

AGENDA ITEM NO: 8/1(b)

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: 9 December 2019

Reason for Referral to Planning Committee – Deferred from Committee on the 7th October 2019

Neighbourhood Plan: No

Member update

Members may recall that this application was referred to the Planning Committee on the 7th October with the recommendation of Approval. The application was deferred without discussion due to the submission of late representations from the agent, offering a supporting statement which presented additional information on the nature of the use of the containers. Clarification was therefore required as to the status of each of the containers for further consideration of the issues.

In light of the new information, which indicates that only 2 out of the 15 containers are used by the business owners of Abbey Yard and the remainder are rented out to the general public or other estate businesses, this changes the emphasis on the need for the containers in this location.

The previous report to committee was a balanced recommendation based on the fact that the containers were enabling development which supported the newly approved small businesses at Abbey Yard. Now that it has been clarified that this is not the case and it is apparent that the storage containers form a business use in their own right for self-storage, together with the fact that they are located within a highly sensitive location (within the setting of Listed Buildings and Scheduled Ancient Monuments) the recommendation has been changed to one of refusal.

Further explanation of the issues associated with a storage container business use in this location will be explored later in the report.

Case Summary

The application site is situated within the Abbey Farm Barns complex on the eastern side of River Road, West Acre. The containers are located within the courtyard of the converted barns behind Abbey Barn (Grade II* Listed) and within the setting of two Scheduled Ancient Monuments.

The application seeks retrospective consent for the siting of 15 storage containers; 6 containers are sited behind the northern section of Abbey Barn, 6 are sited behind the main Abbey Barn building and 3 are currently sited to the front of Abbey Barn but will be moved to the rear.

Key Issues

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

Recommendation

REFUSE

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 general storage purposes. 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

A supporting case has been submitted for further consideration and reads as follows:-

"The containers arrived in West Acre in response to an increasing demand for economical small storage options on the Estate. The demand was received from tenants at Abbey Yard, local residents and also local small business owners.

Abbey Yard was initially created many years ago catering for the Estate through offering agricultural and forestry buildings. Tractors would come and go along with other machinery and local workers. Thereafter it was the original setting for Westacre Theatre who transformed the yard and also constructed an outdoor theatre. The theatre along with its

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following and popularity then needed to relocate to larger premises. With the theatre gone and the agricultural machinery already relocated it left Abbey Yard empty and vulnerable to degeneration as with many small agricultural buildings and yards throughout the UK.

The Estate owner wanted to create a low impact development which would support local residents and businesses, utilise the space to prevent rural decay and do this in harmony with the historical site. Planning permission has recently been granted for the change of use of the barn workshops which surround the containers. The main barn is now nearing completion of its transformation into a Craft Brewery which has secured the future of this listed building and again generating a new lease of life to the site. The storage containers support this concept of a low impact development due to their temporary nature. They support the demands of the area and prevent any permanent structures being constructed.

Specific factors taken into account whilst considering the location of the containers include the following:

The road feeding into the yard is not a single lane track nor does it include any hidden bends. It is speed restricted and there are changes being implemented in the near future to cater for any additional pressures the brewery may have on the highway.

Rural crime is persistently a concerning factor living remotely so with the containers being within the yard and also in the centre of the village this adds a level of security and reassurance to each and every occupant.

The yard offers suitable surroundings mitigating any visibility and/or impact upon local residents. The containers are sandwiched between the barns and the brewery development and are also not of any greater height than these buildings so do not over shadow or overwhelm the area. Within the yard itself tenants of the units also rent containers so complimenting one another perfectly.

There are 15 containers on site and all are fully utilised. They are of standard size measuring 8ft (2.43m) x 8.5ft (2.59m) x 20ft (6.06m). The containers have been transformed by local artist Harry Malt rather than have them create a dull, oppressive feel. They are open to interpretation as with all art but they are not intrusive nor offensive and are not easily visible unless you enter the yard which you wouldn't need to do unless accessing one of the workshops.

In conclusion the containers offer the area a low impact solution to a demand which promotes sustainability, prevents rural decay which in turn supports the growth of small local businesses therefore promoting rural development".

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

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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

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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 are 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.

Conservation Team: It was previously reported to Committee that the Conservation Team raised no objection to the containers. This was a finely balanced view based on the facts at the time that the containers related to the existing business units on the site and they would be temporary and painted a natural colour, therefore resulting in less than substantial harm to the heritage assets.

However, in light of the new information, the Conservation Team now **OBJECT** to the development on the following grounds:-

This site is a highly sensitive historic area being a within the precinct of a large Scheduled Ancient Monument and with seven listed buildings (Grade II and II*) in the vicinity.

It has become apparent that these containers do not relate directly to the businesses within the farm yard complex and could therefore be sited elsewhere within the village, away from the SAM and listed buildings.

Para 193 of the NPPF states "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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Therefore, given the lack of any justification for the location of these containers, the negative impact on the setting of these important, historic buildings and the SAM, means this application should be refused in accordance with the NPPF as well as the NPPG and Development Plan Policy FCS12 (Environmental Assets).

REPRESENTATIONS

None received.

LDF CORE STRATEGY POLICIES

CS10 - The Economy

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)

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 well being 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, paragraph 83 of the NPPF supports sustainable business growth, expansion and adaption in rural areas in order to build a strong and prosperous rural economy.

However, paragraph 84 states that “In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or public transport)”.

In assessing the historic environment, paragraphs 193 and 194 of the NPPF states that “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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”.

Paragraph 196 explains that “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 sited on land within the setting of a Grade II* listed building and within two Scheduled Ancient Monuments. There are a number of units which are painted bright bold colours and are proposed to be used as a permanent storage business; as such consideration will be given to the sensitivity of the site in line with the above mentioned policies.

Members may recall that this application was deferred from the October Planning Committee due to the need to further consider some new information submitted through late representations. The application was previously recommended for approval but this was a balanced assessment based on enabling development where the containers were sited to support the newly approved small businesses at Abbey Yard. On balance this was considered to outweigh the ‘less than substantial’ harm that would result from the siting on the containers on the setting of the Listed Building and the SAMS. The LPA believed that the intentions were for the containers to support the small businesses on site until they were established and could find alternative means of storage, where they would then be removed, which was proposed to have been controlled by way of a temporary time limit condition. Also it was conditioned to paint the containers a neutral colour to reduce their impact.

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In light of the new information, the issues will be reassessed under the following sections of this report.

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

It was previously considered that, on balance, the containers would cause no material harm to visual amenities of the area on the basis that conditions would be imposed to re-paint the units to a neutral colour and to control the degree of permanency to ensure they are removed within three years once the business uses within Abby Yard were fully established.

The situation has now changed and the containers are required on a permanent basis to provide self-storage for the general public. It could therefore be argued that the permanency of the storage containers would cause long-term harm to the visual amenities of the area.

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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Given the lack of justification, scale, appearance, number of units and the permanent nature of the storage containers, it is not considered that this type of use is an appropriate location due to the adverse impact on the setting of the listed barns and the SAMs.

Whilst the resulting harm is less than substantial in terms of the NPPF, the intention is for the storage containers to be sited permanently. Irrespective of whether or not the harm amounts to less than substantial harm, the containers are not considered to be a desirable form of development that would make a positive contribution to the local character and distinctiveness, as stated in section 16 of the NPPF.

Furthermore, any public benefit is not directly linked to the businesses on site and as such the containers could be sited in a more appropriate location where site constraints are not as sensitive. It is considered that the limited wider public benefits do not outweigh the harm that the containers have on the heritage assets within this site.

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.

Highway Safety:

The Local Highway Authority raises concerns with the application as West Acre is unsustainable in transport terms.

After further consideration when previously reported to Committee, they raised no objection on the basis that the containers would be temporary and conditioned to be used in connection with the existing business units on the site, thereby not generating additional traffic.

However, given that the circumstances have now changed and the containers will be used for self-storage purposes with no connection to the newly converted barns, it is not considered to be a sustainable form of development. It is not only the unsustainable location of West Acre which raises concern; it is compounded by the nature of the use for self-storage and the associated reliance on use of a car to access the containers.

Whilst the NPPF supports growth and expansion of rural businesses in locations that “may be found adjacent or beyond existing settlements” as laid out in paragraph 84 of the NPPF, there is no overriding justification to allow such a use in an unsustainable location such as West Acre. This paragraph further states that “In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.

It is not considered that the development complies with the provisions of this part of the NPPF, in that it is not sensitive to its surroundings, as discussed above in the Heritage section of this report; it is not physically well-connected or related to adjacent villages and it does not offer any opportunities to make the location more sustainable.

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 a permanent storage container business, unrelated to the ongoing conversion of the Abbey Barn for business uses, is not appropriate in this location as it does not respond sensitively to the local environment and would cause harm to the setting and significance of the heritage assets, contrary to the general provision of the NPPF and particular Section 16; Core Strategy Policies CS06, CS08; and CS12 and SADMP Policy DM15.

There has been a key change since the previous Committee Report recommendation, as the storage containers are not linked to the emerging businesses on the wider site.

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Therefore, the limited wider public benefits of the general storage use would not outweigh the resulting harm to the setting of the listed building and the SAMS, contrary to paragraph 16 of the NPPF and Policy CS12 of the Core Strategy.

There are also concerns in relation to the sustainability of the development, due to the remote location of West Acre and the nature of the use being general self-storage and the associated traffic generation, contrary to paragraph 84 of the NPPF.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The storage containers, by virtue of the number of units, their appearance and nature of their use and degree of permanency, would cause unjustified harm to the setting and significance of the Listed Buildings and the Scheduled Ancient Monuments within the site. There would be no overriding public benefit that would outweigh the resulting harm. Consequently, the application is contrary to the general provisions of the NPPF, and in particular section 16, Core Strategy (2011) Policies CS06, CS08 and CS12 and Policy DM15 of the Site Allocations and Development Management Policies Plan (2016).
- 2 West Acre is a remote rural village / hamlet and as such is considered to be an unsustainable location for a development such as a self-storage container business. The nature of the use will generate additional traffic to the site which should not be encouraged as laid out within Core Strategy Policies CS08 and CS10 and the provisions of the NPPF. This type of business use in an unsustainable rural location is not justified as it is not considered to be sensitive to its surroundings, is not physically well-related to existing settlements and does not exploit any opportunities to make the location more sustainable, contrary to paragraph 84 of the NPPF.