

Hindringham – RV/24/0496 - Variation of condition 11 (no deliveries to be taken or dispatched outside the hours of 07:00 to 19:00 Mondays to Saturdays and not at any time on Sundays and Bank Holidays) of planning permission PF/10/0360 (Erection of potato storage building) to allow delivery and dispatch between the hours of 07:00 to 19:00 on Sundays and Bank/Public Holidays between i) 01 April and 30 June and ii) 01 September and 31 November, in any calendar year, on no more than 4 weekends within each of these periods at Row Hill Farm, Walsingham Road, Hindringham, Fakenham

Minor Development

Target Date: 2 May 2024

Extension of time: TBC

Case Officer: Darryl Watson

Full Planning Permission

RELEVANT SITE CONSTRAINTS

Countryside LDF

RELEVANT PLANNING HISTORY

Planning permission (PF/10/0360) for the potato store was granted on 13 July 2010.

Condition 11 of the permission states:

Unless previously agreed in writing, no deliveries shall be taken at or dispatched from the site outside the hours of 07:00 to 19:00 during Mondays to Saturdays, nor at any time on Sundays or Bank or Public Holidays.

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.

Planning permission PF/10/1464 for the variation of condition 7 of planning permission ref: PF/10/0360 to permit change of door colour was approved without conditions.

THE APPLICATION

As first submitted the proposed variation of condition was to allow for deliveries/dispatch on Sundays and Bank/Public Holidays between 07:00 to 19:00 hrs. Following discussions with the application regarding their operational requirements and how they have operated in recent years, the proposal was amended to allow for delivery and dispatch between the hours of 07:00 to 19:00 on Sundays and Bank/Public Holidays between i) 01 April and 30 June and ii) 01 September and 31 November, in any calendar year, on no more than 4 weekends within each of these periods.

REASONS FOR REFERRAL TO COMMITTEE:

At the request of Cllr Butikofer as Hindringham Parish Council remain extremely concerned that safety considerations have not been adequately responded to by the amendment to the application, and that due consideration regarding the routes the trucks are taking impacting

this have not been addressed.

REPRESENTATIONS:

Application as first submitted.

Three received with **objections** on the following grounds:

Highway impacts

- Walsingham Road is a single-track back road. There is already a large number of farm traffic and lorries that drive through the area which usually encounter head-on traffic with nowhere to go which forces road users to straddle the banks and verges, destroying the roadside. Will result in more heavy lorries travelling along Walsingham Road over a busy bank holiday weekend and Sundays when the road is already busier with people travelling.
- Birds Farm have run a camping and caravan site since 1989, and very rarely had any issues with traffic on the Walsingham Road, until the potato store opened. Now they have had issues with HGV coming and going from store with campers meeting with HGVs head on. As Walsingham Road is a single-track road with no passing areas campers have had to reverse along the road back to campsite or to either end of the road, which is not safe with a number of blind bends. There is limited parking at the storage unit and lorries park on the road blocking it. As weekend and bank holidays are busy times with campers arriving and leaving our site the proposal will cause problems

Sustainability/climate change

- Will mean more vehicles on the road, leading to increased greenhouse gas emissions from fuel consumption.
- Would discourage the use of more sustainable transport options, such as consolidating deliveries and using low-emission vehicles. It would also discourage cycling and walking when having to deal with articulated lorries on single track lanes.
- Extended operating hours for businesses will lead to increased energy consumption, contributing to greenhouse gas emissions and climate change.
- Negative environmental effects, such as increased air pollution from vehicle emissions and the degradation of the hedgerows and verges on single track lanes.

Other concerns

- Negative impact on local tourism businesses and may harm their profitability.
- Noise and disturbance

Following amendment to proposals and submission of further information.

No representations received.

CONSULTATIONS:

Hindringham Parish Council

Application as first submitted.

Objection on the following grounds

- The entrance/exit splay required by conditions 3 and 4 of planning permission PF/10/0360

is not in compliance with the approved plans and this should be rectified before permission for this variation is given. The splay on the right-hand side facing the building appears to be inadequate and this affects the site at all times and not just the times in the application.

- Since the planning permission was granted for the building, there has been a touring caravan site developed, on a field opposite. The lane to the store is single track and at bank holidays there are likely to be more caravans moving on and off site, thereby possibly causing road blockages.
- If this application is approved the PC would prefer a designated route to be used to lessen the haulage traffic through Hindringham village either at weekends and Bank Holidays or, preferably, at all times. They suggest that all unladen HGV vehicles should turn off the A148 at Little Snoring and enter the Little Snoring Road to Great Walsingham and then head directly to the potato store. Once laden, they should exit along the Walsingham Road heading east then join the Binham / Hindringham road turning right and heading south. This would lessen the chance of both cars/caravans coming face to face by 50% and would also lessen the HGV nuisance through the village of Hindringham. This route should be signposted.
- The Highway Authority should be consulted due to the site's proximity to the coast and the increased holiday traffic at bank holidays.

Following amendment to proposals and submission of further information.

No comments submitted.

Environmental Health:

Application as first submitted.

Have some concerns regarding the early start and extended day suggested for Sundays and Bank holidays and suggest discussion with the applicant on suggested hours of 09.00 hours to 16.00 hours, given the likely higher expectation of quiet on these days.

Following amendment to proposals and submission of further information.

Further consultation not considered necessary.

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.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES:

North Norfolk Core Strategy

EN 4 – Design

EN 13 - Pollution and hazard prevention and minimisation

CT 5 - The transport impact of new development

Material Considerations

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 6 – Building a strong, competitive economy

Section 9 – Promoting sustainable transport

Section 12 - Achieving well-designed and beautiful places

Government Planning Practice Guidance

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.

In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

OFFICER ASSESSMENT

Site

The site is located on the south side of Walsingham Road a narrow, single-track road between Blakeney Road and Binham Road. The potato store that occupies the site is set down at a slightly lower ground level with bund/embankments approximately 2m high topped with hedges along its boundaries. There is a small group of dwellings (Field House Cottages) about 35m from the west side boundary and there is a former farmyard adjacent to the east with a barn now converted to a dwelling following permission being granted on appeal in 2021. Further to the east about 60m away is a dwelling (Row Hill Farmhouse), with a small, certified camping site with 5 pitches opposite on the north side of the road. There are a number of other farms and sporadic dwellings along the road. There is also a certified campsite at Bird Farm about 600m to the east that can accommodate up to 5 caravans or motorhomes and up to 10 trailer tents or tents.

Main issues for consideration:

- 1. Whether the proposed variation of the condition would result in harm to residential amenity**
- 2. Whether the proposed variation would result in any other harmful effect**

1. Residential amenity

There are dwellings in relatively close proximity to the site, although the closest on the adjacent site to the east was approved since the potato store became operational. Noise is generated during loading and unloading operations which take place outside on the north side the building, from the comings and goings of tractors with trailers when the store is being loaded at harvest time and, from lorries when potatoes are dispatched to the crisp factory for processing. The noise is likely to include that from lorry and tractor engines, audible vehicle reversing warnings, and squeaks from conveyor/elevator rollers which the applicant states are sorted out 'pretty instantly'. They also state the noise is less than that associated with loading sugar beet or a blower on a grain store. The bunds to the site boundaries would help to provide reduce noise, although to what extent is difficult to quantify.

The applicant estimates that 92 lorries are needed to unload the store (i.e. dispatch) and 226 tractors with trailers to fill it. Once full, the store is not topped up throughout the year. On average, receiving or sending out potatoes from the store adds up to approximately 8 weeks. Logs of the dates of loading and unloading on Sundays over the last 3 years have been provided as part of the additional information submitted. Finally, the applicant states that Sunday working is not popular with them, and they avoid it if at all possible.

With the agreement of the Local Planning Authority (LPA), loading and unloading on Sundays has taken place since at least 2020. To avoid the need to inform the LPA each time, it was suggested by officers that the applicant should formalise this through an application to vary the condition. The information provided by the applicant shows that loading and unloading has only taken place on 8 Sundays in the last 3 years. This also takes place over a relatively short period of time – for example in 2023 loading into the store was between 20 September and 06 October which included 2 Sundays which was necessary because of weather conditions. Unloading/dispatch is required on occasional Sundays to meet the demands of the factory who otherwise will give those loads to another grower along with other penalties. Unloading took place on two Sundays in 2022 and three in 2023. There are no planning records regarding complaints about this previous Sunday working and none have been referred to by the Environmental Health team in their comments on the application.

Agriculture is an important component of the district's economy and as such it needs to be accommodated alongside those who live within the countryside. Given the lack of evidence in the form of complaints about previous Sunday working, and the amendment to the proposed variation limiting the number of Sundays and Bank Holidays which could be worked, it is considered that the proposal strikes a reasonable balance between enabling the applicant to effectively deal with the operational constraints that can occur, whilst not having a significant adverse effect on the amenities of the occupiers of nearby dwellings. The hours proposed (07:00 to 19:00) are the same as those currently allowed on all other days and are not considered to be unreasonable. Unloading that has taken place on Sundays in recent years has on average been over a five hour period, with loading into the store taking place over a 7-8 hour period.

Noise from mechanical plant is subject of a separate condition and would not be affected by the proposal.

It is therefore considered that the proposal is in accordance with policies EN 4 and EN 13.

2. Other Effects

Highways Impact - The main concerns raised in the representations and by the Parish Council relate to increased traffic and the shortcomings of the local road network. It is unlikely that the

proposed variation would increase traffic or vehicle movements associated with the store as the capacity of it would not change. Additional movements on occasional Sundays would be offset by reduced movements on other days. There were no conditions attached to the original planning permission requiring a specific routing to be used for lorries travelling to and from the site and, because as stated, the overall number of vehicle movements associated with the store would be unlikely to increase. Taking account of the Planning Practice Guidance, this is not something that can reasonably be re-considered through this application and would also be something that would be very difficult to monitor and enforce. Furthermore, it is considered that given the size of the store it would not be justified. Whilst the road is narrow and not ideal for use by lorries and modern large tractors/trailers, it is equally not ideal for cars towing caravans, so there will inevitably be occasional conflicts at times, but this is a situation that is typical across the district.

With regards to the entrance/exit splays and access works required by conditions 3 and 4 of planning permission PF/10/0360 which have not been carried out, the applicant has indicated that these should be done during August this year. As this was a requirement of the previous permission, it is reasonable to condition this to be completed within 3 months of the date of the decision if planning permission is granted.

The proposal is therefore acceptable in terms of policy CT 5.

Other Considerations

Visibility splay – whilst there may be a breach of the condition (4) requiring the provision of a 2.4m wide parallel visibility splay across the whole of the site's frontage, as this has been for a period in excess of 10 years, the condition cannot now be enforced. Nevertheless, the applicant has advised that they are looking to improve the access at its junction with the public highway. It is however considered that a condition requiring the visibility splay to be provided with 6 months if this application is approved, would not be unreasonable having regard to the advice in the Planning Practice Guidance as it would not materially alter the development that was subject to the original permission and is a matter dealt with by a condition imposed on the earlier planning permission. On that basis the proposal is considered acceptable in terms of policy CT 5.

Sustainability/climate change – it is considered that there would be no material impacts as the capacity of the store would not change, nor would the total number of vehicle movements.

Conclusion and Planning Balance

The proposal is considered to be acceptable for the reasons stated. It will give the business the flexibility to deal with external demands whilst not resulting in any significant material harm to residential amenity or increased highways impacts. APPROVAL is therefore recommended subject to conditions.

RECOMMENDATION:

APPROVAL subject to conditions relating to the following matters

- Delivery and dispatch times
- Visibility splay and access works
- Any conditions attached to the original permission that remain relevant with adjustments

as necessary

Final wording of conditions and any others considered necessary to be delegated to the Assistant Director – Planning