

AGENDA ITEM NO 8/2(b)

Parish:	Downham Market	
Proposal:	Construction of two dwellings and garages	
Location:	Donnadell Howdale Road Downham Market Norfolk	
Applicant:	Contemplation Corner Ltd	
Case No:	21/01377/F (Full Application)	
Case Officer:	Mrs C Dorgan	Date for Determination: 8 September 2021 Extension of Time Expiry Date: 11 February 2022

Reason for Referral to Planning Committee – Town Council representation is contrary to officer recommendation

Neighbourhood Plan: No

Case Summary

The planning application seeks full planning consent for two detached chalet style dwellings. This application follows an existing planning consent ref: 19/01944/F (and the subsequent amendments) for two dwellings on a wider application site. The two application sites overlap and this application if permitted will result in three new dwellings in total being developed within this land.

The application site lies within the development boundary for Downham Market as identified on Inset Map F1 in the Site Allocations and Development Management Policies Plan (SDAMPP) (1996). It is also within Downham Market Conservation Area.

The site comprises of approximately 0.3ha of garden land, primarily laid to grass with a significant number of trees around the perimeter of the site which are subject to protection (as are within the Conservation Area). The site is within a pit and so has steep banks to the north, east and west. The proposed access is the existing access off Howdale Road.

There is planning history on the site which is detailed and discussed later in the report.

Key Issues

Principle of Development

Planning History

Highways/ Access

Form and Character and Impact on the Conservation Area

Residential Amenity

Drainage

Other material considerations.

Recommendation:

APPROVE

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21/01377/F

THE APPLICATION

The planning application seeks full planning consent for two detached chalet style dwellings. This application follows an existing planning consent ref: 19/01944/F (and the subsequent amendments) for two dwellings on a wider application site. The two application sites overlap and this application if permitted will result in three new dwellings in total being developed within this land. Plot 2 will remain as approved under the 2019 consent, plot 1 will be amended and plot 3 will be added.

The application site lies within the development boundary for Downham Market as identified on Inset Map F1 in the Site Allocations and Development Management Policies Plan (SDAMPP) (1996). It is also within Downham Market Conservation Area.

The site comprises of approximately 0.3ha of garden land, primarily laid to grass with a significant number of trees around the perimeter of the site which are subject to protection (as are within the Conservation Area). The site is within a pit and so has steep banks to the north, east and west. The proposed access is the existing access off Howdale Road.

There is planning history on the site which is detailed and discussed later in the report.

The dwellings proposed are detached 3/4 bedroom chalet bungalows 6.5m at ridge height and 2.5m at eaves height. They are a modern design with a covered porch and a chimney. They include a mixture of rooflights on the front elevations and dormer windows to the rear at first floor. The materials proposed are slate coloured roof tiles and a red multi brick which is acceptable. The dwellings include detached garages with parking to the front of these. The gardens are to the rear and side of the dwellings proposed. The density of the proposed scheme is approximately 7 dwellings per hectare, which reflects the topography of the site and nature of the locality.

SUPPORTING CASE

Sandy Lodge Objection - The Owners of Sandy Lodge had objected with concerns of restricted access to their property. The Applicant has met with the owners of Sandy Lodge and agreed to provide a repositioned and improved vehicle access to Sandy Lodge and to also install surface water drainage channels to prevent surface water from entering their property from the vehicle access. Improvements to the Sandy Lodge boundary treatments have also been agreed to maximise privacy of the existing property. The owners of Sandy Lodge have now withdrawn their objection.

71 Howdale Road Objection - The owners of 71 Howdale Road had objected based on concerns with foul drainage. Their property currently connects to the mains drain via a chamber in No 73 Howdale Road. They had concern that further properties connecting to the mains would increase the risk of foul drainage flooding in their property. The Applicant has spoken with the owner of No 71 and has offered to connect their foul drain into the new drainage system serving the Donnadell site thus removing any existing foul drainage issues they are experiencing.

Over Development of Site - The site area extends to a full acre and is proposing a total of 3No dwellings. The nearby Towers Estate has a density of five dwellings per acre and the Howdale Rise development is 13 properties per acre demonstrating that this site is not overdevelopment for the locality.

Vehicular Access - NCC Highways are satisfied that the vehicle access width and visibility splays meet with the required standards, subject to a condition relating to minor improvements to the point of access at Howdale Road.

Environmental/Conservation Issues - The proposed additional dwelling has been positioned to avoid all tree root protection areas and canopies to enable all trees on the site to be retained.

Drainage - Surface water drainage on the site is good due to the underlying layer of sand in the ground meaning that surface water drains away quickly. To avoid flash flooding issues within neighbouring properties, additional channel drains are to be provided to collect any surface water runoff from the vehicle access.

Consultees - No objection to the application has been received from Natural England, CSNN Officer, Environmental Quality Officer, Arboricultural Officer, NCC Highways, NCC Public Rights of Way or Anglian Water who all deem the proposals to be acceptable. The only objection is from the Town Council, who consider the site to be overdevelopment and to be prone to flooding and access issues. A response to these points has been provided above.

PLANNING HISTORY

21/00634/F: Application Permitted (Delegated): 16/06/21 - Variation of Condition 1 of Planning Permission 21/00109/F: Variation of Condition 2 attached to Planning Permission 19/01944/F: Construction of two dwellings and garages following demolition of existing bungalow – Donnadell

21/00109/F: Application Permitted (Delegated): 19/03/21 - Variation of Condition 2 attached to Planning Permission 19/01944/F: Construction of two dwellings and garages following demolition of existing bungalow – Donnadell

19/01944/DISC_A: Discharge of Condition final letter: 27/10/20 - DISCHARGE OF CONDITIONS 1, 8 AND 9: Construction of two dwellings and garages following demolition of existing bungalow - Donnadell

19/01944/F: Application Permitted (Delegated): 14/01/20 - Construction of two dwellings and garages following demolition of existing bungalow – Donnadell

18/01151/F: Application Refused (Delegated): 24/09/18 - Construction of five bungalows and garages following demolition of existing bungalow and garage – Donnadell

17/00724/F: Application Withdrawn: 04/07/17 - Construction of seven bungalows and garages following demolition of existing bungalow and garage – Donnadell

In 2016/2017 there were a number of applications for works to trees on site as located in the Conservation Area.

RESPONSE TO CONSULTATION

Town Council: OBJECTION

Council wish to object to this application. Their comments are as follows:

This a re-application of a previous applications which we as a Planning Committee have turned down as being overdevelopment of the total site on more than one occasion We as a committee approved the total site development as being suitable to absorb only two family

dwelling. The view remains the same having taken into account the site size and its location. It is prone to flooding and access problems. Over development remains a concern.

Highways Authority: NO OBJECTION subject to conditions

I observe that the access considerations for this application would be similar to that of a previous application for the site under planning ref. 19/01944/F. As such I refer you to those comments made at the time and recommend conditions re the access, parking and turning area.

Public Rights of Way (NCC): NO OBJECTION

We have no objection in principle to the application but would highlight that a Public Right of Way, known as Downham Market Footpath 7 is aligned adjacent to the northern boundary of the site. The full legal extent of this footpath must remain open and accessible for the duration of the development and subsequent occupation.

Anglian Water: NO OBJECTION subject to condition

Wastewater Treatment - The foul drainage from this development is in the catchment of Downham Market Water Recycling Centre that will have available capacity for these flows.

Used Water Network - This response has been based on the following submitted documents: Flood Risk and Foul and Surface water drainage strategy. Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. Whilst the drainage strategy is acceptable in principle, we require the submission of a strategy showing the proposed pumped rate. This is to enable us to carry out an accurate network capacity assessment. We therefore request a condition requiring an onsite drainage strategy and an informative.

Surface Water Disposal - The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Further comments – Anglian Water have run a report on flooding incidents for the area and can confirm that in the last 5 years there have been 13 flooding incidents reported to Anglian Water. The cause for the vast majority of these were blockages which we cleared. There are no flooding incidents recorded due to foul capacity constraints. Blockages in the foul sewerage occurs when non-flushables are flushed into the network. The sewers and drains are not designed to convey things such as nappies, baby wipes, fats and oils. Most blockages are avoidable, but AW do investigate each blockage reported to them and rod/ jet wash the sewers to ensure blockages are cleared as soon as possible. As stated above the flooding which has occurred was not caused by capacity constraints in the network.

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions

NPPF states that the planning system should prevent both new and existing development from contributing to or being adversely affected by unacceptable levels of land or air pollution.

Contaminated Land - The applicant has provided a Phase I and II Geo-Environmental Report written by EPS dated April 2017. The EPS Phase 1&II Geo-Environmental

Assessment Ref: UK17.2601 Issue1 of April 3, 2019 stated that the site was formerly a marl pit and coal yard. A Supplementary Environmental Assessment report, written by EPS dated Sept 2020 has been submitted. The report contains details of the findings of sampling from 5 boreholes and gas wells installed on site. No significant concentrations of ground gas have been reported. The report identified made ground at the site and includes details of demolition, removal of asbestos containing materials and waste transfer and includes recommendations for a remediation scheme consisting of the removal of some material and placement of a cover system. Recommendations of how this will be verified are included. Based on the information provided in the application, we recommend conditions re the implementation of the approved remediation scheme and reporting of unexpected contamination.

Community Safety and Neighbour Nuisance: NO OBJECTION subject to conditions

In relation to drainage there is mention of a pumping chamber being needed to enable connection to the mains foul sewer. It is not clear whether this will be adopted by Anglian Water or be the joint responsibility of the property owners. Over the years, the CSNN Team have received complaints involving disputes over drainage responsibility (including access for maintenance and costs etc.). Therefore please can the following informatives and conditions be added-

- * Shared private foul/surface water drainage informative:
- * Site Hours
- * Noise, Dust and Smoke from Clearing and Construction Work

Natural England: NO COMMENTS.

Conservation Officer: NO OBJECTION subject to conditions.

The site is located within the Downham Market Conservation Area and sits within the Howdale area of the conservation area which has its own special character and significance.

This site is a former quarry at the eastern part of the Downham Market Conservation Area with substantial dwellings in good sized gardens to the north and east, smaller dwellings facing the street to the south and open space known as The Howdale to the west. The site is heavily treed and these trees are a strong feature in the conservation area, especially when viewed from the west. They screen the quarry and as such the previous bungalow along with the existing Sandy Lodge are barely seen and these properties had and have little or no impact on the character of the conservation area.

The Downham Conservation Area Character Statement comments that "The Howdale provides a complete contrast to the high density, tightly enclosed streets found elsewhere within the Conservation Area. The large, spacious open area is bisected by Howdale Road and has a gentle, rolling character reminiscent of a village green or common. The semi-mature planting will eventually give the area more of a 'parkland' feel." The open nature of the area and the trees in particular therefore make a considerable contribution to the character of the conservation area.

This is a further revised scheme further to earlier applications, including one for 5 dwellings following the demolition of a bungalow on the site. Conservation has in the past commented that some level of development may be acceptable on the site, but the existing trees are an important feature of the conservation area and therefore should be retained.

This application allows the proposed dwellings to be moved away from the tree belt and the tree officer has not raised concerns. Moreover, the profile of new buildings had been kept low so they are unlikely to be seen through the vegetation, even in the winter months. On

this basis the proposal is considered to have had a minimal impact on the significance conservation area, and the conservation team raise no objections.

Materials including sample panel and roofing materials should be conditioned and would also recommend conditions be attached to window and door detail and hard landscaping materials.

Arboricultural Officer: NO OBJECTION subject to condition

No objection. Could you condition in accordance with the arboricultural report and plans, authored by Greenlight Environmental Consultancy.

REPRESENTATIONS

SIXTEEN OBJECTIONS received from seven neighbouring dwellings. The following issues are raised (summarised by officer)-

- Conservation Area: The development is not in line with the CA aims. Furthermore the Inspector (in response to 2019 application) stated that the previous proposal for 5 dwellings did not reflect the form and character of the locality.
- Over-development: The addition of a third dwelling with garage would represent 'over development'. This does not contribute to preserving or enhancing the appearance and character of the area. Two applications previously refused due to overdevelopment, there is no reason to suggest that circumstances have changed at all.
- For the last four years the Borough Council, the Town Council and Planning Inspectorate have all been united with neighbours in opposing any over-development of this beautiful, unique tree-lined Dell in the greenest part of Downham's Conservation Area.
- A totally unique part of Downham Market with abundant special flora and fauna. Development will put at risk the habitats of existing wildlife.
- The proposed dwelling would result in a loss of privacy and loss of light for neighbouring occupiers, and the new residents would have an unsatisfactory standard of amenity.
- Noise: Donnadell is effectively a hollow, bowl-shaped area that has the effect of amplifying sound. Further housing development will increase noise levels.
- Drainage: With Donnadell lying below the level of Howdale Road, much of the heavy rain water draining off Howdale Road makes its way downhill into the Donnadell location.
- Sewage Pumping Station - Current dwellings are served by septic tanks. The proposal to use a Sewage Pumping Stations poses inherent risks of lack of future maintenance, risk of malfunction, noise, and contamination to the entire dell.
- The drainage system, even without additional new homes, is entirely unable to cope with even slightly heavy rainfall. There have been incidents of flooding within last few years resulting in untreated sewage at the front of no.71. The development will be situated even lower and will suffer the same backflow of sewage from an old and struggling system. A pumped system is likely to make issues worse for no.71.
- Donnadell Vehicle Entry/Exit Point: Limited visibility as pull out onto Howdale Road. Already a high risk of collision with oncoming traffic from the easterly direction. This will only be exacerbated with increased numbers of vehicles.
- Pedestrian Safety: The likelihood of additional vehicles exiting the Donnadell site only exacerbates an already high risk to pedestrians crossing the Donnadell driveway.
- The site entrance is 4.54m wide at its entrance, so two vehicles cannot enter and exit at the same time (not as per the proposed site plan which shows two cars passing each other in the driveway, you would need 6m for this). Vehicles will have to stop

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and wait on Howdale Road whilst a vehicle emerges with restricted views in both directions from the Donnadell.

- Contrary to the report submitted with the application Howdale Road is well used by vehicles.
- *Development would lead to future conflict with Significant Tree Belt.
- Removal of Trees – The developer has gradually removed trees from the site, opening up a previously green space.
- Amendments to projects under planning permission consideration should require a submission of a whole new application.
- Resident Safety: The proposed site is situated in a deep hollow with shear banks below the property boundaries of Bexwell Road and the Howdale. With the building works proposed this may present a serious risk of subsidence.
- Additional housing development is not needed in this location.

Mr & Mrs Rowe, residents of Sandy Lodge, have withdrawn their objections to the scheme on the basis that the applicant has offered to make improvements to their access, turning area, and boundary treatment should plot 3 gain planning consent.

Comments from Cllr Ratcliffe –

Cannot see any acknowledgement of, or mitigation for, the resulting blocking of access needed by sewage tankers to neighbouring property Sandy Lodge which shares the Donnadell driveway with the proposed properties. The occupants of Sandy Lodge submitted written and photo evidence in July showing that the proposed new 'Plot 3' would be built on top of the turning area that has been in use for their property for at least forty years. If Plot 3 goes ahead as proposed, Sandy Lodge will become uninhabitable as it won't be possible to remove sewage from their plot. Or the occupants would presumably be forced to remove a wall and rip out mature hedging to create a different entrance. With regard to the other issue of highway safety, the Donnadell site has a narrow driveway in a length of Howdale Road which always has parked cars along the roadside associated with the adjacent properties. This significantly impedes visibility for safely exiting the Dell, unless restrictions were to be introduced to prevent neighbouring residents from parking outside their own properties. I would add that the following statement in the "Vehicle Access" section of the 'Planning Statement' document submitted by the Agent is factually incorrect: "Very little traffic passes the site entrance in the trafficked direction because it leads only to the 'No Entry' one-way part of Howdale Road." In fact, a junction before the one-way section is the primary route to properties along Rouse's Lane plus a factory (Masson Seeley & Co Ltd which has HGV vehicle movements) and also the town allotments and Rouse's Lane Cemetery which is due to be expanded, and ultimately to Rouse's Farm.

LDF CORE STRATEGY POLICIES

CS04 - Downham Market

CS08 - Sustainable Development

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

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DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

PLANNING CONSIDERATIONS

Principle of Development

The application site lies within the development boundary for the town of Downham Market, and Policy CS04 (of the Core Strategy 2011 (CS)) outlines the strategy for Downham Market as a main service centre for the borough. In accordance with Policy DM2 of the Site Allocations and Development Management Policies Plan (2016) (SADMPP) development will be permitted within the development boundaries of settlements provided it is in accordance with the other policies in the Local Plan. Inset Map F1 identifies the development boundaries for the town. Therefore, the principle of development in this location is in line with the development plan and is considered acceptable.

Planning History

There is an extensive planning history on this site. In 2017 a planning application was submitted for the development of 7 dwellings (bungalows with garages) within the application site. The applicant was advised that the application was headed for refusal and the application was withdrawn. In 2018 an application was submitted for 5 dwellings on the application site. This was refused for the following reason-

1. The site is located in within the Conservation Area of Downham Market and comprises part of a dell created by former mineral extraction. The dell is spacious in nature albeit containing two existing detached bungalows and is enclosed by steep banks and a belt of mature trees.
The proposal, by reason of the increased density of development on site and resultant cramped layout, represents and undesirable overdevelopment of the site, which would not preserve or enhance the character and quality of this part of the Conservation Area. The proposal as a result would be contrary to the National Planning Policy Framework (specifically Chapters 12 and 16), Policies CS04, CS08 and CS12 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.
2. The proposal, by reason of the cramped layout, results in a lack of quality amenity space to serve the dwellings and pressure to remove established trees which would further detract from the appearance of the dell to the detriment of the character and quality of this part of the Conservation Area. The scheme is contrary to the provisions of the National Planning Policy Framework and Core Strategy Policies CS04, CS08 and CS12 of the Local Development Framework (2011) and Policy DM15 of the Site Allocations & Development Management Policies Plan (2016).

3. Insufficient information has been submitted to demonstrate that the development, as a result of the layout, would not adversely affect the protected trees within a Conservation Area. The development is therefore contrary to the NPPF and Policy CS12 of the Core Strategy (2011).

The applicant appealed the decision and the Planning Inspector upheld the refusal. The view was taken that 'the failure to preserve the character or appearance of the Conservation Area would result in less than substantial harm. It is therefore necessary to balance this harm against the public benefits of the proposed development. The appeal site is in proximity to the town centre and several facilities and services and would provide additional living accommodation. However, I consider that these benefits would not be sufficient to outweigh the harm in this instance.'

In 2019 an application was submitted for two large dwellings on the application site. This proposal was approved. Subsequent amendments have been made to amend the materials proposed.

This application seeks planning consent for two dwellings in addition to one already granted consent under the 2019 application. Under this proposal there would be three detached dwellings in total, in addition to the existing dwelling Sandy Lodge.

Highways / Access

The application seeks to utilise the existing vehicular access off Howdale Road to serve the three new dwellings as well as the existing dwelling known as Sandy Lodge.

The Town Council, in addition to some of the neighbours who have objected to the scheme, raise a number of issues which centre around highway safety issues. Their view is that the exit is dangerous and problematic, with limited visibility and a high risk of collision. The situation would be made worse by an additional dwelling on site. They query a statement made by the applicant that very little traffic passes the site. In addition given the frequent use of the footpath, this access will prove dangerous for pedestrians (including school children). Neighbours also argue that the access is not sufficiently wide for two cars to pass which may result in cars waiting on Howdale Road to access the site.

The residents of the neighbouring dwelling 'Sandy Lodge' initially objected to the siting of the dwelling proposed on plot 3 as they use this as a turning circle for their dwelling, and without this they would have struggled with access. While the neighbours state they have used this area of land for 40 years, the applicant has provided the title deeds for the land. This identifies the right of access for Sandy Lodge over the land as a direct route from the entrance of Sandy Lodge to Howdale Road and does not include the turning circle area.

Subsequent discussions have been held between the applicant and the residents of Sandy Lodge. The applicants have agreed to relocate the access to Sandy Lodge and create a vehicular turning circle within their grounds. In addition the applicant has offered to construct screen fencing along the boundary of Sandy Lodge for additional privacy. On these grounds Mr and Mrs Rowe have confirmed in writing that they withdraw their objections to the proposed scheme.

The Local Highway Authority does not object to the proposed scheme, subject to the inclusion of conditions re the access, and parking and turning areas. The scheme is in accordance with policies CS11 of the CS, and DM15 and DM17 of the SADMPP.

Form and Character and Impact on Conservation Area

The application site lies with the Downham Market Conservation Area. The Conservation Area Character Statement refers to the semi-mature planting on The Howdale which gives the area a 'parkland' feel. The Statement does discuss the spacious nature of the Howdale however this is largely with reference to the open area of green space which is reminiscent of a village green or common. While the trees within the application site contribute to the character of the Conservation Area, the site itself is well screened set behind existing dwellings and with the dip in site levels this would mean the impact of the development would be minimal on the street scene.

Objections to the proposal refer to the previous refusals for schemes on the site, primarily 18/01151/F for five dwellings. Their view is that this application for a third unit on the site is comparable to the scheme for five dwellings. In that case the reason for refusal was 'increased density of development on site and resultant cramped layout, represents and undesirable overdevelopment of the site, which would not preserve or enhance the character and quality of this part of the Conservation Area.' The Inspector also took the view that the application site was well related to Sandy Lodge and no.87, and created a spacious band of sites behind the frontage properties. Objections argue that the density would be out of keeping with the surrounding area, that it represents overdevelopment and would result in a cramped form of development.

However, it is considered that while the dwellings proposed are individually slightly larger in footprint than the five previously considered, the cumulative impact of the three units is much less and is therefore acceptable in terms of form and character. The site is well related to Sandy Lodge and no.87 but is also well related to no.71 which is a much smaller plot to the rear of the frontage dwellings and adjacent to the application site. Furthermore the locality varies in dwelling types, scale and plot sizes. This is a development within the town centre of Downham Market and the increased density of development would have minimal impact on the wider locality or conservation area, and is not incongruous with the form and context of this part of the Conservation Area. The Conservation Officer confirms this view by stating that this application allows the proposed dwellings to be moved away from the tree belt (hence retaining these as a feature). Moreover, the profile of new buildings had been kept low so they are unlikely to be seen through the vegetation, even in the winter months. On this basis the proposal is considered to have had a minimal impact on the significance conservation area, and no objections are raised by the Conservation Officer.

In terms of the materials proposed the Conservation Officer has requested that the materials and window detailing to be used for the development should be conditioned. However, the materials and window detailing proposed reflects that already agreed under previous applications on site and so in this case this is not considered necessary. It is proposed to condition the landscaping however and the boundary treatments.

In summary, it is considered the scheme does comply with Policies CS04, CS08 and CS12 of the CS, and DM15 of the SADMPPP.

Residential Amenity

Objections to the proposal state that the development would result in a loss of privacy for existing neighbours and a loss of light, and also that the new residents would have an unsatisfactory level of amenity. In terms of Sandy Lodge, plot 2 remains as previously approved under application 19/01944/F. Plots 1 and 3 are to the west of the existing dwelling, with a large front driveway belonging to Sandy Lodge of 8m at the closest point between the dwelling Sandy Lodge and their front boundary wall. The rooflights on the front

elevations of the proposed dwellings serve bedrooms and are some 24m from Sandy Lodge for plot 3 and 19m for plot 1. Sandy Lodge is a bungalow, whereas the proposed dwellings are chalet bungalows 6.5m at ridge height and 2.5m eaves height. Given the distance between these, the orientation and scale of development proposed the dwellings are not considered to cause unacceptable overshadowing or overlooking to Sandy Lodge. In terms of the dwellings backing onto The Dell, at the closest point the distance from the proposed dwelling to the existing (namely no.71) is 14m with only one ensuite window proposed at first floor on the southern side elevation of plot 3. This will be obscured glazing and conditioned as such. The other dwellings on Howdale Road are some distance from the proposed plots, the other side of Sandy Lodge.

In terms of the future residents of the proposed plots 1, and 3, and plot 2; consideration has been given to the distances between these, and window relationships. Plot 2 has bedroom windows at the gable end at first floor with the orientation, spacing (between the dwelling and shared boundary to plot 1 is 8.5m) and positioning of the garage considered sufficient to minimise any overlooking from plot 2 into the amenity space of plot 1. The orientation and positioning of plots 2 and 1 will also mean that neither plot would give rise to notable overshadowing as a result of the development. Plots 1 and 3 only have ensuite windows at first floor on the gable ends and these will be obscure glazing and fixed. All other windows at first floor are front or rear facing and so would not give rise to overlooking. There is sufficient spacing between these plots that these would not give rise to overshadowing.

The nature of the site is that the gardens are truncated by rising land levels which restricts usable garden space. This was an issue for the previous refused application 18/01151/F. In this case the Inspector took the view that the dwellings only had amenity space to the front and side of the dwellings, and there was an insufficient amount of private amenity space as a result. In this application however it is argued that these issues have been overcome. Plot 1 has an acceptable amount of private amenity space with an area to the rear of the dwelling approximately 7m in depth (before land levels rise) by 14.5m wide and also to the side of the dwelling which is approximately 9m in depth (before land levels rise) by 12m width and could be utilised as private amenity space. Plot 3 does have a smaller garden area which is to the rear of the dwelling and 6.5m in depth before land levels rise but is also 22m in width. These are considered of an acceptable size for three bedroom dwellings, and provide acceptable living conditions for the residents.

Neighbours raise concerns that an additional dwelling on the site would create additional noise and light pollution. However, the impact of one additional private residence would be minimal, and it is not considered this would generate neighbour amenity concerns. Finally CSNN has requested a condition is attached to the consent restricting construction site hours, to minimise any impact of neighbour amenity.

The proposed scheme is in accordance with the NPPF, and policies CS08 of the CS and DM15 of the SADMPP.

Drainage

Neighbouring residents have raised concerns about drainage on the site. Drainage arrangements have been submitted. It is proposed, as with the approved applications (19/01944/F, 21/00109/F and 21/00634/F) surface water drainage is to be dealt with by the use of a permeable access drive and parking areas comprising a shingled access drive with a permeable paver system. Surface water run off from the impermeable roof and paving areas will be taken to individual soakaways on site. For foul drainage it is proposed to provide a new connection to the Anglian Water mains drainage in Howdale Road. Due to the existing ground levels, gravity drainage will not be possible and therefore a pumping chamber is to be provided to serve all new dwellings and ensure that a mains drainage

connection can be achieved. CSNN and Anglian Water have agreed this is acceptable, but Anglian Water do request a condition is attached requesting the submission of a strategy showing the proposed pump rate.

Anglian Water was consulted on the application in response to concerns raised about foul sewerage on site. Anglian Water has stated that the foul drainage from this development is in the catchment of Downham Market Water Recycling Centre and will have available capacity flows. However, while it is acceptable in principle based on the information submitted development may lead to an unacceptable risk of flooding downstream. They require the submission of a strategy showing the proposed pumped rate and request a condition is attached requiring an onsite drainage strategy.

Further information was then sought from Anglian Water and they considered reports on flooding incidents. They confirmed there has been 15 incidents in the last 5 years reported to Anglian Water, of which the vast majority were a result of non-flushables causing blockages and so were easily cleared. There are no flooding incidents due to foul capacity constraints. It should be noted that a neighbouring resident at no.71 has queried Anglian Waters information and response further.

The applicant has indicated, as referred to by Anglian Water above, that these proposed dwellings (plots 1, 2 and 3) would discharge into a pumping chamber and be pumped uphill to meet the main drains on Howdale Road, consequently would not connect into the spur that services no.71 and would not impact upon their drainage at all. AW has confirmed there is adequate capacity in the main drains.

On this basis, and subject to the inclusion of the recommended planning condition, it is not considered that foul drainage is a reason for refusal of the application. The scheme accords with policies CS08 of the CS and DM15 of the SADMPP.

Other material considerations

Trees – The site includes a number of existing well established trees which contribute to the conservation area, and are protected for this reason. An Arboricultural Report has been submitted with the application which identifies that no trees need to be removed to bring forward the development. Our Arboricultural Officer was consulted on the application and has not raised any concerns or objections regarding the proposed scheme. It is requested that the Arboricultural Report is conditioned.

Ecology – Objections make reference to the flora and fauna within the site, and the fact that new development will erode/ remove this. While this may be the case to some extent, there are no protected species on site that we have been made aware of and the trees are being retained. The addition of a third dwelling where two have already been granted consent would not have a significantly different impact on the development of the site in terms of the retention of planting/ wildlife.

Contamination – The applicant has submitted Geo-Environmental Reports/ Assessments on the site which identify sources of contamination and include recommendations of the remediation scheme required. Conditions are attached to ensure the approved remediation scheme is implemented and any unexpected contamination is reported.

Other matters raised -

- Is there a need for more dwellings in the town? – While Downham Market does have sites allocated for new residential development within the town, it is a sustainable

settlement within the borough and, subject to accordance with the policies in the adopted development plan, is a suitable location for new residential growth.

- A new application should have been submitted for the whole site rather than a variation to the existing consent to replace one dwelling with two. – This is a new full planning application and as such has been subject to full consultations, followed usual procedures and the revised scheme is being considered and determined at Planning Committee.

CONCLUSION

The site lies within the development boundary for the town of Downham Market, a sustainable location for growth in the borough and the principle of development is in accordance with the adopted Local Plan.

Downham Market Town Council, and a number of local residents, have objected to the scheme on a number of points. Primarily their view is that the proposal represents over-development of the site. The application site lies within the Downham Market Conservation Area and as such careful consideration has been given to the impact of increasing the number of units from two to three in this locality. A previous refusal on the site for five dwellings sited reasons of impact on the form and character of the locality, and the Conservation Area itself. In this case there would be three additional dwellings on the site in total. The dwellings would be detached chalet bungalows with limited visibility in the street scene and the development would not require the loss of any trees. While there are examples of dwellings in large spacious plots to the west of the site, no.71 to the south is a smaller plot and the wider locality consists of a range of plot sizes, dwelling scale and types. The proposal is considered acceptable as does not cause harm to the Conservation Area.

In terms of residential amenity, the proposal does not give rise to overlooking or overshadowing within the site, or outside the site impacting on existing neighbouring dwellings. The plots include sufficient private amenity space for the size of the dwelling proposed and the relationships between dwellings is considered acceptable. Drainage arrangements have been submitted and the approach is considered satisfactory. Finally there are no objections received from statutory consultees subject to specific conditions.

The scheme is therefore in accordance with the NPPF and policies CS04, CS08 and CS12 of the CS and DM15 of the SADMPP.

RECOMMENDATION:

APPROVE 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 (Drawing Nos 2382-10 received 12 July 2021, 2382-02A and 2382-08A received 5 November 2021 and 2382-07B received 15 December 2021).

- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: Prior to the first occupation of the use hereby permitted the vehicular access shall be upgraded (widened) to a minimum width of 4.4 metres and provided in accordance with the Norfolk County Council residential access construction specification for the first 4.5 metres as measured back from the near channel edge of the adjacent carriageway.
- 3 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 and traffic movement.
- 4 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 4 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety.
- 5 Condition: Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.
- 5 Reason: To prevent environmental and amenity problems arising from flooding in accordance with the NPPF.
- 6 Condition: The approved remediation scheme (Phase I and II Geo-Environmental Report written by EPS dated April 2017, EPS Phase I & II Geo-Environmental Assessment Ref: UK17.2601 Issue1 of April 3, 2019 and Supplementary Environmental Assessment report, written by EPS dated Sept 2020) must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- 6 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 7 Condition: 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.

- 7 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 8 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.
- 8 Reason: In the interests of the amenities of the locality in accordance with the NPPF.
- 9 Condition: The development hereby approved shall be constructed in strict accordance with the recommendations of the Arboricultural Report dated 29 Oct 2019 and produced by Greenlight Environmental Consultancy.
- 9 Reason: To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.
- 10 Condition: Prior to first occupation/use of the development hereby permitted, a plan shall be submitted to and approved in writing by the Local Planning Authority indicating the positions, heights, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation/use hereby permitted is commenced or before the building(s) are occupied or in accordance with a timetable to be approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained in perpetuity.
- 10 Reason: To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 11 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.
- 11 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 12 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.

- 12 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 13 Condition: Before the first occupation of the dwelling hereby permitted the first floor ensuite windows on the eastern elevation of plot 1 and on the southern elevation of plot 3 shall be fitted with obscured glazing and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
- 13 Reason: To protect the residential amenities of the occupiers of nearby property.