

<b>Parish:</b>	<b>East Walton</b>	
<b>Proposal:</b>	<b>Siting of 38 storage containers</b>	
<b>Location:</b>	<b>The Old Pheasantry E of Keepers Cottage Church Lane East Walton Norfolk</b>	
<b>Applicant:</b>	<b>Westacre Estate Management</b>	
<b>Case No:</b>	<b>20/01136/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs Jade Calton</b>	<b>Date for Determination: 2 October 2020</b>

**Reason for Referral to Planning Committee** – Referred by Councillor’s Manning and De Whalley.

**Neighbourhood Plan:** No

**Members may recall that this application was presented at the 8th February 2021 meeting where it was resolved that the application be deferred to another meeting for determination.**

**For ease of reference amendments to the February report (inclusive of previous Late Correspondence) are presented in emboldened text.**

**Case Summary**

The application site relates to a former Pheasantry and later a Quail Egg Farm which comprises two single storey buildings; a timber clad building and a concrete building which are both disused and in a state of disrepair.

The site is located on the eastern side of Church Lane, to the southern side of an unmade track which joins the B1153, East Walton.

Full planning permission is sought for the siting of 38 storage containers to the eastern side of the existing buildings on site. There are currently 37 containers present on site.

East Walton is a Smaller Village and Hamlet within the Core Strategy’s Settlement Hierarchy.

**Key Issues**

- \* Principle of development;
- \* Planning history;
- \* Impact on the landscape / visual amenities of the area;
- \* Impact on Heritage Assets;
- \* Highway safety;
- \* Other material considerations

## **Recommendation**

**APPROVE**

### **THE APPLICATION**

The application site relates to an agricultural field which was a former Pheasantry and later a Quail Egg Farm, comprising two single storey buildings; a timber clad building and a concrete building which are both disused.

The site is located on the eastern side of Church Lane, accessed via an unmade track which adjoins the B1153, East Walton.

Full planning permission is sought for the siting of 38 storage containers to the eastern side of the existing buildings on site. There are currently 37 containers present on site. 36 are Standard shipping containers measuring 6.1m long x 2.4m wide x 2.6m and 2 are high-cube containers measuring 12.2m long x 2.4m wide x 2.9m high.

They are used for self-storage purposes by local residents from East Walton, West Acre and Castle Acre for the long term storage of personal possessions and by local tradespeople and businesses, such as builders, a roofer, electrician for the storage of tools/equipment/materials associated with their work which is carried out on the Estate, in and around the area. The Estate office and local Montessori school also make use of the storage facilities for long term storage purposes.

### **SUPPORTING CASE**

The applicant has submitted a supporting case, which states the following: -

‘The site known as the ‘Old Pheasantry’ in East Walton is owned by the Westacre Estate, as is all the land and property in the vicinity, with the exception of two houses at the southern end of Church Lane.

It is a remote location, comprising an open field and two dilapidated buildings, surrounded by farmland and accessed via a private track.

Its original use, as the name suggests, was as a facility for raising pheasants for shooting on the Estate and for the kennelling of beagles. It was then for many years used by two local builders as a yard for storing materials and equipment.

In 2015, the Estate was approached by a local quail farmer who was losing his premises on a neighbouring estate and was in need of somewhere to relocate his business as well as somewhere to live. From January 2016 to March 2019 he ran his quail farm from the Old Pheasantry and lived in an Estate house nearby. This was quite a large enterprise, involving himself and one other full-time employee plus up to four additional part-time workers.

The site was attended around the clock, employees coming and going in separate vehicles. Eggs were removed on a daily basis for processing and collection nearby, and feed and LPG deliveries arrived by lorry on a weekly basis. Bird waste was stored on site for removal by the local farmer and the site was illuminated 24 hours a day.

Unfortunately, economic conditions forced him to close his business and the site became vacant. Soon after however, the Estate was asked to remove a number of storage containers that had been installed at a different site – Abbey Farm in West Acre – because it was felt they compromised the historic status of that location. This was another Estate-owned agricultural site that, similarly affected by changing circumstances, was at risk of falling into disrepair if new uses couldn't be found for it. The shipping containers had been installed there at the request of local residents as an accessible and economical location for storing personal possessions and equipment and materials associated with their businesses. It was with regret that we had to relocate them but we understood the council's concerns and felt that the Old Pheasantry made a good alternative.

There are now thirty-seven containers at the new site and the tenants remain local residents, businesses and tradespeople. There is no advertising for the business and no signage at the site. Each container has been let through word of mouth, with additional ones only being transferred to the site when someone in the community has requested it.

The local Montessori School has a container; four containers are let to residents of East Walton; six are let to West Acre businesses/residents; the Estate itself keeps two containers; four are let to people in Castle Acre. Six containers are let to people involved in festivals held on the Estate and so naturally are only frequented a few times a year at festival time. And whilst some of those held by local tradespeople – a decorator, electrician and several builders, for example, all of whom do the bulk of their work on the Estate – will often be visited several times a week, others are used for the long term storage of personal possessions and are visited very infrequently.

Tenants are instructed to access the site from the east – from the B1153 – rather than through the village. Efforts to improve the visibility at the junction have already been made and further improvements will be put in place once instructed by Highways. Vehicle numbers have been monitored and found to be low, certainly no more than was the case with previous uses of the site, and unquestionably not at a level to compromise the use of the access track by the Public Right of Way users (predominantly horse riders from the local livery stables run by an Estate tenant). The track will be resurfaced once the weather allows to improve the experience for all users'.

## **PLANNING HISTORY**

No site history.

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** – Various objections as seen on planning application comments after a village site meeting.

**Highways Authority: NO OBJECTION** - Vehicles numbers accessing the facility would appear to be low in number which is in line with the general trend that we do tend to find across the county for similar sites. The applicant also has the ability to route the associated traffic to a specific junction, to avoid others where there is safety concern and they have the ability to improve and upgrade to accord with the adopted standards.

While not ideal given its rural location and fast road onto which it would access, I believe that it would be difficult to substantiate an objection to this application should junction improvements be made and the applicant routes customers to the east. As a result it is

recommended that conditions with respect to the access and a suitably worded condition be applied to secure the route of access.

**Public Rights Of Way: NO OBJECTION** - we must make it very clear that this is private use and we would expect the track to be maintained so that it isn't to the detriment of non-motorised use.

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

**Natural England: NO COMMENTS RECEIVED**

**Historic England: NO OBJECTION** - We have considered the application and provided that the containers are matt green in colour, as shown in the application images, we consider that the containers would not be particularly visible from the medieval settlement scheduled monument and the remains of St Andrew's Church or the grade I listed Church of St Mary. As such, the impact on the setting and significance, would be negligible. On the basis of the information available to date, Historic England does not wish to offer any further comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**Conservation Team:** As this is a retrospective application the impact or harm from the storage containers, is already quantifiable. The containers are some distance from the nearby listed buildings, separated by hedgerows and existing agricultural buildings and barely visible . On this basis the harm caused is only minor, therefore no conservation objections. Historic England have already confirmed that they have no objections to the location of the containers with regards to the setting of the Scheduled Monuments, and Conservation would not disagree with this opinion.

## **REPRESENTATIONS**

**TWENTY-FIVE** representations of **OBJECTION** have been received raising the following concerns:-

- Highway safety;
- Additional traffic;
- Minor roads totally inadequate for increased traffic;
- Poor visibility at the Church Lane / Beagle Drove / B1153 junction and Wilsons Drove;
- Impact on horse riders;
- Numerous accidents in village on B1153;
- Envisage accidents happening;
- Increase in heavy goods vehicles;
- Church Lane is a single carriageway;
- Drove used by farm vehicles and horses;
- Local roads used by walkers, cyclists and horses;
- Roads are dark in winter afternoons;
- No road infrastructure to cope with more traffic;
- Views from B&B directly onto containers;
- Hedging on plans non-existent;
- Impact on local businesses;
- Impact on visitors;
- At present the location is visited by tourists as an area of natural beauty;
- An eyesore;
- Know of no evidence of increased demand in local area;

- Far more suitable locations for the development;
- Adds nothing to the local economy or to local area;
- Noise pollution;
- Bad for the village and residents;
- Abbey Farm and the Church are close by;
- East Walton has a long history;
- Inconsistent with its past and future;
- Containers moved to site before consultations started with the local community;
- Caused anger and dismay;
- Not a suitable business proposition in a small rural setting;
- Better suited to an industrial estate;
- No local facilities to support such development;
- Cause loss of visual amenity;
- Covered in many different colours;
- Not in keeping with surrounding rural landscape;
- Consider restrictions to opening times, including Sundays;
- Consider Improvement to screening;
- Consider all containers to be painted a neutral colour;
- Affects amenity causing distress to residents;
- The planning proposal contravenes the following: -
- NPPF section 2. Achieving sustainable development - The proposal is not sustainable, it will increase carbon emissions as the site is in the centre of a hamlet;
- NPPF section 6. Building a strong, competitive economy - this proposal does nothing for the local economy;
- proposer says they have a "waiting list", yet similar sites within a 15 mile radius have vacancies and are able to offer the same as this development would offer;
- NPPF Section 9. Promoting sustainable transport - The impact of increased goods and heavy goods traffic to and from the proposed site would be detrimental in the extreme;
- The infrastructure in and surrounding East Walton is wholly unsuitable for this traffic;
- The location is not accessible by public transport;
- The development is unsustainable;
- The same planning proposal was refused in West Acre, which has better public transport, is closer to a town but has similar single carriageway country lanes for access;
- NPPF Section. 11. Making effective use of land- this proposal does not make effective use of land. It does nothing support or enhance the countryside;
- It does nothing to improve public access to the village, in fact the reverse would be true;
- NPPF section 15. Conserving and enhancing the natural environment - The proposed development will be detrimental to the local environment and valued unspoilt countryside, increasing traffic, noise, pollution, as well as spoiling the scenic beauty enjoyed by local residents, visitors and tourists;
- SADMP DM9 - Community Facilities -There is nothing about this development that benefits or supports the local community;
- SADMP DM15 - Environment, Design and Amenity - This development will have a huge detrimental impact on existing residents, and the village as a whole. Noise, possible light pollution, visual impact;
- SADMP DM17 - Parking Provision in New Development - While the proposal does include parking on site, that in itself will lead to increased traffic, noise and pollution;
- Core Strategy CS01 Spatial Strategy - This proposal is located in a wholly unsustainable location. It will be detrimental to the heritage, cultural and environmental assets of the village, including an ancient woodland and historic church;
- CS06 Development in rural areas - it will be detrimental to the local character of the surrounding area and landscape, and detrimental to what is currently a high quality environment;

- does nothing to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources, currently enjoyed by locals, visitors, tourists horse riders and dog walkers;
- CS10 The Economy - Rural Employment Exception Sites - The proposed development is neither appropriate in size or scale to the local area;
- With other sites in nearby towns currently having vacancies for what will be offered at this development, it is not needed;
- CS12 Environmental Assets - detrimental to the environmental, social and economic needs of the local village, and the increased traffic, pollution and noise will have a negative impact on quality of life for current and future residents and visitors;
- East Walton is home to areas of ancient woodlands and Regionally Important Geological Sites (pingos);
- CS11 Transportation - increases rather than reduces the need to travel due to its remote rural location. The opportunity to promote sustainable transport does not exist;
- It will neither improve nor enhance the village;
- It will bring no benefit to the village;
- It will bring more traffic to the narrow lanes of the village and begin the downward trend to becoming a dumping ground for any eyesore not wanted elsewhere;
- This can only be detrimental for the village and there are numerous industrial estates around King's Lynn ideally suited for this enterprise;
- It could prove to be a very dangerous situation. The volume of traffic through our village has increased tenfold in the past few years. Having extra lorries, and or cars, in competition with farm machinery and horses in Church Lane, plus walkers and dog walkers will be so dangerous;
- There is another entry to the site but again you have the same problem;
- There are other places these containers can be placed;
- We all wish for a 30mph sign because the traffic is too fast through our village;
- Not all of the containers on site have been painted a neutral colour (green).

**FIVE** letters of **SUPPORT** received making the following comments: -

- Vital that small local businesses need affordable storage solutions;
- These are not widely available in the area;
- Store equipment safely and securely;
- The benefits to local businesses outweighs the objections;
- Consider rural economics and more people employed;
- Help small traders to help our economy;
- Having a cheap location where small businesses both existing and start-ups can use to continue trading during these times is both essential to the local economy and jobs;
- Find it unbelievable that so many people object to this application on such minor issues;
- This facility is also great for local residents who need more storage space;
- Do not believe there are any visibility issues;
- Do not believe it will have an impact on traffic in the village;
- When travelling on the B1153 you cannot see the site, not compared to the previous company on the site;
- My local business of 10 years relies on the use of this facility;
- Local trades people, school and community events which use the containers as an essential part of their business;
- They have been placed so hardly anybody notices them.

## **LDF CORE STRATEGY POLICIES**

**CS12** - Environmental Assets

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

## **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)

## **OTHER GUIDANCE**

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are as follows:

- Principle of development;
- Planning history;
- Impact on the landscape / visual amenities of the area;
- Impact on Heritage Assets;
- Highway safety; and
- Other material considerations

### **Principle of Development:**

The application site lies within the countryside and was historically associated with agricultural use, most recently as a quail egg farm.

Locally, Core Strategy (2011) Policy CS10 (The Economy) supports the rural economy and diversification through a rural exception approach to new development within the countryside; and through a criteria based approach to retaining employment land and premises.

Permission may be granted on land which would not otherwise be appropriate for development for an employment generating use which meets a local business need. Any development must satisfy the following criteria:

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- It should be appropriate in size and scale to the local area;
- It should be adjacent to the settlement;
- The proposed development and use will not be detrimental to the local environment or local residents.

The use of the site for the siting of containers for a self-storage facility supports rural diversification through expansion and growth of existing local businesses (owned by the Estate / applicant) by generating a use that meets local business need.

The proposal retains employment land and whilst East Walton is a smaller village / hamlet, the size and scale of the use relates adequately to the land on which it sits. It is also considered to be commensurate in size and scale to the settlement as it is mostly catering for local businesses and local residents. The site is within close proximity to the main settlement of East Walton.

In terms of whether or not the use is detrimental to the local environment or local residents will be addressed in more detail in the sections below in this report. But, on balance, there does not appear to be significant harm to the environment due to the fact that firstly, the containers are barely visible from any public domain, specifically Church Lane, the B1153 to the east or Wilson's Drove to the south.

Secondly, the use will create no more traffic than the previous agricultural use would have and as such there would be no material detrimental impact on the environment or on local residents in regards to noise, pollution, congestion or general amenity.

With regards to the use being employment generating, the nature of the use does not directly provide jobs. It necessitates two job roles to manage and organise the leases and such like, but involves people who are already employed by the Estate. Notwithstanding this, the key point in this case is that the use in this location supports local businesses which enables them to provide a service in and around the local community. The use therefore aids in securing and retaining local employment.

The NPPF (2019) also encourages a prosperous rural economy with paragraph 83 stating that Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Taking each criteria in turn, a) the storage container facility is an expansion of the Estate's business and provides for the local rural community and local entrepreneurs.

In regards to the second point, the containers are not considered to be well-designed new buildings, but their appearance accords with their nature, that is to offer affordable storage



solutions. The containers have mostly been painted in neutral green to be less conspicuous within the landscape, that said, they are not overly visible from any main public vantage points.

- b) The proposed use clearly involves the development and diversification of agricultural and / or other land-based rural businesses.
- c) is not relevant in this case as the proposal does not relate to tourism or leisure.
- d) The proposed use does offer the development of a local service and community facility by way of providing self-storage service which is already used by small local businesses and local householders.

East Walton is classified as a smaller village / hamlet, and such locations are not generally considered to be sustainable in terms of transport.

However, paragraph 84 of the NPPF recognises that sites which meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. It 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.

From the information provided by the applicant, vehicle numbers accessing the facility would appear to be low in number, which is in line with the general trend that is found across the county for similar sites, according to County Highways. The applicant has the ability to route the associated traffic to a specific junction, to the B1153 to the east to avoid traffic passing through the village, thus circumventing any unacceptable impact on local roads and residential amenity. They also have the ability to improve and upgrade the access at the junction of the B1153 to accord with the adopted standards, which in turn contributes to making the site more sustainable in access terms. The proposal therefore complies with the abovementioned aims and provisions of the NPPF.

The application site is well related to the existing settlement of East Walton and is within close proximity of other commercial / business premises owned by the applicant. The Old Forge is situated just west of the site at the junction of Church Lane and the access track, and is used as office space to let, but is currently vacant. Keeper's Cottage is adjacent to the Old Forge and part of the Abbey Farm tenancy which is let by the farmer as B&B accommodation.

Abbey Farm is situated on the opposite side of Church Lane adjacent to the entrance of the access track leading to the application site. This is a working farm with Liveries and a campsite.

The immediate area is home to a number of established businesses and as such already generate a level of traffic which would not be associated with domestic use. The application site has an agricultural use and was previously used as a quail egg farm which is not considered to generate any less traffic than the proposed use as a log-term self-storage yard.

It is therefore considered that the proposal would not materially affect the number of vehicular movements to and from the site or in and around the area significantly more than is currently experienced or would be if the site were in use for agricultural purposes, in accordance with the NPPF.

## Planning History:

Members may recall that a similar application for the siting of 15 self-storage containers (19/00405/F) was refused at Planning Committee on the 2nd December 2019 at Abbey Farm, River Road, West Acre. The current application is in response to that refusal, and involves the relocation of the containers, plus additional units, in order to try and overcome the previous reasons for refusal. Those reasons were as follows:-

- 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.*

**Reason 1 has mostly been addressed in that the containers are no longer within the curtilage of a listed building or Schedule Ancient Monument (SAM) and as such there would be no direct significant impact upon such heritage assets. However, St Mary's Church is nearby and it came to light that there are two SAMs in the area, both of which will need to be assessed. Consideration is given to the significance of the nearby heritage assets and their setting below in the report under the section 'Heritage Assets'.**

In regards to reason 2, as briefly discussed above in this report, East Walton is no more sustainable as a location than West Acre in terms of the fact that they are both classified as a SV&H. East Walton is however within close proximity to Gayton which is a Key Rural Service Centre and is connected by one main direct route, the B1153. Sustainability is still a problem issue to some extent but the traffic issue has been addressed and will be covered in more detail later in the report.

This application is about weighing up the Planning balance and although part of reason 2 is difficult to resolve because of the site's location, the previous application site also had very sensitive issues involving conservation and historic environmental constraints which weighed heavily on the refusal of that application.

Additionally, there are other business uses within the immediate area, which are owned by the applicant so could be considered as being an expansion and growth of an existing rural enterprise on a site which has an existing agricultural use. NCC Highways have raised no objection to the proposal as rerouting the traffic to and from the site via the B1153 will ensure that there is no impact on local roads.

Paragraph 84 (NPP) clearly states that 'sites which meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport'. The site is adjacent to the main settlement and it has been proved to some extent by the fact that the containers are all utilised and from letters of support that the site meets local business and community needs. And

simply given the fact that it is in the countryside is not reason enough to refuse such a use as stated within the Policy, and especially Government guidance in the NPPF.

**The containers no longer have a direct adverse impact on the conservation sensitivity of its surroundings as it did at Abbey Farm in West Acre.** The site is not overly visible from the public domain and as such has no adverse impact on the landscape or character and appearance of the area.

On the basis of the above, and whilst there are still some issues in terms of locational sustainability, much of reason 2 has also been addressed.

### **Impact on Landscape / Visual Amenities:**

The site lies in the countryside and is in a 2000m buffer area of a SSSI. National and Local Planning Policy states that the countryside should be protected for its intrinsic character and beauty, the diversity of its landscapes and wildlife. Aims and provisions for National Designated Sites concentrate on the protection and enhancement of biodiversity and geodiversity.

Natural England's Standing Advice applies to an application of this nature in SSSI Buffer zones, with regards to protect species, their habitats and landscape features. The SSSI Impact Risk Zones data identifies that the application site has no features that would make it suitable for creation of primary and priority habitats. Therefore, the lack sensitivities and features found on the application site indicates that the development would have no adverse impacts on the designation. Natural England have not raised an objection to the application.

As already stated, the application site has an agricultural use with two existing buildings. The Old Pheantry is a brick built building with a pitched corrugated roof and the second building is constructed from timber with a pitched tiled roof. There was another 13 substantial sized buildings on the site associated with past uses but these were demolished late 2018 / early 2019. The presence of these buildings on the site and their associated activity would have had a degree of impact on any features of the SSSI Buffer zone, that is to say, if any existed.

The existing buildings can be seen in the distance across the field, used as pasture land, from Church Lane. The containers are sited behind the existing buildings and as such are screened from views from the Church Lane. A hedgerow and vegetation also provides a degree of screening along the western boundary of the pasture field boarding Church Lane.

The containers are sited approximately 215 metres away from Church Lane. Any glimpses of the them from the public domain would be obscure and minimal due to distance, screening and their colour, which helps to make them blend into the landscape and trees behind.

The other two main vantage points would be from the B1153 to the east of the application site and Wilson's Drove to the south. Low level hedging and vegetation delineates the eastern boundary of the Old Pheantry site from the adjacent arable field to the east, which sits in-between the application site and the B1153. The vegetation sits on a small earth bank which runs the length of that boundary. The containers are sited approximately 330 metres east of the main road the B1153 across the adjacent field.

The containers become invisible to the eye when viewed from the B1153 due to the distance across the low lying flat field together with screening from vegetation and the fact that most of them have been painted green, making them blend in with the backdrop of trees and surrounding landscape.

The containers are sited approximately 201 metres from Wilson's Drove to the south of the site. An established hedgerow lines the entire length of the northern side of Wilson's Drove which screens the application site from the road. Furthermore, the application site is bounded by a hedgerow and trees to its southern side which further aids totally obscuring views of the containers from the public domain.

In terms of the visual impact of the proposed development, taking the above into consideration there is limited to no harm to the surrounding character of the countryside as there are no long views of the containers within the landscape.

The site does not lie directly within the SSSI but nevertheless the development / use will have no adverse effect upon it given the lack of priority features and that the site is /was already in use for a rural based business use and has therefore had a level of activity that would affect the quality of biodiversity.

#### **Impact on Heritage Assets:**

**Members of the February Committee requested that further consideration is given to the impact of the containers on local Heritage Assets, including St Mary's Church; two Scheduled Ancient Monuments (SAMs) in the locality of the application site, namely the ruins of St Andrews Chapel and the Medieval Settlement remains east of Walton Common.**

**The Church is Grade I Listed and situated on the opposite side of Church Lane to the south-west of the site. The Church is approximately 215 metres from the western boundary of the application site.**

**The ruins of St Andrews Chapel (SAM), which is north of the church, is approximately 214 metres from the western boundary of the site, and the Medieval Settlement remains east of Walton Common are some 315 metres to the north-west of the site.**

**None of the abovementioned heritage assets are within close proximity of the application site.**

**In assessing the Heritage Assets, 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 not sited on land within the curtilage of the listed Church or within the grounds of the two Scheduled Ancient Monuments. However, there are a number of units, some of 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 nearby Heritage Assets in line with the above mentioned policies.**

As already explained, the application site is set back a significant distance from the highway with a paddock of considerable depth in front, and is accessed via a track off of Church Lane. There are established hedgerows which bound the western edge of the paddock and this together with the distance of the containers from Church Lane means that there are minimal, if any, views of the development from the public domain.

However, although there may be no direct loss of, or impact to the Church or SAMs, consideration has to be given to any harm to the significance of the heritage assets by virtue of development within its setting as stated within the NPPF.

The setting of a heritage asset is defined in the glossary of the NPPF as follows 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

The NPPG states that 'the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation'.

The Church is set back within its grounds on the opposite side of the road to the application site and is not overly visible from the highway due to significant screening from mature trees and an established hedgerow to the frontage. There are long views of the top of the church tower from the application site but The Old Vicarage building obscures the majority of the church from public views from the east.

Again, the remains of St Andrews Chapel (SAM) are also not visible from the road as a 3m wall runs the length of the highway between Abbey Farm and St Mary's Church, thereby screening any views. There are no long views of the SAM from the application site due to the presence of mature trees and other buildings on the western side of Church Lane. The same can be said for the medieval settlement remains (SAM) further to the north west. These are not visible from Church Lane or from the application site due to screening from existing trees and buildings.

In turn, the containers cannot be viewed from the grounds of the church or SAMs by virtue of the trees, hedgerows, high level wall and existing buildings providing screening.

The Council's Conservation Team and Historic England raises no objection to the development stating that "as this is a retrospective application the impact or harm from the storage containers, is already quantifiable. The containers are some distance from the nearby listed buildings, separated by hedgerows and existing agricultural buildings and barely visible. On this basis the harm caused is only minor, therefore no conservation objections".

Historic England confirmed that they have no objections to the location of the containers with regards to the setting of the Scheduled Monuments and the Conservation Officer agrees with their opinion.

The importance of setting of the church and the SAMs is not considered to be materially affected by the development as there is limited, to no, visual or associated / physical relationship between the assets and the application site. Not only are there no views of or from the heritage assets (with the exception of the top of the church tower being visible from the application site), there would be no material impacts on the way in which we experience the assets in their setting, in terms of environmental factors such as noise, dust, smell and vibration from the container site. There is no historic relationship between the assets and the application site.

After due consideration, it is evident that the impact of the development on the setting of the heritage assets is inconsequential and therefore less than substantial harm will be caused to the significance of those assets and their setting. The 'less than substantial harm' is also considered to be outweighed by the economic benefits of bringing the land back into efficient use for business purposes and offering a service to the local community and small businesses.

On the basis of the above, it is considered that the development would accord with the provisions of local Policy CS12 and section 16 of the NPPF.

#### **Highway Safety:**

Initially, NCC Highways raised concerns regarding the local adopted road network as it wasn't clear what type of traffic would regularly visit the site and how many vehicles would be anticipated per day / week, and if any limits would be placed on those aspects.

The applicant installed a camera at the entrance of the site off the unmade access track to monitor the number of vehicles coming in and out. The data collected over one week showed the following results: -

- Tues 1 Sept: 1 no. refuse lorry.
- Wed 2nd Sept: 3 no. vans.
- Thurs 3rd Sept: 4 no. vans + 1 no. car.
- Fri 4th Sept: 3 no. vans.
- Sat 5th Sept: 5 no. vans.
- Sun 6th Sept: 2 no. vans.
- Mon 7th Sept: 4 no. vans + 2 no. cars.

The real time traffic data indicates that, for the week, a maximum of 6 vehicles attended the site per day being 12 trips, with an average of 4 vehicles (8 trips per day) per day, for the 32 units that were on the site at that time. At the capacity applied for (38 containers) projecting these figures would give daily access by a maximum of 7 vehicles (14 trips) at a peak.

This information was collected when many people were still in the process of reorganising the containers following the move from Abbey Farm in West Acre. Also some of the containers

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were new to the site so some traffic was generated from people loading them for the first time. It is therefore anticipated that the future use of the site / average daily traffic generation will be even less.

As indicated above, the vehicle types are mostly small vans and cars. The largest vehicle would be the refuse lorry which comes once a fortnight to other premises in the immediate vicinity (including properties accessed from the unmade track). It is also indicated that the customers utilising the facility are local, from East Walton and surrounding villages.

It is likely that the traffic generated from the proposed use will be no more than that associated with the previous uses at the site. In fact the last use as a quail farm produced vehicular movements from HGVs and such like, which does not appear to be the case with the proposed use and were not traffic controlled to use the main road as the current site users will be. If the proposed use to site storage containers did not utilise the site, it still falls within an agricultural use class with the associated traffic that such would engender.

The applicant has confirmed that it is stipulated in the users's License Agreements that they are required to use the access route to the east of the site via the B1153 to minimise the disruption to the village.

A condition will be imposed to secure the re-routing of the traffic.

In order to achieve suitable visibility at the junction of the unmade access track onto the B1153, the applicant has removed a small section of sparse hedging and earth from the corner of the field for the mean-time, in anticipation of County Highways condition to create full visibility splays. The applicant also proposes to lay hardcore along the track to increase its height which will aid visibility further. The applicant owns the adjacent fields and the access track and so has full control over them, making it reasonable for the LPA to condition further access improvement works to be carried out. There is also a public right of way that passes over the unmade access track which further protects it from being obstructed and unusable.

In light of this information NCC Highways raise no objection on balance, subject to conditions being imposed in respect of the access improvement works at the junction of the PROW / access track and the B1153 and an a suitably worded condition to secure the access route.

#### **Other Materials Considerations:**

##### *Public Right Of Way:*

The site access is taken via an unmade track which runs east to west from Church Lane to the B1153. The track is a Public Right of Way known as East Walton Restricted Byway 4 and is used by members of the public walking, cyclists and horse riders.

Initially there were concerns over the use of the PROW by customers of the storage facility given that it is not maintainable at the public expense to a vehicular standard. It was also considered that the increase in vehicle movements may result in a loss of amenity value for the PROW users, as well as causing additional conflict between these users and vehicles resulting in an increase in danger and inconvenience to all highway users.

However, the applicant confirmed that they own the restricted byway and the constraint does not restrict use to only non-motorised users, but ensures that access is never restricted to pedestrians, cyclists, horse riders and such like and the full extent remains open and accessible at all times. As the owner and maintainer of the PROW, the applicant can permit use by any type of vehicle that requires access providing it is not restricted to any non-motorised users. They also have full control over it so have stipulated that they will maintain

and upgrade the surface. This also means that appropriate conditions can be imposed requiring improvement works to the junction.

In light of this information, the PROW Officer removed their holding objection.

### *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 is not considered to have any material impact upon crime and disorder.

### **CONCLUSION :**

The principle of the proposal, that is to site 38 self-storage shipping containers appears to generally accord with the aims and provisions of Local and particularly National Policy, in terms of it being rural diversification, which meets local business and community needs. It could be deemed to aid growth and expansion to the existing businesses in the rural area, with some positive economic benefits.

It has been demonstrated that the traffic generation is low from the real time survey submitted and the applicant is taking steps to try and control the access to and from the site to avoid associated vehicle movements through the village. This will reduce any impact from noise, disturbance, pollution and congestion on local residential amenity.

That said, it is important to remember that the current use of the site is agricultural, and past and future uses would have / can produce a level of traffic which would have no less impact than the long-medium term self-storage yard.

Furthermore, the application enables the LPA to exploit opportunities to make access improvement works and aim to control the re-routing of the associated traffic which makes the site access better and safer.

In regards to visual impact, there is negligible impact. The containers are well screened by the existing buildings on site together with existing hedgerows, other vegetation and trees. Plus they are located such a distance away from any main public vantage point that together with their colour, they are barely visible.

**Given the above it is also considered that there will be less than substantial harm caused by the development to the significance of the nearby heritage assets, that are the listed church and the Schedule Ancient Monuments which are located some distance away from the application site. There is no historical or visual relationship between the assets and the application site and the containers cannot be viewed from the grounds of the assets, therefore there will be no material harm to their setting. Any perceived harm is considered to be outweighed by the economic benefits resulting from the development.**

It is your officer's opinion that having weighed up the issues associated with this application, including the previous location of the containers against the current application, the site's current and historic uses, the impact on the local road network ( which in turn has the potential to affect local residents); together with visual impact / impact on the landscape **and on local heritage assets and** the positive nature of planning policy to rural diversification, that the economic benefits associated with the proposal taken with the lack of any significant harm to any of these aspects, mean that any negative aspects, including locational sustainability, are outweighed.



In light of Local and National Planning Policy and other material considerations, it is recommended that this application be approved before the Members of the Planning Committee is approved subject to conditions.

## **RECOMMENDATION:**

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

- 1 Condition: The development has been determined in accordance with the following approved plans; 'Plan View and Isometric View' and 'Perspective Views'.
- 1 Reason: To define the terms of the consent and in the interests of the amenity of the locality.
- 2 Condition: Within two months of the date of this decision, a Traffic Management Scheme, including directional signage for the re-routing of associated traffic, shall be submitted and approved in writing by the Local Planning Authority. The agreed details shall be implemented within one month of the date of the approved scheme and retained thereafter in perpetuity.
- 2 Reason: In the interests of reducing any impact on the local highway network, in accordance with the provisions of the NPPF.
- 3 Condition: Within 4 months of the use hereby permitted, the junction to the east with the B1153 shall be upgraded / widened to a minimum width of 5 metres in accordance with the Norfolk County Council field access construction specification Type 1 for the first 10 metres as measured back from the near channel edge of the adjacent carriageway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety and traffic movement.
- 4 Condition: Within four months of the date of this permission, visibility splays measuring 120m (north) x 2.4 metres x 160 metres (south) shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 4 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 5 Condition: There shall be a maximum of 38 shipping containers on the site at any one time.
- 5 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 6 Condition: The containers shall be used for storage purposes only and no other use that would be incompatible with the locality. No display or storage of goods shall take place outside any of the containers on the site.
- 6 Reason: In the interests of the amenities of the locality, in accordance with the provisions of the NPPF.

- 7 Condition: The storage use hereby approved shall be operated and managed in full accordance with the clauses set out in the submitted License Agreement.
- 7 Reason: In the interests of the amenities of the locality, in accordance with the provisions of the NPPF.
- 8 Condition: The storage facility hereby approved shall only be visited between the hours of 07:00 (am) and 20:00 (pm) Monday to Saturday and 08:00 (am) and 18:00 (pm) on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Local Planning Authority.
- 8 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.
- 9 Condition: Within two months of the date of this decision, all containers on site shall be painted green and retained as such thereafter.
- 9 Reason: In the interests of visual amenities, in accordance with the provisions of the NPPF.