

Parish:	King's Lynn	
Proposal:	Construction of 226 new homes and associated green space, landscaping and ancillary infrastructure	
Location:	Land SE of 60 Queen Mary Road N of Railway Line And S of Parkway Gaywood King's Lynn PE30 4QS	
Applicant:	BCKLWN	
Case No:	21/01873/FM (Full Application - Major Development)	
Case Officer:	Mr Chris Fry	Date for Determination: 27 December 2021 Extension of Time Expiry Date: 30 April 2022

Reason for Referral to Planning Committee – Referred to Committee given the scale of development and wider issues raised.

Neighbourhood Plan: No

Case Summary

Members will recall a recent application for 379 homes and associated development (Ref 20/00724/FM) which was located on the current application site in combination with land to the south of Howard Junior School and was considered at the Planning Committee of 15th April 2021. Whilst Members resolved to approve that application, it was subsequently withdrawn by the Applicant.

The current application proposes 226 houses and associated green space, landscaping and ancillary infrastructure. The development proposes a reduced site area and is entirely located within the allocation known as Policy E1.6 – King’s Lynn – South of Parkway of the Site Allocation and Development Management Policies Plan 2016, which proposed development up to 260 dwellings.

The proposed development has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and whilst the development falls within Schedule 2, Class 10 (bii) Urban Development, it is not considered that the development would cause significant environmental effects and therefore an Environmental Statement is not required to be submitted.

The application is recommended for approval.

Key Issues

- Principle of development
- Form and character
- Flood risk and drainage
- Highway impact
- Impact on trees
- Ecology - protected sites

Ecology
Open space and landscaping
Affordable housing
Residential amenity
S106 requirements, viability and local finance considerations
Other considerations; and
Crime and disorder.

Recommendation

A. APPROVE subject to conditions and the satisfactory completion of a S106 Agreement to secure affordable housing, open space provision and maintenance, sustainable transport contribution and associated monitoring within 4 months of the date of this committee resolution.

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, open space provision and maintenance, sustainable transport contribution and associated monitoring.

THE APPLICATION

The application seeks full planning permission for the construction of 226 new homes (including 15% policy requirement of affordable homes) and associated green space, landscaping and ancillary infrastructure.

The application site lies within King's Lynn and covers an area of approximately 10.27ha hectares that is located to the south of the Gaywood and Fairstead estates, comprising land to the west of the Howard Junior School and King's Oak Academy in Gaywood, as well as land to the north the railway sand line which is a freight railway to Leziate. Further to the south beyond the rail line is Hardwick Industrial Estate.

The site is comprised predominately of an open field with a large belt of mature trees running diagonally across the site.

The site is currently allocated for a residential development of some 260 dwellings under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (2016). This area measures approximately 9.3 hectares and was formerly used as the College of West Anglia playing fields. Along its southern side, adjacent to the rail line, this part of the site is bounded by the Swaffham Belt path and tree belt. The Swaffham Plantation (along the southern boundary) and the Cross Belt (running north/south across the site) are significant belts of mature tree planting within the western side of the site.

A total of 226 dwellings are proposed for the site with two vehicular access points directly off Parkway, both to the west of Thoresby Avenue. The site is the subject of a Master Plan which has responded to both design work and consultee comments. The site would be accessed via the primary road from the north west corner of the site, meandering through to the south east corner. Secondary routes including a further access onto Parkway are provided along with footpath links provided to all corners of the site including a link running through the Swaffham Plantation adjacent to the sand line at the south boundary of the site. Significant design work has been undertaken to make the site more attractive in terms of

character areas, key vistas and focal points, an increase in green space (as a result of removing swales and lagoons in favour of below ground storage crates), and the promotion of sustainable pedestrian and cycle routes which mimic existing desire lines through to the town centre and Hardwick Business Park for retail and leisure activities.

The site area amounts to 10.27ha with a density of 26 dwellings hectare (net) and 22 dwelling per hectare gross. The accommodation comprises, 1 (23 no.),2 (78 no.) ,3 95 no.) and 4 (30 no.) bedroom properties. Affordable housing amounts to 34 units and comprises 24 units for affordable rent and 10 units for shared ownership.

SUPPORTING CASE

The importance of addressing the need for new homes in the Borough is greater than ever in these increasingly challenging times. Recent months have shown the value of strong community networks and the need to focus on boosting the well-being of our local communities. Well-designed homes in the right place are key to achieving this.

Since 2018, we have seen a significant change in the way local authorities' housing performance is assessed and monitored with this moving from a focus on housing supply i.e. ensuring sufficient housing sites were allocated and permissions granted, to a new focus on housing delivery; ensuring enough homes are built out each year. This new approach presents its own difficulties as local authorities are not able to control when schemes come forward and delays in delivery as a result of the pandemic are likely to be ongoing for some time.

The Parkway proposals have been developed in detail over time to ensure that the planning and development constraints were fully examined, and detailed solutions put forward to reduce the risk of deliverability being impacted by future detailed design considerations.

The application site has been described by the officer in detail. It sits within the development boundary and is a current housing allocation E1.6 (King's Lynn – South of Parkway and part of the former allocation 5/33(Lynn East South Fairstead-Housing from the 1998 Local Plan). The application site is situated in a highly sustainable location, within easy reach of the town centre and with easy access to local shops, services and amenities in the town. It is within walking distance of a number of local schools, only 1.4 miles from the King's Lynn Railway Station, 1.5 miles from the Queen Elizabeth Hospital, 0.5 miles from Gaywood Park, and adjacent to key employment sites on the eastern edge of the town. It is just over a mile from the College of West Anglia King's Lynn Campus.

Of the 226 dwellings proposed, there would be 10 shared ownership properties and 24 rented affordable homes alongside substantial areas of green infrastructure (with proposed on and off-site biodiversity enhancements), improvement of existing footpaths and cycleways.

Retention and, where possible, reinforcement (through additional planting) of existing green infrastructure has been fundamental to planning the layout of the scheme with the majority of the trees being retained. Established formal and informal routes across the site are retained and improved, and substantial green buffer zones are retained.

In addition to the above, a s106 agreement would be in place to secure the provision of affordable homes, contributions for further biodiversity and open space enhancements, etc.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the Borough is comprised of the Local Plan (The Core Strategy and the Site Allocations and Development Management Policies Plan), adopted Neighbourhood Plans, and the Norfolk County Council Minerals and Waste Plan.

The planning application has demonstrated compliance to all relevant policies of the Core Strategy as follows:

- Policy CS01:- sets out the development priorities for the Borough which includes, among other things:
 - the improvement of accessibility for all to services, education, employment, health, leisure and housing
 - the protection and enhancement of cultural and environmental assets and
 - fostering sustainable communities with an appropriate range of facilities.
- Policy CS02:- sets out the Settlement Hierarchy, identifying King's Lynn including West Lynn and Gaywood at the top tier as a sub-regional centre.
- Policy CS03:- sets the framework for development in the King's Lynn Area and contributes to Core Strategy objectives 1-15 (Economy Society and Environment) and 16-20 (King's Lynn).
- CS08:- (Sustainable Development)
- CS09:- (Housing Distribution)
- CS10:- (The Economy)
- CS11:- (Transport)
- CS12:- (Environmental Assets)
- CS13:- (Community and Culture)
- CS14:- (Infrastructure Provision)

The proposed development also complies fully with the relevant provisions of the Site Allocations & Development Management Policies Document. Namely, Policies DM1(Presumption in favour of sustainable development), DM2 (Development boundaries), DM12 (Strategic road network), DM15 (Design & amenity), DM16 (Provision of recreational open space for residential developments), DM17 (Parking provision in new development: Residential dwellings), DM19 (Green infrastructure/ habitats monitoring and mitigation), DM21 (Flood risk), DM22 (Protection of local open space) and E1.6 (Allocation: King's Lynn – South of Parkway)

The NPPF is a material consideration in planning decisions. The proposal is in accordance with the NPPF.

The need to ensure that all matters raised were assessed fully and the proposals revised accordingly, has meant that the target determination date will be exceeded.

Combined Cultural, Environment Social and Economic Impacts

The proposed development has been carefully considered and would result in significant community benefits including:

- enhancing the quality of life of existing and new residents and visitors to the area through good design, providing community infrastructure;
- promoting development in an area where the need to travel by car is reduced, promoting active travel by alternative modes that do not discriminate against wheelchairs, buggies, mobility scooters and adapted trikes, optimising the site potential and ensuring a high standard of design;

- the scheme would enhance existing footpaths and cycle paths, provide new and enhance existing infrastructure, both within the development and the surrounding area
- the proposals have been informed by detailed assessments of their impact on the environment and ensure that the environmental, social and economic needs of the local communities and the wider Borough would be addressed by, for example,
 - EV charging points to all homes,
 - maximising the number of roofs with Solar PV,
 - air source heat pumps to all properties; and
 - flood resistance and resilience measures
 and
- safe and secure neighbourhoods are created.

Summary of Planning Obligations:

- 34 affordable dwellings
- £16,950- Library
- £12,430- Habitat Monitoring and Mitigation Payment
- £119,780 – Travel plan contribution
- £921,911 - County education contribution
- £71,464.60 - Open space contribution
- Zero CIL rated

Conclusion

The development is proposed on a sustainable site allocated for housing in the local plan. However, its delivery is challenged and the site cannot be delivered by the market as it has been found to be unviable. In order to come forward and to deliver the level of regeneration required, it has been necessary for the Borough to invest in its delivery and enter into a contract with Homes England to accept their accelerated funding (ACP) offer to bring the site forward. The ACP funding is conditional on the scheme being delivered at a policy compliant level of affordable housing, and that the whole scheme is delivered at 130% of the current market housing delivery rate.

The viability assessment prepared in support of the application shows that the scheme is not viable at around 12% profit margin. This is substantially less than the NPPF recognised average percentage of 17.5%. A review of case law finds that a 20% margin has been noted as an acceptable margin in numerous appeal decisions. [Golland, 2022]. For this reason, it is not possible to secure all of the planning obligations sought by statutory consultees.

The application would deliver good quality, and much needed, new market and affordable housing in a highly sustainable location, as well as significant infrastructure improvements which would confer real benefits for existing and proposed new residents. The development is in accordance with relevant policies of the adopted Local Plan and national policies and guidance and should be permitted.

PLANNING HISTORY

20/00724/FM - 379 new homes and associated green space, landscaping and infrastructure, together with a new vehicular bridge over the sand line, including new roads, infrastructure and hard and soft landscaping – Committee resolution to approve 15th April 2021 – Withdrawn 13.8.2021

16/00149/PREAPP – Pre-application enquiry (Outline with consultations): Construction of 50 residential properties (Mixed houses and flats) and associated works.

12/01490/OM – Outline application for employment use (B1(A), B1(C), B2 and B8). Approved 04.12.2012 (committee).

12/00826/OM – Outline Application for employment use Classes B1(a), B2 and B8. Refused 30.07.2012 (committee).

08/01761/OM – Outline Application: residential development of open amenity space and access from Parkway. Application withdrawn 25.09.2008.

07/01398/F – The construction of a macadam multi use games area including 3 & 5m high fencing and 12m high floodlights. Approved 04.09.2007 (committee).

07/00171/F – Variation of condition 9 attached to planning permission 06/01397:-re vehicular crossing of railway line. Approved 27.03.2007 (delegated).

06/01397/NMA_1 – NON-MATERIAL AMENDED TO PLANNING CONSENT 06/01397/F: Variation of condition 1 attached to Planning Permission 2/99/1367/O to extend the time period for submission of reserved matters and implementation by 3 years. Approved 15.08.2016 (delegated).

06/01397/F – Variation of condition 1 attached to Planning Permission 2/99/1367/O to extend the time period for submission of reserved matters and implementation by 3 years. Approved 16.08.2006 (delegated).

2/99/1367/O – Site for residential development including associated infrastructure open space and storm water reservoir (revised proposal). Approved 21.09.2001 (committee).

2/94/1424/F – Construction of a 2.1 m high palisade security fence. Approved 14.10.1994 (delegated).

2/90/2905/O – Site for industrial development including provision of access and balancing reservoir. Application withdrawn 10.02.2000.

RESPONSE TO CONSULTATION

NCC Highways Authority: NO OBJECTION The proposed development is situated at a cul-de-sac that is accessed via the Gaywood Clock junction. The junction was assessed in connection with a previous application at this allocated site and no appropriate junction improvements were identified to mitigate impact of the proposal.

As the site is suitably located, the decide and provide development trip rate estimation methodology is accepted for the current application. The methodology is however predicated on delivery of infrastructure to enable active and sustainable travel.

The Highway Authority expects that the site will be exemplary in supporting walking, cycling and bus travel at and in the vicinity of the development to mitigate impact at Queen Mary Road and the Gaywood Clock junction. The provided measures should seek to improve and support the local bus service and provide strong cycling and walking connections to local facilities and schools.

Drawings detailing highway proposals have been supplied but these are not agreed by the Highway Authority as yet - The Highway Authority would not object to the development

proposal subject to the off-site works (including cycleway/footway improvements, speed restrictions, public transport infrastructure as well as a Travel Plan.

All off-site highway measures will be subject to agreement of their detailed design and s278 agreement will be required before any work takes place within existing highway. Delivery of the above is required to mitigate impact of the development, regardless of any other considerations external to this proposal

With regards to the revised layout shown on drawing 003 rev P45, still queries visitor parking numbers but does not object and the finalised road design details can be dealt with through the S38 and S278 process.

Therefore, with reference to the submitted application, the highways authority would request conditions.

NCC Planning Obligations

A monitoring fee levied at a rate of £500 per obligation.

Education – £921,908

- Mitigation for 30 Junior School places = £14,022 x 30 no. of places = £420,660
- Mitigation for 29 High School places = £15,664 x 29 = £454,256
- Mitigation required for 3 Sixth Form places = 15,664 x 3 places = £46,992

Fire:- This development will require 1 fire hydrant per 50 dwellings at a cost of £921 per hydrant (5 fire hydrants)

Library – 226 houses x £75 per dwelling = £16,950

Housing Strategy Officer: Affordable housing is required in accordance with Policy CS09 of the Core Strategy. In this instance 34 units are required, broken down into the following:-

Affordable Rent = 24 units:-

2 x 1 bed house
6 x 1 bed flat
6 x 2 bed
8 x 3 bed
2 x 4 bed

Shared Ownership = 10 units:-

5 x 2 bed houses
5 x 3 bed houses

Emergency Planner: NO OBJECTION subject to flood evacuation plan, signing up to EA flood warning system for construction and occupation phases.

Environment Agency: NO OBJECTION subject to condition regarding the FRA and updated finished floor levels.

LLFA: NO OBJECTION to amended plans subject to condition regarding surface water drainage.

Internal Drainage Board: Comments that the proposed development will require land drainage consent in line with the Board's byelaws. Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

Notes the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) adjacent to the site boundary. Whilst this is not currently proposed should the applicant proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991.

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such, strongly recommends that the required consent is sought prior to determination of the planning application.

Anglian Water: NO OBJECTION subject to condition regarding foul drainage.

Environmental Quality:- Air Quality - NO OBJECTION subject to a detailed scheme for dust monitoring during the construction phase being submitted to and agreed in writing with the LPA. Further, additional details regarding the construction traffic routes in order to limit the impact on air quality in the locality.

Environmental Quality (Contaminated land): NO OBJECTION subject to a condition regarding the implementation of the Remediation and Verification Strategy (November 2021) and associated submission of verification reports.

Community Safety & Neighbourhood Nuisance: NO OBJECTION The noise report produced by Royal Haskoning DHV (Ref: PB9582-RHD-ZZ-XX-RP-Z-0001 dated 9th Feb 2022) adequately address the CSNN teams concerns regarding noise from the Industrial Estate and Rail Line.

In order to ensure that internal noise levels at noise sensitive properties are controlled the Glazing and Ventilation Strategy as described in Section 6.3 and Appendix A7 of the report should be followed. Should site layouts change the Glazing and Ventilation strategy will need to be remodelled and resubmitted for approval.

Confirms that the Construction Management Plan Version 8 submitted on the 10th February 2022 is acceptable in terms of noise control.

Leisure and Open Space: Makes the following comments (summarised):

- development attracts a requirement for 3842m² of suitability equipped children's play space. A provision equivalent to 2016m² can be provided by refurbishing the existing Parkway Recreation Ground. The remaining open space requirements will need to be satisfied on site. The central open space area (2005m²) may be used to make up any shortfall in children's play space and gives detailed comments on layout, fencing and planting. Contribution of £71465 calculated to be secured via S106.
- provides comments on grassed areas behind parking bays, areas of landscaping that are to be made the responsibility of individual purchasers;
- details of fencing between the site and Parkway Recreational Ground will need to be agreed;
- *use of drainage crates appreciated;
- confirmation about how pathways will be constructed through open space would be appreciated.

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Waste and Recycling Manager: NO OBJECTION following receipt of amended plans (updated Master Plan received 22.2.22), withdraws objection.

Sports England: OBJECTS (summarised) to the application as it is not considered to meet Sports England's adopted playing fields policy or NPPF paragraph 99.

It is understood that the site forms part of, or constitutes land used as playing field as defined in The Town and Country Planning (Development Management Procedure)(England) Order 2015 No.595

However as the playing field has not been used for at least 5 years, the consultation with Sport England is not a statutory requirement.

Notwithstanding the non-statutory nature of the consultation, Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 97) and against its own playing fields policy. Considers that no evidence of a surplus of playing field provision in King's Lynn, the proposal does not relate to ancillary development for its former use as a playing field, the site is large enough to accommodate playing pitches' no replacement playing pitches have been put forward to compensate for the loss, the proposal does not relate to new indoor/outdoor sports facilities.

However, if the following amendments were made, we would be likely to be in a position to support the proposals:

a financial contribution of £300,000 to be spent on enhancements to existing sports pitches in the locality, to compensate for the loss of this former playing field.

Historic Environment Service: Following the receipt of WSI and trial trenching, no further archeological works required.

Arboricultural Officer: NO OBJECTION to amended AA subject to conditions.

Natural England: Given the developments proximity to European designated sites, **NO OBJECTION** subject to appropriate mitigation being secured in the form of:

- A financial contribution to appropriately manage closely located designated sites.
- A financial contribution to the Borough Council of King's Lynn Monitoring and Mitigation Fund to mitigate the impacts of additional recreational disturbance as designated sites, in combination, in line with Policy DM19.
- The provision of well designed, proportionate, on and offsite green infrastructure.
- The provision and maintenance of sustainable drainage systems.
- Follow guidance suggested in section 8.8 of the ecological assessment to mitigate construction impacts

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Refer to Natural England Standing advice regarding protected species.

Norfolk Wildlife Trust: We have no concerns in principle regarding the application but are concerned at the tree planting element of the biodiversity net gain provisions. Whilst we support the aspirations of the applicant to deliver a measurable net gain for biodiversity as part of their proposal, we strongly believe that the new tree planting proposals would be to

the detriment of the existing open wetland habitats and the water vole population that are dependent on them.

The BNG proposals are based on the Remedial Tree Planting and Landscape Works report included with the application, which recommends new tree planting in the wetland habitat to the east of the proposed housing. We believe this site, adjacent to Plantation Woodland County Wildlife Site (CWS), is already of CWS calibre, and the planting of trees here would be detrimental to the site's value primarily as a mosaic of grassland, reed bed and scrub habitats. The planting of new trees would also over time contribute to a more shaded site, with negative impacts on the existing habitats and water vole population.

This is a situation where, whilst the BNG calculations indicate that there would be a numerical net gain based on the metric, it would be at the expense of the existing open wetland habitats, and the protected species which depend on them, and so in the long term would lead to a decline in the existing habitats present. We recommend instead that the provisions are reviewed in favour of the long-term management of the wetland site for its existing habitats and would be happy to discuss this further with the Council and applicant should this be useful. Should additional off-site tree planting still be required as part of BNG delivery, then alternative locations should be considered.

Norfolk Fire Service: NO OBJECTION

Police Architectural liaison Officer: The proposal layout does show that crime prevention features have mostly been carefully considered and incorporated into the proposal. However, provide additional comments on existing footpaths, lighting and CCTC, overlooking of parking spaces, active windows to private driveways, gates to parking courtyards and positioning of bin/cycle stores.

KLACC: The Panel did not support the application with their main concern being the impact the development would have on traffic in what was an already busy area.

King's Lynn Civic Society: Thankful that the Council did not proceed with previous scheme and find that the reduction in dwellings to 226 is a great improvement and makes the following comments (summarised):

- Consider a further reduction in numbers is necessary and would safeguard more of the existing trees;
- Prefer to see large proportion of houses for affordable rent or shared ownership;
- Comments on the design and appearance of the units (including materials) and do not like the appearance of the flats;
- Welcome sustainable build (ASHP, PV, cycle storage and cycle routes etc);
- Appreciate issues around traffic/pollution around Gaywood clock but feel that the scheme is designed with excellent pedestrian and cycle access plus incorporates wider policies to reduce congestion and air pollution;
- Disappointing to see removal of several category A oak trees and consider "three new trees for everyone one lost" is not relevant or acceptable. On any other site, would have been TPO'd
- Should be an exemplar site setting standards for tree planting to become carbon neutral as an organisation;
- The Arboricultural Assessment does not appear to have taken account of the drainage proposals;
- Disappointed there are not more street trees proposed and the planting plan does not seem to have taken into account for the ultimate size of plants.

REPRESENTATIONS

Amended plans – 19 additional letters of **OBJECTION** regarding the following:

- Notwithstanding a more environmentally friendly development, still the wrong place to build;
- Extra pollution caused by the building of the extra houses that caused by the extra cars which will be used if they are built is unacceptable.
- Loss of green space.
- More buildings, more hard surface and loss of vegetation will add to the already high risk of flooding.
- Increased traffic on Gaywood Road, QMR, and at the Gaywood Clock junction. At school starting and leaving times there is already gridlock.
- Air pollution in Gaywood already exceeds safe limits.
- Has access by emergency vehicles been considered
- No carbon chopping down 15 mature trees has been considered
- Flies in the face of the council climate emergency
- The services cannot accommodate an additional 400-500 people and traffic implications at the gaywood clock junction as a result of the development will impede emergency vehicles
- The field floods
- There is wildlife there too
- Where will the children go to play and adults to get fresh air
- Lack of privacy as result of dense development;
- Promotes more sustainable transport but not realistic;
- Police cannot cope with additional development in the area;
- Impact on health and wellbeing of neighbours;
- Increases flood risk in the locality;
- Welcome sustainable transport measures and ecological mitigation measures but concerns still remain;
- Need to go further with sustainable transport measures and be greener (e.g. no car site);
- Lack of doctors and dentists in the locality;
- Will result in an oversubscribed bus route with limited numbers of spaces;
- Impact on bin collections as a result of increased development;
- Not for community development, just for profit.

Original submission – 8 letters of **OBJECTION** regarding the following (summarised):

- Loss of ancient wood and wetland would be disastrous;
- Air Quality implications in the locality given increased traffic numbers;
- Retain much green space as possible for future generations;
- Nightmare in terms of traffic at school times;
- Infrastructure is at breaking point;
- Risk of flooding;
- Concerns re access for emergency vehicles.

County Cllr R Cowell – (taken from NCC Planning obligations)

Pleased to note that the revised planning application does not encroach on the Swaffham belt;

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The local roads cannot cope with the traffic, many local residents leave 30-45 minutes early to ensure they get to work on time;

The road infrastructure proposed on the site does not appear to be suitable for the size of development; and

Enhancement should be considered to the Swaffham Belt and The Rookery.

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

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

DM22 - Protection of Local Open Space

Policy E1.6 - King's Lynn South of Parkway

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
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;
- Flood risk and drainage;
- Highway impact;
- Impact on trees;
- Ecology - protected sites;
- Ecology
- Open space and landscaping;
- Affordable housing;
- Residential amenity;
- S106 requirements, viability and local finance considerations;
- Other considerations; and
- Crime and disorder.

Principle of Development

The site is allocated for residential development of some 260 dwellings under Policy E1.6 King's Lynn - South of Parkway of the Site Allocations and Development Management Policies Plan (SADMP) 2016. This policy sets out the following requirements:

1. Retention of the Cross Belt avenue of trees and southern boundary tree belt;
2. Submission of a site specific Flood Risk Assessment;
3. Submission of an Arboricultural Assessment;
4. Submission of an Archaeological Assessment;
5. 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;
6. 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; and a contribution to greenspace provision or management in the wider area within which the site is located;
7. 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 The Walks to the west 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;
8. Provision of a project level habitats regulations assessment, with particular regard to the potential for indirect and cumulative effects through recreational disturbance to the Roydon Common Special Area of Conservation;

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9. Submission of an Ecological Study that establishes that either: there would be no negative impact on flora and fauna; or, if any negative impacts are identified, establishes that these could be suitably mitigated;
10. Financial contributions towards the provision of infrastructure including additional primary and secondary school places; and
11. Provision of affordable housing in line with the current standards.

Whilst only 226 dwellings are proposed as opposed to the 260 dwellings allocated for development, the principle of residential and infrastructure development on the application site is considered to be acceptable.

Housing has been resolved to be approved on this site relatively recently (planning committee on 15 April 2021), although it is noted that this was part of a wider scheme for 379 houses, that included a road and a new road bridge connection to the Hardwick Industrial estate.

This proposed development has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and whilst the development falls within Schedule 2, Class 10 (bii) Urban Development, it is not considered that the development would cause significant environmental effects (in terms of those regulations) and therefore an Environmental Statement is not required to be submitted.

Form and Character

The proposed site is located in Gaywood on the southern side of Parkway. Immediately to the northwest boundary of the site is the edge of King's Lynn Academy. To the east of the site is The Howard Junior School and open space and pathways leading to the Fairstead Estate.

The existing housing immediately to the north of the application site was developed mainly in the 1930s and 1940s, the earlier development being to the west and subsequently infilling to the east as far as Gaywood Hall. With the exponential growth of King's Lynn from 1962, the remaining land in the area, such as the Oak Circle roundabout, was developed at a much higher density, including four-storey flat blocks.

A wide variety of materials have been used in the adjacent housing which includes buff and red brick, pebbledash, and render. Roofing materials vary from red clay pantiles along Parkway, to concrete pantiles and concrete plain tiles in a variety of colours. Roof form is both hipped and gable in the locality. Fenestration styles vary widely but now appear to be mostly uPVC replacement units.

There is a belt of significant trees across the site which are well established and make a substantial positive contribution to the character of the site and the area generally. The proposals have therefore been designed to retain these significant features as far as possible in order to integrate the development with its surroundings.

Due to the significant amount of open space to be retained throughout the development this results in relatively low densities. 226 dwellings across the allocated site of 8.8 hectares (net) equates to 26 dwellings hectare (net) and 22 dwelling per hectare gross (application site 10.27ha). This is slightly denser than the previous scheme which proposed 24 dwellings per hectare (net). However, significant design work has been undertaken and independently

assessed to ensure that the development complies with the National Model Design Code 2021.

The site is naturally divided into a large western section and a small pocket of development to the south of the recreation ground which is to the east of the cross tree belt. This has assisted the architects in allocating character areas to different parts of the site – The Spine (primary route through the development), The Edges (to the east and west boundaries) and the Mews (adjacent the south boundary). The generous cross belt of trees and the green edges around the site have also provided a reason to respond differently in materials. The western and eastern parcels linked by the spine road would hold a similar array of house types, but vary in materials, colour and form to create increased interest as this route will be the main thoroughfare through the development. The Edges area along the green belts will introduce a timber cladding while the Mews area consists of simple buff brickwork.

Most dwellings across the site as a whole will be 2-storeys in height interspersed with some 2.5 storey semi-detached units and the 3 no. blocks of flat would all have 3-storeys. This would not be at odds with existing development within the surrounding areas of Gaywood and Fairstead.

The development would be constructed in 6 phases. This would comprise development on the western side of the site as phases 1-5 and the remaining to the east of the cross tree belt, as the final phase.

The proposed development would retain and formalise the existing footpaths & cycleways through the site that are well used. New cycle and footway links provide connectivity across the site to provide direct links from the cycleway to the south of the site through to the Gaywood Clock.

All dwellings would have provision for 3 no. 240 litre wheelie bins to accommodate general waste, recycling and garden waste, if required in accordance with the Council's recycling policy. Each house would have direct access to its rear garden via an external path and gate with a dedicated hard landscaping area within each garden for the storage of bins to eliminate the bin from the street scene. The proposed flats would also have integrated storage areas for cycles and bins on the ground floor. All houses would have gardens to accommodate garden storage units or a shed for secure storage and although not all dwellings would have garages (53 units would have a garage), parking accords with NCC parking standards as adopted in Policy DM17 of the SADMPP. Across the site there would be 27 visitor parking spaces.

Overall it is considered that the proposals are appropriate for the site and its surroundings and would represent high quality development, enhancing the character of the area. The proposal therefore complies with Policy CS08 of the CS and Policies DM15 and DM17 of the SADMPP.

Flood Risk and Drainage

The application site predominately lies within defended Flood Zone 3 benefiting from Environment Agency maintained flood defences from the Tidal Great Ouse and the wash sea defences. As with almost all of the King's Lynn urban area, the modelling shows that most of the development is at risk of flooding if the existing tidal and sea flood defences breach. As this is an allocated site in the Development Plan, there is no need to carry out the sequential test.

The Environment Agency has undertaken breach modelling for a breach of the flood defences during a 1 in 200 year event with climate change allowance which determines the

flood depths, velocity and level of risk. In the event of a breach, the flood depths within the parts of site proposed for residential development vary between 0 and 2m.

The proposed development is estimated to be at low to very low surface water flood risk during a 1 in 100 year surface water flood event including allowance of climate change, with some very localised areas of medium and high risk within the drains or locally low areas. An open ditch, known as the Swaffham Belt Drain, runs along the southern boundary of the Western Site, to the north of the rail line.

The flood risk to the site and its residents will be addressed in accordance with local planning policies and guidance. Particular measures will include locating houses away from the areas at highest risk of flooding (such as adjacent to watercourses), providing minimum finished floor levels for properties that accounts for flood risk and ensuring appropriate use of the ground floors of properties. To ensure the development does not worsen flood risk elsewhere, any additional water flows generated by the development will be attenuated on site using sustainable drainage systems. Given the site is currently undeveloped, greenfield runoff rates apply when calculating current discharge from the site.

The submitted Flood Risk Assessment (FRA) considers flood risk implications associated with both the residential development and has been amended since its original submission to respond to the EA's original concerns regarding the ground floor accommodation of flats.

The amended FRA (and accompanying Finished Floor Levels drawings) demonstrate that all properties will have Finished Floor Levels (FFLs) set at a sufficient height so as to remain above modelled flood levels during a 1 in 1,000 year surface water flood event (a min of 3.15m AOD). In addition, some properties have FFLs set above the modelled levels for a 1 in 200 year (with climate change allowance) Tidal/Sea defence breach (3.75m AOD). There is no ground floor accommodation e.g. flats proposed with finished floor levels below 3.75m AOD.

In the proposed properties that would have FFLs just below the modelled depths for a 1 in 200 year Tidal/Sea defence breach, flood resistance measures (to prevent internal water entry) and resilience measures are proposed up to 600mm above the minimum FFL across the site of 3.15m AOD. These measures include:

- Flood doors for all external doors;
- Self-closing airbricks; and
- All drainage pipes through the property raised above the minimum FFL or provided with non-return valves.
- Avoid standard gypsum plasterboard in construction as it would disintegrate when immersed in water
- Any new sewer connections should be fitted with non-return valves to prevent back-flow and provide mitigation against potential sewer flooding.

It is therefore considered overall that the depth of flooding during a tidal breach is such that resilience and resistance measures would be effective and therefore is compliant with local plan policy.

Furthermore, other than flats (set at 3.75AOD min FFL), none of the proposed dwellings will include sleeping accommodation at ground floor level, and the FRA concludes that the development will provide safe access and egress during extreme flood events. The fact that greenfield surface water run off rates will be maintained after the development is completed also means that proposal will not increase flood risk off site.

In addition to the above, the FRA includes consideration of the sequential test but as stated above, the sequential test is not necessary as the site is allocated for residential development within the Development Plan. Regarding the exception test, the proposal can be made safe from flooding for its lifetime by providing safe refuge, flood resistant and resilient measures and the second part of the test is passed by providing much needed housing in the wider public interest, which is planned for as the site is an allocation of the Development Plan.

The FRA recommends that the future occupants of the property are made aware of the EA Flood information service which identifies whether any flood warnings or alerts have been issued. A flood evacuation plan for the future occupants will need to be conditioned.

The EA raise no objection to the amended FRA subject to the LPA confirming that any internal flooding is unavoidable and justifiable. However, if flood resistance measures are incorporated into the design up to the level of predicted breach risk i.e. 3.75mAOD, the risk of internal flooding falls away. As a result, along with conditioning the FRA, it shall also specifically state that flood resistance measures be incorporated into those properties with lower FFLS than the predicted breach depths to minimise risk of internal flooding.

The proposed development would be safe and would not increase the risk of flooding off site. The Environment Agency raise no objection to the scheme on flood risk grounds. Accordingly, the development satisfies criterion 2 of Policy E1.6 and Policy DM21 of the SADMPP (2016), the requirements of Core Strategy policy CS08, and the provisions of the NPPF, namely paras 149 - 163.

Drainage Strategy: The application is accompanied by a detailed drainage strategy, setting out the principles for management of both foul and surface water.

The proposed surface water drainage strategy has been developed in line with the SuDS hierarchal approach outlined in the Flood Risk and Coastal Change Section of the Planning Practice Guidance. This requires that surface water runoff should be discharged as high up the hierarchy of drainage options as reasonably practicable.

In this instance, due to site ground conditions, discharge by infiltration is not considered practicable and, following the hierarchy, the most appropriate solution at the site is to discharge to a surface water body. Accordingly, the application proposes that the residential site will drain to the existing network of ditches on the western boundary. The site is split into two catchment areas. Catchment Area A covers the majority of the site, with catchment B taking the surface water from the eastern pocket of development beyond the wooded tree belt area and the south east corner of the Parkway development. Flows from Catchment B will go to Catchment A. Due to the topography of the site, a pumping station in the south west corner of the site will pump the surface water off the site at 7.8m l/s which is the calculated greenfield run off rate of the site. Attenuation from Catchment A and B was originally in the form of basins along the southern boundary of the site, however an underground crate system is now the proposed attenuation method.

Due to the topography of the site, surface water collected from the western half of the residential development will need to be pumped to the discharge point into the existing ditch network: this pump will be configured to restrict flows to the greenfield run-off rate.

In accordance with best practice, it is anticipated that the SUDS infrastructure will be offered to Anglian Water for adoption, ensuring its long-term maintenance.

No objection has been raised to the revised drainage strategy incorporating storage crates by the LLFA. Again, the Water Management Alliance's revised comments refer back to its

previous comments, but no objections were raised by the IDB with relevant consent to drain being required to under the Land Drainage Act.

Foul water from the site will be pumped from the south west corner of the site to the mains sewer on Parkway, with the necessary infrastructure to be approved, and subsequently adopted by, Anglian Water.

In terms of the foul water drainage strategy, Anglian Water has confirmed the local infrastructure has sufficient capacity to accept the predicted flows from the site. Anglian Water requests that that a condition be imposed that notwithstanding the foul water drainage information submitted, final details for on-site foul water drainage should be submitted to the LPA for approval.

As required by criterion 5 of Policy E1.6, the application is accompanied by a detailed foul and surface water drainage assessment which establishes that surface water will be dealt in the most appropriate and sustainable way for the conditions at the site. Contrary to Third Party comments, the site would be developed in a safe manner and would not increase flood risk elsewhere. Accordingly the development is considered to satisfy criterion 5 of policy E1.6 of the SADMPP, Policy CS08 of the CS and para 165 of the NPPF.

Highway Impact

The site has been allocated for some 260 Houses in the Development Plan and this amount of housing was always envisaged for this site and the local highway network. The proposal, unlike the previous scheme, does not propose a new vehicular bridge over the sand line and there has therefore been a shift in the approach to analysing the impact of the development upon the localised highway network.

The Department for Transport has recently published their decarbonisation policy which identifies the importance of decarbonising transport for Britain and the policy identifies a target of 50% of all journeys in towns and cities as being walking and cycling by 2030, and has committed £2bn investment over the next 5 years to deliver this vision of a world class cycling walking network in England.

Key walking and cycling routes in Kings Lynn have been identified in the Local Cycling and Walking Infrastructure Plan (LCWIP). The plan has identified cycling and walking routes in the wider Kings Lynn area, along with potential improvements and enhancements to the routes over the short, medium and long term. The site is in close proximity to three identified LCWIP routes.

The proposed development would provide a package of off-site works which would improve and enhance the existing walking and cycling infrastructure adjacent to the site and link with the LCWIP key routes. The off-site measures would be on routes that link to key educational, health, community and employment destinations are detailed. As a result of the measures, there would be a 15% modal shift from cars to walking, cycling and public transport, in line with NCC Travel and Transport Services Travel Plan mode shift targets that were published in January 2019. It is by virtue of the modal shift from cars to walking, cycling and public transport, that the TRICS data has been extrapolated from a "decided and provide level" of predicted development travel.

From the development of 226 units, the following number of trips arise from the development:

Car movements - 714 per day

Walking movements - 193 per day

Cycling movements - 48 per day
Bus passengers:- 40 per day.

NCC Highways in their initial response stated that the Transport Assessment lacked justification as to why there was no modelling of transport movements of the Gayhood Clock junction. However, NCC Highways has acknowledged that there are no capacity or efficiency improvements that can be made at the Gayhood Clock. Further, through a shift in approach to modelling, using the decide and provide approach to local transport planning, additional walking cycling and bus facilities would mean less focus on the car as a form of travel across the wider local area. The development is in a highly sustainable location and this justifies the approach taken.

NCC Highways also expressed a desire, that the pedestrian bridge over the Sandline be improved as a result of the development. However, this scheme is contained in the LCWIP scheme which is to be funded through the Towns Fund. It is not essential for this allocation to come forward.

The proposed wide-ranging package of off-site works enable the development to be acceptable in terms of its impact upon the highway network. The proposals have been agreed with NCC and are necessary mitigation for the development to proceed as well as complement the LCWIP. The proposals are as follows:

Public Transport

- New bus shelter with real time passenger information display at the east side of the south end of Queen Mary Road.
- Improvement to existing bus stop at west side of Queen Mary Road/Parkway to enable frequency improvements for a 5 year period.
- Financial support to existing town centre bus service at Queen Mary Road/Parkway to enable frequency improvements for a 5 year period(as part of the sustainable transport contribution).
- Where works are implemented adjacent to a bus route, the carriageway should if possible be maintained at a minimum width of 6m.

Cycleways/footways

Where possible, cycle improvements should accord with the guidance contained in LTN1/20. Improvements to shared use footway/cycleways should provide a minimum width measuring 3.0m

- Improvement to the existing cycleways at both sides of Queen Mary Road for its full extent with segregated facilities provided at one side of the road if practicable.
- New cycleway at south side of Parkway from Queen Mary Road to Raleigh Road, including relocation of off-road parking away from Thoresby Avenue junction.
- New pedestrian crossing via a pinch point east of Dawber Close
- Improvements to the Swaffham Belt cycleway with particular regard to intervisibility and light levels to improve personal safety
- Improve ramp and barriers between Hulton Road and Sandringham Railway cyclepath to support inclusive mobility.
- Improvement to existing junction between Swaffham Belt and Sandringham Railway cyclepath
- 2.0m Mandatory cycle lane for the full extent of Queensway between Gayton Road and Springwood school, subject to maintaining a 6m carriageway. Otherwise, advisory cycle lanes should be provided.
- Provide lighting at cyclepath through The Rookery to improve personal safety.

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- Speed Restrictions
- 20 mph zone at Queen Mary Road and Parkway covering the whole of the existing area that includes the schools, along with the proposed development. This should include traffic calming features to enable the speed limits to be self-enforcing. The highway authority would also support the principle of a 20mph speed restriction covering the existing developed area subject to assessment and potentially provision of speed reducing measures.
- 20 mph zone at Queensway to support the cycle lanes, reinforced by speed cushions. The Highways Authority would also support the principle of a 20mph restriction covering wider residential area subject to assessment and potentially provision of speed reducing measures.

All of these measures will be secured via condition including a phasing plan, detailed design and separate S278 agreement. Given the significant package of sustainable transport measures proposed and associated mitigation, the comments on Third Parties regarding increased traffic at local road junctions cannot be supported.

Travel Plan

A Travel Plan has also been submitted in support of the application with the aim of further enhancing access to the site by sustainable modes of travel via objectives and measures.

The Travel Plan seeks to deliver a 15% reduction in single-occupancy car use, when measured against baseline residential Travel Surveys. To achieve this the Travel Plan would include a number of measures such as:

dedicated travel plan personnel; timescale for implementation; promotion of travel plan with local public transport operators/businesses; sustainable travel information packs; promote sustainable transport/establish sustainable transport habitats; and performance monitoring

Notwithstanding the submitted travel plan, NCC has requested that an Interim Travel Plan be submitted for approval. A contribution of £530 per dwelling is secured through the s106 agreement to be used for sustainable transport measures outlined above. This is a total of £119, 780.

Onsite provision

The total car parking provision of 487 no. spaces is considered appropriate for the 226 units proposed and complies with adopted standards. 53 houses will be provided with garages. All houses will have EV ready charging points. Cycle parking is also to be provided within the curtilage of each dwelling (and part of the fabric of the flat blocks structure).

Visibility splay and swept path analysis drawings show that the proposed development can achieve the design requirements to ensure safe access and egress for all vehicles (including reduce vehicles) using the site.

In order to address concerns raised by Norfolk County Highways, changes have been made to the original proposals in terms of the development layout; the change in surface material and reduction in street width of secondary routes, in order to provide focus on the primary route through the site have been incorporated. The proposals are considered acceptable in principle by Norfolk County Highways and the final design will be secured through the S38 agreement. The comments of Third Parties regarding safe access cannot therefore be supported.

Conclusion

The proposed development proposes a layout that is fully satisfactory, a range of sustainable transport measures and off-site highway improvements works which mitigate for

the development proposed and enhance the locality. The proposal is therefore considered in accordance with Policy E1.6 of the SADMPP, CS08 of the Core Strategy and DM 15 of the SADMPP.

Impact on Trees

The application is supported by a detailed Arboricultural Report and accompanying tree constraints and protection plans.

The application site currently benefits from an abundance of trees along the south boundary and the cross belt which are well established and make a substantial positive contribution to the character, amenity and ecological value of the site itself but also the wider area.

The linear features of the Swaffham Plantation (running east/west across the site that runs along the southern boundary), the Cross Belt (running north/south through the site) and the mature broadleaf woodland of the Rookery and Gaywood Plantation (CWS) (to the immediate north of the site) are all significant in landscape, arboricultural and ecological terms. In addition, outside of these established groups, there are also individual trees of significance some of which are estimated to be approximately 150 years old. There are also smaller groups of younger trees too which, whilst not of particular arboricultural value, play an important role in establishing the character of the area.

The development proposals have been designed to retain these significant features as far as possible whilst still enabling the provision of new homes and new infrastructure and also providing pedestrian, cycle and vehicle connectivity across the site.

However, it is inevitably unfortunate that due to the extent of development proposed, some loss of trees is required which can be summarised as follows:

- Loss of 1 Category A oak (T1) to facilitate plots 99-101
- To create the entrance points onto Parkway, 12 Category B Trees (individual trees T13 and T14, 9 trees within Group G3 and 1 tree within Group G4) will need to be removed;
- To create the connecting road through the cross belt plantation, 3 Category A trees within Group G1 will need to be removed.
- To create the footpath along Parkway frontage, a category C group of trees will need to be removed.

Although it would without doubt be preferable to prevent the loss of any trees, the majority of those that would need to be lost to the development are lower quality trees in the self-seeded, unmanaged eastern side of the site. Within this part of the development, with the exception of 4 high quality individual trees, the remaining trees will be retained, as will key belts at the northern and eastern boundaries of the site.

Where Category 'A' trees are proposed to be lost, their removal is critical to the delivery of the scheme. The 3 no. category 'A' trees that need to be removed have to be done so to enable the connection via the link / spine road between the eastern and western parts of the site through the cross belt area. Whilst this is certainly regrettable, these 3 trees are viewed in the context of the mature belt of trees within which they are located and, as such, in landscape and amenity terms, the impact of their removal is not as significant as it would be if these trees were viewed in isolation. The single Category A tree for plots 99-101 is required to be removed in order to provide the surface water pumping station in the southwest corner of the site. The pumping station location cannot be altered, as it is required in this location to enable the drainage system to work and to be served by an adoptable road.

Overall the new road has been sited so it minimises tree removal along its route and retained trees either side at this point will be protected throughout the construction process. The routes through the existing tree belt, to service the proposed buildings have also been chosen to minimise the tree loss/impact.

In regard to shared driveway, parking areas and cycleways, these will need to be constructed using no-dig methods of construction.

To mitigate the necessary loss of trees, the development includes significant areas of new tree planting along established routes with good quality, native species tree stock. This new planting will comprise roadside planting throughout the site and planting to strengthen existing tree belts, particularly along the southern boundary.

The Arboricultural Officer has no objection to the Arboricultural Report subject to it being conditioned.

A replacement planting scheme has been submitted with the application that refers to tree planting scheme at a ratio of 3 for every 1 lost. The report details 20 trees (needs to be 48 + trees to get to 3:1). This would be through enrichment planting in the Swaffham and Cross belt edge and this can be conditioned.

As part of the bio-diversity enhancements to the scheme, there is the provision of an area of enhanced scrub, enhanced low quality grassland with shrub planting and planting of wet woodland and woodland to the east of the site, on an area which was previously to have residential development as part of the previous scheme.

Notwithstanding the replacement planting report, a detailed scheme for replacement planting and habitat enhancements shall be conditioned to ensure that the trees are replaced at a ratio of 3:1, which has been deemed to be a suitable ratio of replacement according to the Arboricultural Officer and suitable habitat enhancements and management that is suitable for the existing habitat in the locality in accordance with the comments of NWT. The comments of third parties regarding loss of trees and habitat cannot be supported given the mitigation and habitat enhancement proposed.

Having regard to the above, it is considered that the proposal accords with criteria 1 and 3 of policy E1.6 in addition to the provisions of Core Strategy policy CS12.

Ecology - Protected Sites

No statutory designated sites for nature conservation can be found within or directly adjacent to the application site. The Wash Ramsar Site and SPA is 5.4km north of the site, The Wsah and North Norfolk SAC is also 5.4km north of the site. The Roydon Common and Dersingham Bog SAC is 4.7km east. Dersingham Bog SAC is 9.1km north and the Norfolk Valley Fens 10.15km east of the site.

South of Gaywood Park County Wildlife Site (CWS) is located adjacent to and the south of the railway line. This is the closest county wildlife site. The previous application abutted Plantation Wood which was to the south of Swallowfield Road and to the west of Silver Green. This reduced application site does not abut that particular county wildlife site.

In accordance with the requirements of policy E1.6 of the SADMPP (2016), the application is accompanied by a shadow Habitats Regulations Assessment (HRA) Screening and Appropriate Assessment Report prepared by Hopkins Ecology.

Within this report the shadow HRA screening concluded that, when considered alone, the proposed development would not have any Likely Significant Effects on any protected site. However, when considered in combination with all other development permitted and planned in the Borough, the HRA concluded that Likely Significant Effects could not be ruled out due to increased visitor and recreational pressure. As a result, appropriate assessment (AA) is required.

Whilst it is the responsibility of the local planning authority (LPA), as competent authority, to produce the HRA and be accountable for its conclusions, Natural England has raised no objection to the application and the mitigation proposals of the habitats payment of £12,430 will need to be secured 226 x £55 per dwelling), on-site areas of open space and pathways around the site, to connect to existing paths and further recreation area should reduce visitor pressure on the designated sites.

A condition is imposed that the householders will need to be provided with information packs to inform the occupiers or the need to limit the recreational pressures on the designated sites.

As part of the open space specification (final details to be secured via the s106) the provision of dog bins will need to be secured.

A further area of habitat enhancement is also proposed to the east of the site within the control of the applicant as set out earlier and tree planting and habitat management plan shall be conditioned accordingly.

Overall officers, concur with the conclusions of the shadow HRA carried out by Hopkins but in accordance with our responsibility as competent authority the LPA has undertaken a separate appropriate assessment (AA) which can be found at Appendix 1 to this report. This found that, having reviewed the contents of the submitted HRA report, officers consider that it has been adequately demonstrated that the impacts upon the protected sites referred to above can be mitigated against to a sufficient degree for it to be determined that the proposal would not adversely affect the integrity of the sites. It is therefore considered that the proposed mitigation measures as part of the development proposals and throughout the Borough to address similar concerns raised in the AA of the Local Plan, serve to eliminate or at least reduce, adverse effects such that, for all three European Sites, they are not likely to be significant.

Ecology

The application is accompanied by Ecological Assessment (EA) by Hopkins Ecology which considers ecological habitats currently found at the site.

Great Crested Newts and Water Voles

Great Crested Newts were evident in drainage ditches along the northern boundary of the eastern portion of the larger site (2020 application) and in the location of the footbridge over the sand line. No Great Crested Newts were found within the Sandringham Drain or along the western boundary of this reduced site. The Hopkins Ecological statement has reviewed the boundary ditches of the current site (western and southern) and whilst they were wet, they were dry in 2019. These watercourses are therefore seasonal watercourses and are deemed "extremely unlikely to support open water and other features suitable for breeding great crested newts. On this basis great crested newts are scoped out and considered to be absent".

With regard to water voles, only two short lengths of ditches within the site held water in August 2021. Further, these ditches had very limited aquatic vegetation and were isolated from wet ditches or ditches confirmed as having had water voles in 2019. The scoping

survey in 2019 described these ditches as dry ditch and the 2 direct surveys did not record evidence of water voles. It is concluded that the habitat is unsuitable for water voles and the likelihood of them being present is sufficiently low for them to be scoped out.

It should be noted that reference to water voles from some consultees refers to those off-site, on an area previously intended to build on.

Reptiles have also been scoped out of the 2021 survey that were originally part of the 2019 survey. The far eastern part of the previous site, and beyond had reptiles however the western field (the current application site) did not. The western fields lack cover or shelter for reptiles, and the margins are overly shaded.

Bats:

The masterplan for the earlier scheme incorporated information on bats, and included features such as buffers to the woodland and the known roosts to minimise direct and indirect impacts.

For 2021 surveys, the rationale was to focus on the overall level of activity across the site, and in particular to the cross belt where roosts were located in the 2019 survey. In addition two trees that are in close proximity to the western boundary of the site and two specific trees in the cross belt were surveyed.

The pattern of activity in 2021 is similar to that reported in 2019, albeit with only 5 as opposed to 8 species reported.

In terms of roosts, in two trees that are in the cross belt and two trees near the western boundary of the site, it is confirmed as per the 2019 study, that the trees had low roosting potential (tree 13 and 22) and 19 and 30 contained roosts but no bats were seen to emerge in 2021.

In terms of activity surveys, a total of 10-night surveys were carried out, between August to September. With 2 static stations in Swaffham Belt and 2 in the Cross Belt. Common pipistrelle bats were the most active with a total number of movements of 6,281; soprano pipistrelle 2,941; Nathusius pipistrelle - 3; Noctule - 285; myotis species - 76.

Transect surveys recorded similar of level of activity as that of the static detectors.

Notwithstanding the legal protection afforded to bat roosts, the two confirmed roosts on site are of a value at a local scale only, appearing to support only small numbers of bats or used sporadically. These trees are being retained. In terms of mitigation, it is proposed to minimise the light spill into soft landscaping and trees and in the event of bats being found during tree works then works should cease and advice sought. Other measures can include the hedgerows such as Hawthorn, Blackthorn, holly, hazel, oak, field maple, Acer, cherry species crab apple, aspen, dogwood, guilder rose, privet and hornbeam. Small trees suitable for the scheme could include silver birch forms of hornbeam and pedunculated oak, rowan and whitebeam species. Full details of soft planting and replacement tree planting across the site would agreed via condition.

Other measures can also include tree mounted boxes which would have a high chance of success. The boxes should face different aspects and be as high as possible.

It is considered that conditions in respect to bat box location and number can be secured by way of condition. Details in regards to any lighting to be provided as part of the scheme will need to consider the light level and colour and its impact upon bats and shall be conditioned.

Breeding Birds: The 2021 ecology report relies on data from the previous survey and concludes that the site is likely to be used by common species and small number of widespread but declining species.

In order to limit the impact upon nesting birds, the clearance of vegetation used by nesting birds should start outside of the nesting bird season. Should work be required to take place during the nesting season, a bird survey shall be required to be provided and submitted to the Council. Other measures include the installation of swift boxes on gables except those directly facing south, with groups of boxes as high as possible. Ultimately a condition can be imposed in regard to the erection of bird boxes, in so far as their scale, siting, numbers and appearance of Swift Boxes. This is notwithstanding any tree planting.

Reptiles

Whilst suitable habitat was found on the larger site, reptiles are now scoped out of the current application as the on-site habitat is low for this species.

Conclusions

The reduced application site has reduced the number of protected species that are considered to be impacted by the development. There are no interconnecting ditches between the ditches to the east of the site and the ditches on this site that would result in Great Crested Newts being present. Reptiles are now scoped out of this smaller application site as the on-site habitat is low suitability of reptiles and with the wooded copse, cross belts and Swaffham belt being too shady. Water voles are scoped out on the basis of the ditches being seasonal ditches and not interconnecting with the ditches that contained water voles.

Through mitigation in regard to bird and bat boxes, the sensitive timing of works and the planting of new trees, there should be limited detrimental impact upon these protected species that cannot be compensated for. The report underlines that there is no requirement for a European Protected Species license for the development. Accordingly, the tests of derogation are not required to be undertaken.

Paragraph 179 and 180 of the NPPF requires Local Planning Authorities to consider Biodiversity in development proposals and most recently the Environmental Act 2021, dated 9th November 2021 specifies that there is a mandatory net gain target of 10% across development sites, however there is a transitional period of 2 years before this becomes operational, so it not currently a requirement. Notwithstanding this, off-site biodiversity enhancements are proposed with the creation of enhanced scrub, wet woodland and woodland on the adjacent 6.4ha site. These can be conditioned.

Whilst Third Party comments are noted, in light of the above, and taking into account the on- and off-site mitigation and enhancement measures proposed, it is considered that the proposed development would not result in significant harm to protected species and therefore accords with the provisions the NPPF, Policy E1.6 of the SADMPP(2016) and Policy CS12 of the Core Strategy (2011).

Open Space and Landscaping

The proposed development provides a generous amount of public open space that accords with Policy DM16 'Provision of Recreational Open Space for Residential Developments' of the SADMPP (2016). On developments of 100 dwellings and above the policy requires provision of 2.4 hectares of open space per 1,000 population comprising of approximately 70% informal amenity and/ or play space and 30% formal equipped play space based on the Fields in Trust guidance (FIT)).

Policy E1.6 of the SADMPP (2016) also refers specifically to on-site open space provision for the proposed development. This states regard will be given to the proximity of the development to existing safeguarded facilities (such as those at The Walks to the west 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 habitats requirements are met.

The open space plan that has accompanied the application has identified a total of 26,466m² of Open space which is over and above the policy requirement of 12,656m². As part of this figure, 226 units would require the following 3842 m² equipped play space. Contrary to Third Party comments, significant informal and formal open space is provided for play and well-being purposes.

In order to accord with policy and the FIT guidance, a Local Area of Play is proposed on site. In terms of LEAPs and a MUGA, these can be at 400m walking distance and need to be a minimum of 20m and 30m between the activity zone and the boundary of the nearest property containing a dwelling. With the recreation ground being located within 400m of the furthestmost dwelling on the site, and the flexible approach to planning policy, a contribution is proposed to refurbishing the existing Parkway Recreation Ground.

In order to ensure that the future occupants of plots that face the upgraded recreation ground are not disturbed in terms of noise, the shape of the play area will need to ensure that there is a 20m separation distance from the plots at 200-205. Final details in terms of layout of the extended play area this will form part of the open space specification secured through the s106 agreement.

The Council's Public Open Space team have raised no objection to the proposed development and if planning permission is granted they will continue to work with the project team to agree the finer details of the open space provision, maintenance regimes and landscaping (in particular species selection and locations for tree planting).

Sport England, whilst not a statutory consultee in this case, has objected to the proposal on the basis of the loss of former sports fields. Sport England, in accordance with its own Playing Fields policy, has stated that it wants a contribution of £300,000 to be spent on enhancements to existing sports pitches in the locality as compensation for the loss of the former sports field.

However, it must be acknowledged that this site is a longstanding allocation of the Development Plan for residential development, there is no requirement for the provision of a contribution to sports facilities other than local open space provision/place space and the development itself, proven through viability, cannot support additional voluntary contributions on a scale such as this. In addition, national guidance only requires consultation with Sport England in certain circumstances, which in this case would be if the playing fields had been in use within the last 5 years. The playing fields have not been used for much longer than this, and Google Earth aerial photography indicates this is at least 15 years, likely longer.

Given the fact this is an allocation in the Local Plan, it has been through a comprehensive assessment, including consideration of loss of a playing field, and it is considered to meet the terms of the NPPF para 99 point a). It is considered the request for £300,000 towards alternative provision is unreasonable in the circumstances and, notwithstanding issues around viability of such a request, it is not proposed that such a contribution is required.

The proposal complies with the provisions of Policy E1.6 of the SADMPP and Policy DM16 of the SADMPP subject to the open space contributions and specifications being secured by S106 agreement.

Affordable Housing

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy, CS09. 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 34 units are required, this is broken down into the following:-

Affordable Rent = 24 units:-

2 x 1 bed house
6 x 1 bed flat
6 x 2 bed
8 x 3 bed
2 x 4 bed

Shared Ownership = 10 units:-

5 x 2 bed houses
5 x 3 bed houses

Units 66-69 and 78-82 would be built in Phase 2 (all for rent), Plots 123-127 and 130-132 (shared ownership) in Phase 3, Plots 13-14 (rent) and Plots 15-16 (shared ownership) in Phase 4 and Plots 189-90 and 183 – 188 (all for rent) in Phase 6.

The Council's Housing Strategy Officer has confirmed the proposed affordable units meet both their space standards, are fully integrated within the site and the cluster sizes of the units are acceptable and accord with Council policy. A S.106 Agreement will be required to secure the affordable housing provision. The proposal therefore complies with Policy E1.6 of the CS and Policy CS09 of the Core Strategy.

Residential Amenity

In terms of the relationship between the proposed development and existing residential properties on Parkway, the dwellings would be sufficiently separated to prevent any overbearing impact or loss of privacy / overlooking.

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

The previous application contained a detailed noise and vibration assessment. From the modelling of that application, the noise impacts of from the neighbouring site, the railway line and the industrial estate beyond had limited and not significant impact on the proposed dwellings. This application has also been supported by a detailed noise survey.

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In terms of the potential impact of noise levels from external noise sources, the Council's CSNN team asked for additional control measures to be put in place to ensure that the internal and external amenity space do not experience noise levels above the relevant WHO guidelines. Where compliance may not be achieved through normal ventilation and glazing, additional measures would be required, such as enhanced acoustic glazing and passive ventilation systems that allow for certain windows to remain closed. A revised noise report was submitted in February 2022 and CSNN has confirmed that the concerns raised have been addressed on the proviso that the glazing and ventilation strategy at noise sensitive properties is implemented in accordance with the details outlined in the report.

In terms of noise and disturbance during construction, the revised Construction Traffic and Environmental Management Plan Revision 8 is fully acceptable.

On this basis, there are sufficient controls to mitigate against noise and disturbance during the construction stage and to protect residents from existing noise sources surrounding the site. As a result, the proposal complies with the NPPF, Policy CS08 of the CS and Policy DM15 of the SADMPP.

S106 requirements, viability and local finance considerations

The proposed development would meet the requirements for the costs of relevant infrastructure, facilities and resources reasonably related to and directly arising from the development.

Should Members resolve to grant planning permission, a S106 agreement would be required to cover the provision of the affordable housing units (34 no. affordable homes as required by policy), provision of open space, contributions towards ecological mitigation, off-site financial contribution towards open space and its maintenance and management and sustainable transport contributions.

Section 70(2) of the Town and Country Planning Act 1990 provides that a LPA must have regard to a local finance consideration as far as it is material. This includes any Community Infrastructure Levy (CIL) as well as a grant from Homes England. Members will need to consider the weight attached to a £2.1m grant that the site benefits from as part of the Accelerated Construction Programme (ACP) set out below.

The development is also subject to S106 contributions, although these must be;

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related to in scale and kind to the development.

Whilst this site is in a zero CIL charging area, there is the ability to capture the infrastructure projects under the s106 mechanism. That said, it is important to note that it must not make the development unviable. This is covered in more detail below.

Norfolk County Council Infrastructure Planning team have requested an education contribution for 30 Junior School places at a cost of £420,660,29 High School places at £454,256 and 3 Sixth Form places at £46,992. A total contribution of £921,908.

In terms of library contributions, there would be the need for a library contribution of £75 per dwelling = £16,950

Whilst on face value, the obligations are considered to meet the tests of an obligation, imposing obligations upon a development that would render it unviable would be unreasonable and contrary to government guidance. For development, to come forward it needs to be viable.

As per paragraph 58 of the NPPF and para 8 of the NPPG, where up to date policies set out contributions expected from development, planning applications that comply with them are assumed to be viable. It is up to the applicant to demonstrate whether a particular circumstance justifies the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.

The starting point is that the site is a historic allocation of the development and its viability has been reviewed as part of the Local Plan process. Most recent evidence within the Local Plan Review Viability Update 2021 demonstrates that the allocation is only viable with contributions of around £100, 000 plus policy compliant affordable housing.

It is also very important to note that the site has previously been through a viability appraisal to secure Homes England funding of £2.1m through the Accelerated Construction Programme (ACP) which clearly demonstrates the government intervention that is necessary for the development to come forward. This would indicate why the site has not come forward previously on the open market.

Notwithstanding this, the applicant has also submitted a viability assessment, which has been independently assessed and this demonstrates that the total contributions including education and library contributions cannot be secured through the development as in order for the developer to provide full S106 contributions to the tune of approx. £1.1m, it would need to operate on a significantly reduced profit margin of a maximum of 12% as opposed to the lower end profit margin of 17.5% that the NPPG envisages. The development cannot therefore afford to provide the education and library contributions along with 15% affordable housing, open space contributions, and sustainable transport contributions.

The delivery of policy compliant affordable housing is a key requirement of Homes England funding and therefore cannot be reduced below the 15% provision. Given the already proven viability issues for this site as outlined by the Homes England funding as well as the updated Local Plan Viability Review 2021, the education and library contributions will not therefore be included within the S106 because they would render the site wholly unviable.

Other contributions are considered to meet the Regulation 122 CIL test and comply with Policy CS14 of the CS.

Other Considerations

Contaminated land:

The previous application was supported by a Preliminary Geo-Environmental Risk Assessment (PRA), Delta Simonds, August 2019. The PRA identified limited potential sources of contamination: underlying Tidal Flat Deposits (peat), localised Made Ground deposits, the adjacent Hardwick Industrial estate, adjacent railway, off-site electrical substation and deposited waste (fly-tipped) on-site. The Council's Environmental Quality team raised no objection to the proposal but given further work is required to characterise the site and assess remedial options they have recommended the imposition of contaminated land conditions.

Since the previous application, the most recent Preliminary Risk Assessment Report (November 2021) reviews the previous work carried out on the site and covers the proposed development of 226 units. Concerns raised in regard in earlier reports regarding potentially elevated ground gas in one area (R2) are reported to have been revised based on the current proposal. The report concludes that previously elevated concentrations of ground gas in borehole R2 are mitigated by the location of the pump house and the area of public open space.

The 2021 Preliminary Risk Assessment Report includes a contaminant linkage assessment, concludes that the potential linkages are all very low risk and makes recommendations for site specific remediation and verifications strategy. A remediation and verification strategy report dated November 2021 recommends a number of measures based on the previous findings. These include

- Hotspot protocol,
- Materials management plan for earthworks
- Cover system and imported materials validation
- Testing of site-won material
- Post placement verification of topsoil or cover materials
- Verification reporting for the enabling phase and construction phase

Following this remediation strategy, the Environment Health Environmental Quality team have no objection to the proposal subject to it being conditioned accordingly.

Air quality - The NPPF states that "planning policies and decision should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in the local areas".

"Planning decisions should ensure that any new development within Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".

Air quality assessments (AQA) were carried out to assess a) risk of dusts from construction phase (Royal Haskoning DHV, AQA Sept 21), and b) traffic emissions once operational (Royal Haskoning DHV AQA, Addendum Oct 21).

Dust emissions:

The AQA for the construction phase (Sept 2021) identified high-risk receptors as schools that are situated at either ends of the development (west and east) with estimated population exposure at around 10-100 persons and with exposure within 20m. No ecological receptors were identified. Risks were assessed as low for human health based on these constraints, although if population exposure is in excess of 100 risks would increase (medium). Dust soiling was assessed as higher risk (medium during construction / earthworks and high risk from trackout). No demolition as site is greenfield.

The AQA (Sept 2021) for the construction phase put forward range of potential mitigation options to reduce overall risk. Actual mitigation was set out by Lovells via their Construction Traffic and Environmental Management Plan (CTEMP), which initially did not identify any dust / particulate matter monitoring (v.4). Environmental Quality noted this and recommended a condition for a suitable dust monitoring scheme to be implemented as approved.

Later editions of the CTEMP included monitoring e.g. final version 8. The AQA for the construction phase explained that monitoring can be via a number of techniques (dust

deposition, dust flux, or via real-time PM10 continuous monitoring) but actual should be agreed with this Council.

IAQM guidance on the monitoring of dust from construction sites (IAQM, 2018) explains that 'where monitoring of PM concentrations is to be carried out, a minimum of two sampling sites should be established; these may be located upwind and downwind of the site'. Suitable scheme is to be agreed.

The Construction Management Plan Version 8 also restricts site activities involving any machinery (noise impacts) to the hours of 7.30am to 5.30pm Monday to Friday and 7.30 am to 1.00pm on Saturday.

HGV movements are noted by Lovells to peak at around 25 (deliveries) during main construction period (approx. 1 yr) but when averaged over the build period reduce to around 6 per day.

Traffic Emissions:

In terms of the risks from additional traffic emissions once the site is operational this was assessed by AQA Addendum (Oct 2021). Traffic will flow out from the site via Queen Mary Rd into the Gaywood Clock junction. This area is declared as an Air Quality Management Area (AQMA) due to nitrogen dioxide (NO₂) exceeding the annual mean air quality objective (40ug/m³).

The AQA focused on the emissions associated with traffic (NO₂, PM10 and PM2.5) over three assessment scenarios (with and without development) for base year (2019), an opening year (2023) and a completed year (2025). It has modelled the main road links. Relevant meteorological data was obtained from local station at Marham. Modelling has been verified also against this Council's NO₂ monitoring in accordance with the guidance. In relation to modelled impacts from traffic emissions for NO₂, PM10 and PM2.5 they have been predicted as negligible when compared to the relevant air quality objectives at the receptor locations, that includes the AQMA's in Gaywood Clock and also in the Town Centre in accordance with IAQM guidance (2017). The conclusion reached on impact is not significant.

Notwithstanding impacts IAQM explains that mitigation of emissions should follow best practice. The mitigation set out is for additional walking and cycling infrastructure shown within plans within the appendices and with links to the Local Cycling and Waling Plan (LCWIP) for Kings Lynn. The use of low NO_x (electric) air source heat pumps, solar panels, to be used for heating, cycle storage and EV charge points and reduction of speed to 20 mph limits are being proposed.

A Travel Plan is to be adopted that seeks to deliver a 15% reduction in single-occupancy car use through appointment of travel plan co-ordinator, plus offers and incentives and a sustainable travel pack for each dwelling.

Senior AQ Officer in Environmental Quality has considered the assessments and mitigation for the impact of the development (both during construction and operational phases) and appear to be satisfactory and the development would not adversely affect air quality. The comments of third parties cannot therefore be supported.

Third party comments have mainly been addressed within the main body of the report. With regard to lack of infrastructure (school places, doctors, police etc) it must be noted that this is an allocation of the development plan i.e. a planned form of development and thoroughly assessed by the Local Plan process.

The Waste and Recycling Manager initially raised concerns that bin collection lorries would not be able to safely access/egress bin collection points in specific areas of the site; raised concerns regarding road construction and the ability to cater for a 26 Tonne vehicle; and regarding bin collection points that would not be located adjacent to the adopted highway. Amended plans have been submitted to address these concerns and the objection is now withdrawn.

With regard to archaeology, work has been done in regard to archaeological excavations which has involved trial trenching. The results from the trial trenching have concluded no significant findings and accordingly, the Historic Environment Service has no objections or require any further works.

Crime and Disorder

The Police Architectural Liaison Officer has commented on the application, commented that they are pleased to see that there are changes in road surfaces that give the impression that the area beyond is private to the general community and this often deters casual intrusion by non-residents. They are also pleased that the design avoids blank gables overlooking the public realm.

The officer raises various concerns with regard to design, surveillance of footpaths and location of parking spaces etc. In response to these comments, in order to provide connectivity and to encourage sustainable modes of transport, on foot and cycling, the proposal does result in an intensification of the use of existing footways and cycleways. No such issues were raised in regard to the previous application by Norfolk Constabulary, which also provided connections back onto the existing footways and cycleways. It should be noted that a suite of improvements are proposed to local footways and cycleways including lighting to ensure that the scheme is sustainable.

Whilst it is noted that 39% of the dwellings may not have a habitable room window overlooking their associated side parking, observation of such areas is achieved by surrounding properties and people permeating through the site. Accordingly, there will be suitable natural surveillance.

The use of parking courts at the back of flats is noted, but this is common. The flats overlook the parking courts, and there is direct view of the parking court entrances afforded by the dwellings opposite the entrances.

Overall it is considered that the proposal on has suitably and comprehensively considered the impact upon crime and disorder in the area, as Local Authorities are required to do, and would not warrant a refusal on these grounds.

CONCLUSION/PLANNING BALANCE

The application site is allocated for a development of some 260 dwellings under Policy E1.6 of the SADMPP (2016). The principle of developing this site for residential development is therefore one that is long established, and is fully acceptable.

The application has been significantly reduced in scale since the previous application and now only proposes 226 units on this allocated site at a density of 26 dwellings per hectare (net). The proposal has retained the cross belt avenue of trees and the southern belt and proposes a significant replacement planting scheme along with proposed off-site habitat enhancement.

Minimum FFLs have been raised across the site to 3.15 AOD with ground floor only accommodation being raised to 3.75AOD. All properties in the western area of the site will have flood resilient and resistant construction up to 3.75m AOD. The EA raises no objection subject to condition.

The proposal does result in the loss of 3 category A trees, in order to provide a satisfactory highways scheme and to provide the surface water pumping station. The Arboricultural officer has no objection to the Arboricultural Implication Assessment and the implications of the revised crated system as opposed to the attenuation basin scheme.

The proposal has provided an overprovision of informal open space through which there are pedestrian routes. The proposal has made significant provision in the form of 4 new cycle routes to link the site to the existing footway and cycleway network to the Gaywood Clock and wider network including the Hardwick industrial estate. Formal open space would be provided as a mix of on-site and off-site provision. On-site, a LAP is provided and a significant contribution to upgrade the skate park and the play equipment at the adjacent recreation ground is proposed.

Through the Habitats Regulation Assessment and the appropriate assessment the proposal has, through a combination of measures, mitigated its impact upon the protected European sites and has identified and established appropriate mitigation in terms of protected species.

Whilst NCC Planning Obligations have requested additional funding regarding school places, the scheme cannot take over £1 million of additional contributions. The scheme would not be viable in terms of the NPPF standard methodologies and therefore no NCC education or library contribution is sought. The site has provided affordable housing in line with the current standards, and would provide significant off-site transport improvements including sustainable transport. It is the view of officers that these should still be sought as part of the scheme, and they have been considered as part of the viability assessment.

Overall, the scheme is considered to provide a high quality development, that is well served by and improves existing sustainable connections to the town and wider suburb of Gaywood. The design draws reference from other recent developments within the town and has its own individual character with identifiable character areas.

Members will be aware that applications should be considered in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the scheme is in accordance with a housing allocation as well as other policies set out in the current Development Plan, and there are no material considerations that would weigh against an approval. The planning balance is therefore heavily weighed in favour of approval for this proposed development.

Given the above, the proposal complies with the provisions of the NPPF and NPPG, Policies CS01, CS03, CS08, CS09, CS11, CS12 and CS14 of the Core Strategy and Policies DM1, DM2, DM15, DM16, DM17, DM21, DM22 and E1.6 of the SADMPP and as stated, the proposal is therefore recommended for approval.

RECOMMENDATION:

A. APPROVE subject to the satisfactory completion of a S106 Agreement to secure affordable housing, open space provision and maintenance, sustainable transport contribution and associated monitoring within 4 months of the date of this committee resolution and subject to the imposition of the following condition(s):

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- 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:

Site Location Plan P06
 Site Plan – Proposed Masterplan Roof P45
 Site Plan – Ground Floor Plan – Part 1 P08
 Site Plan – Ground Floor Plan – Part 2 P08
 Site Plan – Ground Floor Plan – Part 3 P07
 Material Schedule Plan P08
 Accommodation Mix P08
 Building Heights Plan P08
 Phasing Plan P11
 Public Open Space P08
 Refuse Strategy Plan P08
 Boundary Treatment Plan P07
 Parking Matrix Plan P06
 Affordable Plan P08

HOUSE TYPES

0050 H1437(D) - Plans and Elevations P02
 0051 H1437(D) - Plans and Elevations P02
 0061 H1295(D) - Plans and Elevations P02
 0070 H1282(D) - Plans and Elevations P02
 0071 H1282(D) - Plans and Elevations P02
 0080 H1213(S) - Plans and Elevations P02
 0090 H1015(D) - Plans and Elevations P02
 0092 H1015(D) - Plans and Elevations P02
 0095 H1015W(D) - Plans and Elevations P03
 0100 H980(D) - Plans and Elevations P01
 0120 H912(D) - Plans and Elevations P02
 0121 H912(D) - Plans and Elevations P02
 0124 H912(D) - Plans and Elevations P02
 0130 H897(D+garage) - Plans and Elevations P02
 0131 H897(D) - Plans and Elevations P02
 0132 H897(S) - Plans and Elevations P02
 0133 H897(S) - Plans and Elevations P02
 0134 H897(T3) - Plans and Elevations P02
 0135 H897(T3) - Plans and Elevations P02
 0140 H789(S) - Plans and Elevations P02
 0141 H789(T3) - Plans and Elevations P02
 0142 H789(S) - Plans and Elevations P00
 0143 H789(S) - Plans and Elevations P00
 0150 H663(S) - Plans and Elevations P02
 0152 H663(T3) - Plans and Elevations P02
 0153 H663(T4) - Plans and Elevations P02
 0160 A2B(S) - Plans and Elevations P02
 0161 A2B(T3) - Plans and Elevations P02
 0170 A3B(S) - Plans and Elevations P02

0171 A3B(T3) - Plans and Elevations P02
0180 A4B(S) - Plans and Elevations P02
0185 A1B(S) - Plans and Elevations P02

FLAT TYPES

Flat Type 1B2P Type 1 - Plans P02
Flat Type 1B2P Type 1 - Elevations P02
Flat Type 1B2P Type 3 - Plans P02
Flat Type 1B2P Type 3 - Elevations P02
Flat Type 1B2P+2B3P Type 1A - Plans P02
Flat Type 1B2P+2B3P Type 1A - Elevations P02

GARAGE TYPES

Garage Type 1 - Plans and Elevations P01
Garage Type 2 - Plans and Elevations P01
Garage Type 8 - Plans and Elevations P01
Garage Type 9 - Plans and Elevations P01
Garage Type 11 - Plans and Elevations P01

ELEVATIONS

Street Elevation 1 P01
Street Elevation 2 P00

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, street lighting, 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.
- 3 Reason: This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and therefore will not lead to expensive remedial action and adversely impact on the viability of the development.
- 4 Condition: Prior to the occupation of the final dwelling all works shall be carried out on roads/footways/cycleways/street lighting/foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 4 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 5 Condition: Before any dwelling is first occupied the road(s)/ footway(s)/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.
- 5 Reason: Reason: To ensure satisfactory development of the site.
- 6 Condition: Notwithstanding details submitted within the Lovells Construction Traffic & Environmental Management Plan Version 8 - February 2022, 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.

- 6 Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 7 Condition: Notwithstanding details submitted within the Lovells Construction Traffic & Environmental Management Plan Version 8 - February 2022, prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing air quality issues, any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.
- 7 Reason: In the interests of air quality in the locality and 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.
- 8 Condition: For the duration of the construction period all traffic associated with the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.
- 8 Reason: In the interests of maintaining highway efficiency and safety.
- 9 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 to include:

Phasing plan for proposed off-site highways works

Bus shelter with real time passenger information display at the east side of the south end of Queen Mary Road.

Improvement to existing bus stop at west side of Queen Mary Road, north of Hulton Road to make it DDA compliant.

Improvement to the existing cycleways both sides of Queen Mary Road for its full extent with segregated facilities provided at one side of the road if practicable.

Cycleway on the south side of Parkway from Queen Mary Road to Raleigh Road, including relocation of off-road parking away from Thoresby Avenue junction.

Pedestrian crossing via a pinch point east of Dawber Close.

Improvement to the Swaffham Belt cycleway with particular regard to intervisibility and light levels to improve personal safety.

Improvement to ramp and barriers between Hulton Road and Sandringham Railway cyclepath to support inclusive mobility.

Improvement to existing junction between Swaffham Belt and Sandringham Railway cyclepaths.

2.0m Mandatory cycle lanes for the full extent of Queensway between Gayton Road and Springwood High School, subject to maintaining a 6.0m carriageway. Otherwise advisory cycle lanes should be provided.

Lighting at cyclepath through The Rookery to improve personal safety.

20mph speed limit / zone covering the whole of the existing area accessed via Queen Mary Road, along with the proposed development. This should include traffic calming features to enable the speed limits to be self-enforcing.

20mph zone at residential area including Queensway to support safe cycle route to Springwood School, reinforced by traffic calming features.

have been submitted to and approved in writing by the Local Planning Authority.

- 9 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.
- 10 Condition: Prior to the first occupation of the development hereby permitted, or in accordance with the agreed Phasing Plan approved under Condition 9, the off-site highway improvement works (including Public Rights of Way works) referred to in Condition 9 shall be completed to the written satisfaction of the Local Planning Authority.
- 10 Reason: To ensure that the highway network is adequate to cater for the development proposed.
- 11 Condition: Notwithstanding details submitted, prior to the first occupation of the development hereby permitted an Interim Travel Plan shall be submitted to and approved by the Local Planning Authority.
- 11 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 12 Condition: No part of the development hereby permitted shall be occupied prior to implementation of the Interim Travel Plan referred to in Condition 11. During the first year of occupation an approved Full Travel Plan based on the Interim Travel Plan referred to in Condition 11 shall be submitted to and approved in writing by the Local Planning Authority. The approved Full Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority as part of the annual review.
- 12 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 13 Condition: Upon commencement of the development, to procure for a period of 5 years from the first occupation of the development a bus service of 30 minute frequency between the development and King's Lynn town centre Monday to Saturday and with an hourly frequency on Sunday (or such other hours as the Local Planning Authority may from time to time approve). Such service is to be provided by a bus operator or operators with details of the service and operators to be approved in advance in writing by the Local Planning Authority.

- 13 Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.
- 14 Condition: The development shall not be brought into use until a scheme for the provision of 5 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.
- 14 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 15 Condition: The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out in the submitted Flood Risk Assessment (FRA) undertaken by Royal HaskoningDHV (ref: PB9582-ZZ-XX-RP-Z-0001, dated: 18/02/2022), drawing no. PB9582-RHD-CE-I1-DR-D-0120 (rev. 03) - Finished Floor Levels Plan and drawing nos. 004 (P07), 005 (P07) and 006 (P07) - Ground Floor Plans are adhered to. In particular, the recommendations that:
- Finished floor levels set no lower than the levels shown on drawing no. PB9582-RHD-CE-I1-DR-D-0120 (rev. 03) - Finished Floor Levels Plan
 - Flood resilient measures will be incorporated up to 600mm above finished floor levels.
 - Finished floor levels of all properties with ground floor sleeping shall be set at a minimum of 3.75m ODN.

and the following measure

Flood resistant construction will be incorporated up to 600mm above finished floors levels on all properties with FFLs below 3.75m ODN

- 15 Reason: In the interests of flood risk and to accord with the provisions of the Development Plan, NPPF and NPPG.
- 16 Condition: The development must be carried out in strict accordance with the application form, plans and documents detailed below:

Flood Risk Assessment, Parkway, Kings Lynn (Reference: PB9582-ZZ-XX-RP-Z-0001 dated 18th February 2022), Parkway, King's Lynn Drainage Strategy (Reference: PB9582-

CE-SW-RP-D-0500 dated 7th January 2022) and drawings DRAINAGE LAYOUT (WESTERN SITE) Sheet 1 of 2 (Drawing No: PB9582-RHD-DE-SW-DR-D-0500 rev: P04 dated 7th January 2022) and DRAINAGE LAYOUT (WESTERN SITE) Sheet 2 of 2

(Drawing No: PB9582-RHD-DE-SW-DR-D-0501 rev: P04 dated 7th January 2022).

The approved scheme will be implemented prior to the first occupation/use of the development.

- 16 Reason: For the avoidance of doubt and in the interests of proper planning and to prevent flooding in accordance with National Planning Policy Framework paragraph 165,169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

17 Condition: No development shall commence until full details of the foul water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

17 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.

18 Condition: Notwithstanding details submitted within the Lovells Construction Traffic & Environmental Management Plan Version 8 - February 2022, during the construction phase and to help quantify risk of dust emissions to most sensitive receptors, a dust monitoring scheme (in accordance with IAQM 2018) shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the details agreed for the duration of the development.

18 Reason: To ensure dust emissions are controlled in the interests of air quality in the locality in accordance with the NPPF.

19 Condition: The approved remediation scheme, Remediation & Verification Strategy, dated November 2021 by Delta Simons, 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.

19 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 Condition: The development shall be carried out in accordance with the Site Suitability Noise Assessment PB9582-RHD-ZZ-XX-RP-Z-0001 dated 9th February 2022 and specifically in accordance with the noise mitigation set out in Section 5.2 and associated glazing and ventilation specifications set down in Appendices A7 and A8.

20 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

21 Condition: Other than in accordance with Conditions 6, 7 and 18, the development shall be carried out in strict accordance with the Lovell Parkway Gaywood King's Lynn Construction Traffic & Environmental Management Plan Version 8 - February 2022.

21 Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

- 22 Condition: The development shall be carried in strict accordance with the Arboricultural Impact Assessment and Method Statement by A T Coombes Associates Ltd dated 7th January 2022.
- 22 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 23 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.
- 23 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 24 Condition: Notwithstanding details submitted, no development shall commence on site until details of the proposed mitigatory replacement planting have been submitted to and approved in writing by the Local Planning Authority. These details shall specify the number (at a ratio 3 replacement trees:1 felled), type and size of trees proposed at the time of planting and include a planting plan, timescale for planting and details of the proposed management and maintenance of the trees. The mitigatory replacement tree planting shall be carried out in accordance with the approved details and the management and maintenance shall begin immediately following the planting of the replacement trees, which will be in accordance with the timescale specified in the approved scheme.
- If within a period of five years from the contractual practical completion of the development hereby approved, any of the replacement trees are removed, uprooted or destroyed or die or become, in the opinion of the local planning authority, seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written approval to any variation.
- 24 Reason: To ensure that existing trees and hedgerows 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.
- 25 Condition: Prior to commencement of the development hereby permitted, a scheme for habitat enhancement and associated management incorporating further surveys, tree planting and habitat improvement and programme for implementation for land identified in blue on Dwg 8966W-001 P06 (to the east of the Howard Junior School) shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the details agreed and maintained thereafter.
- 25 Reason: In the interests of biodiversity and to accord with the provisions of the NPPF and NPPG.
- 26 Condition: Prior to the first occupation of the development hereby permitted, full details of both hard and soft landscape works for that phase shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include

finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.

- 26 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 27 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works for each phase shall be carried out prior to the first occupation or use of any part of the phase to which they relate, 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.
- 27 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 28 Condition: Prior to the first occupation of each phase of the development hereby permitted a landscape management plan including long-term design objectives, management responsibilities, management and maintenance schedules for all landscape areas within that phase, 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.
- 28 Reason: To ensure that the landscaping is properly managed and maintained in accordance with the NPPF.
- 29 Condition: Welcome packs (to include information relating to the availability of and whereabouts of locations for dog walking routes which are less sensitive than international sites, and the provision of connecting accesses to existing rights of way and open space) shall be provided on first occupation of all houses hereby approved.
- 29 Reason: In the interests of protected sites and to accord with the provision of the NPPF and NPPG.
- 30 Condition: The recommendations, mitigation and enhancement measures identified in paragraphs 7.13 - 7.18 in the Ecological Assessment (updated January 2022) by Hopkins Ecology at shall be implemented in accordance with the approved details and in accordance with a programme to be submitted to and approved in writing by the local planning authority prior to the commencement of development.
- 30 Reason: In the interests of biodiversity and protected species and to accord with the provisions of the NPPF and NPPG.
- 31 Condition: Prior to the first occupation of each phase of the development hereby approved, details of the method of lighting and extent of illumination to the access roads, footpaths, shared parking areas and circulation areas within that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of the lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The

lighting scheme shall be implemented in accordance with the approved scheme prior to the first occupation of the phase of the development to which it relates and shall thereafter be maintained and retained as agreed.

- 31 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 32 Condition: No development shall take place on any external surface within each phase of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the building(s) in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 32 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 33 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.
- 33 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, open space provision and maintenance, sustainable transport contribution and associated monitoring.