their appearance and nature of their use and degree of permanency, would cause unjustified harm to the setting and significance of the Listed Buildings and the Scheduled Ancient Monuments within the site. There would be no overriding public benefit that would outweigh the resulting harm. Consequently, the application is contrary to the general provisions of the NPPF, and in particular section 16, Core Strategy (2011) Policies CS06, CS08 and CS12 and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).
- 2 West Acre is a remote rural village / hamlet and as such is considered to be an unsustainable location for a development such as a self-storage container business. The nature of the use will generate additional traffic to the site which should not be encouraged as laid out within Core Strategy Policies CS08 and CS10 and the provisions of the NPPF. This type of business use in an unsustainable rural location is not justified as it is not considered to be sensitive to its surroundings, is not physically well-related to existing settlements and does not exploit any opportunities to make the location more sustainable, contrary to paragraph 84 of the NPPF.

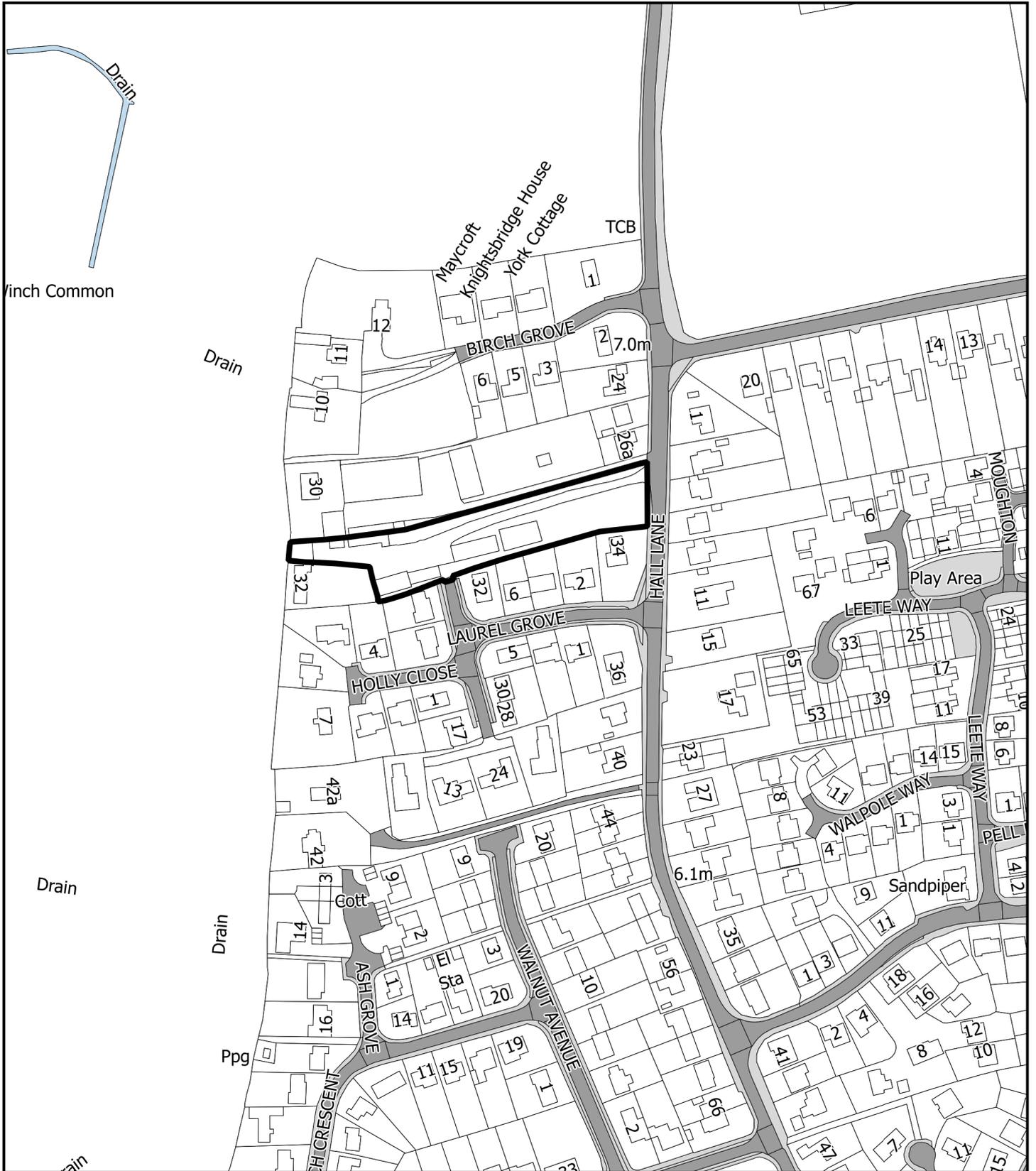
**19/00765/O**

**Land N 34 E of 32 and S of 28 Hall Lane West Winch**



19/00765/O

Land N 34 E of 32 and S of 28 Hall Lane West Winch



<b>Parish:</b>	<b>West Winch</b>	
<b>Proposal:</b>	<b>Outline application with some matters reserved for proposed residential development of five properties</b>	
<b>Location:</b>	<b>Land N 34 E of 32 And S of 28 Hall Lane West Winch Norfolk</b>	
<b>Applicant:</b>	<b>Mr P Burt</b>	
<b>Case No:</b>	<b>19/00765/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 23 July 2019 Extension of Time Expiry Date: 8 November 2019</b>

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

**Neighbourhood Plan:** No

**Member's Update:**

This application was referred to the previous meeting of the Planning Committee on 4th November 2019. In response to queries raised, it was resolved that the application be deferred to enable further discussions to be held with the applicant regarding amending the application site.

Amended plans have now been submitted increasing the site area to incorporate the yard and agricultural buildings.

Changes to the earlier report are emboldened for ease of reference.

**Case Summary**

Ivy Farm lies between The Common and Hall Lane, West Winch, with vehicular access onto Hall Lane approx. 70m south of its junction with Long Lane.

Residential development lies to the immediate south with dwellings on Laurel Grove and Walnut Avenue. There is a further farm to the north (Myrtle Farm) with two houses fronting Hall Lane.

Outline permission **was initially sought** on approx. two thirds of the overall farm site to demolish the existing agricultural buildings and create five building plots. **The site area has now been increased to 0.36ha to include the agricultural yard, office and buildings adjoining the farmhouse/No.32.** Access is to be considered at this stage and shows access to serve two dwellings off Hall Lane, and three further plots, plus the remainder of the farm, via Walnut Avenue (off Laurel Grove). All other matters are reserved for future consideration.

The site lies within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

### **Key Issues**

Principle of development  
Impact upon form and character of locality  
Highway issues  
Amenity issues  
Other material considerations

### **Recommendation**

**REFUSE**

## **THE APPLICATION**

Ivy Farm lies between The Common and Hall Lane, West Winch, with vehicular access onto Hall Lane approx. 70m south of its junction with Long Lane.

Residential development lies to the immediate south with dwellings on Laurel Grove and Walnut Avenue. There is a further farm to the north (Myrtle Farm) with two houses fronting Hall Lane.

Outline permission **was initially sought** on approx. two thirds of the overall farm site to demolish the existing agricultural buildings and create five building plots. **The site area has now been increased to 0.36ha to include the agricultural yard, office and buildings adjoining the farmhouse/No.32.** Access is to be considered at this stage and shows access to serve two dwellings off Hall Lane, and three further plots, plus the remainder of the farm, via Walnut Avenue (off Laurel Grove). All other matters are reserved for future consideration.

The site lies within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

## **SUPPORTING CASE**

The agent has submitted the following statement in support of this application:

- “\* Site lies within the development boundary of the village.
- \* Five much needed dwellings within centre of village.
- \* Supported by the Parish Council.
- \* It infills a somewhat “unattractive gap” in Hall Lane.
- \* No reported complaints of smell or noise from farm of cattle housing (consent granted in 1993) or barn used for storage of straw!
- \* Housing will be placed so as to ensure amenity gardens are 30m from adjoining neighbours cattle housing to the north.
- \* Assessment made by CSNN that the straw barn could be changed to another cattle housing is considered unlikely. That would affect Nos 5 and 6 Birch Grove and their rear
”

gardens which would envelope No 5 completely and the majority in No 6 by a 30m radius circle from the straw barn.

- \* Access from Walnut Tree Avenue to No 32 will be limited to residential access only as No 32 is no longer in farm use and the owner has no agricultural land elsewhere.
- \* Agricultural use finished some years ago and we trust a condition can be imposed that it is no longer used for agriculture or other business purposes.”

## PLANNING HISTORY

Application site: None recent

Adjoining land to north:

2/93/0888/F: Application Permitted: 27/07/93 - Construction of cattle shed for wintering animals and demolition of a derelict house

2/98/0852/F: Application Permitted: 27/10/98 - Extension to barn for livestock

05/02378/F: Application Permitted: 10/01/06 - Construction of one dwellinghouse and detached single garage

08/01872/F: Application Permitted: 16/09/08 - Construction of one dwelling

## RESPONSE TO CONSULTATION

**Parish Council:** a) **NO OBJECTION** but ask that the Borough Council give consideration to Policy WA04 of the North Runcton and West Winch Neighbourhood Plan when determining the development (i.e. providing sustainable drainage).

b) West Winch Parish Council note that question 12 of the application form asks if there are any trees/hedges on the site to which the Agent has answered “No”. We point out that there is a substantial hedge on the frontage to Hall Lane and part of this hedge will have to be removed for vehicular access to Plots 1 and 2. Also, please note that there is a hedge between the two road tracks leading to number 32 and the neighbouring property number 30 as well as some trees/bushes to the southern boundary with properties on Laurel Grove.

c) Please note that this development site is adjacent to a bus stop.

d) We finally ask if the Borough Council can consider a condition be added to any approval as follows:

“Construction workers’ vehicles associated with this development shall not be parked on Hall Lane during the construction of the dwellings.”

This is because during school arrival/departure times children walk to the primary school, often unaccompanied, and many cross Hall Lane near the junction with Long Lane. This is a busy junction and used by many vehicles to access/leave the A10 as well as transport children to the village school. Bus numbers 38 and 39 go through the village and use the bus stop adjacent to the development site.

Openreach can have up to 3 vans parked outside their green cabinets towards the junction with Long Lane which cause traffic problems. All this whilst young children try to cross the road will be a highway safety issue.

**Amended scheme: No response at time of writing**

**Highways Authority: NO OBJECTION** subject to conditions relating to access construction, no gates or bollards, parallel visibility splay along Hall Lane frontage and on-site parking for construction workers.

**Amended scheme: Continue to recommend previous conditions**

**East of Ouse, Polver & Nar Internal Drainage Board: NO OBJECTIONS**

**Amended scheme: No objections**

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contamination assessment and remediation.

**Environmental Health & Housing – CSNN: OBJECTION** – on amenity grounds as we consider that this site is unsuitable for residential development due to its proximity to a source of odour and noise, with the potential for impact from insects.

**Amended scheme: Maintain objection - I have noted the suggestion from the agent re conditioning the green shaded area on drawing ref 2183-00D so that it can no longer be used for agricultural purposes, reverting back to land and buildings incidental to residential use associated with No.32. Despite the change of red line boundary to include the existing remaining ‘farmyard’ land, which I acknowledge will lessen the impact from the vehicle movements associated with the permitted agricultural use on existing residents of Laurel Grove and Walnut Avenue along with occupiers of the new dwellings nearest this area of the site, there will still be an impact from traffic movements to and from the six dwellings (five proposed dwellings, and the existing farm) on occupiers of the dwellings currently experiencing no passing traffic located at the dead end of the cul-de-sac (numbers 21 and 32 Walnut Avenue North).**

**Statutory Nuisance legislation does exist to act on nuisances reported, but it would be inappropriate and contrary to policy for the Borough Council to take enforcement action on the existing cattle farm, having allowed the development and placed sensitive receptors where they could be adversely affected by activities at the adjacent cattle site (i.e. odour, noise, insects etc.). It would not be appropriate to introduce residents into this environment in close proximity to the existing cattle farm which has potential year-round agricultural/livestock use. Plot 5 will be in the region of 16m from one of the existing sheds on the cattle farm, and only around 9m from the farm boundary.**

**The document supplied by the applicant referring to Durham County Council advice on odour mainly focuses on development of odour emitting facilities, and how these could be controlled and mitigated by EA permitting and other methods in order to ensure that odour does not impact on existing residents and therefore make them suitable. The document does advise:**

**The introduction of development into areas where there is a risk that sensitive receptors may be adversely impacted by odour emissions should be avoided wherever possible.**

**and**

**Spaces offering amenity within new developments will also need to take into account existing facilities in the surrounding area that may generate unsuitable conditions.**

**Further reference is made to Paragraphs 170 & 182 of the NPPF.**

The quality of life for future occupiers of these dwellings, if they were permitted, is at risk from permeating odours and flies (which have been an increasing topic of complaint to this authority in recent years), and to a lesser extent (assuming the 6ft close board fence to the boundary) noise. There will be no protection from the former nuisances to the outside amenity areas, which must be a consideration.

**National Grid: NO OBJECTION**

**Health & Safety Executive: Do not advise against**

**Amended scheme: Refer to website standing advice applies as above**

**Natural England: NO COMMENTS** – standing advice applies.

**Amended scheme: Same comments**

**Housing Strategy & Enabling Officer: NO OBJECTION** - As this development proposes 5 units and the site area is less than 0.5ha, an affordable housing provision is not required.

**Amended scheme: No further comments**

**REPRESENTATIONS** A total of THREE items of correspondence received OBJECTING on the following material planning grounds:

- \* Opening up of access onto the Walnut Avenue cul-de-sac to serve the development would clearly affect the quality of life as a result of additional traffic (including agricultural vehicles and equipment) and noise;
- \* Likely to be contamination issues;
- \* Walnut Avenue and Laurel Grove not suitable for agricultural vehicles;
- \* Removal of asbestos containing materials when buildings are removed;
- \* Request site visit before application is determined;
- \* Negative impact upon property prices/values;
- \* Boundary dispute but understood to be a civil matter;
- \* Adjoining site is a working farm and has been for over 100 years. Currently have around 100 head of cattle and this results in regular noise, smell and everything else that goes with a working farm anytime of the day and night;
- \* Regular deliveries would result in lorries driving very close to proposed properties;
- \* Not directly consulted about the application; and
- \* Strip of land at head of Walnut Avenue North is a ransom strip.

**Amended scheme: THREE further items of correspondence received raising the following concerns:**

- \* **Whilst I agreed Mr Burt is retired and the property is no longer used as a farm. There are still farm vehicles (tractor and digger) that regularly enter and exit the property. With the proposed new access to the proposed properties these would be passing by an increased number of residential properties;**
- \* **I just want to bring it to your attention that the boundaries are still not right on the plans however progress has been made on this matter;**
- \* **Also it has been agreed in principle with Mr Burt that a six foot close board fence is put up along the whole boundary line before any building work starts if the application is approved; and**
- \* **Original comments remain valid.**

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

**DM2** – Development Boundaries

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy WA04** - Providing Sustainable Drainage

**Policy WA03** - Protecting and Replacing Natural Features

**Policy WA07** - Design to Protect and Enhance Local Character

**Policy WA12** - Adequate Outside Space

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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

## **PLANNING CONSIDERATIONS**

The key issues to consider in determining this application are as follows:

Principle of development  
Impact upon form and character of locality  
Highway issues  
Amenity issues  
Other material considerations

## **Principle of development**

The site lies within the village development boundary for West Winch contained in Inset E2 of the Site Allocations & Development Management Policies Plan and also in the North Runcton & West Winch Neighbourhood Plan area.

The Neighbourhood Plan is the most up-to-date planning policy and contains the following relevant policies: Policy WA03, Policy WA04, Policy WA07 & Policy WA12.

The principle of development is considered to be acceptable subject to compliance with the aforementioned policies, which will be discussed in more detail below.

## **Impact upon form and character of locality**

POLICY WA07: Design to protect and enhance local character

Development proposals shall recognise, sustain and develop the distinctive village characteristics of the existing neighbourhoods in relation to building design, spatial layout, height, density, scale, lighting and use of materials. This means:

- \* New residential development shall generally be no more than 2 storeys in height, unless justified by the immediate surroundings and setting, and of exemplary design.
- \* Materials used in the construction of dwellings, including boundary design, shall be high quality and respond positively to the characteristics of existing properties. The use of traditional local building materials (local brick types, carrstone, pantile) will be strongly supported. Proposals will be supported when they demonstrate how design detail has been fully considered to ensure good visual outcomes, e.g. that the potential impact of parked cars, meter boxes, downpipes, aerials and dishes, overhead services and the like have all been minimised.
- \* Boundary demarcation should embrace 'rural' character, e.g. by using hedging consisting of mixed native species (hawthorn, blackthorn, field maple, hazel, holly, etc.). Unsympathetic boundary design (e.g. unmitigated security railings or Leylandii hedging) will not be supported.
- \* Where possible, adequate space should be made for the establishment of larger tree species (as opposed to smaller trees and shrubs) so as to provide more significant amenity value over time.
- \* Night lighting should be restricted to essential public spaces, corridors and road junctions. All street lighting and other external building and space lighting should be designed to minimise light spillage and energy wastage.
- \* Demonstrating an adequate level of privacy and protection from noise in relation to neighbouring properties and public spaces.

POLICY WA12: Adequate outside space

Residential development proposals will be expected to meet the following external space standards where appropriate and possible, subject to viability and deliverability considerations:

- \* All dwellings are designed with private outside space (not including driveway, garages and storage sheds). Flats should ideally have balconies with sufficient space for a table and chairs (e.g. 5 sqm or more).
- \* Houses of one or two bedrooms shall have a minimum garden size of 50 sqm but preferably more. Houses of 3 or more bedrooms shall have a minimum garden size of

100 sqm but preferably more. Residents of flats or multiple occupancy buildings should have access to an equivalent area of semiprivate garden space. There may be scope for a reduction in the provision of external amenity space for dwellings which have immediate access to well landscaped and well maintained communal open space; or, where smaller garden sizes for certain homes can be demonstrated to be appropriate for the intended occupiers of the properties, and this is supported by an up-to-date market needs assessment.

- \* All garden space should be provided 'ready to grow' (i.e. with clean, free draining soil). All principal garden areas will ideally have direct sunlight for several hours a day.

Most of the above criteria relate to detailed design matters which would be addressed at the reserved matters stage.

An indicative site layout plan shows two detached houses fronting Hall Lane with a shared vehicular access; a chalet directly north of No.32 Walnut Avenue facing onto the extended cul-de-sac; and two further detached houses to the centre of the site served off a private track alongside the northern boundary. Whilst the layout is somewhat unconventional, the site is considered to be of an appropriate size to accommodate 5 no. dwellings with appropriate garden sizes expressed in Policy WA12 above.

Indeed Paragraphs 122-123 encourages achieving appropriate densities and making efficient use of land.

### **Highway issues**

The means of access is to be considered as part of this application. As stated above, the indicative site layout plan shows a shared vehicular access onto Hall Lane and the remainder of the proposed development and existing farmhouse and yard served off an extension to the Walnut Avenue cul-de-sac.

**The application site area has now been increased to incorporate the yard, office and farm buildings west of the access off Walnut Avenue – the principle of developing this area for residential purposes is now to be considered, which would include residential/domestic use. Technically this area could be used to accommodate one of the dwellings which would bring a residential unit close to the cow shed and associated nuisance, however the layout would be the subject of a reserved matter application and the applicant/agent has stated that the agricultural use has effectively ceased. Given that the yard and buildings are now within the application site area it would be reasonable to secure the use of them to not being used for agriculture, or other commercial uses, via condition.**

**Whilst the applicant still possesses agricultural vehicles and equipment, it is indicated to be at a level of 'domestic hobby' rather than at a business level and vehicular movements along Walnut Avenue/Laurel Grove would not be excessive.**

In response to concerns raised by the case officer with regards to the suitability of Walnut Avenue serving the remaining farm activities **on the original submission**, the Local Highway Authority stated: "While I would comment that a potential mix of agricultural traffic and residential is not ideal, ultimately the route to site from the existing access is short and the road would in technical terms accord to the adopted standards. I would be surprised if the applicant would seek to restart such activity on what remains of the site as I do not feel that it would be in their interest if planning to do so to choose to access via a more contrived route. I am of the view that this is more of a social and domestic consideration in relation to additional traffic potential, different type of traffic and noise for existing residents as ultimately I do not believe that there is a standard to which we could directly object."

The matter of disamenity will be addressed later in this report.

With regards the matter raised by the Parish Council of contractor parking during construction being accommodated within the site, this is also endorsed by the LHA and suggested to be covered via condition together with visibility, access construction, and details of any gates etc.

### **Amenity issues**

This is an outline application and only the principle of development is considered at this stage. The layout, scale, appearance and landscaping are to be reserved matters. The inter-relationships between dwellings, including overshadowing and overlooking, would be fully addressed at the detailed stage.

**There were earlier concerns regarding the suitability of the Walnut Avenue cul-de-sac (4.5m wide carriageway) serving the remaining farmhouse, office and agricultural buildings and the associated disamenity created by that being served via a residential estate road. Notwithstanding the concerns of CSNN, the amended scheme now potentially removes the agriculture/commercial use and renders the vehicular movements to a level that would not significantly affect the amenities of neighbouring residences along Walnut Avenue and Laurel Grove to such a degree that would justify a refusal on those grounds. This change would also improve the amenity afforded to the proposed new dwellings sharing the same access.**

The site also lies close to Myrtle Farm (No. 30 Hall Lane) which contains a substantial cattle shed and hay store. The owner has stated that the property is a working farm and has been for 100 years plus; it currently has around 100 head of cattle and this means regular noise, smell and everything else which goes with a working farm anytime of the day and night.

In assessing the amenity impact Paragraphs 127, 130, 170 & 182 of the NPPF are pertinent which state as follows:

“127. Planning policies and decisions should ensure that developments: ...(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

130. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents...

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions...

182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could

have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Plus Policy DM15 of the SADMP which states inter alia:

"Policy DM 15 – Environment, Design and Amenity

Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development. Proposals will be assessed against a number of factors including:

...Noise;  
Odour...

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused..."

CSNN raise the following concerns:

"...the site boundary is less than 12m from the existing working cattle farm to the immediate north of the site. Future occupiers of the dwellings could easily have their residential amenity adversely affected by odour, as well as insects and noise from farm vehicles and associated machinery. Odour and insects can impact more adversely than noise as the latter can often be 'put up with' at certain times of the day and night or be deemed less impactful when occupiers themselves are involved in activities which create noise. Odour can often permeate into homes and is not something which can easily be attenuated in this situation. Future residents would have no protection from impact on external amenity areas. If the situation were reversed and the cattle farm was the proposed development close to residential dwellings, our concerns would be the same, but we could ask for odour, noise and insect management measures/policies to be utilised which could mitigate and attenuate the impacts on residents..."

As the cattle farm is already in existence, in a confined location, it would be unfair and inappropriate to require them to take any further measures to control noise, odour or insects at the point of any future complaint from an occupier of these proposed dwellings. The most appropriate step would be to avoid this situation occurring in the first place, and therefore we consider that this site is unsuitable for residential development due to its proximity to a source of odour and noise, with the potential for impact from insects."

It will be noted from the Planning History section above, that the cattle building was approved in 1993. Whilst the description stated cattle shed for wintering animals, it was conditioned to be used for agricultural purposes only and no other business or commercial purpose. Its use year-round for livestock is therefore **not prohibited and is something that can lawfully be done without amounting to a breach of planning law.**

The agent draws attention to other residential developments in the vicinity of the farm, however these were undertaken in excess of 10 years ago and the subject of previous advice and legislation.

In light of the above concerns the proposal is considered to be unsuitable and contrary to the provisions of the NPPF and Development Plan policies.

## Other material considerations

### *Drainage*

POLICY WA04: Providing sustainable drainage

Development proposals will be supported where they can show they have had appropriate regard for:

- \* Current surface water risk mapping as well as the recommendations set out in the North Runcton and West Winch Surface Water Management Strategy (April 2014), and provide a drainage plan following consultation with the relevant Internal Drainage Board (IDB) and the Lead Flood Authority.
- \* Good sustainable urban drainage design, commensurate with current best practice design guidance.
- \* Detailed street and building design, including provision of permeable surfaces, rainwater re-use, green roofs and/or other measures to ensure sustainable water management unless it can be demonstrated that this is not practical.
- \* Design that will not adversely affect (and, where possible will improve) surface water drainage for properties and land, both 'upstream' and/or 'downstream' of the development.

The site lies in Flood Zone 1 of the Strategic Flood Risk Assessment.

The use of soakaways would be controlled via Building Regulations, however given the concerns of the Parish Council it is considered prudent to include a pre-commencement condition with regards to surface water disposal from the land and buildings. This can be combined with the foul water drainage details as suggested by CSNN.

*Contamination* - The demolition of the existing agricultural buildings and former use of the site may involve asbestos containing materials and contamination, so a suite of contamination conditions are suggested by Environmental Quality.

*Impact upon hedge* – There is a hedgerow along the northern boundary of the site. There is a boundary dispute that is indeed a civil matter, but the protection of the hedge may be the subject of a condition and would secure the issues referred to in Policy WA03 of the Neighbourhood Plan. **Further third party correspondence infers that the site boundary is still not right but progress has been made on this matter. Also Mr Burt has agreed in principle to erect a 6ft close boarded fence along the whole boundary line before building works if the application is approved.**

**The agent in response states that the applicant will accept a condition to erect a 6ft fence along the northern boundary to the adjoining neighbours boundary should consent be granted. As far as they are concerned the boundary as submitted is correct. This is based upon correspondence and drawings received from the topographical company who surveyed the site and in context with the title deed of the adjoining property to the north.**

*Impact upon property prices* – The impact upon property prices, albeit increase or decrease, is not a material planning consideration.

*Impact upon Gas pipeline* – There are no health & safety issues relating to gas infrastructure.

*Impact upon ecology* – There are no concerns regarding impact upon protected species or SSSI.

*Affordable housing* – The application site area (**0.36ha**) and number of dwellings proposed, is under the threshold for affordable housing contribution.

*Crime and Disorder* – There are no significant crime and disorder issues raised by this proposal.

## **CONCLUSION**

This proposal seeks to demolish existing agricultural buildings and develop five residential properties on an existing farm site within the defined development area of the village. The principle of the development is considered to be acceptable, however the disamenity created by the proximity of the site to Myrtle Farm which is a source of odour and noise, with the potential for impact from insects, renders the proposal as being unacceptable.

The proposal fails to constitute development which accords with the provisions of the NPPF, Development Plan and Neighbourhood Plan and is duly recommended for refusal for the reason stated below.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The western part of the site lies in close proximity to Myrtle Farm which as a cattle farm is a source of odour and noise, with the potential for impact from insects, which renders the proposal as being unacceptable in terms of disamenity to future occupiers of the proposed residential units. As the cattle farm is already in existence, in a confined location, it would be unfair and inappropriate to require them to take any further measures to control noise, odour or insects, should any future complaint occur from an occupier of these proposed dwellings. The proposal therefore fails to accord with the provisions of Paragraphs 127, 130, 170 & 182 of the NPPF and Policy DM15 of the SADMP.