

Parish:	Terrington St Clement	
Proposal:	Retrospective application for the retention of an extension to an existing garage to create a workshop for use by an upholstery business	
Location:	Green Bank Farm Green Marsh Road Terrington St Clement Norfolk	
Applicant:	Mr L Kiley	
Case No:	19/00223/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 8 April 2019 Extension of Time Expiry Date: 11 October 2019

Reason for Referral to Planning Committee – The officer’s recommendation is contrary to the views of the Parish Council

Neighbourhood Plan: No

Case Summary

The application is for the retention of an extension to an existing garage to create a workshop for use by a vehicle upholstery business. The building is located in close proximity to the applicant's dwelling, known as Green Bank Farm, Green Marsh Road, Terrington St Clement, however extends outside the curtilage of the property over a culverted drain which runs along the north of the site.

The site is located outside the built extent of Terrington St Clement, which is classified as a Key Rural Service Centre in Policy CS02 of the Core Strategy (2011). The land is identified as within Flood Zones 2 & 3 in the Borough Council's SFRA.

Key Issues

- Principle of development
- Impact on neighbours
- Highways and access
- Flood risk
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application is for the retention of an extension to an existing garage to create a workshop for use by an upholstery business. The building is located in close proximity to the applicant's dwelling, known as Green Bank Farm, Green Marsh Road, Terrington St Clement, however extends outside the curtilage of the property over a culverted drain which runs along the north of the site.

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SUPPORTING CASE

My business is the re-trimming and re-upholstery of car interiors/motorcycle seats and lorry interiors. This involves me stripping down the seats/panels and carpets making new patterns then reupholstering to make like new.

The main tools I use are: industrial sewing machine, cutting and marking out tools, various hand tools, hot glue gun, stapler (air), hot air gun, battery drill and steamer.

Tools used less often are: jig saw, mitre saw, multi tool and sander.

As I currently do most of my work sub-contracting for a company in Guyhirn who customise lorries, my time is split between going to their premises to strip the interiors out of the lorries and then bringing the parts back to mine in my van to work on, and then once finished going back there to refit. As this is probably 90% of my work I don't have many vehicles coming to my property.

The hours I generally work are 8.00 – 4.30 Monday to Friday and as a rule I try not to work on a weekend as I have a three year old daughter and another on the way and I try to keep weekends for family time and maintaining my own property.

PLANNING HISTORY

2/03/0611/F: Application Permitted: 12/05/03 - Extension to dwelling - Green Bank Farmhouse, Green Marsh Road, Terrington St Clement – Delegated decision

RESPONSE TO CONSULTATION

Parish Council: OBJECTION on the following grounds:

The applicant has built on a filled in dyke although the Drainage Board have advised the applicant that whilst he could pipe the dyke he could not build on it. The property is accessed via a green lane and a shared drive and is not suitable for business premises. The noise caused by the constant use of heavy duty equipment is a disturbance to neighbours and could be classed as noise pollution this needs to be monitored to ascertain if the noise levels are acceptable. There has been encroachment on the adjacent NCC highways green lane.

Highways Authority: NO OBJECTION on the following grounds:

In principle we would not be against a small scale one person operation at the site as the associated traffic in such a case is unlikely to be significant, especially if the majority of the trips is to go out to collect or deliver. However, we would have concerns if this to be considered as a larger scale operation where additional staff are added to effect a larger business.

Therefore, could I request, that as an action that could be conditioned and enforced against, that a condition be appended to restrict the site from having staff employed, This in our view would keep the business and associated traffic to a low level which would be in keeping with the given road conditions experienced.

CSNN: NO OBJECTION on the following grounds:

Requested conditions relating to the following:

- Hours of use and hours of delivery
- Roller door remains shut during operation
- Storage and disposal of recycling
- Surface water drainage plan

Internal Drainage Board: NO OBJECTION on the following grounds:

The drawings submitted as part of the application show that the workshop in question has been constructed over the already culverted watercourse. Consent to culvert this watercourse was given by King's Lynn Internal Drainage Board back on 25th July 2017 and I attach some photographs of the culvert in question.

In line with best practice, we would always advise against buildings being sited over the top of new or existing culverts. The development in question will have increased loading on the culvert which it may or may not have been designed to withstand. In addition, the culvert may, in the future, need to be repaired, replaced or, (even though unlikely) up-rated if conditions in the catchment change. These works may necessitate the demolition of the workshop.

Following the development, the most likely impact on the culvert is the possible deformation of the culvert barrel which is why we would advise that you, as the Local Planning Authority, satisfy yourselves that the approach adopted has been inspected and assessed by a suitably qualified engineer to give some surety regarding its current state and longevity.

The Board would not object to this application as the nature of the construction does not form an obstruction to the watercourse itself and is therefore outside the Board's regularly control. However should the culvert collapse and become obstructed, the board would need to remind the riparian owners of their responsibilities to maintain he culvert. In extreme cases the Board may need to enforce to ensure that the structure remains clear.

Environmental Quality: NO OBJECTION

REPRESENTATIONS

One letter of **objection** on the following grounds:

- Deliveries and vehicle movements late evenings and weekends
- Lack of turning area for larger vehicles

- Noise and disturbance
- Loss of trees

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

DM1 – Presumption in Favour of Sustainable Development

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key issues are:

- Principle of development
- Impact on neighbours
- Highways and access
- Flood risk

Principle of Development:

The proposal is for the retrospective construction of a self-contained workshop extension to an existing garage and a change of use to allow a car/lorry upholstery business to operate from that extension.

Paragraph 83 of the NPPF (2019) states that planning 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 buildings.

Paragraph 84 states that decisions should recognise that sites in rural areas may have to be found outside settlement boundaries. It will be important to ensure that development is sensitive to its surroundings and does not have an impact on local roads.

Policy CS10 of the Core Strategy (2011) supports the growth of the rural economy; the policy presents a flexible approach to employment generating development.

Considering the scale of the use, with no employees proposed other than the occupant of the dwelling (working from home), the proposal is considered to accord with Paragraphs 83 & 84 of the NPPF and Policy CS10 of the Core Strategy (2011), the principle of the proposal is considered acceptable.

Impact on Neighbours:

It is important to recognise the upholstery business is a B1 light industrial activity and does not involve heavy industrial machinery. Information from the applicant details the day to day operations on the site, including information on the types of equipment used. The upholstery business is proposed to operate between the hours of 8:00am and 4:30pm Monday-Friday and at no time on weekends or public holidays. Equipment used, including an industrial sewing machine, hot glue gun, air stapler and hot air gun may lead to limited noise. However given the separation distances between the proposal site and the adjacent dwelling (approximately 35m between the workshop and front elevation of the neighbouring dwelling), it is considered that conditions relating to the hours of operation/delivery as well as a condition to ensure the roller door remains shut during the operation of machinery, adequately address the concerns in relation to noise and disturbance which were raised by both the neighbour and the Parish council. CSNN raises no objection on these grounds and the proposal is considered to comply with Policy CS08 of the Core Strategy and DM15 of the SADMPP.

Highways and Access:

The site is located on Green Marsh Road, Terrington St Clement. The Local Highway Authority stated no objection to the application subject to suitable conditions to restrict the use of the business and ensure the business operations on site remain small-scale to limit potential vehicle movements.

Light Industrial uses (B1(c)) such as the workshop proposed as part of this application do not benefit from permitted development rights in relation to extensions or alterations. Any future expansion of the business would therefore require full planning permission in its own right. The use is therefore self-limiting in terms of the scale of operations on site. However, a condition will be imposed to ensure that the workshop is held and occupied in connection with the applicant's house. The proposal therefore complies with paragraph 84 of the NPPF and Policy CS11 of the Core Strategy (2011).

Flood Risk:

The Council's Strategic Flood Risk Assessment outlines potential flood risk throughout the Borough in order to ensure future growth is sustainable. Development in flood risk areas is required to demonstrate that the type of development is appropriate for the level of flood risk identified in the SFRA and flood risk is fully mitigated through appropriate design and engineering solutions when appropriate.

As a workshop in Flood Zones 2 & 3 the application is considered 'Less Vulnerable Development' and falls within the Environment Agency's Standing Advice. The building section submitted as part of this application shows the floor level to match the existing

garage on site which is considered to comply with the appropriate guidance in regard to flood risk mitigation.

The workshop extension was constructed over an existing drain, which runs along the North West boundary of the site. The drain was culverted with consent from the Water Management Alliance IDB. The IDB have not objected to the application as there is no obstruction to the watercourse itself; however constructing buildings on culverted drains is not recommended due to the pressure placed on the culvert and the potential for this to lead to collapse. An engineer's statement was subsequently provided by the applicant, which provides evidence that the culvert is capable of withstanding the additional pressure of the extension. For the reasons outlined above, the construction of the extension in this location is therefore not considered to lead to increased level of flood risk. The application therefore complies with paragraph 163 of the NPPF (2019) and Policy CS08 of the Core Strategy (2011).

Other Material Impacts:

Comments from the Environmental Quality team stated no objection to the application due to the retrospective nature of the proposal.

Conclusion:

The proposal seeks retrospective consent for a small scale workshop and associated business in the countryside. The proposal is self-limiting by virtue of the size of the site and the fact that any further expansion would require planning permission. The building is not detrimental to the visual amenities of the locality and the use can be adequately controlled by condition so as not to adversely affect neighbours.

As a result, the proposal accords with paragraphs 83 & 84 of the NPPF (2019), policies CS06, CS08, CS10 of the Core Strategy (2011) and policy DM15 of the Site Allocations and Development Management Policies Plan (2016). The application is therefore recommended for approval.

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:
 - L.K. 002 Sheet 2 of 3
 - L.K. 002 Sheet 3 of 3
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: No tools or machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or dispatched from the workshop, shown on dwg. No. L.K. 002 Sheet 2 of 3, outside the hours of 08.00 - 16.30 Monday to Friday nor at any time on Saturdays, Sundays, Bank or Public Holidays.
- 2 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.

- 3 Condition: The roller shutter door should remain closed when the workshop extension shown on dwg. No. L.K. 002 Sheet 2 of 3 is occupied, other than when required for entry and egress.
- 3 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 4 Condition: Within one month of the date of this decision, full details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved within two months of the approval of these details.
- 4 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 5 Condition: The workshop hereby approved shall be held and occupied in connection with the dwelling outlined in red on dwg. No. L.K.002 Sheet 2 of 3 and shall at no time be utilised or sold as a separate or unassociated unit.
- 5 Reason: For the avoidance of doubt and in the interests of the amenity of the locality in accordance with the NPPF.