

AGENDA ITEM NO: 8/1(a)

Parish:	King's Lynn	
Proposal:	Construction of 82 dwellings, associated access roads, footways and new areas of public open space and associated external works	
Location:	Alive Lynnsport Greenpark Avenue King's Lynn Norfolk	
Applicant:	Borough Council of Kings Lynn And West Norfolk	
Case No:	16/02227/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 6 April 2017

Reason for Referral to Planning Committee – Borough Council application with objections.

Case Summary

The application seeks full planning permission for the erection of 82 dwellings, associated access roads, footways and new areas of public open space. Twelve of the dwellings would be affordable.

The site comprises informal open space, small copses of trees and a disused hockey pitch. An informal and unlit right of way (in the form of a mud track) runs across the site in a north-south direction.

The site forms part of the Lynnsport complex (which comprises c.29ha of sports pitches, athletics facilities, indoor sports area, a nature area, areas of amenity space and areas of unused scrub land).

The site has residential uses to its north, east and west (the latter on the opposite side of the new Lynnsport Access Road) and the Lynnsport complex lies to the south.

The site forms part of a wider housing allocation in the Site Allocations and Development Management Policies DPD, September 2016 (SADMP) and within the development boundary as depicted on Inset E1 of the SADMP.

The site lies within Flood Zones 2 and 3.

Key Issues

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

Recommendation

(A) APPROVE subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve

(B) REFUSE in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve

THE APPLICATION

The application seeks full planning permission for the erection of 82 new dwellings 12 of which would be affordable. The scheme comprises 24 x 2-bed units (15 x market; 8 x affordable); 39 x 3-bed units (36 x market; 4 x affordable) and 19 x 4-bed units (all market).

The majority of dwellings are either detached or semi-detached, two storey units. The exception to this is one terrace of three, three-storey dwellings.

The pallet of materials comprises red and yellow brick with some grey brick detailing and dark grey tiles. Boundary treatments will comprise 1.8m high close boarded timber fencing (CBTF), 1.5m CBTF with trellis atop (overall height 1.8m) and small areas of brick screen wall 2.4m in height.

The scheme proposes parking in line with current parking standards.

Vehicular and pedestrian access to the site will be via the new Lynnsport access road to the west and via Aconite Road (East) to the east. Additional pedestrian access will be via Aconite Road (West) and Grey Sedge as well as via an existing access from Lynnsport to the south over the Bawsey Drain.

The site lays adjacent to open space and recreational facilities at Lynnsport. The scheme not only includes onsite informal and formal open space but also proposes off-site LEAP / NEAP provision as well as measures to contribute to the River Gaywood Restoration Trust and a community wildlife site.

The development is proposed to be constructed in two main phases.

SUPPORTING CASE

The application is accompanied by a wealth of supporting documentation including:

- Design and Access Statement
- Planning Statement
- Ecological Mitigation Overview
- Open Space Strategy
- Transport Assessment
- Framework Travel Plan
- Flood Risk Assessment and Drainage Plan
- Habitat Regulations Mitigation Overview
- Utilities Report
- Archaeological Evaluation

- Ground Investigation Report

The following supporting statement was submitted by the applicant:

This application is the last of four sites in the Lynnsport and Marsh Lane locality which have been identified for development as part of a holistic plan for redevelopment of the area. These redevelopment plans include the new road which connects Edward Benefer Way and Green Park Avenue which offers significantly improved access to the Lynnsport site. The proposed redevelopment of these sites has already helped to deliver substantial infrastructure improvements to the local area, including the new road, improvements to the surface water management regime in the locality, new hockey pitch and tennis courts and will also deliver a new, neighbourhood scale equipped area of play, which will be delivered as part of a combined open space strategy across the sites.

As is typical for development at this scale, the sites are subject of a site specific policy contained in the adopted Site Allocations and Development Management Policies Plan (SADMP). Policy E1.7 allocates the site subject of this application (together with other sites at Lynnsport) for housing development and sets out the specific criteria against which any application must be judged.

With reference to these criteria, in respect of flood risk the application includes a comprehensive Flood Risk Assessment and proposes a Surface Water Management plan which includes sustainable drainage systems as well as contributing to the delivery of a wider package of flood management measures (for example provision of a new pumping station to manage water levels in the Bawsey Drain).

With regards to provision of open space, the application proposes the continuation of the previously approved approach which provides a comprehensive open space plan for this and the other Lynnsport sites, and creates small pockets of green space within the applications sites and a significantly enlarged and enhanced neighbourhood scale equipped area for play at the Lynnsport site. This approach is considered to offer a good balance of provision within the immediate vicinity of the proposed new houses, and delivery of a much-enhanced facility which is readily accessible by foot and cycle ways from all the development sites and existing neighbouring residential areas, and has allowed for the retention (and making available as public open space) pockets of copse woodland within the site.

Considering ecology, the application would have no unacceptable impacts on any protected species or their habitats. The wider development of Lynnsport sites has already enabled the creation of a new wildlife area, and will deliver landscape-scale improvements on existing low quality (poorly remediated) scrub land situated to the south of Lynnsport. This includes substantial areas of new tree planting, which will help to mitigate trees lost as a result of the development proposals at the Lynnsport 1 site. This comprehensive level of on and off-site mitigation would result in a development which satisfies the requirements of the adopted site specific policy.

Finally, with regards to design, the scheme proposes a high quality and distinctive design approach which would create a neighbourhood with definite character and create a positive addition to the Lynnsport site.

The development would deliver much needed market and affordable housing in a sustainable location, and the applicants have made significant efforts to create a scheme which is truly 'pepper-potted' and 'tenure blind'; meaning the affordable housing is spread throughout the development and is identical in character and appearance to the market housing. This results in a truly integrated neighbourhood.

In summary, this application seeks consent for 82 new dwellings, including 12 new affordable homes on a site which is allocated for new residential development in the adopted SADMPD. The scheme proposes a high quality development incorporating a mix of housing types and styles but retains a coherent modern design approach which will result in a development of genuine quality and distinctiveness. The proposal satisfies the specific criteria set out in the adopted policy and, for the reasons set out above, is therefore considered to be in accordance with the adopted development plan.

PLANNING HISTORY

No recent relevant history.

RESPONSE TO CONSULTATION

Highways Authority (NCC): NO OBJECTION although have one outstanding recommendation that a loop road be created.

Lead Local Flood Authority (NCC): NO OBJECTION subject to condition relating to surface water drainage

Historic Environment Service (NCC): NO OBJECTION subject to conditions relating to the Written Scheme of Investigation that was submitted with the application

Environment Agency: NO OBJECTION strongly recommends the mitigation measures proposed in the Flood Risk Assessment are conditioned.

PROW Officer: NO OBJECTION Amended plans have improved permeability

Internal Drainage Board: NO OBJECTION subject to conditions relating to drainage and flood risk

Anglian Water: NO OBJECTION – subject to condition

Arboricultural Officer: NO OBJECTION – following receipt of amended information subject to conditions relating to landscaping and tree protection

Sport England: NO OBJECTION

Housing Enabling Officer: NO OBJECTION The site area and number of dwellings proposed triggers the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy. A S106 Agreement will therefore be required to secure the affordable housing contribution

Natural England: NO OBJECTION The proposal is unlikely to affect any statutorily protected sites or landscapes. In relation to protected species the NE's Standing Advice should be followed

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination and the submission of a construction management plan

Environmental Health & Housing – Community Safety and Neighbourhood Nuisance: NO OBJECTION subject to conditions relating to noise, drainage and the submission of a construction management plan

District Emergency Planning Officer: NO OBJECTION recommends to conditions

Norfolk Constabulary: NO OBJECTION The overall layout and access into and out of the development is acceptable as is the parking provision

REPRESENTATIONS

King's Lynn Civic Society King's Lynn Civic Society remain opposed to the 'Lynnsport' phased housing development as we are of the view that the plan to expand housing provision whilst significantly reducing the available green spaces available at the heart of the King's Lynn, without providing alternative green infrastructure to compensate those losses, is fundamentally flawed.

We have previously commented at some length regarding the importance of the Lynnsport public open spaces for North Lynn and Gaywood, as well as its importance in serving the needs of the wider area (refer our letter on 16/00097/FM, Lynnsport 3, March 2016). We have also drawn attention to the apparent policy gap between stated BCKLWN goals for the provision of green infrastructure, and the desire to mitigate impacts on West Norfolk's important reserves and protected habitats, whilst simultaneously allocating new development on existing open space.

Nevertheless – we understand the need for new housing in King's Lynn. This is an important development for King's Lynn and the Borough Council – especially as BCKLWN are essentially the client and the planning authority. We feel it is essential that the Lynnsport projects all link together to create a cohesive overall environment – and that will include the existing sports facilities and public access lands within and adjoining Lynnsport, as well as the current development sites.

We are of the view that BCKLWN need to take a firmer hand in ensuring and steering this necessary overall masterplan for the whole Lynnsport site. This is an opportunity which is in danger of slipping away – with piecemeal development and no overall vision for the entire area. That is not to say we are critical of all the work being undertaken. The new hockey and tennis courts appear to be of a very high standard. We are pleased that the Norfolk Wildlife Trust are involved in developing plans for the wooded area adjacent Salters Road. We are very thankful that the previous plans for building on land at 'Lynnsport 2' has apparently been dropped and that these playing fields will be retained.

However, we remain critical of the standards being set on the overall planning, design and delivery of the project so far. It is certainly not a project that we believe is setting exemplary standards for the development of important new residential and public space provision in King's Lynn. There is an opportunity here to set a high standard for development that can be used as a benchmark example for all the other developers bringing forward large housing allocation in and around Lynn in coming years.

Some of our particular concerns on the current 'Lynnsport 1' application are as follow:

- Vague information on trees to be retained and trees to be removed.
- Insufficient detail on the design of proposed public open space, path provision, play equipment provision, new planting, ongoing management
- Apparently no clear plan for the Bawsey Drain frontage or most of the other peripheral site areas,
- Insufficient planting details in general – but especially inadequate along the streets and public frontages including the new link road site frontage. Many proposed trees

appear to be in private garden areas where BCKLWN will have little or no control over future management and retention

In fact, the only item in the external works plan that appears to have had some clear consideration is the location of bin storage areas – which are now proposed as the most prominent feature along the main road into the estate. The entire plan smacks of a builder and consultant team not being set a clear design brief by the client – which is BCKLWN. This level of design, rather than setting an exemplary standard, is just woefully inadequate.

King's Lynn Area Consultative Committee made the following comments:

The Sub-Group generally supported the application but made the following comments:

- Concern was expressed in relation to pepper-potting and it was considered that this could be improved.
- It was considered that additional traffic calming could be incorporated before the two open spaces at the eastern end of the site.
- Clarification was sought in relation to the 'edge of site boundary treatments' including the properties closest to the IDB drain.
- Are there still plans in place to provide parking for the existing residential developments adjacent to the site to ensure that parking does not spill onto the new development?
- The Sub-Group noted that they were happy to see the western Aconite Road access into the site was purely pedestrian and wished it to remain so

Nine letters of objection have been received. The issues raised include:

- Will be intrusive on the adjacent leisure uses,
- There is an informal right of way across the site,
- Visual impact,
- Impact on wildlife,
- Increase in vehicular activity – road network cannot cope
- Cycle and pedestrian safety,
- Loss of open space that is used frequently by people walking, jogging, kicking a ball, flying kites, exercising dogs and in the summer as a place to sit in the sun and relax,
- Not in accordance with the NPPF,
- Object to piecemeal development so that the Council can avoid guidelines on flooding, and
- The schools, hospital and doctors are already oversubscribed.

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

CS13 - Community and Culture

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable 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, Character and Design
- Residential Amenity
- Access, Transport and Parking
- Open Space, Recreation and Ecology
- Trees and Landscaping
- Affordable Housing and Other Contributions
- Crime and Disorder
- Third Party Representations

Principle of Development

The application is made by the Borough Council for development it wishes to carry out 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. 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.

The site forms part of a wider proposed housing allocation in the adopted SADMP.

Policy E1.7 relates specifically to these sites and states: 'Land amounting to 9.1 hectares is allocated for residential development of at least 297 dwellings. Development will be subject to compliance with 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 terrains, 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 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;
6. 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;
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.

The principle of development for residential use of this site is therefore in accordance with the Local Plan and should be supported subject to compliance with other national and local planning policy and guidance.

Flood Risk and Drainage

Flood Risk:

The site lies in an area at potential risk of flooding. Both national (the NPPF and NPPG) and local (the Development Plan) policy seeks to steer new development away from areas at risk of flooding by virtue of applying the sequential test.

However it is not necessary to undertake the sequential test on allocated sites (as it is considered that this occurred during the allocation process (NPPF paragraph 104)). Further, and in line with Development Plan Policy DM21, only the second element of the exception test is required (as it is likewise considered that the first element (wider sustainability benefits) is deemed to be met by the allocation process).

The second part of the exception test requires that 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.

Neither the Environment Agency (EA) nor Lead Local Flood Authority (LLFA) object to the proposed development subject to conditions relating to finished floor levels and further information relating to surface water drainage.

Drainage:

The proposed foul water system will be connected to the adjacent adopted foul water system at Anglian Water manhole number 4401. Consultation with Anglian Water has determined that reinforcement works to the existing Anglian Water foul drainage network in the North Lynn catchment will be required. These works will be carried out by Anglian Water under a Section 98 requisition. The works are currently being designed by Anglian Water.

The main proposed foul water sewers to serve the housing development will be adopted by Anglian Water.

A new surface water sewer system constructed to adoptable standards will serve the site. It is proposed that this will outfall directly to the KLIDB Bawsey Drain to the south of the site at a rate to be agreed with them. An allowance of a drained area of 70% of the total site area has been made by KLIDB when looking at the impacts of the proposed developments in the area. This development has a drained area of approximately 42% of the total site area.

An existing watercourse is present adjacent to the south east site boundary which receives surface water runoff from an Anglian Water sewer prior to connecting to the Bawsey Drain to the south. The majority of this watercourse will remain unaltered with a small section at the existing headwall to be culverted, subject to a formal application to the KLIDB.

A further shallow watercourse is situated within the development site although investigations have revealed that there are no surface water connections into this and no formal outfall to the Bawsey Drain. It is therefore proposed to infill this watercourse, subject to a formal application to the KLIDB.

Sustainable Urban Drainage Schemes (SuDS):

An 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'.

The drainage strategy will include permeable paving to act as a source control measure. Permeable paving will be provided in shared private paved areas which will be the responsibility of the Management Company (the latter to be managed by a management body which will be secured by S106). Water butts are also proposed to serve each dwelling.

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

Form, Character and Design

The majority of the proposed dwellings are two-storey detached and semi-detached properties. Whilst the development is lower density than the housing to the north and west it is more in line with the other Lynnsport developments.

It is considered that the modern appearance of the new dwellings and the contemporary proportions of the fenestration would result in a development that not only contrasts but compliments the more traditional surrounding residential development.

The mix of housing types has been informed by consultation with the Local Authority's Housing Department to ensure the mix of dwellings meets the need identified in the borough.

It is considered that the house types, scales, masses and proposed materials represent an attractive scheme that would integrate well into its setting.

The proposed site layout demonstrates that development of the scale proposed can be accommodated within the application site in such a way as to achieve a high standard of design offering a high quality environment for new residents and providing attractive and accessible public open spaces for both the existing and new communities.

It is considered that the proposal would create a development that integrates with and enhances the existing residential development in the locality. As such it is concluded that the proposed scheme incorporates 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 would be no material overlooking, overbearing or overshadowing impacts from the proposed development on any existing properties.

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 mid-terrace property.

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 would be accessed via Aconite Road to the east and the newly constructed Lynnsport Access Road to the west.

The site layout demonstrates that safe access can be achieved from the existing public highway network, with the required visibility splays achieved.

There are no existing public rights of way crossing the site, however there are a number of permissive routes which cross the site and, by way of a footbridge over the Bawsey Drain, provide a north/south link between the estates to the north and the Lynnsport site to the south. This north/south link would be improved and retained within the development and would offer good access to the proposed new areas of public open space which would be

delivered by the Open Space Strategy. As part of the improvement works the path would be suitably surfaced, enabling year-round use by all, including wheelchair users.

The site layout plan demonstrates that access to and within the site can be designed so as to be safe, easily understood and attractively landscaped.

Whilst the Local Highway Authority has requested a loop road, it is considered that this would result in the loss of trees and plots. Additionally the proposal is technically acceptable without the loop. Furthermore creation of the loop would be in direct contrast to comments made by the King's Lynn Area Consultative Committee who specifically asked for the Aconite Road (west) not to link in with the new development.

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 were assessed as part of the current TA to identify weekday AM and PM peak periods (08:15 to 09:15 and 16:30 to 17:30 respectively).

The impact of the development on the operation of key local links and junctions was assessed for 2019 (opening year) and 2026 (forecast year). For each of the assessment years 'Do-Nothing' (without development) and 'Do-Something' (with development) forecasts were prepared. The Do-Nothing forecasts include committed schemes in the locality including, amongst others the Marsh Lane, Lynnsport 3, 4 and 5, Alderman Jackson and Russet Close schemes.

The conclusion of the TA is that out of the nine junctions considered only two Junction 8 - Columbia Way / Greenpark Avenue / Salter's Road, and Junction 9 - Hamburg Way / Spenser Road / Lynnsport Access Road junctions) are forecast to experience overall increases in traffic greater than 1%, whilst 'negligible' increases in traffic are forecast at the remaining five.

In summary the TA demonstrates that the site can be accessed safely and that development in this location and of the scale proposed could be accommodated by the existing and recently approved highway network and that the development would have no unacceptable impacts on traffic flows.

Parking:

Parking, in accordance with current parking standards, is provided in either garages (with a gross internal area of at least 21m²) and / or off-street parking.

Open Space, Recreation and Impact on Roydon Common Special Area of Conservation

Open Space:

Core Strategy Policy CS14 requires that 'all development will need to be accompanied by appropriate infrastructure (including offsite infrastructure)'; no specific detail is given as to how to calculate the level of 'appropriate infrastructure'. However, Policy DM16 provides further guidance as to how to calculate the level of infrastructure required by policy CS14.

Policy DM16 requires that schemes of 100+ homes must make provision for 2.4ha of open space per 1000 population and that this open space must comprise approximately 70% amenity, outdoor sport or allotments, and 30% suitably equipped play space; schemes of between 20 and 99 homes need only provide the 30% suitably equipped play element. Whilst this scheme is by itself for 82 houses, it forms part of a wider allocation (in combination with Lynnsport 3 and Lynnsport 4 and 5) for the delivery of 100+ houses.

There is no specific guidance as to how the 70% provision should be divided between amenity, outdoor sport and allotment, though the supporting text to emerging policy DM16 suggests that half of this space should be made available for pitch sports (1.2 ha of the 2.4ha total provision, per 1000 population). Notwithstanding this, it is the case that both site specific policy (E1.7) and policy DP16 make provision for some flexibility when applying this standard.

Policy DM16 enables the Council to adopt a flexible approach to the types of public open space required within a particular scheme where it can be demonstrated:

- 1) That there is an excess of provision available in the locality; or
- 2) Where opportunities exist to enhance existing local schemes; or
- 3) The townscape or other context of the development is such that the provision of open space is not desirable.

This flexibility is mirrored in site specific policy E1.7 (Lynnsport sites), which states: 'In judging the amount of on-site open space appropriate under Policy DM16 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 requirements where this would result in qualitative and quantitative benefits to the community and where preceding habitats requirements are met.'

Given the site's proximity to Lynnsport and to the other two Lynnsport sites, the applicant, in consultation with the Local Authority's Greenspaces Team, proposes a comprehensive approach to open space provision across the three sites.

The proposal would provide a dedicated area of play for younger children (a LAP) and a small area of informal open space on each site. The shortfall would then effectively be 'pooled' to (in the case of equipped play) provide a single NEAP (neighbourhood equipped area of play) and in the case of open space by bringing into use an overgrown and inaccessible area to the immediate south of Lynnsport 4 & 5.

The NEAP would be provided by adding to and substantially extending an existing play facility at Lynnsport which lies directly to the south of Lynnsport 1 (the current application) and to the east of Lynnsport 3.

In summary, based on the Lynnsport sites Policy DM16 requires the allocation (all three Lynnsport sites) to deliver 0.85ha of amenity, outdoor sports or allotment space. The approach proposed by the applicant would deliver a minimum of 2.82ha of such space. With reference to equipped areas for play, DM16 requires 0.37ha; the applicant proposes 0.4ha.

It is the case that the majority of the equipped area for play would be delivered outside the development sites but within the Lynnsport site itself. The applicant considers that the combination of providing small areas for play within each site and the consolidation of the equipped play facilities in one single area, providing one large facility at a location already used for play and which is readily accessible by a series of foot and cycles ways from the development sites (and neighbouring residential developments) represents the best approach to open space provision for both existing and future residents and the users of the

Lynnsport site. This approach is supported by the Local Authority's Greenspaces Team, and your officers believe it accords with overarching policy aims.

Recreation:

Policy E1.7 requires enhanced recreational provision or contribution towards such provision on or in the vicinity of the allocated sites. This requirement is linked to the proximity to protected nature conservation sites in the wider area.

The overprovision of open space outlined above, along with a contribution of £10,000 towards the restoration of the Gaywood River Corridor (which is well in excess of the £4,100 that the £50 per dwelling habitat mitigation fee requires) suggests that the development would not place additional recreational pressure on, in particular, Roydon Common SPA.

Ecology:

The application is accompanied by a Phase 1 Ecological Survey, a Water Vole Survey, Reptile Survey, Great Crested Newt Survey (GCN), Badger Survey and Bat Survey.

The surveys identify the site as comprising a mixture of amenity grassland and dense scrub. The submitted Ecological Reports identify appropriate mitigation measures to protect and enhance retained habitats during the construction phase and, on completion of works, key areas of habitat (for example existing hedgerows, the Bawsey drain and retained copse woodland) will remain undeveloped, limiting impacts on protected species.

In summary the results are as follows:

Water Vole – It is likely that low numbers of water voles are present in the immediate area. As such mitigation is proposed
Reptiles – no further action
GCNs – no further action
Badgers– a further survey will be required if there is a delay of over six months before site clearance
Bats – The site is considered to be of local value supporting small number of noctule and common, soprano and Nathusius Pipistrelle bat species. As such mitigation is proposed
Birds – collared dove, starling and house sparrows were all observed during the survey.

Where mitigation is proposed it will be secured by condition.

Trees and Landscaping

The Arboricultural Officer has no objection to the proposed development on condition that it is carried out in accordance with the amended Arboricultural Reports that accompanied the application.

Affordable Housing and Other Contributions

Accompanying this proposal is a S106 Agreement that covers:

- Affordable Housing (on-site provision in accordance with current policy (12 units));
- Open Space in the form of on-site and off-site provision;
- Financial contribution to the Gaywood River Restoration Project (£10,000); and
- SuDS management and maintenance,

Whilst the scheme is CIL liable, King's Lynn is exempt from CIL.

Crime and Disorder

Norfolk Constabulary has no objection to the principle of the development that they consider is broadly compliant with the principles of Secured by Design.

Third Party Representations

Third party objections / concerns relating to the loss of green space have been covered in the main body of this report

King's Lynn Civic Society (KLCS) suggests that the Lynnsport applications are piecemeal with no overall vision. Your officers disagree with this. The applications are all subject to the same specific policy criteria laid down in the SADMP DPD. The fact that the sites have come through separately does not alter the fact that they form a comprehensive scheme for the development of the Lynnsport sites.

In relation to particular concerns raised by KLCS, your officers comments as follows:

- Vague information on trees to be retained and trees to be removed – this is fully covered by the Arboricultural Report and supporting plan.
- Insufficient detail on the design of proposed public open space, path provision, play equipment provision, new planting, ongoing management – these issues will be covered in the S106 Agreement
- Apparently no clear plan for the Bawsey Drain frontage or most of the other peripheral site areas – the frontage has to be left clear for access and to comply with IDB Bylaws
- Insufficient planting details in general – but especially inadequate along the streets and public frontages including the new link road site frontage. Many proposed trees appear to be in private garden areas where BCKLWN will have little or no control over future management and retention – your officers consider the landscaping proposals are acceptable.
- The BCKLWN should be setting an exemplary standard – the Local Planning Authority cannot seek higher standards than they would seek from any other developer.

In relation to concerns raised by King's Lynn Area Consultative Committee (KLACC) your officers comment as follows:

- Concern was expressed in relation to pepper-potting and it was considered that this could be improved – this has been improved by changing plots 77 and 78 from affordable to market and changing either plots 41 and 42 or 43 and 44 from market to affordable.
- It was considered that additional traffic calming could be incorporated before the two open spaces at the eastern end of the site – the Local Highway Authority has no objection to the degree of traffic calming.
- Are there still plans in place to provide parking for the existing residential developments adjacent to the site to ensure that parking does not spill onto the new development – the BCKLWN is looking at ways of dealing with this issue outside of the planning process. It is not an issue for consideration in the determination of this application.
- The Sub-Group noted that they were happy to see the western Aconite Road access into the site was purely pedestrian and wished it to remain so – it is the intention to keep the western Aconite Road access as pedestrian only.

All issues raised by other third parties have been covered in the main body of the report.

CONCLUSION

This application is for development of part of a wider housing allocation in the adopted Local Plan and would provide 82 dwellings on a site that is extremely well located within the town.

The development of the wider allocation will result in overprovision of open space (as required by policy) in the locality of the site which will benefit not only the development, but the wider neighbourhood.

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

The supporting technical reports demonstrate that impacts relating to noise, pollution, traffic, flood risk, drainage and ecology have been fully considered and can be satisfactorily mitigated where necessary.

The proposal accords with the NPPF, NPPG and Local Policies contained in the Core Strategy, 2011 and SADMP, 2016. 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 4 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 No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage 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.
- 2 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in the interests of highway safety in accordance with the NPPF and Development Plan.
- 3 Condition Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority.
- 3 Reason In the interests of maintaining highway efficiency and safety in accordance with the NPPF and Development Plan.
- 4 Condition For the duration of the construction period all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and unless otherwise approved in writing with the Local Planning Authority.

- 4 Reason In the interests of maintaining highway efficiency and safety in accordance with the NPPF and Development Plan.
- 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 roads, footways and cycleways 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.
- 6 Reason To ensure satisfactory development of the site in accordance with the NPPF and Development Plan.
- 7 Condition Prior to the first occupation of the development hereby permitted visibility splays shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 7 Reason In the interests of highway safety in accordance with the NPPF and Development Plan.
- 8 Condition Prior to the first occupation of the development hereby permitted the proposed on-site accesses, car parking and turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 8 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 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 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;

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

- 10 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.
- 11 Condition The development shall be carried out in accordance with the mitigation measures detailed in the Flood Risk Assessment and addendum to the Flood Risk Assessment that accompanied the application.
- 11 Reason To reduce the risks associated with flooding in accordance with the NPPF and Development Plan.
- 12 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).
 - (i) This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 12 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.
- 13 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.

- 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 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.
- 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.
- 15 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.
- 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 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.

- 16 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.
- 17 Condition All hard and soft landscape works shall be carried out in accordance with the approved plans. 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.
- 17 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF and Development Plan.
- 18 Condition The development hereby permitted shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement that accompanied the application (dated November 2016; Revised February 2017 by C.J.Yardley) and associated Tree Protection Plan No SK010 Rev.14.
- 18 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF and Development Plan.
- 19 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.
- 19 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 20 Condition The development hereby permitted shall include the proposed mitigation / enhancement recommendations listed in the Phase 1 Habitat Survey that accompanied the application (dated December 2015 by James Blake Associates), the Water Vole Survey (dated June 2016 by James Blake Associates), the Reptile Survey (dated July 2016 by James Blake Associates), the Great Crested Newt Survey (dated June 2016 by James Blake Associates), the Badger Survey (dated December 2015 by James Blake Associates) and the Bat Activity Survey (dated September 2016 by James Blake Associates).
- 20 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 21 Condition No development shall take place other than in accordance with the approved archaeological written scheme of investigation submitted with the planning application (Project Number 18968, dated 01 February 2016 by Oxford Archaeology East).
- 21 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 22 Condition The development shall not be occupied until all phases of site investigation and post investigation assessment have been completed in accordance with the programme set out in the archaeological written scheme of investigation submitted with the planning application (Project Number 18968, dated 01 February 2016 by Oxford

Archaeology East) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

- 22 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 23 Condition No development shall commence until full details of the foul 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.
- 23 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.

- 24 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 003 PO3, 004 PO3, 005 PO3, 006 PO3, 007 PO3, 008 PO3, 009 P00, 050 PO1, 051 P00, 052 P01, 053 PO1, 054 PO2, 055 P00, 056 P00, 057 P00, 058 P00, 059 P00, 060 P01, 061 P01, 062 P01, 063 P01, 064 P01, 065 P00, 070 P00, 071 P00, 072 P00, 073 P00, 074 P00 and Plan No. 7968/002/A08/Arb.
- 24 Reason For the avoidance of doubt and in the interests of proper planning.

(B) REFUSE in the event that a suitable Section 106 Agreement is not completed within 4 months of the resolution to approve