

AGENDA ITEM NO: 8/2(a)

Parish:	South Wootton	
Proposal:	Residential development to provide 26 dwellings with public open space and visitors car park	
Location:	Land Between 102 And 116 Nursery Lane South Wootton Norfolk	
Applicant:	Hopkins And Moore (Developments) Ltd	
Case No:	16/01937/FM (Full Application - Major Development)	
Case Officer:	Mrs K Lawty	Date for Determination: 13 February 2017 Extension of Time Expiry Date: 9 July 2017

Reason for Referral to Planning Committee – Raises issues of wider concern.

Case Summary

The application site lies on the eastern side of Nursery Lane, South Wootton, King's Lynn. The site comprises a grassed field, with existing dwellings to the south and west of the site on the opposite side of the road, a treed area known as The Pingles to the North West and open space and a play area to the east, known as Wootton Park.

The site is currently a rough, grassed area and extends to 3.35 hectares. There is a hedge boundary along the roadside frontage of the site. There are no particular features on the site, which is relatively flat (although there is a slight fall from east to west and North West) and the land is of grade 3 agricultural quality.

The form and character of the residential development in the locality comprises a mix of single and two storey detached and semi-detached properties with some short rows of terraced properties. Detached bungalows face the site.

The Pingles wooded area to the north of the site is protected by a Tree Protection Order.

There is a grassed public right of way which runs along the southern part of the site (PROW FP10). This runs from Nursery Lane in the west through to the Park and beyond to the east.

The application seeks full planning permission for 26 new residential dwellings, together with their associated curtilages, pedestrian and vehicular access, parking and garaging and an area of new Public Open Space, incorporating a public car park.

21 of the houses are general market houses and 5 are affordable units. A mixture of 2, 3 and 4 bedroom properties are proposed with the majority of 2 storey height.

The site is within the development boundary and falls within the parish of South Wootton, although the parish boundary runs along the northern and eastern site boundary.

Key Issues

Planning history of the Site
Principle of development;

Design character and appearance;
Impact on wider landscape
Highway issues;
Affordable housing;
Residential amenity;
Ecology;
Landscaping;
Open Space;
Flood Risk;
SuDs;
Contamination;
Secured by Design; and
Other material considerations

Recommendation

A) APPROVE subject to conditions and completion of a Section 106 agreement that secures affordable housing provision, SUDS details and habitat regulation mitigation proposals within 4 months of the date of this decision

B) REFUSE In the event that the Section 106 agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space, SUDS Maintenance and habitat regulation mitigation.

THE APPLICATION

The application site lies on the eastern side of Nursery Lane, South Wootton, King's Lynn. The site comprises a grassed field, with existing dwellings to the south and west of the site on the opposite side of the road, a treed area known as The Pingles to the North West and open space and a play area to the east, known as Wootton Park.

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SUPPORTING CASE

The application has been supported with the following documents:

- Design and Access Statement
- Archaeological Evaluation
- Transport Statement
- Flood Risk Assessment
- Surface Water Drainage Strategy
- Phase 1 Geo environmental Assessment
- Statement of Community Involvement
- Tree Survey Schedule
- Sustainability Statement
- Extended Phase 1 Habitat Survey
- Draft S106 Heads of Terms

The Design and Access Statement concludes:

This Full Planning Application, together with the accompanying and enclosed supporting documentation, sets out a comprehensive approach to the development of this site. An opportunity has been taken to provide a scheme which responds well to the site circumstances and suitably enhances the character and appearance of the surrounding area, maximising the positive aspects of the sites situation whilst providing much needed additional housing, including affordable housing, for the village.

The development represents a design-led bespoke project, which deals sensitively in terms of its response to the constraints of the site. The approval of this application would accord with the design and layout policies of the development plan and with national planning policies, which encourage good design. The proposals are fully representative of the quality and content of developments which are encouraged by the modern planning system.'

PLANNING HISTORY

February 1989- Permission refused for residential development, the formation of estate roads and the provision of public open space. Appeal dismissed

July 1988- Application for a Certificate of Appropriate Alternative Development relating to the residential use of the land. The Council did not consider that application as valid and, in any event, considered that the land should be retained in an undeveloped state. An appeal was submitted against the non-determination of the application but the Secretary of State considered such an appeal inappropriate and that no useful purpose would be served by proceeding with it.

April 1980- Permission refused for the erection of a dwelling, formation of a car park, erection of greenhouses and ancillary buildings and use as a garden centre and nursery (2/80/0420/O) Appeal dismissed

January 1963- Permission refused for the erection of dwellings. (FL.1552)

RESPONSE TO CONSULTATION

South Wootton Parish Council: SUPPORT -South Wootton Parish Council have been kept fully aware of the proposals for the development of this site, following the adoption of the South Wootton Neighbourhood Plan, and attended the applicant's Public Exhibition of the proposals held in the Village Hall in May 2016.

The South Wootton Neighbourhood Plan identifies the eastern portion of the site, through Policy E3, as a potential new 'Green Open Space', whilst the western portion of the site, although not specifically allocated, nevertheless lies within the defined settlement boundary of the village. Policy E3 acknowledges that 'there will be opportunities to improve the quality of existing green spaces where they are close to development proposals'.

The Parish Council considers that the proposed development will meet the aims of this Policy, delivering both new green public open space for the benefit of all residents, along with a good range of new homes, including affordable housing, and therefore supports the proposals'.

Note: Planning Applications should conform to the Policies laid out in the South Wootton Neighbourhood Plan.

North Wootton Parish Council: Comment:

- The access and exit point of the development is onto a very busy road; this will increase traffic and cause a potentially dangerous hotspot for an unsafe junction.
- The area of land to be built on is one of the few pieces of green land left between North and South Wootton, the public right of way is to be used as a footpath and there are concerns that if it is not lit sufficiently it may have safety issues.
- There is an area within the plans for a car park, why is this required when each house has been allocated at least 2 parking spaces and will this become an area open for loitering in a similar way to that of Wootton Park car park.
- There is an area of land which is proffered to South Wootton Parish Council, at present it is not known what this will be used for.
- An addition to the local population will put pressure on services, including schools and the doctors surgery

Highways Authority: NO OBJECTION - conditionally

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

Environment Agency: NO OBJECTION

Internal Drainage Board: NO OBJECTION - conditionally

Anglian Water: NO OBJECTION but raised the following:-

1. Assets Affected - The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

2. Wastewater Treatment - The foul drainage from this development is in the catchment of Kings Lynn Water Recycling Centre that will have available capacity for these flows.
3. Foul Sewerage Network - The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.
4. Surface Water Disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets.

Housing Development Officer: NO OBJECTION – subject to provision of appropriate affordable housing as per Policy CS09

Environmental Health & Housing - Environmental Quality: NO OBJECTION - conditionally

Environmental Health & Housing - CSNN: NO OBJECTION - conditionally

Greenspace Officer: NO OBJECTION – asked questions regarding maintenance of open space, maintenance of trees/hedging to northern boundary, maintenance of Suds drainage area and surrounding landscaping. Questions the use of open area for football pitch or for play equipment

Norfolk Constabulary: NO OBJECTION but made comments regarding footpath design, amenity space, public parking facilities, garden boundaries. With regard to the proposed public footpath it is recommended that this pathway is removed and that pedestrian activity is promoted through the access road leading to the playing fields via the public car parking area. If this path is mandatory, as well as being straight, it should be:

- wide (if space permits, it should be 3 metres wide to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles);
- well lit;
- devoid of potential hiding places;
- and well maintained so as to enable natural surveillance along the path and its borders

Historic Environment Service: NO OBJECTION - An archaeological trial trenching evaluation has been carried out at the proposed development site and the report has been approved by Norfolk Historic Environment Service. Based on the results of the trenching, no further archaeological work will be required at the site and we do not wish to make any recommendations for conditions if planning permission is granted.

NCC – Infrastructure & Economic Growth: NO OBJECTION subject to provision of required infrastructure

NCC Rights of Way Officer: NO OBJECTION – initial objection removed - commented that would have normally have requested 3m footpath as a minimum width between high boundaries although I now appreciate that this is a relatively short section I would not directly oppose 2.5m as a compromise. Commented on boundary treatment, planting and surface material of footpath.

NCC (Minerals and Waste): No comments

REPRESENTATIONS

8 third party comments received referring to the following:-

- Will concrete over an attractive green area; reduction of valuable open space which provides a break between North and South Wootton;
- In public consultation exercises this area has been considered the least popular area for development;
- The village is being overrun with development, losing its 'village' appeal.
- How does the council propose to accommodate the influx of families needing medical centres, hospitals, nursery care, primary school and senior school places which are bursting at the seams?
 - Green spaces are being developed without additional thought to the facilities needed to cater for the influx of family's in these new homes.
- Will add traffic to Nursery Lane which already has problems with speeding and overtaking and gets too congested at the junction of the A148 at rush hour;
- This land drains into the rill and we are concerned this could give rise to additional surface water drainage on our neighbouring land and the rill;
- Concerned about impact on our boundaries and the security of our land, which includes Pingles Wood; the distinction between official public open space and private land will not be obvious and is likely to give rise to vandalism and general misuse;
- Overlooking between existing and new properties opposite;
- Nursery Lane alongside the development is straight and some traffic travels very much faster than the 30mph speed limit;
- Three new points of access; traffic calming required;
- Increased traffic will be detrimental to road safety, increase noise and light pollution from vehicle headlights;
- Out of character as they are two storey dwellings in an area facing bungalows;
- Too high a density to blend in with a long established neighbourhood;
- Will bring anti-social behaviour and will be a blight on the local community;
- It is extremely doubtful whether the existing infrastructure can support this level of development;
- There are currently two major developments planned for South Wootton in Hall Lane and Knights Hill. Therefore there are no reasonable grounds for this development with regard to housing need;
- Re: South Wootton Footpath 10. Comments re: width of footpath, surface material and being kept free of overhanging vegetation as this could be a major walking route to get to the school and new pre-school involving pushchairs etc.;
- The street lighting along this section of Nursery Lane is very poor, just about non-existent; therefore the street lighting should be upgraded;

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

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

CS13 - Community and Culture

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure

DM22 - Protection of Local Open Space

OTHER GUIDANCE

South Wootton Neighbourhood Plan

PLANNING CONSIDERATIONS

This application proposal raises the following issues:-

- Principle of development;
- Design character and appearance;
- Impact on wider landscape
- Highway issues;
- Affordable housing;
- Residential amenity;
- Ecology;
- Landscaping;
- Open Space;
- Flood Risk;

- SuDs;
- Contamination;
- Crime & Disorder and
- Other material considerations

Planning history of the site

There have been two planning applications and one subsequent appeal that are relevant to this land, please see planning history section. Despite its age (appeal decision January 1990) it is still a material consideration. In his report the Inspector stated that:

" At my inspection I saw that the appeal site forms part of a belt of mainly undeveloped land which extends continuously in the general area of the parish boundary from the east side of Nursery Lane to the west side of Priory Lane. Despite the presence of educational buildings and other structures including some rather tall and forbidding railings surrounding the school field, this belt of land offers open views across most of the area between the two settlements. Looking west the low bungalows on the far side of Nursery Lane make little impression on the landscape, while looking east there are as yet no buildings opposite the school on the east side of Priory Lane, although this will change." [NB. This has changed with the building of the southern part of the residential estate, The Howards off Priory Lane post 1994].

Furthermore he went on to say:

"Indeed, I conclude that the site's role- together with the other undeveloped land to the north and east - in separating and defining the two communities of North and South Wootton is becoming progressively more pronounced and important as housing sites in this area continue to be developed.

Although the appellants contended that some degree of physical separation along the boundary of the parishes would be retained by Wootton Park and the open copse at the Pingles, I do not consider that these pieces of land, which are largely backland areas little seen from the two main access roads into the Woottons, could fulfil this function effectively without their being visually linked with open land on the appeal site. In all the circumstances I conclude that the proposal would damage the character, identity and landscape setting of the Woottons and I shall therefore dismiss this appeal."

Since this time the construction of the southern part of The Howards has changed the views towards the east side of Priory Lane so there is no longer a clear, open view of the AONB when viewed from Nursery Lane as this is now blocked by the residential development. There has also been a considerable amount of new residential development to the south of the site which is now Blackthorn Road/Broom Close, and various infill plots along Nursery Lane. The character has changed markedly since the 1990's.

Principle of new development

The relevant policies for this proposal are the NPPF, Core Strategy Policies CS01, CS02, CS03, CS08, CS09, CS11, CS12 and CS13, DM Policies DM1, DM2, DM15, DM16, DM17, DM19 and DM22 and the policies of the South Wootton Neighbourhood Plan 2015-2026 particularly E1 - 5, H2, H4, H5, H6, T1 and T2.

In terms of the Site Allocations and Development Management Policies Plan Adopted 2016, the site is within the development boundary as the Woottons are classed as settlements adjacent to King's Lynn. The site is located within the settlement boundary of King's Lynn where there is a presumption in favour of sustainable development.

Historically the site was identified as Built Environment Type 'A' where development will not be permitted in order to protect these important undeveloped spacious or well-treed areas which contribute to the character of the area. However, when the Core Strategy was adopted this policy was superseded. There is no specific area policy for this parcel of land presently.

In the Core Strategy, King's Lynn is designated as a sub-regional centre where significant development will take place with a focus on maintaining and strengthening the town's role in delivering opportunities for employment and residential development and enhanced tourist facilities in accordance with Policies CS01 and CS03. Policy CS01 specifically states that housing will be provided through the regeneration of brownfield land and urban expansion.

Policy CS08 of the adopted Core Strategy encourages new development to optimise site potential and make the best use of land, including brownfield sites; this should not be to the detriment of the character and appearance of the area. It clearly states that new development will be required to demonstrate its ability to respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout and access will enhance the quality of the environment.

Policy CS09 concerns housing distribution and identifies that King's Lynn, (which for the policy purposes Woottons form part of) will provide at least 7,510 dwellings in total, the majority being through allocations and the remainder through windfall sites, although encouragement will be given to brownfield sites. This policy also requires 15% affordable housing on sites of 0.33ha or 10 or more dwellings, within King's Lynn.

Policy CS12 relates to environmental assets; the policy seeks to protect and enhance the historic environment and landscape character, biodiversity and geodiversity. Furthermore it states that 'The design of new development should be sensitive to the surrounding area, and not detract from the inherent quality of the environment.'

Policy DM1 refers to the general presumption in favour of development, reiterated by Policy DM2. Policy DM15 refers to the need for development to protect and enhance the amenity of the wider environment including its heritage and cultural value. Further, development that has a significant adverse impact on the amenity of others or which is of a poor design will be refused. This policy also requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available.

Policy DM16 refers that all new residential development will be expected to make adequate provision for open space, as well as arrangements for the management and future maintenance of that open space.

Policy DM17 relates to the need for new development to provide adequate parking provision.

Policy DM19 refers to green infrastructure and that major development will contribute to the delivery of green infrastructure, except where it can be demonstrated the development will not materially add to the demand or need for green infrastructure.

Policy DM22 states that development proposals that will result in the loss or restriction of access to locally important areas of open space will be refused planning permission unless such loss can be offset by the replacement of equivalent or higher standard of provision or the wider benefits of allowing development to proceed outweigh the value of the site as an area of open space.

The NPPF confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore paragraph 64 states that

"Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions."

In terms of neighbourhood plan policies the South Wootton Neighbourhood Plan 2015-2026 refers to the need to retain 'the 'semi-rural' nature of the village, with its open and green spaces, not only maintained but also enhanced, acknowledging and reinforcing the village character.'

The Neighbourhood Plan accepts that a contribution has to be made to accommodate future requirements for housing as identified by the Borough Council's Core Strategy but wish to see the 'adoption of appropriate building styles, choice of local materials and appropriate densities, and levels of green infrastructure which reflect the local village character.'

Policies E1 – 5 are policies for the environment which seek to conserve and enhance the environmental setting of South Wootton through retaining the landscape character by the retention of open space and appropriate planting. The eastern part of the application site is shown on the Neighbourhood Plan Proposals Map as being a Local Green Space which should be protected against built development and should interconnect with other green spaces.

H2 and H4 encourage high quality design for new development and infill development. H5 refers to the design of garages. H6 relates to the need to ensure affordable housing units are not conspicuous.

Policies T1 and T2 refer to the need to provide adequate footpaths, cycle routes and parking provision.

In essence the site is within the settlement boundary where there is a presumption in favour of development. That said the proposed residential development needs to be weighed up against other policies within the development plan, particularly the loss of the open space, which has previously been resisted.

As referred to above, the Inspectors report, although old is considered to be a material consideration in the determination of this application. The development of this site has been considered before and been discounted by the local planning authority and the Planning Inspectorate due to the damage to the character, identity and landscape setting of the Woottons. Since this time, however, planning policies have changed and a part of the open character of this swathe of open land has been built on with the development of the southern part of The Howards off Priory Lane in the late 1990's, and other residential development schemes have changed the character.

At a local level there is an acceptance that a contribution has to be made to accommodate future requirements for housing within the Borough. The Proposals Map for the Neighbourhood Plan shows the eastern part of the application site as being retained for open space purposes whilst the front (western) section along Nursery Lane has no such denotation. In terms of principle the proposed mixed use of the site with residential units along Nursery Lane and public open space to the west accords with the provisions of the NPPF, the Core Strategy, the SADMP and the Neighbourhood Plan.

Design character and appearance

The proposed layout plan shows residential development to the western part of the site. Three vehicular accesses are shown to puncture through the roadside hedgerow; the main central estate road has footpaths on either side and the other two narrower access points

serve smaller groups of dwellings. It is intended to retain the roadside hedge as far as possible, but if it needs to be removed it will be replaced so that the character is retained.

The layout of development across the frontage of the site shows a mixed design of detached dwellings set back from Nursery Lane. A streetscene has been provided which shows a variety of roof heights and designs for the predominantly two storey dwellings. The dwellings have been designed to incorporate both gabled and flat frontages and have different fenestration sizes and styles. This variety of design types and styles adds interest to this principal street elevation and reflects the mixed designs of existing, surrounding development along Nursery Lane.

The 26 dwellings range in size from two-bedroomed bungalows and dwellings through to three and four-bedroomed, two-storey detached houses.

The overall density of the site equates to approximately 8 dwellings per hectare when taking into account the whole site, including the large area of open space at the eastern part of the site. If the density of the built area only is calculated (i.e. the open space omitted) then this shows approximately 24 dwellings per hectare.

To put this into perspective the density of Bede Close to the north is approximately 31.7 dwellings per hectare, Spinney Close to the west is approximately 17 per hectare and Broom Close to the south is approximately 26 per hectare. It therefore sits somewhere in the middle in density terms.

In terms of design, the proposed buildings are shown to be constructed of traditional building materials including brick and render with some horizontal boarding detailing. Roofing materials are a mixture of pantile and slate.

Landscaping details are shown on the submitted plans but the applicant has confirmed that more detailed landscape plans can be secured through planning condition. The scheme includes on-site parking for each dwelling sufficient to meet parking standards for the borough. A visitor's parking area of 24 spaces is shown to the eastern part of the site, adjacent to the open space/playing field.

There is currently a public right of way (PROW) running across the southern part of the site which it is intended to retain. Details of the surface material for this PROW can be secured by planning condition.

In summary, the density of the scheme is found to be acceptable for this site and the use of traditional building elements and building materials to create a high quality scheme is welcomed. Details and samples of materials can be submitted and agreed through planning condition.

Impact on wider landscape

The site is currently an open space separating North and South Wootton. Although open it is surrounded by existing residential development on three sides.

The site includes a 2.25ha parcel of open space to the eastern part of the site to be retained as public open space. Currently this space is used by the public for amenity purposes but it is on an informal basis as the land is privately owned.

Given that the site is currently open with no buildings on the site whatsoever the proposed development will change the character of this part of the village.

The proposed scheme shows a footpath along the entire road frontage with a hedgerow set behind.

The site is not within the AONB as this wraps around the edge of the Woottons. Due to the topography, existing landscaping and the presence of existing development the site is not visible from the AONB. Consequently there are no significant concerns regarding the impact of the proposal upon the wider landscape character in this case.

Highway issues

The Highways Authority has been consulted regarding the application and raised a list of issues relating to the proposal, including access and visibility issues, alignment of the road, footpath provision and parking matters. These issues have now been addressed and an amended layout has been provided.

The Highways Authority does not object to the revised layout subject to the imposition of appropriate conditions. The need for offsite works to provide a continuous made Public right of Way footpath through to Tintern Grove and the local services beyond can be controlled through planning condition.

Parish Council and third party comments have been received regarding the traffic safety implications along Nursery Lane due to the increase in traffic movements from the development. However, this has already been considered by the Highways Authority and found to be an acceptable layout in highway safety terms.

Affordable housing

The scheme proposes to provide 20% affordable housing in accordance with Policy CS09. This equates to 5 units with 3 units for social rent and 2 units for shared ownership. Amended plans have been submitted reflecting the comments of the Housing Enabling Officer on which units should be for rent and shared ownership.

Four affordable houses are located to the north eastern corner of the site and one to the south eastern.

The Housing Enabling Officer raises no objection to this arrangement subject to the adequate provision of affordable housing contribution being secured through a legal agreement.

Residential amenity

There are existing residential properties to the north and south boundaries of the site and other properties are to the west, on the opposite side of Nursery Lane.

In terms of use, the residential use of the site is compatible with surrounding development and will not likely raise any significant disamenity issues.

The proposed layout shows the orientation of each dwelling and its relationship with others within and adjoining the site. Consideration has been given to matters of overlooking, loss of light and the overbearing nature of the proposed development. Given the distances between the proposed development and the existing, it is not considered there will be a significantly detrimental impact upon the amenity of the occupants in terms of overlooking, being overshadowed or the dwellings being over bearing, as a result of this proposal.

Similarly there are no amenity concerns regarding the relationships between future occupants of the proposed residential scheme.

Ecology – Impact upon European Designated Sites

In line with the Conservation of Habitats and Species Regulations 2010, the application has been accompanied by a site specific Habitats Regulations Screening Assessment carried out by Green Earth Management Company.

Of particular importance is an assessment of the potential impacts of the proposed development on Roydon Common and Dersingham Bog Special Area of Conservation (SAC) and The Wash Special Protection Area (SPA).

The conclusions of this report, in terms of the likely significant effect of the development on European sites, when taken in isolation, state that the implementation of mitigation measures would be sufficient to alleviate any potential negative impact.

Similarly this HRA screening concludes that there will be no Likely Significant Adverse Effects in-isolation or in-combination with other plans or projects, and therefore obviates any need for an Appropriate Assessment as required under the Conservation of Habitats and Species Regulations (2010). The developer will pay the Habitat Mitigation and Monitoring Contribution of £50 per house to the Council. This will be secured in the S106 agreement.

The effects of the development on the nearest SSSI's are considered to be similar to those for the European designated sites since the distances of the SSSI from the site are all >3km. Hence the mitigation provided is considered sufficient.

Natural England has no objection to the proposal in respect of the impact upon Roydon Common and Dersingham Bog Special Area of Conservation (SAC) and the Wash (SPA) and concurs with the applicant's Habitat Regulations Assessment conclusions.

Ecology - protected species

The application has been supported by an Extended Phase 1 Habitat Survey. This Appraisal found no important habitats and no evidence of the use of the site by protected species. However, it does have potential to support a range of protected species as well as being of general biodiversity value. Consequently no mitigation measures are proposed other than precautionary ones.

Landscaping

The site is a key site in terms of impact upon the wider landscape. Appropriate landscaping and a soft boundary are key to the successful assimilation of any built form on this site.

There are no protected trees on the site, although Pingles Wood to the north is covered by a Tree Preservation Order.

An Arboricultural Assessment has been provided which identifies which trees and hedging are to be removed through the proposed development. This raises no significant issues.

A general landscape plan has been submitted with this application to demonstrate that the proposal will not have a harmful effect upon the wider, rural landscape. However, a detailed and comprehensive landscape scheme will be provided and considered by way of planning condition.

Open Space

Core Strategy Policy CS13 and Policies DM 16 and 22 refer open space provision and to the well-being and enhancing of quality of life through good design. The need to be within walking distance of open space is one of the criteria that new development should offer to increase people's quality of life. Core Strategy Policy CS13 also refers to the promotion of healthy and active lifestyles and the enhancement of leisure and recreation facilities including children's playgrounds.

The layout plan shows a large 2.25 hectare area for informal recreation purposes at the eastern part of the site. A visitor's car park will encourage use of this open space, and the parking will also benefit users of the wider Wootton Park.

The green space will link through to an existing network of green spaces improving the green infrastructure and providing wildlife corridors.

The Greenspace Officer raises no objection subject to the appropriate maintenance of all areas of soft landscaping surrounding houses and garages/parking areas as well as the larger open space.

The management and maintenance of this public open space can be controlled through the S106 agreement and other areas by planning condition.

Flood risk

The site is within a low risk flood zone 1. A Flood Risk Assessment has been submitted with the planning application which identifies no significant flood risk issues.

SuDs

The proposal includes sustainable drainage as part of the layout and this accords with policy. Provision should be made through a S106 for the management and maintenance of the SuDs.

Contamination

A Contamination Report was submitted with the application. The Environmental Health Officer raises no objection but requests they adhere to the terms of their report with regard to further investigation. This can be covered by way of planning condition.

Crime & Disorder

The National Planning Policy Framework requires that: "Planning policies and decisions should aim to ensure that developments: create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; ..."

Norfolk Constabulary raises no objection to the scheme, but made comments regarding footpath design, amenity space, public parking facilities and garden boundaries. The applicant has confirmed that the PROW will be 2.5m wide and can be surfaced to improve usage. This can be covered by planning condition.

Other material considerations - Third party comments

Most of the third party comments have been addressed already in this report.

However, third party concern has been raised about the impact on infrastructure including health care and school places. Also concern is raised regarding the need for this development given there are currently two major residential developments planned for South Wootton in Hall Lane and Knights Hill.

This site is a windfall site that has come forward in addition to the allocated sites for King's Lynn. The proposal is eligible for CIL payments at a rate of £60 per square metre. This will contribute towards funding improvement to infrastructure (facilities and services) required to support the development and growth planned for the borough.

Concern has been raised about anti-social behaviour and potential security problems to adjoining private land from users of the public open space. However, this proposal would not exacerbate the situation and would provide more surveillance over private land from the occupants of the proposed dwellings.

Concern has been raised that the street lighting along this section of Nursery Lane is very poor and should be upgraded. Street lighting details for the application site can be secured through planning condition.

CONCLUSION

The site is within the development boundary as the Woottons are classed as settlements adjacent to King's Lynn, where there is a presumption in favour of sustainable development.

The South Wootton Neighbourhood Plan 2015-2026 accepts that a contribution has to be made to accommodate future requirements for housing as identified by the Borough Council's Core Strategy but wishes to see the 'adoption of appropriate building styles, choice of local materials and appropriate densities, and levels of green infrastructure which reflect the local village character.'

The Neighbourhood Plan refers to the need to retain 'the 'semi-rural' nature of the village, with its open and green spaces, not only maintained but also enhance, acknowledging and reinforcing the village character.'

The Parish Council feels that this site does that and accords with the Neighbourhood plan.

The proposed development would secure a 2.25ha area of open space which will be managed and maintained for the benefit of all. The applicant has demonstrated through an appropriate layout and house design that the proposed development could be achieved without harm to the character of the village.

The proposal incorporates 5 affordable housing units across the site and a visitor car park adjacent to the public open space.

Subject to planning conditions the proposed development is acceptable with regard to highway safety, flood risk, amenity, landscaping, contamination, SuDs, open space provision, affordable housing and nature conservation issues.

The matters of affordable housing financial contribution, open space maintenance and Suds maintenance provision will need to be secured through the signing of a S106 Agreement.

The proposal accords with the general principles of the NPPF, Core Strategy, SAPMP and Neighbourhood Plan Policies. Accordingly, subject to the signing of a Section 106

Agreement to secure the above and the following conditions it is recommended that the application be supported.

RECOMMENDATION:

A) APPROVE subject to conditions and completion of a Section 106 agreement that secures affordable housing provision, SUDS details and habitat regulation mitigation proposals within 4 months of the date of this decision and subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No 001, Site Location Plan
Drawing No 002 Rev A, External Works Layout
Drawing No 003 Rev A, Planning Layout
Drawing No 004, Material Layout
Drawing No 005, Street Elevation
Drawing No 006, Planning Layout
Drawing No 010 House Type 800b Floor Plan & Elevations - Plot 1
Drawing No 011, 1200b Floor Plan & Elevations – Plot 2
Drawing No 012, 1050, 1200 Floor Plans - Plots 3-4, 21-22
Drawing No 013, 1050, 1200 Elevations 1 - Plots 3-4, 21-22
Drawing No 014, House Types 1050, 1200 Floor Plans - Plots 3-4, 21-22
Drawing No 015, House Types 790 Floor Plans - Plots 5-6
Drawing No 016, House Types 790 Elevations - Plots 5-6
Drawing No 017, House Types 1050 Floor Plans - Plots 7-8, 16-17
Drawing No 018, House Types 1050 Elevations - Plots 7-8, 16-17
Drawing No 019, House Types 892 Floor Plans - Plots 14-15, 19-20
Drawing No 020, House Types 892 Elevations - Plots 14-15, 19-20
Drawing No 021, House Types 1050 Floor Plans - Plots 16-17
Drawing No 022, House Types 1050 Elevations - Plots 16-17
Drawing No 023, House Types 1762 Floor Plans - Plots 18, 26
Drawing No 024, House Types 1762 Elevations - Plots 18, 26
Drawing No 025, House Types 1567 Floor Plans - Plot 23
Drawing No 026, House Types 1567 Elevations - Plot 23
Drawing No 027, House Types 1460 Floor Plans and Elevations - Plot 24, 25
Drawing No 028, House Types 852b Floor Plan & Elevations - Plot 9
Drawing No 029, House Types 861 Floor Plans - Plots 10-11
Drawing No 030, House Types 861 Elevations - Plots 10-11
Drawing No 031, House Types 1012 Floor Plans - Plots 12-13
Drawing No 032, House Types 1012 Elevations - Plots 12-13
Drawing No 200, Garage 1 - Plan & Elevations
Drawing No 201, Garage 2 - Plan & Elevations
Drawing No 202, Garage 3 - Plan & Elevations

- 2 Reason For the avoidance of doubt and in the interests of proper planning.

- 3 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 3 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 4 Condition Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 5 Condition 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.
- 5 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 6 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.
- 6 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 7 Condition No development or other operations shall commence on site until the existing trees and/or hedgerows to be retained have been protected in accordance with the details that have been submitted to within the Arboricultural Assessment. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the

ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 7 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 8 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.
- 8 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 9 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. All construction works shall be carried out in accordance with the approved plans.
- 9 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.
- 10 Condition No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
- 10 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 11 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority in consultation with the Highway Authority.
- 11 Reason To ensure satisfactory development of the site.
- 12 Condition Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 59 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 12 Reason In the interests of highway safety.
- 13 Condition Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has

been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

- 13 Reason To ensure adequate off street parking during construction in the interests of highway safety.

This also needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

- 14 Condition Notwithstanding the details indicated on the submitted drawings no works shall commence on site unless otherwise agreed in writing until a detailed scheme for the off-site highway improvement works (including improvement to the public right of way from the site to Tintern Grove) as indicated on drawing number W003-002 rev A have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

- 14 Reason To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

This also needs to be a pre-commencement condition as these fundamental details needs to be properly designed at the front end of the process.

- 15 Condition Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 14 shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority.

- 15 Reason To ensure that the highway network is adequate to cater for the development proposed.

- 16 Condition No development shall commence until full details of the foul and surface water 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.

- 16 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.

- 17 Condition Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phase. The scheme shall also provide the location of any fixed machinery, and proposed mitigation methods to protect residents from noise and dust. The scheme shall be implemented as approved.

- 17 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 18 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 and where remediation is necessary a remediation scheme must be prepared 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.

- 18 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.
- 19 Condition Notwithstanding the details that accompanied the application hereby permitted, details of the surface material for the Public Right of Way (FP10) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any of the dwellings. The development shall be carried out in accordance with these agreed details and in accordance with a timetable to be agreed in writing by the Local Planning Authority.
- 19 Reason To ensure that the footpath is accessible for all users in accordance with the principles of the NPPF.
- 20 Condition The development shall be carried out in accordance with the precautionary measures set out in the Extended Phase 1 Habitat Survey produced Southern Ecological Solutions Ltd. (SES), dated April 2016, unless provided for in any other conditions attached to this planning permission.
- 20 Reason To ensure that the development takes place substantially in accordance with the principles and parameters contained with the Ecology Appraisal.
- 21 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 21 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 22 Condition Prior to the first occupation of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, parking, and circulation areas shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented as approved prior to the occupation of the development or any phase of the development to which it relates and thereafter maintained and retained as agreed.
- 22 Reason In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

B) REFUSE In the event that the Section 106 agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing, public open space, SUDS Maintenance and habitat regulation mitigation.