

## PLANNING COMMITTEE

09 January 2023

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

**Item 8/1(a) Page No. 2 (Separate document)**

**Agent:** The agent has confirmed that the 'Eco Store' format refers to a slightly smaller store, with a reduced Sales Area. Full details of the design and layout of the store can be found on the relevant plans. They clarify that the Eco Store Layout has 1,251sqm Sales Area, 217sqm Ancillary Space and 427sqm Warehouse. In terms of the aesthetics of the Eco Store, when compared to the original store format, there is little change. The most notable difference is the introduction of a 45 degree entrance way in place of 90 degree entrance. The facilities proposed as part of the development will also be largely the same as the original proposal.

An updated Planning Statement was submitted on the 10th November 2022, however it would seem this was not uploaded onto the Council's website.

The agent has submitted updated versions of the following drawings: Access Arrangements Plan; Access Arrangements Tracking Plan; Flood Risk Appraisal (including Drainage Strategy); and Lighting Schedule, Layout and Calculations, and a comprehensive list of all of the plans and technical reports to be considered.

**Cllr Ryves:** I have been studying the Alder King report and my initial fears that the knock-on effect of LIDL's opening on the A10 would be detrimental to the health of Downham Market Town Centre were misplaced.

The forecast is that of projected turnover of c£10 m for Lidl around £4m would come from Tesco/Morrisons, with other town centre shops being marginally affected directly. My estimate is that this loss of business by the two supermarkets will reduce footfall in the town by around 10%, supported as this is by the 35-40% of shoppers at these two supermarkets who go on to use other shops in the town centre. Against this it is estimated that LIDL customers will be almost 50% "claw back" being the use of LIDL by local shoppers who use other centres.

To my mind the benefit to all consumers of increased competition, the convenience to out of town shoppers and the "clawback" will mitigate any reduction in footfall in the centre, especially if the Town Council takes active measures to encourage LIDL shoppers to use the Town centre.

I note also that there are reasonable conditions suggested by officers restricting the number of product lines offered, with no sub division or concessions. These further mitigate the effect on town centre non supermarket retailers as does the reduced floorspace of the eco format of the store, the increased expenditure available within the catchment and the continued health of the centre demonstrated by the updated health check.

I apologise to all for the long journey I have undertaken to agree with the majority view and for the annoyance I have caused many by being inflexible in my understanding of the facts.

Additional correspondence submitted referring to Lidl's advertising campaign in support of the application.

**CSNN:** It would be preferable for all proposed drawings to be submitted for our assessment in advance, as two of our major concerns in terms of neighbour amenity impacts were traffic movement noise and lighting. I consider these need full consideration, in case they warrant an objection or revision to the proposals prior to determination.

**Third Parties: SEVEN** further comments of **support** on the following grounds:

- It is getting more difficult to park in town, especially for Blue Badge Holders, and with new housing being built, people will not come into town.
- I drive to Ely or Kings Lynn Lidl or Aldi. Would prefer to use the shops and market in our Town.
- Save fuel which would help the environment.
- New store would benefit town greatly, and NOT having the store would damage the town centre and the market.
- Should encourage growth of town as a regional centre for shopping and trade. Extra competition will encourage existing businesses to improve their offer/ customer service. Retention of staff locally will encourage training and better conditions for staff, will create a pool of locally trained employees. Any extra trade to town will help local shops and the store is capable of diverting trade from A10 to KL or Ely.
- Confusion regarding two applications with different store proposals.
- Prefer to see original sized store, rather than a reduced size store. However, do wish to see an approval granted!
- Is the store then likely to want to extend in the future, as has happened elsewhere in the borough?
- Application should be determined as soon as possible, with proper scrutiny and consideration even if that means a postponement. (although this should only be for one meeting). Any last minute objections get in the way of decision making and should be frowned upon.

**THREE objection letters/ emails** received:

- There is a request for a copy of the "updated November 2022 Planning Statement" supporting the current planning application, as it has not been uploaded as an application document and is mentioned in the advice from Alder King. It is also requested that any relevant information about the proposal that may be found in the documents for the previous 2022 application be provided or directed to.
- There are discrepancies in the descriptions of the "Eco Store (or Economy Store) format" provided by different sources, including Alder King and the council's Officer's Report. It is requested that the original information provided by Lidl be made available for review. There are concerns about the lack of information available about the nature of the proposed store format and its potential impacts on retail assessment and public interest.
- It seems that the original information provided by Lidl to the council has been summarized or abstracted in some way. The request is for the original information to be provided, rather than the summary provided by the council. Additionally, more information is being requested about the nature of the differences between the "Eco Store (or Economy Store) format" and Lidl's standard format. The planning statement supporting the planning application has not yet appeared on the council's online planning register and there are concerns about its availability only two working days before the committee meeting. A request for deferral has been made to allow for more time to review the most up-to-date information.
- Requests more information is provided by the applicant on the qualitative differences between the Eco store and the standard format LIDL store.

- Queries application of development plan policies with regard to the retail impact, and also the breach of the development boundary and countryside protection policies.
- Refers to need for consideration of the impact of the proposed development as now amended.
- Representation queries the adequacy of the sequential assessment to consider alternative sites. The application site has poor accessibility when compared to alternative available opportunities.

**Correction:**

**Page No.27**

The agent has confirmed that some of the existing plans are to be amended but these plans have not been received. Therefore, the approved plans condition 2 needs amending as follows:

2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 7783L-06, 7783L-25 Rev.C, 7783L-26, 7783L-27, 7783L-28, 20-096-01 Rev.C.

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

**Assistant Director's Comments:**

The comments are noted. The updated Planning Statement has now been put on Public Access and a copy was sent to the third party objector. The third party has requested further information about the Eco Store. An email was received from the agent on 3<sup>rd</sup> January 2022 which is on Public Access. The relevant part of this email was sent to the third party objector.

The agent has confirmed that it will provide amended plans in relation to: Access Arrangement Plan; Vehicle Tracking Plan; Flood Risk Appraisal (including Drainage Strategy); and Lighting Plan and therefore Condition 2 has been amended. This also has implications for Conditions 11, 15 and 16 which refer to the older drawings. The relevant consultees have been contacted to ask whether these can be dealt with via condition. So far CSNN have responded and stated they would prefer to see the amended drawings prior to determination.

Legal advice has been sought bearing in mind the late representations received and **it is recommended that the planning application be DEFERRED**. This will give time for the updated planning statement and additional amended plans to be considered, and for further representations following uploading of the additional documents to be received and taken into account. It would also give the agent the opportunity to respond to the third party comments requesting more information about the difference between an Eco Store and standard Lidl store.

It should be noted that all existing comments received, as well as any new comments will be considered going forward.

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**Planning Agent:** Submitted a construction management plan document and plan (dwg no. HAL22-RC-CMP Rev A) on 22 December 2022.

**CSNN:** The written CMP only mentions weekday working, yet the drawing includes Saturdays. This may be an error/oversight, and as the times for Saturdays on the drawing comply with the agreed

times for this district, I have no concerns. However, for the avoidance of doubt/completeness it may be best if the Saturday hours (0900-1300) are added to the written CMP so that both documents match – I'll leave that to you to decide, given the time!

Otherwise, I can confirm that these documents cover my previous concerns etc. Please condition compliance with them (or any subsequent revision to include the Saturday 0900-1300 site hours).

**Assistant Director's Comments:**

Following the comment made by CSNN regarding times for Saturday, the planning agent did amend the construction management plan and document for the avoidance of doubt. The plan and document were received on 22 December 2022 and Condition 7 amended below. Additionally, condition 6 of the decision notice controls hours of operation.

**Amended Condition:** Condition 7 to be amended as follows:

7 Condition The scheme hereby approved should be implemented following the approved construction management plan, dwg no. HAL22-RC-CMP Rev A, and document, received on 22 December 2022.

7 Reason To ensure that the amenities of future occupants are safeguarded in accordance with the NPPF.

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**Parish Council:** The Chair of Holme Parish Council made the following additional comments: -

'I note that in their Supporting Statement on Westfield (27 Peddars Way) the Agent justifies the claim that the development meets the 40% limitation imposed by HNTS16 by reference to the RICS Code of Measurement Practice, 6th Edition. You will see from the attached (taken from <https://www.rics.org/uk/upholding-professional-standards/sector-standards/real-estate/code-of-measuring-practice/>) that this Code of Measurement Practice does not apply to offices and residential buildings.

Residential buildings such as Westfield are dealt with under IPMS which is the RICS 'International Property Management Standard' introduced in 2015 – partly to ensure that ambiguity with measurement of buildings containing balconies, roof terraces, atriums and voids etc would be removed. The NDP uses IPMS as set out in "RICS property measurement, 2nd edition, January 2018". This is the recommended standard and as you know, in order to avoid any confusion or ambiguity about this we have previously attached the relevant table (Table 6) from RICS Property Management, 2nd Edition, January 2018) to more than one of our responses to the Westfield application - but the Applicants have chosen to ignore it.

Based on the recommended IPMS both internal and external balconies are included in the calculation of GIA (see Table 6) and when measured correctly on this basis the proposed dwelling fails to comply with NDP Policy HNTS16.

With reference to the Agent's comments regarding the PC's approach to other planning applications, I would like to stress that we judge every application on its merits and all of our comments / consultation responses are firmly based on policy (as clearly demonstrated by the evidence)'.

**Agent:** The agent has provided an updated supporting statement on behalf of the Applicant, outlining the following: -

'Following on from the comments from the Parish Council we are grateful to be given the opportunity to provide this supporting statement. Since our initial application in October 2020 we have made numerous changes to the design of the property in order to adhere to the Neighbourhood Plan which was adopted in July 2021. There are a number of things we would like to address.

### GIA Calculations

The "roof terraces" the PC refers to are in fact flat roofs, not terraces. I refer to the RICS Code of Measuring Practice, 6th Edition which specifically excludes external open sided balconies (see link below). Following the removal of the garden room and garage, the house is now exactly 40% larger than the original dwelling and therefore complies to HNTS16.

([https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sect\\_or-standards/valuation/code-of-measuring-practice-6th-edition-rics.pdf](https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sect_or-standards/valuation/code-of-measuring-practice-6th-edition-rics.pdf))

### Street Scene

The PC claims the house will contribute to "urbanisation" of a rural lane and that the dwelling would not reflect "local vernacular style". However, there is no unifying or prevailing character to the development in Peddars Way, which can be seen from the images of neighbouring properties (Appendix 1).

### AONB

The PC claims that the proposed dwelling which is "urban in style" will be harmful and damaging to the AONB. The proposed dwelling when seen from the north in Peddars Way would be heavily filtered by existing planting whilst those from the south would also be limited. Longer distance views from Beach Road to the west (which forms part of the national trail and coastal path) are also heavily filtered by existing planting with only the clipped gable of no 37 Peddars Way being distinguishable on the skyline. We agree to a tree survey to be completed prior to building and will work with a landscape gardener to create a planting plan and details of soft landscaping.

### Glass and Materials

It has been suggested by the planner that we use smart glass for the large panels of glass to reduce light spill. We are more than happy to do this as a condition. The proposed materials of the building have now been changed to flint and pan tiles, and are therefore consistent with the requirement of HNTS11.

### Conclusion

We have made considerable changes to the initial design in order to appease the PC and adhere to the Neighbourhood Plan - working with the Planner to address materials, size and design. We feel a level of unfair treatment by the PC as their comments on The Tower (20/02070/F), a very sensitive site on Broadwater Road, were limited to flood risk and impact on the environment without any mention of GIA, flat roofs, street scene, materials used, terraces or the modern nature of the design (see Appendix 2). For all of the reasons outlined above, we believe the scheme should be approved'.

**Assistant Director's comments:** The agent's statement submitted on behalf of the applicant in support of the application is noted.

Regarding the Parish Council's additional comments, reference to the 'International Property Management Standard' (IPMS) and the Parish's interpretation of it in applying the calculation to 40% NP policy is acknowledged. However, having sought advice on this from the Borough Council's Property Services Manager, it has been clarified that whilst IPMS is the most recent adopted standard for measuring property, it has not superseded other methods for calculating floor area, such as GIA.. IPMS was intended to provide consistency across the profession and uniformity to

the way that property is measured and reported on the global platform, and whilst it is slowly being adopted across the profession it is not universally accepted in every area.

The overarching Valuation Office Agency issued a policy statement which offers a degree of flexibility stating that 'whilst the Agency very much supports the aim of the IPMS.....the requirement to use IPMS is not mandatory where the client requires a different basis and clearly, with valuation officers statutory duty making them effectively the client, their decision will be the basis of measurement for the 2017 revaluation remains the RICS Code of Measuring Practice 6th edition (refers to GIA) together with the VOA code'.

Furthermore, the RICS Property Measurement 2<sup>nd</sup> Edition (IPMS current Standard) states that 'balconies (often referred to as external open-sided balconies), should be treated with caution as external balconies would not normally be included in GIA, different interpretations of the Code of measuring practice may have been adopted regarding their inclusion within GIA within different jurisdictions. Professionals should be aware of the interpretation adopted when making comparisons between IPMS and the Code of measuring practice (GIA).

The Holme Parish Neighbourhood Plan refers to GIA within its policies and thus a different rule of measuring should not be applied, such as IPMS, as this would not be consistent good practice. GIA is still an accepted method and does not include balconies within its calculation rules, therefore it is considered that the proposed replacement dwelling is within the 40% increase limitations, in compliance with NP Policy HNTS 16.

However, if you were to apply IPMS which requires balconies to be included within the calculation, they are to be stated separately and individually, and are not reported within the total floor area of the property in question.

As already expressed in the main body of the Officer report, the RICS Professional Standards 2021 confirms that 'where there are disputes over the specifics of a particular calculation, negotiations should reflect the 'spirit' of the measurement in context of its purpose'. The intentions of the NP policies are to balance the housing stock, particularly in regard to retaining / offering smaller homes, to reflect the needs of the local community. The main bulk of the replacement dwelling is fully compliant with this objective and the provisions of Policy HNTS. The proposed dwelling does not exceed the 40% increase of the original GIA, excluding the balconies, and if the balconies are to be included, they do not undermine the intentions of the policy as they are not habitable internal space that would amount to a material increase in living accommodation.

With regard to landscaping, it is considered that given the loss of some of the established planting to the site's frontage, the landscaping condition should be amended to ensure that the loss of this planting is specifically replaced with larger, established new species to preserve the street scene, in the interests of local amenity.

**Amended Condition:**

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Condition 7 to be amended as follows '*Notwithstanding the details shown on the approved plans, prior to the first use or occupation of the development hereby approved, full details of both hard and soft landscape works, including the provision of mature / semi-mature trees.....*'

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**Applicant Supporting Statement:** The property has been owned by my family since it was built in 1959 and for the most recent 12 years, the property has been used as two separate self-contained

dwelling houses. Since 2015, each side of the property has incurred separate council tax banding/bills and the properties have separate addresses.

### Visual Amenity/Character

The officer's recommendation clearly fails to sufficiently take into account the levels of amenity that would be afforded to the two dwellings and the proposal seeks to make use of existing built form that has been in situ since the 1970's. The external footprint of the building is not being extended and is actually being reduced with the removal of the conservatory. Also, the proposal will not lead to 'intensified usage' or increased occupancy beyond its historical usage and the property is located within an established residential area. The proposed development will consequently have no negligible visual impact on the street scene or the residential character of the site's immediate surroundings and that of the area as a whole. I fail to see therefore (as does my advisor) how the proposed development would appear 'at odds with the character of the area' with little to no physical changes apparent when the property is viewed within the street scene, with the exception of the minor access improvements recommended by the Highways Authority.

Officers object in particular to the levels of amenity proposed for each residential unit however, when viewed from the highway to the front of the property, there will be little change to the physical characteristics of the site. I suggest that officers have perhaps undertaken a desk top exercise of assessing the size of the resultant plots in map form, without making a proper and true assessment 'on the ground' when judging the issues of visual impact and character.

### Residential Amenity

The renovation of the property has been undertaken to a very high standard that will result in two exceptionally good quality properties, to the benefit of future residents and the locality. Each unit is of generous size, sufficient to provide a high quality two-bedroom unit with associated amenity space suitable for units of this size. For ease of reference, I have set out the sizes of each plot below.

### Measurements

The plot is 12 metres wide, extending 45-47 metres in length for a total square meterage of 538 m<sup>2</sup> / 1765 ft<sup>2</sup>.

#### Dwelling 1 (Front)

Plot size: 276 m<sup>2</sup> / 905 ft<sup>2</sup>

Garden space: 70 m<sup>2</sup> / 230 ft<sup>2</sup>

Parking provision: 2 bays (2.4 m<sup>2</sup> x 4.8 m<sup>2</sup> each)

Building external area: 70 m<sup>2</sup> / 230 ft<sup>2</sup>

Total internal living area: 52 m<sup>2</sup> / 170 ft<sup>2</sup>

• Bedroom 1: 10.55 m<sup>2</sup> / 34.61 ft<sup>2</sup>

• Bedroom 2: 10.75 m<sup>2</sup> / 35.27 ft<sup>2</sup>

• Bathroom: 6.30m<sup>2</sup> / 20.67 ft<sup>2</sup>

• Kitchen/living: 22 m<sup>2</sup> / 72.18 ft<sup>2</sup>

• Porch: 2.37 m<sup>2</sup> / 7.78 ft<sup>2</sup>

Additional storage space is provided in the hallway.

#### Dwelling 2 (Rear)

Plot size: 262 m<sup>2</sup> / 860 ft<sup>2</sup>

Garden space: 148 m<sup>2</sup> / 485 ft<sup>2</sup>

Garage: 17m<sup>2</sup> / 56 ft<sup>2</sup>

Parking provision: Garage plus driveway (8m x 4m)

Building external area: 56 m<sup>2</sup> / 184 ft<sup>2</sup>

Total internal living area: 51.3 m<sup>2</sup> / 168 ft<sup>2</sup>

• Bedroom 1: 12.5 m<sup>2</sup> / 41 ft<sup>2</sup>

• Bedroom 2: 12.3m<sup>2</sup> / 40 ft<sup>2</sup>

- Bathroom: 6.9 m<sup>2</sup> / 22.64 ft<sup>2</sup>
- Kitchen/living: 19.6 m<sup>2</sup> / 64.30 ft<sup>2</sup>

Additional storage space is provided in the hallway.

### Highways

We consider that the recommended Highway conditions are unnecessary, as they fail to take into account the historical use of the site and as such do not recognize that the proposal at hand will not result in an intensification of use. The proposed access arrangements are mirrored elsewhere within the surrounding vicinity, however, if members of the Committee consider the Highways Conditions to be necessary i.e., the application would be refused without their imposition, then I can confirm acceptance, with the exception of the implementation of the turning provision.

### Summary

The proposed development constitutes an appropriate form of development within the rural area that sustainably makes use of existing built form to provide two much needed high quality rental properties. This has social and economic benefits, without causing any environmental harm, and in this respect, fully accords with the objectives of the National Planning Policy Framework (NPPF) 'Achieving Sustainable Development'. Indeed, the proposal accords fully with the NPPF, including paragraphs 79 & 134, and in turn, the National Design Guide 2021. Furthermore, for the aforementioned reasons, the proposal also complies with relevant Adopted Local Plan Policies, CS08, DM2 & DM15.

**Assistant Director's comments:** The issues raised within the applicants supporting statement have been addressed within the Officers Committee Report, however, the statement does not overcome the fact that the site is located outside of the Development Boundary for Ingoldisthorpe and is therefore, considered as countryside in policy terms. The proposal does not accord with any of the provisions within Policy DM2 of the above plan and it is not considered to represent a sustainable form of development and therefore, the principle of development is not acceptable.

In response to the applicants question as to whether a desk top exercise was undertaken to assess the site, I can confirm that a site visit did place to allow the officer an opportunity to fully evaluate the site and the surrounding area.

### **Item 8/2(g) Page No. 92**

**Agent:** Understands that the adjacent site constructing the health centre may have used this access [the temporary construction access for Allison Homes] – this was not undertaken by Allison Homes and does not relate to the construction of our site or the implementation of our permission. I would be grateful if the Committee could be advised that any work undertaken to date has not been by Allison Homes and does not relate to the implementation of our consent.

Has reviewed the suggested conditions and has identified two minor errors relating to Conditions 9 and 13 and queried the wording relating to conditions 19 and 27.

**Castle Rising Parish Council:** Comment as follows:-

- The proposal will result in additional cost through traffic delays.
- We will have two periods of construction, one for the proposed temporary access T junction and the other when the roundabout is constructed.
- The roundabout is designed to serve the access route for the care home and medical centre and could therefore do away with a further T junction onto the busy Edward Benefer Way which serves as the main HGV route to the town and docks.



**Third Party:** Additional representations have been received from 2 of the original 4 objectors commenting as follows:-

- The project is financially unviable.
- The applicants "inability to provide a roundabout upfront" means it will unlikely be able to pay the Community Infrastructure Levy when that becomes due.
- The use of an existing farm entrance to the land would not be suitable for construction traffic without significant alterations.
- The proposal will result in considerable travel disruption.
- There will be direct financial impact upon local businesses.
- The estimated cost of 60 days of traffic disruption as a result of the additional trip generation would be £1.1 million.
- If the developer needs financial assistance at this stage this may result in a poor standard of development.

**Assistant Directors comments:** For clarity, construction work has commenced on the adjacent health centre site and an access provided to that site in accordance with the approved plans. The Allison Homes temporary construction access (which is a field access in existence as a matter of fact) is located further towards the west within the red line of the Allison Homes site and no works have commenced on site.

All construction traffic would be from the west (left turn only) and when leaving the site, traffic would turn left and head east along Edward Benefer Way ensuring the free flow of traffic. Once the roundabout is complete (approx. 6-month build), all construction access and deliveries would be via the roundabout and the temporary construction access would be removed and the landscaping reinstated.

Comments were received from the Agent in relation to the wording of conditions 19 and 27. It is considered that these can remain unchanged as they reflect the wording of the conditions contained within the original planning permission.

**Amended conditions:**

**Condition 9:** Delete 'Rev D' in relation to The Revised Construction Traffic Management Plan and replace with 'Revision A'.

**Reason 13:** Delete 'This is a pre-commencement condition as the roundabout will serve as the access for the site during construction'.