

**AGENDA ITEM No: 8/1(c)**

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|----------------------|---|--|
| <b>Parish:</b>       | <b>King's Lynn</b>  |  |
| <b>Proposal:</b>     | <b>Construction of 54 dwellings, associated access roads, footways and new areas of public open space and associated external works</b> |  |
| <b>Location:</b>     | <b>Land North of Lynnsport King's Lynn Norfolk</b>  |  |
| <b>Applicant:</b>    | <b>BCKLWN And Lovell Partnerships Ltd</b>   |  |
| <b>Case No:</b>      | <b>16/00097/FM (Full Application - Major Development)</b>   |  |
| <b>Case Officer:</b> | <b>Mrs N Osler</b>  | <b>Date for Determination:<br/>21 April 2016<br/>Extension of Time Expiry Date:<br/>6 October 2016</b> |

**Reason for Referral to Planning Committee – BCKLWN application with objections**

**Case Summary**

The application seeks full planning permission for the erection of 54 dwellings, associated access roads, footways and new areas of public open space. Eight of the dwellings would be affordable.

The site comprises approximately 1.7ha of informal open space and is predominantly covered by grass, with areas of scrub; an area of hardstanding is located in the north-west corner. A permissive footpath runs north / south across the site connecting the existing residential development to the north with the Lynnsport site to the south. The footpath is hard surfaced and lit by streetlamps and connects with the wider pedestrian network to the north via a concrete bridge over the Bawsey Drain which also serves as vehicular access to the allotments to the west of the site. This vehicular access would be retained and improved and used solely to serve the allotments with the residential development being served via the Lynnsport Access Road.

The site forms part of the Lynnsport complex (which comprises c.29ha of sports pitches, athletics facilities, indoor sports area, a nature area, areas of amenity space and areas of unused scrub land). The site has residential uses to its north (on the opposite site of the Bawsey Drain and Front Way), and allotments to the west. The Lynnsport complex lies to the south and east of the site, the latter on the opposite side of the recently approved Lynnsport Access Road which will run in a southerly direction from Edward Benefer Way to Green Park Avenue.

The site forms part of a wider housing allocation in the emerging Site Allocations and Development Management Policies Pre-Submission Document, January 2015, and within Built Environment Type D as depicted on the current Local Plan Proposals Maps.

The site lies within Flood Zones 2 and 3.

**Key Issues**

Principle of Development  
Flood Risk and Drainage

Form and Character  
Residential Amenity  
Access, Transport and Parking  
Open Space, Recreation and Ecology  
Trees and Landscaping  
Affordable Housing and Other Contributions  
Crime and Disorder

### **Recommendation**

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

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

## **THE APPLICATION**

The site comprises c.1.7ha of cleared grass and scrubland with a small area of hardstanding in the north-west corner. The site has residential uses to its north, allotments to its west, and the wider Lynnsport site to its east and south.

Part of the site was formerly used as a football pitch on a seasonal basis but this use ceased in 2008. The site has had no formal use since this time and has served as amenity / open space with a permissive footpath running north to south.

The site forms part of a wider housing allocation site in the emerging Site Allocations and Development Management Policies Pre-Submission Document, January 2015 (in combination with Lynnsport 1 and Lynnsport 4 and 5) and draft Policy E1.7 relates to the wider allocation. Additionally the site lies within Built Environment Type D as depicted on the current Local Plan Proposals Maps.

The application seeks full planning permission for the erection of 54 new dwellings 8 of which would be affordable. The scheme comprises 23 x 2-bed units (19 x market; 4 x affordable); 30 x 3-bed units (26 x market; 4 x affordable) and 1 x 4-bed unit (market).

The dwellings are all two-storey and range in height between c.4.75m and 5.15m to eaves and c.7.9m and 8.4m to ridge.

The pallet of materials comprises red brick (2 types), cream brick, cream render, and red and dark grey pantiles. There are four canopy and door 'types'; all properties would have white uPVC window and door frames. Boundary treatments will comprise 1.8m high close boarded timber fencing (CBTF) and 1.5m CBTF with trellis atop in the passages that provide rear access to mid terrace properties.

The scheme proposes parking in line with current parking standards.

Access to the site is currently via a concrete bridge over the Bawsey Drain. Vehicular access stops in the north-west corner of the site with pedestrian access continuing through the site.

It is proposed to continue to enable vehicular access and parking to the allotments to the west of the site via an improved crossing over the Bawsey Drain which will also continue to enable pedestrian access. Vehicular access to the development itself will be via the Lynnsport Access Road. The access into the site already benefits from permission under the Access Road permission. The development would also include an east-west adoptable road providing access to a private cul-de-sac to the north and south and an adoptable cul-de-sac to the north and south. In relation to pedestrian access the route of the current permissive footpath will remain largely in the same location with further linkages throughout the site.

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

The development is proposed to be constructed in two main phases; phase one including the access road from the new road and the units to its north and the second phase being the area to the south of the main access road.

## **SUPPORTING CASE**

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

- Design and Access Statement
- Planning Statement
- Open Space Assessment
- Open Space Strategy
- Transport Assessment
- Travel Plan
- Flood Risk Assessment
- Ecological Appraisal
- Habitat Regulations Mitigation Overview
- Utilities Report
- Archaeological Evaluation
- Sustainability and Energy Report
- Contamination Assessment
- Air Quality Assessment
- Acoustic Assessment

The following supporting statement was submitted by the applicant:

This application is the second of four proposed development sites in the Lynnsport and Marsh Lane area which have been identified as part of a holistic plan of regeneration work for the area. The redevelopment of this site, together with the three other sites, will facilitate the delivery of a number of community benefits including improved access and drainage.

This application proposes the development of 54 new houses including 8 new affordable homes. The site is sustainably located, being situated close to existing sustainable transport links, services and existing infrastructure. Recognising the inherent sustainability of the location and suitability of the site for housing development, the application site is proposed to be allocated for residential development in the emerging replacement Local Plan (emerging policy E1.7).

In the past, part of the site was used as a football pitch on a seasonal basis. This use ceased in 2008, since when the site has had no formal use and has served as amenity/open space. Observations of how the site is used suggest that its principle current use is simply as a route between Lynnsport and the residential development to the north.

This planning application and the proposed allocation within the emerging Site Allocations Development Plan Document respond both to the need for new sustainably located housing in the area, and also to the findings of a land use and strategy report prepared for the Lynnsport site in 2009. This report identified several areas of underused land within the wider Lynnsport site and concluded that development of these sites could assist in addressing some fundamental challenges facing Lynnsport (including the issue of convoluted access), as well as providing an opportunity to rationalise and improve some of the existing sporting facilities.

The detail of the approach to open space provision and strategy is set out in the Open Space Assessment (which considers open space provision in the locality) and the Open Space Strategy (which details the joined-up approach to delivery of new areas of public open space and play equipment which is proposed across the 3 proposed Lynnsport development sites). In summary, the strategy proposes development on areas of underused land and has 'front loaded' much of the open space improvement works, with the creation of a new wildlife area, 2 new hockey pitches and 4 new tennis courts already completed. The significant majority of the Lynnsport site – including large areas of sport pitch and public open space, remain, and will benefit from the improved access (in the form of the new road leading south from Edward Benefer Way).

In addition, the proposed development at this site includes areas of public open space and would contribute to an extended and improved children's play area at Lynnsport. This would be a free to use facility which is readily accessible from both the application site and the existing houses located close to Lynnsport.

Having regards to the above, whilst it is recognised that the proposed development would result in the loss of an existing area of open space, it is the case that the development would utilise an underused part of the much larger Lynnsport site and, together with development of the other three sites, would deliver significant benefits to the Lynnsport facility and its users.

The site is located close to the centre of King's Lynn and is readily accessible by a number of alternative means of transport. The Transport Assessment submitted in support of the application demonstrates that the development would, through the provision of new footway, cycleway and highway connections, have no detrimental impact on the operation and capacity of the local transport networks, with the new road serving Lynnsport having been designed (and, in part, funded) to accommodate traffic flows from this site.

The application proposes a mix of house types and sizes, with a strong emphasis on high quality design of both the dwellings and the supporting infrastructure (for example footways, cycle ways, green spaces and landscaping). This emphasis on high quality design and good quality materials will result in a sustainable, mixed community which will accord with the character of the surrounding residential areas.

It is recognised that, as with much of King's Lynn, the site lies in an area at risk of flooding. This has been considered as a fundamental part of the design process and the comprehensive Flood Risk Assessment which accompanies the application demonstrates that, due to careful design and specification of both the individual dwellings and the drainage infrastructure associated with the scheme, the proposal would be safe and would not increase the risk of flooding elsewhere.

Recognising the benefits of sustainable drainage systems, but mindful of the inherent difficulties of delivering sustainable drainage in a viable manner due to ground conditions at the site, the application proposes the use of a targeted system of sustainable drainage which would be effective in ensuring the development does not increase the risk of flooding off site.

In summary, the proposed development would deliver 54 new houses, including 8 affordable homes, in a sustainable location close to the centre of King's Lynn and at a time when there is a marked need for new private and affordable housing in the Borough. The proposal would utilise an underused site with low ecological value and deliver a mix of high quality homes and public open space to be enjoyed by existing neighbouring and future residents. The application accords with National Planning Policy guidance and the provisions of both the existing adopted Local Plan and the emerging replacement Local Plan, both of which identify the site as a location suitable for housing development of the scale proposed.

## **PLANNING HISTORY**

No recent relevant history.

## **RESPONSE TO CONSULTATION**

**Highways Authority (NCC): NO OBJECTION** subject to conditions relating to highway safety

**Lead Local Flood Authority (NCC): NO OBJECTION** - the application falls below our current threshold for providing detailed comment. This is because the proposal is for less than 250 dwellings or 5 ha in size and is not within a surface water flow path as defined by Environment Agency mapping.

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

### **Environment Agency:**

*Flood Risk* - **NO OBJECTION** subject to conditioning the recommendation and mitigation of the submitted Flood Risk Assessment

*Biodiversity* - **NO OBJECTION** subject to conditioning the mitigation measures listed in the Ecological Appraisal Report that accommodation the application

**Norfolk Wildlife Trust: NO OBJECTION** subject to conditioning the recommendations of the Ecological Appraisal

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

**Anglian Water: NO OBJECTION** – subject to condition.

**Arboricultural Officer: NO OBJECTION** – subject to conditions relating to landscaping and tree protection

**Historic England: No Comments to make**

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

**Natural England:** No Comments to make

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions relating to contamination and a construction management plan (noise / dust)

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

**District Emergency Planning Officer: NO OBJECTION** subject to conditions

**Public Right of Way Officer (NCC): NO OBJECTION**

## REPRESENTATIONS

**King's Lynn Civic Society** remains fundamentally **opposed** to building on existing green spaces within the town until there is an agreed green infrastructure strategy for King's Lynn that clearly demonstrates how residents will be compensated for such losses of public open space. Kings Lynn and Borough residents should not be expected to accept more and more residents and urban development whilst being offered less and less open space and recreation opportunities. Our specific concerns are:

- No significant alternative green space proposals are being made for Kings Lynn. There will already be an increase in population in the locality and proposed population increases in the District will place more pressure on Lynnsport as a facility. It seems crassly short-sighted to constrain future sports and recreation development at the site by building on the outlying spaces. NPPF Paragraph 74 states clearly that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the land can be shown to be surplus to requirements; or will be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.
- To claim that the loss of this and other areas in the vicinity proposed for residential use, will be offset by additional recreational provision in the form of 2 new hockey pitches and 4 tennis courts misunderstands the nature of what is being lost. All weather sports pitches are not suitable and will not be available for informal sport, picnics, dog-walking and all the other ways that this open space is used. Large sections of the community do not, and in many cases cannot, play football or tennis and allotments are not accessible to the public at large. We therefore take issue with the statement (Planning Statement para 7.2.) that the development entirely accords with paragraph 74 of the NPPF or indeed the requirements of policy CS3 of the adopted Core Strategy that "open space and recreational facilities will be provided within and around the town to serve the needs of the existing residents and to meet the needs of the growing population".
- At the Local Plan examination the Inspector has specifically identified the BCKLWN responsibility to mitigate potential impacts to Habitats Regulation sites in the County.

If residents within settlements have insufficient green space for recreation, of course they will travel out to reserves and coastal areas – causing the associated traffic, pollution and impacts to sensitive reserves that BCKLWN say they are trying to address. It is therefore entirely illogical to remove green space from urban areas when the town population is growing. The best mitigation for our reserves (and roads) is to ensure people have ready access to excellent green space within walking and cycling distance of their homes.

- The recreation space provided for this application is perfunctory and barely acceptable and clearly assumes that the new residents will utilise the wider Lynnsport setting. While the site layout has been “designed around three key areas of public open space” the fact remains that, as no extra space has been provided, the compensatory provision cannot be said to be equivalent in terms of quantity, especially bearing in mind the other development proposed in the area.

**King’s Lynn Area Consultative Committee** made the following comments:

- Concern was raised in relation to the design of the coach house building, with the flat being above the garages and potentially in different ownership, this could cause future problems and was a poor design solution.
- Concern was also expressed in relation to the loss of green space and the Committee requested that alternative accessible green space of the same amount should be provided before the commencement of the development.
- The Committee also raised concern in relation to flood risk, and proposed that this issue must be given full and proper consideration.

Occupants of **TWENTY SIX** properties have **OBJECTED** to the proposed development (**EIGHT** of those properties are not in the vicinity of the site). **ONE** letter of **SUPPORT** has been received.

The main reasons for **OBJECTION** were:

- Cumulative impact with other developments in the locality on services, infrastructure and facilities as well as flood risk and pollution,
- Flooding,
- Drainage,
- Loss of green open space – exacerbated by increase in population,
- Council should not contemplate reducing free recreational green space in areas of deprivation,
- Traffic and Congestion,
- Pollution,
- Noise,
- North Lynn, Gaywood and Marsh Lane will merge into one and lose their individual identity,
- Loss of wildlife / habitat,
- Overdevelopment of the site,
- The Open Space Assessment (2006) is too old to use as the basis for the proposal, and therefore no attempt has been made to demonstrate that the land is surplus to requirements,
- The new development would result in a net loss of space,
- Impact on Roydon Common,
- Brownfield sites should be built on first.

The letter of **SUPPORT** suggests that new housing is needed in King's Lynn as the author of the letter was forced to live outside of Lynn due to the lack of accommodation.

## **NATIONAL GUIDANCE**

**National Planning Policy Framework** – sets out the Government's planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **PLANNING POLICIES**

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

**4/21** - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS03** - King's Lynn Area

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

**CS14** - Infrastructure Provision

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development



## **PLANNING CONSIDERATIONS**

The main issues for consideration in the determination of this application are:

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

### **Principle of Development**

The application is made by the Borough Council for development it wishes to carry out and as such falls to be considered under the provisions of the Town and Country Planning General Regulations 1992. Regulation 3 states that the application may be determined by the Council as Local Planning Authority subject to any requirements of Section 77 of the 1990 Act; there are no such requirements relating to this application. Regulation 9 states that, if granted, any consent shall only enure for the benefit of the 'applicant interested planning authority', i.e. the Borough Council.

King's Lynn is the borough's main town and sub-regional centre where, in accordance with the Core Strategy, the majority of growth in the borough is sought.

The site lies within Built Environment Type D and the Defined Area of the Town as defined on the Local Plan Proposals Map (LPPM). A Land Review and Feasibility Study in 2009 identified the potential to rationalise existing uses and develop parts of the Lynnsport site for housing. The site forms part of a wider proposed housing allocation in the emerging Site Allocations Plan (E1.7).

Policy E1.7 states: 'Policy E1.7 King's Lynn - Land at Lynnsport Land amounting to 9.1 hectares is allocated for residential development of at least 297 dwellings. Development will be subject to compliance with all of the following:

1. Provision of a new road linking the site to the A1078 Edward Benefer Way, minimising negative impacts on the existing cycleway;
2. Submission of a site specific Flood Risk Assessment;
3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission;
4. Informal recreation provision on, or in the vicinity of, the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to the exercising of dogs) on Roydon Common Special Area of Conservation.

This provision may consist of some combination of:

- Informal open space (new and/or existing);
- Pedestrian and cycle routes (new and/or existing) which provide a variety of terrain, routes and links to greenspace and/or the wider footpath and cycle network;
- A contribution to greenspace provision or management in the wider area within which the site is located;

5. In judging the amount of on-site open space appropriate under Policy DM16 (Provision of Recreational Open Space) regard will be given to the proximity of the development to existing safeguarded facilities (such as those at Lynnsport adjacent to the site). The Borough Council will consider flexibility of open space provision requirements where this would result in qualitative and quantitative benefits to the community and where the preceding habitats requirements are met;

6. Submission of an Ecological Study that establishes that either:

- i. there would be no negative impact on flora and fauna;
- ii. or, if any negative impacts are identified, establishes that these could be suitably mitigated;

7. Financial contributions towards the provision of infrastructure including additional primary and secondary school places;

8. Provision of affordable housing in line with the current standards.

The weight to be given to the emerging LDF / local plan prior to adoption is set out in the NPPF para 216. The weight given depends on the stage reached, the extent of unresolved objections, and the consistency with the NPPF. In principle, any application for planning permission would need to be considered in light of the advice referred to at para. 216 in terms of the weight given to the matters referred to in draft policy E1.7. In this instance any modifications proposed by the Inspector have been incorporated into the draft policies (and the modified policies are reflected throughout this report). It is therefore considered that substantial weight can now be placed on these policies.

As such it is considered that the principle of development for residential use of this site is to be supported.

## **Flood Risk and Drainage**

### *Flood Risk*

The site lies in an area at potential risk of flooding from a number of sources: rivers and watercourses, surface water, tidal and sea, and groundwater, although the risk from most is low. The highest risk is from tidal although revised EA mapping for this area (2015) shows the site to be at lower risk of tidal flooding than the previous generation of data.

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

However it is not necessary to undertake the sequential test on allocated sites (as it is considered that this occurred during the allocation process).

Further, and in line with emerging Development Plan Policy DM21, only the second element of the exception test is required (as it is likewise considered that the first element (wider sustainability benefits) is deemed to be met by the allocation process).

The second part of the exception test requires that a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where, possible, will reduce flood risk overall.

In this regard, finished floor levels will be set above existing site levels and flood resistant construction techniques will be employed up to a level of 5.9m AOD (levels across the site currently vary between 2.4m and 3.8m AOD). All first floor areas will be set above this level to ensure safe refuge and no sleeping accommodation will be provided on the ground floor. The FRA also proposes signing up to flood warning services and producing evacuation plans.

The FRA has satisfied the Environment Agency that the development can be made safe and would not increase flood risk elsewhere and the EA therefore has no objection (subject to conditions) in relation to the risks associated with flooding.

It is therefore concluded that the exception test is passed and that the proposed development accords with the overarching aims of planning policy and guidance in relation to development in areas at risk of flooding.

Any permission will need to be conditioned to be carried out in accordance with the recommendations and mitigation suggested in the Flood Risk Assessment that accompanied the application (dated January 2016).

### *Drainage*

The site is a greenfield site (in terms of surface water drainage run-off rates). This outfalls, following the topography of the site, into the Bawsey Drain to the north of the site.

It is proposed for the new surface water drainage system (which will be sized to cope with a 1 in 100 year plus climate change rainfall event) to continue to outfall to the Bawsey Drain which will continue to be controlled by the IDB.

Shared permeable paving areas (proposed in the SuDS Strategy) will be maintained by a management company to be secured via the S106.

The foul water system will be connected to the adjacent adopted foul water sewer system which will require some reinforcement works that will be carried out under a Section 98 requisition.

### *Sustainable Urban Drainage Schemes (SuDS)*

Both national and local policy encourages the use of SuDS in line with the hierarchy of drainage as shown in the NPPG:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

The NPPG recognises there are two factors to consider in relation to appropriateness: firstly the technical feasibility of any particular SuDS approach; and secondly the impact on viability any particular SuDS approach may have.

Emerging local plan policies reflect this national policy approach of supporting the use of SuDS, including balancing this support against considerations of viability.

An appraisal of potential SuDS components was undertaken to assess the suitability of options for the development. A number of options were considered to be technically impracticable with further options considered technically achievable but unviable. In relation to the appraisal, the NPPG states that: 'Information sought by the local planning authority should be no more than necessary, having regard to the nature and scale of the development concerned'.

As a result of the appraisal, the SuDS measures proposed in this application include the provision of a water butt for each dwelling and the use of shallow-tanked, permeable paving solution in all areas of shared private driveway (the latter to be managed by a management body which will be secured by S106).

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

### **Form, Character and Design**

The NPPF states that good design is indivisible from good planning and should contribute positively to making places better for people. It goes on to say, at para 58, that 'decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesions; and
- Are visually attractive as a result of good architecture and appropriate landscaping'.

In relation to density the NPPF states, at para 47, that: '[LPA's] should set out their own approach to housing density to reflect local circumstances'. The density of the housing area opposite is approximately 37dph; the site, with an approximate density of 30dph, is therefore below the gross density of the general locality. However, density calculations can be artificial; and the critical question is whether the best use of land is being made. The optimum planning solution is to produce the maximum number of houses consistent with the site constraints, residential amenity, the character of the area and good design.

In this instance the density is affected by (amongst other things) the desire to retain some informal open space, access and parking for the neighbouring allotments, and improved pedestrian, cycle and vehicular links.

The majority of dwellings range between two and three-bed semi-detached and terrace dwellings, with one four-bed detached house and two two-bed coach houses (dwellings at first floor level of shared parking beneath). All the dwellings are two storeys in height. The mix of housing types has been informed by consultation with the Local Authority's Housing Department to ensure the mix of dwellings meets the need identified in the borough.

It is considered that the house types, scales, masses and proposed materials are reflective of the wider locality, and the general layout is considered to represent an attractive and permeable scheme that would function well.

In summary, the proposed scheme is considered to incorporate the key aspects that contribute to the making of high quality places and therefore represents good design that takes the opportunities available for improving the character and quality of the area and the way it functions.

### **Residential Amenity**

There are existing residential properties to the immediate north of the site separated from the site by a highway (Front Way), the Bawsey Drain and a 9-metre easement strip. These areas combine to offer a distance of approximately 36m between the closest southern elevation of existing properties on Front Way and the northern elevations of the proposed dwellings. This distance is considered to be more than sufficient to prevent any material overlooking, overshadowing or overbearing impacts.

Inter-development relationships are considered appropriate, with dwellings benefitting from an acceptable amount of private amenity space, parking (in accordance with current standards), and rear access to all mid-terrace properties. Some concern has been expressed by third party representatives in relation to the coach-house provision and that having un-associated parking beneath your home is not good design. However, when one considers that in flats for example one lives above another, it is considered that any disamenity caused merely by parking beneath would be far less than this and not material. It should also be noted that appropriate sound insulation will be required under Building Regulations.

It is therefore concluded that the development would not result in any significant detrimental impact on the amenity of occupiers of neighbouring properties and achieves a good standard of amenity for future occupants of the development.

### **Access, Transport and Parking**

#### **Access**

The site is located to the west of the approved 'Lynnsport Access Road' (LAR). Vehicular access into the site would be via a new junction from the LAR which already benefits from planning permission by virtue of the road application.

An east-west adoptable road (limited to 20mph) will run through the site from the LAR providing two private cul-de-sacs and two adoptable cul-de-sacs

**Walking and Cycling** – There are numerous footpaths and cycleways linking the site with the wider locality including the 3m side NCN Route 1 shared-use cycle / footway.

**Bus Services** - There is currently one local route running close to the site with a bus stop at the northwest corner of the site. This service (Service 2 King's Lynn Town Centre to North Lynn) runs every 20 minutes.

## *Transport*

Both a Transport Assessment (TA) and Residential Transport Plan (RTP) accompanied the application.

Nine junctions were assessed as part of the approved Lynnsport Access Road planning application. These same nine junctions were assessed as part of the current TA to identify weekday AM and PM peak periods (08:15 to 09:15 and 16:30 to 17:30 respectively).

The impact of the development on the operation of key local links and junctions was assessed for 2018 (opening year) and 2026 (forecast year). For each of the assessment years 'Do-Nothing' (without development) and 'Do-Something' (with development) forecasts were prepared. The Do-Nothing forecasts include the committed Lynnsport Access Road, and residential developments at Marsh Lane, Russett Close, Alderman Jackson School and Marsh House.

The conclusion of the TA is that out of the nine junctions considered only two (Columbia Way/Greenpark Avenue/Salter's Road and Hamburg Way/Spenser Road/Lynnsport Access Road – the latter being a new junction) are forecast to experience overall increases in traffic greater than 1% while smaller increases in traffic are forecast at the remaining seven. At the first of these junctions the traffic flows are low and will remain low even when the generated traffic is added. The second junction will be designed to have sufficient capacity to accommodate the generated traffic

The Summary of the TA is that 'the development will have a minimal overall impact on the operation and capacity of local transport networks, by virtue of its location close to footway and cycle route connections, new highway links using the proposed and consented Lynnsport Access Road and good public transport accessibility'.

The purpose of the RTP is to deliver sustainable transport objectives. The RTP identifies measures aimed at promoting sustainable travel; its high level objectives are to:

1. Address the access needs of residents and visitors by supporting sustainable modes of transport;
2. Raise awareness amongst site residents of the impact of their travel choices on their health and the local environment; and
3. Minimise single occupancy vehicle (SOV) journeys to and from the development.

## *Parking*

Parking, in accordance with current parking standards, is provided in either garages (with a gross internal area of at least 21m<sup>2</sup>) and / or off-street parking.

## *Construction Traffic*

It is proposed to minimise the impact of construction traffic by routing construction traffic from the principal highway network to the site via the Lynnsport Access Road. Notwithstanding this, a Construction Traffic Management Plan will be conditioned if permission is granted.

## Summary

The developers have worked with the Local Highway Authority (LHA) to produce a scheme that is technically acceptable, and the LHA has no objection to the proposed development, subject to conditions being appended to any permission granted.

It is therefore concluded that the development accords with overarching national and local policy and guidance in relation to sustainable transport, access for all and parking provision.

## Open Space, Recreation and Impact on Nature 2000 sites

### *Open Space*

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

Emerging Policy DM16 requires that schemes of 100+ homes must make provision for 2.4ha of open space per 1000 population and that this open space must comprise approximately 70% amenity, outdoor sport or allotments, and 30% suitably equipped play space; schemes of between 20 and 99 homes need only provide the 30% suitably equipped play element. Whilst Lynnsport 3 by itself is for 54 houses, it forms part of a wider allocation (in combination with Lynnsport 1 and Lynnsport 4 and 5) for the delivery of 297 houses on land amounting to 9.1ha (Policy E1.7). As such the theoretical amount of public open space required by Lynnsport 3 is 0.3ha (0.21ha amenity / outdoor sport / allotments and 0.09ha suitably equipped area of play). Lynnsport 1 (up to 80 dwellings) would require 0.45ha (0.32ha / 0.13) and Lynnsport 4 & 5 (89 dwellings) would require 0.5ha (0.35ha / 0.15ha).

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

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

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

This flexibility is mirrored in emerging site specific policy E1.7 (Lynnsport sites), which states: 'In judging the amount of on-site open space appropriate under Policy DM16 regard will be given to the proximity of the development to existing safeguarded facilities (such as those at Lynnsport adjacent to the site). The Borough Council will consider flexibility of open space requirements where this would result in qualitative and quantitative benefits to the community and where preceding habitats requirements are met.'

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

The proposal would provide a dedicated area of play for younger children (a LAP) and a small area of informal open space on each site. The shortfall would then effectively be 'pooled' to (in the case of equipped play) provide a single NEAP (neighbourhood equipped area of play) and in the case of open space by bringing into use an overgrown and inaccessible area to the immediate south of Lynnsport 4 & 5. Lynnsport 3 also includes improved access and parking for the existing North Lynn allotments which border the site to the west.

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

In summary, based on the figure of 223 dwellings, Policy DM16 requires the allocation (all three Lynnsport sites) to deliver 0.85ha of amenity, outdoor sports or allotment space. The approach proposed by the applicant would deliver a minimum of 2.82ha of such space. With reference to equipped areas for play, DM16 requires 0.37ha; the applicant proposes 0.4ha.

It is the case that the majority of the equipped area for play would be delivered outside the development sites but within the Lynnsport site itself. The applicant considers that the combination of providing small areas for play within each site and the consolidation of the equipped play facilities in one single area, providing one large facility at a location already used for play and which is readily accessible by a series of foot and cycles ways from the development sites (and neighbouring residential developments) represents the best approach to open space provision for both existing and future residents and the users of the Lynnsport site. This approach is supported by the Local Authority's Greenspaces Team, and your officers believe it accords with overarching policy aims. Further it is considered that the Open Space Strategy (which would be secured by S106 Agreement) addresses the majority of third party objections received in relation to the loss of informal open space. No further comments had been received from third parties following the submission and further consultation on the OSS at the time of writing this report.

### *Recreation*

Policy E1.7 requires enhanced recreational provision or contribution towards such provision on or in the vicinity of the allocated sites. This requirement is linked to the proximity to protected nature conservation sites in the wider area (Natura 2000 sites).

The overprovision of open space outlined above, along with a contribution of £10,000 towards the restoration of the Gaywood River Corridor (which is well in excess of the £7,300 that the £50 per dwelling habitat mitigation fee requires) suggests that the development would not place additional recreational pressure on, in particular, Roydon Common SPA.

### *Ecology*

The Ecological Appraisal that accompanied the application concluded that further surveys will be required in relation to badgers and great crested newts and that mitigation will be required in relation to nesting song birds (timed works) and water voles (to follow the water vole mitigation plan submitted as part of the LAR (which also covered this site and is less than two years old and therefore suitable for use)). These surveys / mitigation can be suitably conditioned if permission is granted.

The European Habitats Directive (the Directive) prohibits activities such as the deliberate capturing, killing or disturbance of protected species, subject to derogation in specific and limited circumstances.



These requirements are enforced in England and Wales by the Conservation of Habitats and Species Regulations 2010 (the Regulations) and any derogation is regulated and overseen by a system of licensing administered by Natural England (NE).

In exercising its functions, including determining planning applications, a Local Planning Authority (LPA) is required to have regard to the requirements of the Habitats Directive in so far as they may be affected by the exercise of those functions. It is not the role or responsibility of the LPA to monitor or enforce NE's obligations under the Regulations. However, if a development proposal could potentially result in a breach of the Directive, the LPA is required to form a view on the likelihood of a licence being granted under the Regulations by NE in order to fulfil its own obligation to have regard to the Directive requirements.

NE will only grant a licence if satisfied that the three statutory tests prescribed under the Directive and the Regulations have all been met.

The tests are:

1. There are imperative reasons of overriding public interest (IROPI);
2. There are no satisfactory alternatives; and
3. It would not be detrimental to the maintenance of the population of the species at favourable conservation status.

It is understood that the level of detail required for a licence application to NE under the Regulations may not yet be available at the planning application stage. Also, the level of detail required for NE to satisfy the tests of derogation will usually be higher than that required in the planning consent process. However, the obligation on the LPA is to consider the likelihood of a licence being granted by NE, not to determine definitively whether or not the licence will, in fact, be granted. It therefore has to review the three tests, in the context of a planning application, to then form a view on the likelihood of NE granting a derogation licence under the Regulations.

In this case, an Ecological Appraisal concluded that there is potential for impacts to great crested newts (GCN) and badgers, whose absence cannot be confirmed without further surveys given the proximity of a number of habitats to the site.

The LPA can therefore conclude that there is the possibility that GCN and badgers are present and that if development were to proceed there is the possibility of a breach of the Directive. Therefore the LPA is required to consider the tests:

1. IROPI - NE's guidance advises that IROPI can potentially include developments that are required to meet or provide a contribution to meeting a specific need such as complying with planning policies and guidance at a national, regional and local level. The Local Plan shows a need for additional housing in the Borough over its fifteen year life (2011 – 2026).
2. No satisfactory alternatives – this is an allocated site in the emerging Site Allocation and Development Management Policy DPD
3. Population maintenance - it appears to be unlikely that development of such a small parcel of land, with appropriate mitigation, will detrimentally impact the conservation status of GCNs or badgers.

The LPA can therefore reasonably form the view, from the information submitted to it for this planning application that NE would not be unlikely to grant a derogation licence under the Regulations in relation to this development and that planning permission should not be refused for this reason.

### **Trees and Landscaping**

The application has been accompanied by a Landscape Strategy that, if permission is granted, will be conditioned.

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

### **Affordable Housing and Other Contributions**

Accompanying this proposal is a S106 Agreement that covers:

- Affordable Housing (on-site provision in accordance with current policy (8 units));
- Open Space in the form of on-site and off-site provision;
- Financial contribution to the Gaywood River Restoration Project (£10,000);
- SuDS management and maintenance,
- Library contribution (£3,240 (£60 per dwelling)).

The County Council has not asked for an education contribution as 'although some of the local schools are at or approaching full capacity, across the range of primary and secondary schools there is sufficient capacity at primary and high school levels'.

### **Crime and Disorder**

Government guidance states that community safety must form an integral part of the design agenda. The applicant / agent / developer will be working with the Norfolk Constabulary Architectural Liaison Officer (ALO) in reference to 'designing out crime'.

### **CONCLUSION**

There is a need for housing in the borough (both market and affordable), and this application, which is for development of part of a wider housing allocation, is an important contributor to the authority's housing supply. Given the inclusion of modifications to the emerging policies referred to, it is considered that the allocation carries significant weight.

The development would provide 54 dwellings on a site that is extremely well located within the town. Further the development would improve the connectivity of existing adjacent residential developments in a sustainable fashion (e.g. promoting walking, cycling, public transport and reducing the distance for some trips by the private car).

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

The development would provide appropriate SuDS, and contribute towards the protection of nearby Natura 2000 sites in accordance with the requirements of the Habitats Regulations.

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

No objections have been received from statutory consultees.

The proposal accords with the NPPF, NPPG and both saved and emerging Development Plan Policies. It is therefore considered that this application should be approved subject to the following conditions.

## **RECOMMENDATION:**

**(A) APPROVE** subject to conditions and completion of a suitable Section 106 Agreement within 4 months of the date of resolution to approve and subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition Prior to the commencement of any works on site a Construction Traffic Management Plan, to incorporate details of on-site parking for construction workers, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period shall be submitted to and approved in writing with the Local Planning Authority. For the duration of the construction period all traffic associated with the construction of the development shall comply with the approved CTMP unless otherwise agreed in writing by the Local Planning Authority.
- 2 Reason In the interests of highway efficiency and safety and to prevent extraneous material being deposited on the highway in accordance with the NPPF. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 3 Condition No works shall commence on the site until such time as detailed plans of the roads, footways and cycleways 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.
- 3 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction in accordance with the NPPF. This needs to be a prior to commencement condition as issues relating to infrastructure are fundamental to the development.
- 4 Condition Prior to commencement of works to construct any roads, footways, cycleways or highways drainage hereby approved, details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

- 4 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with the NPPF.
- 5 Condition Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with details to be approved in writing by the Local Planning Authority.
- 5 Reason To ensure satisfactory development of the site in accordance with the NPPF.
- 6 Condition No development shall commence until full details of the land drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 6 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 7 Condition No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 7 Reason To prevent environmental and amenity problems arising from flooding in accordance with the NPPF. This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.
- 8 Condition Notwithstanding the information that accompanied the application, no dwelling hereby permitted shall be occupied until surface water drainage (to include SuDS) details have been submitted to and approved in writing by the local planning authority. The submitted details shall:
- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii. include a timetable for its implementation; and
  - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

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

- 8 Reason To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

- 9 Condition The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment by Richard Jackson Consultants (reference 457151 - Rev A dated January 2016) that accompanied the application and the following mitigation measures detailed within the FRA:

1. Identification and provision of dry internal refuse for each property. The finished floor level of the dry refuse should be set at a minimum of 4.40mAOD.
2. Implementation of flood resistance and resilience measures up to a level of 5.90mAOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

- 9 Reason To reduce the risks associated with flooding in accordance with the NPPF.

- 10 Condition Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

1. a survey of the extent, scale and nature of contamination;
2. 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;
3. 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'.

- 10 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

- 11 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 11 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 12 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.
- 12 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 13 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, 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 12.
- 13 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 14 Condition No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority that provides for mitigation of environmental and amenity impacts during the period of construction.

This must include, but is not limited to, the proposed timescales and hours of the construction phase(s) and must specify the sound power levels of any equipment and its location. The proposed mitigation methods must include protection of residents from noise and dust. The scheme shall be implemented as approved during the period of construction unless otherwise agreed in writing by the Local Planning Authority.

- 14 Reason In the interests of the amenities of the locality and to ensure that the amenities of future occupants are safeguarded in accordance with the NPPF. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 15 Condition All hard and soft landscape works shall be carried out in accordance with drawing nos: 2067-15-A Rev.5 and 2067-15-B Rev.5. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 15 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 16 Condition A landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any part of the buildings or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 16 Reason To ensure that the landscaping is properly maintained in accordance with the NPPF.
- 17 Condition The development hereby permitted shall be carried out in strict accordance with the Arboricultural Impact Assessment and Method Statement that accompanied the application (dated July 2015 by C.J.Yardley) and associated Tree Protection Plan No 7966/002/Rev 08/Arb.
- 17 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 18 Condition The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 18 Reason In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 19 Condition Prior to the commencement of the development hereby permitted a survey to identify the extent of any great crested newt and badger populations on or adjacent to the development site shall be undertaken in accordance with a written survey proposal which shall have been submitted to and approved in writing by the Local Planning Authority prior to the survey taking place.

- 19 Reason To identify the extent of any great crested newt and badger populations in accordance with the NPPF and NPPG.
- 20 Condition The results of the survey required under Condition 19 above shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development hereby permitted, including site clearance works. The results shall also provide for any mitigation / enhancement measures appropriate to the extent of any populations recorded in order to minimise the impact of the development upon those populations both during construction and upon completion. A timetable for the implementation / completion / maintenance of the mitigation / enhancement works shall also be submitted with the results.
- The mitigation / enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority or where a different mitigation scheme or timetable scheme is required under any license issued by Natural England.
- 20 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 21 Condition The development hereby permitted shall be carried out in accordance with the Water Vole Mitigation Plan (dated April 2015 by Mott MacDonald) that was submitted under planning application reference 14/01562/FM.
- 21 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 22 Condition Other than in relation to great crested newts, badgers and water voles (that are covered under separate conditions), the development hereby permitted shall be carried out in accordance with the recommendations contained in the Ecological Appraisal that accompanied the application (dated December 2014 and updated in February 2016 undertaken by Wild Frontier Ecology).
- 22 Reason To ensure that the impact of the development upon protected species is minimised in accordance with the NPPF and NPPG.
- 23 Condition No development shall take place other than in accordance with the approved archaeological written scheme of investigation submitted with the planning application (Project Number 17308, dated 17 June 2015 by Oxford Archaeology East).
- 23 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.
- 24 Condition The development shall not be occupied until all phases of site investigation and post investigation assessment have been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.



25 Condition The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 001 Rev.A05, 002 Rev.A24, 004 Rev.A03, 005 Rev.A06, 006 Rev.A05, 007 Rev.A05, 008 Rev.A04, 009 Rev.A04, 020 Rev.A02, 050 Rev.A02, 051 Rev.A02, 052 Rev.A02, 054 Rev.A02, 055 Rev.A02, 056 Rev.A01, 057 Rev.A05, 058 Rev.A00, 060 Rev.A01, 061 Rev.A00 and 062 Rev.A00.

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

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