

AGENDA ITEM NO: 8/1(h)

Parish:	Tilney St Lawrence	
Proposal:	Change of use of agricultural land to proposed commercial car park / new access (CDR Services) & garden and associated fencing	
Location:	14 St Johns Road Tilney St Lawrence Norfolk PE34 4QL	
Applicant:	CDR Services	
Case No:	18/00188/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 29 March 2018 Extension of Time Expiry Date: 16 April 2018

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

Neighbourhood Plan: No

Case Summary

The application is for the change of use of agricultural land which is adjacent to the development boundary to a commercial car park and access for the adjoining business which does car repairs. The application also includes boundary fencing and a relatively small area of land which would become garden land to 14 St John's Road. The principle of the change of use complies with Policy CS10 of the Core Strategy 2011 and it is not considered that the proposal would have a detrimental impact on the countryside.

Key Issues

Principle of Development
Impact on Countryside
Neighbour Amenity
Highways Issues
Flood Risk Issues
Crime and Disorder Act
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located on the northern side of St John's Road and has both a residential property located to the front of the site, with an industrial unit to the rear which is used for car repairs. To the eastern side of the site and the rear (north) of the existing buildings is agricultural land (fenced with close board fencing).

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To the west and opposite (south) are residential dwellings and to the east of the site is agricultural land which is currently utilised for grazing horses.

The application is for full planning permission for the change of use of the agricultural land to a commercial car park and new access for CDR Services, change of use to garden land and associated fencing around the application site.

SUPPORTING CASE

This statement has been prepared by Trundley Design Services in support of our client's application to construct a gravel carpark with 2m high boundary fences at CDR Services, 14 St John's Road, and Terrington St Lawrence, PE34 4QL.

Currently all customers either park within the existing small yard or along the road side. This has previously caused issues with the neighbouring properties and passing traffic. The application to install a gravel carpark to the rear of the business is to remove the parking issue.

The erection of a 2m high close boarded fence around the perimeter of the land was installed before the planning decision date as this was a requirement from the previous owner when the land was purchased that it would be completed within 8 weeks of the transfer of ownership.

The existing ground levels will be increased to provide a gravel finish and once the carpark is completed the maximum height of the fence around the perimeter will be 2m high above the proposed finished ground level. (as indicated on drawing 18-P03-PL001C)

A new Drainage Field surface water drainage system will be installed along with a Separating System to ensure no contamination from CDR Services runs off into the ground. As the finish to the car park is gravel this should reduce / remove any surface water drainage issues.

PLANNING HISTORY

09/01106/F: Application Permitted: 20/08/09 - Alterations to dwelling to form first floor area and replacement roof - 14 St John's Road Tilney St Lawrence

2/03/1862/CU: Application Permitted: 11/11/03 - Change of use of workshop/retail unit to residential including alterations - 14 St Johns Road Tilney St Lawrence

RESPONSE TO CONSULTATION

Town/Parish Council: OBJECT The proposal would be detrimental to the preservation of the countryside and natural open space. The work appears to already be in hand, with the fencing and scraping of the land having taken place.

Local Highway Authority (NCC): NO OBJECTION to the principle of the development. Conditions are recommended.

Community Safety and Neighbourhood Nuisance: NO OBJECTION I have no concerns over the site drainage or levels, given the surfacing is gravel. However the large expanse of gravel surfacing will create noise from the passing of vehicles, which could affect the

residential amenity of the adjacent dwelling. I understand the business is not opening evenings but may operate during the weekend. Therefore I am concerned about noise from the gravel affecting the use of the adjacent rear garden. The plan doesn't show any boundary treatment to the west. I request that a minimum of a 1.8m high wooden close boarded fence, with gravel board to retain the gravel and compensate for plot level changes, is installed along the western boundary of the site in addition to the fencing already proposed for the north and eastern boundaries. The applicant will also need to be considerate in terms of the use of the car park, using sensible approaches to control customer use.

REPRESENTATIONS

TWO letters of SUPPORT covering the following:

- Lack of parking means customers often have to park on the road.
- The car park will create a safe area for customers to use rather than discussing issues at the roadside.
- Our business has used this local company for 12 years to service and maintain our vehicles. Now we are expanding CDR are struggling to cope with our needs as parking is an issue.

ONE letter of OBJECTION covering the following:

- Concerns that the land is being built up on the other side of the fence (rubble and gravel) and that this means problems with surface water run-off.
- The fence has been erected higher from the neighbours' side than applied for due to differences in land levels.
- Work unsociable hours sometimes up to 10pm at night and start early on Saturdays from 7.30am.
- Currently vehicles park on the roadside which can impede visibility from neighbouring access points.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

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.

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

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:

- Principle of Development
- Impact on Countryside
- Neighbour Amenity
- Highways Issues
- Flood Risk Issues
- Crime and Disorder
- Other material considerations

Principle of Development

The development boundary of Tilney St Lawrence, as identified within Inset Map G94 of the Site Allocations and Development Management Policies Plan (SADMP), runs through the application site with the existing dwelling and commercial unit being located within the development boundary and the agricultural land for which a change of use is proposed being located outside the development boundary and within the countryside.

Policy CS10 of the Core Strategy states that the Council will support the rural economy and permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Development must satisfy the following criteria:

- Appropriate in size and scale to the area;
- It should be adjacent to the development; and
- The proposed development and use will not be detrimental to the local environment or local residents.

The land which is proposed for a change of use is immediately next to the development boundary and the existing business and is appropriate in scale. It is also considered that the proposal will not have a detrimental impact on the local environment or local residents (see below).

The proposal includes the change of use of a small part of the site into garden land to serve the existing dwelling. The existing dwelling currently has very limited outside space (a decked area immediately adjacent (east) of the dwelling). The proposed change of use to garden land is very modest in scale, would be in an area of the site not suitable for parking and turning due to the proximity of the new access, and would have no material impact on the character and appearance of the adjacent countryside.

Therefore the principle of the changes of use is considered acceptable.

Impact on Countryside

The proposal also includes the erection of close board fencing, including concrete gravel board at the base. Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, as amended allows for the erection of gates, fences and walls up to 2 metres above ground level without requiring planning permission, provided they are not adjacent to a highway used by vehicular traffic. Due to changes in ground levels the fencing which has already been erected does exceed 2 metres in places and therefore requires planning permission. The plan showing the existing levels on the site shows that the proposed fencing would vary between 2.0 metres and 2.2 metres above existing site levels and so the proposed fencing is up to 20cm above what could be erected by utilising permitted development rights. An issue has been raised that due to changes in land levels, the fencing which has been erected along the western boundary is higher from outside the site. Following a further site visit it can be seen that the fencing from outside the western side of the site is approximately 2.5 metres (amenity issues relating to this are addressed below).

There has been an objection to the proposal from the Parish Council stating that the proposal would be detrimental to the preservation of the countryside and natural open space. It has already been established that the change of use for the expansion of an existing local business is acceptable with regard to CS10 of the Core Strategy 2011 providing that the development will not be detrimental to the local environment. The fact that a close board fence of up to 2.0m could be erected around the site without requiring planning permission, and that the fencing that has been erected is approximately 20cm higher than this on the eastern and northern side of the site would mean that there is little material difference in the appearance of the fencing than what could be erected without requiring planning permission. With regard to the provision of the car park and access, these facilities are set against the existing built form and given the screening, would not adversely affect the character and appearance of the village or the wider countryside.

Therefore the impact on the character and appearance of the countryside, especially when viewed from the east along St John's Road, with the other residential development beyond it, is considered acceptable.

Neighbour Amenity

The impact of the proposal on the residential neighbour to the west has been considered. As stated above the neighbouring site is at a lower level than the proposed car park and that the fencing from the western side of the fence is approximately 2.5m high. The impact of the fencing on this neighbour is considered acceptable due to the distance and orientation of the fencing from the dwelling which would mean that the proposal would not cause overbearing or overshadowing issues.

The proposed gravel car park would be in close proximity to this neighbour's garden and could have the potential to cause noise and disturbance. There have been no objections to this from CSNN who state that a close board fence of at least 1.8m should be erected to help attenuate against noise and disturbance. As the application is for the change of use to a car park rather than consent for the actual garage business then an informative will be placed on the decision relating to the Environmental Health Protection Act 1990 rather than conditioning the hours of use.

Highways Issues

There have been no objections to the proposal from the Highways Officer subject to conditions relating to the access etc.

There have been comments received (both in support and objecting) relating to the number of vehicles that currently have to park on the highway due to the lack of parking on site. The provision of off road parking in the car park proposed would alleviate this issue which is of benefit to highway safety.

Flood Risk Issues

The application proposes to raise levels within the proposed car park in order to level it out and provide a gravel surface. There is an objection to this related to surface water run-off and the potential for this water to run onto the neighbouring land which is at a lower level (west). The proposed car park would have a gravel surface and there are no concerns regarding this from the CSNN team due to the surface being permeable and therefore there should be no material difference in drainage on site.

Crime and Disorder

There are no issues relating to crime and disorder which arose during this application.

Other material considerations

There are no other material considerations which are pertinent to this application.

CONCLUSION

The proposed change of use to car park, access and fencing would support the expansion of an existing local business in accordance with Policy CS10 of the Core Strategy 2011. The change of use of a small area of land to garden would have a limited impact on the character and appearance of the countryside. In this case, the benefits of a small business expanding and providing work within the village outweighs the limited incursion into the countryside and visual impact of the development.

Overall the development would not have a detrimental impact upon the countryside, neighbour amenity or flood risk in the locality. It is therefore recommended that Members approve the application subject to conditions.

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 18-P03-PL001C received by the Local Planning Authority on 15th March 2018.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan 18-P03-PL001C in accordance with the highway 'Light Industrial' specification.

- 3 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 4 Reason In the interests of the safety of persons using the access and users of the highway.
- 5 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 5 Reason In the interests of highway safety.
- 6 Condition Prior to the commencement of the use hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.