

<b>Parish:</b>	<b>King's Lynn</b>	
<b>Proposal:</b>	<b>Construction of 78 affordable dwellings and associated access, infrastructure and landscaping</b>	
<b>Location:</b>	<b>Land E of Losinga Road W of Waterside And N of Salters Road King's Lynn Norfolk</b>	
<b>Applicant:</b>	<b>Borough Council of Kings Lynn And West Norfolk</b>	
<b>Case No:</b>	<b>20/01957/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs H Morris</b>	<b>Date for Determination: 8 March 2021 EOT Date: 12<sup>th</sup> November 2021</b>

**Reason for Referral to Planning Committee** – The Borough Council is the applicant and there have been objections to the application.

**Neighbourhood Plan:** No

**Case Summary**

The application seeks full planning permission for the construction of 78 no. affordable dwellings and associated access, infrastructure and landscaping for land east of Losinga Road, west of Waterside and north of Salters Road in King's Lynn. Revised plans and information has been submitted during the course of the application process in order to address comments received by consultees and the case officer.

The application site lies within the development boundary of King's Lynn and comprises 3.18ha of land that is allocated for residential development under Policy E1.9 'King's Lynn – Land West of Colombia Way' of the Site Allocations and Development Management Policies Plan (2016) (SADMP).

**Key Issues**

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

- Principle of development;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;
- Affordable housing;
- Open space and landscaping;
- Ecology and trees;
- Other considerations; and
- Crime and disorder.

## Recommendation

**A. APPROVE** subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing and £30,000 financial contribution to secure 3 x pieces of play equipment, fencing, safety surfacing and fifteen years' maintenance – as an extension to the existing equipped play on Peck's Field, within 4 months of the date of this Committee meeting;

**B.** In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and a financial contribution towards open space provision.

## THE APPLICATION

The application seeks full planning permission for the construction of 78 no. affordable dwellings and associated access, infrastructure and landscaping for land east of Losinga Road, west of Waterside and north of Salters Road in King's Lynn.

The application site comprises two areas of land. The main parcel which is 2.69 hectares is where the residential development is proposed and there is also an additional 'triangular' parcel of land measuring 0.49 hectares situated immediately north of the site, located between the existing housing at Waterside and the Bawsey Drain. This smaller parcel of land will be subject to mitigation work associated with the main site and proposed residential development. The total site area is therefore 3.18 hectares.

The site is situated within the development boundary of King's Lynn, surrounded by existing developed land on all sides, and is located approximately 0.6 miles (1.0 km) northeast of the town centre. The application site, including the triangular parcel of land, forms almost all of the 3.3 hectares residential site allocation under Policy E1.9 'King Lynn – Land West of Colombia Way' of the SADMP.

The site is bounded by the Bawsey Drain to the north, opposite which is an existing residential area at Seabank Way. To the immediate east is another residential area at Waterside, and further existing residential areas are to the immediate south and west, with the site to the rear of the houses on Losinga Road and the Briar House care home.

The site currently comprises rough grassland with areas of scrub vegetation, crossed by a path that runs from Salters Road to the bridge across the Bawsey Drain located immediately adjacent to the site. The land in the area is broadly level with several established trees situated towards and along the edges of the site.

The application red line area includes Salters Road, which is a public right of way – King's Lynn Bridleway No. 4, which joins the public road at both ends, Columbia Way to the east and Salters Road / Losinga Road to the south.

Revised plans and information have been submitted during the course of the application process in order to address comments received by consultees and the case officer.

Out of the 78 dwellings proposed, 15 units are 1-bed houses, 38 are 2-bed houses and 25 are 3-bed houses. All units are 2 storey with ridge heights of between approximately 7.3 and

8.3 metres and are either semi-detached or in small terrace blocks of 3 units. All units are proposed to be affordable dwellings with 21 units being for shared ownership and the remaining 57 units being for affordable rent. However in planning policy terms there is only a requirement for 15% affordable housing on the site.

Vehicular access is proposed via an improved junction with Columbia Way. All 2 and 3-bed dwellings are provided with 2 no. car parking spaces per plot and 1-bedroom dwellings are provided with an average of 1.5 spaces per unit. An additional 4 no. visitor spaces are also to be provided across the site.

## **SUPPORTING CASE**

The site is located within the settlement boundary of King's Lynn and is entirely within the site allocated for residential development referred to as E1.9 in the 2016 local development plan (the "SADMP"). The proposal therefore delivers this residential development required by the plan.

The 78 dwellings proposed comprise 15 no. 1-bed houses, 38 no. 2-bed houses and 25 no. 3-bed houses.

All 78 of the houses would be affordable homes, with the split in tenure between shared ownership and affordable rent to be in accordance with policy. As a 100% affordable housing scheme, it exceeds policy CS09 of the Core Strategy, which requires 15% affordable housing in the King's Lynn built area, as well as the affordable housing requirement under the allocated site policy E1.9 of the SADMP.

A section 106 agreement will secure the delivery of affordable housing. The section 106 agreement will also secure on-site management of green spaces and a financial contribution towards off-site play area provision.

This site will contribute to meeting the Borough Council's housing delivery target of 539 homes per year. It responds directly to the housing need identified in the Borough Council's House Need Assessment of March 2020, by providing an appropriate mix of accommodation types and tenures.

The site is in receipt of Central Government grant funding under the Local Government Accelerated Construction Programme. The funding is designed to provide a tailored package of support to local authorities to develop land in their ownership that otherwise would not be developed. The grant is available to fund site enabling and infrastructure work that unlocks the barriers to development and effectively bridges the viability gap that would otherwise prohibit the site from being delivered. The grant funding contribution provides certainty that the site is deliverable and that all section 106 requirements can be supported.

The scheme includes associated landscaping and infrastructure works, including possible flood storage compensation in the 'triangular' part of the application site, and the formation of a lagoon within the main residential development part of the site, which acts both as a component of the drainage strategy and as a visual amenity feature within the site.

The proposal will enhance pedestrian and cycle links across the site, improving connections within this part of the town including to the existing footbridge over the Bawsey Drain, and therefore assisting in providing existing and new residents with alternative means of travel to the private car. Vehicular access would be by way of an improved junction with Columbia Way.

The site is located within easy walking and cycling distance of schools, shops, services, amenities and public transport of the town and, as such, is considered to be a sustainable location well-suited to housing development of the scale proposed.

Electric Vehicle charging points will be installed as part of the development, to 29 of the 78 dwellings, contributing to the Council's aspirations in this regard. The specific plots and car parking spaces are shown on the proposed parking plan. They have been chosen by virtue of being the most practicable in terms of installing and using wall-mounted 'Mode 2' charging units, which are capable of being upgraded to 'Mode 3'.

Photovoltaic solar panels will be included on all proposed houses with roofs facing suitable orientations.

The site layout and some other details of the scheme have been revised during the application period following advice from planning officers, highways officers, the Police designing out crime officer, the Lead Local Flood Authority, and other consultee and neighbour responses.

## **PLANNING HISTORY**

There is no recent planning history for the site.

## **RESPONSE TO CONSULTATION**

**KLACC Planning Sub-group: NO OBJECTION** but concerns were raised in relation to the following:

- Traffic and access into the site; and
- Lack of primary education space.

**NCC Highways: NO OBJECTION** subject to conditions.

**NCC PROW: NO OBJECTION** We have no objection in principle to the application but would highlight that a Public Right of Way, known as King's Lynn Bridleway 4 is aligned along Salters Road.

**NCC Strategic Planning:** The following infrastructure will need to be funded through either: CIL; and/or S106:

Education: Mitigation required at Secondary Education levels

Library: Mitigation required at the library serving the development to develop self-service system for local area.

Fire: This development will require 1 fire hydrant per 50 dwellings at a cost of £921 per hydrant, which should be dealt with through condition.

There is spare capacity at Early Education and Primary school levels and therefore no education contributions will be sought for these sectors.

Although the three high schools (Springwood, King's Lynn Academy and KES) are indicating there is spare capacity, this does not reflect the numbers of children already in the primary system (without the influence of housing) which over the next three years will take up these spare places.

The numbers on roll at the three schools will grow over the next 4 years. This will mean that current spare capacity will not exist by September 2022. Therefore, Norfolk County Council will seek Education contributions towards the provision or enhancement of educational facilities required because of the Developments as follows:

Secondary Education 11-16: 10 x £15,664 = £156,640

Secondary Education 16-18: 1 x £15,664 = £15,664

Total Education Contribution = £172,304

Monitoring Fee: A fee will be sought in line with the County Council's Planning Obligations Standards (March 2020) where any of the infrastructure items sought above are covered through a S106 agreement.

**Lead Local Flood Authority: NO OBJECTION** We have reviewed the application as submitted and wish to make the following comments. We previously responded to this application (our ref. FW2021\_0395) on 24 May 2021, and we were able to remove the objection to this application based on the additional information submitted by the applicant which included an updated Flood Risk Assessment (ref. Richard Jackson Engineering Consultants, Flood Risk Assessment Rev C, 11 May 2021).

A review of the latest documentation submitted by the applicant indicates that only minor layout amendments have been introduced in a small number of plots (Plots 11, 12, 13 and 14) located on Salter's Road which do not impact the drainage strategy. Also, additional details on the precast concrete headwalls have been included in the updated drainage strategy layout (Richard Jackson Engineering Consultants, 49241/C/0001, Rev F, 28 May 2021) specifying these as Althon SFA6A or similar. These changes do not affect the drainage strategy; therefore, we are able to maintain our response. We have no objection to this planning application being approved at this time.

Finished ground floor levels (FFL) of 4.06m AOD (300mm above tidal breach flood depths) should be provided within this development when practical. The applicant has proposed flood resilient measures for those dwellings with FFLs below 4.0 m AOD. The LPA should satisfy themselves that the FFLs proposed by the applicant are sufficient.

**Environment Agency: NO OBJECTION** subject to condition requiring the development is carried out in accordance with the submitted flood risk assessment.

We have reviewed the updated Flood Risk Assessment (FRA) and note that the proposals comply with the following part of the Kings Lynn and West Norfolk Borough Council's design guidance: Where internal flooding is unavoidable (and deemed acceptable) the following measures need to be taken:

- resilience measures
- provision of safe refuge above the predicted flood depth
- no ground floor sleeping accommodation

None of the proposed dwelling types have ground floor sleeping accommodation and all have a first floor refuge. Flood resilient construction is proposed to a level of 4.06m AOD, which provides 300mm freeboard above the flood level in a breach scenario. However, this would require approximately 860mm of flood resilient construction, which is greater than the recommended maximum of 600mm. The LPA should therefore ensure it is satisfied that the buildings would be able to withstand the water pressure and that no damage would result, as the FRA does not provide assurance of the structural integrity of the buildings.

Therefore if the LPA is satisfied that internal flooding of the property is acceptable and that the buildings would be able to withstand the water pressure, then we are able to withdraw our objection subject to the following condition:

Condition:

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment - REV D, Lovell Partnerships Ltd, Project no: 49241, dated January 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.2 metres above Ordnance Datum (AOD)
- Flood resilient construction for the dwellings shall be provided up to a level of 4.06m AOD (i.e. the maximum breach level plus 300mm freeboard).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants.

Anglian Water: **NO OBJECTION**

**Water Management Alliance: NO OBJECTION** The Board has issued consents for:

- Relaxation of Byelaw 10 (no works within 9m of the edge of drainage/flood risk management infrastructure) on 16/11/2020 (Our Ref: 20\_03037\_C) for a footpath, outflow pipe, PCC headwall and associated revetment.
- Consent to alter a watercourse on 28/10/2020 (Our Ref: 20\_03039\_C) for the culverting of 20 metres of a riparian watercourse using a 600mm perforated pipe.
- Consent to discharge surface water to the Boards IDD at a rate of 5l/s, on 17/12/2020 (Our Ref: 20\_03038\_C), subject to the Board approving the final drainage layout and supporting modelling.

In addition the Board has recently receive an application to discharge pumped groundwater to a watercourse in order to allow construction. This application is being processed under reference: 21\_04318\_C.

In light of the above, the Board has no additional comments to make.

**Natural England:** Natural England has no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**BCKLWN Public Open Space: NO OBJECTION**

- Footpath alongside private driveway fronting plots 32-25 – could be a point of contention with late night users and a temptation to stray onto/take a short cut via the private drive. A feature to divide public/private land may be necessary (i.e. 750mm bow top fencing as surrounds the drainage lagoon), although feature will need to stop short of the bin presentation area; new open space area south of Waterside should

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be managed by registered social landlord, as open space is surrounded by/serves these properties;

- New open space and associated pathway should not provide a cut through to Waterside – this is sheltered accommodation with vulnerable people living there;
- Grassed areas should be planted with general/amenity seed mix – i.e. not wildflower or other seed mixes that require collection of arisings or other specialist maintenance;
- It has been agreed that there will not be any on site play, with instead a £30k contribution agreed to secure 3 x pieces of play equipment, fencing, safety surfacing and fifteen years' maintenance – as an extension to the existing equipped play on Peck's Field.

**BCKLWN Arboricultural Officer: NO OBJECTION** subject to replacement tree planting condition. Replacement trees will need to be of a size and stature to provide instant aesthetic appeal; I think the sizes should be extra heavy standards – 14-16cm girth and a height of around 3.5m.

**BCKLWN Housing Strategy & Enabling Officer: NO OBJECTION.** The applicant has confirmed plots 9 & 10 (2 bed 4 person units) and plots 69-74 (1 bed 2 person units) will be provided as rented units and plots 61 & 62 (2 bed 4 person units) and 24 & 25 (3 bed 5 person units) as shared ownership. The units meet our space standards (the applicant has confirmed bedroom 2 in the 3 bed units measure 10.2m<sup>2</sup>) and are pepper-potted adequately throughout the site.

**BCKLWN Environmental Health & Housing – CSNN: NO OBJECTION**

**BCKLWN Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to conditions.

#### Contaminated Land

We have previously reviewed two site investigation reports for the development which investigated the contamination risk and conceded that remedial activity was required, before the site can be considered suitable for the proposed use.

The applicant has submitted a Remediation Strategy Report, written by 4DGeo Ltd, dated June 2021. The report sets out the methodology and remediation strategy to be implemented for the development at Salters Road. Following discussion with 4DGeo Ltd, we agree that the scheme is sufficiently detailed to meet our requirements and those set out in LCRM.

Based on the information submitted in the application, we recommend conditions in relation to the implementation of the approved remediation scheme and reporting of unexpected contamination.

#### Air Quality

150 new parking spaces are proposed, with 37 trips approximated in the AM peak and 43 in the PM peak. It is estimated that the development could result in an AADT of 300, which is not deemed a significant increase in line with EPUK and IAQM Planning for Air Quality Guidance.

Additionally, 29 EV charging points will be provided on site. We welcome this addition as it will facilitate the uptake of low emission vehicles, however we would like more EV charging facilities within the site if possible.

Regarding sustainable transport, bus stops are located within 400m of the site centre, with services running on circular routes to King's Lynn town centre on an hourly basis Monday to Saturday. Sunday services run approximately every 2 hours. More frequent bus services to destinations outside of King's Lynn are available within the town centre approximately 1.5km from the site, as is the rail station providing services to Cambridge and London. Moreover, all identified local amenities are within a 2km walking catchment of the site, including a primary school, high school, doctor's surgery, food superstores, library, sports centre and King's Lynn Town Centre. The development proposals also include access to the pedestrian infrastructure on Raby Avenue and to the existing cycle/footway to the north of the site via a new footpath.

Background concentration of nitrogen dioxide ( $13.27\mu\text{g}/\text{m}^3$ ) and particulate matter ( $15.79\mu\text{g}/\text{m}^3$ ) are well below the annual mean objective of  $40\mu\text{g}/\text{m}^3$ . Regarding construction traffic, it is estimated that HGV vehicle movements will average approximately 27 per week, with a maximum of 20 per day for short periods. This is not deemed significant in line with EPUK and IAQM Planning for Air Quality Guidance. We therefore have no objection regarding air quality.

We would however welcome the submission of a Construction Environmental Management Plan detailing how dust emissions from construction and HGV movements will be mitigated prior to construction.

**BCKLWN Waste & Recycling: NO OBJECTION.**

**BCKLWN Emergency Planner: NO OBJECTION.**

**Norfolk Constabulary: NO OBJECTION** to revised plans.

Thank you for inviting comments on the amended plans. I am now aware of the boundary treatment intended for the amenity strip to the rear of units 16 – 35 and have no further concerns.

**Norfolk Fire & Rescue: NO OBJECTION.**

**King's Lynn Civic Society (KLCS):** The comments made can be summarised as follows:

This site was included in the BCKLWN Allocations Plan as E1.9 Land West of Columbia Way. As we understand it, the land has formerly been used as allotments and smallholdings and these had mainly fallen derelict over the last 30 years, although we are not entirely clear why. Much of the area had seceded to scrub woodland until a few years ago, when it was cleared – presumably by the Borough Council.

During SADMP consultation in 2013 and 2015, KLCS raised concerns about the various North Lynn housing infill projects resulting in the loss of green space and natural assets such as mature trees and ecologically beneficial scrub. We stressed the importance of developing a strategic plan to replace and mitigate these losses. We are not aware that such a plan has yet been prepared.

The SADMP (2016) states eight planning requirements for this site including: provision of recreation space; ecological mitigation; and integration of the drainage system to provide amenity and biodiversity benefits.



## General notes on the presented scheme:

- The site was suggested for 100 dwellings in the Allocations Plan and the current scheme is for 78. However, approximately 0.5Ha of land at the north-east corner is excluded from the development. Some notes suggest this area will be used as 'flood plain', but no proposals are shown to indicate exactly what this means. How will this area be utilised?
- It is disappointing that some trees will be lost – but encouraging that the proposed attenuation basin has been designed to allow retention of T16/T17. However, we note that to meet flood planning requirements, the site will need to be raised – although it is not clear by exactly how much. Will tree retention be compatible with land raising? We hope that this has been fully considered.
- It is very good to see the scheme linking directly to the existing Bawsey Drain cycleway. This will offer direct access to the cycle network – hopefully offsetting the fact that this is a car-orientated scheme that will add traffic to the already busy Columbia Way – notably at the very busy intersection with Greenpark Avenue.
- We are pleased to see the IDB easements next to Bawsey Drain and the eastern ditch and that these are shown as meadow for ecological benefit. However, as we understand it they will actually not be available for public access? They will be fenced out and access appears to be restricted to maintenance. Whereas some wildlife may prefer that people are excluded (!), it does seem a missed opportunity.
- Additionally, we realise that the proposed attenuation basin adjacent Bawsey Drain is also fenced out. The 'Boundary Treatments Plan' indicates it will be enclosed with 1100mm bow-top fencing, although the Greenspace Officer has indicated a palisade fence will be required. Either way, although there will potentially be some ecological and amenity backdrop benefit from this pond – this is not public space!
- The only public space offered therefore appears to be 125sqm in an awkward corner adjacent the main access road on Salters Road. Notes suggest that this was originally proposed as a LAP, then a little garden enclosed with a hedge – and following recent comments from the Greenspace Officer, now a bit of grass with a bench. The only other public space we can identify is the pathway to the Bawsey Drain bridge.
- Therefore, we doubt that the claim in the Design and Access and Planning Statements, that this scheme will provide 2801sqm of 'Open Space', can really be substantiated. The scheme therefore fails to comply with the SADMP policy to provide additional 'recreation space'. The nearest recreation space will be Kingsway playing field (itself an area somewhat lacking in character or facilities), or Lynnsport. Both areas appear to be more than 800m from this development and are separated by busy roads – therefore not meeting best practice recreation provision guidelines.
- No clear statement about future management of the IDB corridors or the attenuation basin appears to be provided. It would be good if additional tree and shrub planting could be provided in these corridors and we think a good case could be made for this in terms of infiltration and flood management benefit, in spite of the general preference to simply maintain these easements as uninspiring mown grass.
- Street Trees are proposed on Salters Lane, which is very encouraging. Our concern is that there are main drains adjacent and notes suggest these trees are not agreed with statutory undertakers. No species are indicated. A note states that the tree officer will specify them. We would hope that medium or larger growing species can be provided as these are likely to offer the best amenity and ecosystem benefits over time. Tree planting around the attenuation basin is also welcomed. However, we doubt that much of the other tree planting indicated on the Saunders Boston Landscape Strategy will be possible or sustainable, due to the very close proximity of the proposed planting to the new dwellings.

## Notes on the dwellings

- The architectural elevations appear to depict quite attractive small houses and the masterplan appears to give the majority of them a reasonable aspect. All dwellings appear to have at least some private garden space with reasonable orientation.
- We assume the principal heating will be from heat pumps, although this is not stated. We would hope that this can be provided through underfloor heating – especially as in small rooms the absence of radiators can create a lot of space.
- It is good to see PV panels proposed on some rooftops, although apparently not all. We would think that all the dwellings would have some rooftop that is suitable for panels. Can this be reviewed? That said, we are not clear whether PV panels are presently the most cost-effective way to increase the environmental sustainability of new housing.
- It is interesting to see charging points included, although apparently not to all dwellings. It remains to be seen whether the majority of householders will be able to afford an electric car any time soon – or indeed whether a mass transition from petrol to electric cars could ultimately provide necessary environmental benefits.
- Whilst the use of traditional building materials has not yet been widely questioned in the UK, bricks, tiles and concrete have high embodied energy and a large carbon footprint. We understand that to achieve carbon neutral goals, the building industry will increasingly have to adopt low carbon materials such as new timber products. The use of UPVC windows is disappointing.

## Summary

- We disagree that this scheme complies with the Local Plan as it fails to provide new recreation space. We note the request to fund play equipment elsewhere, but as far as we can tell, this will not be within a reasonable distance of the new housing and therefore younger children will be disadvantaged. We accept that each dwelling has some private garden space.
- We think that there is some potential for the scheme to mitigate some ecological impacts, but it is unlikely that the loss of nearly 3 hectares of former allotment and paddock can be fully compensated. Much of the potential ecological benefit will depend on future management practice. There is no management plan provided.
- We are concerned that much of the proposed tree planting may not be implementable or sustainable.
- It is a fact that King's Lynn is low-lying and flood risk management needs to be addressed. Attenuation basins and other SUDs infrastructure can and should be integrated into publicly accessible space. It just needs more space, so that the banks are gentle and safety concerns can be mitigated. In our view, a steep-sided pit surrounded by fencing and 'keep out' notices detracts from a setting and represents a massive missed opportunity.
- To assist in ensuring the best outcome for this affordable housing scheme, we feel that the 0.5Ha triangle of 'flood plain' should be presented as part of the scheme and that it should be developed as a wildlife area. 'Wet carr' woodland would be ideal and would enable flooding in severe rain events. A small triangle of land (250sqm) north of the Bawsey Drain at the back of Seabank Way might also be considered for new tree planting. A scruffy parking area on Raby Avenue opposite Briar House could also be enhanced and have some new tree planting. We suspect that all three pockets of land are owned by BCKLWN – but if not, there would seem to be scope to work with landowners to achieve the best overall outcome for this area and to offset the impacts of this new housing.
- It is good to see features such as PV panels and EV charging points being considered in new housing – but overall, there is a lack of clarity about how this development will meet carbon neutral housing goals going forward. We doubt that

these two innovations will be as beneficial as, say, including an above-standard insulation specification, and/or confirming the use of air source heat pumps with underfloor heating.

## REPRESENTATIONS

1 letter of **OBJECTION** has been received in relation to the latest amended drawings which can be summarised as follows:

- This is a flood plain no consultation made with local drainage board.
- Wildlife haven for a number of species.
- Affordable housing means it will be sold to private investors and rented for high rental costs. It is social housing we need.
- The sheer scale of the development is too large for the area. When other areas have already been approved for this. We still need to retain green areas.
- The area is at the back of a lot of properties which will be overlooked by this development including my own which will mean my private garden will no longer be private.

10 letters of **OBJECTION** and 5 **NEUTRAL** representations have been received from local residents in relation to the previously submitted scheme / original plans. The comments made can be summarised as follows:

- As the existing bridleway & pedestrian access of Salters Road is currently used by all vehicles, often at excessive speed, would it be possible to prevent it from becoming a right of way for all traffic from Raby Avenue, & various traffic from the rest of North Lynn? Salters Road is at present used as short cut to Greenpark Avenue for Lynnsport, often causing hazard crossing Columbia Way, & dangerous when it then becomes a crossroads once Salters Rd becomes a proper road. I have often witnessed in the several years as a resident, near accidents when vehicles try to cross, especially as numerous vehicles are parked all along Columbia Way adjacent to the entrance to Salters Road.
- My concern with these current plans would be the affect on legal parking once these dwellings start to be build and are subsequently completed. I live down Columbia way, the corner leading to Salters road and a lot of the time myself, my visitors and neighbours have to park down salters road to avoid parking illegally on double yellows, or obstructing a neighbours drive as we have no other option. These plans would currently take all that available space that there is for parking legally close to our home and it will become a huge issue and concern.
- Due to the already new builds at Green Park /Lynnsport, & new school in this area I object to this new application going ahead due to the already busy traffic along Columbia way. Columbia way is a race track for many people & once the school is up & running there is going to be more traffic with no speed bumps or traffic light crossing a accident waiting to happen.
- My concern is over the area 80 metres coming in from Columbia Way. This portion of land is already a number of feet higher than Salters Road itself and sits between the properties of Waterside and Salters Road which are all single story dwellings - any property built on this section should therefore also be single story only.
- This might also be an opportunity to sort out the ongoing problem of deliveries to Salters Road properties. The confusion over the bungalows numbered 1,2,3, &4 and the flats also numbered 1.2.3 &4 is a regular problem for delivery drivers and there has even been problems between the two Salters Roads (despite different postcodes).
- Just had a closer look at aerial view 3 which seems to suggest no vehicular access to Losinga Road. This would mean ALL traffic from the new properties would have to

exit via Columbia Way which would cause a massive overload to this already dangerous junction!

- The traffic along Columbia way is already too much the parking along the road is deadly. With a school already on the opposite side of the road due to open soon somebody is gonna get hurt. Also I would question the fact that the new houses would see into my garden.
- The drawings are not detailed enough for me to gauge what the effect of this new development will be.
- This proposal has some good elements, such as surfacing and bollarding Salters Road, but falls short and discriminates against disabled people by not removing the steps to the northern footbridge to the Bawsey Drain Path.
- Also, a foot/cycle bridge should be provided from the northwestern edge of the development to the Bawsey Drain Path to provide the shortest possible access to the local shops as well as the retail park and town centre beyond, in line with Borough Core Strategy Policy CS11 on Transport and Local Transport Plan Policies on Travel Choice and Access to Town Centre.
- Waterside is sheltered accommodation, within this scheme there are a mixture of residents that are either elderly, disabled or have chronic illness where they need extra support. The proposed development site is also located near a care home where there are many vulnerable residents living and this proposed work could lead to stress for residents living there. Many residents within Waterside have conditions that could result in deterioration of their current illnesses such as Alzheimer's, Dementia and chronic illness where if any major changes are made can cause further confusion or health issues for them.
- There are also concerns for current wildlife living within the immediate area such as hedgehogs, birds and the native muntjac deer which although they are classes as vermin could soon face extinction with their habitats being constantly taken away.
- The concerns do not just apply to the native animal species as flora also need to be taken into consideration as if we are constantly cutting down trees or removing native species which would reduce the number of available spaces for birds to build nests and to have young. The effects of the work are not just affecting the wildlife but also our household pets which we have seen genuinely concerning changes in their behaviour.
- Firstly Salters Road is used by the block of flats at the start of the road for parking, as there is already limited parking along Columbia Way and it also allows their vehicles to be close to their homes whilst parking legally. I feel like this will take this availability away from them which is a major issue & concern.
- The parking along Columbia Way is already awful and deadly. This will then force more cars to be parked along an already busy road where I have witnessed people speed down and hit the parked cars and nearly people! Also pulling out of Salters Road is already dangerous enough due to blind spots from cars being parked along Columbia Way and people speeding along the road.
- With Salters Road being proposed as the access road to the new builds this will mean all traffic will be coming out of Salters Road onto Columbia way making it even more dangerous. If anything they need to think of another alternative road to access these new houses and keep Salters Road a separate road with no access to the new builds.
- I strongly object to this awful development you are completely destroying all the open spaces and green area's especially on the waste land which is popular with dog walkers and has wildlife on the site. There used to be plenty of wildlife until the council decided to remove all the vegetation and trees which was criminal so please stop destroying everything and turning everything into a concrete jungles.
- There will be too much noise and dust if this goes ahead. I'm behind the apparent project and I will end up being woken up early with drilling and digging and dust and fumes during the week and weekend when the summer comes round. I do not fancy

having people staring in my house or garden when these go up either. They will increase traffic outside and people parking outside as people will fight over parking spots on Losinga Road. I for one will be disturbed as I'm literally situated behind the intending building work.

- I feel as many have already commented that the increase in traffic footfall and parking issues regarding Columbia Way, caused by the construction of these new additional properties will be a nightmare for existing residents.
- As for Waterside, nearly all residents are elderly and disabled like myself and the noise and disturbance to a very quiet and peaceful area will be appalling and very distressing especially to those who are nearing the end of their lives to have put up with months of construction of this size on your doorstep is thoughtless and disgraceful.
- This should not be allowed to go ahead near sheltered accommodation for older vulnerable disabled people these properties will be directly in front of our lounge and kitchen windows impacting on our privacy and security you are adding stress and worry to people's lives who already have to deal with poor health.

1 letter of **SUPPORT** has been received which makes the following comments:

- I have spoken to many residents in the area and the general consensus is... Not on my door step... But this view is uneducated. I relocated to this area under 2 years ago fleeing with my daughter to safety from domestic abuse. I will forever be grateful to Kings Lynn council for placing us in homeless accommodation. With people being educated in regards to the fact that a person becoming homeless doesn't have to mean they have drug and alcohol problems I feel they will welcome this application as on the whole many are parents with children who fear the risks of needles and drug taking increase.... Like myself I was thoroughly vetted and checked upon arrival to be cleared of any drug /alcohol issues. And because of the Borough Council taking us in we are safe... With refuges full and underfunded this housing is vital for people fleeing from abuse I hope Kings Lynn Council take this into consideration and vet the proposed occupants and this could be a blessing to the area as all domestic abuse survivors want is a fresh start to rebuild their life without fear.

## **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 PLAN 2016**

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

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**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

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

**DM17** - Parking Provision in New Development

**DM19** - Green Infrastructure/Habitats Monitoring & Mitigation

**DM21** - Sites in Areas of Flood Risk

**Policy E1.9** - King's Lynn Land west of Columbia Way

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

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

- Principle of development;
- Form and character;
- Residential amenity;
- Flood risk and drainage;
- Highway safety;
- Affordable housing;
- Open space and landscaping;
- Ecology and trees;
- Other considerations; and
- Crime and disorder

### **Principle of Development**

The application site lies within the development boundary of King's Lynn and is allocated for residential development under Policy E1.9 (King's Lynn - Land west of Columbia Way) of the Site Allocations and Development Management Policies Plan (SADMP). This policy allocates land amounting to 3.3 hectares for residential development of at least 100 dwellings, provided it complies with the following:

1. Provision of a link to the existing cycleway network in the vicinity of the site;
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 to the east of 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 following 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; and
8. Provision of affordable housing in line with the current standards.

Given the site allocation, the principle of residential development on the land has already been established as acceptable, provided it complies with all the requirements of Policy E1.9 along with all other relevant planning policies.

Although the site is allocated for 'at least 100 dwellings' under Policy E1.9 and this application seeks approval for a scheme of only 78 no. dwellings, it is important to note the residential development currently proposed does not seek to develop the entire 3.3 hectares as allocated in the SADMP. When the site was allocated it did not consider flood risk in detail and given the easement strip required for the Internal Drainage Board (IDB) coupled with fluvial flood risk, the developable area has had to be reduced and has affected the proposed location of the dwellings. Taking this into account it is considered that the proposal for 78 houses on the smaller site area proposed by this application (2.69 hectares) can be regarded as meeting the policy requirement. At least 100 dwellings on a 3.3ha site would result in a minimum density of 30 dwellings per hectare (dph) compared to the development proposed resulting in a density of approximately 29dph.

### **Form and Character**

The application site is surrounded by existing residential development on all sides. To the north the site is bounded by the Bawsey Drain, opposite which is an existing residential area at Seabank Way. To the immediate east is another residential area at Waterside, and further existing residential areas are to the immediate south and west, with the site to the rear of the houses on Losinga Road and the Briar House care home.

The existing housing within the vicinity of the site comprises a mix of semi-detached and terraced bungalows and two-storey dwellings with some three-storey blocks providing residential accommodation above the shops on Losinga Road.

The majority of the units comprise either red / brown brick, pebble dash or render and roofing materials predominantly comprise concrete tiles with hipped roofs being prevalent

but gables also clearly visible. Overall the style and design of existing properties in the area is fairly simple and uniform in appearance and the proposed development would reflect this approach by utilising similar materials and mainly semi-detached properties and small rows of terrace units.

Upon entering the site from Colombia Way the proposed properties are sited on the northern side of Salters Road and are set back with dedicated parking and landscaping on their frontages. Their positioning here also avoids the easement zone associated with the existing sewer. Where other easements are required a green buffer is proposed between the residential properties and the existing drains running along the northernmost boundary and between the eastern boundary of the site between properties on Waterside.

A small area of open space has been positioned at the end of Salters Road in front of Plots 16-17 so that it occupies a prominent position on the site. Once the road turns the corner into the main body of the proposed development the houses are generally arranged on either side of the highway, with the exception of the short private drives next to the public open space and lagoon.

The road layout in the central part of the site has been arranged in a large loop system with the houses in the centre all facing outwards with gardens to the rear. Houses proposed on the eastern and western boundaries are arranged to front onto the new loop with their rear gardens backing onto the site boundaries and existing neighbouring residential properties.

Parking for properties has predominantly been positioned to the sides of houses where possible in order to avoid dominating the street scene. However, it has been necessary to incorporate some front of plot parking, in particular for the 1-bedroom houses situated within the loop.

The main area of public open space and the proposed lagoon have been positioned close to the northern boundary of the site adjoining the Bawsey Drain. Proposed properties in enclose this area on three sides in order to create a sense of place and natural surveillance. New trees and landscaping will also be incorporated around this area to create a high quality space for both new and existing residents in the area.

Overall it is considered that the simple, contemporary approach that has been taken for the design of the dwelling will integrate well with the existing surrounding area. The density of the proposed development at approximately 29 dwellings per hectare is considered appropriate for the site and accords with Policy E1.9 of the SADMP.

### **Residential Amenity**

The proposed development has been considered in relation to the existing residential properties on Salters Road, Colombia Way, Losinga Road and Waterside in terms of overshadowing / loss of light, overlooking / loss of privacy and any overbearing impact. All proposed new dwellings would be sufficiently separated to prevent any significant harm to the residential amenity of neighbouring occupiers by ensuring back to back distances of a minimum of 21 metres. The only exception to this is on Plot 15 where the back to back separation distance between the rear elevation windows of No.108 Waterside falls just below 21 metres. However, in order to improve the relationship with this neighbouring bungalow, the nearest first floor window on the rear gable end has been omitted. Taking this into account coupled with the design of the neighbouring property having a more generous rear garden area than the majority of other properties on this stretch of Waterside, it is considered on balance to achieve an acceptable level of amenity for the occupiers.



In addition to the relationship with existing residential properties surrounding the site, the relationships between units within the proposed development itself has been considered. All dwellings are to be provided with sufficient private amenity space for the size of unit proposed and where properties have a direct back-to-back relationship with each other there would again be a minimum separation distance of approximately 21 metres which would provide a good quality living environment for future occupiers.

Furthermore, the dwellings in close proximity to the open space proposed at the end of Salters Road have been designed with windows to the gables to increase surveillance, with plots 16 and 17 fronting directly onto this area.

### **Flood Risk and Drainage**

The site is located within Flood Zone 3, covered by flood defences, but with residual risk of flooding from a breach of the flood defences of the tidal River Great Ouse. In accordance with requirement 2 of Policy E1.9 of the SADMP a site specific Flood Risk Assessment (FRA) prepared by Richard Jackson Engineering Consultants was submitted in support of the proposed development and has been revised during the course of the application with the latest version being revision D dated January 2021. This also incorporates a full surface water drainage strategy for the site as required by point 3 of Policy E1.9.

The design and layout of the houses and site have taken into account the findings of the flood risk and drainage assessments, including with regards to finished floor levels, the potential for compensatory works at the 'triangular' part of the application site and the formation of the lagoon.

None of the proposed dwelling types will have ground floor sleeping accommodation and all properties have a first floor refuge. Flood resilient construction is also proposed to a level of 4.06m AOD, which provides 300mm freeboard above the flood level in a breach scenario. This would require approximately 860mm of flood resilient construction, which is greater than the recommended maximum of 600mm. Therefore the Environment Agency have recommended that the local planning authority satisfies itself that the buildings would be able to withstand the water pressure and that no damage would result.

The submitted FRA advises that the indicated flood level of 3.76m would result in the water level being a maximum of 830mm above the finished floor level of the lowest property on the site. This head of water is beyond what the walls of the house would typically be expected to resist and as such all the walls will need to be individually designed and strengthened as required to resist the applied lateral pressure.

The FRA continues by advising that given the likely variation of house and external levels across the site, it is not expected that all the properties would be expected to resist this applied pressure. Once the house levels are determined, the walls to the houses will be individually designed and checked for the lateral water pressure in the flood situation and measures such as additional buttress walls, bed joint reinforcing and wind posts utilized as required to increase the lateral capacity of the walls. Alternative measures could include incorporation of a plinth brick, subject to architectural overview, to facilitate both the tanking detail and increasing the lateral capacity of the walls. Taking this into account, Officers are satisfied that suitable measures to withstand water pressure can be achieved and will be secured by a condition requiring flood resilient construction.

In order to maximise the potential of the site some raising of ground levels will be required within the flood plain for the Bawsey Drain which is within the triangle of land to the north east of the site.

## Highway Safety

A Transport Statement by Richard Jackson Engineering Consultants has been submitted in support of the application. In summary, it concludes that the development will benefit from good pedestrian and cycle connections to a range of services / facilities, and also with public transport. It further concludes that the development is considered unlikely to have a disproportionate impact on local highway safety and that given the low expected trip generation it is unlikely to have a significant impact on the local highway network.

Vehicular access to the site is proposed via an improved junction with Columbia Way. In order to restrict the existing access at the other end of Salters Road onto Losinga Road / Raby Avenue to emergency vehicular access only, removable / droppable bollards are to be installed at the site boundary which would still allow continued access to Raby Avenue for pedestrians and cyclists. Access improvements would also be provided at the Raby Avenue junction as shown on drawing no. 49241/PP/SK01 rev E 'Preliminary Access Design'.

Parking numbers accord with NCC adopted parking standards with all 2 and 3-bed dwellings to be provided with 2 no. car parking spaces per plot and 1-bedroom dwellings to be provided with an average of 1.5 spaces per unit. An additional 4 no. visitor spaces are also to be provided across the site and all houses include provision of secure cycle storage within the plot. Furthermore, electric vehicle ('EV') charging points will be installed as part of the development to 29 of the 78 dwellings.

Norfolk County Highways have raised no objection to the proposal on highway safety grounds subject to the imposition of conditions relating to the construction of the roads, footways, foul and surface water drainage, visibility splays and off-site highway improvements.

Requirement 1 of Policy E1.9 of the SADMP requires the provision of a link to the existing cycleway network in the vicinity of the site. Further, requirement 4 of the policy requires "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". The existing informal route across the site will be re-established and the link to the pedestrian bridge across the Bawsey Drain on the west of the site will be retained. From the site, pedestrians and cyclists will also be able to continue to access Raby Avenue and Losinga Road to the south. As a result it is considered the proposal accords with the requirements 1 and 4 of Policy E1.9.

The extent of the public right of way – the King's Lynn Bridleway No. 4 – will not be encroached upon by the development, and users will be able to use this way as at present.

## Affordable Housing

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy CS09 of the Council's adopted Core Strategy. At present a 15% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in King's Lynn. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within the NPPF, meets an identified need in the Borough and is agreed by the Council.

In this instance 12 units would be required, 8 for affordable rent and 4 for shared ownership. Although all plots proposed are to be affordable dwellings it is only the policy requirement of 12 no. units that need to be secured by S106 legal agreement should planning permission be granted. As a result, the applicant has submitted a housing tenure plan showing only the

policy requirement which confirms plots 9 & 10 (2 bed 4 person units) and plots 69-74 (1 bed 2 person units) will be provided as affordable rented units and plots 61 & 62 (2 bed 4 person units) and 24 & 25 (3 bed 5 person units) as shared ownership properties. Although the remainder of the houses will also be affordable it has been agreed that their tenure can be kept 'flexible' at this juncture.

Furthermore, the Council's Housing Development Officer has confirmed the specified affordable units meet their space standards (the applicant has confirmed bedroom 2 in the 3 bed units measure 10.2m<sup>2</sup>) and are pepper-potted adequately throughout the site but again this is not strictly relevant given the intention for all units to be affordable homes.

### **Open Space and Landscaping**

Requirements 4 and 5 of Policy E1.9 of the SADMP respectively state that:

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 to the east of 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 following habitats requirements are met."

In relation to requirement 4 of Policy E1.9, the application proposal includes pedestrian access throughout the site which will link into existing footpaths. The existing informal route across the site will be re-established and the link to the pedestrian bridge across the Bawsey Drain on the west of the site will be retained. From the site, pedestrians and cyclists will also be able to continue to access Raby Avenue and Losinga Road to the south and a link through to Waterside will also be provided in the south eastern part of the site. The greenspaces around the site linking into the wider footpath and cycle network will provide easy access for dog walkers and will offer connections to nearby facilities. Furthermore, in accordance with Policy DM19 of the SADMP the required Habitats Mitigation Fee per unit has already been paid.

In accordance with requirement 5, areas of on-site public open space are to be provided as part of the proposed development. This includes a green buffer along the northern and eastern boundaries of the site, an area around the proposed lagoon and a small additional area to be provided with a bench adjacent to Plot 78 at the southern end of the site.

Following discussions with relevant officers at the Borough Council it was agreed that off-site contributions to nearby children's' play space, such as improvement or expansion of existing space, would be preferable to the provision of on-site equipped play space in this location. It has since been agreed that a £30,000 financial contribution to secure 3 x pieces of play equipment, fencing, safety surfacing and fifteen years' maintenance – as an extension to the

existing equipped play on Peck's Field will be provided. A section 106 agreement will secure the on-site management and off-site contributions.

Overall it is intended that the proposed public open space will be maintained by the Borough Council and a Landscape Management Plan is secured by condition.

## **Ecology and Trees**

The application is supported by a detailed Arboricultural Impact Assessment and Preliminary Method Statement along with accompanying tree protection plans. An Ecological Assessment Report has also been submitted. All reports were prepared by Wild Frontier Ecology.

According to the submitted reports a total of 23 individual trees and 7 groups of trees were recorded on and immediately adjacent to the site. The most notable trees from a visual amenity perspective are considered to include mature willows found along the drainage ditch on the eastern boundary and three oaks in the north western corner of the site.

Whilst regrettable, due to the extent of development proposed, some loss of trees is inevitable. The proposal will therefore require the removal of 12 individual trees and 3 groups of trees which includes one of the three notable oak trees which was assessed as a Category A (high quality) individual. The majority of the white willows on the eastern boundary will be retained, although two mature willows will need to be pollarded to reduce overhang and shading into proposed back gardens.

Three currently offsite trees and one group of approximately 18 Leyland cypress trees will also need to be removed to facilitate improvements to Salters Road and its junction with Columbia Way.

Although it would always be preferable to prevent the loss of any trees, most of the tree losses will have a limited negative impact on the landscape except for those trees being removed at the junction of Salters Road and Columbia Way and the oak in the north east corner site, both of which are more prominent from public viewpoints. However, given these removals are entirely necessary the Council's tree officer has raised no objection to the proposed development but this is on the basis of a detailed replacement tree planting scheme being secured by condition which will ensure replacement trees of a size and stature to provide instant aesthetic appeal.

With specific reference to the comments made by King's Lynn Civic Society in relation to trees, the agent has advised that it had been considered whether there would be any impact on the trees caused by the necessary ground raising involved in the proposed development, and a note from Wild Frontier Ecology has been submitted which provides further information and clarification regarding this. In summary, the levels will be graded down to the root protection areas.

With regard to the relationship between the street trees and drainage, this is another matter the project team are aware of and will liaise with the Council's tree officer with respect to any preference of species.

In relation to protected species, the submitted Ecological Assessment Report advises that no signs of badger activity were noted on the site and the mature trees and areas of scrub hold some habitat for common breeding bird species. Signs of water vole were found in the surveyed wet ditches along Bawsey Drain at the northern perimeter of the site and several of the mature trees on site hold the potential to support roosting bats. As a result any of the

proposed trees to be felled will require further survey work for roosting bats which can be secured by condition.

Overall the submitted ecology report considers the proposed development has scope to incorporate a number of ecological enhancements such as installation of bird nest boxes and bat roost boxes on the buildings, planting of native species of trees and shrubs across the site and wildlife-porous site boundaries. It is therefore considered appropriate for details of ecological enhancement measures to be secured by condition in order to ensure the proposal will have an overall positive impact on a number of valued ecological receptors in the long-term.

In relation to protected sites, there are a number of designated nature conservation sites within 2km of the proposed development. However, none are expected to be impacted due to separation distance and baseline levels of disturbance. Furthermore, Natural England were consulted on the application and have confirmed they have no comments to make as they consider the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. In light of this the Officer's are satisfied the proposal does not require a Habitats Regulations Assessment.

### **Other Considerations**

Contamination - The applicant has submitted a Remediation Strategy Report, written by 4DGeo Ltd, dated June 2021. The report sets out the methodology and remediation strategy to be implemented for the proposed development. Following discussion with 4DGeo Ltd the Council's Environmental Quality team have agreed the scheme is sufficiently detailed to meet their requirements. As a result full contamination conditions are not required in this case, just a condition securing the proposed remediation and our standard unexpected contamination condition.

Education - NCC Strategic Planning advised in their consultation response that mitigation was only required at the Secondary Education Sector for 11 places which would need to be funded through either CIL and / or S106 agreement. In this case, NCC would need to bid for funding from the overall CIL pot. There is spare capacity at Early Education and Primary school levels and therefore NCC have confirmed no education contributions will be sought for these sectors.

In relation to additional comments raised by King' Lynn Civic Society:

With regards to the 'triangular piece of land' - This area of land, though forming part of the application site, is not accessible from the remainder of the site (the housing development). It is instead accessible by way of third party land. The intended operations on this land, as part of the proposed scheme, are ground works and landscaping relating to flood/drainage mitigation. The land is not maintained, for example by the Internal Drainage Board, and due to lack of proper access it will not be readily accessible for any regular maintenance likely required by a public use. It is therefore not envisaged that this area of land will be available or suitable as recreational or open space which is open to the public. It is considered the resulting ecological value of this land, once the necessary ground works and landscaping has been achieved, will more likely prosper this way.

With regards to the 'lagoon' - Safety has to take priority and therefore the lagoon feature cannot be changed to an open space. Unlike the Bawsey Drain, this will be a new artificial water feature, and the developer and owner of the lagoon could be liable. The lagoon feature, with its surrounding trees (two retained and twelve planted as part of the scheme) will however contribute well in terms of visual amenity. The proposed fencing around the lagoon will be in accordance with necessary guidance but will also preserve visual amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown. This includes New Homes Bonus and Community Infrastructure Levy (CIL). Given the adoption of CIL in February 2017 by the Council, the site is now CIL liable. However, the site lies in the unparished area of King's Lynn within the £0 rated CIL Zone. As a result no CIL payment will be required. However, the site is in receipt of Central Government grant funding under the Local Government Accelerated Construction Programme (ACP) which would ensure its implementation. It is for Members to decide how much weight is given to this material consideration when determining this application.

There are no other material considerations relevant to this application.

### **Crime and Disorder**

There are no crime and disorder issues raised by this proposal. The project team have worked to address comments raised by the Designing Out Crime Officer from Norfolk Constabulary. In light of the changes made Norfolk Constabulary have no objection to the proposals.

### **CONCLUSION**

This application proposes the construction of 78 affordable dwellings and associated access, infrastructure and landscaping on land allocated for residential development of at least 100 dwellings under Policy E1.9 of the SADMP. The principle of residential development on the land is therefore considered to be acceptable and the application would deliver good quality, and much needed, affordable housing in a sustainable location.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and all policies in the current development plan are considered up to date for the purposes of paragraph 11 of the NPPF. As a result, compliance with the development plan remains the legal starting point for the decision on this application. The weight to be given to development plan policies alongside other material considerations will therefore need to be assessed by Members.

The proposal would result in additional affordable housing in excess of the usual policy requirement of 15% which, in light of national policy to significantly boost the supply, this is a significant benefit of the application proposal. Furthermore, the homes will help to deliver the Council's strategic spatial strategy, that focuses on the expansion of King's Lynn and identifies areas of growth to fulfil that requirement. This again is considered a significant benefit of the scheme, which will assist in meeting an identified need.

The application proposal would also deliver economic benefits in terms of the direct and indirect economic expenditure from jobs and future spending power. It would also deliver new and improved open space for informal recreation which would not only be of benefit to future occupiers of the site but also existing residents in addition to providing additional equipment for Peck's Field via financial contribution. Furthermore, there would be links into existing walking and cycling routes and an improved junction provided off Colombia Way in order to provide access into the site.

Although some trees will need to be lost as part of the development proposals, Officers are satisfied overall that by providing suitable replacement tree planting that provides instant aesthetic appeal together with the provision of other ecological enhancements across the site, there will be an overall positive impact as a result of the proposed development.

In light of the above, it is considered the proposed development would be appropriate for the site and its surroundings, and the benefits of the scheme outweigh any harm identified. On this basis, the development is considered to comply with the provisions of the NPPF and NPPG, Policies CS01, CS03, CS08, CS09, CS11 and CS12 of the Core Strategy 2011 and Policies E1.9, DM1, DM2, DM15, DM16, DM17, DM21 and DM22 of the Site Allocations and Development Management Policies Plan (2016).

It is therefore recommended that planning approval be granted subject to conditions set out below and the completion of a S106 legal agreement to secure the necessary planning obligations.

### **RECOMMENDATION:**

**A. APPROVE** subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing and £30,000 financial contribution to secure 3 x pieces of play equipment, fencing, safety surfacing and fifteen years' maintenance – as an extension to the existing equipped play on Peck's Field, within 4 months of the date of this Committee meeting;

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:

#### Proposed Site Plans:

1812-SBA-XX-ZZ-DR-A-0501 Revision J - Site Plan - Proposed  
1812-SBA-XX-ZZ-DR-A-0502 Revision H - Site Plan - Proposed Roof Plan  
1812-SBA-XX-ZZ-DR-A-0503 Revision F - Waste Management Strategy  
1812-SBA-XX-ZZ-DR-A-0504 Revision G - Boundary Treatments Plan  
1812-SBA-XX-ZZ-DR-A-0505 Revision F - Parking Plan  
1812-SBA-XX-ZZ-DR-A-0506 Revision F - Materials Plan  
1812-SBA-XX-ZZ-DR-A-0507 Revision J - Proposed Landscape Strategy  
1812-SBA-XX-ZZ-DR-A-0512 Revision B - Site Plan - Tenure Plan to Policy

#### Street elevations:

1812-SBA-XX-ZZ-DR-A-0200 Revision E - Site Elevations - Sheet 01  
1812-SBA-XX-ZZ-DR-A-0201 Revision D - Site Elevations - Sheet 02

#### House types - elevations and floor plans:

1812-SBA-XX-ZZ-DR-A-0050 Revision E - House Type 1B - Terrace  
1812-SBA-XX-ZZ-DR-A-0051 Revision E - House Type 2B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0052 Revision E - House Type 2B - Terrace  
1812-SBA-XX-ZZ-DR-A-0053 Revision D - House Type 2B and 3B - Terrace  
1812-SBA-XX-ZZ-DR-A-0054 Revision D - House Type 2B and 3B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0055 Revision D - House Type 3B - Semi-detached

1812-SBA-XX-ZZ-DR-A-0056 Revision A - House Type 2B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0057 Revision A - House Type 2B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0058 Revision A - House Type 2B - Terrace  
1812-SBA-XX-ZZ-DR-A-0059 Revision A - House Type 2B and 3B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0060 Revision B - House Type 3B - Semi-detached  
1812-SBA-XX-ZZ-DR-A-0061 Revision A - House Type 2B and 3B - Semi-detached

Engineering plans (incl. proposed drainage):

49241/C/0001 Revision F - Preliminary Levels and Drainage Strategy (within Appendix H - Surface Water Drainage Strategy of the submitted Flood Risk Assessment - Rev D)  
49241/C/0002 Revision A - External Works - General Arrangement Sheet 1 of 2  
49241/C/0003 Revision A - External Works - General Arrangement Sheet 2 of 2

Highway improvements:

49241/PP/SK01 Revision E - Preliminary Access Design

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 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.

- 3 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.
- 4 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, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing by 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.

- 4 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.
- 5 Condition: The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment - REV D, Lovell Partnerships Ltd,



Project no: 49241, dated January 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.2 metres above Ordnance Datum (AOD)
- Flood resilient construction for the dwellings shall be provided up to a level of 4.06m AOD (i.e. the maximum breach level plus 300mm freeboard).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

- 5 Reason: To reduce the risk of flooding to the proposed development and future occupants.
  
- 6 Condition: The recommendations, mitigation and enhancement measures identified in the submitted Ecological Assessment Report dated September 2020 prepared by Wild Frontier Ecology, shall be implemented in accordance with the approved details. This shall include:
  1. the carrying out of bat roost surveys of any mature trees proposed to be felled as part of the development proposals, the results of which shall be submitted to and approved in writing by the local planning authority prior to any felling of trees; and
  2. the submission and approval of full details of ecological enhancements to be incorporated into the development, including provision of bat and bird boxes on buildings, prior to first occupation of any dwelling.
  
- 6 Reason: In the interests of protected species and to accord with the provisions of the NPPF and NPPG.
  
- 7 Condition: No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or 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.
  
- 7 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
  
- 8 Condition: All works on site shall take place in complete accordance with the approved Arboricultural Impact Assessment and Preliminary Method Statement Rev 1. August 2020 prepared by Wild Frontier Ecology and Tree Protection Plans 1 of 2 and 2 of 2. No other operations shall commence on site in connection with the development hereby approved until the tree protection works have been carried out and all tree protection barriers are in place as indicated on the approved Tree Protection Plans.

The approved protective fencing shall be retained in a good and effective condition for the duration of the development and shall not be moved or removed, temporarily or otherwise, until all site works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior written approval of the local planning authority has first been sought and obtained. Within the root protection areas as shown on the approved plans, no changes in existing ground level are to be

permitted, no storage of materials or machinery, deposit of soil or rubble, lighting of fires, disposal of liquids or mixing of cement or concrete is to take place and the areas are to be left undisturbed for the duration of the development, unless the prior written approval of the local planning authority has first been sought and obtained.

- 8 Reason: To ensure that existing trees are properly protected in accordance with the NPPF. This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.
- 9 Condition: Notwithstanding the submitted 'proposed landscape strategy', prior to the first occupation of the development hereby permitted, full details of a scheme for replacement tree planting shall have been submitted to and approved in writing by the Local Planning Authority. Replacement trees shall be of a size and stature to provide instant aesthetic appeal and should therefore be extra heavy standards - 14-16cm girth and a height of approx 3.5m.
- 9 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 10 Condition: All hard and soft landscape works and replacement tree planting shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation 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.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 11 Condition: Prior to the first occupation of the development hereby permitted 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. The landscape management plan shall be carried out as approved.
- 11 Reason: To ensure that the landscaping is properly managed and maintained in accordance with the NPPF.
- 12 Condition: Notwithstanding the details indicated on the submitted drawings no construction work shall commence on any proposed road, footway, cycleway, driveway, parking/turning area, or foul and surface water drainage on the site until such time as detailed plans of the roads, footways, cycleways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 12 Reason: In the interests of highways safety and to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest stages in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.

- 13 Condition: Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, cycleways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 13 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 14 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 the details to be approved in writing by the Local Planning Authority.
- 14 Reason: To ensure satisfactory development of the site.
- 15 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 2.4m x 33m shall be provided to each side of the junction between plots 42 & 75 and the adjacent footway widened as necessary. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway
- 15 Reason: In the interests of highway safety and traffic movement.
- 16 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 16 Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.
- 17 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing 49241/PP/SK01 rev E has been submitted to and approved in writing by the Local Planning Authority.
- 17 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.
- 18 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 13 shall be completed to the written satisfaction of the Local Planning Authority.
- 18 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 19 Condition: The development hereby permitted shall be carried out in strict accordance with the submitted 'Project Management Plan' prepared by Lovell dated May 2020 and the 'Salters Road King's Lynn Construction Traffic Management Plan' version 2 prepared by Lovell dated December 2020, unless otherwise agreed in writing by the local planning authority.

- 19 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 20 Condition: The development hereby permitted shall not be brought into use until a scheme for the provision of fire hydrants within the development has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 20 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 21 Condition: Prior to first occupation/use of each dwelling hereby permitted the boundary treatment relating to that property shall be completed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 21 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- B.** In the event that the S106 Agreement is not completed within 4 months of the date of this Committee meeting, the application shall be **REFUSED** due to the failure to secure affordable housing and a financial contribution towards open space provision.