

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

<b>Parish:</b>	<b>Downham Market Denver</b>	
<b>Proposal:</b>	<b>RESERVED MATTERS: Up to 300 dwellings and associated infrastructure and access</b>	
<b>Location:</b>	<b>Land S of Denver Hill N of Southern Bypass E of Nightingale Lane Downham Market Norfolk PE38 9BE</b>	
<b>Applicant:</b>	<b>Prosperity Homes Broadoaks Limited And Koto Limited</b>	
<b>Case No:</b>	<b>21/00152/RMM (Reserved Matters - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 5 May 2021 Extension of Time Expiry Date: 8 April 2022</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Tyler

**Neighbourhood Plan:** No

### **Case Summary**

The site is located to the south east of Downham Market, bounded by the A1122 on the south boundary, Ravensway and Denver Hill to the north east boundaries, Nightingale Lane and Crow Hall Cottages to the north and open farmland to the east boundary. Nightingale Lane is a Restricted Byway (PROW RB23) and runs from the north boundary south through the site to the footbridge crossing over the A1122 and south towards Denver.

The site is an allocation for Downham Market under Policy F1.4 of the Site Allocations and Development Management Policies Plan 2016, with the policy requiring at least 140 dwellings.

The outline application for up to 300 dwellings was considered by Members at Committee in April 2017 and subsequently refused but then consent was granted on appeal by the Planning Inspectorate in May 2018. The outline consent was for up to 300 dwellings and associated infrastructure and access, with the red line in accordance with Policy F1.4.

This application seeks reserved matters consent for 300 dwellings plus associated infrastructure and access. The matters for consideration are appearance, landscaping, layout and scale.

### **Key Issues**

Principle of Development and Planning History  
Form and character  
Residential Amenity  
Highways issues  
Open space provision  
Affordable housing requirements  
Other material considerations

## **THE APPLICATION**

The site is located to the south east of Downham Market, bounded by the A1122 on the south boundary, Ravensway and Denver Hill to the north east boundaries, Nightingale Lane and Crow Hall Cottages to the north and open farmland to the east boundary. Nightingale Lane is a Restricted Byway (PROW RB23) and runs from the north boundary south through the site to the footbridge crossing over the A1122 and south towards Denver.

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The development proposed consists of a mix of housing types; bungalows, two and three storey dwellings and flats with between 1 to 4 bedrooms. All residential units have dedicated off-road parking (and in some cases garages) and amenity space, with outside access to their rear gardens. The affordable housing provision is policy compliant, with the provision of 60 built units. In addition to the dwellings the scheme includes a vehicular access (already agreed as part of the outline consent) in the form of a priority controlled roundabout from the A1122 to the south east corner of the site. Improved pedestrian/cycle links to London Road, Nightingale Lane (PROW) and Ryston End are also shown improving north/south and east/west linkages. The open space provision is well in excess of the policy requirement and includes formal play areas and allotments, and a large area of informal green space which stretches along the eastern and southern boundary of the site forming a buffer and incorporating SuDS features. TPO trees are incorporated into the development which run parallel on an east/west axis to the A1122 to the south of the site.

## **SUPPORTING CASE**

The applicants have worked constructively with the LPA since the approval of outline planning permission granted in May 2018 (16/01322/OM) to bring forward much needed, high-quality housing to the area.

Since we submitted the initial Reserved Matters application for up to 300 dwellings in January 2021, the scheme has undergone an extensive process of reviewing design considerations with amendments undertaken to reflect comments from various consultees. As such, the majority of consultees do not object to the proposals, and where consultees have objected, we have sought to alter the proposals in line with their comments, leading to this recommendation of approval from your officers.

The proposal is considered to achieve an outstanding standard of design and will result in an attractive neighbourhood environment which will be a positive addition to the local area and

will create a desirable place to live. This is recognised by the independent Urban Design Practitioner who carried out a BHL assessment for the proposal on behalf of the Council. The outcome of the assessment, based on a traffic light scoring system was 11 green and 1 amber. This confirms a suitable development which would meet the overarching aims of BHL and therefore the NPPF and NDG.

The proposals will not result in a negative impact on the amenity of the area, with the scale, height, massing, materials, and layout of the proposal responding sensitively and sympathetically to the local setting. In response to landscaping of the site, the Council's Public Open Space's team were encouraged by efforts to simplify the POS design and replace areas with an amenity grass mix to aid a possible maintenance regime. To further satisfy the POS team, additional trees have been added to the site, picnic areas amended, and a railing will enclose the pond. Significant drainage details have been provided and demonstrate that the proposed development can satisfactorily manage foul and surface waters.

Of importance, the development will provide much needed new housing to the area, 60 units of which will be affordable (20% of site). This additional housing in Downham Market will allow both new residents to move to the area and join a community, as well as allowing existing residents to own their own home and stay within their community.

It should be considered that the scheme is; compliant with the existing Outline consent, represents a sustainable form of development, represents a high quality design that meets the provision of BHL guidance, is compliant with the Development Plan and other material considerations and there are no consultation responses that should prevent the approval of Reserved Matters being granted.

## **PLANNING HISTORY**

17/01050/OM: Application Refused- Planning Committee: 08/01/18 - Outline planning application for up to 250 dwellings and associated infrastructure and access. - Land At Nightingale Lane

16/01322/OM: Application Refused- Planning Committee: 03/04/17 - Outline Application: up to 300 dwellings and associated infrastructure and access - Land At Nightingale Lane

15/00135/OM: Application Permitted- Planning Committee: 19/10/16 - Outline application for up to 170 dwellings, all matters reserved apart from access - Land East And South of Denver Hill

## **RESPONSE TO CONSULTATION**

### **Town Council: OBJECTION**

The Council feel that the new layout and proposal bears no resemblance to the original concept and that this should be a new application, not an amendment. The designs are not in keeping with the heritage of Downham Market especially the Sycamore design which in their opinion is not a detached property, should be no higher than 2 storeys in totality and should have a greater floor plan.

### **Highways Authority: NO OBJECTION**

With reference to the revised layout shown on drawing P20-1803-001 rev W, in relation highway matters, I can confirm that the County Council would have no objection to Borough Council granting permission, subject to including standard conditions requiring detailed plans of the roads, footways, cycleways, drainage to be submitted and agreed by the LPA; that all works shall be completed prior to the occupation of the final dwelling; and prior to occupation of any dwelling the road/ cycleway/ footway is constructed to binder course surfacing from the dwelling to the adjoining county road.

### **Public Rights of Way: NO OBJECTION subject to conditions**

Given the S106 agreement to upgrade the PROW, I would agree that the exact details, alignment and extent, could be subject to a condition. The Highway Boundary mapping must be obtained and the upgrade specification agreed with NCC before any of the proposed upgrading commences, in order to ensure that the full legal extent remain open and available for use. It may be necessary for the applicant to apply for a Temporary Closure Order to allow the proposed upgrading works to be carried out. No works within the PROW can take place until the order is confirmed.

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

Contaminated Land - Having reviewed the information and our files, we have no objection with regard contaminated land.

Air Quality - The Environmental Quality team provided comments on the outline application (16/01322/OM), in which a screening level Air Quality Assessment (AQA) was submitted. The AQA considered that the proposed development was unlikely to increase exposure of future receptors to nitrogen dioxide, or particulate concentrations that exceed air quality objectives, particularly as background concentrations in the area were low. The AQA concluded that the proposed development was unlikely to be adversely affected by or have a significant impact on local air quality. The information provided supported this conclusion. We also recommended a Construction Environmental Management Plan should be required. Condition 15 of the outline permission reflects this. Therefore, based on the information submitted within this application, we have no objection regarding air quality. We would however welcome the addition of EV charging points/infrastructure within the development in line with Measure 19 of the Borough Council's Air Quality Action Plan and NPPF para. 110 (e).

### **Lead Local Flood Authority (NCC): NO OBJECTION**

No objection subject to conditions being attached to the consent. Would request specific information prior to determination and suggest a condition to secure this.

### **Anglian Water: NO OBJECTION**

Assets Affected - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site.

Used Water Network – Based on the applicant's submitted foul drainage strategy and flood risk documentation, the impacts on the public foul sewerage network are acceptable at this stage.

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. The

applicant has indicated on their application form that their method of surface water drainage is via SuDS.

### **Norfolk Constabulary: NO OBJECTION**

Many of our technical observations for this application are still valid from the initial report and many original concerns have been considered and addressed. The extract below details some of the considerations addressed by the applicant:

- Adjacent footpath to northeast of site outside of applicants control.
- Amendments to some house types and additional planting against blank walling to prevent kick wall/ graffiti.
- Side windows included for plots 224 and 266 for better surveillance and also have added side windows to the Living Room for house types PD5, PD11 and PD12 which will allow overlooking to the driveways
- Gates will be provided to prevent unwanted use of paths to mi-terraces.
- Support the fact that parking is mostly shown as being adjacent to each home. It is also noted that some of the homes have the provision of a secure garage.
- However, there seems to be some confusion over the “active” phrase (a landing window is not considered “active”). There are 21 homes which includes landing windows overlooking parking. The surveillance element has been provided for all homes that have parking to the front of the properties or with appropriate active elevations but will need incorporating for these unobserved side/rear parking positions as well. This vulnerability is easily rectified by the inclusion of additional active windows to these private driveways.

National Planning Policy Framework (NPPF) gives significant weight to promoting safe communities (in section 8 of the NPPF). The application represents a proposal that will increase pressure on police resources. This development, alongside other development proposals in this area, will place additional pressure on existing resources. Therefore, to address this, further investment will be required to enhance the capacity of the police linked to additional developments in the area. If this is not funded and delivered through the planning system, the consequence is that additional demands will be placed on existing police resources.

### **Norfolk Fire & Rescue: NO OBJECTION**

Do not propose to raise any objections providing the proposal meets the necessary requirements of the current Building Regulations 2010 – Approved Document B (volume 1 – 2019 edition) including any requirements in relation to B5 access, facilities and arrangements for emergency service vehicles, as administered by the Building Control Authority. There is clear evidence that sprinklers can be effective in rapidly controlling and stopping fires and fire spread.

### **Greenspace Officer: NO OBJECTION**

Following on from comments made in previous responses, efforts have been made to simplify the POS design and replace areas with an amenity grass mix to aid a possible maintenance regime. Additional comments from the POS team to those submitted on 26/02/2021 and 26/05/2021:

\* Open space to the west of the development now consists of a cycle path link from London Road and lining this route with trees would reflect the incorporation of tree avenues further throughout this development.

- The picnic area could be moved slightly further west into the middle of the Open Space.
- All picnic benches/bins require a concrete base/wear pad. Bins should be of crescent type/with lids. Also litter bins need to be sited in locations accessible by vehicles.
- How will retained hedge between existing dwellings and plots 234–246 be maintained? Presumably by residents as it is only accessible from private garden.
- Existing pond location is close to LEAP so suitable fencing required\* Type of fencing around SUD's should be with consideration to final detailed design.
- Details of the low maintenance/ground covering shrubs lining driveways have not been specified.
- The existing trees/vegetation along the southern boundary appear to consist mostly of mature/established trees. Confirmation would be appreciated as to which trees/vegetation will fall under Norfolk County Council's responsibility as part of maintaining the adopted highway adjacent.
- With reference to Fields in Trust Guidance, the recommendation is for a LEAP, LAP and MUGA.
- Following an assessment of allotment demand in Downham Market it may be appropriate to consider replacing the allotment gardens with a MUGA. BCKLWN would not take on allotments, instead they should be managed by the Town Council or an association.
- It would be advisable not to have any services running underneath any of the equipped play areas, as this can be costly for any repairs.

**Arboricultural Officer: NO OBJECTION**

No objections. Along with the conditioned Arboricultural report, please condition the landscaping scheme.

**Waste & Recycling: NO OBJECTION subject to condition**

Confirm satisfied with the access and egress routes along with associated turning points for waste collection vehicles. The developer should provide bin collection points for properties accessed from private drives. A collection point should be created for each of these groups of properties immediately adjacent to the public highway. The construction should be smooth impervious and level with the finished level of the adjacent highway. The position and construction of these may be dealt with by condition or the scheme could be amended. The size should be sufficient to provide the penetration of a 240 ltr wheeled bin and a 23 ltr food caddy for each household served by the collection point.

**REPRESENTATIONS**

**SIXTY-TWO OBJECTIONS** received, summarised below (by officers)-

Residential amenity-

New development will overlook existing neighbouring dwellings and gardens along Denver Hill. Should be 26m between the dwellings.

Two storey dwellings proposed will overshadow neighbouring dwellings/ gardens on Denver Hill.

Development will create noise and light pollution in locality.

PD rights should be removed for proposed dwellings which neighbour existing dwellings.

Design/ House types-

Appearance of proposed dwellings - not Downham Market specific. Query detail of materials proposed - quality of the materials and should reflect local vernacular eg. carrstone. Lack of

variation in house types. Lack of architectural detail. Gas and electrical service points should not be on front elevations.

Density is too high

Housing types proposed are not suitable for the town. Concern these will be rental dwellings. Should be higher numbers of affordable units

Drainage/ flooding-

Existing surface water drainage issues - run off from site is evident and this will increase when the site is developed. The change in levels across the site and the development will increase the risk of flooding for dwellings on London Road (if pond overflows). No account taken of spring in western field which drains towards the pond with GCN (to rear of London Rd).

Drainage ponds could be a feature for residents.

Access/ Highways / Parking -

Access road and roundabout is in a dangerous location on A1122. Poor access route. Can emergency vehicles/ refuse trucks access the site? Poor road network will lead to speeding and accidents.

Only planned pedestrian access is north along Nightingale Lane and Ryston End. The route is narrow, tree lined and the path in poor condition and cannot cope with the additional pedestrians. Improvements are needed.

Will generate additional traffic in Denver and Downham Market, creating noise, increased accidents, risk to pedestrians. Lack of parking in town and at railway station.

Insufficient parking within the site.

Should improve pedestrian route from site to Bexwell Road.

Should close off vehicular access from site to Ryston End so it does not become a rat run.

The outline permitted a footpath link to junction of A1122 and London Rd and a new one on eastern side of London Rd - these are not included here?

Detrimental impact on public transport.

The proposed cycleways don't adhere to required standards. A full cycle route should be provided at NCN11 Nightingale Lane as this is a dirt track.

Ecology/ Green space -

Site rich in wildlife - barn owls, bats, birds, grass snakes and hedgehogs as well as GCN. Need to protect hedgerows and trees.

Should retain and protect green spaces/ countryside for landscape/ value and well being of residents. This is a well used area.

Further consideration should be given to impact of development on GCN. They are spread further than the pond area, into existing gardens.

Scheme will damage protected trees.

Native plants should be provided as part of scheme.

The Common land and trees should be protected.

Other considerations-

There not enough local services - doctors, dentists, school to support this level of growth.

Merging Downham Market and Denver

Where are the EV points to be provided?

How will sewerage systems cope?

Water main runs to rear of dwellings on Denver Hill.

Concerned that development could extend north from site.

Grade A agricultural land left as scrub land to get planning consent.

More effort should be put into the town for existing residents.

Covenant on land restricting development to 2065+. Site cannot be built upon.

How has climate change been considered? - Sustainability is key. This is not a sustainable scheme eg, green roofing, grey water systems, renewable energy etc.

Archaeological value of site - should not be developed upon.

**FIVE** representations of **SUPPORT** summarised as below-

Will provide affordable housing/ starter homes for local young people in Denver/ Downham Market

Recognise need for additional housing

Agree access should be carefully considered

Affordability is an issue in the town.

Support GCN buffer zone.

**SEVEN NEUTRAL** comments received and summarised-

Lack of local services

Request to upgrade existing cycle track

Concerns that development will cause harm to the Great Crested Newts and their habitats

Some trees have already been removed

Concerns raised re development company - sale of plots prior to approval of planning consent.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS04** - Downham Market

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

**CS12** - Environmental Assets

**CS14** - Infrastructure Provision

**Policy F1.4** - Land South East of Downham Market

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

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

**DM2** – Development Boundaries

**DM12** - Strategic Road Network

**DM15** – Environment, Design and Amenity

**DM16** – Provision of Recreational Open Space for Residential Developments

**DM17** - Parking Provision in New Development



## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main considerations are-

- Principle of Development and Planning History
- Form and character
- Residential Amenity
- Highways issues
- Open space provision
- Affordable housing requirements
- Other material considerations

### **Principle of development**

Downham Market is a main town of the Borough as identified by Policy CS02 of the Core Strategy 2011. The site is allocated for housing under Policy F1.4 of the Site Allocations and Development Management Policies Plan 2016 which requires “a high quality , well designed development of “at least” 140 dwellings and associated facilities” (including local highway improvements, landscaping, protection of TPO trees, affordable housing, allotments and path improvements, improved infrastructure, education and strategic infrastructure contributions, outdoor amenity and play space, protection of public rights of way and SuDS).

The Planning Inspectorate approved the outline planning permission for 300 dwellings on the site, with the decision notice being issued in May 2018. A copy of the appeal decision is attached in Appendix 1. The Inspectors decision addressed the issues of character and appearance of the development, highway safety, and the impact on local infrastructure. The Inspector concluded that the development need not have a significant impact on the character and appearance of the area, including in respect to density. Based on the information there was no evidence presented to support the potential alleged harm to highway safety, and the Inspector was satisfied that the CIL charging schedule and the Sec106 agreement would secure the necessary infrastructure and affordable housing requirements. There was no evidence that there would be any other significant infrastructure impacts arising from the proposed development.

The outline consent included conditions re-

- Highways arrangements and management/ maintenance of these;
- Construction Management Plan including parking and wheel cleaning;
- Off-site highway improvements;
- Fire hydrants;
- Foul and surface water drainage;
- Pollution control;
- Lighting;
- Archaeological works;
- Tree protection;
- Ecology (including Great Crested Newts);
- Provision of allotments.

The Section 106 agreement secured-  
Affordable housing contribution;  
Open space provision;  
SUDs;  
Habitats Monitoring and Mitigation Strategy contribution; and  
Rural Byway contribution.

The current application for reserved matters was submitted in Feb 2021 and complies with the time limit conditions attached to the outline consent; the permission therefore remains extant.

The principle of development for the proposed scheme, by virtue of the extant planning consent and compliance with this consent and the Section 106 agreement, in addition to being national and local policy compliant, is acceptable.

### **Form and character**

In terms of the setting of the site, to the west of the site is residential development and the north and east part of the site is bounded by Crow Hall Cottages and farmland. The southern boundary abuts the A1122. The land slopes from east to west with a difference of 2m, and north to south with a difference of 3m at the furthest boundaries of the site.

The proposed site layout includes access via a roundabout to the south of the site leading onto three main residential streets. Land levels are to remain the same. There is an extensive area of open space/ landscaping to the west of the site which stretches along the southern boundary and then along the eastern boundary of the site. There are pedestrian and cycle routes throughout the site which connect into the existing town and to Denver to the south. All dwellings have dedicated off road parking/ garages and amenity space.

The NPPF states in para 130 planning policies and decisions should ensure that developments: function well and add to the quality of the area; are visually attractive; are sympathetic to local character and history; establish/ maintain a sense of place; optimise development on the site; and create places that are safe, inclusive and accessible and which promote well-being. The National Design Guide and the National Model Design Code provide detailed advice and guidance to inform high quality new developments.

The Building for a Healthy Life (BHL) is a design standard and a 'tool for assessing and improving design quality' (NPPF) in new development which reflects current policy guidance. An independent urban design consultant has been employed by the Borough Council to assess the proposed development and work towards a high quality scheme. The BHL assessment considers integrated neighbourhoods (connections through the site, open space, pedestrian/ cycle provision), distinctive places (design and character, street scape, identity and landscaping), and streets for all (healthy streets, parking, green and blue infrastructure, amenity space).

Throughout the application process the layout, design and landscaping of the scheme has evolved to secure a quality scheme. The current proposal has been scored against the BHL criteria and in all categories aside from one has scored positively, it is a high quality design. The one area which could be improved was that boundary treatments at some points across the site could be further enhanced.

The outline consent granted permission for up to 300 homes, and this scheme seeks consent for the 300 dwellings. In density terms this means that on average across the whole site the density is 22 dwellings per hectare, but in considering the net developable area only is 38 dwellings per hectare. The proposal is at a higher density than dwellings on Denver Hill

and Ravensway, the houses immediately to the north and west of the site however this has been found fundamentally acceptable by the Planning Inspectorate in granting outline consent.

The dwellings proposed are single, two and two and a half storey. The appearance are mainly simple hipped and gable roof structures, cottage style windows, timber/ lean to porches and specific dwellings include forward projections, others include brick slip dummy chimneys and the 2.5 storey dwellings include dormer windows in the roof for the second floor bedrooms/ ensuites. The materials proposed are a mix of two buff brick types and two red brick types with some dwellings proposed to be rendered. Roof tiles are grey or a red pantile. The types/ colours are yet to be confirmed and are conditioned accordingly. There are also four dwellings proposed with a carrstone elevation at key points throughout the site. A sample panel will be required and is conditioned.

Objections have been raised that the dwellings are a generic design, and do not reflect the local vernacular. In response to this the applicant has sought to include details into the development including brick dentils/ detailing, brick quoins, window headers and cills, arched fanlight detailing above traditional front doors. This is in addition to the materials proposed including the carrstone dwellings and boundary walls, and the landscaping proposed.

The boundary treatments proposed include 1.2m and 1.8m close board fencing, to the rear of the dwellings to secure private rear gardens. All dwellings have external access to their rear gardens. Hedging, planting and timber kneerails are proposed for front boundaries. There is also walling proposed to protect amenity space, where the boundary treatment would have a significant impact upon the street scene.

The Architectural Liaison Officer has assessed the scheme against the principles of Secured by Design, and through the application process the applicant has sought to address any queries/ concerns raised to ensure the scheme is where possible in accordance. The outstanding point made was that 7% of dwellings are without an active surveillance to their parking spaces (to the side / rear of the dwellings). In these cases, the applicant proposes security lighting and in other cases the windows overlooking the parking include landing windows which are not classed as 'active'. The scheme is considered acceptable in terms of designing out crime.

There is a significant amount of landscaping included in the scheme both around the edge of the site for public open space, but also importantly within the built extent. Ornamental hedging is proposed alongside the planting of trees and shrubs along the frontages. This improves the quality of the environment as well as demarcating private space, and also screens some of the parking to reduce the visual impact. The hard landscaping materials will also assist in establishing the character and hierarchy of streets/ areas throughout the development.

A TPO tree belt lines Nightingale Lane running north-south through the site and a further tree belt, also a TPO designation, runs parallel to the A1122 in the southern part of the site. The existing trees and hedgerows on site are largely to be retained and the Arboricultural Officer has no objections to the tree survey or landscape scheme for the site. In addition to the ornamental hedging, native hedging is also proposed around the areas of open space, in addition to further tree planting. Collectively the landscaping and this area of open space will provide a buffer, creating a green edge to the town and reducing the visual impact of the development proposed.

From a form and character perspective, given the existing setting and the layout and design proposed, the development is fully acceptable and in accordance with Policy CS08 of the CS (2011) and Policy DM15 of the SADMPP (2016).

## Residential amenity

Objections were received from existing neighbouring residents to the western boundary of the site, raising concerns that the dwellings proposed will give rise to overshadowing and loss of privacy. Proposed plots 208 to 211 and 217-218 and 249-250 are all single storey bungalows, and therefore these would not cause harm to the residential amenity of nos 34-38 Denver Hill and 3-4 Ravensway. Plots 234 to 248 are two storey dwellings which will back on to Denver Hill and Ravensway. However these gardens are at least 11m in depth, and 25m in distance to the closest existing neighbouring dwelling. The boundary treatments proposed include close board fencing but there are also existing trees and hedgerows along this boundary. A neighbour has requested that permitted development rights are removed for the bungalows adjacent to the boundary, however given the fact that the dwellings are single storey and the distances between dwellings, this is not considered necessary.

Along the north western boundary the adjacent residential development along Denver Hill is again sufficiently well-spaced either side of a PROW and private drive/ shared surface from the dwellings proposed that the development would not give rise to a loss of privacy or a loss of light (in excess of 30m in distance from proposed dwelling to neighbouring dwelling at the closest point, and 17m from shared boundary to proposed dwelling). To the north of the site are Crow Hall Cottages which are 22m at the closest point from the proposed dwellings facing onto each other, with a private drive and existing PROW separating these. In neighbour amenity terms the relationships between the proposed dwellings, and the existing neighbouring dwellings is considered acceptable. Vehicular access for the proposed dwellings is via a new separate access and so there would not be additional traffic noise/ disturbance affecting the existing neighbouring dwellings.

Within the site itself the dwellings proposed have rear gardens of a minimum of 11m where the dwellings are back-to-back to create adequate separation and prevent overlooking. It is also conditioned that all bathroom/ ensuite windows will be obscure glazed to retain privacy. The window relationships between dwellings are considered acceptable. There is sufficient amenity space and parking for each dwelling. The site layout, road hierarchy and surfacing/ traffic calming measures are such that the development will not result in speeding/ excessive traffic causing disturbance to residents.

While there are no air source heat pumps indicated on the submitted plans a condition has been attached requesting that prior to the installation of these, full details should be submitted to and agreed by the Local Planning Authority to ensure these would not create noise levels detrimental to residential amenity.

The outline consent included a number of conditions including the submission of a Construction Management Plan, construction parking and wheel cleaning and the requirement for a lighting scheme to be submitted to and agreed by the LPA to protect residential amenity. These should not be repeated as part of this application.

The Waste and Recycling Officer has no objections to the scheme subject to a condition identifying a bin collection point for properties with access via private drives.

The Environmental Quality team are satisfied that the development would not adversely impact upon air quality in the locality. Therefore, there is no objection to the development. The EQ officer has stated support for the addition of EV charging points/ infrastructure within the development and a condition has been included requesting this information is submitted and agreed.

The proposal would accord with Policy CS08 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.

## Highways Issues

The outline planning consent included access, with the development accessed via a four-arm roundabout to the south east of the site off the A1122. This access is agreed and conditioned (condition 11 of the outline consent). In addition the outline consent included condition 12 which specified off-site highway improvements works to the footway on London Road, pedestrian infrastructure improvements along the existing rural byways around and through the site (RB19, RB20 and RB23) and a shared use strategy for Ryston End including a 20 mph speed limit, shared surfacing and improved footways. Given these measures are conditioned as part of the outline consent they do not need to be repeated as part of this reserved matters application. Furthermore, the Section 106 agreement for the outline consent specifies a sum of £10,000 towards the creation/ improvement of a Rural Byway between RB17 and RB23.

From the singular access/ roundabout to the site, there are three main residential streets to serve the north and west. Secondary streets would be located off the main street with shared surfaces/private drives serving the outer edges of the built development to the rural edge.

In terms of parking provision there is a mix of dedicated off-street parking for residents in the form of parking to the front/ side of the individual dwellings (with landscaping to reduce the visual impact of car parking on the street scene), and garages. In total there are 564 resident car spaces and 51 visitor spaces (not including garages). The parking provisions are in accordance with the Local Highway Authority (LHA) Parking Standards.

In addition to the existing byways/ footpaths to be enhanced (via the outline consent) the proposed development includes additional pedestrian/ cycle routes through the site via footpaths through areas of open space/ public realm, on shared surfaces and on footpaths alongside the streets. These provide linkages east to west and north to south throughout the site.

The Building for a Healthy Life (BHL) Assessment included a 'streets for all' element which considered healthy streets, and cycle and car parking. Both scored positively with a quality design solution.

The Local Highway Authority raises no objection to the development subject to conditions; requiring detailed plans of the roads, footways, cycleways, drainage to be submitted and agreed by the LPA; that all works shall be completed prior to the occupation of the final dwelling; and prior to occupation of any dwelling the road/ cycleway/ footway is constructed to binder course surfacing from the dwelling to the adjoining county road.

The Public Rights of Way Officer raises no objection to the scheme subject to condition. Given the S106 agreement to upgrade the PROW known as RB20, the exact details, alignment and extent, could be agreed via a condition. This must be agreed with NCC before any of the proposed upgrading commences, in order to ensure that the full legal extent remain open and available for use. There are no tall fences proposed adjacent to these PROWs and that they retain an open aspect as required.

Contrary to Third Party assertion, no vehicular access from the site is proposed to Nightingale Lane or Ryston End. Comments have also been received stating that the existing route known as RB23 should be to required standards as this forms part of the National Cycle Network (NCN11) but is currently a dirt track. Improvements to this route in the form of a 3m shared footway/ cycle way were secured as part of the improvements required by the outline consent. The details of which are to be submitted and agreed by the Local Highway Authority.

The development proposed is in accordance with the NPPF, Policy CS11 of the CS (2011) and Policy DM15 of the SADMPP (2016).

### **Open space provision**

The outline planning consent required the provision of 3 allotments, which was controlled by condition, and these are shown on the submitted plans. The Section 106 agreement for the outline consent also requires that not less than 56 square metres of open space per dwelling is to be provided within the site. Alongside securing a financial sum for maintenance of the open space for 15 years.

The development proposed shows a total of over 3.7ha of open space (of which 770 square metres is formal). This far exceeds the policy (Policy DM16 of the SADMPP 2016) and Section 106 requirement of 1.68ha.

A full landscaping scheme has been submitted as part of the reserved matters scheme. The open space provision includes the 50m great crested newt buffer zone to the southwest of the site which will be amenity grass with tree planting, picnic benches and shrubs. The amenity grass then stretches along the southern boundary of the site interspersed with planting and includes a footpath network. Existing trees are to be retained (many are protected by TPOs) with a formal area of play to the south and retention of the existing pond, and to the east of these the allotments. The other side of the roundabout is an area dedicated to SUDS with wetland mix planting stretching the full extent of the eastern boundary. This will include the drainage basins details of which will be agreed in accordance with the outline consent. There is also a small formal play area with surrounding amenity grass proposed centrally within the site. The public open space is bordered by planting/hedging/ low timber knee rails to demarcate this space and prevent vehicular parking.

Green and blue infrastructure was included within the BHL assessment and the proposed development scored positively/ high quality.

The Greenspace Officer has commented on plans throughout the process, and the applicant has worked with the officer to meet the design requirements of a quality landscaped street scene and public open space, which also meets the maintenance standards/ requirements of the Council. The applicant has taken into account the latest comments received and made further amendments to the plan where appropriate. This application seeks to approve a landscaping scheme in the form submitted to us, which in our view is policy compliant and has taken into account comments made by the Greenspace Officer to date. The Section 106 agreement attached to the outline consent states that a scheme including plans, drawings and specifications showing but not limited to the layout and design of the open space including children's play areas and equipment, landscaping, paths, street furniture, fencing etc. has to be submitted to and approved in writing by the LPA. If the detailed discussions around open space/ play equipment do require any further amendments to the landscaping scheme hereby approved an application will be required to secure planning consent for these amendments.

The open space provision is in accordance with Policies CS08 and CS12 of the CS (2011) and Policy DM16 of the SADMPP (2016).

### **Affordable housing requirement**

Policy CS09 of the Core Strategy and the Section106 agreement tied to the outline consent, required affordable housing provision in line with policy requirements. In this case the applicant has proposed 60 affordable units with a mix of housing types including bungalows, and 1 to 4 bedroom two-storey dwellings. The tenure mix is yet to be agreed but this will be

agreed via the Section 106 agreement and will reflect the needs required at the time development commences. The affordable units are pepper potted across the application site, grouped in clusters of between a single unit and up to one group of 8 units. This is fully in accordance with policy requirements. Strategic housing has no objections to the proposed development, and the scheme is in line with Policy CS09 of the CS (2011).

### **Other material considerations**

#### **Flood Risk and Sustainable drainage-**

The application site lies within Flood Zone 1 of the SFRA and is therefore in an area with the lowest probability of flooding. The NPPF directs development towards areas of lower risk and thus the site is in accordance with national policy.

The outline planning consent included detailed drainage conditions, requiring the foul and surface water drainage strategy to be submitted and agreed by the LPA. Furthermore, the Section 106 agreement requires that the surface water drainage scheme incorporates Sustainable Drainage Strategies (SuDS) which is in accordance with national guidance and addresses the maintenance and management of this. While the drainage arrangements are controlled by the outline conditions, the layout cannot be agreed until the LLFA is satisfied that the development can accommodate a sufficient SuDS scheme. The applicant has worked with the LLFA throughout the application process to provide sufficient detail to demonstrate that this layout can accommodate the required drainage scheme, which lies along the eastern boundary of the site with drainage basins stretching north to south. The basins were designed for a water depth of 0.9m for a 1 in 100 year event. The applicant has confirmed that the basins will, for the majority of time, hold no water at all. Also, that in a 1 in 1 year event the potential water depth may be up to 200-300mm in depth.

The LLFA has confirmed that they have no objections to the application based on the information submitted to them. Therefore the development proposed is in accordance with the outline consent, the Section 106 agreement and is policy compliant (NPPF and Policy CS08 of the CS 2011).

#### **Archaeology-**

Archaeology was addressed as part of the outline planning consent, and archaeological investigative works secured by condition 18.

#### **Ecology-**

The outline planning consent considered the impact of the proposed development on ecology, and in particular protected species. It was considered that there would be no impact on the Ouse Washes SAC, SPA or Ramsar Sites. However, ecology assessments were submitted that identified the presence of Great Crested Newts within the site as well as potential for bats, birds and amphibians. Conditions were attached to the outline consent requiring that the scheme was implemented in strict accordance with the recommendations and mitigation measures set out in the ecology reports (conditions 20 and 21). The proposed development includes the buffer zone required to the south west of the site (as specified in condition 21).

Alongside the reserved matters application a further ecology report was submitted (Cotswold Wildlife Surveys Nov 2020). This took into account the fact that the previously agricultural land had been left to become overgrown over the last few years. The results of the updated ecology report were not dissimilar to those previously submitted. The recommendations are in accordance with and complement the existing conditions/ reports specified at the outline

stage, and this updated report will be conditioned accordingly. Subject to conditions the application is in accordance with the NPPF and Policy CS12 (CS 2011).

#### Financial contributions-

Section 70(2) of the Town and Country Planning Act 1990 provides that an LPA must have regard to a local finance consideration as far as it is material. This includes any Community Infrastructure Levy (CIL). The Council's adopted CIL charging schedule will cover infrastructure costs including education and libraries. The development is also subject to S106 contributions and the requirements have already been secured as part of the outline planning consent.

There are no outstanding objections from statutory consultees.

#### Emerging Downham Market Neighbourhood Plan-

The draft (Regulation 14) Downham Market Neighbourhood Plan was consulted upon in Autumn 2021. It is anticipated the plan will be submitted for examination in Spring/ Summer 2022. Little weight can be given to the draft policies in decision making at this stage, however it is important these are considered.

The Neighbourhood Plan policies cover a range of issues relevant to the proposed development, and consideration has been given to the requirements of these (many of which are already included within the NPPF and adopted Local Plan). It is considered that the scheme is broadly in accordance with the policy requirements; either in the outline consent and Section 106 agreement, and/or the reserved matters application and proposed conditions. Given the stage of the Plan however the scheme has been assessed against current policy requirements and standards (for example with regard to parking provision, affordable housing allocation and the provision of EV points).

The comments of Third Parties and the Town Council have been addressed in the main body of the report aside from-

- Housing types – Objections received to the scheme state that the house types proposed are not suitable/ desirable for Downham Market. In contrast comments of support have referenced the need for new build small starter homes for local residents. The applicant is providing for a range of housing types and tenures. While the affordable housing requirements have been met, consideration has also been given to the Housing Needs Assessment for the borough. The housing types proposed broadly reflect the range of housing types stated in the HNA, however they do propose a higher number of three bedroom dwellings, at the expense of four bedroom and to a lesser extent two bedroom homes. However a broad mix is proposed and this is considered acceptable.

- Renewable energy – While the NPPF and Policy CS08 refer to the need to promote and encourage high standards of sustainability and energy efficiency, there is not a policy requirement for the development to provide for sources of renewable energy or for the dwellings to include environmentally friendly services/ construction techniques. However, the development is considered to be a sustainable scheme, given its central location, the provision of green space including SUDs, good pedestrian and cycle links, and high quality design and layout. A condition has also been attached requesting details of EV charging points within the development.

- Lack of local services – The principle of development and potential scale has already been agreed at outline. In addition to the provision of affordable housing, open space, highway improvements, habitat monitoring and mitigation strategy fees secured via the Section 106



agreement, the scheme is CIL liable. This means that any necessary library or school contributions, for example, can be secured through the CIL bidding process. Financial contributions for doctors/ dentists practices cannot be secured via the planning process.

· Covenant – Objections to the scheme include reference to a covenant on the land restricting development. This is a civil matter and is outside of the planning process.

## **CONCLUSION**

The site benefits from an existing outline consent and the reserved matters application has been submitted in accordance with that planning permission, as well as Local Plan Policy F1.4 (SADMPP 2016).

The proposed form and layout of the scheme respects the characteristics of the locality, both in terms of the existing built form but also the landscape and ecology requirements. The principle of development and the scale of development has been approved at outline (up to 300 dwellings), as has the vehicular access and cannot be revisited as part of this reserved matters application.

The application has evolved through the planning application process, with detailed work undertaken with regard to the site layout, the design of dwellings, character of the streets and the landscaping provision as well as the connectivity throughout the site and to the existing development beyond. The scheme has been assessed by an independent urban design consultant against the Building for a Healthy Life criteria and has scored positively as a high-quality development.

On the basis of the above, the scheme is fully acceptable in planning terms and complies with the NPPF, National Design Guide and National Model Design Code, Policies CS01, CS02, CS04, CS08, CS09, CS11, CS12 of the Core Strategy (2011) and Policies DM1, DM2, DM15, DM16, DM17 and F1.4 of the Site Allocations and Development Management Policies Plan (SADMPP) (2016).

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be carried out in accordance with the following approved plans:

P20-1803- 001 W Planning Layout  
P20-1803- 010 D Landscape Masterplan  
P20-1803- 013 D Boundary Treatments  
P20-1803- 015 E Planning Layout Houses Colour Coded  
P20-1803- 017 B Storey Heights  
P20-1803- 018 E Materials Plan  
P20-1822-001 B The Croft  
P20-1822-002\_1 B The Croft  
P20-1822-002\_2 B The Croft  
P20-1822-003 A The Acorn  
P20-1822-07 C The Acorn  
P20-1822-09 D The Ash  
P20-1822-011 B The Beech  
P20-1822-013 B The Willow

P20-1822-015 C The Sycamore  
P20-1822-016 E The Royal Oak  
P20-1822-017 A The Royal Oak  
P20-1822-018 Double garage  
P20-1822-019 Single garage  
P20-1822-020 B 2 Bed Bungalow  
P20-1822-021 B 3 Bed Bungalow

- 1 Reason For the avoidance of doubt and in the interests of proper planning.
- 2 Condition No works shall commence on the site until such time as detailed plans of the roads, footways, cycleways, 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.
- 2 Reason This needs to be a pre-commencement condition to ensure fundamental elements of the development that cannot be retrospectively designed and built are planned for at the earliest possible stage in the development and will not lead to expensive remedial action and adversely impact on the viability of the development.
- 3 Condition Prior to the occupation of the final dwelling all works shall be carried out on roads, footways, cycleways, foul and surface water sewers in accordance with the approved specification to the satisfaction of the Local Planning Authority.
- 3 Reason To ensure satisfactory development of the site and to ensure estate roads are constructed to a standard suitable for adoption as public highway.
- 4 Condition Before any dwelling is first occupied the road(s), footway(s) and cycleway(s) shall be constructed to binder course surfacing level from the dwelling to the adjoining County road in accordance with the details to be approved in writing by the Local Planning Authority.
- 4 Reason To ensure satisfactory development of the site in accordance with the NPPF.
- 5 Condition All bathroom/ en suite/ wc windows shall be obscure glazed and shall be retained as such thereafter.
- 5 Reason For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 6 Condition Notwithstanding the details that accompanied the application hereby permitted, no development shall take place on any external surface of the development until the type, colour and texture of bricks, roof tiles and render to be used for the external surfaces of the dwellings 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.
- 6 Reason To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 7 Condition No development shall commence on any external surface of the relevant plots and boundary walls until a sample panel of the carrstone to be used for the external surfaces of the dwellings and walls hereby permitted has been erected on the site for the inspection and written approval of the Local Planning Authority. The sample panel shall measure at least 1 metre x 1 metre using the proposed materials,

mortar type, bond and pointing technique. The development shall be constructed 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 the installation of any air source heat pumps a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighboring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 8 Reason In the interests of the amenities of the locality in accordance with the principles of the NPPF.
- 9 Condition The development hereby permitted shall be carried out in strict accordance with the Landscape Masterplan (DWG P20-1803.010 D). 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.
- 9 Reason To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 10 Condition The boundary treatments shall be installed as approved prior to the occupation of the dwelling, 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 No existing trees, shrubs or hedges within the site that are shown as being retained on the approved plans shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed without the prior written approval of the Local Planning Authority. Any trees, shrubs or hedges removed without such approval or that die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species in the next available planting season, unless the Local Planning Authority gives written approval to any variation.
- 11 Reason To ensure that the development is compatible with the amenities of the locality in accordance with the NPPF.
- 12 Condition The development hereby approved shall be carried out in strict accordance with the recommendations of the Trees and Construction Tree Survey Assessment dated Dec 2020 and carried out by Cotswold Wildlife Surveys.
- 12 Reason To ensure that the existing trees are properly surveyed and full consideration is made of the need to retain trees in the development of the site in accordance with

the NPPF. This needs to be a pre-commencement condition given the potential for trees to be lost during development.

- 13 Condition Prior to the commencement of the development hereby permitted the full alignment and extent (width) of the existing Public Rights of Way that cross/ border the site shall be accurately plotted and be agreed in writing by the Local Planning Authority.

Notwithstanding the approved Landscape Masterplan, no planting shall be planted along the confirmed route(s) of the PROW(s) without being approved in writing by the Local Planning Authority. Planting adjacent to the existing PROW(s) shall be carried out in accordance with the approved details prior to the first use of the development hereby permitted.

- 13 Reason To ensure correct identification of the existing PROW(s) and ensure that planting adjacent to them is appropriate in accordance with the NPPF and Development Plan.

- 14 Condition The development shall be implemented in strict accordance with the Conclusions and Recommendations of the 2020 Updated Ecological Survey carried out by Cotswold Wildlife Surveys and dated Nov 2020.

- 14 Reason In the interests of protected species and sites in accordance with the NPPF.

- 15 Condition Notwithstanding the details hereby approved, prior to occupation of the dwellings, a suitable EV charging scheme shall be submitted to and approved in writing by the LPA. The locations of the charging points are to be shown on the approved plans. The EV charging points shall be implemented as approved prior to occupation of the dwellings.

- 15 Reason To enable charging of plug-in and other ultra-low emission vehicles in safe, accessible, and convenient locations (NPPF section 112(e)).

- 16 Condition Prior to commencement of development, in accordance with the submitted Site Layout (7982 Site layout plus infiltration basin location) and all other documents found in the Appendix, detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Additional infiltration testing in accordance with BRE Digest 365 (or equivalent), shall be carried out where appropriate, along with the dimensions of the proposed infiltration basin in addition to details of the site catchment being drained to it to be submitted. All supporting details, including Microdrainage calculations and any other relevant information to prove feasibility, to also be submitted.

II. The design of the infiltration basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Plans to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% annual probability rainfall event. Where/if applicable, this should include surface water which may enter the site from elsewhere. OR If infiltration is proven to be unfavourable, then Greenfield runoff rates for the site shall be agreed with the Lead Local Flood Authority. These post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including

the 1% annual probability. The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

III. Finished ground floor levels of properties shall be a minimum of 300mm above expected flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

IV. Details shall be provided of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including appropriate treatment stages for water quality prior to discharge.

V. A maintenance and management plan shall be provided, 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.

- 16 Reason To prevent flooding in accordance with National Planning Policy Framework paragraph 167, 169 and 174 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.
- 17 Condition Notwithstanding the details shown on the approved plans, prior to the occupation of any dwellings a scheme indicating bin collection points for properties accessed via private drives shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 17 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.