



# **Planning Committee**

## **Agenda**

**Monday, 28th July, 2025**  
at 9.30 am

in the

**Assembly Room  
Town Hall  
King's Lynn**

Also available to view at:

<https://www.youtube.com/user/WestNorfolkBC>





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**PLANNING COMMITTEE AGENDA**

**Please ensure that all mobile phones are switched to silent**

**DATE:** Monday, 28th July, 2025

**VENUE:** Assembly Room, Town Hall, Saturday Market Place, King's  
Lynn PE30 5DQ

**TIME:** 9.30 am

**1. APOLOGIES**

To receive any apologies for absence and to note any substitutions.

**2. MINUTES** (Pages 6 - 19)

To confirm as a correct record the Minutes of the Meeting held on 30<sup>th</sup> June 2025 (previously circulated).

**3. DECLARATIONS OF INTEREST** (Page 20)

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is discussed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

Councillor appointed representatives on the Internal Drainage Boards are noted.

**4. URGENT BUSINESS UNDER STANDING ORDER 7**

To consider any business, which by reason of special circumstances, the Chair proposes to accept, under Section 100(b)(4)(b) of the Local Government Act, 1972.

**5. MEMBERS ATTENDING UNDER STANDING ORDER 34**

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before a decision on that item is taken.

**6. CHAIR'S CORRESPONDENCE**

To receive any Chair's correspondence.

**7. RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

To receive the Schedule of Late Correspondence received since the publication of the agenda.

**8. INDEX OF APPLICATIONS (Page 21)**

The Committee is asked to note the Index of Applications.

**9. DECISION ON APPLICATIONS (Pages 22 - 116)**

The Committee is asked to consider and determine the attached Schedules of Planning Applications submitted by the Assistant Director.

**10. DELEGATED DECISIONS (Page 117)**

To receive the Schedule of Planning Applications determined by the Executive Director.

**To: Members of the Planning Committee**

Councillors B Anot, T Barclay, R Blunt, F Bone (Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, J Fry, S Lintern, C Rose, A Ryves, Mrs V Spikings (Vice-Chair) and M Storey

**Site Visit Arrangements**

When a decision for a site inspection is made, consideration of the application will be adjourned, the site visited, and the meeting reconvened on the same day for a decision to be made. Timings for the site inspections will be announced at the meeting.

If there are any site inspections arising from this meeting, these will be held on **Thursday 31 July 2025 (time to be confirmed)** and the meeting reconvened on the same day (time to be agreed).

**Please note:**

- (1) At the discretion of the Chairman, items may not necessarily be taken in the order in which they appear in the Agenda.
- (2) An Agenda summarising late correspondence received by 5.00 pm on the Wednesday before the meeting will be emailed. Correspondence received after that time will not be specifically reported during the Meeting.
- (3) **Public Speaking**

Please note that the deadline for registering to speak on the application is before 5.00 pm two working days before the meeting. Please contact [borough.planning@west-norfolk.gov.uk](mailto:borough.planning@west-norfolk.gov.uk) or call (01553) 616818 or 616234 to register. Please note that you need to have made representations on an application to be able to register to speak.

**For Major Applications**

Two speakers may register under each category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for five minutes

**For Minor Applications**

One Speaker may register under category: to object to and in support of the application. A Parish or Town Council representative may also register to speak. Each speaker will be permitted to speak for three minutes.

For Further information, please contact:

Kathy Wagg

Email: [Kathy.wagg@west-norfolk.gov.uk](mailto:Kathy.wagg@west-norfolk.gov.uk)

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**PLANNING COMMITTEE**

**Minutes from the Meeting of the Planning Committee held on Monday, 30th June, 2025 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor F Bone (Chair)  
Councillors B Anota, T Barclay, R Blunt, A Bubb, C J Crofts, M de Whalley, T de Winton, P Devulapalli, S Everett, A Kemp, S Lintern, A Ryves and M Storey

An apology for absence was received from Councillor C Rose and Mrs V Spikings

**PC13: APPOINTMENT OF VICE-CHAIR**

**RESOLVED:** That Councillor C J Crofts be appointed as Vice-Chair for the meeting.

**PC14: APOLOGIES**

Apologies for absence had been received from Councillor Mrs Spikings (Cllr Crofts sub) and Councillor Rose (Cllr Kemp sub).

**PC15: MINUTES**

The minutes of the meeting held on 2nd June 2025 were agreed as a correct record and signed by the Chair.

**PC16: DECLARATIONS OF INTEREST**

Councillor Kemp declared that she had objected to application 9/2(a) – Clenchwarton and would leave the meeting during its consideration.

Councillor Lintern advised that she would be speaking under Standing Order 34 in relation to application 9/2(e) – Wereham and would not take part in the debate or decision.

Councillor Storey advised that in relation to 9/2 (e) – Wereham, he was acquainted with the applicant through the farming community. He did not have a pecuniary interest.

**PC17: URGENT BUSINESS UNDER STANDING ORDER 7**

There was none.

PC18: **MEMBERS ATTENDING UNDER STANDING ORDER 34**

The following Members attended / had statements read out:

Councillor Bearshaw	9/2(a)	Clenchwarton
Councillor Sandell	9/2(b)	Docking – statement to be read out
Councillor Kirk	9/2(f)	West Walton – statement to be read out

PC19: **CHAIR'S CORRESPONDENCE**

The Chair reported that he had not received any other than from Councillor Kemp.

PC20: **RECEIPT OF LATE CORRESPONDENCE ON APPLICATIONS**

A copy of the late correspondence received after the publication of the agenda, which had previously been previously circulated, was received. A copy of the agenda would be held for public inspection with a list of background papers.

PC21: **DECISION ON APPLICATIONS**

The Committee considered schedules of applications for planning permission submitted by the Assistant Director for Planning and Environment (copies of the schedules were published with the agenda). Any changes to the schedules will be recorded in the minutes.

**RESOLVED:** That the application be determined, as set out at (i) – (vii) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

**(i) 24/01996/FM**

**South Wootton: Land at E563781, N322363 and west of St James Medical Centre, Edward Benefer Way, King's Lynn: Extra care development of 77 independent one and two-bedroom flats, with secured landscaped communal gardens, associated visitor and staff car and cycle parking and external stores: Medcentres Plc**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that full planning permission was sought for the construction of 77 Independent Living (Extra Care) apartments on land north of Edward Benefer Way, South Wootton. The site was positioned on land between extant consents 21/00995/FM and 20/01954/RMM for a medical centre (St James

Medical Practice) and housing respectively, and within the area for housing allocation E3.1 within the Local Plan.

The proposal would provide 56 one-bedroom and 21 two-bedroom apartments for over 55s.

Access was proposed via the shared access point constructed alongside the medical centre consent to the east.

The application site was partially within Flood Zones 2 & 3 and within the South Wootton Neighbourhood Plan Area. A tree, protected by virtue of a Tree Preservation Order (TPO T220 of 2/TPO/00514), was immediately adjacent to the site's north-east corner.

Plans were amended during the course of the application to set the proposed building away from the TPO tree, as well as to resolve previous drainage concerns raised by the LLFA.

The case officer pointed out that the Section 106 Agreement also covered the GIRAMS payment.

The application had been referred to the Committee for determination by the Planning Sifting Panel.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, David Arnold (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then carried out a roll call on the recommendation to approve the application and, after having been put to the vote was carried unanimously.

**RESOLVED:** (A) That the application be **approved**, subject to the completion of a Section 106 to secure Affordable Housing and the associated monitoring fee. If the agreement is not completed within 4 months of the Committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director / Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

(B) If, in the opinion of the Assistant Director / Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the Committee resolution, the application is **refused** on the failure to secure Affordable Housing in line with LP29.



- (ii) **25/00451/F**  
**Clenchwarton: The Barn, Station Road: Proposed**  
**Condenser Unit: Mr M Means**

[Click here to view a recording of this item on You Tube](#)

Councillor Kemp left the meeting for this item and did not take part in the debate or decision.

The case officer introduced the report and explained that planning permission was sought for a proposed condenser unit at The Barn, Station Road, Clenchwarton.

Clenchwarton was classified as a Tier 4 Settlement (Key Rural Service Centres) under Policy LP01 of the Local Plan 2021-2040. The application site was located to the west of Station Road and approximately 307m from the A17.

The application had been referred to the Committee for determination by Councillor Bearshaw.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr M Means (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor S Bearshaw addressed the Committee and outlined his concerns in relation to the application.

The Council's CSNN representative outlined how the noise assessment had been carried out.

The Chair proposed that the application be deferred due to the late technical evidence provided, and there was concern that not all of the information regarding noise levels had been included within the report. This was seconded by Councillor Crofts and agreed by the Committee.

**RESOLVED:** That the application be deferred for a cycle.

Councillor Lintern left the meeting at 11.55 am.

- (iii) **22/00678/O**  
**Docking: Dunroming, Bircham Road, Stanhoe: Self Build:**  
**Outline application with all matters reserved for the erection**  
**of a proposed single storey dwellings and associated**  
**works: Mr Mark Dunn**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the application sought planning permission with all matters reserved for the construction of a single storey self-build dwelling on land associated with a dwelling known as Dunroming, Bircham Road, Stanhoe.

The application site was some 1.7 km outside of the development boundary for Stanhoe as per the policies plan under Policy LP022 of the Local Plan 2021-2040 and was within the Nutrient Neutrality Catchment Zone outlined by Natural England.

The application had been referred to the Committee for determination as it had originally been called in by Cllr Sandell and at the request of the Assistant Director.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Mr Mark Shirley (supporting) addressed the Committee in relation to the application.

The Democratic Services Officer then read out a statement from Councillor Sandell (Ward Member) who could not be present at the meeting.

Councillor de Winton stated that this was a busy site, and the proposed building would make little difference to the area. He considered that the application had fallen between two policies, and it felt wrong to refuse it.

The Assistant Director advised the Committee that the policy was clear for this application, and it was difficult to find material planning considerations to put weight on.

Councillor Ryves added that the site had grown into a hamlet in its own right and this was an infill within the hamlet. He considered the fact that it would be custom and self-build was a material consideration. He considered that it would not cause harm and County Highways had no objection to it.

The Assistant Director pointed out the need for consistency in applying in principle policy issues and pointed out the Wereham decision earlier on in the meeting on a site on the edge of but outside of the settlement boundary. He advised that this site was well outside of the development boundary for Stanhoe or Docking, there were no footpaths available, and it was in a remote location. The Local Plan had recently looked at the boundaries and as stated this was well outside of the settlement boundaries.

Councillor de Winton proposed that the application be approved.

The Council's Legal Advisor advised that the law stated that planning applications had to be determined in accordance with the Development Plan unless material considerations indicated otherwise. In this case there were no material considerations that would warrant going against the strong policy objection. If the Committee went against the development plan this would cause a precedent and that needed to be avoided. She stressed again that applications needed to be determined in accordance with the development plan.

The proposal for approval was seconded by Councillor Ryves on the grounds that it would be a self-build property.

The Democratic Services Officer then carried out roll call on the proposal to approve the application and, after having been put to the vote (7 votes for, 7 votes against) was lost on the Chair's casting vote.

The Democratic Services Officer then carried out roll call on the recommendation to refuse the application and, after having been put to the vote (7 votes for, 7 votes against) was carried on the Chair's casting vote.

**RESOLVED:** That the application be refused as recommended.

*The Committee then adjourned at 12.29 pm for lunch and reconvened at 1.00 pm.*

*The Chair and Councillor Devulapalli left the meeting at 12.29 pm. The Vice-Chair took the Chair.*

**(iv) 25/00611/CU**

**Harpley: Rowan House, Back Street: Change of use of an existing dwellinghouse (Use Class C3) to a residential care home for up to four children aged 8-18 (Use Class C2): Juventus Services**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the application was for the change of use of a dwellinghouse (Use Class C3) to a residential care home (Use Class C2) to care for up to four children between the age of 8 – 18 at Rowan House, Back Street, Harpley – a five-bedroom property.

The application site was approximately 0.08ha in size, located on the northeast side of Back Street, which was approximately 760 m from the centre of Harpley Village.

The application had been referred to the Committee for determination at the request of Councillor Beales.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Adam Case (objecting) and Simon Bailey (supporting) addressed the Committee in relation to the application.

In response to comments raised by the public speakers, the case officer made reference to LP29 which referred to housing for the elderly and specialist care and advised that it was relevant in relation to this application. In relation to Highways, there was no objection from the Highway's Authority and the site could accommodate 3 parking spaces and this was considered to be acceptable. The site would remain a residential site, C2 was still a residential use not occupied not by a single household.

Councillor Barclay drew attention to the fact that it was a remote village and agricultural with tractors, teleporters driving around. There were no pavements and was single carriageway. He said that there were no facilities in the village, no primary school, pub or shop. The Parish Council were against and not enough space for parking and a turning facility. He did not feel that this was a suitable location for the proposal.

Councillor Kemp added that there was a need for this type of proposal around Norfolk. She added that the young people would be supervised. She stated that this was a pleasant environment. She asked whether play equipment would be installed along with other things for them to do and try to engage with the community.

The case officer advised that play equipment could be installed within the site area if required.

The Planning Control Manager advised that the use effectively was being used as a home where people interacted as a home whilst being provided with specialist care. This was fundamentally different to a larger scale institutional use where there were all sorts of different facilities. This was a home provision specifically as such and was made provision for within the use classes order.

Councillor Kemp added that engagement with the community was important.

Councillor de Winton asked whether Harpley was an appropriate place for the proposal. It was a very quiet village and not much there for children to do.

Councillor Bubb also queried whether this was the right location. He added that Back Street was quite away from the Main Street in Harpley. He added that there was a bus route occasionally through Harpley.

Councillor Ryves referred back to a previous application which had been refused by the Committee due to lack of facilities for the children. The Planning Control Manager advised that from her recollection it was the changes to the house that required planning permission. Councillor Ryves added that it was a rural location with a lack of facilities and no pavements or streetlights. He added that he could not see that it was a safe place for children.

The Planning Control Manager added that within villages rural or otherwise there were lot of families and children. This facility would be used as a family home for a number of children and would operate like that. It was not a large institutional use and an appropriate use for the locality, and there were lots of different families within the village.

The case officer referred the Committee to page 57 of the agenda where the criteria under LP29 was considered and Harpley did have a village hall, a primary school and facilities considered appropriate for the residents of this intended home and on that basis, it was considered that Harpley was an appropriate location.

Councillor Blunt reminded the Committee of the similar application at Walpole St Andrew which had been refused by the Committee. In relation to this application, he stated that there was nothing in the conditions regarding limiting the use and he felt that this should be included within the conditions.

The Planning Control Manager advised that a condition could be imposed regarding the number of children to be cared for at the property to define the consent.

Councillor de Whalley stated that he grew up the country. He saw a beautiful house and excellent proposal and considered Harpley to be a wonderful location. He therefore supported the application.

Councillor Ryves referred to the fact that the officer had stated that there was a primary school in the village but pointed out that the application was for children aged between 8-18, so he could not see how this point supported the application.

The Planning Control Manager advised that she had heard from the debate that there had been concerns relating to parking and an additional condition could be imposed requiring full details of the parking and turning area to be submitted and agreed and implemented prior to the first occupation of the development. The other condition suggested related to the number of children to be cared for at the site limiting it to 4, in accordance with the details submitted by the applicant.

The Democratic Services Officer then carried out roll call on the recommendation to approve the application subject to the additional

conditions detailed above and, after having been put to the vote was lost (5 votes for, 6 votes against and 1 abstention).

The Committee then carried on with the debate.

Councillor Bubb proposed that the application be refused on the grounds that Harpley was considered to be an inappropriate location for the proposed scheme due to the lack of community facilities and lack of public transport, outweighing the benefits of the scheme, contrary to LP29.

The proposal for refusal was seconded by Councillor Everett.

The Democratic Services Officer then carried out roll call on the proposal to refuse the application and, after having been put to the vote was carried (6 votes for, 5 votes against and 1 abstention).

**RESOLVED:** That the application be refused, contrary to recommendation, for the following reasons:

*Harpley was considered to be an inappropriate location for the proposed scheme due to the lack of community facilities and lack of public transport, outweighing the benefits of the scheme, contrary to LP29.*

(v) **25/00720/F**

**Methwold: 12 The Avenue: Self-build – Demolition of No.12's garage for the erection of a self-build bungalow: Made Purple Ltd**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that the application was for a self-build bungalow, following the demolition of No. 12's detached garage at 112 The Avenue, Brookville, IP26 4RF.

Brookville was classified as a Tier 6 settlement (Smaller Village and Hamlet) in LP01 of the Local Plan 2021 – 2040. The application site was approximately 0.09ha in size, located within the development boundary of Brookville.

The application had been referred to the Committee for determination as the views of the Parish Council were contrary to the officer recommendation.

The Committee noted the key issues for consideration whilst determining the application, as set out in the report.

The Democratic Services Officer then carried out roll call on the recommendation to approve the application and, after having been put to the vote was carried (9 votes for and 1 abstention).

**RESOLVED:** That the application be approved, as recommended.

*(Item (vi) was taken first in the meeting)*

**(vi) 25/00561/F**

**Wereham: Barn at E568308, N301300, Stoke Road:  
Proposed residential development involving the demolition  
of existing barn complex: Mr G Gott**

[Click here to view a recording of this item on You Tube](#)

*Councillor Lintern left the meeting and addressed the Committee in accordance with Standing Order 34. She did not take part in the debate or decision.*

The case officer introduced the report and explained that the application site was 0.20 ha in size and was located to the southeast of the village of Wereham to the south of Stoke Road / A134. Wereham was categorised as a Rural Village in the adopted Local Plan. The site was located partially within the development boundary, but the footprint of the proposed building was outside of the boundary line as defined by the Planning Policies Map.

The application sought full planning consent for the demolition of the existing barn and the construction of four new dwellings with associated parking, turning and amenity space, with the building on the footprint of the barn to be demolished. The dwellings proposed were single storey, two-bedroom homes, which was as the scheme approved under the Prior Approval application.

Members will recall previous applications had been presented to Planning Committee in 2023 and 2024 for the residential development following the demolition of the existing barn complex (planning references 22/01893/F and 23/00848/F). In both cases the applications were refused by Planning Committee. This decision should be balanced against the extant fallback position established under planning permission 24/02033/PACU3, for the conversion of the building to four dwellings and the Inspectors decision to the appeal for 23/00848/F (appeal reference: APP/V2635/W/23/3334048).

The application had been referred to the Planning Committee for determination at the request of Councillor Lintern.

The Committee noted the key issues to be considered whilst determining the application, as set out in the report.

In accordance with the adopted public speaking protocol, Sandra Calvert (objecting), Cllr Gail Koopowitz (objecting on behalf of the Parish Council) and Shanna Penney (supporting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillor Lintern addressed the Committee and outlined her concerns to the application.

In response to comments raised by the public speakers, the case officer drew the Committee's attention to Condition 12 relating to boundary treatments which needed to be submitted and agreed, conditions 9 and 10 were very detailed tree protection conditions and conditions 6-8 were archaeological conditions. She also advised the Committee that there were no objections from statutory consultees.

In relation to highways, the Local Highway Authority had no objections and condition 6 had been imposed to secure the visibility splay. She also drew attention to the Appeal Statement and fall-back position.

In response to a comment from Councillor Bubb, the case officer advised that soundproofing would have to be to Building Control Standards.

Councillor de Whalley made reference to paragraph 27 of the Inspector's Appeal Statement which stated that the location of the proposed dwellings would conflict with the development plan regarding the distribution of housing outside of settlement boundaries. The conflict was with the development plan as a whole. It then went on to say that in light of the limited weight given to the fallback scheme as well as the stated benefits, these material considerations did not outweigh the conflict with the development plan .... He stated that he was in a difficult situation as this was an inditement of the Part Q regulations and should be something of a conversion rather than redevelopment and the Planning Inspector had stated that this was in conflict with the Development Plan as a whole. The argument from the officers was that the fallback scheme was better than the appeal that we should now change the balance of weight and approve it.

The Planning Control Manager stated that it was fundamentally changed in so far as there was effectively no conflict now and there was a legitimate fallback position which had 3 years to be developed and completed, the Inspectors report saying that the design and layout of the scheme, which was very similar to that in front of the Committee today, was acceptable in planning terms and there was no conflict with the development plan in so far as those particular aspects, so the balance had shifted in favour of the development as a whole given that it was adjacent to a development boundary and complied with the criteria of LP02. In terms of sustainability of the village, there were villages that was reliant on the car given that it was a rural area. There were bus routes within Wereham and the scheme would also be built to modern standards. The balance had shifted and was acceptable in planning terms.

Councillor Ryves asked whether an applicant could apply under Class Q repetitively and indefinitely? Councillor Ryves added that he did not



agree that an applicant could submit another application under Class Q if they had already failed to meet the timelines of a previous application.

The case officer explained that as long as the application met the legal requirements, as out in the regulations they could keep applying.

When looking at the building it seemed to be cramming in 4 residential units. He asked why 4 residential units would be acceptable. He added the site was not sustainable and a point was very well made by the speakers regarding highways. The Local Highway Authority actually did not say that they approved the application. It also considered that there would be lots of traffic going in and out of the site onto a strategic road A134. He also considered that this was not a high-quality design.

The case officer advised that the regulations allowed for that many units and from the officer's point of view it met with the requirements.

The Assistant Director advised that if the Committee ignored the Inspectors decision, then there would be a risk of costs if it went to appeal.

The Planning Control Manager referred to pages 85 and 86 of the agenda which went into detail about the policy context and fallback position.

The Legal Advisor explained the background and requirements of Class Q to the Committee.

The Democratic Services Officer then conducted a roll call on the recommendation to approve the application and, after having been put to the vote was lost (6 votes for, 8 votes against).

Because the recommendation was lost, the debate continued. It was proposed by Councillor de Winton, seconded by Councillor Ryves that the application be refused as set out in reason for refusal 1 on page 84 of the agenda, subject to it being amended to reflect the current local plan.

The Democratic Services Officer then conducted a roll call on the proposal to refuse the application and, after having been put to the vote was carried (6 votes for, 3 votes against and 3 abstentions).

**RESOLVED:** That the application be refused, contrary to recommendation for the following reason:

*The site lies outside of the development boundary for Wereham where development is restricted to that identified as sustainable in rural areas. The proposal constitutes the inappropriate development of land in the countryside without justification and while there is a fallback position as*

*a result of the extant consent 24/02033/PACU3, this does not outweigh the policy stance. As a result, the scheme is contrary to the overarching aims of policy LP02 of the Local Plan (2021 – 2040).*

*The Committee then adjourned at 10.48 am and reconvened at 11.02 am*

**(vii) 25/00664/F**

**West Walton: Clark's Paddock, 154 Salts Road: Self-build – Proposed replacement dwelling and part change of use of land: Mr and Mrs J Clark**

[Click here to view a recording of this item on You Tube](#)

The case officer introduced the report and explained that planning permission was sought for a proposed self-build replacement dwelling and part change of use of the land to residential at Clark's Paddock, 154 Salts Road, West Walton.

West Walton was classified as a Tier 4 Settlement (Key Rural Service Centre) under Policy LP01 of the Local Plan 2021-2040. The application site was located outside of the development boundary of West Walton and was not an allocated site in the Local Plan.

The case officer drew the Committee's attention to the need to add an additional condition to ensure the removal of the mobile home within one month of the completion of the replacement dwelling.

The application had been referred to the Committee for determination at the request of Councillor Kirk.

The Committee noted the key issues for consideration when determining the application, as set out in the report.

The Democratic Services Office read out a statement from Councillor Kirk who could not be present at the meeting.

The Democratic Services Officer then carried out roll call on the recommendation to approve the application with the additional condition referred to above and, after having been put to the vote was carried unanimously.

**RESOLVED:** That the application be approved as recommended subject to an additional condition requiring the removal of the mobile home within one month after completion of the replacement dwelling.

**PC22: DELEGATED DECISIONS**

The Committee received schedules relating to the above.

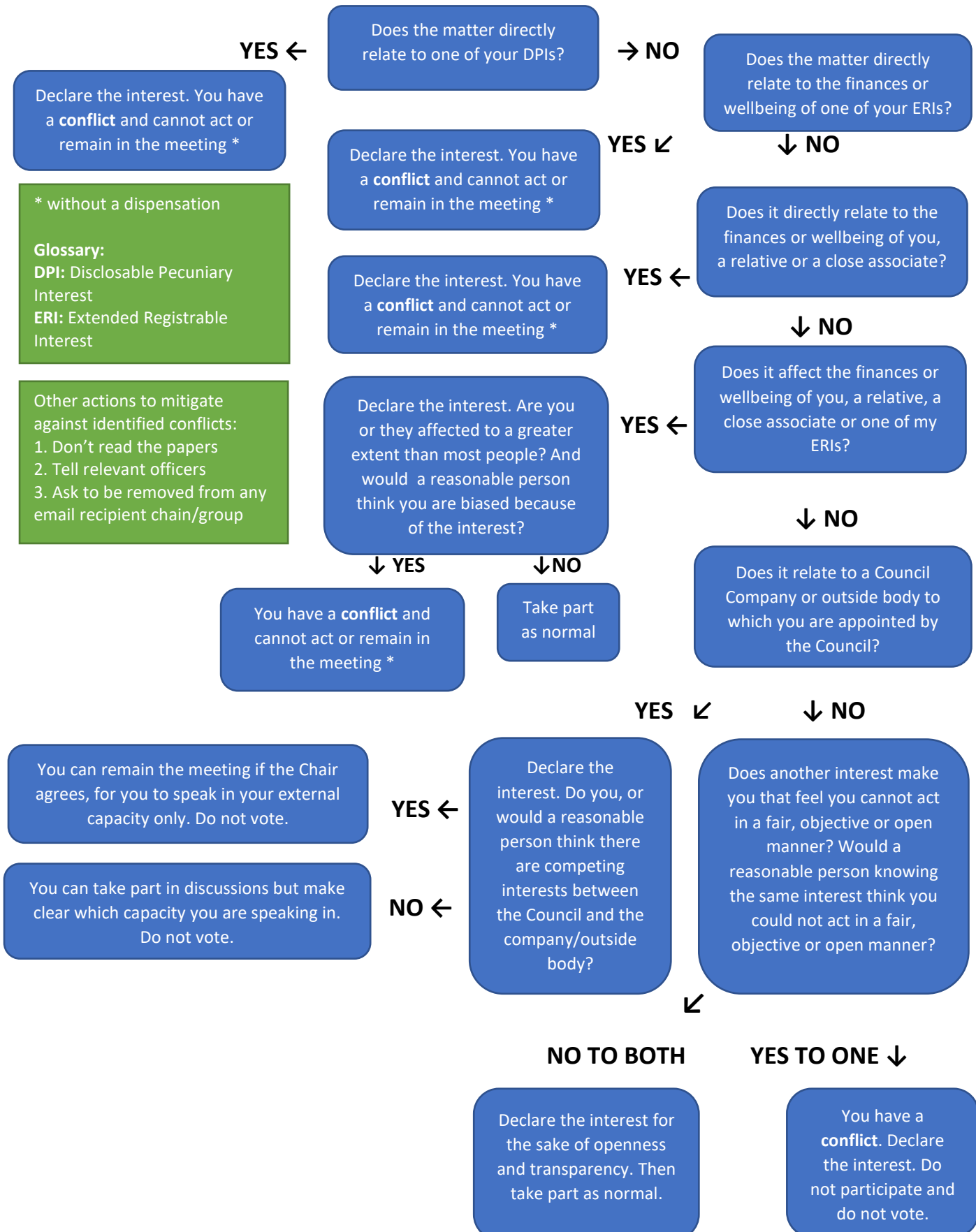
**RESOLVED:** That the report be noted.

**The meeting closed at 1.58 pm**

# DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



## START



\* without a dispensation

### Glossary:

**DPI:** Disclosable Pecuniary Interest

**ERI:** Extended Registrable Interest

Other actions to mitigate against identified conflicts:

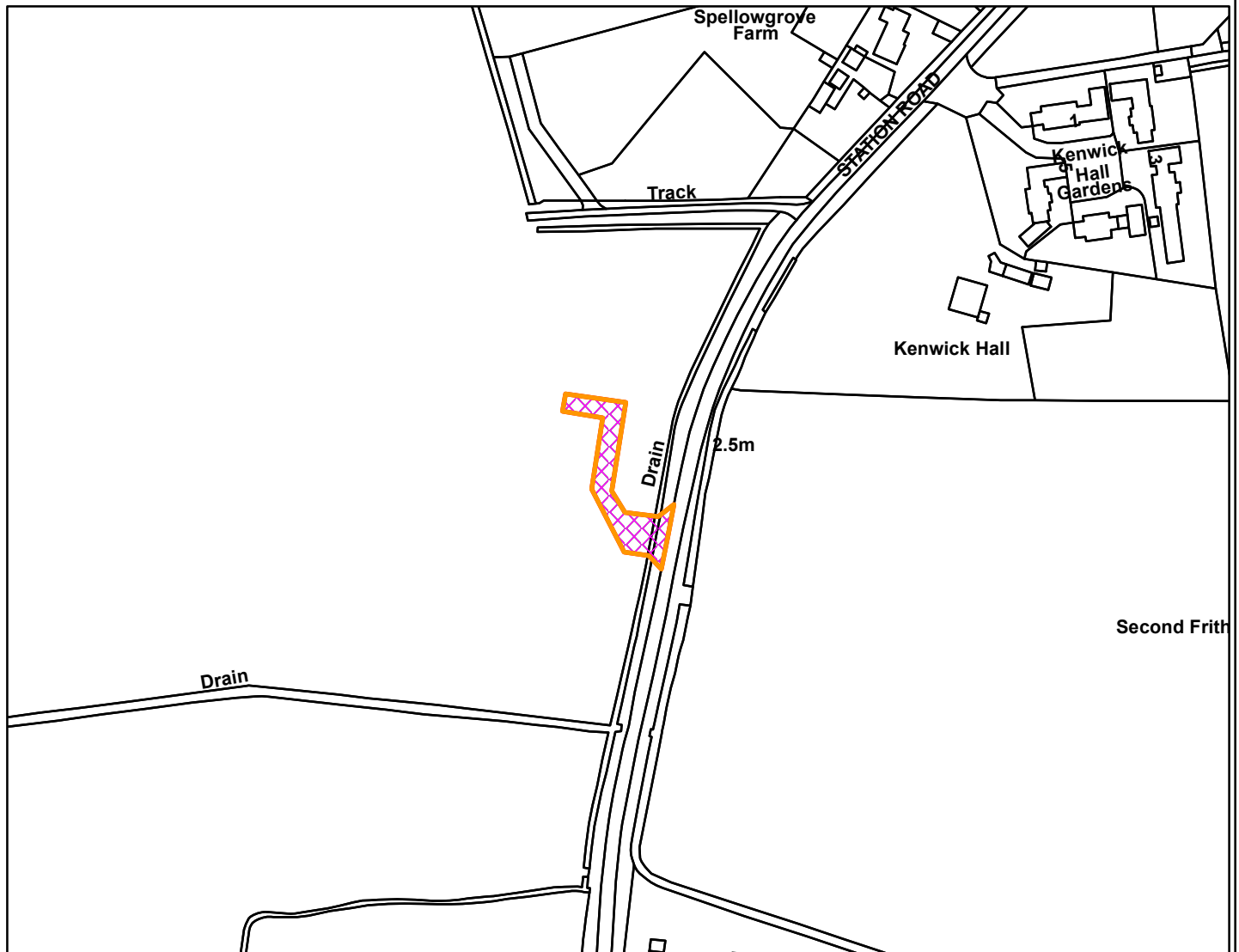
1. Don't read the papers
2. Tell relevant officers
3. Ask to be removed from any email recipient chain/group

**INDEX OF APPLICATIONS TO BE DETERMINED  
BY THE PLANNING COMMITTEE AT THE MEETING  
TO BE HELD ON MONDAY 28 JULY 2025**

<b>Item No.</b>	<b>Application No. Location and Description of Site Development</b>	<b>PARISH</b>	<b>Recommendation</b>	<b>Page No.</b>
<b>DEFERRED ITEMS</b>				
9/1(a)	<b>25/00451/F</b> The Barn Station Road Clenchwarton KINGS LYNN Norfolk PE34 4DH <b>Proposed Condenser Unit</b>	<b>CLENCHWARTON</b>	<b>APPROVE</b>	<b>22</b>
<b>MAJOR DEVELOPMENTS</b>				
9/2(a)	<b>18/00226/RMM</b> Land NE of Number 8 Cheney Hill Cheney Hill Heacham Norfolk PE31 7DL <b>RESERVED MATTERS: Construction of 69 dwellings and associated infrastructure</b>	<b>HEACHAM</b>	<b>APPROVE</b>	<b>34</b>
9/2(b)	<b>21/01412/RMM</b> Land Off Cheney Hill Heacham Norfolk PE31 7SR <b>RESERVED MATTERS: Construction of up to 64 dwellings and associated infrastructure</b>	<b>HEACHAM</b>	<b>APPROVE</b>	<b>67</b>
<b>OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE</b>				
9/3(a)	<b>25/00323/F</b> The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn Norfolk PE32 2HN <b>Overflow car park (retrospective)</b>	<b>GREAT MASSINGHAM</b>	<b>APPROVE</b>	<b>101</b>



The Barn Station Road Clenchwarton KINGS LYNN Norfolk PE34 4DH



**Legend**

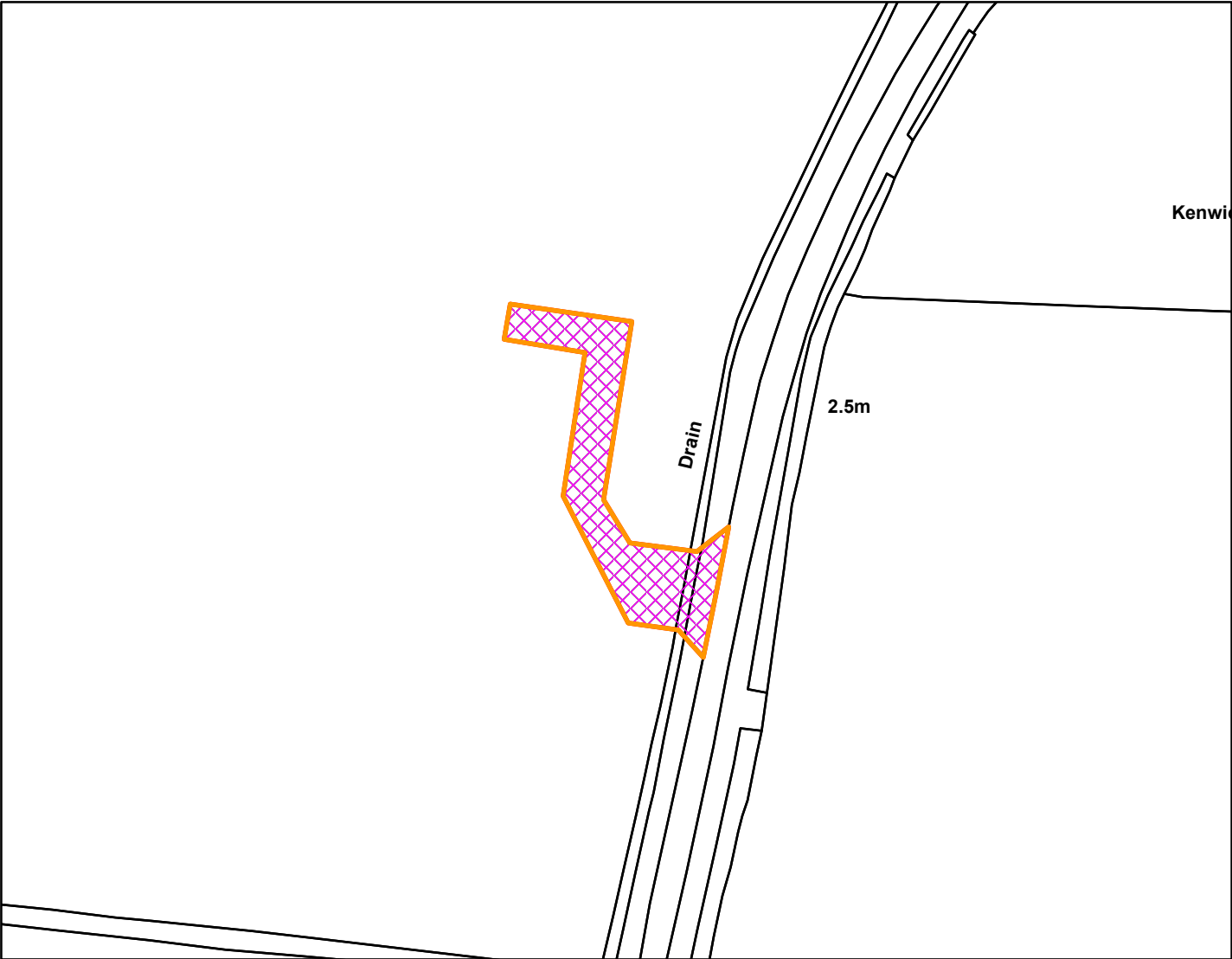
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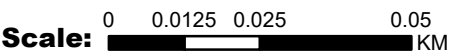
Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314



The Barn Station Road Clenchwarton KINGS LYNN Norfolk PE34 4DH



**Legend**



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Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314

<b>Parish:</b>	<b>Clenchwarton</b>	
<b>Proposal:</b>	<b>Proposed Condenser Unit</b>	
<b>Location:</b>	<b>The Barn Station Road Clenchwarton KINGS LYNN PE34 4DH</b>	
<b>Applicant:</b>	<b>Mr M Means</b>	
<b>Case No:</b>	<b>25/00451/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Kirsten Jeavons</b>	<b>Date for Determination:</b> <b>13 May 2025</b> <b>Extension of Time Expiry Date:</b> <b>4 August 2025</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Bearshaw and deferred from the Planning Committee of 30<sup>th</sup> June 2025.

**Neighbourhood Plan:** No

### **Members Update**

The application was deferred during the Planning Committee meeting of 30th June 2025 as additional comments and queries relating to the proposed noise level condition were provided, which required further consideration prior to a decision being made on the application. The additional comments are highlighted in bold throughout the report.

### **Case Summary**

Planning permission is sought for a proposed condenser unit at The Barn, Station Road, Clenchwarton.

Clenchwarton is classified as a Tier 4 Settlement (Key Rural Service Centres) under Policy LP01 of the Local Plan 2021-2040. The application site is located to the west of Station Road and approximately 307m from the A17.

### **Key Issues**

Principle of development  
 Form and character  
 Noise and impact on neighbour amenity  
 Highway Safety  
 Climate Change  
 Biodiversity Net Gain  
 Other matters requiring consideration prior to the determination of this application

### **Recommendation**

**APPROVE**



## THE APPLICATION

The application is for a proposed condenser unit at The Barn, Station Road, Clenchwarton.

The red line is located around the area of the condenser unit only and not the adjacent agricultural building. The proposed condenser unit would serve the agricultural building which was approved in June 2023 by Planning Committee under planning reference 22/02214/F, to provide cooling to facilitate the use of the building as a potato store.

The application site is located to the west of Station Road and to the southwest of Clenchwarton. The wider site comprises a detached, agricultural storage building, with associated hardstanding and is surrounded by countryside.

## SUPPORTING CASE - Provided by the Agent

This report supports the planning application for installing a condenser unit adjacent to an existing agricultural building. The unit (7.0m x 1.8m x 1.8m) will be positioned on existing hardstanding to support ongoing farm operations, with minimal visual or environmental impact.

### Planning Policy Context

The proposal is assessed against the King's Lynn and West Norfolk Local Plan 2021-2040 and national policy frameworks, which supports sustainable development in rural areas and economic resilience of agricultural enterprises. Relevant policies include:

- **Policy LP04 (Development in Rural Areas):** Supports appropriately scaled proposals that contribute to the sustainability and diversification of the rural economy.
- **Policy LP14 (Design and Local Distinctiveness):** Encourages high-quality, context-sensitive design that integrates well into its surroundings.
- **Policy LP17 (Environmental Assets) and LP18 (Amenity and Local Environmental Quality):** Require that development avoids adverse impacts on local character, amenity, and the environment.
- **Paragraph 90:** Encourages sustainable growth and expansion of all types of businesses in rural areas, including agriculture.
- **Paragraph 94:** Recognises the essential need for modern agricultural infrastructure and support facilities.
- **Paragraphs 173-175:** Relate to planning and flood risk, supporting development that is safe and flood resilient without increasing flood risk elsewhere.

### Flood Risk and Drainage

Located in Flood Zone 3, a detailed Flood Risk Assessment (April 2025) confirms:

- No increased runoff or offsite flood risk;
- Use of resilient materials and raised electrical elements;
- Existing flood defences ensure safe access and egress;

## Design and Visual Impact

The unit is small in scale, screened by the main building, and will not rise above its roofline. Its siting ensures no adverse effect on the landscape character or views from Station Road.

## Amenity Considerations

The site is remote from sensitive receptors. The unit meets acoustic standards and poses no significant noise issues.

## Conclusion

This modest proposal:

- Enhances a viable rural enterprise;
- Avoids harm to local character, flood safety, or amenity;
- Aligns with local and national planning policy.

We respectfully request approval of this application in line with the Development Plan and NPPF.

## PLANNING HISTORY

25/00645/LDP: Application Withdrawn: 10/06/25 - LAWFUL DEVELOPMENT CERTIFICATE-Installation of solar panels onto existing south facing roof - The Barn

22/02214/DISC\_A: Discharge of Condition final letter: 24/10/24 - DISCHARGE OF CONDITIONS 4 AND 6 ATTACHED TO PLANNING PERMISSION 22/02214/F - Part retrospective agricultural store - The Barn

22/02214/F: Application Permitted: 05/06/23 - Part retrospective agricultural store - Land W of Kenwick Hall And S of Track

21/01725/F: Application Permitted: 08/12/21 - Construction of new agricultural field access - Land Off Station Road

21/01732/AG: Consent Not Required: 13/12/21 - Agricultural Prior Notification: Steel framed and clad building in modern style of farm buildings - Land Off Station Road

## RESPONSE TO CONSULTATION

**Parish Council: OBJECTS** - comment is summarised as:

Concerns are raised regarding this application on the grounds of noise, dust, highway, access and traffic impact on the neighbouring properties. The applicant previously stated that a dryer would not be erected in this area.

**CSNN: NO OBJECTIONS** - comment is summarised as:

Following confirmation from the agent regarding the site and noise report, I have no objections, however, recommends conditions regarding internal fans being removed from the building, no additional plants or fans and a revised noise management plan approved under 22/02214/DISC\_A.

### **Additional Comments:**

The Noise Impact Assessment dated 10 April 2025, ref NIA-12018-25-12265-v1, submitted on 1 May 2025, relative to the proposed condensing unit, considers the components of the condensing unit:

1 no. Bock HGX66e/2070/4 compressor (in an enclosure)

3 no. Ziehl Abegg ZNo80ZIL.GG.V7.P3 fans.

The baseline noise survey carried out from Wednesday 6 to Thursday 7 March 2024 used two monitoring locations representative of Noise Sensitive Receptor 1 (Kenwick Hall, approx. 145m North East) and NSR 2 (Lyndhurst, approx. 203m South). The survey identified background noise levels of 45 dB LA90 (lowest) during the day and 33 dB LA90 overnight representative of NSR1, and 49 dB LA90 (lowest) as a daytime level at NSR2.

The sound power level (noise at source) of the compressor is stated to be 86 dB LWA within the NIA. As it will be housed in a steel enclosure, a conservative reduction of 15 dB has been applied to that figure for the sound reduction of a standard steel plate i.e. resulting in a 71 dB(A) noise emission level. The report advises the manufacturer's data indicates a sound power level for each of the three fans to be 67 dB LAW per fan, based on operating at 500 rpm.

Environmental Noise Solutions Limited have considered the noise propagation from the site to the nearest receptors and our assessment of the potential noise impact to the neighbours has been based on this information. The additional noise comments via a memo (12018 - Memo, dated 2 July 2025) explain clearly that to achieve a 'same as background' noise level, the unit would have to emit (sound power level) noise at 87 dB(A) at source. Including the attenuation provided by the proposed steel enclosure, the unit will be 71 dB(A) at source. Without the attenuation it will still be 1 dB lower.

Based on formulas used for calculating decibels, a doubling of the sound pressure results in a 3 dB increase, and halving it results in a 3 dB decrease. You do not add the decibel values because decibels are a logarithmic scale. You use the 'Nomogram for the addition of decibels' which is a scale with the top line showing the difference in decibels between the levels being added and the bottom line showing the correction in decibels to be added to the higher level. As an example, using this method, adding 71 dB (for the compressor) and 67 dB (for one fan), the difference between these numbers is 4 dB, which gives a correction of approximately 1.5 dB, which is added to the higher sound giving a total noise level of 72.5 dB (71 dB + 67 dB = 72.5 dB).

CSNN has considered all the information supplied to assess impacts on residential amenity and it is the noise consultant's professional opinion that there will be no adverse impact. CSNN have no reason to question the information in the latest NIA and Memo or the results/conclusions with respect to the cumulative impacts of the three fans and compressor combined. Should the NIA or condition not be complied with and complaints from residents are received, CSNN have powers to take action if required.

## **REPRESENTATIONS**

**FOURTEEN OBJECTION** comments received, comments are summarised as:

- Grain dryers are noisy, dusty and not suitable near residential areas,
- A grain store/dryer was refused two years ago and this application should be too,
- Increase in traffic movement from HGVs, this will cause highway safety impacts and the road is not suitable for the increase in traffic,
- The site is located in Flood Zone 3,
- The application form states that the site area is 74m<sup>2</sup>, why is the applicant claiming BNG exemption, over 25m<sup>2</sup>,
- The site plan does not match the noise assessment report,
- The cumulative noise levels from the grain dryer and associated plant could be considerable and cause nuisance to the local residents,
- The current application does not include the existing air vents,
- The application has been changed from a grain dryer to condenser unit, this make no changes the detrimental impacts of the development and does this mean there is an existing grain dryer, which this is to be used with,
- Industrialisation is eroding the rural character of the village,
- Bulk of the dryer and height would overpower the area,
- Applicant has previously stated that there would be no grain dryer,
- Impact the air quality and the lights create unacceptable light pollution throughout the night,
- The noise report does not take into account the A17 between midnight and 5am, and
- Health concerns from dust created by the dryer.

**Councillor Bearshaw, comment summarised as:**

### **FAN**

**The Optimum airflow is 18424 M3/h, with Eta opt at 287 Pascals (Pfs being pressure fluctuation signal and crucial for safe and reliable operation).**

**Not running the Fan at the optimum speed will result in**

- 1- Temperature inconsistencies,**
- 2- Excessive noise,**
- 3- Increased stress, fatigue resulting in premature failure,**
- 4- Insufficient flow,**
- 5- Higher operational costs**
- 6- Reduced system life span.**

**Running a fan in the stall characteristic (anything left (Slower) of peak) results in surge and will create resonance and fans should only pass through this region on start up or shut down. Peak for this fan commencing at 15000 RPM. Stall creates strong enough vibration that cracks in the casings and ducting can occur and will occur if ran continuously in the stall region. This is due to rotating stall, where a blade will starve the next of air which then diverts the air and stalls the next. The process continues and the stalled blades rotate around the impeller causing large pressure pulsations particularly when ran at 2/3 optimum speed. If opposite fan blades stall, a frequency is created 2x 2/3 (4/3) which will exacerbate the cracking in an extremely short period.**

**The quoted 58.0% efficiency will drop further when the fan is connected to ducting and elbows. (Without convergent or divergent ducts which will cause a pressure and temperature decrease and a velocity increase or vice versa for divergent. Which will**

**Planning Committee  
28 July 2025**

further increase noise due to pressure changes on the blades) the resultant being the fan required to run at a higher RPM for given flow and even more noise.

If we take the acoustic graph on page 4, 15000m<sup>3</sup>/h shows 87 DB and 18424m<sup>3</sup>/h although not shown would be around 90-91 DB. The 18424m<sup>3</sup>/h figure is further backed up on the efficiency graph on page 4.

**Condenser** - The condenser will run 24/7, this includes winter night temperatures of below -10c

It's worth noting here, the Sound power level (L<sub>wa</sub>) is the fixed value of a machine, where as the Sound pressure level is dependant on position and environment. So in this case, the bund and building are mitigations in sound pressure travel. The actual recording of the machine prior to any suggested mitigations is 89 DB with a K<sub>wa</sub> variation of 2.5 DB's in either direction. So the condenser could be as much as 91.5 DB's at a 1m distance.

**Fan**= 87 DB @15000 or 90-91DB @ 18424 (the later being the most optimal for fan performance)

**Condenser** = 89 DB +-2.5 DB (86.5 to 91.5 DB)

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Form and character
- Noise and impact on neighbour amenity
- Highway safety
- Climate change
- Biodiversity Net Gain
- Any other matters requiring consideration prior to determination of the application

### **Principle of Development:**

Paragraph 2 of the National Planning Policy Framework (2024) reiterates the requirements of planning law which is that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Clenchwarton is classified as a Tier 4 Settlement (Key Rural Service Centres) under Policy LP01 of the Local Plan 2021-2040 and the relevant policies of the Local Plan to this development are LP18 - Design and Sustainable Development and Policy LP21 - Environment, Design and Amenity.

### **Form and Character:**

The application is for a proposed condenser unit at The Barn, Station Road, Clenchwarton. The condenser unit would be approximately 1.2m deep, 5.9m wide and 2.1m high sited on the north elevation of the agricultural building. The condenser unit would be used in connection with the existing agricultural storage building on site, to cool the facility.

Policies LP18 and LP21 of the Local Plan states that development should respond to the context and character of places in West Norfolk by ensuring that the scale, density, layout, materials and access will enhance the quality of the environment and should respond sensitively and sympathetically to the local settings and pattern of adjacent streets.

The proposed condenser unit would be small in scale and be set approximately 43.6m back from Station Road, well screened by the existing building and earth bund surrounding the site. The proposed unit is therefore considered to be in keeping with the character and form of the existing site and would not cause harm to the visual amenity of Station Road and surrounding countryside.

Overall, the form and character of the proposed condenser unit is considered to be acceptable and would be in accordance with Policies LP18 and LP21 of the Local Plan 2021-2040.

### **Noise and Impact on Neighbour Amenities:**

The closest neighbouring dwellings to site are Kenwick Hall, situated approx. 145m to the northeast and Lyndhurst, situated approx. 203m to the south. A line of dwellings is located further along Station Road. Due to the small scale of the proposed condenser unit, the proposal would not cause any detrimental impacts from overlooking, overbearing and overshadowing to the surrounding neighbouring dwellings.

The Planning Agent submitted a Noise Impact Assessment (NIA) to understand the noise impact of the proposed condenser unit on the local area. Two assessments for the NIA were carried out on two different dates: March 6th and 7th 2025. The Assessment found that the background noise levels were around 45dBL during the daytime and 33dBL in the nighttime. The compressor within the proposed condenser unit would generate around 86dBL, however, reduced to 71dBL as it would be within the steel enclosure of the unit.

Whilst the Community Safety and Neighbourhood Nuisance team initially objected to the proposal on noise impacts, following discussions with the consultants who provided the NIA, CSNN removed their objections subject to a condition for the NIA, removal of an existing fan and permission to be sought from the Local Planning Authority before the installation of any equipment. However, as the agricultural building is not included in the red line of this application and the internal fans benefit from permitted development rights, the conditions requested by CSNN would not meet the test of conditions. Condition 3 of previous application 22/02214/F has already removed permitted development rights for fans, vents or any other mechanical plant for the purpose of drying, ventilation or extraction to be installed on the building without planning permission. The noise management plan approved under application 22/02214/DISC\_A relates to the previous development on site and a condition to amend this would also not be enforceable.

Following the application being deferred during the Planning Committee meeting of 30th June 2025, additional noise comments were provided by Cllr Bearshaw, the applicant and the applicant's noise consultant and refrigeration engineer. All of these comments have been taken into consideration and are addressed as follows:

The impact on the surrounding neighbours and residential area has been assessed on all the comments and information received. Cllr Bearshaw has raised concerns regarding the noise levels generated by the condenser unit and fans and the efficiency of their use. The comments were sent across to the applicant and were reviewed by the refrigeration engineer who will be producing, installing and maintaining the condenser unit. The refrigeration engineer has stated that the wrong fans have been referenced and that the fans will not run at full speed as this is not required by the proposed unit and the lower speed will generate a lower level of noise. The noise levels of the condenser and fans will be in accordance with the provided Noise Impact Assessment (NIA) and the noise consultant (Simon Jefferson, Environmental Noise Solutions Limited) provided a noise memo which reiterates the findings of the NIA and the noise impact on the surrounding residential area/ neighbours has been assessed based on the highest noise level of this assessment (87 dB(A)).

All the additional comments received from Cllr Bearshaw, the applicant, the noise consultant and the refrigeration engineer have been reviewed and assessed by our Community Safety and Neighbourhood Nuisance (CSNN) team.

The main aim with considering this application is the potential noise impact at the boundaries of residential receptors. CSNN know the measured background level is 33dB. The additional noise comments via a memo (12018 - Memo, dated 2 July 2025) explain clearly that to achieve a 'same as background' noise level, the unit would have to emit (sound power level) noise at 87 dB(A) at source. Without the attenuation it would be 86dB(A), which is 1 dB lower than this. Including the attenuation provided by the proposed steel enclosure, the unit will be 71 dB(A) at source.

In situations like this, CSNN consider the information supplied in order to assess impacts on residential amenity. CSNN have noted Cllr Bearshaw's comments, however, the noise consultant's professional opinion is that there will be no adverse impact and CSNN have no reason to question the information in the latest NIA and Memo or the results/conclusions with respect to the cumulative impacts of the three fans and compressor combined.

Overall, based on all the information provided and comments received from the CSNN team, the noise level which would be generated by the proposed condenser unit is considered to be low and would not be detrimental to the amenity of the surrounding neighbours. The noise impact assessment submitted with this application and the noise level at source would be conditioned, limiting the noise level generated by the proposed condenser unit to 87 dB Lwa (at source). If this condition is not complied with enforcement action could be taken by our Planning Enforcement Team. Additionally, if a statutory nuisance were to result from the proposed development CSNN have powers to take action if residential complaints are received. The impact on neighbours is therefore considered acceptable and would be in accordance with Policy LP21 of the Local Plan 2021-2040.

**Highway Safety:**

The proposal would not result in additional traffic movement to the agricultural building, the proposed condenser unit is to be used in connection with the existing use of the building and to provide cooling to the facility.

In terms of highway safety, the proposal would meet LP13 and LP21 of the Local Plan 2021-2040.

**Climate Change:**

In relation to LP06 of the Local Plan 2021-2040, it is not considered to be reasonable or appropriate to require climate change mitigation measures for a development of this scale given that it is for the installation of a small standalone condenser unit. Furthermore, the proposed condenser unit would not generate dust or affect the air quality.

**Biodiversity Net Gain:**

The applicants have claimed a de minimis exemption from Biodiversity Net Gain (BNG). The proposed condenser unit would cover approx. 12.6m<sup>2</sup> of land and therefore the development would impact less than 25 square metres of non-priority onsite habitat.

**Other matters requiring consideration prior to the determination of this application:**

During the application process the description of development was changed from a "proposed grain dryer" to a "proposed condenser unit". The application form was incorrectly filled out and an incorrect noise report was submitted, however, the original plans submitted were for the correct proposal (condenser unit). A revised application form and noise report was submitted, and re-consultation was undertaken. Many of the third-party comments and comment from the Parish Council relate to a grain dryer. Whilst they have been included and considered as part of this application, the proposal is for a condenser unit only and the impact of the development has been assessed against this proposal only.

The existing agricultural building is also not included in the red line and therefore the existing vents and lights are not considered as part of this application.

The site is located in Flood Zone 3 and due to the nature of the development, is considered compatible development in this area.

**Conclusion:**

Overall, the proposed condenser unit would be a small-scale structure, which would be in keeping with the character of the existing agricultural building and being set back from Station Road, screened by the existing landscaping and building, the proposal is considered to not cause detrimental harm to the visual amenity of the street scene and the countryside. The proposal would also not cause detrimental impact to the surrounding neighbours or highway safety concerns.

The proposal is therefore considered to be acceptable and in accordance with LP18 and LP21 of the Local Plan 2021-2040 and the NPPF 2024.



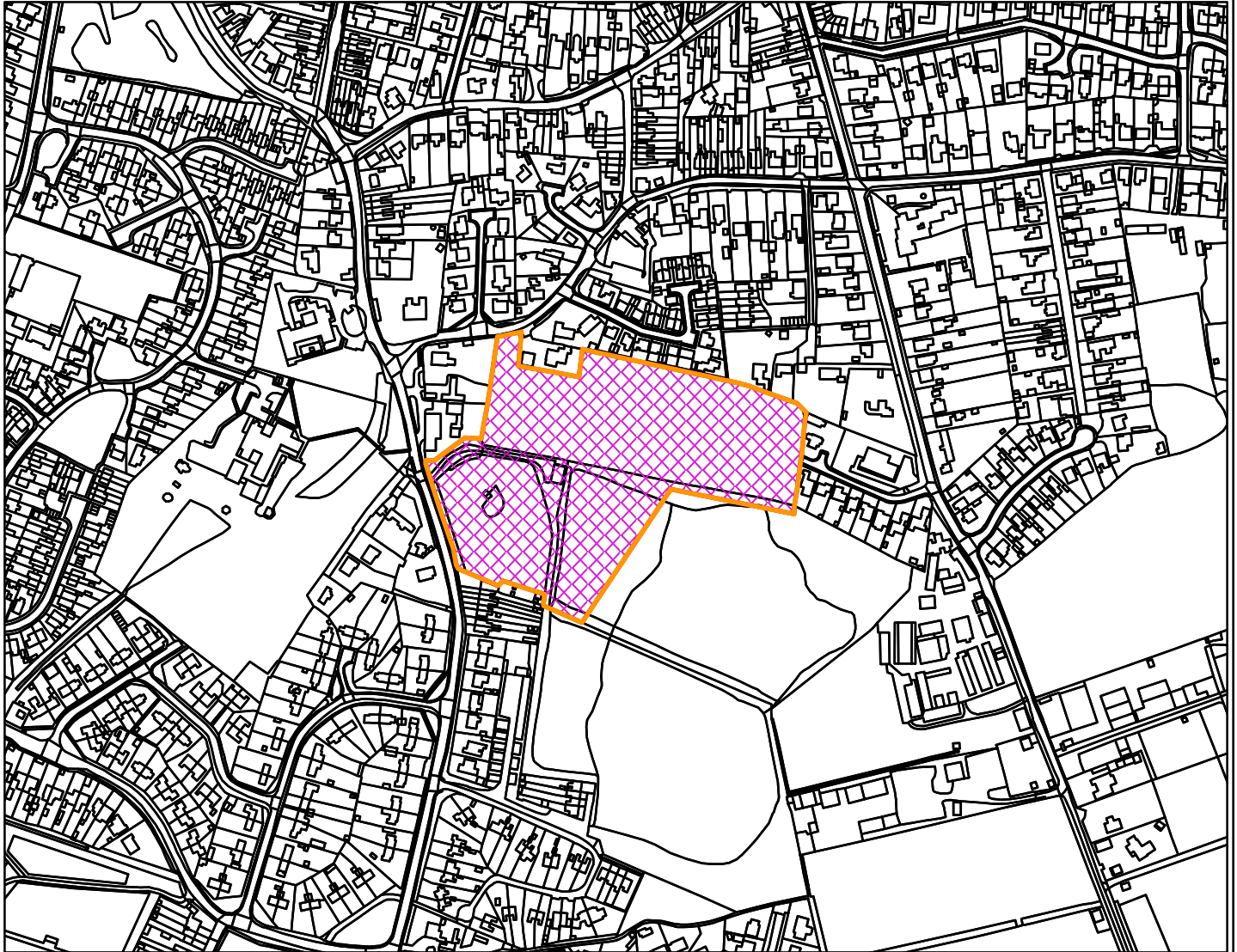
## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans, Drawing numbers:
  - 22-P19-PL200A - EXISTING AND PROPOSED PLANS AND ELEVATIONS (Received 16/05/25)
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: **The noise level generated by the condenser unit hereby permitted shall not exceed 87 dB Lwa (at source) and the development shall be constructed in full accordance with the Noise Impact Assessment written by S.Jefferson MSC, MIOA, dated 10th April 2025.**
- 3 Reason: In the interests of the amenities of the locality in accordance with Policy LP21 of the Local Plan 2021-2040 and the principles of the NPPF.



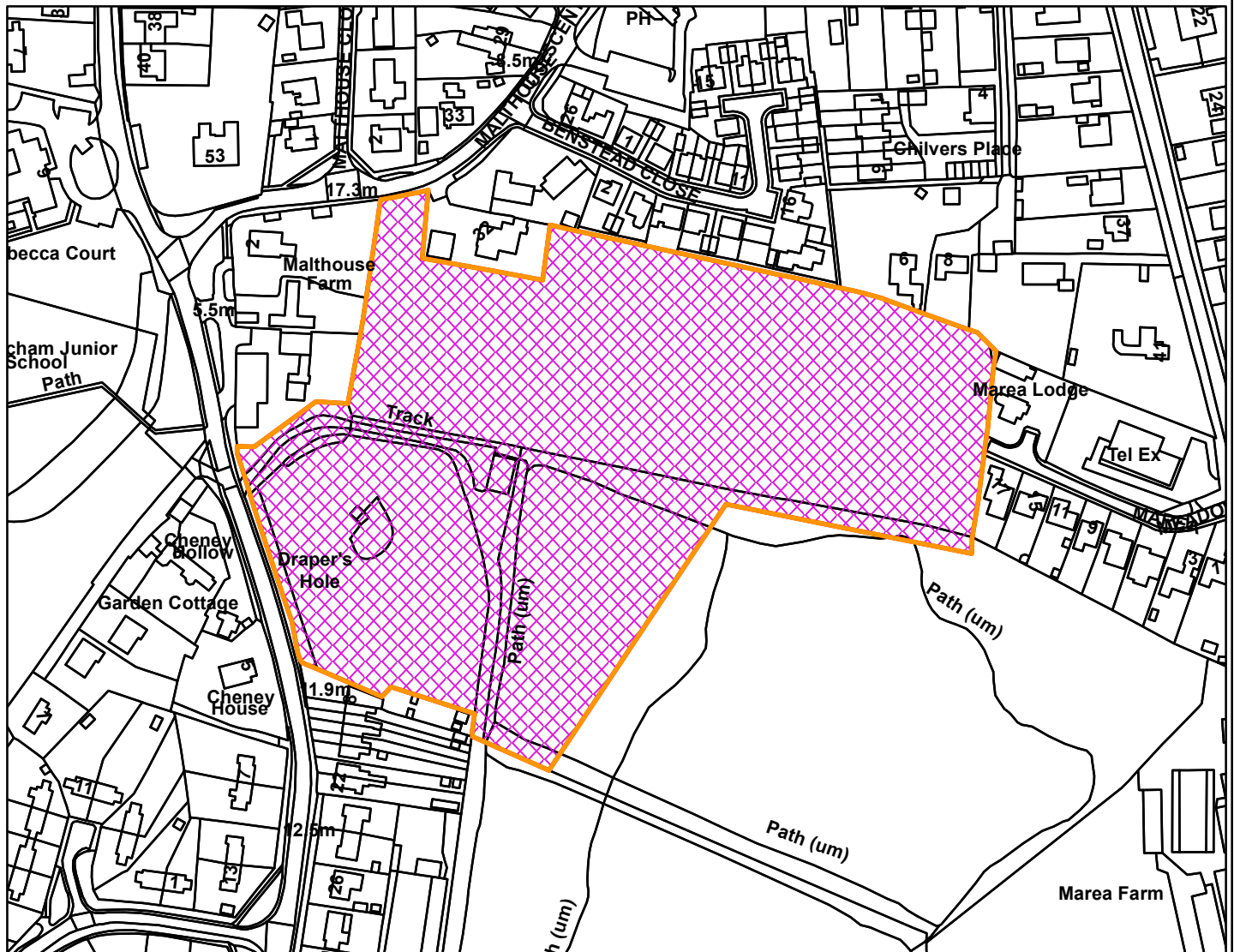
Land NE of Number 8 Cheney Hill Cheney Hill Heacham Norfolk PE31 7DL

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Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314



Land NE of Number 8 Cheney Hill Cheney Hill Heacham Norfolk PE31 7DL



### Legend

**Scale:** 0 0.0275 0.055 0.11 KM

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Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314

<b>Parish:</b>	<b>Heacham</b>	
<b>Proposal:</b>	<b>RESERVED MATTERS: Construction of 58 dwellings and associated infrastructure</b>	
<b>Location:</b>	<b>Land NE of Number 8 Cheney Hill Cheney Hill Heacham Norfolk PE31 7DL</b>	
<b>Applicant:</b>	<b>W H Kerkham (Rhoon) Ltd</b>	
<b>Case No:</b>	<b>18/00226/RMM (Reserved Matters - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination:</b> <b>11 May 2018</b> <b>Extension of Time Expiry Date:</b> <b>2 October 2025</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Parish and Officer  
Recommendation is Contrary to Parish Council Recommendation

**Neighbourhood Plan:** Yes

### **Case Summary**

The site comprises approximately 3.6ha of agricultural land on the edge of the built-up area of Heacham. The site forms part of Housing Allocation site G47.1 Land off Cheney Hill. Together with application 21/01412/RM, also before committee, the two sites form the entirety of the allocation (6h). The allocation benefits from outline consents granted under applications 15/00352/OM relating to this reserved matters application and 16/01385/OM which relates to reserved matters application 21/01412/RM.

Residential uses lie adjacent to the southwest, west, north and northeast of the site with the remainder of the allocation to the southeast.

Most of the wider site is relatively flat although it rises towards the centre; adjacent levels are however very similar to existing dwellings other than in the southwestern part of the site where the change in levels is more noticeable and ground levels vary as much as 1.6 metres.

The application seeks reserved matters (RM) approval for the 'Construction of 58 dwellings and associated infrastructure' following grant of outline consent for the 'Construction of up to 69 dwellings and associated infrastructure' granted under application 15/00352/OM.

Access was approved at outline stage therefore this RM application seeks approval of: layout, appearance, scale and landscaping.

The site lies within Flood Zone 1.

## **Key Issues**

Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance

Form and Character

Residential Amenity

Highway Issues

Open Space, Landscaping and Trees

Habitats and Biodiversity

Flood Risk and Drainage

Housing

Climate Change

Crime and Disorder

Other Material Considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

The application seeks reserved matter (RM) approval for the 'Construction of 58 dwellings and associated infrastructure' following grant of outline consent for the 'Construction of up to 69 dwellings and associated infrastructure' granted under application 15/00352/OM.

The outline consent has conditions covering:

- Construction, drainage, management and maintenance of roads and footways,
- Highway safety (splays, construction traffic management),
- Off-site highway improvement works,
- Foul and surface water drainage details,
- Outdoor lighting scheme,
- Amenity (dust suppression, construction management plan),
- Archaeology,
- Landscaping and landscape management,
- Trees,
- Fire hydrant(s),
- Ecology, and
- Contamination including asbestos.

A S106 Agreement secured against the outline consent covers:

- Open space specification, provision, management and maintenance (of an area of not less than 20m<sup>2</sup> per dwelling (1,160m<sup>2</sup>) to be used principally for children's play),
- On-site affordable housing provision (20%),
- An education contribution of £1420 per dwelling,
- A library contribution of £60 per dwelling Index Linked, and
- Habitat Regulation Mitigation Contribution of £50 per dwelling.

An education and library contribution are included in the S106 because at the time the outline consent was granted CIL had not been adopted by the Local Planning Authority.

Issues covered by condition and the S106 Agreement on the outline consent are not for consideration in the context of this reserved matters application other than to ensure compliance where necessary.

Reserved Matters are being sought for 58 dwellings, 12no. of which would be affordable (20%). The 58 dwellings comprise:

- 27no. detached,
- 24no. semi-detached of which 8no are affordable (plots 2 and 3, 25 and 26 and 33-36),
- 1no. terrace of 4 all of which are affordable (plots 54/57), and
- 3no. bungalows (plots 5, 15 and 17).

This can be further broken down into:

- 6 x 2-bed units (4no. affordable)
- 33 x 3-bed units (8no. affordable) and
- 19 x 4-bed units.

The density of development on this site is 16.2dph; whilst the density of development of the wider site (Phases 1 and 2) is 20dph. For comparison, the density of development of Marea Meadows is 16.2dph and Benstead Close is 39.7dph.

Materials comprise of a mixture of:

- Red brick
- Red pantiles
- Carrstone
- Timber cladding (to stores and refuse bin enclosures), and
- Metal framed windows, doors, gutter and downpipes.

Boundary treatments comprise of a mixture of:

- Timber post and rail 3 bar fence,
- 1.8m high hedge with 1m brick wall in front,
- 1.8m brick wall, 1.8m timber fence with trellis top, and
- Chestnut cleft post and rail fence.

Scale:

- Two storey ridge heights range between 8.7m and 8.9 with eaves ranging between 5.4m and 5.9m, and
- Single storey ridge height is 6.1m and eaves are 2.9m.

A generous amount of public open green space (6,917 sqm), including play areas, interconnected with a series of footpaths and a cycle path is proposed.

All dwellings are shown to benefit from an Air Source Heat Pump (ASHP) and solar PV panels.

Access is from Cheney Hill as per the outline consent.

All parking accords with parking standards. Garage provision is as follows:

- 19 x double garages,
- 21 x single garages, and
- 10 x car ports.

The remaining 8 properties have no garage or car port.

14no. visitor parking bays are proposed.

## SUPPORTING CASE

This Statement supports W. H. Kerkham (Rhoon) Ltd. application for the “Construction of 58 dwellings and associated infrastructure”

### *The Site Allocation:*

This Reserved Matters application follows the approval of outline application 15/00352/OM, which establishes the principle of residential development on the site, in addition to site access. The site is allocated under reference G47.1 in the recently adopted King’s Lynn and West Norfolk Local Plan (2025), and therefore it is important that this site is brought forward to provide high-quality homes to meet an identified housing need, including affordable housing, in the Borough.

Heacham benefits from a range of services and facilities and is a sustainable location for residential development, as demonstrated by the outline planning permission. The site is situated near the village centre and local services, which enables new residents to easily access village facilities by walking or cycling. The Neighbourhood Plan (2022) also acknowledges the importance of this application in respect of meeting housing requirements, particularly for younger generations and new homeowners, who wish to stay or move into the village.

### *A Policy Compliant Scheme:*

Throughout the application extensive discussions have been undertaken with key stakeholders (including the LLFA and NCC Highways), and no technical comments remain outstanding. The scheme will provide 20% affordable units in line with both the S106 agreement and policy. When combined with the adjacent site (21/01412/RMM), the open space totals 8,300 m<sup>2</sup>, which is above both the provision detailed in the S106 agreement and policy requirement of 6,617 m<sup>2</sup>.

In addition, this site will contribute financially to both local education and library provisions. A GIRAMS payment of £304.17 per dwelling will also be made.

### *High Quality Design:*

The applicant has worked collaboratively with officers to ensure the scheme represents a high-quality, sustainable development. Since the Reserved Matters application was originally submitted, the number of dwellings has been reduced following discussions with the council. Whilst the outline permissions allow for up to 133 dwellings, the scheme, when combined with the adjacent site, brings forward 122 dwellings, to ensure the provision of a high-quality scheme that provides adequate amenity space for existing and future residents.

The house designs have been developed as a contemporary approach to the Norfolk vernacular, with careful attention given to the existing colours of adjacent roofs and brick exteriors. Particular focus has been given to the homes fronting Cheney Hill, to stitch this development positively into the surrounding environment.

To conclude, it is respectfully requested that the planning committee endorse the Planning Officer’s recommendation for approval of this application.

## PLANNING HISTORY

This part of allocation:

15/00352/OM: Application Permitted: 09/02/16 - Outline Application: construction of up to 69 dwellings and associated infrastructure – Committee Decision in line with officer recommendation.

Remainder of allocation:

16/01385/OM: Application Refused: 04/08/17 - OUTLINE WITH SOME MATTERS RESERVED: Residential development of up to 64 dwellings – Committee Decision overturning officer recommendation to approve; Allowed at appeal 07/09/18.

## RESPONSE TO CONSULTATION

The comments relate to the latest comments received from the following consultees:

### Parish Council: OBJECT

Heacham Parish Council reiterates and reinforces its previous objections regarding planning applications 21/01412/RMM and 18/00226/RMM.

Whilst the Parish Council recognises that the development will likely proceed—and indeed welcomes it if properly considered—our continued objections stem from fundamental concerns that the proposed development currently lacks the requisite quality, innovation, and forward-thinking necessary for our community. Approving a merely adequate development rather than striving for good or excellent standards is not acceptable.

We remain deeply concerned that our previous submissions appear not to have been fully addressed or adequately acknowledged. Given the extensive volume of documentation, it is exceptionally difficult for Parish Councillors—who are not expected to be technical experts—to track and identify all changes. A clear and concise synopsis, ideally in a tabular or bullet-point format highlighting amendments, would significantly assist our review and ensure our responses remain well-informed and relevant.

### *Specific concerns include:*

- **Street Lighting and Landscaping Maintenance:** The Parish Council reaffirms it will not assume responsibility for street lighting or landscaping beyond the developer's post-installation maintenance period. We strongly request a formal planning condition to secure clear, sustainable arrangements for long-term management and maintenance, preventing unforeseen burdens upon local resources.
- **Library and Community Infrastructure (Section 106 Funding):** Heacham Library will require additional support to accommodate increased demand anticipated from this development. It is essential that Section 106 contributions specifically include funding to enhance library facilities and resources in the village we run a parish funded library and continue to provide other services on behalf of the Borough Council.

### *Reaffirmation of Previous Objections:*

1. **Shared Paths and Safety:** Shared-use paths should comply with Sustrans standards of a minimum width of 3 metres to ensure pedestrian and cyclist safety. However, given that this development is off the main route and rat-running is unlikely, we question the necessity of off-road cycle infrastructure at all.



2. Affordable Housing: Adequate parking provision, including garages, must be provided for all housing units, particularly affordable housing, to avoid discriminatory outcomes and ensure safety and convenience.
3. Street Lighting: Lighting should adhere to best practice standards, including dimming lights by 50% after midnight to reduce energy consumption and light pollution. If, in the future, the Parish Council considers adopting street lighting, installations must meet the minimum standards required by the parish.
4. Dog Waste Bins: Responsibility for the provision and appropriate placement of dog waste bins must be clearly defined and addressed by the developer, ensuring the village's ongoing issues with dog waste are adequately managed.
5. Site Management Responsibilities: A resident-funded management company should oversee the ongoing maintenance of communal areas, landscaping, street lighting, and play facilities. This arrangement is crucial to prevent unplanned financial responsibilities from falling onto the Parish Council unless explicitly agreed funding arrangements are in place.
6. Travel and Pathway Design: All shared paths must be appropriately designated and constructed, ensuring safety and usability. The footpath from Cheney Hill to School Road requires careful reconsideration, particularly where private land may be impacted.
7. Road and Path Design Concerns: Adequate measures for bin collection and effective traffic calming strategies are essential to ensure convenience for residents and safety for children.
8. Green Spaces and Amenity Distribution: Insufficient green space provision in Phase 2 undermines the village's character and community well-being. The development must be cohesive, with amenities distributed evenly across all phases.
9. Permitted Development Restrictions: Restrictions should be imposed to prevent excessive extensions that reduce garden space and negatively impact the overall estate aesthetic.
10. Community Infrastructure Levy (CIL) and Policy Compliance: The Parish Council remains concerned about compliance with the Heacham Neighbourhood Plan policies, as this has significant implications for community benefit and coherence.
11. Construction Management and Phasing: Phasing must minimise disruption to residents, particularly around schools, effectively managing noise and traffic impacts.

We trust the Borough Council will carefully consider these matters and our reiterated concerns. The quality and sustainability of developments approved today significantly shape the future of Heacham, underpinning our insistence on standards beyond merely adequate.

### **Highways Authority (NCC): NO OBJECTION**

All concerns (layby layouts, width of parking spaces, boundary treatment abutting carriageway edges, traffic calming measures, levels between the existing footway and the site, communal bin collection points for plots 67-70 and 75 and 76, removal of street lighting, removal of a secondary emergency access onto Malthouse Crescent, ped/cycleway link between the site and Marea Meadows, splays, shared surfaces, have been addressed by the latest amended plans, although it is noted plot 51 appears to retain pedestrian access direct onto Cheney Hill. While we have previously raised concern this could potentially lead to some on-street parking, should your authority support the layout as proposed the highway authority could not substantiate adverse comment solely on this basis in this instance.

### **Strategic Housing (BCKLWN): NO OBJECTION**

Affordable Housing was secured via a S106 agreement as part of the outline application. The S106 requires 20% affordable housing with a 70% rent 30% shared ownership split equating to 12 affordable units, 8 for rent and 4 for shared ownership.

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The proposal accords with these requirements, space standards and cluster numbers.

**Natural England: NO OBJECTION:** subject to securing the GIRAMS payment and other mitigation such as leaflets providing details of the onsite green space to be provided to new homeowners and a detailed plan, long term fund and a maintenance and management strategy for the onsite greenspace.

Natural England considers the sHRA is of a standard that can be adopted by the LPA as Competent Authority, and acknowledges that whilst shorter than normally sought, the onsite dog walking routes, given their links to surrounding public rights of way, are acceptable in this instance.

Given that most SSSIs are also covered by European Protected Sites, given the acceptability of the proposal (subject to mitigation contained within the sHRA) the development is unlikely to have any significant impact on any SSSI Zone of Influence.

The impact on the setting of the nearby protect landscape (the North Coast National Landscape) should be taken into consideration in the determination of the application. However, as statutory consultees in relation to development that may affect the National Landscape they raise no objection.

**Senior Ecologist (BCKLWN): NO OBJECTION**

*Protected Species:* Following my consultee response on 15 May 2025 the following document has been submitted:

- Ecological Impact Assessment (Crossland Ecology, 29/06/2025)

The outstanding issue from my comment were the outstanding surveys recommended within the PEA for:

- Reptiles
- Breeding birds
- Bat activity

These surveys have now been undertaken and are reported within the current Ecological Impact Assessment. The report does not identify any significant ecological limitation assuming that appropriate mitigation is put in place – all recommended mitigation must therefore be secured via condition.

If you are minded to grant consent the following details must be conditioned to secure appropriate mitigation:

- Signage in accordance with HRA
- Greenspace details in accordance with HRA
- Construction and Ecology Management Plan (CEMP)
- Ecological Design Strategy (EDS)
- Landscape and Ecology Management Plan (LEMP)

The requested documents must be in accordance with the EIA and the HRA. All Ecological Enhancements should be represented on relevant plans i.e. masterplans, boundary treatments and elevation plans as relevant.

*Protected Sites:* In relation to Impact on European Protected Sites, no objections are raised on the basis of the sHRA that was submitted which is of a standard that can be adopted by the LPA, subject to conditions securing certain measures.

### **Arboricultural Officer (BCKLWN): NO OBJECTION**

The applicant has provided new landscaping drawings, the tree protection details remain the same, I cannot see any significant changes and therefore my comments confirm that I do not object to this proposal but advise on the new landscaping documents that are to be included in the approved documents list and suggest conditions relating to tree protection and new soft landscaping.

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

*Assets Affected:* Anglian Water have assets within or in close proximity to the site – recommend an informative.

*Wastewater Treatment:* Whilst Heacham WRC is currently flow non-compliant, because these sites have planning consent, we are obligated to accommodate the domestic flows and we will plan investment, in consultation with the Environment Agency.

These two applications are already accounted for in our Heacham WRC capacity calculations.

The responsibility for implementing enhancement to the receiving WRC to enable an amended flow permit rests entirely with Anglian Water.

Our investment programme aims to ensure that the WRC flow permit is sufficient to accommodate new development within the catchment.

*Used Water Network:* We have reviewed the information submitted and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) 7 and 14 of the outline planning application 15/00352/OM, to which this Reserved Matters application relates.

**Surface Water Disposal:** The applicant has indicated that their method of surface water drainage is via SuDS with an outfall into an existing ditch. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed – recommend an informative.

### **Environment Agency: NO OBJECTION**

We have reviewed the amended documents and have no further comments to make.

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

We have reviewed the new documents and determined that our comments from our letter dated 05 July 2024 (our ref: FW2024\_0481) still apply. We have no additional comments to make at this time and continue to recommend an informative relating to a maintenance regime for the 'downstream defender' proprietary treatment systems be appended to any permission granted.

### **Internal Drainage Board: NO OBJECTION**

The Board has granted consent for the proposed overflow discharge to the Board's IDD under our reference 24\_27689\_C in line with drawing number 01809-ENG-ZZ-XX-DR-C3002 P3 (Engenuiti, 28/05/2024) therefore we have no objections to this application.

Should any alterations be proposed to the overflow arrangements or a permanent discharge to the watercourse be proposed, the applicant should contact this office to discuss possibly required amendments to the consent

**Open Space (BCKLWN): NO OBJECTION**

Amended plans have addressed previously queries. However, they question whether the trees in front of plot 1 and 45/51/52 form part of the development.

**Waste Management (BCKLWN): OBJECT**

- I note the removal of the brick weave from the shared surface road [which is welcomed],
- Unfortunately, no apparent changes have been made to the parking court numbered 8 on the Master Plan. The previous comments on the arrangements for these plots remains valid and therefore satisfactory arrangements have not been made for the collection of waste and recycling.

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION**

*Contaminated Land:* We have reviewed the amended documents relating to the changes to the approved plans and alterations to the designs and have no additional comments regarding contaminated land. Conditions relating to contaminated land on the outline application and previous comments still apply.

*Air Quality:* Consideration should be given to fast EV charging provision for each dwelling and best practice should be considered in relation to stoves and sufficient provision for the dry storage of wood fuel.

**Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION**

Requests conditions requiring a Construction Environmental Management Scheme and details of ASHPs be appended to any permission granted along with an informative relating to the Control of Pollution Act

**Norfolk Historic Environment Service (NCC): NO OBJECTION**

Request that archaeological conditions are appended to this RM consent if they weren't on the original outline consent.

**Police Architectural Liaison Officer: NO OBJECTION**

Some further 'tweaks' could be introduced, but it is clear to see that this design has carefully incorporated many of principles of Secured by Design already and this should be recognised with Award Status.

There is an exceptional level of guardianship (97%) and I recognise and applaud the applicants team in providing such attention to detail in the design.

**Norfolk Constabulary (Head of Estates): No objection**

Reiterate comments made on the previous proposals in relation to the pressures large developments have on existing resources. Moving forwards developer contributions should be required for infrastructure needed by the police in West Norfolk.

**Carrow Fire Station: NO OBJECTION** Information provided relates to building regulations.

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## REPRESENTATIONS

**THIRTYSEVEN** letters of **OBJECTION** have been received from 26 third-party representatives. The reasons for objection can be summarised as:

- The development would have too much of an impact on the village specifically in terms of infrastructure, services and facilities,
- A development of this size should be refused,
- The access is in an inappropriate and unsafe position given its proximity to the school; children's safety will be put at risk,
- There is bound to be an accident with an access in this location and increased traffic on the roads,
- A single access to the site is inappropriate,
- There is no need for this number of dwellings in Heacham,
- Construction worker parking needs to be considered,
- This number of properties is too many for Heacham and will turn the village into a town,
- The amendments should have been made clearer to enable easier comparison,
- Loss of privacy, overlooking, overbearing and overshadowing impacts,
- Properties being built adjacent to existing dwellings should be single storey,
- Environmental issues and loss of important wildlife habitat,
- Potential risk to existing surface water drainage system,
- Access to the adjacent field is shown; this is obviously for an access to the land to build further housing. A condition should be placed on any permission granted to prevent any further development being access from this site,
- Increase in traffic and issues relation to the junction of Lamsey Lane and the A149 will worsen,
- General impact on the village road network,
- The design and height of the dwellings are totally out of keeping with existing properties in Heacham,
- Adoption of roads is unclear,
- Footpaths should be provided on shared surface roads,
- The width and control of traffic through the Marea Meadows link needs to be reconsidered; it must not be a vehicular route,
- The pedestrian link onto Marea Meadows would result in overuse of a single pathway on both Marea Meadows and School Road,
- Who will be responsible for management and maintenance of the public open space?
- Has broadband been considered?
- Who will be responsible for any street lighting,
- Many villages in Norfolk have become unaffordable to local residents due to the demand for holiday homes; this has not been considered in these applications,
- The ecology reports need updating,
- Why have these applications taken so long to assess? They should be withdrawn and resubmitted as a single application, due to changes in the locality that would affect traffic volumes that would change the acceptability of these proposals if they were submitted now,
- A new submission would also mean that the proposed development would have to meet national BNG requirements,
- The Neighbourhood Plan has been adopted since submission of these applications. The policies in the plan should be fully adhered to,
- This development shows no consideration for the local community,
- The planners do not live here, if they did the approach would be very different,
- It is disappointing that no direct consultation has taken place by the Developers, Borough or Parish Council with the local residents on any of the amendments sought,

- The owner of the footpath access into Marea Meadows will deny access to this development from Marea Meadows,
- The density of development is too great for the locality,
- The drainage strategy is not appropriate and will result in flood at the bottom of Cheney Hill,
- We were told that the significant Horse Chestnut trees on the site would be protected by a preservation order, this hasn't happened,
- Unacceptable impacts from light, noise and air pollution,
- Three storey dwellings are totally inappropriate in this locality,
- The noise generated from this number of Air Source Heat Pumps needs to be fully considered,
- The layout of these reserved matters applications is totally different to those approved on the outline consents,
- The whole project is an exercise in profiteering, and
- Amendments have brought some plots closer to existing dwellings.

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP04** - Presumption in Favour of Sustainable Development Policy (Strategic Policy)

**LP05** - Implementation (Strategic Policy)

**LP06** - Climate Change (Strategic Policy)

**LP13** - Transportation (Strategic Policy)

**LP14** - Parking Provision in New Development

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP19** - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

**LP22** - Provision of Recreational Open Space for Residential Developments (Strategic Policy)

**LP27** - Habitats Regulations Assessment (HRA) (Strategic Policy)

**LP28** - Affordable Housing Policy (Strategic Policy)

**LP30** - Adaptable & Accessible Homes (Strategic Policy)

**LP38** - Community and Culture (Strategic Policy)

**G47.1** Heacham - Land off Cheney Hill

**LP01** - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 2:** Housing Mix

**Policy 5:** Design Principles

**Policy 6:** Residential Car Parking

**Policy 7:** Garage Provision

**Policy 13:** Dark Skies

**Policy 19:** Cycleways

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The principle of residential development for up to 69 dwellings along with access from Cheney Hill has been established by extant outline consent granted under application 15/00352/OM that represents part of Housing Allocation G47.1 of the recently adopted Local Plan.

This application is therefore for the determination of the outstanding reserved matters: layout, scale, appearance and landscaping. Issues outside of these matters such as principal occupancy for example cannot be considered under this application. The number of dwellings now proposed is 58.

The main issues for consideration in the determination of this application are:

- Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance
- Form and Character
- Residential Amenity
- Highway Issues
- Open Space, Landscaping and Trees
- Habitats and Biodiversity
- Flood Risk and Drainage
- Affordable Housing and Other S106 Issues
- Climate Change
- Crime and Disorder
- Other Material Considerations

### **Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance:**

Local Plan Policy G47.1 relates specifically to development of this allocation of which the current application represents the northwestern extent. Several policy requirements relate

specifically to the outline consent (i.e., do not relate to layout, scale, appearance and landscaping).

*Policy G47.1 Heacham - Land off Cheney Hill: Land amounting to 6 hectares, as shown on the Policies Map, for residential development of at least 133 dwellings.*

*Development will be subject to compliance with all the following:*

- 1. Establishment of safe pedestrian and vehicular access to the site with primary access from Cheney Hill. Opportunities for increasing connectivity to the surrounding secondary road network for pedestrian/cycle access should be explored (outline considerations),*
- 2. Submission of details of layout, phasing, and conceptual appearance (reserved matters considerations),*
- 3. Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SuDS should be included with the submission (outline (condition) and reserved matters considerations (layout)),*
- 4. A financial contribution for any upgrades or additional provision in terms of water supply, sewerage, schools, highways etc. necessary to serve the development (outline considerations covered in S106 Agreement),*
- 5. Enhanced informal recreational provision on, or in the vicinity of the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on Habitats Regulations protected nature conservation sites in the wider area. This provision may consist of some combination of:*
  - a. informal open space (over and above the Council's normal standards for play space),*
  - b. pedestrian routes which provide a variety of terrain, routes and links to greenspace and/or the wider footpath network, and*
  - c. a contribution to greenspace provision or management in the wider area within which the site is located (outline and reserved matters considerations as well as covered in S106 Agreement),*
- 6. Provision of a programme of publicity aimed at both occupants of the development and other residents of Heacham, highlighting the opportunities for recreation (especially dog walking) in the vicinity avoiding areas within the Wash Special Protection Area and the North Norfolk Coast Protection Area and the North Norfolk Coast Special Protection Area, and the sensitivity of those areas to dog walking and other recreation (outline considerations),*
- 7. A project level Habitats Regulations Assessment, with particular regard to the potential for indirect and cumulative impacts through recreational disturbance to the Wash Special Protection Area and the North Norfolk Coast Protection Area (outline and reserved matters considerations as well as contained within S106 Agreement and subject to a Deed of Variation in relation to the Agreement), and*
- 8. Provision of affordable housing in line with Policy LP28 (contained within S106 Agreement and reserved matters consideration in terms of location).*

Policy G47.1 remains unaltered from its inclusion in the previous Local Plan and continues to be the overarching policy relating to development of this site. However, the other main 'in principle' policy relating to the location of development in the new Local Plan is LP01 of which the proposal accords with. Other relevant policies within the new Local Plan are dealt with under the relevant headings of this report.

Conditions and S106 requirements on the outline consent that are pertinent to this reserved matters application (i.e. that could affect the layout, scale, appearance and landscaping) are affordable housing and open space (S106), and drainage (condition 14).



For reasons that are covered in the following report it is considered that the proposed development accords with the overarching policy requirements and conditions and S106 requirements (subject to a Deed of Variation) outlined above.

### **Form and Character:**

Local Plan Policies LP18, LP21 and LP38 require development to, amongst other things, conserve and enhance the wider environment by being locally distinctive and responding sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings by virtue of scale, height, massing, materials and layout. Developments should also optimise site potential / make the most efficient use of land. This is reiterated in Neighbourhood Plan Policy 5 and Chapter 12 of the NPPF.

Chapter 12 of the NPPF and Local Plan Policies LP18, LP38 and G47.1 also require schemes to promote social interaction, be safe and accessible, provide access to green infrastructure, local shops etc. and encourage walking and cycling.

The design has developed over time including rearrangement of the internal road network to ensure more efficient and safer connections, updated landscaping to include a well overlooked green spine that runs through the heart of the development and provides generous open play spaces and a corridor for biodiversity, reduction in the number of dwellings (from 69 to 58) to allow improved layout, and a revision to the proposed house types (key changes to the latter being removal of the three-storey units and extensive elements of cladding just leaving small elements of cladding comprising bin storage areas and garden stores).

The dwellings are proposed to be built using vernacular materials comprising red brick, carrstone and pantiles, with simple detailing and quoins to reflect local character. Notwithstanding this, the dwellings have a unique character that will define the new development, and, in this regard, it is refreshing not to have house types mass produced by larger builders.

The scheme is considered to integrate positively with the existing built form and would create a permeable development with pedestrian and cycle links throughout the site and into adjacent streets (Malthouse Crescent to the north, Marea Meadows to the east and Cheney Hill to the west) as well as prioritising pedestrian and cycle routes within the site.

National Planning Policy and Guidance (NPPF, National Design Guide (NDC) and National Model Design Code (NMDC)) sets out the Government's agenda for design quality and placemaking.

Building for a Healthy Life (BHL, 2020) is a nationally recognised design tool; endorsed by Homes England and referenced in the NPPF as a key tool for 'assessing and improving design quality' in new development. Additionally, Heacham Neighbourhood Plan Policy 5 also endorses BHL requiring applicants for major developments to produce a report to demonstrate that their scheme accords with national design standards.

*Building for a Healthy Life (BHL):* BHL is a design assessment tool (with a traffic light scoring system to aid the design process) based on a set of 12 questions (macro to micro).

**GREEN:** A positive / high quality design solution. The scheme needs to achieve a majority of greens to be considered good design.

**AMBER:** Indicates that this aspect of a scheme currently fails to meet national policy and further amendments will be required to improve design quality (turn ambers to green where possible).

RED: Poor design quality / proposal that must be addressed – reds must be avoided where possible.

Where an element of design is considered to fall between a green and a red light, an amber light can be assigned. In principle the more green lights a proposed scheme secures the better the design outcome. The overall objective with a BHL assessment is to minimise the number of amber lights and avoid red lights where possible.

Whilst the below assessment relates to this phase only, a comprehensive view has been taken by your officers in relation to the wider site and its compliance with BHL.

*BHL: Integrated Neighbourhoods (BHL: Q1 - 4):* Questions 1 – 4 relate to the macro level elements of placemaking, creating a context-led structure for development to ensure that a scheme is well integrated to the natural and built local context, is well connected providing a choice of movement for all users and provides for good access and connectivity to local facilities and services. In this regard:

1. The scheme provides connective circulation routes round the scheme and from Malthouse crescent to the west, Marea Meadows to the east and Cheney Hill to the south. Further permeability is afforded through the open spaces following natural desire lines and movement routes. Routes are visible and benefit from natural surveillance creating a safe, permeable and connected usable spaces,
2. Pedestrian footpaths and cycle paths of appropriate widths connect the three access points into the site. More informal paths within the landscape respond to anticipated desire lines for residents and visitors, thus resulting in a permeable scheme,
3. The site is well located in terms of its proximity to the Heacham Infant and Junior schools, as well as bus stops,
4. The primary loop road has been designed to be as straight as possible whilst taking into consideration Norfolk County Council guidelines which together with traffic calming will achieve 20mph design speeds,
5. The scheme does not create any vehicular 'rat runs' or other 'short cuts' within the wider highway network,
6. All houses have an active frontage whether this is to the main loop road, open space or Cheney Hill,
7. There is no discernible difference between market and affordable houses, and the affordable homes are suitably pepper-potted across the site, and
8. The housing mix is varied and aligns with local housing policy including that contained in the Neighbourhood Plan.

*BHL: Distinctive Places (BHL: Q5 - 8):* Questions 5 – 8 relate to creating a 'place-specific' development that relates positively to its natural and built context so that it is attractive and distinctive. This involves using local characteristics as key features, reference points and anchors within the development, working through to development patterns / appropriate density ranges, building form then materials to reflect local character.

1. Larger houses are located around the perimeter with smaller houses located in the centre,
2. There are no dwellings over two storeys in height,
3. A SUDS scheme has been adopted for both the highways and wider site,
4. Perimeter houses have rear gardens that back onto existing rear gardens,
5. Materials includes red brick, carrstone, quoin corners and red pantiles which are reflective of the locality, and
6. The terrace to the south is reflective of the existing terrace on Cheney Hill.

*BHL: Streets for All (BHL: Q9 - 12):* Questions 9 – 12 relate to designing healthy and safer streets, accommodating parking and the design and detailing of streets, spaces and boundary treatments.

1. The development has been designed to favour pedestrians and cyclists above motorists,
2. The streets are not tree lined, but several trees (102) are proposed in the areas of public open space,
3. The scheme is well connected with adjacent developments,
4. Different landscaping is proposed throughout the areas of public open space,
5. Cycle storage will be provided within the curtilage of each dwelling and car parking provision is fully in line with parking standards and Heacham Neighbourhood Plan; visitor parking is proposed,
6. EV charging would be provided in line with building regulations requirements,
7. The green infrastructure raises plenty of opportunities for biodiversity net gain and corridors of movement for wildlife in accordance with the NPPF (it should be noted that statutory Biodiversity Net Gain is not required),
8. The permeability of the public open spaces and the site can be used to facilitate physical activity and social interaction,
9. Large open spaces allow for natural infiltration and provide space for below ground soakaways, and
10. Natural surveillance is provided by active frontages.

The outcome is mostly greens (87%); 12% ambers and 1% reds suggesting an overall acceptable development that would meet the overarching aims of BHL and therefore the NPPF, NDG and Heacham Neighbourhood Plan. The only red relates to the fact that a place name has not been confirmed for the development.

It is therefore considered, in terms of form and character, that the development is in general accordance with the Development Plan and specifically Policies G47.1, LP18, LP21 and LP38 of the Development Plan, Heacham Neighbourhood Plan (HNP) Policy 5 and the NPPF in general and in particular Chapter 12 of the NPPF.

### **Residential Amenity:**

Development plan policy LP21 requires proposals to be assessed against their impact on neighbouring uses and their occupants as well as the amenity of future occupiers of the proposed development stating that proposals will be assessed against several factors including, but not limited to, overlooking, overbearing, overshadowing and noise. It concludes by stating that *Development that has a significant adverse impact on the amenity of others, or which is of a poor design will be refused*. This is reiterated in Heacham Neighbourhood Plan Policy 5 and paragraph 135f) of the NPPF.

In relation to overlooking, careful consideration has been given to the impact of the proposed development on occupiers of existing neighbouring dwellings around the perimeter of the site. First floor-windows serving a habitable room in the new development are in all instances at least 21m from either a first or ground floor window serving a habitable room in an existing dwelling. The only instances where a habitable window on a proposed dwelling is within that 21m distance is where it is at ground floor level and existing or proposed boundary treatments would prevent any material overlooking. Additionally, Juliette balconies have been removed where they were proposed on the edge of the development adjoining existing dwellings to reduce the perception of being overlooked. Whilst some third parties continue to object to the proposed development based on overlooking it is considered that privacy has been suitably considered and addressed.

In relation to overbearing, again careful consideration has been given to existing dwellings around the perimeter of the site. All proposed dwellings are at least 12 metres away from boundaries with existing dwellings. The only exception to this rule is plot 5 and, in this instance, the existing dwelling is located 32 metres from the boundary. Furthermore, in this instance a bungalow is proposed to be erected (as such the bungalow would be approximately 40m from the existing neighbouring dwelling (Cockcrow Barn)).

The impact of overshadowing throughout the site is considered acceptable because of its seasonal nature and limited periods of the day it would occur. The main area of concern in relation to overshadowing is the impact on the two western most properties in Marea Meadows (Nos 17 and 15) given that they could be impacted from development from both phases 1 and 2. Therefore shadow diagrams were requested by the LPA to help understand the potential overshadowing impacts on these properties.

In relation to this phase of the development, the shadow diagrams show shadows cast by the existing dwellings on Marea Meadows and a 2m high boundary fence (that could be erected under permitted development); this is the existing situation, and material consideration should only be given to impacts over and above this. The shadow diagrams show that Plots 17 and 18 would result in minimal if any overshadowing for most of the year and no material overshadowing to any habitable windows other than early evening in late autumn. Therefore, any overshadowing would be seasonal and for limited periods of the day and as such is considered acceptable.

Whilst there is an element of 'buyer beware', inter-developmental relationships still need to be appropriately considered and, in this regard, similar thresholds have been the starting point for assessment (that is to say 21m habitable to habitable window distance and 10m between a new dwelling and its rear boundary).

It is therefore considered, in terms of residential amenity, that the development is in general accordance with the Development Plan and specifically Policy LP21 of the Development Plan, Heacham Neighbourhood Plan (HNP) Policy 5 and the NPPF in general and in particular paragraph 135f) of the NPPF.

### **Highway Issues:**

Transport implications and safe access to the site were considered at both the allocation and outline stages of the scheme.

In relation to the site-specific transport issues as well as the requirements of Policy G47.1, Local Plan Policy LP13 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location and to promote walking and cycling. These themes also run through Local Plan Policies LP18 and LP38 and Neighbourhood Plan Policy 5, whilst parking provision is covered under LP Policies 14 and 21 and Neighbourhood Plan Policy 6. These themes are also reiterated in the NPPF specifically in paragraphs 96, 117 and 135.

Vehicular access will be taken from a new junction on Cheney Hill in accordance with the outline consent. A short transition road beyond the access point will lead onto a loop road which would be extended into Phase 2 if approved. Shared surface streets are provided as through routes. Traffic Speeds in new residential housing estates in Norfolk should be designed so that the layout of the roads contains vehicle speeds to 20mph, preferably without the need for traffic calming features. In this instance there is one section of the loop road that is reasonably long and straight and therefore has been designed with traffic calming in the form of a speed bump.

A 3m wide shared use footway / cycleway link between Marea Meadows to the east and Cheney Hill to the west is proposed running north along the loop road with a 2m wide pedestrian footpath along the remainder of the loop road. Pedestrian footpaths traverse the green corridor and head north onto Malthouse Crescent.

Car Parking will be provided in accordance with the provisions of the Heacham Neighbourhood Plan which requires two off-street parking spaces for dwellings with 1 to 3 bedrooms and three off-street parking spaces for dwellings with more than 3 bedrooms. Parking spaces are generally 2.5m x 6m. However, where spaces are located next to a wall or fence or other boundary treatment, they will be 3m wide in line with NCC highways requirements.

Parking is provided in a mixture of double and single garages and carports with only 8no. dwellings having no covered parking spaces (4no. open market dwellings and 4no. affordable dwellings). Where garages are required to meet parking requirements, they have the requisite internal measurements to be counted as such.

Fourteen visitor parking spaces are proposed around the site accommodated in a series of laybys off the main loop road. The DAS suggests that cycle storage and electric vehicle charging provision will be made for each dwelling within their curtilage. No details of these have been provided and therefore this would be secured by condition if permission were granted.

Whilst the Waste Management Team (WMT) retain their objection to the parking court serving plots 49 to 57, swept path analysis has shown that a refuse collection vehicle can enter and exit this court in a forward gear. Whilst this may not be the preferred layout for the WMT this is not a reason to refuse the application.

It has also been confirmed that a fire tender is able to access individual dwelling's entrances efficiently. The emergency access from Malthouse Crescent originally shown in this application has been removed because it did not form part of the outline consent that sought access arrangements into the site.

It is therefore considered, in terms of highway issues, that the development is in general accordance with the Local Plan and specifically Policies G47.1, LP13, LP14, LP18, LP21 and LP38 of the Local Plan, Heacham Neighbourhood Plan Policies 5, 6 and 12 and the NPPF in general and in particular paragraphs 96, 117 and 135 of the NPPF.

### **Open Space, Landscaping and Trees:**

In addition to the overarching policy guiding development of this site (G47.1) Local Plan Policy LP19 encourages proposals that incorporate nature-based solutions such as natural capital, and / or green infrastructure to protect and enhance landscape character and biodiversity. This is reiterated in Policies 5, 10 and 11 of the Neighbourhood Plan.

Furthermore, Local Plan Policies LP06, LP18, LP23, LP38 and paragraphs 135 and 136 of the NPPF also refer to the contribution landscaping and trees make to development for a variety of reasons ranging from visual amenity to reducing carbon emissions.

*Open Space Provision:* The proposed open space (6,917 sqm) far exceeds the S106 and open space (LP22) / site specific (G47.1) policy requirements of 20 sqm per dwelling (1,160 sqm) and features: play spaces (1 x Local Equipped Area of Play (522 sqm) and 1 Local Area of Play (190 sqm)), 102 trees, open amenity lawns and species rich grassland connected through a network of paths and crossing points that will facilitate walking, running and cycling routes.

*Landscaping:* All landscaping is to be provided either in gardens serving the individual dwellings or in the areas of open space. The Local Authority's Arboricultural Officer raises no objection to the proposed landscaping which is given in detail on the landscaping plans.

*Trees:*

Seventeen individual trees:

- 6no. category C trees comprising a mix of Cherry, Ash, Chestnut Beech and Larch,
- 9no. category B trees comprising Chestnut and Cypress, and
- 2no. category U trees, 1no. Cherry and 1no. Birch

Three groups of trees:

- 4no. category U Hawthorn trees, and
- 10no. category B trees comprising a mix of Cypress, Pine, Cherry and Sycamore, and
- 9no. category C Hawthorn trees

Four category C hedges comprising Hawthorn, Elder, Bramble and Cherry Laurel are being removed to accommodate the proposed development.

Whilst street trees are not proposed 102 new trees are proposed to be planted in the areas of open space. The Local Authority's Arboricultural Officer raises no objection based on the trees to be lost or those to be replaced. The Open Space Team queried whether the trees in front of plots 1 and 45, 51 and 52 for part of the development. It can be confirmed that these trees are to be planted as part of the proposal.

Ecological enhancements are also proposed within the areas of public open space and comprise native species hedgerows, pollinator attracting planting, a wildflower meadow, bug hotels and log piles; hedgehog friendly fencing is also proposed to the gardens. These are secured by condition 5.

It is therefore considered, in terms of landscaping, open space and trees, that the development is in general accordance with S106 agreement, the Local Plan and specifically Policies G47.1, LP6, LP13, LP14, LP18, LP19, LP21, LP22, LP23 and LP38 of the Local Plan, Heacham Neighbourhood Plan Policies 5, 6, 10, 11 and 12 and the NPPF in general and in particular paragraphs 96, 117, 135 and 136 of the NPPF.

### **Habitats and Biodiversity:**

The NPPF advises that the planning system should minimise the impact on biodiversity with the aim to conserve and enhance biodiversity (paragraph 193). Local Plan Policy LP19 supports developments that incorporate nature-based solutions such as green infrastructure and seeks to ensure developments do not have any adverse impacts on biodiversity unless it is mitigated or compensated for.

The need for enhanced informal recreation provision, provision of a programme of publicity highlighting the opportunities for recreation (especially dog walking) in the vicinity avoiding protected areas and a project level Habitat Regulations Assessment are all covered by site specific policy G47.1. Additionally, conditions 24 and 25 of the outline consent require the development to be carried out in accordance with ecological mitigation measures.

*Impact on Protected Sites:* Natural England has confirmed that without appropriate mitigation the development would have a likely significant adverse effect on the integrity of the following protected sites:

- The Wash Special Protection Area (SPA),
- The Wash and North Norfolk Coast Special Area of Conservation (SAC),
- The Wash Ramsar, and

- European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS').

An updated Shadow Habitats Regulations Assessment (sHRA) accompanied this RM application. Natural England has confirmed the findings of the sHRA and stated that it is of a standard that the Local Planning Authority can adopt as Competent Authority as confirmed by the Senior Ecologist.

The sHRA confirms the additional open space provided on site, an acceptable dog walking route and the provision of leaflets is acceptable mitigation. Additionally, a Deed of Variation (DoV) has been submitted to increase the GIRAMS fee from that originally secured in the S106 Agreement (£50 per dwelling) to the current fee of £304.17 per dwelling. If Members resolve to approve this application the decision would not be issued until the DoV was complete and registered as a land charge.

#### *Protected Species:*

Previous ecology assessments were undertaken as follows:

- Phase 1 Habitat Survey (SES, 2014)
- Species specific surveys for breeding birds, non-breeding birds, reptiles, and bat activity were undertaken in 2014
- Habitat Regulations Assessment (SES, 2014)
- Update Phase 1 Habitat Assessment (SES, 2016)
- Update Habitat Regulations Assessment (SES, 2016)
- Ecological Assessment (SES, 2017)
- Update Habitat Regulations Assessment (SES, 2019)
- Ecological Assessment (SES, 2021) - HRA (SES, 2021)

Updated assessments have been produced for the latest iteration of the proposals as per the below:

- Update Preliminary Ecological Appraisal (Crossland Ecology, 2024)
- Update nighttime bat walkover and static recorder survey (Autumn visit 2024)
- Update Non-breeding bird survey (6 of 6 visits completed 2024/25)
- Technical Note: Ecology Assessment Validity (Crossland Ecology, 2024)
- Update Shadow Habitats Regulations Assessment (Crossland Ecology, 2025)
- Reptile Survey (Crossland Ecology, 2025)
- Breeding bird survey (Crossland Ecology, 2025)
- Bat activity survey (Crossland Ecology, 2025)

Below is a summary of likely impacts, mitigation and enhancement measures and residual effects:

FEATURE	POTENTIAL IMPACTS	MITIGATION / ENHANCEMENT	EFFECTS
<b>PRIORITY HABITATS (HoPI)</b>	Direct loss of some section of HoPI hedgerows	Enhancement through additional native planting, oversewing with native and species rich seed mixes and improved and targeted management of all remaining HoPI. Pollution prevention via CEMP.	Neutral

		New hedgerow planting. Sensitive lighting scheme.	
<b>HABITATS</b>	<p>Direct loss (grass, scrub and trees).</p> <p>Impacts to retained and adjacent habitats of value during construction, including via direct damage, pollution events and lighting.</p> <p>Lighting of retained and adjacent habitats during the operation Phase.</p>	<p>Retention, protection and enhancement of hedgerow. Compensatory habitat. Protection of adjacent habitats of ecological value. Standard industry pollution prevention.</p> <p>Sensitive lighting.</p>	Neutral
<b>FLORA</b>	Spread of horsetail Species.	Specialist contractor to control/eradicate horsetail.	Neutral
<b>BATS</b>	<p>Lighting impacts during / post construction.</p> <p>Loss of foraging and commuting habitat.</p>	<p>Sensitive lighting and wildlife-friendly landscaping. Provide bat boxes.</p> <p>Retention, protection / enhancement of hedgerows. Compensatory habitat provision.</p> <p>Sensitive lighting.</p>	Neutral
<b>BIRDS</b>	<p>Injury/death of birds and eggs.</p> <p>Destruction / damage of nests.</p> <p>Loss of habitat.</p>	<p>Retention, protection / enhancement of habitats.</p> <p>Clearance outside breeding season.</p> <p>Compensatory habitat. Provide bird boxes within new housing. Provide two owl boxes off-site.</p>	Neutral
<b>INVERTEBRATES</b>	<p>Habitat loss.</p> <p>Light disturbance.</p>	<p>Retention, protection / enhancement of habitats. Compensatory habitat provision.</p> <p>Sensitive lighting.</p>	Neutral
<b>REPTILES</b>	<p>Death/injury.</p> <p>Habitat loss.</p>	<p>Retention, protection / enhancement of habitats. Compensatory habitat provision.</p> <p>Clearance to follow precautionary working</p>	



		methods Under EMS via the CEMP.	
<b>OTHER NOTABLE SPECIES</b>	Habitat loss.	Retention, protection / enhancement of habitats. Compensatory habitat provision. Provide hedgehog highways.	Neutral

The Local Authority's Senior Ecologist has confirmed that the recommendations, mitigation and enhancements contained within the updated reports would result in a development that would not have unacceptable impacts on protected species or result in likely significant effects on protected site.

As no licenses are required from Natural England in relation to protected species the LPA is not required to undertake the tests of derogation (to assess whether, in their opinion, Natural England would grant such a license).

It is therefore considered, in terms of habitats and biodiversity, that the development is in general accordance with the Local Plan and specifically Policies G47.1 and LP19 of the Local Plan, Heacham Neighbourhood Plan Policy 11 and Chapter 15 of the NPPF.

### **Flood Risk and Drainage:**

Paragraphs 181 and 182 of the NPPF require new development to incorporate sustainable drainage systems to reduce the risks associated from climate change and flood risk.

This is reiterated in Local Plan Policies LP5, LP18, LP21 and site-specific policy G47.1.

*Flood Risk:* The size of the site triggers the need for a flood risk assessment to be provided.

The Flood Risk Assessment that accompanied the application confirms that the site is located within Flood Zone 1 where the risk of flooding is low; the latest update to the Environment Agency's Flood Maps has not changed this rating. The risk of surface water flooding is also considered to be generally very low, with a small area susceptible to low and medium flood risk shown towards the east of the site. External levels will be graded away from proposed buildings to enable suitable overland flow paths that convey surface water to avoid any potential flooding.

*Existing Drainage:* Anglian Water asset maps show that a public foul water sewer runs to the west of the site heading south along Cheney Hill. However, there are no surface water sewers located within the immediate vicinity of the site.

*Proposed Foul Drainage:* A new onsite foul water drainage network will be constructed to serve the development and allow a gravity connection to the exiting public sewer located along Cheney Hill. All foul water drainage within adoptable roads (roads and footways serving more than nine dwellings) will be constructed to accord with adoptable road specification. The foul water drainage network will be offered for adoption to Anglian Water who have confirmed that the two Cheney Hill applications have been accounted for in their capacity calculations and raise no objection to the development.

*Proposed Surface Water Drainage:* In accordance with the surface water hierarchy infiltration testing was undertaken and demonstrated that infiltration is feasible. Roof runoff from the

dwellings will be drained to individual soakaways located in the rear gardens, and private parking areas will drain through permeable paving. Where it is not possible to achieve a minimum 5m distance between a dwelling and a soakaway then roof runoff will also be discharged into the permeable paving.

The drainage strategy for the site has had considerable input from both statutory and non-statutory consultees including the IDB, Anglian Water, the Environment Agency and the Lead Local Flood Authority. All drainage bodies support the proposed development on the grounds of drainage subject to conditions that would be appended to any decision granted.

It is therefore considered, in terms of flood risk and drainage, that the development is in general accordance with the Local Plan and specifically Policies G47.1, LP5, LP18 and LP21 of the Local Plan the NPPF in general and in particular paragraphs 181 and 182 of the NPPF.

### **Housing:**

The number of dwellings (up to 69) and affordable housing amount (20%) and tenure (70% Affordable Rent and 30% Shared Ownership) are controlled by the outline consent and S106 Agreement. The integration / location of the affordable housing (which relates to layout and is therefore subject to consideration under this reserved matter application) shows appropriate pepper-potted throughout the site.

Other neighbourhood plan policy requirements such as principal occupancy do not relate to the matters reserved and cannot therefore be considered under this application.

It is therefore considered that housing provision is in accordance with the outline consent, S106 Agreement and Local Plan Policies G47.1 and LP28 in so far as it relates to the layout of the affordable dwellings.

### **Climate Change**

The NPPF emphasises the important role the planning system must take in supporting the movement towards a low carbon economy. King's Lynn & West Norfolk Borough Council is following national targets to become net zero by 2050. This is broadly a two phased approach:

- Phase 1 focuses on reducing the council's carbon footprint and
- Phase 2 focuses on how the council can influence borough emissions reductions.

Climate Change Policy LP06 contributes to Phase 2 and aims to highlight and reflect how new development can help reduce greenhouse gas emissions, such as through its location, design and contribution to suitable types of renewable energy sources.

Policy LP06 requires development to recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050 through where relevant minimising and reducing carbon emissions and adapting and mitigating the impact of climate change. Local Plan Policy LP18 and Neighbourhood Plan Policy 5 reiterate the need for sustainability and energy efficiency.

In line with Policy LP06 all dwellings would be served by an Air Source Heat Pump and the majority would have solar panels. Furthermore, low-flow water fittings across the site and green roofs on the flat roofed garages, together with tree planting and other ecological enhancements, are proposed that all contribute to the aims of this policy.

The development is therefore considered to accord with Local Plan Policies LP06 and LP18, Neighbourhood Plan Policy 5 and the NPPF in general and specifically to paragraphs 8c) and 161 of the NPPF.

### **Crime and Disorder:**

Reducing the opportunity for crime and promotion of safe living environments are key objectives of Local Plan Policy LP38. These aims are reiterated in paragraphs 96 and 135 of the NPPF.

The applicant has worked closely with the Police Architectural Liaison Officer in relation to 'Designing out Crime' who has stated that the development should be recognised with Award Status and *"There is an exceptional level of guardianship (97%), and I recognise and applaud the applicant's team in providing such attention to detail in the design."*

In relation to crime and disorder it is therefore considered that the development accords with Local Plan Policy LP38 and paragraphs 96 and 135 of the NPPF.

### **Other Material Considerations**

The outline consent has conditions covering:

- Construction, drainage, management and maintenance of roads and footways,
- Highway safety (splays, construction traffic management),
- Off-site highway improvement works,
- Foul and surface water drainage details,
- Outdoor lighting scheme,
- Amenity (dust suppression, construction management plan),
- Archaeology,
- Landscaping and landscape management,
- Trees,
- Fire hydrant(s),
- Ecology, and
- Contamination including asbestos.

A S106 Agreement secured against the outline consent covers:

- Open space specification, provision, management and maintenance (of an area of not less than 20m<sup>2</sup> per dwelling (1,160m<sup>2</sup>) to be used principally for children's play),
- On-site affordable housing provision (20%),
- An education contribution of £1420 per dwelling,
- A library contribution of £60 per dwelling Index Linked, and
- Habitat Regulation Mitigation Contribution of £50 per dwelling.

### **Specific Comments:**

In relation to Parish Council and third party comments not covered in the main body of the report that do not relate to the principle of development which has already been found to be acceptable by virtue of the site's allocation for residential development and the extant outline consent (such as transport impacts, the position of the access, impacts on the villages services and facilities, etc.) your officer comments as follows (in italics):

- Approving a merely adequate development rather than striving for good or excellent standards is not acceptable: *the application has been considered on its planning merits and whether or not it accords with planning policy and guidance,*

- The library contribution should go to Heacham library not Hunstanton library: *the measures in the S106 Agreement are not up for debate as part of this application. However, any specific request would need to be made with the support of Norfolk County Council and would require a Deed of Variation,*
- Shared paths should be policy compliant: *NCC highways have confirmed that the shared paths are policy compliant,*
- Garages should be supplied for the affordable units: *there is no policy requirement to provide garages for affordable units, furthermore some market houses do not have garages either,*
- Dog Waste Bins and other management responsibilities: *will fall within the responsibility of the management and maintenance company,*
- Construction worker parking needs to be considered: *Construction Management is conditioned on the outline consent,*
- The amendments should have been made clearer to enable easier comparison: *the applicants added covering letters outlining the main changes,*
- Access to the adjacent field is shown; this is obviously for an access to the land to build further housing. A condition should be placed on any permission granted to prevent any further development being access from this site: *it is perfectly reasonable to ensure there remains access to the field; this does not necessarily mean that future development is going to be proposed. Notwithstanding this, any future applications for residential development that may come forward would have to be considered on their own merits,*
- The design and height of the dwellings are totally out of keeping with existing properties in Heacham: *This comment was received prior to the loss of the three-storey units,*
- Adoption of roads is unclear: *This would be suitably conditioned if permission were granted to ensure either adoption by the Local Highway Authority or Private Management Company,*
- Who will be responsible for management and maintenance of the public open space? *A Management Company would be responsible for areas of open space. This is secured in the S106 Agreement,*
- Who will be responsible for any street lighting: *street lighting has been removed from the proposed development,*
- Why have these applications taken so long to assess? They should be withdrawn and resubmitted as a single application, due to changes in the locality that would affect traffic volumes that would change the acceptability of these proposals if they were submitted now: *the delays in the determination of this application are acknowledged and unfortunate. They arose due to various changes of staff at the LPA then the Agents, and lastly as a result of the need to update the shadow Habitat Regulations Assessments and Protected Species Surveys,*
- The Neighbourhood Plan has been adopted since submission of these applications. The policies in the plan should be fully adhered to: *full consideration has been given to policies in both the Neighbourhood Plan and Local Plan where they relate to the matters reserved i.e., layout, scale, landscaping and appearance,*
- The planners do not live here, if they did the approach would be very different: *the recommendation to approve has been made on the planning merits of the development and their accordance with the Development Plan as required by planning law and the NPPF,*
- It is disappointing that no direct consultation has taken place by the Developers, Borough or Parish Council with the local residents on any of the amendments sought: *this is not a material planning consideration,*
- The owner of the footpath access into Marea Meadows will deny access to this development from Marea Meadows: *the grant of planning permission does not overall any civil matters,*

- We were told that the significant Horse Chestnut trees on the site would be protected by a preservation order, this hasn't happened: *None of the trees on site are protected by a TPO or by the allocation policy or outline consent,*
- The noise generated from this number of Air Source Heat Pumps needs to be fully considered: *the air source heat pumps would be suitably conditioned if permission is granted,* and
- The layout of these reserved matters applications is totally different to those approved on the outline consents: *layout was not approved on the outline consent and any plans submitted at that stage would have been indicative only.*

## **PLANNING BALANCE and CONCLUSION:**

The site is one of the Council's housing allocations in the new Local Plan and already benefits from outline consent granted under application 15/00352/OM for up to 69 dwellings and includes vehicular access from Cheney Hill. This application seeks consent of the remaining reserved matters layout, appearance, scale and landscaping for a reduced number of dwellings (58no.).

Whilst the objections from the Parish Council and some third parties are acknowledged, there are no objections from any statutory consultees on technical grounds.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in the NPPF. The development plan in this instance comprises the Local Plan 2021-2040 and Heacham Neighbourhood Plan 2017-2036.

The above report has shown that this reserved matter application would provide a development that would:

- Provide a development that has a defined character whilst acceptably responding to local context and character,
- Provide a development that would achieve a healthy, inclusive and safe place to live,
- Provide access to a network of high-quality open spaces and opportunities for physical activity that would reduce likely recreational impacts on protected sites,
- Provide a scheme that promotes cycling and walking and is permeable creating links to existing pedestrian and cycle routes,
- Provide policy compliant affordable housing as well as an appropriate mix of market housing,
- Provide a policy compliant scheme in terms of parking provision, and
- Incorporates sustainable drainage measures,
- Not result in unacceptable impacts on protected sites or species.

As a result, the proposal complies with Local Plan Policies G47.1, LP01, LP05, LP06, LP13, LP14, LP18, LP19, LP21, LP22, LP28, LP23 and LP38 and Neighbourhood Plan Policies 5, 6, 10, 11 and 12.

## **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 drawing nos:  
202 TCA XX ZZZ DR A 01100 Rev.P015 Masterplan Phase 1  
202 TCA XX ZZZ DR A 01101 Rev.P013 Masterplan Accommodation Phase 1

**Planning Committee**  
**28 July 2025**

202 TCA XX ZZZ DR A 01102 Rev.P014 Masterplan Ground Floor Phase 1  
 202 TCA XX ZZZ DR A 01103 Rev.P09 Masterplan Garden Sizes Phase 1  
 202 TCA XX ZZZ DR A 01104 Rev.P010 Masterplan Boundary Treatments Phase 1  
 202 TCA XX ZZZ DR A 01105 Rev.P07 Plot Curtilage Plan Phase 1  
 202 TCA XX ZZZ DR A 01106 Rev.P09 Proposed Adjacency Plan Phase 1  
 202 TCA XX ZZZ DR A 01107 Rev.P08 Proposed Parking Plan Phase 1  
 202 TCA XX ZZZ DR A 01108 Rev.P03 Constraints Diagram Phase 1  
 202 TCA XX ZZZ DR A 01110 Rev.P01 Bin Storage Layout Phase 1  
 202 TCA XX ZZZ DR A 02000 Rev.P03 Site Sections  
 202 TCA C ZZZ DR A 10003 Rev.P06 House Type C  
 202 TCA C ZZZ DR A 10004 Rev.P02 House Type C (Affordable)  
 202 TCA E ZZZ DR A 10006 Rev.P05 House Type E  
 202 TCA E ZZZ DR A 10007 Rev.P05 House Type E (Affordable)  
 202 TCA G ZZZ DR A 10009 Rev.P06 House Type G  
 202 TCA G ZZZ DR A 10010 Rev.P02 House Type G2  
 202 TCA H ZZZ DR A 10011 Rev.P06 House Type H  
 202 TCA H ZZZ DR A 10012 Rev.P01 House Type H2  
 202 TCA H ZZZ DR A 10013 Rev.P02 House Type H3  
 202 TCA H ZZZ DR A 10014 Rev.P02 House Type H4  
 202 TCA H ZZZ DR A 10015 Rev.P02 House Type H5  
 202 TCA J ZZZ DR A 10016 Rev.P05 House Type J  
 202 TCA J ZZZ DR A 10017 Rev.P05 House Type J2  
 202 TCA K ZZZ DR A 10018 Rev.P03 House Type K  
 HTA-L\_P1\_DR-9000 Rev.01 Landscape Masterplan  
 HTA-L\_P1\_DR-9001 Rev.01 General Arrangement 1 of 5  
 HTA-L\_P1\_DR-9002 Rev.01 General Arrangement 2 of 5  
 HTA-L\_P1\_DR-9003 Rev.01 General Arrangement 3 of 5  
 HTA-L\_P1\_DR-9004 Rev.01 General Arrangement 4 of 5  
 HTA-L\_P1\_DR-9005 Rev.01 General Arrangement 5 of 5  
 HTA-L\_P1\_DR-9006 Rev.01 General Arrangement Play Areas  
 TAT-CHH\_HTA-L\_P1\_DR-9010 Rev.01 Planting Softworks Schedule  
 TAT-CHH\_HTA-L\_P1\_DR-9011 Rev.01 Planting Plan 1 of 5  
 TAT-CHH\_HTA-L\_P1\_DR-9012 Rev.01 Planting Plan 2 of 5  
 TAT-CHH\_HTA-L\_P1\_DR-9013 Rev.01 Planting Plan 3 of 5  
 TAT-CHH\_HTA-L\_P1\_DR-9014 Rev.01 Planting Plan 4 of 5  
 TAT-CHH\_HTA-L\_P1\_DR-9015 Rev.01 Planting Plan 5 of 5  
 01809A-ENG-ZZ-XX-DR-C-3000 Rev.P1 Proposed Below Ground Drainage – SW and  
 FW Combined (Key Plan)  
 01809A-ENG-ZZ-XX-DR-C-3001 Rev.P1 Proposed Below Ground Drainage – Foul  
 Water  
 01809A-ENG-ZZ-XX-DR-C-3002 Rev.P1 Proposed Below Ground Drainage – Surface  
 Water  
 01809A-ENG-ZZ-XX-DR-C-3400 Rev.P1 Existing Catchment Plan  
 01809A-ENG-ZZ-XX-DR-C-3410 Rev.P1 Proposed Catchment Plan  
 01809A-ENG-ZZ-XX-DR-C-3500 Rev.P1 Proposed Highways Exceedance Flow Plan  
 6058 ATR-1001 Rev.A Swept Path Analysis for 11.125M Refuse Collection Vehicle -  
 Phase 1  
 6058 ATR-1002 Rev.A Swept Path Analysis for Denis Sabre Fire Tender - Phase 1  
 6058 SK-1001 Site Visibility Splays and Centreline RADII – Phase 1.

- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Prior to the commencement of the development hereby permitted all tree protection measures including pre-commencement site meeting, tree protective fencing, and ground protection, shall be implemented in strict accordance with the approved Tree

Protection Plan (appendix 4) and Arboricultural Method Statement (part 4) of the Arboricultural Impact Assessment by Southern Ecological Solutions Ltd dated 30/06/2021 that accompanied the application.

- 2 Reason: To prevent harm to retained trees of amenity value, by ensuring tree protection measures (including fencing, ground protection, and a precommencement site meeting) are implemented in accordance with the approved Arboricultural Impact Assessment and Tree Protection Plan, prior to the commencement of development in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19 and LP21 and Heacham Neighbourhood Plan Policies 5 and 11. This needs to be a pre-commencement condition given the potential for damage to existing trees that are to be retained during the construction phase.
- 3 Condition: No works or development shall take place until a scheme of arboricultural supervision to include a pre-commencement site meeting for the agreement of the final location of the tree protection barriers, by a suitably qualified tree specialist (where arboricultural expertise is required), has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.
- 3 Reason: To safeguard retained trees throughout the construction phase, by requiring a scheme of arboricultural supervision (including at least one pre commencement site meeting to agree final barrier positions, and oversight during construction as may be necessary). This measure addresses the absence of on site supervision in the original submission and avoids the need for multiple application amendments in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19 and LP21 and Heacham Neighbourhood Plan Policies 5 and 11. This needs to be a pre-commencement condition given the potential for damage to existing trees that are to be retained during the construction phase.
- 4 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following as a minimum and accord with the Ecological Impact Assessment (Crossland Ecology, 29/06/2025)
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) A precautionary working methods to avoid the risk of impacts to amphibians , breeding birds and badgers
  - f) Details of security/construction lighting including the design, location, orientation and level of illuminance which must specify the avoidance of illuminating ecological features such as hedges, garden boundaries and mature tree to maintain dark corridors
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement

measures have been implemented in accordance with good practice upon which the planning consent was granted'.

- 4 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Kings Lynn and West Norfolk Local Plan 2021 - 2024 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 5 Condition: No development shall take place until an ecological design strategy (EDS) addressing mitigation/ compensation /enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
  - a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 5 Reason: In order to ensure the development does not result in the loss of habitat for protected species and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and local planning policy.
- 6 Condition: In accordance with the updated Habitat Regulation Assessment that accompanied the application details shall be submitted to and agreed in writing by the Local Planning Authority for signs at both local Wash SPA access points in Heacham, informing visitors of the interest features and requesting that they exercise caution in relation to disturbing nesting and feeding birds, particularly at high tide and certain seasons. Signs should explain the potential risk of disturbing birds through inappropriate recreational use. This should highlight the increased risk of disturbing birds: at high tide when birds are roosting on beaches and when nests of ringed plovers may be more vulnerable to disturbance and predation; in winter, and particularly in cold weather; with dogs off leads. The agreed signing shall be erected prior to the first occupation of any dwelling hereby permitted.
- 6 Reason: In order to mitigate the impacts on protected sites in accordance with the NPPF and Development Plan Policies LP19 and G47.1.
- 7 Condition: In accordance with the updated Habitat Regulation Assessment that accompanied the application full details shall be submitted to and agreed in writing by the Local Planning Authority of a scheme of counteracting measures for alleviating recreation pressure on protected sites. The scheme should include provision of a leaflet within sales packs of development properties which outlines the following:
  - On-site walking routes within on-site green space,
  - Walking routes already promoted locally including paths associated with the Norfolk Coastal Path/England Coast Path,
  - Details of designated sites and recreational pressures upon them and alternative visitor attractions, and



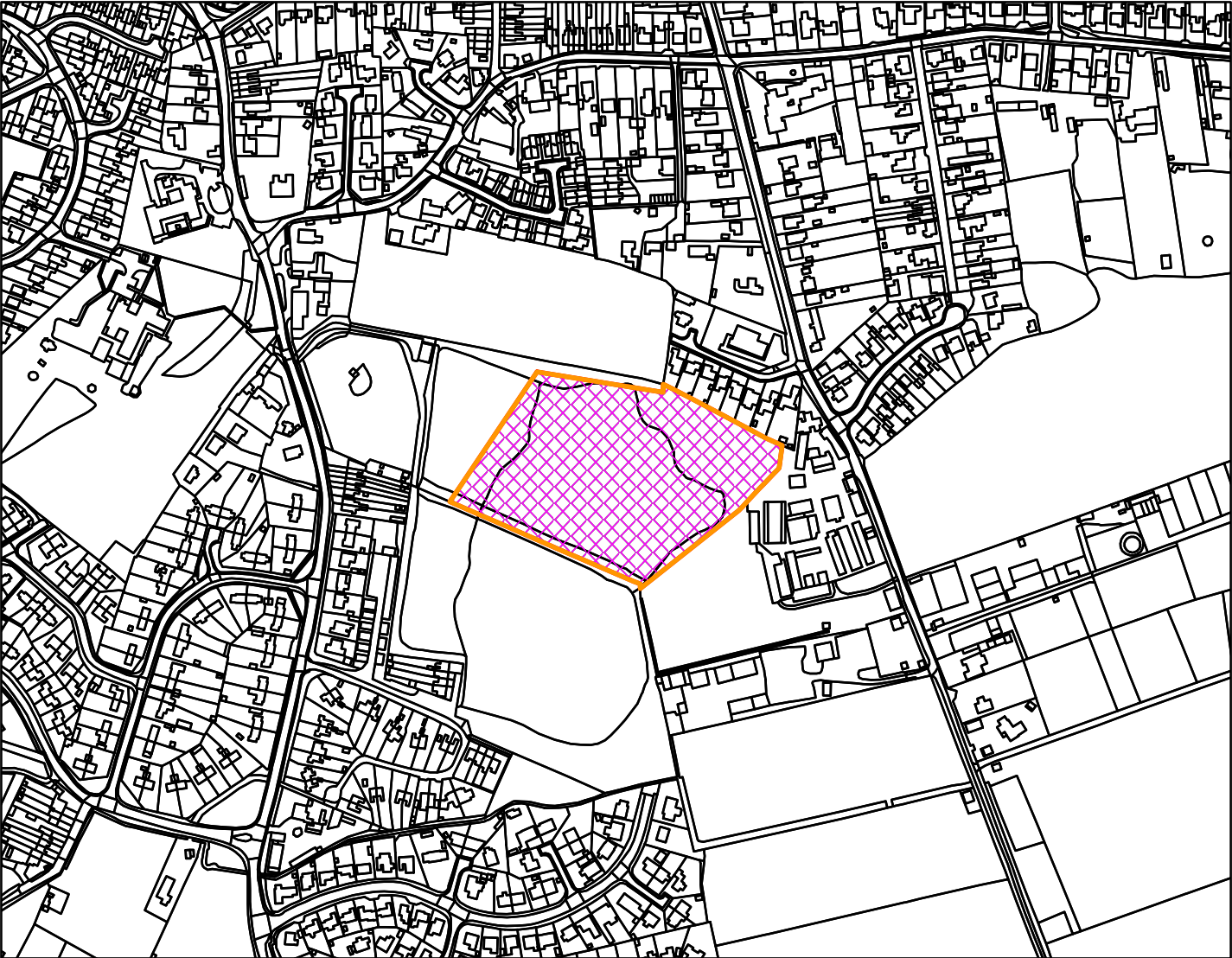
- Provision of a permanent information board on site indicating the importance of biodiversity enhancements provided on-site i.e. hedgehog holes, bat and bird boxes. The leaflets shall be provided within sales packs of the development properties and the information board shall be erected on site prior to the first occupation of any dwelling hereby permitted.
- 7 Reason: In order to mitigate the impacts on protected sites in accordance with the NPPF and Development Plan Policies LP19 and G47.1.
  - 8 Condition: All hard and soft landscape works shall be carried out in accordance with the approved landscaping plans excluding any streetlights. The works shall be carried out prior to the first 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.
  - 8 Reason: To ensure the provision of attractive residential landscape and public amenity in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19, LP21 and G47.1 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 9 Condition: Prior to the first occupation of each dwelling of the development hereby permitted the proposed on-site access and car parking serving that dwelling shall be laid out, levelled, surfaced and drained in accordance with the approved plans and thereafter be retained available for that specific purpose.
  - 9 Reason: To ensure the permanent availability of parking / manoeuvring area in the interests of highway safety in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 6 and 7.
  - 10 Condition: Prior to the first occupation of each dwelling that does not benefit from an enclosed garage in the development hereby permitted details of enclosed cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved with the approved infrastructure serving each dwelling installed prior to occupation of that dwelling.
  - 10 Reason: To ensure appropriate cycle storage is provided in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 11 Condition: Prior to the installation of any air source heat pump(s) 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 neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
  - 11 Reason: In the interests of the amenity of the locality in accordance with the NPPF, Development Plan Policy 21.
  - 12 Condition: Prior to the first occupation of any dwelling hereby permitted details of a suitable electric vehicle charging scheme for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as

approved with the approved infrastructure serving each dwelling installed prior to occupation of that dwelling.

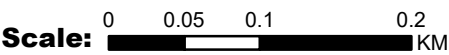
- 12 Reason: To ensure suitable electric vehicle charging for each dwelling in accordance with the NPPF.



Land Off Cheney Hill Heacham Norfolk PE31 7SR



Legend

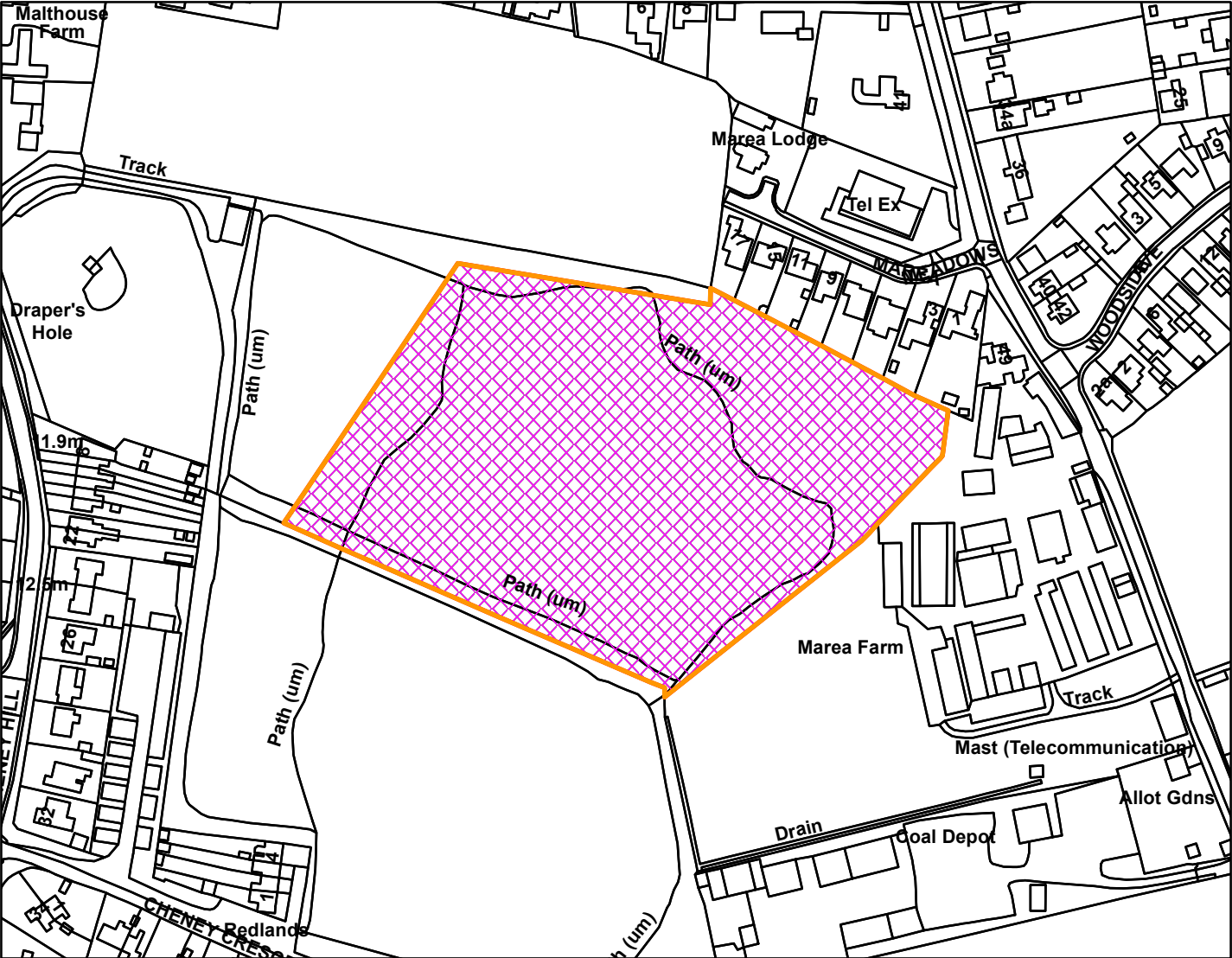


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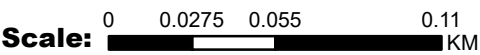
Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314



Land Off Cheney Hill Heacham Norfolk PE31 7SR



Legend



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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314

<b>Parish:</b>	<b>Heacham</b>	
<b>Proposal:</b>	<b>RESERVED MATTERS: Construction of up to 64 dwellings and associated infrastructure</b>	
<b>Location:</b>	<b>Land Off Cheney Hill Heacham Norfolk PE31 7SR</b>	
<b>Applicant:</b>	<b>W H Kerkham (Rhoon Ltd)</b>	
<b>Case No:</b>	<b>21/01412/RMM (Reserved Matters - Major Development)</b>	
<b>Case Officer:</b>	<b>Mrs N Osler</b>	<b>Date for Determination:</b> <b>15 October 2021</b> <b>Extension of Time Expiry Date:</b> <b>2 October 2025</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Parish and Officer  
Recommendation is Contrary to Parish Council Recommendation

<b>Neighbourhood Plan:</b>	Yes
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### **Case Summary**

The site comprises approximately 2.5ha of agricultural land on the edge of the built-up area of Heacham. The site forms part of Housing Allocation site G47.1 Land off Cheney Hill. Together with application 18/00226/RMM, also before committee, the two sites form the entirety of the allocation (6h). The allocation benefits from outline consents granted under applications 15/00352/OM relating to reserved matters application 18/00226/RMM and 16/01385/OM which relates to this reserved matters application 21/01412/RM.

Residential uses lie adjacent to the northeast of the site, countryside to the southeast and south, and the remainder of the allocation to the west and northwest.

Most of the site is relatively flat.

The application seeks reserved matters (RM) approval for the 'Construction of 64 dwellings and associated infrastructure' following grant of outline consent for the 'Construction of up to 64 dwellings and associated infrastructure' granted under application 16/01385/OM.

Access was approved at outline stage therefore this RM application seeks approval of: layout, appearance, scale and landscaping.

The site lies within Flood Zone 1.

## **Key Issues**

Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance

Form and Character

Residential Amenity

Highway Issues

Open Space, Landscaping and Trees

Habitats and Biodiversity

Flood Risk and Drainage

Housing

Climate Change

Crime and Disorder

Other Material Considerations

## **Recommendation**

### **A) APPROVE**

**B) REFUSE** if application 18/00226/RMM is refused.

## **THE APPLICATION**

The application seeks reserved matter (RM) approval for the 'Construction of 64 dwellings and associated infrastructure' following grant of outline consent for the 'Construction of up to 64 dwellings and associated infrastructure' granted under application 16/01385/OM.

The outline consent has conditions covering:

- Construction, drainage, management and maintenance of roads and footways,
- Highway safety (splays, construction traffic management),
- Off-site highway improvement works,
- Surface water drainage details,
- Outdoor lighting scheme,
- Amenity (dust suppression, construction management plan),
- Archaeology,
- Landscaping and landscape management,
- Trees,
- Fire hydrant(s),
- Ecology, and
- Contamination including asbestos.

A S106 Agreement secured against the outline consent covers:

- Open space specification, provision, management and maintenance (of an area of not less than 20m<sup>2</sup> per dwelling (1,280m<sup>2</sup>) to be used principally for children's play),
- On-site affordable housing provision (20%),
- SuDS Management and Maintenance, and
- Habitat Regulation Mitigation Contribution of £50 per dwelling.

Issues covered by condition and the S106 Agreement on the outline consent are not for consideration in the context of this reserved matters application other than to ensure compliance where necessary.

Reserved Matters are being sought for 64 dwellings, 13no. of which would be affordable (20%). The 64 dwellings comprise:

- 28no. detached,
- 4no. link-detached,
- 26no. semi-detached of which 7no are affordable (plots 85-87 and 90-93),
- 1no. building containing 4 flats all of which are affordable (plots 67-70), and
- 2no. bungalows both of which are affordable (plots 75 and 76).

This can be further broken down into:

- 4 x 1-bed units (4no. affordable)
- 9 x 2-bed units (5no. affordable)
- 35 x 3-bed units (4no. affordable) and
- 16 x 4-bed units.

The density of development on this site is 25.6dph; whilst the density of development of the wider site (Phases 1 and 2) is 20dph. For comparison, the density of development of Marea Meadows is 16.2dph and Benstead Close is 39.7dph.

Materials comprise of a mixture of:

- Red brick
- Red pantiles
- Carrstone
- Timber cladding (to stores and refuse bin enclosures), and
- Metal framed windows, doors, gutter and downpipes.

Boundary treatments comprise of a mixture of:

- Timber post and rail 3 bar fence,
- 1.8m high hedge with 1m brick wall in front,
- 1.8m brick wall, 1.8m timber fence with trellis top, and
- Chestnut cleft post and rail fence.

Scale:

- Two storey ridge heights range between 9m (the flats) and 8.8m, and
- Single storey ridge heights are 6.1m (type F) and 5m (type D).

1,383m<sup>2</sup> of public open space is proposed including a Local Area of Play (LAP).

All dwellings are shown to benefit from an Air Source Heat Pump (ASHP) and solar PV panels.

Access is from Cheney Hill via the Phase 1 development.

All parking accords with parking standards. Garage provision is as follows:

- 16 x double garages,
- 16 x single garages, and
- 18 x car ports.

The remaining 14 properties have no garage or car ports (the 4 flats and 5 affordable dwellings and 5 market dwellings).

10no. visitor parking bays are proposed.

## SUPPORTING CASE

This Statement supports W. H. Kerkham (Rhoon) Ltd. application for the “Construction of 64 dwellings and associated infrastructure”

### *The Site Allocation:*

This Reserved Matters application follows the approval of outline application 16/01385/OM, which establishes the principle of residential development on the site, in addition to site access. The site is allocated under reference G47.1 in the recently adopted King’s Lynn and West Norfolk Local Plan (2025), and therefore it is important that this site is brought forward to provide high-quality homes to meet an identified housing need, including affordable housing, in the Borough.

Heacham benefits from a range of services and facilities and is a sustainable location for residential development, as demonstrated by the outline planning permission. The site is situated near the village centre and local services, which enables new residents to easily access village facilities by walking or cycling. The Neighbourhood Plan (2022) also acknowledges the importance of this application, in respect of meeting housing requirements, particularly for younger generations and new homeowners, who wish to stay or move into the village.

### *A Policy Compliant Scheme:*

Throughout the application extensive discussions have been undertaken with key stakeholders (including the LLFA and NCC Highways), and no technical comments remain outstanding. The scheme will provide 20% affordable units, in line with both the S106 agreement and policy. It is important to note that this application cannot be brought forward without approval of application 18/00226/RMM. When combined with the adjacent site (18/00226/RMM), the open space totals 8,300 m<sup>2</sup>, which is above both the S106 agreement and policy requirement of 6,617 m<sup>2</sup>.

In addition, this site will contribute financially to both local education and library provisions. A GIRAMS payment of £304.17 per dwelling will also be made.

### *Quality Design:*

The applicant has worked collaboratively with officers to ensure the scheme represents a high-quality, sustainable development. Since the Reserved Matters application was originally submitted, the number of dwellings has been reduced following discussions with the council. Whilst the outline permissions allow for up to 133 dwellings, the scheme, when combined with the adjacent site, brings forward 122 dwellings, to ensure the provision of a high-quality scheme that provides adequate amenity space for existing and future residents.

The house designs have been developed as a contemporary approach to the Norfolk vernacular, with careful attention given to the existing colours of adjacent roofs and brick exteriors.

To conclude, it is respectfully requested that the planning committee endorse the Planning Officer’s recommendation for approval of this application.



## PLANNING HISTORY

This part of allocation:

16/01385/OM: Application Refused: 04/08/17 - OUTLINE WITH SOME MATTERS RESERVED: Residential development of up to 64 dwellings – Committee Decision overturning officer recommendation to approve; Allowed at appeal 07/09/18.

Remainder of allocation:

15/00352/OM: Application Permitted: 09/02/16 - Outline Application: construction of up to 69 dwellings and associated infrastructure – Committee Decision in line with officer recommendation.

## RESPONSE TO CONSULTATION

The comments relate to the latest comments received from the following consultees:

### Parish Council: OBJECT

Heacham Parish Council reiterates and reinforces its previous objections regarding planning applications 21/01412/RMM and 18/00226/RMM.

Whilst the Parish Council recognises that the development will likely proceed—and indeed welcomes it if properly considered—our continued objections stem from fundamental concerns that the proposed development currently lacks the requisite quality, innovation, and forward-thinking necessary for our community. Approving a merely adequate development rather than striving for good or excellent standards is not acceptable.

We remain deeply concerned that our previous submissions appear not to have been fully addressed or adequately acknowledged. Given the extensive volume of documentation, it is exceptionally difficult for Parish Councillors—who are not expected to be technical experts—to track and identify all changes. A clear and concise synopsis, ideally in a tabular or bullet-point format highlighting amendments, would significantly assist our review and ensure our responses remain well-informed and relevant.

### *Specific concerns include:*

- **Street Lighting and Landscaping Maintenance:** The Parish Council reaffirms it will not assume responsibility for street lighting or landscaping beyond the developer's post-installation maintenance period. We strongly request a formal planning condition to secure clear, sustainable arrangements for long-term management and maintenance, preventing unforeseen burdens upon local resources.
- **Library and Community Infrastructure (Section 106 Funding):** Heacham Library will require additional support to accommodate increased demand anticipated from this development. It is essential that Section 106 contributions specifically include funding to enhance library facilities and resources in the village we run a parish funded library and continue to provide other services on behalf of the Borough Council.

### *Reaffirmation of Previous Objections:*

1. **Shared Paths and Safety:** Shared-use paths should comply with Sustrans standards of a minimum width of 3 metres to ensure pedestrian and cyclist safety. However, given that this development is off the main route and rat-running is unlikely, we question the necessity of off-road cycle infrastructure at all.

2. Affordable Housing: Adequate parking provision, including garages, must be provided for all housing units, particularly affordable housing, to avoid discriminatory outcomes and ensure safety and convenience.
3. Street Lighting: Lighting should adhere to best practice standards, including dimming lights by 50% after midnight to reduce energy consumption and light pollution. If, in the future, the Parish Council considers adopting street lighting, installations must meet the minimum standards required by the parish.
4. Dog Waste Bins: Responsibility for the provision and appropriate placement of dog waste bins must be clearly defined and addressed by the developer, ensuring the village's ongoing issues with dog waste are adequately managed.
5. Site Management Responsibilities: A resident-funded management company should oversee the ongoing maintenance of communal areas, landscaping, street lighting, and play facilities. This arrangement is crucial to prevent unplanned financial responsibilities from falling onto the Parish Council unless explicitly agreed funding arrangements are in place.
6. Travel and Pathway Design: All shared paths must be appropriately designated and constructed, ensuring safety and usability. The footpath from Cheney Hill to School Road requires careful reconsideration, particularly where private land may be impacted.
7. Road and Path Design Concerns: Adequate measures for bin collection and effective traffic calming strategies are essential to ensure convenience for residents and safety for children.
8. Green Spaces and Amenity Distribution: Insufficient green space provision in Phase 2 undermines the village's character and community well-being. The development must be cohesive, with amenities distributed evenly across all phases.
9. Permitted Development Restrictions: Restrictions should be imposed to prevent excessive extensions that reduce garden space and negatively impact the overall estate aesthetic.
10. Community Infrastructure Levy (CIL) and Policy Compliance: The Parish Council remains concerned about compliance with the Heacham Neighbourhood Plan policies, as this has significant implications for community benefit and coherence.
11. Construction Management and Phasing: Phasing must minimise disruption to residents, particularly around schools, effectively managing noise and traffic impacts.

We trust the Borough Council will carefully consider these matters and our reiterated concerns. The quality and sustainability of developments approved today significantly shape the future of Heacham, underpinning our insistence on standards beyond merely adequate.

### **Highways Authority (NCC): NO OBJECTION**

**Public Rights of Way (NCC):** We have no objections on Public Rights of Way grounds as although Heacham Restricted Byway 13 is in the vicinity, it does not appear to be affected by the proposals.

### **Strategic Housing (BCKLWN): NO OBJECTION**

**Natural England: NO OBJECTION:** subject to securing the GIRAMS payment and other mitigation such as leaflets providing details of the onsite green space to be provided to new homeowners and a detailed plan, long term fund and a maintenance and management strategy for the onsite greenspace.

Natural England considers the sHRA is of a standard that can be adopted by the LPA as Competent Authority, and acknowledges that whilst shorter than normally sought, the onsite dog walking routes, given their links to surrounding public rights of way, are acceptable in this instance.

Given that most SSSIs are also covered by European Protected Sites, given the acceptability of the proposal (subject to mitigation contained within the sHRA) the development is unlikely to have any significant impact on any SSSI Zone of Influence.

The impact on the setting of the nearby protected landscape (the North Coast National Landscape) should be taken into consideration in the determination of the application. However, as statutory consultees in relation to development that may affect the National Landscape they raise no objection.

### **Senior Ecologist (BCKLWN): NO OBJECTION**

*Protected Species:* Following my consultee response on 15 May 2025 the following document has been submitted:

- Ecological Impact Assessment (Crossland Ecology, 29/06/2025)

The outstanding issue from my comment were the outstanding surveys recommended within the PEA for:

- Reptiles
- Breeding birds
- Bat activity

These surveys have now been undertaken and are reported within the current Ecological Impact Assessment. The report does not identify any significant ecological limitation assuming that appropriate mitigation is put in place – all recommended mitigation must therefore be secured via condition.

If you are minded to grant consent the following details must be conditioned to secure appropriate mitigation:

- Signage in accordance with HRA
- Greenspace details in accordance with HRA
- Construction and Ecology Management Plan (CEMP)
- Ecological Design Strategy (EDS)
- Landscape and Ecology Management Plan (LEMP)

The requested documents must be in accordance with the EIA and the HRA. All Ecological Enhancements should be represented on relevant plans i.e. masterplans, boundary treatments and elevation plans as relevant.

*Protected Sites:* In relation to Impact on European Protected Sites, no objections are raised on the basis of the sHRA that was submitted which is of a standard that can be adopted by the LPA, subject to conditions securing certain measures.

### **Arboricultural Officer (BCKLWN): NO OBJECTION**

The applicant has provided new landscaping drawings, the tree protection details remain the same, I cannot see any significant changes and therefore my comments confirm that I do not object to this proposal but advise on the new landscaping documents that are to be included in the approved documents list and suggest conditions relating to tree protection and new soft landscaping.

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

*Assets Affected:* Anglian Water have assets within or in close proximity to the site – recommend an informative.

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

*Used Water Network:* We have reviewed the information submitted and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) 7 and 8 of the outline planning application 16/01385/OM, to which this Reserved Matters application relates.

**Surface Water Disposal:** The applicant has indicated that their method of surface water drainage is via SuDS with an outfall into an existing ditch. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed – recommend an informative.

**Environment Agency: NO OBJECTION**

We have reviewed the amended documents and have no further comments to make.

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

We have reviewed the new documents and determined that our comments from our letter dated 05 July 2024 (our ref: FW2024\_0481) still apply. We have no additional comments to make at this time and continue to recommend an informative relating to a maintenance regime for the 'downstream defender' proprietary treatment systems be appended to any permission granted.

**Internal Drainage Board: NO OBJECTION**

The Board has granted consent for the proposed overflow discharge to the Board's IDD under our reference 24\_27689\_C in line with drawing number 01809-ENG-ZZ-XX-DR-C3002 P3 (Engenuiti, 28/05/2024) therefore we have no objections to this application.

Should any alterations be proposed to the overflow arrangements or a permanent discharge to the watercourse be proposed, the applicant should contact this office to discuss possibly required amendments to the consent

**Open Space (BCKLWN): NO OBJECTION**

Amended plans have addressed previously queries. However, seeks amendments / clarification in relation to

- The tree in front of plot 87 impinges on the property and should be removed, and
- The single access gate could be problematic for the LAP.

**Waste Management (BCKLWN): NO OBJECTION**

**Environmental Health & Housing – Environmental Quality (BCKLWN): NO OBJECTION**

*Contaminated Land:* We have reviewed the amended documents relating to the changes to the approved plans and alterations to the designs and have no additional comments regarding contaminated land. Conditions relating to contaminated land on the outline application and previous comments still apply.

*Air Quality:* Consideration should be given to fast EV charging provision for each dwelling and best practice should be considered in relation to stoves and sufficient provision for the dry storage of wood fuel.

### **Community Safety and Neighbourhood Nuisance (BCKLWN): NO OBJECTION**

Requests conditions requiring a Construction Environmental Management Scheme and details of ASHPs be appended to any permission granted along with an informative relating to the Control of Pollution Act.

### **Norfolk Historic Environment Service (NCC): NO OBJECTION**

Request that archaeological conditions are appended to this RM consent if they weren't on the original outline consent.

### **Police Architectural Liaison Officer: NO OBJECTION**

Some further 'tweaks' could be introduced, but it is clear to see that this design has carefully incorporated many of principles of Secured by Design already and this should be recognised with Award Status.

There is an exceptional level of guardianship, and I recognise and applaud the applicant's team in providing such attention to detail in the design.

**Carrow Fire Station: NO OBJECTION** Information provided relates to building regulations.

## **REPRESENTATIONS**

**NINETY** letters of **OBJECTION** have been received from occupiers of 56 dwellings. The reasons for objection can be summarised as:

- The development would have too much of an impact on the village specifically in terms of infrastructure, services and facilities,
- A development of this size should be refused,
- The access is in an inappropriate and unsafe position given its proximity to the school; children's safety will be put at risk,
- There is bound to be an accident with an access in this location and increased traffic on the roads,
- A single access to the site is inappropriate,
- Phase 2 is much more densely populated than Phase 1,
- There is no need for this number of dwellings in Heacham,
- Construction worker parking needs to be considered,
- This number of properties is too many for Heacham and will turn the village into a small town,
- The amendments should have been made clearer to enable easier comparison,
- Light pollution,
- The properties adjacent to Marea Meadows are too close,
- The properties behind Marea Meadows should not be allowed any future extensions,
- Loss of privacy, overlooking, overbearing and overshadowing impacts,
- The removal of Juliette balconies does not mitigate the overlooking impacts,
- Loss of view,
- The drainage strategy is not acceptable and should be assessed by an unbiased body,
- The shadow reports are too complicated; notwithstanding this, they clearly show unacceptable overshadowing impacts to properties on Marea Meadows,
- Properties being built adjacent to dwellings on Marea Meadows should be single storey; some changes have been made to Phase 1, why not Phase 2?

- A landscaped buffer-strip should be provided between the development and any existing dwellings,
- Environmental issues and loss of important wildlife habitat,
- Loss of habitat; the developers have not shown 10% biodiversity net gain,
- The existing drainage system cannot cope,
- Flooding occurs on the road just before Malthouse Crescent,
- Access to the adjacent field is still shown; this is obviously for an access to the land for future development,
- Increase in traffic and issues relation to the junction of Lamsey Lane and the A149 will worsen,
- General impact on the village road network,
- Housing styles are not consistent with the surrounding housing stock,
- Adoption of roads is unclear,
- Footpaths should be provided on shared surface roads,
- The width and control of traffic through the Marea Meadows link needs to be reconsidered; it must not be a vehicular route,
- The pedestrian link onto Marea Meadows would result in overuse of a single pathway on both Marea Meadows and School Road,
- Who will be responsible for management and maintenance of the public open space?
- Has broadband been considered?
- These dwellings could largely be holiday / second homes and not owners occupied as per the village plan,
- The ecology plan is not fit for purpose,
- There is a lack of local employment,
- The village is already overwhelmed in the summer months,
- Who will be responsible for any street lighting,
- Site hours should be restricted, trees should be appropriately protected, and new tree planting should not be too close to boundaries,
- Cladding could present a fire risk,
- Many villages in Norfolk have become unaffordable to local residents due to the demand for holiday homes; this has not been considered in these applications,
- Why have these applications taken so long to assess? They should be withdrawn and resubmitted as a single application, due to changes in the locality that would affect traffic volumes that would change the acceptability of these proposals if they were submitted now,
- A new submission would also mean that the proposed development would have to meet national BNG requirements,
- The Neighbourhood Plan has been adopted since submission of these applications. The policies in the plan should be fully adhered to,
- This development shows no consideration for the local community,
- It is disappointing that no direct consultation has taken place by the Developers, Borough or Parish Council with the local residents on any of the amendments sought,
- The owner of the footpath access into Marea Meadows will deny access to this development from Marea Meadows,
- The density of development is too great for the locality,
- The drainage strategy is not appropriate and will result in flood at the bottom of Cheney Hill,
- We were told that the significant Horse Chestnut trees on the site would be protected by a preservation order, this hasn't happened,
- Unacceptable impacts from light, noise and air pollution,
- Three storey dwellings are totally inappropriate in this locality,
- The noise generated from this number of Air Source Heat Pumps needs to be fully considered,

- The layout of these reserved matters applications is totally different to those approved on the outline consents,
- The police assessment only considers the impacts on proposed dwellings and not existing dwellings, and
- Amendments have brought some plots closer to existing dwellings.

**ONE** letter of general **SUPPORT** was received stating that more houses are needed in the village for young families to ensure growth and sustainability of local shops and facilities. The author does however raise concerns relating to the sewage system.

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP05** - Implementation (Strategic Policy)

**LP01** - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

**LP04** - Presumption in Favour of Sustainable Development Policy (Strategic Policy)

**LP06** - Climate Change (Strategic Policy)

**LP13** - Transportation (Strategic Policy)

**LP14** - Parking Provision in New Development

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP19** - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

**LP22** - Provision of Recreational Open Space for Residential Developments (Strategic Policy)

**LP27** - Habitats Regulations Assessment (HRA) (Strategic Policy)

**LP28** - Affordable Housing Policy (Strategic Policy)

**LP30** - Adaptable & Accessible Homes (Strategic Policy)

**LP38** - Community and Culture (Strategic Policy)

**G47.1** Heacham - Land off Cheney Hill

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 2:** Housing Mix

**Policy 5:** Design Principles

**Policy 6:** Residential Car Parking

**Policy 7:** Garage Provision

**Policy 13:** Dark Skies

**Policy 19:** Cycleways

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The principle of residential development for up to 64 dwellings along with access from Cheney Hill has been established by extant outline consent granted at appeal (APP/V/2635/W/18/319117) under application 16/01385/OM that represents part of Housing Allocation G47.1 of the recently adopted Local Plan.

This application is therefore for the determination of the outstanding reserved matters: layout, scale, appearance and landscaping. Issues outside of these matters such as principal occupancy for example cannot be considered under this application.

The main issues for consideration in the determination of this application are:

- Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance
- Form and Character
- Residential Amenity
- Highway Issues
- Open Space, Landscaping and Trees
- Habitats and Biodiversity
- Flood Risk and Drainage
- Affordable Housing and Other S106 Issues
- Climate Change
- Crime and Disorder
- Other Material Considerations

### **Site Allocations and Development Management Policy G47.1 / Outline Conditions / S106 Compliance / Policy Compliance:**

Local Plan Policy G47.1 relates specifically to development of this allocation of which the current application represents the southeastern extent. Several policy requirements relate specifically to the outline consent (i.e., do not relate to layout, scale, appearance and landscaping).

*Policy G47.1 Heacham - Land off Cheney Hill: Land amounting to 6 hectares, as shown on the Policies Map, for residential development of at least 133 dwellings.*

*Development will be subject to compliance with all the following:*

*1. Establishment of safe pedestrian and vehicular access to the site with primary access from Cheney Hill. Opportunities for increasing connectivity to the surrounding secondary road network for pedestrian/cycle access should be explored (outline considerations),*



2. *Submission of details of layout, phasing, and conceptual appearance (reserved matters considerations),*
3. *Submission of details showing how sustainable drainage measures will integrate with the design of the development and how the drainage system will contribute to the amenity and biodiversity of the development. A suitable plan for the future management and maintenance of the SuDS should be included with the submission (outline (condition) and reserved matters considerations (layout)),*
4. *A financial contribution for any upgrades or additional provision in terms of water supply, sewerage, schools, highways etc. necessary to serve the development (outline considerations covered in S106 Agreement),*
5. *Enhanced informal recreational provision on, or in the vicinity of the allocated site to limit the likelihood of additional recreational pressure (particularly in relation to exercising dogs) on Habitats Regulations protected nature conservation sites in the wider area. This provision may consist of some combination of:*
  - a. *informal open space (over and above the Council's normal standards for play space),*
  - b. *pedestrian routes which provide a variety of terrain, routes and links to greenspace and/or the wider footpath network, and*
  - c. *a contribution to greenspace provision or management in the wider area within which the site is located (outline and reserved matters considerations as well as covered in S106 Agreement),*
6. *Provision of a programme of publicity aimed at both occupants of the development and other residents of Heacham, highlighting the opportunities for recreation (especially dog walking) in the vicinity avoiding areas within the Wash Special Protection Area and the North Norfolk Coast Protection Area and the North Norfolk Coast Special Protection Area, and the sensitivity of those areas to dog walking and other recreation (outline considerations),*
7. *A project level Habitats Regulations Assessment, with particular regard to the potential for indirect and cumulative impacts through recreational disturbance to the Wash Special Protection Area and the North Norfolk Coast Protection Area (outline and reserved matters considerations as well as contained within S106 Agreement and subject to a Deed of Variation in relation to the Agreement), and*
8. *Provision of affordable housing in line with Policy LP28 (contained within S106 Agreement and reserved matters consideration in terms of location).*

Policy G47.1 remains unaltered from its inclusion in the previous Local Plan and continues to be the overarching policy relating to development of this site. However, the other main 'in principle' policy relating to the location of development in the new Local Plan is LP01 of which the proposal accords with. Other relevant policies within the new Local Plan are dealt with under the relevant headings of this report.

Conditions and S106 requirements on the outline consent that are pertinent to this reserved matters application (i.e. that could affect the layout, scale, appearance and landscaping) are affordable housing, open space and SUDs (S106), and drainage (condition 23).

For reasons that are covered in the following report it is considered that the proposed development accords with the overarching policy requirements and conditions and S106 requirements (subject to a Deed of Variation) outlined above.

### **Form and Character:**

Local Plan Policies LP18, LP21 and LP38 require development to, amongst other things, conserve and enhance the wider environment by being locally distinctive and responding sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings by virtue of scale, height, massing, materials and layout. Developments should also optimise site potential / make the most efficient use of land. This is reiterated in Neighbourhood Plan Policy 5 and Chapter 12 of the NPPF.

Chapter 12 of the NPPF and Local Plan Policies LP18, LP38 and G47.1 also require schemes to promote social interaction, be safe and accessible, provide access to green infrastructure, local shops etc. and encourage walking and cycling.

The design has developed over time including rearrangement of the internal road network to ensure more efficient and safer connections, updated landscaping to include a well overlooked area of open space and a revision to the proposed house types (key changes to the latter being removal of the three-storey units and extensive elements of cladding just leaving small elements of cladding comprising bin storage areas and garden stores).

The dwellings are proposed to be built using vernacular materials comprising red brick, carrstone and pantiles, with simple detailing and quoins to reflect local character. Notwithstanding this, the dwellings have a unique character that will define the new development, and, in this regard, it is refreshing not to have house types mass produced by larger builders.

The scheme is considered to integrate positively with the existing built form and would create, in association with the Phase 1, a permeable development with pedestrian and cycle links throughout the site and into adjacent streets (Malthouse Crescent to the north, Marea Meadows to the east and Cheney Hill to the west) as well as prioritising pedestrian and cycle routes within the site.

National Planning Policy and Guidance (NPPF, National Design Guide (NDC) and National Model Design Code (NMDC)) sets out the Government's agenda for design quality and placemaking.

Building for a Healthy Life (BHL, 2020) is a nationally recognised design tool; endorsed by Homes England and referenced in the NPPF as a key tool for 'assessing and improving design quality' in new development. Additionally, Heacham Neighbourhood Plan Policy 5 also endorses BHL requiring applicants for major developments to produce a report to demonstrate that their scheme accords with national design standards.

*Building for a Healthy Life (BHL):* BHL is a design assessment tool (with a traffic light scoring system to aid the design process) based on a set of 12 questions (macro to micro).

**GREEN:** A positive / high quality design solution. The scheme needs to achieve a majority of greens to be considered good design.

**AMBER:** Indicates that this aspect of a scheme currently fails to meet national policy and further amendments will be required to improve design quality (turn ambers to green where possible).

**RED:** Poor design quality / proposal that must be addressed – reds must be avoided where possible.

Where an element of design is considered to fall between a green and a red light, an amber light can be assigned. In principle the more green lights a proposed scheme secures the better the design outcome. The overall objective with a BHL assessment is to minimise the number of amber lights and avoid red lights where possible.

Whilst the below assessment relates to this phase only, a comprehensive view has been taken by your officers in relation to the wider site and its compliance with BHL.

*BHL: Integrated Neighbourhoods (BHL: Q1 - 4):* Questions 1 – 4 relate to the macro level elements of placemaking, creating a context-led structure for development to ensure that a scheme is well integrated to the natural and built local context, is well connected providing a choice of movement for all users and provides for good access and connectivity to local facilities and services. In this regard:

1. The scheme provides connective circulation routes round the scheme and to the adjoining development (Phase 1). Footways through the area of open space follow nature desire lines and movements routes. Routes are visible and benefit from natural surveillance creating a safe, permeable and connected usable spaces,
2. Pedestrian footpaths connect the two access points into the site. More informal paths within the landscape respond to anticipated desire lines for residents and visitors, thus resulting in a permeable scheme,
3. The site is well located in terms of its proximity to the Heacham Infant and Junior schools, as well as bus stops,
4. The primary loop road has been designed to be as straight as possible whilst taking into consideration Norfolk County Council guidelines which together with traffic calming will achieve 20mph design speeds,
5. The scheme does not create any vehicular 'rat runs' or other 'short cuts' within the wider highway network,
6. All houses have an active frontage whether this is to the main loop road, open space or Cheney Hill,
7. There is no discernible difference between market and affordable houses, and the affordable homes are suitably pepper-potted across the site other than the single apartment block which is visually distinctive,
8. The housing mix is varied and aligns with local housing policy including that contained in the Neighbourhood Plan.

*BHL: Distinctive Places (BHL: Q5 - 8):* Questions 5 – 8 relate to creating a 'place-specific' development that relates positively to its natural and built context so that it is attractive and distinctive. This involves using local characteristics as key features, reference points and anchors within the development, working through to development patterns / appropriate density ranges, building form then materials to reflect local character.

1. Larger houses are located around the perimeter with smaller houses located in the centre,
2. There are no dwellings over two storeys in height,
3. A SUDS scheme has been adopted for both the highways and wider site,
4. Perimeter houses have rear gardens that back onto existing rear gardens,
5. Materials includes red brick, carrstone, quoin corners and red pantiles which are reflective of the locality, and
6. Existing hedgerows will be retained and enhanced to create wildlife corridors.

*BHL: Streets for All (BHL: Q9 - 12):* Questions 9 – 12 relate to designing healthy and safer streets, accommodating parking and the design and detailing of streets, spaces and boundary treatments.

1. The development has been designed to favour pedestrians and cyclists above motorists,
2. The streets are not tree lined, but several trees (102) are proposed in the areas of public open space,
3. The scheme is well connected with Phase 1 which is well connected to adjacent developments,

4. The public realm will provide opportunities for increasing the biodiversity of the site, and new hedgerows will be used to buffer boundaries and plug any gaps in existing hedgerows (it should be noted that statutory Biodiversity Net Gain is not required),
5. A combination of the Village Square, pocket park and attenuation basin zone will create different spaces to meet differing needs, accessible to all, and providing active and meeting spaces,
6. Cycle storage will be provided within the curtilage of each dwelling and car parking provision is fully in line with parking standards and Heacham Neighbourhood Plan; visitor parking is proposed,
7. EV charging would be provided in line with building regulations requirements,
8. The permeability of the public open spaces and the site can be used to facilitate physical activity and social interaction,
9. Open spaces allow for natural infiltration and provide space for below ground soakaways, and
10. Natural surveillance is provided by active frontages.

The outcome is mostly greens (84%); 15% ambers and 1% reds suggesting an overall acceptable development that would meet the overarching aims of BHL and therefore the NPPF, NDG and Heacham Neighbourhood Plan. The only red relates to the fact that a place name has not been confirmed for the development.

It is therefore considered, in terms of form and character, that the development is in general accordance with the Development Plan and specifically Policies G47.1, LP18, LP21 and LP38 of the Development Plan, Heacham Neighbourhood Plan (HNP) Policy 5 and the NPPF in general and in particular Chapter 12 of the NPPF.

### **Residential Amenity:**

Development plan policy LP21 requires proposals to be assessed against their impact on neighbouring uses and their occupants as well as the amenity of future occupiers of the proposed development stating that proposals will be assessed against several factors including, but not limited to, overlooking, overbearing, overshadowing and noise. It concludes by stating that *Development that has a significant adverse impact on the amenity of others, or which is of a poor design will be refused*. This is reiterated in Heacham Neighbourhood Plan Policy 5 and paragraph 135f) of the NPPF.

In relation to overlooking, careful consideration has been given to the impact of the proposed development on occupiers of existing neighbouring dwellings around the perimeter of the site. First floor-windows serving a habitable room in the new development are in all instances at least 21m from either a first or ground floor window serving a habitable room in an existing dwelling. The only instances where a habitable window on a proposed dwelling is within that 21m distance is where it is at ground floor level and existing or proposed boundary treatments would prevent any material overlooking. Additionally, Juliette balconies have been removed where they were proposed on the edge of the development adjoining existing dwellings to reduce the perception of being overlooked. Whilst some third parties continue to object to the proposed development based on overlooking it is considered that privacy has been suitably considered and addressed.

In relation to overbearing, again careful consideration has been given to existing dwellings around the perimeter of the site. All proposed dwellings are at least 12 metres away from boundaries with existing dwellings.

The impact of overshadowing throughout the site is considered acceptable because of its seasonal nature and limited periods of the day it would occur. The main area of concern in relation to overshadowing is the impact on the two western most properties in Marea Meadows

(Nos 17 and 15) given that they could be impacted from development from both phases 1 and 2. Therefore shadow diagrams were requested by the LPA to help understand the potential overshadowing impacts on these properties.

In relation to this phase of the development, the shadow diagrams show shadows cast by the existing dwellings on Marea Meadows and a 2m high boundary fence (that could be erected under permitted development); this is the existing situation, and material consideration should only be given to impacts over and above this.

December – The shadow diagrams show impacts from the proposed development on a number of the properties on Marea Meadows including habitable windows throughout the day.

March – limited overshadowing (rear elements of rear gardens) late afternoon to a few properties, with greater impacts on habitable rooms in the late afternoon to the majority of properties.

June – no material overshadowing.

September – limited overshadowing (rear elements of rear gardens) late afternoon to a few properties, with greater impacts on habitable rooms in the later afternoon / early evening to the majority of properties.

This shows there would be varying degrees of overshadowing to a number of properties on Marea Meadows other than the summer months.

Notwithstanding this, the distance of 21m between properties is a standard used by the LPA and a distance generally considered acceptable in terms of neighbour impacts including overshadowing from a standard two-storey dwelling. Therefore, whilst there would be some detrimental impact on occupiers of existing dwellings, the distances involved are considered acceptable and on balance (when viewed in the whole), the impacts are not considered sufficient to warrant refusal.

Whilst there is an element of ‘buyer beware’, inter-developmental relationships still need to be appropriately considered and, in this regard, similar thresholds have been the starting point for assessment (that is to say 21m habitable to habitable window distance and 10m between a new dwelling and its rear boundary).

It is therefore considered, in terms of residential amenity, that whilst some disamenity would arise to occupiers of some existing dwellings on Marea Meadows in terms of overshadowing, there would be no unacceptable overbearing or overlooking impacts and that, on balance, the development is in accordance with the Development Plan and specifically Policy LP21 of the Development Plan, Heacham Neighbourhood Plan (HNP) Policy 5 and the NPPF in general and in particular paragraph 135f) of the NPPF.

### **Highway Issues:**

Transport implications and safe access to the site were considered at both the allocation and outline stages of the scheme.

In relation to the site-specific transport issues as well as the requirements of Policy G47.1, Local Plan Policy LP13 requires new development to reduce the need to travel and promote sustainable forms of transport appropriate to their location and to promote walking and cycling. These themes also run through Local Plan Policies LP18 and LP38 and Neighbourhood Plan Policy 5, whilst parking provision is covered under LP Policies 14 and 21 and Neighbourhood

Plan Policy 6. These themes are also reiterated in the NPPF specifically in paragraphs 96, 117 and 135.

Vehicular access will be taken from a new junction on Cheney Hill in accordance with the outline consent into the Phase 1 development that will then serve this site via a continuation of the loop road. Shared surface streets are provided as through routes. Traffic Speeds in new residential housing estates in Norfolk should be designed so that the layout of the roads contains vehicle speeds to 20mph, preferably without the need for traffic calming features. In this instance there is one section of the loop road that is reasonably long and straight and therefore has been designed with traffic calming in the form of a speed bump.

A 2m wide pedestrian footpath runs along both sides of the loop road with further pedestrian footpaths traversing the main area of open space with along the remainder of the loop road. Pedestrian footpaths traverse the green corridor and link into the shared surface road that dissects the site in an east / west direction.

Car Parking will be provided in accordance with the provisions of the Heacham Neighbourhood Plan which requires two off-street parking spaces for dwellings with 1 to 3 bedrooms and three off-street parking spaces for dwellings with more than 3 bedrooms. Parking spaces are generally 2.5m x 6m. However, where spaces are located next to a wall or fence or other boundary treatment, they will be 3m wide in line with NCC highways requirements.

Parking is provided in a mixture of double and single garages and carports with 14no. dwellings having no covered parking spaces (5no. open market dwellings and 5no. affordable dwellings as well as the 4no. apartments). Where garages are required to meet parking requirements, they have the requisite internal measurements to be counted as such.

Ten visitor parking spaces are proposed within the site accommodated in two laybys, one off the main loop road and the other adjacent to the shared surface road. The DAS suggests that cycle storage and electric vehicle charging provision will be made for each dwelling within their curtilage. No details of these have been provided and therefore this would be secured by condition if permission were granted.

Swept path analysis was undertaken for a refuse collection vehicle because this is the largest vehicle likely to regularly access the site. Additionally, it has been confirmed that a fire tender is able to access individual dwellings entrances efficiently.

It is therefore considered, in terms of highway issues, that the development is in general accordance with the Local Plan and specifically Policies G47.1, LP13, LP14, LP18, LP21 and LP38 of the Local Plan, Heacham Neighbourhood Plan Policies 5, 6 and 12 and the NPPF in general and in particular paragraphs 96, 117 and 135 of the NPPF.

### **Open Space, Landscaping and Trees:**

In addition to the overarching policy guiding development of this site (G47.1) Local Plan Policy LP19 encourages proposals that incorporate nature-based solutions such as natural capital, and / or green infrastructure to protect and enhance landscape character and biodiversity. This is reiterated in Policies 5, 10 and 11 of the Neighbourhood Plan.

Furthermore, Local Plan Policies LP06, LP18, LP23, LP38 and paragraphs 135 and 136 of the NPPF also refer to the contribution landscaping and trees make to development for a variety of reasons ranging from visual amenity to reducing carbon emissions.

*Open Space Provision:* The open space requirements contained within the S106 agreement are far from clear giving two options but not making clear how these options interrelate. Option

1 requires 0.9ha minus whatever is provided in Phase 1 which would be 2,683 sqm (9,600 sqm minus 6,917 sqm); whilst Option 2 requires not less than 20m<sup>2</sup> per dwelling which would be 1,280 sqm. 1,220 sqm is provided within the 'Village Garden Square' with a further 1,190 sqm provided within a 'pocket space', street greening areas (including the provision of 31 trees) and the wetland planting area adjacent to the attention pond. Whilst slightly below Option 1 requirements (-273 sqm) the proposal exceeds the Option 2 requirements (+1,130 sqm). Given the ambiguity of the Inspector's S106 requirements it is considered that the open space provision is adequate for the site and, when considering the cumulative space provided across both sites, is well in excess of normal open space requirements contained within Local Plan Policy LP22 (1,120 sqm).

In relation to the Open Space Team's comments, the removal of the tree fronting plot 87 shall be secured by condition and Play Equipment specification is covered by the S106 agreement.

This phase includes an attenuation basin in the southwest corner of the site. Paragraph 102a) of the NPPF requires potential hazards associated with open water to be considered in the assessment of planning applications, specifically in relation to the safety of children and other vulnerable users. Whilst the attenuation basin is likely to be dry most of the time, there may be occasions when there is water in the basin. As such a condition would be appended to any permission granted requiring details of boundary treatments around this feature.

*Landscaping:* All landscaping is to be provided either in gardens serving the individual dwellings or in the areas of open space. The Local Authority's Arboricultural Officer raises no objection to the proposed landscaping which is given in detail on the landscaping plans.

The boundary treatment to the south of the site, where it abuts open countryside, includes retention of the existing hedge, it also includes the provision of a 1.8m high timber fence with trellis top. The plans suggest the fence would be erected on the outer (countryside) side. To soften this edge, it would be necessary for the fence to be erected on this inner side of the hedge. This would be suitably conditioned if permission were granted.

#### *Trees:*

One individual tree is to be removed to accommodate the proposed development:

- 1 no. category C Elm.

Whilst street trees are not proposed 31 new trees are proposed to be planted in the areas of open space. The Local Authority's Arboricultural Officer raises no objection based on the trees to be lost or those to be replaced.

Ecological enhancements are also proposed within the areas of public open space and comprise native species hedgerows, pollinator attracting planting, a wildflower meadow, bug hotels and log piles, and wetland planting habitat; hedgehog friendly fencing is also proposed to the gardens. This is secured by condition 5.

It is therefore considered, in terms of landscaping, open space and trees, that the development is in general accordance with S106 agreement, the Local Plan and specifically Policies G47.1, LP6, LP13, LP14, LP18, LP19, LP21, LP22, LP23 and LP38 of the Local Plan, Heacham Neighbourhood Plan Policies 5, 6, 10, 11 and 12 and the NPPF in general and in particular paragraphs 96, 117, 135 and 136 of the NPPF.

#### **Habitats and Biodiversity:**

The NPPF advises that the planning system should minimise the impact on biodiversity with the aim to conserve and enhance biodiversity (paragraph 193). Local Plan Policy LP19 supports developments that incorporate nature-based solutions such as green infrastructure

and seeks to ensure developments do not have any adverse impacts on biodiversity unless it is mitigated or compensated for.

The need for enhanced informal recreation provision, provision of a programme of publicity highlighting the opportunities for recreation (especially dog walking) in the vicinity avoiding protected areas and a project level Habitat Regulations Assessment are all covered by site specific policy G47.1. Additionally, conditions 24 and 25 of the outline consent require the development to be carried out in accordance with ecological mitigation measures.

*Impact on Protected Sites:* Natural England has confirmed that without appropriate mitigation the development would have a likely significant adverse effect on the integrity of the following protected sites:

- The Wash Special Protection Area (SPA),
- The Wash and North Norfolk Coast Special Area of Conservation (SAC),
- The Wash Ramsar, and
- European designated sites scoped into the Norfolk Green Infrastructure and Recreational disturbance Avoidance and Mitigation Strategy ('GIRAMS').

An updated Shadow Habitats Regulations Assessment (sHRA) accompanied this RM application. Natural England has confirmed the findings of the sHRA and stated that it is of a standard that the Local Planning Authority can adopt as Competent Authority as confirmed by the Senior Ecologist.

The sHRA confirms the additional open space provided and acceptable dog walking route across the wider site together with the provision of leaflets is acceptable mitigation. Additionally, a Deed of Variation (DoV) has been submitted to increase the GIRAMS fee from that originally secured in the S106 Agreement (£50 per dwelling) to the current fee of £304.17 per dwelling. If Members resolve to approve this application the decision would not be issued until the DoV was complete and registered as a land charge.



### *Protected Species:*

Previous ecology assessments were undertaken as follows:

- Phase 1 Habitat Survey (SES, 2014)
- Species specific surveys for breeding birds, non-breeding birds, reptiles, and bat activity were undertaken in 2014
- Habitat Regulations Assessment (SES, 2014)
- Update Phase 1 Habitat Assessment (SES, 2016)
- Update Habitat Regulations Assessment (SES, 2016)
- Ecological Assessment (SES, 2017)
- Update Habitat Regulations Assessment (SES, 2019)
- Ecological Assessment (SES, 2021) - HRA (SES, 2021)

Updated assessments have been produced for the latest iteration of the proposals as per the below:

- Update Preliminary Ecological Appraisal (Crossland Ecology, 2024)
- Update nighttime bat walkover and static recorder survey (Autumn visit 2024)
- Update Non-breeding bird survey (6 of 6 visits completed 2024/25)
- Technical Note: Ecology Assessment Validity (Crossland Ecology, 2024)
- Update Shadow Habitats Regulations Assessment (Crossland Ecology, 2025)
- Reptile Survey (Crossland Ecology, 2025)
- Breeding bird survey (Crossland Ecology, 2025)
- Bat activity survey (Crossland Ecology, 2025)

Below is a summary of likely impacts, mitigation and enhancement measures and residual effects:

<b>FEATURE</b>	<b>POTENTIAL IMPACTS</b>	<b>MITIGATION / ENHANCEMENT</b>	<b>EFFECTS</b>
<b>PRIORITY HABITATS (HoPI)</b>	Direct loss of some section of HoPI hedgerows	Enhancement through additional native planting, oversewing with native and species rich seed mixes and improved and targeted management of all remaining HoPI. Pollution prevention via CEMP. New hedgerow planting. Sensitive lighting scheme.	Neutral
<b>HABITATS</b>	Direct loss (grass, scrub and trees).  Impacts to retained and adjacent habitats of value during construction, including via direct damage, pollution events and lighting.	Retention, protection and enhancement of hedgerow. Compensatory habitat. Protection of adjacent habitats of ecological value. Standard industry pollution prevention.  Sensitive lighting.	Neutral

	Lighting of retained and adjacent habitats during the operation Phase.		
<b>FLORA</b>	Spread of horsetail Species.	Specialist contractor to control/eradicate horsetail.	Neutral
<b>BATS</b>	Lighting impacts during / post construction.  Loss of foraging and commuting habitat.	Sensitive lighting and wildlife-friendly landscaping. Provide bat boxes. Retention, protection / enhancement of hedgerows. Compensatory habitat provision. Sensitive lighting.	Neutral
<b>BIRDS</b>	Injury/death of birds and eggs.  Destruction / damage of nests.  Loss of habitat.	Retention, protection / enhancement of habitats.  Clearance outside breeding season.  Compensatory habitat. Provide bird boxes within new housing. Provide two owl boxes off-site.	Neutral
<b>INVERTEBRATES</b>	Habitat loss.  Light disturbance.	Retention, protection / enhancement of habitats. Compensatory habitat provision. Sensitive lighting.	Neutral
<b>REPTILES</b>	Death/injury. Habitat loss.	Retention, protection / enhancement of habitats. Compensatory habitat provision. Clearance to follow precautionary working methods Under EMS via the CEMP.	
<b>OTHER NOTABLE SPECIES</b>	Habitat loss.	Retention, protection / enhancement of habitats. Compensatory habitat provision. Provide hedgehog highways.	Neutral

The Local Authority's Senior Ecologist has confirmed that the recommendations, mitigation and enhancements contained within the updated reports would result in a development that

would not have unacceptable impacts on protected species or result in likely significant effects on protected site.

As no licenses are required from Natural England in relation to protected species the LPA is not required to undertake the tests of derogation (to assess whether, in their opinion, Natural England would grant such a license). It is therefore considered, in terms of habitats and biodiversity, that the development is in general accordance with the Local Plan and specifically Policies G47.1 and LP19 of the Local Plan, Heacham Neighbourhood Plan Policy 11 and Chapter 15 of the NPPF.

### **Flood Risk and Drainage:**

Paragraphs 181 and 182 of the NPPF require new development to incorporate sustainable drainage systems to reduce the risks associated from climate change and flood risk.

This is reiterated in Local Plan Policies LP5, LP18, LP21 and site-specific policy G47.1.

*Flood Risk:* The size of the site triggers the need for a flood risk assessment to be provided.

The Flood Risk Assessment that accompanied the application confirms that the site is located within Flood Zone 1 where the risk of flooding is low; the latest update to the Environment Agency's Flood Maps has not changed this rating. The risk of surface water flooding is also considered to be generally very low, with a small area susceptible to low and medium flood risk shown towards the east of the site. External levels will be graded away from proposed buildings to enable suitable overland flow paths that convey surface water to avoid any potential flooding.

*Existing Drainage:* Anglian Water asset maps show that a public foul water sewer runs to the west of the site heading south along Cheney Hill. However, there are no surface water sewers located within the immediate vicinity of the site.

*Proposed Foul Drainage:* A new onsite foul water drainage network will be constructed to serve the development and allow a gravity connection to the exiting public sewer located along Cheney Hill. All foul water drainage within adoptable roads (roads and footways serving more than nine dwellings) will be constructed to accord with adoptable road specification. The foul water drainage network will be offered for adoption to Anglian Water who have confirmed that the two Cheney Hill applications have been accounted for in their capacity calculations and raise no objection to the development.

*Proposed Surface Water Drainage:* In accordance with the surface water hierarchy infiltration testing was undertaken and demonstrated that infiltration is feasible. Roof runoff from the dwellings will be drained to individual soakaways located in the rear gardens, and private parking areas will drain through permeable paving. Where it is not possible to achieve a minimum 5m distance between a dwelling and a soakaway then roof runoff will also be discharged into the permeable paving.

The drainage strategy for the site has had considerable input from both statutory and non-statutory consultees including the IDB, Anglian Water, the Environment Agency and the Lead Local Flood Authority. All drainage bodies support the proposed development on the grounds of drainage subject to conditions that would be appended to any decision granted.

It is therefore considered, in terms of flood risk and drainage, that the development is in general accordance with the Local Plan and specifically Policies G47.1, LP5, LP18 and LP21 of the Local Plan the NPPF in general and in particular paragraphs 181 and 182 of the NPPF.

## **Housing:**

The number of dwellings (up to 64) and affordable housing amount (20%) and tenure (70% Affordable Rent and 30% Shared Ownership) are controlled by the outline consent and S106 Agreement. The integration / location of the affordable housing (which relates to layout and is therefore subject to consideration under this reserved matters application) shows appropriate pepper-potted throughout the site.

Other neighbourhood plan policy requirements such as principal occupancy do not relate to the matters reserved and cannot therefore be considered under this application.

It is therefore considered that housing provision is in accordance with the outline consent, S106 Agreement and Local Plan Policies G47.1 and LP28 in so far as it relates to the layout of the affordable dwellings.

## **Climate Change**

The NPPF emphasises the important role the planning system must take in supporting the movement towards a low carbon economy. King's Lynn & West Norfolk Borough Council is following national targets to become net zero by 2050. This is broadly a two phased approach:

- Phase 1 focuses on reducing the council's carbon footprint and
- Phase 2 focuses on how the council can influence borough emissions reductions.

Climate Change Policy LP06 contributes to Phase 2 and aims to highlight and reflect how new development can help reduce greenhouse gas emissions, such as through its location, design and contribution to suitable types of renewable energy sources.

Policy LP06 requires development to recognise and contribute to the importance of, and future proofing against, the challenges of climate change and to support the transition towards meeting the Government target of becoming a net zero economy by 2050 through where relevant minimising and reducing carbon emissions and adapting and mitigating the impact of climate change. Local Plan Policy LP18 and Neighbourhood Plan Policy 5 reiterate the need for sustainability and energy efficiency.

In line with Policy LP06 all dwellings would be served by an Air Source Heat Pump and the majority would have solar panels. Furthermore, low-flow water fittings across the site and green roofs on the flat roofed garages, together with tree planting and other ecological enhancements are proposed that all contribute to the aims of this policy.

The development is therefore considered to accord with Local Plan Policies LP06 and LP18, Neighbourhood Plan Policy 5 and the NPPF in general and specifically to paragraphs 8c) and 161 of the NPPF.

## **Crime and Disorder:**

Reducing the opportunity for crime and promotion of safe living environments are key objectives of Local Plan Policy LP38. These aims are reiterated in paragraphs 96 and 135 of the NPPF.

The applicant has worked closely with the Police Architectural Liaison Officer in relation to 'Designing out Crime' who has stated that the development should be recognised with Award Status and *"There is an exceptional level of guardianship (97%), and I recognise and applaud the applicant's team in providing such attention to detail in the design."*

In relation to crime and disorder it is therefore considered that the development accords with Local Plan Policy LP38 and paragraphs 96 and 135 of the NPPF.

### Other Material Considerations

The outline consent has conditions covering:

- Construction, drainage, management and maintenance of roads and footways,
- Highway safety (splays, construction traffic management),
- Off-site highway improvement works,
- Surface water drainage details,
- Outdoor lighting scheme,
- Amenity (dust suppression, construction management plan),
- Archaeology,
- Landscaping and landscape management,
- Trees,
- Fire hydrant(s),
- Ecology, and
- Contamination including asbestos.

A S106 Agreement secured against the outline consent covers:

- Open space specification, provision, management and maintenance (of an area of not less than 20m<sup>2</sup> per dwelling (1,280m<sup>2</sup>) to be used principally for children's play),
- On-site affordable housing provision (20%),
- SuDS Management and Maintenance, and
- Habitat Regulation Mitigation Contribution of £50 per dwelling.

### Specific Comments:

In relation to Parish Council and third party comments not covered in the main body of the report that do not relate to the principle of development which has already been found to be acceptable by virtue of the site's allocation for residential development and the extant outline consent (such as transport impacts, the position of the access, impacts on the villages services and facilities, etc.) your officer comments as follows (in italics):

- Phase 2 is much more densely populated than Phase 1: *The density of development is greater than Phase 1 but development is in line with the outline consent and for the reasons contained in the report the layout is considered acceptable and therefore the density appropriate,*
- Construction worker parking needs to be considered: *Construction Management is conditioned on the outline consent,*
- The amendments should have been made clearer to enable easier comparison: *the applicants added covering letters outlining the main changes,*
- Light pollution,
- The properties adjacent to Marea Meadows are too close: *covered in main body of report,*
- The properties behind Marea Meadows should not be allowed any future extensions: *it is not considered reasonable or necessary to remove permitted development rights; anything over and above these rights would require planning permission at which point the impacts would be fully considered,*
- Loss of view: *there is no right to a view,*
- The drainage strategy is not acceptable and should be assessed by an unbiased body: *the Lead Local Flood Authority, Anglian Water, Environment Agency and IDB are all unbiased bodies none of whom raise an objection to the drainage strategy,*

Planning Committee  
28 July 2025

- Properties being built adjacent to dwellings on Marea Meadows should be single storey; some changes have been made to Phase 1, why not Phase 2? *The application must be determined as submitted/amended and the applicants chose not to change these dwellings to single storey units,*
- A landscaped buffer-strip should be provided between the development and any existing dwellings: *Such features can lead to management issues and anti-social behaviour; furthermore, such provision is not considered necessary as impacts from the proposed development have been fully considered*
- Access to the adjacent field is still shown; this is obviously for an access to the land for future development: *it is perfectly reasonable to ensure there remains access to the field; this does not necessarily mean that future development is going to be proposed. Notwithstanding this, any future applications for residential development that may come forward would have to be considered on their own merits,*
- Adoption of roads is unclear: *This would be suitably conditioned if permission were granted to ensure either adoption by the Local Highway Authority or Private Management Company,*
- Footpaths should be provided on shared surface roads: *The Local Highway Authority raise no objection to the shared surface road having no footpath (that is the purpose of shared surface roads),*
- The width and control of traffic through the Marea Meadows link needs to be reconsidered; it must not be a vehicular route: *This is not a vehicular route,*
- The pedestrian link onto Marea Meadows would result in overuse of a single pathway on both Marea Meadows and School Road: *the route would create linkages as required by the NPPF, Development Plan and Neighbourhood Plan*
- Who will be responsible for management and maintenance of the public open space? *A Management Company would be responsible for areas of open space. This is secured in the S106 Agreement,*
- These dwellings could largely be holiday / second homes and not owners occupied as per the village plan: *this application is not captured by the principal housing policy in the Neighbourhood Plan because that is not a matter covered by this application for reserved matters,*
- Who will be responsible for any street lighting: *street lighting has been removed from the proposed development,*
- Site hours should be restricted, trees should be appropriately protected, and new tree planting should not be too close to boundaries *these issues are covered by conditions,*
- Cladding could present a fire risk: *this is a building regulations issues,*
- Why have these applications taken so long to assess? They should be withdrawn and resubmitted as a single application, due to changes in the locality that would affect traffic volumes that would change the acceptability of these proposals if they were submitted now: *the delays in the determination of this application are acknowledged and unfortunate. They arose due to various changes of staff at the LPA then the Agents, and lastly as a result of the need to update the shadow Habitat Regulations Assessments and Protected Species Surveys,*
- The Neighbourhood Plan has been adopted since submission of these applications. The policies in the plan should be fully adhered to: *where policies relate to scale, layout, appearance and landscaping the policies within the Neighbourhood Plan and been considered,*
- It is disappointing that no direct consultation has taken place by the Developers, Borough or Parish Council with the local residents on any of the amendments sought: *this is not a material planning consideration,*
- The owner of the footpath access into Marea Meadows will deny access to this development from Marea Meadows: *the grant of planning permission does not overall any civil matters,*

- The density of development is too great for the locality: *the density was considered acceptable by virtue of the outline consent; how that manifests itself is subject to layout, which is considered acceptable as per the main body of the report,*
- We were told that the significant Horse Chestnut trees on the site would be protected by a preservation order, this hasn't happened: *None of the trees on site are protected by a TPO or by the allocation policy or outline consent,*
- Three storey dwellings are totally inappropriate in this locality: *This comment was received prior to the loss of the three-storey units,*
- The noise generated from this number of Air Source Heat Pumps needs to be fully considered: *the air source heat pumps would be suitably conditioned if permission is granted,* and
- The layout of these reserved matters applications is totally different to those approved on the outline consents: *layout was not approved on the outline consent and any plans submitted at that stage would have been indicative only.*

## **PLANNING BALANCE and CONCLUSION:**

The site is one of the Council's housing allocations in the new Local Plan and already benefits from outline consent granted under application 15/00352/OM for up to 64 dwellings and includes vehicular access from Cheney Hill. This application seeks consent of the remaining reserved matters layout, appearance, scale and landscaping for a reduced number of dwellings.

Whilst the objections from the Parish Council and some third parties are acknowledged, there are no objections from any statutory consultees on technical grounds.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This is reiterated in the NPPF. The development plan in this instance comprises the Local Plan 2021-2040 and Heacham Neighbourhood Plan 2017-2036.

Whilst the development would result in some negative impacts on occupiers of properties on the southern side of Marea Meadows, this needs to be balanced against the strengths of the proposed development. In this regard the report has shown that this reserved matters application would provide a development that would:

- Provide a development that has a defined character whilst acceptably responding to local context and character,
- Provide a development that would achieve a healthy, inclusive and safe place to live,
- Provide access to a network of high-quality open spaces and opportunities for physical activity that would reduce likely recreational impacts on protected sites,
- Provide a scheme that promotes cycling and walking and is permeable creating links to existing pedestrian and cycle routes,
- Provide policy compliant affordable housing as well as an appropriate mix of market housing,
- Provide a policy compliant scheme in terms of parking provision,
- Incorporates sustainable drainage measures, and
- Not result in unacceptable impacts on protected sites or species.

As a result, on balance, it is considered that the proposed development complies with Local Plan Policies G47.1, LP01, LP05, LP06, LP13, LP14, LP18, LP19, LP21, LP22, LP28, LP23 and LP38 and Neighbourhood Plan Policies 5, 6, 10, 11 and 12.

## RECOMMENDATION:

**A) 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 drawing nos:  
202 TCA XX ZZZ DR A 01200 Rev.P06 Masterplan Phase 2  
202 TCA XX ZZZ DR A 01201 Rev.P04 Masterplan Accommodation Phase 2  
202 TCA XX ZZZ DR A 01202 Rev.P06 Masterplan Ground Floor Phase 2  
202 TCA XX ZZZ DR A 01203 Rev.P04 Masterplan Garden Sizes Phase 2  
202 TCA XX ZZZ DR A 01204 Rev.P04 Masterplan Boundary Treatments Phase 2  
202 TCA XX ZZZ DR A 01205 Rev.P05 Plot Curtilage Plan Phase 2  
202 TCA XX ZZZ DR A 01206 Rev.P04 Proposed Adjacency Plan Phase 2  
202 TCA XX ZZZ DR A 01207 Rev.P04 Proposed Parking Plan Phase 2  
202 TCA XX ZZZ DR A 01208 Rev.P02 Constraints Diagram Phase 2  
202 TCA XX ZZZ DR A 01210 Rev.P01 Bin Storage Layout Phase 2  
202 TCA E ZZZ DR A 10001 Rev.P08 House Type A  
202 TCA E ZZZ DR A 10002 Rev.P07 House Type B  
202 TCA E ZZZ DR A 10005 Rev.P05 House Type D  
202 TCA E ZZZ DR A 10006 Rev.P05 House Type E  
202 TCA E ZZZ DR A 10007 Rev.P05 House Type E (Affordable)  
202 TCA E ZZZ DR A 10008 Rev.P06 House Type F  
202 TCA G ZZZ DR A 10009 Rev.P06 House Type G  
202 TCA G ZZZ DR A 10010 Rev.P02 House Type G2  
202 TCA H ZZZ DR A 10011 Rev.P06 House Type H  
202 TCA H ZZZ DR A 10012 Rev.P01 House Type H2  
202 TCA J ZZZ DR A 10016 Rev.P05 House Type J  
HTA-L\_P2\_DR-9000 Rev.01 Landscape Masterplan  
HTA-L\_P2\_DR-9001 Rev.01 General Arrangement 1 of 3  
HTA-L\_P2\_DR-9002 Rev.01 General Arrangement 2 of 3  
HTA-L\_P2\_DR-9003 Rev.01 General Arrangement 3 of 3  
HTA-L\_P2\_DR-9004 Rev.01 General Arrangement Play area LAP  
TAT-CHH\_HTA-L\_P2\_DR-9010 Rev.01 Planting Softworks Schedule  
TAT-CHH\_HTA-L\_P2\_DR-9011 Rev.01 Planting Plan 1 of 3  
TAT-CHH\_HTA-L\_P2\_DR-9012 Rev.01 Planting Plan 2 of 3  
TAT-CHH\_HTA-L\_P2\_DR-9013 Rev.01 Planting Plan 3 of 3  
01809B-ENG-ZZ-XX-DR-C-3000 Rev.P1 Proposed Below Ground Drainage – SW and FW Combined (Key Plan) Phase 2  
01809B-ENG-ZZ-XX-DR-C-3001 Rev.P1 Proposed Below Ground Drainage – Foul Water Phase 2  
01809B-ENG-ZZ-XX-DR-C-3002 Rev.P1 Proposed Below Ground Drainage – Surface Water Phase 2  
01809B-ENG-ZZ-XX-DR-C-3003 Rev.P1 Proposed Drainage – Pond Sections Phase 2  
01809B-ENG-ZZ-XX-DR-C-3400 Rev.P1 Existing Catchment Plan Phase 2  
01809B-ENG-ZZ-XX-DR-C-3410 Rev.P1 Proposed Catchment Plan Phase 2  
01809B-ENG-ZZ-XX-DR-C-3500 Rev.P1 Proposed Highways Exceedance Flow Plan Phase 2  
6058 ATR-2001 Rev.A Swept Path Analysis for 11.125M Refuse Collection Vehicle - Phase 2  
6058 ATR-2002 Rev.A Swept Path Analysis for Denis Sabre Fire Tender - Phase 2  
6058 SK-2001 Site Visibility Splays and Centreline RADII – Phase 2.

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



- 2 Condition: Prior to the commencement of the development hereby permitted all tree protection measures including pre-commencement site meeting, tree protective fencing, and ground protection, shall be implemented in strict accordance with the approved Tree Protection Plan (appendix 4) and Arboricultural Method Statement (part 4) of the Arboricultural Impact Assessment by Southern Ecological Solutions Ltd dated 30/06/2021 that accompanied the application.
  
- 2 Reason: To prevent harm to retained trees of amenity value, by ensuring tree protection measures (including fencing, ground protection, and a precommencement site meeting) are implemented in accordance with the approved Arboricultural Impact Assessment and Tree Protection Plan, prior to the commencement of development in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19 and LP21 and Heacham Neighbourhood Plan Policies 5 and 11. This needs to be a pre-commencement condition given the potential for damage to existing trees that are to be retained during the construction phase.
  
- 3 Condition: No works or development shall take place until a scheme of arboricultural supervision to include a pre-commencement site meeting for the agreement of the final location of the tree protection barriers, by a suitably qualified tree specialist (where arboricultural expertise is required), has been submitted to and approved in writing by the Local Planning Authority. The works or development shall be carried out in accordance with the approved scheme of supervision for the arboricultural protection measures.
  
- 3 Reason: To safeguard retained trees throughout the construction phase, by requiring a scheme of arboricultural supervision (including at least one pre commencement site meeting to agree final barrier positions, and oversight during construction as may be necessary). This measure addresses the absence of on site supervision in the original submission and avoids the need for multiple application amendments in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19 and LP21 and Heacham Neighbourhood Plan Policies 5 and 11. This needs to be a pre-commencement condition given the potential for damage to existing trees that are to be retained during the construction phase.
  
- 4 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following as a minimum and accord with the Ecological Impact Assessment (Crossland Ecology, 29/06/2025)
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) A precautionary working methods to avoid the risk of impacts to amphibians , breeding birds and badgers
  - f) Details of security/construction lighting including the design, location, orientation and level of illuminance which must specify the avoidance of illuminating ecological features such as hedges, garden boundaries and mature tree to maintain dark corridors
  - g) Responsible persons and lines of communication.
  - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

A 'statement of good practice' shall be signed upon completion by the competent ecologist, and be submitted to the LPA, confirming that the specified enhancement measures have been implemented in accordance with good practice upon which the planning consent was granted'.

- 4 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Kings Lynn and West Norfolk Local Plan 2021 - 2024 and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 5 Condition: No development shall take place until an ecological design strategy (EDS) addressing mitigation/ compensation /enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following.
  - a) Purpose and conservation objectives for the proposed works.
  - b) Review of site potential and constraints.
  - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
  - d) Extent and location/area of proposed works on appropriate scale maps and plans.
  - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
  - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
  - g) Persons responsible for implementing the works.
  - h) Details of initial aftercare and long-term maintenance.
  - i) Details for monitoring and remedial measures.
  - j) Details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 5 Reason: In order to ensure the development does not result in the loss of habitat for protected species and to enhance biodiversity on the site in accordance with Paragraph 174 of the NPPF and local planning policy.
- 6 Condition: In accordance with the updated Habitat Regulation Assessment that accompanied the application details shall be submitted to and agreed in writing by the Local Planning Authority for signs at both local Wash SPA access points in Heacham, informing visitors of the interest features and requesting that they exercise caution in relation to disturbing nesting and feeding birds, particularly at high tide and certain seasons. Signs should explain the potential risk of disturbing birds through inappropriate recreational use. This should highlight the increased risk of disturbing birds: at high tide when birds are roosting on beaches and when nests of ringed plovers may be more vulnerable to disturbance and predation; in winter, and particularly in cold weather; with dogs off leads. The agreed signing shall be erected prior to the first occupation of any dwelling hereby permitted.
- 6 Reason: In order to mitigate the impacts on protected sites in accordance with the NPPF and Development Plan Policies LP19 and G47.1.
- 7 Condition: In accordance with the updated Habitat Regulation Assessment that accompanied the application full details shall be submitted to and agreed in writing by the Local Planning Authority of a scheme of counteracting measures for alleviating recreation pressure on protected sites. The scheme should include provision of a leaflet within sales packs of development properties which outlines the following:
  - On-site walking routes within on-site green space,

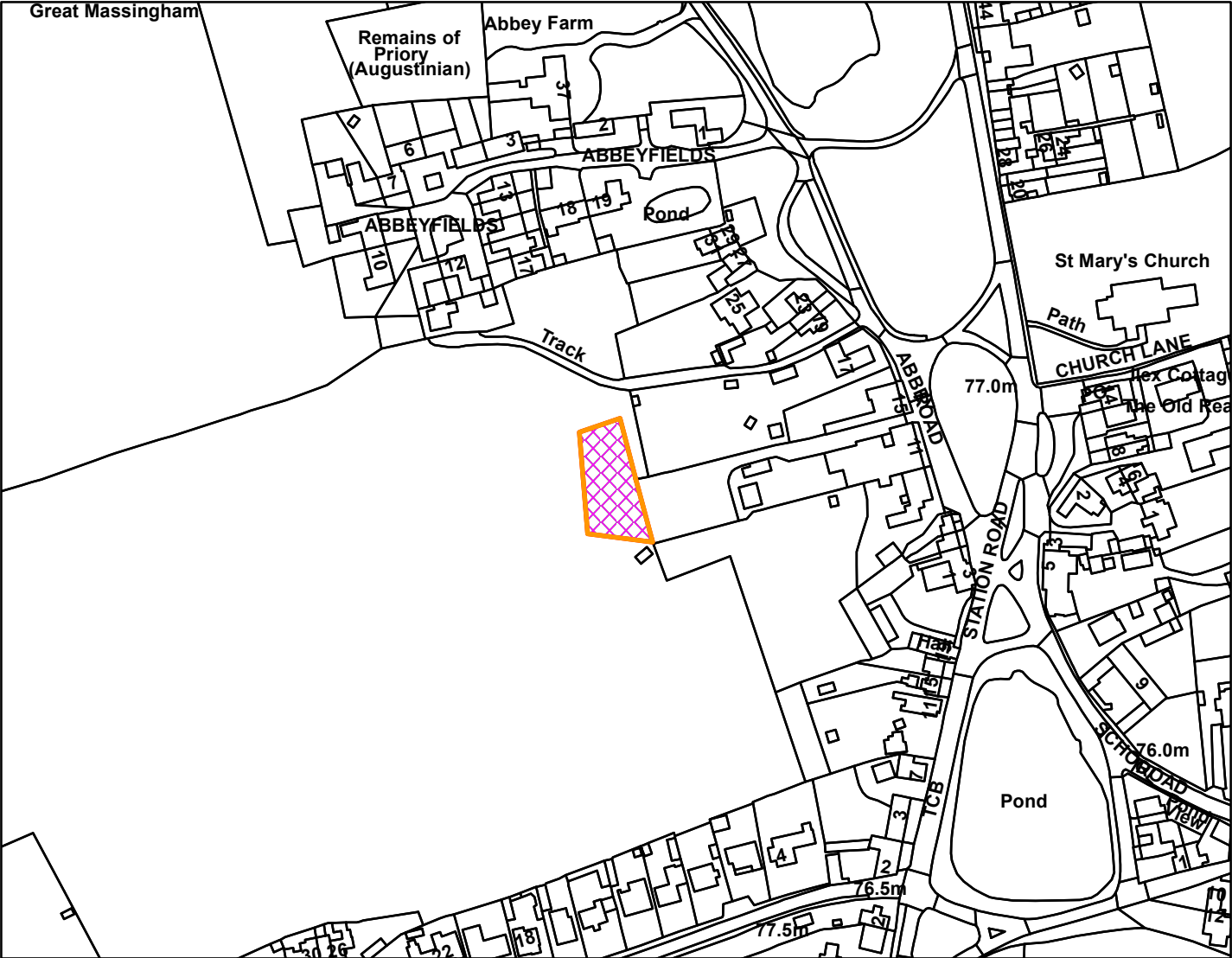
- Walking routes already promoted locally including paths associated with the Norfolk Coastal Path/England Coast Path,
  - Details of designated sites and recreational pressures upon them and alternative visitor attractions, and
  - Provision of a permanent information board on site indicating the importance of biodiversity enhancements provided on-site i.e. hedgehog holes, bat and bird boxes.
- The leaflets shall be provided within sales packs of the development properties and the information board shall be erected on site prior to the first occupation of any dwelling hereby permitted.
- 7 Reason: In order to mitigate the impacts on protected sites in accordance with the NPPF and Development Plan Policies LP19 and G47.1.
  - 8 Condition: Other than in relation to the proposed rear boundary treatments of plots 061 – 066 inclusive, and the proposed tree shown adjacent to plot 87 that latter of which should be removed, 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 first 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.
  - 8 Reason: To ensure the provision of attractive residential landscape and public amenity in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19, LP21 and G47.1 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 9 Condition: Notwithstanding the approved plans, prior to their installation details (including location) of the rear boundary treatments for plots 061 - 066 inclusive shall be submitted to and approved in writing by the Local Planning Authority. The boundaries shall be installed and retained thereafter as approved.
  - 9 Reason: To ensure a suitable boundary treatment adjacent to the countryside in the interests of visual amenity in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19, LP21 and G47.1 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 10 Condition: Notwithstanding the approved plans, prior to the first occupation of any dwelling hereby permitted, details of the boundary treatment around the attenuation basis shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatment shall be erected in accordance with the approved details prior to the first occupation of any dwelling hereby permitted unless otherwise agreed in writing by the Local Planning Authority.
  - 10 Reason: In the interests of safety in accordance with the NPPF and specifically paragraph 102a) of the NPPF.
  - 11 Condition: Prior to the first occupation of any dwelling hereby permitted details of a suitable electric vehicle charging scheme for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved with the approved infrastructure serving each dwelling installed prior to occupation of that dwelling.

- 11 Reason: To ensure suitable electric vehicle charging for each dwelling in accordance with the NPPF.
- 12 Condition: Prior to the first occupation of each dwelling of the development hereby permitted the proposed on-site access and car parking serving that dwelling shall be laid out, levelled, surfaced and drained in accordance with the approved plans and thereafter be retained available for that specific purpose.
- 12 Reason: To ensure the permanent availability of parking / manoeuvring area in the interests of highway safety in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 6 and 7.
- 13 Condition: Prior to the first occupation of each dwelling that does not benefit from an enclosed garage in the development hereby permitted details of enclosed cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved with the approved infrastructure serving each dwelling installed prior to occupation of that dwelling.
- 13 Reason: To ensure appropriate cycle storage is provided in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 5 and 11.
- 14 Condition: Prior to the installation of any air source heat pump(s) 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 neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
- 14 Reason: In the interests of the amenity of the locality in accordance with the NPPF, Development Plan Policy 21.

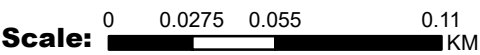
**B) REFUSE** if application 18/00226/RMM is refused.



The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn Norfolk PE32 2HN



**Legend**

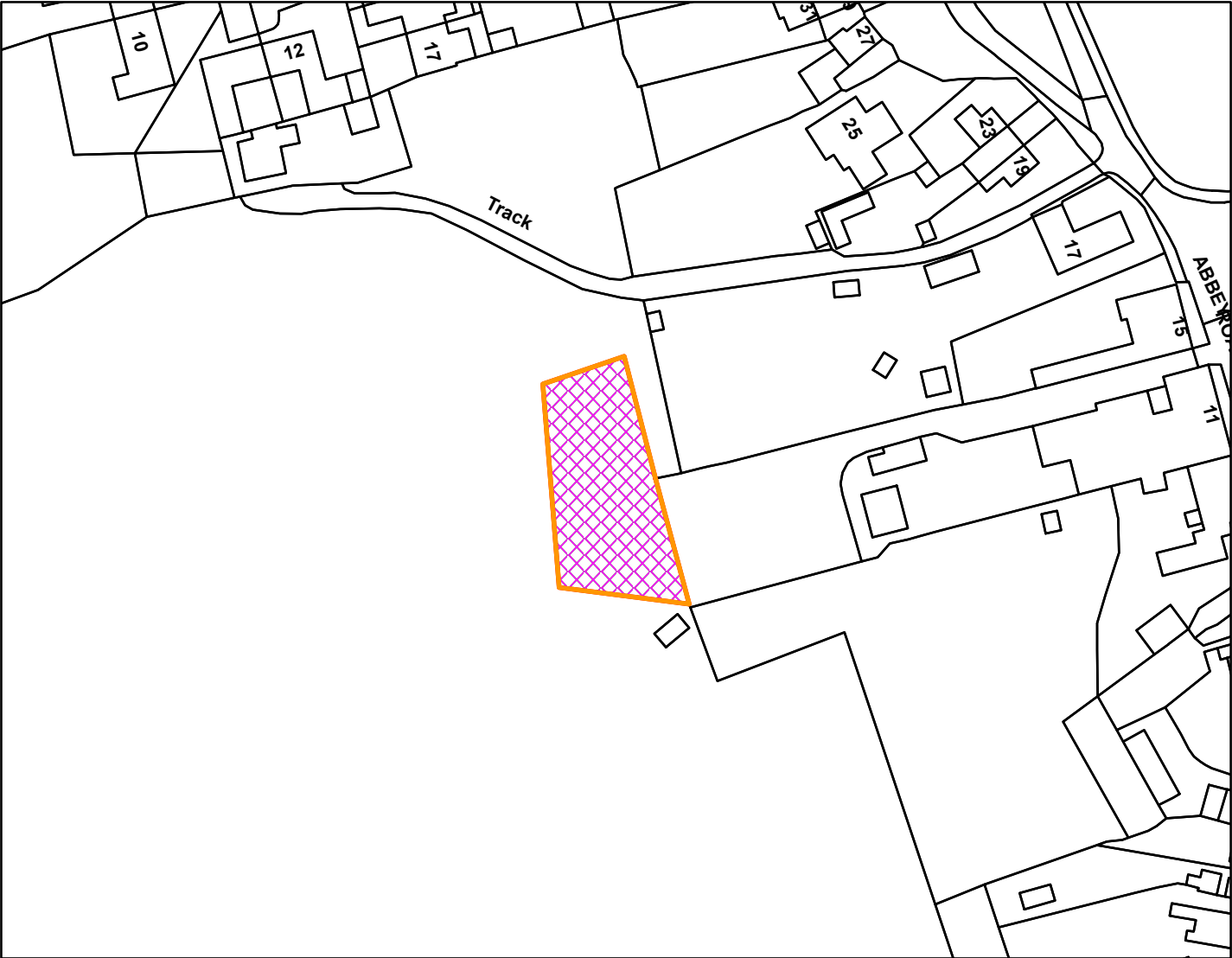


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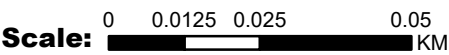
Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314



The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn Norfolk PE32 2HN



Legend



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Organisation	BCKLWN
Department	Department
Comments	
Date	15/07/2025
MSA Number	0100024314

<b>Parish:</b>	<b>Great Massingham</b>	
<b>Proposal:</b>	<b>Overflow car park (retrospective)</b>	
<b>Location:</b>	<b>The Dabbling Duck 11 Abbey Road Great Massingham King's Lynn PE32 2HN</b>	
<b>Applicant:</b>	<b>The Dabbling Duck</b>	
<b>Case No:</b>	<b>25/00323/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination:</b> <b>21 April 2025</b> <b>Extension of Time Expiry Date:</b> <b>1 August 2025</b>

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

**Neighbourhood Plan:** No

### **Case Summary**

Full planning permission is sought for the retention of an overflow car park to be utilised in association with The Dabbling Duck public house, in Great Massingham. Temporary consent granted for one year under 23/00173/F has lapsed and there is no current extant consent for use of the field as car parking.

The application comprises part of a wider agricultural field, the north boundary to which runs parallel to the edge of a Public Right of Way known as Great Massingham FP7 to the north. Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east and to the north. Existing dwellings across the field at Abbeyfields to the north, are within the Conservation Area.

### **Key Issues**

Principle of Development  
Form and Character and Impact on the Conservation Area  
Impact on Neighbours, including Fire Safety  
Highway Safety  
Other Material Considerations

### **Recommendation**

**APPROVE**

## THE APPLICATION

Full planning permission is sought for the retention of an overflow car park in association with The Dabbling Duck public house, in Great Massingham. The car park was originally brought into use on approximately 1st March 2022 - without planning permission being in place. Since that date, a temporary consent granted for one year under 23/00173/F has lapsed. There is therefore no current extant consent for use of the field as car parking.

The application comprises part of a wider agricultural field, the north boundary was revised during the course of the previous application to ensure a reasonable set back from the edge of a Public Right of Way known as Great Massingham FP7 to the north. The boundary for this application remains as per the previous consent.

Access to the car park has been created through the existing car park at the rear of the public house, where a single width access is provided between the main building and an adjoining dwelling.

The application site is positioned just outside of the Conservation Area, the boundary to which runs along the back of houses to the east, and adjacent to Abbeyfields to the north.

The proposed plans indicate the creation of a wildflower boundary around the car parking area, with a 2m wide 'fallow strip' of mud/soil strip between this boundary and the car park in order to prevent fire spread between the car park and the adjoining agricultural land. Timber boards are proposed just above ground level to prevent cars parking on the soil strip.

The plans have been revised during this application to indicate the removal of previously agreed timber post and rope demarcations within the site, in place of a wildflower boundary which removes clutter from the field and would serve to partially shield the view of the proposed timber board demarcation and soften the view of the cars on the field whilst also restricting access to the wider agricultural field and allowing a soft rural edge to the Conservation Area.

The application has been supported by a revised Management Plan which provides enforceable measures for the operators of the public house to implement when the car park is in use. The measures include ongoing maintenance of the land including removal of litter, the provision of fire extinguishers, CCTV monitoring, and signage advising no access is available via the public right of way to the north.

## SUPPORTING CASE

None received at time of writing

## PLANNING HISTORY

23/00173/DISC\_A: Discharge of Condition final letter: 12/07/24 - DISCHARGE OF CONDITIONS 3 and 4 of Planning Permission 23/00173/F: Proposed overflow car park (retrospective) - The Dabbling Duck

23/00173/F: Application Permitted: 12/02/24 - Proposed overflow car park (retrospective) - The Dabbling Duck - 11 Abbey Road (PLANNING COMMITTEE DECISION)



## **RESPONSE TO CONSULTATION**

**Parish Council: SUPPORT** with the following comments for consideration:

'To ensure both effective fire safety and privacy for neighbouring residents overlooking the car park, the Council recommends incorporating a fire-resistant green hedge. This would:

Act as a natural firebreak, as fire-resistant hedging contains high moisture content and low flammability, helping to reduce fire risk.

Provide year-round privacy for nearby properties while maintaining an attractive boundary.

Enhance the site's aesthetic appeal and biodiversity, contributing positively to the local environment.

The Parish Council requests that this recommendation be included as a condition of approval where possible.

As part of the initial Neighbourhood Development Plan (NDP) survey, residents were asked: "What do you dislike about the village?" The top concern identified was parking on the greens. Additionally, a recent parking consultation that was undertaken saw 80% of respondents agreeing that the parking allocation behind The Dabbling Duck should be supported.

The Parish Council therefore recognises that the introduction of overflow parking will provide significant benefits, including:

- Reducing vehicle parking on the greens, helping to protect them from damage.
- Easing congestion around the front of The Dabbling Duck, improving access and safety in this area.

While the proposal has received strong community support, the Parish Council acknowledges that six objections have been received by residents opposing the application, all of which have been advised to submit their comments directly to the BCKLWN as the LPA. These concerns should be taken into account as part of the decision-making process.

Given the overall community backing and the practical benefits of the proposal, the Parish Council believes this application represents a positive and much-needed solution.

We appreciate your consideration of these points and look forward to seeing the successful implementation of the proposal.'

## **Highways Authority: NO OBJECTION**

'The LHA response to 17/00955 commented that the sites parking capacity had been reached, with this new parking area being justified under 23/00173 to meet demand, the LHA considered that the approval of an increased parking area created an ongoing scenario, which we are currently considering, where increased parking does not adequately address the demand.

The current plans show an increased perimeter, increased capacity and ultimately, increased use of the access, which needs to be considered against the increased parking provision/potential reduction in on-street parking, which provide no real improvement to the overall situation, given the shortcomings of the site access.

Whilst I note the potential amenity issues likely resulting from this incursion into open land, these would not be highway related and I can advise that I cannot substantiate a highway safety objection to the overspill parking area, on the basis that it could provide an occasional provision to prevent increased on street parking in the vicinity.'

**Planning Committee**  
**28 July 2025**

**Norfolk Fire and Rescue:** Provided advice as follows:

10/06/25 - 'The risk with having the wildflower strip is that if a fire were to occur on the grass, then this could spread to the wildflowers which are likely to be dry. This would increase the chances of creating embers which could spread to neighbouring fields and increase the chances of fire spread. An alternative solution would be to provide a 2m wide boundary strip of turned earth with no vegetation between the car park grass and the wildflower boundary, rather than its current position. This area would not be used for parking and in doing so provides a barrier to reduce the chance of a fire starting on the grass from spreading to the wildflower barrier which could then allow the spread of embers.'

**Note - the above measure has been implemented in the current proposed plans, with no consultation response received from Norfolk Fire and Rescue since consultation**

04/06/25 - 'I am aware that the fire spread is a key concern for the residents as I believe we had some interaction with them and a carpark proposal last year.

The approach proposed would be positive step forward however further detail would be needed.

The expectation would be that the grass is kept short to as low as possible, ideally no more than 50mm. If this is the only vegetation in the carpark then the risk of embers floating to other fields is reduced further. The 2m wide strip would assist in reducing fire spread but it would need to be ascertained that the applicant will ensure this strip does not contain any vegetation and again ideally is ploughed to turn up the soil. Finally, where they have the provision of fire extinguishers it would be an expectation to ensure their staff are trained to use them for small fires.'

03/06/25 - 'While the proposal may be required to meet the Building Regulations 2010, further recommendations are provided below to ensure appropriate actions are taken to reduce the chance of a fire occurring to as low as is reasonably practicable:

- It is strongly recommended that where hardstanding cannot be provided the grass is kept cut short to as low as possible and is consistently maintained.
- Access and egress to the carpark is to be kept in a good state of maintenance to allow a Fire Appliance access.
- It is strongly recommended that the area is regularly inspected and any items that pose a fire risk are removed, such as litter (glass bottles etc.).
- It is strongly recommended that a boundary / barrier is placed around the carpark to limit the spread of fire.
- It is recommended that fire points are provided with maintained and appropriate Fire Extinguishers based on the outcomes of a suitable and sufficient Fire Risk Assessment.'

**Norfolk Constabulary:** Provided detailed advice on Secured By Design principles, including CCTV and lighting. These comments have been provided to the applicant for consideration.

**Diamond Jubilee Fire and Rescue Service:** Provided advice on the Building Regulations requirements.

**Conservation Officer: NO OBJECTON** with the following comments:

'The conservation team have been clear that if a car park is to be permitted it should be an informal space that has no formal boundary or demarcation as to do so would be detrimental to the character of the conservation area. The wildflower buffer therefore is a clever way of

further demarcating the space while offering some screening to the method of demarcating the boundary.

We therefore have no further comments to offer on this proposal.'

## **REPRESENTATIONS** (three rounds of consultation total)

**TWO Neutral** Letters, summarised as follows:

\*request for additional landscaping to screen impacts, good for the environment, noise and emissions

**FOURTY NINE** letters of **OBJECTION**, summarised as follows:

- Pub is getting far too big
- No problem with parking, space on village greens and village hall,
- No need to take up agricultural land
- Impact on Conservation Area and long views
- Proposed car park should be 'properly screened off' to lessen view from surrounding properties
- Fire protection required for safety purposes
- Existing narrow entrance puts users at higher risk
- Car park should be surfaced to allow winter use
- Boundary treatment is required to prevent overspill into surrounding field
- Business does not comply with planning rules and conditions resulting in enforcement
- Request for temporary consent
- Request for parking only within trading hours and not overnight
- Application for permanent use was received after expiration of temporary consent **note - this is not a consideration for this application, retrospective applications are allowed by the legislation**
- The Applicant has continued to use the area beyond the expiry date of the temporary permission in February 2025 **note - the Enforcement Team are aware, however as above, retrospective applications are allowed by the legislation**
- Land has previously been used for siting of a marquee without appropriate consents, concern this will continue
- Concern that survey of village residents conducted by the Parish Council was not properly advertised and doesn't provide a realistic result
- Monitoring of CCTV as outline in the Management Plan is unlikely to be feasible
- Increase in crime since use of car park began
- Nearby bungalows have full view of the vehicles, posts and ropes, seeing the vehicles left in the overflow car park overnight regularly as the Management Plan hasn't operated effectively
- Parking in the village will continue because not everyone who visits the village is visiting the pub

**FIFTEEN** letters of **SUPPORT**, summarised as follows:

- Unsure why there is such a focus about fire from parked cars
- If objectors can clearly see parked cars then they will see fires
- No evidence of vandalism or police reports
- Parking survey was provided to all residents within the monthly magazine accessible to all residents - 113 people commented is actually quite a high % compared to other village activities
- Benefit of removed cars from village greens, preventing damage in muddy conditions, this proposal would support that

- The Dabbling Duck is an important facility within the village & is trying to help to reduce the parking problem.
- No objection subject to fire break
- Temporary measure put in place for the last year had a very positive effect on parking in the village centre. Including reducing parking and damage caused to the village green

## **KING'S LYNN AND WEST NORFOLK LOCAL PLAN 2021-2040**

**LP01** - Spatial Strategy and Settlement Hierarchy Policy (Strategic Policy)

**LP02** - Residential Development on Windfall Sites (Strategic Policy)

**LP06** - Climate Change (Strategic Policy)

**LP07** - The Economy (Strategic Policy)

**LP13** - Transportation (Strategic Policy)

**LP18** - Design & Sustainable Development (Strategic Policy)

**LP19** - Environmental Assets - Green Infrastructure, Landscape Character, Biodiversity and Geodiversity (Strategic Policy)

**LP20** - Environmental Assets- Historic Environment (Strategic Policy)

**LP21** - Environment, Design and Amenity (Strategic Policy)

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2021

## **OTHER GUIDANCE**

Great Massingham Conservation Area Statement

## **PLANNING CONSIDERATIONS**

**The main considerations are:**

- Principle of development
- Form and character and Impact on the Conservation Area
- Impact on neighbours, including fire safety
- Highway safety
- Any other matters requiring consideration prior to determination of the application

## **Principle of Development:**

Great Massingham is categorised as a Key Rural Service Centre (Tier 4) in Policy LP02 of the Local Plan.

The application site is outside of the development boundary shown on the Policies Plan and is considered to be in the wider countryside.

Whilst the expansion and retention of rural enterprises is supported by planning policies at both a local and national level, this is subject to compliance with other policies of the NPPF and Local Plan.

Paragraph 88c and d of the NPPF (2024) states that Planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside; and enable the retention and development of accessible local such as public houses.

Policy LP07 of the Local Plan is supportive of development to enhance visitor economy.

The car park is intended to be utilised as an overflow carpark for the public house. An increase in capacity of parking to the rear of the public house has the potential to both reduce parking on the green space to the front of the public house, which currently detracts from the Conservation Area setting, whilst also minimising vehicle movements into the site where vehicles currently enter and immediately exit the site itself when no parking is available.

As part of the previous temporary application on site, Members gave limited weight to the impact on the Conservation Area associated with the proposed use. Whilst the site is visible from Abbeyfields and the PROW to the north, as well as in gaps in housing and hedging to the south west; it is considered that, subject to suitable landscaping details, the principle of development in this location would not be harmful to the current rural setting to the Conservation Area.

The proposal would benefit users of the Public House through additional on-site parking, and subject to detailed form and character consideration below, would not lead to adverse impacts on the Conservation Area. No highway safety concerns were raised by the Local Highway Authority. It is considered that subject to conditions controlling the use of the site as parking in association with the public house known as the Dabbling Duck only, the principle of development is acceptable and would comply with the NPPF (2024) and Policy LP07 of the Local Plan.

## **Form and Character and Impact on the Conservation Area**

The application site is outside of the Conservation Area; however the application site is considered to form part of the wider setting.

Paragraph 135 of the NPPF (2024) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Paragraph 187 requires planning decisions to recognise the intrinsic character and beauty of the countryside.

Paragraph 203 of the NPPF (2024) states that in determining planning applications, the LPA should take account of:

- 'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.'

The proposed plans indicate the creation of a wildflower boundary immediately around the car parking area, followed by a 2 metre wide fallow strip of mud/soil around the perimeter of the site to act as a fire break. The agent has advised that the wildflowers (full details of which could be conditioned) could grow to approximately 300-600mm from ground level.

Whilst the temporary consent included provision of 1m high timber posts to demarcate the site and each car parking space, given the requirements for retaining the rural character of this edge of Conservation Area position, the Agent has proposed the removal of these posts from the scheme, as retention of the posts above the wildflower boundary would lead to permanently visible additional clutter and paraphernalia in addition to the visual impacts of the car parking on the land, and this would lead to a greater visual impact of the scheme on the locality.

The indicative plan shows that 30 parking spaces could be provided on the field, and it is considered that the specific number of parking spaces provided is not necessary to control through additional demarcation; on the basis that the principle of an overflow car park would be deemed acceptable, subject to suitable screening, irrespective of the specific number of spaces within it.

As a result of its position on the edge of an open and undeveloped agricultural field, the application site is visible from viewpoints along the PROW to the north, as well as from the rear of houses in the immediate vicinity. Some viewpoints are also provided on approach along Lynn Lane from the south, by virtue of the gaps between hedgerows and sporadic dwellings.

Whilst the existing field is a somewhat irregular shape, the use of the land for car parking is considered likely to lead to some harm both to the countryside and the setting of the Conservation Area, as a result of the square projection into the field as well as the long views available of the site from the north, west and south. The impact of car parking during periods of wetter weather will lead to loss of grass cover which will have further impacts which could not be mitigated against. No surfacing of the field is proposed as part of this application (and would cause a more significant visual impact and therefore Conservation Area and countryside concerns) and therefore any impacts from the turning up of the grass would not be possible to avoid, other than from preventing use. The proposed wildflower boundary may partially screen this impact, however this will depend upon the exact qualities of that boundary, and the screening impact will be further limited as a result of the gradient of the land and the setback between the boundary and the car parking area required for fire safety.

Section 16 of the NPPF (2024) requires any harm to designated heritage assets, including from development in their setting, to be balanced against public benefits. The proposal has not been identified as harmful to the Conservation Area by the Conservation Team. Subject to detailed soft landscaping conditions requiring detail of the wildflower planting itself, the proposed timber boards would be largely screened from view from outside the site and would not lead to harm in isolation.

Whilst cars will be visible and this would have an urbanising impact on the rural setting, the cars would be viewed in association with the backdrop of development to the rear of Abbey

Road/Station Road and would therefore not be viewed as protruding incongruously into the countryside to an extent that would be considered significantly harmful. The wildflower boundary will not fully screen any vehicle parked on the land however will limit views of the timber boarding used to define the car parking area and therefore lead to a reduction or softening of visual clutter.

As a limited degree of harm has been identified, from the presence of vehicles on the land which will be possible above any boundary treatment, the LPA must consider whether the increase in parking capacity to the rear of the Public House has wider community benefits to outweigh the level of harm associated with the development.

The Parish Council support the scheme and its highway benefits in principle. If the car park works as intended, and the management plan provided to alleviate issues is suitably implemented, the proposed parking area has the potential to decrease the number of vehicles parked on the public highway to the front of the pub. This could lead to some gain in terms of Conservation Area impacts and the setting of Great Massingham as a whole.

It would not be appropriate to continue to grant temporary consent for this application, particularly as this proposal includes further physical works which are beyond the scope of the now expired consent and would lead to additional costs to the Applicant at the end of any additional temporary period. For those reasons, this application should be considered on the basis that permanent consent is sought.

Whilst the car park is and will continue to be visible from the rear of houses in the vicinity, as well as from the PROW to the north and gaps in frontage dwellings to the south, it is considered, subject to compliance with the submitted management plan and proposed plans that the visual impacts of the development on the Conservation Area would be considered acceptable.

Conditions are recommended to ensure details of wildflower planting come forward prior to their planting on site – this should ensure a planting mix of appropriate character and nature and avoid clear seasonality which would limit the screening provided outside of the summer season for example.

Overall, it is considered that the proposal would comply with the NPPF and Local Plan, in particular Policies LP07, LP18, LP20 and LP21 in regard to adverse impacts on the Countryside and the setting of heritage assets.

### **Impact on Neighbours, including Fire Safety:**

There is potential for some noise and disturbance impacts to occur as a result of vehicle movements to/from site – including from people using the site, entering exiting their vehicles etc. It should however be noted that planning permission would be granted for the site to be utilised as parking area only, and not for typical ‘pub garden’ space or other uses where people are more likely to congregate. Given the existing site conditions and the use of the existing car park in close proximity to residential uses either side, any dis-amenity caused by the use of the land of the car park is likely to be limited and would not warrant refusal of this application on those grounds. The applicants should be aware that there are separate controls and legislation in place to control nuisance in relation to the use of the site, outside of the realm of planning.

Concern has previously been raised as to the use of the land and surrounding fields for other uses, for example for ball games. This does not form part of this application. If planning permission were to be required for such a use, it would be considered on its own merits.

The majority of concern raised to the Enforcement Team during the period of temporary consent related to overnight parking and use of the overflow car park whilst spaces are available in the existing car park within the site. These issues were previously restricted by the Management Plan however are not enforceable measures. The Management Plan has been updated as part of this application and covers Fire Risk (fire extinguishers, site inspections, no smoking signs, 2m soil strips, grass being kept below 50mm), and Monitoring (via CCTV).

Whilst the comments from neighbouring residents are noted, the Local Planning Authority must consider whether conditions are reasonable, and whether they meet the other tests set out in Para 57 of the NPPF. This is an application for an extension to an existing car park at a Public House. It is likely that vehicles arriving throughout the course of the day will park within the overflow car park when required and it would not be reasonable to expect the operators of the pub to advise these patrons to move their cars partway through their visit if a space in the 'main' car park becomes available.

Furthermore, it is not unusual for overnight parking to occur within the car park of a public house where patrons of the pub choose to collect their car the following day; especially where the pub also provides overnight accommodation. As per the Planning Practice Guidance and Paragraph 57 of the NPPF, all conditions must be reasonable, necessary and enforceable - it is not considered that these important tests would be met by such a condition being applied to this consent. Members should consider whether the lack of opportunity to restrict overnight parking on the site, given the site's positioning in close proximity to existing built development, would lead to such significant impacts on the amenity of residents, or on the character of the conservation area so as to warrant refusal of the application on those grounds.

It is not considered that impacts of vehicle movements and headlights would lead to such detrimental impacts on neighbours as to warrant refusal of this application. The land immediately east of the car park, separated from the site by mature hedgerows is set out with a polytunnel and planting beds and provides screening and separation between the proposed use and this neighbouring dwelling.

By nature, the proposed use will not lead to overbearing or overshadowing impacts and no extensive physical works are proposed. Whilst the car park may be visible from rear gardens and this has been noted by neighbouring residents within consultations, the appearance of the site would not lead to detrimental impacts on neighbour amenity.

### *Fire Safety*

Paragraph 96 of the NPPF (2024) states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible. Paragraph 102 goes on to state that public safety should be promoted as part of planning decisions, including through appropriate and proportionate steps to improve public safety, decrease vulnerability and increase resilience.

The impact of the site on fire safety was a key concern of Members during the discussion of the previous application. Neighbour objections have been received which relate to fire safety and the potential risk involved with the use of the site during dry weather. The Building Regulations process, where applicable, sets out various measures to ensure access and facilities for the fire service are appropriate.

The proposed plans indicate the creation of a 2m wide 'fallow strip' of mud/soil to form a fire break between the car park and the adjoining agricultural land. A wildflower boundary would



be planted on the outside of the fire break to define the extent of the site. The Norfolk County Council Fire Safety Inspector has provided advice on the application; and it should be noted that it is likely that other regulations and legislation in relation to fire safety will apply to the site separately from planning.

The Fire Safety Inspector provided advice in regards to ongoing management of the fallow strip, stating that the 2m buffer should be kept free of any vegetation in order to prevent fire spread, that the grass on site is kept cut short (below 50mm), that the site should be routinely inspected and litter removed, that access and egress are maintained in good condition to allow fire appliance access, and that fire extinguishers are maintained and staff are trained on their use. A revised management plan has been received which sets out that these measures can be complied with.

Subject to compliance with the agreed plan and maintenance plan, which can be controlled via condition, the proposal would comply with Paragraphs 96, 102 and 135 of the NPPF in regard to public safety and neighbour amenity, and Policies LP18 and LP21 of the Local Plan.

### **Highway Safety**

Paragraph 117 of the NPPF (2024) states that applications for development should create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter and respond to local character and design standards.

The application form states the car park would provide around 30 spaces for customers. Given the Conservation Area concerns discussed above, it is possible that a lack of demarcation of individual spaces will limit the maximum number in use, however opportunities for clear demarcation of each space without detriment to the rural character of the area are limited, and it is not considered necessary in this instance to require a specific number of car parking spaces are provided and retained.

Neighbour objections have previously referred to the use of the adjoining PROW by vehicles gaining access to the site. The red line area was altered as part of the previous application to ensure the car park is set back away from the PROW to the north of the site, which will help to prevent any vehicle movements in this direction.

The provision of additional parking could alleviate some existing on-street parking issues which occur on and around the green to the front of the public house, however with no parking restrictions on the green, the provision of a larger car park may not be of any significant benefit to neighbouring residents. Customers could continue to choose to avoid the restricted width entrance way - being better located for the main portion of the pub's facilities which are to the front of the site. However, additional car parking space to the rear would prevent additional trips through the access point for those vehicles who previously would be unable to park due to a lack of parking space availability.

The known highways benefits of the proposal are therefore limited; however, no highway safety objection has been raised by the Local Highway Authority and it is considered, on balance, that the highways implications of the development are acceptable and comply with the NPPF (2024) and Policy LP13 of the Local Plan.

### **Crime and Disorder**

There are no specific known crime and disorder impacts. Neighbour objections have referred to an increase in crime in the area following the beginning of the unauthorised and

temporary consented use, however the LPA has no evidence to suggest that this has any association with the use of the land proposed under this application.

Comments regarding anti-social behaviour and the lack of CCTV or monitoring of the site are noted. The proposed plan shows the position of CCTV which can be used to monitor the site. Comments from the Secured By Design Officer have been forwarded to the Agent and largely relate to issues outside of the scope of this application. Comments on the use of specific plant species being used can be incorporated into the proposed landscaping details condition.

### **Specific comments and issues:**

Policy LP06 – the addition of wildflower planting would accord with the general aims of Policy LP06 in regard to green infrastructure. Given the scale and nature of this application, this is considered sufficient to comply with the requirements of LP06 in regard to climate change mitigation.

Ecology and BNG - As a retrospective application, the application is exempt from Biodiversity Net Gain. The continued use of land for car parking is considered unlikely to lead to any adverse impacts on protected species given the nature and scale of the application. No external lighting is proposed, and conditions can be used to restrict lighting within the car parking area.

### **Response to Neighbour Representations**

The majority of neighbour consultation responses have been addressed throughout this report. Remaining issues are discussed as follows.

Third party comments raised concern over the use of the land for other purposes. The conditions recommended as part of this consent allow the use of the land as overflow car parking only and for no other purpose. Any other use of the land may require planning permission in its own right.

Whilst the management plan and proposed details seek to prevent access by pedestrians to the wider field, the use of the wider field for other purposes would be a separate issue for consideration and not something relevant to the determination of this application. Various other points of access to that field are available from elsewhere.

Neighbour comments and comments from Cllr Beales suggested the use of fencing and a suitable hedge for screening, and the Parish Council also recommended a suitable fire-resistant hedge. These comments have been provided to the Agent. Whilst the requests are noted, it is for the Applicant and Agent to determine how to set out their proposal and it is evident that they do not wish to propose fencing or formal hedgerows and the application must be determined as put forward. Notwithstanding this, a hedge and fence is likely to have a more intrusive, formal impact on the landscape and would not be supported by the Conservation Officer.

### **Conclusion:**

All applications must be determined in accordance with the development plan unless material considerations allow otherwise.

The application seeks consent for the retention of a car parking area adjacent to the Conservation Area and outside of the Development Boundary for Great Massingham as

defined in the Local Plan. Whilst the use is retrospective, the landscaping arrangements put forward as part of this application have not yet been implemented. Existing demarcation currently on site would be removed, followed by the construction of a wildflower boundary, a 2m wide fire strip and 300mm timber posts and infill boards. The height of the timber boards is such that they would be largely screened from view by the proposed planting once established. This results, when the car park is not in use, in very limited visible car park related paraphernalia and therefore, a lesser impact on the Conservation Area and countryside.

The agent has advised that the intention is for the car park to be only used as overflow car parking and the submitted management plan sets out measures to control the use of the site, including measures to minimise fire risk.

The additional car parking proposed could have some wider benefit to Great Massingham by removing cars from the adjacent highway and may also provide some minor economic benefits to the business itself. It is however of note that the existing access is of limited width, and there are no current plans to restrict parking on the green itself.

The temporary consent has now expired, and it is considered inappropriate to continue to grant temporary consents.

On balance, and subject to conditions controlling full detailing of the proposed soft landscaping details as well as compliance with the management plan, it is considered that the proposal complies with Paragraphs 88, 96, 102, 135, 187 and 203 of the NPPF (2024) and Policies LP07, LP18, LP20 and LP21 of the Local Plan.

## **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:
  - 22183 102 Rev C
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Notwithstanding the detail submitted with this application, within one month of the date of this decision, a detailed scheme of the landscaping details shown on dwg No. 22183 101 Rev C shall be submitted to the Local Planning Authority for approval in writing. The details shall include:
  - Full planting details of the proposed 'Wildflower Planting' boundary, including species, planting plans, details of the timing of works including a yearly planting schedule where appropriate and ongoing maintenance works etc.
  - Details of the proposed mounting arrangement for the CCTV camera
  - The proposed timings for each element of the landscaping plan to be implemented
  - The approved landscaping, including the agreed planting, fire break and timber board boundary shall be completed as agreed and retained and maintained on site as approved for the lifetime of the development.
- 2 Reason: In the interests of safety and the amenities of the locality and Conservation Area, In line with Paras 96, 102, 187 and 203 of the NPPF (2024) and Policies LP18, LP20 and LP21 of the Local Plan.

- 3 Condition: The land outlined in red on dwg No. 22183 102 Rev C shall only be used as an overflow car park in connection with the existing business known as The Dabbling Duck, shown in blue on the approved plan. The car park shall operate in full accordance with the Management Plan submitted via email received 17th June 2025.
- 3 Reason: For the avoidance of doubt and in order to control potential impacts of the scheme on the locality, in accordance with the NPPF (2024) and Policies LP07. LP18, LP20 and LP21 of the Local Plan.

Previous Committee:	30/06/2025
Upcoming Committee:	28/07/2025

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

- (1) To inform Members of the number of decisions issued between the production of the 30 June 2025 Planning Committee Agenda and the 28 July 2025 agenda. There were 111 total decisions issued with 106 issued under delegated powers and 5 decided by the Planning Committee.
- (2) To inform Members of those applications which have been determined under the officer delegation scheme since your last meeting. These decisions are made in accordance with the Authority's powers contained in the Town and Country Planning Act 1990 and have no financial implications.
- (3) This report does not include the following applications - Prior Notifications, Discharge of Conditions, Pre Applications, County Matters, TPO and Works to Trees in a Conservation Area.
- (4) Major applications are assessed against a national target of 60%. Failure to meet this target could result in applications being dealt with by Pins who will also receive any associated planning fee.

RECOMMENDATION

That the reports be noted

Number of decisions issued between 17 June 2025 and 16 July 2025.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	1	0	1		1	100.0%	60%	0	0
Minor	48	38	10	43		89.6%	80%	2	2
Other	62	60	2	58		93.5%	80%	0	1
Total	111	98	13	101	1			2	3

Planning Committee made 5 of the 111 decisions (4.5%)