



Planning Committee

Wednesday, 9th September, 2020 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

Reports marked to follow on the Agenda and/or Supplementary Documents

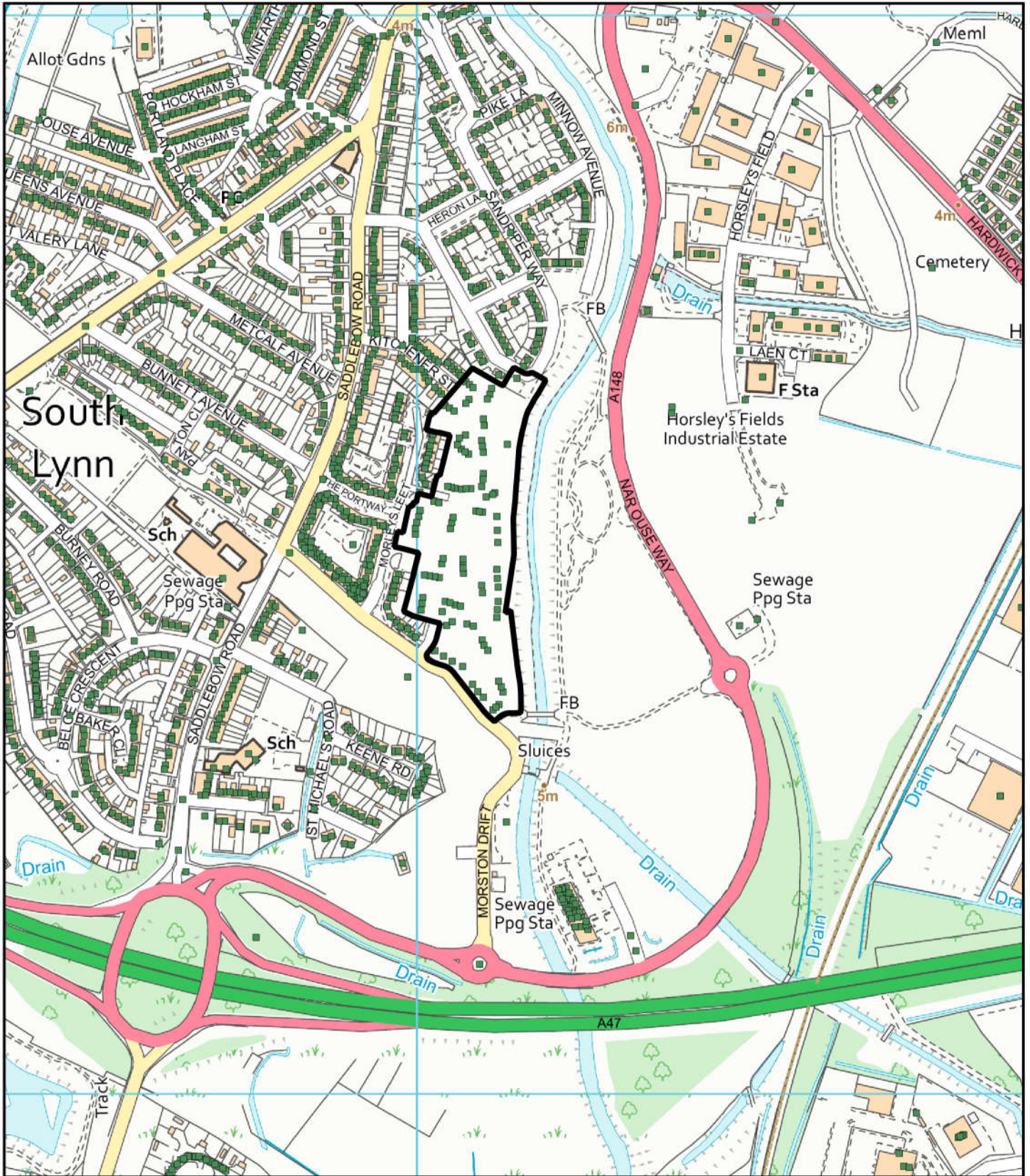
- a) 20/00757/FM Report marked to follow – The Nar Ouse Regeneration Area (NORA), Morston Drift, King's Lynn
- b) 20/00876/F Report marked to follow – 4 Walpole Road, King's Lynn

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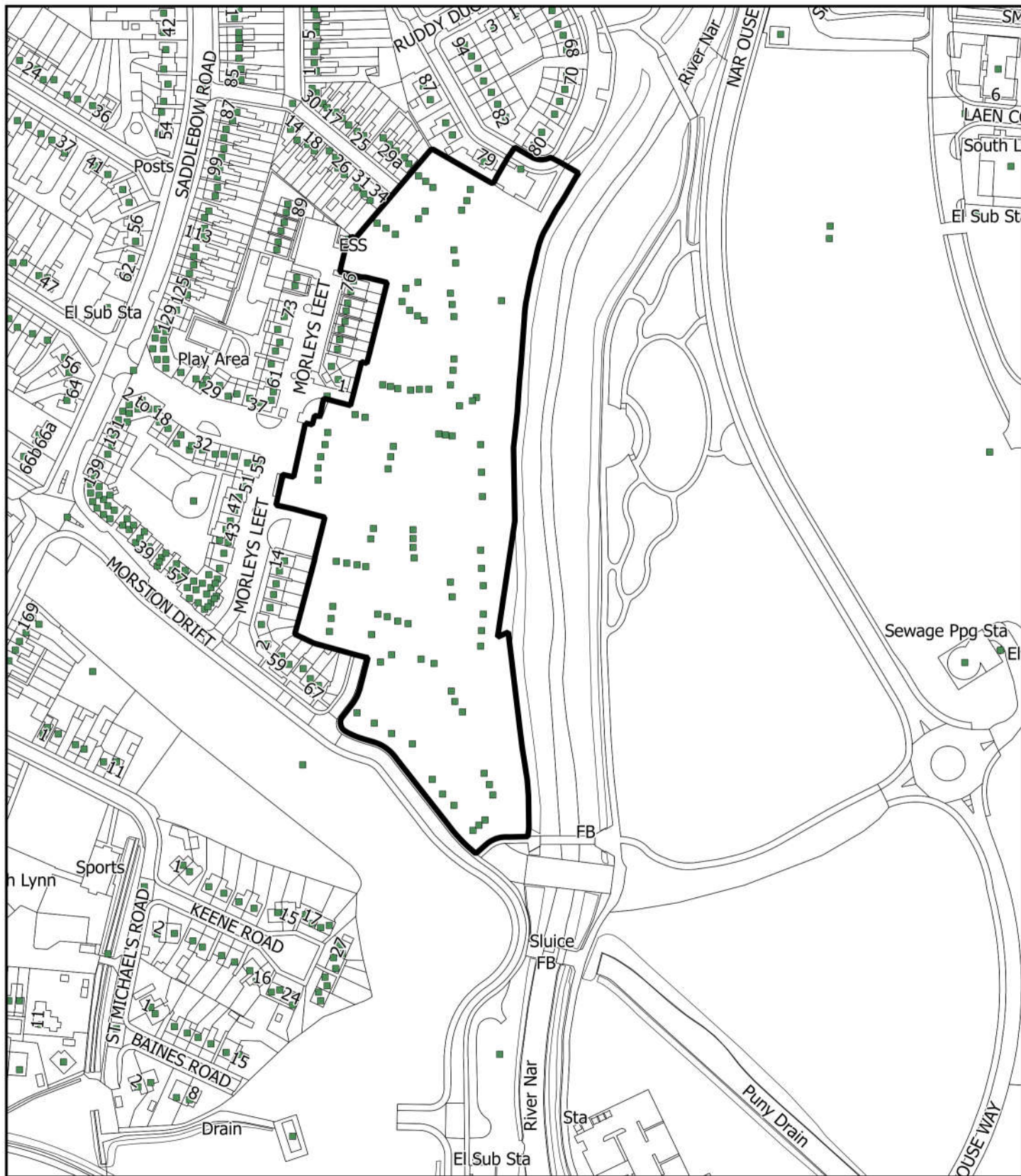
20/00757/FM

The Nar Ouse Regeneration Area (NORA) Morston Drift



20/00757/FM

The Nar Ouse Regeneration Area (NORA) Morston Drift



Parish:	King's Lynn	
Proposal:	Construction of 105 dwellings and associated infrastructure and landscaping	
Location:	The Nar Ouse Regeneration Area (NORA) Morston Drift King's Lynn Norfolk	
Applicant:	Borough Council of King's Lynn And West Norfolk	
Case No:	20/00757/FM (Full Application - Major Development)	
Case Officer:	Mrs H Morris	Date for Determination: 31 August 2020 Extension of Time Expiry Date: 9 January 2021

Reason for Referral to Planning Committee – This is a Borough Council application for major development.

Neighbourhood Plan: No

Case Summary

The application seeks full planning permission for the construction of 105 dwellings and associated infrastructure and landscaping for Phase 4 of the Nar Ouse Regeneration Area (NORA). Revised plans were submitted on 28th August in order to address comments raised by Norfolk Constabulary and the case officer.

Reserved matters approval for 94 dwellings on the site was previously granted in April 2019 (18/01750/RMM) in relation to the outline consent for the Nar Ouse Regeneration Area (NORA) granted under application ref: 09/02010/F. This reserved matters approval is currently still extant but the time period for submission of further reserved matters applications has now expired. The current full application therefore seeks amendments to the previously approved scheme and an increase in the number of units from 94 to 105.

The application site covers an area of approximately 2.5 hectares that has previously been cleared for development under outline permissions dating back to 2002 and prior to the 2019 reserved matters approval had consent for 126 residential units under application ref: 14/00997/RMM. To the north and west lies existing residential development developed under earlier NORA phases, the River Nar lies to the east and Morston Drift to the south.

Key Issues

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

- Principle of development / Planning history;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;

- Affordable housing;
- Open space and landscaping;
- Other considerations; and
- Crime and disorder.

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing within 4 months of the date of this Committee meeting;

B. In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing.

THE APPLICATION

The application seeks full planning permission for the construction of 105 dwellings and associated infrastructure and landscaping for Phase 4 of the Nar Ouse Regeneration Area (NORA).

Reserved matters approval for 94 dwellings on the site was previously granted in April 2019 (18/01750/RMM) in relation to the outline consent for the Nar Ouse Regeneration Area (NORA) granted under application ref: 09/02010/F. This reserved matters approval is currently still extant but the time period for submission of further reserved matters applications has now expired. The current full application therefore seeks amendments to the previously approved scheme and an increase in the number of units from 94 to 105.

The application site covers an area of approximately 2.5 hectares that has previously been cleared for development under outline permissions dating back to 2002 and prior to the 2019 reserved matters approval had consent for 126 residential units under application ref: 14/00997/RMM. To the north and west lies existing residential development developed under earlier NORA phases, the River Nar lies to the east and Morston Drift to the south.

The previously approved scheme for 94 dwellings proposed modular units but the current scheme will use traditional construction methods.

Out of the 105 dwellings currently proposed, 52 units are two-bedroom dwellings and 53 units are three-bedroom properties. All units are 2 storey with a ridge height of approximately 8 metres and are either semi-detached or in small terrace blocks of 3 or 4 units.

A simple, contemporary design is proposed for the development which is similar to the scheme most recently approved under 18/01750/RMM.

The main access is off Morston Drift with the development also connecting into roads already constructed under previous NORA phases to the north and west. There is one main spine road running north to south connecting Morston Drift to Sandpiper Way. This spine road will show predominantly as red brick, in keeping with the local surrounding area, whilst the smaller mews type roads will show as red and buff brick, providing variation. Considered brick detailing / banding, contemporary window proportions and roof tiles have also been included to create visual interest within the streetscene.

Outside the application site red line area there is an existing public right of way alongside the River Nar that connects the site with existing development to the north and the existing bridge crossing the river at the southern end of the site.

All units are provided with 2 no. car parking spaces. An additional 18 no. visitor spaces are also to be provided across the site.

Revised plans were submitted on 28th August in order to address comments raised by Norfolk Constabulary and the case officer.

SUPPORTING CASE

The proposal represents phase four of the Nar Ouse Regeneration Area ('NORA') project which is providing much-needed regeneration to a considerable area of King's Lynn.

As a brief overview of the history of the site, which had been cleared from its industrial use in the 2000s under earlier stages of the NORA regeneration scheme, outline permission was granted in 2007 for residential development at the application site and more widely across NORA. An application to revise the outline permission was granted in 2011 and reserved matters for phase four was approved in 2014. Most recently, in 2019, a reserved matters proposal for the phase four site was approved, with a total of 94 dwellings proposed to be constructed, instead of the 126 under the previously approved scheme.

This application seeks full planning consent for the construction of 105 dwellings, comprising a balanced mix of fifty-two 2-bed houses and fifty-three 3-bed houses, all of which are two storeys. This represents a net addition of 11 dwellings to the site compared with the scheme approved in 2019, though still 21 fewer units than the scheme approved in 2014.

The proposal now includes 16 affordable units, comprising Shared Ownership and Affordable Rent homes at a 70:30 ratio, which meets the Council's affordable housing requirements. Houses of these tenures are spread across the site, thereby not resulting in clustering of affordable units.

Greenland Park (or Nar Ouse Park) is located just on the opposite side of the River Nar and can be accessed from the site via two existing cycle/footbridges. This park, along with pedestrian and cycling infrastructure in the area, including bridges across the River Nar, were provided under the original NORA outline permission in connection with the several residential phases. Further existing green space in the vicinity of the site was provided in subsequent reserved matters applications. A plan showing the green spaces in the near vicinity of the site has been prepared, showing how the surrounding spaces supplement those also proposed within the site.

The proposed houses will now be of a traditional construction, instead of a modular build which the scheme approved in 2019 had proposed. All houses are provided with two car parking spaces, and in addition there are a total of 18 visitor parking spaces at different locations across the site.

The proposal incorporates several further improvements to the extant permission:

The ground and finished floor levels will tie-in more closely with the existing neighbouring residential areas, resulting in amenity benefits for existing residents and a reduction in the amount of spoil having to be removed from the site. This is together with a revised approach to flood risk mitigation on the site.

29% of the proposed homes will be built to Code for Sustainable Homes Level 4, exceeding the requirements of Building Regulations, and requiring installation of Photo Voltaic (PV) solar panels on 31 of the units. Additionally, 31 of the houses will have Electric Vehicle (EV) charging points installed, which provides a further environmental benefit to the existing scheme.

In consideration of comments received from Norfolk Constabulary, the proposed scheme now incorporates several improvements compared to the approved scheme, including a greater number of houses having direct surveillance of their parking areas, with the other few remaining (just 17% of the houses) having neighbouring surveillance, and a layout that has fewer through-alleyways.

In conclusion, this proposal affords several improvements to the extant permission, including with respect to designing-out crime, site levels, and providing EV charging, and will therefore deliver a further vital component of the Nar Ouse Regeneration Area.

PLANNING HISTORY

18/01750/RMM: Application Permitted: 29/04/2019 - RESERVED MATTERS: Development for 94 dwellings.

14/00997/RMM: Application Permitted: 03/12/14 - Reserved Matters Application: construction of 126 dwellings, associated roads, parking and open space at Phase 3.

13/01377/F: Application Permitted: 20/12/13 - To allow for phased development of area and plot substitutions on plots 12-14, 16 and 19-23 - The Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

12/00414/RMM: Application Permitted: 29/04/13 - Reserved Matters Application: Construction of 56 dwellings - Phase 3, Yours South Lynn, Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

11/01106/RMM: Application Permitted: 07/12/11 - Reserved Matters Application - Construction of 18 dwellings - The Nar Ouse Regeneration Area (NORA) Wisbech Road, King's Lynn, Norfolk

09/02035/RMM: Application Permitted: 10/02/10 - Reserved Matters Application - First phase of proposed new enterprise centre, comprising managed office workspace, medical centre, meeting rooms, live/work housing units, and associated parking, vehicular and pedestrian movement, landscaped and service areas - The Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

09/02010/F: Application Permitted: 25/02/11 - Outline application: Mixed use development - Variation of condition 5 and removal of condition 7 of planning permission 05/00691/OM - The Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

09/00573/RM: Application Refused: 04/08/09 - Reserved Matters Application - first phase of proposed new enterprise centre, comprising managed office workspace, medical centre, nursery, community bar, gym, meeting rooms, live/work housing units, associated parking, vehicular and pedestrian movement, landscaped and service areas - The Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

09/00041/RM: Application Permitted: 09/03/09 - Reserved Matters Application - Submission of full details of crossing of Puny Drain - Morston Drift, King's Lynn, Norfolk

05/02212/F: Application Permitted: 16/03/06 - Variation of Conditions F1, F2, F3, F5 and F7 (Contaminated Land) of Outline Planning Permission Reference 2/01/0671/O - Former Muckworks Land To East of Saddlebow Road, King's Lynn, Norfolk

05/01101/RM: Application Permitted: 16/03/06 - Construction of 109 dwellings, associated roads and infrastructure (Phase 1 Millenium Village) - Former Muckworks Land to East of Saddlebow Road, King's Lynn, Norfolk

05/00692/F: Application Permitted: 17/03/06 - Diversion of Puny Drain involving the formation of a new cut from Puny Drain to the flood relief channel, construction of new pumping station, and infilling of the existing Puny Drain between the River Nar and the River Great Ouse - Puny Drain, Wisbech Road, King's Lynn, Norfolk

05/00691/OM: Application Permitted: 08/02/07 - Outline application: Mixed use development comprising housing, live/work units, employment office, business, light industry and warehouse uses, leisure, retail, health, education and community facilities together with the provision of car parking, strategic landscaping, strategic highway and other associated infrastructure - The Nar Ouse Regeneration Area (NORA), Wisbech Road, King's Lynn, Norfolk

04/02073/F: Application Permitted: 16/03/06 - Application to vary condition C1 of outline planning permission for mixed uses- residential/local centre- open space/employment- new road/pedestrian and cycle routes - Saddlebow Road/Wisbech Road/A47/Horsleys Fields/South Gates, King's Lynn, Norfolk

04/02061/F: Application Permitted: 16/03/06 - Application to vary conditions D1- D2- H1 and H2 of Outline Planning Permission for mixed uses residential/local centre (retail-community- school) open space/employment- new road/pedestrian/cycle routes - Saddlebow Road/Wisbech Road/A47/Horsleys Fields/South Gates, King's Lynn, Norfolk

04/02052/RM: Application Withdrawn: 04/04/06 - Construction of 164 residential dwellings, associated roads and infrastructure - Land to East of Saddlebow Road, King's Lynn, Norfolk

04/00737/F: Application Permitted: 27/05/04 - Variation of conditions A1 and A2 of outline planning permission 2/01/0671 to extend the period by which work should commence and to allow work to commence on Phase One independently - Saddlebow Road/Wisbech Road/A47/Horsley Fields, South Gates, King's Lynn, Norfolk

04/00617/FM: Application Withdrawn: 25/09/06 - Construction of Saddlebow link road - Former Industrial Land Off Saddlebow Road, Saddlebow Road, King's Lynn, Norfolk

2/01/0671/O: Application Permitted: 26/09/02 - Site for mixed uses (residential/local centre/retail/community/school/open space/employment (B1, B2, B8 inclusive)/A1, A2, A3 (South Gates), new road/pedestrian/cycle routes in accordance with drawing KLN002/05 - Saddlebow Road/Wisbech Road/A47/Horsleys Fields/South Gates

2/92/2973/O: Application Withdrawn: 17/11/94 - Demolition of all existing buildings and site for construction of retail superstore petrol filling stations business use (B1) and associated roads car parks and engineering operations - Anglia Industrial Estate, Saddlebow Road

2/92/0684/O: Application Withdrawn: 15/03/93 - Demolition of all existing buildings and site for construction of retail superstore petrol filling stations business use (B1) and associated roads car parks and engineering operations - Anglia Industrial Estate, Saddlebow Road

2/89/1021/O: Application Withdrawn: 20/10/99 - Sites for residential and industrial development after clearance of buildings on the site - Anglia Industrial Estate, Saddlebow Road

RESPONSE TO CONSULTATION

KLACC Planning Sub-group: NO OBJECTION but it was asked that Councillor Kemp's concerns regarding the following issues be noted and taken forward where appropriate:

- Play areas, as she understood that there was not any going to be provided;
- Remediation;
- Financial contribution to buses; and
- Improvement of energy efficiency on the site.

NCC Highways: NO OBJECTION subject to conditions.

NCC PROW: NO OBJECTION. We have no objection in principle to the application but would highlight that a Public Right of Way, known as King's Lynn Footpath 26 is aligned adjacent to the East boundary of the site. We welcome the inclusion of the footpath alignment on the submitted plans. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

NCC Strategic Planning: NO OBJECTION. No mitigation sought on this occasion as the extant / signed S106 covering the requirements under planning permission reference 09/02010/F, have dealt with the education and library impacts arising from this development.

Lead Local Flood Authority: NO OBJECTION.

Environment Agency: NO OBJECTION subject to condition requiring the development is carried out in accordance with the submitted flood risk assessment.

Anglian Water: **NO OBJECTION.**

Water Management Alliance: NO OBJECTION.

East of Ouse, Polver & Nar Internal Drainage Board: NO OBJECTION.

Natural England: NO OBJECTION subject to the following mitigation being secured:

- A proportionate additional amount of mixed use green infrastructure to encourage people to stay local and to reduce pressure on designated sites.
- A financial contribution based on the number of dwellings to fund a monitoring and mitigation for the designated sites themselves.

BCKLWN Public Open Space: NO OBJECTION.

BCKLWN Arboricultural Officer: NO OBJECTION.

BCKLWN Housing Strategy & Enabling Officer: NO OBJECTION.

BCKLWN Environmental Health & Housing – CSNN: NO OBJECTION.

BCKLWN Environmental Health & Housing – Environmental Quality: NO OBJECTION
subject to conditions.

Contaminated Land

This site has been subject to contamination investigation and remediation as part of the previous consent 09/02010/OM. The applicant's Planning Statement says that 'No intervening activities on the site have occurred since the previous (RM) application submitted in 2018 that would have changed the position with regards to potential ground gas or other contamination risk. The current application includes:

NORA PHASE 4 - Remediation Strategy, WSP, November 2018

NORA PHASE 4 - Preliminary Remediation Verification Report, WSP, May 2019

The Remediation Strategy was agreed under the previous outline application and covers both the enabling works and construction phases. The RS also includes remediation criteria and soil acceptance criteria for imported topsoils and sets out the format for remediation verification reports and a gas protection measures verification report.

The remediation verification report sets out a summary of the Remediation Strategy and remedial works completed to date including measures to remediate unforeseen contamination. I had commented previously on the discharge of conditions on the 09/02010/OM outline application and these were partially discharged. However, some issues regarding soil stabilisation, construction, soil limit values needed to be addressed in the verification process. The remediation and verification is partially done but can't be completed until construction was complete.

The site has been subject to significant reprofiling and relocation of soils which is documented by WSP. Ground improvement works are required prior to the construction phase and these works must also be undertaken in accordance with the Remediation Strategy. It is proposed that all finished landscaped areas will consist of 600mm certified imported material over 300mm hard to dig layer formed of site-won crushed aggregate or compacted inert material. This is an acceptable proposal. The verification criteria for the re-use of site won soils was taken from the 2013 Contaminated Land Method Statement and is included in Appendix C of the RS. The suitability of imported material will be assessed against criteria in appendix D of the RS. However, the Remediation Strategy is now over a year old and as verification may not be carried out for some time, the applicant should review the soil acceptance criteria set out in Appendix C & D of the RS to check that they are still suitable for use when the remediation is completed. In order to ensure that the remediation is completed and verified I recommend the imposition of conditions.

Groundwater

We have assessed this application with regard to potential impacts on human health as required by National Planning Policy Framework paragraph 170.

Groundwater protection and potential pollution of controlled waters is the responsibility of the Environment Agency and their advice should be sought on this, particularly on the suitability of the assessment criteria in Appendix C and D of the Remediation Strategy and as it is recommended that further water sampling is undertaken following any other intrusive work on site, particularly the proposed stabilisation works.

Air Quality

The proposal is for the construction of 105 dwellings and associated infrastructure and landscaping. This will be phase 4 of the NORA development. Two previous applications have been submitted for the development; the most recent (18/01750/RMM) for 94 dwellings. This has now increased to 105. 228 parking spaces are included within the

development, with all dwellings provided with 2 parking spaces and an additional 16 visitor spaces located on the site.

This could result in an estimated Annual Average Daily Traffic (AADT) of 456; this is not deemed a significant change in line with Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) Planning for Air Quality guidance.

With regard to active transport, cycleways and footpaths will be provided, with improved access to existing footpaths, such as that along the River Nar, also included. All dwellings will have gardens to accommodate garden storage units/ sheds to provide secure cycle storage options. Moreover, background concentrations of nitrogen dioxide (14.54g/m³) and particulate matter (15.49g/m³) are both well below the annual mean national objective.

We therefore have no objection to the proposal with regards to air quality. However we would welcome the addition of EV changing points/infrastructure within the development in line with NPPF para. 110 (e) and measure 19 of the Borough Councils Air Quality Action Plan.

BCKLWN Waste & Recycling: NO OBJECTION.

BCKLWN Emergency Planner: NO OBJECTION.

Norfolk Constabulary: NO OBJECTION to revised plans.

Just to let you know I have had two meetings this week with Feilden + Mawson following my comments on the 24th August 2020.

I am delighted to say that we have worked together making very minor alterations to reduce permeability, increase surveillance and target harden identified vulnerable areas. This has been achieved by agreeing the following:

- Adding 300mm trellis to the top of 1.8m closed board fencing for those identified plots which have vulnerable side/rear boundaries exposed.
- Adding shared gates to restrict access to residents only (no.3)
- Recommendation of locks on shared gates – top and bottom sliding bolts and keypad or / BS3621 rim latch.
- Recommendation of locks on exposed gates that immediately abut parking areas – top and bottom sliding bolts and BS3621 rim latch.
- Each plot having its own private route for putting out bins (with the exception of shared gate access which is kept to a minimum)
- All through alleyways have been removed from the development and secured with gates for the sole use of residents in which the alleyway serves which promotes a sense of ownership
- Increase in on plot parking (front and side) within view of active rooms now accounting for 63% of parking
- Increase in surveillance from active rooms by adding windows in active rooms to overlook parking areas which are not directly on plot now accounting for 13% of parking
- Decrease in rear parking (not on plot) to 7%
- Decrease in not on plot and not overlooked by associated plot active room to 17%.

Although the last figure is a little high, I can see that the architects have made more than reasonable effort to reduce this and have added in surveillance opportunities from neighbouring dwellings and as a result no parking plot is without some form of surveillance.

I am pleased to say therefore that provided these very minor (but effective) security alterations are accepted that I have no further comments to make.

In addition to the above comments received from the Designing Out Crime Officer, comments have been received from NPS Property Consultants submitted on behalf of Norfolk Constabulary Estates Department:

Norfolk Constabulary have highlighted that this application, in combination with other applications and proposals in the town, is placing significant additional pressure on police resources. To address this, further investment will be required to enhance the capacity of the police (including with regard to recruitment, uniform / equipment and vehicles provision).

Core Strategy policy CS14 recognises all development in the plan area will need to be accompanied by appropriate infrastructure (which includes for emergency services). Therefore, the impact on policing of the proposed development needs to be fully addressed. This will need to ensure that the developer contributes to the additional necessary infrastructure required by the police to deliver a safe and secure environment and quality of life (and limit crime and disorder and the fear of crime) for future residents (whether by s106 or use of CIL contributions made in the Borough).

Norfolk Fire & Rescue: NO OBJECTION subject to condition requiring fire hydrants. Taking into account the location of the existing fire hydrant coverage, Norfolk Fire and Rescue Service will require 3 no. fire hydrant to be installed on no less than a 90mm main.

Open Spaces Society: The following recommendation are made, should the proposed development go ahead on this site (summarised):

- The proposed public open spaces should be given perpetual legal protection by being legally registered as town greens, under Section 15(8) of the Commons Act 2006. Registration should be a condition of any grant of planning permission.
- We observe that the public right-of-way known as King's Lynn Footpath No.26 runs within the site. I am concerned that the comments made about this path by Norfolk County Council's Green Infrastructure Officer do not go far enough. She merely expresses that "the full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation". But what actually is the legal width of the path?
- Moreover, the development being proposed under this application would bring about a fundamental change to the geography of the area through which the path passes. Is its existing legal width adequate to reflect this change, including attendant increased footfall? We strongly recommend that, if the legal width of the path, insofar as it passes through the site, is anything less than 4 metres, then a condition be imposed requiring the owners of the soil to dedicate additional width to achieve an overall path width of not less than 4 metres.

King's Lynn Civic Society: The comments made can be summarised as follows:

- It is good to eventually see this development moving to completion – although, as we have outlined with comments on previous stages, our view is that, overall, the chance to create a distinctive new neighbourhood in South Lynn has been squandered.
- Principal disappointments are the missed opportunity to create a unique communal park corridor along the River Nar; the failure to create a strong 'sense of place' with distinctive streetscape and public realm design that united the whole development,

and the decision to not provide housing to the highest possible sustainability benchmarks that would ensure this housing remains viable and desirable for the rest of this century.

- Why only 2 dwellings with air source heat pumps (ASHPs)? Bite the bullet and provide all dwellings with renewable energy! It will pay for itself in the medium, or possibly short, term.
- Why have we ended up with a scheme where only 31 dwellings are suitably orientated to benefit from PV?
- Notwithstanding central Government's regrettable and continuing volte face on sustainable building policy – BCKLWN has an opportunity to independently take a stand and provide 100% of these units at the highest current standards – therefore future-proofing them.
- Can landscape provision (such as it is) and subsequent landscape management be delivered to the highest possible standards?

REPRESENTATIONS

2 letters of **OBJECTION** have been received from local residents. Their expressed concerns can be summarised as follows:

- Will there be a new road connected to existing Sandpiper Way? If there is have you considered a safety of neighbourhood children? We have got a high number of children playing on streets and carparks as there is very little playgrounds provided. There are also additional children coming from different neighbourhoods. Have you considered the higher level of traffic?
- If there is a new road connected to Sandpiper Way have you considered public drivers using it as a shortcut or alternative route for Wisbech Rd, Saddlebow Rd and Nar Ouse Way and highly increasing risks for our children and ourselves and negative impact on local environment? Safety and environment are always mentioned as number 1 priority for our council which we absolutely agree.
- New houses will be in very close proximity to our house, especially the one on the river side overlooking our garden. Will there be any windows on the side of this new building? If there are, because very close proximity, those residents will be only looking, watching at our children and ourselves playing, enjoying weather, very often half naked in our garden. Because of close distance and an angle of new dwellings if there is a window especially on the first floor there will be nothing else for those residents to look at apart from our narrow garden and us. We strongly believe this will not be a pleasure for them and us using those windows to only check/see us in the garden.
- Haven't you built enough houses, we need some green spaces too for wildlife.

The following comments have been received from Norfolk County Council Strategic Planning submitted on behalf of Councillor Kemp:

- There needs to be a large fenced play area for young and older children, usable by the whole community to promote integration and diversity.
- Residents remark that the current play area on Minnow Avenue is not big enough for the existing NORA development and children play in the street.
- Every new development needs its own play area.
- There need to be footpaths for a walkable neighbourhood.
- A cycle lane along Nar Ouse Way to the Southgates and along Morston Drift to Saddlebow Road to the Primary School and Shops.
- There needs to be a developer contribution for bus travel to the town centre for Modal Shift.

- There is a demand for 1 and 2 bed houses in the area so this should be included within this site.
- There is a need for affordable housing in the area and a need for emergency accommodation from Freebridge.
- A requirement for a Doctors Surgery
- A need for an NHS Dental Surgery
- Fibre Broadband (Fibre to the Home) should be provided to every home
- Vehicles should be encouraged to travel into King's Lynn via Harding's Way
- Sustainable transport methods should be encouraged
- Electric charging points should be provided
- Renewable energy sources be provided through solar panels and ground source heat pumps to every home.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

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 / planning history;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;
- Affordable housing;
- Open space and landscaping;
- Other considerations; and
- Crime and disorder

Principle of Development / Planning History

The principle of residential development on the site has previously been established as acceptable under planning permissions for the wider NORA site.

The application site itself has a complex planning history. Outline consent for development of the wider NORA site was originally granted in 2002 under 2/01/0671/O. A reserved matters application was subsequently submitted and approved under reference 05/01101/RM, granting consent for a total of 195 units including 86 units built as Phase 1A on, at that time, Morston Assets land. With the construction of those Phase 1A units Morston Assets implemented the consent. 05/01101/RM covered land that forms the northern part of the current application site.

In 2007 a new outline permission for the wider NORA site was granted under 05/00691/OM, which was varied under 09/02010/F resulting in a fresh outline planning permission. 18 dwellings granted reserved matters approval under 11/01106/RMM pursuant to 09/02010/F lie to the west of the current application site. 12 units granted consent under 13/01377/F lie to the southwest. These 12 units were part of a larger scheme for 56 units that covered the southern half of the current application site and were originally granted planning permission under 12/00414/RMM.

In December 2014 reserved matters approval was granted under 14/00997/RMM pursuant to 09/02010/F for the construction of 126 dwellings on the application site and more recently reserved matters approval was granted under 18/01750/RMM for a revised scheme of 94 dwellings of modular construction. Although neither of these have yet been implemented, both consents currently remain extant given that condition 4 of outline planning permission 09/02010/F gives a time limit for commencement of ten years from the date of decision (i.e. 25th February 2021). However, it was necessary for a full application to be submitted for the current scheme for 105 dwellings because the time period for submission of reserved matters under outline planning permission 09/02010/F has now expired (25th February 2019).

In summary, there are valid consents for the site that would allow a greater number of units to be built. This current application therefore seeks an increase of 11 units over what could be built out under the last reserved matters approval (18/01750/RMM) but a reduction of 21 units over what could be built out under reserved matters approval (14/00997/RMM).

Form and Character

The current proposal is very similar to that approved under reserved matters 18/01750/RMM but given that modular construction is no longer to be used this has enabled an increase in the number of units to 105.

Having taken on board the comments initially made by Norfolk Constabulary the proposed scheme now incorporates several improvements compared to the most recent approved scheme, including a greater number of houses having direct surveillance of their parking areas, with the other few remaining (just 17% of the houses) having neighbouring surveillance, and a layout that has fewer through-alleyways.

The proposed layout also has similarities with that approved under 14/00997/RMM for 126 dwellings but the scheme has fewer dwellings, a greater ratio of parking spaces (2 spaces per unit) and two-storey development only.

In terms of the design of the units now proposed, they are very similar in their external appearance and material principles to the modular scheme previously approved under 18/01750/RMM. The simple and contemporary design will result in consistency across the site and as with the extant approval roofscapes have been used as a design feature throughout the development to add some variety and interest and a wider variety of house types have been able to be used within the current proposal as it is not restricted by modular construction.

All units have a ridge height of approximately 8 metres and are either semi-detached or in small terrace blocks of 3 or 4 units. The height of the modular units previously approved under 18/01750/RMM was just less than 9.4 metres so there is an overall height decrease across the site with the current proposal.

Houses generally front on to the street or onto the river, as in the approved schemes. All dwellings are provided with their own private amenity space and have direct gated access to their rear garden. Details of cycle parking / storage will be secured by condition.

Overall it is considered that the current proposals will be appropriate for the site and its surroundings and would help to improve the existing form and character of the area.

Residential Amenity

In addition to the relationship between units within the proposed development, the proposal has been considered in relation to existing residential properties on Morston Drift, Morleys Leet, Kitchener Street and Sandpiper Way.

Plots 14-18 in the south west corner of the site are the closest to existing units on Morston Drift and the first part of Morleys Leet. Back to back distances here would be a minimum of 21 metres which is considered to be acceptable and would not give rise to unacceptable overlooking or loss of privacy. Furthermore, it is slightly greater than the separation distance approved under the extant scheme.

Where flank elevations of proposed dwellings are adjacent to the rear boundaries of existing residential units there would either be no first floor windows or only windows to non-habitable rooms such as landings or bathrooms which can be conditioned to be obscure glazed in order to ensure an appropriate relationship. Separation distances would also be sufficient to prevent any overbearing impact or loss of light to neighbouring properties.

Towards the northern end of the site the orientation of proposed units, the separation distance between properties and the fact that end units would only have first floor flank elevation windows to non-habitable rooms that can be conditioned to be obscure glazed ensures there would be no direct overlooking, loss of light or overbearing impact to neighbouring dwellings.

Flood Risk and Drainage

The principle of residential development on the site has previously been established as acceptable under the extant approvals for the site. However, in support of the current proposals this full application was accompanied by a revised Flood Risk Assessment (FRA) dated May 2020 which includes the proposed drainage strategy for the site and a Flood Emergency Response Plan.

The FRA confirms that where possible finished floor levels will be set at a minimum of 4.95m AOB except in certain locations where this is not considered appropriate due to tying the buildings in with existing dwellings adjacent to the site. The Environment Agency have raised no objection to the proposals but in accordance with the submitted FRA it is recommended that flood resilient construction is incorporated for all dwellings up to a level of 5.8m AOD and this will be conditioned accordingly, as was the case with the previously approved scheme.

Historically NORA has drainage rights to discharge via the Puny drain which lies to the south of the site. The revised FRA includes a proposed drainage strategy for the site and following consultation with the LLFA they have confirmed they have no objection to the proposals. The surface water can be collected directly into the new site drainage system and drain southwards and then connect to a private surface water system to the south of the site, upstream of the Puny Drain. The shared private driveways and any un-adopted road ways will provide permeable paving to act as a pollution treatment and then the water can be collected and drain towards the proposed sewers. The roof water will flow directly into the system.

Highway Safety

The main access into the site is off Morston Drift with a central spine road connecting through to Sandpiper Way to the north with a further access provided from Morleys Leet to the west. In the northern part of the site access is also provided off Kitchener Street for 8 no. units only. All of these access points are in the same location as permitted under 18/01750/RMM.

Parking numbers accord with NCC adopted parking standards with all units being provided with 2 no. spaces each. 18 no. visitor spaces are also provided across the site. This exceeds the number of spaces previously approved under extant reserved matters approval 14/00997/RMM which provided car parking at a ratio of only 1.6 spaces per unit.

Norfolk County Highways have raised no objection to the proposal on highway safety grounds subject to the imposition of conditions relating to the construction of the roads, footways, foul and surface water drainage.

Concerns have been raised by a local resident regarding the proposed road connection to Sandpiper Way and the impact this would have on the safety of children. However, this through route has always been proposed and the proposed increase in the number of units by 11 under this current proposal would not result in any significant increase in traffic using the route. Furthermore, it is important to note NCC Highways have raised no highway safety issues regarding the proposal.

Affordable Housing

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 15% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in King's Lynn. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 16 units would be required, 11 for rent and 5 for shared ownership.

The current scheme proposes 8 x 2 bed houses and 8 x 3 bed houses as affordable housing. This is an increase in 2 affordable units to that previously approved under 18/01750/RMM.

The Council's Housing Development Officer has confirmed the proposed affordable units meet both their space standards, are fully integrated within the site and the cluster sizes of the units are acceptable and accord with Council policy. A S.106 Agreement will be required to secure the affordable housing provision.

Open Space and Landscaping

The proposed development includes provision of several small areas of public open space throughout the site and will also provide access to the existing Nar Ouse Park on the eastern side of the river via the link to the existing bridge at the southern end of the site, or alternatively via the existing bridge to the north accessed from Sandpiper Way. This park, along with cycle ways, footpaths and pedestrian bridges, were provided under the original NORA outline planning permission for the benefit of the NORA housing developments. It is therefore not considered necessary for an equipped area of play (LEAP) or any additional areas of mixed use green infrastructure to be provided within this proposed development, which was also the case with extant approval 18/01750/RMM. The Council's public open space team confirmed they have no objection to the proposals and taking into account existing provision on the wider NORA site and proximity to open water they do not consider additional equipped play space is required in this location.

In addition to the open space areas within the development site, it is important to note that under extant reserved matters approval 14/00997/RMM the existing green space up to the River Nar was included within the red line area and defined as 'public open space'. Although this area is now excluded from the current application site it will remain as open space.

Detailed soft landscaping proposals have been provided in order to assimilate the development with the adjacent River Nar and wider area. A condition is recommended in order to secure implementation.

Other Considerations

King's Lynn Public Footpath 26 runs alongside the River Nar immediately adjacent to the site but outside the red line boundary. It is therefore not affected by the proposals other than allowing a 3m wide access to it from each end of the development. NCC PROW therefore raise no objection to the proposed development.

Comments received from the Open Spaces Society relating to King's Lynn Public Footpath 26 and the public open spaces being registered as 'town greens' are noted but are not

considered reasonable or necessary in relation to this development, particularly given the footpath lies outside the application site red line area and NCC raise no objection to the proposals. The proposed development would already considerably improve access to the footpath for the public user, as the existing is very overgrown. However, widening the existing path to 4 metres would not be feasible in the circumstances as the path runs along the river bank and such a 4 metre wide dedication would therefore be on sloping and uneven ground and also extend beyond the Council's land ownership.

The mitigation measures recommended by Natural England have already been addressed by the provision of green infrastructure on the wider NORA site which this development will link into providing a circular walk, as well as payment of the Habitat Mitigation and Monitoring Fee.

The Remediation Strategy was agreed under the previous outline application and covers both the enabling works and construction phases. The RS also includes remediation criteria and soil acceptance criteria for imported topsoils and sets out the format for remediation verification reports and a gas protection measures verification report.

In terms of contamination, a Remediation Strategy has already been approved for the site. However, some issues regarding soil stabilisation, construction, soil limit values needed to be addressed in the verification process. The remediation and verification is partially done but cannot be completed until construction is complete. Therefore in order to ensure that the remediation is completed and verified a condition has been recommended.

In relation to the request from Norfolk Constabulary for a contribution, this is considered unreasonable given funding is already provided through the Council tax system.

In relation to the comments raised by Cllr Kemp:

- There is adequate provision of children's play areas within the immediate surrounding area as covered above within the Open Space and Landscaping section of this report.
- The proposed development connects into the existing footpath network.
- It is not considered reasonable or necessary to require provision of a cycle lane along Nar Ouse Way to the Southgates and along Morston Drift to Saddlebow Road under the current application.
- It is not considered reasonable or necessary to require a developer contribution for bus travel to the town centre under the current application.
- The Council's Housing team have raised no objection to the proposal and are content with the mix of 2-bed and 3-bed properties proposed which includes the provision of 16 no. affordable units which accord with Council policies.
- There is no requirement for this application to provide a Doctor's Surgery or Dental Practice.
- It is not considered reasonable in this case to require the provision of Fibre Broadband (Fibre to the Home) given the extant permissions do not include it. However, given this is a Council development it is understood that discussions are being had Broadband providers.
- The route vehicles use to travel into King's Lynn goes beyond the remit of this application.
- Sustainable transport methods are encouraged within all developments. This development is well located to take advantage of existing cycle networks. Provision of cycle parking / storage will be conditioned.
- Electric charging points are proposed for 31 of the units. It is not possible to provide them for all properties due to the layout proposed.
- Solar panels are proposed for 31 of the units.

There are no other material considerations relevant to this application.

Crime and Disorder

There are no crime and disorder issues raised by this proposal. The architect has worked with the Designing Out Crime Officer from Norfolk Constabulary in order to address initial concerns that were raised regarding the proposals. Minor alterations have been made and included within the revised plans to reduce permeability, increase surveillance and target / harden identified vulnerable areas. In light of the changes made Norfolk Constabulary have no objection to the proposals.

CONCLUSION

The principle of residential development on the land has previously been established as acceptable under extant outline planning permission 09/02010/F and reserved matters approvals 18/01750/RMM and 14/00997/RMM. This full application seeks approval for an increase in the number of units approved under 18/01750/RMM (105 dwellings compared to 94 dwellings previously approved) but a reduction in the number of units previously approved under 14/00997/RMM (105 dwellings compared to 126 previously approved) with a greater ratio of allocated parking spaces.

In light of the site's planning history and the character of the surrounding area, the current scheme for 105 dwellings is considered to be appropriate for the site and its surroundings and would help to improve the existing form and character of the area by providing a quality contemporary riverside development. The scheme would not result in any harm to residential amenity and is considered acceptable in terms of highway safety, flood risk and drainage and open space and landscaping.

On this basis, the development complies with the NPPF and NPPG, Policies CS01, CS03, CS08, CS09 CS11 and CS12 of the Core Strategy 2011 and Policies DM1, DM2, DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016).

It is therefore recommended that planning approval be granted subject to conditions set out below and the completion of a S106 legal agreement to secure the proposed affordable housing.

RECOMMENDATION:

A. APPROVE subject to the following conditions and the satisfactory completion of a S106 Agreement to secure affordable housing within 4 months of the date of this Committee meeting:

- 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:

001B Location Plan

003B Rev P03 Site Development Layout
 P069-2 Rev P00 House Type House Type 897(T3-SO) – Elevations
 P069-1 Rev P00 House Type 897(T3-SO) – Plans
 P068-2 Rev P00 House Type 663(S-SO) – Elevations
 P068-1 Rev P00 House Type 663(S-SO) – Plans
 P067-2 Rev P01 House Type 912+663+663 – Elevations
 P067-1 Rev P01 House Type 912+663+663 – Plans
 P066-2 Rev P01 House Type 912+897+897+897 – Elevations
 P066-1 Rev P01 House Type 912+897+897+897 – Plans
 P065-2 Rev P01 House Type A2B(S) – Elevations
 P065-1 Rev P01 House Type A2B(S) – Plans
 P064-2 Rev P01 House Type 912+663+912 – Elevations
 P064-1 Rev P01 House Type 912+663+912 – Plans
 P063-2 Rev P01 House Type 912+663 – Elevations
 P063-1 Rev P01 House Type 912+663 – Plans
 P062-2 Rev P01 House Type A3B(S) - Elevations
 P062-1 Rev P01 House Type A3B(S) – Plans
 P061-2 Rev P01 House Type 897(T4) – Elevations
 P061-1 Rev P01 House Type 897(T4) – Plans
 P060-2 Rev P01 House Type 663(T4) – Elevations
 P060-1 Rev P01 House Type 663(T4) – Plans
 P059-2 Rev P01 House Type 912+897 – Elevations
 P059-1 Rev P01 House Type 912+897 – Plans
 P058-2 Rev P01 House Type 663(T3) – Elevations
 P058-1 Rev P01 House Type 663(T3) – Plans
 P057-2 Rev P01 House Type A3B(T3) – Elevations
 P057-1 Rev P01 House Type A3B(T3) – Plans
 P056-2 Rev P01 House Type 897 (T3) - Elevations
 P056-1 Rev P01 House Type 897(T3) – Plans
 P055-2 Rev P01 House Type 897(S) – Elevations
 P055-1 Rev P01 House Type 897(S) – Plans
 P054-2 Rev P01 House Type A2B(T4) – Elevations
 P054-1 Rev P01 House Type A2B(T4) – Plans
 P053-2 Rev P01 House Type 912+897+897 – Elevations
 P053-1 Rev P01 House Type 912+897+897 – Plans
 P052-2 Rev P01 House Type 912+663+663+663 – Elevations
 P052-1 Rev P01 House Type 912+663+663+663 – Plans
 P051-2 Rev P01 House Type 663(S) – Elevations
 P051-1 Rev P01 House Type 663(S) – Plans
 P050-2 Rev P01 House Type 912+663+663+912 – Elevations
 P050-1 Rev P01 House Type 912+663+663+912 – Plans

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Condition: The approved Remediation Strategy must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. As part of verification, soil assessment criteria must be reviewed in light of current best practice. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out, including ground gas protection measures must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 4 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 3.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 5 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 5 Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.
- 6 Condition: Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 6 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 7 Condition: Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 7 Reason: To ensure satisfactory development of the site.
- 8 Condition: The development shall be carried out in accordance with the submitted flood risk assessment (ref 49272 – Rev B, dated May 2020) and the following mitigation measures it details:

* Where finished floor levels are set lower than 5.5mAOD, flood resistant measures will be incorporated into the dwellings up to 600mm above finished floor levels.

* Flood resilient measures will be incorporated into all the dwellings up to a level of 5.8mAOD.

8 Reason: To reduce the risk of flooding to the proposed development in the event of a breach of the River Great Ouse flood defences.

9 Condition: The development hereby permitted shall be carried out using the following external materials, unless otherwise agreed in writing by the local planning authority:

Red bricks:

Wakerly (Westminster) multi stock or similar

Buff bricks:

Anglian Cream Handmade / Buff Handmade or similar

Roof tiles:

Wienerberger Calderdale Edge – Dark Grey

Wienerberger Calderdale Edge – Light Grey

9 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

10 Condition: All soft landscape works shall be carried out in accordance with the submitted drawing 'Landscape Plan – Rev 1'. The works shall be carried out prior to the occupation or use 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.

10 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.

11 Condition: The development hereby permitted shall be carried out in accordance with the NORA Phase 4 'Grounds Management & Maintenance Plan for Public Open Space' (May 2020) unless otherwise agreed in writing by the local planning authority.

11 Reason: To ensure that the landscaping is properly maintained in accordance with the NPPF.

12 Condition: Before the first occupation of the following dwellings hereby permitted the specified window(s) at first floor level shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter:

Plot 35 – West flank elevation landing window

Plot 53 – North west flank elevation bathroom window

Plot 69 – West flank elevation bathroom window

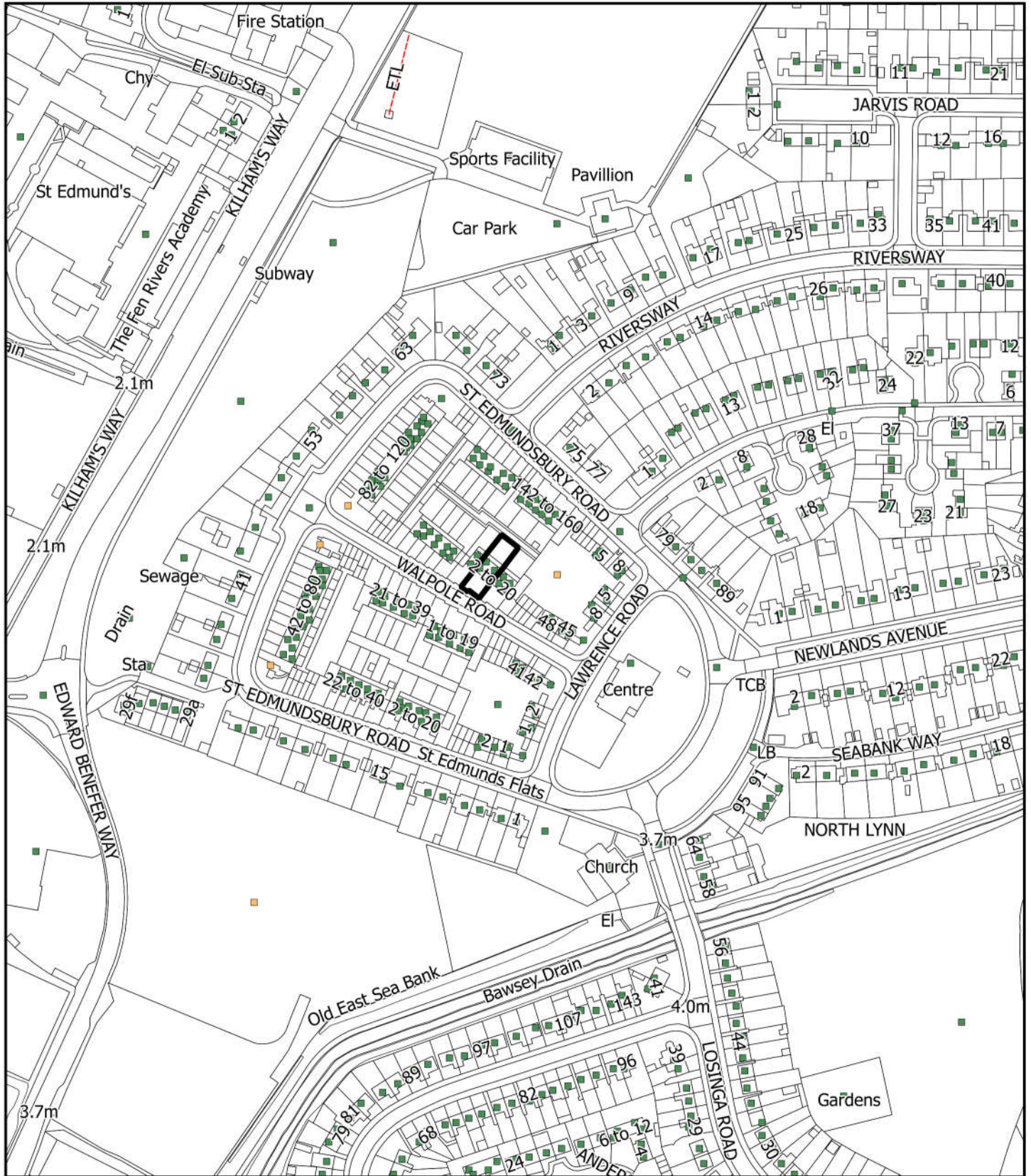
Plot 61 – North flank elevation bathroom window

12 Reason: To protect the residential amenities of the occupiers of nearby property.

- 13 Condition: Prior to first occupation of the development hereby permitted a scheme for the parking / storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking / storage shall be fully implemented before the plot it relates to is first occupied.
- 13 Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.
- 14 Condition: The boundary treatment for the dwellings hereby permitted shall be fully implemented in accordance with the approved details shown on drawing no. 003B rev P03 prior to the first occupation of the dwelling it relates to.
- 14 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 15 Condition: No works of demolition or construction shall be undertaken before 0700 hours nor after 1900 hours on any weekday or before 0700 hours or after 1300 hours on Saturdays nor at any times on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 15 Reason: To enable the Local Planning Authority to retain control of the development in the interests of the amenities of the locality in accordance with the provisions of the NPPF.
- 16 Condition: The development hereby permitted shall be carried out in accordance with the drainage strategy set out within the submitted Flood Risk Assessment (FRA)(ref 49272 – Rev B, dated May 2020) and the Drainage Strategy Plan at Appendix G of the FRA, unless otherwise agreed in writing by the local planning authority.
- 16 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 17 Condition: Prior to the first occupation of any dwelling hereby permitted, a surface water drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the local planning authority. This 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 surface water drainage management and maintenance plan shall be implemented as agreed unless otherwise agreed in writing.
- 17 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- B.** In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing.

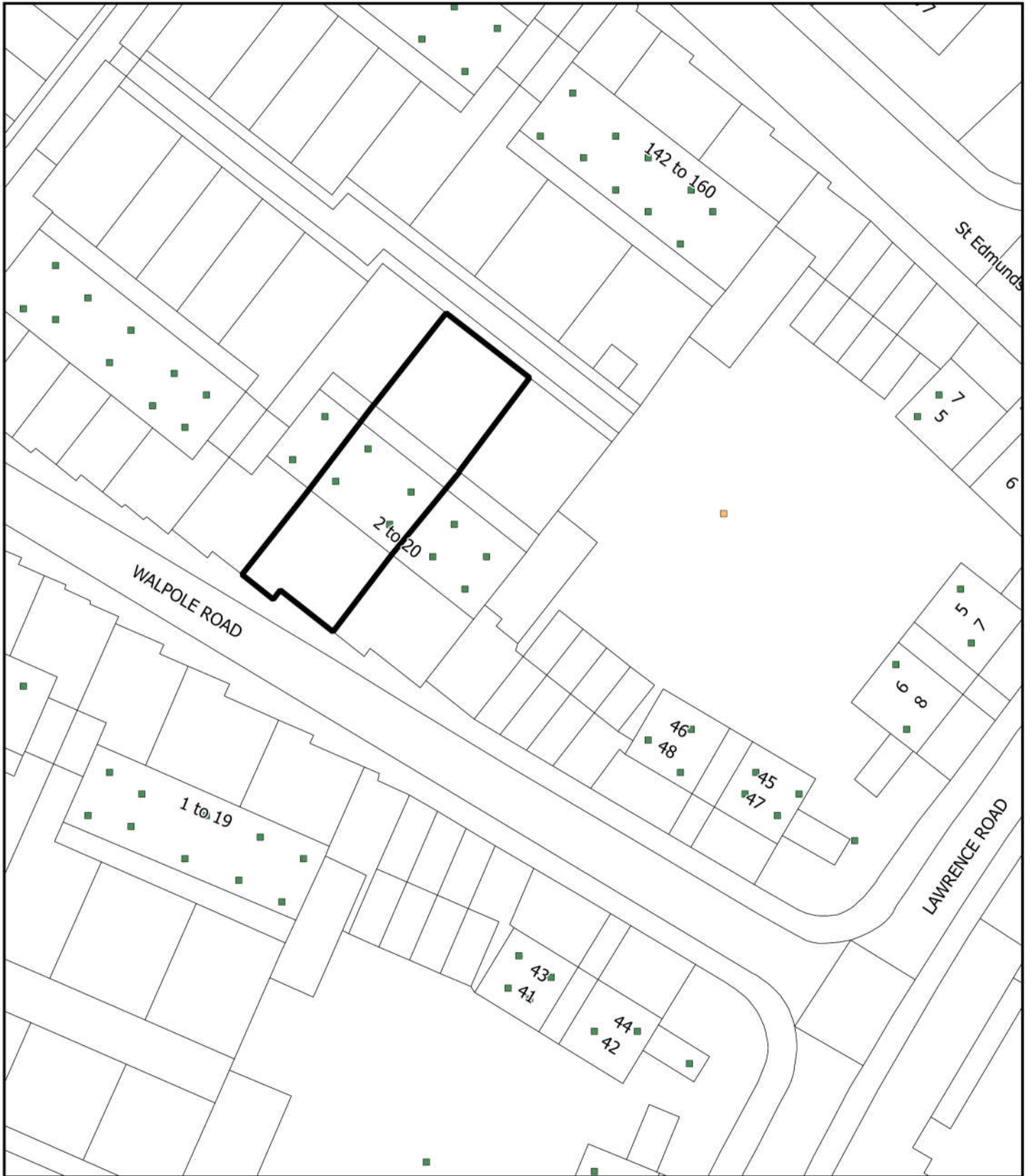
20/00876/F

4 Walpole Road Kings Lynn



20/00876/F

4 Walpole Road Kings Lynn



Parish:	King's Lynn	
Proposal:	Change of use from a drop-in care/assessment for pre-school children, back to former residential dwelling/flat	
Location:	4 Walpole Road King's Lynn Norfolk PE30 2DZ	
Applicant:	Freebridge Community Housing	
Case No:	20/00876/F (Full Application)	
Case Officer:	Lucy Smith	Date for Determination: 28 August 2020

Reason for Referral to Planning Committee – Called-in by Cllr A Tyler

Neighbourhood Plan: No

Case Summary

The proposal is for the change of use of an existing drop-in care/assessment for pre-school children, to a residential dwelling/flat. The subject site was originally constructed as part of a block of flats, each for residential use however was granted planning permission for change of use to office in 2006 and then to its current use in 2015.

The subject site is located within Flood Zones 2 & 3 of the Borough Council's SFRA (2018) and within the River Ouse Hazard Zone with a potential flood depth of 1-2m.

Key Issues

- Principle of Development
- Flood Risk
- Crime and Disorder
- Other material considerations

Recommendation:

APPROVE

THE APPLICATION

The proposal is for the change of use of an existing drop-in care/assessment for pre-school children, to a residential dwelling/flat. The subject site was originally constructed as part of a block of flats, each for residential use, however it was granted planning permission for use as an office in 2006, and then to its current use in 2015.

It is now surplus to requirements and according to the applicants has been empty for approximately 3 years. The proposal is to reintegrate it back into the block as an additional flat.

A key issue in this case is that the subject site is located within Flood Zones 2 & 3 of the Borough Council's SFRA (2018) and within the River Ouse Hazard Zone with a potential flood depth of 1-2m.

SUPPORTING CASE

None received

PLANNING HISTORY

15/00435/CU: Application Permitted: 13/05/15 - Change of Use from Class B1 (office accommodation) to Class D1 (drop-in care/assessment facility for pre-school children) – DELEGATED DECISION

06/02014/CU: Application Permitted: 28/11/06 - Change of use from residential to office and caretakers workshop/store – DELEGATED DECISION

RESPONSE TO CONSULTATION

Highways Authority: NO OBJECTION in principle

Environment Agency: OBJECTION, with the following comments:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

The Flood Risk Assessment submitted with this application does not comply with the requirements set out in paragraph 160 to 163 of the National Planning Policy Framework. This states that for areas at risk of flooding a site-specific FRA must be undertaken which demonstrates that the development will be safe for its lifetime. The submitted FRA does not therefore, provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

In particular:

Ground floor sleeping accommodation is proposed below the predicted 1 in 200 year tidal flood level.

In addition the development does not propose adequate:

Resistance and resilience measures.

Safe refuge or access and egress routes.

Our 2015 Tidal Hazard Mapping indicates that the site could flood to depths of greater than 1.8 metres in the event of overtopping or breaching of the tidal River Great Ouse's flood defences. Tidal Hazard Mapping for the River Great Ouse has been undertaken to illustrate the hazard to the site in the event of an overtopping and breach of the defences in a 1 in 200 year event, both now and in the future (taking into account the impacts of climate change up to the year 2115).

It is noted in the FRA that as an existing building, the floor levels cannot be significantly raised, but that resistance and resilience should be implemented. Please note that resistance measures such as flood doors and dam boards cannot be set more than 600mm

above the floor level in a standard house design. If the difference in flood depths between the inside and outside of the property is greater than 600mm then structural damage is likely to occur. As such internal flooding would still be likely to occur in the event of a breach.

As this is a ground floor flat only, no safe refuge is available for residents. Registration to receive EA flood warnings is not a sufficient alternative to the provision of safe refuge. There can be no guarantee of advanced notification for a breach as a breach can occur quickly and with no warning. The KLWN SADMP states “schemes which propose, as a result of the conversion of an existing building or the subdivision of an existing house, ground floor or basement flats in high flood risk areas will likely be resisted”.

REPRESENTATIONS

None received

LDF CORE STRATEGY POLICIES

CS02 - The Settlement Hierarchy

CS01 - Spatial Strategy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS11 - Transport

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

DM21 - Sites in Areas of Flood Risk

NEIGHBOURHOOD PLAN POLICIES

N/A

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

OTHER GUIDANCE

None

PLANNING CONSIDERATIONS

Principle of Development

The application site is located within the development boundary for King's Lynn as defined in Inset map E1 of the Site Allocations and Development Management Policies Plan (2016).

The unit in question was also clearly originally built as a flat within a block, one of a number of such blocks within this fairly dense urban environment.

The principle of a change of use to residential is therefore considered acceptable in principle in accordance with Policy DM2 of the SADMPP (2016).

Flood Risk

The application site is located within flood zones 2 & 3 of the Borough Council's SFRA (2018) and within the Great Ouse's Flood Hazard Zone. Buildings used for dwelling houses are classified as More Vulnerable development for the purposes of flood risk classification in the PPG. Whilst as a change of use the sequential test is not required, the exceptions test is required, and the applicant must demonstrate that the proposed dwelling can be made safe for its lifetime and provides wider sustainability benefits for the community.

The application site is shown in the tidal hazard maps with potential flood depth of between 1 and 2m. The EA's Tidal Hazard Mapping indicates a flood depth of above 1.8m in the event of an overtopping or breaching of the tidal River Great Ouse's flood defences which has been calculated based on a 1 in 200 year flood event. In accordance with guidance, sleeping accommodation should not be proposed below the 1 in 200 year flood risk level. As a ground floor flat, with no safe refuge at first floor level provided for residents, the Flood Risk Assessment provided as part of this application cannot demonstrate that the site would comply with the necessary criteria.

It is noted within the FRA that as an existing building, the floor levels cannot be significantly raised, but that resistance and resilience should be implemented. Flood doors and damn boards cannot be set more than 600mm above floor level in a standard house design as any difference in flood depths between the inside and outside of the property above this amount would lead to significant structural damage and internal flooding would likely still occur in the event of a breach. Given the speed in which breaches of defences can occur, registration to receive EA flood warnings is not considered by the Environment Agency (EA) to be a sufficient alternative to making the property safe from flooding.

Overall, the submitted FRA fails to demonstrate the property can be made safe for its lifetime. Whilst the property was previously used as a dwelling house before being converted to use as an office and then drop-in centre, the application must be determined in accordance with the current NPPF and Local Plan policies, which have changed since the group of flats initially gained consent in 1962.

Whilst the provision of a further unit of residential development can be argued to meet the first aspect of the exceptions test (wider sustainability benefits), given that the applicant has not demonstrated the property can be made safe for its lifetime, it fails the exceptions test set out in the NPPF (2019). Therefore, in terms of current planning policy the application site is considered to give rise to adverse risk to residents as a result of flooding. On these

grounds the application is therefore considered contrary to paragraphs 159-163 of the NPPF (2019), policy CS08 of the Core Strategy (2011), policy DM21 of the SADMPP (2016).

Crime and Disorder

According to the applicants the current unit has remained empty for approximately 3 years. Although there are no comments from the Norfolk Constabulary ALO in this case, it is self-evident that an empty unit would be less of a potential target for anti-social behaviour if it were to be occupied.

Therefore, the occupation of the unit as a residential dwelling would potentially be a benefit in terms of crime and disorder going forward.

Other material considerations

Limited external changes are proposed to the building, comprising the replacement of an existing door with a window to match existing windows in the vicinity, and the replacement of a sliding door with a standard uPVC door and sidelight. These changes are entirely in keeping with the area and also they do not impact upon the amenity of neighbours.

The Local Highway Authority have stated no objection to the proposal in principle. The change of use to a dwelling from a drop-in centre is unlikely to lead to adverse impacts on highway safety. There is parking proposed directly in relation with this proposal, but in any case given the change of use involved, that will likely lead to a reduction of vehicle movements in the vicinity, and considering the form and character of the area, the proposal is considered fully acceptable in these terms.

Whilst in theory there will be the loss of a community facility, this is a small unit, it has already been closed for 3 years or so, and there are other facilities elsewhere in the local community (such as the Discovery Centre), which would offer such facilities. There is considered to be no policy objection in this regard.

CONCLUSION

Members will be aware that to the extent development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Planning practice guidance also advises that if decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

This proposal gives rise to a finely balanced situation, where there is a policy objection on flood risk grounds which would indicate a refusal of the application, set against the material considerations of this particular case, which are unusual and in your officers opinion would indicate an approval.

On the policy situation the proposal cannot satisfy the second part of the exceptions test as required to be undertaken in locations at risk of flooding such as this. The reason is that it would give rise to residential development where ground floor sleeping accommodation would be necessary. Therefore, the change of use to residential dwelling is considered likely to give rise to adverse impacts to the safety of future residents as a result of inadequate flood risk mitigation. The submitted FRA fails to demonstrate the proposal can be made safe for its lifetime in accordance with the exceptions test outlined in Paragraph 160 of the NPPF (2019). The application is therefore considered contrary to paragraphs 159-163 of the

NPPF (2019), policy CS08 of the Core Strategy (2011), policy DM21 of the SADMPP (2016) and fails to meet the requirements of the Borough Council's Flood Risk Protocol.

However, it is of note that this is a single residential unit which is an integral part of just one of a number of blocks of flats. It is evident that there are at least seven other similar blocks in the vicinity, as well as two other larger blocks of flats to the north-west. It is part of a dense urban environment, and was clearly planned and used as a residential unit for decades before it was originally converted to a caretakers office to serve the wider neighbourhood in 2006.

It is also evident that the unit has been empty for some time (around 3 years), and without conversion back to residential use, it is considered unlikely to be used for another use. Leaving the property empty is not supported for a number of reasons, including the fact it can provide a much needed home, and also having the property occupied means it is less likely to deteriorate, and less likely to potentially attract future anti-social behaviour. The council has a duty to consider crime and disorder in making decisions on applications.

The provision of an extra dwelling in King's Lynn would also be in accordance with other policies in the development plan, including policy CS02,CS09 of the Core Strategy (2011), as well as policies DM1 and DM2 of the SADMPP (2016), and those parts of the NPPF seeking more housing provision.

Given the above, and the competing elements in this case, Members will need to decide on the weight to be put on these issues, and ultimately whether that leads to an approval or a refusal. On this occasion, and given the exceptional and unusual circumstances here, officers recommend that approval can be granted subject to suitable conditions.

RECOMMENDATION:

APPROVE subject to the following conditions and reasons:

1. Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
1. Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
2. Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 1:1250
Drawing Number 1064.01 Rev B
2. Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to occupation of the development hereby approved, a scheme for flood resistance and resilience measures, shall be submitted to and approved in writing by the Borough Council. The approved scheme shall be implemented as approved prior to occupation, and thereafter retained.
- 3 Reason: To help mitigate impacts of flooding in accordance with the provisions of the NPPF.