

**AGENDA ITEM NO.8/1(a)**

<b>Parish:</b>	<b>Gayton</b>	
<b>Proposal:</b>	<b>Outline Application: Erection of up to 33 dwellings, works to the existing access, estate roads, driveways, parking areas, open space, external lighting, pumping station and associated infrastructure.</b>	
<b>Location:</b>	<b>Former Works Adj Gayton Mill Litcham Road Gayton Norfolk PE32 1PQ</b>	
<b>Applicant:</b>	<b>Rannerlow Ltd</b>	
<b>Case No:</b>	<b>21/02066/OM (Outline Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Richard Byrne</b>	<b>Date for Determination: 28 January 2022 Extension of Time Expiry Date: 22 July 2022</b>

**Reason for Referral to Planning Committee** – The application has been referred for consideration by the sifting panel.

**Neighbourhood Plan:** No

**Case Summary**

The application is in outline for residential development on a site adjacent to Gayton Mill, which is at the eastern end of Gayton Village. All matters are reserved for future consideration except for access which is to be fully considered. An indicative layout has been submitted, which shows a development of 33 dwellings.

The site is brownfield and within the village envelope.

**Key Issues**

Principle of Development;  
Impact on Designated Heritage Assets;  
Character and form;  
Highway matters  
Affordable housing provision;  
Open space provision;  
Drainage and Flood Risk;  
Contaminated Land;  
Trees and ecology;  
Impact upon Neighbour Amenity;  
Other Matters.

**Recommendation**

A) **APPROVE** subject to the completion of a Section 106 Agreement within 4 months of the date of this decision.

Planning Committee  
20 July 2022

The Section 106 Agreement would secure the following:

- \* A Local Equipped Area of Play (LEAP) to be provided - proposed to be maintained by a management company;
- \* Public open space to be provided and to be maintained by a management company;
- \* Highway improvements for the junction of Lynn Rd / Gayton Rd junction.
- \* 20 percent affordable housing
- \* Habitat mitigation fee payable on each dwelling

B) **REFUSE** in the event that a Section 106 referred to in (A) is not completed within 4 months of the date of this decision.

## THE APPLICATION

The application site is on the edge of the village envelope with open countryside to the northeast, east and south. To the north-west are detached houses of various styles and sizes on the opposite side of Litcham Road. To the west is the Old Mill with its windmill tower and associated out-buildings, which are either single or one-and-a-half storeys high as well as a group of period cottages at the junction of Lynn Road and East Walton Road. There are other period properties on the opposite side of East Walton Road which also have cottage proportions.

The application relates to a largely rectangular piece of land at the eastern end of the village of Gayton. The site covers c.1.21ha and is understood to have been occupied by three large sheds last used in connection with commercial / industrial operations along with a number of smaller, mainly single storey buildings. The largest of the sheds measured approximately 43m x 33m.

The southern boundary of the site is marked by a fragmented hedge containing individual trees. The same hedge continues along the western boundary, which abuts East Walton Road for a distance of around 57m before returning around the backs of the cottages and outbuildings associated with the Old Mill, which is a Grade II listed windmill. A small element of the northern boundary comprises a wall with the majority of this boundary constituting tall leylandii trees and established willow trees.

In the central area of the northerly boundary lies the existing vehicular access onto Litcham Road. The eastern edge of the site is undefined and cuts across the mill site some 7m from the eastern end of the site. Beyond are remains of an area of hard-standing, which is outside the village envelope.

Outline planning permission is sought with means of access is to be determined at this stage for residential development. All other matters relating to layout, scale, appearance and landscaping are reserved for a future submission.

An indicative layout plan has been submitted showing 33 dwellings in a loose, informal configuration and open space of c.675m<sup>2</sup>. The access would utilise the existing mill access but would be adapted for residential use.

The layout makes provision for a footpath link from the westerly corner of the site onto Litcham Road, which emerges just to the side of the Old Mill complex. The plan also shows provision for the widening of the footpath on Litcham Road from the point where the internal link emerges to the junction between Lynn Road and East Walton Road.

The site has had the benefit of previous applications that have been granted, however, these have now lapsed.

## **SUPPORTING CASE**

No supporting case has been submitted.

## **PLANNING HISTORY**

17/02233/OM: Outline Application Some Matters Reserved: Redevelopment of site for housing. Granted 15 October 2018.

14/00325/OM: Outline Application with Some Matters Reserved: Redevelopment of former industrial site for housing. Granted 3 December 2014.

11/00191/EXOM: Extension For Time For The Implementation Of Planning Permission Reference 08/00932/OM: Outline application - Redevelopment of former industrial land for housing. Granted 20 May 2011.

08/00932/OM: Outline application - Redevelopment of former industrial land for housing. Granted 20 June 2008.

07/00749/OM: Outline Application: residential development. Application Withdrawn: 19/07/07.

2/95/1214/F: Retention and continued use of weighbridge office. Granted 18/10/95.

2/93/1408/F: Retention and continued use of weighbridge office. Granted 8 November 1993.

## **RESPONSE TO CONSULTATION**

### **Gayton Parish Council –**

In principle, GPC supports development on this site as it is a brownfield site and is within the development envelope. However, GPC believes that this development can be improved and objects to this application on the following grounds:

- Pedestrian access to the village: - no Highways consultation response, drawing is 2008 vintage and width seems non-compliant with standards.
- B1145 - not clear if footpath provision would reduce the width of the highway and if policy compliant carriageway width would be maintained.
- Contamination - BCKLWN have issued a holding objection (e-mail dated 2nd Nov 2021)
- Gayton has been subject to severe flooding due to surface and ground water problems causing knock on problems with overflowing sewage. In 2018 Anglian Water warned that were two or three of the then proposed sites in Gayton to be developed, there would not be sewerage capacity for them all. Since then a number of sites have been developed. The GPC objects to the application until the developer can demonstrate that there is no possibility of the development adding to the existing problems with the drainage infrastructure in the village
- The developer has commissioned an Environmental Impact report which details recommendations for retaining and enhancing biodiversity and mitigations where biodiversity

is destroyed. GPC objects to the application unless the recommendations of this report are made a condition of the application.

- The development is located in an area of the village which is of low housing density.
- To preserve the landscape character of the location, GPC objects on the grounds that the density of the development does not harmonise with its surroundings
- GPC objects to the application until a suitable route for the Gayton to Gayton Thorpe link is safeguarded and the development demonstrates that it provides suitable internal footpaths and wider connectivity.

Raise objections against the policies in the Neighbourhood Plan – the objections have been specifically addressed under the relevant sections within the planning considerations of this report.

#### **Police Architectural Liaison Unit – NO OBJECTION**

- Acknowledges this is an indicative layout, however, it does show that Crime Prevention Through Environmental Design features are being carefully considered and will hopefully be incorporated into the final proposal.

#### **Historic England –**

- On the basis of the information available to date, Historic England do not wish to offer any comments. We would therefore suggest that you seek the views of your specialist conservation and archaeological advisers, and other consultees, as relevant.

#### **Environmental Quality – NO OBJECTION**

- The screening assessment indicates that there is a potential for sources of contamination to be present on the site, including asbestos materials.
- Recommends conditions to identify and remediate the site.

#### **Strategic Housing – NO OBJECTION**

- Confirm that the site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.
- At present a 20% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.165ha in Gayton. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent, 25% for First Homes and 5% for Shared Ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 7 units would be required, 5 for rent and 2 for First Homes.
- First Homes is a new form of affordable housing, First Homes are to be sold by developers to eligible households at a discount of at least 30%.
- The affordable housing mix i.e., unit types, layout etc. will need to be addressed in the reserved matters. Whilst at this stage I appreciate that it is difficult to agree the type of affordable housing unit, i.e. 2bed, 3 bed etc, I would recommend that, in order to best meet an identified housing need, mainly smaller units i.e. 2bed 4 person units are provided. Please note however that housing need is not static and therefore the affordable housing mix may change as time progresses particularly if there is a significant delay in submitting the reserved matters.
- The affordable housing should fully be integrated with the general market housing in order to achieve mixed and sustainable communities in which the accommodation is tenure blind. On a site of 33 dwellings, the affordable dwellings should be located in clusters of no more than 4.
- A S.106 Agreement will be required to secure the affordable housing contribution.

### **Norfolk County Council Lead Local Flood Authority –**

- Officers have screened this application and it falls below our current threshold for providing detailed comment. This is because the proposal is for less than 100 dwellings or 2 ha in size and is not within a surface water flow path as defined by Environment Agency mapping.

### **King's Lynn IDB – NO OBJECTION**

- The site is near to the Internal Drainage District (IDD) of the Kings Lynn Internal Drainage Board (IDB) and is within the Board's Watershed Catchment (meaning water from the site will eventually enter the IDD).
- It is noted that the applicant has indicated that they intend to dispose of surface water via infiltration, however in the absence of evidence it is difficult to confirm the viability of the proposed drainage strategy. As such we would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable, then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.
- If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge proposed to a watercourse within the watershed catchment of the Board's IDD then we request that this be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), specifically S2 and S4. Resultantly we recommend that the discharge from this site is attenuated to the Greenfield Runoff Rates wherever possible.

### **Anglian Water – NO OBJECTION**

- The foul drainage from this development is in the catchment of Grimston Water Recycling Centre that will have available capacity for these flows.
- Used water network - require a strategy showing the proposed discharge point, conveyance method and pumped rate if applicable. We therefore request a condition requiring an on-site drainage strategy.
- Surface water disposal - From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

### **Emergency Planning – NO OBJECTION**

- The site appears not to be at risk of flooding and as such there are no further comments.

### **Environment Agency – NO OBJECTION**

- Contamination - The site is located above a Principal Aquifer. However, we do not consider this proposal to be High Risk.
- Infiltration Sustainable Drainage Systems (SuDS) - The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

### **Environmental Quality (air) – NO OBJECTION**

- In terms of impacts on air quality the change in traffic flows as a result of the development is unlikely to be sufficient to warrant the need for an assessment of the traffic emissions e.g. nitrogen dioxide (NO<sub>2</sub>) resulting from this development. Traffic flows along the B1145 are recorded by DfT, for example in 2019 with flows as 4563 vpd and therefore unlikely to lead

to a build-up of emissions approaching the air quality objective for NO<sub>2</sub> due to poor air dispersion.

- Notwithstanding the increase in emissions when compared to the air quality objectives, owing to the scale of the development, this is sufficient to warrant details to be submitted of the measures taken to reduce emissions towards best practice as advised by the Institute of Air Quality Management's guidance (IAQM, 2017) including the provision of electric vehicle (EV) charge points for each dwelling plus consideration of fast charge points located at suitable location(s) plus a suitable travel plan etc. The provision of EV should also be in accordance with any adopted standards according to Norfolk County Council.
- Recommends conditions relating to the submission of a Travel Plan and a Construction Environment Plan which includes routing of vehicles.

#### **Historic Environment Service – NO OBJECTION**

- The proposed development site lies immediately adjacent to Gayton Mill, a designated (grade II listed) heritage asset. Artefacts of Roman and Anglo-Saxon date have previously been recorded immediately to the north of the proposed development site. In addition, aerial photography suggests the presence of a ploughed-out Bronze Age barrow cemetery a short distance to the east. Consequently, there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be adversely affected by the proposed development.
- We therefore ask that this be subject to a programme of archaeological mitigation work in accordance with National Planning Policy Framework.
- Recommend conditions relating to a written scheme of investigation to be undertaken prior to the commencement of work on site.

#### **Waste and Recycling Manager – NO OBJECTION**

- Noted the proposed layout (although indicative) and would require a full vehicle swept path analysis to ensure safe access and egress around the site.
- A condition ensuring adequate arrangements for refuse collection vehicles, storage of bins and presentation points would be appropriate to protect the amenity of potential occupiers of the site.

#### **Arboricultural Officer – NO OBJECTION**

- Requests to have sight of a landscaping scheme at the reserved matters stage

#### **Norfolk Fire & Rescue Service – NO OBJECTION**

- Do not propose to raise any objections providing the proposal meets the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 1 – current edition, or as revised) including any requirements in relation to B5 access, facilities and arrangements for emergency service vehicles, as administered by the Building Control Authority.

#### **Natural England – NO COMMENT**

- Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

#### **Norfolk County Council Community and Environmental Services – NO OBJECTION**

The following infrastructure will need to be funded through CIL:

- Education: Mitigation required for High School places
- Library: Mitigation required at the library to develop self-service system for local area.

This development will require at least 1 fire hydrant per 50 dwellings (or part thereof to provide adequate firefighting water supply) at a cost of £921 per hydrant. This should be dealt with through condition.

### **NCC Highway Authority – NO OBJECTION**

- Recommends conditions for detailed plans of the highway to be submitted, constructed before first occupation and completed before final occupation, provision of visibility splay, details of construction worker vehicles, detailed drawings to be submitted for off-site highway improvement work and for the works to be completed prior to first occupation.
- Recommends the Section 106 Agreement, should also include provision for a contribution to further highway improvements, as secured by the previous planning permission for this site (ref: 17-02233/OM), to the value of £500 per dwelling index linked to the date of the previous agreement.

### **Open Space Officer – NO OBJECTION**

- In line with planning policy, the development attracts a requirement for 17m<sup>2</sup> per dwelling of suitably equipped children's play space which, from a development of 33 dwellings, equates to an open space requirement of 561m<sup>2</sup>.
- Provides standards expected for a LAP (Local Area for Play)
- It appears as though a strip of landscaping is proposed on the site boundary. Can it be confirmed in what form this will be take - i.e. hedge or tree line? Any such landscaping will need to be easily maintainable, particularly where it forms part of domestic garden space (in which case, routine maintenance should reasonably be undertaken with domestic tooling). Retained trees should be subject to an arboricultural assessment, with all action points addressed, prior to the relevant portion of the development becoming occupied.
- Areas of soft landscaping due to be transferred to individual purchases should be clearly within the natural curtilage of the associated property.

### **Conservation Officer**

- To be reported.

### **REPRESENTATIONS**

None received.

### **PLANNING CONSIDERATIONS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. This application is seeking the principle of development where access is a matter to be considered. The remaining matters (layout, scale, appearance and landscaping) have been reserved for a later submission. As such, the issues to be considered with regard to this outline application are set out below.

- Principle of Development;
- Impact on Designated Heritage Assets;
- Character and form;
- Highway matters
- Affordable housing provision;
- Open space provision;
- Drainage and Flood Risk;
- Contaminated Land;
- Trees and ecology;
- Impact upon Neighbour Amenity;
- Other Matters.

## **Principle of Development**

Policy CS02 of the King's Lynn and West Norfolk Core Strategy identifies Gayton in the settlement hierarchy as a Joint Key Rural Service Centre (with Grimston). Policy CS08, although covering a number of matters, in particular relating to the principle advocates the best use of land and places emphasis on the use of brownfield land. SADMPP Policy DM2 advocates that development will be permitted within a settlement boundary provided it is in accordance with the other policies in the Local Plan.

The National Planning Policy Framework (NPPF), 2021 advocates that sustainable development should be pursued in a positive way and at the very heart of the guidance is the presumption to approve development that accords with an up-to-date development plan without delay.

The principle of new residential development is generally considered to be acceptable under Policies CS02 and CS09 of the Core Strategy and SADMPP Policy DM2. The scale of the development would not threaten the longer-term approach for the provision of housing within the Borough. The proposed development would contribute towards sustaining existing facilities and helps meet the service needs of other local communities.

It is noted that residential development, in the form of outline applications for 33 dwellings, has previously been considered acceptable with permissions being granted under applications 17/02233/OM and 14/00325/OM. Although these permissions have lapsed, they were considered under the current Core Strategy, and in the case of the latter permission, also the SADMPP.

Taking into account the above, it is considered that the principle of development can be supported. Development must however have regard for all other relevant policies. These matters will now be considered.

## **Impact on Designated Heritage Assets**

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving listed buildings, their setting and any features of special architectural or historic interest. In the context of Section 66 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, on planning applications that affect the setting of a listed building, to have special regard to preserving its setting. 'Setting' is the surrounding in which a listed building or other 'heritage asset' is experienced. This can vary overtime and according to circumstance since it can be affected by noise, lighting, other land uses and the nature of historic connections with other buildings.

The National Planning Policy Framework provides the overarching guidance for development and identifies a Listed Building as a designated heritage asset. It is the Local Planning Authority's duty to ensure that through careful decision making, development should maintain and manage change in a way that sustains, and where appropriate, enhances its significance.

Paragraph 205 of the NPPF requires the recording and advance understanding of the significance of any heritage asset which is proposed to be lost appropriate to the importance and the impact.

Policy CS08 and Policy DM15 advocate that new development should seek to protect and enhance the historic environment.

#### *Identified Heritage Assets*

- The Mill with attached granary and bakehouse - Grade II
- Mill house and attached ranges to north - Grade II
- Potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site

#### *Level of Significance*

The application site is situated east of the Grade II listed buildings. The site is also south of where artefacts of Roman and Anglo-Saxon date have been recorded and west of a ploughed-out Bronze Age barrow cemetery.

The proposed development would not have a direct impact on the listed buildings but would be within their setting. It is considered the level of significance would be set to medium with the archaeological potential at a medium.

#### *Impact on Heritage Assets*

It is noted the planning history shows that a number of planning applications have been submitted and determined. The first approval for housing in 2008 predates the adoption of the current local plan and guidance afforded by the NPPF with subsequent submissions covered under the Core Strategy and later the Site Allocation and Development Plan Document. Although the site is now cleared the previous buildings were of an industrial ilk which would have adversely affected the setting of the listed building(s). The presence of the buildings would have formed part of the consideration of previous applications and the weigh applied in the impact of an alternative use/form of development. As such the planning history in this case is a material consideration in the determination of the application.

Taking into account the planning history it is considered the impact to the listed building would be low, although the development would have a greater effect on the setting. However, as concluded on previous applications the proposed scheme can be designed in a manner which would maintain the setting of the adjacent listed building. The development in terms of heights of buildings and how they are arranged would need to minimise the impact. If appropriately laid out using a combination of the built form and soft landscaping can enhance key views of the listed buildings from within the site, which would positively affect the setting.

Turning to the impact on archaeology it is acknowledged that the site has been subject to a level of activity which may have disturbed beneath ground artefacts. However, the applicant has undertaken a heritage statement which identifies that the foundations for the proposed development will have a significant impact on any surviving archaeological remains. The report and conclusion has been considered by NCC Historic Environment Service and has recommended a suite of conditions for a full written scheme of investigation to be secured by planning condition with any further steps also secured by planning condition. This will ensure that any artefacts are properly recorded before any further disturbance of the site occurs.

In conclusion, it is considered the proposed development would have an effect on the setting of the adjacent listed building, however, through careful design can minimise the impact, which could also be enhanced using the built form and soft landscaping to create spaces and framing key views through the development. The attachment of appropriate archaeological conditions would enable the protection of artefacts. It is therefore considered the development would not have a significant adverse impact on heritage assets. The proposal would satisfy s. 66 of the Act, policies CS08 and Policy DM15 of the Local Plan, and the provisions of the NPPF.

### **Character and Form**

The remains of buildings have been removed from the site and is currently populated by vegetation over a relatively flat area forming a gateway site into the village. The adjacent listed mill can be seen from the site.

The application is in outline with all matters reserved except for access. Consequently, details of the proposed appearance, layout and scale of the residential development are not for consideration at this stage. An indicative layout has been provided to demonstrate that the proposed numbers of dwellings, open space and accompanying infrastructure can fit within the site.

It is noted the Parish Council has raised concerns with the density of the proposed development stating that it is too much for the site.

The NPPF does not specify that a development must replicate the density of an existing development and purports that planning decisions should support development that makes efficient use of land. Nevertheless, it is noted that the two previous applications for outline consent were granted for up to 33 dwellings within the site.

The housing density for the proposed development would be 27dph over the whole site. Indeed, whilst the site does form a gateway site to the village, an eventual design would have to account for drainage, placement of open space and how the layout would enhance the setting of the adjacent listed building including separation distances and how parking is accounted for within the development. All these factors inadvertently would contribute towards the visual amenity and would mitigate the density level of the scheme. The development would be further enhanced by soft landscaping to balance the loss the leylandii tree frontage.

Taking into account the Parish Council's concerns it is considered that the quantum of development standing at 33 dwellings would not be untoward to the existing character and appearance of the village.

The landscaping will be an important part of a successful scheme given that the site adjoins the open countryside. Planning conditions seeking details at reserved matters stage are recommended to be imposed in line with local policies. Details of long-term maintenance arrangements for all open space would need to be covered by S106 legal agreement and reference to this has been made within the submitted draft heads of terms.

In principle the indicative site layout shows that the number of dwellings can fit on the site alongside a significant degree of informal open space which is in context and will help to assimilate the development into the countryside and preserve the open and green character of the village.

From a form and character perspective, given the existing setting and the layout and design proposed, the development is fully acceptable. It is therefore considered the scheme accords with Policy CS08 of the CS (2011) and Policy DM15 of the SADMPP (2016).

## **Highways Matters**

Core Strategy Policy CS11 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location. SADMPP Policy DM15 requires that development proposals should demonstrate that safe access can be provided and adequate parking facilities are available. SADMPP DM17 refers to parking provision within new development.

Paragraph 104 of the NPPF sets out objectives for development proposals and in particular states transport issues should be considered at an early stage so that impacts can be addressed, changing transport technology and usage are realised, walking, cycling and public transport are promoted, and any environmental impacts of traffic and transport and movement within sites are identified, and are integral to the overall design. The NPPF also states at Paragraph 111 that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is seeking only access to be determined at this stage. The site will be served through modifying the existing access which has raised no objection from the Highway Authority. To ensure adequate visibility splays are incorporated into the final design it is considered expedient to attach a planning condition requiring 4.5 metres x 160 metre (east) and 90 metres (west) to be provided to each side of the access where it meets the highway.

It is noted the Parish Council has concerns regarding a pedestrian access to the village from the development and queries if the footpath provision is policy compliant and does not narrow the width of the B1145. Furthermore, an objection is raised if a suitable route for the Gayton to Gayton Thorpe link cannot be safeguarded and that the development must demonstrate it provides suitable internal footpaths and wider connectivity.

The indicative site plan shows a footpath link in the western corner of the site which would enable pedestrians to continue to the village by means of new footpaths secured also by an off-site highway condition. The proposed footpaths at the western edge and along the north side of the site can be secured by planning condition. This will provide a greater level of connectivity with the village.

The technical details to ensure they meet the Highway Authority standards would be secured through the recommended planning conditions. This will ensure the Gayton to Gayton Thorpe route is safeguarded in respect of highway widths and the safe passage of vehicles and pedestrians along the stretch of the application site and a new connection further to the west to the existing footway network with the rest of the village. The financial contribution to the value of £500 per dwelling for the off-site works improvements are in relation to the road junction improvement between Lynn Road and East Walton Road. The financial contribution is different to the recommended conditions which relate to the improvement of the footway connection between the west corner of the site and the aforementioned road junction.

The combination of the planning conditions and legal agreement would address the Parish Council comments regarding the provision of the footpath to improve connectivity with the village core and for the respective highway(s) to be of an acceptable standard.

In the absence of an objection from the Highway Authority and subject to the imposition of planning conditions to secure the above, it is considered the proposed development is in accordance with the NPPF, Core Strategy Policy CS11 and SADMPP Policy DM15.

### **Open Spaces Provision**

Policy DM16 of the SADMPP 2016 states for schemes of 20 units or greater the development will provide 2.4 hectares of open space per 1000 population comprising approximately 70 percent for either amenity, outdoor sport and allotments with 30 percent for suitably equipped children's play space. All proposals involving the provision of publicly accessible areas of open space must include robust arrangements for the management and future maintenance of that open space.

The requirement for sites of this size (excess of 19 dwellings) is 17m<sup>2</sup> per dwelling and this would be equipped children's play space. Although this application proposes up to a maximum of 33 dwellings which equate to 561 square metres this could lower depending on the eventual number submitted under the reserved matters. The S106 Agreement will however secure the proportional amount of open space to ensure full compliance with Policy DM16.

### **Affordable Housing Provision**

In accordance with the NPPF and Core Strategy Policy CS09 this development should provide 20 percent of built units as affordable housing. The applicant has submitted a Heads of Terms agreeing to the principle of providing 20 percent on site provision. The section 106 agreement will ensure Policy CS09 is satisfied. This will include the recent requirement for First Homes, which are part of the affordable housing mix.

### **Drainage and Flood Risk**

The site is at low risk of flooding (Flood Zone 1) with large parts covered by hardstanding which has an effect on the way water is dispersed off the site. The proposed development would increase the permeability of the site and could help to reduce run off through an appropriate means of drainage system. The Environment Agency does not raise any objection to the proposal subject to a condition to secure details of the drainage scheme given the sensitivity of the water environment and the depth of any infiltration across the site. Anglian Water advises that there is sufficient capacity in the existing sewerage system to cater for the development, but has concerns relating to surface water and recommends a condition requiring a wastewater strategy be submitted.

It is therefore considered in principle the site has the capacity for development and to be appropriately drained, subject to planning condition. The scheme is acceptable against Policy CS08, Policy CS12, DM15 and DM21.

### **Contaminated Land**

Paragraph 183 of the NPPF advocates that planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and risk arising from contamination.

The applicant has provided a screening assessment which acknowledges that the site has previously been in agricultural and industrial use. The Environment Agency has identified that the site is located above a Principal Aquifer and the Council's Environmental Quality Section has acknowledged there could be sources of contamination on site including the potential of asbestos material.

Taking into account the past uses of the site it is likely that some contamination will be present in the ground. It is noted that the Council's Environmental Quality section and the Environment Agency raise no objection in principle to the proposal.

Paragraph 188 of the NPPF states that planning decisions should be on whether a proposed development is an acceptable use of land, rather than the control of processes or emissions. To ensure the safe development of the site it is considered expedient to recommend planning conditions for an investigation to be undertaken and if any contaminants are found to secure the remediation of the site to the satisfaction of the Council's Environmental Quality section who would appraise the detailed information.

It is considered the ground conditions can be adequately assessed and remediated by way of condition which would make the development acceptable in respect of Policy CS12 and DM15.

### **Air Quality**

In terms of impacts on air quality it is considered the change in traffic flows as a result of the development is unlikely to be sufficient to warrant the need for an assessment of the traffic emissions and therefore unlikely to lead to a build-up of emissions approaching the air quality objective for NO<sub>2</sub> due to poor air dispersion.

In regard to vehicle charging electric or hybrid-electric powered vehicles currently form a small percentage of the total number of vehicles on the road. However, electric/hybrid vehicles will become more popular, as further advances in technology are anticipated, and the likelihood is that these vehicles will become less expensive. Together with future development of Government policy in this area, it is possible that a significant percentage of vehicles will be electric or part electric powered in the near future. A key theme of the NPPF is that developments should enable future occupiers to make green vehicle choices and it explicitly states that low emission vehicle infrastructure, including electric vehicle (EV) re-charging, should be provided.

The Building Regulations were amended in June this year to ensure that new residential buildings are provided with infrastructure for the charging of electric vehicles. As such the Building Regulations have been brought into line with the NPPF and the Government's policy in respect of the increase in the use of electric or part powered electric vehicles. Taking into account the recent change to the Building Regulations the imposition of a planning condition to require a EV charging scheme would duplicate regulatory requirements. As such the imposition of a planning condition would fail the tests as set out in the NPPF and national planning guidance.

It is therefore considered the scheme in satisfying the amended building regulation would provide EV charging and is no longer necessary to control under this application.

### **Impact on Trees and Hedgerows**

The site does contain tall leylandii trees and established willow trees towards the front of the site. Although the trees would provide nesting opportunities it is considered the trees are not worthy of further protection and their loss would not warrant refusal of the application. The absence of an objection form the Council's Arboriculture officer would support the view.

The interior of the site does not have any trees to consider.

There is an established hedgerow along the southern boundary and partially on the western boundary. The applicant's updated ecologist report identifies seven trees within the hedgerow. Given the hedgerow is on the periphery of the site and facing open countryside beyond to the south and contributing to the greening of the B1153 to the west, it is considered expedient to secure its retention. This would maintain the relationship with the open countryside to the south and soften the development along the western boundary and its approach along from the south.

A scheme for soft landscaping would form the submission of a reserved matters application which will enable the built form to be fully integrated with planting and green spaces to enhance the visual amenity along Litcham Road and from within the site.

### **Effect on Ecology**

Policy CS08 requires developments to provide green spaces to safeguard wildlife and CS12 seeks to protect and enhance biodiversity in addition to creating new features to enhance the potential for wildlife within a site.

The applicant has submitted an updated ecologist report which notes the site has re-colonised with vegetation since the previous visit in March 2018. It was noted that there was an increased potential for bats, badger, nesting birds, common toad, hedgehog and reptiles to be active on site, mainly in association with boundary features and associated immediately adjacent habitats.

In terms of the botanical interest on site it is considered diverse although all species were common with no rare or notable species recorded. The hedgerows on site were not considered to be 'Important' hedgerows under the Hedgerow Regulations 1997, although the hedgerow along the southern boundary of the site was considered to be covered under the Norfolk LBAP i.e. it was at least 20m long and had gaps of less than 20m wide. However, taking into account the visual amenity the hedgerow holds it is considered the retention of the hedgerow is considered there are sufficient grounds to offer its protection.

Bats - Given the number of bat species recorded locally, it is considered reasonable to assume that bats will likely be active along the boundaries of the site i.e. the hedgerow and leylandii treeline, occasionally foraging within the site.

Badger - No field evidence of badger activity was identified on or within 30m of the site.

Birds - The boundaries of the site were considered suitable for nesting birds, including species observed on site. The immediate wider environment offers similar opportunities to those present on site and therefore in this context the site was not considered to be more favourable for nesting birds than other local habitats.

Common toad and hedgehog - Hedgehogs have been recorded locally and although there are no known records of common toad locally, the habitats on site to an extent and habitats immediately adjacent were considered favourable for both species. It is therefore reasonable to assume both species may be present on site on occasion.

Great crested newts - Although there are records of great crested newts locally, these are located nearly 2km from the site and therefore isolated by distance. However, it is considered that this species would be absent from the site.

Reptiles - The habitat on site was considered sub-optimal for foraging reptiles due to the generally sparse ground cover. However, the hedgerow, scrub and, to a lesser extent, the leylandii treeline could provide connectivity for reptiles with any animals also likely using the

immediately adjacent grassland, piles of crushed concrete and rubble or piles of wood/cleared vegetation for foraging or shelter.

The habitats on site and along the proposed footpath are considered to be of low conservation interest and therefore site clearance to facilitate development will have a negligible impact on botanical biodiversity and ecology.

It is considered that no further ecology surveys are necessary to assess the impact of the development at this stage. However, taking into account this is an outline application and that a passage of time can pass before submission of the reserved matters and development commences it is considered expedient to require a further ecological survey to be undertaken prior to work commencing on site. This will ensure that any impact on protected species can be appropriately mitigated before work commences on site.

The mitigation planting along the north boundary can be significantly enhanced by providing a native species-rich hedgerow with standard-sized native trees. As this develops it will provide replacement habitat connectivity but with a much greater extent and biodiversity than the current leylandii treeline.

Habitat connectivity can be further enhanced with a new native species-rich hedgerow with standard sized native trees along the east boundary of the site to link the existing hedgerow on the south boundary to the new planting.

The existing hedgerow on the south and west site boundary can also be enhanced by putting it into management and infilling gaps with native species hedgerow plants noted in the local area, such as hawthorn, spindle *Euonymus europaeus* and hazel *Corylus avellana*.

Providing a buffer of grassland adjacent the hedgerows, particularly if associated with a low bank, will benefit habitat connectivity. All grassland areas can be further enhanced by utilising an appropriate wildflower grassland seed mix.

With appropriate management the proposed landscaping will significantly enhance the commuting/foraging opportunities for wildlife on site.

Further opportunities for roosting bats and nesting birds for instance can be provided by installing bat and bird boxes on the buildings/trees on site. Hedgehog highways can be created across the site and between private garden spaces with log piles creating natural habitats for other wildlife.

Therefore, taking into account the conclusion of the ecological report, the reasonable avoidance measures and mitigation it is considered the scheme satisfies Policy CS08 and CS12. To ensure the scheme remains acceptable it is considered expedient to attach a planning condition to secure the implementation of all the enhancement measures and how they are incorporated into the final scheme into the development.

### **Impact upon Neighbour Amenity**

An indicative site layout plan has been submitted, but no elevation plans at this stage. An assessment of the impact upon the amenity of neighbouring properties cannot be fully undertaken at this stage with such limited information and will need to be addressed at the detailed design stage.

## **Financial Contributions**

Section 70(2) of the Town and Country Planning Act 1990 provides that an LPA must have regard to a local finance consideration as far as it is material. This includes any Community Infrastructure Levy (CIL). The Council's adopted CIL charging schedule will cover infrastructure costs potentially including education and libraries. The development is also subject to S106 contributions relating to highway improvement works and habitat impact mitigation.

The applicant has accompanied the planning application with a draft head of terms covering the majority of the mitigation required. However, it is considered that the habitat mitigation fee is included under the Section 106 Agreement. As such the HoTs comprise the following:

- A Local Equipped Area of Play (LEAP) to be provided - proposed to be maintained by a management company;
- Public open space to be provided and to be maintained by a management company;
- Highway improvements for the junction of Lynn Rd / Gayton Rd junction;
- 20 percent affordable housing
- Habitat mitigation fee payable on each dwelling

## **Other matters**

The Parish Council have drawn attention to policies contained within the draft neighbourhood plan in their consultation response. Whilst the points are noted the Gayton Neighbourhood Plan has been through a Regulation 14 consultation during August and October 2021 where this is the first consultation stage for a Neighbourhood Plan process. The draft NP is still subject to changes post consultation and therefore no weight has been applied to the draft policies in the recommendation of this application.

## **CONCLUSION**

The site is within a Joint Key Rural Service Centre where limited growth of a scale and nature appropriate to secure the sustainability of each settlement will be supported within the development limits. Whilst the application is in outline form, indicative plans showing 33 dwellings and a degree of open space suggest that such a proposal is possible on the site without resulting in overdevelopment or harm to the character of the area or the adjacent Heritage Asset.

The site has had previous outline approvals and if anything, policy is now more supportive of housing development. As such the reuse of this brownfield site for residential development of up to 33 dwellings is considered to accord with overarching policy objectives and it is recommended that it be approved subject to the following conditions.

## **RECOMMENDATION**

**A) APPROVE** subject to the applicant entering into a Section 106 Agreement for the following:

- A Local Equipped Area of Play (LEAP) to be provided - proposed to be maintained by a management company;
- Public open space to be provided and to be maintained by a management company;
- Highway improvements for the junction of Lynn Rd / Gayton Rd junction.
- 20 percent affordable housing

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- Habitat mitigation fee payable on each dwelling

and the imposition of the following conditions:-

- 1 Condition: Approval of the details of the means of layout, scale, appearance and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: No development shall commence until full details of the foul and surface water drainage strategy and 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.
- 5 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.

- 6 Condition: Prior to commencement of development, a detailed Construction Management Plan (CMP) and Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the Local Planning Authority. This must include but not limited to:
  - proposed timescales and hours of construction phase and any piling;
  - the location of any fixed machinery, the location and layout of the contractor compound;
  - the location of contractor parking;
  - proposed mitigation methods to protect residents from noise, dust and litter;

- identify the steps and procedures that will be implemented to minimise the creation and impact of noise, litter and dusts resulting from the site preparation, demolition, groundwork and construction phases of the development; and,
- routing of construction traffic.

The scheme shall be implemented as approved.

- 6 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.

- 7 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 the Environment Agency's Land Contamination Risk Management (LCRM).

- 7 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.

- 8 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.

- 8 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.
- 9 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.

- 9 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.
- 10 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 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

- 10 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 11 Condition: No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved by the local planning authority in writing. The scheme shall include:
1. An assessment of the significance of heritage assets present
  2. The programme and methodology of site investigation and recording
  3. The programme for post investigation assessment of recovered material
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 11 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.
- 12 Condition: No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 11.
- 12 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 13 Condition: The development associated with a particular phase of development, shall not be occupied until the site investigation and post investigation assessment, in respect to that particular part of the development, has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 11; and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 13 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 14 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.
- 14 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.
- 15 Condition: Prior to the commencement of construction 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.
- 15 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 16 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/industrial unit to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 16 Reason: To ensure satisfactory development of the site.
- 17 Condition: Prior to the first occupation of the development hereby permitted visibility splays measuring 4.5 metres x 160 metre (east) and 90 metres (west) shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

- 17 Reason: In the interests of highway safety.
- 18 Condition: Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.
- 18 Reason: In the interests of highway safety.
- 19 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing(s) 145/315/001 have been submitted to and approved in writing by the Local Planning Authority. The works shall also include the provision for the continuation of the proposed footway across the site's northern frontage to the site access.
- 19 Reason: In the interests of highway and pedestrian safety.
- 20 Condition: Prior to the first occupation of the development hereby permitted the off-site highway improvement works referred to in condition 19 shall be completed to the written satisfaction of the Local Planning Authority.
- 20 Reason: To ensure satisfactory development of the site and in the interest of highway and pedestrian safety.
- 21 Condition: The development hereby approved shall comprise of no more than 33 residential units.
- 21 Reason: For the avoidance of doubt and to ensure a suitable form of development.
- 22 Condition: The development hereby approved shall be carried out in accordance with the mitigation measures stated in section 7 of the Updated Ecological Impact Assessment (Author: Torc Ecology Ltd, Project Ref TE/TD/2018\_458, Issue Date - October 2021).

If development has not commenced within the baseline condition period for each species on page three of the updated ecology report, then no development shall take place until a further survey has been undertaken to establish whether features/habitats on the site are utilised by protected and unprotected wildlife and the results submitted to and approved in writing by the Local Planning Authority. Any further survey(s) shall take place during the optimum period for wildlife normally between April and August. If such a use is established, then no development shall take place until a comprehensive method statement indicating how the protected and unprotected wildlife is/ are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.

The duly approved method statement shall then be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as necessary thereafter.

- 22 Reason: To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by

these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

- 23 Condition: Prior to the first occupation of the development hereby approved a scheme for the provision of a fire hydrant will be submitted to and approved by the Local Planning Authority. The scheme shall include the siting, scale and appearance of the fire hydrant and the agreed hydrant shall be installed prior the first occupation of the development and retained thereafter as such.
- 23 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 24 Condition: No development or site clearance shall take place until a scheme for tree and hedgerow protection measures (both above and below ground) to accord with Drg No. TE/2018\_458/05/E (as shown in Appendix II of the Updated Ecological Impact Assessment) during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- (i) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained;
  - (ii) Details of any excavation to take place within the root protection areas of those trees to be retained;
  - (iii) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

- 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: As part of any reserved matters applications, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows how the biodiversity enhancement measures (opportunities for enhancement) contained in the Updated Ecological Impact Assessment (Author: Torc Ecology Ltd, Project Ref TE/TD/2018\_458, Issue Date: October 2021) have been integrated into the development.
- 25 Reason: To ensure that appropriate measures are implemented to increase the biodiversity level across the site to accord with the requirements of the National Planning Policy Framework.

B) **REFUSE** in the event that a Section 106 referred to in (A) is not completed within 4 months of the date of this decision.