

## AGENDA ITEM NO: 8/2(a)

<b>Parish:</b>	<b>Downham Market</b>	
<b>Proposal:</b>	<b>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</b>	
<b>Location:</b>	<b>Land South of Prince Henry Place Downham Market Norfolk</b>	
<b>Applicant:</b>	<b>Altius Goc (London Road Downham Market) Limited</b>	
<b>Case No:</b>	<b>17/00581/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Mr K Wilkinson</b>	<b>Date for Determination: 20 July 2017 Extension of Time Expiry Date: 28 December 2017</b>

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

### Case Summary

The site (0.7 Ha of former paddock land) lies within the development area of Downham Market at the head of Prince Henry Place. It is bounded by residential development to the north, east and south, with school playing fields to the west.

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.

### 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.

## **THE APPLICATION**

The site (0.7 Ha of former paddock land) lies within the development area of Downham Market at the head of Prince Henry Place. It is bounded by residential development to the north (bungalows), east (bungalows) and south (chalet and houses), with school playing fields to the west.

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.

The scheme shows a single vehicular access point serving the development off Prince Henry Place (PHP). A central turning head is proposed with private drives leading off; most units have en-curtilage parking and there is a footpath link to an existing route on Howdale Rise to the east. There is a mix of dwelling types comprising a pair of semi-detached bungalows, 4 No. semi-detached chalets, 5 No. pairs of semi-detached houses plus a terrace of three houses. There are 6 No. 2 bedroomed dwellings and 13 No. three bedroom units. A parcel of open space (not public) is positioned to the immediate south of the turning head which gives a central focal point.

## **SUPPORTING CASE**

The agent has submitted the following statement in support of the application:

“This application is a Full Planning Application for a residential development of 19 No properties consisting of 2 & 3 bedroom dwellings over 1, 1.5 and 2 storeys, four of which are affordable dwellings, on land approximately of 0.75 Ha. in area, which is within the development envelope of Downham Market, outside the conservation area and is within easy reach of the town centre and its facilities.

Prince Henry Place is an adopted Highway with an approximate carriage width of 5500mm with footways and street lights both sides and is subject to a 30mph speed limit. On the eastern site boundary there is an existing adopted footpath from the turning head to Howdale Rise and between No.26 and the site boundary. It is proposed to provide a footpath link to this footpath from the proposed development.

The development site is currently vacant, overgrown and was previously used as agricultural grazing land.

Both sides of the leg of Prince Henry Place which gives access to the site are individual sheltered housing dwellings which have very high mono-pitched roofs. Car parking spaces are provided in front of the dwellings or in communal parking areas and it has a very well landscaped community garden set around a large pond.

Adjacent to the other site boundaries are dwellings with access from Howdale Rise or Royston End and a college playing field.

The proposed access road to the development links with Prince Henry Place and after some adjustments meets with County Highway's approval, together with vehicular and pedestrian movement and car parking within the development.

There have been several amendments to the proposed layout of the development, elevations, dwelling mix and heights of buildings etc. in response to the consultation comments received.

At present, the site has limited landscape and ecological value being an unkempt grass area. The proposals have been developed to retain and protect the valued perimeter hedging and trees as set out in the Arboricultural Impact Assessment. The Ecological Appraisal and Protected Species Survey concludes that the loss of habitat as a result of the development is not considered to be significant and recommends that bird and bat boxes are installed throughout the development.

The Phase 1 Site Investigation Report concludes that no significant potential source of soil contamination has been identified and the risk to human health is considered to be low.

The Surface Water and Drainage Strategy has been amended to respond to comments received from the Lead Local Flood Authority, who are now satisfied with the proposals and suggest that conditions are added if planning consent is granted.

### **In conclusion**

Having regard to the above and the drawings, reports and information submitted;

- It is considered that the proposed development is fully compliant with National and Local Planning Policy.
- Makes most efficient use of the site, whilst also meeting the objectives of establishing a high quality residential environment with the creation of an appropriate scale and density of development that respects the landscape and local character.
- The site is in a sustainable location with good access to the principal road network, public transport, cycle lanes etc.
- Provides a high quality residential environment and creates a sense of place.
- Minimises the impact on adjacent properties, with no overlooking, overshadowing or loss of privacy.
- Proposes a development that has been specially designed for the site using materials used in the local area.
- An energy efficient and sustainable scheme in line with national and local policy objectives.
- The applicants are willing to enter into a Section 106 Agreement to include: Affordable Housing, Maintenance of the SUDS drainage system and access roads.”

### **PLANNING HISTORY**

None recent

### **RESPONSE TO CONSULTATION**

#### **Town Council: REFUSE:-**

1. The access to the site through a ‘Sheltered Housing’ complex is unacceptable because of the disruption to the current residents some of which are physically infirm and in some cases dementia sufferers.
2. The noise from the build and the siting of contractors vehicles, both personal and commercial, will block and damage the roads and cause extreme difficulties for emergency vehicles to attend Prince Henry Place and Howdale Rise.
3. It would be difficult for residents of Prince Henry Place to cross the road in safety to access their communal facilities.
1. As stated in the Town Council’s original refusal:

2. 'The use of the proposed access would cause a considerable dis-amenity to the neighbouring properties (which are known to be 27 local authority
3. retirement/sheltered housing units) by way of noise, highway safety and disturbance; as such the proposal would be contrary to PPS1.'
4. Serious concerns over how large construction vehicles will access the site from Church Road/London Road. The initial part of the road is extremely narrow and also there are two 'pinch' points where it would almost be impossible for two vehicles to pass, which would result in major congestion if not bring the area to a complete standstill.
5. It should also be noted that on Howdale Road is High Haven, a residential home for the infirm and elderly which again needs easy emergency access for its residents.
6. The access/exit onto Church Road/London Road is completely unsatisfactory for the additional residential vehicles from the site.
7. Local information indicates that this site is a natural environment in which local wildlife live and flourish.
8. It is noted that work on site is scheduled for six days a week and also there is no information on how contractors' vehicles would be managed on site.

**Highways Authority: NO OBJECTION** subject to conditions relating to construction traffic management plan and off-site works

**Norfolk County Council – Minerals & Waste: NO OBJECTION** - While the site is underlain by silica sand and partially underlain by carstone, both of which are part of adopted Mineral Safeguarding Areas, it is considered that as a result of the site area it would be exempt from the requirements of Policy CS16 - safeguarding of the adopted Norfolk Minerals and Waste Core Strategy.

**Norfolk County Council – Lead Local Flood Authority: NO OBJECTION** subject to conditions

**Downham Market Group of Internal Drainage Boards: NO OBJECTION** - as long as the conditions suggested by the LLFA are imposed and that confirmation is provided that the infiltration testing is reflective of the actual conditions, i.e. the results have been measured values not interpolated results, and that the design of the soakaways will be in strict compliance with the recommendations of BRE 365.

**Anglian Water: NO OBJECTION** – adequate capacity for foul water disposal

**Environmental Health & Housing – Community Safety & Neighbourhood Nuisance: NO OBJECTION** subject to conditions relating to Construction Management Plan,

**Environmental Health & Housing – Environmental Quality: NO OBJECTION**

**Arboricultural Officer: NO OBJECTION** subject to condition

**Housing Enabling Officer: NO OBJECTION** - At present a 20% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in Downham Market. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council. In this instance 4 affordable dwellings would be required, 3 for rent and 1 for shared ownership. The applicant has proposed an affordable housing mix of 2 x 2 bed houses and 2 x 3 bed houses and I can confirm that, in terms of type and size, the proposed affordable housing is acceptable.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy. A S.106 Agreement will be required to secure the affordable housing contribution.

### **Historic Environment Service: NO COMMENTS**

**Norfolk Constabulary: NO OBJECTION** – comments made on pursuit of Secure by Design accreditation

**Cllr Kathy Mellish: OBJECT** – “I wish to log my objection to this development on the grounds of road safety through a sheltered accommodation site and due to the increased amount of traffic joining an already limited access road. The exit from the site is narrow and limited; it flows through a highly dense residential area on both Prince Henry Court and Howdale Rise. It then links onto the Howdale and can only turn left towards where we have a pinch point at the Doctors surgery where cars already park and cause an obstruction. It then joins a main highway with a left, right and dog leg straight pass into another very narrow road. This development is too large for the area and a great deal of developer contribution is needed to ensure road safety for the increased traffic if this is to be approved.

Howdale Road would need to be left turn only at the bottom onto London Road which would ensure smooth traffic flow especially at peak times of the day. This then requires the roundabout to be extended, although where I am not at present sure, if the increased traffic is to be supported.

If the development was reduced in size to a few high-quality family homes then I am sure it could be acceptable and would enhance the area matching the houses along Ryston End.

This field is also susceptible to flooding as I can remember years ago it was a field for horses, which were moved off in the winter period as the field was too wet and of no use for grazing.”

**Rt. Hon. Elizabeth Truss MP:** Correspondence received from MP asking for views of an objector to be taken into consideration in the decision-making process.

### **REPRESENTATIONS**

**Original submission/scheme:** A total of **14 OBJECTIONS** plus a **30** signature **PETITION** raising the following grounds:

- Increased traffic through sheltered housing estate
- Increased traffic on an already poor junction of London Road/Church Road and Howdale Road
- Overlooking
- Houses not in keeping with existing bungalows
- Land prone to flooding
- Impact on wildlife
- Residential amenity, damage to roads and properties especially during construction phase
- Anti-social behaviour from children and abuse of communal area and pond
- Impact upon setting of Conservation Area/Howdale area
- Water supply

**Amended scheme: SEVEN** further **OBJECTIONS** received re-iterating earlier concerns stated above, plus the concern that sketch plans for the off-site highway improvements are not adequate.

## **NATIONAL GUIDANCE**

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS04** - Downham Market

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **PLANNING CONSIDERATIONS**

The key issues in assessing this application are as follows:

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

### **Principle of development**

The site lies within the development area of the town. The principle of developing the site is therefore acceptable in planning policy terms. Historically the site was identified for residential development in the previous Local Plan and had a development brief.

### **Impact of form and character of locality**

As stated above, the scheme shows a single vehicular access point serving the development off Prince Henry Place (PHP). A central turning head is proposed with private drives leading

off; most units have en-curtilage parking and there is a footpath link to an existing route on Howdale Rise to the east. There is a mix of dwelling types comprising a pair of semi-detached bungalows, 4 No. semi-detached chalets, 5 No. pairs of semi-detached houses plus a terrace of three houses. There are 6 No. two bedroomed dwellings and 13 No. three bedroom units. A parcel of open space (not public) is positioned to the immediate south of the turning head which gives a central focal point. A detailed landscaping scheme may be controlled via condition.

In terms of form and character, the proposal is considered to be acceptable given the style of dwellings and configuration on the site. Density equates to 27 dwellings per Hectare which is considered to be appropriate in this case. There is a transition from the mono-pitched bungalows on PHP into two storey houses using chalets (similar in style to those recently built on the former Jim Russell garage site fronting Park Lane) and the topography of the site to achieve appropriate inter-relationships with both existing and proposed dwellings.

The palette of facing materials would also be sympathetic to this locality and secured via condition.

### **Highway issues**

This is perhaps the most contentious issue related to this proposal, as the access to the site is via PHP which contains sheltered housing.

The Local Highway Authority is content with the proposal to serve this number of dwellings via this route, subject to off-site improvement works being undertaken to the junction of Church/London/Howdale Road, plus footpath widening works along Howdale Road. These measures are agreed in principle, as was the case when dealing with a previous application (ref: 15/01779/OM) on land south of Rouses Lane, west of the cemetery and east of Howdale Rise. Full details may be secured via condition and also its implementation. Incidentally application 15/01779/OM was refused as the site lies outside the development area.

Obviously there would be some disturbance during the construction phase with construction and contractor vehicles attending the site. However disruption and amenity issues could be minimised by the adoption of a construction management plan including traffic management, on-site parking details and delivery/working times as recommended by both the Local Highway Authority and our CSNN officer. Once again this could be secured via conditions.

NCC request a condition to secure that the roads will remain in private ownership and managed and maintained as such (i.e. not be put up for adoption at a later date). However this issue would be covered by a Section 106 agreement and the condition would therefore fail the tests applied to use of conditions.

### **Affordable housing provision**

In accordance with the provisions of Core Strategy Policy CS09 of the LDF, four affordable dwellings are proposed as part of this application – 2 x 2 bedroom semi-detached houses and 2 x 3 bedroomed semi-detached houses. They are located in the north-east and north-west corners of the site and are therefore suitably positioned within the site layout.

Our Housing Enabling Officer is content with this provision and it may be secured via a Section 106 agreement.

## Drainage

The application is accompanied by a surface water drainage strategy adopting a Sustainable Urban Drainage System (SUDS) approach. This requires permeable materials to be used in the construction of the access road and turning area plus the private drives. There are subterranean geocellular crates within gardens and the run-off rate for surface water for the whole site would be equivalent to the current rate. The Lead Local Flood Authority are content with this scheme and recommend that full details are agreed via condition and implemented accordingly. The IDB raise no objections to this proposal.

The permeable materials used for construction of the road means that the Local Highway Authority will not adopt it, so a future maintenance scheme will be required via Section 106 agreement.

## Other material planning considerations

Ecology – The Ecological Appraisal and Protected Species Survey concludes that the loss of habitat as a result of the development is not considered to be significant, and recommends that bird and bat boxes are installed throughout the development. This may be secured via condition.

Trees – the layout has been amended to ensure that peripheral trees and hedges are not adversely affected by the proposed development. This may be secured via condition.

There are no significant crime and disorder issues raised by this proposal and the Norfolk Constabulary ALO raises no objections.

## CONCLUSION

Whilst the concerns of the Town Council and local residents are noted, this site lies within the development area of the town and there has been an expectation for its development with housing for some considerable time. The form and character of the proposal is considered to be compatible to this locality, and there are no objections raised by technical consultees.

The proposal is considered to be in compliance with the provisions of the development plan and is duly recommended for approval as set out in the recommendation.

## RECOMMENDATION:

**A) APPROVE** subject to completion of a Section 106 agreement covering affordable housing provision, SUDs management and road maintenance and subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 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 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: 3023-P01, 3023-P02F, 3023-P04C, 3023-P05A, 3023-



P06A, 3023-P23, 3023-P24, 3023-P25, 3023-P26, 3023-P27, 3023-P28, 3023-P29, 3023-P30, 3023-P31, 3023-P32 & 3023-P33.

- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, hard surface materials, refuse or other storage units, street furniture, structures and other minor artefacts. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 3 Reason To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 4 Condition All hard and soft landscape works shall be carried out in accordance with the approved details. 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.
- 4 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 5 Condition The development shall be carried out in accordance with the Arboricultural Impact Assessment dated 15 December 2016, produced by AT Coombes Associates Ltd and submitted as part of this application.
- 5 Reason To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 6 Condition The development shall be carried out in accordance with the recommendations and mitigation measures contained in the Ecological Appraisal & Protected Species Survey dated June 2017, produced by ECUS Ltd and submitted as part of this application. Details of the bird and bat box positions shall be agreed in writing with the Local Planning Authority prior to installation.
- 6 Reason In the interests of ecology and to accord with the provisions of Core Strategy Policy CS12 of the LDF.
- 7 Condition No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 7 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.

- 8 Condition Prior to commencement of development, in accordance with the submitted Surface Water Drainage Strategy – Addendum A, 21717 Network 25\_07\_17 and drawing 21717 – 802 Rev B (002), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:
- I. Detailed infiltration testing in accordance with BRE Digest 365 at the depths and locations of the proposed soakaways has identified an infiltration rate of 0.00405 m/hr (0.001125 mm/s) as stated within Appendix D and Drawing No's 21717/850 & 851 of the Drainage Strategy.
  - II. Provision of infiltration features, 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.
  - III. 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.
  - IV. 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.
  - V. Finished ground floor levels of properties are a minimum of 300mm above expected flood levels of all sources of flooding.
  - VI. 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.
  - VII. 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.
- 8 Reason To ensure that there is a satisfactory means of surface water drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 9 Condition 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 of construction phase. The scheme shall also provide the location of any fixed machinery, the location and layout of the contractor compound, the location of contractor parking, access arrangements for delivery vehicles and temporary wheel washing facilities for the duration of the construction period and proposed mitigation methods to protect residents from noise, dust and litter. The scheme shall be implemented as approved.
- 9 Reason To ensure that the amenities of neighbouring occupants are safeguarded in accordance with the NPPF.

- 10 Condition Construction or development work on site, along with collections and deliveries of waste products, material and equipment, shall only be carried out between the hours of 0800 and 1800 weekdays, and 0900-1300 on Saturdays, with no work allowed on Sundays and Bank/Public Holidays.
- 10 Reason To ensure that the amenities of neighbouring occupants are safeguarded in accordance with the NPPF.
- 11 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. All construction works shall be carried out in accordance with the approved plans.
- 11 Reason To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.
- This also needs to be a pre-commencement condition given the fundamental details linked to drainage and other infrastructure which needs to be planned for at the earliest stage in the development.
- 12 Condition Before any dwelling is first occupied the road(s) and footway(s) shall be constructed from the dwelling to the adjoining County road in accordance with the details approved in writing by the Local Planning Authority.
- 12 Reason To ensure satisfactory development of the site.
- 13 Condition Notwithstanding the details indicated on the submitted drawings, no works shall commence on site unless otherwise agreed in writing, until a detailed scheme for the off-site highway improvement works as indicated on drawing numbers 3023-H01 & 3023-H01, and to include widening of the footway on the southern side of Howdale Road east of its junction with Howdale Rise, have been submitted to and approved in writing by the Local Planning Authority.
- 13 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 and accord with Core Strategy Policy CS11 of the LDF.
- 14 Condition Prior to the first occupation of the development hereby permitted, the off-site highway improvement works referred to in Condition 13 shall be completed to the written satisfaction of the Local Planning Authority.
- 14 Reason To ensure that the highway network is adequate to cater for the development proposed.

**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.