

- Target Date: 27 November 2018

Case Officer: Mr C Reuben

Full Planning Permission

CONSTRAINTS

LDF Tourism Asset Zone

Enforcement Enquiry

LDF - Countryside

C Road

RELEVANT PLANNING HISTORY for Granary Works, Honing Road, Dilham, NORTH WALSHAM, NR28 9PR

PLA/20051974 PF

POTATO STORE NEW BARN, HONING ROAD, DILHAM

CHANGE OF USE OF BUILDING FROM AGRICULTURAL TO B1 (LIGHT INDUSTRIAL)

Approved 13/02/2006

THE APPLICATION

The application proposes the change of use of an existing building from B1 (light industrial use to car repairs (Sui Generis use). The car repairs business started operating from the site in February 2018 and as such, the application is retrospective. The building consists of a part brick/part metal clad structure measuring approximately 22mx27m. It sits within a sizeable site with a gravelled parking/turning area to the north (front) of the building, storage space alongside the east elevation, a roadside hedge along the eastern boundary and landscaping to the north-west and alongside the western and southern elevations. The site is served by a single shared access point off Honing Road. Six residential properties lie immediately to the south of the building and are served by the same access.

A decision on the application was deferred at the meeting of the previous Development Committee (held on 29 November 2018) for a site visit, which subsequently took place on 20 December 2018.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr L Walker citing matters of compliance with Policy SS 2, adherence to existing conditions, neighbouring residential amenity and local interest.

PARISH COUNCIL

Dilham Parish Council - Objection. Concerns in regards to the hours of use and noise. A car repairs business is not appropriate for this site as it is within a residential area. The building's prior use was as a potato store, not a granary.

REPRESENTATIONS

Six objections have been received to the application, raising the following concerns:

The change of use was implemented without planning permission.

Existing conditions imposed on the building have not been adhered to, concerned that future considerations will similarly not be adhered to.

The site has now taken the form of an industrial estate.

Vehicles and equipment on the site represents an eyesore.

The site entrance has poor visibility with conflict between garage vehicles and vehicles of local residents. The entrance has been blocked on numerous times by breakdown trucks, customer cars and delivery vehicles. The entrance tarmac has deteriorated and is not maintained.

The business has moved from a more appropriate site in North Walsham, with two similar businesses already within easy reach of Dilham and as such, is surplus to requirements. Therefore, no justification for the business on the grounds of employment or providing necessary village services.

Propose use is totally inappropriate and far removed from the original potato store.

Residents faced with extra long business hours, six days a week, noise and pollution, and will severely impact upon quality of life.

No right of access for business to use residential drive.

Pollution may affect the natural wildlife environment.

Health and safety concerns to due to stored waste and scrap cars.

Increase risk to pedestrians as a result of increased vehicular use, and increased vehicular traffic through the village.

Dilham has a peaceful reputation and attracts visitors due to river access, a traditional pub and scenery. Proposed development will have a detrimental impact on this.

Residents have been miss-led as to the intentions regarding the use of the building since the purchase of the adjacent residential properties, as demonstrated by non-compliance with conditions and the continual 'creeping use' of the building.

Concern in regards to required highway conditions and disagreement with Highway Officer's/Landscape Officer's conclusions.

CONSULTATIONS

Norfolk County Council (Highway - Broadland) - No objection. Commented that the proposed use would have sustainability benefit in reducing the need to travel to other car repair workshops, though also question the ability of the rural road network in regard to the possible resultant intensification in use. However, subject to conditions requiring widening of the existing access, improved visibility splays and provision of the on-site parking/turning areas, the proposed use is considered to be acceptable.

Environmental Health - In receipt of formal complaints from local residents in regards to noise and odour (under investigation). Although former B1 use may preclude an objection to Sui Generis (car repairs) use, the applicant has requested to increase the intensity in use of the site, which may lead to further complaints. If committee are mindful to grant permission, a number of conditions are strongly recommended, to include:

personal consent to the current occupier only;

insulation to be installed and maintained as per previously agreed details;

no repairing of vehicles or storage of scrap vehicles externally, no use of plant/equipment/machinery or vehicles (except for access and egress) externally, and only allow the external storage of waste in appropriate receptacles;

no cleaning/washing of vehicles externally;

restricting opening hours to between 08:30 and 17:30 Monday-Friday, with no opening at weekends or on bank holidays

further details of waste storage/disposal to be submitted;

keeping windows/doors closed during hours of working (except to allow for access and for movement of equipment

no paint spraying;

details of any future required ventilation/extraction/air conditioning/refrigeration to be submitted and approved; and

details of any future external lighting to be submitted.

Landscape Officer - 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, refusal 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 5: Economy

EN 2: Protection and enhancement of landscape and settlement character

EN 4: Design

EN 13: Pollution and hazard prevention and minimisation

EC 2: The re-use of buildings 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

Section 6 – Building a strong, competitive economy

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

Principle

Design

Residential amenity

Highway impact

Landscape impact

Environmental impact

APPRAISAL

Principle (Policies SS 2, EC 2 and NPPF Para's 83(a) and 84):

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area, specific types of development are acceptable but are limited to those which specifically require a rural location and are listed in the policy. One such accepted use is the re-use of an existing building for economic use, subject to compliance with the criteria set out in associated Policy EC 2. However, the use must still require a rural location.

The existing building was granted consent in 2005 under application ref: PF/05/1974 for its change of use from agricultural use (a potato store) to B1 use (a steel fabrication business). Acceptance of that application was based upon adopted Local Plan policy at the time (pre-dating the now adopted North Norfolk Core Strategy) with a strict set of conditions imposed in relation to, in particular, noise mitigation, taking account of the close proximity of the building to neighbouring properties to the south.

Key to determination of this current application is whether the proposed car repair business (Sui Generis) is acceptable in principle in the Countryside, in particular, whether it truly requires a rural location as required by Policy SS 2. Although associated Policy EC 2 of the Core Strategy does allow the re-use of rural buildings for economic uses, these uses must be 'appropriate in scale and nature

to the location' and '...in accordance with other policies to protect...amenity'. The policy approach set out in policy EC 2 is in broad conformity with paragraph 83(a) of the National Planning Policy Framework which supports the 'sustainable' re-use of rural buildings for economic uses. However, this is caveated by paragraph 84 of the NPPF which states that whilst sites in rural areas may have to be found for local business needs, such development should be '...sensitive to its surroundings...'.

It is clear that the car repairs business is significant, and certainly a larger operation than the permitted B1 (light industrial) use, noting the size of the existing building and the number of cars parked within the site. This being the case, it is considered that the proposed business represents a much larger business/operation than would normally be expected in the context of an edge of village location (noting that the village itself is small). Such uses are better suited to designated employment land/industrial areas as facilitated by Policy SS 5 of the Core Strategy, and indeed this is where the use previously took place, being operational from 31 New Road, North Walsham, in close proximity to North Walsham Town Centre. As such, it is considered that the size of the business, coupled with the character of the location, is considered to be disproportionate in terms of its scale and nature to the locality, with no convincing justification provided as to why this particular location is required, nor that there is a local need for such a business.

It is recognised that historically small, localised garages have been, and indeed remain, a feature of some small villages. Although not a material policy consideration in the determination of this application, Core Strategy Policy CT 1 (which ensures the retention of important local facilities and services) provides useful guidance as to the type of services/facilities that are considered to be important to a local community, particularly in order to safeguard their future. Notably, a car repairs business is not listed as one of these key services/facilities. It is further noted that similar businesses already exist in the locality, one located approximately half a mile to the north along Honing Road, and another located just over a mile away on Yarmouth Road in Smallburgh. Indeed, the business located in Smallburgh is smaller and more appropriate in scale to a rural location. As such, this further casts doubt as to the need for an additional car repairs business in the locality, which owing to its size, is likely to draw business from a much wider area.

Consideration has been given to the economic benefits of the proposed use, current employment levels at the facility and the existing lawful B1 use of the building. However, it is not considered that any potential economic benefits of the business, nor the permitted prior use of the building, would outweigh the policy conflicts identified.

On balance, it is considered that the proposed use does not comply with Core Strategy Policy SS2 as the proposed use does not require a rural location. In addition, the proposal fails to comply with Policy EC 2 due to the size of the business not being appropriate in scale and nature to the location. Furthermore, the proposed use does not conform to the aims of NPPF Paragraphs 84.

Design (Policy EN 4):

Regarding design, no alterations are proposed to the existing building. The application proposes an additional 1.82m high fence along part of the eastern site boundary, alongside an existing hedge, which would help to screen existing storage areas alongside the eastern side of the building. The proposed fencing does not raise any major design concerns. At present, due to the level of outdoor storage and parking, the site has adopted a more industrial look, however, taking note of the consultation responses received and associated conditions required seeking the limitation of external working and storage, much of the visual impact of the proposed use could be addressed.

On balance, it is considered that in regards to design, the proposals are acceptable against the aims of Policy EN 4 of the Core Strategy.

Residential amenity (Policy EN 4):

The nearest residential properties lies directly to the south of the building. A number of objections have been raised in regards to the proposed use, in particular relating to noise and visual impact created by the proposed use. The site has an existing lawful B1 use (previously occupied by a steel fabrication business) and as part of acceptance of that use a number of strict conditions were suggested by the Environmental Protection Officer and imposed in order to control noise from the site, specifically in regards to the installation of acoustic insulation, hours of use, keeping doors closed, amongst other measures.

The proposed use, being for car repairs, raises similar issues, particularly in regards to whether it will result in any additional noise impact upon nearby residents. No formal objection has been raised by the Environmental Protection Officer, though neither are they particularly supportive of the proposed use and at the very least, it is expected that significantly restrictive conditions are again imposed to ensure that the previously installed insulation remains installed and maintained appropriately, and with controls over hours of use, keeping doors closed and preventing external working.

The key consideration regarding compliance with Policy EN 13 is whether, even with such conditions imposed, the proposed use is acceptable given the proximity to nearby residents. In particular, the operation of the site is considered to be, to an extent, materially different to the previous building use, due to the greater level of vehicular movement into/out of the site which itself creates noise, and the likelihood that the garage shutter doors will be frequently opened/close to allow vehicles/equipment in/out of the building - this again is partially alleviated by the positioning of the current access/doors on the northern side of the site. The suggested conditions will certainly help to minimise the level of noise/disruption and may be sufficient to comply with Policy EN 4, though a level of concern remains, particularly as to the appropriateness of such a facility being located directly adjacent to residential properties. If the use is approved, it is perhaps prudent to ensure an ongoing programme of monitoring to ensure that the conditions are strictly adhered to.

In regards to visual amenity, concern has been raised in regards to the visual impact of parked cars and storage of waste externally which is stated by residents to have resulted in an overly industrial appearance of the site and with a resultant visually unappealing outlook. As stated earlier in regards to design, this matter can be satisfactorily controlled through the imposition of conditions to maintain an acceptable visual appearance.

Environmental considerations (Policy EN 13):

As referred to above, the original acceptance of the use of the building for B1 purposes was made under previously adopted policy, and on the basis of strict conditions proposed by the Environmental Protection Officer, given the nature of the proposed business at the time. The matter of noise has been addressed above in relation to amenity and raises similar concerns in regards to compliance with Policy EN 13. The suggested conditions will help to control operations within the site to alleviate any noise impact as much as practically possible.

In terms of the potential for pollution and impact on drainage, much of the external area of the site consists of gravel/soft landscaping and as such, consideration has been made of the potential for chemical/oil leakage given the proposed use and the current storage of vehicles/waste externally. However, subject to conditions to prevent the storage of vehicles externally, (except for staff/customer parking) and the suitable provision of waste receptacles (further details of which would be required) it is considered that this matter could be satisfactorily addressed to comply with Policy EN 13.

Landscape impact (Policy EN 2):

The position of the site on the edge of the village and adjacent open countryside requires consideration of any potential landscape impact. The site is at present relatively enclosed within a hedged site boundary. Given that no changes are proposed to the external appearance of the existing building, and subject to limitations on external working/storage, it is not considered that the proposed use will have a significantly detrimental impact upon the appearance of the surrounding landscape and as such, the proposed use would be broadly compliant with Policy EN 2.

Highways impact (Policies CT 5 and CT 6):

At present, the site is served by a single point of access onto Honing Road. This access is also shared by residents on the adjoining housing development to the south, with the access drive leading around the northern and western boundary of the application site. Much concern has been raised by local residents in regards to the safety of this point of access, highlighting continual conflict between motorists entering and exiting the garage and those using the residential drive. In addition, it is stated that delivery vehicles frequently miss the turn into the garage and have to turn around using

the residential drive, with further concerns raised as to the general increase in traffic that may occur through the village as a result of the proposed use.

The Highway Authority have not raised an objection to the proposed change of use, subject to access improvement works, to include the widening of the existing access point and improved visibility splays. Following the public objections received, these concerns have been raised with the Highway Officer, in addition to which an alternative arrangement has been suggested to create a new access into the garage site from Honing Road and close off the existing access to the garage, leaving the existing access solely for the use of the residents. Both this, and the objections have been considered by the Highway Officer who has maintained that the existing access remains suitable for the proposed use subject to improvements, and as such, there remains no objection, whilst further stating that a new access would be unnecessary and thus not supported.

The Highway Authority response does, however, question the suitability of the surrounding highway network to cater for any material intensification in use of the site, though this matter has to be weighed against the access improvements that could be secured. The response further highlights the benefit of a local vehicle repairs business which may reduce the need for rural communities to travel to such facilities. This comment, however, is afforded little weight given that there is no guarantee that local people will use the facility, and further noting the presence of an existing car repair businesses in the locality.

As such, although there are concerns from an officer perspective in regards to the current access arrangements, with no objection from the Highway Officer, it is not considered that refusal based upon the current arrangements can be substantiated under Policy CT 5. Plenty of space exists within the site for both staff and customer parking and as such, the proposed use complies with Policy CT 6.

Conclusion:

It is considered that the proposed use would not accord with the aims of Core Strategy Policy SS2 which seeks to limit development to that which requires a rural location, nor with Paragraph 84 of the NPPF. In this respect, the applicant has not sufficiently demonstrated why a rural location is necessary for the business, nor that there is a community need for the business. Furthermore, it is not considered that the size of business proposed is appropriate in the context of the rural locality, in what is considered to be an unsustainable location, contrary to Policy EC 2. No convincing mitigating circumstances have been put forward to outweigh the policy conflict identified. In addition to this, the Development Committee will need to consider whether the potential noise impact of the proposed use upon the amenity of nearby residential properties can be sufficiently mitigated through appropriate conditions, in order to comply with Policies EN 4 and EN 13.

RECOMMENDATION: REFUSAL for the reasons specified below:

The District Council adopted the North Norfolk Core Strategy on 24 September 2008, and subsequently adopted Policy HO 9 on 23 February 2011, for all planning purposes. The following policy statements are considered relevant to the proposed development:

SS 1 - Spatial Strategy for North Norfolk

SS 2 - Development in the Countryside

EC 2 - The re-use of buildings in the Countryside

The National Planning Policy Framework (NPPF) (published 27 March 2012) is also material to the determination of the application. The following sections are considered relevant:

Section 6 – Building a strong, competitive economy (paragraph 84)

In the opinion of the Local Planning Authority the proposal constitutes an unacceptable form of development in the Countryside policy area where development is limited to that which requires a rural location. It is considered that the applicant has failed to demonstrate satisfactorily that there are material considerations to justify a departure from Development Plan policy in this case.

Furthermore, it is not considered that the proposed use is appropriate in scale and nature to the rural location, nor represents the sustainable growth or expansion of a business in a rural area, with no evidence provided of a specific need for such a business in the locality, contrary to Policy EC 2 and Paragraph 84 of the National Planning Policy Framework.

In the event that Members are minded to refuse the application authority is sought for enforcement action to remove the unauthorised uses from the site within 12 months under Section 172 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.