

## AGENDA ITEM NO: 8/1(a)

<b>Parish:</b>	<b>Heacham</b>	
<b>Proposal:</b>	<b>Construction of replacement workshop and store in builders yard at Cedar House</b>	
<b>Location:</b>	<b>Cedar House 45a the Broadway Heacham Norfolk</b>	
<b>Applicant:</b>	<b>Mr &amp; Mrs M McGinn</b>	
<b>Case No:</b>	<b>16/01461/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr M Broughton</b>	<b>Date for Determination: 8 November 2016 Extension of Time Expiry Date: 13 March 2017</b>

**Reason for Referral to Planning Committee** – Deferral agreed by the Planning Committee 06.02.17 for additional Appeal information

### **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 a storage greenhouse and construct a storage / workshop building with open plan office accommodation in the roof space. One open ended storage building is retained in situ

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

The application was deferred from the February Planning Committee to allow a nearby appeal decision to be considered in the context of 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.

The site forms a builder's yard at, and is associated with, 45a The Broadway, Heacham – both in the ownership of the applicant. It is accessed via a 55m narrow track, bordered by 2m fence or conifer hedge between Nos 45 and 47 The Broadway,

As the track terminates into the open countryside, to the west and south are paddocks in ownership, whilst the land to the immediate east is open and in use as the builder' yard, comprising two mis-matched large workshops forming the centrepiece of the site. There is also a greenhouse and a mix of smaller units, all used for builder's storage and an area of hard standing for turning / parking and an office porta-cabin. It was evident the site was in use as a builder's business.

The said buildings are destined for demolition, bar one open ended, relatively new storage building and the hard standing area, both are retained in situ.

To the immediate east of the builder's yard is the applicants dwelling and curtilage, with access via the builder's 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 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 buildings and the greenhouse, the application seeks to construct a new storage / workshop building with open plan office accommodation in the roof space. The works are related to the said builder's business use and as such there is no change of use.

## **SUPPORTING CASE**

When the 2012 application 12/02028/F was submitted for construction of the replacement dwelling at No 45a Broadway, the application site boundary (red line) encompassed the new dwelling, an area of garden land and a vehicular access to the site.

It did not extend to include the existing storage buildings / workshops / storage greenhouse and office on the adjoining land west, forming a builder's yard operated by the applicant, which had always been associated with the site and dwelling and which was detailed as such in application 12/01160/LDE.

This application would remove the existing dilapidated, pre-fabricated mix of storage buildings, some of which have industrial profile clad roofing. A new workshop / storage building, with office over, in materials in keeping with the dwelling 45a (facing brickwork, cedar cladding and Norfolk pantiles would provide a replacement

The provision of the replacement workshop / office would create no increase in vehicular movements or staff at the site

The total floor area of all the buildings to be removed is 218m<sup>2</sup>. The total floor area of the proposed building is 204m<sup>2</sup>.

In terms of impact from the proposals upon neighbouring properties and amenity, the position of the proposed building being some 32.5m away from the rear of the closest dwelling should have little or no effect.

Upon the neighbouring side of the closest boundary to the north is a large workshop/storage building and there are also a number mature trees and shrubs within the neighbouring gardens that provide a natural buffer/screen to prevent neighbours overlooking our Clients site.

To further reduce impact of the proposed new building, the pitch of the roof has lowered by 450mm from that originally proposed

## **PLANNING HISTORY**

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

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

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECTION:** This constitutes an increase to the village envelope.

**CSNN: NO OBJECTION:** Informative applies re noise nuisance

**Highways Authority: NO OBJECTION:**

**Environmental Quality: NO OBJECTION:** Asbestos removal conditions apply

## **REPRESENTATIONS**

**ONE** neighbour **OBJECTION** (No 51 The Broadway) 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 relative 1981 – 2001. The site is a brownfield site on the edge of the settlement.

This application seeks to construct one building, in a style in keeping with the applicant’s adjacent dwelling, to 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 developments which respond to the local context and create or reinforce local distinctiveness are visually attractive as a result of good architecture and appropriate landscaping.

S17 NPPF - Core planning principles:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land)
- support sustainable economic development
- seek to secure high quality design
- considering the intrinsic character and beauty of the countryside
- support 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 also access his dwelling and serve the grass paddocks as required

To the east of the track and backing the greater site are bungalow dwellings (No 47, 49 and 51) with 2m high southern boundary wall or fence on the divide with the proposal site. In addition on the said boundary, No 47 has a large outbuilding.

Land to the south of the builder's yard comprises paddocks in ownership with open countryside thereafter

The proposed workshop/ storage/ office building has been reduced in height to 5.8m in a revised scheme, retaining south facing dormer windows to serve the office accommodation in the roof space. It is noted the overall ground floor layout of that proposed is relative to a small reduction on that to be demolished. Overall the scale and design is considered acceptable, and it will effectively tidy the site and is considered overall appropriate to the location and use it is to serve.

Comments submitted relative to loss of view from a neighbour at No 51 are not considered to be a material consideration. The proposed building will have minimal impact on neighbouring dwellings north, given separation distances, and 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 and therefore it is not necessary to apply a 'use' condition to the replacement building. 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 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**

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

On 8/02/17 the application Location Plan was amended by drawing 1652-23D, such that the area of (blue edged) land beyond the proposal site (red lined) actually in the ownership of the applicant M McGinn was reduced.

The revised location plan identifies the access track between 45 and 47 The Broadway gives the applicant M McGinn access to the land in his ownership (edged red and blue).

The track is in shared family ownership / use. It 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 and west of the southern tip of the access track – land previously edged blue and presented as such to the Planning Committee on 6/02/17.

On 28/11/2014 planning permission 14/01398/F was refused to Mr & Mrs Desborough to construct a single storey dwelling & garage on land at the rear of 45 The Broadway Heacham. The rectangular area of land to which that application relates 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 KLWNBC reasons for refusal were:

1. Planning policy states that the countryside should be protected beyond the villages for its intrinsic character and beauty and that development will be resisted unless essential for agricultural or forestry needs. The proposed new dwelling is located outside of the settlement boundary with no justification and is therefore contrary to the provisions of the NPPF, Policies CS01 and CS06 of the King's Lynn and West Norfolk Core Strategy 2011 and does not accord with Policies DM2, DM6 and DM15 of the emerging Site Allocations and Development Management Policies Pre-Submissions Document (2014).

2. The location of the proposed dwelling to the rear of the existing built form and adjacent to agricultural land results in a form of development which does not respond to local context and character. The proposal is therefore contrary to paragraphs 56 and 58 of the NPPF where good design should contribute positively to making places better for people, adding to the overall quality of the area and responding to local character. It is also contrary to Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011 which states that development should respond to the context and character of places by ensuring that scale, density layout and access will enhance the quality of the environment.

3. The access is unsatisfactory to serve the proposed development by reason of its inadequate width and the proposal would therefore lead to the stopping or reversing of vehicles on the highway to the detriment of highway safety. The proposal is therefore contrary to paragraphs 58 and 64 of the NPPF and Policy CS11 of the King's Lynn and West Norfolk Core Strategy 2011.

4. The proposal would lead to an intensification in the use of a substandard access onto U2225 The Broadway, which is a busy traffic route and would cause undue interference with the safe and free flow of traffic on this important route. The proposal is therefore contrary to paragraphs 58 and 64 of the NPPF and Policy CS11 of the King's Lynn and West Norfolk Core Strategy 2011.

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

- The appeal proposal would have a significantly adverse effect on the character and appearance of the surrounding area. It would also fail to respond to the local context including a poor relationship with the existing built form in this part of Heacham.

It would represent a new dwelling in the countryside, outside of the defined settlement boundary, where no special circumstances have been advanced to justify a rural dwelling on an exceptional basis. In addition (taking into account perceived new traffic movements) the proposed access would be harmful to highway safety, with particular reference to vehicle movements on Broadway.

The current application site has no association with the Appeal site, (which related to the construction of a new dwelling in the countryside) other than it is on adjacent land owned by a family member.

Notwithstanding the site location (beyond the settlement boundary on land in deemed countryside), the current application differs totally in that it relates to the construction of a replacement workshop / store to serve an existing builder's yard, with no perceived increase in staff 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.



- 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:
  - Location plan – drawing 1652-23D – receipt dated 8/02/17
  - Block plan – drawing 1652-22B – receipt dated 15/11/16
  - Elevations, layout and sections – drawing 1652-21C – receipt dated 15/11/16
  - Site section – drawing 1652-24A – receipt dated 2/12/16
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition All material arising from the demolition of the existing storage buildings, office and the greenhouse (as detailed on the block plan drawing 1652-22B received 15/11/16) shall be removed from site within 3 months of the commencement of the works unless otherwise agreed in writing by the Local Planning Authority.
- 3 Reason In the interests of amenity, 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.