



Planning Committee
Monday, 1st June, 2020 at 9.30 am
in the Remote Meeting on Zoom and available for the
public to view on WestNorfolkBC on You Tube - Zoom
and You Tube

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

1. **Receipt of Late Correspondence on Applications (Pages 2 - 10)**

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

Contact

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PLANNING COMMITTEE
1 June 2020

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

Item No. 8/1(a) Page No. 9

Cllr Tom Ryves: The following queries have been raised:

- The bat survey was done in summer 2015. The site was vacated in February 2018. I would suggest that the survey is out of date and there has been a material change of closure since the survey was completed.
- Can you give justification for the following please:
“likewise demolition of the existing and replacement with small rural units is likely to be non-viable”
“there is a clear presumption in favour of residential development”
“it is concluded that bats are not roosting in the buildings..”
- I have reservations regarding the likely vehicle flow and in particular the Transport Statement (TS) comparing residential traffic flows to theoretical flows from a B-2 site. Road safety is the major concern of respondents. What is the expected traffic flow onto station road from this site once it is occupied?

Assistant Director’s comments: The case officer has responded to Cllr Ryves’ queries as follows:

- The submitted Ecology Survey is dated 13th September 2019 and this advises that bat surveys were carried out in July and August 2019.
- The buildings are extensive and would not suit any small rural business that may want to be located in a village without considerable work and most probably demolition which would be very expensive and would include site clearance, de-contamination etc. Therefore it is very likely to be non-viable for any end purpose other than residential.
- The site is in a residential location within a key rural service centre and is a brownfield site. The NPPF and Local Plan Policies steer residential development to such locations and thus there is a clear presumption in favour of this type of development.
- The ecology report, carried out by a certified ecologist, concluded that bats are not roosting in the buildings.
- According to the submitted TS “the trip generation for the proposed development is considered to result in a net increase of 1 two-way vehicle trips in the AM network peak and -1 two-way vehicle trips in the PM peak. For the AM period (08:00 – 09:00) the residential trip generation for the proposed development is considered to be 5 arrivals and 12 departures. For the PM period (17:00 – 18:00) it is expected to be 11 arrivals and 6 departures.

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Cllr Ryves: Cllr Ryves has queried that previously twice the Planning Committee has overturned officer advice re commercial activity at this site. He went on to quote a reference from Committee Minutes for the 2012 application:

'The Planning Control Manager advised that following the meeting on the 3 December, contact had been made with the applicant who had agreed that a condition could be attached to ensure that the building would not be used for display or sales to members of the public. If this condition was imposed then County Highways would be happy with that situation.'

Cllr Ryves asked for any thoughts on this, given that the current applicant has stated there will be no public access, and it seems last time round Highways accepted that as a reason to withdraw objections. He would welcome the opportunity to discuss these comparisons at the meeting.

Assistant Director's comments: The comments above relate to that particular application and each application is considered on its merits. The Local Highway Authority is of the view that while there will be no public visits to the site, there is an increased number of vehicular movements proposed as a result of this scheme, both through staff numbers and also deliveries/ servicing. This is a greater number than was proposed for the previous two commercial uses on site. This is addressed in the Highway section of the Committee Report. A representative of the Local Highway Authority will be present at the Committee meeting to answer questions.

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Third Party: TWO additional letters of **OBJECTION** has been received and can be summarised as follows:

- Gayton does not need any more housing. They have struggled to sell the houses round the corner for over a year now. People do not want this hence the reason for this application going on for over 5 years.
- The school isn't big enough, the green space is getting more and more limited.
- The pathways down Back Street aren't good enough, the drainage isn't good enough.
- The access down the back of St Nicholas Close will be too tight with the proposed fence, meaning we will be forced to park our cars down the already busy Back Street.
- I am concerned that having viewed the most recent plan that 40 has increased to 46 including some of the original layout, again increasing the amount of traffic and the impact on our local amenities, one especially being the School.

ONE letter of **SUPPORT** has been received which can be summarised as follows:

- Our home borders the proposed development on two sides (west and north), and we share a boundary of over 100 metres in length. It is fair to say that my property will be most affected by future development and is hugely important to me personally, and in terms of property amenity and value. My place of work is also on Back Street and I doubt anyone knows the street or the site better than I do.
- Since demolition of the dilapidated roadside cartshed, the rest of the village is now seeing Manor Farm as I have seen it for 20 years – dominated by large, antiquated asbestos cement farm buildings, well past their useful working life and ugly with it. As a neighbour, I will be pleased to see them go along with the storage of diesel, agrochemicals and fertiliser and the noise, dust and disturbance from big agricultural machinery that goes with a working farm.
- I'm also pleased that woodland will be retained, enhanced with new planting and made safe for public use and access. Grassland will remain and be open for public access and enjoyment as will the small pond. That pond, which currently dries out in summer, will be cleaned out, opened to sunlight on the south side and fenced off to provide a much better habitat, safely shielded from access by children. The dedicated children's play area is also very welcome.
- I understand there will be a loss of farmland but that is more than compensated for by the massively increased diversity from garden trees, plants and hedges.
- From the application documents, it appears the density of homes is very low by modern standards and carefully sited to minimise impact on neighbours.

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Third Party: ONE letter of **SUPPORT** has been received which can be summarised as follows:

- Our home borders the proposed development on two sides (west and north), and we share a boundary of over 100 metres in length. It is fair to say that my property will be most affected by future development and is hugely important to me personally, and in terms of property amenity and value. My place of work is also on Back Street and I doubt anyone knows the street or the site better than I do.
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Agent: Revised plans were submitted on 22nd May updating the house design drawings to show a change from UPVC windows to pre-finished timber windows. A revised site layout plan and proposed boundaries and enclosures plan were submitted on 26th May in order to change the type of fencing proposed between Plot 3 and the adjacent neighbouring property to the east (1 The Close), as requested by the owner.

Third Party: THREE additional OBJECTIONS have been received from **TWO** local residents which can be summarised as follows:

- I object to any further reduction into the right of way along Town Lane. The Willows development “spread” unacceptably into the Right of Way on the west side of the Lane thus any erosion to the width of these two independent rights of way is not acceptable.
- In order to be able to comment I would like clarification of the construction of the boundary behind the length of The Close garages. We own a strip of land giving us access to the rear of our garages for maintenance purposes. No part of any fence / wall should be on our land and party wall agreements might be required depending on the depth of any necessary excavations.
- Further to my previous comments I now strongly object to the fact that a metal fence has been erected across the strip of land behind the garages of 1-14 The Close preventing us from gaining access to our land which is essential for maintenance purposes. A large post has been put up on our land right up against the rear wall of the garages and possibly affecting the foundations of the garages. Our land should not be included in the development.

AMENDED CONDITIONS:

1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans / drawing numbers:

BSHEBA-SK001 Site Layout Plan_Rev03

BSHEBA-SK002 Proposed Boundaries and Enclosures Plan Rev 01

BSHEBA-IW-XX-XX-DR-A-2005 - Rev.P4 - Site sections & street scenes

BSHEBA-IW-XX-XX-DR-A-3001 - Rev.P6 - Plots 1 to 3 Plans Sections and Elevations

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

4 Condition: Vehicular/pedestrian/cyclist access to and egress from the adjoining highway shall be limited to the access(s) shown on Drawing No.. BSHEBA-SK001 Site Layout Plan_Rev03. Any other access or egress shall be permanently closed, and the footway shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.

4 Reason: In the interests of highway safety in accordance with the NPPF and Development Plan.

7 Condition: Prior to the first occupation of the dwellings to which they relate, the windows shown on drawing nos. 3002 Rev.P4 and 3001 Rev.P6 as 'greyed-out' shall be glazed with obscurely glazed glass and shall thereafter be retained in that condition. Additionally, the mid-floor landing window of Plot 3 shown on drawing no. 3001 Rev.P6 shall be non-opening and shall thereafter be retained in that condition.

7 Reason: In the interests of occupiers of neighbouring properties in accordance with the NPPF and Development Plan.

8 Condition: Prior to the first occupation of the dwellings hereby permitted Bat and Bird boxes shall be provided in accordance with drawing nos. 3001 Rev.P6 and 3002 Rev.P4 and shall thereafter be maintained and retained in those positions unless otherwise agreed in writing by the Local Planning Authority.

8 Reason: In the interests of preserving / enhancing biodiversity in accordance with the NPPF.

9 Condition: Prior to first occupation of the dwellings hereby permitted boundary treatments shall be erected in accordance with approved plan BSHEBA-SK002 Rev.01 Proposed Boundaries and Enclosures Plan.

Assistant Director's comments: In response to the comments made by one objector, it is understood that palisade fencing has been erected to secure the development site but the applicants state that no third party land has been encroached upon.

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Agent: As a result of the last set of amendments the internal configuration of the proposed dwellings has now changed. As my client is now proposing to go into the roof spaces, without raising the heights of the dwellings, they are now all 6-bed dwellings. Therefore, the current description of development is now incorrect.

The amended plans relate to the internal configuration of the dwellings and therefore, their external appearance, impact upon the Conservation Area and local highways, etc. would not be materially different as a result of the amended internal configuration. Moreover, the amended plans have been the subject of public consultation and these clearly show six bedrooms in each property, so no third parties will be prejudiced by the description of development being updated. However, to avoid any unnecessary complications I feel that it is necessary to amend the description of development so that it accords with the plans. I suggest the description is amended as follows:

“Demolition of detached bungalow and erection of 3 x 2-storey dwellings and 1 x garage”

Third Party: TWO additional letters of **OBJECTION** have been received which can be summarised as follows:

- Whilst I note there have been many months of discussion over the detail of the design of the three houses proposed, it is important that this does not obscure the key fact that you are being asked to grant permission for a development on land which is: primarily outside the village envelope; in a Conservation Area; and on a dangerous junction for pedestrians and vehicles.
- It was for these reasons that the previous application was rightly refused. Is this still not the view of the Planning Department? That refusal would still appear to be valid, albeit there has been some improvement in the design of the houses. However, nothing can change the location of the site.
- It is worth mentioning the letter from NCC Highways at this juncture. Their view at the time of the first application was very much in line with local users of Station Road that this was a proposal without merit. We can only guess as to why they raised no objection on this occasion as there has not been any change in layout. Local opinion finds this inexplicable. The Parish Council is very much opposed to the development.
- What has changed since the last refusal in the Appeal last summer and this has allowed the developer to take the Inspector's views as gospel to overcome building outside the village envelope and the road layout. I would personally say a number of the Inspector's points are very arguable. Certainly on the road issue my 30 years' experience does not correspond with the Inspector's day trip.
- The proposed new houses are substantial and will almost certainly just feed the second homes market and this is not what Burnham Market really needs. Even the Inspector accepted there was limited benefit to the local community in the development. We also have unused planning approvals in the village.
- Local opinion is very much against this proposal. Local communities are often drawn to getting involved in preparing local plans but if it is possible to ignore such issues as the village envelope so easily, where there is no need, then why should we bother to get involved. Is there not a danger of setting a precedent here for future development.
- In conclusion I feel you should stand by your original refusal and allow all the arguments to be tested at any future appeal if necessary.
- The proposed development is outside the village development boundary.
- The access is on a very dangerous corner of Station Road where there are traffic problems on a daily basis. The road is not wide enough to allow large traffic to pass without drawing in to the verge. Some large vehicles cannot negotiate the corner at all and have to reverse out of Station Road into Church Walk.
- There are only a few metres of pavement, outside a row of cottage, along the length of the road. Pedestrians are at risk from extra traffic – as are children whose access to their playground is off Station Road.
- The site is within a conservation area.
- The Parish Council is opposed to this development.
- The provision of what will undoubtedly be for second homes is not what Burnham Market needs and will not enhance local rural economy.
- The Local Site Allocation and Development Management Plan has been well exceeded in the defined policy of building works in Burnham Market.

CORRECTIONS:

p84 - under 'Proposal' (2nd line) the development description of the amended scheme should read:

'Demolition of detached bungalow and erection of 3 x 2-storey dwellings and 1 x garage'

p84 - 1st paragraph of 'Case Summary' - delete '(2 No. 4 bedroom dwellings and 1 No. 5 bedroom dwelling)' and substitute '(3 No. 6 bedroom dwellings)'

p85 - 1st paragraph of 'The Application' - delete '(2 No. 4 bedroom dwellings and 1 No. 5 bedroom dwelling)' and substitute '(3 No. 6 bedroom dwellings)'

p92 - last line of 5th paragraph change 'or' to 'and' to read '...NPPF, Policy CS06, CS08 and CS 13 in this regard.'

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Agent: Submitted leaflet in **SUPPORT** of application summarised as follows:

A New McDonalds for Downham Market

More than 1300 UK and Ireland restaurants

More than 130,000 UK employees.

In the East of England, we already contributed £341 million to the area economy in 2017.

Each future restaurant will generate circa £45,000 in business rates for the local council.

Will bring full range of benefits to Downham Market including employment and industry leading training whilst ensuring investment is brought into the area.

Our Food

We are passionate about our food and take care to make sure that what we serve is great quality and can be part of a balanced and healthy lifestyle. Our goal is to help people balance health, taste and value.

Did you know? – Fries can be swapped for carrot sticks or a salad.

McDonald's were the first restaurant to display nutritional information on menu notice boards and we have done so for 30 years.

100% British and Irish Beef is used in McDonald's burgers.

Chicken breast is used across all our chicken options and all eggs on our menu are free range.

We have added more choice in recent years: Porridge, Salads, Wraps, Fruit bags.

Our People

We are proud to be recognised as one of the UK's best employers. We are committed to industry leading training for our people and providing a working environment to suit everyone who works for the company.

90% of our restaurants are franchised and operated by 195 local business people.

Training opportunities are open for everyone.

Did you Know? - £43 million is invested in staff training every year.

18,500 members of staff completed one of our apprenticeship schemes.

700 current apprentices.

We provide degree level apprenticeships in partnership with Manchester Metropolitan University.

The Environment

We want the best for the environment. To us that means constantly challenging ourselves to find ways in which we can use our scale and our people to influence and drive change.

Did you know? We have invested in wind and solar generation which help provide green energy in our restaurants.

3 litter patrols a day are conducted by staff around our restaurants, picking up all litter, not just McDonald's packaging.

Biodiesel has helped to fuel our delivery lorries for 10+ years.

80% of our packaging is recyclable.

We stopped using plastic straws in 2019.

All of our restaurants are powered by 100% renewable energy.

Our communities

We want to be good neighbours and make a positive impact on our communities. We believe we have a responsibility to the people we serve.

We encourage healthy and active communities by investing in local and national sport programmes and working with the Football Association, providing new kit and equipment.

Did you know? Our new participation programme aims to provide 5 million hours of free fun football for children across the UK by 2022.

The Agent has also queried the wording of Condition 4 as the visibility splays can only be achieved after the offsite highways works are implemented. Thus suggests alternative wording.

Further, that the wording of Condition 16 prevents takeaway type deliveries by cars/mopeds and suggests that the wording should be altered to limit HGVs only.

Third Party: 2 letters of OBJECTION on the following grounds:

- The development will be too close to residential development and the schools;
- Will present a hazard when entering and exiting the [A10] roundabout;
- Will impact on already struggling catering business in the town centre;
- Not in keeping with the image of this historic town and not a good location as it's is the first thing that many visitors will see when entering the town;
- Introducing chain businesses takes away the trade from locally owned businesses in the town;
- Needs to be located adjacent to existing services e.g. Stonecross Services and then would not interfere with a residential street.
- Queries whether other locations have been considered.

2 letters of SUPPORT on the following grounds:

- Believes it is a brilliant way to bring life to Downham;
- It provides jobs;
- Perfect for small businesses;
- Will be somewhere people can enjoy meeting with friends for coffee and a catch up;
- Will be beneficial for people just passing through;
- Hundreds of people are likeminded and will speak up on the matter.
- Need to bring some new things to Downham Market

Cllr Ratcliffe: Queried distances from the site to local schools and the A10.

Cllr Ryves: Refers to an appeal decision in 2010 (from a news article) and whether health was considered a material planning consideration.

Assistant Director's comments: In response to Cllr Ratcliffe's queries, distances from the site to the A10 and the local schools are as follows:

- From the western exit of the A10 roundabout to the entrance of the site: 99m
- From Hillcrest School: 541m
- From Downham Market Academy: 780m

Distances from the schools to the Town Centre are as follows:

- From the junction of High Street/Paradise Road to Downham Market Academy: 662m
- From the junction of High Street/Paradise Road to Hillcrest Primary School: 1.34km

In response to Cllr Ryves, the issue in the case to which he refers was whether the proximity to the school/health implications were considered to be a material planning consideration in the determination of the application. There are lots of appeal decisions across the country and this is not the only one. The NPPF, along with the NPPG, has now clarified that health issues are a material planning consideration as evidenced in the officer's report but that this issue is balanced along with all other material planning considerations.

In terms of the suggested amendments to Condition 4 and 16, the changes are considered reasonable and will be amended as set out below:

AMENDED CONDITIONS:

4. Condition Prior to the commencement the development hereby permitted (except S278 off-site highways works required under Conditions 5 and 6) , visibility splays measuring 2.4 meters x 59 metres shall be provided to each side of the access where it meets the highway. The splays shall thereafter be maintained at all times free from any structure or obstruction exceeding 0.225 above the level of the adjacent highway carriageway.

4. Reason In the interests of highway safety in accordance with the principles of the NPPF.

16. Condition No HGV deliveries shall be taken at or dispatched from the site outside the hours of 08.00 to 18.00 Monday to Saturday and 09.00 to 17.00 on Sundays, Bank or Public Holidays.

16. Reason In order that the Local Planning Authority may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

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Parish Council: The Parish Council re-iterates its objection to this application and feels strongly that the Public Right of Way should be fully accessible at all times to the public without any hindrance or any obstruction either physical or non-physical.

Assistant Director's comments: The PROW runs along the existing access and the development will not interfere or obstruct the right of way as set out in the report. The PROW Officer raises no objection to the scheme.