

AGENDA ITEM NO: 8/2(d)

Parish:	West Acre	
Proposal:	Retrospective application for the siting of containers	
Location:	Abbey Farm River Road West Acre KINGS LYNN	
Applicant:	West Acre Estate Management	
Case No:	19/00405/F (Full Application)	
Case Officer:	Mrs Jade Calton	Date for Determination: 30 April 2019 Extension of Time Expiry Date: 14 October 2019

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 site relates to the Abbey Farm Barns complex which is approved for various business uses.

The site is situated on the eastern side of River Road, West Acre and the containers are located within the courtyard of the converted barns behind Abbey Barn (Grade II* Listed).

The application seeks retrospective consent for the siting of 15 storage containers; 6 containers are sited behind the northern section of Abbey Barn and 9 containers are sited behind the main Abbey Barn building.

Key Issues

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

Recommendation

APPROVE

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 storage purposes in association with the outbuildings / barns which are used for B1 (a) (Business Use – Office); B1(c) (Business Use – Light Industrial); D1 (Non-Residential Institutions) and D2 (Assembly and Leisure).

The change of use of the barns is complete and the businesses are in operation, approved under application reference: 19/00370/F (delegated). The containers are used for storage of materials and such like in connection with those businesses on a permanent basis. 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

There is no supporting case accompanying this application.

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 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 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 is 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.

An informative will be attached to the decision notice advising the applicant of this requirement.

Conservation Team: NO OBJECTION - given that the containers are not permanent structures, they will have less than substantial impact on the significance of the listed buildings.

REPRESENTATIONS

None received.

LDF CORE STRATEGY POLICIES

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)

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 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 wellbeing 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, paragraphs 83 and 84 of the NPPF support business growth, expansion and adaption in rural areas in order to build a strong and prosperous rural economy. Paragraph 83 states that "decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new building.... and the development and diversification of agricultural and other land-based rural businesses".

Paragraph 84 states that "The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".

Section 16 of the NPPF aims to conserve and enhance the historic environment. Development should not cause substantial harm or loss of the significance of a site or building, and its setting, of historic value; including Listed Buildings and Scheduled Ancient Monuments. This sections states that “plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk of through neglect, decay or other threats.... This strategy should also take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation....

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, for example, the harm or loss is outweighed by the benefit of bringing the site back into use.

This application involves the siting of containers on land at Abbey Farm. These are removable structures and as they relate to existing uses on site, the principle is acceptable, subject to other relevant policies and material considerations.

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 east. The containers are painted in bold bright colours which makes their appearance more obvious from those long views.

The area is not a designated Conservation Area and a condition can be imposed requesting the containers to be re-painted to a neutral colour, to reduce their visual impact from Narford Road. Furthermore, given that the containers are removable structures, which can be conditioned to be sited for a temporary period so not to become permanent, it is not considered that they would cause material harm to visual amenities of the area.

Whilst the containers are proposed to be used permanently for the storage of materials and such like in connection with the businesses within the converted barns, and are not typically in use for the duration of any temporary works on site, the temporary condition will ensure that the containers will not become permanent. Three years restriction will allow for the business owners to seek alternative means of storage given this sensitive location.

Given the above, the application, therefore accords with the provisions of the NPPF, Core Strategy Policies CS08 and CS12 and SADMP Policy DM15.

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”

Consideration will be given to the amount of harm on the significance of the designated assets resulting from the development and whether it would lead to substantial harm, total loss or less than substantial harm.

“Where development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.

“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 free standing temporary structures, not fixed to the ground (therefore no physical disturbance to the SAM) or require concrete pads. Furthermore, the containers are sited in the courtyard area of what would have once been associated farm buildings to the main barn and as such there would have been various agricultural vehicles, machinery and equipment sited within the complex which arguably would have had a similar impact as the presence of the containers. Thus, the impact on the heritage assets is considered to be less than substantial.

The public benefits of the proposal would arise from the provision of the containers supporting and enabling the listed barns being brought back into a viable use. The uses contribute to the local rural economy and provide services for the local community and surrounding villages.

For these reasons, notwithstanding the existing colour of the containers, (an appropriate colour can be agreed by condition) it is considered that there would be less than substantial harm to the significance of the Listed Buildings or the Scheduled Ancient Monument, as detailed in section 16 of the NPPF.

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. However, they conclude that the containers might be acceptable if a time limited temporary planning permission was proposed and providing the containers do not become a permanent feature of the precinct or a permanent addition to the scheduled monument.

Historic England has also advised that an application for SAM consent is required and should be sought through Historic England direct. An informative would be attached to any consent.

Highway Safety

The Local Highway Authority raises no objection to the application but on the basis that they are conditioned to be used in connection with the existing business units on the site.

The containers are used for storage purposes in relation to the existing uses on site and as such do not generate additional traffic on the local road network and in turn is not detrimental to highway safety. A condition can be imposed controlling their use.

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, on balance, by virtue of their temporary nature and the restriction of a 3 year consent, the storage containers will cause no adverse impact on the character and appearance of the area and will have less than substantial harm on the significance of the Listed Buildings and SAM. It is considered that the containers are enabling the re-use of the historic barns on site for various business uses which will benefit the rural economy and community. The application therefore accords with the general provisions of the NPPF, in particular paragraphs 83 and 84 and Section 16; Core Strategy Policies CS06, CS08; and CS12 and SADMP Policy DM15.

There will be no highway safety issues as a result of the development, in accordance with the provisions of the NPPF.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted relates to the following approved plans; Drawing No. 3464.08.
- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition This permission shall expire on 7 October 2022 and unless on, or before that date application is made for an extension of the period of the permission and such application is approved:
 - a) The containers shall be removed from the application site
 - b) There shall be carried out any work necessary to reinstate the application site to its condition prior to the implementation of the temporary permission.
- 2 Reason In order that the Local Authority may retain control over the development and to ensure that the development remains compatible with the provisions of the NPPF.
- 3 Condition Within two months of the date of the decision, full details of the colour of the containers shall be submitted to and approved in writing by the Local Planning Authority. Within two months of the date of the details agreed, the containers shall be painted in accordance with details agreed and shall be retained as such thereafter.
- 3 Reason In the interests of the character and appearance of the area and the significance of the Listed Buildings, in accordance with the provisions of the NPPF.

- 4 Condition The storage containers hereby approved shall be limited to use in connection with the existing business units (Use Classes B1, D1 and D2 only) on the Abbey Farm site only, as shown within the red line on the approved plan drawing no. 3464.08, and shall at no time be used in association with any other business or commercial purpose.
- 4 Reason To ensure that the development is not used for any unrelated purposes that would be incompatible with the locality, in accordance with the provisions of the NPPF.
- 5 Condition There shall be no more than 15 containers sited on the land as shown on the approved plan drawing no. 3464.08 at any one time.
- 5 Reason For the avoidance of doubt and to enable the Local Planning Authority to retain control over the development, in accordance with the provisions of the NPPF.