



Planning Committee
Monday, 8th January, 2018 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 - 9)

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

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PLANNING COMMITTEE
8th January 2018

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

Item Number 8/1 (a) Page Number 8

Third Party: Seven (7) letters of OBJECTION regarding the following (summarised):

- Density too high for a market town;
- 170 home already approved and would increase by 50% as a result of this development;
- Result in increased traffic and people with no change or improvements to the town;
- Increases traffic onto the A1122 which is already congested at peak times and will get worse with proposed roundabout;
- The site is not part of the town and people will not walk to do shopping resulting in additional traffic and congestion;
- Badly thought out and with not consideration to the town;
- No infrastructure proposed (dental places, car parks, doctors – large waiting lists, trains to brim with people standing in doorways);
- Currently 214 properties for sale and 23 to rent in Downham – town does not need 250 more houses;
- Cycle Path 11 not fit for purpose and distance to great to centre of town for families;
- Schools are full (some children forced to go to other schools rather than the one their sibling attends);
- Downham Market is a small market town – does not want to see urban sprawl and loss of countryside;
- Tiny housing estates are unhealthy places to live.

Cllr Don Tyler: I have received the attached report from David Clark on behalf of the IDB, you will see that this is a complex report that requires to be studied and absorbed by members before making a decision. I appreciate that permission has already been granted for 170 houses, but I cannot support the additional homes requested without an in depth look at the consequences of an increase of a further 80 homes.

I therefore respectfully request that this application be deferred to the next cycle to enable members to scrutinise the report.

The comments of the IDB's consultants are as follows:

Further to your recent conversations with Gerald Allison regarding the planning application relating to Land at Nightingale Lane, Downham Market, LPA ref 16/01322/OM, Gerald has forwarded to me your email attaching the proposed conditions that be applied to any consent for the proposed development and asked that I confirm / elaborate on the concerns of the IDB to the proposals / suggested conditions and as previously provided to the LPA by the IDB.

Firstly the conditions as referred to in your email to Gerald are understood to be being suggested as a "late addition" by the LPA. They are in fact word for word a copy of conditions suggested by the LLFA in correspondence to the LPA of March last year (a copy is attached). The LLFA have, themselves, also expressed comment that the implementations may "require some flexibility with the green space highlighted in the

indicative layout". Their concern being that to comply with the proposed conditions may require the proposed development layout to be revised which in-turn may impact on / compromise other planning aspects. This being confirmed in an email from the LLFA to the LPA also of March last year, a copy is again attached. As a result the LLFA suggest that further information would be required before any consent, outline or otherwise, in relation to the drainage / flood mitigation aspects if this concern was to be removed. This is also one of the comments / concerns of the IDB i.e. if a conditioned consent was to be given, and it be found that the layout had to be re-designed to achieve the necessary drainage / flood mitigation provisions, they could end up being compromised due to other planning requirements taking precedent. Thus the IDB believed that further work should be undertaken to fully assess / demonstrate that the proposals are deliverable, and a layout defined, before any consent is given.

With regard to the conditions referred to above, as I believe Gerald has mentioned, they relate predominantly to the on site elements, and a concern of the IDB is the off site effects, and in particular the route any discharge from the development takes in reaching its final point of outfall. The discharge has to flow through the IDB district to reach this outfall and hence any consequences as a result have the potential to impact on the operations of the IDB. It is appreciated the flow from the development may be limited to green field run off, but again as I believe Gerald has mentioned the effects of the exceedance flow needs considering. This is dealt with potentially within point (VII) of the proposed conditions but whereas the developer may have the ability to deal with certain issues if identified within the development area, they may not have the ability to deal with issues off site, or to vary the development sufficiently to remove the off-site consequences. Again it is suggested these should be considered / dealt with before any consent is given as a result.

A further concern of the IDB relates to the management of attenuation provisions / facilities to mitigate against flood risk, and watercourses that may exist on the boundary of development. Too often these areas are not managed, or the responsibility for their management defined, particularly watercourses on the boundaries. This results in them not functioning as intended at the outset of development and issues arising over time. There is a propensity for watercourses on / between boundaries to fall into "no mans land" and maintenance not be carried out, as has occurred elsewhere within Downham Market, leading to increased flood risk both on and off site as a result of reduced flow capabilities / capacity. This is a concern to the IDB and it is suggested that it needs to be ensured that necessary measures are put in place, and that the developer has a responsibility to ensure boundaries / responsibilities are clearly defined in legal paperwork relating to landownership, and sufficient funds allocated to the future maintenance process.

I trust the above explains the concerns of the IDB to the principle of allowing the development to be consented without proper consideration of all aspects, and without proper consideration may be compromised due to conflict with other matters when the time comes for them to be appropriately considered.

Assistant Director's comments:

The Case Officer has spoken with David Clarke and Mark Henderson (Flood Risk Officer – LLFA) about the IDB's concerns. The LLFA in formulating their response considered the on-site impacts as well as the off-site impacts of the development. Guidance is clear that at outline stage a full specification design solution is not required only a workable solution with the main details being submitted as part of the Reserved Matters application. In assessing the current proposal and taking into account additional information submitted demonstrating that attenuation features within the site can be moved so that they are out of flow paths, the LLFA was satisfied and recommended no objection subject to a very thorough condition (referred to below).

The layout of the development is not set at outline stage and proposes up to 250 dwellings. It is clear from the indicative layout plan that 250 dwellings can be achieved with in excess of the required amount of open space and additional land for attenuation features. The report states that the numbers are not set in stone other than a maximum number because given the constraints, flexibility is needed to ensure that all matters including flood risk are catered for within the site. If during the submission of reserved matters, the number of houses needs to be reduced to accommodate enlarged attenuation features to ensure that there is sufficient surface water storage within the site so as to prevent flooding issues elsewhere, then the developer will have to comply.

On this basis, officers do not consider that the application needs to be deferred on flood risk grounds so we are not recommending it a present. However, the matter will be debated and ultimately it will be down to Members to decide whether or not to defer the application should that be proposed.

Additional Condition

The following additional condition is recommended in the report to ensure that the full surface water drainage strategy is submitted at Reserved Matters:

32. Condition The details required in accordance with Condition 1 shall include the following:

In accordance with the submitted Flood Risk Assessment & Surface Water Drainage Strategy (RSK, June 2016, Rev. 890126-R1(01)-FRA) and the amended drawing as submitted via email drawing (RSK, 22 March 2017, 'Land at Nightingale Lane - Revised SuDS Basins, detailed designs of a surface water drainage scheme incorporating the following measures:

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

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

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

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

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

network in the:

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

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

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

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

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

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

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

Item Number 8/1 (b) Page Number Late pages

Third Party: **ONE** letter advising the committee meeting date was omitted from the neighbour notification letter.

Note: Revised neighbour notification letters were sent out by next day delivery on 2nd January 2018 in order to confirm the meeting date.

CORRECTION: p4, amend recommendation to read as follows:

A APPROVE subject to conditions and completion of a Section 106 agreement that secures affordable housing provision, SUDS Maintenance and Management, and public open space within 4 months of the date of this decision

B REFUSE in the event that the Section 106 agreement is not completed within 4 months of the date of this Committee meeting, the application shall be REFUSED due to the failure to secure affordable housing, public open space, SUDS Maintenance and Management.

CORRECTION: The conditions and reasons numbered 1 to 26 on pages 22 to 29 have been labelled the wrong way round i.e. the first part which currently reads 'reason' should state 'condition' and the second part which reads 'condition' should state 'reason'.

Item Number 8/2 (a) Page Number Late pages

Agent: An additional summary document has been submitted which includes information about the visibility splays and a site overview. This can be summarised as follows:

- The community centre use ceased in late 2009 when the Parish requested surrender of their lease, and the building has since been vacant.
- A proposal for a new community centre nearby to the north has been permitted and construction is now underway.
- Demolition and redevelopment of the former community centre site now provides a once-only opportunity to improve the dangerous Doddshill Road junction and to regenerate a site that is currently a "detractor" within the conservation area.
- This proposal seeks to bring the site back into use by providing a high quality housing development that respects the historic character of the area and takes this opportunity to make road safety improvements for the benefit of both current and future residents.
- Considerable efforts have been made by the applicant to find the best possible solution to improve the safety of the Doddshill / Manor Road junction.
- This proposal, which has been approved by NCC Highways, would not only remove the existing obstructions to visibility, but also move the entire junction south, so that visibility is greatly improved in both directions. Meanwhile, the pavement around the site is proposed to be widened to minimum 1.8m for its entire length, and to be significantly wider nearer to the junction, improving safety for all road users.
- The critical improvements to safety are not possible without the loss of the existing building.
- Bringing the building back into community use has proved to be uneconomic due to safety and maintenance concerns.
- The building is described within the conservation area character statement as a "detractor" due to its condition.
- We consider that the 'significant public benefits' (NPPF para 133) of improving the much-used but dangerous road junction and the aesthetic enhancement of this focal point in the village, outweigh the loss of the existing building in the context of making a "balanced judgement" (NPPF paragraph 135).

Third Party: TWO (2) letters of **SUPPORT** regarding the following (summarised):

- Old community centre is a blot on landscape, has fallen into disrepair and welcomes demolition;
- Dodds Hill junction is a danger to all and welcomes improvements making the junction safer for vehicular traffic, cyclists and pedestrians;

Item Number 8/2(c) Page Number 49

Applicant: Additional supporting comments have been submitted on behalf of the applicant which can be summarised as follows:

- Westmead is a sizeable dwelling with a double detached garage facing the road. It was constructed without any regard to the traditional character of Norfolk; it is devoid of flint, chalk or clay pantiles. Its removal would not create any loss to the attractiveness of the area, nor conflict with any of the Council's policies.
- The proposal for three, relatively modest dwellings as shown on the indicative layout can be compared in terms of size and form to the existing dwelling.
- The Council's Officer Report however comes to a conclusion. It gives a recommended reason for refusal, that the proposal would be a "cramped form of development": "... contrary to the spacious character of development in the locality." Such judgement is subjective. However a more measured assessment of the built frontage of the existing dwelling compared to the suggested homes, gives a somewhat different result.
- The site's frontage to Docking Road is 52m. The existing dwelling including garage presents some 31m of built form to the road; approximately 60% of the frontage width. The new dwellings as shown, present widths of 10.55m and 8.75m respectively to the road; a total of 19.30m or 37% of the frontage to Westmead. This is a significant reduction in comparison to the existing building.
- The "cramped form" referred to in the Report is therefore inaccurate.
- Additionally the arrangement of new dwellings as suggested, provides a more porous character which would allow for views past the houses to the attractive woodland backdrop to the site.
- To refuse permission on the basis of "cramped form" and the loss of "spaciousness", as suggested, would be inappropriate. Correctly handled, the proposal presents an opportunity to provide homes more in keeping with the locality and able to enhance village character.

Item Number 8/2(d) Page Number 58

Assistant Director's comments: The windows to the north west elevation serving the ensuite and bathroom are close to the boundary and are not shown to be obscure glazed. Given that the northern boundary treatment is less than 1.8m high, it is considered necessary to impose a condition requiring those windows to be obscure glazed in the interests of the privacy and amenity of the neighbours and occupiers of the proposed dwelling.

Additional condition:

6. Condition The windows on the north west elevation serving the ensuite and bathroom shall be obscure glazed and retained as such thereafter.

6. Reason In the interests of the privacy and amenity of the occupiers of the dwelling and neighbours.

Item Number 8/2(e) Page Number 64

Agent: The following information has been submitted in support of the proposal:

- The council's CSNN team is satisfied with the proposal, having no concerns and

raising no objections.

- It will allow a fine, mid-19th century and architecturally-interesting building – albeit one in need of some repair – to be saved.
- Repairs and necessary minor rebuilding will be undertaken sympathetically, using traditional materials (reclaimed bricks with flint-work, clay pantiles, slates and timber joinery).
- No additions are proposed. All conversion works will be kept within the existing building's footprint.
- There can, by definition, be no "intrusion into the landscape" because the building already exists.
- There is, if anything, an inherent "gain" here, with the intended removal of the modern northern wing that will reveal the barn's highly attractive flint-faced north elevation.
- The proposed north-side, raised earth-bank will screen the barn from the egg-unit and provide an effective sound-buffer.
- Allied to the previous point, the raising of the southern courtyard's western boundary wall reinforces the sound-attenuation on that side.
- The barn's position – south of the main egg-unit and "behind" the earth-bank and raised walling – takes advantage of the prevailing south-westerly winds.
- The very minimal vehicle movements associated with the egg-unit (one egg-collection van three times a week and one feed-delivery lorry once a week) are of short duration and will not be detrimental to the conversion. They take place on all-concrete roads that produce no dust-disturbance.
- Most habitable "daytime" rooms have been positioned away from the west-side access road.
- The north elevation of the conversion will have triple-glazing to non-openable joinery units, which further enhances noise-attenuation.
- A much-needed dwelling will be provided.
- Whilst the barn does lie outside the Grimston village settlement boundary (the basis of the parish council's single objection), it is the case that most barns on farms do this. Indeed, a lot of farms themselves lie outside village settlements, something that tends to be in their nature.
- Although connected only peripherally, perhaps, it is understood that the tenants in the replacement farm-house have had no problems in living there. This house lies only some 20 metres or so from the barn. There are, quite simply, people who enjoy the relative isolation that a rural situation brings.

Item Number 8/2(h) Page Number 104

Third Party: ONE letter of **OBJECTION** regarding the following:

- Has a right of access over land to access property;
- Loss of car parking will mean more cars on road creating a blind s[po]t for pedestrian and cars coming out of the new access;
- Narrow width of road as a result of cars parked will make it more difficult for emergency vehicles.

Correction

The plan of the site on p 104 is incorrect. The site is located between No's 11 and 12 Buckenham Drive and not 12 Buckenham Drive as highlighted.

A corrected plan showing the site's location is attached to this late correspondence.

17/01951/RM

Land Between 11 and 12 Buckenham Drive Stoke Ferry

