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| Parish: | King's Lynn | |
| Proposal: | 24 hour homeless accommodation with ancillary support services. | |
| Location: | St Johns Vicarage Blackfriars Road King's Lynn Norfolk PE30 1NT | |
| Applicant: | King's Lynn Night Shelter | |
| Case No: | 23/01665/CU (Change of Use Application) | |
| Case Officer: | Connor Smalls | Date for Determination: 15 November 2023 Extension of Time Expiry Date: 12 April 2024 |

Reason for Referral to Planning Committee – Called in by Councillor Heneghan

Neighbourhood Plan: No

Case Summary

The application site is situated on the east side of Blackfriars Road, King's Lynn, and comprises a detached building and garden (the former St Johns Vicarage). The building is over two floors with some space in the roof (office and rest room). The applicant states that the building currently consists of 8 bedrooms. Consent was granted under ref: 22/01862/F for the extension of the building to accommodate a total of 12 bedrooms. The site is set within the development boundary and the King's Lynn Conservation Area. The building is considered to be an Important Unlisted Building in the Conservation Area Character Statement.

This application seeks consent for the use of the site as year-round, 24/7 accommodation for the homeless with ancillary support services following consent granted in 2020 for the change of use of the dwelling to a homeless shelter (Winter Night Shelter) under ref: 20/00526/CU.

Key Issues

- Principle of development
- Form and character
- Impact on neighbour amenity and crime and disorder
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

The application site is situated on the east side of Blackfriars Road in the centre of King's Lynn, adjacent to the train station to the north, with St John's Church to the south and The Walks Park beyond as well as to the southeast and southwest. The town Centre is to the west. The site consists of a detached building and garden (former St John's Vicarage), currently with permission for use as a Winter Night Shelter. The building is over two floors with some space in the roof (office and rest room). The applicant states that the building currently consists of 8 bedrooms. Consent was granted under ref: 22/01862/F for the extension of the building to accommodate a total of 12 bedrooms. The site is set within the development boundary and the King's Lynn Conservation Area. The building is considered an Important Unlisted Building in the Conservation Area Character Statement.

It is noted within supporting documentation that the Night Shelter moved to a 24-hour model as a result of the Covid pandemic, the Night Shelter has also extended the months of operation to 9 months of the year rather than just the "winter", and subject to funding (this is noted to be from a range of sources in supporting information including grants and donations), plan to be open year-round. This application seeks consent for the use of the site to year-round, 24/7 accommodation for the homeless with ancillary support services following consent granted in 2020 for the change of use of the dwelling to a homeless shelter (Winter Night Shelter) under ref: 20/00526/CU.

SUPPORTING CASE

I am writing on behalf of King's Lynn Night Shelter in support of the above application, 24-hour homeless accommodation with ancillary support services. The application was made in September 2023, we understand that it is due to be considered by the Planning Committee on 8th April and that an update may be useful.

The Night Shelter has been open this "season" since 1st November 2023, providing 24-hour homeless accommodation with support services as it has done for a number of months each year since moving to our current premises at St John's House in 2020: we opened for 5 months in the winter of 2020-21, 9 months in 2021-22 and 2022-23, and are funded to remain open this "season" until the end of June 2024. We hope, funding permitting, to be open year-round as soon as possible.

The continued need for this facility in our community has been very clear to us this winter. The Night Shelter has been fully occupied since we opened in November, with a waiting list, and almost all of our guests (service users) have not been able to access emergency accommodation through the local authority (B&Bs). During the months November 2023 – February 2024 we welcomed 24 guests. Most of these individuals have had support needs including substance misuse and mental or physical health needs, and would have been at risk of harm if they had had to sleep rough. Around 3 in 5 were involved with the criminal justice system prior to coming to stay with us, and would likely have been more involved during this winter if they had been on the streets during this time. We continue to work with our guests to help them find positive and sustainable move-on accommodation.

Our desire to be open year-round has come partly from feedback from our guests, who tell us that rough sleeping is dangerous and traumatic at any time of year, and partly from national data which shows that rough sleeping lowers life expectancy to 47 years for men

and 43 for women. There is a clear need for safe emergency accommodation for people who would otherwise sleep rough, year-round.

The “ancillary support services” refers to the support we offer “at the door”, 24 hours a day, to rough sleepers and others who are homeless and sofa surfing, or in temporary accommodation or otherwise vulnerably housed and in need of assistance. This support is offered at the door only (ie not in house) but we are able to offer advice and signposting, the use of a phone, sleeping bags for rough sleepers, and hot drinks and simple takeaway food (soup, sandwiches) during the hours when the day centre facility at the Purfleet Trust is closed. We have supported 150 people in this way between November 2023 and February 2024, in addition to the individuals who subsequently became our guests. The Night Shelter is the only facility in King’s Lynn offering this service.

Since submitting our application in September 2023 we have had a number of discussions about the Night Shelter’s impact on our immediate neighbourhood, with Police, the Council’s community safety team, and local residents. We are pleased that the Safety Plan which we updated with the help of Police in September seems to have been effective in managing the site this “season”, and we note that the only complaint received this season has been in relation to activity at another property not connected with the Night Shelter and with which our guests were not involved. We hosted a meeting for local residents in November to ask how they felt things were going, and only one neighbour attended or sent comments for consideration.

We met in December with Police and with the Council’s community safety manager, and we note the comments of the CSNN team on this application. The suggestion put forward of a neighbourhood map area within which guests are required to refrain from antisocial behaviour, raises the question of the extent to which it is reasonable for any accommodation provider to penalise residents for their behaviour off site – and would also require involvement from Police, as the Night Shelter would expect members of the public to be reporting antisocial behaviour to Police to manage and to inform us if appropriate, rather than informing us directly (not least as we are unable for safeguarding reasons to confirm to members of the public if an individual is staying with us).

We note also the most recent comments from Police regarding site safety, which have surprised us as we work closely with Police and the local team are familiar with the Night Shelter premises – so for example Police are already aware that the guests at the Night Shelter do not share rooms, and that the only access to the building is via a door on a fob system which can be opened only by staff, so that guests are unable to allow access to visitors or friends. We are committed to working with Police and meet weekly with colleagues from the Operational Partnership Team.

In summary we continue to believe that the Night Shelter is a valuable community service which meets a clear need in supporting some of the most vulnerable people in our community, which considers and responds to the concerns of the local neighbourhood, and manages the site safely and effectively. We hope that the Planning Committee will give us favourable consideration.

PLANNING HISTORY

22/01862/F: Application Permitted: 14/12/22 - Extension and alterations to night shelter – delegated decision.

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20/00526/CU: Application Permitted: 12/06/20 - Change of use from single dwelling to a winter night shelter for the homeless – delegated decision.

2/00/1592/F: Application Permitted: 08/12/00 - Construction of double garage to replace existing.

RESPONSE TO CONSULTATION

Conservation Officer: No objection

Historic England: No comment

Highways Authority: No objection

Secured by Design Officer (Norfolk Constabulary):

To original consultation (summarised for clarity):

I note that there is not any alteration or extension to the actual building itself and that the "change" is for the buildings use continuously. I have liaised with the Constabularies Operational Partnership Team from King's Lynn and they have regular meetings and consultation with regards to the management of the venue.

To second consultation with updated description (summarised for clarity – full response available online):

Previously visited the site, in December 2023 for a meeting in conjunction with Sergeant Wiseman of the Constabularies Operational Partnership Team and Andy Nederpel Community Safety Manager from the Borough Council and would encourage the applicant to consider incorporating the principles of the Police Crime Prevention Initiative Award (Secured by Design) into this proposal.

The Government has reiterated that designing out crime and designing in community safety should be central to the planning and delivery of new development. Specifically, the Planning Practice Guidance on Design reminds practitioners that local authorities are duty bound to adhere to Section 17 of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent crime and disorder. This aligns with The National Planning Policy Framework.

Recommendations are made in relation to:

- Main entrance to the development should ideally have a brick pillar style entrance; this is proven to create a "symbolic barrier".
- Defensible space.
- Appropriate access gates and perimeter fencing.
- Provision of a dense defensive hedge as a deterrent feature.
- Recommends that a building design avoids blank windowless elevations to promote a development that increases Natural Surveillance and deters inappropriate loitering. It is essential to maximise overlooking from active windows over access routes and amenity space.
- Management of the facility.

- The routes from the site entrance to the reception and to the car parks and delivery points should be clearly defined and benefit from as much overlooking from the reception and other occupied offices as possible.
- Reception/Serving counters should provide the staff with a clear view of any resident area, the approach to the entrance door and have restricted access from the public side.
- Staff and visitors provide appropriate guardianship levels over the entrances, open space, vehicular/pedestrian/cycle access routes and activity areas.
- Using an effective Closed-Circuit Television System to cover the Site buildings and single point of entrance/exit to capture all vehicles and pedestrians entering the site.
- Natural Surveillance of car parking.
- Cycle storage requirements.
- Waste containers- locking and fire safety.
- Ideally within the site all specified shrubs and planting should have a maximum growth height of 1 metre with any internal trees being pruned up to a 2-metre level providing single stems.
- A carefully designed Lighting plan to cover all vulnerable areas should be in place.
- A suitably designed, fit for purpose, monitored intruder/panic alarm system must be installed.
- With regard to the management of the venue; It is essential that regular staff training, and security briefings take place. This keeps security in the forefront of their minds and avoids complacency.

Environment Agency: No objection

Emergency Planning Officer: No objection:

Reference the above application. Because of its location in an area at risk of flooding and in line with best practice in business continuity I would suggest that those running the site:

Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)

Install services at high levels to avoid the impacts of flooding

A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

This will include actions to take on receipt of the different warning levels.
Evacuation procedures eg isolating services and taking valuables etc
Evacuation routes

Under 20/00526/CU a flood evacuation plan was conditioned and developed and subsequently discharged as fit for purpose. This will be fit for purpose if used as no increase in numbers or design is proposed.

Senior Housing Manager: No objection:

The Housing Needs Service has no objection to the provision of year-round, 24/7 homelessness accommodation. A year-round model would eliminate the need to ask people to leave at the end of June if their housing situation has not been resolved. 24/7 accommodation is a preferable model to one which asks people to leave every morning and return in the evening.

The council has had dialogue with the Night Shelter about ensuring the service meets need in the context of changes to patterns of rough sleeping in the borough. However, these are not directly relevant to the questions around (a) the number of months of the year in which the Night Shelter operates and (b) whether residents are allowed 24-hour access to their rooms.

Community Safety and Neighbourhood Nuisance (CSNN) (summarised for clarity):

Several comments were received from CSNN which were superseded by the final response from the Community Safety Manager. All are available to view on the online file with the final response summarised below).

After considering the relevant overarching legislation and relevant planning legislation and guidance it has been decided that we have a duty to recommend conditions to provide adequate protection from an adverse impact from crime, disorder and nuisance.

Under section 17 of the Crime and Disorder Act the Local Authority has a duty to consider crime and disorder implications in the planning regime.

Section 8 of the National Planning policy Framework paragraph 96 also clearly states that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places'.

It goes on to say that the planning regime should be used to promote development that is 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

The conditions are necessary as without them there is a no formal ability for the operator to prevent and to act on crime and disorder caused by its residents in the locality to ensure there is no adverse impact on the community and to ensure that the area remains inclusive and safe.

The conditions are relevant to planning under section 8 of the Planning Policy Framework.

The condition is specific and relevant to the operations and functions applied for.

The conditions are enforceable as if they are provided within 28 days and the terms and conditions include an unacceptable behaviour policy relating to the area marked in red on plan A the applicant has complied. Once the terms and conditions are approved if the applicant provides service to a user without them signing the terms and conditions they will have breached the planning condition. Each of these involve the simple provision of documentation and therefore it can be seen easily whether they have complied or not.

The condition is precise as it makes the terms of compliance clear and it is related only to the specific operation under the application.

The condition is reasonable in all other aspects as this does not require onerous actions on the applicant, the process it relates to is already being informally implemented by the operator, it requires only that documentation is provided once and then used for each service user thereafter. The condition does not require the operator to carry out the staged escalation actions which would be difficult to enforce. The condition is to be used as a tool to ensure that the service users are made aware of how they are expected to behave on the application site and in the community around the site and the consequences of not doing so.

This is all important to allow other functions of the council such as enforcement under The Antisocial Behaviour Act 2014 to be more effective by allowing it to be made clear that any individual who does create crime and disorder or nuisance was aware of what was expected of them by accessing the service to prevent homelessness and the consequences of creating crime and disorder and nuisance on the provision available to them. Furthermore when taking enforcement action this will support the demonstration of a pattern of behaviour.

Conditions:

Terms and conditions of service including behaviour in the locality

A terms and conditions of service document will be submitted to the Local Authority within 28 days of permission being granted for consideration for approval. Once approved no service will be provided to a user unless they have signed the terms and conditions of service. The terms and conditions of service will include an unacceptable behaviour policy that relates to the area marked by a red border on the attached Plan A and it will include staged management actions for failures of users to comply with the requirements of the terms and conditions of service. Records of each individuals' terms and conditions of service document must be kept. A service user is defined as a person who is provided with overnight accommodation.

Crime and disorder management plan

A Crime and Disorder Management Scheme (CDMS) will be submitted to the Local Authority within 28 days of permission being granted for consideration for approval. Once approved the scheme will be adhered to at all times. A service user is defined as a person who is provided with overnight accommodation.

Please note that other conditions relating to security and additional assistance requests have been withdrawn due to other information being provided that have satisfied the community safety manager they are not needed.

If the planning team are minded not to attach them to any permission then the community safety manager OBJECTS to the application.

Greenspace Officer: No objection:

I spoke to the operations manager for The Walks, we can't see any major issues arising from this. We believe 24 hour accommodation is beneficial, as when it is only open overnight The Walks is used as a waiting area and benches can be taken up while guests are waiting for the shelter to reopen in the evenings.

REPRESENTATIONS

King's Lynn Train Station (responses summarised for clarity):

We support the shelter and understand that its central location in the town is important in being accessible to vulnerable members of the community. The introduction of the night shelter as a safe space for those who had nowhere to go is welcomed and we believe that it is a very worthy cause.

Shelter's clients have used the station forecourt and environs as a gathering place. When they are drinking, problems have occurred with anti-social behaviour. We understand that the shelter operates a zero-tolerance policy onsite with regard to alcohol and substance abuse, but this does not extend to adjoining properties such as the station. This does also have the effect of meaning that some of those who do drink, do so on the station grounds or on the concrete benches out the front of the station. There are recorded incidents of customers and staff at the station being targeted by anti-social behaviour. This is a small minority and appears to be the same small group, but they do appear to have a negative effect on the atmosphere and image of King's Lynn for those who use the station. Passengers and staff often feel intimidated when this group are around, and staff having to deal with it opens them up to unnecessary confrontation.

Occasionally, Shelter clients have resorted to begging near or on the station and this, along with rowdy gatherings, is intimidating to customers and station staff. Our concern with summer operation of the Shelter is that the good weather will encourage more gatherings at the station for longer hours into the evening.

We have also experienced Shelter clients coming into the station, either to use the toilets or to try to buy alcohol and other goods from the station café. These facilities are strictly for the use of Railway customers, but it is impossible for our staff to police them, given the limited workforce we have and the lack of any enforcement officers at King's Lynn. We have had to close the toilets to the detriment of ticketed customers and at significant cost in penalties levied by the Department for Transport.

Our station layout is potentially dangerous for vulnerable persons. One of the platforms is accessible to non-customers and there is a risk of someone falling onto the tracks from this platform. Again, we have insufficient staffing levels to police this platform and, while we can mitigate the risk of trespass by locking the south side gate and toilets, we cannot eliminate it.

I would like to point out that when we have raised issues with the management of the night shelter, that they have been brilliant in dealing with our concerns and we often see an improvement in the situation. We are concerned with there being enough staff to safely manage the site all through the summer, when people are less likely to want to be inside and would, understandably, much prefer to be outside in the nice weather.

A condition we would like to suggest, for example, is the relocation of the concrete benches away from the station forecourt to somewhere else; for example, the park.

Another condition would be that all clients of the Shelter should be explicitly briefed that the station and its facilities are strictly out of bounds for anyone other than ticket-holding customers.

A third condition would be regular and visible Police presence - in the form of a beat officer - to act as a deterrence to anti-social behaviour.

Third Party Representations:

FOUR public **OBJECTION** comments:

- Previous objections to previous applications were ignored, why was this second application not passed through the planning committee for further discussion with the police?

- The Winter Night Shelter did not operate last winter as agreed in the original application as its gates/ doors were open for their guests throughout the day. Up until its closure at the end of June the Shelter was running as a full time hostel for nine months of the year in contravention of the original application.
- The NS has attracted a significant number of its client group to the town & appears to have a very wide catchment area far beyond the King's Lynn area.
- When the Night Shelter was open last winter there was a very significant rise in litter, vomit, anti-social behaviour and criminal activity in the neighbourhood which increased to such an extent a major incident took place.
- Making this a 24 hour night shelter will bring anti-social behaviour drinking & drug consumption.
- Since the night shelter opened the police have been called to this address & the train station due to anti-social behaviour due to drug & alcohol consumption.
- A neighbourhood group has been formed. We received a letter from the Night Shelter to say they wanted to be a good neighbour in the area but as yet this has not been supported with any actions. The shelter is not regulated like other organisations. The Complaints Policy does not seem 'fit for purpose' and needs revising.
- This objection is not about the Night Shelter as an organisation for the homeless but is directly focused at the way it is managed in such a manner to have no respect or concern for the neighbourhood in which it is located.
- If the application is approved it will be further evidence of the lack of consideration for the public who live in this area and the visitors, tourists who arrive at the station.
- It also makes the town look untidy as the residents like to hang around the train station during the day, surely visitors to the town don't want to see people shouting arguing & drinking.
- The council recorded supporters on the previous application from comments which were logged by the people who actually work at the Night Shelter.
- Impact on pedestrian and cycle path at the front of the site.
- Closing and locking the gate when Visitors leave would help reduce this unpredictable flow and prevent drug use /dealing going on in the Shelter gardens, and reduce the noise , fighting and other anti-social behaviour.
- The Night Shelter 365 day proposed operation will detrimentally affect a conservation area /listed buildings undermining the strategic importance of the area in regards to the Rail to river Development Plan as well resident amenity. One resident is already moving away.
- The Night Shelter attracts non resident street drinkers for free food.
- Some littering is dangerous for example used needles in The Walks ground/grass.
- The site is in a designated conservation area with a number of listed buildings including the Victorian Railway Station, St Johns Church, and St Johns Terrace.
- Serious Safeguarding issues for young children walking past.
- The Police have reported receiving 33 Emergency calls about the Night Shelter from March-June 2023 and that since the Shelter has closed for the Summer there have been 2 incidents reported that we know of.
- A group of Visitors reported to a Customs House Volunteer that they 'thought the Town was beautiful ,fascinating and architecturally significant but that it was a shame about the people loitering/fighting near the Train Station'. Quote from this visitor -" Someone in authority needs to do something about this."
- If the gradual deterioration of the quality of the domestic environment in a prime historic location continues then more will fall into the hands of landlords who have no interest in their preservation and will let them to vulnerable tenants.
- This extension of hours undermines the Local Development Plan.

TWO public **SUPPORT** comments:

- Understands the excellent work that the nightshelter does. I think there is definitely a misunderstanding that any anti social behaviour around the walks is because of the shelter.
- It is often very quiet at the night shelter which is next to a train station, noise from people coming off the trains is generated.
- The night shelter saves lives. We know already that we have rough sleepers in the town. The weather has turned and I truly believe that this facility is necessary to ensure that the homeless of Kings Lynn have a safe place this winter.
- Living opposite the site for four years I hope the change of use is agreed.

Consultation to amended description:

ONE public **OBJECTION** comment:

- Use attracts and supports criminals and criminal behaviour.
- Responsibility needs to be had for the activities brought to the neighbourhood and as has previously occurred we are very concerned the anti-social behaviour will escalate in the summer months.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

Policy E1.1 – King's Lynn Town Centre

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- Principle of development
- Form and character
- Impact on neighbour amenity and crime and disorder
- Highway safety
- Flood risk
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Policies CS01, CS02, and CS03 of the Core Strategy (2011) promote the growth of King's Lynn to meet its obligations as a Growth Point and Key Centre for Development and Change and development as a Sub- Regional Centre. Policy CS03 supports urban renewal within the town centre, provided development demonstrates a high quality of design which respects and enhances the wider historic surroundings and has no detrimental impact on flood protection strategies, highways, local services and facilities, significant trees wildlife or historic assets, enjoyment of the public realm, or crime prevention. Policy E.1.1 (Town Centre) of the Site Allocations and Development Management Policies Plan (2016) states that other uses which contribute to the character and vibrancy of the town centre will be encouraged, including community facilities.

Policy CS13 states that development should enhance community wellbeing, reduce the opportunity for crime, work towards improving people's quality of life, reducing inequality and improving community cohesion working to help address the wider social problems in the borough. This is supported with National Government aims to reduce, prevent and end rough sleeping.

In 2020, consent was granted for the conversion of the former vicarage to a Winter Night Shelter (20/00526/CU). It is noted within supporting documentation that the Night Shelter moved to a 24 hour model as a result of the Covid pandemic, the Night Shelter has also extended the months of operation to 9 months of the year rather than just the "winter", and subject to funding, plan to be open year-round.

Based on the previous consent for a Winter Night Shelter and policy support, it is considered that the change of use to year-round, 24/7 accommodation for the homeless with ancillary support services would be acceptable. The proposed development would also continue to make use of a historic building in the town centre, where a varied mix of uses are expected. Subject to compliance with both local and national policy, the principle of development is therefore considered to be acceptable.

Form and Character:

The site is within the urban centre of King's Lynn, within the Conservation Area and adjacent St John's Church which is Grade II listed. The main building is considered an Important Unlisted Building in the Conservation Area Character Statement. No external works are proposed to the building itself and fencing shown on the submitted site plan is in accordance with previously permitted plans. This includes a 1.8m hooped fence across the centre of the site with parking to the west towards the entrance. This also includes a 1.8m high, 1.2m wide gate. In addition, the submitted plan shows a 1.8m wooden board gate to the north of the main building and northern boundary. To the east of the main building a small area of 1.8m close board fence and gate is also shown.

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It is not considered that any of this would warrant refusal or amendment and the Conservation Officer raises no objection. As such, the development is considered acceptable on this ground and would be in accordance with Policy CS08 and CS12 of the Core Strategy 2011 as well as DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023

Impact on Neighbour Amenity and Crime and Disorder:

Within the previous approval (20/00526/CU) for the conversion of the building to a Winter Night Shelter approved details included: "CCTV cameras are affixed to the northern, western (front) and south walls of the building. The external doors are covered by an electronic security system which can only be operated by a fob which is in the possession of the Shelter staff". Fencing shown on the submitted site plan is in accordance with previously permitted plans and is also conditioned within approved plans within this application. This includes a 1.8m hooped fence across the centre of the site with parking to the west towards the entrance. This also includes a 1.8m high, 1.2m wide gate (lockable). In addition, the submitted plan shows a 1.8m wooden board gate to the north of the main building and northern boundary. To the east of the main building a small area of 1.8m close board fence and gate is also shown.

The Community Safety and Neighbourhood Nuisance Team have requested two conditions in their final response to this application. These are in relation to: a **Crime and disorder management plan** as well as a **Terms and conditions of service including behaviour in the locality**.

In relation to a **crime and disorder management plan**, during the course of this application discussions have been had between the CSNN team, Housing Standards and Planning. It has been noted that antisocial behaviour is an included element within a HMO licence. Therefore, it is not considered necessary to include a crime and disorder management plan condition on this planning consent.

In relation to a **terms and conditions of service including behaviour in the locality** condition, it is noted that a HMO licence cannot include such elements after discussion with the Housing Standards Team. However, it is not considered that this condition would meet the tests for a condition. The suggested area that the condition (shown on CSNN's Plan A) would apply extend beyond the red line of the application site and this would not be reasonable, precise or enforceable. The nature of the condition is outside of the scope of the planning system which is in place to manage the use of land and not behaviour. Such a condition is not considered enforceable from a planning perspective as the trigger points and monitoring of the compliance with the document would not be practical or reasonable for enforcement through planning. Such a document may be appropriate for the applicant and management to adopt but it cannot be enforced or conditioned within the planning system.

Other conditions relating to security and additional assistance requests have been withdrawn due to other information being provided that has satisfied the Community Safety Manager they are not needed.

It is important to note that CSNN have not over the course of the application objected in principle, they do however object if the recommended conditions are not attached to this consent. However, the Local Planning Authority considers that in principle, this use is compatible with the mixed-use town centre location. The comments from the Community Safety Manager/CSNN Team are addressed above in relation to the planning system and the compatibility of the requested conditions with the relevant tests.

In addition, within CSNN's response it is noted that the Local Authority has a duty to consider crime and disorder under section 17 of the Crime and Disorder Act. Further, Section 8 of the National Planning Policy Framework under Paragraph 96 is mentioned which states that 'Planning policies and decisions should aim to achieve healthy, inclusive and safe places'. It goes on to say that the planning regime should be used to promote development that is 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

The Conditions recommended by CSNN are stated to be submitted considering the above as well as the tests for planning conditions. However, it must first be noted that planning should not duplicate controls within other control frameworks and regimes. As noted above, within the HMO Licensing process, antisocial behaviour can be considered in relation to preventing or dealing effectively with any anti-social behaviour. The exact details of this can be specified within the licence/licencing process.

The second recommended condition from CSNN is addressed in the above report. However, while this condition is not considered appropriate given planning condition tests it is also important to note control is available outside of planning regulations in relation to nuisance legislation. It is important that the planning system does not onerously duplicate control in this regard. The focus of the planning system is on land use planning.

It is therefore considered that the Local Planning Authority has duly considered crime and disorder impacts, in accordance with legislation and planning policy.

On this basis, it is therefore considered that the proposal is acceptable and in accordance with Policies CS08 of the Core Strategy 2011, DM15 Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

Highway Safety:

NCC Highways raise no objection based on the proposed application, it is therefore considered that the application is acceptable in regard to Policy CS11 of the Core Strategy 2011 as well as DM15 of the SADMPP 2016 and the NPPF.

Flood Risk:

With the previous 2020 assessment for the original change of use to Winter Night Shelter it was considered that the site falls within an area of flood risk (flood zone 3) and the proposal includes sleeping accommodation at ground-floor, where the level of maximum flood depth is 1.5 to 2 metres above ground level. This was the same level of flood risk as the then night shelter on North Street.

The King's Lynn flood guidance states that for new residential development where there is a maximum flood depth of 1.5 to 2 metres, safe refuge must be provided and there should not be any ground-floor sleeping accommodation. Unlike a new residential dwelling, however, the proposed facility is staffed overnight, which will allow for occupants to be moved upstairs in case there is a flood event. The LPA also considers that occupants of the shelter would be safer in the staffed facility during a flood event than if they were sleeping on the streets in a situation where they may not receive warning of a flood event.

It is not considered that by permitting the use of the site for 24/7 homeless accommodation, this previous assessment would materially change, and the exception test is passed based

on the community benefit of the use. A Flood Risk Assessment (FRA) has been submitted, neither the Environment Agency nor Emergency Planning Officer objects.

Conditions relating to the flood risk assessment and flood evacuation plan would be attached to any permission for the avoidance of doubt. Flood Risk advice from the Emergency Planning Officer is included as a recommended informative where not already covered by conditions.

Overall, it is considered that the development would be in accordance with Policy CS08 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

Other matters requiring consideration prior to the determination of this application:

Response to CSNN Comments

It is considered that suggested conditions and the overall response from CSNN are addressed in the aforementioned sections.

Response to Designing out Crime Officer

Within the CSNN response, it is noted that they no longer consider a condition relating to security/ additional security measures necessary. It is also outlined in the aforementioned sections that specific measures are also in place on site. Based on this, it is not considered it would be reasonable to request further details in this regard. As such, as the designing out crime officer is not objecting and CSNN consider current security to be adequate, no further information is requested.

Response to King's Lynn Train Station comments

Conditions regarding the benches to the front of the train station, an alcohol ban and police presence are outside of the scope of this planning application and would not meet the tests for conditions.

Response to Third Party Comments

It is considered that many issues raised by third party objections are addressed within the above report and assessment of the requested conditions from the CSNN Team.

Previous objections would have been considered in the determination of those applications and decisions would have been reached in accordance with the scheme of delegation. This application seeks to regularise the operation of the night shelter updating the hours of use and period of opening during the year etc. The Secured by design (Norfolk Constabulary) officer does not object (and their response is addressed within this report), as is the CSNN response.

Public comments can be submitted, and points raised will be considered where they raise material planning considerations.

Norfolk County Council Highways raise no objection, and it is not considered that a refusal could be substantiated based on the impact on pedestrian and cycle path at the front of the site. It is also of note that the Conservation Team do not object to the scheme and a refusal is not considered to be reasonable or justified based on the impact on the Conservation Area

and nearby listed buildings including the “strategic importance of the area in regard to the Rail to river Development Plan”. Amenity is considered in the above report.

It is considered, as outlined above, that the proposal would be in accordance with local and national planning policy and would be acceptable.

CONCLUSION:

Overall, the proposed use is considered acceptable in this location. Issues relating to antisocial behaviour, the impact of the use on the locality, also taking into account crime and disorder, would be acceptable taking into account controls outside of the planning process (such as HMO licencing) and nuisance legislation again outside of the scope of the planning system and control of conditions. The site is within the urban town Centre where a mix of uses are appropriate.

Alongside this, it is not considered that there would be any issue in relation to form and character, highway safety or parking and flood risk. As such, the application is considered to be in accordance with policies CS08, CS12 and CS13 of the Core Strategy 2011, DM15 Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023.

RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: SITE PLAN, Received: 20/09/23.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The development shall be implemented in accordance with the measures contained within the submitted FLOOD RISK ASSESSMENT (March 2020) , authored by ARK Ltd.
- 2 Reason: To reduce the risk of flooding on the occupiers of the dwelling in accordance with the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023
- 3 Condition: The development hereby approved shall be operated in accordance with the submitted K LWNS Flood Evacuation Plan, received: 21/11/23.
- 3 Reason: To reduce the risk of flooding on the occupiers of the dwelling in accordance with the Site Allocations and Development Management Policies Plan 2016 and the NPPF 2023