

<b>Parish:</b>	<b>Heacham</b>	
<b>Proposal:</b>	<b>Retention of the raised platform and drainage system to support the discharge of fluids following the installation of a wash pad within the storage yard as permitted under Class J of Part 7 of Schedule 2 of the General Permitted Development Order (GPDO).</b>	
<b>Location:</b>	<b>Heacham Holidays Ltd Long Acres Holiday Home Park South Beach Road Heacham PE31 7BA</b>	
<b>Applicant:</b>		
<b>Case No:</b>	<b>22/01774/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 1 December 2022 Extension of Time Expiry Date: 6 April 2023</b>

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

**Neighbourhood Plan:** Yes

**Case Summary**

Retrospective consent is sought for the construction of a raised platform and installation of associated klargester, associated with a wash pad installed under permitted development rights, on a site known as Heacham Holidays Ltd, to the rear/south of Long Acres Holiday Home Park, South Beach Road, Heacham.

An enforcement appeal is ongoing on site, under ref 21/00133/UNAUTU which relates to the unauthorised use of a track from the edge of this application site to Fenway to the east. The area for that enforcement appeal does not include this application site, and is unrelated to it.

The application site was granted consent for the construction of a storage building in 2007, followed in 2012 by an application for an extension to the building associated with caravan storage and maintenance.

The land in question is part of a fenced compound located at the rear of the Long Acres holiday caravan site.

**Key Issues**

- Principle of Development
- Form and Character
- Highway Safety
- Other Material Considerations

**Recommendation**

**APPROVE**

## **THE APPLICATION**

Retrospective consent is sought for the construction of a raised platform and installation of associated klargester, associated with a wash pad installed under permitted development rights, on a site known as Heacham Holidays Ltd, to the rear/south of Long Acres Holiday Home Park, South Beach Road, Heacham.

An enforcement appeal is ongoing on site, under ref 21/00133/UNAUTU which relates to the unauthorised use of a track from the edge of this application site to Fenway to the east. The area for that enforcement appeal does not include this application site, and is unrelated to it.

The application site was granted consent for the construction of a storage building in 2007, followed in 2012 by an application for an extension to the building associated with caravan storage and maintenance.

The land in question is part of a fenced compound located at the rear of the Long Acres holiday caravan site.

The raised platform measures a total height of 2.3m to the top of the balustrade and is proposed to the east of the existing storage building on site, within an existing area of hardstanding. The raised platform has width of 16m and is positioned on the wash pad/hardstanding with drainage run to the north/north east. The Klargester is proposed on the edge of the hardstanding to the north east of the application site, intercepting oil associated with washpad into the existing private foul drainage system. A drainage technical note and proof of the Trade Effluent Consent has been provided as part of this application.

## **SUPPORTING CASE**

The planning application before you seeks approval for the retention of the raised platform and drainage system to support the discharge of fluids following the installation of a wash pad within the storage yard under permitted development rights (Class J of Part 7 of Schedule 2 of the General Permitted Development Order (GPDO)).

The Case Officer has confirmed that the wash pad benefits from permitted development rights associated with the lawful use of the building on site for storage (under 07/00555/F which granted permission for the main building and 12/0197/F which granted permission for a lean-to extension to it). This means that the storage and maintenance area is approved by the LPA and benefits from Permitted Development rights under which the wash pad was constructed. The wash pad is needed to wash caravans, vehicles and equipment without contaminating the ground and the associated drainage system (subject of this application) is needed to prevent pollution of the ground or water courses by the wash water. The proposal is supported by a Drainage Technical Note which sets out a long-term drainage maintenance plan for the use of the wash pad. Provision of the drainage system is supported by the Environment Agency.

The platform is needed to enable workers to safely access underneath the vehicles and caravans which are being washed. It is 2.3 metres high, but the screening around the site means that it cannot be seen from any public views and will not have any adverse impact on the character and appearance of the surrounding area.

Issues relating to the use of Fenway are not relevant to this application. The use of Fenway is subject to an enforcement notice which is currently under appeal. If the appeal is unsuccessful the use of the access to Fenway will be prevented, regardless of the outcome

Planning Committee  
3 April 2023

of this application. If it is successful, then the use of the access to Fenway will have been found to be acceptable. Either way, it would be unreasonable to take into account issues relating to the use of Fenway in determining this unrelated planning application. The new wash pad replaces one which has been in place for over ten years and will not generate any new traffic. The drainage and platform are to make it safer for workers and better for the environment.

The retention of the raised platform and drainage system within the storage area associated with Long Acres Holiday Park supports an existing, sustainable rural business development on previously developed land and will achieve a comprehensive scheme that improves the overall quality, function and appearance of the yard. The proposal accords with the key aims, objectives and visions as set out within both national and local policies which seeks to support the viability of an existing local business. Based on all of these reasons, we trust that the Committee will be able to support this proposal and grant our client planning permission.

## **PLANNING HISTORY**

22/01844/CM: OBJECTION TO NCC APP: 04/11/22 - County Matters: Retrospective use of land for storage , transfer, processing and recycling of waste arising and used in the operational use of Long Acres, North Beach, Putting Green and Riverside Holiday Caravan Parks. - Land To The South of Long Acres Holiday Park South Beach Road – DELEGATED DECISION

22/01050/F: Application Refused: 05/10/22 - Siting of diesel tank (retrospective) - Land West of Sewage Treatment Works – DELEGATED DECISION

21/02365/CM: OBJECTION TO NCC APP: 17/01/22 - County Matters: Waste Storage ancillary to the Holiday Park - Land South of Long Acres Heacham Holidays Ltd – DELEGATED DECISION

21/01064/F: APPEAL ONGOING: Application Refused - Change of use of land to caravan park (extension of existing holiday caravan park) – Long Acres

18/01605/F: Application Permitted: 04/12/18 - Change use of land from agricultural use to sales and storage area for touring and static caravans - Land West of Sewage Works – DELEGATED DECISION

12/01907/F: Application Permitted: 14/01/13 - Lean-to extension of existing unit and erection of new mono pitch building for machinery shelter and secure storage of tools and materials associated with caravan park maintenance. - Long Acres Caravan Park – DELEGATED DECISION

07/00555/F: Application Permitted: 10/07/07 - Construction of building - Long Acres Caravan Park – DELEGATED DECISION

04/00655/CU: Application Refused: 01/06/04 - Extension to caravan site including construction of amenity buildings and wardens flat - Long Acres Caravan Park – DELEGATED DECISION

2/03/1196/F: Application Withdrawn: 09/09/03 - Change of use of land to form extension to caravan park - Longacres Caravan Park – DELEGATED DECISION

## Relevant Enforcement History

22/00427/UNOPDE: : - Alleged Unauthorised Development. Drainage pipe leading to dyke. - Land W of Sewage Works

22/00291/UNOPDE: : - alleged unauthorised development - Long Acres Holiday Home Park

22/00133/UNOPDE: : - Alleged unauthorised operational development - Long Acres Holiday Home Park

22/00129/BOC: : - Alleged Breach of Condition - Long Acres Holiday Home Park

21/00506/UNAUTU: : - Alleged Unauthorised Use - NCC Notice - Long Acres Holiday Home Park

20/00318/BOC: : - Alleged Breach of Condition - Land West of Sewage Works

20/00331/BOC: : - Alleged breach of condition - Land West of Sewage Works

19/00072/BOC: : - Alleged breach of condition - Long Acres Holiday Home Park

## RESPONSE TO CONSULTATION

**Parish Council: NO OBJECTION** except requesting clarification on the following issues:

- We could not find this company on the Trade Effluent Register as noted by Anglian Water. Is the Klargest Oil Separator installed, the correct type for the contaminants that one would expect with cleaning commercial vehicles? T
- his following Condition **MUST** be met, **NO** vehicular access via Fenway

**Internal Drainage Board: NO COMMENT** – the boards byelaws must be complied with

**RSPB: OBJECTION** the comments summarised as follows:

The RSPB have concerns given the proximity of the site to protected areas of national and international biodiversity importance. The RSPB referred to previous planning application responses within their consultation in relating to disturbance impacts on these sites. In particular comments refer to impacts on Curlews, the loss of functional habitat, the presence of turtle dove in the enforcement notice area, and the potential for water pollution.

## REPRESENTATIONS

**THREE** letters of **OBJECTION**, stating comments summarised as follows:

- Since the access was opened Fenway (a restricted byway) has experienced a large variety of heavy plant and machinery transported to the site
- Site appears to be being used for maintenance and cleaning depot, causing disruption and danger to local residents
- Noise, dust and airborne pollution of users of Fenway for recreational uses, dog walkers, ornithologists, horse riders and access to the Ken Hill Rewilding project
- Query over legal right of vehicles to use Fenway for access
- Drainage has not been inspected and/or certified
- Trees and hedges on site have not been acknowledged within the Application Form
- Impact on protected species, designated sites of important habitat – with reference to previously refused 21/01064/F
- Query over discharging of trade effluent and whether the relevant consents have been granted/applied for
- Consideration should be given to impact of any airborne pollutants associated with steam cleaning or pressure washing

Planning Committee  
3 April 2023

- No benefit from social/economic/environmental standpoint
- Limited evidence to prove existence of previous washpad

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

## **NEIGHBOURHOOD PLAN POLICIES**

Policy 5: Design Principles

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

### **The main considerations are:**

Principle of Development  
Form and Character  
Highway Safety  
Other Material Considerations

### **Principle of Development**

#### *Washpad and Permitted Development*

This application must be considered on the basis that the provision of the hardstanding (which forms the washpad itself) can take place without planning consent. Permitted development fallback positions are a material planning consideration.

Under Class J of Part 7 of Schedule 2 of the General Permitted Development Order, development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
- (b) the replacement in whole or in part of such a surface is permitted development provided it falls within the relevant conditions. J.2(a) states that where there is risk of ground water contamination, the hard surface must not be made of porous materials,

The Agent provided evidence that a washpad was installed on site in 2009 and this proposal replaced the previous.

The hard standing is used as a washpad for cleaning caravans, other vehicles and equipment and falls within the conditions listed in this part and is therefore permitted development. The permitted development allowances would not however grant consent for any change of use.

### *Raised Platform and Drainage*

The raised platform and drainage infrastructure, consisting of a klargester linked to the wash pad via gullies and drainage runs require planning permission as they are considered to meet the definition of development and do not fall within the remit of any class of the General Permitted Development Order (GPDO).

This application does not propose to change the lawful use of the site. Despite the ongoing enforcement issues on site, considering the permitted development rights allowing the construction of the washpad itself, the proposed construction of a raised platform and associated drainage infrastructure is acceptable in principle.

The drainage technical note provided as part of this application outlines measures in place to prevent adverse impacts to the local environment and ensure that foul water is intercepted.

The expansion of rural enterprises is supported by policies at both a local and national level. The development is wholly within an existing fenced compound. The construction of drainage infrastructure prevents adverse impacts on water quality and pollution of the wider landscape and biodiversity as supported by Paras 8c, 174e and 180 of the NPPF.

### **Form and Character**

Policy 5 of the Heacham Neighbourhood Plan (2022) supports development which delivers high quality design which preserves and enhances the village of Heacham, is sensitive to its surroundings and does not lead to adverse impacts on landscapes or neighbouring residences.

The raised platform measures only 2.3 metres in height from ground to top of rail height, the storage yard is well screened and the ramp cannot be seen in any public views from outside the site. The platform is viewed in connection with the existing development on site and its visual appearance is not detrimental to the character of the area.

### **Other material considerations**

*Highways and Access* - The ongoing enforcement appeal on site is a separate matter which must be addressed separately. If the appeal is unsuccessful the use of the access to Fenway will be prevented regardless of the outcome of this application. If it is successful, then the use of the access to Fenway will have been found to be acceptable. Either way, it would be unreasonable to take into account issues relating to the use of Fenway in determining this unrelated planning application.

The new wash pad replaces one which has been in place for over ten years and will not generate any new traffic. The drainage and platform are to make it safer for workers and prevent pollution of surrounding land as a result of any run-off.

The development is proposed in connection with the existing lawful use of the site and with no change of use involved, the proposed development will not increase traffic to/from site. The highway impacts are therefore considered acceptable.

The application complies with the NPPF (2021), Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

*Flood Risk and Drainage* - The proposed construction of a raised platform and drainage run on site does not increase the flood risk vulnerability of the lawful use. The washpad is located in Flood Zone 1 of the Borough Council's SFRA (2018) however the associated klargester is in Flood Zone 2. Should flooding occur on site, the submitted Drainage Statement outlined measures to prevent adverse impacts on the drainage system in the event that flooding occurs on site. The flood risk impacts of the development are considered acceptable and comply with the NPPF (2021) and policy 17 of the Heacham Neighbourhood Plan.

### **Specific comments and issues**

*Response to RSPB Comments* - The RSPB refer to the need for a Habitat Regulations Assessment due to the proximity of the development to The Wash SPA, the Wash and North Norfolk SAC and the Wash Ramsar, as well as the Wash SSSI which are all within approximately 850m of the application site. These sites protect important species and habitats, and any proposed developments or activities must not undermine the sites' conservation objectives.

This is standard response from the RSPB to development in this area. There is no specific mention to the specifics of this development. The raised platform and drainage infrastructure, considering their scale and location within the caravan park maintenance storage yard, are considered unlikely to result in likely significant impacts on protected sites and therefore it is not considered necessary to undertake an Appropriate Assessment under the Habitats Regulations.

The proposal remains confined within the existing site boundaries and replaced an existing wash pad on site. The proposal does not result in the removal of any functional habitat for interest features of the nearest protected sites and considering the lawful use of the site and associated hardstanding area as well as what activities could take place without planning consent, the proposed development is not considered likely to lead to adverse impacts on the interest features in regards to disturbance.

### **CONCLUSION**

The construction of the raised platform and drainage infrastructure proposed under this application are considered to comply with relevant policies of the development plan in regard to supporting rural enterprises and preventing adverse impacts on the environment.

The washpad itself, a replacement of a previous hard standing, falls within the definition of permitted development under Class J of Part 7.

Other enforcement investigations and appeals on site are not relevant to this specific application. The appeal decision is a separate matter which will itself determine the suitability and principle of the use of the access to Fenway.

For those reasons, the application is considered to comply with the overarching aims of the NPPF (2021), Policies CS08, CS10, CS11 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016). This application is recommended for approval subject to the following conditions.

**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:
  - PLU01.03.01 Rev A received 7th October 2022
  - PLU01.03.02 received 7th October 2022
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The raised platform and klargester hereby permitted shall only be used in connection with the lawful use of the existing building and site area outlined in red on dwg. No. PLU01.03.01 Rev A received 7th October 2022 and shall at no time be separated or utilised for unrelated business or commercial purposes.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning where an unrelated use may result in greater impacts on the amenity of the locality in accordance with the NPPF (2021).
- 3 Condition: The development hereby permitted shall be completed in strict accordance with the details provided within the Drainage Technical Note written by Avison Young and submitted as part of this application. The development shall be held and operated in accordance with the measures outlined in Section 3 'Long Term Drainage Maintenance' in perpetuity.
- 3 Reason: For the avoidance of doubt and to prevent adverse risks associated with drainage and pollution in accordance with the NPPF (2021).