



Planning Committee
Monday, 3rd April, 2017 at 9.30 am
in the Committee Suite, King's Court, Chapel Street,
King's Lynn

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Receipt of Late Correspondence on Applications (Pages 2 - 6)**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

Contact

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**PLANNING COMMITTEE
3 April 2017**

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item Number 8/1(a) Page Number Late Pages

Agent: Submitted a paper regarding Density/Urban Grain and Overview comprising the following:

- Previous application for 170 units (15/00135/OM approved October 2016) was at 12.5 dwellings per hectare (gross) – agreed with planning officer that the site could accommodate more development without extending into the countryside;
- Current application – 300 dwellings - gross density of 22 dwellings per hectare. Also provision of 4.69 hectares of open space (excluding SuDS) and an additional 2.52 ha of incidental green space including buffer and amenity planting;
- DM16 requires 56sq.m. of open space per dwelling. At 300 dwellings, equates to 1.68ha as opposed to 4.69ha proposed.
- Application proposed to develop approx. 48% of the gross site area retaining a large amount of open space.
- Illustrative master plan indicates lower density housing to the north east with higher density on the main street incorporating 2.5 storey maisonette units. Lower density to outer countryside edge (single storey and two storey).
- Illustrative mix is 234 homes with 66 one and two bed maisonette units.

Arboricultural Officer: Has some concerns regarding the attenuation of the site and the impact on the protected trees however this represents an opportunity for habitat creation. However, **NO OBJECTION** subject to condition.

LLFA: NO OBJECTION subject to condition regarding the surface water drainage strategy.

Third Party: OBJECTS on the following grounds:

- Another 300 homes means another 300 families;
- Already struggles to get a routine appointment at the Doctors and was not able to register with a Dentist in Downham Market;
- Schools oversubscribed.
- Need new amenities (infrastructure) to accommodate development.

Executive Director's comments: The report refers to a condition recommended by the LLFA being reported in Late Correspondence and set out below:

Additional Condition

30. Condition Prior to commencement of development, in accordance with the submitted Flood Risk Assessment & Surface Water Drainage Strategy (RSK, June 2016, Rev. 890126-R1(01)-FRA) and the amended drawing as submitted via email drawing (RSK, 22 March 2017, 'Land at Nightingale Lane - Revised SuDS Basins Mark Up 300 units, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

II. All attenuation features will be located outside of areas of medium to high flood risk (as indicated on the Environment Agency's Risk of Flooding from Surface Water (RoFSW) maps). Alternatively, if it can be confirmed through, a site specific flood risk assessment, that there is no additional flood risk to the attenuation areas. We would then require a revised layout reflecting the assessment of flood free areas.

III. Longer term groundwater monitoring should be undertaken (if deemed required) to capture seasonal variations in levels associated with the site in relation to the location of surface water management features and structures.

IV. Detailed infiltration testing in accordance with BRE Digest 365 at the exact depth and location of the proposed attenuation basin. If the actual infiltration rates prove to be unfavourable then we would require the discharge of surface water to the adjacent watercourse to be limited to a Greenfield runoff rate for the 1 in 1 year event of 29.3 l/s in line with the Flood Risk Assessment & Surface Water Drainage Strategy (RSK, June 2016, Rev. 890126-R1(01)-FRA).

V. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 1 in 100 year return period, including allowances for climate change, flood event. A minimum storage volume of 12,000m³ will be provided in line with section 9.4.3 of the submitted FRA and in line with the submitted calculations '890126 - Downham Market QSE screenshots' (Matt Cheeseman, 23 February 2017, RE: KLWNBC Ref 16/01322/OM NCC Ref: FWP/16/2/3050 : Land At Nightingale Lane, Downham Market, Norfolk PE38 9FD).

VI. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 1 in 30 year critical rainfall event to show no above ground flooding on any part of the site.
- 1 in 100 year critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any above ground flooding from the drainage network ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

VII. The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1 in 100 year return period

VIII. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding from the proposed drainage scheme.

IX. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C697, 2007), or the updated The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

X. A maintenance and management plan detailing the activities required and details of who will adopt and maintain the all the surface water drainage features for the lifetime of the development. This will also include the ordinary watercourse and any structures such as culverts within the development boundary.

XI. A plan to show how, in the future, for different phases of development considers how sustainable drainage relates to the surface water drainage strategy for the whole site. In particular, highlighting where different phases rely on each another for the disposal of surface water, how this will be implemented during construction and operation of the development.

30. Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 103 and 109 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the surface water drainage system operates as designed for the lifetime of the development.

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CSNN: NO OBJECTION subject to a condition regarding air source heat pumps.

Additional condition: On the basis of CSNN's comments above, the following additional condition is recommended:

8. Condition Notwithstanding the details shown on the approved plans, prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the sound power levels of the proposed unit(s) and provide details of anti-vibration mounts, or noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.

8. Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.

CORRECTION

Condition 2 should be amended to read "...Drawing No. GA 02 Rev No 3, Proposed First Floor...."

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Arboricultural Officer: The two Horse Chestnut Trees at the front of the site are the subject of a Tree Preservation Order. 2/TPO/00562 dated 30th March 2017 and served 30th March 2017.

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Town Council: It appears that due to so many anomalies and irregularities throughout the original application and ongoing correspondence between the applicant/members of the public/CSNN team and the Planning Department, together with this being a retrospective change of use application, that trading should be suspended until it is established that compliance with all regulatory bodies has been satisfied in line with current regulations.

Members also wished to reaffirm their original response to this application. Of particular concern to the Town Council is the perception that unauthorised/unlicensed activity of an industrial nature appears to be taking place within the Conservation Area of the town and not within the designated employment sites readily available (F1.2 page 154 - Sites Allocation and Development Management Policies Plan adopted September 2016) and

indeed, undermines similar legitimate businesses operating in a lawful manner.

Third Party: ONE letter of **SUPPORT** (operator of business) regarding:

- No all comments made are valid or correct;
- Began operating on the site in August 2016 and has complied with all the regulations set by various officials at the Council;
- Has spoken to residents in close proximity to the workshop to minimize any daily impact;
- All filters that are used are compliant and has agreed to use double filters to minimise odours as well minimise working hours;
- Using new generation 4 water based paints which also comply with the regulations;
- Have a good following from local garages that use services;
- Limited to two vehicles per week to avoid disruption to neighbours;
- Will accept any stipulations for workshop in terms of working hours and type of work done.

SEVEN letters of **OBJECTION** (including 3 letters from one individual) regarding:

- Trusts the Planning department will bear in mind that the business would be viewed to be breaking NCC's condition - i.e. if customers were to enter the business via the side, "substandard" entrance (the only one presently available).
- Fumes created from the car spraying cause nuisance to residential amenity and health concerns.
- CSNN department states that we are in the 'industrial part of Downham' but there are many residents here and we have a brand new residential estate next to this site.
- Concerned about overspill of the car park at the front of the site. There are constantly cars parked at the back of the cottages. If the car park is full, they have started to park in the exterior of the car park which seems like it is now being used as overflow parking.
- Emergency services may have issues accessing the properties beyond this point.
- Concerned with the rubbish gathering on the site and asbestos containing material gathered on the yard;
- Distances to neighbouring property quoted in the report are misleading. The gardens of 87 Railway Road lie less than 5 meters from the Nissan Hut which is only about ten feet away from the front of Gately cottages.
- Despite no objection from CSNN, have evidence of smoke produced from building and considers that new filter will not make a difference;
- Report states the area has been subject to commercial activity, 'for many years'. This, while broadly true, is misleading because it's only in the past few years there have been problems – car wash subject of enforcement action including breach of condition, skip hire subject of court order – all consideration to environment and residents' concerns ignored;
- Use of water based paints does not mean clean;
- How will site be monitored – type of paint, filter changes etc.
- Impact on residents in a Conservation Area
- Use more appropriate to designated employments sites and not adjacent to the Conservation Area;
- Considers that it is not correct to recommend approval for retrospective development;
- Considers that the working hours are inappropriate and are not working and would have been worse with Saturday mornings.

- Four adjoining residents object and all to the same level of dis-amenity;
- No approach has been made to the objector by the operator;
- Business may be suited elsewhere in Downham Market but not the current location.

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Agent: The agent has submitted an Asbestos Report and a hedgerow protection plan.

Environmental Quality: Comments that Condition 5 is no longer required but to keep Condition 6.

Arboricultural Officer: The scheme to protect the hedgerow on the western side of the site is considered to be acceptable.

CORRECTION:

4. Condition The Heras fencing details as shown on site plan received 21st March 2017, shall be erected prior to the commencement of the development and retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved plan. 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 authority.

4. Reason To ensure that the existing hedgerow is properly protected in accordance with the NPPF.

Executive Director's comments: On the basis of the advice from Environmental Quality, it is recommended that Condition 5 be removed.

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Arboricultural Officer: The Holme Oak tree along front boundary of Land to the west of Coach House, has been served with a Tree Preservation Order 2/TPO/00561

Coastal Partnership Group: Tends to agree with the Parish Council; however can't object on policy or the grounds of visual impact of the Area of Outstanding Natural Beauty.