

SUSTEAD - PF/19/0603 - Change of use of a former scaffold yard to a self-storage facility (B8 Storage) including installation of storage containers & office/welfare unit and laying out of storage compounds; Wheelwrights, The Street, Sustead, NORWICH, NR11 8RU for Wild Boar Properties Ltd

- Target Date: 05 June 2019

Case Officer: Mr D Watson

Full Planning Permission

The Development Committee deferred consideration of this application at its meeting on 10 October 2019 for the following reasons:

- To investigate whether or not permission PLA/20081174 had been implemented;
- To consider possible intensification of use of the site;
- To obtain a further highways report, including consideration of the visibility splay.
- To address concerns regarding the impact of water run off.

Since then, notification has been received from the Planning Inspectorate that the applicant has submitted an appeal against non-determination of the application. As such the decision will be made by a Planning Inspector appointed by the Secretary of State, not the local planning authority.

However, in accordance with appeal procedures, confirmation of the decision the Development Committee would have made is required, hence this report returning the item to committee for consideration.

Responses to the reasons why the application was deferred listed above, will be reported verbally by officers at the meeting.

RELEVANT CONSTRAINTS

- Landscape Character Area
- SFRA - Detailed River Network
- SFRA - Areas Susceptible to Groundwater Flooding
- LDF - Countryside
- LDF Tourism Asset Zone
- C Road

RELEVANT PLANNING HISTORY

PLA/19750106: Wendy Cottage, The Street, Sustead. NEW ACCESS FOR HEAVY VEHICLE. Approved 02/05/1975

PLA/19900151: Wendy Cottage, The Street, Sustead. USE OF YARD AND BARN FOR BUILDING AND CONSTRUCTION BUSINESS. Approved 26/06/1990

PLA/20040387: THE BARN WENDY COTTAGE, THE STREET, SUSTEAD. ALTERATIONS TO STORE TO PROVIDE OFFICE/STORE. Approved 04/05/2004

PLA/20040826: LAND ADJACENT WENDY COTTAGE, THE STREET, SUSTEAD. CHANGE OF USE OF AGRICULTURAL LAND FOR CONSTRUCTION OF ACCESS TO SERVE BUILDING & CONSTRUCTION PREMISES. Approved 30/06/2004

PLA/20081174: ACS Scaffolding, The Street, Sustead. CHANGE OF USE OF LAND TO EXTEND SCAFFOLDING YARD. Approved 12/02/2009

PF/17/1683: Acs Scaffolding, The Street, Sustead. Change of use former barn used as offices in association with scaffolding business to a dwelling; insertion of roof lights; use of part of adjacent land as garden for the dwelling. Approved 10/01/2018.

This permission was varied by application PF/18/0576 (approved 08/05/2018) to allow for the installation of 11no. solar panels and flue to south roofslope. It has been implemented and the conversion of the building is currently in progress.

PF/18/0139: Yard adjacent to, Forge Cottage, The Street, Sustead. Erection of 2 two-storey detached dwellings with detached garages following demolition of existing scaffold yard buildings & structures
Refused 21/03/2018

PF/18/0140: Yard adjacent to, Forge Cottage, The Street, Sustead. Change of use from scaffold yard to self-storage facility (Class B8), including installation of storage containers and associated works
Refused 21/03/2018. The 5 reasons for refusal related to

1. The height, scale and appearance of the container which would be a jarring, incongruous feature in this rural location that would have an unacceptable visual impact resulting in significant harm to the character and appearance of the area contrary to Policies EC 3, EN 2 and EN 4 of the adopted North Norfolk Core Strategy.
2. The overbearing impact on neighbouring properties and their gardens due to the height, overall scale and siting of the proposed containers; loss of outlook from, and light to, windows in the side elevation of Wendy Cottage a reduction in the privacy of Wendy Cottage and its outdoor amenity area to an unacceptable degree, contrary to Policy EN 4
3. The scale of the proposed development in terms of the number of storage containers and compounds, in combination with the likely nature of the use, resulting in noise and disturbance from general activity and comings and goings that would be harmful to the residential amenity of the occupiers of nearby dwellings, contrary to Policies EN 4 and EN 13
4. In the absence of a protected species survey, the applicant has failed to demonstrate that the proposed development would not result in harm to any protected species that may be present on, or using the site, or result in a net loss of biodiversity, contrary to Policy EN 9
5. The lack of a tree survey meaning there was no indication of health or life expectancy of the trees and hedges on the site, which have amenity and biodiversity value, and whether or not they would be affected by the proposed development or quantify the amount of vegetation that could be lost, contrary to the aims of policy EN 4.

THE APPLICATION

It is proposed to use the site as a self-storage facility. This would be a Class B8 use.

Two rows of shipping containers (14 in total) would be sited adjacent to the east and west boundaries to the front part of the site. The containers would be on a single level, each container would be about 2.6m and it is proposed to paint them green. The rear part of the site would be laid out as 10 open storage areas/compounds and the application states that it is anticipated these will largely be used for the storage of vehicles, machinery and boats. It is not stated within the application whether or not these would be enclosed by fencing.

The hours of opening are stated as being 7.30am - 7.30pm 7 days a week. The applicant has however subsequently confirmed he would accept a condition with reduced opening hours as suggest by the Environmental Health Officer these being: 7:30am - 6.00pm Monday to Friday, 7:30am to midday on Saturdays with no opening at any time on Sundays, Bank or Public Holidays. It is suggested that the proposed facility would require a single part-time employee

who would be on the site for the majority of the working week to provide security and management service for the facility. The plans show an office/welfare building in the same area as an existing building.

The existing access to The Street would be used. There would be 4 parking spaces within the front part of the site, with turning space at the end of the open storage area.

Existing trees and shrubs on the east, south and west boundaries would be retained and enhanced as necessary. The north boundary would remain open as at present.

The application is accompanied by a Preliminary Ecological Appraisal, Tree Survey and Arboricultural Impact Assessment/Method Statement and a Traffic Comparison note comparing traffic levels likely to be generated by the proposal with the scaffold yard use.

The site is on the south side of The Street, Sustead which is a small hamlet, the main part of which is at the junction of The Street and Aylmerton Road to the northeast. It comprises a scaffold yard with its gated entrance set back about 35m from the road. The area between the road and the entrance to the yard is a parking and turning area for the scaffold yard, which also provides access to Wendy Cottage. The site has not been used since it went into receivership in 2016.

The front (north) part of the scaffold yard contains a number of portable single storey 'buildings', used for storage, office and staff facilities, and storage racking associated with the former scaffold business. The rear part of the site which is slightly larger, is overgrown with vegetation. Planning permission was granted in 2009 for the change of use of this area to extend the scaffolding yard, but it is not certain if this was ever implemented.

The south, west and part of the east sides of the site are adjoined by agricultural land. Part of the east boundary adjoins the garden of Rosedale which is a dwelling fronting The Street. To the north are two storey dwellings - Wendy Cottage and Forge Cottage. The former shares the vehicular access from The Street and the principle elevation of both properties faces towards it. The main outdoor amenity area for Wendy Cottage is adjacent to part of the boundary to the scaffold yard, with a 1.6m high fence along it.

There is also a former barn that is adjacent to The Street. This was previously used in association with the scaffold yard as offices and storage, but is being converted to a dwelling following planning permission granted in 2017.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr John Toye for the following reasons:

- This is not an appropriate development for a village and the environment. The scaffold site has not been used for many years and was established under previous more lenient times. It is not considered relevant to this current application which should be taken on its merits alone.
- Under 'Environment', paragraph 2.6.1 of the Core Strategy states CS policies aim to protect and enhance the character of the countryside - it is considered the proposed development does neither.
- Paragraph 2.6.6 refers to reducing the need to travel. There is no evidence that the proposed storage containers would be used solely by locals and therefore most of its use will generate journeys over and above the number of vehicular movements to the established site.
- Policy SS6 talks about maximising the use of non-car modes of transport and this site sits on the Weavers Way long distance footpath and 2 National Cycle Routes so is likely to

bring people not familiar with the area into contact with walking and cycling groups through narrow gaps between buildings and no footpaths or segregation.

- Under Development Control Policies paragraph 3.1.3 of the CS refers to "the appearance of all types of development....., and ensures that those that live nearby are not adversely affected," are critical components of securing high quality development.

PARISH/TOWN COUNCIL

Sustead Parish Council: object.

- The scaffolding yard has been closed for some time and prior to its closure traffic had been minimal. The increased traffic would be unacceptable into a village which is already struggling with traffic speeds (particularly on the slight bend near the entrance to this site).
- A small rural residential village is not the place for this storage facility.
- The residential houses adjoining the site will be severely impacted both with traffic and noise.
- Sustead is an area of natural beauty and the containers are not sympathetic with the surroundings. The Ecological Appraisal has completely omitted the Felbeck Trust land on both Sustead Common and Spurrels wood. Both are areas of conservation and natural beauty. Both within 1 km of the proposed site.

REPRESENTATIONS

Four received, objecting for reasons summarised as follows:

- Proposed development is inappropriate for the site and village. Sustead is a quiet residential village and on the edge of the Area of Outstanding Natural Beauty
- The scaffold yard was relatively small and quiet. Proposal is too large and would be a intrusive change that is not necessary for the village. There is a self store facility in Cromer.
- Noise and extra traffic around a bend with poor visibility would reduce the quality of the environment and safety
- Impact on the amenity of residents
- Effect on birds including owls and other animals
- Containers would be ugly, intrusive and visible from the road and surrounding dwellings
- Increased through traffic and potential issues with access via a narrow drive past the existing cottages
- Proximity of containers to boundary with Wendy Cottage
- Questions as to what can be stored, what will be on the compounds, how it will be managed and no restrictions on how many visits a person could make each day
- The 'buildings' on the site are not all fixed buildings - there is a portacabin, 2 box lorry trailers and scaffold made storage with tin sheets
- The scaffold yard only had a licence for 5 vehicles and this was never maximised. The traffic report supplied is completely fabricated and exaggerated
- The rear part of the site was a well kept garden. Although the scaffold yard took it over it was not used as part of their business. With the exception of the scaffold yard, the whole of the area to the rear of the adjacent cottages in what was once the blacksmith's yard were used as gardens or small holdings

CONSULTATIONS

County Council (Highway): no objection, condition requested.

Environmental Health: comments that there is potential for noise arising from activities relating to the proposal. There are low levels of background noise and residential properties are close

by. A number of conditions are recommended to mitigate the impact of potential noise disturbance from the site on nearby dwellings.

These would cover the following:

- Full details of any heating, ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment prior to its installation, along with details of measures to control noise/vibrations/dust/odour from the equipment.
- Hours of use and opening hours for the public
- An acoustic barrier along the northern boundary
- Vehicle management and vehicle noise - no idling or revving of vehicles within the site and no use of reversing beepers or other means of audible warning of reversing vehicles to be fixed to, or used on, any site vehicles, other than those which use white noise
- No repairing of vehicles or storage of scrap materials or scrap cars on site at any time
- No paint spraying on the premises,
- No refrigeration/temperature-controlled containers to be used on site at any time
- No putrescible or perishable commodities or waste materials to be stored on site at any time
- No use for the accommodation of livestock and animals.

In addition, conditions relating to lighting, waste storage and surface water disposal are requested.

Landscape Officer: the scheme seeks to address the reasons for refusal of planning application PF/18/0140 and whilst this is not an appropriate location for such an operation, given the historical use of the site as a scaffold yard, this proposal presents an opportunity to improve the appearance of the site and reduce the landscape and visual impact. Conditions relating to hedge retention, enhancement and gapping up, compliance with the recommendations in the Arboricultural Method Statement and Ecology Appraisal and, external lighting are requested.

Economic and Tourism Development Manager: no objection

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.

POLICIES

North Norfolk Core Strategy (Adopted September 2008):

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

SS 4 - Environment

SS 5 - Economy

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 13 - Pollution and hazard prevention and minimisation
EC 3 - Extensions to existing businesses in the Countryside
CT 5 - The transport impact of new development
CT 6 - Parking provision

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development (*para 11*)
Section 4 – Decision-making (*paras 47 and 54*)
Section 6 – Building a strong, competitive economy (*para 83*)
Section 9 – Promoting sustainable transport (*para 109*)
Section 15 - Conserving and enhancing the natural environment (*paras 170, 175 and 180*)

MAIN ISSUES FOR CONSIDERATION

Whether the proposed development is acceptable in principle and its effect on:

- the living conditions of nearby occupiers
- the character and appearance of the surrounding area and landscape
- the local highway network and highway safety
- protected species

APPRAISAL

The front (north part) of the site benefits from an Established Use Certificate dated 26 June 1990, certifying its use for a building and construction yard. The certificate also covered the old barn fronting The Street and the access which at that time ran along the west boundary of the site. Established use certificates were replaced by lawful development certificates in 1992. The effect and value of any existing established use certificates remains unchanged, but they are not considered to have been made under section 191 of the 1990 Act. The key difference is that old style certificates could certify an established use and provide immunity from enforcement action, but not that the development was lawful. Whilst the certificate refers to a building and construction yard, based on subsequent applications it is apparent that the site has been used as a scaffolding yard for a considerable period.

Permission was granted in 2004 for a new access to serve the building and construction business (applicant was ACS Scaffolding). In 2009 permission (ref 20081174) was granted to extend the scaffolding yard on to land to the rear. Based on what neighbours have said and aerial photos it is however, not clear if this was ever implemented. There is also no record of condition 2 having been complied with which required the site parking and turning areas to be laid out and de-marcated prior to the site being used. Other than a condition requiring the retention of hedges there were no other conditions such as hours of use, regulating the use of the land.

The current North Norfolk Core Strategy was in force at that time and the proposal to extend the yard was considered against it. It is considered that there have not been any material changes in circumstances such that the same proposal could therefore be considered unacceptable now. A scaffolding yard, whilst having a storage function, is also an operational base for an active business and as such is considered to be a sui-generis rather than B8 use as proposed. Consideration of the application is therefore on the basis of the effect of the use proposed, as well as the associated operational development such as the siting of the proposed containers. The fact that use of the site as a scaffold yard could recommence without the need for permission and would not be restricted by any conditions limiting hours of use for example, are material considerations that need to be given weight when determining the application.

Principle

Policy SS 1 sets out the spatial strategy for North Norfolk and identifies main and service settlements where development of varying scales can take place. The remainder of the district, including settlements not listed in the policy, are designated as Countryside. This is the lowest tier of the hierarchy and within it development is restricted to particular types of development to support the rural economy, meet affordable housing needs and provide renewable energy.

The types of development acceptable in principle in areas designated Countryside are listed under policy SS 2. These include extensions to existing businesses and the re-use of buildings for economic purposes. Policy SS 5 similarly indicates the rural economy will be supported, including extensions to existing businesses of an appropriate scale. The proposal is a new business which is not one of the types of development listed under policy SS 2 unless there is a particular environmental or operational justification. Paragraph 83 of the NPPF states that "planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas..".

As such, ordinarily the proposal would not be acceptable, but weight has to be attached to the established use of the site as a scaffold yard which could re-commence without planning permission; the extension to the established use of the site which was permitted previously against current development plan policies and; the fact that the proposal is for a replacement business use of the site. Given the specific circumstances in this case and with the above material considerations taken into account, it is considered the proposal would not conflict with the aims of policies SS 1, SS 2 and EC 5 and is acceptable in principle.

Living conditions

Although it does not appear to have caused problems in this respect in the past, the use of the scaffold yard is not restricted by any planning conditions and as such it could be taken over by a new scaffold business and used more intensively, longer and with less care for neighbours than was the case previously. The current proposal therefore needs to be considered on that basis.

Due to scaffold poles being of tubular metal construction, the loading of them on to lorries and unloading/storage often on metal racking it is an inherently noisy activity and probably more so than self storage would be, although it is accepted that this may not always be the case depending on what is stored and how it is loaded into the containers. It is therefore considered that the potential impacts in terms of noise and disturbance may not be significantly different.

Once vehicles are loaded and leave to go to a site, activity on the site associated with a scaffolding yard is likely to be low, other than at those times when scaffolding is returned to the site. Activity associated with a self store facility, which would primarily be comings and goings of the facility's users and the loading and unloading of containers and to/from the open storage areas, is less predictable. There could potentially be some activity throughout the day associated with the self-store use, depending on who (trades people or members of the public for example), uses the containers and how. Much of the activity however, is likely to be predominantly low key.

Compared to the previously refused scheme, the scale of the proposed use in terms of the numbers of containers has been reduced from 28 to 14, with the number of open storage areas remaining the same (10). The applicant has also confirmed they are agreeable to the opening hours suggested by the Environmental Health Officer, whereas the refused scheme proposed 24/7 opening. They have also conformed their agreement to the erection of an

acoustic barrier along the north boundary which adjoins Wendy Cottage. This can be secured by condition and its specification would need to be agreed as part of that. It is considered this should reduce the impact on Wendy Cottage to an acceptable degree. Overall the noise generated by the proposal could be similar or no worse than the use of the site as a scaffold yard.

Other conditions to have also been suggested by Environmental Health as detailed in the Consultation comments above. These can either be separate conditions or their requirements incorporated into an agreed management plan for the site which would set out what cannot be stored and activities that cannot be carried out for example. It is considered this would provide adequate mitigation such that the proposal would not result in unacceptable harm to the living conditions of the nearby occupiers. Therefore, on balance, it is considered that the proposal complies with policies EN 4 and EN 13.

Now only a single level of containers is proposed adjacent to the east boundary of the site, the concerns with the refused application regarding the overbearing impact on the rear garden of Rosedale have been addressed as the height the containers would be about 2.6 metres whereas a double stack as previously proposed was 5.2 metres. Only the rear end of the neighbouring garden would be affected, and although the length of the row would still be about half the length of the garden, with the reduced height, this is considered to be acceptable. There would be no unacceptable overshadowing impacts and there is existing planting along the boundary that already creates some shading.

The north end of the row of containers would be adjacent to the part of the north boundary which is common with the boundary to Wendy Cottage which has 3 first floor windows its side elevation facing the site. Two of these windows serve a bedroom and the nearest container would be sited about 2.5 -3.0m back from them. This is the same as proposed previously but as only a single level of containers is proposed it is considered there would be no unacceptable overbearing impacts and no unacceptable loss of outlook from and light to, these windows. The acoustic screen required along the north boundary would also provide visual screening of the adjacent amenity area to Wendy Cottage. The proposal is therefore acceptable in terms of policy EN 4 in this respect.

Character, appearance and landscape impacts:

In consideration of such matters, the established use of the site is material. The landscape and visual impact of the current proposal would be considerably reduced by removal of the two layers of storage units and replacement with a single layer when compared to the previously refused scheme. This 2.6m reduction in height will reduce the dominance of the large storage units in the rural landscape setting. The retention of all of the boundary hedging as shown on the site layout plan would assist in screening the development in views from the south east and west. The hedging could be enhanced by improved management, gapping up with additional species and the introduction of some hedgerow trees, which can be secured through conditions.

There would be some views into the site from The Street to the north but the narrow view through the access, in combination with there being only a single level of containers which would be a similar height to existing structures on the site, and boundary fencing, it is considered this would not result in any material visual harm or landscape impacts.

Unlike the previously refused application, a tree survey has been submitted with the application. The proposal would require the removal of a mature cypress (T1) in the south-west corner of the site and ivy removal and crown lifting of two other trees which the Landscape Officer considers to be acceptable. Some of the containers would be within the root protection areas of two trees on the east side of the site. Within this area a 'no-dig' cellular

confinement system is proposed. Elsewhere on the site any construction will be outside root protection areas. Subject to a condition requiring the development to be carried out in accordance with the Arboricultural Assessment and Method Statement, the Landscape Officer has no objections. On that basis it is considered that the proposal would not result in any unacceptable landscape impacts or the loss of important landscape features, and complies with policies EN 2 and EN 4.

Highways

The highway authority have no objections to the proposal. The site is served by a good surfaced and kerbed access which was approved in 2004 and considered suitable to serve the scaffold yard and the goods vehicles associated with it. The scaffolding yard would have generated goods vehicle movements and those associated with employees travelling to the site. Although the patterns of movement would be different for the storage use proposed and less predictable in terms of comings and goings and sizes of vehicle, the advice from the highway authority is that the impact of the proposal on the public highway network is likely to be similar. The proposed parking provision is considered adequate given the likely usage of this type of facility where people make short duration visits, often on a sporadic basis. Furthermore, the highway authority raised no concerns in respect of parking provision. The proposal is therefore considered to be acceptable in terms of policies CT 5 and CT 6.

Protected species

The proposal would require demolition of existing buildings which have not been used for some time and the clearance of vegetation which has been allowed to grow unmanaged. As the site is close to wooded areas, old buildings and drainage ditches, there is potential for protected species to either be on or using the site. In this case however, a Preliminary Ecological Appraisal (PEA) has been submitted which demonstrates that subject to checking for active bird's nests if works are carried out during the bird nesting season, there is no evidence or potential for other protected or important species on the site. Opportunities for biodiversity enhancement such as bat/bird boxes and the use of native planting are identified in the PEA and these can be secured by conditions. The retention of all of the species-rich boundary hedging as is proposed can similarly be secured by condition. It is therefore considered that the proposal complies with policy EN 9.

Conclusion

If this were a new development proposal, it would not be considered an acceptable in this rural location - it is within the area designated as Countryside, in close proximity to dwellings with access to it via narrow, winding rural lanes such that the recommendation would be refusal. However, significant weight has to be given to the previous/established use of the site and the previously, albeit probably lapsed, permission for expansion, such that this is now considered as a change of use, not a new development proposal. There are no highway objections, the potential impacts on living conditions can be mitigated with conditions suggest by Environmental Health and, compared to the previously refused scheme, the reduction in the height of the containers has addressed landscape and visual impact concerns to an acceptable degree.

RECOMMENDATION:

APPROVAL, subject to conditions to cover the matters listed below and any others the Head of Planning considers to be necessary

- Time limit for implementation
- Approved plans

- East, west south, boundary hedge retention and scheme for boundary hedge enhancement and gapping up
- compliance with all recommendations within the Arboricultural Assessment and Method Statement (except for the recommended hedge removal)
- compliance with all recommendations and enhancement measures contained within the Preliminary Ecological Appraisal
- external lighting
- Full details of any heating, ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment prior to its installation, along with details of measures to control noise/vibrations/dust/odour from the equipment.
- Hours of use and opening hours for the public as per the Environmental Health Officer's recommendations
- Details of siting and specification of an acoustic barrier along the northern boundary to be approved before the use commences. The barrier then to be erected and retained thereafter
- Vehicle management and vehicle noise - no idling or revving of vehicles within the site and no use of reversing beepers or other means of audible warning of reversing vehicles to be fixed to, or used on, any site vehicles, other than those which use white noise
- No repairing of vehicles or storage of scrap materials or scrap cars on site at any time
- No paint spraying on the premises,
- No refrigeration/temperature-controlled containers to be used on site at any time
- No putrescible or perishable commodities or waste materials to be stored on site at any time
- No use for the accommodation of livestock and animals
- Waste storage
- Surface water disposal
- Removal of permitted development rights for change of use
- Containers to be painted green within one month of installation and any replacements to be similarly painted
- Details of any fencing to separate the open storage areas to be approved
- Office/welfare building to be ancillary only with no overnight accommodation

Final wording of conditions to be delegated to the Head of Planning