

<b>Parish:</b>	<b>Gayton</b>	
<b>Proposal:</b>	<b>Construction of 2 detached dwellings and 4 semi-detached dwellings</b>	
<b>Location:</b>	<b>Manor Farm Back Street Gayton King's Lynn</b>	
<b>Applicant:</b>	<b>D&amp;K Marsham</b>	
<b>Case No:</b>	<b>19/01831/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination: 6 February 2020 Extension of Time Expiry Date: 29 October 2020</b>

**Reason for Referral to Planning Committee:** Planning Officer recommendation is contrary to Parish Council recommendation and referred by the Assistant Director

**Neighbourhood Plan:** No

### **Case Summary**

Full planning permission is sought for six dwellings.

The site forms a small part of housing allocation G41.1 in the Site Allocations and Development Management Policies Plan, 2016. An extant outline planning permission exists on the whole site (including this site) for up to 40 dwellings.

A concurrent Reserved Matters application (RM) on the remainder of the site (the area not covered by this full application) is also before committee today. The RM application is for 40 dwellings (in line with the outline approval) but on a smaller site (excluding the site that is subject of this full application).

If permission is granted for both then it will result in a total of 46 dwellings on the allocated site rather than the currently approved 40.

**This application was also deferred from the Committee Meeting of 01 June as it directly relates to application 19/00694/RMM.**

**However, other than the Supporting Statement, no other changes have been made to this report other than to make an amendment to an incorrectly listed plan.**

## **Key Issues**

Principle of Development  
Form and Character  
Residential Amenity  
Highway Safety  
S106 Contributions  
Crime and Disorder  
Other Material Considerations

## **Recommendation**

**IN THE EVENT THAT APPLICATION 19/00694/RMM CONSIDERED EARLIER ON THIS AGENDA WAS APPROVED:**

**A) APPROVE** subject to the completion of a S106 Agreement within 4 months of the date of this resolution

**B) REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing.

**OR**

**IN THE EVENT THAT RESERVED MATTERS APPLICATION 19/00694/RMM CONSIDERED EARLIER ON THIS AGENDA WAS REFUSED, TO ENSURE A COMPREHENSIVE AND HIGH QUALITY DESIGN AND LAYOUT IS ACHIEVED ACROSS THE WHOLE ALLOCATED SITE, THEN THIS APPLICATION WOULD ALSO BE RECOMMENDED FOR REFUSAL.**

## **THE APPLICATION**

Full planning permission is sought for a total of six, two-storey dwellings: two pairs of semi-detached dwellings (linked by their garages) and two detached dwellings. The semi-detached properties would be 3-bed units and the detached would be 4-bed units. Detached double garages are proposed to serve the detached properties with single garages serving the linked dwellings.

The linked dwellings would be constructed from red multi brick with chalk render on the front elevations under a slate roof. The detached dwellings are to be constructed from red multi brick with flint cobble on the front elevations under a pantile roof.

Boundary treatments would comprise 1.8 close boarded timber fencing (CBTF) between properties, 1.5m CBTF with 0.3 trellis above along the eastern boundary (rear boundaries of the linked dwellings where they abut the footpath), and 1.2m high post and rail fence with native hedgerow on the northern boundary where it abuts the adjacent countryside.

The site lies in the northeast corner of allocated site G41.1 of the Site Allocations and Development Management Policies Plan, 2016. An extant outline planning permission exists on the whole site (which includes this site) for up to 40 dwellings. A concurrent Reserved Matters application (RM) on the remainder of the site (the area not covered by this full application) is also before committee today. The RM application is for 40 dwellings (in line with the outline approval) but on a smaller site (i.e. excluding the site that is the subject of this full application).

If permission is granted for both applications it will result in a total of 46 dwellings on the allocated site rather than the currently approved 40.

Members may wish to note that given the location of this full application site, in the northeast corner of the wider allocation / outline site, if the adjoining RM application for the vast majority of the allocation has been refused earlier in this committee meeting, it is recommended that the current application should also be refused. This is on the grounds that to permit these six dwellings alone, with an extensive internal road leading to them, would result in incongruous development of detriment to the visual amenity of the locality, and would not lead to a comprehensive development of the site.

## **SUPPORTING CASE**

**This application is before the Planning Committee following deferral at the 01 June 2020 Planning Committee. Although no formal planning reasons were outlined for that deferral, following discussions with Planning Officers, the applicant has responded to the following areas of concern as raised in debate:**

- 1. No garages to affordable units**
- 2. The committee considered the affordable units were not adequately pepper potted**
- 3. Confirmation of the location of the agricultural field access and comments from CSNN**
- 4. Premium by neglect of the remaining agricultural field**
- 5. Secure cycle storage**
- 6. Number of units**
- 7. Electric Vehicle Charging and A rated EPC**

**We have considered the points raised and responded in order below:**

### ***ITEM 1 – No Garages to affordable units***

**It should be noted that there are 8 open market dwellings that do not have garages and 9 affordable units that do not have garages. As such, it is considered that the open market and affordable units will be fully integrated without a visual disparity between the units. We have also spoken with Registered Providers regarding garages and they have confirmed that their preference is not to have garages, this is reinforced by the scheme behind the Rampant Horse in Gayton by Freebridge Community Housing with the affordable units not having garages.**

In addition, we have also consulted further with the Housing Enabling Team and they have confirmed that Registered Providers prefer not to have garages provided with affordable units as they incur extra costs through maintenance and repairs. It may also lead to an increase in rents which could affect affordability. Sheds are provided with affordable units for the tenants to store their bikes and other belongings.

As such, we consider that the mix between open market and affordable units with and without garages will not result in visual disparity between affordable and open market housing. In addition, the proposal is Policy and NPPF compliant, meets the needs of Registered Providers and has the support of the Housing Enabling Team.

***ITEM 2 – Affordable units were not adequately pepper potted***

Although we would note that the previously considered scheme is fully compliant with national and local planning policy and meets the Borough's guidance on location of affordable units, we have fully considered these comments. We also note the Registered Provider's preference to locate all dwellings in a similar area for management and maintenance reasons.

Policy CS09 is clear that the purpose behind pepper potting is to ensure that the units are tenure blind and as such we have revised the proposed location of the affordable units. The proposed location and mixed tenure with open market, along with the approach outlined in item 1, will ensure that these units are truly tenure blind and that affordable units are receiving the same level of quality and accommodation as open market housing.

We would also note that the affordable units are not all located in one cluster away from the main development, in fact, they are fully integrated into proposal with mixed tenure semi-detached and terrace units. This will ensure that the affordable units are fully integrated into the scheme without visual disparity to the open market housing. We again note that this proposal fully meets local and nation policy, is in accordance with the Borough's own guidance and has no objection from the Housing Enabling team.

***ITEM 3 – Access to Agricultural Field***

As confirmed during James Burton's speech agricultural access to the field has been retained. However, following the committee further consideration has been given to this and the access location is also reinforced further on the proposed site plan.

As part of this we have located the access further away from plot 33, introduced additional landscaping and post and rail fence to demark the area. The access is to be grasscrete to maintain the green aspect. The LAP has also been relocated as part of our further considerations.

This approach maintains public open space far in excess of policy requirements which will be available to the whole village and this is in addition to the maintained woodland area which will also be for the use of the village.

This approach is policy compliant and the Greenspace Officer and CSNN have commented further on the proposal and confirmed no objections to the proposal.

***ITEM 4 - Premium by neglect of the remaining agricultural field***

Gayton Estate will continue to farm the parcel of agricultural land to the North of the application site via the proposed access. The estate manages and actively utilises small parcels of agricultural land throughout the village of Gayton successfully and this will continue with this piece of agricultural land. The land will be kept in good order and actively used and maintained as part of the estates operations.

***ITEM 5 - Secure cycle storage***

Each unit with a garage has an oversized garage capable of cycle and car storage. Each unit without a garage has a shed space provided for secure storage of cycles.

***ITEM 6 – Number of Units***

The total site has an area of circa. 2.65ha and is C3 residential land with Outline Approval for 40 dwellings. The proposed development density of the site as a whole including the 6 additional dwellings included as part of this application is 17.34 dwellings per hectare which is considered to make efficient use of residential land as required in the NPPF and also respects the form and character as well as the surrounding densities within the area. St Nicholas Close development has a density of circa. 17.86 dwellings per hectare and the Birch Road area, known locally as the Willows has a density of circa. 19.77 dwellings per hectare. The Willows is perhaps most relevant in context terms and is adjacent to this proposal and it should be noted that although we are proposing a total of 46 dwellings this remains 2 dwellings per hectare lower than the Willows.

It should also be noted that the land to the rear of the Rampant Horse in Gayton was approved recently which has a density of 26.17 dwellings per hectare and only just meets the policy required open space. The Rampant Horse was approved with a density of 8.83 dwellings per hectare higher than this proposal.

The increase in numbers allows us to offer the full requirement of affordable housing with the intention of offering additional Build2Rent properties for affordable rent to residents of the village. It should also be noted that the scheme provides far in excess of the minimum policy required open space and is fully compliant with Local and National Planning Policies with no statutory objections.

***ITEM 7 - Electric Vehicle Charging and A rated EPC***

As noted in James Burton's speech each property will have a charging point for electric vehicles and each and every property, including affordable homes, will strive to achieve an 'A' rated EPC utilising air and ground source heat pumps and be designed for low water consumption and the installation of solar panels.

In addition to the points raised by the committee the entirety of the supporting statement submitted previously continues to apply fully to this proposal. This concludes that the site is identified for development in the local plan, benefits from an extant approval for 40 dwellings and is in keeping with the form and character of the area, with lower development density than the surrounding housing and recent approvals, without negative impacts on neighbour amenity. The full application for 6 dwellings will ensure best and most efficient use of land and rely on the infrastructure of the 40 dwellings approved under the current Outline Approval, this approach will ensure the deliverability of 40 homes counted as part of the land supply and positively contribute to achieving the required 95% test level of homes built.

The scheme makes efficient use of development land and will not result in harm, fully meeting the requirements of the Local Plan and the NPPF, specifically section 11 and paragraph 78, which seeks to achieve sustainable development and efficient land use. As such, we respectfully request that you support your officers and recommend approval of this scheme with conditions deemed appropriate.

## **PLANNING HISTORY**

19/00694/RMM: for consideration at this meeting with a recommendation of approval: - RESERVED MATTERS: Residential development for 40 dwellings, associated estate road access onto Back Street and demolition of existing farm buildings

16/00444/OM: Application Refused: 15/09/16 - Outline Major Application: Residential development comprising 40 dwellings to include 8 self-build custom built dwellings and access

15/01888/OM: Application Permitted: 04/08/16 - Outline application: Residential development for 40 dwellings, associated estate road access onto Back Street and demolition of existing farm buildings

## **RESPONSE TO CONSULTATION**

**Parish Council:** **OBJECT** on the grounds of over-development and not in keeping.

This application needs to be taken in conjunction with Application 19/00694/RMM. The Parish Council feels that the purpose of this application (19/01831/F) is to circumvent the original outline planning approval (15/01888/OM) for forty houses and to increase the number of houses on the original plot to 46, thus increasing the density overall. The Parish Council feels that with the likely new position of the proposed new school the footprint for this development has changed in readiness of further development and the loss of important green space in the centre of the village. Green space is important for Parishioners wellbeing something that the Parish Council is very mindful of.

The Parish Council feels that these applications are making a mockery of the planning system and understand that the developer needs best value but not at the expense of our lovely rural village and the wellbeing of our Parishioners. The Parish Council understands to be sustainable there needs to be development within the village but trying to squeeze an extra six houses onto a plot making it denser, removing green space etc is not in the best interest of the village and the Parishioners that live here.

**Highways Authority: NO OBJECTION** subject to condition

**PROW Officer: NO OBJECTION** in respect to Public Rights of Way but the applicant must ensure that the eastern boundary of the site is not encroaching Gayton Public Footpath 9 that runs along the rear (eastern) boundary of plots 21 to 24.

This Footpath is part surfaced but the extent of the surfacing is not indicative of the definitive width of this PROW which is likely to be wider as the PROW follows a historic lane. The applicant needs to establish the definitive width by obtaining a highways boundary plan and revise drawings if necessary to ensure there is no encroachment or obstruction of the PROW.

The Footpath must remain available and unobstructed for the duration of construction or an appropriate temporary closure order be in place to safeguard the public during construction.

**CSNN: NO OBJECTION** subject to condition requiring construction management

**Environmental Health & Housing – Environmental Quality: NO OBJECTION** subject to condition

**Housing Team: NO OBJECTION** I note these 6 units will take the wider development to 46 units overall, which increases the affordable housing contribution from 8 units to 9. Six units should be for rent and three for shared ownership. The applicant has proposed an additional affordable unit which I confirm meets our requirements. The additional affordable housing will need to be secured via legal agreement.

**Waste and Recycling Team: NO OBJECTION**

**Natural England:** No comments to make

**Anglian Water:** No comments to make

## **REPRESENTATIONS**

One letter of support has been received. It can be summarised as follows:

- Our home borders the proposed development on two sides (west and north), and we share a boundary of over 100 metres in length. It is fair to say that my

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property will be most affected by future development and is hugely important to me personally, and in terms of property amenity and value. My place of work is also on Back Street and I doubt anyone knows the street or the site better than I do

- Since demolition of the dilapidated roadside cartshed, the rest of the village is now seeing Manor Farm as I have seen it for 20 years – dominated by large, antiquated asbestos cement farm buildings, well past their useful working life and ugly with it. As a neighbour, I will be pleased to see them go along with the storage of diesel, agrochemicals and fertiliser and the noise, dust and disturbance from big agricultural machinery that goes with a working farm
- I'm also pleased that woodland will be retained, enhanced with new planting and made safe for public use and access. Grassland will remain and be open for public access and enjoyment as will the small pond. That pond, which currently dries out in summer, will be cleaned out, opened to sunlight on the south side and fenced off to provide a much better habitat, safely shielded from access by children. The dedicated children's play area is also very welcome
- I understand there will be a loss of farmland but that is more than compensated for by the massively increased diversity from garden trees, plants and hedges
- From the application documents, it appears the density of homes is very low by modern standards and carefully sited to minimise impact on neighbours.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**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

**DM8** – Delivering Affordable Housing on Phased Development

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

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

**G41.1** Gayton - Land north of Back Street

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

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

Principle of Development  
Form and Character  
Residential Amenity  
Highway Safety  
S106 Contributions  
Crime and Disorder  
Other Material Considerations

### **Principle of Development**

The principle of residential development of this site has been found acceptable by extant outline planning permission 15/01888/OM and the fact that the site is allocated for housing development in the current SADMP, 2016 (G41.1) and the emerging Local Plan.

However, this full application only relates to a small part of the outline site / allocation with the remainder of the site being covered by reserved matters application 19/00694/RMM.

If both applications are approved it would result in a further six dwellings on the allocated site, totalling 46 rather than the currently approved 40. The main issue for consideration in the determination of this application is therefore the impact of these additional six dwellings.

### **Form and Character**

This application, when considered in combination with the RM application, would result in an extension to the RM proposal and comprehensive development of the wider outline site / allocation.

The dwellings represent two of the eight types of dwelling designs proposed on the RM site and are considered to be of a scale, mass and appearance that relates adequately to the site, the wider site and the wider setting.

The density of development of the wider site as a result of these additional six dwellings is considered acceptable, and would remain lower than adjacent existing built form, largely due to the expanse of open space at the entrance to the site. The scheme is not considered by officers to be cramped. For these reasons it is considered that to raise the number of units on the allocation / outline site to 46, by approving this full application in combination with the RM application, represents the most efficient use of land as required by the NPPF.

As previously stated, given the location of this full application site, in the northeast corner of the wider allocation / outline site, if the adjoining RM application is refused, it is recommended that the current application should also be refused. This is on the grounds that to permit these six dwellings alone, with an extensive internal road leading to them, would result in incongruous development of detriment to the visual amenity of the locality, and would not lead to a comprehensive development of the wider site / allocation.

It is therefore considered, that in combination with the RM, the proposal would result in comprehensive development of the site and promote an effective use of land that would not be of detriment to the visual amenity of the locality.

### **Residential Amenity**

It is not considered that there would be any material overlooking, overbearing or overshadowing impacts from these six dwellings to any non-associated dwelling given the distances and means of separation (St Nicholas Close). The rear elevations of plots 21 to 24 are in excess of 39m from the front elevations of the properties on the other side of St Nicholas Close thus rendering any impacts negligible.

Inter-developmental relationships are also considered acceptable.

### **Highway Safety**

This proposal includes all the provisions relating to highway issues that the original outline application covers. However, as it is not considered appropriate to approve this application without approval of the RM application, and the RM application has a phasing plan that shows these units in the last phase of construction, it is not considered necessary to duplicate access improvements, off-site highway improvement works, construction specification etc, if this application is permitted alongside the RM application. However, if Members are minded to approve this application even if the RM application has been refused, the conditions listed at the end of this report would need to be amended to include all the highway conditions currently appended to the outline permission (amended as necessary).

The Local Highway Authority raises no objection to this application on the grounds of highway safety considering the access and highway improvement works required

under the extant outline application are sufficient to cope with a further six dwellings. Parking provision is in accordance with current standards.

### **S106 Contributions**

If the earlier RM application was approved and Members resolve to also approve this application, an additional affordable unit will need to be provided across the wider site in accordance with Development Management Plan Policy DM8 (i.e. nine units rather than eight). The additional unit is proposed on the RM site. The Housing Enabling Team are happy with this arrangement which they will have considered against their Affordable Housing Policy. This additional unit will need to be secured by a S106 agreement.

This scheme is CIL liable, and CIL will be collected under the relevant legislation.

In the event that Members resolve to approve this application but have refused the RM application, a S106 agreement will still be required, but it will be to secure a financial contribution (£72,000) rather than an on-site unit. This is because this development in isolation is not major development and therefore only a financial contribution can be sought.

### **Crime and Disorder**

There are no specific crime and disorder issues raised by this proposal for six dwellings, and in relation to the wider site, the Architectural Liaison & Crime Prevention Officer stated that the revised design on the combined site is much improved [on the original indicative outline].

### **Other Material Considerations**

This application could in theory be permitted without approving the concurrent RM application (although your officers advise against this). If this situation should arise, a number of conditions on the outline planning permission will need to be appended to any permission granted under this application (amended as necessary).

The Habitat Mitigation Fee of £300 (£50 / dwelling) has already been paid.

### **CONCLUSION**

The application represents residential development of part of a site allocated for housing in the Local Plan. There are no technical issues or objections from statutory consultees on technical grounds. However, the Parish Council object on the grounds of overdevelopment of allocation G41.1.

If both this and the Reserved Matters application before Committee today are approved it would result in 46 dwellings on the wider site rather than the 40 permitted by the current outline planning permission. Officers consider that the in-combination proposal results in an attractive, permeable and legible scheme that would not be of detriment to the visual amenity of the locality, highway safety or neighbour amenity, and makes efficient use of land as required by the NPPF.

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Therefore, if the Reserved Matters application (19/00694/RMM) has been approved, it is recommended that this application be approved subject to conditions at the end of this report.

However, given the location of this full application site, in the northeast corner of the wider allocation / outline site, if the adjoining RM application for the vast majority of the allocation has been refused earlier in this committee meeting, it is recommended that the current application should also be refused. This is on the grounds that to permit these six dwellings alone, with an extensive internal road leading to them, would result in incongruous development of detriment to the visual amenity of the locality, and would not lead to a comprehensive development of the site.

Therefore, if the Reserved Matters application has been refused, it is recommended that this application be refused for the reason given at the end of this report.

### **RECOMMENDATION:**

If application 19/00694/RMM was approved:

**A) APPROVE** subject to the imposition of the following conditions and completion of a S106 Agreement within 4 months of the date of this resolution:

- 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 / drawings nos:  
SE-1126 PP-1002 Rev.A  
SE-1126 PP-1102 Rev.C  
SE-1126 PP-1103 Rev.C  
SE-1126 PP-1108 Rev.B
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the installation of any outdoor lighting, a detailed outdoor lighting scheme 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 any 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 scheme shall be implemented in accordance with the approved scheme prior to the first occupation of any dwelling hereby permitted, or in accordance with a rolling programme of provision, and shall thereafter be maintained and retained as agreed.

- 3 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF and Development Plan.
- 4 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 4 Reason: To ensure that the amenities of both existing and future occupants are safeguarded in accordance with the NPPF and Development Plan.
- 5 Condition: Prior to the first occupation of each dwelling hereby permitted the proposed on-site car parking and turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety in accordance with the NPPF and Development Plan.
- 6 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 6 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and Development Plan.

**B) REFUSE** if a S106 agreement is not completed within 4 months of the date of this resolution to approve, on the grounds of failure to secure a mechanism to provide affordable housing.

**OR**

**C) REFUSE** In the event that Reserved Matters application 19/00694/RMM was refused, to ensure a comprehensive and high quality design and layout is achieved across the whole allocated site.