

**Overstrand – PF/21/3221 - Continued use of land for storage ancillary to Overstrand Garden Centre and provision of overflow car parking for staff (Retrospective):
Overstrand Garden Centre, Mundesley Road, Overstrand: Mrs V Sheridan**

Target Date: 27th January 2022

Case Officer: Mr C Reuben

Full Planning Permission

Extension of time: TBC

RELEVANT CONSTRAINTS:

Countryside

Conservation Area

Area Susceptible to Groundwater SFRA - Area susceptible to Ground Water Flooding <25%

Clear water

Landscape Character Area Type RV1 (Coastal Shelf)

Undeveloped Coast

RELEVANT PLANNING HISTORY:

PF/99/0993 – Extension to rear of property to provide retail on ground floor and residential accommodation on first floor - Approved

PF/95/1413 – Erection of polytunnel - Approved

PF/92/0149 – Change of use of ground floor living rooms to tearoom, ancillary to garden centre - Approved

HR/77/1303 – Demolition of existing shop and construction of new shop with living accommodation - Approved

HR/77/0554 – Demolition of existing shop and erection of new shop with attached living accommodation - Approved

HR/76/1098 – Erection of one dwelling - Refused

HR/76/1097 – Temporary standing of caravan - Approved

PF/74/0569 – Erection of toilet accommodation for staff in shop & workers in gardens - Approved

THE APPLICATION:

This application is for retrospective planning permission for the continued use of a parcel of land to the rear of Overstrand Garden Centre for ancillary storage purposes and overflow car parking for staff, in association with the established garden centre to the north.

Whilst the site lies within an area designated as 'Countryside', it is located within a central part of the village of Overstrand. Residential properties lie directly to the east and west of the site,

and on the adjacent side of Mundesley Road to the north, with a disused railway line/wooded area along the southern boundary.

The site is also located within the designated Overstrand Conservation Area and an area of Undeveloped Coast.

A number of revisions have been made to the originally submitted proposals following concerns raised by the Council's Environmental Protection Team and local residents, with re-consultations carried out. The revised scheme includes the following elements;

- A landscaped area (buffer strip circa 9m wide)
- Staff overflow car parking areas (16 spaces in total)
- Area for HGV deliveries/turning
- Pallet storage area
- 3m high acoustic fencing
- Metal gate to close off application site from public access

An Updated Noise Impact Assessment (dated 28th October 2022) has also been submitted as part of the revised proposals.

Access to the site would be provided via an existing access off Mundesley Road which serves the garden centre.

It should be noted that Members attended a site visit on 21st July 2022.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Councillor Fitch-Tillett for the reasons of being supportive of the application in principle due to the business's value to the community and the local economy. Considers that conditions may be necessary to control activities on the site.

PARISH COUNCIL:

Overstrand Parish Council – Supports the application. Comments that this is a long established, and growing, business providing a valuable and sustainable outlet for goods and services for the village and further afield.

Previously existing without any close neighbours, the development of Lutyens Drive has placed neighbours within close distance. The business has made these proposals which will significantly mitigate its impact regarding noise and is clearly attempting to reduce the occurrence of noise generating actions. It is also willing to accept reasonable constraints imposed by way of planning permission.

Reconsulted in relation to amended proposals. Comments to be reported verbally at the meeting, if received.

Northrepps Parish Council – Confirmed no objections raised.

REPRESENTATIONS

11 representations have been received **objecting** and raising the following concerns

(summarised) in respect of the original proposals:

- Many residents have raised no objection to living near to Garden Centre in principle, with no significant noise or disturbance issues experienced by residents prior to lockdown when activities began to expand. Since this period however, the unauthorised use of the land for rear as a storage/car park area in connection with the Garden Centre has caused significant amenity concerns for local residents in respect of in noise, disturbance, loss of privacy and distress, particularly experienced by the occupants of properties on Lutyens Drive along the western boundary.
- Detrimental impact of the frequency and type of vehicles using the site (from smaller delivery vehicles to HGV's) on highway safety grounds, along with vehicles waiting to access on Mundesley Road, damage to verges and impact of visibility when exiting Carr Lane.
- Use of gravel surfacing has increased noise associated with cars, lorries and a diesel teleporters using this site, with the use having increased in frequency.
- Concern that information reflected in application/noise report is inaccurate and not reflective of how site is currently used, and the associated noise disturbance caused i.e.; frequency of deliveries/unloading considered frequent and not occasional, timings, use by staff/customers for parking and associated noise, and the range/amount of products stored on the site (including compost, coal, slabs, wood etc to varying degrees through the year) etc.
- In light of residents concerns, NNDC should carry out its own independent noise assessment.
- Visual harm caused by coloured pallets stacked high on the site which are unsightly and an ineffective and non-permanent sound barrier. Combined with number of high sided vehicles, this results in detriment to the character and appearance Overstrand Conservation Area.
- Attempts by residents to deal with the business direct were unsuccessful to resolve the issues prior to the Council's involvement.
- Proposals considered contrary to policies within NNDC Core Strategy including Policies EN 2, EN 4, EN 8 and EN13 as well as elements of the NPPF.
- Mitigation proposed in application considered inadequate to address the issues caused by the activities being undertaken on the site.
- Concerns that the land is not being used ancillary to the use of this garden centre, instead being used as part of a wider storage and distribution operation which if so, should be located within an industrial area. Also, the area on main site which was previously used for storage is now used for sales.
- Works are unauthorised and carried out without planning permission.

A further 8 representations have been received **objecting** to the revised proposals (many of which of from the same respondents to the original proposals) raising the following concerns (summarised):

- Whilst many residents are still supportive of the continuation of this local established business, it is considered that the site continues to be used in a manner not reflective of the details provided within the revised noise assessment, with inaccuracies in the information/data provided resulting in the proposals remaining significantly detrimental to the residential amenities of the occupants of nearby properties in respect of noise, disturbance, loss of privacy and visual intrusion.
- Revised Noise Assessment provided not considered accurate or reflective of activities being undertaken on site including the types and levels of activity, as well as hours of operation etc.
- Many of the mitigation measures proposed to address the existing issues require self-management, and it is considered unrealistic that it would take place and difficult to implement/monitor.
- Whilst the acoustic fencing and proposed buffer zone is welcomed, planting would need to be mature to be effective. Concerns also raised in respect of visual impact of a 3m high acoustic fence and how effective it would be.
- New proposed pedestrian entrance likely to cause more disturbance to residents due to its close proximity to the western boundary and could be used for other purposes.
- Approval of this application could set an undesirable precedent for future retrospective applications and expansion of this business.
- Many of the suggestions made by Council's Environmental Health Team to address noise issues have not been fully explored and cost implications should not justify their omission.
- Highway safety concerns associated with the site remain and concerned raised that highway impacts have not been fully assessed by NCC Highways.

2 letters of **support** have also been received to the original proposals on the following grounds;

- Having lived directly opposite the Garden Centre entrance for 30 years, occupants have never had cause to complain about the Garden Centre operations. HGV's take minutes to reverse in and not cause a 'safety issue'.
- The years over which the estate opposite was built caused more disruption and traffic on Mundesley Road than the present garden centre operations.
- Having lived adjacent for over 25 years, the garden centre operations has never caused concern as it is well managed and an asset to the village.

Any further representations received following latest round of consultation will be reported verbally at the meeting.

CONSULTATIONS:

County Council Highways – No objection (based on original consultation)

Comments that following NCC initial response, a site inspection was carried out and I met the Garden Centre manager who explained the operation of the overall site and the need for further storage space.

This inspection confirms Highways initial view that this proposal would appear to be ancillary storage and car parking, related to the well-established garden centre, that presumably, either does or could carry on, in the main, presently at other parts of the site.

Although it is clear the proposal offers additional storage space, this is apparently required for sound commercial reasons and although it is accepted that some increase in traffic movements is likely I cannot maintain that this increase in traffic movements (which will involve additional large vehicles) will, at this particular location, result in conditions detrimental to highway safety. On this basis no highway objection is raised.

NCC are aware of the environmental concerns regarding this proposal which includes on-site traffic movements. A potential solution to this would be to create a loading/turning area elsewhere within the site which allows vehicles to enter and leave the site in a forward gear without having to enter and turn/unload within the present application site.

It is also noted that the sites roadside verge frontage has a proliferation of signage that potentially restricts vehicular access/egress visibility. I tend to think this has been mentioned in regard to previous applications for signage on the site and potentially therefore is already subject to Planning Conditions. However, a visibility condition is also requested to any consent issued in regard to this application.

A previous condition was also requested in respect of the provision/retention of onsite car-parking, serving, unloading and turning areas, which should be attached to any permission.

Revised scheme – No further comments received to re-consultation.

Environmental Protection NNDC – No objection subject to the imposition of a range of conditions to limit impact of proposal.

Existing background noise levels in the area are very low and the Updated Noise Impact Assessment (Oct 22) recognises in Table 5 that a number of the activities will be noisy including activities involving fork lift movements and HGV turning. These impacts will be most noticeable at first floor level within nearby residential properties.

The applicant has set out a Summary of application site activity in Table 2 of the Updated Noise Impact Assessment (Oct 22) which suggests 9 HGV deliveries across the year, forklift movements associated with 3-4 pallets per week during March to September and October to December with less forklift activities Jan-Feb. Delivery vans would visit the site Mon-Fri. Staff parking would be up to 10 cars.

Activity	Time Period		
	Jan - Feb	March – September	October - December
HGV deliveries	1 compost/bark	2 compost/bark 3 aggregate 1 coal	1 Christmas tree delivery (no storage on application site) 1 Coal
Moving stock to main site with forklift.	Jan – Feb, occasional use.	3 – 4 pallets a week	1 – 2 pallets a week. Up to 2 extra pallets of coal a week in October/November.
Car parking	Up to 10 staff cars but usually fewer	Up to 10 staff cars	Up to 10 staff cars
Delivery van	Deliveries on Monday and Friday		

Table 2 - Summary of application site activity

Whilst there remains the potential for some adverse impacts on residential amenity associated with the proposed activities, these adverse impacts can, to a reasonable degree, be mitigated through the imposition of the following conditions (summaries):

1. Restricting delivery by times (rather than frequency);
2. Surface dressing of the site and maintenance regime to be agreed;
3. Planting specification for the landscape buffer strip to be agreed;
4. Acoustic Fence – design and specification to be agreed;
5. Acoustic Fence to be installed in accordance with approved design and specification and shall be retained and maintained whilst site is operational;
6. Position/depth of pallets to be agreed;
7. Pallets not to be double stacked;
8. No public access to the storage area
9. No retail sales within the storage area
10. Forklift truck hours of use to be agreed (Mon to Sat – no use on Sundays or Bank or Public holidays)
11. Forklift truck specification to be equivalent or quieter than the model used in the Updated Noise Impact Assessment (Oct 22)

Conservation and Design NNDC – No comments/objections

Confirmed on the basis that they do not wish to offer any detailed comments on this particular occasion. Recommended that the application be determined in accordance with national guidance and local policy and having paid special attention to the statutory duty contained in s72 of the Planning (Listed Buildings & Conservation Areas) Act, 1990.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

RELEVANT POLICIES:

North Norfolk Core Strategy (Adopted September 2008):

SS 2 - Development in the Countryside
SS 4 – Environment
SS 5 – Economy
SS 6 – Access and infrastructure
EC 3 – Extensions to businesses in the Countryside
EN 2 - Protection and enhancement of landscape and settlement character
EN 3 – Undeveloped Coast
EN 4 – Design
EN 8 – Protecting and Enhancing the Historic Environment
EN 9 - Biodiversity and geology
EN 10 – Development and Flood Risk
EN 13 – Pollution and hazard prevention and minimisation
CT 5 - The transport impact of new development
CT 6 - Parking provision

National Planning Policy Framework (NPPF July 2021):

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 6: Building a strong, competitive economy
Section 12: Achieving well-designed places
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

North Norfolk Landscape Character Assessment (SPD) January 2021

North Norfolk Design Guide (SPD) Adopted 2008

Conservation of Habitats and Species Regulations 2017 (as amended)

MAIN ISSUES FOR CONSIDERATION:

- 1. Principle and site history**
- 2. Design and heritage impacts**
- 3. Residential amenity and environmental considerations**
- 4. Landscape impacts including upon the Undeveloped Coast**
- 5. Highway safety**

APPRAISAL

1.Principle and site history (Policies SS 2, SS 5 and EC 3)

The application site lies within the village of Overstrand, on land defined as 'Countryside' by Policy SS 2 of the North Norfolk Core Strategy. Within such areas, Policies SS 2 and EC 3 of the North Core Strategy support the principle of proposals for extensions of existing businesses where the scale is appropriate to the host development and subject to compliance with other relevant local and national planning policies.

Section 6 of the NNPF also recognises the importance of planning decisions enabling the sustainable growth, development and expansion of all types of businesses in rural areas.

Therefore, given the existing commercial use of this site as an established Garden Centre, the scheme is considered acceptable in principle.

2. Design and heritage impacts (Policies EN 4 and EN 8 and Sections 12 and 16 of the NNPF)

The scheme seeks to regularise the use of the site in connection with the use of the adjacent land as a Garden Centre. Whilst no physical buildings are proposed, the proposals would comprise some physical structures including a 3 metre high acoustic fence and a landscaping buffer.

Whilst the proposed 3m high acoustic fencing is not considered ideal in design or visual terms, subject to the establishment of a mature landscape buffer, this would help to soften its impact when viewed from Luytens Drive. Furthermore, given the existing commercial use of the adjacent land and the fact that the land is set behind the existing garden centre buildings and not significantly prominent from the road, it is considered difficult to argue that the proposals would have a significantly detrimental impact to an extent which would warrant a refusal on design terms and they would, on balance, comply with the requirements of Policy EN 4 and Section 12 of the NNPF.

Furthermore, it is noted that the Council's Conservation Officer has raised no concerns in respect of the impact of the proposals on the Overstrand Conservation Area (the designated heritage asset in this case).

It is therefore the view of Officers that subject to elements of the scheme being controlled by conditions such as the colour finish/appearance of any fencing and the establishment of a mature buffer zone, the proposals would be considered acceptable in design terms and would protect the appearance and character of the Overstrand Conservation Area

It is therefore considered that the scheme would be acceptable in design terms and would comply with Policies EN4 and EN 8 of the North Norfolk Core Strategy, Sections 12 and 16 of the NNPF and the principles of the North Norfolk Design Guide.

3. Landscape impacts including upon the Undeveloped Coast (Policies SS 4, EN 2, EN 3 and EN 9 and Section 15 of the NNPF)

Whilst situated within the 'Countryside' policy area and an 'Undeveloped Coast', Officers consider that the nature of the scheme and the built context of the surrounding development

is such that the proposals would not raise any significant concerns in respect of impacts upon trees, landscape, or ecology. However, in the event of approval of this application, Officers would advise that conditions are considered in respect of controlling matters such as external lighting (currently none being proposed) and the provision and retention of appropriate landscaping/planting in areas such as the proposed buffer zone

As such, it is considered that the scheme would accord with policies SS 4, EN 2, EN 3, EN 9 and Section 15 of the NPPF.

4. Residential amenity and environmental considerations (Policies EN 4 and EN 13)

Policies EN 4 and EN 13 supports development proposals where they would not result in any significantly detrimental impacts upon the residential amenities of the occupants of nearby properties. The contentious element of the acceptability of this application in planning terms relates to amenity concerns raised by a number of local residents and objections previously raised by the Council's Environmental Protection Team on amenity grounds, in particular issues related to noise and disturbance resulting from the use of the land for the purposes specified in the application. Overcoming these issues has been the prime reason for delay since the Committee visited the site in July.

Residential properties lie directly to the east and west of the site, as well as to the north along Mundesley Road. It is recognised by Officers and many local residents that the Garden Centre is a well-established local business which has operated from the adjacent site without significant issues for many years and is a valuable asset to the local economy, with the estate to the west being a relatively recent addition as part of a residential development on an allocated site.

Notwithstanding the retrospective nature of the proposals, Officers sought to allow the applicant the opportunity to try to address the amenity concerns raised by the Council's Environmental Protection Team as part of the submitted proposals, resulting in the submission of the Updated Noise Impact Assessment (Oct 22) and revised layout plan (drawing No. 2022_437_001 Revision D), with a full re-consultation undertaken.

Having considered the most recent information, the Council's Environmental Protection Team have, on balance, concluded that the changes proposed are now sufficient to overcome the objections previously raised but have requested a suite of planning conditions to ensure that key mitigation is secured and delivered in order to protect residential amenity.

As such, it is considered that, on balance, the proposed development would comply with the requirements of Policies EN 4 and EN 13 of the adopted North Norfolk Core Strategy in respect of protecting residential amenity.

5. Highway safety (Policies SS 6, CT 5 and CT 6)

Access to the site would remain off Mundesley Road. NCC Highways have assessed the originally submitted and revised proposals and raised no objections on highway grounds, subject to the imposition of a condition to ensure provision of visibility splays.

As such, it is considered that the scheme would adequately safeguard highway safety in accordance with Policies SS 6, CT 5 and CT 6 of the Core Strategy.

6. Conclusion and planning balance

The retrospective nature of the proposal and activities involved has caused some significant amenity concerns for neighbouring residents and resulted in objections from the Environmental Protection Team. However, following extensive negotiation, a solution has been reached such that, whilst there remains the potential for some adverse impacts on residential amenity associated with the proposed activities, these adverse impacts can, to a reasonable degree, be mitigated through the imposition of planning conditions.

Subject to conditions the proposal would accord with the aims of Development Plan Policy.

RECOMMENDATION: APPROVAL

Delegate **APPROVAL** to the Assistant Director for Planning subject to:

1. **No new grounds of objection from consultees following re-consultation period;**
2. **The imposition of appropriate conditions** (detailed list of draft conditions to be provided to Development Committee ahead of the meeting); **and**
3. **Any other conditions that may be considered necessary at the discretion of the Assistant Director for Planning**