

AGENDA ITEM NO: 9/3(b)

Parish:	King's Lynn	
Proposal:	Siting of micro business units for Class E (excluding (a)) and B8 plus Sui Generis and retention of toilet block and parking area (retrospective)	
Location:	1st Self Storage Ltd Edward Benefer Way King's Lynn Norfolk	
Applicant:	1st Self Storage Limited	
Case No:	26/00850/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 17 July 2026

Reason for Referral to Planning Committee – Called in at the request of Cllr Austen Moore.

Neighbourhood Plan: No

Case Summary

The site lies on the eastern side of Edward Benefer Way opposite the docks; comprises the road frontage strip of a previously approved self-storage facility plus a further strip of land to the north – part of an area associated with the former fuel storage and distribution depot.

The remainder of the applicant's owned land to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. St Nicholas Retail Park lies to the south, and to the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

This application seeks retrospective permission for the siting of micro business units for Class E (excluding (a)) and B8 plus Sui Generis uses and retention of toilet block and parking area.

These 19no. 'micro-business units' (MBUs) comprise modified shipping containers clad in grey composite boarding with dark grey powder-coated aluminium doors, windows and facias. Each individual unit has a floorspace of 2.2m x 5.8m which would be some 241.3m² in total. Some units have been linked/conjoined to form larger floorspace to meet end user needs but are reversible. There is an existing toilet block/portable building situated at the northern end of the row of units of similar appearance as the MBUs (6.7m x 3.2m).

The 35no. space car park is surfaced with gravel grid and now partially bounded to the north by a 1.2m close-boarded high timber fence.

Key Issues

Recent History

Principle of Development

Highway Issues
Amenity Issues
Visual Impact
Flood Risk
Biodiversity
Any other matters requiring consideration

Recommendation

REFUSE

THE SITE AND APPLICATION

The site lies on the eastern side of Edward Benefer Way opposite the docks; comprises the road frontage strip of a previously approved self-storage facility plus a further strip of land to the north – part of an area associated with the former fuel storage and distribution depot.

The remainder of the applicant's owned land to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. St Nicholas Retail Park lies to the south, and to the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

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The 35no. space car park is surfaced with gravel grid and partially bounded to the north by a 1.2m close-boarded high timber fence.

Relevant Planning History:

21/01086/A: Application Refused: 23/07/21 - New single illuminated digital advertisement display - Appeal Dismissed 26/01/22 (Delegated decision)

22/00641/F: Application Permitted: 04/12/23 - Secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units (Part retrospective) (Committee decision)

25/00699/F: Application Permitted: 18/06/25 - REMOVAL OF CONDITIONS 2 AND 6 AND VARIATION OF CONDITIONS 5 AND 7 OF PLANNING PERMISSION 22/00641/F: Secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units (Part retrospective) (Delegated decision)

25/00726/F: Application Refused: 11/07/25 - Siting of micro business units and retention of toilet block and creation of parking area (Retrospective) (Delegated decision)

Consultations:

King's Lynn Area Committee – Planning Sub-Group: Supported the application in principle but agreed that the proposed highway access required further attention considering the objections raised by the Local Highway Authority.

Local Highway Authority: OBJECT - The proposal would lead to an intensification in the use of an access onto Edward Benefer Way (A1078), which is a busy traffic route / principal route and would cause undue interference with the safe and free flow of traffic on this important traffic route. Contrary to Development Plan Policies.

Environment Agency: NO OBJECTION - An FRA should be submitted, and the proposed mitigation measures should include securing the storage containers to the ground so that they do not become a hazard in a flood event.

District Emergency Planning Officer: NO OBJECTION - Suggests signing up to EA's flood warning system and preparation of a flood evacuation plan.

Community Safety & Neighbourhood Nuisance: Comments awaited at the time of writing this report but have previously agreed to hours of use corresponding to the self-storage facility.

Environmental Quality: NO OBJECTION subject to condition relating to unexpected contamination.

Senior Ecologist: OBJECTION - The loss of habitat (created by the car parking area), in the absence of compensation, demonstrates a clear net loss in biodiversity which is in contravention of the duty of every development to deliver a measurable net gain in biodiversity under the NPPF.

REPRESENTATIONS:

Cllr Austen Moore: "I would like to call in the following 26/00850/F please. I think it merits further review to see if it may be providing economic benefits and it should be checked further to make sure a decision doesn't deprive local people of work opportunities."

KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040

LP18 - Design & Sustainable Development (Strategic Policy)

LP04 - Presumption in Favour of Sustainable Development Policy (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP07 - The Economy (Strategic Policy)

LP08 - Retail Development (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP19 - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

LP21 - Environment, Design and Amenity (Strategic Policy)

LP25 - Sites in Areas of Flood Risk (Strategic Policy)

Policy E1.1 – King’s Lynn Town Centre

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

- Recent History
- Principle of Development
- Highway Issues
- Amenity Issues
- Visual Impact
- Flood Risk
- Biodiversity
- Any other matters requiring consideration

Recent History:

It will be noted from the Planning History section above that there have been recent applications relating to this site.

Initially approval was granted by Committee in December 2023 for part retrospective permission for a secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units under ref: 22/00641/F.

Subsequently permission was sought under ref: 25/00699/F for the removal of Conditions 2 & 6 and variation of Conditions 5 & 7 attached to planning permission 22/00641/F. In summary Condition 2 restricted the use to that of self-storage and no other use in Class B (this was not varied); Condition 5 was for details of hard and soft landscaping including ivy planters alongside new fencing to be implemented plus post & rail fence to N boundary (varied to allow species of climbers); Condition 6 containers to be linked/bolted together (varied to allow other methods of fixing) and Condition 7 vehicular access as shown on approved plans (SW corner of site) and other central access point permanently closed and footpath reinstated (varied to allow central access to be retained).

Last year application ref: 25/00726/F was refused for the siting of micro business units and retention of toilet block and creation of parking area. This was for the following summarised reasons:

1. Impact of out-of-town retail units that either individually or cumulatively would undermine the attractiveness and viability of the town centre.

2. Intensification of the use of an access onto Edward Benefer Way (A1078), which is a busy traffic route / principal route and would cause undue interference with the safe and free flow of traffic on this important traffic route.
3. Unrestricted opening hours would adversely affect the amenities of the locality.
4. Flood risk mitigation measures required to anchor the units to prevent them moving if flooding occurred and creating a hazard for emergency/rescue services.
5. Failure to demonstrate any biodiversity compensation to provide a measurable net gain.

The timeframe for appealing the above decision has now lapsed and this current application seeks to redress those reasons which will be expanded upon below.

Principle of Development

This application is retrospective for the siting of 19no. MBUs. These are modified shipping containers aligned on a concrete base parallel to, and fronting, the road. Plus, a toilet block and associated parking area.

The use of the units is now stated in the application forms to be Use Classes E (excluding (a)) and B8 plus a sui generis takeaway coffee shop/café.

Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes —

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, **[NB: excluded from this application]**
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- c) for the provision of the following kinds of services principally to visiting members of the public —
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Use Class B8 – Storage and distribution

The site area of the MBUs and toilet block already has planning permission for self-storage which falls within Use Class category Class B8. It was however restricted to self-storage (and no other use within Class B8) and the number of containers were limited due to concerns relating to traffic generation and amenity of nearby residences. This was clearly laid out in the committee report attached to planning application ref: 22/00641/F.

Since then, works have been undertaken in relation to changing the access point onto Edward Benefer Way. The site has been expanded northwards by approx. 8m to accommodate a strip of parking (35 spaces) to serve a new toilet block and the MBUs.

This application therefore involves the frontage strip of an overall site granted planning permission for a self-storage facility under application ref: 22/00641/F and subsequently sought to be amended under application ref: 25/00699/F, plus an additional strip to the north. Access has been relocated to a central point opposed to that formerly approved in the SW corner.

The key policy considerations are as follows:

Policy LP08 Retail Development – this effectively seeks to protect the viability of the town centre by resisting out-of-town retail development – mostly aimed at large scale proposals 500m² and above.

The intended use of the units now excludes the retail element of Class E (a) which would have a reduced impact upon town centre uses. Whilst the other uses could potentially be accommodated within the town centre, there is no policy basis preventing their location on a site such as this one. Also, the overall size of the units is relatively constrained and any impact on the town centre would be acceptable.

Policy LP07 supports proposals for alternative uses of employment land where it can be demonstrated that, amongst other criteria, an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs. The existing businesses have been operating on site for some considerable time now and appear popular for start-up enterprises to establish themselves, with the expectation of subsequently upscaling to town centre units. The proposal in this format can be given some support from this policy.

Therefore, the proposal in this format would not unduly impact upon the town centre and can accord with Policy LP07 of the Local Plan.

Highway Issues

This continues to be the most contentious issue in assessing this proposal.

The highway safety considerations for this application are similar to those of planning application reference 25/00699/F, being that the proposed point of access to the northern site frontage is of concern due the forward visibility splays being at the limits of the recommended guidance in combination with increased right hand turning movements across a busy principal route.

In pre-submission discussions with the applicant and agent, information regarding the actual and anticipated traffic generation to the MBUs was requested to give a clear site-specific picture in response to previous concerns raised by the Local Highway Authority. However, the application has been submitted with a Technical Note produced in March 2022 relating to

the self-storage proposal, plus information believed to be relating to the applicant's other MBU site near Ely. Unfortunately, these are not directly comparable.

Having considered the information as submitted, it is evident that this application could result in the use of 19no. MBUs which would result in higher turnovers of traffic due to their requirements for staff and customers to visit on a habitual basis as opposed to the existing, self-storage facility which is a relatively low traffic generator as customers have the tendency to visit infrequently.

This pattern of predicted change is recognised by the application itself, in that the car parking provision for the additional MBUs is shown as 35 spaces. It is also of note that the application form indicates a proposed employee rise from none to 19.

Edward Benefer Way is an A class road (A1078). It is a busy and important stretch of highway and designated as a Category 2C (Most Principal Route) within the Norfolk Route Hierarchy. The primary purpose of this designation of highway is to carry traffic between key areas, forms links, and is an important traffic distributor to the wider road network for King's Lynn.

As previously indicated by the LHA, this proposed private point of access has forward visibility, for turning right into the site, at the lower limits of the adopted guidance. The A1078 in this locality carries approximately 13,100 vehicles per day. This site access is without a dedicated right hand turning facility and vehicles slowing, stopping, waiting and turning therefore, have to do so within the highway and therefore obstruct the stream of traffic.

There is also a layby/bus stop on the site frontage which could encourage roadside parking and infringe on the availability of the bus stop – once again interfering with the free flow of traffic.

Once again it is the LHA's view that the slowing, stopping and turning within this busy stream of traffic in combination with the low levels of forward visibility experienced, would have a detrimental impact on the safety and efficiency of the A1078/Edward Benefer Way and therefore recommend that the application be refused.

Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Based on the LHA's objection, the proposal therefore fails to accord with the provisions of Policy LP13 & LP21 of the Local Plan.

Amenity Issues

The application forms indicate that the units are now intended to be operated subject to opening hours corresponding with those granted on the self-storage units/site under Condition 4 attached to refs: 22/00641/F & 25/00699/F which state:

"The premises shall only be used between the hours of 6:00am and 10:30pm Monday to Saturday, and 7:00am to 9:30pm on Sunday, unless otherwise approved in writing by the Local Planning Authority.

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 and Policy LP21 of the Local Plan (2021-2040)."

Whilst a response to consultation from CSNN is outstanding at the time of writing this report, previous comments have indicated this usage to be acceptable.

For the units to be restricted to the opening times specified above, they are not likely to adversely affect the amenities of the locality and would comply to the provisions of Paragraph 198 of the NPPF and Policy LP21 of the Local Plan.

Visual Impact

The proposal would create a continuous building mass alongside and parallel to Edward Benefer Way, a main route into town. In its favour it would screen views of the self-storage facility to the rear, and it would not be at odds with this commercial area and adjoining docks/Port area.

The incorporation of planters as currently applied helps to visually soften this frontage which may have been secured via condition if the application was being supported.

The present method of signage for the units would be incongruous; however this is a matter to be addressed under separate legislation.

With regards to visual impact, the proposal could accord with Policies LP18 & LP21 of the Local Plan.

Flood Risk

The site lies within Flood Zones 2 & 3a of the Council-adopted Strategic Flood Risk Assessment, and also within the Environment Agency's Tidal Hazard Mapping Zone.

The Environment Agency have undertaken flood modelling should there be a breach in the river defences and this site may flood between 0.5 – 2m in depth (majority of site between 1-2m). No objection has been raised by EA to the principle of this development.

However, whilst the containers are mounted on a raised plinth approx. 600mm above surrounding ground level, there have previously been mitigation measures required to anchor the other storage container units to prevent them moving if flooding occurred and creating a hazard for emergency/rescue services.

On this particular issue, the Planning Statement accompanying the application states: "As explained MBUs, unlike SCUs, are not watertight so have no propensity to float. Notwithstanding which, they can if deemed necessary be anchored to the ground or fixed together. Thus 4, subject to an appropriate condition is no longer applicable."

Had this application been supported on all other aspects, this could have been secured via condition as per the earlier consents on the self-storage site and complied with the provisions of the NPPF and Policies LP21 & LP25 of the Local Plan.

Biodiversity

The application is retrospective, so Biodiversity Net Gain is not required.

The site however is identified as being within a draft Open Mosaic Habitat (OMH) plan for King's Lynn produced by the Norfolk Biodiversity Information Service. OMH is a Biodiversity Action Plan habitat and a Habitat of Principal Importance under the Natural Environment and Rural Communities (NERC) Act 2006. There is a conflict of opinion between the Agent and our Senior Ecologist as to the actual ecological status/value of this part of the site.

The Agent claims a lower ecological baseline for the site than our Ecologist when considering net loss of biodiversity at the site. No compensation for the loss of any habitat has been proposed, but certainly there is a net loss given sealed surface of the car park has no ecological value and makes zero contribution to net gains in biodiversity. Biodiversity gains can and should be calculated using an industry standard method (a Metric) but no baseline biodiversity information has been provided.

It is accepted that the application is exempt from Biodiversity Net Gain under a s73a exemption. However, the application is not exempt from the duty of every development to provide measurable net gain under the NPPF [Paragraph 187].

In consultation response from our ecologist, a simple solution has been suggested to the Agent which would involve identifying an area within the additionally owned land to the immediate north of this site, to improve the condition of habitat present and thus deliver a possible ecological enhancement. This has not been pursued.

So, given the incursion of the parking area into a parcel of undeveloped land (identified as an Open Mosaic Habitat), the proposal has failed to demonstrate any biodiversity compensation to provide a measurable net gain. The development therefore fails to accord with the provisions of Paragraph 187 d) of the NPPF and Policy LP19 of the Local Plan.

Any other matters requiring consideration

Contamination – unexpected contamination encountered whilst developing the site could be covered via condition as requested by Environmental Quality. However, given that the development is substantially progressed and no additional invasive groundworks expected, this may now be superfluous.

Crime & Disorder – There are no objections to the proposal on this ground.

Surface water drainage – The IDB raised no objection to the previous proposal, but offered advice regarding byelaw matters which is covered by separate legislation (Land Drainage Act 1991).

Foul water drainage – The toilet block is operational and indicated as being connected to the mains sewer.

CONCLUSION

Whilst certain matters raised as reasons for refusal on an earlier application for substantially the same development have been negated and have the prospect of being secured via condition (i.e. removal of retail uses, hours of use same as the self-storage site and flood mitigation measures), there are two matters of safe access and loss of biodiversity which remain unresolved.

The proposal therefore fails to accord with the provisions of the NPPF and Policies LP13, LP19 & LP21 of the Local Plan and is duly recommended for refusal for the reasons stated below.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposal would lead to an intensification in the use of an access onto Edward Benefer Way (A1078), which is a busy traffic route / principal route and would cause undue interference with the safe and free flow of traffic on this important traffic route. The proposal is therefore contrary to the provisions of Policies LP13 & LP21 of the Local Plan (2021-2040).
- 2 Given the incursion of the parking area into a parcel of undeveloped land (identified as an Open Mosaic Habitat), the proposal has failed to demonstrate any biodiversity compensation to provide a measurable net gain. The development therefore fails to accord with the provisions of Paragraph 187 d) of the NPPF and Policy LP19 of the Local Plan (2021-2040).