

## AGENDA ITEM NO: 8/2(d)

<b>Parish:</b>	King's Lynn	
<b>Proposal:</b>	Replacement of existing department store with 4no. new A1 units to a new layout and configuration	
<b>Location:</b>	JE Beales 2 - 8 Broad Street King's Lynn Norfolk	
<b>Applicant:</b>	Vancouver GP C/O Lams	
<b>Case No:</b>	16/01541/FM (Full Application - Major Development)	
<b>Case Officer:</b>	Mr C Fry	<b>Date for Determination:</b> 18 November 2016

**Reason for Referral to Planning Committee** – 3<sup>rd</sup> Party objections to an application where the Borough Council has a financial interest.

### Case Summary

The site lies within the town centre of King's Lynn.

The site contains a two storey 1960s building that faces St Dominic's Square, Baxter's Plain and Broad Street. The building is served by a service yard that is accessed from Paradise Parade.

The building was occupied by Beales Department Store, which has recently close.

The proposal seeks consent to demolish the building and replace with 4 new retail units.

### Key Issues

Principle of Development  
Impact upon Visual Amenity  
Impact upon Designated Heritage Assets  
Impact upon Neighbour Amenity  
Highway Safety Implications  
Flood Risk  
Other Material Considerations

**APPROVE**

### THE APPLICATION

The application site lies within the defined area of Town and whilst not contained within the Conservation Area, the site forms part of the setting to St Margaret's Conservation Area.

The site currently contains a 1960s two storey building. The building is constructed from brick with walk under canopy that runs from St Dominic's square into Baxter's Plain. The building faces Broad Street, St Dominic's Square and Baxter's Plain and was previously occupied by Beales Department Store.

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The proposal seeks consent to demolish this building and replace it with 2 storey buildings. The buildings result in 4 – 2 storey units, the largest unit having a floorspace of 20,000 sqft. In order to gain additional floorspace, the buildings will extend into St Dominic's Square and Baxter's Plain. A maple tree on Baxter's Plain will be removed to facilitate the development.

Unit 1 scales 10.63m (h) x 27m (d) x 37m (w) maximum dimensions, with a floor area of approximately 20,000 sqft and will be the anchor store. This building will have a façade that wraps round from Baxter's Plain into St Dominic's square. Design features include ground to eaves glazing as it wraps round from Baxter's Plain into St. Dominic's square, and it will have entrance doors opening into Baxter's Plain. This unit will also have curved parapet roof.

Units 2-4 are not as tall as unit 1, at 8.5m in height. These units will have glazing from ground to first floor level. These units will also have canopy features. The floor areas in these 3 units range from 1620 sqft to 5,710 sqft.

All four units will be rendered and have brick pilasters.

## **SUPPORTING CASE**

The application has been supported by a Design and Access Statement which states the following:-

- The proposal will involve the redevelopment of the site into one 2 storey 20,000 sqft unit on the corner of St Dominic Square and New Conduit Street, and connected to 12-14 St. Dominic's square, by 3 smaller two storey retail units
- The site contains a late 1960s building. The building has frontage towards Broad Street, St Dominic's Square and New Conduit Street.
- The re-planning of the units has provided frontage for Units 1 and 2 parallel to their counterparts of the opposite of St. Dominic Square.
- A small unit (unit 3) defines the knuckle joint of the footprint with unit 4 aligned with 10-12 St. Dominic Square
- All units are 2 storey and are serviced from Paradise Parade in the same manner as the existing scheme.
- The layout blends well with the townscape footprint, more attention has been paid to the subdivision and vertical emphasis of the new elevations
- The loss of one tree is not detrimental to the overall design
- Particular attention has been paid to the verticality of the elevation in the form of flint pilasters subdividing the elevations. Flint has been chosen to provide a textured contrast to the smooth render panels, and utilises a local material. This verticality has been further emphasised by the use of vertical curtain walling in the double height glazed façade
- Unit 1 features a curved double height curtain walling system, which provides an interesting and sweeping entrance into the Vancouver Quarter as you approach from New Conduit Street and Blackfriars Street.
- Canopies above the entrance of units 2, 3 and 4 offers a visual break in the vertical emphasis of the building and offers with the rest of the centre.
- The service yard is of similar nature to existing. Vehicular access and servicing around the block will remain unchanged.
- As the yard as reduced in size, the way vehicles manoeuvre has been re-assessed. During construction, access and circulation for construction vehicles will be the same as for servicing the premises. Construction vehicles will have controlled access to the service yard.
- Unloading from the service yard has been improved by creating ramped access into the proposed units, in addition to providing stepped access.

## PLANNING HISTORY

2/01/1547/A: Application Permitted: 10/12/01 - Illuminated signage (revised scheme)

## RESPONSE TO CONSULTATION

**King's Lynn Area Consultative Committee Planning Sub Group: NO OBJECTION**

**NCC Highways: NO OBJECTION** subject to condition

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to condition

**Environmental Health & Housing – CSNN: NO OBJECTION** subject to condition

**Civic Society: OBJECTION** the surrounding area should be taken into consideration. The application ignores the great picture and does nothing to counter the dereliction that now suffocates Paradise Parade. Building into St Dominic's Square but not upgrading Paradise Parade is not acceptable.

Both the front and rear elevations needs to be considered.

In relation to the rear elevation – the large unsightly service area highlights the isolation of the Post Office from the retail area and makes it a less attractive prospect for developers. There needs to be an overall plan for Paradise Parade.

The proposed new building also needs more thought. The increase in the footprint of the building removes public seating in St Dominic's Square. This area is currently used as a meeting place and alternative seating will need to be provided. The mature tree on Baxter's Plain is the only thing that mitigates the poor architecture. This tree needs to be maintained. The town cannot afford the loss of a mature tree in the town centre.

The Borough Council Regeneration team need to be involved with this development to work with Iceland, the new owners of Beales and the Post Office to improve the rear service areas of these shops.

**Historic Environment Service:** State they have no specific comments to make on the application.

**Conservation Officer: NO OBJECTION** but requests a change in the material for the pilasters from flint to either brick or rendered finish.

**Conservation Area Advisory Panel: NO OBJECTION** but would require a change from flint to either brick or render pilasters.

**Environment Agency: NO OBJECTION** subject to condition

**Arboricultural Officer: NO OBJECTION** it would be appropriate that a replacement tree is supplied following any construction or a large planter with a replacement tree installed.

## REPRESENTATIONS

1 letter received objecting to the loss of the Maple Tree

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS10** - The Economy

**CS11** - Transport

**CS12** - Environmental Assets

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM15** – Environment, Design and Amenity

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM10** – Retail Development Outside Town Centres

## **OTHER GUIDANCE**

Conservation Area Character Statement.

## **PLANNING CONSIDERATIONS**

The main planning considerations in regards to this application are:-

- Principle of Development
- Impact upon Visual Amenity
- Impact upon Designated Heritage Assets.
- Impact upon Neighbour Amenity
- Highway Safety Implications
- Flood Risk
- Other Material Considerations

## **Principle of Development**

The site lies within the town centre of King's Lynn.

Section 2 of the National Planning Policy Framework refers to ensuring the vitality of town centres, specifically paragraph 23 of The National Planning Policy Framework states that local authorities should promote competitive town centres that provide customer choice and a diverse retail offer.

Policy DM 10 – Retail Development, of the Site Specific Allocations and Development Management Plan Document, states that “The Council will attach a high priority to the need to support and maintain King's Lynn, Downham Market and Hunstanton as major retail centres by a combination of measures to improve attractiveness (by increased – accessibility, environmental enhancements, events and promotions), as well as strongly supporting proposals to redevelop and invest in the town centres, including where necessary, the use of compulsory purchase powers to consolidate land”.

According to Policy CS03 of the Local Development Framework Core Strategy 2011, King's Lynn will need to provide at 3,000 new jobs in existing employments in the plan period.

The proposal therefore, to demolish the existing Beales department and build 4 new shop units is accordance with Policy CS03, subject to satisfying material considerations.

## **Impact upon Visual Amenity**

The site lies within the Vancouver Quarter. The Quarter underwent significant redevelopment in the early C21st, however there is still some development dating back to the late 1960s. The buildings on Broad Street and in the Vancouver quarter are mainly flat roofed and finished in painted render. All buildings have canopies within the Vancouver Quarter.

The site is distinct in its shape, with the existing building on the site taking advantage of this corner plot. The existing building has frontage towards Broad Street, St Dominic's Square and Baxter's Plain. The existing building is one of the very few in the Vancouver quarter that has a pitched roof. The building is constructed from brick and has a walk under canopy. It is also one of the lowest in height on Baxter's Plain.

The building has little architectural merit and is not worthy of retention.

The replacement building would be of a similar height to the one it replaces and is flat roofed. Design features include extensive glass detailing. As the building wraps round from St Dominic's Square towards Baxter's Plain the glass detailing extends from ground to eaves height. The proposed St Dominic's Square frontage comprises mainly of white render and the shop frontage to Unit 2. Units 3 and 4 face towards the clothes shop on the corner of St Dominic's square and Broad Street. This façade is proportionately a 50/50 make-up of glass and render panels.

The Civic Society objects to the proposal stating that it “ignores the bigger picture, and does not take into account the impact upon Paradise Parade and the Post Office building. In regards to the front of the building, the building will result in the removal of the public seating in St Dominic's Square and results in the removal of a tree. The overall plan for Paradise Parade should include a well-designed service area”

The Baxter's Plain elevation and the service yard which is accessed from Paradise Parade would form the setting of the Post Office building.

The permission for the redevelopment of the Post Office building, 13/0188/FM (which has been the subject of a variation of condition) results in minimal alterations to its Baxter's Plain elevation. Given that the former Beales building is of little architectural merit, it is considered that the proposal would not cause a detrimental impact upon the character of the remodelled Post Office building.

The existing rear façade is of little architectural merit and the rear of the site will still act as a service yard. It is therefore considered that the proposal at the very least sustains the current character of Paradise Parade.

The proposal will result in the moving of Street furniture and a A1 Kiosk Shelter. Nevertheless, the siting of the building out into St Dominic's Square and the removal of a Maple Tree on Baxter's Plain is considered to be acceptable in the overall scheme. The loss of a Maple Tree is not objected to by the Arboricultural Officer. Whilst the Arboricultural Officer requests a replacement tree or a tree within a large planter be provided in the vicinity of the site, these requests are not considered to be necessary.

The Civic Society's call for a collective approach to regenerating this area of the town centre would need to be covered in a Supplementary Planning Practice Guidance document to the regeneration of this area. At present no document exists. This sort of application is strongly supported in national guidance and local plan policy, as it seeks new and improved retail facilities and investment in the town centre.

Overall, the building has some design merit. The glass detailing wrapping around from St Dominic's Square to Baxter's Plain provides relief to the amount of white render to this corner. It provides an interesting presence and feature in this particular street scene. The use of render is found in New Conduit Street and Broad Street in the early 2000s redevelopment of the Vancouver Centre. The curved parapet roof would provide some definition and does not act to compete with the Vancouver Quarter building that faces towards Baxter's Plain and the former post office building. Introducing canopies to units 2-4 provides some relief to the horizontal emphasis of the building.

Overall the proposal is considered to be of a suitable design and an improvement over what currently exists on the site.

### **Impact upon Designated Heritage Assets**

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority 'shall have special regard to the desirability of preserving the building or its setting'. Section 72 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications affecting buildings or land within the Conservation Area or its setting.

National and local policy guidance also reflects the need for quality development having regard to its setting.

The site is outside of the Conservation Area, but forms part of the setting to the St Margaret's Conservation Area. St Margaret's Conservation Area includes the southern part of Tower Street and the western end of New Conduit Street. The St Margaret's Conservation Area Character Statement however makes no specific reference to the northern end of Tower Street or the eastern end of New Conduit Street

The Baxter's Plain elevation and the part of the proposed building which turns from St Dominic's into Baxter's Plan would be within the setting of the Conservation Area.

The closest listed buildings that are seen in context with the site are the Majestic Cinema on Tower Street and the Museum, the rear of which is seen from Paradise Parade. The building is adequately separated and orientated in such a way in relation to Cinema building, that little of it will play a part in its setting. The existing service yard on the site forms the setting of the Museum. The proposal retains a service yard use on Paradise Parade; accordingly the setting of this listed building not materially affected.

The Conservation Officer has no objection to the proposal subject to bricks or render being used in the pilasters as opposed to flint. The Conservation Area Advisory Panel make similar comments. The plans now detail the use of brick. Historic England have no comments to make in regards to the proposal.

Given the little architectural merit of the current building on the site, it is considered that the proposal causes no harm to setting of the Conservation Area and the listed Museum and Cinema buildings.

### **Impact upon Neighbour Amenity**

There are no residential neighbours that are in close proximity to the building that would be unduly affected by the proposal. The proposed uses are compatible with the adjacent uses in the Vancouver Quarter.

A construction management plan accompanied the application that deals with the control of noise and dust created from both the demolition and construction of the building. A condition will be imposed that the development be carried out in accordance with this plan.

### **Highway Safety**

The proposal does result in an alteration to the service yard layout. The service yard is reduced in size because of the building out into the yard for unit 1. However the unloading from the service yard has been improved by creating a ramped access into the proposed units.

The highways officer has no objection in principle to the development subject to the servicing/loading; unloading/turning/waiting area being laid out in accordance with the submitted plan.

### **Flood Risk**

The site lies within Flood Zone 1 according to the Strategic Flood Risk Assessment Maps. However, the site could flood to a depth of 1-2m if the Tidal defence of the Great River Ouse is breached, according to more recent tidal breach modelling.

The Environment Agency has no objection to the proposal. A condition is to be attached to the decision notice that the development be carried out in accordance with the Flood Risk Assessment that accompanied the application, specifically in regards to the flood resilient measures that are mentioned.

### **Other Material Considerations**

The site is within the 2km buffer Area of the Great Ouse SSSI however the proposal is in a town centre and would cause no material impact upon the buffer area.

## CONCLUSION

The principle of re-developing the site for commercial uses is acceptable in the town centre and strongly supported in national and local policy guidance.

The site is not contained within the Conservation Area and is adjacent to modern development in the Vancouver Quarter. The design has incorporated the porch canopy detailing and render finish that is evident on the shops in the Vancouver's quarter, to ensure some level of continuity. In order to limit the horizontal emphasis of the proposal, the largest unit will use glazing from ground to eaves level.

The proposal does however form part of the setting of St Margaret's Conservation Area but it is considered that the design of the proposal sustains the character of the Conservation Area. There is no material harm to the setting of the Museum and Majestic Cinema, or the adjacent Conservation Area.

The Highways and Arboricultural officers have no objection to the proposal, thus subject to conditions the proposal is strongly recommended for approval.

## RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Location Plan - drawing no. 01 Rev B dated 10th May 2016 received 19th August 2016
  - Proposed Site Plan - drawing no.100 Rev A dated 15th August 2016 received 19th August 2016
  - Proposed Ground Floor Plan - drawing no.110 Rev A dated 15th August 2016 received 19th August 2016
  - Proposed First Floor Plan - drawing no.111 Rev A dated 15th August 2016 received 19th August 2016
  - Proposed Roof Plan – drawing no. 112 Rev A dated 15th August 2016 received 19th August 2016
  - Proposed Elevation A-C drawing no.200 Rev B dated 25th October 2016 received 26th October 2016
  - Proposed Elevation drawing no.201 Rev B dated 25th October 2016 received 26th October 2016
  - Proposed Section A-A drawing no. 300 dated 15th August 2016 received 19th August 2016
  - Proposed Section B-B drawing no. 301 dated 15th August 2016 received 19th August 2016
  - Proposed Section C-C drawing no. 302 dated 10th August 2016 received 19th August 2016
- 2 Reason For the avoidance of doubt and in the interests of proper planning.



- 3 Condition Prior to the first occupation of the development hereby permitted the proposed servicing / loading, unloading / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 3 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 4 Condition Prior to the commencement of the development hereby approved, a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.
- 4 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

- 5 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.
- 5 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.
- 6 Condition The development hereby approved shall be carried out in accordance with the Construction Management Plan dated September 2016 received 21st September 2016 unless otherwise agreed in writing by the Local Planning Authority.
- 6 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.
- 7 Condition No demolition shall take place until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

- 7 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 8 Condition No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8
- 8 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 9 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 9 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 10 Condition The development hereby approved shall be carried out in accordance with the Flood Risk Assessment conducted by Hurst Peirce and Malcolm LLP dated 10th August 2016, specifically Appendix C - "Information to assist the site wide evacuation procedures/emergency flood plan in the event of flood warnings" unless otherwise agreed in writing by the Local Planning Authority.
- 10 Reason In the interests of flood risk in accordance with the principles of the NPPF.