

AGENDA ITEM NO: 9/1(b)

Parish:	Castle Rising	
Proposal:	Application for a temporary construction access and haul road in association with development approved under 16/02231/OM	
Location:	Land West of Knights Hill Village Grimston Road South Wootton Norfolk PE30 3HQ	
Applicant:	BDW Cambridgeshire	
Case No:	23/00086/F (Full Application)	
Case Officer:	Connor Smalls	Date for Determination: 15 March 2023 Extension of Time Expiry Date: 10 November 2023

Reason for Referral to Planning Committee – Called in by former borough councillor Lord Howard.

Neighbourhood Plan: No

Case Summary

Members Update

The application was deferred at the Planning Committee of 31st July 2023 in order to seek further clarification on the suggested conditions from the Parish Councils, and the potential for inclusion of these within any decision. A meeting with the Parish Councils and the Applicant has now taken place, and a final updated response from the applicant has been received addressing the issues discussed with the Parish Councils.

The report has been amended to reflect this, with outdated or otherwise now irrelevant information excluded. Late representations from the previous report to committee are included below and amended conditions are highlighted in bold.

This application proposes the widening and alteration of an existing field access to act as a temporary construction access for the Knights Hill residential development site, located to the west of Knights Hill Village and to the south of Grimston Road. This would be to serve the construction of the roundabout approved under: 16/02231/OM alongside a temporary haul road leading to a site compound. Once the roundabout is constructed this temporary access and haul road would be required to be removed and the use discontinued.

Key Issues

Principle of Development

Form and Character

Impact on Neighbour Amenity

Highway Safety

Ecology and Impact on Trees/hedges.

Any other matters requiring consideration prior to determination of the application

Recommendation

APPROVE

THE APPLICATION

This application would be in association with the outline consent for residential and associated development at Knights Hill, approved under application: 16/02231/OM. An application is currently under consideration at reserved matters stage for full details of the wider development under application reference: 22/01310/RMM.

This application proposes the alteration and widening of an existing field access to function as a temporary construction access for the site to serve the construction of the roundabout approved under: 16/02231/OM alongside a temporary haul road leading to a site compound. These works would be to serve the construction of the roundabout only, as shown within indicative plans. Once the roundabout is constructed this temporary access and haul road would be required to be removed and the use discontinued. Conditions would be attached to any approval to ensure this is the case.

The haul road would have a width of approximately 10.8m closest the access incorporating a wheel wash facility. This would reduce to approximately 7.5m as the haul road would head south towards the compound location. The haul road would extend less than 150m from the access on Grimston Road to the compound location as shown on plan. Exact details of the construction and surface water management of the haul road would be the subject of a condition of any approval. A Construction and Operation Management Plan (COMP) would also be conditioned which would provide full details of the means of access for construction vehicles which shall, amongst other measures, ensure that no vehicles travelling eastbound on Grimston Road turn right into the access, the means of egress for construction vehicles which shall include as a minimum the use of manually operated traffic lights which give priority to road users, pedestrians and cyclists, not site traffic, and will remain in place until such time as the roundabout is brought into full use, the location(s) of the site compound(s), site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination and ground water, how the developer shall monitor and document compliance with point 4 and arrangements which by the developer shall maintain communication during the course of the development hereby approved and any subsequent variations to the development hereby approved, with the parish councils, residents and businesses in the vicinity of the site. These arrangements shall include confirmation of a direct point of contact.

SUPPORTING CASE

Revised Supporting Statement- latest letter submitted post meeting with the Parish Councils (summarised in part).

BDW's previous letter of 15th August set out its initial response to the planning conditions suggested by South Wootton, North Wootton and Castle Rising Parish Councils. Following a meeting with the Parish Council's on the 18th September, these suggested amendments have since been discussed directly with the Parishes and updated accordingly.

The original suggestions set out by the Parish Councils, together with our response to each condition, is set out below.

In addition, and for completeness, the 11 draft conditions suggested by Officers in the Public Pack dated 31st July and additional correspondence/errata on item 9/2(c) dated 31st July 2023 are provided at Appendix A (available on the online file), together with the suggested amendments to their wording that have now been agreed between the Parishes and BDW.

Parishes' Recommended Condition and BDW / Tarmac Response (in italics)

1. The agreement will incorporate a clause stating no commencement on the housing or any infrastructure for same will commence until such time the roundabout is brought into full use and the temporary access is decommissioned, made good and landscaped and not brought back into use at a future date or for any other purpose.

Reason for this condition to make sure there is just one roundabout access serving the site before the build programme commences.

We recognise the concern regarding the phasing and delivery of the development. As set out in our submission, it has always been the case that the roundabout is to be delivered upfront.

For this reason, we have agreed the wording of conditions 4 and 5 with officers, which state that the temporary construction access shall be used for the delivery of the roundabout only, and that the temporary access should be removed once the roundabout is completed. These conditions deal with the concerns set out by the Parishes.

This temporary access application is unconnected with the Reserved Matters submission. As and when the Reserved Matters is approved, construction of the houses cannot be begun until a phasing plan is agreed and a Construction Management Plan is provided. Following consultation with the Parishes, the Parishes have strongly advised that the Borough Council insist on delivery of the roundabout prior to commencement of any other part of the development through the approval of the Phasing Plan. Whilst BDW understand this, they would be happy to commit to the roundabout being completed prior to any residential occupations.

2. There must be an agreed period with a maximum of 9 months from the start date to the finish of the above works and the new roundabout being brought into full use.

The reason to restrict the period of inconvenience.

This was debated at Planning Committee and dismissed as unreasonable. As we have set out in our submission, construction of the roundabout rests with Norfolk County Council and Tarmac, not BDW. While every effort will be taken to deliver the roundabout as quickly as possible, it would not be reasonable to specify a specific time period.

During our recent meeting with the Parishes, it was agreed that all parties are keen for the roundabout to be delivered as quickly and efficiently as possible. The collective interests of all parties are aligned on this matter.

3. For vehicles travelling from South Wootton up Knights Hill strictly no right turn off the A148 into the site – such vehicles will need to continue to the roundabout and return entering the site from the nearside.

The reasons – in the interest of safety and avoidance of having to cross oncoming vehicles thereby causing further delays to road users.

We agree that this is a logical way to access the site. The agreed wording of condition 10 states that a Construction and Operation Management Plan must be provided before work on the access commences, and we would expect this point to be picked up within that document.

To provide further comfort, we could amend the wording of condition 10 as follows:

- 1. The means of access for construction vehicles which shall, amongst other measures, ensure that no vehicles travelling eastbound on Grimston Road turn right into the access.*
- 2. The means of egress for construction vehicles which shall include as a minimum the use of manually operated traffic lights which give priority to road users, pedestrians and cyclists, not site traffic, and will remain in place until such time as the roundabout is brought into full use*
- 3. The location(s) of the site compound(s).*
- 4. Site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination and ground water.*
- 5. How the developer shall monitor and document compliance with point 4.*
- 6. Arrangements which by the developer shall maintain communication during the course of the development hereby approved and any subsequent variations to the development hereby approved, with the parish councils, residents and businesses in the vicinity of the site. These arrangements shall include confirmation of a direct point of contact.*

The operation of the access hereby approved shall strictly adhere to all measures contained within the approved COMP at all times.

4. All right turns out of site to be controlled by a banksman and lights. During site opening hours the lights are to be manually operated to give priority to road users not site traffic. The lights will remain in place until such time the roundabout can be brought into full use.

The reason to provide safety in travel and the minimum interruption to road users.

Tarmac have confirmed that manually operated traffic lights will be used to control the site exit onto Grimston Road during the operational hours of the access. While this was covered by condition 10 already, further amendments to the wording of condition 10 (set out above) have been agreed with the Parishes for the sake of clarity.

The use of temporary lights will be decided by Norfolk County Council's Network Management team following a review of the wider highway network. This will be specified further in the COMP under point 4 on management of traffic. BDW will seek to involve the Network Management Team in future discussions on the construction of the access, alongside the Parishes and Tarmac.

5. In addition, there will be no right turn exit when leaving the site when traffic is already grid locked and queuing on the carriageway to the roundabout. There must therefore be a holding area immediately within the site for vehicles waiting to exit and turn right (this is the only permitted exit for HGVs). At all times existing road users will have priority over site vehicles which will be expected to wait in their holding area until such time the traffic queued from the Knights Hill roundabout has cleared.

A holding area is provided for vehicles adjacent to the Grimston Road. Exits onto Grimston Road would be controlled by manually operated lights, subject to agreement with the Network Management Team.

It is envisaged that the COMP would set out further details of how traffic would be managed. However, it is not suggested that this point be added to condition 10 as it would not meet the five tests for planning conditions. The question of when the road is grid locked is imprecise and would therefore render the condition unenforceable. The use of manually operated lights at the site entrance will however provide appropriate measures to control the entry and exit of vehicles. This is agreed with the Parishes.

6. The Banksman will also have to ensure the safety of cyclists and pedestrians when site vehicles leave the site by the temporary access.

This is picked up in the additional suggested wording to condition 10, set out above.

7. Temporary lighting to be erected at the access/egress points.

As above.

8. Adoption of an agreed site management and works plan with restricted delivery slots for materials to avoid peak traffic periods.

Condition 6 as agreed with Officers sets out the operational hours of the access. The COMP to be submitted prior to commencement of development will further consider the impact of deliveries and the avoidance of deliveries during peak hours, under condition 10 part 3 (or part 4 as amended above). It was agreed with the Parishes that the precise delivery times will be discussed and agreed with the Parishes, through the preparation and approval of the COMP. The Parishes have shared their thoughts on peak traffic times on Grimston Road throughout the year and this will be factored into the timings of any deliveries to the site, to be agreed under condition 10.

9. The above conditions to be legally binding and once adopted cannot be varied, amended and will remain in place until such time the temporary access is closed, and the roundabout brought into full use as the only vehicular access to and from the Grimston Road.

Imposition of this condition would not be lawful, as discussed at Planning Committee. Section 73 of the Town and Country Planning Act 1990 permits variation or removal of planning conditions should that be necessary. Whilst there is no intention to amend any of the conditions, it would not be reasonable to remove the right to do so, should the need arise. Any application to vary a condition would still need to be considered on its merits and approved by the Council, and BDW would seek to discuss any such application with the Parishes before such an application is made.

In light of the above, and following our productive meeting with the Parishes, the key requests of the Parish Councils have been captured in the updated wording to the conditions set out above. A small number of the Parish Council's original requests are not able to be secured as they do not meet the legal tests relating to the imposition of conditions. These instances have been discussed and agreed with the Parishes. The safeguards that are requested to ensure that the access operates safely and with minimal distribution can however be secured.

It was clear from our further discussions with the Parishes that all parties are focused on being able to deliver the roundabout quickly and efficiently, with as little disturbance to the road network as possible, whilst maintaining the highest standards of safety for all. The agreed wording of the conditions set out in this letter will enable these common goals to be achieved.

PLANNING HISTORY

22/01310/RMM: Approval of matters reserved for layout, scale, appearance and landscaping following outline planning permission 16/02231/OM for the erection of new homes, open space, a car park to serve Reffley Wood, paths and cycleways and associated development

16/02231/OM: Application Refused: 21/03/19 – ALLOWED ON APPEAL- 14/07/2020 - Residential development of the land to provide up to 600 dwellings, incorporating affordable housing, together with a local centre for uses A1, A2, A3 and/or A5 (600m²) with the total quantum of A1 net sales area not to exceed 279m² in the alternative, D2 community floorspace (up to 500m²), open space, formal sport pitches, a car park to serve Reffley Wood and associated development to include substations, drainage features, roads, cycle and pedestrian paths and other such works

2/94/0472/O: Application Withdrawn: 04/10/99 - Site for construction of food superstore and petrol filling station non food retailing fast food restaurant multi plex cinema and bowling alley and park and ride site

2/92/2273/O: Application Withdrawn: 12/12/96 - Site for construction of superstorepetrol filling station and structural landscaping.

2/93/1686/O: Application Withdrawn: 18/10/94 - Site for construction of food superstore and petrol filling station non food retailing fast food restaurant multi plex cinema and bowling alley and park and ride site

RESPONSE TO CONSULTATION

Parish Council: Latest response from South Wootton Parish Council following meeting with Castle Rising, South Wootton and North Wootton Parish Councils (it is noted that a response has only been received from South Wootton Parish Council however they have previously represented all three Parish Councils in correspondence and both North Wootton and Castle Rising Parish Council were contacted should they have an individual comment- no further correspondence has been received at the time of writing):

Thank you and Paul, for sending the revised conditions, emailed previously in relation to the temporary access/roundabout construction.

These have been agreed and no further action is needed apart from the provision of the list of contacts and sight of the forthcoming COMPS.

With the involvement of a third party – namely Tarmac, who will construct the temporary access and roundabout, we hope they will be cooperative and adopt the measures agreed and thereby perform to the high standards agreed by the Parishes and the Developer.

The need for the full contact lists of contractors/site managers should enable us to address problems should they arise.

It is noted that the Parish Councils previously objected to the application (full correspondence is available on the online file and within the previous committee report). Nine conditions were recommended which were addressed within the meeting between the Applicant and the Parish Councils and reflected within the final set of recommended conditions

Highways Authority: NO OBJECTION:

With reference to the additional information supplied by the applicant indicating support from Tarmac to use of the compound, and the creation of a haul road from the compound to the roundabout within the development site, in relation to highway matters, the County Council would not wish to raise an objection to the proposed temporary construction access as shown on drawing DRD074-010 (Indicative drawing).

However, any permission should be suitably conditioned to ensure the temporary construction access and haul road to the compound is permanently removed upon the completion of the roundabout and that it is used for the sole purpose of constructing the roundabout. All construction traffic thereafter must access the development site via the roundabout only. Further conditions were recommended regarding requiring approval of appropriate construction/drainage details before the development is constructed. Conditions would be attached to any approval as shown within this report.

Historic Environment: NO OBJECTION.

Conservation Officer: NO OBJECTION.

Arboricultural Officer: NO OBJECTION:

Following minor corrections and amendments to the Arboricultural Impact Assessment, the Arboricultural Officer raises no objection and recommended a condition securing that tree and hedgerow protection measures shall be implemented in complete accordance with the approved Tree Protection Plan. This would be attached to any approval.

Ecology Officer: NO OBJECTION:

Thank you for consulting Ecology on planning application 23/00086/F for a temporary construction access in association with development approved under 16/02231/OM.

Ecology haven't previously been consulted but in response to the consultation the following documents have been reviewed:

- Ecology Technical Notes (MKA Ecology, 2023)
- Temporary Construction Access
- Temporary Access Setting out
- Temporary Re-instatement Plan
- Location Plan

For context from Planning application 16/02231/OM.:

- Preliminary Ecological Appraisal (Torc Ecology, 2016)

Please note that Ecology have not reviewed all the ecology related documents on this scheme only those that give immediate context to the access proposed.

The application related to temporary construction access which will require the removal of part of a hedge line along Grimston Road. The hedgerow was subject to a hedgerow assessment in 2016 as part of an Ecological appraisal undertaken by Torc Ecology (2016). The hedgerow is more than 30 years old and was identified as present in 1946 based on aerial photography. The hedgerow was assessed as Local importance and Important under the Hedgerow Regulation due to a number of contributing factors.

The composition of the hedgerow is outlined within the results section of the MKA Ecology Technical Note (2023). The habitat is suitable to support several protected species and will consequently require sensitive working methods to be outlined and controlled under a Construction and Ecology Management Plan (CEMP). This requirement is outlined within Recommendation 1 of the Ecology Technical Note. A second recommendation (Recommendation 2) is made for a Landscape and Ecology Management Plan to secure the reinstatement of the Hedgerow.

Ecology are in full agreement with the recommendations made within the Ecology Technical Note. If you are minded to grant consent please condition both a Construction Ecology Management Plan (CEMP) and Landscape and Ecology Management Plan (LEMP).

Environmental Quality: NO OBJECTION

The application is for a temporary construction compound.

The applicant has provided a site plan showing the location of the compound and a cover letter to provide information on the proposed change. We have reviewed our files and the site is on land not seen developed for the duration of our records. The surrounding landscape is largely agricultural and residential.

No potential sources of contamination are identified in our records, or in the information provided by the applicant. We have no objection regarding contaminated land.

King' Lynn Civic Society:

King's Lynn Civic Society tend to share the concerns of Castle Rising Parish Council in relation to this application.

Whilst it is clear that the contractors need to 'break ground' on site at some point, it does appear that the Inspector anticipated that the new roundabout would be in place before any other works proceeded. Do the contractors need their site offices in place before the roundabout is constructed? We assume it may actually be the Highways Authority who construct the roundabout in any case?

This has been a very contentious project to date, especially in relation to likely transport impacts. We would think that every effort should be made to ensure that required highways infrastructure is delivered prior to any significant construction activity commencing on site.

REPRESENTATIONS TWO public OBJECTIONS regarding (summarised for clarity):

- This proposal will give new residents in the proposed housing priority over existing residents from Sandy Lane onto Grimston Road. It is already very difficult to get from Sandy Lane onto Grimston Road, this will greatly increase the risk of serious accidents.
- Fear that a serious "rat run" through Sandy Lane, Oxborough Drive, Felbrigg Close and Barsham Drive will be created caused by traffic trying to avoid the Grimston Road congestion.
- It is not a condition of the previous planning permission that the roundabout must be built before the main estate is built.
- It is clear that the construction site is expected to be there for the whole of the time that the 600 houses etc., are being constructed. This access could easily be in use for 10 years or more- the temporary access road is nowhere near the proposed roundabout,

if the temporary construction access were only for the roundabout, it would surely have been positioned nearer the roundabout.

- Speed limit on Grimston Road means that traffic could be travelling at 50 m.p.h. in both directions - a collision speed of 100 m.p.h. The construction vehicles would be turning on to this road in the middle of them, this is an obvious road safety risk.
- The proposed temporary construction access is close to the brow of a hill which limits visibility.
- Further down the hill of Grimston Road where the roundabout is due to be built, the road speed is limited to 40 m.p.h. and there is no brow of the hill problem. The sun wouldn't be so much of a problem either. A temporary construction access here would be much better from a road safety point of view.
- The applicant owns the land to the west of the temporary access and could lower the hedge but does not own the land to the east. There is no evidence given to show that there is any agreement with that land owner to lower that hedge.
- A wheel wash facility is shown immediately before leaving the site, this will mean that washed wheels will leave the site dropping water and, quite probably, wet mud on the road. The wheel wash facility should be positioned further back in the site.
- The Transport Assessment Report at 3.3.1 says the "wheel wash facilities will be provided within the site to avoid any mud being taken onto Grimston Road" however the report continues that "The developer will also ensure that the road will be cleaned at regular intervals. This will be provided in order to maintain adequate safety for the proposed access road". This regards adequate safety on their access road, not on the 50 m.p.h. public Grimston Road.
- The Transport Assessment Report at 3.2.3 declares that Grimston Road has "no footpath access for pedestrians" yet in figure 3.2.1 a photograph is exhibited showing a well worn footpath at the side of the road. The proposed temporary construction access makes no provision for pedestrians to cross it and so this is a real road safety risk. For this reason, I feel the planning authority should refuse this planning application.
- The Executive Summary of the Transport Assessment Report says at 1.1.2 "This temporary compound, and associated access road will be in place until such time the proposed roundabout that serves the development is completed." It carefully fails to define "completed" and does not say that it will be removed then. Any permission that the Borough Council might grant for the access road, should be until the roundabout is completed to a useable state and the permission should say that use of the access road should be stopped within one week of the roundabout becoming useable. Permission for the access road should be granted for the purposes of constructing the temporary compound, wheel wash facility and roundabout only.
- Any permission granted for this access road should be of limited life, enough to build the access road and the roundabout but no more, say 12 months from the start of work.

Late Representations from Previous report to Planning Committee

Cllr Coates: (Correspondence summarised for clarity)

- During times of heavy rain material from the site runs off from the site, down Grimston Road and into one of my Constituents' front gardens. We need to see actual detailed plans submitted showing how the Applicant will deal with the drainage and stop it draining on to the public highway.
- I'm concerned about the wheel wash facility. Looking at the latest plans submitted, this facility appears to be partly in the area that the Applicant has claimed is in the highway and there is no detail about the wheel wash. I'm concerned that dirty water will be

draining on to the highway, ideally the wheel wash facility will have a drain area underneath and the facility will be located a distance inside the haul road.

It seems to be accepted that the haul road will become dirty and the Applicant says the haul road will be clean for safety reasons but there's no provision made to clean the public highway if that should become dirty.

- The visibility splay would mean the Applicant would need to get the County Council Highway Authority to agree to have some very substantial and significant trees cut down as well as hedging removed. What authority do the Applicants have to remove hedges and trees that belong to someone else. The Highways email to say that it has no comment, falls a long way short of the authority I'd like to see.
- Proposed wording of Condition 5:
- The access and haul road shall be "removed no later than 21 days following receipt of the Applicant ... of the Certificate of Final Completion by Norfolk County Council ..." I think "of the Applicant" should be "by the Applicant".
- I'm concerned that 5 leaves the Local Planning Authority out of control of the situation. We have to rely on another party (NCC or more likely its contractor) telling us that it has given yet another party (Applicant or Successor in title) a certificate of final completion. There could be minor works not completed for some time. We would have no control over when that Certificate of Final Completion is issued by NCC (or its appointed contractor, is that Tarmac?).
- I'd be happier with a more direct wording that doesn't rely on other people/organisations so much: "No work on any infrastructure permitted by (the main plan number) other than the roundabout may commence whilst the temporary construction access and haul road exist".
- If you don't accept my simple suggestion, has the Applicant agreed to the 21 days?

Cllr Rust: Forwarded communication from Barratt Homes to regarding the temporary access.

LDF CORE STRATEGY POLICIES

CS12 - Environmental Assets

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS03 - King's Lynn Area

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM15 – Environment, Design and Amenity

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM12 - Strategic Road Network

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations are:

- *Principle of Development
- *Form and Character
- *Impact on Neighbour Amenity
- *Highway Safety
- *Ecology and Impact on Trees/Hedges.
- *Any other matters requiring consideration prior to determination of the application

Principle of Development:

This application proposes the alteration and widening of an existing field access from Grimston Road to function as a temporary construction access for the site to serve the construction of the roundabout approved under: 16/02231/OM which will become the subsequent access to the site. These works would be to serve the construction of the roundabout only, as shown within indicative plans. Once the roundabout is constructed this temporary access and haul road would be required to be removed and the use discontinued.

The works proposed are within the boundaries for the wider site and the development the works would serve benefits from outline consent with reserved matters currently under consideration. Therefore, the principle of this temporary access and haul road is considered acceptable subject to other material considerations.

Form and Character:

The access would involve work to enlarge the access' width by at least approx. 4m compared to existing. The haul road would have a width of approximately 10.8m closest the access incorporating a wheel wash facility. This would reduce to approximately 7.5m as the haul road would head south towards the compound location. As detailed in the supporting documentation from the applicant, the first 11m of the haul road would be constructed of asphalt carriageway moving to "a Type 1 construction" material or aggregate. Full details alongside surface water details would be required by condition to any approval.

The proposed works to the access would involve the addition of visibility splays for highway safety reasons alongside the widening of the access. This would result in the alteration, small areas of loss and pruning of the existing hedge/vegetation boundary fronting Grimston Road. It is an important consideration that Grimston Road benefits from a verdant street scene in this area and any impact must be considered. There would be limited loss of the established hedging with the splays removing more lower level scrub. Notwithstanding this, as noted later within this report, it is considered that any loss of hedging can be mitigated and replaced following the use of the temporary access and haul road coming to an end.

Therefore, no long-term damage would take place to this verdant character and the reinstatement of any loss of hedge/vegetation can be secured by condition.

A Construction and Operation Management Plan (COMP) would also be conditioned which, following the agreement of the Parish Councils post meeting would set out the means of access for construction vehicles. This shall, amongst other measures, ensure that no vehicles travelling eastbound on Grimston Road turn right into the access as well as the means of egress for construction vehicles which shall include as a minimum the use of manually operated traffic lights which give priority to road users, pedestrians and cyclists, not site traffic, and will remain in place until such time as the roundabout is brought into full use.

The plan (COMP) shall also include the location(s) of the site compound(s), site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination and ground water, how the developer shall monitor and document compliance with point 4, arrangements which by the developer shall maintain communication during the course of the development hereby approved and any subsequent variations to the development hereby approved. This shall be with the parish councils, residents and businesses in the vicinity of the site. These arrangements shall include confirmation of a direct point of contact.

This application is considered to represent works of limited scale that would not have a significant or adverse impact on the visual amenity of the immediate area, street scene or locality. The access would have what is considered an acceptable impact as described. The haul road would be of very limited visual scale with little to no wider views, again further details would be provided via condition but the materials as currently detailed do not raise significant concern. Any future compounds would be seen within the context of the development of the site, and it is not considered reasonable that this could be resisted. It is also of note that a compound may be permitted development in association with the construction works for the development. Full details of these would be provided via condition to any approval.

It is important to note that adjacent to the site to the east lies the Grade II Listed Building, Rising Lodge which forms part of the Best Western hotel complex. The site is not within or adjacent to a Conservation Area or other heritage asset. As noted above these works are limited in scope and visual presence. The Conservation Team do not object and, as these works would not be a permanent feature of the wider development site, the development is considered acceptable.

The proposal therefore complies with Policies CS08 and CS12 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Impact on Neighbour Amenity:

It is not considered that the development of this temporary access and haul road leading to a compound and wider roundabout construction site would have any unacceptable or adverse neighbour amenity impacts. The nature of work, being an altered access and haul road, whilst adjacent to the boundary with the Knights Hill Hotel site, would ensure that any amenity impact would be limited. There is ample separation and an established boundary of vegetation to the east and the works are not immediately adjacent to any other neighbouring properties. Full details of construction compounds would be provided within the Construction and Operation Management Plan (COMP). This would detail a compound for the construction of the roundabout and a compound serving the wider development which would then be accessed from the completed roundabout only. However, as these would in

association with the development proposed on the wider site, benefiting from outline approval, it is not considered that this would demonstrate any unacceptable impact.

The use of the access and haul road would be limited via condition to not be used outside of 07:30-17:00 Monday to Friday, 08:00 to 13:00 on Saturdays only and at no time on Sundays or Bank Holidays. Alongside this, a Construction and Operation Management Plan would be required to be submitted to ensure the construction, operation and use of the access and haul road is acceptable. Based on the above, it is considered that the development would be in accordance with Policy CS08 of the Core Strategy 2011, DM15 of the Site Allocations and Development Management Policies Plan 2016 and the NPPF.

Highway Safety:

Norfolk County Council Highways raise no objection to the proposed temporary access and haul road on any grounds. It has been established over time that the temporary access and haul road would be suitable for NCC Highways and the roundabout contractor, Tarmac, in order to construct the roundabout which will be the formal and permanent access to the site. In addition to detailed plans, the indicative plan submitted in support of this application (DRD074-010) demonstrates how the temporary access and haul road would serve the construction of the roundabout. Visibility splays provided have been demonstrated to be within the legal highway boundary and can therefore be provided in accordance with the submitted details.

NCC Highways have requested that any permission should be suitably conditioned to ensure the temporary construction access and haul road to the compound is permanently removed upon the completion of the roundabout and that it is used for the sole purpose of constructing the roundabout. All construction traffic thereafter must access the development site via the roundabout only. Further conditions were recommended regarding requiring approval of appropriate construction / drainage details before the development is constructed.

These conditions are considered to meet the tests for planning conditions (necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects) and would be attached to any approval as outlined within this report. It is therefore considered that the temporary access and haul road can be suitably controlled to ensure the use is limited explicitly to the construction of the roundabout and this use ceases as soon as possible when it is no longer required for that purpose.

NCC highways raise no objection on highways safety grounds in relation to the use of the altered field access for this purpose and the wider proposal. It is therefore not considered reasonable to request any further information in regard to highway matters other than further construction/drainage details and the submission of a Construction and Operation Management Plan which would provide full details of how the access would be operated whilst in use. As noted within the additional supporting statement from the applicant and as above, this condition (10) has been altered to respond further to Parish Councils requested conditions.

The proposed development would be a short-term solution allowing the developer, Norfolk County Council and their contractor the ability to construct the majority of the roundabout 'off line' with minimal disruption to Grimston Road. The access and haul road would only be permitted to be used for this construction period, estimated by the developer to be around 6-9 months. It is therefore considered that the proposal would comply with Policies CS08 and CS11 of the Core Strategy 2011, Policies DM12 and DM15 of the Site

Ecology and Impact on Trees/Hedges

Both the Ecologist and Arboricultural Officer raise no objection to this application. To facilitate the enlarged access, visibility splays and haul road some areas of scrub and hedge would be removed, pruned or altered.

The Ecologist does not object to this application and notes that the hedgerow fronting Grimston Road was assessed as being of local importance and important under the Hedgerow Regulation due to a number of contributing factors. The habitat is suitable to support several protected species and will consequently require sensitive working methods to be outlined and controlled under a Construction and Ecology Management Plan (CEMP). A Landscape and Ecology Management Plan is also required to secure the reinstatement of the Hedgerow. Both of these requirements would be conditioned with any approval.

The Arboricultural Officer is satisfied with the proposed works and details submitted within the Arboricultural Report. Any removal and pruning of hedge and vegetation in regard to the temporary access can be reinstated following the cessation of the use of the temporary access, preventing long term impacts. Other protection measures and considerations are outlined within the submitted Arboricultural Report which would be conditioned for any approval. It is also of note that a replanting condition would be attached that would ensure that any replanting that dies within 5 years is replaced as soon as possible.

Overall, it is considered that suitable controls can be put in place that would prevent any unacceptable impacts to ecology and biodiversity and as a result, the proposal complies with Policies CS08 and CS12 of the Core Strategy 2011, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.

Any other matters requiring consideration prior to the determination of this application:

Parish Council Objections and Comments.

A meeting with the Parish Councils has now taken place with the applicant and an additional supporting statement has been submitted by the applicant, included within this report that responds individually to the suggested conditions from the Parish Councils. The latest correspondence from South Wootton Parish Council states that the changes to Condition 10 are agreed following the meeting with the Parish Councils and Applicant as noted within the representation section of this report. The Local Planning Authority has reviewed the suggested changes to condition 10 relating to the Construction and Operation Management Plan (COMP) and included this within the updated recommendation.

King's Lynn Civic Society

It is considered that the points raised by the civic society are addressed within the above report and within conditions that would be attached to any approval.

Public Objections

Regarding public objections, this development of a temporary access and haul road would not alter the access arrangements for residents of either the current neighbouring properties to the site or future residents of the Knights Hill development as these works will facilitate the construction of the roundabout already approved only.

It is clearly conditioned within this report that any approval would only allow the use of the temporary access and haul road to facilitate the construction of the roundabout only.

Conditions would also ensure that the use of the temporary access and haul road would cease as soon as the roundabout is in use. The location of any compounds does not later this consideration. Highways safety is addressed in the above report and NCC Highways raise no objection on this basis, it would not therefore be reasonable to consider the development as unacceptable on this matter. It is clear on additional plans and within the above report that visibility splays can be provided within the legal highway boundary so these can be achieved.

NCC Highways raise no objection to the proposed wheel wash location and a Construction and Operation Management Plan is required via condition. At the location of the access, there is no formal footpath present, once again, NCC Highways raise no objection. As detailed above, the conditions recommended are considered suitable to control the development in relation to the temporary nature of the use and ensuring it is only used to construct the roundabout.

Response to Previous Late Representations

The correction to Condition 4 removes the additional wording of “and no construction traffic thereafter shall access the development site other than via the roundabout”. Whilst this is the desired outcome, this part of the condition would relate to works outside of the scope of this application within the reserved matters development. It would not therefore meet the tests for planning conditions, notably ‘relevant to the development to be permitted’ and removing this part of the condition rectifies the issue. The other conditions alongside condition 4 included within the recommendation would ensure that the temporary access and haul road serve the construction of the roundabout only and should be removed following its completion. Regarding condition 5, reference to the roundabout itself has been added for clarity and wording corrected; there are no changes to the requirements of the condition. Regarding the correction to condition 7, the wording is slightly altered to remove duplication; there are no changes to the requirements of the condition.

Regarding comments from Cllr Coates, reference is made to condition 3 regarding construction and drainage details to be agreed in writing with the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway. As these details would be required prior to works starting, it is not considered that details are required prior to determination as this would have to be discharged before the development commences.

It is also of note that this application relates to the area of the temporary access and haul road only and the wider site cannot be controlled via this application. The highway boundary was included on plan to demonstrate that visibility splays could be achieved as proposed. The wheel wash facility is within the proposed haul road and red line of the application. Drainage details would be provided by condition, but a Construction and Operation Management Plan is also conditioned (condition 10) which would include, amongst other details, the details of how vehicles will access the site which would include the wheel wash facility.

Regarding the visibility splays and impact on trees and hedges, plan: TEMPORARY ACCESS RE-INSTATEMENT PLAN, drawing number: HKL01-001-08 A shows the splay in addition to the other plans submitted. NCC Highways have reviewed the application, including the proposed visibility splays and raise no objection. As detailed within the submitted Arboricultural Report, the proposed development requires the part-removal and the pruning of areas of hedging. The Proposed Development is considered to carry a low risk of residual harm to the retained trees and hedgerow. In addition to this, the land would be required to be re-instated to its previous condition under Condition 5 and a Landscape and Ecology Management Plan (LEMP) is required under condition 8. This would, amongst other requirements be required to provide details of the reinstatement of hedgerow and any

trees, shrubs or hedges that die or become severely damaged or seriously diseased within 5 years from the completion of the development would be required to be replaced. Both the Arboricultural Officer and Ecologist raise no objection.

The applicant has control over the front boundary and visibility splays can be provided within the legal highway boundary to which NCC Highways raise no objection, further permission would be sought via highways legislation should permission be granted. Condition 5 is amended as detailed above. Condition 5 is considered to relate to a tangible point whereby it can be confirmed that the temporary access is no longer required as the roundabout would be completed, this is considered to meet the tests for conditions. The LPA would not be able to condition a restriction on infrastructure outside of the scope of this current application for the temporary access and haul road as that would not be considered a lawful condition that meets the tests for conditions, namely 'relevant to the development to be permitted'. The applicant has agreed to the currently proposed condition including the 21 days within condition 5.

Regarding correspondence from Cllr Rust, this correspondence from Barratt Homes consists of supporting information, much of which is included within their supporting statements submitted which have been uploaded to the online file for transparency.

CONCLUSION:

This application was deferred by Planning Committee on 31 July, to enable further discussions to take place with the Parish Councils. Following a meeting, and as a result of further consideration of the conditions requested by the Parish Councils, condition 10 is amended as detailed above to ensure clarity over the requirements of the Construction and Operation Management Plan (COMP) and to ensure as many of the request from the Parish Councils that meet the tests for conditions are included as possible. The latest correspondence from South Wootton Parish Council confirms that this is agreed. It is also noted that corrections made to conditions 4, 5 and 7 under late representations within the previous committee report are carried forward into this recommendation.

Overall, it can be clearly demonstrated that the proposed development forming this application can be suitably controlled to ensure that it operates as a temporary access to facilitate the construction of the roundabout that will serve the subsequent development only. The access and haul road would then be removed, and the land reinstated as well as any loss of hedging and vegetation on the Grimston Road boundary.

Conditions can suitably control the use of the access and haul road and NCC Highways raise no objection on highway safety grounds and suggest, in line with the above, that the development can be suitably conditioned. The Ecologist and Arboricultural Officer are satisfied with the works and proposed protection and mitigation measures.

Therefore, the development is duly recommended for approval as it is considered to be in accordance with Policies CS08 and CS11 of the Core Strategy 2011 as well as DM12 and DM15 of the Site Allocation and Development Management Policies Plan 2016 and the NPPF.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: TEMPORARY CONSTRUCTION ACCESS, Drawing Number: HKL01-001-01, Rev: E, TEMPORARY ACCESS KERBING MATERIALS, Drawing Number: HKL01-001-05, Rev: C, TEMPORARY ACCESS SETTING OUT, Drawing Number: HKL01-001-04 C, TEMPORARY ACCESS LONG SECTIONS, Drawing Number: HKL01-001-03 A and LOCATION PLAN, Drawing Number: H8607/01.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Notwithstanding approved plans, no part of the development hereby approved shall commence until a detailed scheme including construction and drainage details has been agreed in writing with the Local Planning Authority. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway. The development shall be constructed in accordance with the detailed scheme.
- 3 Reason To ensure that the works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with policies CS11 of the Core Strategy and DM12 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.
- 4 **Condition The temporary construction access and haul road hereby approved shall be used for the construction of the Grimston Road roundabout and associated infrastructure, as approved by application 16/02231/OM only. The temporary access and haul road shall be used for the sole purpose of constructing the roundabout.**
- 4 Reason For the avoidance of doubt to ensure that the completed roundabout is used as the sole access to the wider site and to ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with policies CS11 of the Core Strategy and DM12 of the Site Allocations and Development Management Policies Plan 2016 as well as the NPPF.
- 5 **Condition The temporary construction access and haul road shall be permanently removed no later than 21 days following receipt by the Applicant (or their Successor's in Title) of the Certificate of Final Completion by Norfolk County Council or their appointed contractors regarding the roundabout as approved under: 16/02231/OM, and the land re-instated to its previous condition in accordance with drawing number HKL01-001-08 A 'TEMPORARY ACCESS RE-INSTATEMENT PLAN'**
- 5 Reason In the interest of highway safety and the visual amenity of the locality in accordance with CS08 of the Core Strategy 2011 and DM15 of the Site Allocations and Development Management Policies Plan 2016 the NPPF.

- 6 **Condition** The temporary access and haul road hereby approved shall not be used outside the hours of 07:30-17:00 Monday to Friday, 08:00 to 13:00 on Saturdays. For the avoidance of doubt, the access and haul road shall not be used on Sundays or Bank Holidays
- 6 **Reason** In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.
- 7 **Condition** **No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) which outlines the required methods and mitigation during clearance for, and lifespan of, the temporary access route has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not be limited to, the following:**
- a. **When and where an Ecological Clerk of Works will be required.**
 - b. **Fencing/protection of EMZ i prior to commencement.**
 - c. **If lighting required, sensitive lighting scheme in place prior to works.**
 - d. **Clearance of tall vegetation (to a height of 15-30cm and minimising disturbance to ground layer) prior to March (or nesting bird check if clearance between March-August (with likelihood of delays)).**
 - e. **Ecologist-supervised clearance of ground-level vegetation to avoid risk to reptiles, conducted outside the reptile hibernation period which runs from October to March inclusive (dependent upon weather conditions).**
 - f. **Use of materials from vegetation clearance to create reptile features within EMZ i.**

The approved CEMP: Biodiversity shall be adhered to and implemented through the construction phases strictly in accordance with the approved details, unless agreed in writing by the local planning authority.

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted.

- 7 **Reason** In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 8 **Condition** Within 28 days of commencement (including demolition, ground works, vegetation clearance) a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall detail the management and planting details of the reinstatement of the hedgerow once the access is no longer in use. Any trees, shrubs or hedges that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.

- 8 Reason In order to safeguard the ecological interests of the site in accordance with Policy CS12 of the Kings Lynn and West Norfolk Core Strategy 2011 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 9 Condition Prior to commencement of the development hereby permitted all Tree and Hedgerow Protection Measures shall be implemented in complete accordance with the approved Tree Protection Plan (Arboricultural Report, Authored by: Tim Moyer Associates, dated: July 2023, reference: 210513-PD-31b).

The erection of fencing for the protection of any retained tree or hedge shall be carried out before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

- 9 Reason To avoid damage to existing trees and hedgerows and ensure the continuity of amenity to the area in which they are and from where they can be seen.
- 10 Condition **Notwithstanding approved plans, no part of the development hereby approved shall commence until a Construction and Operation Management Plan (COMP) has been submitted to and approved in writing by the Local Planning Authority. The COMP shall set out:-**
1. **The means of access for construction vehicles which shall, amongst other measures, ensure that no vehicles travelling eastbound on Grimston Road turn right into the access.**
 2. **The means of egress for construction vehicles which shall include as a minimum the use of manually operated traffic lights which give priority to road users, pedestrians and cyclists, not site traffic, and will remain in place until such time as the roundabout is brought into full use.**
 3. **The location(s) of the site compound(s).**
 4. **Site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination and ground water.**
 5. **How the developer shall monitor and document compliance with point 4.**
 6. **Arrangements which by the developer shall maintain communication during the course of the development hereby approved and any subsequent variations to the development hereby approved, with the parish councils, residents and businesses in the vicinity of the site. These arrangements shall include confirmation of a direct point of contact.**

The operation of the access hereby approved shall strictly adhere to all measures contained within the approved COMP at all times.

- 10 Reason To ensure that the works are properly controlled in the interests of highway safety and amenity in accordance with the principles of the NPPF.

- 11 Condition The gate serving the temporary haul road hereby approved shown on drawing number HKL01-001-01 Revision E 'TEMPORARY CONSTRUCTION ACCESS' shall remain open during the hours of construction and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no other gates or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

- 11 Reason In the interests of highway safety and to accord with the provisions of the NPPF.