

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2021/0197/F	CASE OFFICER	Naomi Minto
LOCATION:	CARBROOKE Land between 11 Mill Lane and the Old Chapel	APPNTYPE:	Full
APPLICANT:	Mr gary wicks 9a Dereham Rd Dereham Road	POLICY:	Out Settlemnt Bndry
AGENT:	Mr Gary Wicks 9a Dereham Rd Dereham Road	CONS AREA:	N
PROPOSAL:	Change of use of steel container to be clad in timber to a workshop, mobile home on site for storage - (retrospective)	LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

Application was heard at Chairman's Panel following a Ward member call-in and it was decided that the application should be heard at Planning Committee.

KEY ISSUES

- Principle of development
- Impact on character and appearance of the area
- Impact upon amenity
- Highway safety
- Other matters

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for a change of use of a steel container to be clad in timber to a workshop and a mobile home on site for storage (retrospective). The use of the site has commenced. However, the building, whilst constructed, has not been finished.

The workshop measures 5.93 metres by 7.31 metres and is 3.22 metres in height to the ridge line and 2.6 metres in height to the eaves. Materials proposed to cover the container include Romboid Traditional Feather Boards (black horizontal) on the walls and green felt or olive green steel profile sheets on the roof.

Hours of operation are proposed to be Mon - Fri 08:00 - 17:30.

SITE AND LOCATION

The application site is located on an old sewerage works site. Access to the site is off Mill Lane, between 11 Mill Lane and The Old Chapel. The workshop and mobile home are located on land to the rear of 11 Mill

Lane and 6 Muriel Way.

The application site is within a built up residential area. The site access is within the settlement boundary, whilst the application site is located outside of the settlement boundary for Carbrooke.

The application site is in an area identified as being within Flood Zone 1.

EIA REQUIRED

No

RELEVANT SITE HISTORY

No relevant site history

POLICY CONSIDERATIONS

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
EC04	Employment Development Outside General Employment Areas
ENV02	Biodiversity protection and enhancement
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

OBLIGATIONS/CIL

Not applicable

CONSULTATIONS

CARBROOKE P C

No objection.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection, subject to condition.

ENVIRONMENTAL HEALTH OFFICERS

No objection, subject to conditions.

REPRESENTATIONS

A Site Notice was put up on 14 April 2021 and six neighbours directly consulted. Three letters of representation have been received, raising the following main points of concern;

- Temporary structure not sited in accordance with submitted plans;
- Amenity concerns - Damaged adjacent neighbour's fence; noise and disturbance concerns from use as a workshop;
- Inappropriate location - business premises in entirely residential location;
- Fire safety concerns;
- It may lead to a subsequent change of use to a dwelling;
- Sewage disposal concerns - previously a pump house on site with possible underground tank in situ to deal with Mill Lane's waste (old sewerage works);
- Loss of trees on site;
- Poor design;
- Contamination concerns;
- Application form incorrect - the applicant has replied 'no' to the question 'Does this proposal involve the carrying out of industrial or commercial activities and processes?' However the description of the proposal clearly states that this will be a business workshop used for manufacture of furniture.
- Concerns in respect of how waste will be disposed of;
- Potential for an increase in criminal activity.

ASSESSMENT NOTES

1.0 Principle of development

1.1 Policy EC 04 of the Breckland Local Plan (adopted 2019) (BLP) states that proposals for employment uses outside of the identified General Employment Areas and allocated sites will be permitted where:

- a. It is demonstrated that there are no other suitable sites available on identified or allocated employment sites; and/or
- b. There are particular reasons for the development not being located on an established or allocated employment site including;
 1. The expansion of an existing business;
 2. Businesses that are based on agriculture, forestry or other industry where there are sustainability advantages to being located in close proximity to the market they serve; or
 3. Industries and or businesses which would be detrimental to local amenity if located in settlements, including general employment areas.
- c. The development of the site would not adversely affect the type and volume of traffic generated.

1.2 In terms of points a and b above, the applicant advises that the unit he previously rented has been demolished to allow further development to take place. He therefore had no opportunity but to relocate his

business. He was subsequently offered the use of another business unit at Snetterton Park on a temporary reduced rate. However, that temporary period is nearing an end and the rent is due to double.

1.3 The applicant advises that he runs a small business making hand made foot stools for a living and selling them at local markets and on-line. However, the national restrictions put in place as a result of the Covid pandemic have resulted in a reduction of business by at least 80%. Given the impact on the business as a result of the Covid pandemic and the rent increase, the applicant advises that it will be financially unviable for him to continue operating from the existing premises at Snetterton Park. The applicant further advises that commercial units are too expensive to rent for small independent furniture makers.

1.4 The applicant therefore seeks planning permission to operate from the application site, which is within his ownership. He states in the application form that he would like to use his Mill Lane premises as an upholstery work shop, using only small electric hand tools, thus creating no exterior noise. He further states within the application submission that his business is a discreet cottage style business making foot stools without any sign writing or advertising boards on display. Furthermore, the applicant also advises that the small strip of land has been plagued with fly-tipping and he believes that having a workshop on site will deter further illegal dumping.

1.5 In light of the above considerations and given the small scale nature of the proposal, it is accepted that the application broadly complies with Policy EC 04 (a) and (b) of the BLP. In terms of point c above, this will be considered under highway safety considerations.

2.0 Impact on character and appearance of the area

2.1 Policies GEN 02 and COM 01 of the BLP require all new development to achieve the highest standard of design. The workshop measures 5.93 metres by 7.31 metres and is 3.22 metres in height to the ridge line and 2.6 metres in height to the eaves. Materials proposed to cover the container include Romboid Traditional Feather Boards (black horizontal) on the walls and green felt or olive green steel profile sheets on the roof. The applicant further advises that the workshop and motor home were put on site following the demolition of the derelict buildings that had previously been on site and used in association with the water treatment works.

2.2 The siting of the workshop and mobile home are set back from the public highway and would be sited behind existing development, therefore restricting views of the proposal from the street scene. The materials proposed to clad the workshop are considered acceptable in light of the use and are more appropriate than the container as it is. Overall, the proposal is considered broadly acceptable when having regard to Policies GEN 02 and COM 01 of the BLP and paragraph 130 of the NPPF (2021).

3.0 Impact upon amenity

3.1 Policy COM 03 of the BLP seeks to protect residential amenity and requires all new development to have regard to amenity considerations. Development will not be permitted where there are unacceptable effects on the amenities of the area.

3.2 The applicant advises that the workshop is used Monday - Friday between 08:00 and 17:30. It is accepted that this could be conditioned as part of any future approval to further safeguard the amenity of existing neighbouring residents.

3.3 It is also accepted that the single storey nature of the proposal ensures that the development does not give rise to overlooking or overshadowing issues. In terms of noise considerations, it is acknowledged that

the applicant intends to use the site for upholstery works, using only small, electric hand-tools, in order to minimise the impact of the business on local residents. Given the proximity of the proposal to existing residential development, Environmental Health were consulted and raised no objection, subject to the inclusion of conditions to alleviate environmental concerns.

3.4 In light of the above, the application is considered acceptable, having due regard to Policy COM 03 and subject to the inclusion of conditions.

4.0 Highway safety

4.1 Policies COM 01(m) and TR 02 of the BLP seek to ensure that all access and safety concerns are resolved in new developments. Paragraphs 110 and 111 of the NPPF (2021) are also relevant planning considerations when assessing an application in terms of highway safety.

4.2 The submitted plan demonstrates that there is sufficient on-site parking for the applicant's vehicle. The Local Highway Authority initially required more detailed information concerning the size and frequency of vehicles visiting the site on a daily basis prior to submitting formal comments. The applicant has advised that one van is used to commute to and from the site daily, plus two / three extra journeys by the applicant throughout the week to collect supplies, such as fabric and delivering goods to customers. He further advises that he collects his outworker's foot stools after work and keeps them in his van over-night, until he returns in the morning to the work-shop, therefore creating no additional comings and goings. In respect of the campervan, this is taken off site once or twice each year for holiday purposes.

4.3 Following a re-consultation with the Local Highway Authority, they advised that on the basis of the traffic generation information supplied, they consider it would be difficult to substantiate an objection. However, they have requested that a condition is included to restrict the use to the applicant, in order to retain the low key nature of the use. With this in mind, it is considered that the application has due regard to highway safety matters covered within the BLP and NPPF (2021).

5.0 Other matters

5.1 Policy ENV 02 of the BLP states that all development should demonstrate how net gains for biodiversity are being secured as part of the development, proportionate to the scale of development and potential impacts (if any). The need for net gains is also sought by the NPPF (2021). No ecological information has been submitted for consideration. However, given the nature of the proposal and its location, it is accepted that this could be conditioned as part of any forthcoming planning permission.

5.2 Section 14 of the NPPF and Policy ENV 09 of the BLP seek to minimise the risks of flooding by directing new development away from areas at highest risk of flooding and for new development not to increase flood risk elsewhere. Having checked the Government's flood risk maps, the application site is in flood zone 1, although it is noted that part of the site to the north is identified as being at low risk of surface water flooding. It is however accepted that surface water disposal could be dealt with via condition. The application is therefore considered to be compliant with Policy ENV 09, as well as the requirements of the NPPF (relating to flood risk).

6.0 Conclusion

6.1 In consideration of the overall planning balance of the scheme, the proposal is considered acceptable in planning terms, having due regard to Policies EC 04, GEN 02, COM 01, COM 03, TR 01, TR 02, ENV 09 and ENV 02 of the adopted BLP and the NPPF (2021). Accordingly, the application is recommended for

approval, subject to conditions.

RECOMMENDATION

Recommended for APPROVAL, subject to the following conditions;

CONDITIONS

- 1 Full permission 3 year time limit**

The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.
Reason for condition:-
To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 2 In accordance with submitted plans NEW 2017**

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.
Reason for condition:-
To ensure the satisfactory development of the site, in accordance with Policy COM 01 of the Breckland Local Plan (adopted 2019).
- 3 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.
Reason for condition:-
To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by Policies COM3, GEN2 and COM1 of the Breckland Local Plan (adopted 2019).
- 4 Personal**

This permission shall be solely for the benefit of Mr Gary Wicks and for no other person.
Reason for condition:-
To enable the Local Planning Authority to retain control over the need for the development which is of a type which could become detrimental to the amenities of the locality and highway safety, contrary to the Policies COM 01(m), COM 03 and TR 02 of the Breckland Local Plan (adopted 2019).
- 5 Hours of use - general 8am - 6pm Mon to Friday
9am-1pm Sat**

The development hereby approved shall not operate outside the hours 08:00 - 18:00 Monday to Friday, 09:00 - 13:00 Saturday nor at any time on Sundays, Bank Holidays or Public Holidays.
Reason for condition:-
In the interests of the amenities of adjoining residents in accordance with policy COM 03 of the Breckland Local Plan (adopted 2019).
- 6 Non-standard condition**

Noise from the development measured as an LAEQ (or equivalent continuous sound level) shall not exceed 5dBA over the background noise level measured as an LA90 (level exceeded 90% of the time) on the boundary with the nearest affected residential properties. The LA90 and LAEQ shall be measured using the principles contained in BS

4142:2014+A1:2019 and shall be measured over 1 hour between the hours of 7am and 7pm and over 15 minute periods between the hours of 7pm and 7am. All measurements to be taken with a sound level meter of IEC 651 Type 1, or BS EN 61672 Class 1, standard (or the equivalent relevant UK adopted standard in force at the time of the measurements) set to measure using a fast time weighted response. This should be calibrated in accordance with the procedure specified in BS 4142:2014+A1:2019 (or the equivalent relevant UK adopted standard in force at the time of the measurements).

Reason for condition:-

In the interest of the amenities of nearby residents, in accordance with Policy COM 03 of the Breckland Local Plan (adopted 2019).

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Net Gain in Biodiversity

Within six months of the grant of planning permission, a scheme demonstrating how net gains for biodiversity are being secured as part of the development, shall be submitted to and approved in writing by the Local Planning Authority. This could include bird/bat boxes, swift bricks and hedgehog holes for example. The development shall be carried out in accordance with the approved details, prior to first occupation.

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV 02 of the Breckland Local Plan (adopted 2019).

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Precise details of surface water disposal

Within six months of the grant of planning permission, precise details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Only such agreed system or works shall be used in connection with this approval.

Reason for condition:-

To minimise the possibilities of flooding, in accordance with Policy COM 03 and ENV 09 of the Breckland Local Plan (adopted 2019).

This condition will require to be discharged

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Variation of approved plans

Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

You or your agent or any person responsible for implementing this permission should inform the Development Control Section immediately of any proposed variation from the approved plans and ask to be advised to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new application.