

PLANNING COMMITTEE
8TH May 2018

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

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Agent: Comments that there is a drafting error in the proposed conditions. Condition 27 requires the detail of the offsite planting and enhancement to be approved before any dwelling is occupied but Condition 28 requires the approved scheme to be implemented prior to the construction of any dwelling i.e. an earlier trigger point.

Requests that the triggers are amended to require approval of the scheme prior to the construction any dwellings (Condition 27) and implementation prior to the first occupation (Condition 28).

Downham Market Town Council: At an Extraordinary Full Council meeting of Downham Market Town Council held on Tuesday 01st May 2018 Members reluctantly recommended **approval** commenting 'The Town Council notes that the (revised) application now accommodates all built development within the area allocated in the Site Allocations & Development Management Policies Plan 2016 (Site F1.3) and is a welcome reduction of up to 45 dwellings, from the original application. Furthermore, the Town Council notes its originally expressed concerns have now been either overcome (by circumstance) or addressed; firstly, in that the area attracts a zero rated Community Infrastructure Levy (CIL) and all challenges against this ill-judged designation, together with the associated infrastructure demands, have failed. Secondly, that the developer has now agreed to the installation of a roundabout junction as the access/egress route to the development and thirdly, all built development is now contained within the agreed development boundary.

Guaranteed infrastructure improvements (of the utilities services, as well as health, educational and associated support services) whilst not a planning pre-requisite, are a very real community requirement and the Town Council both understands and fully supports the concerns raised by its residents in this and similar applications. Of a particular concern, evidenced by specific local knowledge and experiences, is that in the event of extreme weather conditions, the excess mix of surface and foul water have on occasions overflowed into the street and properties in the lower lying parts of the town, and therefore the Town Council would wish to seek assurances that Anglian Water has capacity to cope with the additional waste these new dwellings will generate'.

Wimbotsham Parish Council: In addition to comments previously raised and cited in the main report, makes the following comments:

The majority of the application site is located within the parish of Wimbotsham. Having considered the application with amendments the parish council are pleased to see that some of our concerns have been addressed. However, our comments dated 11th May 2016 remain valid, and in particular:

Site Specific Issues

1. The development continues to give rise to unacceptable visual impact from the surrounding countryside and the village of Wimbotsham. It will be highly visible from both long and short distant views east and west especially so from across the fens to where the land rises to the site, which is located on a natural high point to the north of Broomhill.

The site also be highly visible when approaching from the north east via Wimbotsham and on approach to Broomhill from the north.

To mitigate this, we feel additional landscaping to the north and west of the site and to the west side of Lynn Road (which is land in the applicant's control) is required to screen it from Wimbotsham and the fens. This request also includes screening of lighting.

2. The development continues to give rise to unacceptable and damaging visual impact from light pollution, including Street Lighting particularly lighting around the proposed junction, which would impact on the open space beyond, the site being elevated, open and visible from considerable distance, including across the fen and from Wimbotsham village. Further the site would provide significant light pollution to the village of Wimbotsham and create urbanisation and depletion of the natural separation between village and town.

To mitigate, a lighting scheme with low level lighting is required, in tandem with landscaping as already requested.

3. The development should be restricted to two storey dwellings so as to minimise impact and reflect the more traditional scale of development in the area.

4. It is considered that the noise created from vehicle movements at the proposed junction will have a significant impact on the village and its surroundings, particularly as the location is at an elevated location.

To mitigate, a scheme including landscaping should be provided to minimise the noise impact on Wimbotsham residents.

5. Insufficient consideration has been given to any enhancement of local facilities within Wimbotsham Village, e.g. the Village Hall and the Recreation Ground, which are geographically the closest to the proposed development.

6. There has been no consultation with respect to the community facilities within the village.

To mitigate, consideration should be given to securing contributions for improvement of village facilities such as the village hall in order to cater for increase in number of residents.

7. There has been limited community involvement from the developers with the residents of Wimbotsham village, with no formal consultation relating to the proposals. Further consultation is requested.

8. The Core Strategy sets out the vision and development strategy for the borough up to 2026. There are 6 main elements detailed, one of which is to 'Protect and enhance the heritage, cultural and environmental assets and seek to avoid possible areas of flooding'. National Planning Policy Framework Section 11 states 'The planning system should contribute to and enhance the natural and local environment'. This development does not appear to be in accordance with this policy or the Core Strategy as it does not protect or enhance the environment and should be refused on this basis and other sites should be considered with lesser impact.

Without sufficient information and conditions relating to the concerns raised, the scheme should be refused.

Summary

To summarise, the Parish Council remains concerned that the scheme without sufficient

mitigation, particularly landscaping to the north west boundary and lighting and noise control, will give rise to an unacceptable level of visual impact, noise and light pollution, eroding the natural open space between Broomhill & Wimbotsham and therefore, will not serve to contribute to and enhance the natural and local environment.

In addition, consideration as to the impact on village amenities and support through contributions for upgrading them has not been considered.

Consideration to inclusion of appropriate detail and conditions for landscaping to north and west boundaries, footpath improvements to Wimbotsham, together with contributions is requested before the application is approved.

Third Party: 2 letters (including the Mineral Products Association) of OBJECTION received on the following grounds (summarised):

- Development of this size on the edge of Downham Market would have a detrimental effect on Wimbotsham as it becomes closer to being a suburb of Downham Market;
- Wimbotsham is a village and would prefer it to stay that way;
- Would stretch resources in locality – doctors, dentists, schools etc;
- Increase in noise pollution, increase in traffic and visual eyesore in a relatively elevated position.
- Agrees with NCC as Minerals Planning Authority that the assessment regarding minerals (silica sand) is flawed and a full and considered minerals assessment should be undertaken;
- Trial pits sunk did not accord with NCC guidance and areas of the site have not been tested;
- Insufficient information to undertake a balanced judgement from a planning perspective;
- Constraints identified are not showstoppers – e.g. presence of WW2 ordnance
- Transportation distance to the existing plant at Leziate would not be a barrier to any minerals development;
- Disagree that any quarry development would render the after use of the site worthless. Beneficial uses are not constrained to housing development;
- Comments are made regarding financial viability and lack of infrastructure but makes assumptions that should not be made without proper assessment of the depth, quantity and quality of the mineral resource;
- Minerals Assessment Statement does not contain results of any site investigations and relies on boreholes located some distance from the site and NCC has concerns that the boreholes are not representative of the geology of the application site.
- Request that full consideration be given to the Mineral Safeguarding Area and the need to protect a scarce mineral resource of national importance.

Assistant Directors comments: Comments regarding minerals are addressed within the main body of the report (p22).

CORRECTION

The site is identified incorrectly on p7 of the Agenda. Please note the corrected application site attached to Late Correspondence.

Amended Conditions

Given the Agents comments above, the following amended conditions are proposed:

27 Condition: Prior to the construction of any dwellings on the site, a planting scheme for the

enhancement of the existing hedgerows along Lynn Road, New Road and the A10 on 'blue land', the extent of which is shown on the indicative development framework plan 37106-LEA091g (March 2018), shall be submitted to and approved in writing by the Local Planning Authority.

27 Reason: To ensure that the development is properly landscaped and screened, in the interests of the visual amenities of the locality in accordance with the NPPF and Policy F1.3 of the SADMPP.

28 Condition: The planting scheme referred to in Condition 27 shall be implemented as agreed prior to the occupation of any dwellings on the site. Any trees or plants that within a period of 5 years from the completion of the planting 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.

28 Reason: To ensure that the landscaped areas are established, in the interests of the visual amenities of the locality in accordance with the NPPF and Policy F1.3 of the SADMPP.

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Third Party: 1 letter of **OBJECTION** has been received which can be summarised as follows:

- The proposed site is already a tourist attraction where people visit from all over the world to see the 17th century buildings.
- The Custom House is an iconic image for King's Lynn, just like Greyfriars Tower, Red Mount and South Gates, why would we want to destroy the scenery of such a place.
- The area in question already hosts Lynn Lumiere where many go to watch and be in awe of this free entertainment as well as hosting bands and entertainment on King's Staithe Square.
- There are plenty of buildings empty that need occupying before we start building and hiding away the gems we already have. The Bank House and Marriott's Warehouse are great examples of bringing new life to old buildings; we do not need to build anymore.

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Norfolk County Council Planning: A further consultation letter has been received from NCC advising the Borough Council that amended/additional information has been received by the County Council relating to 10 documents called - Flood Risk Assessment Email 1 of 2, Flood Risk Assessment Report 2 of 2, KL Emergency Planning Email, NET comments Email 1 of 4, Landscape M & M Plan 2 of 4, Typical Boundary Treatments 3 of 4, Proposed Landscape 4 of 4, AW Consultation Response, LLFA comments 1 of 2 and Water Drainage Management Plan 2 of 2.

Assistant Director's comments in response to the amended / additional information: To summarise this is a series of changes to the text to take into account the comments from consultees including the Emergency Planner, the Environment Agency, the Tree Officer and Anglian Water, and to make corrections to the text.

The only physical changes to the proposals are the raising of the boundary fence by 10cms above the ground to allow wildlife to travel through the site. The remainder of the changes refer to the following:-

- Finished floor levels of the building to be set at 4m AOD
- Signing up to the Environment Agency flood warning system

- A flood evacuation plan will be prepared
- All external hard standing areas will be designed to fall away from the building
- Sequential and exceptions test in the FRA
- Correction of erroneous reference to a pump within Surface Water Drainage Management Plan as the surface water will be dealt with by a gravity system so there will be no pumps.