



Appeal Decision

Site visit made on 20 April 2021

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2021

Appeal Ref: APP/V2635/W/20/3264904

land opposite 12 Rope Walk, King's Lynn PE30 2AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by N.A.L. Properties Ltd against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref 19/01180/FM, dated 30 June 2019, was refused by notice dated 17 June 2020.
 - The development proposed is erection of fourteen flats in seven blocks and ancillary works including forecourt and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effects of the proposal upon highway and pedestrian safety;
 - Whether or not the proposed development would make adequate provision for affordable housing;
 - The provision of refuse and recycling facilities; and
 - Drainage and flood risk.

Reasons

Highway and pedestrian safety

3. The area immediately to the west of the appeal site is predominantly residential in character, consisting of a series of parallel terraces running off Loke Road, intersected mid-way along their length by a cross-street (Walker Street). Walker Street continues beyond Burkitt Street, providing a short stub where a further handful of dwellings, a mix of detached and semi-detached houses and bungalows, are located. Walker Street peters out at this point, its hard surface replaced by a loose surface as it joins Rope Walk which is, in turn, a short stretch of path leading towards a wider area of hardstanding further to the east.
4. The appeal site itself is currently accessed via a narrow, gated, entrance leading to a narrow and overgrown neck of land and, in turn, to the main body of the appeal site. The nature of the surrounding road and path network is that access to the site would be taken from Burkitt Street and Walker Street, with

- all traffic having to negotiate the acutely angled turn from Walker Street into the appeal site.
5. Although the appellant has submitted tracking plans to demonstrate that the site could be safely and practically accessed, I concur with the Council's assessment that it highlights the inherent flaws in the access and layout of the site, rather than demonstrating satisfactory access to the site. Firstly, the inside of the entrance's acute angle is marked by the corner of an existing building which would restrict visibility in a forward direction. Thus, not only would the proposed access be by way of a tight turn, but that turn would be blind.
 6. Secondly, and compounding both the acute nature of the turn and limited visibility, the width of the first few car lengths of the access road would be less than two car width's wide. Vehicles would thus be faced with turning and entering the site without being able to see on-coming vehicles, or indeed pedestrians or cyclists which, because of the access' restricted width, would be in the middle of the road. A series of further tracking plans showing the swept paths of various types and sizes of vehicle accessing and exiting the site merely underlines the awkward nature of this element of the access.
 7. In addition to the sharp angle, restricted visibility and limited width at the site entrance, the tracking plans also highlight the extent to which access for almost all types of vehicles would be heavily reliant on an absence of parked vehicles on Walker Street. In some instances, such as larger emergency and delivery vehicles, the tracking plans show access would not be possible within the existing street and property boundary confines, regardless of whether or not there are parked vehicles on Walker Street.
 8. From my observation of Walker Street and surrounding streets, the absence of parked vehicles is by no means guaranteed. Parking on the typically confined terraced streets is largely limited to on-street parking. Walker Street, despite its short length and limited number of properties served by it, is no exception. At the time of my visit, vehicles were parked on both sides of the road and it is clear to me that vehicles parked in this location would be in direct conflict with the indicated tracking paths for vehicles shown on the appellant's tracking plans.
 9. Whilst it may well be the case, as described in '*Manual for Streets*' and noted by the appellant, that a driver's behaviour can be influenced by the environment, if the road environment is as compromised as that at the entrance to the appeal site, it becomes harder for a site to be accessed conveniently or safely. Noting the local highway authority's concerns regarding the accuracy of the base mapping used in the tracking plans and that, even within the consequent margins for error, some tracking movements extend beyond the appeal site, I conclude that it has not been adequately demonstrated that the proposed development could be accessed in a safe and efficient manner.
 10. As such, the proposal is contrary to Core Strategy (CS) policy CS11 which, in dealing with transport issues in new development, states that proposals should demonstrate that they have been designed, amongst other factors, to provide for safe and convenient access for all modes of travel. Policy DM15 of the '*Site Allocations and Development Management Policies Plan*' (DMP) sets out a range of factors against which development proposals will be assessed, stating that

proposals should demonstrate that safe access can be provided. For the reasons I have set out above, the proposal would fail to do so.

11. In addition to the shortcomings I have identified with regard to the immediate access to, and within the entrance of, the appeal site, the nature of the surrounding streets are such that they are not well suited to the additional movement of vehicles associated with the proposal. The community may, as the appellant suggests, 'cope' with the existing local road network but that does not mean that it is suitable, either for existing levels of use or those that would arise from the proposed development.
12. The surrounding terraced streets are tightly and compactly laid out, the roads are narrow and lined by parked cars and the pavements constrained by parked cars on one side and the houses direct abutting the pavement on the other. There is limited space for the manoeuvring of vehicles should they encounter other moving vehicles, and cyclists and pedestrians would be marginalised. Nor, due to a short section of private The accessing of an additional fourteen flats via the existing local road network, but focused particularly on Burkitt Street and Walker Street, would contribute to conditions detrimental to highway, cyclist and pedestrian safety and would fail to accord with CS policy CS11 or DMP policy DM15.
13. It is not clear from the Council's submissions whether the concerns regarding the potentially increased usage of the Rope Walk relates to the Rope Walk to the east of the site linking with Edma Street, or its short gravelled length where it meets the end of Walker Street. With regard to the former, although the appeal site includes a neck of land along the site's eastern edge that links with the Rope Walk to the east, there is no suggestion within the submitted plans that this would be used for access, whether be vehicles, cycles or pedestrians. A plans condition to ensure accordance with the submitted plans and conditions regarding implementation of appropriate hard and soft landscaping would provide further assurance that this neck of land would not be used to gain access to / egress from the site onto the eastern stretch of the Rope Walk. I am therefore satisfied that the Council's concerns in this respect could be adequately and appropriately resolved by way of appropriately worded planning conditions.
14. It is also unlikely that vehicles accessing / exiting the site from the proposed site entrance would do so along the eastern portion of Rope Walk towards Edma Street as there is a short section of the Rope Walk where its width is restricted by bollards. This would, I am satisfied both discourage and prevent vehicular access along this length of the Rope Walk from Edma Street. Whilst that may be so however, these matters do not alter my conclusions in respect of the proposed access and the proposal's effect on highway and pedestrian safety.

Affordable housing

15. The Council state that the affordable housing units would not meet the required space standards for affordable housing adopted by the Council and, as such, could not be accepted as affordable housing units. The proposal would, as a consequence it is stated, fail to make adequate provision for affordable housing. It is also stated that a section 106 planning obligation would be entered in to in order to secure the provision of affordable housing.

16. However, the Council's approach to appropriate sizes of affordable housing has not been substantiated by reference to development plan policy or guidance set out in supplementary planning documents. The proposed units would appear on the basis of the floor areas described by the appellant to satisfy the minimum sizes of the '*Technical housing standards – nationally described space standard*' and, in the absence of any compelling justification, I find no harm in respect of living conditions of the proposed dwellings.
17. The appeal has not, however, been accompanied by any means of delivering or securing the appropriate occupation of the affordable housing units. Reference has been made to a planning obligation, but I have no such completed document before me. Whilst I have no evidence before me to demonstrate a shortfall in internal living space within the affordable homes, as there is no means of securing the provision of affordable housing, I cannot be certain that the proposal would make sufficient and appropriate provision for such accommodation. The proposal would not, for these reasons, satisfy the provisions of CS policies CS09 and CS14 and would fail to make adequate provision for affordable housing.

Refuse and recycling facilities

18. The appellant's tracking plans, together with the confirmation of the Council's Waste and Recycling Manager, confirms that regular waste collection vehicles, including those within the Council's fleet, would not be able to adequately access the appeal site. Alternative provisions have been cited, such as a communal waste storage area close to the site's entrance, and a suggestion that a private waste collection service that utilises smaller vehicles than those employed by the Council, could adequately service the proposal.
19. However, given the highlighted shortcomings and margin for error in the appellant's tracking plans, I cannot be certain that even smaller refuse collection vehicles would be adequately able to access the site entrance and the indicated position of the communal refuse storage area. Nor, without such clarity can I be certain that refuse and recycling receptacles would not find their way out to the already congested and impeded area around the site's entrance and the end of Walker Street. It has not therefore been adequately demonstrated that the proposal would make appropriate provision for the siting of refuse and recycling facilities, nor that planning conditions would be capable of adequately resolving such matters. The proposal would therefore be contrary to DMP policy DM15 which sets out the Council's approach to ensuring that development proposals protect and enhance the wider environment by, amongst other things, providing safe access.

Drainage and Flood Risk

20. The Framework states that it should be ensured that proposals do not increase the risk of flooding elsewhere. For major developments, sustainable drainage systems should be incorporated and that such systems should take account of advice from the lead local flood authority (LLFA), have appropriate minimum operational standards, appropriate maintenance arrangements in place for acceptable standards of operation for their lifetime.
21. The appellant states that it is self-evident that sustainable drainage could be achieved but does not explain or demonstrate the basis for why it should be self-evident. It may very well be possible to secure such provision by way of

an appropriately worded condition (or conditions), but neither the submitted FRA nor supporting documentation, sets out the basis upon which to reach that conclusion. The absence of a detailed drainage strategy, in response to advice from the LLFA and local drainage board, compounds the lack of detailed justification for the appellant's stated approach to drainage and, together, the proposal fails to align with the approach to drainage and flood risk set out in the Framework and CS policy CS08.

22. No objection to the proposal has been raised with regard to the submitted sequential and exception tests, and I have not been presented with any compelling evidence to persuade me to reach a different conclusion regarding these matters. However, the lack of detail and clarity over the treatment of surface water drainage within an area at risk of flooding from a range of sources is such that it has not been demonstrated that the proposal would comply with the requirements of CS policy CS08 or the aims of the Framework in respect of appropriately considering drainage and flood risk.

Planning Balance and Conclusion

23. The proposal would boost housing supply, albeit in a stated context of housing land supply in excess of 5 years. However, the presence of at least a 5-year housing land supply is not an upper limit and the Government's objective of significantly boosting the supply of homes is clearly set out in the Framework. The proposal would deliver an additional 14 homes and this weighs moderately in support of the proposal.
24. The provision and delivery of affordable housing would have weighed in support of the proposal but as there is no means of securing or retaining such provision. In the absence of such, however, the proposal would fail to make adequate provision for affordable housing in line with the requirements of CS policies CS09 and CS14 which weighs heavily against the proposal.
25. The appeal site is within reasonable walking distance of the services and facilities offered within the town centre and I've noted that the Council do not challenge the elements of DMP policy DM15 with which the appellant states that there is no objection. I have no further evidence before me to lead me to a different conclusion, but the absence of harm in these respects weighs neither in support of, nor against, the proposal.
26. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR