

AGENDA ITEM NO: 8/2(b)

Parish:	King's Lynn	
Proposal:	Construction of 130 dwellings, associated access roads, footways and new areas of public open space and associated external works	
Location:	Marsh Lane King's Lynn Norfolk	
Applicant:	BCKLWN And Lovell Partnerships Ltd	
Case No:	15/00828/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler Tel: 01553 616402	Date for Determination: 4 September 2015 Extension of Time Expiry Date: 5 January 2016

Reason for Referral to Planning Committee: –

Level of Contributions
Borough Council application with objection; and
Wider Interest

Case Summary

The application seeks full planning permission for the erection of 130 dwellings and associated roads, amenity space, parking, open space and landscaping. Twenty of the dwellings would be affordable.

The site comprises approximately 5.3ha of cleared scrubland and former orchards located 1.5km to the north-east of the town centre of King's Lynn. The site is surrounded to the north, east and south by residential development and is separated from the North Lynn Industrial Estate to the west by a PROW / National Cycleway.

Access to the land is currently via Segrave Road to the north although there are no vehicular or pedestrian rights of way into or across the site. The principal access to the development would be via the permitted new road running south from Edward Benefer Way (A1078) to the Lynnsport site. Consent for this road was approved in April 2015 (14/01562/FM) and the road has been designed to accommodate both access into and traffic flows from this site and future proposed 'Lynnsport' sites. The development would also include two new access roads; one running east-west (from the new road) and a second running north-south connecting to Segrave Road (north) and Marsh Lane / Aconite Road (south). Five pedestrian points of access are also proposed and have been located to continue existing paths and follow 'natural desire lines' into the site.

The site is currently a saved allocated site in the Local Plan, 1998 and a proposed allocation in the Site Allocations and Development Management Policies Pre-Submission Document, January 2015. Saved Local Plan Policy 5/38 and Draft Policy E1.4 relate to this site.

Key Issues

Principle of Development
Flood Risk and Drainage

Form and Character
Residential Amenity
Access, Transport and Parking
Open Space, Recreation and Ecology
Trees and Landscaping
Affordable Housing and Other Contributions
Other Material Considerations

Recommendation

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 3 months of the date of resolution to approve

(B) REFUSE in the event that a suitable Section 106 Agreement is not completed within 3 months of the resolution to approve

THE APPLICATION

The site comprises 5.3ha of cleared scrubland and former orchards located approximately 1.5km to the north-east of the town centre of King's Lynn and 300m north of Lynnsport. The site is surrounded to the north, east and south by residential development and to the west by the North Lynn Industrial Estate.

Parts of the site were formerly used as a piggery (although the remnants of this have been removed) and there is a surviving area of orchard which is to be preserved and enhanced as part of the scheme.

The site is currently allocated for housing in the Local Plan, 1998, and is also carried forward in the emerging Site Allocations DPD.

The application seeks full planning permission for the erection of 130 new dwellings 20 of which would be affordable (8 x 1-bed units (all affordable); 37 x 2-bed units (31 x market; 6 x affordable); 58 x 3-bed units (52 x market; 6 x affordable) and 27 x 4-bed units (all market)).

The dwellings range in height between c.4.8m and 5.0m to eaves and c.8.2m and 9m to ridge apart from the building accommodating the flats which is shown to have an eaves height of c.7.9m and a ridge height of c.11.8m.

The palette of materials consists of red brick (2 types), cream brick, cream render, red pantiles, grey tiles, stone and brick headers, stone and cills. Each dwelling would have brick corbelling and brick pedestal. There are four canopy and door 'types'; all properties would have white uPVC window and door frames. Boundary treatment will comprise 1.8m high close boarded timber fencing (CBTF) and 1.8m high walls with 1.5m CBTF with trellis atop in the passages that provide rear access to mid terrace properties.

The scheme proposes parking in line with current parking standards.

Access to the land is currently via Segrave Road to the north although there are no vehicular or pedestrian rights of way into or across the site. The principal access to the development would be via the new road running south from Edward Benefer Way (A1078) to the Lynnsport site.

Consent for this road was approved in April 2015 (14/01562/FM) and the road has been designed to accommodate both access into and traffic flows from this site. The development would also include two new access roads; one running east-west (from the new road) and a second running north-south connecting to Seagrove Road (north) and Marsh Lane / Aconite Road (south). Five pedestrian points of access are also proposed and have been located to continue existing paths and follow natural desire lines into the site.

The site is located in close proximity to open space and recreational facilities at Lynnsport, and the proposal includes measures to upgrade and enhance local footpaths and cycle networks as well as contributing to the River Gaywood Restoration Trust and a community wildlife site. Additionally the development has been designed around the retention and improvement of the remains of the orchard which will provide a substantial area of green space close to the centre of the development.

The development would be constructed in four main phases: phase one being to the north, east and south of the orchard; phase two extending westwards from the north-western corner of the orchard; phase three being the western edge of the site and phase four comprising the remaining southern element.

SUPPORTING CASE

The application is accompanied by a wealth of supporting documentation including a supporting statement which reads: *'This application is the first of 4 sites in the Lynnsport and Marsh Lane area which has been identified as part of a holistic plan of regeneration work for the area. The redevelopment of this site will facilitate the delivery of a number of community benefits including improved access and drainage and will financially contribute to offsite drainage improvements to alleviate flood risk in the North Lynn area.'*

The application proposes the development of 130 new houses on an allocated site situated in a residential area close to the centre of King's Lynn. The site was allocated for housing in the 1998 Local Plan (policy 5/38) and, recognising the sustainability of the location and continued suitability of the site for housing development, is proposed to be allocated for residential development in the emerging replacement Local Plan (emerging policy E1.4).

At present the site is disused and the historical uses of the site have left both assets and issues which are addressed in this application. In terms of assets, the site includes an area of remnant orchard. The proposed development would retain this asset and deliver works to preserve and enhance the existing trees together with supplementary planting. This orchard would then be used as part of an area of high quality public open space. With regards to issues, historic uses of the site have resulted in areas of contaminated land which have been properly assessed, and quantified in information supporting the application, and which would be ameliorated as part of the development proposed.

The site is located close to the centre of King's Lynn and is readily accessible by a number of sustainable forms of transport. It is surrounded by residential development and will connect to both the new access road to Lynnsport and the existing local highway network, providing a well-connected development and offering increased permeability throughout the neighbouring residential areas. The Transport Assessment submitted in support of the application demonstrates that the development would, through the provision of new footway, cycleway and highway connections, provide overall benefits to the operation and capacity of the local transport networks.

The application proposal includes a mix of house types and sizes, with a strong emphasis on high quality design of both the dwellings and the supporting infrastructure (for example footways, cycleways, green spaces and landscaping). This emphasis on high quality design and good quality materials will result in a sustainable, mixed community which will accord with the character of the surrounding residential areas.

The development would deliver green space in excess of that required by adopted policies and, through contributions towards local projects at the Lynnsport site and the River Gaywood, would deliver real ecological and landscape improvements in the local area.

It is recognised that, as with much of King's Lynn, the site lies in an area at risk of flooding. This has been considered as a fundamental part of the design process and the comprehensive Flood Risk Assessment which accompanies the application demonstrates that, due to careful design and specification of both the individual dwellings and the drainage infrastructure associated with the scheme, the proposal would be safe and, in conjunction with offsite drainage improvements, would not increase the risk of flooding elsewhere. Recognising the benefits of sustainable drainage systems, but mindful of the inherent difficulties of delivering sustainable drainage in a viable manner due to ground conditions at the site, the application proposes the use of a targeted system of sustainable drainage which would be effective in ensuring the development does not increase the risk of flooding on or off site. The applicant has been working with the Internal Drainage Board since January 2014 to develop a proposal which secures improvements to the existing drainage system sufficient to deal with flows from this proposed new development and, at the same time, delivers larger benefits to the greater King's Lynn drainage system.

In summary, the proposed development would deliver 130 new houses, including 20 affordable homes, in a sustainable location close to the centre of King's Lynn and at a time when there is a marked need for new private and affordable housing in the Borough. The proposal would utilise and remediate a currently vacant site with low ecological value and deliver a mix of high quality homes and public open space to be enjoyed by existing neighbouring and future residents. The application accords with National Planning Policy guidance and the provisions of both the existing adopted Local Plan and the emerging replacement Local Plan, both of which identify the site as a location suitable for housing development of the scale proposed'.

PLANNING HISTORY

No recent relevant history.

RESPONSE TO CONSULTATION

Highways Authority (NCC): NO OBJECTION subject to securing a Travel Plan performance bond via S106 and conditions to secure:

- Detailed plans for roads, footways, etc.
- Securing future management and maintenance of the streets
- Construction traffic management plan (to include wheel cleaning, construction routes, construction parking, etc.)
- Implementation of the Travel Plan
- Monitoring and Mitigation programme in relation to impact on Marsh Lane

Lead Local Flood Authority (NCC): NO OBJECTION expresses some concerns over the lack of SuDS but confirms that the balance between viability and SuDS provision is for the LPA to undertake. Appropriate conditions are recommended in relation to the detailed design of surface water drainage.

Historic Environment Service (NCC): NO OBJECTION subject to condition relation to post-excavation analysis, reporting, publication and archiving of the results.

Environment Agency: Flood Risk NO OBJECTION recommend conditions relating to flood warning and evacuation be appended to any permission granted.

Biodiversity NO OBJECTION recommends conditions relating to Landscape Management and Japanese Knotweed.

National Grid: NO OBJECTION However, due to the presence of National Grid apparatus in proximity to the specified area the contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.

Norfolk Wildlife Trust: NO OBJECTION

Internal Drainage Board: No formal comments have been received since the Board's last meeting in early November. The latest comments to have been received are those dated 30 October which offer **NO OBJECTION** but expresses some concerns over conclusions reached in the flood risk assessment and the Gaywood River Restoration Programme. Recommend conditions relating to:

- Non-return valves being used in the site's system to prevent any flow return;
- Limiting conditions for the receiving watercourse

Anglian Water: NO OBJECTION subject to condition relating to agreed drainage strategy.

District Emergency Planning Officer: NO OBJECTION recommends conditions relating to flood risk mitigation measures.

Arboricultural Officer: NO OBJECTION acknowledges that whilst the loss of T11 is unfortunate it should not be retained at the cost of the development.

Historic England: NO OBJECTION does not consider that Historic England need be notified.

Housing Enabling Officer: NO OBJECTION subject to affordable housing provision, in line with current policy, being secured by S106.

Natural England: NO OBJECTION

Environmental Health & Housing – Environmental Quality: NO OBJECTION recommend conditions relating to:

- The production of a Construction Environmental Management Plan,
- Implementation of the recommendation of the Framework Residential Travel Plan (FRTTP) and
- Additional site characteristic investigations undertaken in relation to contaminated land.

Environmental Health & Housing – Community Safety and Neighbourhood Nuisance:
NO OBJECTION subject to conditions relating to:

- Surface Water,
- Land Drainage,
- Production of a Construction Management Plan,
- Restriction on the hours of operation and
- Detailed Outdoor Lighting Scheme.

Norfolk Constabulary: NO OBJECTION – No comments were received on the amended plans.

King's Lynn Civic Society: NO OBJECTION but is disappointed that the new estate will only be built to CfSH level 3 and that there is no mention of solar power. Requested satellite connects be concealed within the buildings.

REPRESENTATIONS

EIGHTEEN letters of **OBJECTION** have been received from 14 third party representatives. The main issues raised are:

- The acoustic assessment has not taken account of construction noise and vibrations on neighbouring properties;
- Loss of light due to the proximity of one of the plots (to 26 Millfields);
- Consideration of the approvals at the former Alderman Jackson School and Marsh House and other future housing developments have not been taken into account in the traffic assessment;
- Concerns relating to damage that may be caused to the foundations of dwellings on the Sedges from construction works;
- The junction between Marsh Lane and Wootton Road is already below standards and this will result in increased traffic at this junction;
- Bollards should be installed (as originally proposed) to prevent through traffic using Marsh Lane;
- The western access link to the site will result in a 'rat-run' and, notwithstanding the priority the cycleway would have over the road, would present risks to users of Cycle Route 1;
- The whole development should be restricted to 20mph;
- Concerns relating to an existing private hedge that borders the site and how the site's side of the hedge will be maintained;
- The site should not be developed as it currently provides a home for a multitude of wildlife and a space where children can play and enjoy nature;
- The site was originally cleared by the Borough Council before the appropriate measures of an ecology report were published;
- The loss of the orchards and the wider site will force to people to drive to nearby Protected European Sites such as Roydon Common;
- Pressure on services;
- Increased pollution (extra cars and lorries);
- Will increase off-site flooding;
- The LPA should ensure that Norfolk Police's recommendations are taken into account;

- Concerns relating to the Gaywood River Restoration Plan which is only in draft form, has no formal status or agreement from riparian owners, and has a number of issues outstanding including ecology and archaeology;
- The SuDS Viability Assessment (with financial detail redacted) should be in the public domain;
- SuDS should be incorporated into the scheme without fear or favour regardless of the applicant and the profitability of the development;
- Development of the site would lead to the loss of wildlife and an area where children can play safely and enjoy nature;
- Object to the manner in which the Borough Council cleared the site before appropriate measures of investigation were undertaken;
- Impact on Roydon Common and Dersingham Bog as a result of the loss of the orchard and land at Lynnsport;
- The application is being used to determine unconnected applications (Gaywood River Restoration Project and the LynnSport Wildlife Area).

Marsh Lane Home Watch & Good Neighbour Association: Looking through the 73 page transport report I could not see any mention of Bevis Way junction that services New Street and Adelaide Avenue, so if I am correct this is a serious omission and leaves the report flawed as it takes no account of the T junction and the hazards with restricted line of sight when driving out of this area into Marsh Lane.

The 56 dwellings of this area may well have up to 2 or even 3 cars per dwelling so if this area has not been factored into the report the daily traffic movements will mean a substantial difference to the traffic from our residents.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

5/38 - allocates 4.6 hectares at Edma Street, 8.9 hectares at Marsh Lane and 4.7 hectares at Wootton Road for housing purposes.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS08 - Sustainable Development

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM8 – Delivering Affordable Housing on Phased Development

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM21 - Sites in Areas of Flood Risk

PLANNING CONSIDERATIONS

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

- Principle of Development
- Flood Risk and Drainage
- Form and Character
- Residential Amenity
- Access, Transport and Parking
- Open Space, Recreation and Ecology
- Trees and Landscaping
- Affordable Housing and Other Contributions
- Other Material Considerations

Principle of Development

The application is made by the Borough Council and as such falls to be considered under the provisions of the Town and Country Planning General Regulations 1992. Regulation 3 states that the application may be determined by the Council as Local Planning Authority subject to any requirements of Section 77 of the 1990 Act; there are no such requirements relating to this application. If granted, Regulation 9 states that, if granted, any consent shall only enure for the benefit of the 'applicant interested planning authority', i.e. the Borough Council.

King's Lynn is the borough's main town and sub-regional centre where, in accordance with the Core Strategy, the majority of growth in the borough is sought.

The site lies within Built Environment Type D and the Defined Area of the Town as defined on the Local Plan Proposals Map (LPPM). It forms part of an existing housing allocation in the Local Plan (5.38), and this allocation is carried forward in the emerging Site Allocations Plan (E1.4).

Policy E1.4 states: 'Land amounting to 5.3 hectares is allocated for residential development of some 170 dwellings. Development will be subject to compliance with all of the following:

1. Provision of a new road linking the site to the A1078 Edward Benefer Way, minimising negative impacts on the existing cycleway;

2. Submission of a site specific Flood Risk Assessment;

3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SuDS should be included with the submission;

4. Informal recreation provision on, or in the vicinity of, the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to the exercising of dogs) on Roydon Common Special Area of Conservation. This provision may consist of some combination of:

- Informal open space (new and/or existing);
- Pedestrian and cycle routes (new and/or existing) which provide a variety of terrain, routes and links to greenspace and/or the wider footpath and cycle network;
- A contribution to greenspace provision or management in the wider area within which the site is located;

5. In judging the amount of on-site open space appropriate under Policy DM16 (Provision of Recreational Open Space) regard will be given to the proximity of the development to existing safeguarded facilities (such as those at Lynnsport to the south of the site). The Borough Council will consider flexibility of open space provision requirements where this would result in qualitative and quantitative benefits to the community and where the preceding habitats requirements are met;

6. Provision of a project level habitats regulations assessment, with particular regard to the potential for indirect and cumulative effects through recreational disturbance to the Roydon Common Special Area of Conservation;

7. Financial contributions towards the provision of infrastructure including additional primary and secondary school places;

8. Provision of affordable housing in line with the current standards;

9. Submission of an Ecological Study that establishes that either:

- i. there would be no negative impact on flora and fauna;
- ii. or, if any negative impacts are identified, establishes that these could be suitably mitigated'.

The weight to be given to the emerging LDF / local plan prior to adoption is set out in the NPPF para 216. The weight given depends on the stage reached, the extent of unresolved objections, and the consistency with the NPPF. In principle, any application for planning permission would need to be considered in light of the advice referred to at para. 216 in terms of the weight given to the matters referred to in draft policy E1.4. Notwithstanding this, as previously mentioned, the site is an existing saved housing allocation covered in local plan policy 5.38.

However, a recent appeal and subsequent High Court Judgement has found that the Council cannot demonstrate a five-year supply of deliverable housing sites. In such circumstances the NPPF states, at paras 49 and 14 that: *'Relevant policies for the supply of housing should not be considered up-to-date... [and LPA's should approve development proposals without delay], unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole; or*
- *specific policies in this Framework indicate development should be restricted'.*

As such it is considered that the principle of development for residential use of this site is to be supported.

Flood Risk and Drainage

Flood Risk

The site lies in an area at risk of flooding from a number of sources (rivers and watercourses, surface water, tidal and sea, and groundwater), although the risk from most is low. The highest risk is from tidal (to a small area to the eastern portion of the site) although revised EA mapping for this area (2015) shows the site to be at lower risk of tidal flooding than the previous generation of data. Surface water flooding represents medium risk which is largely due to a combination of the site's low topography and the extent of impermeable paving and limited surface water drainage in the surrounding areas especially the area to the north. Surface water flooding risk at this site is exacerbated by the current situation in respect of the adjacent Millfields estate (to the east) which drains unrestricted into the site.

Both national (the NPPF and NPPG) and local (the Development Plan) seek to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However, and notwithstanding the lack of a 5-year supply of housing land, it is not necessary to undertake the sequential test on allocated sites (as it is considered that has occurred during the allocation process).

The exception test must however still be passed. For the exception test to be passed:

1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
2. A site-specific flood risk assessment must demonstrate that 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.

In relation to the first element, there is a pressing need for both market and affordable housing in the borough. Furthermore this is a long standing allocation that is well located in terms of its proximity to local services and facilities, for example Lynnsport, as well as the town centre itself. As such it is considered that the development clearly provides wider sustainability benefits that outweigh the risks associated with flooding.

In order to satisfy the first part of the second element, finished floor levels will be set above existing site levels and flood resistant construction techniques will be employed up to a level of 4.1m (300mm above breach water levels). All first floor areas will be set above 3.8m to ensure safe refuge and no sleeping accommodation will be provided on the ground floor of the two-storey properties.

The flats are located in an area where the depth of flooding is likely to be less than other parts of the sites. Additionally occupiers of ground floor flats can achieve safe refuge on the first (or second) floor landing areas (the predicated timeframe between a breach event and the site being impacted is up to 18 hours). The proposal has been designed so that the most vulnerable properties (the flats) are in the area at the lowest risk of flooding and depths) and any flood waters would be directed to the least vulnerable areas (such as roads and open space (the orchard)). The FRA also proposes signing up to flood warning services and producing evacuation plans. The FRA has satisfied the Environment Agency that the development can be made safe and the EA has no objection (subject to conditions) in relation to the risks associated with flooding.

In relation to the second part (not increasing flood risk elsewhere), it is suggested (see section below) that the development would not increase flood risk elsewhere and will actually improve drainage of the adjacent Millfields estate.

It is therefore concluded that the exception test is passed and that the proposed development accords with the overarching aims of planning policy and guidance in relation to development in areas at risk of flooding.

Any permission will need to be conditioned to be carried out in accordance with the recommendations and mitigation suggested in the Amended Flood Risk Assessment that accompanied the application (dated July 2015).

Drainage

The site is a greenfield site (in terms of surface water drainage run-off rates) onto which the Millfields Estate currently drains. This outfalls into an existing IDB maintained drain to the north of the site which itself eventually outfalls to the west of the site (into the wider IDB system).

Additionally Anglian Water surface water sewers flow onto the site from the north, south and east; these also outflow to the west into the wider IDB system.

It is proposed for the new surface water drainage system (which will be sized to cope with a 1 in 100 year plus climate change rainfall event) to continue to outfall to the west of the site into the forthcoming enhanced North Lynn Drain (NLD) which has been designed to accept unrestricted flows from the site (including the Millfields outfall) and other potential housing sites in the North Lynn area.

The existing northern drain, into which the site and Millfields currently outfalls, will be culverted and retained by the IDB and may in the future be used to convey water from areas to the northeast of the site.

The new drainage system (excluding the shared permeable paving areas that form part of the SuDS system (see below) and the northern drain which the IDB wish to retain control over) will be offered to Anglian Water for adoption. The shared permeable paving areas will be maintained by a management company to be secured via the S106. Other watercourses within the site that have been shown to have no positive outfalls will be culverted following appropriate consents.

A watercourse to the eastern site boundary is within the curtilage of the adjacent former Alderman Jackson school site and therefore will remain unaltered.

The responsibility for maintaining this watercourse is with the owner of the former Alderman Jackson school site.

Foul Drainage

The foul drainage from the development will be collected in a new drainage system and conveyed to a new pump station. These will be offered to Anglian Water for adoption.

Sustainable Urban Drainage Schemes (SuDS)

Both national and local policy encourages the use of SuDS in line with the hierarchy of drainage as shown in the NPPG:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

At a national level policy support for SuDS is explicit, with para 079 of the online NPPG stating that, when considering major development, 'sustainable drainage solutions should be provided unless demonstrated to be inappropriate'.

Appropriateness is a matter of judgement for the LPA taking into account all the information available to it including what is reasonably practicable. The NPPG states that *'The judgement of what is reasonably practicable should be by reference to the technical standards published by the Department for Environment, Food and Rural Affairs and take into account design and construction costs...and that in terms of the overall viability of a proposed development, expecting compliance with the technical standards is unlikely to be reasonably practicable if more expensive than complying with building regulations...Similarly, a particular discharge route would not normally be reasonably practicable when an alternative would cost less to design and construct'*.

As such the NPPG recognises there are two factors to consider in relation to appropriateness: firstly the technical feasibility of any particular SuDS approach; and secondly the impact on viability any particular SuDS approach may have.

The NPPG defines viability as follows: *'A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken'*. The NPPG states that in all cases, land or site value should provide a competitive return to willing developers and land owners to enable development to be viable.

Emerging local plan policies reflect this national policy approach of supporting the use of SuDS, including balancing this support against considerations of viability.

A detailed appraisal of potential SuDS components was undertaken to assess the suitability of options for the development. A number of options were considered to be technically impracticable with further options considered technically achievable but unviable. In relation to the appraisal, the NPPG states that: *'Information sought by the local planning authority should be no more than necessary, having regard to the nature and scale of the development concerned'*.

As a result of the appraisal, the SuDS measures proposed in this application include the provision of a water butt for each dwelling and the use of shallow-tanked, permeable paving solution in all areas of shared private driveway (the latter to be managed by a management body which will be secured by S106).

Paragraph 173 of the NPPF states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking...and that the scale of obligations should not threaten the viability of a scheme.

In conclusion, the site lies in an area identified as being at risk of flooding and the accompanying Flood Risk Assessment has demonstrated to the satisfaction of your officers and the Environment Agency that the development is safe and would not increase the risk of flooding elsewhere.

Accordingly it is considered that the development satisfies the requirements of adopted policy CS08 by utilizing appropriate design and engineering solutions to mitigate any residual flood risks. It is also material to note that the development would deliver improvements to the existing flood risk situation in the area by dealing positively with the surface water flows from the neighbouring Millfields development, and potentially from further development in the area.

The development therefore strikes an appropriate balance between flood risk and environmental concerns; and viability, health & safety and aesthetic concerns, the use of a targeted range of reasonable practicable SuDS solutions has been proposed and will be secured by condition (maintenance will be secured through the S106).

It is therefore concluded that the development accords with overarching national and local policy and guidance in relation to the risks associated with flooding, drainage and the provision of SuDS.

Form, Character and Design

The NPPF states that good design is indivisible from good planning and should contribute positively to making places better for people. It goes on to say, at para 58, that *'decisions should aim to ensure that developments:*

- *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;*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesions; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping'.*

In relation to density the NPPF states, at para 47, that: *['LPA's] should set out their own approach to housing density to reflect local circumstances'.* The density of neighbouring housing sites ranges between 34.7 and 36.4dph; the site, with an approximate density of 24.5dph, is therefore below the gross density of the general locality.

However, density calculations can be artificial; and the critical question is whether the best use of land is being made. The optimum planning solution is to produce the maximum number of houses consistent with the site constraints, residential amenity, the character of the area and good design.

In this instance the density is affected by (amongst other things) the desire to retain the existing orchard; improve pedestrian, cycle and vehicular links; and enable overlooking of open spaces, footpaths and parking areas.

The mix and design of dwellings ranges from one bedroom flats to two, three and four bedroom detached, semi-detached and terraced houses in a development of predominantly two-storey buildings (the only exception to the rule being the three-storey flats). The proposal is therefore considered to offer a wide choice of housing that, in consultation with the housing team, is consistent with addressing the housing need identified in the borough.

It is considered that the house types, scales, masses and proposed materials are reflective of the wider locality, and the general layout is considered to represent an attractive and permeable scheme that would function well.

In summary, the proposed scheme is considered to incorporate the key aspects that contribute to the making of high quality places and therefore represents good design that takes the opportunities available for improving the character and quality of the area and the way it functions.

Residential Amenity

There are existing residential properties to the immediate north and east of the site and also to the south, although those on the southern side are separated from the site by either roads or pedestrian footways.

Whilst all dwellings on the periphery of the site are likely to be affected to some degree by the proposed development, a number of key areas of concern were highlighted and discussed with the applicant. These issues related to overlooking, overbearing and overshadowing impacts. The main concerns were in relation to No.5 Evelyn Way in terms of overlooking from the flats (plots 70–77), No.2 Fern Road in terms of overlooking from plot 23 and Nos.26 and 27 Millfields in terms of overbearing and overshadowing impacts from plots 30 and 31.

Amended plans ensuring that no habitable windows above ground floor level face north in the flats, increasing the distances between plot 30 and No.27 Millfields and rotating and increasing separation distances between plot 31 and no. 26 Millfields, and changing the angle of plot 23 have satisfactorily addressed these concerns.

Following the submission of amended plans no objections have been received from third party representatives in relation to overlooking, overbearing or overshadowing impacts.

Inter-development relationships are considered appropriate, with dwellings benefitting from an acceptable amount of private amenity space, parking (in accordance with current standards), and rear access to all mid-terrace properties.

It is therefore concluded that the development would not result in any significant detrimental impact on the amenity of occupiers of neighbouring properties and achieves a good standard of amenity for future occupants of the development.

Access, Transport and Parking

Access

The site is located to the east of the approved 'Lynnsport Access Road' (LAR), south of Segrave Road and north of Marsh Lane. The primary access into the site would be via a new priority junction from the LAR. This access would cross the National Cycle Network Route 1 Sandringham Rail Path (NCN1) via a raised platform. Cyclists and pedestrians using this route will be given priority over vehicular traffic. This access (including the NCN1 crossing point) already benefits from permission under the approved Lynnsport Access Road.

An east-west adoptable road (limited to 20mph) will run through the site from the LAR providing four private road / cul-de-sacs to the north, two to the south as well as one adoptable road to the south. At its eastern end, the east-west road will meet a north-south adoptable road (limited to 30mph) which will provide a connection between Segrave Road to the north and the Marsh Lane / Aconite Road junction to the south. To the east of the north-south road will be a large area of public space (comprising the orchard and a LEAP). A mews road (limited to 20mph) will loop around this open space via junctions with the north-south road.

The access strategy for the site has been developed with a longer-term view to enhance public transport provision in the area. The north-south road will open up the opportunity to re-route local bus services to better serve the development as well as existing residential areas surrounding the site.

Walking and Cycling

From the south-eastern corner of the site Marsh Lane heads eastwards towards Wootton Road. Footways are provided on both sides of the carriage. Aconite Road splits off into two cul-de-sacs at the end of each of which are unsurfaced footpaths that provide direct connections to Lynnsport.

A 3m wide lit mixed-use cycle / footway runs along the southern boundary of the site connecting NCN1 with Marsh Lane. Heading south NCN1 provides a connection to King' Lynn town centre via Lynnsport, and heading north through the Woottons, Castle Rising, Sandringham and on to the coast.

At the north-eastern corner of the site NCN1 connects to a 3m wide mixed-use cycle / footway at Nuthall Crescent and on into Segrave Road and the wider 'Grange Estate'.

Bus Services

There are currently three local routes running close to the site (all have stops within 300m of the site) and, as mentioned above, the longer term view is to enable the re-routing of bus services – something that the current bus operator has confirmed they are interested in.

In summary, the site is well served by the existing network of walking and cycling routes and further footways will be provided along all internal roads within the site. The new roads / streets have been designed with curving horizontal alignments designed to slow vehicle speeds thus creating a safer environment for pedestrians and cyclist. The creation of new through-routes through the site will provide more direct route alternatives than currently available for neighbouring residential areas.

Transport

Both a Transport Assessment (TA) and Residential Transport Plan (RTP) accompanied the application.

Nine junctions were assessed as part of the approved Lynnsport Access Road planning application. These same nine junctions, as well as an additional three (Wootton Road / Marsh Lane; Marsh Lane / Aconite Road and Wootton Road / Mill Lane), were assessed as part of the current TA. Additionally a number of committed developments were also included in the assessment (95 dwellings at Russett Close; 25 dwellings at the former Alderman Jackson School on Marsh Lane; and 14 dwellings at the former Marsh House offices on Marsh Lane).

The Summary of the TA is that *'the development will provide overall benefits to the operation and capacity of the local transport networks through the provision of new footway and cycle route connections and new highway links. As well as opening up the opportunity to further enhance local bus services, these new highway links will offer shorter routes to various destinations across the network leading to time and distance savings, as well as reducing traffic levels at a number of locations. Where small increases in traffic are forecast, the assessment has demonstrated that the highway network is able to accommodate this traffic'*.

The purpose of the RTP is to deliver sustainable transport objectives. The RTP identifies measures aimed at promoting sustainable travel; its high level objectives are to:

1. Address the access needs of resident and visitors by supporting sustainable modes of transport;
2. Raise awareness amongst site residents of the impact of their travel choices on their health and the local environment; and
3. Minimise single occupancy vehicle (SOV) journeys to and from the development.

The developers have worked closely with the Local Highway Authority (LHA) to resolve any outstanding concerns and the LHA has no objection to the proposed development subject to conditions.

It should be noted that two of the conditions that the LHA are requesting:

'Prior to the commencement of the development a monitoring programme to assess the level of traffic on Marsh Lane at defined intervals of occupancy of the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council as the Local Highway Authority. The monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation in consultation with Norfolk County Council, the Local Highway Authority' and

'No further development above the 75th dwelling shall take place until a Transportation Assessment, based upon the monitoring programme approved pursuant to the condition above and including a package of mitigation measures as necessary, has been submitted to and approved in writing by the Local Planning Authority in consultation with Norfolk County Council, as the Local Highway Authority. No the further development above 100 dwellings shall not take place until the mitigation measures are implemented as approved

as well as the monitoring bond for the Travel Plan (the latter of which would be secured via the S106), do not by their own [County's] admission meet the tests as outlined in the NPPG – specifically: necessity, precision and reasonableness.

The LPA does not consider that a condition that requires delivery of an unspecified package of measures, to be delivered at an unspecified cost can be considered reasonable or precise. Additionally, the need for the conditions is unclear as the Transport Assessment (TA) concludes that the development would not have an unacceptable impact on the surrounding public highway. The LHA do not refute the findings of the TA and therefore the conditions cannot be considered necessary.

As such it is recommended that these conditions are not appended to any permission granted, and that the requirement for a monitoring bond in relation to the Travel Plan is not included in the S106 Agreement.

Parking

Parking, in accordance with current parking standards, is provided in either garages (which measure 3m x 7m internally) and / or off-street parking; 13 visitor bays are also proposed.

Construction Traffic

It is considered that similar arrangements for the construction of the Marsh Lane site will be used as those agreed for the Lynnsport Access Road. It is therefore proposed, to minimise the impact on local residential roads, to route construction traffic from the principal highway network via Hamburg Way, Bryggen Road and the former bus link between Bryggen Road and Reid Way. Notwithstanding this, a Construction Traffic Management Plan will be conditioned if permission is granted.

It is therefore concluded that the development accords with overarching national and local policy and guidance in relation to sustainable transport, access for all and parking provision.

Open Space, Recreation and Impact on Nature 2000 sites

Open Space

Open space provision is covered under emerging policy DM16 and reiterated in allocation policy E1.4. The requirement on this site is 7,269m² of which 2,180m² (30%) should be suitably equipped children's play space (LEAPs).

There are four main areas of open space that comprise informal and formal (LEAPS and LAPS).

Area 1 Whole area	5,089m ²
LEAP	520m ²
Area 2 LEAP	650m ²
Area 3 Informal	1,018m ²
Area 4 LAP	89m ²
 TOTAL	 6,846m ²
LEAP Provision	1,170m ²

Whilst on-site provision is slightly under policy DM16 requirements, the policy does enable a flexible approach to the open space requirement which is expanded upon in site specific policy E1.4 which states that regard will be given to the proximity of the development to existing safeguarded facilities such as Lynnsport to the south of the site.

Recreation

However, Policy E1.4 makes clear at points 4 and 6 that there is an expectation for enhanced recreational provision or contribution towards such provision on or in the vicinity of the allocated site. This requirement is linked to the proximity to protected nature conservation sites in the wider area (Natura 2000 sites). This approach has been supported by Natural England in the preparation of the emerging development plan.

The Local Authority has recently approved a comprehensive Mitigation and Monitoring Strategy to address concerns raised by the inspector during the examination of the Authority's Site Allocations and Development Management Policies Pre-Submission Document. The Strategy was produced in consultation with Natural England, Norfolk Wildlife Trust and the RSPB. The Strategy includes a levy on all developments (£50 per dwelling) and a mechanism for considering recommendation for spending from the levy although it would be primarily aimed at the sensitive designated sites.

In this instance the applicant is contributing £10,000 to the restoration of the Gaywood River Corridor to encourage public access to this area, a contribution in excess of the requirement of the £6500 levy. Additionally an area to the south-east of Lynnsport is being developed as a community wildlife area (LynnSport Park) which will not only benefit this site, but other existing and proposed developments in the locality.

As mentioned above open space will be provided on the site. Furthermore the site itself is in close proximity to additional formal and informal open spaces (namely Lynnsport), which are used by dog walkers. Additionally, walking routes within the site, linking to areas adjacent, will also be provided with will encourage walking and healthy living.

The impact of the scheme in isolation and in combination has been fully assessed by virtue of a Habitats Regulations Assessment (HRA), which is attached to this report. The conclusion of the assessment is that, subject to incorporating the on and off-site works and contributions outlined above there would be no significant detrimental impacts from the proposed development in isolation or in combination with other allocated sites on the features on which the Natura 2000 sites were designated. As such, in relation to the impacts on Natura 2000 sites, permission may be granted.

Some questions have been raised by third parties and the IDB in relation to the Gaywood River Restoration Project (GRRP) and whether it has progressed far enough and has the correct consents etc. to be considered at this time. It is considered that the S106 can be suitably worded to ensure that if the GRRP does not go ahead within a specified timeframe that the £10,000 will go into the Habitats Mitigation Fund instead. It should be noted that the current planning application does not grant permission / consent for any other scheme or project that has been mentioned in this report.

It is therefore concluded that the on-site provision and off-site contributions accord with current policy requirements.

Ecology

The NPPF advises that the planning system should minimise the impact on biodiversity with the aim to conserve and enhance biodiversity (paragraph 118). Core Strategy Policy CS12 states that development proposals which may affect biodiversity will be required to provide appropriate measures to mitigate any adverse impacts.

The Extended Phase 1 Habitats Survey supporting this application concluded that few ecological receptors had any potential for risk associated with the proposal and found no further protected species surveys were required.

The findings were:

Bats – whilst 3 bats were seen foraging none emerged from the large willow (the only potential area for a roost). As there are no roosting bats, the risk of bats being impacted is extremely unlikely;

Water Voles – no presence identified and no realistic potential for them to be present;

Reptiles – no reptiles recorded;

Birds – Some minor negative impacts to common breeding birds as a result of habitat loss are probable but not significant. This can be mitigated by ensuring that any further removal or reduction in trees, bushes and stands of bramble should be completed outside the breeding bird season (from 1st March to 31st August). Removing such vegetation from the period 1st September to the end of February would avoid the main nesting season, therefore risks would be minimised.

Otters – there is no habitat for otters;

Badgers – no presence identified;

Great Crested Newts – there are no ponds on near the site and therefore there is no realistic potential for great crested newts to be present. No presence was identified.

Enhancements

Notwithstanding the above findings enhancements could be incorporated into the development e.g. bird and bat boxes, bird nest boxes and planting of well-known species of native plants that have known benefits to native wildlife.

Some third parties and originally the Environment Agency, suggested that the original clearance of the site had not been carried out in an appropriate manner. However, this is not the case and appropriate surveys were carried out before site clearance. It is therefore considered that the clearance of the site was in accordance with legislation and therefore lawful.

In conclusion, it is considered that the proposal accords with national and local policy and guidance relating to open space, recreation and ecology.

Trees and Landscaping

The application has been accompanied by a Landscape Strategy that, if permission is granted, will be conditioned.

The Arboricultural Officer has no objection to the proposed development although notes it is very unfortunate that T11 will have to be felled.

Whilst the loss of T11 is unfortunate, it is not considered that its loss (which is fundamental to gain suitable access to the south) would result in significant and demonstrable harm that outweighs the wider benefits of the proposed development.

Affordable Housing and Other Contributions

Accompanying this proposal is a S106 Agreement that covers:

- Affordable Housing (on-site provision in accordance with current policy);
- Open Space (on-site provision);
- Financial contribution to the Gaywood River Restoration Project (£10,000);
- SuDS management and maintenance,
- Contribution to the creation, management and maintenance of a 'wildlife' area adjacent to LynnSport; and
- Library contribution (financial in accordance with NCC policy provision).

The County Council has not asked for an education contribution as 'there is spare capacity at the primary and secondary schools'.

Other Material Considerations

Air Quality

It has been predicted that the development itself (in conjunction with the proposed LynnSport Access Road) would have a negligible impact on air quality. However it did predict that construction activities could have a medium to high impact. As such any permission will be conditioned to be carried out in accordance with a Construction Environmental Management Plan.

Archaeology

A written scheme of investigation for an archaeological excavation has been approved by Norfolk Historic Environment Service and has now been submitted in support of the current planning application. All of the fieldwork for the archaeological excavation has already been carried out and consequently there is no need for a pre-commencement planning condition. However, the post-excavation analysis, reporting, publication and archiving of the results are yet to be completed and a condition will be required to secure these elements of the archaeological work.

Crime and Disorder

Government guidance states that community safety must form an integral part of the design agenda and that design and layouts should take account of public health, crime prevention and community safety. The scheme has been developed in consultation with the Norfolk Constabulary Architectural Liaison Officer (ALO) and is in general accordance with their recommendations, with public footpaths, open spaces and parking areas being subjected to natural surveillance

Energy Efficiency

Whilst the Civic Society's comments are noted, the Deregulation Bill 2015 has made it clear that LPA's should not seek additional technical standards or requirements relating to the construction, internal layout or performance of new dwellings (over and above those required by Building Regulations) including any level of the Code for Sustainable Homes. Ultimately these issues are covered by separate legislation (Building Regulations).

Damage to property caused by vibration during construction

Unfortunately this is not a material planning consideration but a private matter to be considered outside of the determination of the planning application (although the timing of piling, to reduce nuisance, for example can be considered in the construction management plan). It should be noted that the applicant has agreed to carry out condition surveys on a number of properties in the vicinity of the site. However, as this is not a planning requirement it will not be conditioned if permission is granted.

CONCLUSION

There is a pressing need for housing in the borough (both market and affordable), and this application, which is for development of a long-standing housing allocation, is an important contributor to the authority's 5-year housing supply. The development would provide 130 dwellings in an attractive environment that would retain and enhance the remnant orchard as a focal area of open space.

The site is well located within the town, and the development would improve the connectivity of existing adjacent residential developments in a sustainable fashion (e.g. promoting walking, cycling, public transport and reducing the distance for some trips by the private car).

The development would provide appropriate SuDS, and contribute appropriately towards the protection of nearby Natura 2000 sites in accordance with the requirements of the Habitats Regulations.

The supporting technical reports demonstrate that any impacts of the development can be satisfactorily mitigated.

In summary, the proposal would utilise and remediate a currently vacant allocated housing site with low ecological value and deliver a mix of quality homes and public open spaces. No objections have been received from statutory consultees.

The proposal accords with the NPPF, NPPG and both saved and emerging Development Plan Policies. It is therefore considered that this application should be approved subject to the following conditions.

RECOMMENDATION:

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 3 months of the date of resolution to approve.

- 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 Prior to the commencement of any works a Construction Traffic Management Plan (CTMP) to include a scheme detailing:
 - Provision for on-site parking for construction workers for the duration of the construction period

- Details of the proposed construction access route and proposals to control and manage construction traffic so as to ensure that no other local roads are used by construction traffic
 - Details of adequate provision for addressing any abnormal wear and tear to the highway and
 - Wheel cleaning facilities for construction vehicles
 - shall be submitted to and approved in writing by the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development hereby permitted shall comply with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.
- 2 Reason In the interests of highway efficiency and safety and to prevent extraneous material being deposited on the highway in accordance with the NPPF. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 3 Condition No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority that provides for mitigation of environmental and amenity impacts during the period of construction. This must include, but is not limited to, the proposed timescales and hours of the construction phase(s) and must specify the sound power levels of any equipment and its location. The proposed mitigation methods must include protection of residents from noise and dust. The scheme shall be implemented as approved during the period of construction unless otherwise agreed in writing by the Local Planning Authority.
- 3 Reason In the interests of the amenities of the locality and to ensure that the amenities of future occupants are safeguarded in accordance with the NPPF. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 4 Condition No works shall commence on the 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.
- 4 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with the NPPF. This needs to be a prior to commencement condition as issues relating to infrastructure are fundamental to the development.
- 5 Condition Prior to commencement of works to construct any roads, footways, cycleways or highways drainage hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 5 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with the NPPF.

- 6 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 details to be approved in writing by the Local Planning Authority.
- 6 Reason To ensure satisfactory development of the site in accordance with the NPPF.
- 7 Condition All footway(s) and cycleway(s) shall be fully surfaced in accordance with a phasing plan to be approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby approved.
- 7 Reason To ensure satisfactory development of the site in accordance with the NPPF.
- 8 Condition The development hereby permitted shall be carried out in accordance with the Framework Residential Travel Plan (FRTTP) that accompanied the application unless otherwise agreed in writing by the Local Planning Authority.
- 8 Reason To ensure consistency with the Air Quality Action Plan and sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with the NPPF.
- 9 Condition No development shall commence until full details of the land drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 9 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 10 Condition No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 10 Reason To prevent environmental and amenity problems arising from flooding in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 11 Condition Notwithstanding the information that accompanied the application, no dwelling hereby permitted shall be occupied until surface water drainage (to include SuDS) details have been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and

- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The surface water drainage scheme shall be implemented as agreed unless otherwise agreed in writing.

- 11 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 12 Condition The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) by Richard Jackson Consultants reference 457151 – Rev B dated September 2015 that accompanied the application and the following mitigation measures detailed within the FRA:

1. Finished floor levels of all sleeping accommodation will be set no lower than 3.80m AOD.
2. Appropriate flood resistance and resilience measures will be incorporated into all properties up to 3.80m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 12 Reason To reduce the risks associated with flooding in accordance with the NPPF.

- 13 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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 13 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.
- 14 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.
- 14 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.
- 15 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.

- 15 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.
- 16 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 15.

- 16 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.
- 17 Condition The development shall not be occupied until the final report on all phases of the archaeological fieldwork has been received and approved in writing by the local planning authority and provision for the dissemination of the results and deposition of the archive has been secured in accordance with the approved archaeological written scheme of investigation.
- 17 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 18 Condition Notwithstanding the information that accompanied the application, prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 18 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 19 Condition 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.
- 19 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 20 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.
- 20 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 21 Condition To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.

- 21 Reason The development hereby permitted shall be carried out in strict accordance with the Arboricultural Impact Assessment, Tree Protection Plan, and Method Statement and associated plans (1455/01 and 7956/003/Rev A02) that accompanied the application dated January 2015 by C.J.Yardley.
- 22 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 003-REV.A21, 007-REV.A03, 008-REV.A06, 009-REV.A03, 025-REV.A03, 026-REV.A02, 027-REV.A01, 028-REV.A02, 050-REV.A09, 051-REV.A07, 054-REV.A06, 060-REV.A06, 061-REV.A08, 062-REV.A09, 063-REV.A09, 065-REV.A07, 066-REV.A06, 067-REV.A07, 068-REV.A05, 080-REV.A00, 081-REV.A00, 082-REV.A01, 083-REV.A01, 084-REV.A00, 085-REV.A00, 086-REV.A00, 087-REV.A00, 088-REV.A00 and 45751/P/SK101-REV.B
- 22 Reason For the avoidance of doubt and in the interests of proper planning.
- 23 Condition Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), in relation to plots: 33, 36, 37, 38, 39, 40, 41, 45, 69 and 85 (as shown on approved drawing number 003-Rev.A21) the provision within the curtilage of a dwelling house of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.
- 23 Reason To prevent damage to drainage structures along the northern boundary of the site.

(B) REFUSE in the event that a suitable Section 106 Agreement is not completed within 3 months of the resolution to approve

The Conservation of Habitats and Species Regulations 2010 (as amended)

Background

The requirement to assess plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the 'Habitats Directive'). The Habitats Directive established a Europe wide network of sites known as Natura 2000, which provides for the protection of sites that are of exceptional importance for rare, endangered or vulnerable natural habitats and species within the European Union. These sites also referred to as 'European Sites', consist of Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Offshore Marine Site (OMS).

RAMSAR sites (wetlands of international importance) are included as if they are fully designated European Sites for the purpose of considering development proposals that may affect them.

The Conservation of Habitats and Species Regulations 2010 as amended (the Habitats Regulations) transpose the Habitats Directive into British Law. The Regulations are responsible for safeguarding designated European Sites and therefore protecting the habitats and species listed in the Annexes of the Directive.

The purpose of undertaking AA in the preparation of land use plans is to ensure that the protection and integrity of European Sites is part of the planning process at the regional and local level. In October 2005, the European Court of Justice ruled that AA must be carried out on all land use planning documents in the UK. In response to this ruling, a new section 5 (Part IVA) was inserted into the Habitats Regulations in August 2007 (Regulations 85A-85E), which requires local planning authorities to undertake AA of land use plans in England and Wales in accordance with the Directive.

Appropriate Assessment: Key Tasks

Draft guidance published by the Department of Communities and Local Government (CLG) defines AA as follows, "an assessment which must be appropriate to its purpose under the Habitats Directive and the Regulations, neither of which specify how the stages of AA should be undertaken. The AA must be recorded and carried out with a view to informing the decisions in the plan".

The AA process as prescribed in Article 6(3) and (4) of the Habitats Directive can be summarised into three main tasks:

- Task 1: Likely significant effects (screening);
- Task 2: Appropriate assessment and ascertaining the effect on site integrity;
- Task 3: Mitigation and alternative solutions.

The purpose of Task 1 is to identify whether an emerging plan option is 'likely to have a significant effect' on a European Site within or adjacent to the site. This task is referred to as 'screening' under the Regulations.

The outcome of screening (Task 1) determines whether Tasks 2 and 3 are required. Under the Regulations, Tasks 2 and 3 are required when, in view of a European Site's conservation objectives, the effect of a land use plan:

- (a) is likely to have a significant impact on a European Site in Great Britain (either alone or in combination with other plans and projects); and
- (b) is not directly connected with or necessary to the management of the site.

The Application

Application 15/00828/FM for the Construction of 130 dwellings, associated access roads, footways and new areas of public open space and associated external works at Marsh Lane, King's Lynn, Norfolk.

The Sustainability Appraisal carried out on the emerging Site Allocations and Development Management Policies DPD (SADMP) concluded that this project, due to its cumulative impact with other large housing allocations, is likely to have a significant effect on Roydon Common (a constituent part of Roydon Common and Dersingham Bog Special Area of Conservation (SAC)). This strategic plan has effectively pre-determined the potential for a likely significant effect, which is the first stage of conducting a Habitats Regulations Assessment (HRA). The Appropriate Assessment is the next stage and examines the potential severity of these adverse impacts on the qualifying features of the European site, with the overall aim of determining whether the proposal would adversely affect the integrity of the European Site.

Appropriate Assessment

1. Is the proposal directly connected with or necessary to site management for nature conservation?

1.1 No

2. Is the proposal likely to have a significant effect on the internationally important interest features of the site, alone or in combination with other plans or projects?

2.1 The site is approximately 4.1km west of Roydon Common (the travel distance by road between the two sites being approximately 5.4km). Roydon Common and Dersingham Bog SAC / Ramsar is designated primarily for the presence of two habitat types listed on Annex I of the Directive (nightjar and woodlark). The site is an existing allocation that is also being brought forward as part of the Local Plan works in connection with the Examination of the Site Allocation & Development Management Policies Plan (SADMP) and is covered by Policy E1.4. It features in the Borough-wide HRA of Detailed Policies and Site Plan (updated September 2015). This document has been produced to inform the Site Allocations and Development Management Policies – Proposed Submission Document (formerly known as the Site Specific Proposals Development Plan Document).

2.2 This Habitats Regulations Assessment (HRA) takes into account comments received from Natural England and the RSPB on the previous HRA undertaken for the Preferred Options stage, and comments received from these and other parties (including Norfolk Wildlife Trust) at the submission stage. The SADMP forms part of a hierarchical process and adds detail to the policies from the Core Strategy (adopted in July 2011). Once adopted, the SADMP will form part of the Local Plan (along with the existing Core Strategy) for the Borough. The Core Strategy was subject to a Habitats Regulations Assessment to ensure no adverse effects of the policies on sites within the European nature protection area network (Natura 2000).

- 2.3 The HRA document considers the potential effects of the site-specific policies and allocations on designated sites of European importance. The site that is the subject of this application has therefore been assessed through this Borough wide HRA.
- 2.4 'Potential effects' were considered to arise from loss of supporting habitats, habitat fragmentation, non-specific proximity impacts, increased recreation and leisure pressures, increased use of roads, and the cumulative recreational impacts on sites arising from multiple housing allocations.
- 2.5 By far the most important of these, in a borough-wide context, was considered to be the multi-faceted and complex impacts arising from increased recreation and leisure pressures on European sites. These were considered in some detail, and the best available evidence was used to inform the assessment. This indicated that visitors likely to cause greatest impacts were those local site users, in particular those exercising dogs. Impacts were predicted to be greatest where local users were within comfortable walking distance of European sites (estimated to be 1km), but would also occur where sites were in a reasonable range of driving (estimated to be around 8km or 5 miles).
- 2.6 While the effects of individual preferred options for housing were considered not to give rise to Likely Significant Effect, a more substantial effect was predicted when the in-combination effects of groups of new housing allocations within range of the European sites were considered.
- 2.7 With regard to this application site the HRA concludes that the development of this site for residential units may impact through the increased local users (primarily dog walkers) which could disturb breeding / wintering birds. However, Policy E1.4 provides significant safeguards for European sites through increased green space provision, pedestrian routes and contribution to wider green infrastructure. Additionally the site is in close proximity to significant existing informal open space (LynnSport). Accordingly it was considered that with regard to the likely significant effect and need for Appropriate Assessment there would be no further requirements.
- 2.8 The HRA considered that there would possibly be in-combination effects on Natura 2000 sites from the collective allocated sites and the Marsh Lane site was cited as one of the sites that would possibly cumulatively impact on Roydon Common and Dersingham Bog SAC / Ramsar through the combined effects of increased recreational pressure from the new housing.
- 2.9 Further, following consultation and input from consultees, a Natura 2000 Sites Monitoring and Mitigation Strategy has been developed and endorsed by the Borough Council's Cabinet, which will provide for funding of monitoring and small scale mitigation of impacts on European sites. It will also provide for a Habitat Mitigation Advisory Panel, which will advise the Borough Council on such measures and provide recommendations for allocation of funds.
- 2.10 This Strategy will contribute to safeguarding the integrity of European sites within, and adjacent to the Borough boundary and will be monitored and reviewed to ensure the effectiveness of the identified measures. Partnership working is a key component of the Strategy and the Borough Council will continue to pursue a joined up approach with all relevant authorities, organisations and site owners with responsibility for managing the designated European Sites.

- 2.11. Accordingly, the Natura 2000 Sites Monitoring and Mitigation Strategy provides the required certainty that future developments will not result in adverse effects on European sites within the Borough. The implementation of this Strategy will ensure that any likely effects of the development of this residential development on the Natura 2000 sites will be avoided or mitigated against.

3. Assess implications of the effects of the proposal for the site's conservation objectives, consult Natural England, and if necessary, the public.

- 3.1 Consideration has been given to the in-combination effects of recreational pressure on the Natura 2000 identified through the screening process.

- 3.2 In terms of housing allocations within 8km of Roydon Common SAC/Ramsar site, the following measures were recommended:

"Enhanced informal recreational provision on (or in close proximity to) the allocated site, to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on nearby relevant nature conservation sites. This provision will be likely to consist of an integrated combination of:

a. Informal open space (over and above the Council's normal standards for play space); the spaces provided will need to demonstrate their suitability for a variety of uses, including linear/ circular routes for dog exercising. It is acknowledged that people will choose to use a number of different places for dog walking, and that some may choose on occasion to visit Roydon and Dersingham. This may be offset to an extent by existing residents choosing to walk their dogs in the new open space provided.

b. Landscaping, including landscape planting and maintenance; landscaping in itself will make little difference to alleviate recreational pressure on Roydon or Dersingham. However it may help to make the new housing areas more attractive to residents and dissuade them from travelling a greater distance.

c. A network of attractive pedestrian routes, and car access to these, which provide a variety of terrain, routes and links to the wider public footpath network; Norfolk Wildlife Trust have offered to assist the Borough Council in looking into how green infrastructure could be provided in areas, such as the Gaywood Valley outside of the immediate environment of Roydon Common and Grimston Warren and in the Bawsey/Leziat pits area. However, specifically for Knight's Hill, a crossing point at Sandy Lane would not be suitable, as it is likely that this would increase the footfall across Roydon Common and Grimston Warren to the south. Ultimately, new offsite pedestrian routes will require co-operation of a number of stakeholders – an appropriate forum needs to be set up for such discussions. It would be advantageous if this updated green infrastructure strategy for the King's Lynn area were subject to further HRA once settled.

d. Contribution to enhanced management of nearby designated nature conservation sites and/or alternative green space; this could come in the form of a Community Infrastructure Levy (CIL) which could support any changes to the infrastructure on the European sites. CIL could also support site monitoring. Another possibility is that CIL could be used to purchase additional land for public access. However, CIL may not be a suitable mechanism for funding ongoing management of sites once such infrastructure is in place.

e. An ongoing programme of publicity to raise awareness of relevant environmental sensitivities and of alternative recreational opportunities away from the sensitive sites. For example, prominent and permanent signage could be provided both at the new development and at the sensitive sites.

f. The new developments should be subject to screening for HRA. This does not replace those measures specified above, nor does it abdicate the duties of this HRA;

rather it provides an additional safeguard that, at the point of delivery, a likely significant effect has been avoided.

g. Use of the European sites should be subject to ongoing monitoring, as a part of an agreed mitigation strategy, to identify whether adverse effects on site integrity are predicted and, if so, the proportion of such harm arising from visitors from the developments in question. This monitoring should be able to provide timely evidence to inform the developers' obliged response, which would be likely to involve influencing future recreational use of these areas through future phases of development, contributions to European site management measures, alternative recreational provision, influencing wider recreation take up, or some combination of these.

h. There should be an ongoing dialogue, most likely organised by the Borough Council, and involving all relevant stakeholders, with the specific aim of reducing effects on these sites, examining the results of site monitoring and acting on any findings.

i. The Borough and other stakeholders should continue to explore options for obtaining long-term access or acquiring further recreational greenspace on an opportunistic basis.

j. As the potential effects on the European site come from a number of sources, some of which are outside the scope of this plan (for example existing settlements), the site managers should continue to innovate and explore ways of reducing on-site impacts of recreational disturbance. This could also be assisted by developer contributions."

- 3.3 Policy E1.4 also relates to the provision of recreational land and project level HRA: Informal recreation provision on, or in the vicinity of, the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to the exercising of dogs) on Roydon Common Special Area of Conservation. This provision may consist of some combination of:
- Informal open space (new and/or existing);
 - Pedestrian and cycle routes (new and/or existing) which provide a variety of terrain, routes and links to greenspace and/or the wider footpath and cycle network;
 - A contribution to greenspace provision or management in the wider area within which the site is located;
- 3.4 Policy DM16 - Provision of Recreational Open Space for Residential Developments states that "Schemes of 20 units or greater will provide 2.4 hectares of open space per 1000 population". Policy DM 19 – Green Infrastructure states that "the Council will identify a range of green infrastructure enhancements to support new housing and other development and mitigate any potential adverse effects on designated sites of nature conservation interest." It also requires that major development contribute to the delivery of green infrastructure unless it can be demonstrated that the development will not materially add to the demand or need for green infrastructure.
- 3.5 In judging the amount of on-site open space appropriate under Policy DM16 (Provision of Recreational Open Space) regard will be given to the proximity of the development to existing safeguarded facilities (such as those at Lynnsport adjacent to the site). The Borough Council will consider flexibility of open space provision requirements where this would result in qualitative and quantitative benefits to the community and where the preceding habitats requirements are met;"
- 3.6 Policy E1.13 King's Lynn - King's Lynn Green Infrastructure seeks to protect, enhance and extend the green infrastructure around King's Lynn and create new green infrastructure to mitigate impacts on the European sites. There are plans to

provide additional green infrastructure around King's Lynn at West Winch/North Runcton, South Wootton, and Knight's Hill and enhance or extend the provision around Gaywood Valley and Bawsey/Leziat.

- 3.7 Natural England has no objection to the proposal and in specific relation to its impact on statutory protected sites states that 'the proposal is unlikely to affect any statutorily protected sites'.

4. Can it be ascertained that the proposal will not adversely affect the integrity of the site(s)?

- 4.1 Recent RSPCA figures (RSPCA (2010) Improving Dog Ownership – The Economic Case for Dog Licensing) indicate that 23% of households in the UK own a dog.

- 4.2 If 23% of all new households allocated within Kings Lynn cited in the SADMP as being within 8km by road of Roydon Common owned dogs, this would equate to 887 households with dogs. The Marsh Lane site's contribution to the overall potential visitor burden on Roydon Common would be around 3.4% (of the King's Lynn total) or 30 dogs.

- 4.3 The proposed development at Marsh Lane offers formal and informal open space and new pedestrian and cycle routes that link into existing pedestrian and cycle routes.

- 4.4 As part of a package of enhancements for the housing allocations, two areas have been identified to provide informal recreational open space in the vicinity of Lynnsport and Marsh Lane.

- 4.5 There is an area of open grassland, scrub and developing woodland at the south eastern corner of the Lynnsport Leisure Park, owned by BCKLWN. The 2.6ha site does have some informal paths and is currently used by the public but the level of use is considered to be low and there has been evidence of anti-social behaviour, although this was thought to be relatively limited. Without management it is believed that the site would be overtaken by woodland and could see an increase of anti-social activity.

- 4.6 This site has been selected to be retained as natural greenspace for use by the local community and a management plan has been produced to maintain and manage this space. As well as enhance the wildlife value of this space, one of the main management objectives is to improve public access. The management plan states that the aim is "to create and maintain a series of grassy clearings linked by paths to create a circular walk around the site and linked to the four corners of the site." It is also proposed to involve the local community in the management of the site, which would increase the awareness and sense of ownership of the greenspace.

- 4.7 It is also proposed to restore the Gaywood River, from Wootton Road to Loke Road. Parts of the river have little habitat features and are concealed from the wider landscape through nettled banks, with a silty bed and litter. The aim of the works is to improve the ecology and landscape quality of the river as well as improve public access, providing interpretation boards and a linear walk along the river. BCKLWN is proposing a payment of £10,000 to the Norfolk Rivers Trust to facilitate access improvements to the Gaywood River.

- 4.8 Although the two above measures do not provide new land for informal recreation, they would enhance existing land, providing for more high quality attractive walking

space. Raising awareness of these areas and maintaining these areas, especially reducing the presence of anti-social activity, is likely to encourage the use of these areas and reduce trips further afield.

4.9 Contributions to these schemes would be secured by condition or S106 Agreement.

4.10 Additionally there are several existing areas around the Marsh Lane site where local recreational needs could be accommodated, especially dog walking. These are

On foot:

Old railway line at the western end of the site, running northwards and southwards, connecting with a number of other pedestrian paths and cycleways within King's Lynn;

Safeguarded greenspace at Lynnsport;

Gaywood River and

Public footpaths and byways around Lynnsport.

By car:

Reffley Wood;

Public footpaths along the Great Ouse and into the marshes at North Lynn;

Other alternative sites requiring a car journey at equal or lesser distance to Roydon common, including the Country Park at Bawsey and the Nar Valley Way

4.11 It is therefore expected that only a small proportion of dog-walking / exercising excursion from the Marsh Lane site would be to Roydon Common. There are several further reasons why Roydon Common might not currently be favoured above other recreational sites, including:

Distance to drive;

Unsuitability of the site for some dogs;

- On site signage instruction that dogs are kept on leads whilst on the site, reinforced by a resident warden;
- The presence of livestock (ponies) and
- The limited parking on / close to the site.

4.12 As such it is concluded that the Marsh Lane site is unlikely to have a significant detrimental impact on the features on which the areas were designated and that the combination of existing and proposed areas provide informal open space above the Council's normal standards.

5. Would compliance with conditions or other restrictions, such as planning conditions, enable it to be ascertained that the proposal would not adversely affect the integrity of the site?

Yes – see responses to Q.2 and 4.

6. Are there alternative solutions that would have a lesser effect or avoid an adverse effect on the integrity of the site(s)?

N/A – see response to Q.2.

7. Might a priority habitat or species on the site be adversely affected by the proposal?

No.

8. Are there imperative reasons of over-riding public interest relating to human health, public safety or benefits of primary importance to the environment?

No.

9. CONCLUSION

- 9.1 Formal and informal recreation land is provided within the application site, and open land in the vicinity of the site is being enhanced to provide space for further informal recreation (such as dog walking). A financial contribution (£10,000) is being secured for the Gaywood River Restoration Project. If the GRRP does not go ahead, the £10,000 will go into the Habitat Mitigation Contribution Fund which would be used to ensure timely and efficient mitigation of the recreational pressures arising from new development. This will be initiated through the Habitat Mitigation Advisory Panel, made up of representatives of bodies that have expertise in managing impacts on these habitats e.g. BCKLWN Officers, RSPB, Norfolk Wildlife Trust, Natural England, NCC, National Trust, Forestry Commission, Water Management Alliance and the Environment Agency. They will make recommendations for projects and expenditure of monies and set priorities for future action to meet the requirement of the HRA.
- 9.2 It is considered that such mitigation measures, when implemented, will ensure that likely significant impacts identified in the HRA as a result of policies proposed in the SADMP document will be avoided or mitigated against.