

<b>Parish:</b>	<b>West Winch</b>	
<b>Proposal:</b>	<b>Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. New entrance to highway created. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage</b>	
<b>Location:</b>	<b>Building W of Spinney House Lynn Road Setchey Norfolk</b>	
<b>Applicant:</b>	<b>Specialist Hygiene Solutions Ltd</b>	
<b>Case No:</b>	<b>20/00303/FM (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 3 June 2020</b>

**Reason for Referral to Planning Committee** – Called in by Councillor Gidney

**Neighbourhood Plan:** Yes

**Case Summary**

The application site comprises a redundant agricultural building which is situated on the eastern side of the A10 in Setchey and relates to Park Farm, Wormegay which is a large working farm. Access to the site is currently via a farm road entrance from the A10.

The existing building is steel framed with asbestos cement cladding to the walls and roof with structural galvanised steel walling. It has previously been used for the storage and drying of grain and associated food products but due to its size and layout it has been made uneconomical and is no longer appropriate for use with modern farm machinery and storage procedures.

The site lies in the settlement of Setchey, which is categorised as a Smaller Village or Hamlet in the adopted Local Plan, and is therefore within the countryside. A Grade II listed building lies to the north of the site (The Gables) and the surrounding area comprises a mix of residential, agricultural and sui generis uses. It also falls within the West Winch and North Runcton Neighbourhood Plan area.

The application seeks planning permission for the change of use of the existing agricultural building for commercial/industrial equipment storage (B8 and B1c).

The site is accessed directly off the Lynn Road /A10. There is an existing access but the application seeks to relocate this to secure an adequate visibility. The Local Highways Authority objects to the application on the grounds that the scheme would result in an increase in vehicle movements using this access, causing additional vehicles to slow, stop, wait, and turn without the benefit of safe provisions. Such conditions would lead to the detriment of highway safety and efficiency on the A10.

## **Key Issues**

The key issues identified in the consideration of this application are as follows:

- \* Principle of development
- \* Impact upon the countryside
- \* Residential amenity
- \* Highway safety
- \* Flood risk and Drainage
- \* Other material considerations

## **Recommendation**

**REFUSE**

## **THE APPLICATION**

The application site comprises a redundant agricultural building which is situated on the eastern side of the A10 in Setchey. Access to the site is currently via a farm road entrance from the A10. The existing building is steel framed with asbestos cement cladding to the walls and roof with structural galvanised steel walling. It has previously been used for the storage and drying of grain and associated food products but due to its size and layout it has been made uneconomical and is no longer appropriate for use with modern farm machinery and storage procedures.

The application seeks planning permission for the change of use of the existing grain store barn and site to warehouse and external storage of products for sale and dispatch. A new highway access is proposed and in terms of the building the over-cladding of existing fibre cement panels, and insertion of a new mezzanine floor.

The application is for the primary use of the site for commercial/ industrial equipment storage (B8 and B1c). The majority of the ground floor space will be used for racking and picking lines for the equipment to be sold to customers and in some cases component assembly of items to create the sale item. Also a small office space will be created for the day to day running of the business, and welfare facilities for the staff including a small kitchen point and toilets. A mezzanine floor is proposed for the southern section of the building which will be used for additional office space.

The site lies in the settlement of Setchey, which is categorised as a Smaller Village or Hamlet in the adopted Local Plan, and is therefore within the countryside. A Grade II listed building lies to the north of the site (The Gables) and the surrounding area comprises a mix of residential, agricultural and sui generis uses.

The application site also falls within the West Winch and North Runcton Neighbourhood Plan area.

## **SUPPORTING CASE**

Letter to the Planning Committee:  
Thank you for taking the time to consider this application.

Planning Committee  
1 June 2020

Inivos (formerly known as Specialist Hygiene Solutions) specialises in the development and manufacturing of decontamination systems for hospitals, which has become increasingly relevant in the current COVID19 crisis.

1. Inivos is a family owned company providing direct employment in the Kings Lynn area of over 40 staff, and a further 50 staff in locally outsourced production, which would have been furloughed in the current crisis.
2. Inivos are developing systems which are critical to reducing and containing infections in healthcare environments around the world.
3. Inivos is the only company manufacturing both types of decontamination systems in the UK and is working directly with UK government departments in the development of our systems for use in Ambulances and other emergency vehicles.
4. Inivos are committed to investing in the necessary infrastructure and equipment to build a sustainable UK based supply chain which supplies the critical products to the NHS such as disinfectant wipes, disinfectants and PPE.
5. Inivos have been looking, with the help of the local council and business networks, for additional premises for a number of years, but haven't been successful to date. Keeping the business local to where the directors reside is important.

We are aware of the concerns raised from the Highways, and have studied to reduce any potential impact of traffic from this site onto the A10. When you take into account the type of vehicles and number of traffic movements in our submission, the proposed application will be less disruptive than the present usage would allow. A majority of the vehicle movements on and off the site, are likely to be already using the A10 to or from our existing premises on the Hardwick Narrows Industrial Estate. Previous usage as a grain store, meant there was 24/7 usage during the harvest season, including hundreds of movements on and off the site of slow moving agricultural vehicles and artic lorries during peak 'summer time' traffic. Therefore, the intensification of traffic onto the main road caused by this application would be negligible. These facts are not fairly represented or reflected in the Highways Officers' observations.

In summary, we believe it is important the planning application is granted for the medium and long-term success of the business, local community and our NHS healthcare, its staff and patients, as set out below:

- a) Inivos is in a critical industry providing key products and services to the current COVID19 pandemic and ongoing infection control
- b) There is an on-going need for the development and supply of our products and services
- c) This application will enable Inivos to expand and provide additional employment in the Kings Lynn region of over 50 opportunities in the next 12-18 months.

We are anxious about the current challenges we are all faced with in our daily lives and we are doing everything we can to assist the NHS in their fight to save patients and protect lives during this global pandemic and beyond. We had hoped the acquisition of this premises would not be problematic and needless to say, if we can make use of it as intended it will be of enormous assistance.

## **PLANNING HISTORY**

19/01838/FM: Application Withdrawn: 03/02/20 - Change of use of existing grain store barn and site to warehouse and external storage of products for sale and dispatch. Over-cladding of existing fibre cement panels, new mezzanine floor, internal offices and warehouse storage and perimeter fencing. - Building W of Spinney House, Lynn Road

12/01549/F: Application Permitted at Planning Committee (contrary to officer recommendation): 18/12/12 - Change of use of agriculture building to architectural, food industry and motorcycle and bespoke parts fabrication with associated display and sales - Land North of Brooklyn, Lynn Road.

10/01519/F: Application Permitted at Planning Committee (contrary to officer recommendation): 06/12/10 - Change of use of existing agricultural building for manufacture and distribution of themed play equipment - Land North of Brooklyn, Lynn Road.

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The Parish Council notes that the access point will be changed but still has concerns about accessing and leaving the A10 especially with vehicles having to cross the carriageway and/or queue in order to cross. The application states an increase in staff from 6 to 12 over the next 5 years so as well as the quoted 2 articulated vehicles, 4 rigid body vehicles and 4 x 7.5 tonne vehicles per week there may well be up to 48 car movements by staff PER DAY. The application is contrary to Policy E2.2 and Policy DM12 of the BCKLWN SADMP.

Should the Borough Council now be minded to grant permission for this amended scheme we request the following is added to any decision notice:

- \* Erecting security fencing behind the Carrstone wall and timber fence line and also a native species-maintained hedge to be planted is an improvement but a CONDITION is needed to ensure that if any part of the hedge dies within 5 years it will be replaced.
- \* The new application states that part of the Carrstone wall will be taken down to allow the new access and this will be rebuilt across the existing access. Again a CONDITION is requested to enforce this.
- \* We also request a CONDITION ensuring no public sales or viewings will take place on site.

It has been pointed out that the carrstone wall has no foundations so if trees/hedges were to be planted nearby then some type of barrier or distance should be taken into account. Finally we note the comments of statutory consultees regarding ground and surface water and trust these comments will be duly dealt with.

### **Highways Authority: OBJECT**

The D&A Statement states that the existing barn is said to be redundant and does not presently generate traffic movements. I also observe the expected vehicles for servicing the site, in addition to the associated staff movements and daily van deliveries. As a result there would clearly be a significant increase in traffic above that currently approved and experienced.

The revised access detailed on drawing 25124/022 would offer an improvement in relation to the visibility aspect, which would then accord with standard. However, the access relocation would not address the increased slowing, stopping and turning movements directed onto the A10 Lynn Road. The applicant is suggesting that a left turn only option could be put into practice for the revised access. However, such proposals are non-standard, are not generally accepted for private points of access, enforcement of such would be difficult to police and without a physical barrier to prevent such movements it would be open to abuse. The proposal is therefore not supported.

With respect to the history identified for the site, a previous application (12/01549/F) was approved against NCC Highway advice but was granted with condition 3 which restricted the class and type of uses in a specific manner to limit the level of traffic generated through the substandard access. That application predicted half the level of staff that are expected for this application. This application would differ from that previously approved as it is expected to generate, on average, a far greater number of vehicle movements as indicated in my first paragraph of this letter. A consideration would also need to be for the permitted class uses that this application would acquire which has the propensity to generate yet further increases in the future through the occupation of different ownerships.

It is also of note that the building currently only retains class uses in relation to agriculture, being grain storage, which would not generate the levels of traffic that are expected to result from an approval of this or the previous approved application mentioned. Ultimately, the 2012 application was not implemented and the class uses are not therefore valid.

The proposed development would access directly onto the A10 which is a Principle Route in Norfolk's Route Hierarchy. The A10's function is to carrying high volumes of traffic freely and safely between centres of population. The existence of an access for this site is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles would already occur. However, the proposed class uses that this application would engender is considered to promote a significant intensification of traffic above that of its agricultural designation. Such additional traffic will increase slowing stopping and turning movements on the A10 Principle Route. It is of note that five accidents have been recorded within the Sight Stopping Distance envelope of the point of access within the past 5 years. Norfolk County Council, as the highways authority for the A10, has consistently sought to resist development that would increase vehicle movements of the nature described above on the A10. It is notable that all inspectors' decisions have been found in favour of this authority's stance when challenged at appeal.

An approval of this application would lead to an intensification of use of the existing site and would therefore lead to increases in conflict and interference with the passage of through traffic on the principle route. Ultimately causing additional vehicles to, slow, stop, wait, and turn without the benefit of safe provisions. Such conditions would lead to the detriment of highway safety and efficiency on the A10 and I recommend the application be refused.

**Internal Drainage Board: NO OBJECTION**

**Environmental Health & Housing – Environmental Quality: NO OBJECTION**

The applicant should be made aware that the site lies 190m to the south of the 'Setch Tip', as indicated on historical maps. However, based on the information supplied, I have no objections to make regarding contaminated land or air quality.

In addition, due to the age of the grain store barn and as asbestos containing materials have already been identified and therefore an informative should be attached accordingly.

**Conservation Officer: NO OBJECTION.**

The recladding of this building will improve its appearance and will therefore have a positive impact on the setting of the nearby listed building. It is also pleasing to see that the historic carrstone wall adjacent to the A10 will be retained and repaired.

**Natural England: NO OBJECTION**

Natural England's initial screening of this planning application suggests that impacts to designated sites caused by foul drainage arrangements need to be considered by your authority (i.e. the relevant Impact Risk Zone has been triggered indicating that impacts to statutory designated nature conservation sites (European sites or Sites of Special Scientific

Interest) are likely). An advice note was provided against which to assess any potential impacts of discharges to ground or surface water on the designated sites.

### **Community Safety and Neighbourhood Nuisance Officer: NO OBJECTION SUBJECT TO CONDITIONS**

Having reviewed the information provided, and taking into consideration the previous use of the building, there are no grounds for objection. Excluding staff vehicle movements, vehicle movements projected are comparable to the former farm related vehicle movements indicated in the Traffic and Noise Statement. While we accept the site has been vacant and inactive for a number of years, we have considered the proposed hours of opening (5 weekdays), the site location adjacent to the noise generating A10 trunk road, the types of large farm machinery and vehicles previously accessing the site and the hours of the day (and night - 24 hours, 7 days a week) that these vehicles may have been moving on and off the site.

On balance this proposal, if controlled by conditions, should not have a detrimental impact on the residential amenity of neighbouring dwellings. Please attach conditions regarding foul and surface water drainage, a lighting scheme, noise protection, and hours of use.

### **REPRESENTATIONS**

None received.

### **LDF CORE STRATEGY POLICIES**

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** – Transport

**CS12** - Environmental Assets

### **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM12** - Strategic Road Network

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

### **NEIGHBOURHOOD PLAN POLICIES**

Policy WA04 - Providing Sustainable Drainage

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues identified in the consideration of this application are as follows:

- \* Principle of development
- \* Impact upon the countryside
- \* Residential amenity
- \* Highway safety
- \* Flood risk and Drainage
- \* Other material considerations

### **Principle of development**

The application site falls within the countryside as defined by the Site Allocations and Development Management Policies Plan Policies Map (2016).

The application seeks a change of use of a redundant agricultural building to an alternative economic use. The National Planning Policy Framework states in paragraph 83: 'Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'. The site lies within a mixed use area and whilst it is in the countryside it does lie adjacent to the built extent of Setchey.

Policy CS10 of the Core Strategy (2011) seeks to support the rural economy through a rural exception approach to new development within the countryside, and a criteria based approach to the retention of employment land and premises. This proposal will utilise an existing agricultural building and retain its employment purpose.

The principle of the change of use is therefore considered acceptable subject to consideration of other material considerations, including any detrimental impact on the countryside, harm to residential amenity or compromise of highway safety.

### **Impact upon the countryside**

The steel frame of the building will be left intact and the plans show the intention is to overclad the building installing new insulated profiled steel roof and wall cladding in goosewing grey. The existing doors need to be replaced with two roller shutter doors. On the south elevation, the main entrance to the building, will be a glazed façade.

The existing hardstanding shall be used and this area expanded for additional parking bays. Also a new access into the site and entrance road is proposed across the front of the building.

The existing barn is a typical rural structure in the countryside. However the redevelopment of this site will bring a notable change to the character of the site with the glazing on the building, alongside the increased areas of hardstanding and new access. That said, the site is within an area of mixed uses and within 120m of the Setchey employment area off Garage Lane. Therefore the introduction of B2 & B8 uses will not be alien in the wider locality. The materials proposed, grey steel sheeting, will minimise the impact of the redevelopment from wider views across the landscape from the east.

Overall it is considered that the proposed changes to the building and site are acceptable and would not cause a detrimental impact upon the countryside, the locality or the wider landscape. Furthermore it is not considered that the proposed change of use would have

any significant detrimental impact on the setting of the adjacent listed building (The Gables). In fact the conservation officer states that the redevelopment would have a positive impact.

### **Residential Amenity**

The neighbouring property to the north (The Gables) is situated approximately 75m away from the existing building on the site and the neighbour to the south (Brooklyn House) is situated approximately 90m away. To the west the nearest residential property (Spinney House) is directly opposite the site on the western side of the A10. The land use to the east is solely agricultural land.

The CSNN Officer considered the proposed use and traffic movements against the fall-back use as an agricultural barn, and concluded that there were no objections to the proposed scheme subject to a series of conditions being attached to the consent. The conditions included foul and surface water drainage details to be agreed as well as a lighting scheme, a noise protection scheme and restricted hours of use for the site. These will help to minimise any impacts of the development on neighbouring residents.

Overall given the distance of the unit from neighbouring properties, and the proposed hours of use, it is considered unlikely that there would be any significant harm to residential amenity.

### **Highway Safety**

The proposed access for the site differs to that existing. This is due to the fact that visibility at the existing access was below the standards required. The amended scheme is an improvement to the current situation and now meets the standard requirements.

The proposed development would access directly onto the A10 which is designated as part of the Strategic Road Network in the adopted Local Plan. The A10 therefore has the principle function of carrying high volumes of traffic freely and safely between centres of population. Policy DM12 of the Site Allocations and Development Management Policies Plan (SADMP) (2016) seeks to protect this role by restricting new development which would access onto such a route and result in an increase in traffic. The aim of the policy is to reduce congestion and improve reliability and safety of this route.

The Parish Council, in their representation, raise an objection to the application on the basis that the increased traffic accessing and leaving the A10 is contrary to the adopted Local Plan. The North Runcton and West Winch Neighbourhood Plan does not replicate existing Local Plan policies but it does state that an aim of their Plan is that it 'seeks to mitigate traffic and environmental problems on the A10'.

The existence of an access in approximately this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles is likely to already occur. However, the application shows a significant intensification of traffic over that of its existing agricultural use. This additional traffic would therefore increase slowing and stopping and turning movements on the principle route. The applicant has suggested a left turn only option could be put into practice, however this is not something the Local Highways Authority would support as enforcement would be difficult to police, and without a physical barrier to prevent such movements would be open to abuse.

With regards to the history on this site, previous applications have been approved contrary to the recommendations of the Local Highways Authority. However these have included a condition to restrict other uses and thereby limit any potential further increases in traffic.

Furthermore previous applications were not proposing the staffing levels that are stated in this application.

The Local Highways Authority point out, in their representation, that five accidents have been recorded within the Sight Stopping Distance envelope of the point of access within the last five years. Norfolk County Council as the Local Highways Authority for the A10 has consistently sought to resist development that would increase vehicle movements of the nature described above on this section of road. It is notable that all Inspectors' decisions have been found in favour of this authority's stance in this respect when challenged at appeal.

Overall it is considered that the proposed development would lead to an intensification of use of the access and lead to increases in conflict and interference with the passage of through traffic on the principle route causing additional vehicles to slow, stop, wait and turn without the benefit of safe provisions. As a result it is considered that the proposal would have a detrimental impact on highway safety and the efficiency of the A10.

### **Flood risk and Drainage**

The application site falls within the Impact Risk Zone for designated European sites, namely the Setchey SSSI and the River Nar SSSI, and as a result of this Natural England requests that the local planning authority considers any foul water discharges to ground or surface water. The Flood Risk Assessment for the site also notes that while the site lies within flood zone 1 for fluvial and tidal flooding, there is a risk of groundwater and surface water flooding on site. It is proposed that the full details of the foul and surface water drainage are to be provided following determination of the application, via a planning condition. While there are some drainage details on the plans, further information is still required. The applicant states the flood mitigation measures will be through an appropriate drainage scheme, and a suitable maintenance of this. The applicant has however also confirmed that the foul water will be discharged into a sealed tank which is to be periodically emptied by a tanker and taken off site for disposal. Therefore with this in mind there will be no impact upon the designated sites as a result of the development.

### **Other Considerations**

The Parish Council object to the scheme however in their representation they do state that if consent is granted, it should include a number of planning conditions. These relate to the provision and protection of the native hedge boundary treatment to the front of the site, and the rebuilding of the carrstone wall again at the front of the site. Furthermore that a condition should be attached preventing any public sales or viewings from the site. These comments are noted, however at this time it is recommended that the application is refused.

### **CONCLUSION**

The principle of the proposed change of use is considered to be acceptable and would not have any detrimental impact on the form and character of the locality or the wider countryside. Furthermore, it would not result in any significant harm to residential amenity, or have an impact on the designated sites nearby.

However, the proposed development would intensify the use of an existing access on a stretch of classified highway, protected as part of the Strategic Road Network. The existence of an access in approximately this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs. This scheme would however create an intensification of that interference causing additional vehicles to

slow, stop, wait, and turn without the benefit of safe provisions. This would be detrimental to the efficiency of the through road and to highway safety. Highway safety is given significant weight in consideration of this application, and the proposal is therefore considered to be contrary to the provisions of the NPPF (paragraphs 84 and 109), Policy CS11 of the adopted Core Strategy (2011) and Policies DM12 and DM15 of the SADMP (2016).

**RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The proposed development would lead to the intensification of access on a stretch of classified highway (A10) which carries significant traffic movements, usually at speed. The vehicular movements associated with the use of the access would lead to conflict and interference with the passage of through vehicles and an intensification of possible traffic conflict, being detrimental to highway safety. Contrary to the provisions of the NPPF (paragraphs 84 and 109), Policy CS11 of the adopted Core Strategy (2011) and Policies DM12 and DM15 of the SADMP (2016).