

AGENDA ITEM NO. 9/1(b)

Parish:	King's Lynn	
Proposal:	Construction of a new building/offices for the blending of existing products with increased capacity and associated drainage	
Location:	Omex Agriculture Ltd Estuary Road King's Lynn Norfolk PE30 2HH	
Applicant:	Omex Agriculture Ltd	
Case No:	23/00735/FM (Full Application - Major Development)	
Case Officer:	Lucy Smith	Date for Determination: 9 August 2023 Extension of Time Expiry Date: 10 November 2023

Reason for Referral to Planning Committee – Referred by Sifting Panel

Neighbourhood Plan: No

Case Summary

The application site is located within the defined settlement boundary of Kings Lynn which is classified as a sub-regional centre within policy CS02 of the Core Strategy 2011.

The application site is accessed via Estuary Road and is host to an existing commercial business. The site incorporates existing buildings relating to the business including gas tanks, offices and a car park.

The Fen Rivers Academy is located to the north of the site with other commercial uses to the south and a residential cu-de-sac positioned to the west.

The proposal seeks permission for construction of a new building/offices for the blending of existing products with the increased capacity and creation for an attenuation reservoir.

Amended plans have been provided throughout the course of the application process including revised elevations, the submission of a construction management plan and a drainage strategy.

Key Issues

Principle of Development
Form and Character
Impact on Neighbour Amenity
Highway Safety and Parking
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site is located within the settlement boundary of Kings Lynn on Estuary Road and is host to an existing industrial business and associated buildings including offices, gas tanks, a laboratory and a group of foliar buildings. Foliar is a type of fertilizer applied on the leaves of plants.

Planning permission is sought for the construction of a new building/offices for the blending of existing products with the increased capacity. Attenuation crates will be used for drainage purposes.

The proposed building would measure 13.2m in height, 97m in width and varies between 37m and 47m in depth. Internally, the building incorporates a mezzanine floor. The building would provide a warehouse, packing room, blending room, raw material storage and offices.

The proposed building would be positioned a minimum of 22m from the western boundary with the existing earth bund retained. The attenuation crates are also proposed to be positioned to the west of the site and immediately adjacent to the southwest corner of the proposed building.

The proposed plans originally included extensions to the earth bund however this part of the proposal has been removed after concern was raised by Anglian Water due to underground infrastructure. A previously proposed lagoon, initially shown to the southwest corner of the proposed building, has also been removed from the plans since original submission, with the system of attenuation crates proposed to cater for surface water drainage.

SUPPORTING CASE

A supporting statement was requested however no such statement has been provided as of the date of writing this report.

PLANNING HISTORY

21/01420/FM - Permitted - Construction of a new raw materials storage building/shed.- Delegated Decision

20/00218/FM - Permitted - Demolition of existing shed and construction of new raw materials storage building/shed. .- Delegated Decision

19/01266/FM - Permitted - Demolition of an existing single storey shed and construction of a new industrial building to accommodate offices, workshop, storage and laboratories all associated with the site. .- Delegated Decision

18/01863/DISC_A - Permitted - DISCHARGE OF CONDITION 4 AND 6: Construction of modular building to use as main site office. .- Delegated Decision

13/00758/F - Permitted - Clearance of existing oil depot and redevelopment – Q8 Fuelcare, Estuary Road .- Delegated Decision

RESPONSE TO CONSULTATION

Highways Authority: NO OBJECTIONS

Lead Local Flood Authority: NO OBJECTION to amended details, subject to standard conditions and an informative.

Emergency Planning Officer: NO OBJECTIONS: Reference the above application. Because of its location in an area at risk of flooding and in line with best practice in business continuity I would suggest that the occupiers if they have not already: Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood) Install services at high levels to avoid the impacts of flooding A flood evacuation plan should be prepared (more details at www.gov.uk/flood): This will include actions to take on receipt of the different warning levels. Evacuation procedures eg isolating services to reduce risk of pollution, loose plant and taking valuables etc Evacuation routes.

Internal Drainage Board: NO OBJECTIONS: originally the IDB requested that Land Drainage Consent be applied for prior to the determination of the application however, following a reconsultation, confirmation was provided that the applicant has applied for consent under Byelaw 3 and therefore, the application can be determined.

Norfolk Fire and Rescue: NO OBJECTION: providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – current edition, or as revised) including any requirements in relation to B5: Access and facilities for the fire service and arrangements for emergency service vehicles, as administered by the Building Control Authority.

Environmental Health & Housing – Environmental Quality: NO OBJECTIONS: subject to a condition requesting an energy report to be submitted prior to development commencing.

Kings Lynn Civic Society: OBJECT: On the basis of the buildings scale and impact on the immediate neighbours to the west. Enhancements and mitigation measures are requested.

Community Safety and Neighbourhood Nuisance Officer: NO OBJECTIONS Following the receipt of amended plans and documents, the CSNN team have no objections to the proposed development subject to conditions relating to a lighting scheme, hours of use hours for piling to be carried out, construction management plan implementation and the use of external doors.

Environment Agency: NO OBJECTION: No objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) prepared by Parsons Consulting Engineers Ltd dated 13/07/2023 are adhered to.

Anglian Water: NO OBJECTIONS: Subject to conditions securing a foul drainage strategy.

KLACC: Raised the following comments and concerns:

- Clarification required in relation to working hours of the operation
- The earth bund should be constructed prior to any piling works commencing
- Landscaping should be provided to soften earth bund

REPRESENTATIONS

ONE letter of **OBJECTION** received, stating the following comments (summarised):

- Overbearing impact and out of character
- Increase in traffic.
- Present use is already viable without the need to expand further.
- Noise pollution during and post construction
- Structural damage to existing residential properties due to heavy/deep pile driving into the surrounding land.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

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

NEIGHBOURHOOD PLAN POLICIES

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Policy CS03 of the Core Strategy states *'In support of the overall development strategy King's Lynn will continue to meet its obligations as a Growth Point and Key Centre for Development and Change and develop as a Sub-Regional Centre.*

Policy CS10 of the Core Strategy states *'The local economy will be developed sustainably: to facilitate job growth in the local economy.*

The site is within an area characterised primarily by commercial and industrial uses however is bordered to the west by a small group of residential dwellings.

The site is located within the development boundary of Kings Lynn and represents a development in relation to an existing established business within the established site boundary. Therefore, the principle of development is considered acceptable subject to compliance with other relevant local and national planning policy and guidance.

Form and Character:

The application seeks planning permission for a new building measuring 13.4m in height, 97.1m in width and 45.9m in depth with a mezzanine floor. The building would provide a warehouse, packing room, blending room, raw material storage and offices.

The addition would be utilitarian in appearance, constructed from green steel composite cladding with grey powder coated aluminium windows and doors.

The proposed attenuation crated would be positioned to the southwest of the site and connect to various drainage infrastructure across the wider site, including a small rain garden to the north of the building, an oil interceptor, a pumping station and rainwater harvesting systems.

Previous permissions have been granted on the site buildings of a similar scale and positioning however, the current proposal is larger and of a different orientation. However, the general principle of a new larger building on this site is established.

The proposed design is similar to the previous approvals, just on a larger scale with the incorporation of a mezzanine floor.

Given the predominantly industrial/commercial character of the wider area the addition is not considered to be an incongruous addition that would be out of keeping.

It is noted that the building is of a larger scale compared to previously approved structures, however, given the size of the site and separation distance to neighbouring residential properties, the proposal is not considered to be appear overbearing and accords with the industrial character of the existing site.

Overall, the proposed development is considered to comply with policy DM15 of the SADMPP and policy CS08 of the Core Strategy.

Impact on Neighbour Amenity:

The application site is located within a mainly industrial/commercial area with a small residential cul-de-sac located to the west.

The site is host to an existing earth bund measuring 2m in height stretching the entire depth of the western boundary. Plans originally indicated that the bund would be raised in height to try and mitigate against potential noise disturbance however this part of the development has been removed from the plans. The previously proposed extension of the bund would lead to conflict with the Anglian Water Foul water rising main positioned below.

Given the existing use of the site, the existing bund and the separation distance of approximately 15m between the site boundary and the nearest residential property, it is considered that the issue of noise disturbance could be mitigated through conditioning the hours of operation.

The CSNN team suggested that the building should only be used between the hours of 0600 and 1900 Monday to Saturday and at no time on Sunday, Bank or Public Holidays, except when required outside of these times where 24 hours are required if all works are internal. Whilst operating hours could be secured via condition, the condition recommended by the CSNN team is ambiguous and the additional wording relating to 24 hours works cannot be applied in this instance as it would not meet the tests outlined in the NPPF. It is considered that conditions relating to delivery hours should be applied, alongside the remaining conditions discussed throughout this report.

A condition is also recommended to ensure that the external doors leading directly to the warehouse or raw material areas must remain closed unless being used for access.

The issue of piling would also be mitigated via a condition which would restrict impact piling completely and only allow for continuous Flight Auger piling to be undertaken. The condition would also restrict the hours that piling can be carried out and requests that a piling method statement is provided prior to any piling being carried out on the site.

Conditions are recommended to require details of external lighting to ensure the impact of light pollution on adjoining uses is limited.

Overall, the application site is already host to industrial uses with almost 90% of the products being blended outside, creating the main source of noise during the production process. Therefore, the addition of a new building would bring the use inside and could lead to a reduction in overall noise impacts.

The separation distances 37m wall to wall, 22m from the building to the shared boundary, conditions and mitigation measures are considered to sufficiently prevent any potential noise disturbance creating from the proposed development.

No windows are proposed on the west elevation and therefore, no overlooking would occur as a result of the addition.

Given its positioning and the orientation of the site, separation distance and the position on the garden area of No.6 Estuary Road (22m to the side boundary), the proposed development is not considered likely to create an unacceptable level of overshadowing or loss of light to the detriment of the amenity of this neighbour.

Therefore, the proposed development is not considered to have a detrimental impact on residential amenity and complies with policy DM15 of the SADMPP and policies CS08 and CS10 of the Core Strategy.

Highway Safety:

The application site is accessed off Estuary Road and is host to two separate accesses and sufficient turning areas which would allow vehicles to enter and exit the site in forward gear. The proposed building and its users would utilise the existing accesses and car parks and hardstanding which provide enough parking and complies with policy DM17 of the SADMPP.

A total of 24 parking spaces including six Electric Vehicle (EV) charging spaces have also been shown on the proposed site plan.

The Highway Authority have also confirmed that they have no objections to the proposed development.

The impact on highway safety is therefore considered acceptable and complies with the NPPF (2023), Policies CS08, CS10 and CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Drainage and Flood Risk:

The application site lies within defended flood zone 3a so is at risk of flooding. However, the development represents a building to serve an existing business in operation at the existing site. As such the building could not realistically be located at an area at lower risk of flooding. It is therefore considered that the sequential test is passed.

The surface water drainage arrangements for the site have been the subject of negotiation with the Lead Local Flood Authority throughout the course of this application. Detailed plans have been submitted which detail the use of attenuation crates and a management plan has been provided which can be conditioned to control maintenance going forwards.

The applicant has provided drainage system calculations which demonstrate that there is no risk of flooding in the event of a 24-hour pump failure up to the 1% AEP + climate change event. This is to be achieved by using the sunken delivery bay as a formal storage area for the pump at the south-eastern edge of the building, which will begin to fill up in larger storm events.

The LLFA raise no objection to the amended details and the drainage arrangements on site are not considered likely to lead to any increased risk of flooding on site or elsewhere. Conditions are recommended to ensure the development is completed in accordance with the agreed details, alongside an informative noting the health and safety implications of setting aside the sunken delivery bay to be used as overflow storage for the pump.

Anglian Water however note outstanding concerns relating to foul water drainage details and sewage connection points and have therefore recommended a foul drainage condition is included on the consent. The applicant needs to clarify where in the public sewers the site will be connecting to, the connection regime and the discharge rates if the proposed connection is a pumped connection. A foul water drainage condition is recommended to ensure that the foul water drainage details are appropriate for the future use.

Subject to conditions, the development therefore complies with Paras 164, 169 and 174 of the NPPF (2023) and Policy DM15 of the SADMPP in relation to drainage and flood risk.

Other material considerations

Contamination – The Environmental Quality Team raise no objection on the basis of contamination. The applicant provided a screening assessment indicating the commercial current and proposed use of site and use of crushed rubble on site used for the hardcore area for tanker parking. The site is on land first seen developed in historic maps dated 1945-1970 as a petroleum depot. The surrounding landscape is largely commercial and industrial.

The information submitted does not indicate the presence of significant land contamination. However, the former use of the site means that it's possible that some unexpected contamination could be present and therefore, an unexpected contamination condition is recommended in order to comply with the NPPF (2023), Policies CS08 and CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

Air Quality – The application includes the provision of 6 No. EV charging parking bays to accord with the comments from the Environmental Quality Officer.

Solar Panels are also proposed on the roof slope of the building, and the Agent has since provided additional details of the PV Panel Output however no detail has been provided of the reduction in overall emissions to comply with Policy CS08. The Environmental Quality Officer recommended additional details are provided to require the submission of an energy report, which can be controlled via condition.

Response to Consultees

Kings Lynn Area Consultative Committee responded with concern raised over the bund and request for additional landscaping to screen and soften its visual impact for adjoining dwellings. The changes to the bund have now been removed from the proposed plans, and it will be retained in-situ.

The Internal Drainage Board (IDB) raise no objection to the proposal, Byelaw Consent has been applied for and will be considered under a separate process.

Response to Neighbour Objection

The majority of comments received from the neighbouring resident have been discussed within the report above. Comments relating to impacts of additional traffic are noted, however it is considered that conditions restricting hours of delivery to between 0800 and 1900 will suitably limit adverse impacts given the mixed character and various unrestricted uses in the locality.

Comments on viability are also noted. The development has been assessed as acceptable in principle and the expansion of businesses is widely supported by policies at both a local and national level.

CONCLUSION

The application seeks the expansion of an existing business use which is widely supported by policies at both a local and national level.

The proposed building is considered to be sufficiently distanced from the nearest residential properties to the west of the site to adequately reduce any opportunities for overbearing or overshadowing, however conditions are recommended to ensure that the noise and

disturbance impacts both throughout construction and after first use are acceptable given the proximity to sensitive uses.

Conditions can be used to control operating hours, piling foundations, the closing of doors during operation, and compliance with the submitted Construction Management Plan. Subject to these conditions, the impact on neighbours is considered acceptable.

Detailed consideration of the impacts on drainage has taken place throughout the course of this application and the details have been agreed by the LLFA. Conditions are recommended to ensure compliance with these details and the agreed drainage strategy.

The application therefore complies with the NPPF (2023), Policies CS03, CS08, CS10, CS11 and CS12 of the Core Strategy and Policies DM2 and DM15 of the SADMPP (2016).

The application is therefore recommended for approval, subject to the imposition of the following conditions.

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:
 - *220945-10-01 - Existing Site and Location Plan
 - *220945-10-02 G Proposed Site Plan Showing Buildings to be Removed or Relocated
 - *220945-10-03 D PROPOSED ELEVATIONS AND SECTIONS 6m x6m BAYS PLANNING
 - *220945-10-04 A Proposed Floor Plans
 - *220945-10-05 G Proposed Site Plan Showing External Works
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development shall be built in accordance with the submitted Flood Risk Assessment (Omex Foliar Building - Flood Risk Assessment | Parsons Consulting Engineers | Ref: 22233-FRA-01 | Rev: V6 | Dated: 13 July 2023.) and Drainage Strategy (Drainage Strategy | Omex Foliar Facility | Parsons Consulting Engineers | Drawing No.: 22233-001 | Rev: P9 | Dated: 25 October 2023).

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Drainage Strategy | Omex Foliar Facility | Parsons Consulting Engineers | Drawing No.: 22233-001 | Rev: P9 | Dated: 25 October 2023).

The approved scheme shall be implemented fully in accordance with the agreed details prior to the first use of the development hereby permitted and retained and maintained in accordance with those details thereafter.

- 3 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development in accordance with the overarching principles of the NPPF and the Local Plan.
- 4 Condition: Notwithstanding the information provided within the drainage strategy, no works above slab level shall commence on site a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and agreed in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

- 4 Reason: In order to prevent an increased risk of flooding in accordance with the principles of the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 5 Condition: All external doors associated with the building hereby approved must remain closed at all times during the operation/occupation of the building, other than when required for access.

- 5 Reason: In the interests of the amenities of the locality in accordance with the NPPF.

- 6 Condition: No piling shall be carried out on site until a piling method statement (detailing the type of piling to be undertaken, the locations of piles, and the methodology by which such piling will be carried out and the programme for the works including proposed hours of works) has been submitted to and approved in writing by the local planning authority. The method statement should include provision to minimise damage and noise.

Any piling must be undertaken in strict accordance with the terms of the approved piling method statement.

- 6 Reason: For the avoidance of doubt and in the interests of the amenities of the locality in accordance with the NPPF (2023) and Policy DM15 of the SADMPP (2016).

- 7 Condition: Throughout the duration of clearance and construction works on site, all works and activities shall be carried out in strict accordance with the combined 'Construction Management Plan and Construction Traffic Management Plan' document, revision D, submitted on 7 September 2023

- 7 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.

- 8 Condition: Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the

curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.

- 8 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 9 Condition: No deliveries should take place on the site outside of the hours of 0600 to 1900 Monday to Saturday.
- 9 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 10 Condition: Prior to the first use of the building hereby permitted, an energy report shall be submitted to the LPA demonstrating the energy efficiency methods which have been implemented into the construction of the building hereby approved. The report should demonstrate an overall improvement of not less than 10%. The measures shall be retained as agreed thereafter.
- 10 Reason: To ensure building design is sustainable in the longer term and to mitigate additional traffic emissions generated in accordance with Section 174(e) of the NPPF and Policy CS08 of the Core Strategy (2011).