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| Parish: | King's Lynn | |
| Proposal: | Construction of 16 Light Industrial / Storage and Distribution Units (Class B1 and / or Class B8) | |
| Location: | Land S of Extons Place And E of Kings Avenue Rollesby Road Hardwick Industrial Estate King's Lynn | |
| Applicant: | Apex Platinum Investments Ltd | |
| Case No: | 18/00683/FM (Full Application - Major Development) | |
| Case Officer: | Mrs H Morris | Date for Determination: 12 July 2018 Extension of Time Expiry Date: 11 January 2019 |

Reason for Referral to Planning Committee – The application raises issues of wider concern

Neighbourhood Plan: No

Case Summary

The application site comprises 1.8 hectares of vacant Council owned land situated on the western side of Rollesby Road, King's Lynn immediately adjacent to the Hardwick industrial area and within the development boundary of the town.

To the north and west the site is bounded by existing residential development on Extons Place and King's Avenue, to the north east and east lie existing industrial units on Rollesby Road and to the south the site is bounded by a public footpath with vacant land beyond.

There is an existing land drain that runs across the site from the northernmost point to the south western corner. There are also a number of existing mature trees on the site which are predominantly located along the perimeters of the site and either side of the drain.

The application seeks full planning permission for the construction of 16 no. light industrial / storage and distribution units (Class B1 / B8).

Key Issues

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

- Principle of development;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;
- Trees;
- Ecology;
- Other considerations; and

- Crime and disorder

Recommendation

APPROVE subject to conditions.

THE APPLICATION

The application seeks full planning permission for the construction of 16 no. light industrial / storage and distribution units (Class B1 / B8).

The application site comprises 1.8 hectares of vacant Council owned land situated on the western side of Rollesby Road, King's Lynn immediately adjacent to the Hardwick industrial area and within the development boundary of the town.

To the north and west the site is bounded by existing residential development on Extons Place and King's Avenue, to the north east and east lie existing industrial units on Rollesby Road and to the south the site is bounded by a public footpath with vacant land beyond. A further public footpath linking Rollesby Road with Extons Place lies beyond the north eastern boundary of the site.

There is an existing land drain that runs across the site from the northernmost point to the south western corner. There are also a number of existing mature trees on the site which are predominantly located along the perimeters of the site and either side of the drain.

SUPPORTING CASE

The applicant is a successful developer of Commercial and Housing developments and has a proven track record for fast-track successful developments.

The application site has been marketed as a vacant commercial site to be accessed off the Hardwick Industrial Estate.

The proposals are for further small scale industrial development in keeping with other industrial units on the Hardwick Industrial Estate.

The total site area is 4.6 acres (1.8 hectares or 18578 sq), but the shape of the site and the retention of mature trees and the land drain/watercourse results in the usable area of the site being reduced to 2.4 acres (0.96 hectares or 9677 sq m).

The applicant proposes the construction of 16 number light Industrial or storage and distribution units (Classes B1 or B8) which a pre-application response has indicated are 'generally considered to be acceptable in accordance with Policy CS10'. The Total building footprints have an area of 3349 sq m.

The proposals have been carefully considered to maintain the existing watercourse and wildlife corridor which runs through the site to preserve important local land drainage and ecology. The watercourse will become a unique selling point for the development. The proposals provide three access points (from public land) to the land drain as suggested by the Kings Lynn Drainage Board to allow the Board to maintain the waterway.

It is understood that currently none of the trees on the site have 'tree preservation orders' but the proposals have retained the majority of the existing mature trees on the site with 87% of the tree being retained untouched or reduced. The preservation of these trees ensures that the character of the site remains and that there is a ready-made landscape buffer zone to nearby residential dwellings. The retention of trees will also be a unique aspect to the proposed development and the applicant hopes that the character of the developed site will attract high levels of occupancy improving economic viability.

The design of the proposed units has been carefully considered to blend with the type of units already constructed on the Hardwick industrial estate. The material colours (greens and light greys) have been chosen to complement the 'green' setting of the site giving the buildings a 'low-key' appearance.

In addition to the reinforced landscape buffer zone, the orientation of the buildings has been designed with gable ends facing the nearest houses along Kings Avenue to minimise the visual bulk of the building to these dwellings. Unit 16's roof height has also been lowered to minimise overbearing to 'The Bungalow'.

Units 3, 5 and 16 have a reduced in width to increase the depth of buffer strip between these units and the rear gardens of Kings Avenue and the depths of units 15 and 16 have a reduced depth to increase the separation/ buffer strip depth between these units and 'The Bungalow'.

There are no over-looking issue and the proposed units to not affect the amenity of the adjoin dwellings.

All site lighting will be building mounted and will face downwards and to the centre of the site to minimise light pollution to the nearby domestic properties.

Bin locations are shown on the application plans. Refuse will be provided by private refuse collection and will include recycling where applicable.

This application is supported by the following reports: Desktop Environmental Study; Air Quality Assessment; Stage 1 and Stage 2 Ecology Appraisal; Flood Risk Assessment; Soft Landscaping and Planting Schedule; Tree Survey & Arboricultural Implications Assessment; Foul and Surface Water Drainage Strategy; Construction Phase Management Plan; Dust Management Plan; Waste Management Plan; and Highways Management Plan.

The desktop study concludes that the site has a low geotechnical risk, that there is no risk of radon and that the site is not sensitive to contamination. The air quality assessment concludes that there is not a significant risk to air quality as a result of the development.

Norfolk County Highways pre-planning application response indicated that the application site is suitable to 'serve further small scale industrial development'. The access roads leading to the site serves existing industrial units and are suitably wide for the transport needs of the proposed development.

The proposals provide 91 car parking spaces. Car parking numbers have been calculated assuming that a maximum of 12 units will have a B1 use at any one time with the remaining 7 units having a B8 use. The proposals also provide 9 number '10 cycle' covered racks, also based on the assumption that a maximum of 12 units will have a B1 use at any one time with the remaining 7 units having a B8 use.

The proposed development is for light commercial and as with other units on the Hardwick Industrial estate, it is envisaged that there will be minimal articulated lorry visits to the site.

The application drawings show vehicles tracking for large Lorries. Rare articulated lorry visits will remain in Rollesby Road.

Local transport links are good with bus routes readily available and Kings Lynn mainline station within 1 km of the site.

There is mature landscaping on and surrounding the site. The proposals intend to retain significant proportions of the landscaping to retain the character of the site. 2.1 acres (46%) of the site are to remain undeveloped. Preservation of large areas of existing planting, woodlands and watercourse will minimise the developments environmental impact of nature that currently inhabits the site.

The proposal retains 224 existing trees, 204 unaltered and 20 trees retained but reduced. Only 33 of the 257 trees on the site are to be removed. The majority of the trees around the boundaries are to be retained and building locations have been carefully considered to minimise the need to remove trees. The majority of trees to the north and west boundaries have been retained and new tree planting is proposed to reinforce the planting on these boundaries to provide a Landscape buffer zone to the housing to the north (Extons Place) and to the west (Kings Avenue).

The applicant will provide bat and bird boxes in retained woodland areas and carry out all recommendations from further ecological reports to encourage relocation of any nature affected by the development.

The applicant has also commissioned a full Arboricultural survey of the trees and planting on the site and will implement their recommendations. All planting will be with Native Species.

The applicant will construct new 2m high timber acoustic fences to the entire north and west boundaries of the site to provide acoustic protection to the housing in Extons Place and Kings Avenue. New 2m high green palisade fencing will be constructed to the south and east boundaries facing Rollesby Road and public footpaths.

New 3m wide shared public footpath/ cycle path are proposed to Rollesby road to complete footpath connections at the eastern end of Rollesby Road.

PLANNING HISTORY

There is no recent planning history for the site.

RESPONSE TO CONSULTATION

Norfolk County Highways: NO OBJECTION subject to the imposition of conditions relating to visibility; access / on-site parking / servicing / loading / turning; and off-site highway improvement works (footway / cycleway).

Norfolk County Public Rights of Way: NO OBJECTION however they wish to highlight that a Modification Order will need to be applied for if the proposed new footpath link is to be dedicated as a Public Right of Way. Details of width, surfacing and alignment will need to be agreed during the application process.

Lead Local Flood Authority: NO COMMENT (below their threshold for providing advice).

Environment Agency: NO OBJECTION subject to the development being carried out in accordance with the Flood Risk Assessment (FRA) proposed mitigation measures.

King's Lynn Drainage Board: NO OBJECTION but make the following comments:

We note that the applicant intends to discharge surface water to a watercourse. As such, please be aware that the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

We note that the applicant has not indicated how treated foul water from their site will be disposed of. Please note that consent would be required from the Board where treated foul water is discharged to a watercourse.

We note the presence of a riparian owned/maintained watercourse within the site boundary. If (at the detailed design stage) the applicant's proposals include works to alter this watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Anglian Water: No comments received in relation to the revised proposals and submitted foul and surface water drainage strategy at the time of writing the report. Any further comments received will be reported in late correspondence.

Comments on original submission: **NO OBJECTION** subject to conditions requiring submission and approval of foul and surface water drainage details.

Natural England: NO OBJECTION.

Norfolk Wildlife Trust: NO OBJECTION subject to the mitigation and enhancement measures set out in the Phase 2 ecology report being secured by condition in order to ensure that the development does not result in any adverse effects on protected species and delivers a net gain for wildlife, in line with the recommendations of the NPPF.

Norfolk Fire Service: NO OBJECTION subject to the provision of 1 no. fire hydrant within the site capable of delivering a minimum of 20L of water per second.

Health & Safety Executive: NO OBJECTION.

King's Lynn Civic Society: No comments have been received in relation to the revised proposals.

Comments on the original submission for 19 no. units: **OBJECT** on the following grounds:

- We view the proposals as an entirely speculative project that will destroy a significant block of green infrastructure close to the town centre when there appear to be a significant number of empty industrial units and brownfield sites suitable for industrial redevelopment both on the Hardwick Industrial Estate and on other industrial and commercial sites around the town.
- There are two significant initiatives the Borough Council are working on at present that we strongly support. One is to enact the Air Quality Management Plan (Making King's Lynn a cleaner, more environmentally friendly place to live, work and visit) and the other is to implement the King's Lynn and West Norfolk Tree and Woodland Strategy (A 10 year programme for sustaining the Borough's urban forest). This application surely typifies the sort of shortsighted, unrequired development that will significantly undermine both those initiatives if permitted.

- We are not entirely clear why there are two air quality assessments submitted with the application – but both of them appear to be inadequate in that they fail to even mention the substantial adverse impact of removing a large green space with established mature trees from the town. The site will presently provide important ‘eco-services’ to King’s Lynn and it provides an important buffer between a large industrial estate and established residential areas.
- We would urge BCKLWN to place a TPO on the site.
- There would appear to be no good reason to provide 19 new industrial units on this site when there are empty units and sites elsewhere in the town. However, if the applicant can make a convincing case to officers that some development is justified here, we would urge the planning committee to ask for a scaled down application that can be shown to retain the majority of the mature trees on the site and the general character of the setting. We would therefore suggest this will involve deletion of the units No’s 17, 18 and 19 (and the associated parking and access), retention of a wider green corridor on both sides of the existing watercourse and retention of a much more substantial buffer of vegetation along the northern and western boundaries.

BCKLWN Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to the imposition of conditions relating to management of Japanese Knotweed and provision of electric vehicle charging points.

BCKLWN Environmental Health & Housing – Community Safety and Neighbourhood Nuisance (CSNN): NO OBJECTION subject to the imposition of conditions relating to a lighting scheme; self closing doors; no mechanical ventilation or extraction systems; hours of delivery and use (0800 to 1800 on weekdays, 0900 to 1300 on Saturdays and at no time on Sundays, bank and public holidays); no outside storage; and dust and noise mitigation.

BCKLWN Waste Management: NO OBJECTION although it may be considered beneficial to require a management plan.

BCKLWN Emergency Planner: NO OBJECTION although it is recommended that the occupiers sign up to the Environment Agency flood warning system and a flood warning and evacuation plan is prepared.

BCKLWN Tree Officer: NO OBJECTION subject to the imposition of a condition requiring submission and approval of an updated tree survey / arboricultural assessment.

REPRESENTATIONS

28 letters of **OBJECTION** from 18 local residents have been received in relation to the revised proposals for the site submitted on 31st October 2018. A total of 55 letters of **OBJECTION** from 40 local residents were received in relation to the original proposals along with a petition containing 468 signatures.

The concerns raised can be summarised as follows:

- Fail to see how an articulated lorry will be able to manoeuvre when a 3 metre cycle/footpath is added to the road, further reducing the area for vehicles, let alone how it would be able to manoeuvre in an overcrowded development. The safety to cyclists and pedestrians will be compromised if this development goes ahead.
- The community around the site have applied for a footpath on a definitive map and statement of public right of way, from Extons Place to Kings Avenue, under the Wildlife and Countryside Act 1981 which follows the drain through the woodland strip which

seems to have disappeared from the vehicle tracking/shared cycle way plan issued on 14/11/18.

- As a community we are incensed that there seems to be little regard to our safety and well being. We use this path (along the drain) to avoid the cycles and lorries that use this busy access to the Hardwick Industrial Estate.
If these plans go ahead it will mean the public will have to cross a heavily congested access road to the site, and also contend with heavy goods vehicles turning in a road that it not big enough.
- The revised vehicle tracking plan shows articulated lorries turning in a small space between the units on the site but the lorries seem to get dangerously close to parked cars and unit walls. Surely this will endanger pedestrians accessing the units. One car parked out of a bay in this area would totally obstruct the lorries from turning. Will they then reverse out of the site causing further danger both onsite and to cyclists and pedestrians as they go backwards into Rollesby Road? This will also lead to noise from reversing alarms.
- The vehicle tracking plan also shows the entrance to the site being used as a turning point for articulated lorries. At two points, one at the front and one at the rear of the vehicle, as it turns, it overhangs the footpath/cycleway thus endangering vulnerable road users. As the lorries reverse they back across the entrance where users of the woodland footpath,(which appears to have been omitted from this plan), and the footpath/cycleway will be crossing. This will again endanger vulnerable pedestrians and cyclists.
- Reducing the number of Units to 16 does not solve the issue of overcrowding of the site as the 3 that have been removed were separate units, not on the main site.
- The plans for the units have less than 6 parking spaces per unit which is likely to impact King's Avenue being in close proximity where parking is already an issue.
- It will impact on the local area as a loss of an amenity as it used as an area for people walking their dogs which they have done for many years.
- The hours that the units will be operative, would mean that there are security lights coming on at all hours, unacceptable levels of noise from vehicles coming and going. We already have unacceptable levels of noise and light pollution coming from the saw mill and Masterfoods, along with the added noises of vehicles and forklifts reversing at all times of day and night. As we are approaching winter the loss of leaves from the trees makes the light and noise more prominent. The lighting will also impact on the wildlife living in the habitat including the bats, mammals, other birds and animals.
- The buffer zone is too close to the perimeter of the properties on King's Avenue. If planning is awarded then it would set a precedent for planning to be built on the land the other side of King's Avenue which is owned by Masterfoods.
- The addition of the units would entail probable drainage problems, the units are higher than the gardens and when there is heavy rain could lead to our gardens becoming water logged or flooding.
- The residents of Kings Avenue, Extons Place and the surrounding area are already effected by the industrial sounds of the current units on the Hardwick Industrial Estate. I believe that having the new units just metres from our back gardens will be far too intrusive and will not only increase the existing noise levels but remove any tranquillity we have on our private property.
- The new units will be very overbearing to properties on both the Kings Avenue and Exton's Place.
- There is a belief that due to all the commercial land available in and around Kings Lynn and West Norfolk in addition to the unused/derelict units already on the Hardwick Industrial Estate that could be re-purposed with the advantage of utilities already being on-site and with more passing traffic, that it would more economical for the developer to develop in the alternative locations and keeping our communities amenity intact.
- The lighting associated with the development will have a negative effect on both residents and wildlife. We have a diverse community that include people working

day/night shifts and people with complex and varying health complaints, the industrial strength lighting, no matter how minimal or controlled, will have a negative impact. This will also be relevant to species such as bats, a species that rely on light conditions to survive naturally. These creatures are a protected species and the lighting and everything else the development entails will have a detrimental effect on them.

- It is marked for the B8 units to be in use 24/7. Many of the current units on the estate do not work such hours due to the close proximity to such aged and easily effected houses/bungalows which is appreciated as it allows the neighbourhood to enjoy a quieter environment. This will not be possible if the new units at the end of people's gardens are to be used around the clock. This may also have an effect of peoples health and well-being.
- Appreciate that many local authorities are still being squeezed for cash and need to try to raise revenue by selling off yet more of our green spaces and think this will have dire long term consequences for all our communities.
- The local affected community has been consulted and we have democratically said a united 'no' to these proposals.
- There are regulations regarding the amounts of noise that is acceptable, so are neighbouring businesses and the proposed new units likely to have restrictions on their activities?
- It is apparent from the recent bat survey that a large community of Bats use this site.
- Any development on or near Kings Avenue needs to be considered carefully. Industrial units of this nature will ruin the character of Kings Avenue, will be overbearing to the residents and will cause Noise & Light pollution to increase.
- The proposed siting of the development is particularly ill considered, Ref Kings Lynn Borough Council Tree & Woodland Strategy where the aims are, "to maintain and enhance the tree population of the borough", "to protect & consolidate the historic tree & woodlands of Kings Lynn" and "to promote biodiversity & conserve tree & woodland ecosystems". The building of these industrial units is not in keeping with the boroughs adopted strategy.
- Having read that there will be units that are running 24/7, the report regarding bats clearly states how this will inflict damage on the species due to artificial lighting and it is against the law.
- How can the council say that these units are more important than a living protected species, and if we keep taking land such as this one, a species that could easily become extinct.
- It will be a huge shame to take the little countryside we are left with. We know that there has been an affect on bees, which are massively connected to crops. Don't take away a little piece of land that has such a thriving eco system just for some industrial units that can be built elsewhere on the Hardwick or surrounding industrial areas.
- As no visitor spaces are shown, will surrounding residential roads be affected by additional traffic, these roads already have parking and traffic problems that have affected the rubbish collection.
- Concerned that alterations to the site will result in an increase in surface water running into surrounding drainage ditches as the developer seems to suggest that the permitted rate of discharge is low for the site (they would prefer 5L/s). The ditch that runs to the rear of our property (on Fayers Terrace 200 metres away) continues along the eastern side of the site and was very close to overflowing last winter. Increased runoff to these drains may cause severe problems for those of us with low lying properties nearby.
- There are already people who park and walk through to the Hardwick to work causing congestion to residents and preventing access by emergency services. This will surely increase as the proposed parking area seems insufficient and the employees of the companies realise they can avoid the traffic jams at Southgate roundabout by using Extons Place and adjoining streets as a car park.
- It would be a sad loss of amenity to the local community as I often meet other dog walkers and elderly residents who regularly walk there.

- There is no need to sacrifice greenspace when more suitable sites are available.
- Noise and light pollution will affect both residents and wildlife adversely. There is insufficient space between the proposed industrial units and established residential buildings.
- The development will cause loss of amenity to many including vulnerable residents as the green, wildlife-filled area will be replaced by noise, concrete and traffic.
- The flood risk assessment says that the land will be at risk from flooding. The homes in the area already have problems with damp and I can only see this getting worse if the development goes ahead.
- The area under threat is a noise buffer for the residents of the area as the noise from the existing units is often present. Also this development will encroach on the wildlife in an area which includes bats and newts. It is also a favourite area for walking and dog exercise.
- It will be overbearing and it will mean the loss of visual amenity to the residents. We have lived on Kings Avenue for 17 years and we have enjoyed the fact we have an area of green at the bottom of our garden.
- Object on the grounds that the development will cause light pollution to the back of our property. At the moment it is total darkness so any lighting will have a negative effect on the back of our property.
- The units size and quantity will be overbearing to the surrounding residential area. They seem intimidating, the buffer zone will need maintenance also the fencing which are near our boundaries makes it seem properties will be increasingly vulnerable to potential intruders and increased rubbish on our properties.
- Unfortunately the rat population is already greatly increased with many properties being invaded and with the increased health hazards.
- The watercourse which surround the area is indicative of the water table as it dried out with the exceptional weather but as soon as only a little rain fell filled rapidly. It has also been observed being utilised by the wildlife including ducks and a swan this summer.
- The site's drawings clearly show it's 'boundary treatment' so called acoustic fence (highlighted in red) going through my land, chopping about 3 meters off my back garden...I bought my house (No.41 King's Ave) back in 2006 with the boundary in place (wooden fence).
- The proposed. buffer zone is totally inadequate, it involves the few trees left being cut back and the foundations of the units will damage the roots ultimately leading to the death of the trees.
- As a resident living next to the Hardwick industrial estate, I already have to live with the constant drone of machinery, the regular noise coming from loudhailers addressing workers, and frequent loud escape of gas venting. The current application proposes building right up to the local residents boundaries, reducing the current buffer zone, in some cases, to a few metres. This will inevitably increase the level of noise.
- There are large areas of brownfield land within and surrounding the Hardwick industrial estate that, if used, would not impact so much on the environment and local community.
- Any loss of trees will impact on birds and squirrels.
- The soundproofing fence will be too close to residential boundaries and will be ineffective as only 6ft high.
- Devaluation to properties.

A letter of representation has been received from Sir Henry Bellingham MP. His comments can be summarised as follows:

- Whilst I am very supportive of the Borough Council's economic and industrial strategy nevertheless I do have some sympathy with the residents whose homes abut the site and who have had years of enjoying this unspoilt piece of land.
- The land had been earmarked for development for many years, presumably there was always going to come a time when it was going to be moved forward with plans for

commercial units. However, this does not get away from the fact that it is an area important for wildlife and clearly there is desirable habitat there on the edge of town – at a time when such habitats are becoming ever more valuable and important.

- Might there be some possible compromise available whereby a significant strip of land was left adjacent to the houses, this was then properly maintained with an eye on amenity of the local residents. For example, if a strip of land say 30 or 40m wide was left and this was then landscaped with nice park benches etc and with a tree planting programme to include proper screening of the Estate this could well be a way forward.
- I am also concerned about possible hours of business and noise pollution: is this going to be a material consideration during the planning phase and can conditions be attached?

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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

PLANNING CONSIDERATIONS

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

- Principle of development;
- Form and character;
- Residential amenity;
- Flood Risk and drainage;
- Highway safety;
- Ecology;
- Trees;
- Other considerations; and
- Crime and disorder

The Principle of Development

The application proposal seeks approval for 16 no. light industrial / storage and distribution units (Class B1 / B8) with a single access point off Rollesby Road.

The application site lies within the development boundary of King's Lynn as defined by the Site Allocations and Development Management Policies Plan (SADMP) (2016). Furthermore, the site lies immediately adjacent to and has existing access directly from the Hardwick industrial area.

Paragraph 80 of the revised National Planning Policy Framework (NPPF) (2018) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and continues by advising that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is supported by Policy CS10 of the Council's Core Strategy (2011) which encourages the provision of employment land within King's Lynn.

The principle of providing new light industrial / storage and distribution units in this location is therefore generally considered acceptable, provided the proposal complies with all other relevant planning policies. Key considerations relate to impact on residential amenity, highway safety, flood risk and impact on the natural environment including ecology and trees.

Form and Character

An amended scheme was submitted on 31st October 2018 in order to respond to the consultation responses and Officer comments.

The revisions reduce the number of units proposed from 19 to 16 and now retain a wildlife corridor to the east (adjoining Rollesby Road) and north of the site and allow for an informal footpath through the wooded wildlife corridor which is subject to a current 'footpath modification application' put forward by local residents and being considered by Norfolk County Highways.

Revisions to the scheme have also resulted in units 3, 5 and 16 being reduced in width from 15m to 10m in order to increase the depth of buffer strip between these units and the rear gardens of residential properties on Kings Avenue. The depths of units 15 and 16 have also been reduced from 15m to 13m to increase the separation / buffer strip depth between these units and 'The Bungalow' on Extons Place to the north. Furthermore, Unit 16 has been revised so that the rear of this unit is now single storey.

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The reduction in the number of units has allowed for the removal of development from the north and eastern sides of the land drain that crosses the site which is where the majority of the important mature trees are located. This combined with an increased landscaped buffer zone around the northern and western perimeters of the site has resulted in a significant improvement to the scheme.

It is important to note that whilst this site is immediately adjacent to and accessed from an existing industrial area it currently provides a green buffer between residential properties which abut the site to the north and west. It was therefore considered important to retain the landscape features as far as possible and achieve a form of development that integrates well with the existing woodland in order to provide a suitable transition from the residential properties to the north and west and the more harsh industrial environment to the east.

Overall it is considered that an acceptable form of development is now proposed. The buildings are relatively simple in their design and appearance and offer a unified and low key approach which would not be at odds with existing surrounding development. Combined with the screening that would be provided by the retention of the woodland / wildlife corridor and landscape buffer it is considered that the proposal would have minimal impact on the character and appearance of the area.

Residential Amenity

A number of residential properties immediately abut the site to north and west on Extons Place and King's Avenue therefore the proposed development has been considered in relation to the amenity of these properties and their occupiers.

In addition to the reinforced landscape buffer zone, the orientation of the buildings has been designed with gable ends facing the nearest houses along Kings Avenue to minimise the visual bulk of the building to these dwellings. Units 3, 5 and 16 have been reduced in width to increase the depth of buffer strip between these units and the rear gardens of Kings Avenue and the depths of units 15 and 16 have been reduced to increase the separation / buffer strip depth between these units and 'The Bungalow' on Extons Place. Unit 16's roof height has also been lowered to prevent any overbearing impact on 'The Bungalow'.

Given the orientation of the proposed units combined with the rear and side elevations of the buildings not having any first floor windows, it is not considered that there would be any significant overlooking or loss of privacy to any surrounding residential properties. Any windows that face towards the residential properties, such as those on the front elevations of Units 5, 6 and 7, would be situated an acceptable distance from boundaries (over 30 metres).

A number of the objections raised by local residents raise concerns in relation to the impact of noise and light from the proposed development. It is acknowledged that the existing residents of King's Avenue and Extons Place currently benefit from the site being vacant therefore the provision of any new development on the land will inevitably result in some impact on residential amenity. However, it is important to note that the proposed uses (Class B1 / Class B8), particularly of the size and scale proposed, are considered to be acceptable in a residential area. Furthermore, the site already lies immediately adjacent to the Hardwick industrial area.

The Council's CSNN team have been consulted on the application and have raised no objection to the revised proposals on residential amenity grounds subject to the imposition of a number of conditions relating to external lighting; self closing doors; no mechanical

ventilation or extraction systems; hours of delivery and use; no outside storage; and dust and noise mitigation.

Taking into account the proximity of residential properties the majority of these conditions are considered reasonable to a certain extent. It is however recommended that instead of restricting any mechanical ventilation or extraction systems a condition is imposed requiring submission and approval of details prior to the installation of any.

Furthermore, in relation to hours of delivery and hours of use, those put forward by CSNN are considered to be too restrictive (0800 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays). Whilst the amenity of neighbouring residential properties is very important, some consideration also needs to be given to the commercial viability of the units as imposing too restrictive opening hours could prevent the development coming forward. An appropriate compromise in terms of opening hours is therefore considered to be 0700 to 2000 hours Mondays to Saturdays and at no time on Sundays, bank or public holidays. For deliveries it is considered appropriate to be slightly more restrictive to between 0800 to 1900 Mondays to Saturdays and at no time on Sundays, bank or public holidays.

Flood Risk and Drainage

The application site lies within Flood Zone 3 therefore a site specific flood risk assessment (FRA) has been submitted in support of the application. This advises that using a search radius of 15 miles no reasonable alternative sites were identified. The majority of the immediate surrounding area of King's Lynn also falls within flood zone 3 so it is accepted there are unlikely to be available sites at a lower flood risk. Furthermore, the proposal will facilitate the creation of jobs which helps to contribute towards the wider regeneration objectives of King's Lynn. As a result it is considered that the proposal passes the sequential test.

In accordance with the Flood Risk Vulnerability classification table within the NPPG, the proposal can be classed as 'less vulnerable' development which is acceptable in Flood Zone 3 and does not require an Exception Test to be undertaken.

The Environment Agency originally confirmed they have no objection to the proposed development although they recommended that the mitigation measures proposed in the submitted FRA, including raising floor levels 300mm above existing ground floor levels are adhered to and that flood resistance and resilience measures are incorporated into the development.

At present the submitted plans show that units 8, 9, 10, 11, 12, 13 and 14 would be more than 300mm above the existing ground levels, but the remaining units would be only 100-200mm above the existing ground levels because the site levels rise to the south and west. The agent has advised that they have set the finished floor levels at 2.7m above sea level for all units so that the proposed levels don't generate too much cut or fill which is not environmentally sound. The proposed site levels would be reduced so that the new road meets with the levels of Rollesby Road (which has an average level of more than 300mm below the stated unit level) and they consider that the levels indicated comply with the spirit of the FRA and are well judged.

Further clarification has been sought from the EA on whether the current levels proposed are acceptable and confirmation has been received that on the basis of the proposal being for a less vulnerable use they have no issue with the finished floor levels being as described.

In terms of drainage, the submitted plans include provisional drainage layouts which indicate that both foul and surface water drainage is to connect to nearby Anglian Water sewers. It has been advised that the environmental consultant has corresponded with Anglian Water who have confirmed 'in principle' agreement to connection into their manholes 2451 (Surface Water) and 2401 (Foul).

The drainage strategy plan included with the application calculates a requirement of 528m³ of surface water attenuation which is proposed in two attenuation tanks shown on the application drawings. SUDs paving is also proposed to car parking spacing to improve attenuation of rainfall.

King's Lynn Drainage Board have been consulted on the application and raise no objection to the proposal subject to the necessary consents of the Board being applied for. Anglian Water raised no objection to the original plans but recommended imposition of conditions requiring submission and approval of foul and surface water drainage details.

Given that the drainage details submitted are indicated as 'provisional' it is recommended that foul and surface water drainage details are conditioned including a management and maintenance plan to cover the proposed attenuation tanks for the lifetime of the development.

Highway Safety

Norfolk County Highways have been consulted on the application and have advised they have no objection to the proposal on highway safety grounds. They have observed from the revised plans with vehicle tracking that service vehicles could be fully accommodated on the site within servicing and turning provisions. Furthermore, the proposed car parking levels accord with the adopted parking standards for the mixed use classes (B1 / B8) proposed and additional hard serviced areas and the private access road itself could be utilised for further parking on top of this if necessary.

Additionally, the applicant has incorporated the widening of the existing frontage footway to facilitate a 3m wide shared use foot and cycleway in accordance with NCC Highways recommendations which can be clarified through a Small Highway Works Agreement with NCC via the recommended planning conditions.

Ecology

The application is accompanied by Phase 1 and Phase 2 Ecology Surveys. These conclude the site is considered suboptimal habitat for reptiles but the site does support a small number of grass snakes at certain times of year. Mitigation will be required to ensure compliance with national legislation pertaining to common and widespread reptile species but the survey report considers that the displacement of small numbers of grass snakes from the site would not significantly impact the viability of populations beyond the context of the site.

The site supports very high activity by common and widespread bat species. The majority of bat activity was recorded at survey locations within the woodland or along the transition between the site and the woodland, the 'woodland edge' habitat. Broadleaved woodland and woodland edge habitat are recognised as important foraging and commuting habitat for bats. However, the loss of woodland habitat has been minimised through the removal of units 17, 18 and 19 and the majority of the woodland strip will now be retained. The proposed development is located almost entirely within the tall herb vegetation within the central area of the site with limited encroachment into the woodland edge habitat. The existing site entrance will be widened with some localised tree removal, but it is confirmed in the survey

report that the anticipated widened gap is unlikely to affect the viability of the woodland strip as a linear commuting feature. Overall the ecology survey report concludes that the loss of the tall herb vegetation and small scale loss of trees from within the site would be unlikely to affect the overall assemblage of species or the conservation status of any individual bat species within the site. No roost sites are anticipated to be removed and the woodland strip will remain as a viable commuting and foraging resource.

Taking into account the conclusions and recommended mitigation measures within the submitted survey report, it is considered that the proposed development would not result in any significant harm to protected species. Furthermore, Natural England and Norfolk Wildlife Trust have raised no objection to the proposed development subject to the mitigation measures and ecological enhancement being carried out. It is therefore recommended that a condition is imposed to secure this including submission and approval of details relating to the provision of 2 no. artificial hibernacula, at least 20. no bat boxes within the woodland strip and provision of bird boxes around the site.

Trees

The proposal retains 224 existing trees of which 204 would remain unaltered and 20 trees would be retained but reduced. Only 33 out of the 257 trees on the site are proposed to be removed. The majority of the trees around the boundaries are to be retained particularly along the north and west adjacent to residential properties and building locations have been carefully considered to minimise the need to remove trees. New tree planting is also proposed to reinforce the planting along the north and western boundaries to provide a landscape buffer zone to the housing on Extons Place and Kings Avenue.

The Council's tree officer has been consulted on the proposal and raised no objection to the revised layout subject to the imposition of a condition requiring submission and approval of a revised tree survey and arboricultural implications assessment. The majority of the mature trees around the site are proposed to be retained and whilst it is inevitable that some trees will need to be removed, the tree officer is satisfied that the level of replacement proposed is more than adequate and in line with the Council's Tree & Woodland Strategy.

Other Considerations

Local residents have made an application to NCC under the Wildlife and Countryside Act 1981 for a modification order proposing the addition of a public right of way across the site. The route of the proposed footpath starts from the cycle path situated at the south west end of Rollesby Road and runs in a northerly direction following the land drain for approximately 328 metres to join the cycle path off Exton's Place. This application is currently still pending consideration by NCC but the applicant has shown the proposed route on the submitted site plan (5568 01 rev B) and given that it lies to the east and north of the drain within the proposed wildlife / woodland corridor it would not be directly affected by the proposals.

There are no other material considerations relevant to this application.

Crime and Disorder

There are no crime and disorder issues raised by this proposal.

CONCLUSION

The provision of new light industrial and storage and distribution units (Class B1 / Class B8) on the site would support economic growth within King's Lynn which accords with the

provisions of the NPPF (2018) and Policy CS10 of the Core Strategy. The proposals have been significantly improved during the application process in order to reduce the number of units to 16, provide a greater landscape buffer between residential properties and retain a wildlife / woodland corridor along the route of the existing land drain. As a result the proposal now achieves a suitable form of development that integrates well with the existing landscape features of the site and provides an appropriate transition between neighbouring residential and industrial uses. Furthermore, there would not be any significant detrimental impact to residential amenity, highway safety, flood risk or protected species. As a result the proposal complies with Policies CS01, CS03, CS08, CS10, CS11 and CS12 of the Borough Council of King's Lynn and West Norfolk's Core Strategy (2011), Policies DM1, DM2 and DM15 of the Site Allocations and Development Management Policies Plan (2016) as well as the provisions of the National Planning Policy Framework (2018). It is therefore recommended that planning permission be approved subject to conditions outlined below.

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: drawing nos. 5568 02C (Roof Plan and Location Plan); 5568 03A (Detailed Plans and Elevations); 5568 04A (Unit / Block Elevations); 5568 05B (Site Plan); 5568 06B (Landscaping Plan); 5568 07B (Site Levels); 5568 08C (Vehicle Tracking); and 5568 09B (Provisional Drainage Plan).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first use of the development hereby permitted 2.4 metre wide parallel visibility splay (as measured back from the near edge of the adjacent highway carriageway) shall be provided across the whole of the site's roadside frontage. The splay shall thereafter be maintained at all times free from any obstruction (street furniture exempt) exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 3 Reason: In the interests of highway safety in accordance with the principles of the NPPF.
- 4 Condition: Prior to the first use of the development hereby permitted the proposed access / on-site car parking / 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.
- 4 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 5 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works (footway/cycleway) as

indicated on Drawing No. 5568 08c have been submitted to and approved in writing by the Local Planning Authority.

- 5 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 6 Condition: Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.
- 6 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 7 Condition: Prior to the commencement of groundworks a Japanese Knotweed Management Plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
- 7 Reason: In order to avoid the spread of this non-native invasive species. This needs to be a pre-commencement condition given the need to ensure that the Japanese Knotweed is dealt with at the outset of development.
- 8 Condition: Prior to first occupation of the development hereby permitted a scheme for the provision of electric vehicle charging points within the site shall be submitted to and approved in writing by the local planning authority. The charging points shall be installed prior to the first occupation of any building and shall be maintained thereafter.
- 8 Reason: In order to prevent the development from contributing to unacceptable levels of air pollution in accordance with NPPF paragraph 170.
- 9 Condition: No building or other operation shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, engineering work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles) until a revised tree survey relating to the amended site plan (drawing no. 5568 05 rev B) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 9 Reason: To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 10 Condition: Prior to first occupation of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.

- 11 Condition: The development shall not be brought into use until a fire hydrant capable of delivering a minimum of 20L of water per second has been installed on site in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 11 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 12 Condition: Prior to the installation of any external lighting, 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 shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or the building to which it relates and shall thereafter be maintained and retained as agreed.
- 12 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 13 Condition: The recommendations, mitigation and enhancement measures identified in the submitted Phase 2 Surveys (Reptiles and Bats) by Riverdale Ecology shall be implemented in accordance with the approved details and in accordance with a programme and full details to be submitted to and agreed in writing by the local planning authority for the following:
- * Provision of 2 no. artificial hibernacula within the site;
 - * Provision of at least 20 no. bat boxes in trees within the woodland strip; and
 - * Provision of bird boxes around the site.
- 13 Reason: In the interests of biodiversity and protected species and to accord with the provisions of the NPPF.
- 14 Condition: All hard and soft landscape works shall be carried out in accordance with the submitted Landscape Plan prepared by Southwest Environmental Limited (ref: S18-386/LP). The works shall be carried out prior to the first occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 14 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 15 Condition: A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any units. The landscape management plan shall be carried out as approved.
- 15 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.

- 16 Condition: The entrance doors shall be self-closing to minimise the emission of odours and/or noise from the premises. The roller shutter doors to the units shall remain closed during use, other than for entry and egress.
- 16 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 17 Condition: No deliveries shall be taken at or despatched from the units outside the hours of 0800 and 1900 on weekdays and Saturdays nor at any time on Sundays, Bank or Public Holidays.
- 17 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.
- 18 Condition: The units shall only be used between the hours of 0700 and 2000 Monday to Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise approved in writing by the Local Planning Authority.
- 18 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.
- 19 Condition: No display or storage of goods shall take place outside any building(s) on the site.
- 19 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 20 Condition: The control and mitigation methods identified in the Construction Management Plan and Control of Dust Method Statement to prevent disamenity to residents from noise and dust during the construction phase shall be implemented and adhered to throughout the development of the site. These shall include that no vehicles shall arrive before 0800 hours or depart after 1800 hours weekdays or 0800 and 1300 Saturdays (unless in an emergency), and that the hours of work shall be 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no working of any kind on Sundays, Bank or Public Holidays.
- 20 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 21 Condition: Notwithstanding the information that accompanied the application, no development shall commence until full foul and surface water drainage details have been submitted to and approved in writing by the local planning authority.

The detailed scheme shall:

- a) follow the submitted drainage strategy for the site;
- b) include a timetable for its implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage scheme shall be implemented as agreed unless otherwise agreed in writing.

- 21 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue be planned for and agreed at the start of the development.
- 22 Condition: Prior to the installation of any mechanical extract or ventilation systems, air conditioning units or air source heat pumps on any of the units hereby permitted details shall have first been submitted to any approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter.
- 22 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF.