

Parish:	Gayton	
Proposal:	Proposed Residential Development of 36 dwellings involving the demolition of existing buildings.	
Location:	Manor Farm Back Street Gayton King's Lynn PE32 1QR	
Applicant:	Gayton Investments Ltd	
Case No:	23/01763/FM (Full Application - Major Development)	
Case Officer:	Mrs N Osler	Date for Determination: 2 January 2024 Extension of Time Expiry Date: 11 October 2024

Reason for Referral to Planning Committee –The site was subject to a previously dismissed appeal, and is now recommended for approval.

Neighbourhood Plan: Yes

Case Summary

Full planning permission is sought for residential development comprising 36 dwellings consisting of a mixture of detached, semi-detached, and terraced two, three and four-bed dwellings with both two-storey and single-storey properties.

The site, which measures approximately 2.8ha, represents the housing allocation for the settlement in the Development Plan. Policy G41.1 of the Site Allocations and Development Management Plan Policies Plan, 2016 (SADMP) relates specifically to this allocation.

The site lies wholly within Flood Zone 1, although the northern boundary of the site is in an area susceptible to surface water flooding.

Key Issues

- Principle of Development
- History
- Form and Character
- Residential Amenity
- Highway Issues
- Flood Risk and Drainage
- Ecology and Biodiversity
- Trees, Landscaping and Open Space
- Contamination and Air Quality
- S106 Considerations
- Crime and Disorder
- Other Material Considerations

Recommendation: APPROVE and REFUSE

A) APPROVE subject to the completion of a S106 securing Affordable Housing, Open Space, GIRAMS fee and £500 per clause monitoring fee within 4 months of the resolution to approve.

B) REFUSE if the S106 agreement is not completed within 4 months of the resolution to approve.

THE APPLICATION

Full planning permission is sought for residential development comprising 36 dwellings consisting of a mixture of detached, semi-detached, and terraced two, three and four-bed dwellings with both two-storey and single-storey properties on a site to the north of Back Street, Gayton.

The site, which measures approximately 2.8ha, represents the housing allocation for the settlement in the Development Plan. Policy G41.1 of the Site Allocations and Development Management Plan Policies Plan, 2016 (SADMP) relates specifically to this allocation. The allocation requirements are for a site amounting to 2.8ha for residential development of at least 23 dwellings.

In August 2016 outline consent was permitted for 40 dwellings on the site. However, when a combination of reserved matters and full permission were sought on the site for a total of 46 dwellings both Planning Committee and ultimately the Planning Inspector considered this represented overdevelopment of the site. The proposal was therefore refused by planning committee in July 2020 and dismissed at appeal in August 2021.

The current proposal for a reduced number of 36 dwellings would have a density of circa 13.2 dwellings per hectare (dph) and is obviously lower than the previously refused schemes that totalled 46 dwellings and had a dph of 17.5dph. The density of development is also substantially lower than the existing neighbouring developments at St Nicholas Close, Hall Farm Road and Birch Road which are 17.8dph, 27dph and 22dph respectively.

The dwellings would comprise:

- 7no. detached bungalows: 5 x 3-bed (plots 2, 3, 5, 6 and 14) and 2no. 2-bed (plots 4 and 7),
- 8no. detached 4-bed houses (plots 1, 13, 20, 26, 29, 32, 33 and 34),
- 6no. pairs of semi-detached houses (12no. dwellings): 10 x 3-bed (plots 11, 12, 18, 19, 21, 22, 25, 30, 31 and 36) and 2 x 2-bed (plots 27 and 28) and
- 3no. pairs of terraces (9no. dwellings): 6 x 3-bed (plots 8, 9, 10, 15, 16 and 17) and 3 x 2-bed (plots 23, 24 and 25.)

Seven affordable units would be provided of which 2no. would be bungalows (1 x 2-bed and 1 x 3-bed); the remaining would be two-storey dwellings (3 x 3-bed and 4 x 2-bed.) These are well pepper-potted throughout the site and located at plots 5, 7, 10, 15, 23, 28 and 35.

The palette of materials would comprise a mixture of:

Walls:

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- Red multi brick,
 - Cream brick,
 - Flint infills,
 - Render elements (cream), and
 - Cedar cladding elements (on single storey dwellings only)
- *Roof:*
- Sandtoft Arcadia pantiles (red), and
 - Marley Eternit Birkdale Slate.
- *Door and Window Frames:*
- Grey / Green uPVC casement,
 - Grey uPVC casement, and
 - White uPVC casement.
- *Rainwater Goods:*
- Black gutters and downpipes.

The two-storey dwellings would have a main ridge height varying between 9.6m and 8.4m and a main eaves height varying between 5.4 and 5m; and the single-storey dwellings would have a main ridge height varying between 6.4m and 5.7m and a main eaves height of 2.4m. All two-storey dwellings would have chimney stacks.

Boundary treatments would consist of 1.8m high close boarded timber fencing between the rear gardens of the new dwellings and where the rear gardens are adjacent to dwellings fronting Back Street, 1.2m high post and rail fence along the northern boundary of the site which would include native hedgerows where these boundaries are property boundaries. Frontage hedgerow planting is proposed as are street trees and each property would have a tree planted in their rear garden.

Any property that does not benefit from a garage would be provided with a garden shed and all mid-terrace properties benefit from rear pedestrian access.

SUPPORTING CASE (provided by agent):

This Statement supports the Application for 36 proposed dwellings, including 7 affordable dwellings, at Manor Farm, Back Street Gayton, which is allocated in the Local Plan for residential development.

The site is allocated under reference G41.1 of the Site Allocations and Development Management Policies Plan 2016 and the proposal fully meets the allocation criteria; the proposal includes integration with the Public Right of Way to the East, secures improvements to this right of way via condition, provides continuous footpath links to the school, includes affordable dwellings pepper potted throughout the site which is in Flood Zone 1, and incorporates a compliant SUDs drainage strategy with infiltration, attenuation and flow control to limit the run off rate, which has the support of the LLFA and Anglian Water. Anglian Water have also confirmed that there is adequate capacity at Grimston Water Recycling Centre.

As members may well be aware this site has previously benefitted from Outline Approval for 40 dwellings, however, a scheme for 46 units was refused and subsequently dismissed at appeal with the Inspector noting that the principle of 40 dwellings on this site had been accepted. However, it was considered that the development of the land for 46 dwelling would result in a tighter urban grain of development which would be out of keeping with the spacious and semi-rural pattern of development in the immediate surroundings.

The comments made by the Inspector have been fully addressed with this proposal. In addition, this scheme has evolved through the planning application process (including pre-application advice), and we have worked closely with the Planning Officer and Statutory Consultees as well as consulting with the Parish Council to secure a positive recommendation with no statutory objections and support of the Parish Council. We would like to extend our thanks to all stakeholders in this process.

The scheme comprises of 36 dwellings with a varied housing mix that has been informed by the neighbourhood plan and comments from the housing enabling officer. The scheme benefits from a mixture of detached, semi-detached, and terraced 2, 3 and 4-bed dwellings with both 2-storey and single-storey properties. The site has an area of circa. 2.8ha and the development will equate to a development density of approximately 13.2dph. The proposed density is therefore significantly lower than the existing neighbouring developments at St Nicholas Close, Hall Farm Road and Birch Road which are 17.86dph, 27dph and 22dph respectively.

The reduction in the number of dwellings and lower density proposed has allowed for a looser grain of development and more generous front garden areas, as well areas of open space exceeding policy requirements. The site can comfortably accommodate 36 dwellings while providing a high level of private and public amenity space, maintaining separation distances from existing and proposed neighbouring properties, incorporating green spaces, landscaping, street trees, at least one tree in each rear garden and, spacious front and rear gardens. The scheme also maximises existing site features retaining the woodland to create a green and welcoming gateway, as well as delivering a sustainable drainage scheme and biodiversity net gain.

This approach, with a looser grain, delivers a well thought out scheme that reflects the form and character of the area and has a verdant appearance, which has addressed the concerns raised by the Inspector, met neighbourhood, local and national policy and has the support of the Planning Officer's and Parish Council.

As such, we respectfully request that you support the application with the conditions deemed appropriate.

PLANNING HISTORY

22/00797/CM: NO OBJECTION TO NCC APP: 27/07/22 - COUNTY MATTERS APPLICATION: Provision of a temporary construction contractors car park and pedestrian access. County Matters application approved 01/07/22. Temp consent granted until 31/12/22.

19/00694/RMM: Application Refused: 02/07/20 - RESERVED MATTERS: Residential development for 40 dwellings, associated estate road access onto Back Street and demolition of existing farm buildings. Committee Decision. Appeal Dismissed 25/08/21. Appeal decision attached for reference.

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19/01831/F: Application Refused: 02/07/20 - Construction of 2 detached dwellings and 4 semi-detached dwellings. Committee Decision. Appeal Dismissed 25/08/21. Appeal decision attached for reference.

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. Committee Decision.

RESPONSE TO CONSULTATION

Gayton Parish Council: SUPPORTS this planning application.

If the Borough Council decided to approve this application the Parish Council asks that the following conditions are applied. The Gayton and Gayton Thorpe Neighbourhood Plan policy numbers have been included.

1. The Parish Council would like to ensure that the Sustainable drainage systems (SuDS) to manage stormwater are properly assessed by an expert. (NP policy G10 Development and surface water flood risk.)
2. To help Biodiversity (NP Policy G10 – Development and Biodiversity) we insist on the installation of Bat and swift boxes and other such measures. (Ecological Impact Analysis Report Section 7: Enhancements)
3. The Parish Council support affordable housing and would like to ensure that the affordable housing is prioritised to people with a local connection. (Policy G8 - Land North of Back Street)
4. Gayton Parish Council has a dark skies policy, and we would request that all light spillage is reduced, and shields are applied to lighting at the back of the houses. (NP Policy G12 - Dark Skies)

Highways Authority (NCC): NO OBJECTION: subject to conditions relating to off-site highway improvement works (including improvements to the PROW and footpath connection to Back Street), construction worker parking, on-site road and footpath details and provision, visibility splays, and parking provision in accordance with the approved plans.

PROW (NCC): NO OBJECTION: We have no objection in principle to the application but would highlight that a Public Right of Way, known as Gayton Footpath 9 is aligned along the track adjacent to the Eastern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION subject to conditions relating to drainage, construction management and site hours, lighting, air source heat pumps, and solid fuel heating and an informative relating to noise, dust, etc.

Open Space Team (BCKLWN): NO OBJECTION subject to a condition relating to appropriate fencing / boundary treatment in relation to the attenuation basin.

Lead Local Flood Authority (NCC): NO OBJECTION subject to conditions being attached to any consent if the application is approved.

Internal Drainage Board: NO OBJECTION subject to compliance with the Board's Byelaws.

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Anglian Water: NO OBJECTION subject to a condition relating to surface water connection with Anglian Water network and various informatives relating to the presence of assets and the connection process.

Environment Agency: NO COMMENTS TO MAKE

Historic Environment Service (NCC): NO OBJECTION We note that a considerable amount of archaeological work was carried out in relation to a previous application (15/01888/OM). Evidence has come to light since 2015 that questions the dating and interpretations of the archaeological features identified by previous geophysical survey and archaeological trial trenching. There is potential for previously unidentified heritage assets with archaeological interest (buried archaeological remains) to be present within the current application site and that their significance would be affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2021), Section 16: Conserving and enhancing the historic environment, para. 205 which should be secured by condition.

Strategic Housing (BCKWN): NO OBJECTION subject to securing affordable housing via a S106 Agreement which is policy compliant and is dispersed across the site.

Natural England: NO OBJECTION subject to securement of appropriate mitigation (GIRAMS payment) in relation to impact on protected sites as outlined in the shadow Habitats Regulations Assessment that accompanied the application which is of a standard that can be adopted by the Local Planning Authority as Competent Authority.

Senior Ecologist (BCKLWN): NO OBJECTION subject to Biodiversity Net Gain (BNG), a Landscape and Ecology Management Plan (LEMP) and Habitat Mitigation and Monitoring Plan (HMMP) be conditioned if permission is granted.

Planning Obligations (NCC): NO OBJECTION There is currently spare capacity within the Early Education and Primary Education sectors. However, there is insufficient capacity in the Secondary Sector catchment, and 5 places will be required to be funded through CIL as will 0.36 SEND places (Special Educational Needs and Disabilities.) Total education contribution required £161,471.20.

A library contrition of £3,600 is required.

A fire hydrant will be required to serve the development. This should be secured by condition.

Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION subject to conditions relating to contamination, asbestos containing materials, electric vehicle charging strategy and submission of energy report and an informative relating to solid fuel heating systems.

Conservation Officer (BCKLWN): NO OBJECTION although the preference would be to have hedging as boundary treatment between properties rather than fencing.

Arboricultural Officer (BCKLWN): NO OBJECTION subject to conditions relating to tree protection, hard and soft landscaping, landscape establishment and protection and woodland management.

Police Architectural Liaison Officer: NO OBJECTION

It is clear to see that this design has carefully incorporated many Secured by Design principles, and there is no reason why this proposed development would not easily achieve Secured by Design Gold Award.

CIL Team (BCKLWN): This application will be CIL liable, although they will be able to apply for relief for the houses that are going to be registered social housing. This isn't automatically granted, so they'll need to be aware that there are CIL requirements prior to starting work on site, including submitting forms in order to claim the exemption.

Emergency Planning Officer (BCKLWN): NO COMMENTS TO MAKE.

UK Powers Networks: NO OBJECTION Information provided in relation to UK assets in the locality.

REPRESENTATIONS

Following the first set of amendments in June 2024 only two letters of **OBJECTION** were received. The reasons for objection can be summarised as:

- Overlooking,
- Loss of views,
- Additional housing is not required, and this would result in overdevelopment of the village,
- Services and facilities are not adequate to cater for the additional dwellings, and
- There are recurring problems with sewerage and surface water drainage.

Original Submission: 29 letters of **OBJECTION** were received following the initial submission of the application. The reasons for objection can be summarised as:

- The village does not have the infrastructure (doctor, the school and nursery are full, etc.) necessary to cope with this development,
- There are new houses already for sale in the village that are not selling,
- Intensification of traffic on Back Street which is not an appropriate road to serve the development being single lane with no footpaths. This will result in conflict between vehicles and pedestrians,
- Impact on wildlife / loss of wildlife corridor,
- Do not turn this village into a town,
- Loss of arable land,
- Loss of green space,
- Problems with sewage, drainage and flooding,
- The Neighbourhood Plan indicates an objection to building in the green space in the centre of the village,
- The village has major drainage issues,
- Increased noise, air and light pollution,
- Internet speed and access is already poor,
- A new traffic survey should be undertaken. The last one is out-of-date and a lot has changed in the village since then (2015) including a number of new residential developments,
- None of the houses will be affordable to people who live in the village so residents will not benefit from the development,

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- Loss of privacy,
- Affordable housing provision is not in line with the Neighbourhood Plan
- There are better alternative sites,
- Imbalance between local jobs and homes,
- Loss of outlook,
- Impact on dark skies,
- Please note there is a conflict of interest between Mr Marsham & Councillor Alistair Beales (Gayton Estate & J & C Farm Manager, Councillor for Massingham & Castle Acre Ward & Parish Councillor for Gayton) We presume the council is aware of this & will monitor this accordingly, and
- The applicant suggested at the Parish Council meeting that they would be providing solar panels; however, no solar panels are proposed.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS09 - Housing Distribution

CS11 – Transport

CS12 - Environmental Assets

CS13 - Community and Culture

CS14 - Infrastructure Provision

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM16 – Provision of Recreational Open Space for Residential Developments

DM17 - Parking Provision in New Development

DM19 - Green Infrastructure/Habitats Monitoring & Mitigation

G41.1 Gayton - Land north of Back Street

NEIGHBOURHOOD PLAN POLICIES

Policy GA01 - Creating Neighbourhoods

Policy GA02 - Providing 'Green Infrastructure'

Policy GA03 - Ensuring Transport Infrastructure

Policy GA04 - Design of 'Relief Road'

Policy GA05 - Principles of New Development Design

Policy GA06 - Residential Street Design

Policy GA07 - Cycle and Footpath Provision

Policy GA08 - Provision for Public Transport

Policy GA09 - Opportunities for Small Scale and Self Build Development

Policy GA10 - Provisions for a Successful Primary School

Policy G11 - Development and Foul Waste Water

Policy G12 - Dark Skies

Policy G14 - Development and Open Space Provision

Policy G15 - Roads and Green Infrastructure

Policy G16 - Development and Biodiversity

Policy G17 - Preserving the Landscape Character

Policy G18 - Rural routes for non-motorised users: The rural footpath network and the public rights of way network

Policy G19 - Maintaining a walkable and well-connected village.

Policy G21 - Car and bicycle parking policy

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in the determination of this application are:

Principle of Development

History

Form and Character

Residential Amenity

Highway Issues

Flood Risk and Drainage

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Ecology and Biodiversity
Trees, Landscaping and Open Space
Contamination and Air Quality
S106 Considerations
Crime and Disorder
Other Material Considerations

Principle of Development:

The site is allocated for residential development under Policy G41.1 of the Site Allocations and Development Management Policies Plan (SADMPP.)

The allocation process would have considered the appropriateness of the site in terms of its location within and impact upon the services and facilities of the settlement.

Policy G41.1 describes the site as 'Land amounting to 2.8 hectares north of Back Street as shown on the Policies Map'. It is allocated for residential development of at least 23 dwellings and is subject to compliance with the following:

1. Suitable improvements and integration with the Public Right of Way east of the site,
2. Demonstration of safe access onto Back Lane and a continuous footpath linked to Back Lane and to the existing School,
3. Submission of details showing how sustainable drainage measures will be incorporated into the development to avoid discharge to the public surface water network, and also to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SUDS should be included with the submission,
4. Development is subject to prior submission of details showing a suitable and deliverable scheme that would create the required capacity at Grimston Water Recycling Centre,
5. Provision of affordable housing in line with the current standards.

It can be confirmed, and will be shown, in the following report that the proposed development accords with all the above criteria.

There are obviously other relevant national and local planning policies and guidance that the development will need to accord with. However, the principle of development of the site for residential development is to be supported, given its allocation for such within the Development Plan.

History:

The site benefitted from outline planning permission granted under application 15/01888/OM, which has now elapsed, for up to 40 dwellings. A subsequent Reserved Matters application for 40 dwellings on most of the site and a full planning application for 6 dwellings on the remainder of the site were submitted under applications 19/00694/RMM and 19/01831/F respectively. These applications were refused by planning committee for reasons of:

- Form and character (given that the total amount of dwellings would have exceeded the approval for 40 dwellings under 15/01888/OM),
- Lack of garages for several of the properties (which committee considered would result in reduced levels of amenity for occupiers of these properties), and
- The proposed fencing was inadequate to prevent crime and disorder.

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The decisions were appealed and dismissed. However, the refusals were only upheld insofar as character and appearance were concerned, with the Inspector concluding that there would be no harm in respect of residential amenity due to a lack of garaging for some properties and that the proposed boundary treatments would be acceptable in terms of crime prevention.

In their decision the Inspector noted that the principle of 40 dwellings on this site had been accepted. However, they considered that the development of the land for 46 dwelling would result in a tighter urban grain of development which would be out of keeping with the spacious and semi-rural pattern of development in the immediate surroundings.

The appeal decision statements are appended to this report for completeness.

Form and Character:

The site lies in the southern part of the village but is well integrated with the village and has residential built form to its immediate east and west. Additionally, the new primary school is located to the north of the site, separated by a field. Connections to the school and the wider settlement exist via an existing public right of way (PROW) to the immediate east of the site which requires some improvements as part of the allocation policy requirements and would be suitably conditioned if permission were granted. A footpath connection onto Back Street to the immediate west of the main site access would also ensure continuous footpath connection to both the school and the wider settlement, again this would be conditioned if permission were granted. Long views are limited, but where they do exist the proposed development would be read in relation to the existing residential built form.

The site lies between pairs of semi-detached single and two storey council / ex council properties to the east (St Nicholas Close) and southeast (Back Street.) Two more modern bungalows / chalet bungalows lie to the immediate southeast corner of the site, Fieldside (which is identified as Syrusa on the plans) is a chalet bungalow and Creg-ny-baa is a bungalow. Running parallel to the south of the site are older properties fronting Back Street comprising detached and semi-detached dwellings whilst on the opposite side of Back Street terrace units can also be found. To the west are the more modern dwellings of Birch Road (part of the Willows Estate) that are separated from the site by an area of retained woodland.

As such there is a wide variety of dwelling types, ages, scales, masses, materials and densities in the immediate locality of the site although the vast majority are two-storey with the occasional bungalow interspersed.

The layout is that of a comprehensive estate type development that again can be seen throughout the settlement of Gayton.

Paragraph 135 of the NPPF states *Planning policies and decisions should ensure that developments:*

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

These objectives are reflected in Core Strategy Policies, CS01, CS08, CS13 and DM15 as well as Neighbourhood Plan Policies G2 and G9 which require, amongst other things, consideration of scale, mass, density, design, materials and should ensure development recognises and reinforces local characteristics.

As outlined earlier in this report, the density of development has been significantly reduced from the refused and dismissed schemes and is also significantly lower than neighbouring residential developments.

The reduction in the number of dwellings has resulted in a looser grain of development, which together with frontage hedge planting and street trees, would give a more verdant feel to the proposed development.

The development would benefit from a range of housing types (detached, semi-detached and terrace), scale (single and two-storey), and size (2, 3, and 4-bed units) as required by Neighbourhood Plan Policy G6.

Likewise, the mix of materials (red multi brick, cream brick, flint, cream render and to a lesser extent cladding) is representative of Gayton of which there are examples of all these materials within the nearby built form.

The layout of any development, with access from Back Street being a policy requirement and the site extending primarily eastwards behind existing residential development fronting Back Street, would always have realistically required a loop road of some description to enable the development to optimise the use of the land.

The loop road would extend around an area of open space that is well overlooked and would include a Local Area of Play (LAP.) This area of open space is in addition to the retention of the woodland area to the northwest of the access road and open space incorporating part of the SUDS scheme to the north of the access road. This provides well in excess of policy requirements in terms of open space provision.

Neighbourhood Plan Policy G4 refers the reader to Appendix B in relation to non-designated heritage assets. Appendix B identifies Manor Farmhouse, to the immediate east of the site, as a non-designated heritage asset, and describes the property as follows: *The frontage is mostly chalk lump (clunch in the vernacular) with the single storey northern end being flint outside and chalk inside. The smaller barn to the west is carrstone and brick and is thought to be the oldest building on the site. The whole house and barn were fully renovated in 2000 with UPVC sash windows replaced with timber, original buff pantiles sourced and used and chalk walls in what is now the drawing room, renovated solely with existing materials from the site. A further significant extension was added in 2005.* Para 14 continues by stating that the property is of *local historic interest and association. It is a distinctive vernacular house, in*

a prominent landmark position, contributing to the rural community of Back Street. The style, form and construction of the building is easily identifiable.

Policy 209 of the NPPF states *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.* The impact of development on the historic environment is reiterated in Development Plan Policies CS01, CS08, CS12 and DM15.

In relation to this aspect neither the Conservation Officer nor Parish Council have raised concerns in relation to the impact of the development on Manor Farmhouse, and your officers consider that the development would not result in any material harm to this non-designated heritage asset.

In summary, the scheme is considered to be a high-quality scheme that takes the opportunities available to it, would function well, is permeable with good pedestrian connections, would be visually attractive and recognises and reinforces local characteristics.

It is therefore considered, in relation to form and character, that the development accords with the NPPF in general and specifically to paragraph 135 of the NPPF, Development Plan Policies CS01, CS08, CS12, CS13 and DM15 and Annex B and Policies G2, G4 and G9 of the Neighbourhood Plan.

Residential Amenity:

Paragraph 135f) of the NPPF requires development to offer a high-level amenity to both existing and future users of the site. This is reiterated in Development Plan Policy DM15 and Neighbourhood Plan Policy G9. Neighbour amenity includes, but is not limited to, overlooking, overshadowing, and overbearing impacts and noise.

The site layout has fully taken account of discussions with the planning officer in terms of distances from boundaries and distances between habitable window to habitable window of all new dwellings and existing surrounding residential development that could result in overlooking (i.e., from any first-floor window.) The closest habitable to habitable window distance is between plot 8 and No.35 Back Street and is 29m, which exceeds the minimum the LPA endeavours to achieve of 21m identified in a previous Ombudsman decision elsewhere in the borough.

Plot 2 is closest to a permitted, but yet to be built, dwelling to the east. However, both dwellings would be single storey and would be separated by a 1.8m close boarded timber fence thus ruling out any material overlooking.

The distances achieved also mean that there would be no material overbearing or overshadowing impacts.

Likewise, all inter-developmental relationships that raised initial concerns have been addressed by amendments, and there would be no unacceptable overlooking, overbearing or overshadowing impacts between properties within the proposed development.

In relation to noise, UK Power Networks (UKPN) outlined the location of a substation and both overhead and underground cables. Acceptable parameters for development in proximity to the substation were given by UKPN which it can be confirmed the development conforms with (plot 14, the closest plot to the substation is 10m from the substation (3m

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further than requirements given the substation is located within 'housing'.) Notwithstanding, given that the Community Safety and Neighbourhood Nuisance Team have had previous experience of complaints from occupiers of dwellings near to substations, they suggest installation of an enhanced boundary treatment to plot 14. This would be suitably conditioned (within the landscaping condition) if permission were granted.

In relation to overhead and underground cables UKPN has confirmed, if necessary, diversion would have to be undertaken at the expense of the developer. This would be undertaken under separate legislation.

It is therefore considered, in relation to residential amenity, that the development accords with the NPPF in general and specifically to paragraph 135f) of the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy G9.

Highway Issues:

Safe and suitable access for all users, in accordance with paragraph 114b) of the NPPF and development Plan Policies CS11 and DM15 has been shown via Back Street which is an allocation policy requirement (G41.1)

It is considered that the proposed development, subject to conditions, would meet these aspirations.

Additionally, the NPPF makes it clear, at paragraph 115, that *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

The Local Highway Authority raise no objection on the grounds of highway safety. Likewise, they raise no objection in relation to parking provision the latter of which is policy compliant. They do however require plans for the improvements to the adjacent PROW (which is also a policy requirement), and this would be suitably conditioned if permission were granted.

Cycle storage would either be within garages or, where garages are not provided, within garden sheds.

It is therefore considered, in relation to Highway Issues, that the development accords with the NPPF in general and specifically to paragraphs 114, 115 and 116 of the NPPF, Development Plan Policies CS01, CS08, CS12, CS13, DM15 and G41.1, and Neighbourhood Plan Policy G21.

Flood Risk and Drainage:

The area lies within Flood Zone 1, although the northern boundary of the site lies within an area at risk of surface water flooding and the whole of the site is in a groundwater risk area as identified in the Local Authority's Strategic Flood Risk Assessment (SFRA) and Environment Agency (EA) mapping.

Paragraphs 173C) and 175 of the NPPF require major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. This is reiterated in Development Plan Policies CS08 and G41.1. Furthermore, Neighbourhood Plan Policies G10 and G11 relate specifically to surface and foul water drainage respectively.

Additionally, the LPA is aware of widespread concern in relation to drainage (both surface and foul) in Gayton from the Local Parish Council and those living in the village.

Ultimately drainage is controlled under Building Regulations. Nevertheless, the purpose of the planning system is to achieve sustainable development which includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy contained within Building Regulations.

The Lead Local Flood Authority have also been involved with this application, and the drainage strategy for the site has been produced with input from them, and Anglian Water have stated that wastewater capacity (at Grimston Water Recycling Centre) will have available capacity for the foul drainage associated with the development.

However, given the concerns of the Parish Council and those living in Gayton, the proposed drainage is outlined in relative detail below. Full drainage details, including existing drainage details, can be viewed on the planning portal.

SUDS:

- The NPPF, Development Plan and Neighbourhood Plan all seek the provision of sustainable drainage systems (SUDS) in major developments such as this,
- SUDS manages surface water by slowing down and reducing the amount of run-off from a development, by mimicking, as far as possible, nature drainage systems. This helps to ensure downstream flooding is not increased whilst also reducing the risk of pollution to receiving water bodies,
- SUDS can also provide opportunities to enhance biodiversity,
- SUDS involves a range of techniques including green roofs, rainwater harvesting, soakaways, filter drains, permeable pavements, rain gardens, grassed swales, pond, etc.,
- Infiltration will be used in areas where a 1.2m dry zone can be established beneath the base of the infiltration feature,
- Shallow permeable paving for driveways and shared surfaces has been shown to be viable for the whole site,
- For those areas where infiltration features cannot be used due to groundwater levels, the drainage strategy proposes a connection to a surface water body (which has been assessed by Anglian Water, who raise no objection subject to condition) and
- Where greenfield runoff rates cannot be achieved, any additional volume should be stored and released at a low rate that would not increase downstream flood risk; this is governed by specific standards which the Lead Local Authority are satisfied can be met and would be secured by the condition they have requested.

Proposed Drainage:

- The site is divided (east / west) into two zones based on height above groundwater levels,
- Private driveways and parking spaces will have permeable surfaces in both zones,
- All roof areas include a 10% allowance for urban creep,
- Patios will be designed to be permeable paved,
- Adoptable roads will drain to the receiving drainage system via a filter strip and filter drain; the drain will also be the public surface water sewer as it receives the flows from the dwellings,
- The public surface water sewer in the eastern zone will discharge to a combined public open space / infiltration basin. The public surface water sewer serving the western zone

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discharges to an existing surface water sewer in the driveway of “Tarxien” on Back Lane via a detention basin,

- The infiltration basin design is based on an infiltration rate of 2×10^{-5} ,
- The attenuation basin is only 675mm above groundwater levels so will be unlined or clay lined to avoid uplift of membranes. The level and proximity of the ditches to the west and south suggest that risk of groundwater levels rising higher than the base of the basin are low, and
- The detention basin will attenuate all flows and limit the discharge to the local ditch system to a rate dictated by the minimum orifice size allowable by Anglian Water, who will adopt the flow control.

In summary, the surface water drainage strategy for the site is largely to utilise Sustainable Urban Drainage Systems; however, a connection to Anglian Water surface water sewer is also being proposed.

No objections have been received from statutory consultees in relation to foul or surface water drainage and the drainage strategy including connecting to Anglian Water systems would be suitably conditioned if permission were granted.

It is therefore considered that the development accords with the drainage hierarchy, the NPPF in general but specifically paragraphs 173c) and 175 of the NPPF, Development Plan Policies CS08 and G41.1 and Neighbourhood Plan Policies G10 and G11.

Ecology and Biodiversity:

The NPPF places great weight on protecting and enhancing habitats and biodiversity, with Chapter 15 of the NPPF concentrating on this subject that includes protected sites, habitats, and species.

This is reiterated in Development Plan Policy CS12 and Neighbourhood Plan Policies G14 and G16.

Designated [European] Protected Sites: The site lies within the Zone of Influence of a number of protected sites. The application was accompanied by a shadow Habitat Mitigation Assessment (sHRA) that suggests that payment of the Green Infrastructure Recreational Avoidance Mitigation Scheme (GIRAMS) fee would suitably mitigate impacts from the proposed development. This has been agreed by both Natural England and the Local Authority’s Senior Ecologist. The GIRAMS fee will be secured via the S106 Agreement in accordance with Development Plan Policy DM19.

An Ecological Impact Assessment (EIA) was submitted in support of the application. The report outlines the site and states that it is primarily comprised of modified grassland, hardstanding, arable land with a small area broadleaved woodland and a dry pond. The assessment also included agricultural buildings present on the site (which will be demolished as part of the development), and the area of woodland along the western boundary which is described as a belt of tree dominated by sycamore and polar.

Protected Species: The assessment of the buildings found negligible potential to support bat roosting which supports previous survey evidence from 2015 which found the same.

The pond on site was found to be dry and vegetated over and no other ponds were identified within 250m. The likelihood of great crested newts on the site was therefore considered to be low as was the likely presence of reptiles. The site was considered negligible for badgers and bats.

Biodiversity Net Gain / Ecological Enhancements: The application was submitted prior to introduction of statutory biodiversity net gain. Nevertheless, Neighbourhood Plan Policy G16 requires *measurable net gain for biodiversity [in all locations.]*

The Local Authority's Senior Ecologist suggests that *"A development at this scale has the potential to offer meaningful habitat enhancement and value to local biodiversity.*

The woodland belt to the west of the site must be maintained and could be further enhanced to strengthen the connection of this habitat to those within the wider landscape. This could be done by using an appropriate grassland species mix within the adjacent public open space that is proposed to create an edge habitat. Creating a new pond designed for wildlife and public enjoyment in this area would also add to the value of this area as a wildlife corridor."

The Senior Ecologist therefore raises no objection to the proposed development on the grounds of ecology and biodiversity subject to conditions relating to Biodiversity Net Gain, Landscape and Ecology Management and Construction Environmental Management and Habitat Mitigation and Monitoring Plan.

It is therefore considered in terms of ecology and biodiversity that the development accords with the NPPF in general and specifically to Chapter 15 of the NPPF, Development Plan Policy CS12 and DM19 and Neighbourhood Plan Policy G16.

Trees, Landscaping and Open Space:

Trees: Paragraph 136 of the NPPF states *Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

The importance of tree retention and planting is a theme running throughout the Neighbourhood Plan and is covered in Policies G2, G3, G15, G16 and G17.

The LPA's Arboricultural Officer has no objection to the proposed development but has made suggestions as to how trees could be better incorporated into the development. For example, the Arboricultural Officer states in his full comments (which are available to view on the Planning Portal) that *It would be preferable to incorporate any new [garden] tree planting into the hedgerow [of the northern boundary.] A native mixed species hedge along this boundary will help integrate the development into the landscape. Tree species should include hawthorn and field maple. Using fewer tree species for the boundary tree planting onto the open countryside reflect the existing landscape character.*

Whilst the Arboricultural Officer suggests there are no street trees, drawing no.PP1002 Rev.C, which shows highway, curtilage and management company land shows street trees. Management and maintenance of such trees by the Local Highway Authority (LPA) will be via agreement between the LHA and developer / management company.

The Arboricultural Officer has requested conditions relating to additional arboricultural information, tree protection, tree retention, tree planting (including management and maintenance thereof), and management of the woodland in the northwest corner of the site as well as conditions requiring further details of hard and soft landscaping. It is however considered that landscape management can be secured by the general tree protection and retention conditions and a separate condition is therefore not necessary and would therefore fail the conditions tests laid down in National Planning Practice.

Landscaping: Paragraph 135b) notes that landscaping should form part of the overall design for a development that it is synonymous with good design and therefore the overall visual appearance of a development as required by Development Plan Policy DM15 and Neighbourhood Plan Policies G2, G15 and G17.

The landscaping plans are not detailed and will be conditioned if permission is granted to address comments raised by both the arboricultural officer and the conservation officer. The plans will be required to:

- incorporate trees into the northern hedgerow,
- to retain and improve the existing southern hedges rather than replace them in part by close boarded timber fencing,
- provide appropriate planting to the east of the north-eastern element of close boarded timber fencing adjacent to St Nicholas Close to soften its appearance whilst providing a secure boundary to plots 18-20 inclusive, and
- provide an appropriate boundary treatment around the existing water feature that is to be replicated as part of the drainage strategy for the site.

Open Space: As previously stated, open space provision substantially exceeds policy requirements (as required by Development Plan Policy DM16) with a requirement of 630m² (17.5m² per dwelling) and provision of (provision = 5,037m² (included in the western area of open space, LAP (Local Area of Play) and western area of open space and woodland) whilst policy requirement is 612m² (17.5m² per dwelling).)

The Local Authority's Open Space Team have confirmed that they will not be adopting the open space, and the applicants have confirmed that this will be managed and maintained by a management company. The details of this will be secured in the S106 Agreement.

It is therefore considered, in relation to trees, landscaping and open space, that the development accords with the NPPF in general and specifically to paragraph 135 of the NPPF, Development Plan Policies CS01, CS08, CS12, CS13 and DM15 and Neighbourhood Plan Policies G2, G3, G15, G16 and G17.

S106 Considerations:

Affordable Housing: The provision of 7no. units pepper-potted throughout the site accords with national and local policy requirements. Specific measures required by Neighbourhood Plan Policies G7 and G8 (that require affordable housing for rent to be allocated to residents with a local connection first) would also be secured within the S106 Agreement if permission were granted.

Other Provisions: Open Space Management and Maintenance as well as specification for play equipment would also be secured by the S106 agreement as would the GIRAMS fee (£221.17 / dwelling) and £500 per clause monitoring fee.

Crime and Disorder:

Paragraph 96b) of the NPPF states *96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which: b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.*

The applicant has worked closely with the Police Architectural Liaison Officer who considers the scheme exemplary and believes, if applied for it could easily achieve Secured by Design Gold Award.

Other Material Considerations:

As well as conditions outlined throughout the report, archaeology, contamination, construction management, and fire hydrants would all be suitably conditioned if permission were granted.

Specific Comments and Issues:

In relation to comments received but not covered in the main body of the report, your officers respond as follows:

Following the first set of amendments in June 2024 only two letters of

- Loss of views – there is no right to a public view,
- There are new houses already for sale in the village that are not selling – this is not a reason to prevent development of the settlement's housing allocation,
- Intensification of traffic on Back Street which is not an appropriate road to serve the development being single lane with no footpaths. This will result in conflict between vehicles and pedestrians – the appropriateness of Back Street to accommodate further traffic would have been a consideration of the allocation process. Furthermore, the Local Highway Authority raises no objection and pedestrian routes are to be provided / improved,
- Loss of arable land / green space – the loss of the arable land would have been fully considered when the site was allocated for residential development,
- Loss of outlook – there is no loss of outlook to any property,
- Please note there is a conflict of interest between Mr Marsham & Councillor Alistair Beales (Gayton Estate & J & C Farm Manager, Councillor for Massingham & Castle Acre Ward & Parish Councillor for Gayton) We presume the council is aware of this & will monitor this accordingly – there is no conflict of interest identified, and
- The applicant suggested at the Parish Council meeting that they would be providing solar panels; however, no solar panels are proposed – the application has been determined as submitted.

CONCLUSION:

The applicant and agent have worked closely with the Local Planning Authority to produce a scheme that has received no objections from any statutory consultee and only two objections from third parties since the latest amendments were received. The application is only before planning committee due to the appeal history and Scheme of Delegation

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requirements, and it is of note that the Parish Council no longer objects to development on the site.

The above report has shown how the current proposal has addressed the Inspector's main reason for dismissal of the previous appeals for 46 dwellings (density and the impact of too high a density on the form and character of the locality.)

The scheme, which has received no objections from statutory consultees, is considered to be a high-quality scheme that takes the opportunities available to it, would function well, is permeable with good pedestrian connections, would be visually attractive due to good design and landscaping, would result in excess of policy requirements in relation to open space provision, recognises and reinforces local characteristics, would not result in any unacceptable residential amenity or highway safety issues, addresses flood risk and drainage issues, results in biodiversity net gain, provides affordable housing and is considered safe and accessible.

It is therefore recommended that this application be approved.

RECOMMENDATION: APPROVE and REFUSE

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:
 - SE-1758 PP1001 Rev.G Site and Location Plans
 - SE-1758 PP1002 Rev.D Site Plan
 - SE-1758 PP1101 House Type A
 - SE-1758 PP1102 House Type B
 - SE-1758 PP1103 House Type C
 - SE-1758 PP1104 House Type D
 - SE-1758 PP1105 House Type E
 - SE-1758 PP1106 Rev.A House Type F1
 - SE-1758 PP1108 Garage Types
 - SE-1758 PP1109 Rev.A House Type H
 - SE-1758 PP1110 Rev.B House Type Ft
 - SE-1758 PP1111 Rev.A House Type Gt
 - SE-1758 PP1112 House Type G1
 - SE-1758 PP1113 House Type H1
 - 221285 C-160 Rev.PO3 Access Strategy.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No demolition/development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

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- i. The programme and methodology of site investigation and recording,
 - ii. The programme for post investigation assessment,
 - iii. Provision to be made for analysis of the site investigation and recording,
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation,
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation,
 - vi. Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation, and
 - vii. Any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.
- 3 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Development Plan Policies CS08, CS12 and DM15. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 4 Condition: No demolition/development shall take place other than in accordance with the written scheme of investigation approved under condition 3 and any addenda to that WSI covering subsequent phases of mitigation.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Development Plan Policies CS08, CS12 and DM15.
- 5 Condition: The development shall not be occupied or put into first use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 3 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and Development Plan Policies CS08, CS12 and DM15.
- 6 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).

- 6 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 in accordance with the NPPF and Development Plan Policy DM15. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.
- 7 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.
- 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 in accordance with the NPPF and Development Plan Policy DM15. 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: 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.

- 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 in accordance with the NPPF and Development Plan Policy DM15.
- 9 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

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must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

- 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 in accordance with the NPPF and Development Plan Policy DM15.
- 10 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall detail the management and planting details. The LEMP shall detail the management and details of enhancement measures to be installed including the number, type and location of bird boxes and hedgehog links and the location and species composition of hedge-planting/establishment identified within Section 7 of the Ecological Impact assessment in addition to those recommended by the LPA (email dated 03/11/2023). This must include a spatial plan of where enhancements are located.
- 10 Reason: In order to safeguard the ecological interests of the site in accordance with the NPPF, Development Plan Policy CS12 and Neighbourhood Plan Policies G14 and G16. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 11 Condition: Prior to commencement details of how the development will enhance biodiversity (demonstrating a minimum of 10% biodiversity net gain) shall be submitted to and approved in writing by the local planning authority. The details shall include:
 - updated Metric calculations which align with detailed site layout and landscape plans
 - a Biodiversity Gain Plan; and
 - a timetable for implementation.

Details must be in accordance with the recommendations of the Ecological Impact Assessment (Glaven Ecology, August 2023) and Statutory Biodiversity Metric Calculations V4 (Ben Livick, 31 July 2024). Where species enhancements are required, these should be included in the details submitted. The development shall be carried out in accordance with the approved details.

- 11 Reason: To ensure that the scheme delivers a biodiversity net gain in line with Gayton and Gayton Thorpe Neighbourhood Plan Policy G16 which requires development to demonstrate measurable net gain for biodiversity, and this should be achieved on site wherever practicable and in accordance with BS8683:2021-Process for designing and implementing Biodiversity Net Gain.
- 12 Condition: The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain

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Plan (BGP) which shall itself be prepared in accordance with the Statutory Metric dated 31st July 2024 prepared by Ben Livick, has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:

- I. a non-technical summary,
- II. the roles and responsibilities of the people or organisation(s) delivering the [HMMP],
- III. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan,
- IV. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development, and
- V. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

12 Reason: In the interests of biodiversity in accordance with the NPPF, Development Plan Policy CS08 and Neighbourhood Plan Policies G14 and G16.

13 Condition: No development or other operations shall take place on site until a detailed construction management statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

- (a) the methods to be used and the measures to be undertaken to control the emission of dust, noise, and vibration from the operation of plant and machinery to be used,
- (b) the location of any temporary buildings and compound areas,
- (c) the measures to be used to prevent the deposit of mud and other deleterious material on the public highway, and
- (d) a scheme for the management and signage of all construction traffic.

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

13 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 and Development Plan Policy DM15. This needs to be a pre-commencement condition as this issue relates to the construction phase of the development.

14 Condition: The development shall be built in accordance with the submitted Flood Risk Assessment and Drainage Strategy (Flood Risk Assessment / Drainage Strategy | Residential Development, Back Street, Gayton, Norfolk | Rossi Long Consulting | Ref: 221285 | Rev: 04 | Dated: 26 July 2024) unless otherwise agreed in writing by the Local Planning Authority.

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Foul & Surface Water Drainage Strategy | Residential Development Back Street Gayton | Rossi Long Consulting | Drawing No.: C-001 | Rev: P03 | Dated: 05 June 2024). The approved scheme will be implemented prior to the first use of the development.

14 Reason: To prevent flooding in accordance with the NPPF, Development Plan Policy CS08 and Neighbourhood Plan Policy G10 by ensuring the satisfactory management

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of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

- 15 Condition: Notwithstanding condition 14, no development shall commence until details of the surface water connection with the Anglian Water Network have been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the approved details.
- 15 Reason: To ensure that there is a satisfactory means of surface water drainage connection to reduce the risks of flooding in accordance with the NPPF, Development Plan Policy CS08 and Neighbourhood Plan Policy G10. 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.
- 16 Condition: No works or development shall take place until a scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) including those in the woodland area has been agreed in writing with the Local Planning Authority. This scheme shall include:
- a) a site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan,
 - b) a schedule of tree works for all the retained trees in paragraph a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic, or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work,
 - c) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g., demolition, construction, hard landscaping). Barrier and ground protection offsets should be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection. The Tree Protection Barriers/ground protection must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
 - d) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012). the details of the working methods to be employed regarding site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

The Tree Protection Barriers/ground protection shall be retained intact for the full duration of the development work hereby approved until all equipment, materials and surplus materials have been removed from the site.

If the Tree Protection Barriers/ground protection is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

16 Reason: To ensure the existing trees are suitably protected throughout the demolition and construction phases of the development in accordance with the NPPF and Neighbourhood Plan Policies G2, G3, G15, G16 and G17.

17 Condition: Notwithstanding the approved plans, prior to the first use/occupation of the development hereby permitted, full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

a) Hard landscape works, to include but not be limited to, finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts, boundary types, and any paved surfaces (including manufacturer, type, colour and size) underground modular systems, and sustainable urban drainage integration,

b) Soft landscape works, to include planting plans (which show the relationship to all underground services overhead lighting and the drainage layout), written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree planting details including method of staking, irrigation and protection from grazing,, detailed design proposals for street trees planting pits/trenches including, but not limited to, locations, soil volumes in cubic metres, cross sections and dimensions.

The landscape details should include the boundary treatment for the attenuation pond as well as all edge of development boundaries.

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.

17 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy G17.

18 Condition: Prior to the occupation of the development hereby permitted a landscape establishment and maintenance scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the initial establishment and maintenance of all landscaped areas for a minimum period of 5 years and specify the maintenance responsibilities and arrangements for its implementation. The landscape maintenance scheme shall be carried out as approved.

- 18 Reason: To ensure that the landscaped areas are properly established and managed in the interests of the visual amenities of the locality in accordance with the NPPF, Development Plan Policies CS08 and DM15 and Neighbourhood Plan Policy G17.
- 19 Condition: Prior to the first occupation of Plot 14, a 2.0m high solid acoustic fence meeting the minimum surface density of 10kg/m² should be installed to the eastern boundary of the rear garden. The fence shall thereafter remain in perpetuity.
- 19 Reason: In the interests of the amenity of occupiers of Plot 14 in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy G9.
- 20 Condition: No development shall commence on any external surface of any dwelling constructed from flint as shown on the approved plans until a sample panel of the materials to be used for the external surfaces of these units has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials, mortar type, bond and pointing technique. The development shall be constructed in accordance with the approved details.
- 20 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policies G2 and G9.
- 21 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 21 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF.
- 22 Condition: Prior to first occupation of the development hereby permitted, details of a suitable electric vehicle charging scheme shall be submitted to the LPA and implemented as approved.
- 22 Reason: To ensure the electric vehicle charging is safe, accessible and convenient for all future users including visitors in accordance with the NPPF.
- 23 Condition: Prior to the installation of any air and/or ground 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.
- 23 Reason: In the interests of the occupiers of existing neighbouring properties and occupiers of the proposed development in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy G9.
- 24 Condition: Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.

- 24 Reason: In the interests of the occupiers of existing neighbouring properties and occupiers of the proposed development in accordance with the NPPF, Development Plan Policy DM15 and Neighbourhood Plan Policy G9.
- 25 Condition: No development shall commence on site in relation to the development hereby permitted until a scheme detailing provision for on-site parking for construction workers, wheel washing and access for construction vehicles 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.
- 25 Reason: To ensure adequate off-street parking during construction in the interests of highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15. This needs to be a pre-commencement condition as it deals with the construction period of the development.
- 26 Condition: No works shall commence on site in relation to the development hereby permitted until such time as detailed plans of the roads, footways, cycleways, street lighting (if proposed), foul and surface water drainage associated with these elements 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.
- 26 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway in accordance with the NPPF. Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21. 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.
- 27 Condition: Prior to the occupation of the penultimate dwelling hereby permitted all works (including provision of a top course) shall be carried out on roads, footways, cycleways, street lighting (if proposed), foul and surface water drainage associated with these elements in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 27 Reason: To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as a public highway in the interests of highway safety in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21.
- 28 Condition: Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 61.0m (west) and 45m (east) shall be provided to each side of the access where it meets the highway, and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 28 Reason: In the interests of highway safety in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21.
- 29 Condition: Prior to the first occupation of any dwelling hereby permitted the road(s), footway(s), and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County Road in accordance with the details to be approved in writing by the Local Planning Authority.

- 29 Reason: To ensure satisfactory development of the site in the interests of highway safety and amenity in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21.
- 30 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 off-site highway improvement works in the form of widening and re-surfacing on PROW Gayton FP9 have been submitted to and approved in writing by the Local Planning Authority.
- 30 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policies G18 and G19.
- 31 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 set out on drawing 221285-C-160-P03 (to include widening of Back Street and footway improvements) have been submitted to and approved in writing by the Local Planning Authority.
- 31 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with the NPPF, Development Plan Policies CS11 and DM15, and Neighbourhood Plan Policies G18 and G19.
- 32 Condition: Prior to the first occupation of any dwelling hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in conditions 30 and 31 shall be completed to the written satisfaction of the Local Planning Authority.
- 32 Reason: To ensure that the highway network is adequate to cater for the development proposed in the interests of highway safety in accordance with the NPPF and Development Plan Policies CS11 and DM15.
- 33 Condition: Prior to the first occupation of each dwelling hereby permitted, the parking and turning areas serving that dwelling shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 33 Reason: To ensure the permanent availability of the parking / manoeuvring areas in the interests of highway safety and amenity in accordance with the NPPF, Development Plan Policies CS11 and DM15 and Neighbourhood Plan Policy G21.
- 34 Condition: Notwithstanding the approved plans, prior to the first occupation of any dwelling hereby permitted the footpath link to the east of site that links the development to the existing PROW (shown on the approved plans to be located between plots 17 and 18) shall be constructed in full accordance with details (that shall include ongoing management and maintenance) to be submitted to and approved in writing by the Local Planning Authority prior to construction of the footpath. The footpath shall thereafter be managed and maintained unimpeded in accordance with the agreed details in perpetuity.

34 Reason: In the interests of retaining ongoing permeability of the site and unobstructed pedestrian and cycle links to the wider settlement in accordance with the NPPF, Development Plan Policies CS11, CS13 and DM15.

B) REFUSE if the S106 agreement is not completed within 4 months of the resolution to approve.