

Parish:	Stoke Ferry	
Proposal:	A change of use from an agricultural lorry park and outside storage area to a commercial outside storage area for construction materials and Items connected with Stoke Ferry Timber Ltd. Lorry parking is not applied for. (Retrospective)	
Location:	Stoke Ferry Timber Ltd Boughton Road North Stoke Ferry KINGS LYNN	
Applicant:	Mr Colin Bond	
Case No:	23/00125/CU (Change of Use Application)	
Case Officer:	Helena Su	Date for Determination: 29 March 2023 Extension of Time Expiry Date: 9 June 2023

Reason for Referral to Planning Committee – Called in by Cllr Sampson

Neighbourhood Plan: No

Case Summary

The application is for the retrospective change of use of historic lorry park for commercial storage for Stoke Ferry Timber. No operational development has occurred, or is proposed to take place, for the change of use.

The application site is Stoke Ferry Timber Yard which is located outside of Stoke Ferry's development boundary by approx. 230m. The whole site is approx. 2.9ha in size and consists of a number of buildings related to local businesses. The application site is located to the west of the commercial yard of Stoke Ferry Timber and is approx. 0.83ha, including an existing concrete track along the south of the yard.

Stoke Ferry is classified as a Key Rural Service Centre (KRSC) under the settlement hierarchy of Policy CS02 of the Core Strategy (2011). The application site is outside of the development boundary and therefore treated as countryside.

Key Issues

- *Principle of Development
- *Impact on the landscape
- *Impact on Neighbour Amenities
- *Wildlife, ecology and biodiversity
- *Highway Safety
- *Flood Risk
- *Other material considerations

Recommendation: APPROVE

THE APPLICATION

The application is for the retrospective change of use of a historic 'lorry park' to commercial storage for Stoke Ferry Timber. No operational development has occurred, or is proposed to take place, to facilitate the change of use.

This application is one of two planning applications and one lawful development certificate recently applied for on this site. The other planning application relate to part-retrospective storage containers on the site (planning ref: 23/00092/F). Both planning applications have been called in to Planning Committee.

The application site is Stoke Ferry Timber Yard which is located outside of Stoke Ferry's development boundary by approx. 230m. The whole site is approx. 2.9ha in size and consists of a number of buildings related to other local businesses. The application site is located to the west of the commercial yard of Stoke Ferry Timber and is approx. 0.83ha, including an existing concrete track along the south of the yard. The storage area makes up 0.4ha of the site.

There is no planning history on the subject land, but aerial imagery shows the land was used as a lorry park in the 1990s, associated with the previous potato farm business on the site. Since the 1990s, the site appears to be used for sporadic storage of items, such as vehicles, and waste.

The development relates to expanding the storage of an existing commercial timber yard. The planning agent and applicant stated that Stoke Ferry Timber often has bulk deliveries where outside storage away from the retail area of the yard is required to enable sorting, batching, and grading for display. The storage area proposed also allows for secure and fast unloading away from the public areas of the yard, but near the point of sale.

SUPPORTING CASE

None submitted to date.

PLANNING HISTORY

23/00125/CU: Pending Consideration - A change of use from an outdoor storage area and lorry park for agricultural use, to an outdoor storage area for commercial and personal use (retrospective)

23/00092/F: Pending Consideration - The siting of 30 '20 foot' containers for local storage (Part-retrospective)

23/00039/LDE: Would/Was Lawful - Application for a lawful development: To continue use of the buildings for an engineering company like it has been used for over 10 years

09/00136/CU: Application Permitted: 15/06/09 - Change of use of agricultural building and yard to storage and distribution of timber including trade counter (Committee Decision)

09/01866/F: Application Permitted: 08/02/10 - Variation of Condition 6 of Planning Permission 09/00136/CU revising siting of acoustic fence (Committee Decision)

2/99/0462/F: Application Permitted: 20/05/99 - Construction of office extension and vehicle workshop

2/96/0294/F: Application Permitted: 13/05/96 - Demolition of existing office and construction of enlarged office

2/93/1185/F: Application Permitted: 02/11/93 - Construction of agricultural store building (Committee Decision)

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: NO OBJECTION

With reference to the amendment consultation and confirmation that this area would be for storage associated with Stoke Ferry Timber Ltd. On balance we would not have an objection to such a use being connected to the existing business.

Environmental Agency: NO OBJECTION

Waste and Minerals: The site is not on a Mineral Safeguarding Area, nor does it fall within the consultation area of any existing mineral site or waste management facility, or the consultation area of any allocated mineral extraction site. Therefore, Norfolk County Council in its capacity as the Mineral and Waste Planning Authority has no specific comments on this site

Environmental Quality (Land): NO OBJECTION

Ministry of Defence: NO SAFEGUARDING OBJECTIONS

The application site occupies the statutory safeguarding zones surrounding RAF Marham - in particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome - and it is approximately 8.59km from the centre of the airfield.

After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

Community Safety and Neighbourhood Nuisance: NO OBJECTIONS Subject to conditions relating to drainage, the acoustic fence, opening hours, lighting and submission of a noise management plan. Also asked for if a condition relating to the ownership of lorries be included so that the use applies to vehicles owned by the business to ensure that the number of vehicles does not become excessive, and so that if it was sold in future, it wouldn't automatically have consent to be a commercial lorry park without further conditions being added.

Ecology Officer: NO OBJECTIONS

Hedgerow are an ecologically valuable habitat which do have the potential to support a variety of different species. However, given the context of the proposed development I do not believe there will be any significant adverse impacts to protected species or habitats as a result of the proposal at Stoke Ferry Timber.

As discussed this advice is based on the following factors:

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- The track that will be used for access is already in use. Any wildlife currently using the hedgerow will be habituated to the conditions under which they are already accustomed. The increased use of the track, which will not be significant, as a result of the development will therefore not significantly impact wildlife.
- The timber yard operates within normal business hours i.e. daylight hours. There will therefore be no feasible impacts to nocturnal species currently utilising the hedgerow i.e. owls and small mammals during the construction phase. Should additional lighting be required for the security of the new development it should be cowled or face away from the hedgerow where possible to avoid potential impacts during the operational phase of the development.

REPRESENTATIONS ONE in OBJECTION, summarised as follows:

- This planning application is listed as retrospective, which is untrue. In August 2022, a complaint was made to the Council's Enforcement team about area D being used as a dumping ground area for the application and his self storage tenants, a huge bonfire site, a scrap yard for the applicant's dead cars and household white goods. Area D was neither being used as a lorry park, nor for agricultural/commercial storage.
- There is no indication as to the number of lorries that might be parked there.
- the term 'commercial storage' is a nebulous term, that if approved would provide legitimacy to the storage of anything from builders waste to composition operations.
- The site is accessed using the entrance to the timber yard from Boughton Road along the concrete Road that runs just 1m away and all the way along the boundary of the neighbouring dwelling. This would create noise, vehicle fumes, dust and distress to the neighbours and wildlife in the boundary hedge.
- Propose that any permission regarding parking of lorries should be restricted to the number of vehicles owned by the applicants and ancillary to their business; no unrelated vehicles; opening hours; non-retail area; no permanent artificial lighting; the area to remain ancillary and retained within a single planning unit.

SIX in SUPPORT, summarised as follows:

- There has always been a timber business in Stoke Ferry. It is very convenient for the local village.
- There will be less noise than if this was being used as agricultural, with HGV lorries running 24 hours a day.
- The location is set away from the main settlement and unlike the large industrial complex at the centre of the residential community where it was built without proper planning permission. This modest change of use on the periphery can only be seen as advantageous for the local economy.
- A well-established business and well supported by local businesses. It provides good employment opportunities for local people. It has not had any problems in the past so should be encouraged.
- The storage area will offer more employment to our local area, cutting down on exhaust emissions. The storage area will offer a great service to the local area and I can't see any detrimental effect on the local area.
- My experience is noise level is exceptionally quiet.
- Stoke Ferry has had a wood yard for many years without any problems. I cannot see any problems at all changing from agricultural to commercial. It is quiet and reliable business.
- Stoke Ferry Timber have been more than helpful over a number of years, working with local businesses. The management team and account secretary have always been polite and willing to help. There is a strong professional attitude towards their customers

and they are a great asset to the village. The planning application put forward by Stoke Ferry Timber will help others.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS10 - The Economy

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of Development
- Impact on the Landscape
- Impact on Neighbour Amenity
- Wildlife, ecology and biodiversity
- Highway Safety
- Flood Risk
- Other material considerations

Principle of Development:

Stoke Ferry is classified as a 'Key Rural Service Centre' (KRSC) within the settlement hierarchy under Policy CS02 of the Core Strategy. The application site is outside of Stoke Ferry's development boundary and under Policy DM2 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016), will be treated as countryside.

Paragraph 84 of the NPPF (2021) states that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas and development and diversification of agricultural and other land-based rural businesses.

This is reiterated in Policy CS10 of the Core Strategy (2011), which states that permission may be granted on land which might not otherwise be appropriate for development for an employment generating use which meets a local business need, where it is appropriate in

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size and scale to the local area, adjacent to the settlement, and the development and use would not be detrimental to the local environment or local residents.

Subject to considerations of the detailed criteria in this report, the principle of development, to use this area for storage related to Stoke Ferry Timber, is considered to comply with Policy CS10 of the Core Strategy (2011), and provisions within the NPPF.

Impact on the Landscape:

The application site is located to the west of the commercial yard of Stoke Ferry Timber Yard. The site is defined by an approx. 1.8m tall green mesh fencing along the north and east boundary of the storage area. Within the mesh fence to the north of the area, is a 2.5m tall green mesh gate. Along the southern boundary are trees and an earth bund to the west boundary. No building operations are proposed to facilitate this change of use.

The commercial storage in this location would largely be screened by the landscaping to the south and west, which screens views from the A134, and the commercial yard, which screens views from Boughton Road to the east.

In summary, the change of use would have limited impact on the character of the area. The fence and gate which has been erected on the site is of a design which does not adversely impact the rural setting.

On impact on the landscape, the proposal is therefore considered to comply with policies CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP)(2016)

Impact on Neighbour Amenity:

There is one residential neighbour (Boughton Farm) located approx. 134m to the east of the application site.

Due to the location and nature of the application, the impacts on the neighbour would come from the use of the land and potential for noise and disturbance.

The concrete track leading to the storage site is located to the north of Boughton Farm's boundary, where there is an acoustic fence, along the eastern section of the boundary, and hedge to the rest of the boundary. The neighbour had raised concerns with noise resulting from the use of the concrete track to access the storage area.

The acoustic fence along the south boundary of the yard is now proposed to be extended by approx. 106m and will screen beyond the length of Boughton Farm's domestic curtilage by approx. 21m. The Community Safety and Neighbourhood Nuisance team (CSNN) have not raised any concerns related to the erection of the acoustic fence, which would mitigate potential noise implications of using the concrete track to the storage area. The erection of the acoustic fence would therefore be conditioned. Furthermore, the storage area would be used for the storage related to Stoke Ferry Timber and used during the permitted hours of the Yard. This again will be covered via condition.

Therefore, impact on neighbour amenity is considered to be minimal and comply with Policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Wildlife, ecology and biodiversity:

A third party commented that the use of the access may impact wildlife and nesting bird in the boundary hedge, and light pollution would frighten owls in the surrounding areas.

The Council's Ecologist said that given the context of the development, it is unlikely there would be a significant adverse impact to protected species or habitats. The concrete track is already in use. Any wildlife using the hedgerow will be habituated to the conditions which they are already accustomed and therefore the increased use of the track, which will not be significant, and will not significantly impact wildlife. Additionally, the timber yard operates within normal business hours. There will therefore be no feasible impacts to nocturnal species currently utilising the hedgerow

Furthermore, no lighting is proposed with the scheme. The Ecologist has said that should additional lighting be required for the security of the new development it should be cowed or face away from the hedgerow where possible to avoid potential impacts during the operational phase of the development. As it is considered there is potential for external lighting to adversely affect wildlife, it is sufficiently necessary that the details of any lighting to be installed shall be submitted to the local planning authority for consideration.

On this basis, the proposal complies with policies CS06, CS08 and CS12 of the Core Strategy (2011) and policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Highway Safety:

The development would use the existing entrance and track to the northwest of Stoke Ferry Timber to access the storage area. Considering this, the Local Highway Authority had no objections to the development, subject to the site being used in connection with the existing commercial yard. A condition will be included to ensure the storage area is held in connection with the existing commercial yard.

On this basis, the proposal complies with policies CS08 and CS11 of the Core Strategy (2011) and DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

Flood Risk:

The site is located within Flood Zone 1 of the Strategic Flood Risk Assessment 2018 and is therefore at lowest risk of flooding. Furthermore, the Environmental Agency had no objections.

Other Material Considerations:

There are no objections received or conditions required from MOD Safeguarding, Waste and Minerals team, and Environmental Quality.

There appears to be some confusion from the third party comment in objection that the site will be used as a lorry park. The site is not proposed to be used to store lorries, but for the storage of items related to Stoke Ferry Timber.

The Community and Safety Neighbourhood Nuisance team (CSNN) asked for a condition restricting the area to be used by lorries in the ownership of Stoke Ferry Timber. However, the application is for a storage area and not a lorry park. Therefore, such condition is not

considered necessary. A condition will be included to ensure the storage area is held in conjunction to Stoke Ferry Timber Yard only.

CONCLUSION

Policy CS10 of the Core Strategy (2011) and paragraph 84 of the NPPF (2021) are supportive of development and expansion of rural businesses in the countryside. The proposed storage area would be used by an existing commercial timber yard, to enable sorting, batching, and grading for display of stock away from the retail area of the yard. The change of use would have limited landscape and visual impact, on the neighbour and local wildlife, with no objections by any statutory or non-statutory consultees.

The proposal therefore complies with policies CS02, CS06 and CS10 of the Core Strategy (2011), policy DM15 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016), and provisions within the NPPF, and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out using only the following approved plans:

dwg no. 04e/CB/20/2023 (dated 18/05/2023)
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The storage area hereby permitted shall be held in conjunction with Stoke Ferry Timber Ltd (outlined in blue on dwg no. 04e/CB/20/2023 (dated 18/05/2023)), and shall only be used for commercial storage in association with Stoke Ferry Timber and at no times shall be used for personal use.
- 2 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 3 Condition: The use of the land hereby permitted shall only be used between the hours of 08.00 and 17.00 Monday to Friday, 08.00 to 12.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 3 Reason: In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 4 Condition: Prior to the installation/construction of any external lighting a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

- 4 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: Within 2 months of the date of this permission, a noise management plan shall be submitted to the Local Planning Authority to be agreed in writing by the Local Planning Authority. Within 1 month of the date of the details agreed in writing, the noise management plan shall be implemented as approved.
- 5 Reason: To ensure a plan is submitted within a reasonable period and to protect the amenities of the neighbour in accordance with Policy DM15 of the Site Allocations and Development Policies Plan (2016) and the NPPF.
- 6 Condition: Within 3 months of the date of this permission, the acoustic fence shall be erected in accordance with the details specified on dwg no. 04e/CB/20/2023 (dated 18/05/2023) and shall thereafter be maintained and retained in the approved location.
- 6 Reason: To ensure that the work is carried out within a reasonable period and to ensure that the fence is maintained and retained in order to protect the amenities of the neighbour in accordance with Policy DM15 of the Site Allocations and Development Policies Plan (2016) and the NPPF.