



**Planning Committee**  
**Monday, 9th May, 2022 at 9.30 am**  
**in the Assembly Room, Town Hall, Saturday Market**  
**Place, King's Lynn PE30 5DQ**

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

1. **Receipt of Late Correspondence on Applications (Pages 2 - 23)**

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

**Contact**

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**PLANNING COMMITTEE**  
**4 April 2022**

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

**Item 8/1(a)**

**Page No. 8**

**CORRECTION:** On pages 6 and 11 of the Agenda, reference is made to the recommendation of refusal of the application. This should be amended as the recommendation is that Members instructions are sought.

On page 26 of the Agenda report there is reference to a CSNN query about a ditch. CSNN are satisfied with the ditch arrangements, which is clarified on page 14 of the report.

**Town Council Comments:**

DMTC Planning Committee met last night and discussed the process involved in deciding the Lidl application, the matter having been raised with the Chair by a number of concerned residents. As a result of their discussions, it was agreed that I would raise a number of concerns:

- It would appear that SADMP DM10 has not been fully considered by the Borough Planning Committee, in particular the effect on the town centre. There is a requirement to look for development land within the centre and it was suggested that the site of the Downham Market Club (now closed) on Paradise Rd could lend itself to retail development.
- Cllrs wished to point to the number of shops in Kings Lynn town centre that have closed, presumably as a direct consequence of the Hardwick development.
- The land on which Lidl are proposing to build was previously designated for residential use and lies outside the town centre building line.
- Finally, Cllrs highlighted that the Borough Planning Committee have voted contrary to officers' recommendations to refuse permission.

**Third Party Comments:** Additional Third Party comments have been received as summarised below:

4 representations in SUPPORT-

- A discount grocery store has long been needed in this area.
- Will provide jobs for the locality, and career progression/ apprenticeship opportunities.
- Late councillor's comments are trying delaying tactics to scupper this application, against the large number of supporters. With increasing population, see housing approval at last planning meeting, a further food store would be an asset to Downham.
- May also help to relieve the acute and chaotic parking problem which exists at present in Downham. I do not undertake my main food shopping in Downham due to parking and the uncompetitive pricing in the existing supermarkets.
- Trying to squeeze more money out of Lidl may well be counterproductive, as it appears nobody seems to know what they would spend the 50K on.
- LIDL offers excellent quality and value for money.
- Will alleviate need for people to travel to other towns to shop as is currently the case.
- Close proximity to the new McDonald's and Starbucks makes sense to use that area for even more amenities.
- Will be easy to access store for people

- Provide variety for residents
- Potential for LIDL to support community projects eg, building playgrounds
- Keeping the town developing and therefore being attractive for further investment, better infrastructure and working age families
- Giving people choice and supporting their democratic rights of voting for how they want their town to look and feel
- Catering for a growing population

1 letter of OBJECTION –

- Noise
- Residential amenity
- Traffic/ Highways
- Detracts from the appearance of the entrance to the town and loss of the beautiful rural walk at the back of the field.
- The traffic consequences of the development could be horrendous. Traffic will build up on roundabout as a result of McDonalds/ Starbucks and LIDL. Residents walking would have to cross Bexwell Rd on foot with no pedestrian crossing – potential for serious accidents.
- Roundabout is an important junction. This could also impact the Marham airbase traffic.
- Alternative sites should be considered due to traffic.

**Cllr Ryves:** Comments received as follows:

A LIDL in Downham will increase price competition and choice and is potentially a good thing. But the site proposed is out of town in an area considered countryside, it will encourage car use and will reduce footfall in the town centre. Officers had considered whether there is an alternative site available which would be supportive of the Town Centre, they found none.

The Council has a statutory duty to protect and maintain the viability of town centres, and LIDL accepts that their development will indeed be damaging so have proposed a somewhat token financial contribution to mitigate impacts from their store on the town centre.

It now seems that the generosity of LIDL is indeed restricted to a pocket money £50,000 and the Town Council has not been able to negotiate a more meaningful sum which would allow for significantly supportive actions. This is somewhat wretched - LIDL's sales in the UK in 2020 were almost £7bn with over 920 stores. For the planning committee which was "minded" to accept the application in what I consider a spineless reaction to populism and a blatant disregard for planning policies this might present a dilemma.

Additionally, there is no traffic impact statement on the consequences of the greatly increased traffic flow on the Bexwell Road ( I estimate that LIDL's will generate around 3,000 vehicle movements a day on top of perhaps 2,000 happy eaters at McDonalds, the majority of whom will be drive thru. I fear gridlock on the Bexwell Road.

Possible outcomes-

(1) Should LIDL be refused I am sure that they would look at other options as there would be no reasons to appeal on planning grounds. Morrisons in their submission warned that if LIDL were to proceed then they would need to reconsider the future of their store. Recently, Morrisons, which in 2019 invested £1.5m in refurbishing this store, has closed stores in Crawley, Shirley, Swindon and Wigan. To my mind a transfer of ownership to LIDL could be the best outcome. Afterall, in October 2021, private equity interests purchased Morrisons so it is no longer the clear custodian of the family values which built it up.

(2) On planning grounds, it is clear that this application should be rejected. If the committee

confirms its mindfulness to accept in spite of the miserliness of LIDL, than I believe that restrictions need to be placed on this site, both to prevent its transfer of ownership to a non discount supermarket , LIDL having been the stalking horse to get through planning, and to limit the damage to the town centre. The obvious such restriction will be to limit the number of Discounted lines that the site can offer. This could be reviewed over time to allow existing retailers to adapt to the new competitor.

(3) I would be more supportive if the amount offered by LIDL was meaningful and personally would like to see a local bus service underwritten by LIDL linking all parts of Downham to their store and to the town centre, and also to outlying villages to mitigate the increased car use their plans will create. Such a scheme increases consumer choice, supports the town centre as it transitions away from retail and supports those who do not have the vehicles necessary to take advantage of supposed lower prices.

(4) It remains within the remit of the planning committee to defer a decision until a more acceptable mitigation plan is put forward by LIDL's who I think got a bit greedy in their reading of the support implied by the committee who will now have had time to consider what represents acceptable mitigation. This is a discussion I look forward to hearing.

Can you advise me please on the significance of the LIDL application being in the name of LIDL?

To my mind and from looking at the comments from the public and those from Councillors at the April meeting it seems that many are wanting a discount store in Downham Market such that it is highly relevant that the applicant is LIDL, in that if it were say Waitrose or ASDA it would be a less emotionally charged application.

What is the possibility of any decision to approve being capable of challenge by a party considering themselves financially compromised by a successful application where it can be demonstrated that the committee has favoured LIDL as an applicant and is minded to grant an approval over officer recommendations for the principal reason of the identity of the applicant?

Additionally there is clearly a possibility of the applicant selling the land on to another party with planning consent - what can be done to ensure that if approved this site will be available only for a recognised discount retailer?

#### **Assistant Director's comments:**

Comments from the Town Council are noted. The assessment of the proposal against policy CS10 is discussed within the Committee Report. The application site was not designated for residential development in the adopted Local Plan.

Third party comments are noted and these issues are discussed within the Committee Report.

Cllr Ryves comments are noted and the points raised are for debate at the Planning Committee meeting. In terms of the 'traffic impact statement' on the consequences of the cumulative development; the Transport Assessment and the Travel Plan submitted by the applicant has included projected traffic movements. In response to this the Local Highway Authority has no objections to the scheme. These documents are all available online.

If Members recommended approval of the application, it would be necessary to limit the planning consent to that of a discount retailer. The retail assessment work, and potential impacts on the town centre, were based on the store being a discount retailer. A standard supermarket operator

would be likely to have a different impact on the town centre. Therefore, it is recommended that conditions would be attached which restrict the gross internal floorspace, the net retail floor area, the total retail sales area for sale and display of convenience goods and the total retail sales area for the sale and display of comparison goods. In addition the range/number of product lines would be limited. These conditions would ensure that the planning consent was specific to a discount retailer rather than a general supermarket model as advised by our Retail Planning Consultant. Conditions would also be attached preventing the subdivision of the retail unit into smaller units, and restricting any concession units within the application site.

**Below are a list of draft conditions in case Committee determine to approve this application. Note that the pre-commencement conditions have not yet been agreed by the agent:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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. The development hereby permitted shall be carried out in accordance with the following approved plans: 7783L-06, 7782L-17, 7783L-18, 7783L-19, 7783L-20, DWG 00 Rev.2, DWG 01 Rev.2, 1367-001 Rev.B, 20-096-01 Rev.B, SCP/200469/ATRSK05 Rev.B, SCP/200469/SK05 Rev.B, 16-2066-004 Rev.P1.

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

3. The development shall be built in accordance with the submitted flood risk assessment and drainage strategy (Flood Risk Assessment | Lidl Downham Market | Cora IHT | Ref: Project No: 16-2066, Document No: T001 | Rev: Issue 3 | Dated: 08 March 2022) and the following additional supporting documents/drawings/reports:

- The revised drainage area plan drawing (Drainage Area Plan | Downham Market | Cora IHT | Drawing No: 16-2066-002 | Rev: P2 | Dated: February 2022).
- The exceedance route drawing (Anticipated Exceedance Flow Plan | Downham Market | Cora IHT | Drawing No: 16-2066-003 | Rev: P1 Dated: February 2022).

The schematic drainage layout adopted must be that demonstrated in the final submitted drainage strategy drawing (Drainage Strategy 1 of 2 | Downham Market | Drawing No: 16-2066-001 | Rev: P3 | Dated: February 2022). The approved scheme will be implemented prior to the first use of the development.

Reason To prevent flooding in accordance with National Planning Policy Framework (NPPF) paragraph 167, 169 and 174 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 SuDS proposed operates as designed for the lifetime of the development

4. SHC 05 - Prior to the first use of the development hereby permitted the vehicular access shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority in accordance with the highways specification

(for the first 10 metres into the site) and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway.

Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety.

5. SHC 07 - Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened.

6. SHC 10 - The gradient of the vehicular access shall not exceed 1:12 for the first 15 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: In the interests of the safety of persons using the access and users of the highway.

7. SHC 17 - Prior to the first occupation/use of the development hereby permitted visibility splays measuring 2.4 metres (as measured back from the near edge of the adjacent highway carriageway) x 70 metres shall be provided to each side of the access where it meets the highway. The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.

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

8. SHC 21 - Prior to the first occupation/use of the development hereby permitted the proposed access/on-site car and cycle parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.

9. SHC 23 Development shall not commence until a scheme detailing provision for on-site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.

Reason: To ensure adequate off-street parking during construction in the interests of highway safety. This needs to be a pre-commencement condition as it deals with the construction period of the development.

10. SHC 24A - Prior to the commencement of any works a Construction Traffic Management Plan and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be

submitted to and approved in writing by the Local Planning Authority together with proposals to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason: In the interests of maintaining highway efficiency and safety. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

11. SHC 24B For the duration of the construction period all traffic associated with (the construction of) the development will comply with the Construction Traffic Management Plan and use only the 'Construction Traffic Access Route' and no other local roads unless approved in writing with the Local Planning Authority.

Reason: In the interests of maintaining highway efficiency and safety.

12. SHC 33A -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 (including the provision of a RHTL, pedestrian refuge island, frontage footway, footway links to the adjacent bus stops and DDA bus stop improvements) as indicated (in part) on Drawing No. (s) SCP/200469/SK05 rev B) have been submitted to and approved in writing by the Local Planning Authority.

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.

13. SHC 33B - Prior to the first use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures 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 the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the environment and the future occupants of the development in accordance with the NPPF.

15. Prior to commencement of development, a detailed Construction Environmental

Management Plan must be submitted to and approved by the Local Planning Authority; this must include the mitigation measures proposed in Appendix B of the AQA to protect residents from construction dust. The scheme shall be implemented as approved.

Reason: In the interests of the amenities of the locality in accordance with the NPPF. This needs to be a pre-commencement condition given the dust emissions that could arise during the construction phase.

16. The lighting hereby approved shall be constructed strictly in accordance with drawing number 'DWG 01 Rev 2.' Lighting shields shall be installed on the three western lighting columns as depicted on this drawing.

Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.

17. The development hereby approved shall be constructed in accordance with the site layout plan drawing number 7782L-17 and the swept path drawing SCP/200469/ATRSK05 Rev.B. Delivery vehicles shall only use the turning route shown on these drawings.

Reason: To ensure that the amenities of neighbours are safeguarded in accordance with the NPPF.

18. No deliveries shall be taken at or despatched from the site outside the hours of 07:00-22:00 hours Monday to Saturday (including Bank/Public Holidays) and 10:00-16:00 hours Sundays.

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.

19. The store opening hours shall only be between the hours of 07:00-23:00 hours Monday to Saturday (including Bank/Public Holidays) and 10:00-16:00 on Sunday, unless otherwise approved in writing by the Local Planning Authority.

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.

20. Prior to commencement of development a detailed construction management plan must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours for the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, proposed attenuation and mitigation methods to protect residents from noise, dust, lighting and litter, and communication methods to the surrounding residents regarding the construction phases and likely disruptions. The scheme shall be implemented as approved.

Reason: To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

21. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing number 20-096-01 Rev.B. 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.

Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

The development hereby approved shall be constructed in accordance with the – and email dated 24 March 2022 from Estrada Ecology and these mitigation measures.

22. The foodstore hereby permitted shall be subject to the following restrictions:
- i. The total gross internal floorspace shall not exceed 2,175 sq.m including any mezzanine floorspace.
  - ii. The net retail floor area (excluding checkouts, lobbies, concessions, restaurants, customer toilets and walkways behind the checkouts) shall not exceed 1,414 sq.m including any mezzanine floorspace.
  - iii. The total retail sales area for the sale and display of convenience goods shall not exceed 1,131 sq.m including any mezzanine floorspace.
  - iv. The total retail sales area for the sale and display of comparison goods shall not exceed 283 sq.m including any mezzanine floorspace.
  - v. The development shall only be used as a Class E(a) retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and Country Planning (Use Classes) (Amendment) Regulations 2020 (or any order revoking or re-enacting or amending that order with or without modification). 'Limited product line deep retailing' shall be taken to mean the sale of no more than 4,000 individual product lines.

Reason: For the avoidance of doubt and to ensure that the permitted development does not have a negative impact on the vitality and viability of nearby defined centres in the locality in accordance with the NPPF and Development Plan.

23. The foodstore hereby permitted shall be used as a single unit, and shall not be subdivided into two or more retail units without express planning permission being granted by the Local Planning Authority. Reason for condition:- To safeguard the vitality and viability of nearby defined centres.

24. No concession units shall be provided within the foodstore without express planning permission being granted by the Local Planning Authority.  
Reason for condition:- To safeguard the vitality and viability of nearby defined centres

25. The development shall be carried out in accordance with mitigation measures within the Preliminary Ecological Appraisal Survey Report (SQ-105) dated 2 October 2020 and within the email from Estrada Ecology dated 24.3.22 which explained that the site be stripped under a working method statement to include a finger tip search of the ditch and habitat manipulation of the site. If any hedges/trees are removed within the breeding bird season (typically March to September inclusive) a pre-works breeding bird survey will be required.  
Reason: To ensure the protection of protected species in accordance with Section 15 of the NPPF and the Conservation of Habitats and Species Regulations 2017.

26. The development shall be carried out in accordance with the Travel Plan by SCP reference SCP/200469/TP/1 dated October 2020. The approved Travel Plan shall be implemented in accordance with the timetable and targets contained therein and shall continue to be implemented as long as any part of the development is occupied/used subject to approved modifications agreed by the Local Planning Authority as part of the annual review.

Reason: To encourage sustainable ways to access the store in the interests of sustainability and to comply with the NPPF.

27. Notwithstanding details as shown on the approved plans, prior to the commencement of development full details of the acoustic barriers as shown on Drawing No 20-096-01 Rev.B shall be submitted and agreed by the Local Planning Authority. The acoustic barriers shall be installed subject to a timetable to be agreed by the Local Planning Authority and shall be retained thereafter in perpetuity.

Reason: In order that the LPA may retain control over the development in the interests of the amenities of the locality in accordance with the NPPF.

28. The development shall be implemented in accordance with the Assessment of noise from proposed mechanical services, deliveries and car parking Noise Report by Noise Assess Ltd reference 13091.03.v1 dated November 2020.

Reason: To ensure that the amenities of neighbours are safeguarded in accordance with the NPPF.

**Item 8/1(b)**

**Page No. 30**

**CORRECTIONS:**

Reference to 10m on Page 42 should read 16m. The correct distance from Plot 9 to the edge of the site boundary (north) is 16m. This does not include approximately 5m of highway verge shown on the plans before the formal edge of the carriageway.

Page 32 - For clarity, the Applicant is County Councillor Tony White, who is not a current Borough Councillor.

The Housing Supply figure has been updated and is now 6.24 years. The figure on page 39 of the agenda should therefore be amended.

**Cllr Ryves:** Comments received as follows

Passivhaus is clearly a desirable standard to build to and adds between 3-5% to the build cost where an experienced contractor is used. The concept is to design a building to be airtight and highly insulated such that heating costs are dramatically cut, a quality of great value in an era of high energy costs and growing concern to reduce emissions. So it would indeed be excellent to see dwellings of this standard become the norm, with perhaps the Borough showing the lead. As I recall, the additional cost of the Parkway homes with certain environmental features equated to some £5,000 per home and that seems pretty close to the cost of further upgrading to this demanding standard.

But it does seem to me somewhat disingenuous for the developer to argue that by definition increasing the design spec to that of "passivhaus" automatically renders the property one of exceptional design and therefore compliant with DM3 in being a home of " particularly high quality"

I say that passivhaus is really a construction technique, not a design issue . What DM3 in fact says is that

" in exceptional circumstances the development of small groups of dwellings in..hamlets MAY be considered appropriate where the development is of Particularly High Quality AND would provide significant benefits to the local community"

It seems in this case the committee is being asked to believe that this development offers both high quality and community benefit. I do not see the latter. Indeed, if this committee accepted this suggestion by the developer presumably the mere suggestion of passivhaus would render invalid all such restrictions on the ability of developers to chew up the countryside as they wished and we would be awash with passivhaus developments as far as the eye could see.

I called this development in partly as I felt it would be very useful for councillors to understand the passivhaus design metric and to therefore encourage its general use, so that we as a Borough can become known for the quality of our new builds. But I do not for one second believe that it would be appropriate to override considered development policies just because this excellent standard is being applied, especially where this is a development on a countryside side in a hamlet that is seeing a fair amount of development well in excess of local need.

Additionally, there are clear concerns as to the safety of the access to the Methwold road, where I completely disagree with the wisdom of highways who seem to have no objection! It is clear that without enforcement only 50% of users abide by the speed limit. I was surprised that the existing development of which this is an extension was permitted, this former being a consequence of the failure by the Borough to demonstrate a 5 year land supply .

Finally, not only is road speed not enforced here but the entrance to this proposed development is really not safe being on a hill, a fact that will become apparent to councillors if they require a site visit to reach their conclusion and a concern which is constantly expressed to me by residents.

Cllr Ryves also shared a neighbour representation sent directly to him as ward councillor, which references the busy road through Whittington which prevents safe access to the park and suggests provision of a pedestrian crossing and upgrades to play equipment. Cllr Ryves made the following comments in response:

If this scheme is approved there clearly is a community need for equipment of the children's play area and road safety measures, and I would like to see this discussed with the developer under a s106 agreement. This is especially so as this hamlet has had a surprisingly large number of new dwellings recently and infrastructure is lagging.

Having looked at the agent correspondence I am staggered at the implied threats being made. I believe that it is imperative that our parish council has full opportunity to consider what are clearly significant changes made to a scheme on which the pc previously had no comment.

As many I am attracted to the idea of improving the standards of housing in the borough and am concerned that any approval for this scheme unambiguously sets out the standards and certifications required of these proposed dwellings.

**Parish Council:** Comments were received from a member of Northwold Parish Council outlining comments summarised as follows:

- Lack of recreational facilities in Whittington and how to access them safely, crossing A134 is not safe with no formal crossing provision
- Parish Council would like to see formal agreements (via S106) with the developer to provide contributions towards these costs if the application is approved
- No allocated open space within the development and the type of development proposed is such that Whittington's existing park and facilities will be under pressure and these children should have a safe way of crossing the A134 to make use of an updated leisure/recreational space

**Assistant Director's comments:**

In response to Cllr Ryves comments, in terms of policy DM3 of the SADMPP (2016), this states

that the development of small groups of houses in smaller villages and hamlets may be considered appropriate where the development is of a particularly high quality and would provide significant benefits to the wider community.

Members will need to consider the wording of this policy and whether the proposal site provides any significant benefit to the community, whether the development is of particularly high quality, and whether the construction of 10 dwellings is a 'small group' for the purposes of this policy.

It is your officer's view that there are limited benefits to the community with the scheme for solely housing, although there will be 2 units of affordable housing provided. As discussed throughout the report, the development of the proposal site is considered likely to give rise to adverse impacts on the intrinsic character and beauty of the countryside, in this location. It is your officer's opinion therefore that despite their green credentials in terms of energy use post-construction, the benefits do not outweigh the harm identified.

The lack of existing services and facilities within Whittington is also a consideration, particularly for 10 dwellings, as there are limited opportunities within the village itself that would be supported as a result of the application, and any future occupants would be highly reliant on private vehicles to access services including schools, medical care and work.

The highways concerns are noted although the local highway authority raise no objection.

In reference to comments relating to S106 agreements to include provision of children's play equipment, there is no policy requirement for open space for applications of this size.

**Item 8/2(a)**

**Page No. 46**

**Lead Representative for Heacham Neighbourhood Planning Group comments:**

The Heacham Neighbourhood Plan has passed the Independent Examination and is due to go to referendum in June/July 2022.

Policy 9 (Policy 11 before deletions set out under the Decision Statement prior to be taken to local referendum) of the Heacham Neighbourhood Plan states that 'In order to maintain and improve Heacham's attraction as a quite un-commercialised holiday centre, applications for further holiday accommodation beyond existing defined holiday areas, will only be supported where the proposals:

- Do not have any unacceptable impact on local infrastructure, including green infrastructure
- Are not directly adjacent to any residential areas;
- Can demonstrate a link to wider tourism or land use initiatives that provide demonstrable benefits to the local area.

The application for this extension does not meet any of these criteria.

Further the Lamsey Lane/A149 junction was the subject of most concern and comment in responses to the Neighbourhood Plan Questionnaire. This junction is responsible for the majority of personal injury accidents on this stretch of the A149, and the number of accidents in this location significantly increase in the holiday season. The proposed large extension to this caravan park will significantly increase the traffic at this location.

In addition this is a large extension in the countryside close to the AONB which will cause visual disturbance from the north and south. Policy DM11 of the Local Plan states that 'Small scale proposals for holiday accommodation will not normally be permitted within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) unless it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB or on the landscape

setting of the AONB if outside the designated area'.

**Cllr Terry Parish:** Comments received as follows

This application begins in page 46 of the agenda for the 9th May.

Page 49

There are later objections from Heacham Parish Council and from the Neighbourhood Plan Group which, I assume, will appear in late correspondence?

PROW. NO OBJECTION etc. And page 56 top. The officer's reply is misleading. The PROW officer referred to damage to the PROW from construction traffic due to the original extension. An error was made not conditioning no access from the PROW then. A condition is needed to prevent construction traffic using the PROW should the committee be minded to approve this, much larger extension to the extension. Also see PROW Officer submission on the planning portal dated 19th Nov 2021. Note that construction traffic using the PROW would have to pass along a residential cul-de-sac, School Road, join the Broadway and pass through other, narrower, residential streets to access the A149.

The NCC PROW Officer also asked, for example on 15th Nov that the PROW be extended through the site to join Lamsey Lane as Heacham is poorly served for walkers and cyclists. Perhaps this could be conditioned?

Page 53 bottom.

The officer is dismissive of the Parish Council, the CPRE, and the Norfolk Coast Partnership, all of whom have objected - 'Whilst the comments are noted'. The response from the NCP (3rd Nov) doesn't even warrant a note on 'Response to Consultation' page 49. The CPRE's objection (3rd Nov) runs to 3.5 pages with detailed planning references.

Page 52 middle.

I do note that officers' recognise that this is an 'extension to an extension'. In March 2020 the planning committee approved an extension of 10 caravan units to the existing Meadows Caravan Park. This had two conditions, 5 and 6, relating to screening of the extension by appropriate hedges and landscaping. This was never done and this new application for 36 units, well over three times the size of the original extension, was made instead.

**Cllr Terry Parish:** Further comments received as follows

Agenda Page 48

This an extension to an extension (not simply an extension to an existing caravan site) which is not yet completed. The 10-caravan extension was given planning permission, by committee, on 3rd March 2020. Conditions made then have not been met (Application ref 19/02115/F).

Agenda Page 51

NPPF para 84. 'Sites to meet local business and community needs'. There is no community need. Heacham has 2300 caravans already. This site, with 11 months occupancy, is advertised as suitable for the retired and semi-retired, aka older people. Services for older people are already stretched.

'improving the scope for access by foot and cycle' The PROW officer would like the restricted

byway which meets the corner of the site to be extended through the site to Lamsey Lane.

Core Strategy CS 06 'will not be of detriment to the landscape'. It will be, the development is just below the ridge of the highest 'hill' in Heacham - on that side of the A149.

#### Agenda Page 53

Heacham Neighbourhood Plan. In particular ref 5 and 7. Five: The site does not have to be accessed through the centre of the village but, in reality, will be as the Lamsey Lane /A149 junction is dangerous and frequently avoided by all once they know their way around, and, in the season, access to Hunstanton is delayed by queues on the A149 so traffic cuts through Lamsey Lane, through Heacham and away.

Seven: In this proposal there are no links to wider tourism or land use initiatives that provide demonstrable benefits to the local area so it does not conform with the Draft Neighbourhood Plan. There is another development, coming forward in the vicinity, which will meet these criteria.

#### Agenda Page 54

Paras 2 and 3. There are public views of the site all the year round from the restricted byway which leads to a corner of it. Further development would break the view across fields to a treeline on the ridge so para 7 of the Draft Neighbourhood Plan is breached.

#### Agenda Page 55

Protected sites and species. The ecological assessment was done after the site was degraded during both work on the current extension and preparation for this new application.

The field was left fallow for many years and had an abundance of small willow in the wet half and tall flowering wild flowers in the drier. Many species of butterfly were found in this area and in the verge of the restricted byway outside of it. This verge was also degraded during work to install a water connection to serve the site.

Bats do cross the site. Rabbits used to be plentiful which fed stoats.

Many bird species visited the site and likely nested. Larger species like marsh harriers and buzzard few over it, occasionally perching. Barn Owls patrolled this field and adjacent ones.

#### Agenda Page 56

Historic environment service. I agree that the site may be of archaeological significance being on a 'high' spot. Early Saxon burials (circa AD 500) have been found at the bottom of the hill as the village proper starts.

#### **CPRE:**

Having just read the report for 21/01877/FM I am disappointed to see that none of the detail of the attached objection from CPRE Norfolk has been relayed to the Planning Committee, instead just stating that "CPRE Norfolk objects to the above planning application as approval would go against various policies within the adopted Local Plan and the National Planning Policy Framework (NPPF)", and that our comments are "noted".

I am sure you will appreciate the importance of ensuring all concerns are relayed to Councillors to enable them to make as informed a decision as possible, as well as realising that objections are not undertaken lightly. In particular, Policy CS10's requirement for tourism uses being located in or

adjacent to development boundaries is not fully addressed in the report, along with various other points of detail in the attached objection.

Therefore, I would be grateful if CPRE Norfolk's objection would be copied to members of the Planning Committee in advance of the meeting on 9 May.

**Natural England:**

No objection to the amended plans.

**CORRECTION:** Norfolk Coast Partnership were missed off the list of original representations. Their response is set out below.

**Norfolk Coast Partnership:**

The proposal fails to meet DM 11, no Business Plan has been submitted and screening will only create more visual disturbance in this open landscape.

DM11 'Small scale proposals for holiday accommodation will not normally be permitted within the Norfolk Coast Area of Outstanding Natural Beauty (AONB) unless it can be demonstrated that the proposal will not negatively impact on the landscape setting and scenic beauty of the AONB or on the landscape setting of the AONB if outside the designated area'.

Although the National Planning Policy Framework (NPPF) does not specifically refer to setting in the context of AONBs, the National Planning Practice Guidance (NPPG) confirms that 'Land within the setting of these areas often makes an important contribution to maintaining their natural beauty, and where poorly located or designed development can do significant harm. This is especially the case where long views from or to the designated landscape are identified as important, or where the landscape character of land within and adjoining the designated area is complementary. Development within the settings of these areas will therefore need sensitive handling that takes these potential impacts into account'.

Increased vehicle movement, lighting, physical structures and associated infrastructure will have an impact on views within and towards the AONB. Therefore we object to the proposal.

**Assistant Director's Comments:**

The Neighbourhood Planning group's comments are included within this late representations document.

Policy 9 of the Draft Heacham Neighbourhood Plan 'Enabling Employment Opportunities' relates to workshops, shops and business units. It is considered the proposed development satisfies the three criteria whilst point 2 (fibre broadband) is not relevant to the proposal.

Policy 11 'Holiday Accommodation' is addressed under the principle of development section within the committee report, Member's attention is therefore drawn to page 53 of the report.

PROW and highways have not objected to the proposal. Whilst construction traffic may have to use various types of roads to access the application site, this is only a temporary measure for the construction and is not considered to be a long-term effect of the proposal. The proposal also confirms that access for the caravan site will be taken from Lamsey Lane. Therefore, in the absence of an objection form the Highway Authority, it is considered temporary use of surrounding roads to facilitate construction of the caravan site would not warrant refusal.

The proposal will restore hedge lines along the site boundary, and additional hedgerow planting is also to be secured via condition. It is not considered that views of the site from afar will be detrimentally impacted by the proposed development and that the character of the surrounding countryside will be maintained.

CPRE's full consultee comments are available to view on the Council's website. Policy CS10 is addressed under the principle of development section of the report, Member's attention is therefore drawn to this section of the report (pages 51-53).

A business plan has been submitted in support of the application and as detailed within the officer's report, which was considered to be appropriate and proportionate, detailing how the proposed application would operate in association with the existing caravan park.

As detailed within the Officer's report an LVIA was submitted in support of the application and concluded that there would be limited visual harm to the AONB and wider countryside.

Therefore taking into account the late representations it is considered the application has been carefully balanced with regard to the effects on the local environment and on the wider area whilst applying weight to the Local Plan and the Draft Neighbourhood Plan.

Notwithstanding the approval of 19/02115/F the applicant has requested that the second part of Condition No. 4 is removed as it not practicable to keep an up to date register due to the proposed caravans are in private / long term rent which the occupants can undertake multiple comings and goings over the course of the rental period. However, a register of visits can be kept by the occupants of each of the caravans, not necessarily just the owner of the site. It could be considered that given the agreement each occupant enters with the site owner that they are partly responsible for any site licensing requirements and to ensure a register is kept of the visits.

**CORRECTION:**

Reasons for conditions 7 and 11 to be amended as follows.

Reason linked to condition 7

In the interests of proper planning and in accordance with the NPPF para. 205. This has to be pre-commencement because it deals with archaeology, and must be dealt with at the earliest stage in the development.

Reason linked to condition 11

To ensure that there is a satisfactory means of drainage in accordance with the NPPF. This needs to be a pre-commencement condition, as drainage needs to be designed at the earliest stages of development to ensure the site will be suitably and properly drained.

**Item 8/2(b)**

**Page No. 60**

**The Norfolk and Fens Cycling Campaign:**

Attach a drawing illustrating the sustained objections from KLWNBUG, The Norfolk and Fens Cycling Campaign, to the above application on highway safety grounds, so we urge you to change your recommendation to refusal in line with NPPF paragraph 111, or at very least attach an additional condition requiring the highway designs as built to follow the national Cycle Infrastructure Design manual LTN 1/20 in full.



As I am sure you know, councils are starting to see national funding reduced or withheld for failing to implement the national "Gear Change" transport policies and we expect planning decisions to be taken into consideration from this summer, so we urge you not to risk West Norfolk losing valuable funding due to failure to enforce the NPPF paragraphs on sustainable transport.

We are very disappointed that neither the applicant nor the councils have engaged early with us on this application, as recommended by the Cycle Infrastructure Design manual LTN 1/20 and as done on some earlier phases of the Lynnsport Area developments.

Finally, I repeat our frequent objections to revised plans being submitted just over a week before the hearing and the council deciding applications where it has an interest in the applicant.

Whilst I would agree that there is merit in some of the issues identified by Mr Ray, these can be dealt with following the grant of planning of permission during the development of detailed engineering drawings.

### **Norfolk County Council Highways:**

The County Council's standard estate road condition that is either already on the outline permission or should be included in any future reserved matters permission requires the applicant to provide detailed drawings for approval for the roads, footways and cyclepaths, etc. Consideration of any future detailed drawings will take due regard to all relevant local and national guidance, including LTN1/20, which therefore does not need to be specifically mentioned in any condition.

With regards the two developments, the comments by Mr Ray can be summarised as follows

- **Design of the South Wootton roundabout** – This is not a consideration of this application and is subject to a separate approval process, following the granting of outline permission
- **Missing crossing at junctions and across the spine road** – This is a detailed design matter that can be dealt with following the grant of permission.
- **Ramps must be sinusoidal** – This is a construction detail that can be dealt with after the grant of permission.
- **Safety Buffer adjacent to lay-bys** - This is a detailed design matter that can be dealt with following the grant of permission, although will require a very minor adjustment to the layout to provide a 0.5m buffer.
- **Substandard width of paths** – The highlighted paths have been designed as footpaths and a largely not intended to be adopted. I would have no objection to the highlighted sections being widened, but couldn't justify a recommendation of refusal if they are not.
- **Sharp corners at junctions** - This is a design matter that can be dealt with following the grant of permission, although will require a very minor adjustment to the layout to provide the appropriate radius.

### **Assistant Director's Comments:**

The drawing submitted on 5 May can be viewed on the council's website.

In respect of the comments provided by KLWNBUG attention is drawn to the recommended conditions and in particular Nos. 2, 3 and 5. The proposed conditions require the applicant to submit an application to discharge the planning conditions prior to the commencement of works and final occupation on the site. The conditions require details of the construction of roads, footways, cycleways, street lighting and foul and water sewers within the site to be submitted for their approval. Furthermore, the detailed highway design will also be subject to the separate approval and adoption process of the Highway Authority made under section 38 and 278 of the

Highway Act.

It is of note that there are no objections from Norfolk County Council as the highway authority, who consider pedestrian and cycling accessibility and safety when considering planning applications. Taking into account the recommended planning conditions and the technical approval process of the Highway Authority, it is considered the alterations highlighted by KLWNBUG can be considered when dealing with the details for the road and footway specification. As such it is considered the comments of the KLWNBUG can be addressed through the discharge of the planning condition.

This is confirmed in the highway response above.

**Item 8/2(c)**

**Page No. 85**

**CORRECTION:** Page 85 and 86 – Wooton should read Wootton.

**Further comments received:**

**Natural England:**

The advice in our previous response applies equally to this amendment although we made no objection to the original proposal.

**Open Space Officer:**

- An open space works specification should be provided prior to commencement of development, showing full detail of all equipment, fencing, safety surfacing and associated street furniture. Wooden equipment would be advised against, particularly if wood enters the ground (instead metal shoes should be used). Equipment and surfacing to meet respective BSEN1176 and BSEN1177 standards;
- Development attracts a requirement for 56m<sup>2</sup> per dwelling of open space (in a 70/30 split between amenity/outdoor sport and suitably equipped children's play space) For the avoidance of doubt, this cannot include the proposed retail area or areas dedicated to drainage;
- For ease of maintenance, large areas of open space should be accessible with tractor-drawn equipment, with suitable gaps in between trees and other features;
- Areas expected to be maintained by individual occupiers should be within the natural curtilage of the associated property and capable of being maintained with standard domestic tooling;
- Retained trees should be subject to full arboricultural assessment with all action points addressed prior to open space coming into use/adjoining houses becoming occupied.
- Ongoing maintenance should include regular inspections and be robust enough to prevent, in so far as is reasonably practicable, issues such as falling limbs/branches which can generate complaints from adjoining occupiers;
- If SUDs areas are expected to be stood with water, a natural vegetative boundary should be allowed to establish around the water's edge as a natural buffer against the adjoining open space;
- Were the Borough Council to be asked to maintain in future, we would insist on a simplification of the proposed landscaping, with a predominance of amenity grassland capable of being maintained with tractor-drawn equipment. Shrubs and hedge lines against private driveways can be particularly difficult to access and maintain without access to all three sides;
- Dog and litter bins should be distributed around the site, within locations accessible by vehicles for emptying/maintenance;

- Provision of allotment gardens should be with consideration to waiting lists for existing plots to assess demand. Suggest consulting with the Parish Council. Unless allotments are to be vested in the Residents' Management Company or allotment association, these should be managed by the Parish Council (BCKLWN do not manage allotments outside of King's Lynn);

**Arboricultural Officer:**

- The updated tree protection plan and the landscaping plan have been considered and it can be confirmed that there is no objection to the proposal.
- It is worth noting that approximately 100 trees will be removed to facilitate the proposed roundabout/access to the site and approximately 168m of hedging being removed, mainly through the interior of the site. I am however satisfied that the mitigation planting, 654 standard/heavy standard trees & 16,104 hedging plants, is more than adequate.
- Could you condition the arb report and plans authored by Oakfield Arboricultural Services, plan number: OAS 22-145-TSS01 please? Could you also condition the landscaping plans numbered: LA797-010 & LA797-007 please? These detail the landscaping layouts for POS land and development land.

**The Norfolk and Fens Cycling Campaign:**

- Please find attached a drawing illustrating the sustained objections from KLWNBUG, The Norfolk and Fens Cycling Campaign, to the above application on highway safety grounds, so we urge you to refuse in line with NPPF paragraph 111, or at very least attach an additional condition requiring the highway designs as built to follow the national Cycle Infrastructure Design manual LTN 1/20 in full.
- As I am sure you know, councils are starting to see national funding reduced or withheld for failing to implement the national "Gear Change" transport policies and we expect planning decisions to be taken into consideration from this summer, so we urge you not to risk West Norfolk losing valuable funding due to failure to enforce the NPPF paragraphs on sustainable transport.
- We are very disappointed that neither the applicant nor the councils have engaged early with us on this application, as recommended by the Cycle Infrastructure Design manual LTN 1/20, despite our visit to the first public consultation event.
- Finally, I repeat our frequent objection to revised plans being submitted about a week before the hearing. This risks railroading or excluding community groups and reduces the time councillors have to scrutinise the plans upon which they have to decide. Please consider deferring this decision to the next meeting to allow fuller scrutiny.

The drawing submitted annotates a site plan of the development showing where there are deficiencies in the highway design for cycling.

**Local Lead Flood Authority:**

- Following on from our comments on application FW2022\_0063, we remain unable to recommend approval of this Reserved Matters application at this time as we cannot identify any significant changes to the layout. The comments from the previous reviews still apply to this application.
- We note from the planning and landscaping layouts submitted that the development layout may not be able to provide a suitably robust surface water drainage strategy that satisfies the requirements of condition 18 and suitably addresses the four SuDS pillars in its current layout. We welcome the use of attenuation basins but if the work required in order to discharge condition 18, such as additional modelling, reveals the need to increase the size of the basins, this may not be possible due to the lack of available space surrounding the basins.
- In addition, the LLFA considers that the current proposed housing density does not leave

enough space for drainage infrastructure that addresses the four SuDS pillars to be implemented in subsequent drainage schemes. While it is noted that the attenuation basin is one drainage infrastructure element that addresses the four pillars of SuDS, the four pillars have not been considered across the wider drainage network, particularly in relation to biodiversity and amenity value. Additionally, if modelling of critical rainfall events leads to the need for water quantity management measures further to the basin in other areas of the site, this could prove difficult due to the lack of available space.

- Informative - We note that details of the drainage strategy have been provided, presumably in an effort to discharge Condition 18. These documents should be re-submitted as a separate Discharge of Condition application to be reviewed separately to the Reserved Matters application. We will then consider the outcome of the Discharge of Condition application when we revisit the Reserved Matters application.

#### **The applicant's response to the LLFA:**

- The Reserved Matters application has been formulated in conjunction with Richard Jackson Engineering Consultants who have been advising on technical drainage design. The scheme that has been presented has not been designed in isolation from the drainage requirements of Condition 18. On the 08 April 2022 we submitted all the technical details required to assure the Council and consultees that this is the case and we subsequently applied to discharge Condition 18. The discharge of condition application does not appear to be available online at present, but the application was made on 13.04.2022 with reference PP-11194541. However, we understand that the information provided on the 08th April was sent to the LLFA by the Council and therefore should have formed the basis of their assessment.
- Given the above we find it curious to note that the Annex of the LLFA consultation response, which sets out the information that has been reviewed, only includes the planning layout drawing sheets. This is disappointing given the discussion we held with regards to providing the detailed drainage strategy and submitting the Drainage Design Statement as had been requested. It's not clear why this document hasn't been reviewed by the LLFA as it would have addressed the questions raised in their letter.
- The concern of space required for the drainage basins has been suitably demonstrated and evidenced in the Drainage Design Statement prepared by Richard Jackson Ltd. It should also be noted that this information has been submitted as part of the application to discharge condition 18 of the outline permission.
- The comments relating to lack of consideration of the 'four pillars of SuDS' is again evident through not reviewing the available information. Features are provided across the wider drainage network in addition to the basin as set out in the Drainage Design Statement. Modelling calculations have been provided to demonstrate that storage features are not required elsewhere on the site as all flows can be accommodated in the designed basins. Our landscaping proposals can be read in conjunction with the drainage proposals, these reinforce that ecological and biodiversity benefits of the lagoons have been considered as required by the four pillars of SuDS design.
- In terms of process the outline consent requires that the drainage details would be discharged prior to commencement of development on site and therefore does not preclude the approval of the Reserved Matters from taking place in advance of that condition being discharged. Therefore, we would respectfully request that our application be presented to the Committee on the 9th May as currently programmed and that the focus of the drainage discussion be directed to the discharge of condition application that has been submitted. It is our position that the technical drainage design has been part of the design evolution, that this fully addresses the requirements of Condition 18 and that the scheme will be delivered as currently proposed; and recommended for approval. We consider that this will be confirmed by the LLFA once the full details of our submission have been reviewed by the relevant officers, clearly at present this assessment has not occurred. It would be ideal if the Drainage Design Statement could be reviewed as a matter of urgency and the LLFA be approached to

reconsider their position against the application, however we would not want this to result in any delay in the Reserved Matters application process as there is suitable scope to continue discussion through the process to discharge Condition 18 and we are confident that the scheme as submitted will be the delivered outcome.

#### **Norfolk County Council Highways:**

The County Council's standard estate road condition that is either already on the outline permission or should be included in any future reserved matters permission requires the applicant to provide detailed drawings for approval for the roads, footways and cyclepaths, etc. Consideration of any future detailed drawings will take due regard to all relevant local and national guidance, including LTN1/20, which therefore does not need to be specifically mentioned in any condition.

With regards the two developments, the comments by Mr Ray can be summarised as follows

- **Design of the South Wootton roundabout** – This is not a consideration of this application and is subject to a separate approval process, following the granting of outline permission
- **Missing crossing at junctions and across the spine road** – This is a detailed design matter that can be dealt with following the grant of permission.
- **Ramps must be sinusoidal** – This is a construction detail that can be dealt with after the grant of permission.
- **Safety Buffer adjacent to lay-bys** - This is a detailed design matter that can be dealt with following the grant of permission, although will require a very minor adjustment to the layout to provide a 0.5m buffer.
- **Substandard width of paths** – The highlighted paths have been designed as footpaths and a largely not intended to be adopted. I would have no objection to the highlighted sections being widened, but couldn't justify a recommendation of refusal if they are not.
- **Sharp corners at junctions** - This is a design matter that can be dealt with following the grant of permission, although will require a very minor adjustment to the layout to provide the appropriate radius.

#### **Assistant Director's comments:**

The submission of the tree protection plan has fully satisfied the Council's Arboricultural Officer and addresses the comments made by the Open Space Officer. As such it is considered expedient to secure the means of protection for the remaining trees and hedges by planning condition.

The plan submitted by KLWBUG is available to view on the council's website. Turning to the comments provided by KLWNBUG attention is drawn to the decision for the outline consent. As access was considered planning conditions were attached which relate to the construction of roads, footways, cycleways, street lighting and foul and water sewers within the site. Conditions which cover the design of the road and footway network are covered under Condition Nos. 6, 7, 8 and 37. Furthermore, the detailed highway design will also be subject to the separate approval and adoption process of the Highway Authority made under section 38 and 278 of the Highway Act.

Taking into account the planning conditions attached on the outline application and the technical approval process of the Highway Authority, it is considered that if required the alterations highlighted by KLWNBUG can be incorporated into the details for the road and footway specification. As such it is considered the comments of the KLWNBUG, whilst noted, can be addressed if necessary through the discharge of the planning condition.

This position has been confirmed by the highway authority, set out above.

In respect of the treatment of surface water it is noted the latest comments issued by the LLFA retain their position that they have been unable to support the reserved matters application. However, as the applicant states it can be confirmed that condition 18 attached to the outline consent does require full details to be submitted for a surface water scheme. The condition requires to comprehensively show:

- Surface water runoff rates;
- Attenuation storage to accommodate a 1 in 100 year return period (a minimum storage volume is stated of 12,199m<sup>3</sup> which would be link with section 6.13 of the submitted FRA);
- Detailed designs, modelling calculations and plans of the of the drainage conveyance network;
- The design of the attenuation basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances;
- Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding;
- Details of how all surface water management features to be designed;
- 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.

It can also be confirmed to members that an application to discharge outline planning condition no. 18 has been registered by the Authority and the LLFA has been consulted (amongst other consultees). The LLFA will need to agree to this scheme.

Ordinarily an application of this scale would not be presented to planning committee without the explicit support from the LLFA. However, the applicant has always been made aware of the situation and has requested the application be continued on its current trajectory. It is noted that it has been with the authority for some time. As such it is with Members to determine the application on the basis of what is before them.

When considering this issue however, Members attention is drawn to the fact that outline condition number 18 still needs to be discharged prior to works commencing in any phase of the development (except for the highway improvement works) and this application is currently with the Authority. If an issue can be dealt with by condition then planning guidance is clear that it should be, and this is considered to be the position here.

In terms of the arboricultural officers comments, there is an existing condition on the outline consent dealing with tree protection, and that will be dealt with through the discharge of condition process. The landscaping plans are already conditioned.

**Item 8/3(a) Page No. 117**

**CORRECTION:** Page 117 - To clarify the applicants are Cllr Tony Bubb and Mrs Bubb.

**Item 8/3(b) Page No. 121**

**Comments from Cllr Rust:**

Cllr Rust has drawn attention to representations from a local resident in respect of the cabins at Springwood, requesting that this communication is included in the submissions.

**Assistant Director's comments:**

The officer's report includes and addresses the concerns raised by the local resident on pages 125 and 127 of the Agenda.

**Item 8/3(e)**

**Page No. 148**

**Third Party Comments:**

The planning agent for Morrison's has drawn attention to their submission in Jan 2022 and states that whilst our client acknowledges the comments from officers on this issue, we are surprised that a noise report has not been submitted in support of the application and instead is to be dealt with by way of condition. Given the potential impact on our client's operation, we would request that a noise report, and any mitigation measures, be submitted prior to the application being determined. We consider this to be a reasonable request and without such a report we do not consider that officers and Members can make an informed decision on the application.

**Assistant Director's comments:**

The officer's report addresses the points raised by Morrisons. Our CSNN Officer is satisfied that the relationship between the HMO and supermarket can be managed adequately and it is acceptable to deal with this via condition.