

AGENDA ITEM NO. 8/1(a)

Parish:	Downham Market	
Proposal:	Proposed 19No 2 and 3 bedroom dwellings (15No market sale dwellings and 4No affordable high quality dwellings) with associated garages/parking, access road, landscaping and open space	
Location:	Land South of Prince Henry Place Downham Market Norfolk	
Applicant:	Altius Goc (London Road Downham Market) Limited	
Case No:	17/00581/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 20 July 2017 Extension of Time Expiry Date: 28 December 2017

Reason for Referral to Planning Committee – The views of the Town Council are contrary to the Officer recommendation.

Neighbourhood Plan: No

Update for Members

This application seeks full permission for the construction of 19 dwellings (including 4 affordable units), with associated garages/parking, access road, landscaping and open space on 0.7Ha of former paddock land south of Prince Henry Place, Downham Market.

Members will recall that this application was referred to the previous Planning Committee Meeting on 2nd October 2017 - a copy of the committee report is attached for ease of reference. The application was deferred following a site visit to enable further clarification to be sought in relation to the proposed footpath link to the east of the site to Howdale Rise.

A Land Registry search has confirmed that the land was sold to the owner of No.26 Howdale Rise in 2002. However County Highways has provided an extract from the dedication agreement under Section 40 of the Highways Act 1959 dated 6th May 1976 relating to the development of Howdale Rise. This illustrates that along with the roads and footways, the land in question was dedicated as highway. Whilst this land may be registered as in the ownership of No.26 Howdale Rise, in light of the above mentioned agreement, highway rights exist over it and these would supersede any private ownership rights.

County Highways remain of the opinion that it would be beneficial for the pedestrian link to be formed in order to maximise permeability through the site.

In response to the concerns raised by Members at the site visit and the following discussion when the meeting reconvened, the applicants have produced an alternative layout plan omitting the footpath link. Members now have the choice of two site layout plans should they be minded to approve the application – one without the footpath link (making it more secure but all pedestrians using Prince Henry Place) and one with the footpath link (maximising permeability). Either option is considered to be acceptable in planning terms.

Key Issues

Principle of development
Impact of form and character of locality
Highway issues
Affordable housing provision
Drainage
Other material planning considerations

Recommendation

A) APPROVE subject to completion of a Section 106 agreement covering affordable housing provision, SUDs management and road maintenance.

B) In the absence of a completed Section 106 agreement within 4 months of the date of this resolution, the application shall be **REFUSED** on the grounds of lack of a mechanism to secure the provisions of affordable housing, SUDs management and road maintenance.