

DILHAM PF/20/1895 - Change of use of part of building from agricultural to use for automotive repairs (Class B2). The Piggeries Honing Road Dilham North Walsham NR29 9PN

Minor Development

- Target Date: 01 January 2021

Case Officer: Mr J Pavey-Smith

Full Planning Permission

RELEVANT SITE CONSTRAINTS

LDF Tourism Asset Zone

LDF - Countryside

C Road

RELEVANT PLANNING HISTORY

This application seeks permission for the change of use of part of a large agricultural building to B2 Use (for automotive repairs). The proposal seeks to find alternative premises for a business (Carl's Auto Repair Services) which currently operates from another site – The Granary Works, located approximately 200 south-west of the application site – which is also owned by the applicant.

The Granary Works site extends to circa 1,760 sq. m and its permitted use is for light industrial (Class B1).. The auto repairs business operating from it does not have planning permission following the refusal of a retrospective planning application (PF/18/0606) in January 2019 and a subsequent appeal against the enforcement notice requiring the use to be ceased, which was dismissed (appeal Ref: APP/Y2620/C/19/3223988)

Following the dismissal of the appeal, the applicant has engaged with the Local Parish Council and local residents and has identified an alternative site to accommodate the automotive repair use. That location is the current application site.

Members will be aware that the retrospective application (PF/20/0002) for change of use of the Granary Works to car repairs, is also pending a decision that is reported on this agenda with a recommendation for refusal.

THE APPLICATION

The Piggery is a large, agricultural building located at the north end of the village of Dilham. The building comprises a main body (circa 900 sq. m.) and a substantial lean to element on the northern elevation (circa 200 sq. m). The building is fronted (to the west) by a hardstanding 'forecourt' (circa 250 sq. m.) and is accessed via a dedicated private driveway leading off Honing Road.

The Piggery is bounded to the north by a dwelling and associated extended curtilage, and to the south, east and west (on the other side of Honing Road) by agricultural land, all of which is in the ownership of the applicant.

REASONS FOR REFERRAL TO COMMITTEE

At the request of the Head of Planning to consider matters of local interest and material planning considerations, e.g. compliance with plan policies for rural employment uses SS1 & 2, EC2 and EN4.

PARISH/TOWN COUNCIL

Dilham PC: are neutral with regards this application subject to the following conditions/concerns being incorporated into any decision.

If the current application is successful it should be subject to the condition that Carl's Autos clears The Granary of all equipment, vehicles, and scrap and that it cannot return to use for auto repairs The grass verge should be fenced off to prevent excess cars being parked there.

With regard to:

- **Parking:**

The application mentions parking for 10 vehicles at the site but the location of these places is not clear on any plan.

The grass verge alongside the approach drive should not be used for the parking or storage of vehicles under repair, this will be much more visible than using the hard standing in front of the building.

The outside parking allocation of 10 should only be in the present hard standing area. No daytime parking should overflow to other areas. More than 10 cars must not be permitted at any other location on the site. The PC is concerned that surplus vehicles could end up being parked in the field opposite the barns or on the grass verge.

This would easily be prevented by fencing off the grass verge. Dilham Parish Council suggests this be a condition if this application is successful.

- **Amenity Impact**

The 'Amenity Impacts' mentions 'no repairing of vehicles or storage of scrap vehicles externally' but it falls short of 'no vehicles to be left outside after hours of business'. This would avoid repeating the present situation where many vehicles are still left outside after hours and at the week-end.

- **Traffic**

The increase in traffic has been a big issue in Carl's Autos present location and surely some traffic restriction should be put into place turning in and out of current application site. There is also concern over an increase in accidents, with the number of vehicle movements coming in and out of the

REPRESENTATIONS

Sixteen letters of support have been received from occupiers of the nearby homes: Comments summarised as follows:

- The business in question (Carls Auto Repair Service) has already been so very valuable to some local people who have utilised this service.
- Is an excellent small business and employs several young apprentices.
- No repair facilities in Dilham. The nearest was Smallburgh but that closed some years ago.
- Carl's Auto hasn't caused any problems in its current location in terms of noise and pollution, and is always very tidy

CONSULTATIONS

Norfolk County Council (Highways)

No objection subject to conditions requiring the provision and retention thereafter, of specified visibility splays at the junction of the access with the highway before the proposed use commences, along with on-site parking and turning space

Economic Growth Team: support as there are potential economic benefits that would be derived by the proposal, including employment generation and supply chain development.

Environmental Health: No objections subject to conditions relating to the following matters;

- hours of operation (08:00 – 18:00 hours Monday to Friday, 0800-1300 Saturdays, nor at any time on Sunday, Bank or Public Holidays) with no plant, equipment, vehicles or machinery to be operated on the premises and no deliveries taken or dispatched from the site outside these times. No operations outside these times.
- no repairing of vehicles or storage of scrap cars outside the building at any time and no storage of materials or waste outside the building at any time, except where waste is contained in appropriate waste receptacles for collection by a licenced waste contractor.
- No plant, equipment, vehicles or machinery to be operated externally other than for access and egress from the site.
- No valeting or washing of cars via the use of a pressure washer anywhere on site and no vacuuming other than within the building.
- All external doors and windows to the building to be kept shut at all times during working hours apart from when providing access for personnel and visitors, deliveries and the movement of plant and equipment to and from the building.
- No paint spraying
- Details of any ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment to be installed as part of the approved development, to be submitted to and approved in writing by the Local Planning Authority.
- Details of any external lighting to be submitted to and approved in writing by the Local Planning Authority.

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 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
- Landscape impact
- Environmental impact
- Highway impact

APPRAISAL

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

The site is within the designated Countryside policy area of North Norfolk, as defined under Policy SS 1 of the adopted North Norfolk Core Strategy. Within this area, Policy SS2 lists the types of development that are acceptable in principle where they specifically require a rural location. Policy SS2 allows for the re-use of an existing building for economic use, subject to compliance with the criteria set out in the associated policy - EC 2.

Policy EC 2 states that the re-use of buildings in the Countryside for non-residential purposes subject to the following:

- *Economic uses must be appropriate in scale and nature to the location.*

- *It can be demonstrated that the building is soundly built and suitable for the proposed use without substantial rebuilding or extension and the proposed alterations protect or enhance the character of the building and its setting;*
- *The proposal is in accordance with other policies seeking to protect biodiversity, amenity and character of the area.*

Considering the first criterion, the application seeks permission for the introduction of a new use to part (less than half) of an existing agricultural building. The proposed development would be substantially smaller than the development previously proposed at the Granary site under application 20/0002, where the unauthorised car repairs use is currently taking place. Whereas the refused application / appeal sought permission for change of use over an area of 1,760 sq. m, this application proposes change of use on an area of circa 600 sqm (approx. 400 sqm of internal space, 200 sq. m external)

It is appropriate to consider a fall-back position i.e. what other uses could potentially be undertaken via permitted development without the need for express planning permission.

Accordingly, it is relevant to note that under existing permitted development rights the site could accommodate up to 500 sq. m floor space of uses as diverse as residential (under Class Q of the GPDO); flexible commercial use (E/B8/C1, D2 under Class R); or a school or nursery (Class S).

If these are uses are considered to be acceptable in nature and scale (of up to 500 sq. m), then officers consider that if the proposed use can be controlled in such a way that limits unacceptable impacts then nil detriment against the above permitted development uses may apply.

Furthermore, that given the limited scale under such a comparison to permitted development uses it is otherwise reasonable to consider the 600 sqm proposed use to be appropriate in scale to a countryside area under policy EC2 criterion one.

Considering the second criterion, the building is in sound structural condition and capable of accommodating the proposed use without extension or external alteration. Thus, criterion 2 is considered satisfied.

With regards the third criterion, the proposal is not considered to have any unacceptable impact on amenity, landscape or ecology, and these matters are considered in more detail below. It is considered that the proposal accords with policy EC2.

It is recognised that historically small, localised garages are features in some smaller village communities. It is further noted that similar businesses have already existed in the locality, one located just over a mile away on Yarmouth Road in Smallburgh which has since closed. The villages surrounding the application site (East Ruston, Smallburgh, Tunstead and Honing) have all lost garages over the years and now offer no such facility. The application proposes a smaller scale use which is potentially important to the functioning of local communities, and in a location which has recently lost a similar business. Consequently, the development proposed in this application represents sustainable development in a rural area, and satisfies the provisions of policy SS2 and EC2.

Design (Policy EN 4):

Regarding design, other than new doors, no alterations to the exterior of the building are proposed to the only new doors to the building. With regards visual amenity, the site is well screened site from the public highway by the substantial area of mature tree planting located between Honing Road and the site.

In regard to visual amenity, concern has been raised as 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 above, this matter can be satisfactorily controlled through the imposition of conditions to maintain an acceptable visual appearance, in this otherwise rural open countryside area.

The proposed conditions would also effectively control the use of external areas. Accordingly, the proposed development is considered to satisfy the provisions of policy EN 4. in this respect.

Residential amenity (Policies EN 4 and EN 13):

No objections have been raised by the Environmental Protection Officer (EPO).

The key consideration regarding compliance with Policy EN13 is whether, even with such conditions imposed, the proposed use would result in material harm to the living conditions nearby residents.

In particular, the use of part of the building for car repairs would, to an extent, be materially different to the agricultural 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/closed to allow vehicles/equipment in/out of the building - this again would be partially alleviated by the positioning of the current access/doors on the western side of the building. The suggested conditions will minimise the level of noise/disruption. Whilst the appropriateness of such a facility being located close to residential properties, those closest are under the control of the applicant and the occupiers are supportive of the proposal. Officers note the significantly lesser scale of the proposed use, in comparison with application 20/0002

On balance with the inclusion of the conditions recommended by the EPO, it is considered that the proposal would not result in significant material harm to residential amenity and that the proposal complies with policies EN 4 and EN 13.

Environmental considerations (Policy EN 13):

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 given to 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 the proposal complies 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. As such, the proposal is considered to comply with Policy EN 2.

Highways impact (Policies CT 5 and CT 6):

Having received further information, the Highway Authority have confirmed that they would not wish to restrict the grant of permission. With regard to the visibility condition requested by the Highway Authority the agent has recently confirmed that the applicant has acquired land to the north of the site and a plan has been provided on this basis, such that it is considered the splay could be provided. Provision will be controlled by appropriate condition requiring installation before first use and maintenance in perpetuity.

In the absence of any objection from the Highway Authority and with the required visibility splays, parking and turning space within the site to be secured by conditions, it is considered the proposal complies with policies CT 5 and CT 6.

Conclusion:

Positive weight can be applied as this application proposes the change of use of part of an agricultural building creates / retains 5 jobs (2 full-time, 3 part-time), in addition the business could continue to provide the rural community with an important service. Officers recognise the same positive weight may also be applied to 20/0002.

The application represents the effective reuse of an existing building, and it has been demonstrated that the proposal is represents sustainable development, delivering economic and social benefits. Critically, the proposals differ from application 20/0002 "retention of use at granary barn" as they are significantly reduced and appropriate in scale to their surroundings. The proposed use will be approximately 1/3 the size of the alternative proposals, at a lesser scale it may be more readily controlled by appropriate conditions. In this way negative weight which may apply on matters of public interest, may be mitigated by this smaller scale proposal which is otherwise appropriate in scale to the community it serves.

Accordingly, the application is considered to satisfy the provisions of Local Plan policies SS1, SS2, EC2 and EN4 and paragraphs 83, 84 and 109 of the NPPF.

RECOMMENDATION:

APPROVE, subject the conditions listed below and any others considered necessary by the Assistant Director for Planning

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development to which this permission relates shall be undertaken in strict accordance with the submitted and approved plans, drawings and specifications.

Plan 1: Site Location.

Plan 2: Site Plan.

Plan 3: Elevations.

Reason: To ensure the development is carried out in accordance with the expressed intentions of the applicant and to ensure the satisfactory development of the site, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

Highway Conditions

3. Prior to the first use of the development hereby permitted visibility splays measuring 43 metres x 2.4 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety in accordance with the principles of the NPPF.

4. Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

Residential Amenity

5. No plant, equipment, vehicles or machinery shall be operated on the premises and no deliveries taken or dispatched from the site outside the agreed hours of operation of 08:00 – 18:00 hours Monday to Friday, 0800-1300 Saturdays, nor at any time on Sunday, Bank or Public Holidays.

Reason: To control the noise, smell and airborne pollution emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

6. There shall be no repairing of vehicles or storage of scrap cars outside the building at any time. There shall be no storage of materials or waste outside the building at any time, except where waste is contained in appropriate waste receptacles for collection by a licenced waste contractor.

Reason: To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text and to protect the character of the countryside in accordance with Policy SS 2 of the adopted North Norfolk Core Strategy.

7. No plant, equipment, vehicles or machinery shall be operated externally other than for access and egress from the site.

Reason: To control the noise emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

8. No valeting or washing of cars via the use of a pressure washer anywhere on site. No vacuuming shall take place externally on site.

Reason: To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

9. All external doors and windows to the building shall be kept shut at all times during working hours apart from when providing access for personnel and visitors, deliveries and the movement of plant and equipment to and from the building.

Reason: To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

10. No paint spraying shall take place from the premises subject to this planning permission.

Reason: To protect nearby residents from smell and airborne pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

11. Prior to the first use of the premises hereby permitted, full details of any ventilation, air conditioning, refrigeration or mechanical extractor systems or any other plant and equipment to be installed as part of the approved development, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall specify measures to control noise/dust/odour from the equipment. The use of the premises hereby permitted shall not be commenced until such time as the equipment has been installed in full accordance with the approved details (unless otherwise agreed in writing by the Local Planning Authority). The equipment shall be maintained in accordance with the approved details thereafter.

Reason: To control the noise, dust or odour emitted from the site in the interests of residential amenity in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy as amplified by paragraphs 3.3.66-3.3.72 of the explanatory text.

12. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraph 3.3.70 of the explanatory text.

Final wording of conditions to be delegated to the Assistant Director for Planning