

**AGENDA ITEM NO: 8/2(a)**

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Erection of 7No self-contained one-bedroom single storey modular dwellings with associated parking and servicing facilities</b>	
<b>Location:</b>	<b>Land S of 20 To 30 Bryggen Way And N of 73 To 93 Reid Way King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Broadland Development Services</b>	
<b>Case No:</b>	<b>20/01274/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 20 October 2020</b>

**Reason for Referral to Planning Committee –  
Referred by Assistant Director**

**Neighbourhood Plan:** No

**Case Summary**

The application seeks full planning permission for the erection of 7No self-contained one-bedroom single-storey, modular dwellings with associated parking at land to the north of 73 to 93 Reid Way / south of 20 to 30 Bryggen Way, King's Lynn.

The site lies within the development boundary of King's Lynn in an area at risk of flooding (Flood Zones 2 and 3 of the Local Authority's Strategic Flood Risk Maps and in the Tidal Breach Hazard Area of the Environment Agency's Hazard Maps).

**Key Issues**

Principle of Development  
Need for Affordable Housing  
Form and Character  
Residential Amenity  
Highway Safety  
Trees  
Flood Risk / Drainage  
Other Material Considerations

**Recommendation**

**REFUSE**

## THE APPLICATION

The application seeks full planning permission for the erection of 7 No self-contained one-bedroom single-storey, modular dwellings with associated parking at land to the north of 73 to 93 Reid Way / south of 20 to 30 Bryggen Way, King's Lynn.

The site lies within the development boundary of King's Lynn in an area at risk of flooding (Flood Zones 2 and 3 of the Local Authority's Strategic Flood Risk Maps and in the Tidal Breach Hazard Area of the Environment Agency's Hazard Maps).

The development would result in the loss of four lorry parking spaces at the rear of 20 to 30 Bryggen Road, an area of green verge to the north of 73 to 93 Reid Way, an area of hedgerow and thirteen (13) trees. Two lorry parking spaces would remain to the immediate west of Plot 1. The existing car park to the units at Bryggen Way would occupy land to the immediate north of the units with the industrial building(s) to the immediate north of the parking area.

The units would gain vehicular (one parking space) and pedestrian access from Reid Way. Uncovered cycle storage is provided at the rear of all the units.

There are two types of unit proposed; type A and type B. Type B is slightly larger than type A, but both types provide a single double bedroom with separate bathroom and integrated kitchen and living space.

The units will have a metal roof and be clad in metal to the sides. The materials on the front elevation (fronting Reid Way) would comprise horizontal oak cladding and white render whilst the rear would be white render. The window frames would be grey fully flush casement windows.

Boundary treatment to the sides and front would comprise hedge plants whilst to the rear there would be a 2-metre-high close boarded timber fence.

The units would provide temporary accommodation for homeless people.

## SUPPORTING CASE

The applicant has submitted the following supporting case:

This statement responds to concerns that the loss of the verge and its function as a 'buffer' would have on the character and appearance of the area. The site is not recognised open space. This statement will demonstrate that the alleged harm is not material and should not be a determinative factor in the assessment of this planning application.

*Wider Views:* The northern side of Reid Way, of which the application site forms a small part, represents a transition area between the long-established North Lynn Industrial Estate and the 1960s housing estate. The views along Reid Way are dominated by the rear views of the industrial units and open scaffolded storage.

The verge that forms this 'buffer' runs along the length of the northern side of Reid Way and overall is approximately 270m in length, terminating at the point where the road returns in a south-westerly direction. There are sections of verge along its extent that contain mature trees and make a positive contribution in wider landscape terms. These sections of verge would not be affected in any way by this development.

The application site is located at the western edge of the verge. The application site is 79 m in length. The existing trees, hedge and verge would remain untouched for the first 23 m of its length. A section measuring 56 m would be given over to the scheme which contains no trees, only street furniture. The long views of the verge along Reid Way will remain uninterrupted when viewed in an easterly direction. When viewed looking in a westerly direction, the application site is not visible behind the trees located in the verge and as such the site is mostly hidden from any wider views.

Considering the limited wider visibility of the application site and the limited extent of verge loss at only 21%, the impact of the proposal on the wider views in Reid Way will be extremely limited.

*Localised Views:* There will be loss of some trees and section of hedge but as set out in the AIA and Landscaping Plan, their loss is assessed and mitigated. The Council's Arboricultural Officer agrees and recognises that the trees to be removed are not of sufficient quality to be protected and their removal is justified. No objections are raised in arboricultural terms.

The verge is 9 m in depth. The proposed dwellings will be located either further back or in line with the existing verge depth. Some porches will encroach into this area, but their minimal visual impact is not considered material. The land will essentially remain open.

The dwellings will have front gardens and a parking space each. The landscaping scheme demonstrates how these areas will be laid out with hedging and gardens that will maintain the open, spacious character of this part of Reid Way. The applicant would be willing to agree improvements to the proposals for the front garden and parking areas if that is deemed appropriate.

Existing dwellings opposite do not have off street parking, resulting in a high level of on street parking and visual clutter. Their gardens are between 5 and 6 m in depth, much reduced in comparison to the proposed dwellings. Sections of the existing verge are rutted and the subject of informal parking which does not make a positive contribution to the visual amenity of the area. The gardens to the new properties would be on average 3m deeper at 9m and would not contribute to on street parking pressure as on plot provision is made. Overall, the localised views of the proposed development is not materially harmful to the character or appearance of the area.

*Conclusion:* The scheme meets an evidenced need for this type of housing, the alleged harm cannot be justified as set out above and there is no conflict with Policy CS08 of the Core Strategy or Policies DM1, DM15 or DM22 of the SADMP. On this basis, planning permission should be granted for all the reasons set out in the supporting information accompanying this application.

## **PLANNING HISTORY**

No recent relevant history.

## **RESPONSE TO CONSULTATION**

**Parish Council:** N/A

**Highways Authority (NCC): NO OBJECTION;** I observe that the proposal would accord with the adopted highway standards and as a result I would not object to the proposed development, subject to conditions relating to:

- Provision of visibility splays
- Provision of parking as proposed
- Off-site highway improvement works (footway and provision of private accesses) and
- Removal of PD rights to prevent the erection of gates / bollards / or other means of obstruction across the approved accesses.

**Environment Agency:** The site is at residual risk of flooding in the event of breach/overtopping of the defences, with flood depths of up to 0.25m. The proposed FFL of 0.3m above existing ground level will prevent internal flooding. We therefore have **NO OBJECTION** but wish to make the following comments.

*National Planning Policy Framework Flood Risk Sequential Test:* In accordance with the National Planning Policy Framework (NPPF) paragraph 158, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this. By consulting us on this planning application we assume that your Authority has applied and deemed the site to have passed the NPPF Sequential Test. Please be aware that although we have raised no objection to this planning application on flood risk grounds this should not be taken to mean that we consider the proposal to have passed the Sequential Test.

*Review of Flood Risk Assessment (FRA):* We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (4726476) are adhered to. In particular, the FRA states that:

- Finished floor levels will be set no lower than 4.1 mAOD.

*Advice for the LPA*

*Flood Plan:* With regard to the second part of the Exception Test, your Authority must be satisfied with regards to the safety of people (including those with restricted mobility), the ability of people to reach places of safety, including safe refuges within buildings, and the ability of the emergency services to access buildings to rescue and evacuate people. In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

*Other sources of flooding:* We have reviewed the submitted FRA with regard to tidal and main river flood risk sources only. The Internal Drainage Board should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

*Advice for the Applicant*

*Flood Resilient Measures:* Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction", which can be downloaded from the following website: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

*Flood Warning:* The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Flood Warnings Service (F.W.S.) is a national

system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <https://www.gov.uk/sign-up-for-flood-warnings> Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue for developments. Advice should be sought from the Emergency Services and the Local Planning Authority's Emergency Planners when producing a flood evacuation plan.

**Emergency Planning Officer (BCKLWN): NO OBJECTION** However, I would suggest that if permission is granted then the following conditions are appended:

- Occupiers should sign up to the Environment Agency flood warning system (0345 988 1188 or [www.gov.uk/flood](http://www.gov.uk/flood))
- A flood evacuation plan should be prepared to the satisfaction of the local authority emergency planning department.
- This will include actions to take on receipt of the different warning levels.
- Evacuation procedures e.g. isolating services and taking valuables etc
- Evacuation routes.

**Strategic Housing Team (BCKLWN):** The Strategic Housing team are **FULLY SUPPORTIVE** of the application.

The proposed development will help to meet an identified need for additional temporary accommodation in King's Lynn. This was identified as one of the key priorities of the Council's Homeless and Rough Sleeping Strategy 2019-2024 and will be an important resource in reducing the use of bed and breakfast accommodation to accommodate homeless households.

Whilst this need for additional temporary accommodation had already been identified within the Homeless and Rough Sleeping Strategy, this need has come into sharp focus as a result of the pandemic [Covid19]. Therefore, the need for this scheme to be delivered is greater than ever.

**Arboricultural Officer (BCKLWN): NO OBJECTION:** The trees that are due for removal aren't really that great a quality, certainly not good enough for a TPO.

I've worked with the team and they managed to save the best trees on the site.

**Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION** based on the submitted information.

The site is noted to be a 'buffer' zone between the industrial estate to the north and the residential estate to the south, and is nearer commercial businesses than I would prefer, but there are other dwellings to the west which also back onto the North Lynn Industrial Estate and the noise survey indicates that the site would be suitable.

I have noted the date of the noise survey during the school holidays, and in a period when businesses and households may not be operating as per 'normal' circumstances / levels due to Covid-19, and therefore I am keen to ensure that the close board fence to the rear and partial elements of the western and eastern site boundaries is an acoustic fence. This should be conditioned if permission is granted.

I also recommend a condition restricting construction hours (including collection and deliveries) to: 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.

**Internal Drainage Board: NO OBJECTION.** The site is within the Internal Drainage District (IDD) of the King's Lynn Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website ([https://www.wlma.org.uk/uploads/KLIDB\\_Byelaws.pdf](https://www.wlma.org.uk/uploads/KLIDB_Byelaws.pdf)), along with maps of the IDD ([https://www.wlma.org.uk/uploads/128-KLIDB\\_index.pdf](https://www.wlma.org.uk/uploads/128-KLIDB_index.pdf)). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

\* I note that the applicant intends to discharge surface water to a sewer. I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location.

\* I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION** The applicant has submitted Delta Simons Geo-environmental Report, Sept 2020. The report is based on a desk study & fieldwork (soil sampling and in-situ geotechnical testing). Selected soil samples are reported to have been scheduled for laboratory chemical analysis and geotechnical testing. Monitoring for water levels and one round of hazardous ground gas monitoring is reported to have been undertaken.

The site investigation reports that there was no indication of made ground. None of the samples tested are reported to exceed the relevant assessment criteria for the proposed end use. There was one detection of chrysotile asbestos cement material in one location. The report recommends further site investigation to see if asbestos is widespread or alternatively some source removal and import of cover material to form garden and amenity areas and also protection from hazardous ground gas.

As further work is required to investigate and remediate the site, I recommend that this be required by the following conditions:

- 10009 – site characterisation
- 10010 – submission of remediation scheme
- 10011 – implementation of approved remediation scheme
- 10012 – reporting of unexpected contamination

**Natural England:** NO COMMENTS to make

**King's Lynn Civic Society: OBJECT** King's Lynn Civic Society are very concerned about this application, which is located within the planned amenity buffer between a residential

estate and the North Lynn Industrial Estate. Clearly the purpose of the buffer has been to separate domestic residents from the noise and activity at the industrial estate.

The proposed scheme will place residential units directly adjacent to industrial premises, apparently with the proposed north-facing French windows of the units only metres away from the HGV loading bay of the warehouses. It seems inevitable that the proposal will lead to future tensions and complaints and further undermine the viability of the industrial units.

The scheme will remove 15 mature trees, a section of hedge and a wide verge that have served to separate the industrial premises from the existing housing. There will be no space to replace these losses. Reid Way appears to be at least 1km from the nearest convenience stores and residents are likely to wish to own a car. On-street parking is already notable in the vicinity. In general, we don't see how this proposal is contributing to a sustainability agenda.

We object to a proposal that seeks to squeeze additional dwellings into an area of amenity landscape that has clearly been provided to provide an acceptable transition between different types of land use. It is regrettable that it would appear the BCKLWN have offered land to a housing association when development is unlikely to fit any sustainability goals.

If this scheme is permitted, it would set a worrying precedent that would presumably give a greenlight to the Borough property section to sell off any piece of public amenity land for development. How will that ultimately enhance our community?

**REPRESENTATIONS** Three letters of objection have been received from third party representatives. The issues can be summarised as:

- Increased traffic means more cars parked on the road
- Loss of view of green space
- The development is substandard and inappropriate regardless of whether it is for affordable or public housing. What sort of message would approval of this application send?
- The siting of 7 'pods' of this form, quality and in this location is completely inappropriate and flies in the face of the NPPF and the Council's own adopted policies
- The site is inappropriate on all fronts
- If this poor-quality example of 'public' housing is given the go ahead, it will be referred to in far superior forms of development rejected elsewhere in the future for years to come. This is a planning abomination on a major scale
- I have no affiliation with the Civic Society, but I wholeheartedly agree with their objection
- Loss of eleven good and prominent trees and one indigenous species hedge all of which form an important and valuable feature in the area and are important in making the local environment attractive and pleasant to live in
- The ecological value of the trees and hedge is also of significance. The Council's Local Plan and National Planning Policy Framework make much of retaining and enhancing 'biodiversity' and the environment, but this application clearly is damaging both
- I would like to ask for the trees to be protected by tree preservation orders
- The landscaping scheme submitted with the application is not adequate to compensate for the loss of the appearance of large impressive trees and good cohesive hedge all along this frontage
- I am also concerned at the lack of play areas provided for each house – there is no garden area of any size and no areas for children to be outside

- The houses are jammed up together and this will cause neighbour problems for the residents
- These are houses which would not have been to the same standard as the temporary housing of prefabs built as emergency accommodation after the last War.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**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

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

- Principle of Development
- Need for Affordable Housing
- Form and Character
- Residential Amenity
- Highway Safety
- Trees
- Flood Risk / Drainage
- Other Material Considerations



## **Principle of Development**

The site lies within the development boundary of King's Lynn. Residential development can be supported in principle, but of course is subject to the range of other relevant planning policy and guidance to be considered in the balance.

## **Need for Affordable Housing**

Housing authorities are required under the Housing Act 1985 (as amended by the Housing and Planning Act 2016) to review periodically the housing needs of their area.

The Housing Act 1996 is the primary legislation setting out a local authority's duties towards homeless households. The 1996 Act has been amended by The Homelessness Reduction Act 2017 to introduce additional new statutory duties to 1)'prevent' and 2) 'relieve' homelessness for all eligible applicants homeless or threatened with homelessness within 56 days.

The Homelessness Act 2002 requires local housing authorities to publish a homelessness Strategy every 5 years. To meet this requirement the Council has produced its Homelessness and Rough Sleeping Strategy 2019 – 2024.

One of the main strategic objectives of the Strategy is to develop a hierarchy of different types of temporary accommodation (para 12.2) and within that hierarchy to develop additional new temporary accommodation for families (to meet identified gaps in provision). One solution is to bring provision on-line in a very timely way making use particularly of modern modular constructed (offsite constructed) products that can be deployed and re-used flexibly.

The proposed accommodation would assist the housing authority to meet its statutory duty to provide households with suitable temporary accommodation. The Homelessness Code of Guidance for Local Authorities states that "Wherever possible, housing authorities should avoid using B&B accommodation for homeless applicants" and the Homelessness (Suitability of Accommodation)(England) Order 2003 specifies that B&B accommodation is not to be regarded as suitable for applicants with family commitments.

At the national level, Para 59 of the NPPF acknowledges the role of the Planning System in supporting the Government's objective of significantly boosting the supply of homes and meeting the needs of groups with specific housing requirements. To enable this support the planning system should be informed by the Local Housing Need Assessment.

At the local level, this is reiterated in Core Strategy Policy CS01 that states that one of the development priorities for the borough is to improve accessibility for all to services, education...and housing, and in CS09 that requires decisions to take appropriate account of identified need when determination planning applications for housing.

In summary, there is an identified need for the type of accommodation proposed by this application and there is a strong emphasis at the national and local level in relation to planning policy and guidance to enable, in a timely fashion, development that will address that need.

Clearly therefore the Planning System has a significant role to play in ensuring the temporary accommodation needed (as identified in the Local Housing Need Assessment and set out in the Council's Homelessness and Rough Sleeping Strategy 2019 – 2024) is provided in the right place at the right time.

## Form and Character

Both the NPPF and Local Plan aim to ensure that the planning system provides for a high-quality environment.

Paragraph 124 of the NPPF states that: 'The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Para 127 of the NPPF requires planning decisions ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Para 130 of the NPPF states that: 'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...'

These values are reiterated in the Local Plan and covered by Site Allocations and Development Management Policies Plan (SADMP) Policy DM15 and Core Strategy Policy CS08.

Policy DM15 states: '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.'

Policy CS08 of the Core Strategy states that: 'new development should demonstrate its ability to respond to the context and character of places by ensuring the scale, layout, density and access will enhance the quality of the environment.'

North Lynn is one of the most densely developed areas in the borough. The wider area is largely characterised by two-storey terrace and semi-detached dwellings with small frontages and slightly larger rear amenity areas. There is very limited off-street parking and even less ability to turn a vehicle within curtilage. As such on-street parking is prevalent. There are relatively limited areas of green space within the wider North Lynn area. It could therefore be argued that these areas are all the more important given the density of development in the wider North Lynn area. These areas offer both visual amenity and sometimes more-wider amenity such as usual areas.

The site represents one of these green spaces within the wider North Lynn area (comprising a grass verge, hedgerow and a number of mature trees), and whilst not offering a particularly useable area for play it offers an important visual break between built form as well as an important transitional green buffer between residential development and the industrial / commercial area to the north. As such its importance it considered to be twofold.

Historically views of the site would have been more limited. However, since the opening of Lynnsport Way (that runs to the south of the site), the site is more visible from the public domain.

Whilst a number of trees will be retained, thirteen would be lost. Whilst the Arboricultural Officer has stated that they are not worthy of TPOs, the trees are not of such poor quality that they would need to be removed other than in relation to development of the site, and your officers consider that their loss would materially detract from the visual amenity of the area.

The loss of the green verge, hedge and trees would change the character of this particular part of Reid Way to the detriment of its visual amenity regardless of the type of development proposed on the site.

In relation to the type of development proposed, the units themselves take no marker from any built form in the locality. However, given the site will be separated from the industrial estate by a 2m high close boarded acoustic fence; and will be accessed from Reid Way, the site will be read in relation to Reid Way and not as part of the industrial estate. As such the metal clad sides and metal roofs could be argued to appear alien in the street scene, and of detriment to the visual amenity of the locality.

The applicant argues that the loss of the verge, trees and hedge would not be material. However, for the reasons outlined above, your officers do not agree with this assessment, and consider the loss of these features alone would have a significant detrimental impact on the locality of this particular part of Reid Way, with the buildings themselves further damaging to the visual amenity of the locality.

In terms of form and character therefore it is considered that the development does not respond sensitively or sympathetically to the local setting and would not enhance the quality of the environment. It is therefore considered that the proposed development would have a materially harmful impact on the character and appearance of the locality and would therefore be contrary to Local Plan Policies CS08 and DM15 and paragraphs 127 and 130 of the NPPF, 2019.

### **Residential Amenity**

Paragraph 182 of the NPPF states that: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or agent 'of change') should be required to provide suitable mitigation before the development has been completed.'*

Whilst CSNN have stated that the site *'is nearer to commercial businesses than they would prefer they would prefer'*, they raise no objection to the proposed development as they consider that the proposed 2m high acoustic fence would prevent any statutory nuisance thereby providing suitably mitigation as required by the NPPF.

One third party suggests that the gardens are very small. This cannot be argued with. However, the units are to provide temporary accommodation for homeless people. The temporary nature of the units, together with the fact that the LPA has no policies relating to minimum garden sizes suggests that this is not be a determinative factor in the assessment of the application.

In relation to the impact from the proposed development on existing residential development, there would be no material overlooking, overshadowing or overbearing impacts.

### **Highway Safety**

Parking standards require a single parking space for one-bedroom units and cycle storage provision. The proposal accords with these requirements, and the Local Highway Authority raises no objection to the proposed development on the grounds of highway safety.

### **Trees**

The arboricultural officer raises no objection to the loss of the trees given they are not worthy of protecting by Tree Preservation Order(s).

### **Flood Risk / Drainage**

The site lies within an area at risk of flooding, and in a breach event could flood to 0.25m in depth.

One of the development priorities for the borough, as laid down in the Core Strategy, is to avoid areas at risk of flooding (CS01). However, CS01 also recognises that some development may be required within flood risk areas to deliver regeneration objectives within King's Lynn.

Policy CS08 expands on this and requires development in high flood risk areas to demonstrate that:

1. the type of development is appropriate to the level of flood risk identified in the Strategic Flood Risk Assessment, or
2. if the development vulnerability type is not compatible with the flood zone as set out in the NPPF, proposals will need to demonstrate that the development contributes to the regeneration objectives of King's Lynn or the wider sustainability needs of rural communities
3. the development is on previously developed land, or, where proposals are for development of greenfield sites, the development must demonstrate a contribution to the regeneration objectives of King's Lynn or the wider sustainability needs of rural communities;
4. flood risk is fully mitigated through appropriate design and engineering solutions.

These policies are consistent with the NPPF that requires inappropriate development in areas at risk of flooding to be avoided. However, where development is necessary in such areas, the NPPF requires those developments to be made safe for their lifetime without increasing flood risk elsewhere.

In relation to the development requirements of CS08:

1. The development is of a vulnerability class appropriate to the level of flood risk
2. It can be argued that the development would contribute to the regeneration objectives of King's Lynn through the provision of this form of accommodation

3. The development is on a greenfield site, but would contribute to the regeneration objectives of King's Lynn
4. Appropriate conditioning of finished floor levels and flood resilient and resistant mitigation measures to be incorporated into the design would satisfactorily address this point.

The NPPF also requires this proposal to pass the Sequential and Exception Tests.

In relation to the sequential test, it is acknowledged that there are no sites at a lower risk of flooding that are reasonably available for the development proposed.

In relation to the Exception Test (ET), the Environment Agency and Emergency Planning Officer's comments combine to satisfy your officers that the second part of the ET is passed; *'the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'*

The first part of the ET requires *the development to provide wider sustainability benefits to the community that outweigh the flood risk'.*

The development would provide 7No temporary dwellings for homeless people. This would meet an identified need in King's Lynn and is identified as one of the key priorities of the Council's Homeless and Rough Sleeping Strategy. It is therefore considered that the development would provide wider sustainability benefits to the community that outweigh the flood risk. Your officers are therefore satisfied that the first part of the ET is also passed.

No objections have been received from statutory consultees in relation to the risks associated with flooding.

In relation to drainage, the IDB's comments are noted. However, drainage could be suitably conditioned if permission is granted.

## **Ecology**

A Preliminary Ecological Survey accompanied the application. The survey concludes that: *The site itself has a low ecological value which is just about of a local level of importance only resulting from the presence of mature trees and hedging on the site.*

*The site has been assessed in relation to presence /absence of suitable habitat for bats and it is concluded that the site does not present more than a limited potential for a small number of bats use the site as part of a much wider forage zone. The site and adjacent gardens do present a modest and limited forage potential in relation to the provision of flying insects (mainly associated with the tree cover present) and the site has some connectivity to other similar areas to the east and west / south, but any population is likely to be small and the role of the site in supporting the population is likely to be limited and partly due to its location which allows connectivity along the Reid Way hedge and tree line.*

*The site does present limited nesting potential for the local (garden species) bird population with the hedging being the most significant feature in this respect.*

*There is a low potential for hedgehog to be present on the site or to use the site as part of a wider forage zone, but such a population would be small due to the limited nature of the connectivity of the site to wider forage and resting zones nearby and we assume a fairly intact barrier fence all-round the site.*

*Similarly, the site has been assessed in relation to other protected species (great crested newts badgers and reptiles) and it is considered that the site does not present any habitat which would indicate usage or potential presence of such species.*

*In summary, for local populations of garden birds, as a part of a wider forage area for bats, and as part of any forage / habitat used by hedgehog, the site has some value which, if the conservation features on the site are entirely lost, would be likely to result in declines in the probable resident populations of these species in the immediate area. It is therefore recommended that the principle features of the site are replaced where possible, and that connective elements and forage potential are retained by the use of suitable landscaping features, the provision of nesting boxes and that suitable tree retention and protection measures are employed’.*

If permission is granted, appropriate mitigation could be conditioned as suggested in the Survey.

In line with SADMP Policy DM19, the Habitat Mitigation Fee of £50 per dwelling has been received.

### **Other Material Considerations**

**Objections:** In relation to the Civic Society and Third Party Objections raised in relation to the proposed development, the LPA responds as follows:

- Relationship and proximity of development to industrial premises – covered in report
- Loss of amenity land that offers a transition between residential and industrial uses – covered in report
- Loss of trees – covered in report
- Proximity of site to nearest convenience stores – the site lies has very good pedestrian and cycle links to nearby convenience stores and King’s Lynn Town Centre
- Approval of this application would set a precedent – every application has to be considered on its own merits
- Will not enhance the community – covered in report
- Highway Safety – covered in report
- Consistency of Decisions – every application has to be considered on its own merits
- The development, regardless of whether the use is affordable or public housing, is totally inappropriate in this locality and represents poor design – covered in report
- Ecological value of site – covered in report
- Size of garden areas – covered in report

**Secure Use:** If Members are minded to approve the application, the affordable housing would need to be secured by S106 Agreement.

### **Crime and Disorder**

There are no specific crime and disorder issues arising from the proposed development.

### **CONCLUSION / PLANNING BALANCE**

The application proposes the provision of 7No single-storey, modular dwellings to provide temporary accommodation for homeless people. Whilst there are objections from the Civic Society and third parties, no objections have been received from statutory consultees on technical grounds in relation to highway safety, residential amenity or flood risk. Issues

relating to contamination and drainage (as well as flood risk, highway safety, amenity and ecology) can be suitably conditioned if permission is granted.

The scheme would provide temporary accommodation for homeless people that would meet an identified and urgent need in the borough and significantly reduce the likelihood that the housing authority would need to use unsuitable Bed and Breakfast accommodation to meet its statutory homelessness duties. For this reason, the scheme is supported at national and local level.

The provision of the accommodation to meet this pressing need is considered to weigh heavily in favour of the grant of planning permission.

There are also some economic benefits although there is unlikely to be much wider gain given that the units are modular and will be brought onto site (i.e. there is unlikely to be construction work for local people etc.).

However, these economic issues are considered to carry limited weight in favour of the proposed development.

In terms of environmental issues, the site is greenfield and represents part of an important green space that not only provides visual amenity, but also a planned buffer between residential and industrial uses. To develop part of this important area of open space, removing mature trees and hedgerows, and replacing them with a relatively high-density form of development would be of significant detriment to the character of this specific part of Reid Way.

This is considered by officers to weigh heavily against the grant of planning permission.

Clearly given the above this is an on balanced decision, but officers consider that that the positive benefits of the provision of the temporary accommodation would not outweigh the significant harm to the character of the area, and that the application should be refused for the following reason.

#### **RECOMMENDATION:**

**REFUSE** for the following reason:

- 1 The site represents part of an important transitional green space between industrial and commercial uses and comprises a grass verge, hedgerows and trees. The site is an important contributor to the character of this specific part of Reid Way and offers considerable visual amenity value.

To develop this site would result in a diminution of this important transitional green area that would be of significant detriment to the visual amenity of the locality. It is therefore considered that the proposed development does not respond sensitively or sympathetically to the local setting, would not enhance the quality of the environment, and would have a materially harmful impact on the character and appearance of the locality. It is considered that the positive benefits are outweighed by the harm in this case, and the proposed development would therefore be contrary to Local Plan Policies CS08 and DM15 and paragraphs 127 and 130 of the NPPF, 2019.