

AGENDA ITEM NO: 8/3(I)

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| Parish: | Tilney St Lawrence | |
| Proposal: | Proposed workshop | |
| Location: | Holly Manor Lynn Road Tilney All Saints Norfolk | |
| Applicant: | N B Construction (UK) Ltd | |
| Case No: | 17/01298/F (Full Application) | |
| Case Officer: | Mrs C Dorgan | Date for Determination: 4 September 2017 Extension of Time Expiry Date: 10 October 2017 |

Reason for Referral to Planning Committee – At the discretion of the Executive 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 large house with a complex of farm buildings which have been converted to an office and store, with a newly constructed workshop building for storage and an area used for outside storage of building materials to the east of the site.

The application proposes the construction of a new workshop adjacent to the existing workshop.

Key Issues

Principle of Development and Planning History
Neighbour Amenity Issues
Form and Character
Other Material considerations

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 construction of a second workshop building, adjacent to the existing one. The proposed workshop is to be constructed with profiled steel cladding and the footprint of the building is 24.5m by 12.4m, with a ridge height of approximately 6m. It will be used for the storage of plant, tools and materials and will be situated to the rear (east) of the existing workshop. 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 consent was granted for conversion or workshop to office and replacement workshop on February 2017 (15/01963/F).

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.

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.

15/01963/F: Application Permitted: 21/02/2017 - Proposed workshop conversion to office and replacement workshop – Ivy Farm.

RESPONSE TO CONSULTATION

Parish Council: No comments received.

Environment Agency: NO OBJECTION.

Environmental Health & Housing – Environmental Quality: NO OBJECTION. Following an assessment of the site and the proposed development it is apparent from aerial photographs that there is the potential for asbestos containing materials to be present within the fabric of the building to be demolished. From the information provided there does not appear to be other sources of contamination warranting a full site investigation. Therefore to prevent a potential contamination event which could result in the land being determined as Contaminated Land I would recommend conditions are attached.

Community Safety and Neighbourhood Nuisance: NO OBJECTION.

Further to Suzi Pimlott's email of the 20th July regarding the proposal for a further workshop at Holly Manor and our conversation earlier today. I understand that you have received confirmation that there will be no fixed plant or machinery in the store and that no exhaust ventilation will be installed, although at the time of writing I have not seen this clarification myself.

Provided such written assurances are provided I would recommend conditions are attached (as specified), which will be in line with the conditions required as part of 15/01963/F.

REPRESENTATIONS

7 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 dominate the outlook, skyline and gardens of residential dwellings next door.
- The noise, disturbance and nuisance emitting from the steel structure would be horrendous. Despite the soundproofing on the existing workshop, and the fencing, noise is still unbearable.
- Noise, visual impact will harm the quality of life of neighbours and is detrimental to neighbours residential amenity.
- Applicant does not adhere to the conditions attached to planning consents.
- The growth of the business to date, and going forward, will continue to have a detrimental impact on neighbouring dwellings.

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

CS06 - Development in Rural Areas

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

- Principle of Development and Planning History
- Neighbour Amenity Issues
- Form and Character
- Other Material Considerations

Principle of Development and Planning History

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 construction of a second workshop which would be sited to the rear of the existing workshop, both of which are in the place of 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

There are a number of objections to the application from the neighbouring dwellings citing reasons such as the overbearing nature of the workshop; and primarily the noise, disturbance and nuisance from the existing workshop, and the fact that a second workshop will contribute to this having further impact on neighbour amenity. The representations state that the soundproofing and acoustic fencing does not sufficiently reduce the noise created in the workshop and the wider site. Concerns are raised that as the business grows it will continue to have a detrimental impact on neighbours, particularly as the applicant, it is claimed, fails to adhere to planning conditions attached to consents.

The applicant has confirmed to us that both workshops will be used as stores 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. With regards to the non-compliance with planning conditions, any complaint made has and will be picked up by the Enforcement Team and fully investigated.

While the proposed workshop is to be located close to the boundary, to the rear of a newly constructed workshop, there were steel shelters in place in this location of a similar height and in your officers view the workshops are not significantly more overbearing than the structures previously there. Therefore it is not considered this is an impact that would warrant refusal of the application.

Form and Character

Objections to the application include that the visual impact of the workshop will be out of character in the rural location. Having visited the site this is not considered detrimental in the street scene. Given the existing workshop, an additional proposed workshop would not be substantially different in form and character and is in fact largely screened by the existing one in the street scene. The design is appropriate given the wider use of this site is established, and is visible from the highway. The proposed works are not detrimental to the character of the area.

Other Material Considerations

The Environmental Quality Officer requested that conditions are attached to the planning consent regarding the removal of the steel agricultural shelters. These were previously removed under application ref 15/01963/F for the construction of the first workshop. This application will not include the demolition of any existing buildings/ structures and so the conditions are not deemed necessary.

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 construction of a second 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. 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 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 (Drawing Nos SE-803-10B, 11B, and Topographical Survey 4828-1 Parts 1 and 2).
- 2 Reason For the avoidance of doubt and in the interests of proper planning.

- 3 Condition No development above foundation level on the new workshop shall take place 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.
- 3 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the workshop building outside the hours of 07:00 – 17:00 on weekdays nor at any time on Saturdays Sundays, Bank or Public Holidays.
- 4 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.
- 5 Condition The Roller shutter doors on the SW elevation of the workshop and the pedestrian accesses on the SE & NE elevation shall remain closed other than when being used for access and egress from the building.
- 5 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 6 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.
- 6 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.