



**Planning Committee**  
**Monday, 6th March, 2017 at 9.30 am**  
**in the Committee Suite, King's Court, Chapel Street,**  
**King's Lynn**

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

- a) Decisions on Applications (Pages 2 - 9)

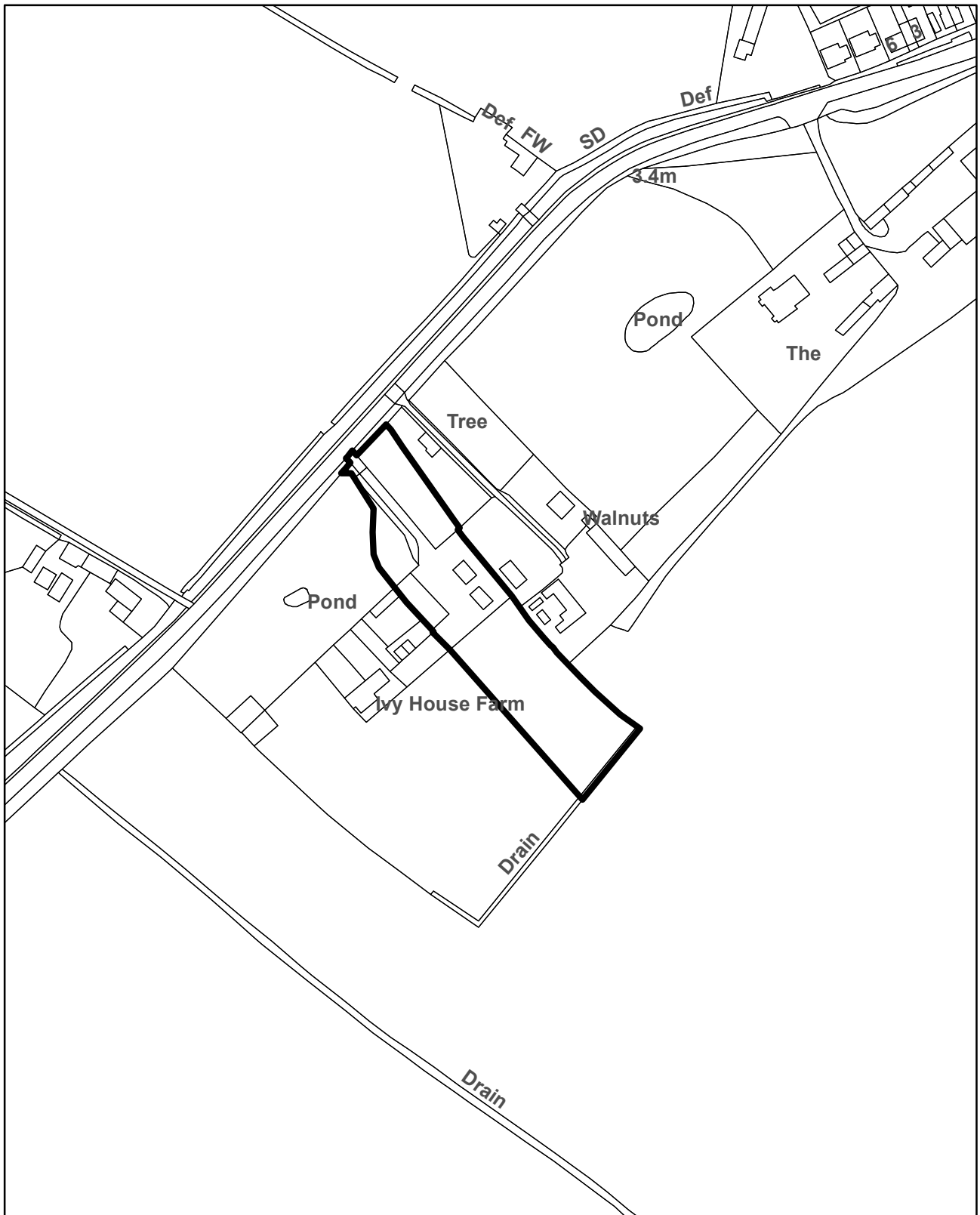
To consider and determine the attached Schedule of Planning Applications submitted by the Executive Director.

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# 15/01963/F

Ivy Farm Lynn Road Tilney All Saints  
Tilney St Lawrence



## AGENDA ITEM NO: 8/3(j)

<b>Parish:</b>	Tilney St Lawrence	
<b>Proposal:</b>	Proposed workshop conversion to office and replacement workshop	
<b>Location:</b>	Ivy Farm Lynn Road Tilney All Saints King's Lynn	
<b>Applicant:</b>	Mr N Barker	
<b>Case No:</b>	15/01963/F (Full Application)	
<b>Case Officer:</b>	Mrs C Dorgan	<b>Date for Determination:</b> 29 January 2016 <b>Extension of Time Expiry Date:</b> 10 February 2017

**Reason for Referral to Planning Committee** – Referred to Committee by the Assistant Director.

### Case Summary

The site is located on the south eastern side of Lynn Road, Tilney High End, to the south west of the village approximately 500m from the junction with School Road. The site comprises a complex of farm buildings next to a large house, served off a long access road to the north of the barns.

The application proposes the conversion of the existing workshop to an office, and the construction of a replacement workshop.

### Recommendation

**APPROVE**

## THE APPLICATION

The site is located on the south eastern side of Lynn Road, Tilney High End, to the south west of the village approximately 500m from the junction with School Road. The site comprises a large dwelling with associated farm buildings/ structures served off a long access road to the north of the barns.

To the north east of the site are existing residential properties.

The site is also located within the buffer zone to the Islington Heronry Site of Special Scientific Interest, but this application has no impact upon the SSSI.

The application proposes the conversion of the existing workshop (in a traditional style brick built agricultural barn) to an office, and the construction of a new replacement workshop. The proposed workshop is to be constructed with profiled steel cladding. The footprint of the building is 24m by 12.5m, and with a ridge height of approximately 5m. It will be situated on the current site of two existing steel agricultural shelters. These buildings are located to the north east of the site.

The use of the site for a builder's yard, storage and office is already established under planning consent reference 14/01126/F and appeal decisions APP/V2635/C/16/3146551 and 3146770. Also temporary consent was granted for an office (ref, 14/01322/F) which expired on 10 November 2016.

It should be noted that the conversion to the office has already taken place, and this application therefore seeks to retain those works.

## **SUPPORTING CASE**

The site itself benefits from being located within an area of established properties and is on the old main route between Wisbech and King's Lynn.

There are several buildings on the site and the house and out-buildings were subject to a previous householder planning application that was approved.

This application is for the existing barn and surrounding yard area.

The site itself was formally a working farm for many years but has not been used as such for some time. The boundaries are established and the site access has been in operation for many years.

The proposed level of development on site is considered to provide a high quality scheme that is in keeping with the character of the area. The proposal should be seen as the best use of the site as directed by national government, and we believe is sympathetic to its surrounding neighbours.

The layout of this proposal is governed by the size of the existing building on the site, the existing access points and the natural boundaries of the site. At present the site is extensively landscaped with large trees throughout. These are all to remain unaltered as part of this application.

## **PLANNING HISTORY**

08/01584/F: Application Permitted: 07/08/08 - Conversion of barn/outbuilding to form residential dwelling - Ivy Farm, Lynn Road, Tilney All Saints.

04/00648/CU: Application Permitted: 08/09/04 - Conversion of barns to 5 residential units - Barns at Ivy Farm, Lynn Road.

14/01322/F: Application Permitted: 10/11/14 - Retention of proposed temporary office - Ivy Farm.

14/01126/F: Application Permitted: 05/11/14 - Change of use of agricultural barn and hay stores to builder's yard, storage and office - Ivy Farm.

## **RESPONSE TO CONSULTATION**

**Parish Council:** No response.

**Highways Authority:** This application site has an existing access which accords to the current adopted standards. It also has acceptable parking and servicing provision. I have no objection to the proposal.

**Environment Agency: NO OBJECTION**, but advisory comments are attached.

**Environmental Quality:** After reviewing the information provided it is considered highly likely that there are asbestos containing materials within the fabric of the buildings to be refurbished/ replaced. Therefore I would recommend conditions are attached.

**CSNN:**

Further to our site visit this morning to view the proposed office and replacement workshop I have the following comments to make.

The conversion of the office space is largely completed, having viewed from the outside there is no plant or machinery on the North East elevation and as such I do not believe that this aspect of the development will adversely affect the amenity of the neighbouring residential properties.

Having discussed the proposed workshop with Mr Barker on site I am led to believe that this will in effect be a store, housing dry goods and equipment that are currently located in a row of shipping containers in the storage compound to the south east of the proposed structure, and that there will be no permanent machinery or fabrication of materials that would require local exhaust ventilation, dust collection or similar to be sited in or on the structure. With conditions this could actually result in an improvement in the noise climate for the area. Mr Barker has indicated that he would be willing to treat the North East Elevation of the store with an acoustic cladding. Looking at the relationship of the proposed structure with the neighbouring residential properties I would recommend that the NW & SE elevations are also treated.

Finally I note that there is no external lighting shown on the plans for the unit, should lighting be required a condition should be attached.

**National Grid:** National Grid has **NO OBJECTION** to the above proposal which is in close proximity to a High-Pressure Gas Pipeline – Feeder 04 Kings Lynn Comp to Wisbech Nene East.

**REPRESENTATIONS** 6 letters of **OBJECTION** received. These are from neighbouring dwellings, The Walnuts, Walnut Tree Cottage and Walnut Barn. The issues raised are:-

- Corrugated steel warehouse would be totally overbearing in relation to its close proximity to neighbouring properties. Would not enhance the form and character of the locality.
- The workshop coupled with a steel extension over the barn would make the visual impact on the surrounding area wholly unacceptable, and is not in keeping with the rural character of the local area.
- The noise, disturbance and nuisance emitting from the steel structure would be horrendous.
- Noise, visual impact will harm the quality of life of neighbours and is detrimental to neighbours residential amenity.
- The proposed glazing on the office building will overlook neighbouring dwellings.
- The site is clearly visible as all the trees shown on the plan have been removed.
- Work has commenced on site with the roof removed, a new roof in place and the glazing has been installed.

## **NATIONAL GUIDANCE**

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

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

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

**DM15** – Environment, Design and Amenity

## **PLANNING CONSIDERATIONS**

- Principle of development
- Neighbour Amenity Issues
- Form and Character

### **Principle of Development**

The site falls outside the development boundary for Tilney All Saints, which is categorised as a Rural Village in the adopted Local Plan.

The use is already accepted on site as a result of the planning consent and appeal decisions. The site was the subject of an appeal against an Enforcement Notice ‘without planning permission, the unauthorised material change of use of agricultural barn and hay stores to builder’s yard, storage and office’. The Enforcement Notice was quashed and the Inspector established that there was no dispute that the site was being used as a builder’s yard, with associated storage and office space and it was the Council’s view that the use lapsed upon non-compliance of the conditions. The Inspector did not agree and concluded that the failure to comply with the conditions has not resulted in an unauthorised use as described in the notice, and that planning permission for the use of land remains intact.

The proposed development is for the conversion of an existing agricultural building and the construction of a new workshop in the place of existing steel agricultural shelters. In principle the proposal is in line with Core Strategy policies CS06 and CS10, and the NPPF aims to support sustainable economic growth, with a presumption in favour of sustainable development.

## **Neighbour Amenity Issues**

The use is already established for a builder's yard, storage and office. There are a number of objections to the application from the neighbouring dwellings citing reasons such as overlooking from the office to neighbouring dwellings; the overbearing nature of the workshop; and noise, disturbance and nuisance from the proposed workshop. The neighbours have also informed us that works have commenced onsite and that the glazing overlooks their dwelling.

The applicant has confirmed to us that the workshop will be used as a store only, with no machinery or fabrication of materials in operation. It is recommended the planning consent is conditioned to control this accordingly. Furthermore that conditions are included to restrict the hours of operation in line with those of the storage yard, and that sound insulation is installed to the northeast, northwest and southwest elevations of the workshop to alleviate noise/ disturbance for neighbours.

While the proposed workshop is to be located close to the boundary, there are already steel shelters in place in this location of a similar height and in our view the workshop will not be significantly more overbearing than the structures already there. The office conversion has introduced glazing to the northeast and northwest elevations, however this is over 50m to the neighbouring dwelling, and the construction of the workshop will alleviate this to some extent. Therefore we do not consider this is an impact that would warrant refusal of the application.

## **Form and Character**

Objections to the application include that the trees identified on the plan have been removed and so there is no screening in place; and the visual impact of the workshop and office will be out of character in the rural location. Having visited the site the trees identified on the plan to the northwest of the workshop have been removed, which does mean the site is more exposed from the highway, and in the street scene. However with the existing workshop already in place, the conversion of this is not considered detrimental in the street scene. The corrugated metal sheeting roof has been replaced by pantiles to complement the building, and the associated dwelling.

Similarly the existing steel shelters will be replaced by the proposed workshop and so would not be substantially different in form and character. The design is appropriate given the wider use of this site is established, and is visible from the highways. The proposed works are not detrimental to the character of the area.

## **CONCLUSION**

In principle the proposed development is supported by National policy and Local Plan policies CS06 and CS10. The use of the site for a builder's yard, storage and an office is already established. This application, for the conversion of the workshop to office and construction of a new workshop, has received a number of objections from the three neighbouring dwellings. Having given careful consideration to the objections raised, it is our view that the proposed development would not have a detrimental impact on the form and character of the locality. In terms of neighbour amenity it is proposed that if Members approve the application, conditions are attached to the consent which would ensure measures are taken to restrict potential noise and disturbance from the proposed workshop. There are already structures in place and so the proposed workshop would not be significantly more overbearing. Finally given the distance from the office to the neighbouring

dwelling, overlooking is not considered a material consideration. It is therefore recommended that the application is approved.

**RECOMMENDATION:**

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

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans (Drawing Nos SE-415 10, 11, 12 and 20).
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition No development above foundation level shall take place on site until a detailed scheme for the sound insulation of the new workshop building has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use and thereafter maintained as such.
- 2 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 3 Condition No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the replacement workshop building outside the hours of 07:00 – 17:00 on weekdays nor at any time on Saturdays Sundays, Bank or Public Holidays.
- 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.
- 4 Condition The Roller shutter doors on the SE elevation of the workshop and the pedestrian access on the NE elevation shall remain closed other than when being used for access and egress from the building.
- 4 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 5 Condition The use of the workshop shall be limited to the storage of dry goods and equipment only. Works to fabricate or otherwise construct, finish, renew or repair building or other construction related materials including vehicles should be limited to the use of hand tools only.
- 5 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 6 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.
- 6 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.

- 7 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.
  
- 7 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.