

AGENDA ITEM NO: 8/1(a)

Parish:	King's Lynn	
Proposal:	Reserved Matters Application: construction of 61 dwellings with access, culvert, open space and landscaping.	
	The outline application was not an EIA application	
Location:	Land South of Russett Close King's Lynn Norfolk	
Applicant:	Boyer Investments Ltd	
Case No:	17/00648/RMM (Reserved Matters - Major Development)	
Case Officer:	Mrs K Lawty	Date for Determination: 10 July 2017 Extension of Time Expiry Date: 10 June 2019

Reason for Referral to Planning Committee – Referred by the Assistant Director.

Neighbourhood Plan: No

Case Summary

The application site relates to an irregular shaped parcel of land to the north of Gaywood River in King's Lynn. The site is bounded to the north and west by residential development. To the east is countryside and to the south of the river is a recently constructed residential development site. The land which encompasses this proposal is 2 hectares in size.

The site already benefits from outline planning permission for the construction of up to 81 dwellings, with access road (including bridge), cycle and pedestrian routes, landscaping and open space, which was granted on appeal. A copy of the appeal decision is attached to this report.

This application seeks reserved matters for 61 dwellings with all matters of access, appearance, landscaping, layout and scale for consideration.

Access is shown to be from Russett Close with a bridge over the Black Drain providing vehicle and pedestrian access. A large area of open space is located at the entrance into the site with the main highway running east west to provide access to the dwellings.

A mix of residential units is proposed, ranging from one bed flats to 4/5 bedroom dwellings. 15% of the dwellings are affordable units and are mixed in amongst the market housing.

Key Issues

Principle of development;
Layout, Scale and Appearance;
Landscaping;
Flood risk and drainage;
Highway safety;
Neighbour amenity;

Implications on local wildlife;
Air Quality;
Contamination;
Crime and disorder;
Other third party concerns

Recommendation

APPROVE

THE APPLICATION

The site already benefits from outline planning permission for the construction of up to 81 dwellings, with access road (including bridge), cycle and pedestrian routes, landscaping and open space. Although access was one of the reserved matters, the outline consent approved a drawing showing the access point from the north, linking to Russett Close.

This current application seeks reserved matters for 61 dwellings with all matters of access, appearance, landscaping, layout and scale for consideration.

Access continues to be from Russett Close, with a bridge over the Black Drain providing vehicle and pedestrian access. This single access road then runs east west along the southern part of the site, with private drives providing access to the dwellings.

A large area of open space is located at the entrance to the site providing recreation facilities in a landscaped setting.

A mix of residential units is proposed, ranging from one bed flats to 4 bedroom dwellings. 15% (9 units) of the dwellings are affordable units and are mixed in amongst the market housing. The proposed house types are as follows:-

- 4 No. x 1 bedroom flats
- 25 No. x 2 bedroom semi-detached or terraced houses
- 26 No. x 3 bedroom detached, semi-detached or terraced houses
- 6 No. x 4 bedroom detached or semi-detached houses

The affordable housing units are plots 34, 41, 42, 46, 47 and 52-55 and are a mix of 1 bedroom flats (4 units), 2 bedroom semi-detached houses (3 units) and 3 bedroom terraces houses (2 units).

The majority of proposed houses are two storey in height with some three storey, utilising the loft space for additional accommodation. Overall the house types show a traditional design, constructed of brick with traditionally pitched roofs. However, the fenestration and door style and the use of panelled sections add a modern, contemporary element.

SUPPORTING CASE

In addition to the submitted forms and plans, the planning application has been supported by the following documents:-

- Drainage Strategy
- Flood Risk Assessment

- Ground Investigation Report
- Open Space Report
- Contamination Statement
- Construction Management Plan
- Landscape Management and Maintenance Plan
- Planting Plan

The applicant has also provided a summary of the proposal:

- The site has outline planning permission for up to 81 homes. This number has been reduced to 61 to provide to provide an attractive scheme that works on the site. There is no space for any further dwellings to be built on the site.
- There is a wide mix of house types to meet local housing demand.
- The proposal has access from Russett Close as confirmed in the outline planning permission appeal decision and as required by condition 16 of the outline planning permission.
- Open space is provided as required by the outline planning permission appeal decision. This is located so as to have easy access to existing residents in Russett Close.
- A section 106 obligation signed as part of the outline planning permission secures affordable housing, education contributions, open space, and new cycle way provision.
- The delays in progressing the reserved matter application have been due to lengthy discussions regarding drainage details with the various drainage and flood authorities, and ensuring this works with the highway design.
- The applicant is now keen to progress the development and expects to start on site within the next 6 months.

PLANNING HISTORY

14/01690/OM : Appeal against non-determination: 26/03/15 - Appeal Allowed 01/09/15 - Outline Application: construction of up to 81 dwellings, access road (including bridge), cycle and pedestrian routes, landscaping and open space - Land South of Russett Close King's Lynn

13/01675/OM: Application Refused: 19/03/14 - OUTLINE MAJOR APPLICATION: Construction of up to 95 dwellings, with access road (including bridge), cycle and pedestrian routes, landscaping and open space Appeal Dismissed 23/10/14;

13/01428/LDP - Lawful Development Certificate for a Proposed Use: Construction of an access road and a dwelling with a garage- Not Lawful

13/01248/O - Erection of one dwelling - Application Refused

13/00924/FM: Application Withdrawn: 08/08/13 - Variation of conditions 8 and 9 of planning consent 11/00358/EXOM to ensure suitable accessibility

13/00829/F - Development of new access with culvert over black drain - Application Withdrawn

11/00358/EXOM: Application Permitted: 03/07/12 - EXTENSION OF TIME FOR THE IMPLEMENTATION OF A PLANNING PERMISSION REFERENCE 07/00833/OM: Outline Application

07/00833/OM: Application Permitted: 12/03/08 - Outline Application: residential development

05/01901/OM: Application Withdrawn: 25/11/05 - Outline Application: Residential development including means of access

2/95/1224/O: Application Withdrawn: 25/09/06 - Site for residential development (revised proposal) -

RESPONSE TO CONSULTATION

King's Lynn Area Consultative Committee: The Sub-Group did not support the application, making the following comments:

- Concern at the lack of 1 bed properties for sale, only as affordable housing, and that 2 bed affordable housing units were at a premium.
- The design should be to 'secured by design' standard – i.e. the potential footpath at the south of the site should be gated.
- Welcomed the requirement of street lights to the development.
- The provision of grounds maintenance of the site over and above 15 years should be included in any agreement.

Overall do not support the application, particularly the access through Russet Close.

Highways Authority: NO OBJECTION subject to conditions imposed on outline consent

Water Management Alliance (Internal Drainage Board): NO OBJECTION As stated previously we accept the surface water discharge proposed and our approval under Land Drainage consent will be subject to conditions.

We have received further information on the proposed culvert and whilst the principle is accepted regarding its sizing and alignment we have some concerns regarding the technical detail of construction given that our machines will access our maintenance strip off the road where there is now shown a ramped access on only one side and a retaining wall that would require significant engineering (for which we have seen no detail). Furthermore I am conscious that we would wish to know if the road is to be adopted by Highways as this may impact the design of the culvert.

With regards to site levels we have only been provided with limited information on the site levels of the easement strips and there remains significant difference between these levels and the level of plots, finished floor levels and roads. As such we would want to see how this difference in levels is to be managed on site and confirmation that any engineering required to manage these levels does not impact on our operations and maintenance strips.

Lead Local Flood Authority (LLFA): NO OBJECTION (most recent correspondence) In our previous response of 05 October 2018, we did not object to this reserved matters application being approved but we did have some recommendations that were to be taken into consideration at the detailed design stage. We are pleased to see that at this, the reserved matters stage, the applicant has addressed these points with the submission of a

revised drainage layout (dwg. No 1051-08 Rev C), covering letter and associated calculations.

We are pleased to see the applicant has demonstrated that a 10% increase in impermeable area to account for urban creep can be accommodated within the revised drainage scheme with a controlled discharge rate of 4.7l/s to the Black Drain as stipulated in the notice of intention to grant consent from King's Lynn Drainage board 05 March 2018.

We do, however, note the permission document states:

"No impermeable surfaces which drain to a watercourse (whether directly or indirectly), other than the 8,020m² (0.802 hectares) approved as part of your current application, are to be constructed on site unless prior written consent is obtained from the Board,"

The submitted calculations show the total impermeable area, including the extra 10%, to be 0.882ha. This may need to be clarified with the King's Lynn Drainage Board. Although the extra 10% of impermeable area may be added after the completion of this site's construction, the extra volume entering the Black Drain during the lifetime of the development may need to be taken into consideration. We are also pleased to see the applicant has addressed our concerns regarding the use of highways to convey exceedance flows in a greater than 3.33% annual exceedance probability plus 40% climate change rainfall event. The inclusion of a 600mm pipe to convey flows to the Public Open Space (POS) addresses this issue and also allows for a reduced maximum flood level of 2.34m above ordnance datum within the POS during a 1% annual exceedance probability plus 40% climate change event. The LLFA agree that this negates the need for a hazard assessment of the impact of surface water flows along the highways for this event scenario as previously recommended. We have no objection to this reserved matters application being approved but would clarify that this is not a discharge of Condition 7 of the outline planning application.

Anglian Water: NO OBJECTION- The foul water strategy is acceptable to Anglian Water, we can therefore recommend the discharge of the foul water portion of condition 7. The surface water strategy does not involve discharge to an Anglian Water asset; we therefore have no comments to make regarding the discharge of the surface water portion of condition 7.

Environmental Health – CSNN: NO OBJECTION subject to appropriate surface water drainage scheme

Norfolk Constabulary: NO OBJECTION The development lies within the Gaywood, Fairstead and Reffley policing area of Norfolk with the area of the new development accounting for approximately 8% of the crimes recorded for the policing area on the police national database between April 2016 and March 2017 and as such can be considered as a relatively low crime area.

The Core Strategy adopted in 2011 recognises 'crime prevention' and reducing fear of crime as well as actual incidents and makes specific reference that 'one of the main ways in which the planning process can help to reduce the likelihood of crime is to ensure it is a key consideration in the design process, particularly for access routes and public space'. Concerns were raised by Norfolk Constabulary previously regarding access control (north and south) which is again reinforced here.

To ensure a safe and secure environment is provided and compliance with the requirement of the Core Strategy (pages 34, 55 and 56) it is recommended that the development should comply with the principles of Secured by Design which is a Police Service owned scheme. As an indication of the likely issues required to ensure Secured by Design compliance the following comments and recommendations are provided.

Overall the layout and natural surveillance potential are good and the level of parking provision is acceptable to Secured by Design criteria however it will be very important to ensure that all rear boundaries are adequately protected using 1.8m high fencing with lockable gates to the same height.

The applicant is encouraged to refer to the Secured by Design website for specific details and to liaise with a Norwich Constabulary Crime Prevention Design Advisor for support.

Housing Enabling Officer: NO OBJECTION- The affordable housing contribution was secured via a Unilateral Undertaking as part of the outline application. This secures a 15% affordable housing provision which is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. Based on the plans submitted, 9 affordable dwellings would be required, 6 for rent and 3 for shared ownership.

The revised plans propose plots 34, 41, 42, 46, 47 & 52-55 as affordable housing. I can confirm that this would meet an identified housing need. I would recommend that plots 34, 42 and 46 should be for shared ownership with the remainder for rent.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

REPRESENTATIONS

TWENTY FIVE third party **OBJECTIONS**, referring to the following:-

- Loss of amenity land/open space (15)
- Volume of traffic on Russett Close and surrounding roads (13)
- Danger to children who would need to travel to use play area (12)
- Building on water logged land/flood risk (12)
- Increase in potential highway collisions/ highway safety (12)
- Impact on amenity (7)
- Impact of construction traffic (6)
- Keep the original access to the south (6)
- Impact on wildlife/ loss of habitat (6)
- Noise (from traffic and construction) (6)
- Icy roads cause problems now; will be worse with more traffic (4)
- Will create a rat-run (2)
- Increased pollution (2)
- Existing parking problems will be worse (2)
- Impact on local services (2)
- Existing roads not wide enough for extra traffic (3)
- No development at all
- Land should be used only as a green space for children to play on
- Lack of monitoring and enforcement of conditions
- Overlooking
- Overshadowing
- Devaluation of property (3)
- Will lose shortcuts to school and hospital

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

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

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The key issues identified in the consideration of this application are as follows:

- Principle of development;
- Layout, Scale and Appearance;
- Landscaping;
- Flood risk and drainage;
- Highway safety;
- Neighbour Amenity;
- Implications on Local Wildlife;
- Air Quality;
- Contamination;
- Crime and disorder;
- Other third party concerns

The Principle of Development

Outline planning permission was granted in 2015 for the construction of up to 81 dwellings with access road (including bridge) cycle and pedestrian routes, landscaping and open space subject to the imposed planning conditions.

The principle of the development has therefore been established, and this application deals with the details (reserved matters) of the access, layout, scale, appearance and landscaping of the site.

It is of note that the position of the access was defined at outline stage as being from Russett Close and this arrangement was agreed by planning condition (condition 16 of application ref: 14/01690/OM).

The outline consent was also subject to a unilateral undertaking which relates to the provision of affordable housing, the provision of open space and the payment of contributions towards libraries, walking and cycling and education. This superseded the more recent requirement for Borough CIL payments.

Layout, Scale and Appearance

This application seeks approval for the details of the access, layout, scale, appearance and landscaping across the whole site.

One of the key issues of the recent planning applications was the loss of the open space on Russett Close to allow for the access into the site. During consideration of the most recent consent (14/01690/OM) the appeal Inspector acknowledged that this parcel of open space had been registered as an Asset of Community Value, confirming that the land had an agreed local community use. That said, the Inspector found that whilst there would be some harm to residents' amenity value from the proposed changes, the effects would not be unacceptable given that there would still be a break in the housing between Nos 50 and 51 Russett Close and that part of the grassed area would remain which could be planted or landscaped.

Further, the applicant has provided a new area of open space which not only meets the amount of open space required by Policy DM16, it also allows additional land to compensate for that lost on Russett Close. The position of the open space is as close to Russett Close as possible and thus should provide benefits to existing local residents as well as future occupants of the new houses. The Inspector found this provision to be acceptable and this arrangement and layout remains unchanged as part of this reserved matters application.

This open space will also act as an attenuation basin where surface water will be designed to pond in extreme events prior to its controlled release into the Black Drain. (See 'Flood Risk and Drainage' below).

The proposed site layout therefore retains the access point as previously agreed and the position and amount of public open space in the most accessible position previously found to be acceptable. In terms of layout there are other constraints on the site which restrict the availability of parts of the site for development.

To the south the site is bound by Gaywood River, which is a main drain of the King's Lynn Internal Drainage Board. The majority of the northern boundary of the site and the whole of the western boundary is bound by the Black Drain (which is also a drain of the King's Lynn Internal Drainage Board). Accordingly there are requirements for 9m wide strips of land adjacent to these drains to be retained open and free from development so that the drains

can be maintained by the IDB. This prevents these areas from being used for any type of permanent development.

Additionally the former railway line and a mains sewer run along the southern part of the site. This, again, restricts the type of development able to be undertaken in this area.

The constraints on the site have a bearing on how the proposed residential development can be laid out and although there is outline consent for up to 81 dwellings, at this detailed design stage the number of units proposed is 61. There is a mix of house types including detached, semi-detached, terraced and flats and a mix of bedroom sizes (1, 2, 3 and 4 bedrooms). The required provision of nine affordable housing units is proposed (15%) showing a mix of 1, 2 and 3 bedroom properties which are pepperpotted within the site.

The house designs follow a simple, contemporary style, using a palette of materials including red or buff brick, some timber cladding or weatherboarding detailing with red or grey artificial slate roofs. The majority of the dwellings are two storey in height but there are some which are two and a half storey, utilising the roof space as additional accommodation. Each dwelling has the required amount of off-street parking spaces

In summary the overall layout for the site and the design of the site infrastructure and access roads has predominantly been led by the context and constraints of the site. The proposed dwellings, whilst relatively simple in their form, offer a unified and contemporary approach which will help to ensure design consistency throughout the site. In terms of layout, scale and appearance the proposal is considered to achieve an appropriate form of development for the site and its surroundings and raises no policy concerns.

Landscaping

Landscaping is a reserved matter. All scrub was cleared from the site a few years ago although there has since been new growth of brambles and shrubs. There are no trees to survey and, given the circumstances, no tree survey has been provided or is required. Removal of shrubs is controlled by way of condition 19 of outline consent 14/01690/OM which limits this to outside the bird nesting season (i.e. not between 1 March and 31 August).

The application has been supported by a planting plan showing proposed new tree, shrub and hedge planting. This shows there is opportunity for a mix of native tree planting to the area of open space as well as planting within the garden areas of the proposed dwellings.

There are no outstanding issues with regard to landscaping.

Flood Risk and Drainage

The site has presented significant issues in regard to flood risk and drainage. In effect it is almost an island, of clay geology, surrounded by watercourses which need to be maintained. Ground levels will need to be raised to overcome flood risk which then has implications for surface water drainage. There are multiple statutory consultees who have responsibility over drainage and flood matters and it has proved a lengthy task to satisfy the requirements of each body on a site with such constraints.

A Flood Risk Assessment (FRA) was submitted with the outline application and another has been submitted in support of this reserved matters application.

This most recent FRA has also been updated twice during the course of the application. Condition 3 of the latest outline planning permission (14/01690/OM) requires details of

finished floor levels to be submitted, condition 7 requires details of foul and surface water drainage arrangements to be submitted and condition 20 requires a scheme for the provision and implementation of flood resilient construction materials to be submitted.

The FRA states that the Environment Agency Indicative Flood Risk Map for planning indicates that the site lies entirely in Flood Zone 3, with the main source of fluvial flood risk to the site being from the Kings Lynn Internal Drainage Boards main drains, the Gaywood River forming the southern boundary of the site and the Board's lower level system the Black Drain. The Black Drain flows in a westerly direction along the northern boundary of the site to the south of development fronting Russet Close then turns to flow south through existing development of Meadowvale Gardens and beneath Gaywood River, joining Bawsey Drain. The site and surrounding land currently drains via gravity to the Black Drain, which links to the Bawsey Drain outfall to the tidal section of the River Great Ouse upstream of Kings Lynn Dock entrance.

In accordance with the recommendations set out in the NPPF, the design of the new development will adopt measures to reduce the impact of surface water runoff through the use of sustainable drainage techniques. Infiltration has been discounted due to the geology of the site being clay with low permeability. The second preferable discharge point is to a surface water body. Discharge has therefore been agreed to be to the King's Lynn Internal Drainage Board's Black Drain with the payment of relevant contribution fees.

The LLFA initially raised concerns regarding the submitted drainage strategy as two options were submitted and neither was considered by the LLFA to be acceptable. They also queried the information submitted relating to runoff rates and requested details on flood flow paths. They requested details of how the site would manage fluvial flood risk, including any earth works to raise portions of the site, and also a comprehensive maintenance and management plan detailing the activities required and details of who will adopt and maintain the drainage features for the lifetime of the development.

After a second resubmission of an amended FRA the LLFA continued to raise queries regarding the implications of the land raising needed to provide the required 3.5m AOD finished floor levels and the compensatory storage for the displaced flood water volume. They also requested modelling to show how exceedance surface water would flow and be stored on the site in an event in excess of the design of the drainage system (the 1 in 30 year event).

During the course of the application the IDB agreed to grant consent under the terms of its Byelaws and the Land Drainage Act 1991 for the discharge of surface water run-off from the proposed development to the Black Drain. This was subject to several conditions. However, agreement to this consent lasts for just a short period of time before the applicant needs to make a further application and this has since expired.

The applicant responded to the outstanding matters raised by the LLFA with a further revised drainage strategy. Following consideration of this strategy the LLFA now considers the applicant has adequately demonstrated that a 10% increase in impermeable area to account for urban creep could be accommodated within the revised drainage scheme with a controlled discharge rate of 4.7l/s to the Black Drain as stipulated in the notice of intention to grant consent from King's Lynn Drainage Board.

The LLFA also considers that the applicant has addressed their concerns regarding the use of highways to convey exceedance flows in a greater than 3.33% annual exceedance probability plus 40% climate change rainfall event by removing the need to store water within the highway. The drainage strategy shows that the area of public open space can essentially act as an attenuation basin where water will then pond prior to controlled release. Micro

Drainage calculations indicate that the ponded volume to be present within the open space during a 1 in 100 year plus 40% climate change event is 76.724m³ and would equate to a depth of 87mm. The inclusion of a 600mm pipe to convey these flows to the Public Open Space (POS) addresses the LLFA issue and also allows for a reduced maximum flood level of 2.34m above ordnance datum within the POS during a 1% annual exceedance probability plus 40% climate change event.

This approach set out in the revised drainage strategy is considered reasonable by the LLFA and they now have no objection to this reserved matters application. Additional information will be required, however, before condition 7 of the outline planning permission can be discharged.

Although the King's Lynn Drainage Board strongly recommend that the required consents of the Board as set out under the Land Drainage Act 1991 are sought prior to the determination of this application, the fact that this consent was given in 2018 (although has since lapsed) means that it is likely that this can be re-issued. Additionally this consent is separate from planning and it is not considered necessary or reasonable to withhold reserved matters approval, particularly given that no objections have been raised by the LLFA or Anglian Water.

During the course of the application the IDB (Water Management Alliance) asked whether the road would be adopted by the highways authority as this could alter the design of the culvert to the Black Drain. They also queried the details of the culvert and, whilst they have no objection in principle, they request technical detail of its construction given that their machines will access the maintenance strips off the road. However, this is already covered by condition 7 of the outline consent which requires detailed plans of any alterations to watercourses... and access for drain maintenance operations prior to the commencement of development. Adoption of the road will be for the developer to decide in the future.

The raising of the ground levels for the development is necessary and details of the finished floor levels (FFL) have been provided on a plan, but the ground levels of the easement strips have not been confirmed. The IDB (WMA) request these details are provided through planning condition to establish that the IDB equipment can gain access to these areas. However, this is already covered by condition 7 of the outline consent which requires detailed plans of any alterations to watercourses, land raising and access for drain maintenance operations prior to the commencement of development.

The Highways Authority concerns regarding the flow of surface water drainage across the proposed road to reach the public open space have been overcome by the use of underground piping.

Accordingly there are no policy reasons to prevent the application being approved as far as flood risk and drainage matters are concerned, but it should be noted that the requirements of condition 7 of the outline planning application, which require details of foul and surface water drainage arrangements to be submitted, are still outstanding. For clarity Conditions 3 and 20 will also require information to be submitted prior to their discharge.

Highway Safety

The site will be accessed from Russett Close as per the plans agreed at outline stage.

During the course of the application the layout has been amended several times and the highways authority are now agreeable to the proposed layout. Each unit has the required amount of parking spaces which are adjacent to or within reasonable proximity of each

property. Adequate turning facilities are provided and there are no outstanding highway safety issues.

Accordingly Norfolk County Highways have raised no objection to the proposal and propose no conditions given that highways matters are already secured by conditions 19 to 22 on the outline planning permission (14/01690/OM).

KLACC Planning sub-group and other third parties object to the access to the site through Russett Close and maintain that it should be from the south. However, as referred to above, access to the site through Russett Close has previously been considered, found to be acceptable and the details agreed through the imposition of planning condition 16 of planning permission 14/01690/OM. This current application makes no changes to the access point agreed at outline stage so there is no need to review this through this current application.

Neighbour Amenity

Third party concern has been raised that existing neighbouring properties will be overlooked and overshadowed by the proposed development. However, given that there are separation distances between properties due to the position of the watercourses and the 9m easements around the site boundary where no development is proposed, there is no concern regarding either of these amenity issues.

Similarly it is considered that there are no significantly detrimental impacts upon the amenity of occupants of existing nearby dwellings in terms of loss of light or being over bearing.

A similar exercise has been undertaken assessing relationships between the proposed dwellings and amenity implications for future occupants of the proposed development. It is not considered there will be a significantly detrimental impact upon the amenity of the occupants of the neighbouring properties in terms of overlooking, being overshadowed or the proposed dwellings being over bearing, as a result of this proposal.

Implications on Local Wildlife

A Water Vole, Reptile and Amphibian Survey was submitted at outline planning stage. This found evidence to suggest that a small/medium population of water voles are present on the site. Water voles receive full protection through the Wildlife and Countryside Act 1981. The report recommended that a further survey is conducted and this will enable a mitigation package to be produced to safeguard their presence.

The reptile survey revealed a single adult grass snake. Recommendations are made in the Survey to minimise the impact on reptiles as it is an offence to intentionally or recklessly kill or injure reptiles under the Wildlife and Countryside Act 1981.

The amphibian survey revealed no results. Accordingly no mitigation measures are proposed for this site with regard to amphibians.

At appeal the Inspector determined that the application would have no adverse impacts upon ecology, subject to the imposition of a planning condition stating that the development shall be carried out in accordance with the recommendations set out in the survey report, unless otherwise agreed in writing by the Lpa prior to the commencement of development. In addition to the need for further survey work of the Black Drain regarding water voles, the condition requires the presence of an experienced herpetologist to assess for reptiles and amphibians.

Third party objection has been raised to the impact on wildlife. However, as referred to above, these matters have already been considered and are covered in condition 17 of planning consent 14/01690/OM.

Air Quality

The construction phase does have potential to cause dust which could have an impact on nearby residential properties. Condition 10 of the outline consent 14/01690/OM requires a scheme that provides for the suppression of dust during the period of construction to be submitted and agreed and implemented throughout the construction period. A 'Construction Management Plan including dust control' has been submitted and the Environmental Health Officer considers this is sufficient to satisfy the requirements of this condition.

Contamination

Conditions 4, 5 and 6 of the outline consent 14/01690/OM relate to land contamination. A Contamination Statement has been submitted along with historic maps but at this stage information has not been submitted to discharge each of these conditions. This information will need to be submitted prior to the commencement of groundworks.

Crime and Disorder

KLACC Planning sub-group commented that the design should be to 'secured by design' standard and that the potential footpath at the south of the site should be gated.

A pedestrian link to the south is included on the submitted plans linking through to the residential properties south of the river. However, there remain outstanding matters involving land ownership and consent from third party land owners and it is likely that this link may not be able to be implemented. Whilst the link is not a critical aspect of the proposed development it would offer additional pedestrian links if it was able to be constructed and is viewed as a potential community benefit.

Norfolk Constabulary had previously expressed concerns regarding access control through the site in terms of permeability at outline stage, but overall has not objected to the proposal and the appeal Inspector did not raise this as an issue. If the footpath link was to be provided it is considered that gating off the footpath would diminish the purpose of the footpath link. However, condition 13 requires detailed plans of all footways to be submitted prior to works commencing and details of methods to control access or restrict use by motorised vehicles can be considered as part of this design.

There are no other crime and disorder issues raised by this proposal and Norfolk Constabulary raises no objection.

Other third party concerns

Most of the third party comments have been responded to above. Comment that the site should not be developed at all is noted, but that is not the proposal for consideration.

Comment has been made regarding the lack of monitoring and enforcement of planning conditions on recent developments within the area. These matters need to be addressed on a case by case basis and this is not a reason to refuse this current planning application.

KLACC Planning sub-group raised an objection to the proposal on the grounds of the lack of 1 bedroom properties for sale, only as affordable housing, and that 2 bedroom affordable

housing units were at a premium. However, the mix of house types put forward by a developer as part of an estate is largely as a result of market forces and as far as the local planning authority is concerned this proposal includes a good mix of 1, 2, 3 and 4 bedroom units.

KLACC Planning sub-group welcome the requirement of street lights to the development. However, at this point in time it is not clear whether the developer intends to supply street lighting. This matter is covered by condition 9 of permission 14/01690/OM; where details will need to be submitted to and agreed with the local planning authority prior to the first occupation of the development, if street lighting is installed.

KLACC Planning sub-group commented that the provision of grounds maintenance of the site over and above 15 years should be included in any agreement. However, it is not standard practice for such agreements to extend beyond this period of time and it would be unreasonable to pursue this.

CONCLUSION

The principle of residential development on the site has previously been established as acceptable under extant outline planning permission 14/01690/FM granted at appeal. This reserved matters application seeks approval for the access, layout, scale, appearance and landscaping of the site.

The point of access into the site was agreed under condition 16 of the outline consent and this position has been maintained in this reserved matters application.

The proposed layout provides the appropriate amount of open space to cater for both the new dwellings and to compensate for the loss of existing open space on Russett Close by the creation of the access road into the site. The open space provides opportunity for an appropriate landscaping scheme.

The layout, scale and appearance of the proposed development is appropriate for the area and raises no significant amenity issues. The proposal achieves the appropriate amount of affordable housing and a good mix of house types and sizes.

In terms of flood risk and drainage the applicant has demonstrated that the site can be developed in an appropriate manner and there are no outstanding matters, subject to the submission of additional information which is already controlled by planning conditions on the outline consent.

On this basis, the development complies with the NPPF and NPPG, Policies CS01, CS03, CS08, CS09, CS11 and CS12 of the Core Strategy 2011 and Policies DM1, DM2, DM15, DM16 and DM17 of the Site Allocations and Development Management Policies Plan (2016). It is therefore recommended that reserved matters approval be granted subject to conditions set out below.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans and the Design Code for each relevant plot:

- Location Plan
- * Drawing No. 1946-AL0201-P16 Proposed Site Layout
- * Drawing No. 1946-AL0202-P01 Public Open Space Plan
- * Drawing No. 1946-AL0001-P03 House Type A1 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0002-P03 House Type A2 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0003-P03 House Type A3 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0004-P03 House Type A4 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0005-P02 House Type B1 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0005-P03 House Type B2 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0007-P04 House Type C1 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0001-P01 House Type A5 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0008-P04 House Type C2 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0009-P02 House Type D - Proposed Plans & Elevations
- * Drawing No. 1946-AL0013-P03 House Type G1 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0014-P03 House Type G2 - Proposed Plans & Elevations
- * Drawing No. 1946-AL0015-P03 House Type H - Proposed Plans & Elevations
- * Drawing No. 1051-13A Proposed External Levels Plan
- * Drawing No. OLA0112 REV 04 Planting Plan

- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 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.
- 2 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.