

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>END EXTENSION TO EXISTING WORKSHOP BUILDING</b>	
<b>Location:</b>	<b>Land South of Old Battery House Cross Bank Road King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>MR N LAKE</b>	
<b>Case No:</b>	<b>21/00630/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mr C Fry</b>	<b>Date for Determination: 26 May 2021</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Ben Jones

**Neighbourhood Plan:** No

### **Case Summary**

The application site (0.12ha) comprises a storage yard and workshop enclosed with iron mesh fencing and workshop building, to the North of Kings Lynn Town Centre.

Access to the site is via Cross Bank Road.

The site is contained within an area associated with the port and is used as a workshop for the repair of boats and any equipment used in association with the shellfish business.

Grade II listed residential buildings are adjacent to the site.

The application seeks consent for an extension to the existing workshop on the site.

### **Key Issues**

1. Principle of Development and Planning History
2. Impact upon Designated Heritage Assets
3. Impact upon Neighbour Amenity
4. Other Material Considerations

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks consent for single storey a single storey extension to the existing workshop on the site. The exiting workshop and site is used in association with welding and the restoration of shellfish boats and the fixing of machines in association with John Lake Shellfish.

The existing workshop which is in the southern corner of the site scales 11m (w) x 5.35m (h) x 12.1m (l) constructed from metal box profile sheeting in Grey with blue trim.

3m high mesh fencing encloses three sides of the site. Established dense hedging encloses the northern boundary. A TPO tree is located on the north eastern boundary of the site.

Other buildings in the vicinity of the site are portal framed industrial buildings associated with the port operations.

The extension projects from the northern elevation of the building scaling 11m (w) x 4m(d) x 5.35m (h). It will be constructed from materials that matches the existing.

## **SUPPORTING CASE**

The application has been supported by a Design and Access Statement. A summary of which is provided below:

- The site contains a full hard surface yard and a single portal framed steel building used for repairs and fabrication
- The extension will provide an extra 44m<sup>2</sup> of enclosed workshop space
- The extension will tie into the same eaves and apex height with materials to match existing
- No new access is required, and there is no intention to increase vehicle movements. The extension is required because of the Covid-19 pandemic to enable the business to carry out its own repairs and small fabrication
- Flood Zone 3 and in line with standing advice floor levels will match the existing workshop floor level.

The agent has also provided a short supporting statement

The planning application was submitted to extend and existing portal framed building by one bay. The existing Workshop serves John Lake Shellfish for its factory maintenance and repairs together with repairs and servicing of the 10 boats that the company uses.

Currently the workshop engineers weld mainly externally of the workshop as the workshop space does not allow for covered welded always inside.

The extension would allow the engineers to carry this work inside the building in a more controlled and safer environment.

By providing more space within the workshop it would reduce any arc light created or noise generated by the process because the works would be carried out within the building rather than outdoors.

The proposed extension is to a well-established workshop owned by John Lake Shellfish for many years and employs local engineers and has 1 current trainee. The Workshop is run generally between 7am and 4.30pm with exceptions when a breakdown happens.

John Lake Shellfish exports 95% of its sales. The factory processes the live shellfish by cooking and freezing. This work is carried out on a 24/7 basis. Processing times are often determined by tides, fishery opening times and transport.

As the site of the Workshop and the Factory and boats are all located at the Kings Lynn docks, they are all local to each other and working alongside many other similar fishermen and processors.

In our opinion the application for this extension could only benefit neighbours by more works being able to be carried out internally rather than outside of the structure.

## **PLANNING HISTORY**

2/02/1688/O: Application Withdrawn: 15/03/04 - Site for residential development

2/87/0946/F Construction of a shrimp processing factory with service area and new carpark – permitted 04.08.87

2/85/3194/F – Renewal of planning permission for a cockle boiling shed, store and garage permitted 14.11.85

2/75/2634/F – Retention of cockle boiling shed packing shed and garage permitted 1.12.75

## **RESPONSE TO CONSULTATION**

**Parish Council:** N/A

**NCC Highways:** NO OBJECTION

**NCC PROW Officer:** NO OBJECTION

**Arboricultural Officer:** NO OBJECTION

**Environmental Health & Housing – Environmental Quality:** NO OBJECTION

**Environmental Health & Housing – Community Safety Neighbourhood and Nuisance:** NO OBJECTION SUBJECT TO CONDITION for the roller shutter door on the north elevation of the extension to be closed at all times other than for access and egress to/from the workshop.

**Natural England:** NO OBJECTION

**Healthy and Safety Executive;** comments that they do not advise against the granting of planning permission

## **REPRESENTATIONS**

**TWO** letters of objection on the following grounds: -

- Noise disturbances emanating from the existing workshop are a cause for ongoing disturbance preventing peaceful enjoyment within this neighbouring Residential property impacting on sleep
- When the door is open the noise from inside is very audible inside The Old Battery House
- Existing noise ongoing throughout the working week, weekends and inc. bank holidays is not acceptable.
- What measures will be put in place to mitigate a possible increase in work-based activity both inside and outside this workshop existing or otherwise.
- Soldi close board fencing upon the boundary should be considered out of necessity to further mitigate current machine and mechanical noise emanating upon this site and related workshop.
- Noise detrimentally affects the market value of The Old Battery House.
- Not everyone has been served with a notice drawing attention to the application.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**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

**DM2** – Development Boundaries

**DM21** - Sites in Areas of Flood Risk

## **Policy E1.1 – King’s Lynn Town Centre**

## **Policy E1.2A - King's Lynn Port**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

### **PLANNING CONSIDERATIONS**

The main planning considerations regarding the application are:

1. Principle of Development and Planning History
2. Impact upon Designated Heritage Assets
3. Impact upon Neighbour Amenity
4. Other Material Considerations

#### **Planning History Principle of Development**

The site contains a workshop and hard standing area which is used as part of the shellfish operations at the port. The building was granted planning permission in 1987 to be used as a shrimp processing factory. Overtime, the building has become used to fix and mend boats and machines used in association with the shellfish business.

The operations of the site helps to support the operations of the Shellfish industry at the port and in accordance with Policy CS01 spatial strategy, Cs03 King Lynn area, CS10 Economy the LPA will look to support the local economy through supporting proposals that help to sustain or promote employment opportunities subject to other material considerations.

#### **Impact upon Designated Heritage Assets**

The site is to the south of grade II listed Old Battery House (residential neighbour) and beyond that are the grade II listed Coastgaurd Cottages. It is a statutory duty for Local Planning Authorities to pay special regard to the desirability of preserving any listed building/s or its setting under s.66 of Town and Country Planning Listed Building and Conservation Areas Act 1990.

The site is clearly separated from the workers cottages by virtue of the established hedging and screening, and visually forms part of a group of industrial buildings that are associated with the port.

The proposal seeks to extend the workshop on the site, by 11m in width and 4m (d) and 5.35m (h). The extension will use materials that match the existing.

Whilst projecting 4m towards the Old Battery House, the Conservation Officer states that the proposal will have no further impact on the nearby listed buildings compared to what is currently on the site.

Even if it could be said that there was harm caused to the setting of the Grade II Listed Old Battery House, it would be considered less than substantial. In cases where less than

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substantial harm occurs, such level of harm should be weighed against the public benefit the proposal brings, including its optimal viable use (paragraph 196 of the NPPF).

There is no material impact upon the Coastguard Cottages, which are beyond the Old Battery House.

In this case, when weighing the harm against the public benefit, it is your officer's opinion that the level of harm to the setting of the grade II listed building is outweighed by the proposal helping to expand current operations of the site, in turn helping to sustain jobs.

### **Impact upon Neighbour Amenity**

The scale and siting of the extension to the shed does not cause any overbearing, overshadowing, or overlooking impact upon the Old Battery House.

Third party representation raises issue over the potential for increased noisy activities that could occur, as a result of extending the workshop.

The operations of the site have been established over time and there have been complaints raised to the council relating to noise from emanating from the site.

The workshop operates on a normal day to day basis from 7am to 4pm in the afternoon, unless there is a breakdown at the Shellfish factory or one of boats breaks down. Out of hours calls can occur, where the workshop is needed to operate if essential machinery used in the factory needs to be repaired.

The Environmental Health team have commented that the extension could lead to the expansion of the sites operation, thus leading to more noise complaints. Rather than object to the scheme, Environmental Health team considers that provided the roller shutter door is always closed, except for access and egress the proposal would not cause any detrimental impact upon the adjacent residential neighbours.

It should be noted that there is an existing roller shutter door with no restrictions on its opening. Albeit the proposal will involve the provision of a roller shutter door, 4m further towards the neighbour at the Old Battery House, it is your officer's opinion that the proposal would fail to meet the tests of required to impose a planning condition.

To impose a condition on a planning permission the condition must meet the following tests.

- Necessary
- Relevant to planning
- Relevant to the development to be permitted
- Enforceable
- Precise and
- Reasonable in all other aspects.

In this case, it is your officer's opinion, with the existing door not subject to a condition in regard to its opening, it would be unreasonable to require the new door to be shut at all times for access and egress reasons. This especially considering that the new door will still be a good separation distance from the neighbour at 40m from the flank elevation of the Old Battery House, compared to the existing door which is 44m to the side elevation of this neighbour.

Given there are the statutory nuisance provisions that can still be utilised in the event that there is a problem with noise, and with no current planning restrictions in terms of the

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operations of the site, it is considered it would be unreasonable to refuse this small scale extension on neighbour amenity grounds, or indeed restrict its use.

### **Other Material Considerations**

The site lies within flood zone 3. The EA standing advice for applications of this scale and nature (less vulnerable in flood risk terms) is to ensure that floor levels are set no lower than existing. A condition will be imposed to ensure that this is to be the case.

Whilst there are no ecological features on the site that would merit a protected species report, the site is adjacent to the Great River Ouse, and Herring Gulls are known to fly in land along the route of the river. However, given the nature of the proposal, it is not considered that the Herring Gull species will be affected. It is worth noting that Natural England raise no objection regarding the proposal and its impact upon designated sites.

NCC highways team raise no objections to the proposal.

At the time of writing the report, no response has been received from the Public Rights of Way team. It is not considered to be necessary to await their comments, as the proposal does not materially affect the use of the byway.

The Arboricultural officer raises no objection to the proposal and its impact upon a TPO tree which is on the north eastern boundary of the site.

Environmental Quality have no comments to make regarding contaminated land.

### **CONCLUSION**

The principle of development, to support industrial/economic activities, is supported by national and local policy. The main issues to be considered are the specific details of the scheme, especially in this case its impact on neighbours.

It should be noted that the building and site has no conditions imposed to control its use or hours of operation and has been operating for a significant amount of time. Thus, to refuse the application or indeed, to impose a condition on this small scale development, is considered to be unreasonable, particularly given that the remaining distance between the extension and the nearest neighbour is considered to be acceptable in its own right.

The use of the statutory nuisance provisions remains an option if noise is unreasonable in the future.

The Conservation Officer raises no objection to the proposal and its impact upon the setting of the Grade II listed buildings.

Given the above it is considered that the proposal be approved subject to the following conditions and reasons

**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: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 3558/21/3 Proposed Workshop with extension, elevations and plans received 31st March 2021
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The floor level of the extension will be set no lower than existing floor level of the workshop building
- 3 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.