

AGENDA ITEM NO: 8/2(b)

Parish:	Gayton	
Proposal:	Construction of 15no. new dwellings and 2no. barn conversions	
Location:	3 Church View Lane Gayton Norfolk PE32 1PY	
Applicant:	Client of Holt Architectural	
Case No:	16/00947/FM (Full Application - Major Development)	
Case Officer:	Mr C Fry	Date for Determination: 5 September 2016 Extension of Time Expiry Date: 13 February 2017

Reason for Referral to Planning Committee – The views of Gayton Parish Council is contrary to the Officer recommendation.

Case Summary

The application site lies within the development boundary of Gayton. Gayton combined with Grimston and Pott Row is a Key Rural Service Centre.

The site contains a number of barn buildings both single and two storey in scale using buff and red brick and pantile.

The application site has had previous permissions granted for residential development. The most relevant planning permission is 08/01444/OM which granted permission for 29 dwellings on the majority of the site and land to the west. 19 of the 29 dwellings that were secured under outline planning permission have been built out under 09/01561/RMM.

The most recent planning permission on the application site is 15/01086/F which is for the construction of 7 dwellings. These 7 dwellings are contained towards the western and most northern elements of the application site.

This proposal seeks consent to demolish two barns, convert one into 2 dwellings and the erection of 15 dwellings.

In total, there would 36 dwellings across the application (19 + 17) which would be a net gain of 7 dwelling over and above the 08/01444/OM permission.

Key Issues

Principle of Development and Planning History
Impact upon Visual Amenity
Impact upon Designated Heritages
Trees and Landscape
Impact upon Neighbour Amenity
Highway impacts
Ecology - impact upon protected species
Infrastructure provision and open space

Affordable Housing
Flood Risk and Drainage
Contamination
Archaeology
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application site lies within the development boundary of Gayton. The site is not contained within a Conservation Area but forms the setting of Hall Farmhouse (south east) which is Grade II listed and St Nicholas Church (North East) which is grade I listed.

The site lies on the northern side of Church View Lane and to the east of St Nicholas Close.

The site increases in gradient towards the northern boundary and is enclosed by ranch style fencing. The eastern section of the site has a substantial two storey scale barn and two single storey barns. The two storey barns are along the northern boundary of the site.

There are a variety of forms of dwellings in the locality. The later ex-authority developments on Church Lane are constructed from red brick. The traditional cottages on Church lane are constructed from flint and finished in render or partly painted.

The proposal seeks consent for 17 dwellings, 15 of which are to be new builds. The proposal has two distinctive elements, the western side is essentially a resubmission of that approved in 2015 for two storey semi-detached dwellings and detached dwellings and the eastern half a courtyard barn style development, the majority of which being new build with the exception of the largest two storey barn which is to be converted.

The proposed access will be adopted, with the adopted section extending towards the northern boundary with a type 3 turning head and the courtyard complex being served with a private drive leading to a crew yard.

SUPPORTING CASE

The agent has submitted a brief supporting case.

- Final Phase of a 2008 outline permission for 29 new residential units following relocation of farm yard outside of village
- Increased visibility of the Church view following inclusion of additional land area to the east
- Increased land area with historic permissions and approval to demolish redundant poor quality barns
- Backing of Historic England in relation to impact from and towards the Grade 1 listed church

- Single access point to entire scheme and improves the access integrity to Gayton Hall Farm House
- Substantial redesign of the eastern element to provide a more in keeping crew yard style development has been agreed with the conservation officer and planning team
- Ecology and archaeology conditions to implement
- Site will have delivered 10% over the required policy contribution for affordable house

PLANNING HISTORY

15/01086/F: Application Permitted: 11/09/15 - Construction of 7 no. new dwellings

13/00246/F: Application not required: - Conversion of existing farm buildings to provide 4no private residential dwellings

13/00066/F: Application Permitted: 08/07/13 - Conversion of existing farm buildings to provide 4No. private residential dwellings

13/00755/EXLB: Application Permitted: 17/07/13 - Extension of time for the implementation of planning consent 10/00862/LB: Listed Building Consent - Erection of two houses and conversion of existing stables to residential; including demolition of existing farm building and re-siting of existing access at Field Cottage. To include partial demolition and rebuilding of garden boundary wall to Hall Farmhouse (Listed Building).

13/00754/EXF: Application Permitted: 17/07/13 - Extension of time for the implementation of a planning consent 10/00861/F: Erection of two houses and conversion of existing stables to residential; including demolition of existing farm building and re-siting of existing access at Field Cottage. To include partial demolition and rebuilding of garden boundary wall to Hall Farmhouse (Listed Building)

12/00977/F: Application Withdrawn: 15/08/12 - Erection of new residential plots 25 to 29 inclusive

12/01350/F: Application Permitted: 12/10/12 - Revised application for erection of 5no residential units on land at redundant farm yard

10/00862/LB: Application Permitted: 23/07/10 - Listed Building Consent - Erection of two houses and conversion of existing stables to residential; including demolition of existing farm building and re-siting of existing access at Field Cottage. To include partial demolition and rebuilding of garden boundary wall to Hall Farmhouse (Listed Building).

10/00861/F: Application Permitted: 23/07/10 - Erection of two houses and conversion of existing stables to residential; including demolition of existing farm building and re-siting of existing access at Field Cottage. To include partial demolition and rebuilding of garden boundary wall to Hall Farmhouse

09/01561/RMM: Application Permitted: 02/12/09 - Reserved Matters Application:- Conversion of existing farm buildings and erection of new dwelling to provide 18 residential units

09/01442/F: Application Withdrawn: 07/10/09 - Erection of two houses and conversion of existing stables to residential dwelling; including demolition of existing farm building and re-siting of existing access.

08/01444/OM: Application Permitted: 30/09/08 - Conversion of existing farm buildings and erection of new dwellings to provide 29 residential units

06/01770/OM: Application Permitted: 13/08/07 - Outline Application for residential development including conversion of six traditional buildings and erection of 16 new dwellings

2/97/1369/F: Application Permitted: 16/10/97 - Construction of bungalow and garage

2/94/1033/AG: : 12/07/94 - Erection of dutch barn for storage and maintenance of estate farm machinery

RESPONSE TO CONSULTATION

All responses in regards to consultation are based on the latest set of plans except where stated.

Parish Council: Comments in regards to the latest scheme

- Represents overdevelopment. Since Gayton has recently seen development for 88 new dwellings approved in the Parish when the Site Specific Allocation document provides a number of 23... any further development would be inappropriate according to the core Strategy

- Insufficient access to services and facilities – the Core Strategy says that “everyone should receive quality services that meet their needs”. There are no significant infrastructure improvements or plans to build additional facilities like surgeries or shops to meet the needs of any new resident to the Parish. Therefore, not everyone will receive quality services to meet their needs
- Insufficient Water and Sewerage system; it’s clear that the current system is insufficient to cope with the existing demand on it; therefore further development should not be approved unless a full detailed plan to improve the system is included within the development and these improvements are undertaken before any new dwellings are built.

Housing Enabling Officer: I have looked at the above application and note that the applicant has suggested that there should be no further affordable housing requirement due to the affordable housing previously provided on the site under application 09/01561/RMM.

I would note that only 9 of the units provided on the site so far were provided via the existing S106 agreement. A further 9 units were purchased by the Guinness Trust but this transfer was not linked to the S106 agreement. However, I can confirm that no further affordable housing should be required as a result of this application for the following reasons.

The affordable housing requirement secured in the original S106 agreement was 30%. Based on the initial 18 units given consent (not including the conversion), this gives a requirement of 5.4 affordable units.

The current application proposes a further 15 new builds. The Council’s current Affordable Housing Policy requires a 20% contribution.

Therefore a further 3 affordable would be required. This makes a total contribution of 8.4 affordable units across the site which is within the 9 affordable units that have already been provided. Therefore, no further affordable housing is required as a result of this application.

Environmental Health & Housing – Environmental Quality: NO OBJECTION contaminated land conditions and a Construction Environmental Management Plan

NCC Highways: NO OBJECTION subject to condition

Environment Agency: NO OBJECTION

Internal Drainage Board: Whilst SUDS scheme states that surface water run-off from all roof areas and private drives/parking areas will be drained by infiltration, either by way of permeable paving or soakaways.

Site tests and suitable ground investigations will need to be carried out, and calculations undertaken, in due course in order to prove that this would be practical and effective means of surface water disposal. The proposal refers to the highway being discharged via a drainage system rather than an infiltration system, when the previous development 15/01086/F was permitted.

Given the lack of detail of a finalised surface water system design, if you're minded to approve this development I would suggest a surface water condition.

Lead Local Flood Authority this falls below our threshold.

Anglian Water: comment that foul drainage from the development from this catchment of Grimston Water Recycling Centre has capacity to accept these flows.

In regards to the network itself, there is currently limited capacity within the existing network to accommodate planning references 15/01776/OM, 15/01888/OM and 15/01946/OM.

The sewerage system at present has available capacity for the flows from this development. However it is important to note that A/W is unable to reserve capacity within the foul sewerage network to accommodate a specific development. There is a risk of downstream flooding in the event that 2 or 3 of the above sites are developed. In the event that upgrades are anticipated, in the event that the council is minded to approve more than one of the above applications we would recommend a foul drainage condition.

The method of surface water drainage does not relate to a/w assets

Comments in regards to the latest set of plans Comments that the revised set of plans show part of the development has been amended in layout to have a more courtyard-based plan. There is still some more conventional housing in the western part, but we would agree this is a positive chance, giving the edge of the new building facing the church a more traditional appearance.

Conservation Officer: NO OBJECTION Comments that whilst it is regrettable, the loss of traditional farm buildings the barns are not listed and their loss would be accepted subject to a satisfactory scheme overall. The revised proposal has taken account our concerns about layout and impact on the setting of the church and the design of the units. Recommend conditions in regards to materials and landscaping.

Historic England: NO OBJECTION

The heritage statement describes the existing barn and stables on the site and conclude they have some historic significance. Though perhaps not outstanding buildings they are of traditional form and construction and we consider them to make a positive contribution to the conservation area and the setting of the Parish Church. We therefore consider that their demolition could result in harm to the significance of these heritage assets in terms of the NPPF paragraphs 132 and 134. While it is a matter for the council to weigh any public benefit from the proposed housing against the harm we would recommend the scheme is revised to retain and convert these buildings. If this were done the harm would be reduced and we would not in principle object to the scheme.

Historic Environment Service: comments in regards to the original submission that a heritage statement has not been submitted, whilst there will be a need for archaeological trial trenching at the site, the presence of standing structure precludes this work being carried out at the pre-determination stage.

Consequently it will be acceptable for the archaeological investigations at the site to be carried out as a condition of planning permission. We will advise on appropriate condition wording once the heritage statement has been submitted and setting issues have been satisfactorily addressed

Comments in regards to the latest set of plans and following the submission of a heritage assessment

If planning permission were to be granted then a programme of mitigatory work should commence with informative trial trenching to determine if further mitigatory work is required. This can be secured by conditions.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

FIVE letters received **OBJECTING** to the original application

- Sewerage problems
- Green Space lost
- Air Quality issues
- Noise issues
- Traffic
- Sewerage
- Overlooking issues
- Rights of way access for home
- Surface Water drainage
- No raising of gardens
- 265 dwellings in plan have been passed when the village was only meant to have 23
- Overloaded road network
- How will the school cope with expected 280 pupils from all this planning.
- Facilities are stretched

ONE letter received in regards to the amended scheme following a re-consultation

- Gayton is becoming overdeveloped
- The highways are not suitable for more housing
- The sewerage system is already unable to cope
- Gayton people deserved better voice
- No longer a 5 year supply issue

NATIONAL GUIDANCE

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

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LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 - Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

OTHER GUIDANCE

Gayton Parish Plan

PLANNING CONSIDERATIONS

The main planning considerations in regards to this application are:-

- Principle of Development and Planning History
- Impact upon Visual Amenity
- Impact upon Designated Heritages
- Trees and Landscape
- Impact upon Neighbour Amenity
- Highway impacts
- Ecology - impact upon protected species
- Infrastructure provision and open space
- Affordable Housing
- Flood Risk and Drainage
- Contamination
- Archaeology
- Other Material Considerations

Principle of Development and Planning History

The application site lies within the development boundary of Gayton and forms the setting of Hall Farmhouse, which is Grade II listed (south) and St Nicholas Church (north east) was is grade I listed.

Third Party representations have stated that over the plan period, 2011-2021, Gayton only needs to provide 23 dwellings, whereas recent planning permissions total 265 dwellings. This would cause services to be stretched and Gayton becoming overdeveloped

Gayton combined with Grimston and Pott Row is classified a Key Rural Service Centre in the settlement hierarchy as set out under Policy CS02 of the Borough Council of King's Lynn and West Norfolk Core Strategy 2011. Whilst Gayton is required to provide 23 dwellings over the plan period, this figure of 23 is taken as being a minimum contribution to housing requirements in Gayton and where development accords with development plan policies and no other material considerations that indicate otherwise, planning permission should be granted.

The site historically forms part of a larger site which gained permission in 08/01444/OM. 08/01444/OM was for a 29 unit development which incorporated the large majority of this site and the land to the west. The land to the west gained reserved matters permission in 2009 (09/01561/RMM) which was for the conversion of existing farm buildings.

The most recent planning application on the application site was for 7 dwellings on the western section of this site granted under 15/01086/F and could still be implemented.

Impact upon Visual Amenity

The western side of the site once contained portal framed buildings, which have now been demolished. The eastern side of the site contains single storey and two storey brick built barns. The largest two storey barn with catslide roof pre-dates the tithe maps of 1834 and is located in an off centre position on the site and the single storey stable and two storey cartshed adjacent to the eastern boundary are mid C19th construction. Other features of note on the site include three trees along the western boundary and a tree in the eastern section of the site in the northern corner.

In terms of topography, the site increases in height by approximately a metre heading towards the central part of the site before gently falling away towards the northern boundary.

The site is classified as grade 3 agricultural land.

The western boundary of the site is shared with residential dwellings on both Church View Lane and St Nicholas Close. This boundary comprises of close boarded fencing. The northern boundary is currently enclosed with heras fencing, the eastern boundary comprises of hedging and close boarded fencing and the southern boundary comprising of walling and lap boarded fencing.

Dwellings in the locality are mainly two storey that are either constructed from red brick or flint. There are some single storey properties but these are in their infancy.

The site backs onto a large field that was the subject of a planning application for 50 dwellings which was refused consent under delegated powers (16/00647/OM) on the grounds that the site was outside development boundary. Development on that particular site was considered to have resulted in the loss of open land that was an important characteristic of the village of Gayton and would also have resulted in substantial harm to the setting of the Grade I Church St Nicholas.

A type 3 adoptable road serves the site which will contain semi-detached and detached properties that are both single and two storey in scale. The layout has two distinctive elements. The western side of the site adopts a conventional estate layout compared to the eastern side which has a farmyard complex layout.

The properties on the western side of the site are constructed from flint and with red brick quoin detailing and header treatment. These properties draw design reference from the development to the west of the site.

The eastern side of the site portrays a barn style complex. The complex is served by a private drive from the type 3 road. The properties on this complex vary in scale, in order to provide some form of hierarchy of scale. With the exception of plots 35-36 these properties are new builds following the demolition of single storey barns adjacent to the eastern boundary. These properties will be constructed from flint and small elements of timber boarding. Plot 37, to the front of the converted barn is meant to portray a stable block conversion.

The layout and boundary treatments proposed have also been partially dictated by the ability to preserve a view of Gayton Church, which has been a consistent approach to layout in all planning applications on this site.

It is noted that the private garden areas to 25-26a are rather small. However it must be noted that these amenity spaces are no smaller than that which was considered to be acceptable under extant permission 15/01086/F, and to therefore refuse the development on the grounds that 26b-28 would be a cramped form of development, would be unreasonable in these circumstances.

The demolition of the two storey cart-shed in the eastern corner of the site has already been considered to be acceptable under a planning application to also convert the single storey barn in the eastern corner of the site (10/00861/F).

It is considered that the two very different layouts on this application provides a development that adheres to the different characters of development that is portrayed in the locality, and on the whole provides a development that would be of good design.

Impact upon Designated Heritage Assets

The site can be said to form the setting of and is in close proximity to Designated Heritage Assets.

Hall Farmhouse, immediately to the south east, is grade II listed and St Nicholas Church is grade I listed. The grounds of the church are approximately 44m NE at its closest point to the site. During the application it was considered that the barns on the application site are not within the curtilage of Hall Farmhouse and are therefore not deemed to be curtilage listed.

The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places statutory duties upon Local Planning Authorities. In determining applications that affect a Listed Building or its setting Section 66(1) states that the Local Planning Authority 'shall have special regard to the desirability of preserving the building or its setting'.

The application has been accompanied by a Heritage Appraisal which assesses the impact of the proposal upon these designated heritage assets.

In respect to St Nicholas Church, the church dates back to the C14th and coupled with its setting is said to be of high significance. Whilst some development has occurred close to the setting of the church, the experience of this heritage asset is that it still retains a form of openness. In the heritage statement it has been concluded that this openness is not detrimentally affected and at worst is said to be neutral to the overall experience of the Church and grounds.

Hall farmhouse dates back to 1587 as the main farm to Gayton Hall Estate whilst being altered in subsequent centuries it is considered to be of high significance. As the Farmhouse lies within its own grounds, the heritage statement considered that its setting is unaffected by the proposal. It is referenced that other buildings around the grounds of the farmhouse have either been built or converted to residential dwellings.

Notwithstanding the comments contained within the Heritage Appraisal, Historic England have commented that whilst having more conventional housing in the western element, the eastern section provides a more traditional appearance towards the church, but would have preferred a conversion of the barns in the eastern corner rather than a new build farmyard scheme. No commentary in regards to the impact upon the farmhouse has been provided from Historic England. Historic England have considered that there is some harm arising from the development upon the church, and in line with paragraphs 132 and 134 of the NPPF, state that it is the Local Planning Authority's responsibility to weight the public benefit of the scheme against any harm caused.

Acknowledging Historic England's comments and in line with paragraph 132 and 134 of the NPPF, the public benefit that the scheme would bring includes environment, social and economic benefits in both the short and long term. The site would be tidied and the proposal would preserve the most important barn from falling into decay. The future occupants would help to sustain the local economy and services in the village.

It should be noted that the Conservation officer considers that the revised proposal has taken into account the impact of the development upon the setting of the Church and the Farmhouse and does not object to the scheme.

Trees and landscape

The proposed landscaping plan does not indicate that any trees are to be removed and includes the planting of additional trees and hedging to “soften” boundary treatments.

The arboricultural officer has no objection to the loss of trees on the site and concludes that the landscape scheme is acceptable.

Impact upon Neighbour Amenity

Third party representations are concerned about the proposal causing overlooking issues upon neighbouring properties.

The plots 25-26a are in the same position and are the same design as that previously permitted under 15/01086/F

Plots 26b and C replace a detached property granted under 15/01086/F in a very similar siting. The width of the pair of semi-detached properties is only 1.5m wider in respect to the two storey element of the permitted dwelling. This additional width would not lead to detrimental overbearing or overshadowing issues upon 62 St Nicholas Close.

The plots 27-28 look down St Nicholas Close and not into private amenity spaces of the properties within the Close.

There are no residential properties immediately to the north of the site accordingly plots 29 and 30 do not cause any adverse-amenity issues.

Plot 31 has been designed as not to cause any detrimental impact upon the neighbours at plots 35 and 36.

Plot 32, is mainly two storey with its gable end some 9.75 m from the flank elevation with the bungalow to the east of the site, which is adequate distance to overcome detrimental overbearing and overshadowing issues. No windows are proposed at first floor in this gable end accordingly this overcomes any overlooking issues.

Plot 33 is single storey and accordingly causes no issues upon this neighbour.

Plot 34 is a chalet style dwelling. This property is to the north east of Hall farmhouse, which overcomes overshadowing issues upon this neighbour. Being a chalet style dwelling as opposed to a conventional two storey property overcomes overbearing issues to a degree that is acceptable. Windows in the front elevation of plot 34 primarily look towards plot 36. The windows on the rear look only over the parking area of the neighbour to the east.

Plot 36 is set some 8 m away from the shared boundary with the Farmhouse as is a conversion of the existing barn structure. Accordingly the proposal would not result in any overshadowing or overbearing issues beyond that which is already experienced by the occupier of the Farmhouse. The window in the southern gable end at first floor in plot 36 will be conditioned in be obscurely glazed.

Plot 37 causes no detrimental impact upon any neighbour given its scale and siting.

A condition will be imposed requesting a construction management plan to addresses issues such as noise and dust caused during the construction period.

Ultimately, the proposal does not cause detrimental neighbour amenity issues.

Highways Impact

Third Party correspondence raises issues in regards to the highway network not being able to accommodate the additional traffic generated by this development.

The application site will be served by a type 3 road. Pavements are to be provided on both sides of the road.

The highways officer has no objection to the proposal subject to conditions in respect to; details of roads, footways and drainage and the construction of the road to binder course level.

An additional condition will be imposed to ensure that the private driveway is managed and maintained in a suitable state.

Ecology - protected species

The site contains brick built and pantile roof barns and accordingly a phase 1 protected species has been submitted.

A Phase 1 protected species has identified the following:-

Bats:- Evidence suggests that it is an occasional roost site for one or two bats of a common species, and no maternity roost is, or has been, present. During the winter months it is considered that the size and construction of the buildings and their state of disrepair would render them unsuitable for hibernating. The main barn had a large population of pigeons and their extensive droppings and overpowering smells is unattractive to bats. As mitigation, a single temporary bat roost was identified; it is recommended at least one external bat box or a bat-cavity is provided.

Barn Owls:- There is minor old evidence of the use of the single storey barn adjacent to the northern boundary of the site. It is not recommended to install a barn owl box due to disturbances from the occupation of the development.

Birds:- Site clearance, in the form of demolition works to the barns, should start outside the nesting season, late march through to early September, so any potential nest sites are not disturbed. It is recommended that ten bird nesting boxes could be added to the site to cater for hole nesting species such as Blue and Great Tits with-open fronted boxes for robins and wrens.

Pre-cautionary approach to hedgehogs is advised by checking foundations or trenches each morning.

There is no evidence to suggest that there is the presence of any other European Protected Species frequently found in the Countryside, such as Water Voles, Badgers, Great Crested Newts.

It is therefore considered that no Natural England license is required for the works.

Conditions are to be imposed in relation to details of bat boxes and bird boxes and timing of works.

Infrastructure Provision

This site threshold does not trigger county council contributions and does not require any open space contribution.

Affordable Housing Contributions

No affordable housing is being promoted by the applicant. An accompanying statement with the application states that 18 of 19 dwellings on land adjacent to the site to the west (which was a reserved matters approval on part of a larger application site that included the majority of this application site), which was owned by the applicant at the time of the application, were given to Guinness Trust housing association. Accordingly a grand total of 36 dwellings would be provided across the land to the west and this site (19 + 17) would result in a 50% contribution towards affordable housing.

The Housing Enabling Officer has come to the same conclusion, albeit through a different method. The Officer notes that only 9 of the units provided on the site to the west were provided via in that particular S106 agreement. A further 9 units were purchased by the Guinness Trust but this transfer was not linked to the S106 agreement. The affordable housing requirement secured in the original S106 agreement was 30%, based on the initial 18 units given consent (as one was a conversion); this gives a requirement of 5.4 affordable units.

The barn conversions granted permission under 13/00066/F would not have attracted an affordable housing contribution at the time as they were conversions of existing buildings.

The current application proposes 17 dwellings, 2 of which are conversions. The Council's current Affordable Housing Policy requires a 20% contribution on sites of this size. Therefore 3 affordable houses would be required (20% of 15). This makes a total contribution of 8.4 affordable units across both sites which is within the 9 affordable units that have already been provided. Therefore, no further affordable housing is required as a result of this application.

It is your officer's opinion in line with that of the housing enabling officer, that there is no requirement to provide further affordable housing taking when the two sites are considered to be part of the same overall site and are in the same ownership.

Flood Risk and Drainage

Third Party representations are concerned about the proposal causing surface water flooding elsewhere in the village.

The site lies within an area designated as Flood Zone 1 according to the Council's Strategic Flood Risk Maps; accordingly a flood risk assessment was not required.

The application has been accompanied by a SUDS Statement. The SUDS Statement refers to surface water run/off from impermeable surfaces (roads, roofs and private drives) to be drained via a piped network to a surface water soakaways/permeable paving which will remain within private ownership.

Site Specific infiltration tests will need to be carried out at a detailed flood drainage design stage to accurately size the soakaways/permeable paving required to attenuate surface water run-off from the site. The adoptable highway will be drained to traditional surface water gullies and connected to the highways network constructed during phase 1 of the development.

The Kings Lynn Internal Drainage Board has confirmed that the site lies outside of the boards district but is contained within their catchment area and the proposal that the system will connect into the boards maintained middleton stop drain. The IDB considers that the surface water from the highway could discharge into to soakaways as the ground conditions are suitable.

It is considered that in respect to SUDS that the final design, subsequent management and maintenance can be controlled by way of condition.

In respect to Foul Water Drainage, it is proposed to connect to Anglian Water's sewerage network. Anglian Water has responded that there is capacity at Grimston Water Cycling Centre, but the foul water network in Gayton would require upgrading if 3 major planning permissions totalling a maximum of 93 dwellings were to be built out.

In order to deliver any required upgrades, the development can under s.98 of the Water Industry Act, require AW to carry out any necessary upgrades to require the development to connect to the sewerage system. The developer pays a contribution to the capital cost of the upgrades. The capital cost is offset against the cost AW will receive over a 12 year period from the sewerage charges from each of the dwellings. Alternatively the developer under section 104 of the Water Industry Act allows for the developer to enter into an adoption agreement with AW. The developer, subject to AW vetting and approval, design and constructs the necessary upgrades and on completion, transfer to AW to become part of the public sewerage system.

Furthermore, it must be acknowledged that the site already has the benefit of consent for the erection of 7 dwellings, which form part of this scheme as re-designated plots.

Final details in regards to foul water drainage will be secured by way of condition.

Contamination and air quality management

The Environmental Health Environmental Quality team require full contamination conditions imposed given the previous uses of the site.

In terms of air quality, the development would not significantly change an area where the background pollution is low. Therefore we have no objection in principle regarding the impact on air quality from additional traffic movements in the operational phase.

Archaeology

The heritage statement refers to the area containing pottery shards dating from the early mid and late saxon periods have been found in the churchyard. There is also evidence of early settlement in the vicinity of the church, and the application site, situated south-westwards, may have some archaeological significance.

The Historic Environment Service requires full archaeological conditions to be imposed.

Other Material Considerations

Third Party comments raise issues in regards to rights of way for access. Enforcing rights of way is not covered under planning legislation and is a civil matter.

Third party comments raise issues in regards to raising garden levels. The garden levels are not required to be raised to facilitate the development.

CONCLUSION

Members will need to consider whether the removal of the barns causes public harm to the significance of the setting of St Nicholas Church that cannot be outweighed by the public benefits the scheme brings.

It is your officer's opinion that the loss of these barns, which are not listed, one of which having previously had consent to be demolished, can be accommodated. The overall scheme provides a layout which draws inference from the layout of development in the locality. The dwellings on the western side of the site have already been deemed to be of suitable design, drawing inference from the development to the west of the site. The eastern side of the site by detailing a farmyard development, retaining the largest scale barn on the site, acknowledges the site and its historical relationship to Hall Farm. The massing of the built form on the eastern side of the site is not significantly different to that which already exists and accordingly it is considered that the proposal causes little public harm to the significance of the setting of the Church. Historic England and the Conservation Officer do not object in principle to the loss of the barns.

In respect to affordable housing, sites of this size would trigger the requirement for 3 dwellings, however your housing enabling officer has considered that the adjacent site that was in the client's ownership and part of the overall site has over provided and when combined with this site, there would be no additional requirement for affordable housing, and it would be unreasonable to request more.

All other material considerations are acceptable or can be adequately addressed by way of condition.

RECOMMENDATION:

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

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - Proposed Site Plan drawing no. 16-GFB-03 Rev G dated 21.11.16
 - Proposed Residential Development of 15 New build houses & 2 Barn Conversions - Plots 25 and 25a 16-GFB-25 dated May 2015

- Proposed Residential Development - Floor Plans, Elevations and Section Plot 26/26a drawing no. 16-GFB-26 dated May 2015
- Proposed Elevations and Floor Plans plots 26b/26c dated 21st July 2016
- Floor Plans, Elevations and Section drawing no. 16-GFB-27 plot 27/28 dated May 2015
- Floor Plans, Elevations and Section drawing no. 16-GFB-31B Plot 31 dated May 2015
- Ground Floor Plans, Elevations Plot 32, 33 and 34 drawing no. 16-GFB-32C dated 28th November 2016
- First Floor Plans, Elevations Plot 32, 33 and 34 drawing no. 16-GFB-33 C dated 28th November 2016
- Proposed Plans and Elevations Plot 35 and 36 drawing no. 16-GFB-36A dated 28th November 2016
- Floor Plans, Elevations and Section Plot 37 drawing no. 16-GFB-37A dated 27th November 2016
- Proposed Garages drawing no. 16-GFB-39B dated 28th November 2016
- Boundary treatment drawing no.16-GFB-50 D dated 28th November 2016
- Landscape drawing no. 16-GFB-60C dated 28th November 2016
- Bins Store Plans and Elevations drawing no. 16-GFB-70

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

3 Condition Notwithstanding the approved plans; details of the following items at a scale of 1:2 or as otherwise specified shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in relation to plots 31-37 inclusive only.

a) drawings of all new joinery works involving windows and doors (with cross sections)

3 Reason To ensure that the design and appearance of the development is appropriate in accordance with the principles of the NPPF.

4 Condition No development shall take place on any external surface of the development hereby permitted until samples of the materials to be used in the construction of the external surfaces of the buildings (Plots 25-30 only) 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.

4 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

5 Condition No development shall commence on any external surface of the development until a sample panel of the materials to be used for the external surfaces of the dwellings on plots 31-37 (exc. Plots 35 and 36) hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.

5 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 6 Condition The screen walls and fences shown on the approved plans shall be erected prior to the occupation of the dwelling to which they relate.
- 6 Reason In the interests of the residential amenities of the future occupants of the development in accordance with the NPPF.
- 7 Condition All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing Landscape drawing 60c. The works shall be carried in accordance with a programme to be agreed in writing with the Local Planning Authority, prior to the commencement of development. 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.
- 7 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 8 Condition No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).
- 8 Reason To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.
- 9 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, 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.
- 9 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.
- 10 Condition No works shall be carried out on roads, footways, cycleways, foul and surface water sewers otherwise than in accordance with the specifications of the Local Planning Authority.
- 10 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 11 Condition Before any dwelling is first occupied the road(s), footway(s) and 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.
- 11 Reason To ensure satisfactory development of the site.

12 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

12 Reason In the interests of highway safety.

13 Condition No development shall commence on site until full details of the surface water drainage arrangements 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.

13 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.

14 Condition Notwithstanding details received, no development shall commence until full details of surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall include the following:-

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a period for its implementation; and
- provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage details shall be constructed as approved prior to the first occupation of dwellings hereby approved.

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

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

- 15 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 16 Condition Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 16 Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 17 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

- 17 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.
- 18 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 18.

- 18 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.
- 19 Condition No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used;

The development of that phase shall be carried out in accordance with the approved construction management statement.

- 19 Reason In order that the Local Planning Authority may retain control over the construction activities in the interests of the amenities of the locality in accordance with the NPPF.

This also needs to be a pre-commencement condition as this issue relates to the construction phase of the development.

- 20 Condition Notwithstanding details received, the following windows shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The window(s) shall be permanently retained in that condition thereafter:-
- Plot 25 first floor window on the northern elevation serving the bathroom
 - Plot 26 first floor window on the south elevation serving the bathroom
 - Plot 26a first floor window on the north elevation serving the bathroom
 - Plot 26 b first floor window on the south elevation serving the bathroom
 - Plot 26 C first floor window on the north elevation serving the bathroom.
 - Plot 27 first floor window on the south elevation serving the bathroom
 - Plot 28 first floor window on the north elevation serving the bathroom

- Plot 29 first floor window in the west elevation serving the bathroom and the first floor window in the north elevation serving the en-suite
- Plot 30 first floor window in the east elevation serving the bathroom and the first floor window in the south elevation serving the en-suite.
- Plot 31 first floor windows on the east elevation serving en-suites
- Plot 32 first floor windows on the south elevation serving an en-suite to bedroom 1.
- Plot 33 velux-window on the east elevation roofslope.
- Plot 34 first floor windows on the east elevation serving bathroom and en-suite
- Plot 35 first floor velux window to the bathroom on the west elevation
- Plot 36 first floor windows on the south elevation serving en-suite and the velux windows on the eastern elevation roofslope serving the bathroom
- Plot 37 ground floor window to the bathroom on the east elevation

- 20 Reason To protect the residential amenities of the occupiers of nearby property.
- 21 Condition Prior to the commencement of development, including demolition of the barns, full details of bat boxes and owl boxes including their design and location shall be submitted to and agreed in writing by the Local Planning Authority. Installation shall be carried out in accordance with the approved details prior to the commencement of development.
- 21 Reason In the interests of safeguarding of protected species in accordance with the principles of the NPPF and the wildlife countryside act 1981.
- 22 Condition The demolition of the barns shall take place outside of the bird nesting/breeding season between the 1st March and 31st August in any given year. Should demolition be required during this period, prior to such demolition a bird nesting/breeding survey shall be submitted to and approved in writing by the Local Planning Authority. The result of the survey shall also include any mitigation/enhancement measures appropriate to the extent of any breeding/nesting bird recorded in order to minimise the impact of such landscape feature removal upon the bird species. The mitigation/enhancement works shall be completed and maintained in accordance with the agreed details and timetable other than with the prior written approval of the Local Planning Authority.
- 22 Reason In the interests of safeguarding of protected species in accordance with the principles of the NPPF and the wildlife countryside act 1981.
- 23 Condition No development (excluding the demolition of the barns hereby permitted) shall take place other than in accordance with the approved archaeological written scheme of investigation submitted with the planning application. For the avoidance of doubt the scheme shall include an assessment of significance and research questions; and
- 1) The programme and methodology of site investigation and recording,
 - 2) The programme for post investigation assessment,
 - 3) Provision to be made for analysis of the site investigation and recording,
 - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - 5) Provision to be made for archive deposition of the analysis and records of the site investigation and
 - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

- 23 Reason To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 24 Condition The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 23 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 24 Reason To safeguard archaeological interests in accordance with the principles of the NPPF.