

AGENDA ITEM NO. 9/2(d)

Parish:	King's Lynn	
Proposal:	Secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units (Part retrospective)	
Location:	1st Self Storage Ltd Edward Benefer Way King's Lynn Norfolk PE30 2HW	
Applicant:	1st Self Storage Limited	
Case No:	22/00641/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 27 October 2022 Extension of Time Expiry Date: 8 December 2023

Reason for Referral to Planning Committee – The site has a history of an appeal being dismissed.

Neighbourhood Plan: No

Case Summary

The site lies on the eastern side of Edward Benefer Way opposite the docks. It comprises some 0.66ha just over a quarter of the overall area associated with the former fuel oil storage and distribution depot and corresponds with the hard surfaced part adjoining 'Home Bargains' on the St Nicholas Retail Park. The remainder of the site to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. To the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

Over the past 15 years planning permission has been granted for residential development for up to 95 dwellings and it remains within the Council's SHLAA. However, the site has been redundant/abandoned since the 1990s.

This application seeks part retrospective permission for secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units.

Key Issues

Principle of development
Impact on neighbour amenity
Access and highway implications
Visual impact
Flood risk
Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The site comprises 0.66ha of former fuel oil storage and distribution depot which has been redundant/abandoned for quite some considerable time. Over the past 15 years planning permission has been granted for residential development for up to 95 dwellings and it remains within the Council's SHLAA.

The site lies on the eastern side of Edward Benefer Way opposite the docks; comprises just over a quarter of the overall area associated with the former fuel storage and distribution depot and corresponds with the hard surfaced part adjoining 'Home Bargains' on the St Nicholas Retail Park. The remainder of the site to the north is not part of this proposal and there is housing beyond on St Edmundsbury Road. To the east there is an embankment and Bawsey Drain (IDB maintained) with residential development beyond (Turbus Road).

This application seeks part retrospective permission for secure self-storage facility for 48 full size units, 16 half size units, 16 quarter size units and 2 utility storage units. The site presently contains 30 full sized containers/units, 8 half sized, 8 quarter sized and 1 utility unit.

The storage units comprise shipping containers in differing sizes and configurations, plus bespoke utility storage units painted blue, green and silver.

SUPPORTING CASE

The applicant's agent has submitted the following statement in support of this application:

"Prior to our client, 1st Self Storage Ltd. purchasing and occupying the site it was a redundant former commercial fuel depot, with hard surfacing across part of the site. It had an overgrown and untidy appearance that detracted from the appearance of the area. The site is located amongst a wide range of retail and commercial buildings and open storage uses.

The benefits of the proposals are:

- Excellent road connections, close to both businesses and residents,
- Low impact commercial use,
- Employment for 3 members of staff, once it is fully operational,
- Supports local businesses with flexible and convenient storage options. Evidence shows that tradespeople store equipment and materials in the units which can be picked up between jobs,
- Allows households to store domestic items that are reused, rather than thrown out, and
- Improves the appearance of the site.

It is noted that no objections have been received from neighbouring properties. The comments that have been received are from Council officers and statutory consultees.

During the processing of the planning application, we have worked with the Borough Council officers to address their concerns about the use and appearance of the site. The applicant has agreed to remove the storage and fabrication of storage buildings on part of site, to address the concerns about noise disturbance from the Environmental Health officer. The roadside fence will be replaced with a new fence and landscaping will be installed to grow against the fence to improve the appearance of the site when viewed from the road. The units will be bolted together to address the concerns from the Environment Agency about the potential effects of flood water, should it enter the site.

The applicant has agreed to restrict the hours of operation so that the facility is not open 24 hours a day. It's important to note that it does need to be available for customers who require access early in the morning and later at night, purely for business reasons. Noise levels from the site are very low as there is no running machinery. Any noise is from vehicles arriving and leaving the site. The rubberised seals around the doors prevent noise from the doors closing on the units.

The recent request from the Highway Authority to install raised kerbs at the existing locked gated access does not form part of our proposals and the costs of the works would be passed to the applicant to pay. In our view this is neither necessary or reasonable, given that it is not proposed to use this access. The vehicular access to the storage facility is from the upgraded access to the south and the existing locked gates will be replaced by the proposed roadside fence. The NPPF advises that development should only be prevented on highway grounds if there would be unacceptable impact upon highway safety, or the residual cumulative impacts on the road network would be severe. Our clear view is that the replacement of the dropped kerbs does not meet the NPPF in this respect. A refusal of the planning application on highway grounds can't be justified. As a compromise we would be willing to accept a condition that the proposed storage facility will only being accessed from the upgraded southern point of vehicular access.

For the reasons set out above, the site is considered to be suitable for the proposed storage use in its revised form. It will improve the appearance of a former redundant site and will be economically beneficial for the Borough Council as local businesses and residents will benefit from the availability of flexible and convenient storage. The use is a low impact commercial use and there are no adverse effects as a result of the revisions to the proposals. Accordingly, it is requested that planning permission is given for the proposed use."

PLANNING HISTORY

APP/V2635/C/22/3298588: Appeal dismissed and upheld without variation: 27 September 2022: Without planning permission, the unauthorised change of use for self-storage and open storage compounds and associated development.

20/00167/PREAPP: INFORMAL - Likely to refuse: 19/11/21 - PRE-APPLICATION ENQUIRY WITH CONSULTATIONS: Full Application: Use of land for self-storage and open storage compounds and associated development.

16/01225/RMM: Application Permitted: 14/07/17 - Reserved Matters Application: construction of 95 dwellings (Delegated decision).

14/01679/OM: Application Permitted: 26/11/15 - OUTLINE APPLICATION SOME MATTERS RESERVED: Residential Development (Delegated decision).

12/01010/EXOM: Application Permitted: 21/12/12 - Extension for time for the implementation of a planning permission reference 08/01182/OM appeal ref: APP/V2635/A/09/2094579 (Committee decision).

08/01182/OM: Application Refused: 10/11/08 - Outline Application: residential development - Appeal Allowed 09/07/09 (Committee decision).

06/01237/OM: Application Refused: 18/03/08 - Outline Application: residential development - Appeal Withdrawn 21/08/08 (Committee decision).

RESPONSE TO CONSULTATION

Local Highway Authority: NO OBJECTION subject to conditions regarding closure of secondary access point and access parking and turning area provision.

Environment Agency: NO OBJECTION

District Emergency Planning Officer: NO OBJECTION suggests signing up to EA's flood warning system, install services at high level and prepare flood evacuation plan.

IDB: COMMENTS regarding byelaw matters.

CSNN: NO OBJECTION subject to conditions relating to access times, lighting and limiting the number of storage containers as per plans.

Environmental Quality: Suggest submission of a desk study and preliminary risk assessment.

Historic Environment Service: NO COMMENTS

Norfolk Constabulary ALO: NO OBJECTION – offers advice on Secured by Design accreditation.

Natural England: NO OBJECTION

REPRESENTATIONS

(Initial submission): King's Lynn Civic Society: **OBJECT** on the following summarised grounds:

- A retrograde step in the potential revitalisation of North Lynn and
- A scheme that offers little or nothing to sustainable development of the area and enhancement of this important gateway into King's Lynn town centre
- Site is on Brownfield Register
- Housing preferred
- Retrospective application - use already commenced

(Amended scheme): No further comments received.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NEIGHBOURHOOD PLAN POLICIES

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:

- Principle of development
- Impact on neighbour amenity
- Access and highway implications
- Visual impact
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Principle of development

Background

The applicant acquired the site in October 2020. Pre-application advice was sought under application ref: 20/00167/PREAPP for use of the whole depot site for self-storage and open storage purposes. The repercussions of the pandemic resulted in a significantly delayed response to the proposal.

In the interim works commenced on site and given the concerns raised by the Local Highway Authority (access off Edward Benefer Way) and CSNN (amenity of neighbouring dwellings) in response to the 'pre-app', an Enforcement Notice was served on 30 March 2022. This was appealed on the ground set out in section 174(2)(g) – i.e., 6-week time period for compliance. This was dismissed on 27 September 2022 and a copy of the Appeal Decision PINS ref: APP/V/2635/C/22/3298588 is appended for ease of reference.

This application was submitted prior to the appeal decision on a site area and scale much reduced from the 'pre-app' and Enforcement Notice site. It has been the subject of negotiations in order to negate the aforementioned issues, which will be elaborated upon within this report.

Policy considerations

The key Development Plan policies to be applied are considered to be as follows:

Policy CS03 – King’s Lynn area

“...Elsewhere throughout the urban area, schemes of renewal or replacement that positively contribute to the regeneration of the town will be encouraged where there is no detrimental impact upon:

- flood-protection strategies set out in CS01 and CS08;*
- the transportation network, including the operation of the port as a strategic transport facility;*
- local services and facilities;*
- significant trees, wildlife or historic assets;*
- enjoyment of the public realm;*
- crime prevention...”*

Policy CS08 – Sustainable Development

“All new development in the borough should be of high-quality design. New development will be required to demonstrate its ability to:

- protect and enhance the historic environment;*
- enrich the attraction of the borough as an exceptional place to live, work and visit;*
- respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment;*
- optimise site potential, making the best use of land including the use of brownfield land;*
- enhance community wellbeing by being accessible, inclusive, locally distinctive, safe and by promoting healthy lifestyles (see Policy CS14 Community & culture);*
- achieve high standards of sustainable design.”*

Policy CS10 – The Economy

Retention of Employment Land

“The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:

continued use of the site for employment purposes is no longer viable, taking into account the site’s characteristics, quality of buildings, and existing or potential market demand; or

use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or

an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council’s regeneration agenda.”

Policy CS11 – Transport

Dealing with transport issues in new development

“Development proposals should demonstrate that they have been designed to:

- Reduce the need to travel.*

- *Promote sustainable forms of transport appropriate to their particular location and related to the uses and users of the development.*

In order of preference this should consider:

- *Walking*
- *Cycling*
- *Public transport*
- *Private car (development proposals which are likely to have significant transport implications will need to be accompanied by a transport assessment and travel plan to show how car-based travel can be minimised)*
- *Provide for safe and convenient access for all modes.”*

As indicated above, the locality comprises a mixture of retail and commercial to the south plus a recently constructed drive-thru Costa. The docks and storage facilities lie to the western side of Edward Benefer Way, with the other historic oil storage and distribution facility on the traffic-lit junction with Estuary Road. Policy CS10 encourages the retention of employment uses.

The former use of the site was indeed commercial which is similar to that presently proposed and falling into Use Class category B8 – storage.

The principle of the development is therefore considered to be acceptable substituting one commercial use for another, and accords with Policy CS10 of the Core Strategy, subject to compliance with other policy requirements. It would also constitute sustainable development within the defined area of the town in accordance with Policies CS03 and CS08 of the Core Strategy and Policies DM1 & DM2 of the SADMPP.

Whilst the Civic Society’s views are noted, this proposal would not prevent future development of the site for residential purposes, but that would require separate planning permission. Each application has to be determined on its own planning merits.

Impact upon neighbour amenity

Policy DM15 – Environment, Design and Amenity

“Development must protect and enhance the amenity of the wider environment including its heritage and cultural value. Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development.

Proposals will be assessed against a number of factors including:

- *Heritage impact;*
- *Overlooking, overbearing, overshadowing;*
- *Noise;*
- *Odour;*
- *Air quality;*
- *Light pollution;*
- *Contamination;*
- *Water quality and*
- *Visual impact.*

The scale, height, massing, materials and layout of a development should respond sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused.

Development proposals should demonstrate that safe access can be provided, and adequate parking facilities are available.”

Initial concerns raised by CSNN at the pre-app stage related to unrestricted use of open storage yards in the northern portion of the site directly adjoining residential dwellings on St Edmundsbury Road. The container storage use has now been reduced to be contained within the hard surfaced element of the site.

The original application proposed to have 1000m² of storage and construction/modification of modular storage units plus a canopy situated towards the eastern boundary of the site. In response to CSNN concerns, the applicant has now removed this element from the application and the containerised self-storage is only now proposed. The unauthorised canopy structure is to be removed and the container modifications will cease.

The hours of operation have been negotiated to be as follows:

Monday – Saturday	6.00am – 10.30pm
Sundays	7.00am – 9.30pm

Our officers are now content that these measures would make the proposal acceptable in amenity terms and comply with Policy DM15 of the SADMPP.

Lighting within the site has been attached to the containers and is focussed internally to serve users/visitors. Control of lighting has been requested by CSNN but given the high level of background lighting along Edward Benefer Way plus the docks, this is not considered to be necessary.

It will be noted that the Council has not received any complaints regarding amenity since the use commenced.

The proposal therefore now complies with Policy DM15 of the SADMPP.

Access and highway implications

Edward Benefer Way (EBW) is a principal route into the town and is heavily trafficked. There are two existing gateways serving the site. The southern-most now has a sliding security gate with a keypad entry system and the northern-most has been locked off and effectively closed. The improvements to the fencing will ensure that closure going forward. The Local Highway Authority (LHA) request that the existing dropped kerb provision should be raised to close off the access and support pedestrian safety. This may be secured via condition.

The layout is now such that vehicles can pull off the highway clear of the carriageway and footpath, use the keypad and enter the site. There is also a parking space to the right of the access point to allow visitors to park, turn and re-enter the highway in forward gear.

The LHA are now content with the access arrangements off EBW as per the latest submitted plans. These show appropriate visibility splays and ample parking plus turning space to serve the use within the site.

Any significant intensification of the use (additional containers etc.) would require further planning permission.

In the current format, and with the closure of the second access point, the proposal would provide safe access and not create adverse impact upon the highway network. The proposal would therefore accord with Policies CS03, CS11 and DM15 of the Development Plan.

Visual impact

As already stated above, this is a primary route into King's Lynn. There are presently open public views of the site from the road frontage and less so from St Nicholas Retail Park, but with a footpath link between the site and Home Bargains.

The containers are proposed to be arranged in lines along the southern boundary plus SE corner of the site and parallel to, but set back from, the site frontage to create screens into the site. The containers are painted blue and green denoting different sizes and are in good condition.

To improve the appearance of the site, officers have negotiated new green mesh metal fencing to replace the chain-link on the roadside boundary facing EBW.

The concreted surfacing and contamination issues preclude the effective introduction of trees and hedges as suggested by the Civic Society, however the introduction of planters within the site and parallel to the fence line are proposed to be introduced. These would contain varieties of ivy to climb up the new fencing and create a softened appearance. This would continue the natural boundary treatment to the north of the site created by established mixed hedging. This would be low-maintenance, hardy, evergreen and have ecological benefits.

These mitigation measures could be secured via condition within an appropriate timescale.

Solid boundary treatment was considered but the perpetuation of the hard edge to the docks' storage area was dismissed as the street scene on the eastern side of EBW is more open and natural.

The introduction of peripheral hard and soft landscaping alongside EBW would mitigate and improve the appearance of the commercial site to an acceptable degree. This would not create an adverse impact upon the character and appearance of this locality and would accord with Policies CS08 and DM15 of the Development Plan.

Flood risk

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

This is a Class B8 use proposed which for flood risk purposes is classed as 'less vulnerable' and compatible within FZ3a (according to the compatibility table contained in the NPPG).

The Environment Agency have undertaken flood modelling should there be a breach in the river defences and this entire site may flood between 0.25 – 2m in depth (majority of site between 1-2m). The containers are mounted on concrete blocks and the applicant proposes to link/bolt the containers together into blocks which would negate concerns about being swept away. The EA raise no objection subject to these mitigation measures being introduced. This can be secured via condition.

The proposal accords with Policy CS08 of the Core Strategy.

Any other matters requiring consideration prior to determination of the application

Contamination

From previous applications on this site, it is evident that it contains high levels of contamination due to its former use. However, the use presently is contained within the 'capped' area of the overall facility.

The use for self-storage purposes would not require breaches of the concreted area. And indeed, a new fence line to the northern boundary to contain the use, could be installed using meta-posts to avoid undue disturbance of the subsoil.

The proposal therefore accords with Policy CS08 of the Core Strategy and DM15 of the SADMPP.

Ecology

Approx. half of the overall depot site is designated as a site of Open Mosaic Habitat. Open mosaic habitats can be extremely diverse, including such wide-ranging sites as railway sidings, quarries, former industrial works, slag heap, bings and brick pits. Brownfields with open mosaic habitats show evidence of previous disturbance, either through soil being removed or severely modified by previous use, or the addition of materials such as industrial spoil, with spatial variation developing across the site. The resultant variation allows for a mosaic of different habitats to be supported in close proximity. This habitat diversity can support rich assemblages of invertebrates, which has led to 'open mosaic habitats on previously developed land' being added to the UK Biodiversity Action Plan (UK BAP) as a Priority habitat listed on Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act).

This proposal excludes the habitat site which is the open/natural area to the northern half of the overall site. As stated above a fence line is to be added to the northern boundary of the site to contain the use and prevent encroachment into that area.

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

A Screening Opinion was produced in relation to Environmental Impact Assessment Regulations at the pre-app stage on the much larger site area than currently considered. EIA is not required.

The proposal therefore accords with Policy CS12 of the Core Strategy.

Surface Water Disposal

The method of surface water disposal has not changed and the IDB raise no concerns. Advice on byelaw issues is offered. The proposal therefore accords with Policy CS08 of the Core Strategy and DM15 of the SADMPP.

CONCLUSION

This application seeks to continue a commercial use on what has historically been a commercial site. The principle of the development is therefore considered to be acceptable substituting one commercial use for another, and accords with Policy CS10 of the Core Strategy, subject to compliance with other policy requirements. It would also constitute sustainable development within the defined area of the town in accordance with Policies CS03 and CS08 of the Core Strategy and Policies DM1 & DM2 of the SADMPP.

Whilst the Civic Society's views are noted, this proposal would not prevent future development of the site for residential purposes, but that would require separate planning permission. Each application must be determined on its own planning merits.

The introduction of peripheral hard and soft landscaping alongside Edward Benefer Way (primary route into town) would improve the appearance of the commercial site to an acceptable degree. This would negate any adverse impact upon the character and appearance of this locality and would accord with Policies CS08 and DM15 of the Development Plan.

The operation of the site may be controlled to ensure that the amenities of neighbouring properties in the locality are protected in accordance with Policy DM15 of the SADMPP.

All other technical issues may be secured via condition and there are no objections from technical consultees.

The application complies with the provisions of the NPPF, Policies CS01, CS03, CS08, CS10, CS11 & CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15 & DM17 of the SADMPP (2016). The proposal is therefore duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

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

- 1 Condition: The development is hereby permitted in accordance with the following approved plans: 20 031956 001 B & 20 031956 104 C.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The premises shall be used as a secure self-storage facility and no other purpose, including any use within Class B8 of the Town and Country Planning (Use Classes) 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
- 2 Reason: In order that the Local Planning Authority may retain control over the use of the premises where an alternative use otherwise permitted by the above-mentioned Order could be detrimental to the amenities of the locality and have access/highway implications contrary to Policy DM15 of the SADMPP (2016).
- 3 Condition: The site shall accommodate no more than 48 full-sized containers/units, 16 half-sized containers/units, 16 quarter-sized containers/units and 2 utility storage units as per the approved plan (Drawing no. 20 031956 104 C).

- 3 Reason: To define the terms of this permission as an increased number of units could be detrimental to the amenities of the locality and have access/highway implications contrary to Policy DM15 of the SADMPP (2016).
- 4 Condition: 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.
- 4 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 DM15 of the SADMPP (2016).
- 5 Condition: Within 3 months of the date of decision, the following shall be implemented/completed as per the approved plan (Drawing no. 20 031956 104 C) and thereafter maintained:
- Planters installed and planted with varieties of ivy;
 - Hard landscaping cobble setts laid adjoining access point;
 - Replacement wire to fencing completed along Edward Benefer Way frontage; and
 - 1.2m high post and rail timber fence erected along northern side of the site.
- 5 Reason: To define the terms of this permission and to ensure that mitigation measures are implemented and maintained in the interests of the visual amenity of the locality and to accord with the NPPF and Policy DM15 of the SADMPP (2016).
- 6 Condition: Within 3 months of the date of this permission, the containers shall be linked/bolted together in blocks as per correspondence from the agent dated 08 September 2023 and thereafter maintained in that condition.
- 6 Reason: To mitigate against flood risk and to accord with the provisions of the NPPF and Policy CS08 of the Core Strategy (2011).
- 7 Condition: Vehicular access to and egress from the adjoining highway shall be limited to the access shown on Drawing No. 20 031956 104 C only. Any other access or egress shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority and completed within 6 months of the date of this decision.
- 7 Reason: In the interests of highway and pedestrian safety in accordance with the provisions of the NPPF and Policy DM15 of the SADMPP.