

AGENDA ITEM NO. 9/1(a)

Parish:	Crimplesham	
Proposal:	Removal of Condition number 3 attached to planning permission 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access.	
Location:	SJC Trailers Ltd 6 New Road Crimblesham KINGS LYNN PE33 9FH	
Applicant:	SJC Trailers Ltd.	
Case No:	24/01869/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 12 December 2024

Reason for Referral to Planning Committee – Application called in by Cllr Moriarty

Neighbourhood Plan: No

Case Summary

The planning application seeks the removal of condition no.3 attached to planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road, Crimblesham. Condition 3 stated that the development should at all times be used in association with the site and it shall at no time be sold/ let/ used for any other business or commercial purposes.

The application site is within an established commercial area off New Road, to the north of the A1122 (Downham Road). The site is within the settlement of Crimblesham which is categorised as a Smaller Village or Hamlet in the adopted Local Plan. As such the site is on land designated as countryside.

The site has been operated by SJC Trailers Ltd. who store trailers and trailer parts for repairs/upgrades and supply. The applicant hopes to build and occupy the building recently granted consent, but also to subdivide the site and allow the existing building to be occupied by another operator (a similar type of business) within the approved land use.

Key Issues

- Principle of Development
- Access/ Highway Safety
- Other Material Considerations

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Recommendation:

REFUSE

THE APPLICATION

The planning application seeks the removal of condition no.3 attached to planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road, Crimbleham. Condition 3 stated that the development should at all times be used in association with the site and it shall at no time be sold/ let/ used for any other business or commercial purposes.

The application site is within an established commercial area off New Road, to the north of the A1122 (Downham Road). The site is within the settlement of Crimbleham which is categorised as a Smaller Village or Hamlet in the adopted Local Plan. As such the site is on land designated as countryside.

The site has been operated by SJC Trailers Ltd. who store trailers and trailer parts for repairs/upgrades and supply. The applicant hopes to build and occupy the building recently granted consent, but also to subdivide the site. To sell part of the site to an operator that runs a very similar scale of operation to SJC Trailers. The applicant would retain the north eastern part of the site, where the approved new building is to be constructed and allow the existing building to be occupied by the other operator within the approved land use.

SUPPORTING CASE

Thank you for the opportunity to provide comments on the application. The following comments are made in support of the planning application, in addition to those already set out in our planning supporting statement and the Transport Note provided by Rossi Long, both submitted as part of the planning application.

The planning application is not proposing any additional buildings or structures, as the new building was proposed in May 2024 under planning reference 24/00476. All that is being proposed is who will use the existing building and the approved 250m2 building.

No objections have been received from the local area and the Parish Council supports the application. Furthermore, Councillor Moriarty supports the application and has called the application in to be heard at Planning Committee should the application be recommended for refusal.

The Highway Authority comments on this current application have not yet been received, but comments on the previous application recommended refusal on the grounds that 'the proposed development would intensify the use of the existing junction on a stretch of classified highway which carries significant traffic movements, usually at speed....' These comments also note however that there has been a reduction in traffic using the junction since the VOSA testing centre (previously on this site) closed in 2016-17.

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The application is supported by a report from a Highway Consultant that states that as a result of the planning application, the uses on site would broadly remain the same and would operate within the same land use planning category that was previously approved. Consequently, vehicular trip generation would be similar to at present. The report identifies that appropriate visibility splays are provided in both directions from New Road onto Downham Road and that the latest 5 year Personal Injury Accident Record at the New Road junction shows only one slight personal injury, and that no serious or fatal accidents have occurred.

Although we recognise that there will be a slight increase in the use of the New Road junction as a result of this application, it will not result in the impact that the Highway Authority state in their response. Paragraph 115 of the NPPF states that 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road would be severe.' In our opinion the proposed removal of the planning condition would not result in these highest levels of impact.

It is therefore considered that the proposal complies with relevant local and national planning policies, and the removal of condition 3 is justified by the advice contained in the NPPF about the appropriate use of planning conditions in decision making.

PLANNING HISTORY

24/01280/F: Application Withdrawn: 12/09/24 - Removal of Condition 3 attached to Planning Permission 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access. - SJC Trailers Ltd

24/00476/F: Application Permitted: 09/05/24 - Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access. - SJC Trailers Ltd

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

Highways Authority: OBJECTION

Having reviewed the Transport Note submitted for this application we continue to recommend a refusal to this application in line with our comments for planning reference 24/01280/F.

With respect to their Transport Note a summary of our view to this is as follows:

The reference to the site use as a VOSA vehicle testing centre (Para 1.5) has been covered in the previous letter for 24/01280/F. That use has been lost the permitted use is now that approved under 24/00476/F. During the time the New Road junction facilitated access for the VOSA vehicle testing centre the A1122 experience significant recorded accidents, were as the permitted use of the site now finds a significant accident reduction as supported by 4.0 of their Transport Note, which is reflective to reduced slowing, stopping, and turning movements.

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The Transport Note mentions (1.7) that due to economic viability the applicant is seeking to sell the application. Our interpretation of that is; it's not required. The reuse by a 3rd party can only therefore result in additional traffic utilising the junction. Sections 3.6 – 3.8 clearly show this to be the case when correctly, in our view, assessed against the current permitted use of the site.

Natural England: NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

REPRESENTATIONS None received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM12 - Strategic Road Network

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
- Access/ Highway Safety
- Other Material Considerations

Principle of Development:

This application seeks to remove condition no.3 of planning consent 24/00476/F: Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access at SJC Trailers Ltd, 6 New Road,

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Crimplesham. As such the principle of development has been accepted, and is in line with the NPPF, and policies CS06 and CS10 of the Local Plan.

Access / Highway Safety:

The access to the application site is via New Road, an access road of sufficient width for two way traffic and with adequate visibility splays onto the A1122.

The NPPF in paragraph 114 states it should be ensured that 'safe and suitable access to the site can be achieved for all users'. Policy CS11 of the adopted Local Plan refers to the need for development proposals to demonstrate that they have been designed to: ... Provide for safe and convenient access for all modes...' Policy DM12 of the Local Plan outlines the Council's approach to the impact of development on the Strategic Road Network. The policy states – '...New development served by a side road which connects to a road forming part of the Strategic Road Network will be permitted provided that any resulting increase in traffic would not have a significant adverse effect on: ... Highway safety...' Policy DM15 requires that 'proposals should demonstrate that safe access can be provided..'

The reason for condition no.3 of planning consent 24/00476/F was *'To ensure the LPA retain control over the use of the site which otherwise would result in an increased use of the highway junction which is without a right hand turning facility and a location where previous accidents have been recorded. This is in accordance with the NPPF and policy CS11.'* The Local Highway Authority have had historic concerns regarding the New Road junction with the A1122. The applicant has submitted a Transport Note as part of this application to seek to address these concerns.

The applicant states in their Transport Note that a combination of the existing and new uses on site would not generate a significant number of vehicular movements to/from the site during the course of the day, as both the existing and proposed operations generate significantly less traffic than the previous VOSA testing station that operated from this site. It is understood that the vehicle testing/ training use ceased in 2016-2017.

In assessing the highway safety of the junction of New Road and the A1122, in terms of the personal injury accident record at this junction, for the most recent 5-year period 2017-2022, inclusive, only one 'slight' personal injury accident occurred in 2018, and no 'serious' or 'fatal' accidents are recorded. The very low number of personal injury accidents during this 5-year period indicates that there are no inherent significant safety concerns to take into account in the local area. Therefore, there are no highway safety reasons for this application to be refused. Their view is that the evidence shows that the proposed sub-division of the site would not have a significant impact on highway safety, and that the suitability of imposing condition no. 3 on the planning permission in the first place must be questioned and based on this evidence, the condition fails to comply with the advice contained at paragraphs 54 and 56 of the NPPF and should be removed.

The Local Highway Authority reviewed the Transport Note information, and their views are detailed in full above. However, in summary, they state that the previous use of the site as a VOSA vehicle testing centre has been lost, and that when this was in use the A1122 experienced significant recorded accidents. The current use of the site has seen a significant reduction in accidents due to reduced slowing, stopping and turning movements as a result. They state that any justification of the proposal, for economic viability reasons, is not sufficient to justify the resultant increases in traffic movements utilising the junction.

Notwithstanding the information submitted within the Transport Note the Local Highway Authority continues to recommend a refusal to this application in line with their comments for planning reference 24/01280/F. In terms of highways safety, the variation proposed fails to accord with the NPPF and policies CS11, DM12 and DM15 of the adopted Local Plan.

Other Material Considerations:

Ecology - Natural England had no comments in response to the consultation.

CONCLUSION:

This application seeks to remove condition no.3 of planning consent 24/00476/F: 'Proposed industrial unit to provide covered storage for existing trailers incorporating new landscaping and enlargement of existing vehicular access' at SJC Trailers Ltd, 6 New Road, Crimbleham. In terms of the principle of development this is broadly acceptable, and was agreed under the extant planning consent.

The applicant has sought to provide additional information, as part of this application, to support the removal of condition 3. Stating that the proposed use of the site (for SJC Trailers and a second operator) would not give rise to an unacceptable volume of vehicle movements. That in fact movements would be less than that of a previous use of the site (as a VOSA testing centre). The Local Highway Authority does not accept this argument and refers back to the historic accident records at the site. Their view is that the nature of the A1122, and the junction with New Road, is such that an intensification of use of this junction would be detrimental to highway safety and therefore would be contrary to the policy framework.

For the reasons detailed above, Members are respectfully recommended to refuse the application as the proposal is contrary to the NPPF (paragraphs 114 and 155) and Local Plan policies CS11, DM12 and DM15.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The removal of condition 3 of planning consent 24/00476/F would enable the subdivision of a commercial site, to allow additional operator(s) to utilise the site. This would result in an increase in vehicle movements to/ from the application site which would result in additional traffic utilising the highway junction at New Road and the A1122. The junction is on a stretch of classified highway which carries significant traffic movements at speed. The increased use of the highway junction which is without a right hand turning facility, and is at a location where previous accidents have been recorded, would lead to conflict with the passage of through vehicles and would be detrimental to highway safety. The development is therefore contrary to the NPPF in general but specifically to paragraphs 114 and 115 of the NPPF and Local Plan policies CS11, DM12 and DM15.