

<b>Parish:</b>	<b>South Wootton</b>	
<b>Proposal:</b>	<b>VARIATION OF CONDITION 13 OF PERMISSION 17/01151/OM: (Outline Major Application) Sustainable mixed-use urban extension comprising: upto 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, childrens play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure</b>	
<b>Location:</b>	<b>Land NW of South Wootton School Off Edward Benefer Way King's Lynn Norfolk PE30 3SL</b>	
<b>Applicant:</b>	<b>Allison Homes (Norfolk And Suffolk) Ltd</b>	
<b>Case No:</b>	<b>22/01089/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Kelly Sweeney</b>	<b>Date for Determination: 17 August 2022 Extension of Time Expiry Date: 11 January 2023</b>

**Reason for Referral to Planning Committee** – The Parish Council comments are at variance with the Officer Recommendation and Sifting Panel require the application to be referred to Planning Committee.

**Neighbourhood Plan:** Yes

**Case Summary**

This application is made under S73 of the Planning Act and seeks a variation of condition 13 of planning permission ref: 17/01151/OM which sought outline permission for the redevelopment of the above site to provide up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, children's play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure.

Condition 13 of this permission states the following:-

'Prior to the commencement of other works on site the off-site highway improvement works (roundabout on Edward Benefer Way) referred to in Condition 12 shall be completed to the written satisfaction of the Local Planning Authority'.

Reason:-

'To ensure that the highway network is adequate to cater for the development proposed. This is a pre-commencement condition as the roundabout will serve as the access for the site during construction'.

The purpose of this application is to vary the wording of condition 13 to enable the construction of some of the proposed housing prior to the construction of the roundabout.

It is noted that Condition 10 of the same outline permission requires the submission of a Construction Traffic Management Plan. Details pursuant to this condition have been submitted to and agreed in writing by the Local Planning Authority as such condition 10 has been discharged. Plan ref: 0178-CTMP submitted as part of the application to discharge condition 10 proposes the implementation of a temporary access to the south-east corner of the site onto Edward Benefer Way (which already exists as a matter of fact to access fields). The applicant contends that the purpose and reason for condition 13 (the subject of this application) has been overcome by this proposed temporary access as it would ensure that the highway network would be adequate to cater for the construction phase of the development.

### **Key Issues**

This application has been made retrospectively and the key issues are:

Planning History  
Development Plan  
Highways Matters  
Other Matters

### **Recommendation:**

**APPROVE**

## **THE APPLICATION**

The site is located on the northern side of Edward Benefer Way and to the north west of South Wootton Junior School on Hall Lane, to the north of King's Lynn. The site was arable agricultural land and extends to just over 31 hectares. The site is part of a wider housing allocation for South Wootton under Policy E3.1 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 300 dwellings on 40ha. Outline Planning permission (17/01151/OM) and associated reserved matters consent (20/01954/RMM) have been issued in April 2019 and May 2022 respectively.

As discussed above this application seeks permission to vary the wording of condition 13 of outline permission ref: 17/01151. It is proposed that condition 13 would be re-worded to the following:-

'Prior to the occupation of the 1st dwelling or unit in the local centre the off -site highway improvement works (roundabout on Edward Benefer Way) referred to in condition 12 shall be completed to the written satisfaction of the Local Planning Authority'.

The approved wording of the condition requires that no other development commence until the roundabout is in place and operational. It was assumed that the roundabout was the only access into the site by the Local Highway Authority (LHA). However, that is not the case and an existing access serving the fields is in place and would be utilised as a temporary construction access for approximately 6 months whilst the roundabout is completed.

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The applicant contends that the originally worded condition impacts on the deliverability of the scheme, hence the submission of the S73 application. The applicant has confirmed that no dwellings would be complete in advance of the roundabout opening but that they would expect to have approximately 30 dwellings at various stages of construction prior to first occupation.

## **SUPPORTING CASE**

Condition 13 of 17/01151/OM (the 'OPP') requires the off-site highway works (roundabout on Edward Benefer Way) to be completed prior to the commencement of other works on site. Within the reason for condition 13 it is stated that this is a pre-commencement condition because the roundabout will serve as the access for the site during construction.

The construction of the roundabout will take approximately 6 months. The condition, as currently worded, would prevent any works from taking place on site during this period thereby delaying the delivery of other infrastructure and houses. The application to vary condition 13 seeks to enable works to take place on site concurrently with the construction of the roundabout to avoid such delays.

To facilitate this an alternative means of construction access (utilising an upgraded existing access) has been agreed with the Highway Authority, to be discharged through condition 10 of the OPP. As the roundabout will no longer serve as the construction access, it is not necessary to deliver it in advance of other work commencing on site. Therefore, condition 13, as currently worded, would not be necessary or reasonable and fails to meet the tests set out in the NPPF and PPG.

It is important to stress that the proposed variation would still ensure that the roundabout is delivered prior to any dwelling being occupied and Allison Homes are committed to the delivery of this infrastructure to serve the development. Furthermore, upon completion of the roundabout the construction access would be closed to construction traffic, and thereafter all construction traffic would use the roundabout for the remainder of the development.

From a commercial perspective, the variation of condition 13 is vital to the deliverability of the scheme. Due to the significant cost of constructing the roundabout (£1.6 million +) it would be unviable to delay the commencement of works on site for 6 months whilst the roundabout is constructed. Consequently, the variation underpins the deliverability of the scheme.

Furthermore, the variation would have significant social benefits by enabling the delivery of much needed housing (including 20% affordable housing) on an allocated site significantly earlier than if the condition were to remain as currently worded.

The commencement of development on site concurrently with the construction of the roundabout would also trigger the earlier payment of Community Infrastructure Levy with the liability being more than £3.6 million (of which 25% would go to the Parish Council). This would enable the earlier delivery of community infrastructure. The variation would also have significant economic benefits by bringing forward job creation and local spending which is of significant benefit in these uncertain economic times.

The Highway Authority who had requested the condition have no objection to the proposed variation. In the absence of any identified harm and regarding the benefits of the proposed variation it is respectfully requested that the Council approves the application.

## **PLANNING HISTORY**

As discussed above this application relates to condition 13 of application ref: 17/01151/OM for 'Sustainable mixed-use urban extension comprising: up to 450 dwellings, a mixed use local centre comprising Class A uses (including retail facilities and public house) and Class D1 (such as creche/day centre/community centre) and B1 uses (such as offices), open space and landscaping, wildlife area, children's play areas, sustainable urban drainage infrastructure, access and link road and associated infrastructure'. Approved 15th April 2019.

Other relevant applications are as follows:-

20/01954/RMM-Reserved Matters Application following outline planning permission 17/01151/OM for the construction of 450 dwellings with associated infrastructure, to include access, landscaping, appearance, layout and scale. Approved 20th May 2022.

20/01954/NMAM\_1-NON MATERIAL AMENDMENT TO PLANNING APPLICATION 20/01954/RMM -Reserved Matters Application following outline planning permission 17/01151/OM for the construction of 450 dwellings with associated infrastructure, to include access, landscaping, appearance, layout and scale. Pending consideration.

## **RESPONSE TO CONSULTATION**

**Parish Council: South Wootton Parish Council: Raise OBJECTION**

'The Parish Council strongly objects to the re-wording of Condition 13 against Planning Application No 17/01151/OM. The wording of this condition MUST remain in its current form and not be changed. The Parish Council feels it is imperative to put the major infrastructure (on site and off site) to the satisfaction of the Local Authority, in place before other works on site are undertaken'.

**Castle Rising Parish Council:**

- Without question the roundabout should as planned be commenced before any development takes place on this site or indeed that on the adjoining site for the medical centre and care facility.
- The roundabout at the outset this will avoid safety issues and massive delays in construction traffic having to cross the highway at a new junction to gain site access. A roundabout will be safer and more free flowing.
- Please remember with new roundabouts at Knights Hill and then again here these both need to be implemented at the outset rather than over two phases or later in development.

**Highway Authority: NO OBJECTION**

'With reference to the application relating to the above development to vary condition 13 of 17/01151/OM, in relation to highways issues only, notice is hereby given that Norfolk County Council does not wish to restrict the grant of permission'.

## **REPRESENTATIONS**

**FOUR** representations have been received and are summarised below:

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- Questions why is the development being allowed on the flood plain?
- The developer informed the local people that the entrance to South Wootton School would
- change, reversing the current entrance. Is this still happening as the traffic in Hall Lane and the surrounding area is unbearable and dangerous - witnessed several near accidents.
- Claims that a temporary junction for construction traffic and a travel plan routing all construction traffic through the North Lynn Industrial Estate won't work. It will seriously compromise the convenience and safety of Industrial Estate users as well as those coming from Lynnsport.
- Request Members travel the route;
- Would increase congestion and the associated traffic pollution in the area. The roads are already struggling and this will lead to dangerous levels of traffic congestion from developer traffic and cause accidents. The roundabout should be completed as per the original application.
- Clear that NCC Estate Development will benefit from the planned Temporary Entrance road as it will provide a direct entry point adjacent to their sites from the bypass, this includes access to the land set aside for the school which means it could be used by pupils on foot and other methods of transport visiting the school.
- NCC Highways objected in the first instance to a similar application for an additional T junction entrance to an adjacent site owned by NCC and stated the NCC site should be accessed via the newly planned roundabout.

**ONE** representation has been received from KLWNBUG the Norfolk and Fens Cycling Campaign for the following reasons: -

- The plans misrepresent the NCR1 as an 'existing footpath alignment. It is a cycleway and any existing crossing should be designed as a cycleway crossing.
- The inappropriate use of non-perpendicular bull-nose kerbs across a cycleway producing a skid and crash hazard.
- The road markings encouraging existing traffic to stop blocking the NCR1 cycleway/footway while waiting to enter the Edward Benefer Way Carriageway.
- The use of sweeping wide radius curves to follow fast HGV turning.
- The lack of warning signage or lights for HGVs turning into the access across the cycleway.

## **LDF CORE STRATEGY POLICIES**

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM17** - Parking Provision in New Development

**DM12** - Strategic Road Network

**DM15** – Environment, Design and Amenity

**Policy E3.1** - Hall Lane, South Wootton

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy H2** - Encouraging High Quality Design

**Policy T1** - Walking and Cycling Facilities

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations are:

- **Highway matters**
- **Other matters**

### **Highways Matters**

Given that this application relates only to the variation of condition 13 of application ref: 17/01151/OM which is a highways related condition it is considered that the highways impact of the proposed variation is the only matter which needs to be considered as part of this application.

Policy E3.1 requires a new road from north to south, a road link to the northern boundary to safeguard any potential future development beyond the allocated site boundary, a new road to facilitate access to South Wootton Junior School to replace the current access on Hall Lane and other local highway improvements to fully integrate the development into the surrounding road network and manage the resulting additional traffic.

Additionally, Core Strategy Policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. DM17 refers to parking provision within new development. Para 108 of the NPPF states the need for developments to provide safe and suitable access for all and for sustainable transport modes opportunities to be taken up. The NPPF also states at para 109 that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

As discussed above condition 10 of the subject outline permission has been approved and includes details showing a temporary access located to the south-east of the site onto Edward Benefer Way (this access exists as a matter of fact as it accessed the fields). The applicant considers that this access would ensure that there is no undue pressure on the local highway network during the construction of the development and that the requirement for the proposed roundabout to be constructed prior to any of the proposed dwellings is unnecessary.

Whilst the comments of the Parish Council and Third Parties are noted, it is clear that an existing access exists into the site which allows for construction to occur on the roundabout and dwellings concurrently and in a safe manner. Going forward, no dwellings could be

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occupied and the temporary access would be closed up once the roundabout is in operation. The Highway Authority has been consulted on the application and agrees that the variation to the wording of condition 13 as proposed would not result in harm to the local highway network and therefore have raised no objection to the application.

On this basis it is considered that the application complies with policies E3.1, DM15 and DM17 of the Development Plan and Core Strategy Policy CS11.

### **Other Matters**

Other third party concerns relate to the principle of the development which was dealt with at outline stage. The comments of KLWNBUG relate to the discharge of condition application and are not relevant to the trigger point relating to Condition 10. It must be noted that no objection has been raised by the Local Highway Authority to the temporary construction access under Ref 17./01151 DISC\_I especially considering that there is an existing access in the location of the temporary construction access..

Since approval of the original outline application subject to this application there have been no material changes to the Council's Core Strategy or Development Plan and all other matters relating to the outline application and subsequent reserved matters application remain unchanged by this application. As such there would be no concerns with respect to impact upon the character and appearance of the area, residential amenity, flood risk, ecology, contaminated land, archaeology and affordable housing.

The original application ref:17/01151/OM is subject to a S106 agreement which seeks amongst other things a financial contribution towards improvements to the junction of Low Road, Wootton Road, Grimston Road and Castle Rising Road. An associated highways scheme drawing is attached to the S106. The development subject to this application is located on Edward Benefer Way as such it is considered that there would be no impact upon the original S106 agreement, and no alterations by way of deed of variation to the original S106 agreement would be required. It is noted that the existing S106 at 9.11 states the following:-

'where permission is issued in relation to the planning permission pursuant to and application under Section 73 of the Act this deed shall continue in full force and effect subject to and in accordance with the provisions contained herein'.

As such this permission will be subject to all of the requirements and heads of terms contained within the original S106 agreement.

### **CONCLUSION**

The proposed variation to the wording of condition 13 of application ref: 17/01151/OM to allow for the construction of the roundabout on Edward Benefer Way prior to the occupation of the 1st dwelling or unit in the local centre would not result in conditions prejudicial to pedestrian or highway safety. As such the proposal would be in compliance with policies E3.1, DM15 and DM17 of the Development Plan and Core Strategy Policy CS11.

It is recommended that planning permission is approved, subject to the imposition of outstanding conditions from 17/01151/OM and revised conditions 9, 10, 20, 25, 30 and 41.

## RECOMMENDATION:

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

- 1 Condition: Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004
- 5 Condition: No more than 25 dwellings in any one phase shall be occupied until 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 in that phase 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 safe, suitable and satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable standard.
- 6 Condition: Other than highway improvement works to form the new roundabout on Edward Benefer Way, no works shall commence on any phase of the site until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage serving the residential units for that phase 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.
- 6 Reason: To ensure safe, suitable and satisfactory development of the site.
- 7 Condition: Except for the provision of the link road covered by condition 37, no more than 75% of the dwellings shall be constructed until all works on the roads/footways/cycleways/street lighting/foul and surface water sewers have been



carried out associated with that phase in accordance with the approved specification to the satisfaction of the Local Planning Authority.

- 7 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 8 Condition: Before any dwelling or unit in the local centre is first occupied the roads/footways and cycleways shall be constructed to binder course surfacing level from the dwelling/ unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 8 Reason: To ensure satisfactory development of the site.
- 9 Condition: The on-site parking for construction workers for the duration of the construction period on Phases 1, 2 and 3 shall be implemented in accordance with the Revised Construction & Environmental Management Plan 0178-CEMP REV B dated December 2022 by Allison Homes, received on 20th December 2022 and Revised Construction Traffic Management Plan 0178-CTMP REV D dated September / October 2022 by Allison Homes submitted to and approved in writing under reference 17/01151/DISC\_I dated 21st December 2022. The scheme shall be implemented throughout the construction period for phases 1, 2 and 3 only.

Notwithstanding the above, development shall not commence on any further phase, until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period for that phase.

- 9 Reason: To ensure adequate off-street parking during construction in the interests of highway safety
- 10 Condition: The development shall be carried out in strict accordance with the Revised Construction & Environmental Management Plan 0178-CEMP REV B dated December 2022 by Allison Homes, received on 20th December 2022 and Revised Construction Traffic Management Plan 0178-CTMP REV A dated September / October 2022 by Allison Homes received on 21st November 2022 for Phases 1, 2 and 3 submitted to and approved in writing under the reference 17/01151/DISC\_I dated 21st December 2022.

Notwithstanding the above, development shall not commence on any further phase, until a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities for that phase shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

- 10 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 11 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 use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

- 11 Reason: In the interests of maintaining highway efficiency and safety.
- 12 Condition: Notwithstanding the details indicated on the submitted drawings no works shall commence on site, unless otherwise agreed in writing, until detailed drawings for the off-site highway improvement works as indicated on Drawing No.SWO-BWB-GEN-XX-DR-TR-100 Rev P5 (roundabout on Edward Benefer way) (contained within the Transport Assessment) has been submitted to and approved in writing by the Local Planning Authority.
- 12 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor. This needs to be a pre-commencement condition as it deals with safeguards associated with the initial construction period of the development.
- 13 Condition: Prior to the occupation of the 1st dwelling or unit in the local centre the off - site highway improvement works (roundabout on Edward Benefer Way) referred to in condition 12 shall be completed to the written satisfaction of the Local Planning Authority'.
- 13 Reason: To ensure that the highway network is adequate to cater for the development proposed. This is a pre-commencement condition as the roundabout will serve as the access for the site during construction.
- 14 Condition: No more than 30 dwellings shall be occupied until an Interim Travel Plan has been submitted to and approved in writing by the Local Planning Authority.
- 14 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 15 Condition: No more than 50 dwellings shall be occupied prior to implementation of the Interim Travel Plan referred to in Condition 14. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Condition 14 shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.
- 15 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 16 Condition: Other than highway improvement works to form the new roundabout on Edward Benefer Way, no works shall commence on the neighbourhood centre phase of the development until such time as detailed plans of the roads, footways, cycleways, street lighting, foul and surface water drainage serving the units within the neighbourhood centre 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.
- 16 Reason: To ensure safe, suitable and satisfactory development of the site.
- 17 Condition: Other than the highway improvement works to form the new roundabout on Edward Benefer Way no development shall commence on a particular phase of development ( as shown on the phasing plan) 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 that phase of development hereby permitted is brought into use.

- 17 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF
- 18 Condition: Other than highway improvement works to form the new roundabout on Edward Benefer Way, no works shall commence on any phase until detailed designs of a surface water drainage scheme for that phase incorporating the following measures have been submitted to and agreed in writing with the Local Planning Authority in consultation with the Lead Local Flood Authority, in accordance with the submitted Flood Risk Assessment (Millward, MA10263-FRA-RO2, April 2017). The approved scheme will be implemented prior to the first occupation of that phase of development. The scheme shall address the following matters:
- I. Surface water runoff rates will be attenuated to 32 l/s (QBar) as stated within section 6.6 of the FRA. Confirmation from the Internal Drainage Board that the proposed rates and volumes of surface water runoff from the development are acceptable.
  - II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. A minimum storage volume of 12,199m<sup>3</sup> will be provided in line with section 6.13 of the submitted FRA.
  - III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:
    - 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
    - 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.
  - IV. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period.
  - V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
  - VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.
  - VII. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include and ordinary watercourses and any structures such as culverts within the development boundary
- 18 Reason: To prevent flooding in accordance with National Planning Policy Framework paragraph103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

- 19 Condition: The development in relation to phase 1 only must be carried out in strict accordance with Ground Investigation Report by Harrison Geotechnical dated August 2022, on 6th September 2022 approved under application ref:17/01151/DISC\_D on the 24th November 2022

Notwithstanding the above, other than highway improvement works to form the new roundabout on Edward Benefer Way and notwithstanding the details already submitted, prior to the commencement of groundworks on any further phase, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets,
    - woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- 19 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.
- 20 Condition: Other than highway improvement works to form the new roundabout on Edward Benefer Way, prior to the commencement of groundworks of any phase (other than Phase 1), 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.
- 20 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.

- 21 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.
- 21 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.
- 22 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 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20 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 21.
- 22 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.
- 23 Condition: As part of reserved matters applications for each phase, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 23 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 24 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details for that phase. The works shall be carried out prior to the occupation or use of any part of that phase 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.
- 24 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

- 25 Condition: The development must be completed in strict accordance with the Revised Arboricultural Method Statement OAS 22-231-AR01 Rev B, and Tree Protection Plans by Oakfield Arboricultural Services and dated September 2022 approved (in part) for Phases 1, 2 and 3 under application ref:17/01151/DISC\_G dated 24th November 2022. The fencing shall be retained intact for the full duration of the development on that phase and until all equipment, materials and surplus materials have been removed from that phase of the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details, Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the local planning authority.

Notwithstanding the above, other than highway improvement works to form the new roundabout on Edward Benefer Way, no development or other operations shall commence on any further phase until the existing trees and/or hedgerows to be retained for that phase have been protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the erection of fencing for the protection of any retained tree or hedge before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development on that phase and until all equipment, materials and surplus materials have been removed from that phase of the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 25 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 26 Condition: The development of any phase 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.
- 26 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 27 Condition: The development shall comprise of no more than 450 residential units.
- 27 Reason: To define the terms of the consent.
- 28 Condition: Notwithstanding the details submitted the development hereby permitted shall not be commenced until a phasing plan has been submitted to and agreed in writing by the local planning authority. The phasing plan shall identify and describe the phases of construction of development including the relevant infrastructure elements (such as public open space). The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendment to it that has been agreed in writing by the local planning authority.
- 28 Reason: To ensure the development is carried out in a comprehensive and controlled manner. This needs to be a pre-commencement condition given the need to ensure the survival and protection of important species.

- 29 Condition: As part of any reserved matters applications for each phase full details of existing and proposed levels, including finished floor levels of all buildings or structures and any changes in levels proposed to the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
- 29 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 30 Condition: The development shall be implemented in strict accordance with the Construction & Environmental Management Plan 0178-CEMP REV B dated December 2022 by Allison Homes received on 20th December 2022 and The Construction Traffic Management Plan 0178-CTMP REV A dated September / October 2022 by Allison Homes on 21st November 2022 for Phases 1, 2 and 3 submitted to and approved in writing under Ref 17/01151/DISC\_I dated 21st December 2022.

Notwithstanding the above, other than highway improvement works to form the new roundabout on Edward Benefer Way, prior to commencement of any further phase of the development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of construction phases. The scheme shall also provide the location of any fixed machinery, the location and layout of the contractor compound, the location of contractor parking and proposed mitigation methods to protect residents from noise, dust and litter. The scheme shall be implemented as approved.

- 30 Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.
- 31 Condition: The recommendations, mitigation and enhancement measures identified in the following protected species surveys by Lockhart Garratt shall be implemented in accordance with the approved details and in accordance with a programme to be submitted and agreed to the written satisfaction of the Local Planning Authority:
- Great Crested Newt Survey Report, Ref: 16-0107 3764 11 Version: 3 Dated February 2017
  - Water Vole Survey Report, Ref: 16-1915 3764 4913 Version: 4 Dated April 2017
  - Brown Hare Survey Report, Ref: 16-2146 3764 4913 Version: 3 Dated February 2017
  - Reptile Survey Report, Ref: 16-0109 3764 11 Version: 3 Dated February 2017
  - Invertebrate Survey Report, Ref: 16-2216 Version: 3 Dated January 2017
  - Botanical Survey, Ref: 16-2711 Version: 3 Dated February 2017
  - Bat Survey Report, Ref: 16-1515 Version: 4 Dated February 2017
- 31 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters of the Ecology Reports.
- 32 Condition: Other than highway improvement works to form the new roundabout on Edward Benefer Way, prior to commencement of development, an updated survey for badgers should be undertaken to ensure that no new setts are present and the findings of the survey and any additional mitigation measures proposed submitted to and approved in writing by the Local Planning Authority. The recommendations, mitigation and enhancement measures identified in the Lockhart Garratt Badger Survey Report, Ref: 16-2147 3764 4913 Version: 3 Dated February 2017 shall be implemented in

accordance with the approved details and a programme to the satisfaction of the Local Planning Authority unless superseded by the updated badger survey.

- 32 Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development, having regard to the National Planning Policy Framework.
- 33 Condition: No clearance works of existing habitats shall be scheduled during March to August inclusive, when nesting birds are most likely to be present, unless a pre-commencement survey of nesting birds (to be undertaken by a qualified ecologist) has been submitted to and approved in writing by the local planning authority.
- 33 Reason: To ensure that the development takes place substantially in accordance with the principles and parameters of the Ecology Reports.
- 34 Condition: Prior to the occupation of the 10th dwelling hereby permitted details of a scheme to provide information to new residents informing them of locations for dog walking which are less sensitive than international sites shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved in accordance with a timetable to be agreed with the Local Planning Authority.
- 34 Reason: To ensure that the development takes place substantially in accordance with the principles contained with the Habitats Regulations Assessment.
- 35 Condition: Prior to the occupation of the 10th dwelling hereby permitted details of the provision of connecting accesses to existing rights of way and open space shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved in accordance with a timetable to be agreed with the Local Planning Authority.
- 35 Reason: To ensure that the development takes place substantially in accordance with the principles contained with the Habitats Regulations Assessment.
- 36 Condition: Prior to the occupation of the 10th dwelling hereby permitted full details of the provision of on-site open space and circular walk with dog 'furniture infrastructure' shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved in accordance with a timetable to be agreed with the Local Planning Authority.
- 36 Reason: To ensure that the development takes place substantially in accordance with the principles contained with the Habitats Regulations Assessment.
- 37 Condition: A link road as illustrated on the Overall Concept Masterplan Drawing No. KINGS/OCMP/01 shall be constructed and made freely available for use by pedestrian and vehicular traffic between Edward Benefer Way and the north eastern boundary of the site, to enable an integral operational link and through road up to and abutting the smaller part of the Hall Lane allocation development, no later than the construction of 75% of the dwellings on the site. Thereafter no dwelling shall be occupied until the said road has been completed to the written confirmation of the Local Planning Authority.
- 37 Reason: To ensure the provision of an estate road up to and abutting the north eastern boundary of the site so as to enable a vehicular link to be made through to the highway layout on the adjoining land, for the proper planning of the area in accordance with the terms of Policy E3.1 and the provisions of the NPPF.



- 38 Condition: Any layout shall make provision for a link road to be constructed and made freely available for use by pedestrian and vehicular traffic leading up to the eastern boundary of the site to provide a future link through to land adjacent to the school. The road shall be fully implemented no later than the commencement of the 75th dwelling on the site. Thereafter no dwelling shall be occupied until the said road has been completed to the written satisfaction of the Local Planning Authority.
- 38 Reason: To ensure the provision of pedestrian and vehicular links up to and abutting the eastern boundary of the site so as to enable pedestrian and vehicular links to be made through to this land, for the proper planning of the area in accordance with the terms of Policy E3.1 and the provisions of the NPPF.
- 39 Condition: Provision shall be made for a link road to be constructed and made freely available for use by pedestrian and vehicular traffic leading up to the adjoining land to the north no later than the commencement of 75% of the dwellings on the site. Thereafter no dwelling shall be occupied until the said road has been completed to the written confirmation of the Local Planning Authority.
- 39 Reason: To ensure the provision of pedestrian and vehicular links up to and abutting the northern boundary of the site so as not to prejudice potential further development on the adjoining land, for the proper planning of the area in accordance with the terms of Policy E3.1 and the provisions of the NPPF.
- 40 Condition: The total amount of retail space shall not exceed 2500 sqm. No individual retail unit (Class A1) shall exceed 500 sqm unless, at reserved matters stage, a Retail Impact Assessment has been submitted, which demonstrates that there is no significant impact on existing retail centres as identified in the SADMP (Town Centre and Gaywood Clock Area).
- 40 Reason: The retail element is to allow a neighbourhood centre and needs to be restricted to protect established town centre/ local retail centres.
- 41 Condition: The development shall be completed in strict accordance with the Archaeological Mitigation Strategy report by PCAS Archaeology V4 dated December 2022, received on 14th December 2022 (excluding the south-western corner which has been excluded from the development and is labelled as Local Centre) submitted to and approved in writing by the Local Planning Authority on the 15th December 2022 under the reference 17/01151/DISC\_B.

Notwithstanding the above, no development shall take place on any further phase (Local Centre) until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

- 41 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.

- 42 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 41.
- 42 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.