

AGENDA ITEM NO: 8/3(a)

Parish:	King's Lynn	
Proposal:	Use of land for 12 months per year for the standing and occupation of up to 10 showmans homes and storage of lorries and fairground equipment	
Location:	Appletons Yard Rope Walk King's Lynn Norfolk	
Applicant:	Mr Lawrence Appleton	
Case No:	16/01583/F (Full Application)	
Case Officer:	Mr C Fry	Date for Determination: 4 November 2016

Reason for Referral to Planning Committee – The views of the Environment Agency are contrary to the Officer recommendation.

Case Summary

The application site lies on the northern side of Ropewalk, King's Lynn.

The application site contains showmen's homes and the storage of lorries and fairground equipment.

The site benefits from planning permission, granted under appeal APP/V2635/A/87/71072/P3 for the use of the land for the standing and occupation of 10 showman's caravans, and the standing of 6 equipment lorries and 6 equipment trailers during the winter period (beginning of October to the end of March).

The proposal seeks consent to use the land for 12 months of the year for the standing and occupation of 10 showman's homes, the storage of lorries and fairground equipment.

Key Issues

Principle of Development and Planning History
Flood Risk
Highway Safety
Impact upon Neighbour Amenity
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies within the development boundary of King's Lynn on the northern side of Rope Walk.

Access to the site is via a single width track from Ropewalk. The site is enclosed by corrugated sheeting along its boundaries.

The site is relatively flat and contains a number of showman's caravans, lorries and fairground equipment.

Commercial units are located to the north of the site, allotments to the west and residential properties to the south and east.

The site has the benefit of permission under an appeal APP/V2635/A/87/71072/P3 to planning reference no. 2/86/3635/CU/F for the stationing and occupation of 10 showman's caravans and storage of 6 equipment trailers and lorries for the winter period (beginning of October to the end of March).

The proposal seeks consent to station and occupy 10 showman's homes, Lorries and fairground equipment on the site for 12 months of the year.

SUPPORTING CASE

The application has not been supported with any documentation

PLANNING HISTORY

2/86/3635/CU/F – Approved by Appeal – APP/V2635/A/87/71072/P3 -19th April 1988 for the use of land for the winter occupation of 10 showman's caravans and standing of 6 equipment lorries and 6 equipment trailers.

RESPONSE TO CONSULTATION

NCC Highways: NO OBJECTION

Emergency Planner: would expect to see a full flood risk assessment carried out. This does not appear to have been done. Suggested conditions in regards to the occupiers signing up to the EA floodline warnings and the preparation of an evacuation plan.

Environment Agency: OBJECTION the site is contained within an area which is highly vulnerable. The proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused on this basis.

Housing team: the site will require a site license if it's to be occupied all year round.

REPRESENTATIONS

None received

NATIONAL GUIDANCE

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

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

PLANNING CONSIDERATIONS

- Principle of Development and Planning History
- Flood Risk
- Other Material Considerations

Principle of Development and Planning History

The development site lies within the development boundary of King's Lynn, consequentially the principle of development on the site can be accepted subject to satisfying material considerations.

The site has a planning history that relates to the use of the site for the stationing of showman's homes, lorries and fairground equipment for the winter period.

An application was submitted in 1986 for the use of the land for the winter occupation of 15 showman's caravans, and storage of 6 equipment trailers.

The application was refused on the impact upon neighbour's amenity and highways safety grounds, as well as the proposal not being in conformity with the approved town map (the town map being the development boundary of the town, which was published in 1955).

The applicant appealed the decision to refuse the application, APP/V2635/A/87/71072. The Planning Inspector concluded that the proposal did not cause detrimental impact upon

neighbour's amenity nor did it cause a detrimental impact upon highway safety. Whilst the site was not in the boundary depicted on the Town Map, there was no harm caused to the characteristics of the area as a result of the development.

The last paragraph of the Inspector's report, paragraph 14, is the conclusion to the Inspector's findings. The inspector states that planning permission be granted for the use of land off Edma Street, from the beginning of October in each year until the end of the next following March for the standing and occupation of 10 Showmen's caravans, and the standing of 6 equipment lorries and 6 equipment trailers.

No decision notice was issued with the report. An opinion has been sought on the enforceability of the last paragraph of the Inspector's comments, which concludes that the last paragraph of the appeal statement is clear and unambiguous and can be enforced.

Consequently, following enforcement investigations into the occupation of the site, being contrary to the appeal decision, this application seeks to regularise the use the land for the stationing and occupation of 10 showman's caravans, and the standing of Lorries and equipment trailers for 12 months of the year.

Flood Risk

The majority of the site is contained within Flood Zone 3, with parts of the site contained within Flood Zone 2.

According to table 2 of the National Planning Practice Guidance, the stationing of caravans is a highly vulnerable use and the stationing of lorries and various pieces of equipment is akin to a less vulnerable use.

Being a highly vulnerable use the stationing of caravans is not permitted within Flood Zone 3 according to table 3 of the National Planning Practice Guidance. Being a less vulnerable use, the parking of lorries and show equipment on site is acceptable in Flood Zone 3.

The Environment Agency (EA) has an in principle objection to the use of the site for the occupation of 10 showman's homes, the stationing of lorries and storage equipment for 12 months of the year. Their objection to the proposal is based on that the use of the site being a highly vulnerable use within Flood Zone 3. Furthermore the EA refers to the Council's own flood risk design guidance which clearly states "that where there is the potential for water depths of up to 2m, there should be no ground floor sleeping or habitable ground floor accommodation and there must be safe refuge".

The Environment Agency has within their correspondence referred to the need for the Local Planning Authority to apply the sequential and exception test in relation to flooding in steer development towards the lower risk flood zones.

The application has not been submitted with a Flood Risk Assessment.

The Environment Agency do state that, whilst they have a principle objection to the application, if the Authority are minded to approve the application then a condition that requires a scheme for anchorage of all residential, utility and storage units will need to be imposed. Additionally, a further condition will need to be imposed on the decision notice in relation to the submission of a flood mitigation strategy. The mitigation strategy will need to cover resident's awareness of the possibility of the site flooding, flood warning and evacuation procedures.

It is considered that refusing the application on flood risk grounds would be unreasonable. Notwithstanding that the council's own flood risk guidance and the provisions of the NPPF and NPPG, the site already benefits from permission for the occupation of the showman's caravans during the period of the year when the site is most susceptible to being flooded. The time period of additional occupation being sought within this application would be in line with the occupancy limits allowed within the Coastal Protocol Area and according to the Emergency Planner, the tidal defences are of better standard in King's Lynn than in the areas under the Coastal Protocol. The Emergency Planner also comments that the 2013 floods did not affect properties in this area.

The Emergency Planner recommends conditions that the applicant produces a flood evacuation plan for the site and a condition that requires them to sign up to the Environment Agency's flood warning service. It is not reasonable to direct the applicant's to sign up to a particular warning service, however in this particular instance a flood evacuation plan is considered and the requirement to anchor residential, utility and storage units are considered to meet the tests of a condition.

Other Material Considerations

The highways officer has no objection to the continued unrestricted occupation of the site.

The site is enclosed with corrugated sheeting and is contained within an area of mixed uses thus the impact of having showman's caravans and storage of lorries and fairground equipment all year round is not detrimental to visual amenity.

CONCLUSION

Members will need to consider whether it is reasonable to uphold the Environment Agency's objection to the application.

The majority of the site lies within flood zone 3 according to Flood Risk Maps and by virtue of mobile homes being a highly vulnerable use, the stationing of mobile homes are not generally permitted in this flood zone.

However, it is your officer's opinion in this instance, that it would be unreasonable to refuse the application on this particular issue. The additional time period of occupation would be in the summer months where there is less risk of the site from being flooded. The additional time period is in line with that covered under the Coastal Protocol where the tidal defences in that particular area are as flood resilient compared to the tidal defences in King's Lynn. Furthermore, the site did not flood in the most recent floods of 2013.

It is therefore considered that the application be approved subject to a condition that relates requires the applicant to provide a flood evacuation plan and an informative attached in relation to the applicant signing up to the Environment Agency's Flood Warning Service.

RECOMMENDATION:

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

- 1 Condition Within 3 months of the date of decision, the applicant shall prepare a flood evacuation plan to be submitted to and approved in writing by the Local Planning Authority. This should include:-

- Actions to be taken on receipt of the different warning levels;
- Evacuation procedures e.g. Signing up to the Environment Agency's free flood warning service (contact: 0345 988 1188), isolating services and taking valuable etc.; and
- Evacuation routes.

The flood evacuation plan shall be implemented in accordance with the details agreed.

- 1 Reason in the interests of safeguarding the occupants of the showmans homes from flood risk in accordance with the principles of Flood Risk.
- 2 Condition The development hereby permitted relates to the stationing and occupation of up to 10 mobile homes and the stationing of 6 lorries and 6 pieces of fairground equipment.
- 2 Reason For the avoidance of doubt and in the interests of proper planning
- 3 Condition Within 3 months of the date of approval a scheme to ensure that all residential, utility and storage units are firmly anchored and have flexible connections shall be submitted to the Local Planning Authority. The agreed scheme will be implemented within 3 months of the date of the approval of the agreed scheme.
- 3 Reason To reduce the risk of flooding to the proposed development and future occupants in accordance with the provisions of the NPPF.