

AGENDA ITEM NO: 9/3(a)

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| Parish: | King's Lynn | |
| Proposal: | Demolition and redevelopment of Providence Street Community Centre and Hillington Square flatted blocks known as Aitken House, Norris House and Chestnut House excluding electrical substation. Development of 65 new dwellings and 1,106 square metres of commercial and community floorspace (Class E and F2) and associated soft landscaping, vehicle and cycle parking, refuse store and associated infrastructure. | |
| Location: | Chestnut House Hillington Square King's Lynn Norfolk PE30 5HS | |
| Applicant: | Freebridge Community Housing | |
| Case No: | 23/01023/FM (Full Application - Major Development) | |
| Case Officer: | Mrs N Osler | Date for Determination: 15 August 2023 Extension of Time Expiry Date: 8 March 2024 |

Reason for Referral to Planning Committee – Called in by Councillor Bone.

Neighbourhood Plan: No

Case Summary

Full planning permission is sought for a mixed use development comprising residential (65 units) and 1106m² of Class E (commercial, business and service) and Class F2 (local community) within six blocks (A-F) ranging in height between three and four storeys following the demolition of four main blocks of flats and Providence Street Community Centre. The site measures c.1.3ha at Hillington Square, King's Lynn.

The site lies within the development boundary for King's Lynn, the Borough's main town and administrative centre. The site is not within a Conservation Area but has St Margaret's Conservation Area to the immediate north, The Walks Conservation Area to the northeast and The Friars Conservation Area to the immediate east and south. There are several listed buildings in the immediate locality most notably the Grade II* All Saints Church which the site surrounds on three of its four compass points.

The development would result in the net loss of two dwellings (existing 67; proposed 65) and 179m² of community facilities (existing 1285m²; proposed 1106m² comprising Class E and Class F2) contained with Providence Street Community Centre and Chestnut House.

All the units would be affordable.

Most of the site lies within Flood Zone 1 with the fringes of the site being within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Maps. However, the site is at risk in a breach event and is in a critical drainage catchment area, although the southeastern corner (where Block F is proposed) would flood to a lesser extent.

The development is stated to represent the final phase (phase 6) of the redevelopment of Hillington Square, a housing estate that was built in the 1960s and comprises of predominantly five-storey blocks of flats.

Key Issues

Principle of Development

History

Form and Character and Impact on the Historic Environment

Community Facilities / Employment Uses / Protection of Town Centre Highway Issues

Residential Amenity

Flood Risk and Drainage

Trees and Landscaping

Ecology

Crime and Disorder

Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

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The development would result in the net loss of two dwellings (existing 67; proposed 65.)
The existing mix is:

31 x 1-bed units
20 x 2-bed units
16 x 3-bed units.

The proposed mix is:

22 x 1-bed/2-person (1bsp) units.
43 x 2-bed units (19 x 2b3p and 24 x 2b4p)

All the units would be affordable units.

The proposed ground floor of Blocks A, B, C and D are made up of Class E and F2 uses as well as ancillary residential uses (e.g., bin storage, cycle storage and communal areas.)

Blocks A and B are the tallest blocks on site at 4 storeys high (12.7m).

Blocks C, D, E and F are three storeys high (9.9m.)

Overview:

Block A: Four-storey building containing 21 dwellings: 3 x 1b2p, 9 x 2b3p and 9 x 2b4p over floors 1 to 3 with 380m² of commercial / community space, 10 x 1100 litre bins and 46 cycle bays at ground floor level.

Block B: Four-storey building containing 9 dwellings: 3 x 1b2p, 3 x 2b3p and 3 x 2b4p over floors 1 to 3 with 159m² of commercial / community space, 4 x 1100 litre bins and 18 cycle bays at ground floor level.

Block C: Three-storey building containing 4 x 2b4p dwellings over floors 1 and 2 with 125m² of commercial / community space, 4 x 1100 litre bins and 10 cycle bays at ground floor level.

Blocks D and E create an L-shape three-storey high building containing 20 dwellings: 13 x 1b2p and 7 x 2b3p dwellings over floors 1 and 2 with 390m² commercial space, 8 x 1100 litre bins and 42 cycle bays, 3 garages and 52m² of 'free space' at ground floor level.

Block F: Three-storey building containing 11 dwellings: 3 x 1b2p and 8 x 2b4p over all three floors with no community / commercial space, 6 x 1100 litre bins and 22 cycle bays at ground floor level.

The 1106m² of proposed commercial / community space which includes 52m² 'free space' would be provided on the ground floor of five of the six blocks (Blocks A-E.) This results in a net loss of 179m².

In terms of scale and mass the following table compares the existing with the proposed as well as the previously refused and extant schemes.

| | Top of lift shaft | Top / Top of parapet | Length | Width |
|--------------------------------|-------------------|----------------------|-------------|-------------|
| Block A | N/A | 12.7 | 61.4 | 11 |
| Chestnut House (existing) | 15.1 | 13.1 | 60.5 | 10 |
| Refused Scheme (Block 3) | 16.5 | 15.1 | 47 | 15.5 |
| Extant Scheme (Chestnut House) | N/A | 13.2 | 61 | 11.8 |
| Block B | N/A | 12.7 | 26.8 | 11.4 |
| Aitkin House (existing) | 12.4 | 10.2 | 29.5 | 6.4 |
| Refused Scheme (Block 4) | 13.6 | 12.1 | 32.5 | 15.5 |

| | | | | |
|--------------------------------|-------------------|----------------------|-------------|-------------|
| Extant Scheme (Aitken House) | 12 | 10.8 | 35 | 6.4 |
| | Top of lift shaft | Top / Top of parapet | Length | Width |
| Block C | N/A | 9.9 | 19.8 | 11.2 |
| Norris House A (existing) | 12.4 | 10.2 | 33 | 7 |
| Refused Scheme (N/A) | N/A | N/A | N/A | N/A |
| Extant Scheme (Norris House A) | 11.8 | 10.6 | 35 | 7 |
| Block D | N/A | 9.9 | 41.7 | 11.4 |
| Norris House B (existing) | 12.4 | 10.2 | 29 | 7 |
| Refused Scheme (Block 5) | 13.6 | 12.1 | 45 | 15.5 |
| Extant Scheme (Norris House B) | 11.8 | 10.6 | 29 | 7 |
| Block E | N/A | 9.9 | 35.2 | 10.3 |
| Providence Street (existing) | N/A | 8m to ridge | 45 | 36 |
| Refused Scheme N/A | N/A | N/A | N/A | N/A |
| Extant Scheme N/A | N/A | N/A | N/A | N/A |
| Block F | N/A | 9.9 | 39.6 | 10.5 |
| Providence Street (existing) | N/A | 8m to ridge | 45 | 36 |
| Refused Scheme N/A | N/A | N/A | N/A | N/A |
| Extant Scheme N/A | N/A | N/A | N/A | N/A |

The site has three main pedestrian and cycle access points, Millfleet to the north, All Saints' Street to the south and Providence Street to the east.

Vehicular access will be via the existing access from Millfleet to the North and Providence Street to the east.

Parking (75 spaces) is proposed to the north of Block A (13no. spaces accessed from Millfleet), to the east of Blocks, C, D, E and F (26 accessed from Providence Street) and 36 in Valingers Place to the south of Block F which is accessed via Valingers Road.

There are currently 70 parking spaces available (35 in Valingers Place, 26 at Providence Street, 9 in front of Aitkin House and 2 adjacent to Chestnut House.) The proposed development would therefore result in a net gain of 3no. parking spaces serving a development of -2no. dwellings and -179m² community facilities.

Materials are proposed to be red brick and terracotta cladding.

Most of the site lies within Flood Zone 1 with the fringes of the site being within Flood Zones 2 and 3 as depicted on the Local Authority's Strategic Flood Risk Maps. However, the site is at risk in a breach event and is in a critical drainage catchment area, although the southeastern corner (where Block F is proposed) would flood to a lesser extent.

The development is stated to represent the final phase (phase 6) of the redevelopment of Hillington Square, a housing estate that was built in the 1960s and comprises of predominantly five-storey blocks of flats.

SUPPORTING CASE

Thank you for the opportunity to address members of the Planning Committee.

These proposals will provide significant benefits to the local area, including:-

- Provision of high quality new affordable housing which will contribute towards increasing the supply of affordable housing in the Borough.
- The proposals would result in a more legible street layout with planned circulation spaces and legible street layout.
- The proposals would offer improved surveillance for open spaces which would help reduce the potential for crime and anti-social behaviour.
- The development would enable sightlines between All Saints Church and the public realm. The development would provide a more considered backdrop to the church and enhance appreciation of the heritage asset.
- Through the use of low and zero carbon technology, the development would meet a high level of sustainability, greater than what is required under policy CS08.

The development has been carefully designed as a modern continuation of phases 1-5 of the Hillington Square development. It has been amended considerably both from the previous 2020 proposals and those initially submitted so that they respect the historic setting of the Grade II* All Saints Church, Jewish Cemetery and other heritage assets in the wider vicinity. The proposals also incorporate Providence Street Community Centre to allow for the more comprehensive regeneration of this part of Kings Lynn.

The proposals are of an appropriate scale and massing that would fit appropriately within the wider area. The proposals demonstrate an exemplary standard of design using high quality materials, and as a result the proposals will enhance the character of the local area and wider townscape, complying with policy DM15.

The proposals would provide a comparable amount of parking in comparison to that existing and would not result in harmfully increased level of on street parking because of the development.

Freebridge Community Housing have an excellent opportunity to secure Brownfield Funding from Norfolk County Council as supported by your colleagues in Strategic Housing. Schemes across Norfolk are being considered on their own merit, but deliverability is key so obtaining planning before they consider schemes during April and May would put this scheme ahead of many others. The other criteria for the funding is to achieve a start on site (being commencement of foundations of new homes) by March 2026. We are also looking at using Homes England funding to deliver this scheme, they require completions by March 2027.

We would respectfully ask the Planning Committee to grant planning permission for this development.

PLANNING HISTORY

23/00578/EIASC: Is NOT EIA Development: 24/04/23 - REQUEST FOR SCREENING OPINION: Mixed use redevelopment.

20/01166/FM: Application Refused: 19/07/21 - Demolition of existing residential blocks to provide mixture of new flats with communal space and townhouses, including parking and hard and soft landscaping.

19/00151/F: Application Permitted: 24/12/19 - Variation of conditions 1, 4, 5 and 11 of planning permission 16/01832/F: Variation of condition 1 of planning consent 15/00252/F to allow the drawings to be amended to alter frame configurations to ground floor units, addition of obscure glazing to lower panels and change of pattern of some entrance door styles.

16/01832/F: Application Permitted: 19/12/16 - Variation of condition 1 of planning consent 15/00252/F to allow the drawings to be amended to alter frame configurations to ground floor units, addition of obscure glazing to lower panels and change of pattern of some entrance door styles.

15/00252/NMA_1: Application Permitted: 19/09/16 - Non-material amendment to planning permission 15/00252/F: Variation of condition 6 of planning permission 14/01254/F to alter frame configurations to ground floor units, addition of obscure glass to lower panels of windows and change of pattern of some entrance door styles.

15/00252/F: Application Permitted: 14/04/15 - Variation of condition 6 of planning permission 14/01254/F to alter frame configurations to ground floor units, addition of obscure glass to lower panels of windows and change of pattern of some entrance door styles.

14/01254/F: Application Permitted: 22/10/14 - Variation of condition 2 and 7 of planning permission 13/01873/F.

13/01873/F: Application Permitted: 03/03/14 - Variation on conditions 2, 6 and 7 for planning application 12/00546/FM.

12/00546/FM: Application Permitted: 03/07/12 - Demolition of existing stair cores, lifts, bin stores, sheds, some walkways and a number of dwellings. Erection of new stair and lift cores, new entrances to bedsits, extension of bedsits, extension to some upper floor units. Refurbishment of garage spaces into storage, bin stores and bicycle stores. Upgrading balconies, walkways and internal spaces. No. 60 to be re-converted to residential. New hard and soft landscaping to communal areas.

RESPONSE TO CONSULTATION

Parish Council: N/A

King's Lynn Area Planning Advisory Committee: NO OBJECTION Following the submission of amended plans changing the materials the sub-group raised no objection to the application.

Local Highways Authority (NCC): NO OBJECTION

As previously stated, this development retains use of the substandard Valingers Place and Providence Street instead of using this opportunity to consider removing all vehicular access to one or both of these roads in the interests of highway safety. However, I accept the proposed redevelopment of this site will not generate significantly more traffic than the previous use. Therefore, whilst I would not support the proposed layout, in relation to highway matters I do believe there would be grounds for objecting to it either.

The following comments are made in relation to the current proposal:

1. Bike rack details noted, no objection.
2. I remain of the view that alternative options could have been looked at that could have reduced the use of Valingers Place / Providence Street. However, as stated above, if the Planning Authority deem the layout to be acceptable, I would not be able to object to the principle as proposed.
3. I have previously asked for details of how the existing Valingers Place car park is used and by who, which has never been provided. Informing me the car park is staying broadly the same size (increased by 1 space), does not prove it is fit for purpose for the new development. Also, I assume the applicant will be surfacing and marking out this car park? The applicant has suggested 26 parking spaces are currently accessed from Providence Street and that blocks C-F will have 34 spaces available to them. However, there only appears to be 26 parking spaces accessed from Providence Street in the new layout, 4 of which will be within the public highway and cannot be allocated to anybody. Where are the additional 8 parking spaces?
4. No further comment in relation to refuse vehicles.
5. Whilst contrary to standard advice, if the fire service and building control are satisfied sufficient space is available adjacent to a fire tender within the surrounding areas of open space then that is their prerogative (although I don't agree). However, the entire tracked route that the fire tender takes including the turning area should be constructed to an appropriate standard and therefore included within the area of adopted highway. Notwithstanding this the Local Highway Authority do not object to this.
6. The revised visibility plan shows an acceptable level of visibility is achievable from the proposed access, based on the low vehicle speed.
7. I don't agree the highway stopping up plan has been amended as requested, which should occur before a decision notice is issued, as I will require a condition be imposed on any permission that refers to an agreed plan.
8. No further action required in relation to cars existing the Providence Street car park
9. See point 3 regards parking. It is still unclear what is required / provided and where for each block. As an additional comment on parking, I assume all parking spaces will have EV charging facilities.
10. I note a 3m wide cycle path has been provided through the development therefore I have no further comments.
11. I have reviewed the revised drawing which shows no differentiation between private and adopted areas and still retains use of block paving on cycle paths. The area of highway must be different to private areas and the use of block paving on cycle paths should be avoided. I note it is now proposed to stop the adoption short of the buildings as suggested.

Request conditions relating to: construction worker parking, grant of stopping up order, road, footway and cycleway details and implementation, on-site access and parking, are appended to any decision issued.

Public Rights of Way (NCC): NO OBJECTION We have no objections on Public Rights of Way grounds as there are none in the vicinity.

Lead Local Flood Authority (NCC): NO OBJECTION The applicant is applying for full planning in relation to the demolition and redevelopment of an existing community centre and residential buildings. The proposal is to use lined permeable paving for the car parking areas and attenuation crates for the roof runoff. The site would be partially pumped within areas of the proposed network prior to discharging via gravity at the point of discharge to sewer. The sewer outfalls to watercourse.

All previous concerns with the proposed drainage strategy have been addressed and therefore the LLFA has no objection to the proposed development subject to a condition ensuring the development is carried out in accordance with the agreed details and an informative relating to recommended sensitivity checks.

NB Previous correspondence is available on the planning portal.

Anglian Water: NO OBJECTION There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water requests an informative be appended to any permission granted relating to this.

Wastewater Treatment: The foul drainage from this development is in the catchment of King's Lynn Water Recycling Centre that will have available capacity for these flows.

Used Water Network: The sewerage system at present has available capacity for these flows to connect by gravity into manhole 0602. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. Anglian Water requests informative be appended to any permission granted relating to this.

Surface Water Disposal: The applicant has been in discussions with Anglian Water regarding surface water connections and that the proposed connection point and discharge rate has been agreed in principle.

Environment Agency: NO OBJECTION We have no objection to the proposed development, but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (Rossi Long Consulting, dated May 2023, RLC Ref. 221098) are adhered to. In particular, the FRA recommends that:

- Finished floor levels will be set no lower than +5.1mAOD (Block F); +4.7mAOD (Blocks D & E); +4.75mAOD (Block C); +4.95mAOD (Block B); and +4.95mAOD (Block A)
- Flood resilience measures will be provided in accordance with recommendations included in the Communities and Local Government guidance
- There will be no ground floor sleeping in Blocks A-F inclusive
- There will be no habitable accommodation for Blocks A-E inclusive
- For block F, safe refuge will be provided on the first floor which will be 2.6m above the ground floor level.

Exception Test: 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. 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.

- Byelaw 3 (Surface and Treated Foul Water) – consent not required
- Section 23 (Land Drainage Act, 1991) – consent not required
- Byelaw 10 (Works within 9 meters of a Board Maintained Watercourse) - consent not required

Emergency Planning Officer (BCKLWN): NO OBJECTION however, because of its location in an area at risk of flooding and in line with best practice in business continuity, I would suggest that if permission is granted then a condition requiring the applicants sign up to the Environment Agency's flood warning system and that a flood evaluation plan is submitted and approved.

Historic England: NO OBJECTION Historic England has no objection to the application on heritage grounds.

Historic England have considered the proposals alongside legislation, policy and guidance. In our view the proposals would result in a slight improvement to the setting of All Saints Church through the changes to layout and opening up.

Conservation Officer (BCKLWN): NO OBJECTION

Comments on amended materials: It is clear that the bricks and the cladding have been altered to a red/terracotta which better reflects the material palette of Kings Lynn and better reflects the regeneration of other blocks within the same development without mimicking it.

Subject to conditions relating to external materials, we have no objections to the proposed amendments.

Original comments: Hillington Square is a housing development built between 1926 and the 1970's. It consists of flats, built in block format surrounding the grade II* listed All Saints Church. The presence of built form in this location is accepted, as prior to Hillington Square being built the area was dominated by rows of terraced housing which were cleared to make way for the new housing blocks. These blocks have now fallen into disrepair and currently represent an eyesore within both the conservation area and the setting of the highly graded listed building. Some of the blocks have been refurbished and these blocks are now tidy and represent a positive change within this historic area.

The proposal to demolish some blocks would represent a positive change within the conservation area and the setting of the grade II* listed church. The replacement buildings have a difficult line to tread as they have to respect the setting of the church and conservation area while still forming a cohesive whole with those blocks within Hillington Square that have already been refurbished. The proposed blocks would be no higher than those other blocks and, in design terms would be a modern take on the existing buildings. The increase in height of the single storey part of Chestnut House is required to keep the overall height of the scheme down. Although this is disappointing in that it blocks a view of the church from Millfleet, the benefits outweigh the harm in this instance.

The materials used in the scheme are to be grey bricks and cladding. While the grey bricks have been chosen to respect the flint and stone of the church building, in practise the church is a mixture of materials including red brick. Red brick has also been used in the existing

buildings on Hillington Square. Red brick is also the dominant material used in the town for its housing stock. We do not consider that the grey brick would be appropriate in this location. Red brick would be more in keeping with the town and would result in a cohesive whole with the rest of Hillington Square.

We do not object to the scheme overall but have some concerns with it as it stands. This is due to the materials chosen which would not respect the character of the conservation area. We would be happy to work with the agents to resolve this should you think this appropriate.

Historic Environment Service (NCC): NO OBJECTION The proposed development site is located within the historic core of the settlement of South Lynn, adjacent to the medieval All Saints parish church. Pockets of significant archaeological remains may still exist within the proposed development area despite extensive truncation during the construction of the present housing. Significantly, human burials may be present adjacent to the churchyard, as churchyards often altered in size and shape. It should further be noted that the proposed development shares a boundary with the nationally important Millfleet Jewish cemetery. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) may be present at the site and that their significance may be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework to be secured by condition.

Conservation Area Advisory Committee (BCKLWM): NO OBJECTION Following amended materials the committee agreed, subject to a landscaping condition, the application had improved.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION

Contaminated Land: Recommend the full suite of contamination conditions from site characteristics to reporting of unexpected contamination and informatives relating to asbestos containing material.

Air Quality: Recommend conditions relating to dust that should be included within a Construction Environmental Management Plan and EV charging scheme.

Housing Team (BCKLWN): NO OBJECTION I have reviewed this application today. The application proposes the demolition and replacement of existing dwellings to create 65 dwellings. The demolition and replacement of existing dwellings for substantially the same type of dwelling does not require an affordable housing contribution. Therefore, there will be no affordable housing contribution required on this site.

In relation to the proposed housing mix, we don't have any concerns regarding the housing mix here. We have a significant need for 1 & 2 bed units and Hillington Square is a highly sustainable location. Existing 3 bed maisonettes in King's Lynn are historically hard to let therefore this is something we are trying to steer away from.

Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION subject to conditions relating to:

- Air Source Heat Pumps
- Hours of operation and delivery for the commercial / community elements
- Site hours and a Demolition & Construction Environmental Management Plan Sound insulation of the blocks (to prevent noise transfer issues between flats and between

the community/ground floor uses and flats; BC Regs don't have a high enough level of protection)

- External plant/extraction for the ground floor uses
- External lighting.

Waste and Recycling Team: NO OBJECTION I have carefully reviewed the proposal and although I share some of the concerns of NCC Highways I am content that adequate arrangements have been made for the collection of waste and recycling.

I therefore have no adverse comments which would lead to an objection.

Greenspace Officer (BCKLWN): NO OBJECTION

- Trees near car parks should be moved as could potentially cause issues. If they remain then the large trees near parking spaces should at least be replaced by small trees.
- We will need clarity on which trees are to be placed at each location, rather than grouping the species into small/medium/large.
- Shrubs along car park spaces can't be accessed if a car parked there.

Natural England: NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Senior Ecologist (BCKLWN): NO OBJECTION In response I have reviewed the following documents:

- Landscape masterplan
- Existing Location Plan
- Site Plan
- Site Plan – Demolition
- Natural England comment
- Ecology Assessment
- Shadow Habitats Regulations Assessment

Ecology Assessment: The site was found to be dominated by low value habitats consisting of improved grassland managed for amenity, ornamental planting and sealed surface (buildings & hardstanding). Scattered trees were present outside of the red line boundary and generally clustered around All Saints Church located centrally. One of these trees was identified with low bat roosting potential and the others with negligible roosting potential. The church itself was assessed to have moderate potential.

Additional bat surveys were undertaken regarding potential indirect impacts to bats which could be roosting within either the church or lime tree within the church yard. The report concluded that there will not have indirect impacts in roosting bats. I do not dispute this conclusion. I therefore have no objection to the proposal.

Habitats Regulation Assessment: I have no concerns with the Shadow Habitats Regulation Assessment (sHRA) and agree with its conclusions. I advise that we can adopt the sHRA provided by Hopkins Ecology (April 2023).

Arboricultural Officer (BCKLWN): NO OBJECTION

Tree Removals: The Arboricultural Impact Assessment details 18 trees to be removed out of a total of 57 trees surveyed on and immediately adjacent to the site.

One tree T14 is being removed on arboricultural grounds alone and has been categorised as U (unsuitable for retention.)

17 other trees are to be removed for development purposes. One of these, tree T22 categorised B, is very close to one of the blocks to be demolished, the other 16 trees are all categorised as C.

It is worth noting of these 16 trees that three of them T7, T8 and T9 are all young pear trees planted in the previous phase of development in large planters, which have not been very successful here and elsewhere in the previous phase.

Tree Pruning and facilitation Tree Work: There are no details for pruning work to any of the trees proposed to be retained, although it is likely that pruning will be desirable for the larger trees to at least lift/raise the crowns. A pre-commencement condition will be required for the proposed specifications for work to existing trees.

Future threats to trees by proximity of trees to structures: Although the proposed development is close to large existing trees, in all areas it will be the same or further away from the trees than the existing buildings.

The critical issue for this development will be the protection of trees during demolition and construction work.

New pedestrian footpath construction: The landscape masterplan appears to show new pedestrian footpaths within the root protection areas of T30 and T29 which are both mature trees.

I have no objection to the proposed development in principle, but many detailed items are missing, for which pre-commencement conditions will be required, and more effort is required by the landscape architects tasked with this scheme to provide a quality landscape for residents and visitors, to help with local distinctiveness and sense of place. Conditions relating to the following should be appended to any permission granted:

- Tree protection
- Arboricultural Site Supervision
- New Tree Planting and Hard and Soft Landscaping
- Landscape establishment and maintenance
- Landscape management

It would be our intention to place a Tree Preservation Order on the newly planted trees to ensure their long-term survival and when necessary, replacement.

Norfolk Constabulary: NO OBJECTION However, the proposal is still for a very permeable semi-public style development, and it would be preferable for residents to have greater defensible space to enable them a degree of control over the activities that take place there. Notwithstanding this, the improvements to the eastern elevation of Block B so that it no longer provides a blank elevation are appreciated.

Points of summary:

- The proposal provides excellent level of natural surveillance and has a long accepted public access route through development. However, it is a missed opportunity not to partner this with greater access control and create territorial responsibility.
- Poorly observed segregated footpaths are not recommended.

- It is recommended that the shared courtyard area for Blocks D, E and F could be a semi-private space by provided access gates.
- Landscaping needs to specify shrubs and hedges that have a maximum growth height of one metre whilst all trees should be up pruned to a minimum height of two metres.
- A carefully designed lighting plan to cover all vulnerable areas should be in place to provide a uniform spear of white light.
- CCTV should be provided and cover sensitive areas such as communal spaces and letterboxes.

NB Previous correspondence is available on the planning portal.

Norfolk Fire and Rescue: NO OBJECTION The development will be required to meet building regulations approved document B. However, I would like to ensure the developer can confirm the installation of bollards will not delay the emergency response time for attending fire appliances in the event of a fire emergency at this location and how they intend to achieve.

UK Power Networks: NO OBJECTION Advice and recommendations made in relation to development in proximity of UK Power Networks substations and what to do if any diversion works are necessary.

Caden Gas: NO OBJECTION Information submitted to applicant in relation to apparatus in the vicinity of the proposed development and the responsibility and obligations / actions to be taken.

Request an informative be appended to any permission granted.

Planning Obligations: NO OBJECTION subject to the provision of a fire hydrant that shall be provided at the applicant's cost.

CIL Team (BCKLWN): NO OBJECTION This is in the non-parished area of King's Lynn and therefore no CIL applies.

REPRESENTATIONS

50 'letters' of OBJECTION have been received. The reasons for objection can be summarised as:

- The total lack of risk assessment for Designing out Crime and Health & Safety issues is unforgivable
- It appears that discussions have been going on in the background between the applicant and consultees such as Highways and the Lead Local Flood Authority. The process is not therefore open and transparent
- Reports and counter arguments are of an inadequate standard
- The shadow diagrams are not fit for purpose
- Why are comments still being submitted after the consultation deadline?
- Opening up the development to the wider public is encouraging drug runners who now use bar codes on lampposts
- The development should offer a variety of units
- The lack of clarity in relation to the commercial floor areas leaves them vulnerable to vandalism and antisocial behaviour
- There shouldn't be so much flexibility in terms of the commercial uses
- The loss of residential units to accommodate commercial units is sacrilege

- Noise and disturbance as a result of commercial activity within a residential area
- Residents do not want public traffic through the estate
- The planning application should be presented within the context of the whole town of King's Lynn because it has more Grade II listed buildings than York
- There are no asbestos reports even though it is known that asbestos is present
- Before any demolition takes place all surveyor reports must be presented
- The buildings should be refurbished not demolished
- Demolition will delay the delivery of badly needed homes, result in enormous disruption to the community as well as the Grade II* church
- Public walkways should not be permitted adjacent to habitable rooms
- The proposals should be amended to provide private amenity space for each unit
- There are no 3, 4 or 5 bed units. If 4 and 5-bed units were required in 2020, why are they no longer required?
- Car parking in other phases should not be used to serve commercial users
- There is no demonstrable need for further commercial or community floor space in this location given the amount of currently vacant floorspace within King's Lynn including on London Road
- If the buildings were renovated rather than replaced there could continue to be ground floor residential accommodation
- The recent amendments are no more than putting lipstick on a pig
- Demolition is not the right approach for economic, environmental, and practical reasons
- I am totally astonished as to why it is considered acceptable to demolish accommodation suitable for families and replace it with accommodation for single people
- I believe All Saints Church is the oldest church in King's Lynn and it should be protected from damage
- Demolition will be noisy, dusty and smelly, and will distribute many harmful materials and toxins into the environment which would be especially bad for the young, old or ill
- Workers are using heavy machinery by 8am on weekdays next to my front door without notice or warning
- There is a lack of green space for children living on Hillington Square to play on
- No justification has been given for the demolition in preference of refurbishment. The buildings remain structurally sound
- The disused Jewish Cemetery Millfleet has been called 'a little gem' of National Importance to British Jewry. It is favourable to this historical cemetery site that the plans to the adjacent area will continue to be landscaped
- Our experience of adjacent 'landscaping' demonstrates the landlord has scant regard for the site and present residents
- What timescales have been considered?
- I am concerned that not only the church may be damaged in the demolition process, but also other buildings in the locality including other buildings in Hillington Square
- I am worried about the safety of my children during demolition as they currently play around the area in front of Aitken House and Norris House
- Loss of privacy and overlooking
- Overshadowing and loss of light
- Will have a negative impact on public services such as drainage and water supply
- Highway safety including traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians / cyclists
- The Parochial Church Council of All Saint's Church is broadly supportive of the proposed scheme. However, we object to the block extending over the site of the one-storey community café and blocking the view of the church from Millfleet. The opening up of this view was a declared aim of Freebridge when they demolished the flats in this position in 2013.

- The proposed balconies are climbable so do not meet secured by design
- The commercial / community facilities are not required here; they would be better provided within the Carnegie building when the library is relocated
- It is disgraceful that so many flats have stood empty for so long
- There has been no application for an environmental assessment
- Will a church architect be consulted about undermining the church foundations?
- Where will all the groups accommodated in Providence Street Community Centre go?
- Isn't Providence Street Community Centre listed?
- Views of the church from London Rd and Millfleet will be hidden
- Views of Greyfriars Tower will be hidden
- Refurbishment would reduce the carbon footprint and have less impact on climate change
- Spending £20,000,000 of public money to get less than you had in the first place is sheer madness and doubly so in the current financial crisis
- The refurbished blocks have won two prestigious design awards; Keep it the Hemingway
- The buildings have been declared as 'unsuitable for refurbishment' but notably no survey reports of these buildings have been included with the planning application
- This would be really bad for people that work during the night because it would be really loud and busy
- Works in Hillington Square have gone on too long, this will just extend the timeframe for completion
- The applicant incorrectly references drawing numbers in his responses to consultee comments; this is deplorable
- The Local Highway Authority raise a number of misgivings
- Valingers Place is not named on some of the plans
- The application is not fit for purpose
- Occupiers of the proposed development need to feel safe and secure in their homes
- The applicant has continually ignored objections made by residents
- Double rack cycle storage disadvantages: children, adults of short stature, the elderly and anyone with a physical disability
- The use of the cycle storage for residential occupiers of the flats and those using the commercial units is not appropriate
- Thieves have already stolen bikes in Valentine Place
- The applicant considers that if a problem already exists he is exempt from finding a solution
- There is insufficient parking to cater for the residential and commercial / community uses and parking in All Saints and Bridge Streets is currently not covered by parking permits and is at all times full of cars, as are the neighbouring streets
- I am not in favour of turning the path that connects Millfleet to All Saints Street and beyond into a thoroughfare for bikes
- I am equally concerned about the narrow path in front of blocks A and B which is access from Providence Street. While, in theory, it is not wide enough for cycle use I seriously doubt that this will be a deterrent
- The applicant's suggestion that, specifically in terms of overshadowing, the development would not have a significant adverse impact on neighbouring amenity is not proven in the evidence presented in the overshadowing plans
- It is shocking that the detailed advice from the constabulary in relation to designing out crime can be summarily dismissed in just over three lines of text by the applicant
- Two of the views that the applicant seeks to claim credit for in the new layout already exist

- There has been no meaningful consultation with residents or local people by the applicants
- The roof-based sunlight driven water heating system proposed may sound good, but on close inspection is full of unresolved issues
- The omission of a detailed fully comprehensive carbon footprint report is unforgivable and contrary to the new building regulations.
- SuDSPod is largely unknown; is this the right proposal for the site?

Four 'letters' of **SUPPORT** have been received. The reasons for support can be summarised as:

- The buildings to be demolished are beyond use; all buildings have a shelf life and sadly these ones are up
- The development will bring much more to the area and finish a project to improve the area
- The redevelopment will breathe life back into the community and surrounding area
- The development will bring new business into the community
- I support the development so that Giggles and Squiggles can continue to operate
- I think it's great that they are going to knock down these old buildings and build new ones. They look awful and it's miserable to walk through.
- It's good that there will be a place for local groups to meet that's easy to find.
- It's good that none of the flats will have families; I grew up in a flat and it's no life for kids without a garden
- The community café was awful and attracted people you didn't want hanging around.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS10 - The Economy

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM9 - Community Facilities

DM10 – Retail Development

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

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 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

- Principle of Development
- History
- Form and Character and Impact on the Historic Environment
- Community Facilities / Employment Uses / Protection of Town Centre
- Highway Issues
- Residential Amenity
- Flood Risk and Drainage
- Trees and Landscaping
- Ecology
- Crime and Disorder
- Other Material Considerations

Principle of Development

The application seeks the demolition of four main residential blocks of flats and Providence Street Community Centre (PSCC.) In total there are currently 67 dwellings and 1285m² of Class E and F2 uses contained within PSCC and Chestnut House.

The proposal is for 65 dwellings (net loss of 2no dwellings) and 1106m² (net loss of 179m²) commercial / community (Class E and F2 uses) within six new mixed-use buildings that range between 3 and 4 storeys in height.

Other than Block F, which is located outside of the tidal breach area, all ground floor uses are non-habitable, with the ground floor areas being set aside for commercial / community uses and ancillary residential uses such as bin and cycle storage.

The site is located within a highly sustainable location (easy walking distance to the town centre, bus station and train station) within the development boundary of King's Lynn, the Borough's main town and administrative centre. The development is in essence 'like-for-like' in terms of uses / square meterage and the number of dwellings with the net losses as outlined above. Therefore, the starting point is that the development would not result in any material change in vehicular activity or parking / cycle storage requirements, access via Millfleet and Providence Street remains the same and there is no policy requirement to

provide affordable housing or amenity space, although as previously stated the proposal is for 100% affordable housing. It is therefore considered that the principle of development is acceptable subject to compliance with other relevant planning policy and guidance.

Of particular relevance, Development Plan Policy CS01 refers to the need for new development to make appropriate use of the high-quality historic environment in the town through sensitive inclusion in regeneration proposals. Policy CS03 relates specifically to development in King's Lynn and states *Within the historic and commercial cores of the town, new development will be required to demonstrate a high quality of design which, without stifling innovation, respects and enhances the wider historic surroundings and reinforces a positive visitor experience to the town and consequently supports the local tourism, leisure and culture economies...Elsewhere throughout the urban area, schemes of renewal or replacement that positively contribute to the regeneration of the town will be encouraged where there is no detrimental impact upon:*

- *flood-protection strategies set out in CS01 and CS08;*
- *the transportation network*
- *local services and facilities;*
- *significant trees, wildlife or historic assets;*
- *enjoyment of the public realm;*
- *crime prevention.*

This is reiterated in Development Plan Policies CS08 and DM15.

Nationally, the NPPF seeks a high standard of design that takes opportunity to improve an area. Some of the key objectives referred to in the NPPF are for development to make a positive contribution to local character and distinctiveness (para 196), are visually attractive as a result of good architecture, layout and appropriate and effective landscaping (para 135b) and that good design is a key aspect of sustainable development (para 131.)

It is considered that the current proposal continues to focus on updating and improving the quality of housing on the site (as per the previous phases of development in Hillington Square) by opening up views and routes, improving connectivity and seeking to reduce the overall impact of the development on the heritage context and allowing visibility from surrounding streets. It seeks to create a new public space and provide better pedestrian and cycle routes, more openness around the built form and greater separation from the church and creating activity at ground level which improves security and encourages interaction between residents for a better sense of community.

It proposes dwellings built to current energy efficient standards which would be built to modern standards and reflect layouts better suited to modern living.

An Environmental Impact Screening Assessment was submitted under application 23/005778/EIASC. A screening assessment was undertaken in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended.) The conclusion of the Assessment was that the development is not EIA development.

It is therefore considered that the principle of development is acceptable and accords with the NPPF in general, but specifically to paragraphs 131, 135b and 196 of the NPPF and Development Plan Policies CS01, CS03, CS08 and DM15, and provided the development meets other policy criteria, can be supported.

History

Application 20/0116/FM for *Demolition of existing residential blocks to provide mixture of new flats with communal space and townhouses, including parking and hard and soft landscaping* was refused by planning committee on 20.07.2021 for the following reason:

The proposal results in an unsympathetic design and layout in the locality and is overbearing in terms of scale and height. It will be harmful to the setting of the listed buildings and the conservation areas, contrary to paragraphs 7, 8, 193, 194 & 196 of the NPPF, Core Strategy Policies CS08 and CS12 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

The application was similar in some respects (it sought the demolition of existing residential blocks and the construction of replacement flats (86 units) and townhouses to provide a mixed residential scheme with communal space, private gardens, parking and hard and soft landscaping.) However, it was substantially different in that the site area was different and included the area to southwest and excluded providence street community centre as well as proposing townhouses which the current proposal does not.

Form and Character and Impact on the Historic Environment

The main consideration in respect of design and visual impact is the impact on the historic environment. However, wider considerations of design need to be taken into account.

In relation to general design principles, paragraph 135 states that *Planning policies and decisions should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policies CS08 which requires development to *respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment* and DM15 which requires *the scale, height, massing, materials and layout of a development to 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.*

The refurbishment works that have been carried out so far have resulted in significant improvements in terms of impact on the conservation area and adjacent listed buildings. It is

therefore vitally important that any new scheme for the remaining phase blends well with the existing refurbished block and reads as a cohesive development.

The tallest blocks (A and B) of the proposed development are lower than the previously refused scheme being four storeys rather than five, and block D is further away from All Saints Church giving greater separation. The ability to reduce the overall height by removing the fifth storey has come at the expense of block A being full four storeys in height rather than having a lower element as is the case with the existing Chestnut House which affords a glimpse of the church from Millfleet. However, to counter this a new glimpse of the church is provided from Millfleet from the northeast.

In relation to the impact on designated heritage assets, paragraph 205 of the NPPF states: *When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Paragraph 206 of the NPPF states *Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:*

- a) *grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*
- b) *assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Paragraph 208 of the NPPF states *Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...*

Paragraph 212 of the NPPF states *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*

Protection of the Historic Environment is reiterated in Development Plan Policies CS01, CS03, CS08, CS12 and DM15.

The site is largely surrounded by Conservation Areas and there are a number of listed buildings within the immediate vicinity, most notably the grade II* listed All Saints Church.

The proposal therefore has the potential to impact on the setting of the Church and the Conservation Areas.

All Saints Church is the oldest parish church in King's Lynn, dating back to the 11th Century. The church was rebuilt in the 14th and 15th Century. The west tower collapsed in 1763 and was rebuilt in yellow brick topped with a Victorian bellcote. Historic England state that the church is a "fine example of a large multiphase medieval parish church" and that "it's more than special architectural and historic interest are reflected in its grade II* listing".

The Friars Conservation Area wraps around the site and the wider Hillington Square development that is at odds with the rest of the historic centre of King's Lynn.

Historic England have no objection to the principle of demolition and replacement stating that *The current buildings of Chestnut, Aitken, Norris Houses and Providence Street Community Centre are not of any architectural or historic merit, so the proposed demolition is not of concern, and The replacement buildings for would be of a scale and form broadly suitable considering the existing buildings on the site.*

Historic England continue by stating *The proposals would provide an improvement on the current situation through stepping back Block B from the church yard further back than the existing Aitkin House. The increased space created at the northeastern corner of the churchyard would provide an additional 'breathing space' between church and buildings and a link to Providence Street and London Road beyond.*

The proposed pedestrian connection to Millfleet between Block A and B (Chestnut and Aitken Houses) would also be a positive way to make the immediate setting of the church more permeable and connected and improve visibility All Saints.

Historic England concludes by stating *In our view the proposals would result in a slight improvement to the setting of All Saints Church through the changes to layout and opening up.*

Historic England's comments are similar to those of the Conservation Officer who states *The proposal to demolish some blocks would represent a positive change within the conservation area and the setting of the grade II* listed church. The replacement buildings have a difficult line to tread as they have to respect the setting of the church and conservation area while still forming a cohesive whole with those blocks within Hillington Square that have already been refurbished. The proposed blocks would be no higher than those other blocks and, in design terms would be a modern take on the existing buildings. The increase in height of the single storey part of Chestnut House is required to keep the overall height of the scheme down. Although this is disappointing in that it blocks a view of the church from Millfleet, the benefits outweigh the harm in this instance.*

The amended materials, which now comprise red brick with dark balcony railings, window head cladding panels to match the colour of brickwork and dark grey metal frame windows are considered to be more reflective of the character of the immediate area and would better assimilate the development within the conservation area. This change in materials addresses the initial concerns expressed by Historic England, the Conservation Officer, the Conservation Area Advisory Committee, and the King's Lynn Advisory Consultative Committee.

Your officer's opinion accords with those of Historic England and the Conservation Officer, and it is not considered that the development would result in any harm to heritage assets in the immediate vicinity of the site and in particular the Friar's Conservation Area and grade II* listed All Saints Church.

If it could be argued that the development would result in harm, which is not the conclusion reached by your officers or Historic England, then it is considered that the harm would be outweighed by the benefits of providing of a high quality 100% affordable housing scheme.

Subject to conditions relating to materials and archaeology, it is considered that the development accords with the NPPF in general and specifically to paragraphs 135, 205, 206, 208 and 212 of the NPPF and Development Plan Policies CS01, CS03, CS08, CS12 and DM15 in relation to the design and impacts on the historic environment.

Community Facilities / Employment Uses / Protection of Town Centre

Paragraphs 97a) and e) state *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environment, and*
- b) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

It is also reiterated in Development Plan Policies CS13 and DM9 with the latter stating *The Council will encourage the retention of existing community facilities and the provision of new facilities, particularly in areas with poor levels of provision and in areas of major growth.*

Development leading to the loss of an existing community facility will not be permitted unless it is demonstrated that either:

- a) *the area currently served by it would remain suitably provided following the loss, or if not*
- b) *it is no longer viable or feasible to retain the premises in a community facility use.*

Likewise, Development Plan Policy CS10 seeks to retain existing employment uses and states *The Council will seek to retain land or premises currently or last used for employment purposes (including agricultural uses) unless it can be demonstrated that:*

- *continued use of the site for employment purposes is no longer viable, taking into account the site's characteristics, quality of buildings, and existing or potential market demand; or*
- *use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems particularly for sustainable modes of transport; or*
- *an alternative use or mix of uses offers greater potential benefits to the community in meeting local business and employment needs, or in delivering the Council's regeneration agenda.*

The current site accommodates space for a community café housed within Chestnut House (the café has not operated since March 2020) and Providence Street Community Centre (PSCC) which provides 1285m² of commercial / community space. PSCC previously accommodated: The College of West Anglia, Giggles and Squiggles Nursery, the Mancroft Advice Project, NHS Wellbeing Service, the Matthew Project, Mark Farnham Tae Kwando school, and other ad hoc uses. The applicant informed the LPA that all these occupiers worked with Freebridge to find alternative accommodation and were either offered / relocated space at the Discovery Centre in North Lynn or have been allocated similar facilities within the development other than the NHS who are stated to be struggling to find alternative accommodation.

The proposal includes the provision of 1106m² of Class E (commercial, business and service) and F2 (local community) uses.

Class E encompasses the following uses:

- a) Display or retail sale of goods, other than hot food, principally to visiting members of the public
- b) Sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

- c) Provision of: Financial services, Professional services (other than health or medical services), or Other appropriate services in a commercial, business or service locality
- d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)
- e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- f) Creche, day nursery or day centre (not including a residential use)
- g) Uses which can be carried out in a residential area without detriment to its amenity: Offices to carry out any operational or administrative functions, Research and development of products or processes, or Industrial processes.

Class F.2 encompasses the following uses:

- a) A shop mostly selling essential goods, including food, to visiting members of the public in circumstances where: The shop's premises cover an area not more than 280m² and There is no other such facility within 1000 metre radius of the shop's location
- b) A hall or meeting place for the principal use of the local community
- c) An area or place for outdoor sport or recreation, not involving motorised vehicles or firearms
- d) An indoor or outdoor swimming pool or skating rink.

The proposed mix of uses includes space that would enable all existing users to relocate in terms of the Use Class Order. The King's Lynn Area Consultative Committee (KLACC) originally requested that dedicated café space be provided within the new development to replace the community café. In relation to this it can be confirmed that the community café closed on 20 March 2020 when we went into Covid lockdown and never reopened. Before that it was running on a year-on-year loss. The local planning authority cannot make someone provide a café, but if a viable opportunity was identified someone may decide to locate there in a new building with views over the church.

KLACC also queried whether it would be possible to accommodate community uses temporarily on-site during construction. However, for safety reasons, as well as the lack of space, it is not possible to achieve this.

The small net loss of 179m² of community space / employment use is not considered to be material and it is likely that the new accommodation would be more attractive to potential users.

In relation to the impact on the town centre, the site lies immediately adjacent to the Town Centre Area boundary (edge of centre) as depicted on the inset map on page 88 of the Site Allocations and Development Management Policies Plan.

Policy DM10 of the Development Plan relates specifically to Retail Development and states *... New retail uses will be expected to be located in these town centres unless an alternative location is demonstrated to be necessary. If there are no suitable sites in the town centre, an edge of centre location will be expected... The Council will strongly resist proposals for out-of-town retail uses that either individually or cumulatively would undermine the attractiveness and viability of the town centres. Retail impact assessments will be required for individual schemes having a floorspace of greater than 2500 square metres...* This policy accords with NPPF paragraphs 91 and 92 which respectively read *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered and When considering edge of centre and*

out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

This policy is not directly relevant to the proposed development because the proposed development is for replacement facilities in a similar accessible location that is well connected to the town centre rather than new facilities. Notwithstanding this, given the edge of centre location and size (far less than 2500m²) it is not considered that the development would have a detrimental impact or undermine the attractiveness and viability of King's Lynn Town Centre.

For these reasons it is not considered necessary nor reasonable to control the size, number, or specific mix of uses, but to leave it to the market to dictate.

It is therefore considered that the development accords with the NPPF in general and specifically to paragraphs 91, 92, 97a) and e) of the NPPF and Development Plan Policies CS10, CS13, DM9 and DM10 in relation to community facilities, employment uses and the impact on the Town Centre.

Highway Issues

The NPPF requires significant development to be focused on locations which are or can be made sustainable by limiting the need to travel and offering a genuine choice of transport modes (para 109), and that safe and suitable access to the site can be achieved (para 114.) This is reiterated in Development Plan Policies CS11 and DM15.

Paragraph 112 of the NPPF states *Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network...* This is reiterated in Development Plan Policy DM17 that states *Reductions in car parking requirements may be considered for town centres, and for other urban locations where it can be shown that the location and the availability of a range of sustainable transport links is likely to lead to a reduction in car ownership and hence need for car parking provision.*

The Local Highway Authority have stated that they could not object to the scheme on the grounds of highway safety although they do suggest that alternative access options could have been investigated to reduce the use of Valingers Place and Providence Street. In response to this the applicant suggests that such a change would result in the loss of Blocks C and D and some open space. Notwithstanding this, the application must be determined as submitted, and without a reason for refusal being put forward by the Local Highway Authority on the grounds of highway safety in utilising the existing accesses, it is concluded that the development is acceptable in this regard.

As with access arrangements, the existing situation with parking has to be given substantial weight in the planning balance. In this regard the redevelopment would result in a net increase of 3 parking spaces to serve a scheme with a reduced number of dwellings (-2no.) and amount of community / commercial space (-179m².) In relation to this the Local Highway Officer states *In this instance we clearly need to consider the previous use and location of the proposed development, close to the town centre, public transport and employment opportunities. Therefore, we would not insist on the full provision being achieved and we wouldn't object if it wasn't. The surrounding highway network is all subject to parking restrictions and it is my understanding that the existing parking provision within the Hillington Square development is managed by the Housing Association.*

Secure cycle storage provision of 130 is proposed to serve the residential units in the ground floor areas of all the blocks except block D of which the cycle provision is located in block E. This exceeds the required amount by 8no.

The status quo is retained in relation to commercial / community cycle provision and that is that none is provided now or as part of the redevelopment, although the Local Highway Authority have requested a condition relating to the provision of cycle storage for the commercial / community uses be appended to any permission granted.

In relation to specific aspects that the applicant and Local Highway Authority have had ongoing discussions about, the following is a summary:

1. Bike rack details are acceptable.
2. Cannot object to the use of Valingers Place / Providence Street on the grounds of highway safety.
3. Further details on the number and use of existing car parks has been submitted. Notwithstanding any shortfall, given the current situation and that the redevelopment would result in no material increase in vehicular activity and therefore parking requirements, coupled with the highly sustainable location of the development in terms of sustainable transport there are no grounds of refusal on the basis of parking provision.
4. Refuse vehicles access is acceptable.
5. Whilst contrary to standard advice, if the fire service and building control are satisfied sufficient space is available adjacent to a fire tender within the surrounding areas of open space then the local highway authority has no reason to object. However, they state that the entire tracked route that the fire tender takes, including the turning area, should be constructed to an appropriate standard and therefore included within the area of adopted highway. Notwithstanding this the Local Highway Authority to do not raise an objection.
6. The revised visibility plan shows an acceptable level of visibility is achievable.
7. Highway stopping up has not been agreed and therefore requires conditioning.
8. No further action is required in relation to cars existing the Providence Street car park
9. Parking is acceptable as per point 3 above. EV charging facilities to be conditioned.
10. A 3m wide cycle path has been provided through the development.
11. The surfacing of the cycle path cannot be block paving. This can be controlled by condition.

It is therefore considered that the proposed redevelopment accords with the NPPF in general and specifically to paragraphs 109, 112 and 114 of the NPPF and Development Plan Policies CS11, DM15 and DM17 in terms of parking provision, cycle storage and highway safety.

Residential Amenity

Residential amenity, both to existing neighbours and occupiers of the proposed development is a key consideration of the NPPF and Development Plan.

Paragraph 135f) of the NPPF states that planning decisions should *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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

This is reiterated in Development Plan Policy DM15 which states *Proposals will be assessed against their impact on neighbouring uses and their occupants as well as the amenity of any future occupiers of the proposed development.* In relation to this, DM15 states that

overlooking, overbearing, overshadowing, noise, air quality and light pollution are factors of consideration.

In relation to concerns raised by the Community Safety and Neighbourhood Nuisance Team the applicant suggests that any criticism of the internal layout, in terms of noise, would be addressed by improved standards of sound insulation (which could be secured by condition) and that impacts from the proposed community / commercial uses could be suitably addressed by restricting hours of delivery and operation by condition. Hours of operation and delivery have been negotiated between the applicant and CSNN as 0800 to 2000 Monday to Saturday and 1000 to 1600 on Sundays and Bank / Public Holidays. For reference the current hours of Providence Street Community Centre, which is a detached building, are 7.30am-9pm Monday to Friday.

In terms of overshadowing, The National Design Guide (NDG) states, at paragraph 71, *Proposals for tall buildings (and other buildings with a significantly larger scale or bulk than their surroundings) require special consideration. This includes their location and siting; relationship to context; impact on local character, views and sight lines; composition - how they meet the ground and the sky; and environmental impacts, such as sunlight, daylight, overshadowing and wind. These need to be resolved satisfactorily in relation to the context and local character.*

To aid in this assessment regarding sunlight, daylight and overshadowing, shadow diagrams have been submitted. These show that there would be an increase in overshadowing during certain periods of the day / seasons of the year to some properties to the immediate east of the site that front onto London Road. These shadow diagrams have been supplemented by further information from the applicant in relation to daylight as measured by the 25-degree rule. It should be noted that this rule is not policy or design advice, but it is a further tool to aid consideration of impacts in the absence of design codes and standards. The 25-degree rule states that *if a new building or extension breaches a perpendicular line at an angle of 25-degrees above the horizontal taken from a point 2 metres above ground level on an existing house, it is likely that windows in the existing house will be overshadowed.*

Your officer's main concern in relation to overshadowing and loss of light primarily relates to buildings to the immediate northeast and east of Block E and principally to commercial ground floor elements, but there is also some impact on residential units.

The impacts, taking account of both the shadow diagrams and 25-degree rule, suggest the following in relation to residential impacts:

No residential windows are affected for daylighting as measured by the 25-degree rule.

In relation to overshadowing:

1. No.117 London Road - Windows would receive 1hr less sunlight in winter (4hrs vs 5hrs) but are otherwise unaffected.
2. No.115C London Road – One window (on the western elevation of the unit) currently gets about 1.5hrs of sunlight in winter. This would be fully shaded as a result of the new buildings in winter. However, this window would get an extra hour of sunlight in the spring/autumn through the new gap formed between Blocks C and D. The hour of sunlight received by windows on the eastern elevation would be unaffected.
3. No.115B London Road – Windows on the southern elevation of this unit would receive 1hr less sunlight in winter (2hrs v 3hrs.) They are otherwise unaffected.
4. Nos. 113 / 113A London Road – Windows on the southern elevation of these units would receive 1hr less sunlight in winter (3hrs vs 4hrs). In spring and summer, they are partly overshadowed for an additional hour in the middle of the day but would

receive more sunlight at the end of the afternoon through the new gap on Providence Street. They are otherwise unaffected.

There would also be some impact to properties to the immediate east of Block E in terms of impacts on windows and amenity space that are principally residential (109 – 112 London Road inclusive.) This can be summarised as:

- Nos.109, 110, 111 and 112 to the south of Providence Street would be affected in the early evening in summer.

There would also be some additional overlooking primarily from windows on the northern elevation of Block E. Overlooking would be increased, and whilst there is 18m between the nearest dwelling, given the height and prominence of Block E (being 3 storey and 9.9m in height), the perception of being overlooked would be increased too. Those residential properties most affected would be 111 and 112 south of Providence Street and 113, 113a, 115B, 115C and 117 north of Providence Street.

The height and prominence of Block E would also result in overbearing impacts to properties to the immediate north and east.

However, the area is an urban environment where relationships are closer and overlooking, overbearing and overshadowing impacts are generally more concentrated than suburban / rural environments. Additionally, it should be noted that shadow diagrams generally show the 'worst case scenario' and do not show the intricacies of shading. Furthermore, it is important to note that gaps between the blocks will provide additional breaks as per point 2 above.

Conditions can be used to secure details of air source heat pumps and lighting as well as demolition / construction management in terms of noise, dust, vibrations and construction worker parking.

Crime and disorder / fear of crime is covered later in this report.

Members will therefore need to carefully consider whether the benefits of the scheme (removal of unsightly buildings and replacement with modern buildings that offer far higher standards of amenity for their occupiers, both residential and commercial, significant reduction in the risks associated with flooding and slight improvement in regards to the relationship between the development and All Saints Church by virtue of a greater degree of separation) outweigh these negative impacts and therefore if the development accords with the NPPF in general and specifically to paragraph 135f) of the NPPF and Development Plan Policy DM15.

Flood Risk and Drainage

Flood Risk: One of the main threads running through the NPPF and Development Plan is to reduce the risks associated with flooding by directing development away from areas at highest risk of flooding, whilst acknowledging in some instances development in areas at risk of flooding will be required where development is necessary.

This is reiterated in Development Plan Policies CS01 and CS08.

This is achieved by a sequential, risk-based approach to the location of development taking into account all sources of flood risk and the current and future impacts of climate change. This is achieved by applying the sequential and where necessary the exception test.

Paragraph 165 of the NPPF states *Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.*

The site lies within Flood Zone 1 as depicted on the Local Authority's Strategy Flood Risk Maps, but in an area that in a tidal breach event (of the River Ouse) could flood in parts up to 1-2m in depth. However, the southeastern part of the site, where Block F is proposed to be located, should only flood to a maximum of 0.5m in a breach event. For this reason, only block F has any ground floor habitable accommodation, but still has no sleeping accommodation. This is in line with the Strategic Flood Risk Assessment and Tidal River Hazard Mapping Protocol and Flood Risk Design Guidance contained within Annexes 4 and 5 of the Site Allocations and Development Management Policies Plan, 2016 (SADMP.)

In relation to the sequential test, this application is for redevelopment of the site, which by its very nature cannot take place elsewhere.

Paragraph 170 relates to the exception test and states *To pass the exception test it should be demonstrated that:*

- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) *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.*

Both elements of the exception test need to be passed for development to be permitted.

In relation to the exception test the drainage strategy has shown that the development would not increase flooding elsewhere and the Environment Agency has confirmed that the development would be safe. In relation to wider sustainability benefits, it is considered that the redevelopment of the site with modern affordable housing achieves this. Additionally, and of significance, is that the redevelopment of the site removes most habitable accommodation and all sleeping accommodation from ground floor level.

Drainage: Paragraph 173c) requires development in areas at risk of flooding that pass the sequential and exception tests to incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate. This is reiterated at paragraph 175 and Development Plan Policies CS08 and CS12.

The proposed surface water strategy is to capture surface water from the roof of the proposed buildings via rainwater down pipes. The rainwater downpipes will transfer the surface water through a number of rain garden planters into the piped network. In turn, all the run-off collected water will pass through detention facilities prior to discharging off-site into the Anglian Water sewer.

The drainage hierarchy requires that the disposal of surface water should be considered in the following order of priority:

- a) Rainwater re-use
- b) Infiltration into the subsoil via soakaways or permeable paving
- c) Discharge to a water course or the sea
- d) Discharge to a surface water sewer
- e) Discharge to a combined sewer.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Whilst drainage is ultimately captured by Building Regulations it is a requirement of the planning systems to achieve sustainable development. In this regard, the surface water drainage strategy, that is outlined below, is considered acceptable and has raised no objection from statutory consultees subject to condition.

In relation to surface water drainage, there were numerous rounds of comments raised by the Lead Local Flood Authority (LLFA) during the planning application consultation process, and these generated corresponding responses from Rossi Long (RLC) the applicant's drainage consultants.

Below is a summary of the drainage strategy supplied by the applicant's drainage consultant.

Surface water run-off from the development will be managed as follows:

- The site is divided into two areas from a surface water drainage perspective, with Blocks A, B and C discharging into a northern sub-system and Blocks D, E and F discharging into a southern sub-system. Each sub-system includes an underground detention tank, each tank is sized to accommodate the volumes of run-off generated by a 100yr +40% climate change allowance rainfall event as required by current guidance.*
- The southern sub-system includes a pumping station, necessary to pump the flow from this system into the northern sub-system. The pumped solution to the southern area is necessary as the existing outfalls for surface water from the old buildings in this area discharged into a combined sewer in Providence Street – Anglian Water have advised that discharge of surface water into this sewer would no longer be permitted.*
- The northern sub-system will discharge all surface water from the new development into an existing chamber located to the north of Block A, at the restricted maximum flow rate of 13 l/s. It is estimated that the old drainage arrangement discharged at a maximum rate of up to 90 l/s into this chamber, therefore the new arrangement will significantly reduce the peak flow rates into the Phase 5 system thereby reducing flood risk on the site.*
- The new Phase 6 development will ultimately discharge into an AW sewer in Millfleet, which then heads to the west and discharges into the River Great Ouse.*
- The new parking area on Phase 6 will comprise permeable concrete block paving of the non-infiltration type, which will provide attenuation and improve the quality of the run-off from the area. The larger external communal areas will also comprise the same type of permeable paving. All run-off from these areas will therefore benefit from the water quality improvement resulting from filtering flows through the permeable subbase material. All permeable paving systems are designed to attenuate without flooding the 1% AEP event +40% allowance for climate change, before discharging into the proposed drainage system.*
- As discussed in the FRA, the site is located within an area at risk of flooding should the flood defences to the main river fail. For all blocks the predicted breach flood depth is 1.0m to 2.0m. Raising ground floor levels by up to 2.0m was discounted early in the design process, as it cannot feasibly be implemented on the site; therefore, proposals include no habitable ground floor accommodation. The proposals for the ground floor areas of Blocks A - E are to provide communal space only together with cycle stores, bin storage and plant rooms. Block F is slightly less*

at risk, guidance for this block requires that no sleeping accommodation is proposed at ground floor level. Resilience measures are to be provided in accordance with recommendations included in the Communities and Local Government guidance 'Improving the Flood Performance of New Buildings – Flood Resilient Construction'.

In a nutshell all surface water will be discharged to an existing large diameter Anglian Water sewer in Millfleet, which discharges into the River Great Ouse.

In relation to this, the surface water strategy/flood risk assessment submitted with the planning application, where it is relevant to Anglian Water, proposes a surface water connection into the 900-diameter culvert located in Millfleet. Anglian Water has confirmed that the applicant has been in discussions with them and that the proposed connection point, and the discharge rate has been agreed in principle. They also agree with the LLFA that the drainage strategy is acceptable and should be conditioned if permission is granted.

Anglian Water has confirmed that there is capacity in relation to foul drainage and the Internal Drainage Board has confirmed that none of their byelaws are affected by the proposed development.

There are therefore no objections from statutory consultees in relation to drainage issues, subject to conditions that will be appended if permission is granted.

It is therefore considered that the proposed development accords with the NPPF in general and specifically to paragraphs 165, 170, 171, 173 and 175 of the NPPF and Development Plan Policies CS01, CS08, CS12 and the Approach to Flood Risk contained within annexes four and five of the SADMP in relation to flood risk and drainage.

Trees and Landscaping

Paragraph 136 of the NPPF states *Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

As outlined in the arboricultural officer's comments, the Arboricultural Impact Assessment details 18 trees to be removed out of a total of 57 surveyed on and immediately adjacent to the site. Points of note are:

- 1 tree (T14) is being removed on arboricultural grounds alone and has been categorised as U (unsuitable for retention)
- 17 other trees are to be removed for development purposes. One of these (T22 categorised B), is very close to one of the blocks to be demolished, the other 16 trees are all categorised as C
- It is worth noting of these 16 trees that three of them (T7, T8 and T9) are all young pear trees planted in the previous phase of development in large planters, which have not been very successful here and elsewhere in the previous phase
- Although the proposed development is close to large existing trees, in all areas it will be the same or further away from the trees than the existing buildings
- The critical issue for this development will be the protection of trees during demolition and construction work.

The arboricultural officer raises no objection to the loss of the trees.

In relation to new tree planting:

- The Arboricultural Assessment does not specify tree replacement and simply suggests that tree replacement should occur on a 1:3 replacement ratio; the trees shown on the plans can only be considered indicative. Notwithstanding this tree replacement can be suitably conditioned.
- A Tree Preservation Order will be placed on all the newly planted trees to ensure their long-term survival and when necessary, replacement.

Whilst the open space officer raised some concerns in relation to trees in parking areas, the arboricultural officer is in some disagreement suggesting that trees in car parks should be encouraged. The arboricultural officer states *If specified correctly and the right tree is planted in the right place properly with the necessary soil volumes and root barriers there will be no issues. Also, we need to get more large growing tree species in the ground where it is sensible to do so, not smaller growing species (generally)... Provided the planting and establishment and the trees themselves close to and in hard surfaces are properly specified and selected (which the conditions I have suggested should do on this site) there will be no issues above or below ground.*

Whilst detailed landscape design at this stage is always preferable, in its absence, the use of tree sizes as indicated on the submitted plans is fine for master planning purposes until such time as detailed plans are produced which will be secured by condition as outlined above.

Landscaping: In relation to landscaping, the NPPF notes that landscaping should form part of the overall design for a development and that it is synonymous with good design (para 135b) and therefore the overall visual appearance of a development as required by Development Plan Policy DM15.

In addition to the arboricultural officer's comments, the senior ecologist states:

- *“Some areas of species rich grassland have been included within the masterplan which is welcomed.*
- *Other areas are comprised of `lawn`. An amenity lawn has very little value to wildlife. I recommended that all grassland on site is seeded with species rich grassland and managed as such. There are some conflicts between managing grassland in this way and the public perception of this management. However, there are solutions to this i.e., cutting the edges of such grassland in public places short to give the 'looked after appearance' that a lawn maybe perceived to have. This, in addition to the trees and ornamental planting proposed in these same areas, has the opportunity to create a more diverse matrix of habitats for local wildlife to utilise.*
- *Ornamental planting should comprise pollinator friendly species and include some night scented plants which would provide a food resource for a broad variety of invertebrates.*
- *Some hedge planting has been proposed which mostly comprises short length of hedge to the southeast and a section around the electrical substation to the north. Any new hedge planting is welcomed and should be comprised of native woody species with consideration given to inclusion of fruit bearing species. Where hedgerows are proposed a suitable understory could be planted to further enhance these features. There can again be conflicts between the visual appearance of sensitively managed native hedges and a negative public perception of it. Use of such as hornbeam and beach alongside climbers can be used in hedgerows and give a neat visual appearance.”*

These aspects would be suitably controlled via the landscape condition.

It is therefore considered that the proposed development accords with the NPPF in general and specifically to paragraphs 135b) and 136 of the NPPF and Development Management Plan Policy DM15.

Ecology

The NPPF places great weight on protecting and enhancing habitats and biodiversity, with Chapter 15 of the NPPF concentrating on this subject that includes protected sites, sites of specific scientific interest, habitats, and protected species.

This is reiterated in Development Plan Policy CS12.

The site was found to be dominated by low value habitats consisting of improved grassland manged for amenity, ornamental planting and sealed surface (buildings & hardstanding). Scattered trees were present outside of the red line boundary and generally clustered around All Saints Church located centrally. One of these trees was identified with low bat roosting potential but further surveys found no bat roosts present.

Therefore, the senior ecologist raises no concerns in relation to ecological issues.

The application is for replacement dwellings and therefore impacts on protected sites are assessed as minimal and GIRAMS payment is not required. The senior ecologist raises no concern with the Shadow Habitats Regulation Assessment (sHRA) and agree with its conclusions and advises that we can adopt it as competent authority.

It is therefore considered that in terms of ecology the development accords with the NPPF in general and specifically to Chapter 15 of the NPPF and Development Plan Policy CS12.

Crime and Disorder

Paragraph 96b) of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which... *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.*

This is reiterated in paragraph 135f) which requires planning decisions to ensure that developments *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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The applicant has taken steps to address some of the constabulary's Designing out Crime officer's comments. These changes seek to define private and public spaces more clearly and include:

- Private entrances to the north of block A and B redefined by change of material
- Entrances to the north and south of block E and F defined using material change and pockets of planting
- Metal fence with gate added south of block F, to add sense of security and privacy. This is only 1m high vertical bar metal fence with gates. Gates are not intended to be padlock or prevent people walking through, but to add another layer of the sense that this is semi-private space

- Turning head west of Providence Street added, material of the footpath around Providence Street changed to tarmac
- Improvements to the eastern elevation of Block B so that it no longer provides a blank elevation
- Bollard specification changed to say that they are removable bollards (and therefore emergency access can be gained) and moved to accommodate layout changes.

The applicant wishes to retain the 'courtyard' created between Blocks D, E and F as accessible to the public to encourage pedestrian and cycle movement through the site and community cohesion in accordance with paragraph 96b) of the NPPF. They have however inferred that they would be willing to amend this aspect if Members consider it necessary to make the scheme acceptable.

As is often the case with crime, the perception is that the greater the permeability the greater the chance of crime, and this can quite often lead to conflict between permeability, useability and cohesion with crime or the fear of crime. This conflict also often manifests itself in terms of landscaping proposals and lighting.

The constabulary officer still feels that the proposal is for a very permeable, semi-public style development, and they would prefer residents have greater defensible space to enable them a degree of control over the activities that take place there. It is however important to point out that unlike the other residential aspects of the wider site, the ground floor elements of this scheme, other than block F, have no residential uses at ground floor level and therefore not directly associated outside areas. This is also relevant to a number of third-party comments that raise issues in relation to cycle paths and footways adjacent to ground floor windows.

As always there are some aspects sought by the constabulary that do not fall within the remit of planning (such as, but not limited to, window and door locks.)

On balance, given the known conflicts that can arise between crime and the fear of crime with permeability, useability and cohesion it is considered that the proposed development accords with the NPPF in general and specifically to paragraphs 96b) and 135f) of the NPPF.

Other Material Considerations

In relation to UK Power Network comments, the applicant has confirmed that the substation will be enclosed by a brick building and is therefore sited a sufficient distance from the nearest buildings and habitable rooms to comply with their guidelines.

In relation to the Chief Fire Officer's comments regarding bollards it can be confirmed that they are now removable.

Energy Efficiency - The application is supported by an Energy Statement which considers the use of renewable energy choices that would be appropriate for the scheme and states that the building envelope thermal performance will adopt the Future Homes Standard 2025. The renewable energy strategy is to use direct electric heating via Solar PV and hot water via air source heat pumps (ASHP). The latter of which two options are suggested: 1) individual ASHPs on the roof serving each unit or 2) community ASHP on the roof serving a central store. The Environmental Quality Team suggests that a communal / block system would be preferable. The strategy accords with the provisions of Policy CS08, and it is recommended that final details of the ASHPs are secured by way of a condition prior to their installation.

In relation to third party comments that are considered to represent material considerations and are not covered in the report above, your officer comments as follows:

- The total lack of risk assessment for Designing out Crime and Health & Safety issues is unforgivable – *risk assessments per se are not a requirement*
- It appears that discussions have been going on in the background – *it is more often than not the case with major developments that background meetings take place between applicants and statutory consultees to seek to address technical issues*
- Reports and counter arguments are of an inadequate standard – *this is a personal opinion*
- The shadow diagrams are not fit for purpose – *the shadow diagrams are a tool for assessing impacts and in this regard are considered acceptable*
- Why are comments still be submitted after the consultation deadline? *comments can be submitted right up until a decision is made*
- Opening up the development to the wider public is encouraging drug runners– *there is nothing to suggest that this application would encourage drug runners. It would be easier to suggest that redevelopment of the currently empty buildings with a scheme that provides excellent natural surveillance is likely to reduce such occurrences*
- The planning application should be presented within the context of the whole town of King's Lynn because it has more Grade II listed buildings than York – *the assessment is considered appropriate for its impact*
- There are no asbestos reports even though it is known that asbestos is present – *asbestos is covered under separate legislation*
- The buildings should be refurbished not demolished – *the application must be considered as submitted*
- There are no 3, 4 or 5 bed units. If 4 and 5-bed units were required in 2020, why are they no longer required? *the application has been submitted by Freebridge Community Housing, a registered provider. It must therefore be considered that the proposed development seeks to address the current need. Additionally, the LPA's Housing Team has stated "We don't have any concerns regarding the housing mix here. We have a significant need for 1 & 2 bed units and Hillington Square is a highly sustainable location. Existing 3 bed maisonettes in King's Lynn are historically hard to let therefore this is something we are trying to steer away from"*
- Workers are using heavy machinery by 8am on weekdays next to my front door without notice or warning – *this does not relate to the current application*
- There is a lack of green space for children living on Hillington Square to play on – *there is no requirement to provide additional green space as part of this application*
- What timescales have been considered? – *work will be required to commence within three years of the date of the decision*
- I am concerned that not only the church may be damage in the demolition process, but also other buildings in the locality including other buildings in Hillington Square – *structural damage is controlled under separate legislation*
- The proposed balconies are climbable so do not meet secured by design
- Isn't Providence Street Community Centre listed? *no*
- The buildings have been declared as 'unsuitable for refurbishment' but notably no survey reports of these buildings have been included with the planning application – *the applicants are not required to submit structural surveys showing that the buildings cannot be renovated*
- The applicant incorrectly references drawing numbers in his responses to consultee comments; this is deplorable – *any decision issued will list the appropriate plans*
- Double rack cycle storage disadvantages: children, adults of short stature, the elderly and anyone with a physical disability – *this is considered a reasonable solution for cycle provision*

- The use of the cycle storage for residential occupiers of the flats and those using the commercial units is not appropriate – *cycle storage is for the residential element only*
- The applicant considers that if a problem already exists, he is exempt from finding a solution – *the current situation is a material consideration in the determination of the application*
- There has been no meaningful consultation with residents or local people by the applicants – *there is no requirement for the applicant to undertake a public consultation*
- The omission of a detailed fully comprehensive carbon footprint report is unforgivable and contrary to the new building regulations – *building regulations to not fall within the planning regime.*

CONCLUSION

The application proposes a significant change in the previous approach to the redevelopment of this part of Hillington Square and now includes Providence Street Community Centre. The redevelopment now proposes demolition and rebuild rather than refurbishment. This is a similar approach to application 20/01166/FM that was refused by planning committee on 19/07/2021 for the following reason *The proposal results in an unsympathetic design and layout in the locality and is overbearing in terms of scale and height. It will be harmful to the setting of the listed buildings and the conservation areas, contrary to paragraphs 7, 8, 193, 194 & 196 of the NPPF, Core Strategy Policies CS08 and CS12 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.* However, the two are not directly comparable because application 20/01166/FM did not include Providence Street Community Centre.

The current proposal is for six blocks with two blocks (A and B) being four storeys in height (12.7m to parapet) and the other four blocks (C, D, E and F) being three storeys in height (9.9m to parapet.) This is substantially lower than the previously refused scheme, of which comparable Block 3 had a lift shaft measuring 15.1m tall and an overall parapet height of 15.1m.

It is considered that the height of the six blocks relates well to the existing built form on Hillington Square and would not result in harm to the wider setting of the conservation areas or listed buildings especially the Friar's Conservation Area and Grade II* Listed All Saints Church. However, in terms of overbearing, overshadowing and overlooking impacts, the height, together with the proximity of Block E to existing properties on London Road results in some disamenity during certain periods of the day and seasons of the year which needs to be weighed in the planning balance. This consideration also needs to take account of the closer relationships between properties that occur in urban environment.

The applicant has demonstrated that the proposed development complies with the provisions of the NPPF and Development Plan in terms of design and impact on the historic environment / Heritage Assets with Historic England stating that there would be “a slight improvement to the setting of All Saints Church through the changes to layout and opening up.”

The proposal will result in an overall reduction in the number of residential units and community / commercial space across the site, but an increase in car parking spaces and provision of secure cycle storage facilities. Conditionally the proposal raises no highway safety objection.

Flood risk and drainage issues have been adequately assessed and, conditionally, accord with the provisions of the NPPF and Development Plan.

There is no loss of significant trees and there is scope within the site for new planting.

It is acknowledged that there remain some concerns from the Local Highway Authority and Constabulary's Designing out Crime Officer, but neither raise an objection. It is also acknowledged that the development would result in a limited degree of overshadowing and overlooking currently not experienced. However, when looking at the application as a whole it is considered, on balance, that the benefits of the scheme outweigh this harm, and it remains the case that there are no objections from statutory consultees to any aspect of the proposed development.

The demolition of these outdated flats and the redevelopment with modern, energy efficient dwellings and Class E and F2 uses, with improved facilities, reflects the NPPF and Development Plan Policies relating to sustainability and can be supported. The aims of the scheme, which include improving the setting of the Grade II* listed All Saints Church, improving the standard of the accommodation and the quality of the external environment and increasing connectivity are supported.

Furthermore, it is considered that this proposal addresses the reason for refusal of application 20/01166/FM.

The proposal will optimise the site potential, whilst protecting and enhancing the historic environment, although this does come at the expense of neighbour amenity. However, on balance, it is considered that the development accords with the NPPF in general and specifically to paragraphs 91, 92, 96b), 97a) and e), 109, 112, 114, 131, 135, 136, 165, 170, 171, 173, 175, 196, 205, 206, 208 and 212 of the NPPF, Development Plan Policies CS01, CS03, CS08, CS10, CS11, CS12, CS13, DM9, DM10, DM15 and DM17 and the Approach to Flood Risk contained within annexes four and five of the SADMP in relation to flood risk and drainage.

It is therefore recommended that this application be approved subject to the conditions outlined below.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:
 - 9501-FM-XX-01-DR-A-001-P07 (Location Plan as Existing)
 - 9501-FM-XX-01-DR-A-002-P06 (Site Plan as Existing)
 - 9501-FM-XX-01-DR-A-0003-P08 (Proposed Site Plan Ground Floor Level)
 - 9501-FM-XX-01-DR-A-0004-P05 (Proposed Site Plan Roof Level)
 - 9501-FM-XX-01-DR-A-005-P05 (Site Plan Demolition)
 - 9501-FM-XX-01-DR-A-0006-P04 (Proposed Refuse Collection Plan)
 - 9501-FM-XX-01-DR-A-0007-P04 (Fire Access Strategy Plan)
 - 9501-FM-XX-01-DR-A-0110-P07 (Proposed GA Plan Block A Ground Floor Level)
 - 9501-FM-XX-01-DR-A-0111-P07 (Proposed GA Plan Block A First Floor Level)

9501-FM-XX-01-DR-A-0112-P07 (Proposed GA Plan Block A Second Floor Level)
 9501-FM-XX-01-DR-A-0113-P07 (Proposed GA Plan Block A Third Floor Level)
 9501-FM-XX-01-DR-A-0120-P08 (Proposed GA Plan Block B & C Ground Floor Level)
 9501-FM-XX-01-DR-A-0121-P08 (Proposed GA Plan Block B & C First Floor Level)
 9501-FM-XX-01-DR-A-0122-P08 (Proposed GA Plan Block B & C Second Floor Level)
 9501-FM-XX-01-DR-A-0123-P08 (Proposed GA Plan Block B & C Third Floor Level)
 9501-FM-XX-01-DR-A-0130-P07 (Proposed GA Plan Block D & E Ground Floor Level)
 9501-FM-XX-01-DR-A-0131-P07 (Proposed GA Plan Block D & E First Floor Level)
 9501-FM-XX-01-DR-A-0132-P07 (Proposed GA Plan Block D & E Second Floor Level)
 9501-FM-XX-01-DR-A-0140-P07 (Proposed GA Plan Block F Ground Floor Level)
 9501-FM-XX-01-DR-A-0141-P07 (Proposed GA Plan Block F First Floor Level)
 9501-FM-XX-01-DR-A-0142-P07 (Proposed GA Plan Block F Second Floor Level)
 9501-FM-XX-00-DR-A-300-P03 (Block A Proposed North & East Elevations)
 9501-FM-XX-00-DR-A-301-P03 (Block A Proposed South & West Elevations)
 9501-FM-XX-00-DR-A-302-P04 (Block B Proposed North & East Elevations)
 9501-FM-XX-00-DR-A-303-P03 (Block B Proposed South & West Elevations)
 9501-FM-XX-00-DR-A-304-P03 (Block C Proposed North & East Elevations)
 9501-FM-XX-00-DR-A-305-P03 (Block C Proposed South & West Elevations)
 9501-FM-XX-00-DR-A-306-P03 (Block D & E Proposed East & West Elevations)
 9501-FM-XX-00-DR-A-307-P03 (Block D & E Proposed North & South Elevations)
 9501-FM-XX-01-DR-A-308-P03 (Block F Proposed North & East Elevations)
 9501-FM-XX-01-DR-A-309-P03 (Block F Proposed South & West Elevations)
 3417-LAN-ZZ-XX-R-L-201-P14 (Landscape Masterplan)
 221098 C-600 P05 (Autotrack Swept Path)
 221098 C-601 P02 (Visibility Splay Plan)
 221098 C-602 P01 (Autotrack Swept Path Sheet 2)

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to commencement of demolition, site clearance or any development a detailed demolition / construction environmental management scheme shall be submitted to and approved in writing by the Local Planning Authority; this must include proposed timescales and hours for the demolition, construction phase, deliveries / collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, all proposed attenuation and mitigation methods to protect residents from noise, vibrations, dust and litter and communication methods to the wider community regarding the demolition and construction phases and likely disruptions. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.
- 3 Reason To ensure that the amenities of occupants of neighbouring properties are safeguarded in accordance with the NPPF and Development Plan Policy DM15. This is required to be a pre-commencement condition to ensure the demolition and construction is suitably controlled.
- 4 Condition Development shall not commence (including demolition) until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 4 Reason In the interests of highway safety and neighbour amenity in accordance with the NPPF and Development Plan Policies CS11 and DM15. This is required to be a

pre-commencement condition to ensure the demolition and construction parking is suitably controlled from the outset.

- 5 Condition No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall detail the management and planting details. The LEMP shall detail the management and details of enhancement measures to be installed including the number, type and location of bird boxes and hedgehog links and the location and species composition of hedge-planting/establishment identified within Section 7 of the Ecological Impact assessment in addition to those recommended by the LPA (email dated 03/11/2023). This must include a spatial plan of where enhancements are located.

- 5 Reason In order to safeguard the ecological interests of the site in accordance with the NPPF and Development Plan Policy CS12. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced during demolition or construction.

- 6 Condition No work or other operations associated with the development hereby permitted (including demolition) shall take place on site until a scheme for the protection of the retained trees including Arboricultural Method Statements and a Tree Protection Plan or Plans (section 5.5, BS 5837:2012) has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) Site layout plans to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and root protection area (section 4.6 of BS5837:2012) of every retained tree on site and on neighbouring or nearby ground, superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
 - b) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g., demolition, construction, hard landscaping). Barrier and ground protection offsets must be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.
 - c) The details and positions (shown on the plan at paragraph (a) above) of any underground service runs that are proposed within the root protection areas of any retained tree, (section 7.7 of BS5837:2012). The details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.
 - d) The arboricultural method statement/s (BS5837:2012 part 6.1) shall include details for the installation of any temporary ground protection, excavations, or other method for the installation of any hard structures or underground services within the minimum root protection areas of any retained tree.

The Tree Protection Barriers and ground protection must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection

Barriers are repositioned for that phase. All tree protection works shall be carried out in complete accordance with the approved details.

All existing trees, within the site that are shown as being retained on the approved plans shall not be felled, uprooted, willfully damaged, or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees removed or pruned without such approval, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

- 6 Reason To ensure that the existing trees are properly protected in the interests of visual amenity in accordance with the NPPF and Development Plan Policy DM15. This needs to be a pre-commencement condition to ensure that trees are fully protected during demolition and construction.
- 7 Condition No work or other operations associated with the development hereby permitted (including demolition) shall take place on site until details of all Arboricultural Supervision to include a schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 6 shall be submitted to the Local Planning Authority for approval in writing. Site arboricultural supervision and monitoring shall thereafter be carried out in strict accordance with the approved details.
- 7 Reason To ensure that the existing trees are properly protected in the interests of visual amenity in accordance with the NPPF and Development Plan Policy DM15. This needs to be a pre-commencement condition to ensure that trees are fully protected during demolition and construction.
- 8 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

- 8 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 9 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 9 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 10 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 10 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 11 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.
- 11 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Condition Prior to the commencement of the development hereby approved (including demolition), a survey specifying the location and nature of asbestos containing materials and an action plan detailing treatment or safe removal and disposal of asbestos containing materials shall be submitted to and approved by the local planning authority. The details in the approved action plan shall be fully implemented and evidence shall be kept and made available for inspection at the local planning authority's request.

12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

This also needs to be a pre-commencement condition given the fundamental details linked to asbestos containing materials which need to be planned for at the earliest stage in the development.

13 Condition Prior to first occupation of the development hereby approved evidence of the treatment or safe removal and disposal of the asbestos containing materials at a suitably licensed waste disposal site shall be submitted to and approved by the local planning authority.

13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of land after remediation.

14 Condition Prior to the commencement of development (including demolition) the developer shall:

- Sign up to the Environment Agency flood warning system
- Have an appropriate on-site management regime prepared to the satisfaction of the local planning authority to warn any contractors on-site
- Have a flood evacuation plan prepared to the satisfaction of the local planning authority. The flood evacuation plan shall include:
 -
 - Actions to take on receipt of the different warning levels.
 - Evacuation procedures e.g., isolating services, securing plant etc.
 - Evacuation routes.

14 Reason To reduce the risks associated with flooding in accordance with the NPPF. This needs to be a pre-commencement condition to ensure that those working on the site are fully aware of the risks.

15 Condition No development (excluding demolition) shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and

records of the site investigation, 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and 7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

- 15 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 16 Condition No development shall take place other than in accordance with the written scheme of investigation approved under condition 15 and any addenda to that WSI covering subsequent phases of mitigation.
- 16 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 17 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 15 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 17 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 18 Condition No works shall commence on site until such time as detailed plans of the roads, footways and cycleways have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 18 Reason To ensure appropriate development of the site in terms of highway design and safety in accordance with the NPPF and Development Plan Policies CS11 and DM15. This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 19 Condition Notwithstanding the details indicated on the submitted plans no works shall commence on site (excluding demolition) until a detailed stopping up drawing is agreed and a Stopping Up Order to remove all highway rights subsisting in the highway land indicated on the agreed plan has been granted and all highway rights over the land have been successfully removed.
- 19 Reason To remove the highway rights of way over the land. In order to comply with statutory provisions this must take place prior to commencement. In the interests of highway safety in accordance with the NPPF.
- 20 Condition Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 20 Reason To ensure appropriate development of the site in terms of highway design and safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.

- 21 Condition All footway(s) and cycleway(s) shall be fully surfaced prior to the first occupation of the development hereby permitted in accordance with a phasing plan to be approved in writing prior to the commencement of development by the Local Planning Authority.
- 21 Reason To ensure appropriate development of the site in terms of highway design and safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 22 Condition Prior to the first occupation of the development hereby permitted the proposed on-site access, car parking and turning areas (including Valingers Place car park) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 22 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 23 Condition Prior to first occupation of the development hereby permitted a scheme for the parking of cycles for the commercial / community uses shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.
- 23 Reason To ensure the provision of adequate cycle parking that meets the needs of occupiers of the commercial / community uses in the interests of encouraging the use of sustainable modes of transport in accordance with the NPPF.
- 24 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 24 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.
- 25 Condition Notwithstanding the approved plans, prior to the first use / occupation of the development hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.
- i. Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration (see detailed design proposals for street trees planting pits/trenches at ii)
 - ii. Soft landscape works, to include planting plans, and in relation to tree planting this should include replacement of those lost on a 1:3 replacement ratio, (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, and irrigations, detailed design proposals

for street trees planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, cross sections and dimensions.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

- 25 Reason To ensure that the development is properly landscaped in the interests of visual amenity in accordance with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.
- 26 Condition Prior to the occupation of the development a landscape establishment and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the initial establishment and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.
- 26 Reason To ensure that the development is properly landscaped in the interests of visual amenity in accordance with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.
- 27 Condition A landscape management plan including long-term design objectives, management responsibilities, management, and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 27 Reason To ensure that the development is properly landscaped in the interests of visual amenity in accordance with the NPPF and Development Plan Policies CS01, CS08, CS12 and DM15.
- 28 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 28 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 29 Condition Prior to the first occupation of the development hereby permitted:
- Individual occupiers shall sign up to the Environment Agency flood warning system
 - A flood evacuation plan shall be prepared to the satisfaction of the local planning authority (a community plan maybe satisfactory if there is clear accountability for its maintenance and ongoing promulgation to occupiers). The flood evacuation plan shall include:
 - - Actions to take on receipt of the different warning levels.
 - Evacuation procedures e.g., isolating services and taking valuables etc.

- Evacuation routes.
- 29 Reason To reduce the risks associated with flooding in accordance with the NPPF.
- 30 Condition Prior to the first occupation of the development hereby permitted electric vehicle charging shall be installed in accordance with a scheme to be submitted and agreed in writing by the Local Planning Authority.
- 30 Reason To ensure the electric vehicle charging is safe, accessible, and convenient for all future users including visitors in accordance with the NPPF.
- 31 Condition Prior to the first occupation of the development hereby permitted:
- Finished floor levels shall be set no lower than
 - +5.1m AOD (Block F)
 - +4.7m AOD (Blocks D & E)
 - +4.75m AOD (Block C)
 - +4.95m AOD (Block B) and
 - +4.95m AOD (Block A)
 - Flood resilience measures will be provided in accordance with recommendations included in the Communities and Local Government guidance
 - There will be no ground floor sleeping accommodation at any time in Blocks A-F inclusive
 - There will be no ground floor habitable accommodation at any time in Blocks A-E inclusive
 - For block F, safe refuge will be provided at all times on the first floor which will be 2.6m above the ground floor level.
- 31 Reason To reduce the risks associated with flooding in accordance with the NPPF.
- 32 Condition The community and commercial premises hereby permitted shall only be used between the hours of 0800 and 2000 Monday to Saturday, and 1000 to 1600 on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 32 Reason In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 33 Condition Delivery hours for the community and commercial premises hereby permitted shall be limited to the hours of 0800 and 2000 Monday to Saturday, and 1000 to 1600 on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
- 33 Reason In the interests of the amenity of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 34 Condition Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the neighbouring dwellings, plus provide details of anti-vibration mounts, and all noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

- 34 Reason In the interests of the amenities of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 35 Condition Demolition, construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0900 and 1800 weekdays, and 0930-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays. Piling is only permitted weekdays between 0900 and 1700 hours.
- 35 Reason In the interests of the amenities of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 36 Condition No development above foundation level shall take place on site until a detailed scheme for the sound insulation of the building to prevent noise transfer has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved before the development is brought into use and thereafter maintained as such.
- 36 Reason In the interests of the amenities of future occupiers of the development in accordance with the NPPF and Development Plan Policy DM15.
- 37 Condition Prior to the installation of any external plant/equipment or air intake or extraction associated with the use(s) of the ground floor areas, full details of the sound power levels, make, model and mounting locations of the plant/equipment, noise attenuation and anti-vibration mounts, vents, flues, air intake and extraction equipment to be used, including the flue height, the design and position of all vents and ductwork/pipework, the noise/power levels of the fan(s), the number, type and attenuation characteristics of any silencers, and odour abatement measures shall be submitted for written approval by the Local Planning Authority. The plant/equipment shall be implemented as approved prior to the commencement of the use and thereafter maintained as such.
- 37 Reason In the interests of the amenities of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 38 Condition Prior to the installation of any external lighting, a detailed outdoor lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting, the extent/levels of illumination over the site and the measures to ensure light is contained within the curtilage of the site. The scheme shall be implemented in accordance with the approved scheme and thereafter maintained and retained as agreed.
- 38 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Development Plan Policy DM15.
- 39 Condition Prior to the first use of any commercial / community use hereby permitted commercial waste and recycling shall be provided in accordance with a scheme to be approved in writing by the Local Planning Authority.
- 39 Reason To ensure that waste is properly considered in accordance with the NPPF.
- 40 Condition The development hereby permitted shall be constructed in accordance with the submitted FRA and Drainage Strategy (Flood Risk Assessment and Drainage Strategy, Rev 00, May 2023, by Rossi Long Consulting) as well as

31005_221098_Rev.00_FRA + DS Addendum 01 (Rev 00, 05 October 2023, by Rossi Long Consulting) prior to the first use of the development.

- 40 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Development Plan Policies CS08 and CS12.