

**PLANNING COMMITTEE**  
**4 April 2022**

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

<b>Item 8</b>	<b>Page No. 6 &amp; 7</b>
<b>CORRECTION</b>	
8/3(a) – should read p. 70	
8/3(b) – should read p. 83	
8/3(c) – Should read p. 94	
8/3(d) – should read p. 114	
8/3(e) – should read p. 131	
8/3(f) – should read p. 144	
8/3(g) – should read p. 156	
<b>Item 8/1(a)</b>	<b>Page No. 8</b>
<b>Cllr Ryves:</b> Would like to see the tax returns submitted by the applicant and queries whether there is a business case to see and whether the applicant lives within 5 minutes drive.	
<b>Assistant Director's comments:</b> The tax records are confidential and not within the public domain. Notwithstanding this, no formal business case has been submitted as set out within the main body of the report. The application form and subsequent correspondence confirms that the applicant's address is on St Pauls Road South, West Walton and within 5 minutes drive.	
<b>Item 8/2(a)</b>	<b>Page No. 19</b>
<b>Third Party:</b> Additional Third Party comments have been received as summarised below:	
<b>9 Objections</b>	
<ul style="list-style-type: none"><li>- Will draw people away from the town centre. Impact town centre businesses (DM10)</li><li>- Job losses.</li><li>- Another supermarket isn't needed.</li><li>- Large multinational outlets remove individuality from our lovely town centre.</li><li>- Morrisons store is vulnerable to the impact of this development.</li><li>- LIDL refers to 2008 Competition Commission Report and 2017 health check data. This is out of date information. Insufficient consideration has been given to shopping patterns and how these might change.</li><li>- Lidl have extended their product range substantially since 2008 and should not be considered a 'limited assortment discounter'.</li><li>- LIDL refers to a Leeds case which is not relevant given that DM store is much further away from town centre.</li><li>- There are no other retail outlets out of centre.</li><li>- Development is car dependent (CS11).</li><li>- Site is open countryside (DM2)</li><li>- Loss of green spaces and trees.</li></ul>	

- Ruin the gateway to our town.
- Carrstone cladding and a tiled roof could be insisted on at little extra cost.
- Congestion, traffic and highway safety.
- Situated on land earmarked for residential homes.
- Noise.
- Residential amenity.

## **189 supports**

- Disagree there's an impact on town and countryside as opposite Starbucks and McDonalds. These were given permission.
- Great benefit for Downham Market in current times.
- Job opportunities/ creation.
- Money for the town.
- Long overdue supermarket that the town desperately needs.
- Currently travel to Swaffham, Thetford, Ely, Wisbech or King's Lynn for this store. Environmental benefits of people not travelling as far to Lidl stores.
- More likely to bring outsiders to the town from surrounding villages.
- Need more competition in the area.
- Doesn't detract from the High Street as it is open after most people finish work whereas the High Street isn't.
- Downham Market only has small Tesco and Morrison's which do not have a good range of choice.
- More affordable food.
- Residential amenity.
- Convenient.
- Needed as fuel, energy and food prices are going up.
- Housing is expanding. Need new shopping options.
- There has to be a place like Lidl offering food choices from a European source as there is a mixed European representation in Downham Market and the villages.
- Retail Assessment by Alder King seems to be based on the Council's recommendation on refusing the application. The assessment fails to provide independent reference data to back up their conclusions and ignore the wider implications to BCKLWN's climate strategy.
- Aging population needs local stores.
- Would not impact wildlife, as the land was used for farming.
- Hope that a safe pedestrian crossing will be provided.
- Convenient parking.
- Opportunity to revise bus services.

## **2 Neutral**

- Lovely to have a choice.
- Do not think the local roads of Downham Market will be suitable to sustain additional traffic.
- Natural beauty of the area is already spoiled by the approval of McDonalds.
- Will impact the town centre; people shop for convenience, out of town people will stay out of town.

### **Comments from Cllr Ryves:**

Has there been any discussion with Lidl perhaps funding a local bus service so that the town centre gets additional shoppers, especially on market days and also that the issue of sustainability is addressed as it seems to me that it is incumbent to encourage non car-based customers to be

able to access a new Lidl? In Swaffham, for example, there is a frequent service to and from Tesco which is of great assistance to those without cars.

It is not obvious that a £50,000 payment by the applicant towards public realm improvements is really going to assist footfall in Downham Market.

Please provide details of the projected increase in traffic on the A1122 with existing levels, extra traffic created as a result of McDonalds/ Starbucks and then extra traffic likely to be generated by Lidl.

**CSNN provided further comment in response to drainage:**

I note that following consultation with the applicant, the LLFA is satisfied with the proposed drainage arrangements for this development. The LLFA are the appropriate body in this application to determine suitability of the drainage proposals and as such the CSNN team have no further objection or comment to make in respect to this matter.

**Assistant Director's comments:**

The majority of the third party comments have previously been raised and are addressed within the Officers Report. It is considered the benefits raised would not outweigh the reasons for refusal.

Given the late notice of the potential £50,000 financial contribution, detailed discussions have not taken place with Lidl or Downham Market Town Council to understand if there are opportunities for where it could be spent.

In terms of the detail within the retail assessment the Council employed an independent consultant Head of Planning/Partner at Alder King, a specialist in retail planning, to fully consider the retail assessment submitted by Lidl. A lot of discussion has been held over the last 12 months, which has included additions and amendments to the information provided. The recommendations are included within the Officers Report, and the Officers Recommendation reflects this advice.

In response to the queries relating to projected traffic numbers I would draw your attention to the Transport Assessment and the Travel Plan submitted by the applicant and the responses from the Local Highway Authority which are available online.

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**Agent:** The applicant queries the need for the proposed condition 16 (p60); given the detailed drainage condition 14 of the outline consent 16/01322/OM (see Appendix). Also queries proposed Condition 14 (ecology), given Condition 20 of 16/01322/OM – cites duplication. Considers proposed condition 12 (p 59) should be more precise.

**Cllr Ryves:** The proposed density is 38 dph, in comparison to Parkway which was 26dph and this site is in a rural location. Requests comparatives of similar developments eg. Knights Hill, West Winch. Whilst Inspector agreed numbers, much has changed since 2018 and so it requires a discussion regarding density as this is a major concern of residents.

When was Denver Hill and Ravensway built? What was number of dwellings / mix/ density?

**Assistant Director's comments:** The density of the development across the whole site is 22 dph (38dph where the dwellings are proposed) as stated in the Officer Report. The nature of the site and the requirements of Policy F1.4 required a landscape buffer/ open space to the south and east of the site which to some extent constrains the site layout and siting of the dwellings. The Inspector fully considered the density/ housing numbers as part of the outline planning consent. As stated

within the Officer Report, the Inspector took the view that the site was capable of accommodating 300 homes, as is currently proposed.

In terms of similar schemes, much of the Knights Hill scheme is in outline form only and final numbers are yet to be confirmed, as is the case with South Wootton and West Winch. Ravensway and Denver Hill were granted planning consent in 1991 and 1978 respectively and is clearly lower density because it is mainly bungalow type development. However, the application site must be determined on its own merits and in accordance with the outline planning consent, it is clear that the Inspector considered that the site is acceptable for 300 dwellings. Furthermore, the NPPF 2021 requires that policies/ decisions promote an effective use of land (Chapter 11) and this application is entirely consistent with that approach.

With regard to the Agent's comments, the applicant has provided sufficient information to the LLFA to evidence that a suitable drainage scheme can be achieved, and the details of this can be dealt with accordingly via the discharge of Condition 14 attached to the outline consent. The LLFA will be consulted as part of that discharge process. Proposed condition 16 is therefore duplication, and it is recommended that this is deleted from the reserved matters consent should the application be approved but it can be attached as an informative. Conditions 12 and 14 set out on p 58 & 60 require clarification.

### **Amended Conditions**

The following amended conditions are recommended:

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.

14 Condition: Notwithstanding condition 20 of the outline consent 16/01322/OM, 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.

DELETE Condition 16 and renumber remaining conditions 1-16.

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**Item 8/3(e)**                    **Page No. 131**

**Agent:** Submission of an amended plan relating to the removal of existing hedging along the southern site boundary.

**Arboricultural Officer:** Following on from our conversation regarding the above; I can confirm that I have no objections, and the wording of the condition below is fine.

**Assistant Director's comments:** The amended site and location plan; 1463- 14a was received on the 25 March 2022 which clarifies the removal of a hedgerow along the southern boundary of the site. The Agent confirms that the hedgerow referred to was on the neighbouring property and therefore outside of the applicant's control. It is also confirmed that all other existing hedging and trees are to be

retained. The Arboricultural Officer has confirmed that he has no objection to the proposal and a suitably worded condition can offer adequate tree protection during construction.

The amended plan can therefore be accepted as this will not impact upon the determination of the planning application.

As a result of the submission of the amended plan, Condition 2 has been amended as follows:

**Amended Condition:**

2. **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans: 1463-14 (Proposed site and Location Plan); 1463-11B (Proposed Plot 1); and 1463-12B (Proposed Plot 2).

2. **Reason:** For the avoidance of doubt and in the interests of proper planning.

In response to the Agent's confirmation of the removal and retention of the trees and hedging on the site and on third party land, an additional condition is recommended below, which will adequately control the protection of the retained trees and hedgerows.

Furthermore, the landscape implementation condition was omitted from the officer's report which forms the second part of the landscaping details within condition 3. This is recommended to ensure the agreed details are carried out adequately.

**Additional Conditions:**

8. **Condition.** No development shall commence on site until the existing tree(s) and hedgerows shown to be retained on the approved plan (including those on third party land to the north-west of the site access) have been protected by adequate TPZ fencing to British Standard 5837. The TPZ fencing shall be erected before any equipment, machinery, or materials are brought on to the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within

those areas shall not be altered, nor shall any excavations be made without the written approval of the Local Planning Authority.

8. **Reason.** To ensure that existing trees and hedgerows are properly protected in accordance with the NPPF.

This needs to be a pre-commencement condition given the potential for damage to protected trees during the construction phase.

9. **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.

9. **Reason.** To ensure that the work is carried out within a reasonable period in accordance with the NPPF.

<b>Item 8/3(f)</b>	<b>Page No. 144</b>
<b>CORRECTION P. 146</b>	
<b>Item 8/3(g)</b>	<b>Page No. 154</b>
<p><b>Agent:</b> In connection with the above and in light of the supporting statements from the parish council and Cllr Kirk which will be read out at the planning committee, our client is happy for this application to be determined at the meeting on the 04th April.</p> <p><b>Assistant Director's comments:</b> The application is to be determined as instructed.</p>	