



Planning Committee

Agenda

Monday, 6th July, 2026
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, 6th July, 2026

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

TIME: 9.30 am

1. APPOINTMENT OF VICE-CHAIR FOR THE MEETING

To appoint a Vice-Chair for the meeting.

2. APOLOGIES

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

3. MINUTES (Pages 6 - 12)

To confirm as a correct record the Minutes of the Meeting held on Monday 1
June 2026 (previously circulated).

4. DECLARATIONS OF INTEREST (Page 13)

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.

5. 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.

6. 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.

7. CHAIR'S CORRESPONDENCE

To receive any Chair's correspondence.

8. RECEIPT OF CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA

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

9. INDEX OF APPLICATIONS (Page 14)

The Committee is asked to note the Index of Applications.

a) Decision on applications (Pages 15 - 59)

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

10. DELEGATED DECISIONS (Page 60)

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

To: Members of the Planning Committee

Councillors B Anota, F Bone (Vice-Chair), A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, J Fry, S Lintern, C Rose, Mrs V Spikings (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 9 July 2026** (time to be confirmed) and the meeting reconvened on the same day (time to be agreed).

Please note:

- (1) At the discretion of the Chair, items may not necessarily be taken in the order in which they appear in the agenda.
- (2) An Agenda summarising Correspondence Received After the Publication of the Agenda 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 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:

democratic.services@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, 1st June, 2026 at 9.30 am in the Assembly Room, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ

PRESENT: Councillors Mrs V Spikings (Chair), B Anota, F Bone, A Bubb, M de Whalley, T de Winton, P Devulapalli, S Everett, J Fry, S Lintern, C Rose and M Storey

PC1: APOLOGIES

There were no apologies for absence.

PC2: MINUTES

The minutes of the meeting held on 11th May 2026 were agreed as a correct record and signed by the Chair.

PC3: DECLARATIONS OF INTEREST

The following declarations of interest were declared:

Councillor Bone declared that in relation to item 9/2(c) – North Wootton, he would leave the meeting and not take part in the determination of the application as he was related to the applicant.

PC4: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business under Standing Order 7.

PC5: MEMBERS ATTENDING UNDER STANDING ORDER 34

The following Councillors attended and addressed the Committee in accordance with Standing Order 34.

Cllr T Parish	9/2(a)	Heacham
Cllr C Joyce	9/2(b)	King's Lynn (statement to be read out)
Cllr S Ring	9/2(c)	North Wootton
Cllr R Coates	9/2(c)	North Wootton

PC6: CHAIR'S CORRESPONDENCE

The Chair reported that any correspondence received had been read and passed to the appropriate officer.

PC7: **RECEIPT OF CORRESPONDENCE RECEIVED AFTER THE PUBLICATION OF THE AGENDA**

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

PC8: **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 applications be determined, as set out at (i) – (iv) below, where appropriate to the conditions and reasons or grounds of refusal, set out in the schedules signed by the Chair.

(i) 25/01783/FM

King's Lynn: Development site west of Nar Ouse Way: Application for the phased development comprising the change of use of the land to an Active Travel Hub, alongside the construction of a single storey hub building, surface car park, pedestrian infrastructure, access, landscaping and ancillary works: The Borough Council of King's Lynn and West Norfolk

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

The case officer introduced the report and explained that the application site related to a parcel of land measuring approximately 1.45 ha at the King's Lynn Enterprise Park, located on the western side of Nar Ouse Way, King's Lynn.

Full planning permission was sought for the phased development involving the change of use of the land to an Active Travel Hub, including the construction of a single storey hub building, surface car park, pedestrian infrastructure, access, landscaping and ancillary works.

The cycle 'hub' building comprised covered and secure cycle parking for 48 regular bicycles, six cycle hoops and adapted cycles and one long cycle hoop for longer cycles. Lockers and a cycle repair stand would also be available within the hub. There were a further four-cycle

hoops proposed outside. Toilets, showers and changing facilities would be included within the hub.

The car park would include 236 car parking spaces including 201 standard bays, 11 accessible bays, 20 standard electric car charging bays, 4 accessible electric car charging bays, 4 accessible electric car charging bays and 2 motorcycle bays.

Two new bus stops were proposed on Nar Ouse Way for the 'EXCEL' bus services to and from the town centre, plus an internal bus drop-off area and landscaped public courtyard.

The development was proposed to be delivered through two phases.

The application had been referred to the Committee for determination in accordance with the Planning Scheme of Delegation.

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

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

Councillors raised questions about scooter and coach parking, usability of two-tier cycle stands, operational management, and the width of parking spaces. The case officer explained that e-scooter parking had been removed, coach parking was not included but could be considered in future, and two-tier stands were compliant with government standards and designed for ease of use.

Several councillors questioned the practical use of the hub, its connectivity to the town centre, and who would use the facility. Officers explained the hub's flexible use for both cyclists and drivers, its role as the first phase of wider sustainable transport improvements, and the existence of various cycle and bus routes connecting the site to the town.

Technical questions about flood risk were addressed by officers explaining the on-site water storage and controlled discharge into the Puny drain, with agreement from the drainage board. It was clarified that the hub was not expected to increase net vehicle movements as it targeted existing traffic patterns.

Members of the Committee expressed concern that the proposal had not been reviewed by the Regeneration and Development Panel and therefore referred it to the Scrutiny Panel for further operational detail. Councillor Bubb proposed that the application should be deferred. This was seconded by Councillor de Winton.

The Democratic Services Officer then carried out a roll call on the proposal to defer the application and, after having been put to the vote, was carried (9 votes for and 3 votes against).

RESOLVED: That the application be deferred, to allow for further operational information to be provided.

(ii) 25/01420/F

Heacham: Land at Heacham Manor, E567837, N338621, Hunstanton Road: Construction of floodlit padel tennis courts, associated bar and clubhouse facilities, and formation of car park extension.

[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 for the construction of four padel tennis and bar and clubhouse facilities at Heacham Manor, Hunstanton, Heacham. The plans also included the construction of a car park extension, and a nature walk area.

Heacham Manor was Grade II Listed, although the application was largely shielded from the Listed Building by more modern development.

The site was within the Heacham Neighbourhood Plan area and those policies therefore also applied.

Since submission of the application, lighting reports and noise impact assessments had been provided in support of the scheme.

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

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

In accordance with the adopted public speaking protocol, Mr M Delany (objecting) and James Wells (supporting) addressed the Committee in relation to the application.

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

Councillors debated the adequacy of noise mitigation, with proposals for an acoustic wall and reduced operating hours.

Officers advised that further negotiation with the applicant was needed to clarify the extent and impact of such measures, especially given the site's listed status and therefore recommended that the application should be deferred to allow further consideration with the applicant, which was agreed by the Committee.

RESOLVED: That the application be deferred to allow further consideration with the applicant regarding noise mitigation and operational hours.

The Committee then adjourned for a comfort break at 10.45 am and reconvened at 10.58 am.

Councillor de Winton left the meeting.

- (iii) **26/00382/F**
King's Lynn: 12 Kitchener Street: Retrospective – use of former store building as one bedroom dwelling: Mr D Hall

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

The application sought retrospective consent for the conversion of a store building to a modest one-bedroom dwelling at 12 Kitchener Street in King's Lynn.

The application site lies within the development boundary for King's Lynn, in the area known as South Lynn. The site was also within Flood Zones 2 and 3, and within the Tidal Breach Hazard Zone.

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

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

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

Councillors discussed the retrospective nature of the application, enforcement history, and whether modifications such as a larger escape window would alter the recommendation, with officers confirming that flood risk and space standards would still warrant refusal.

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

RESOLVED: That the application be refused, as recommended.

- (iv) **26/00521/F**
North Wootton: 5 Gregory Close: Householder: single storey side extension and new porch: Mr A Burton

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

Councillor Bone left the meeting having declared an interest in the application and took no part in the decision or debate, as he was related to the applicant.

The case officer introduced the report and explained that full planning permission was sought for the demolition of the existing detached single garage and the erection of a single storey side and rear extension and alterations to the existing house to create additional living accommodation.

The site was located within the parish of North Wootton within the development boundary within an established cul-de-sac of primarily detached single storey buildings.

The application had been referred to the Committee to determine at the request of Councillors Coates and Ring due to the level of interest in the application.

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

In accordance with the adopted public speaking protocol, Martine Rawson (objecting) addressed the Committee in relation to the application.

In accordance with Standing Order 34, Councillors Ring and Coates addressed the Committee and outlined their concerns in relation to the application.

Officers clarified the differences between attached and detached permitted development rights, and the committee discussed adding conditions to remove permitted development rights and require obscure glazing for the WC window if approved.

After extensive debate on the impact of the extension on local character and amenity, Councillor Storey proposed that the application should be refused on the grounds that of scale and massing and the impact on the neighbours and form and character of the area and cited policies LP18, LP21, and Policy 3 of the North Wootton Neighbourhood Plan. This was seconded by Councillor Lintern.

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

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

The development by reason of its scale and massing would be out of character with the locality and would have an adverse impact upon the amenities of adjoining occupier's contrary to Policies LP18 and LP21 of the Local Plan and with Policy 3 of the Neighbourhood Plan.

Councillor Bone re-joined the meeting.

PC9: **DELEGATED DECISIONS**

The Committee received schedules relating to the above.

RESOLVED: That the reports be noted.

PC10: **UPDATE ON TREE MATTERS**

The Arboricultural Officer provided a six-monthly update on tree preservation orders and tree protection activities in the Borough, reporting on application volumes, new orders, refusals, and public engagement.

Councillors raised questions about ivy management and the process for TPO protection.

The Committee thanked the Arboricultural Officer for the proactive work carried out.

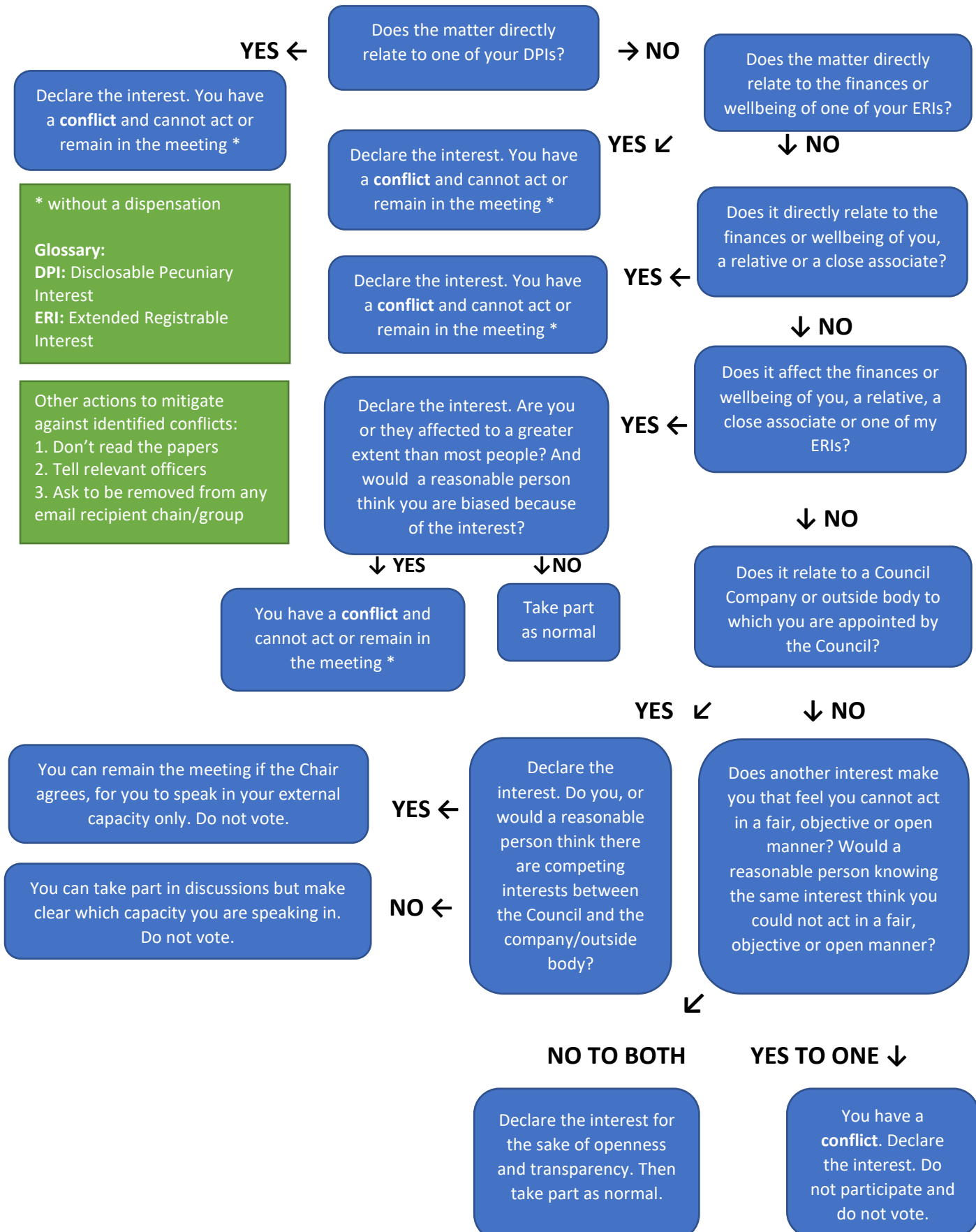
RESOLVED: That the report be noted.

The meeting closed at 12.04 pm

DECLARING AN INTEREST AND MANAGING ANY CONFLICTS FLOWCHART



START



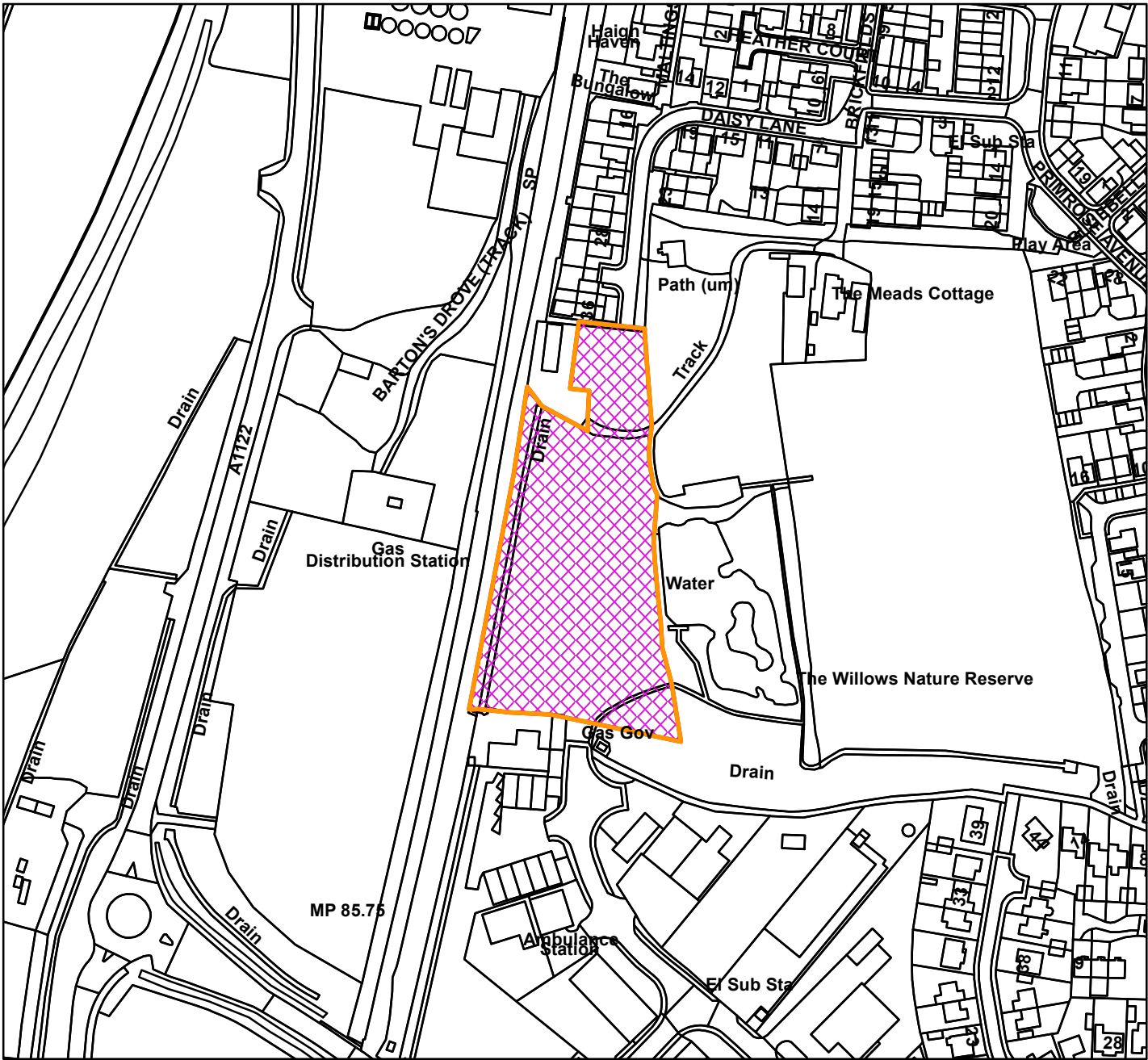
**INDEX OF APPLICATIONS TO BE DETERMINED BY THE
PLANNING COMMITTEE AT THE MEETING
TO BE HELD ON MONDAY 6 JULY 2026**

Item No.	Application No. Location and Description of Site Development	PARISH	Recommendation	Page No.
MAJOR DEVELOPMENTS				
9/1 (a)	23/01141/FM - Land South of Railway Road Downham Market PE38 9ED - Erection of 26 Dwellings (Use Class C3)	DOWNHAM MARKET	APPROVE	15
OTHER APPLICATIONS/APPLICATIONS REQUIRING REFERENCE TO THE COMMITTEE				
9/2 (a)	26/00313/O - Land To The Rear/side of 12 And 25 Orchard Gardens Upwell PE14 9EQ Residential Development - Construction of 2 self build dwellings	UPWELL	APPROVE	41

23/01141/FM



Land South of Railway Road Downham Market PE38 9ED



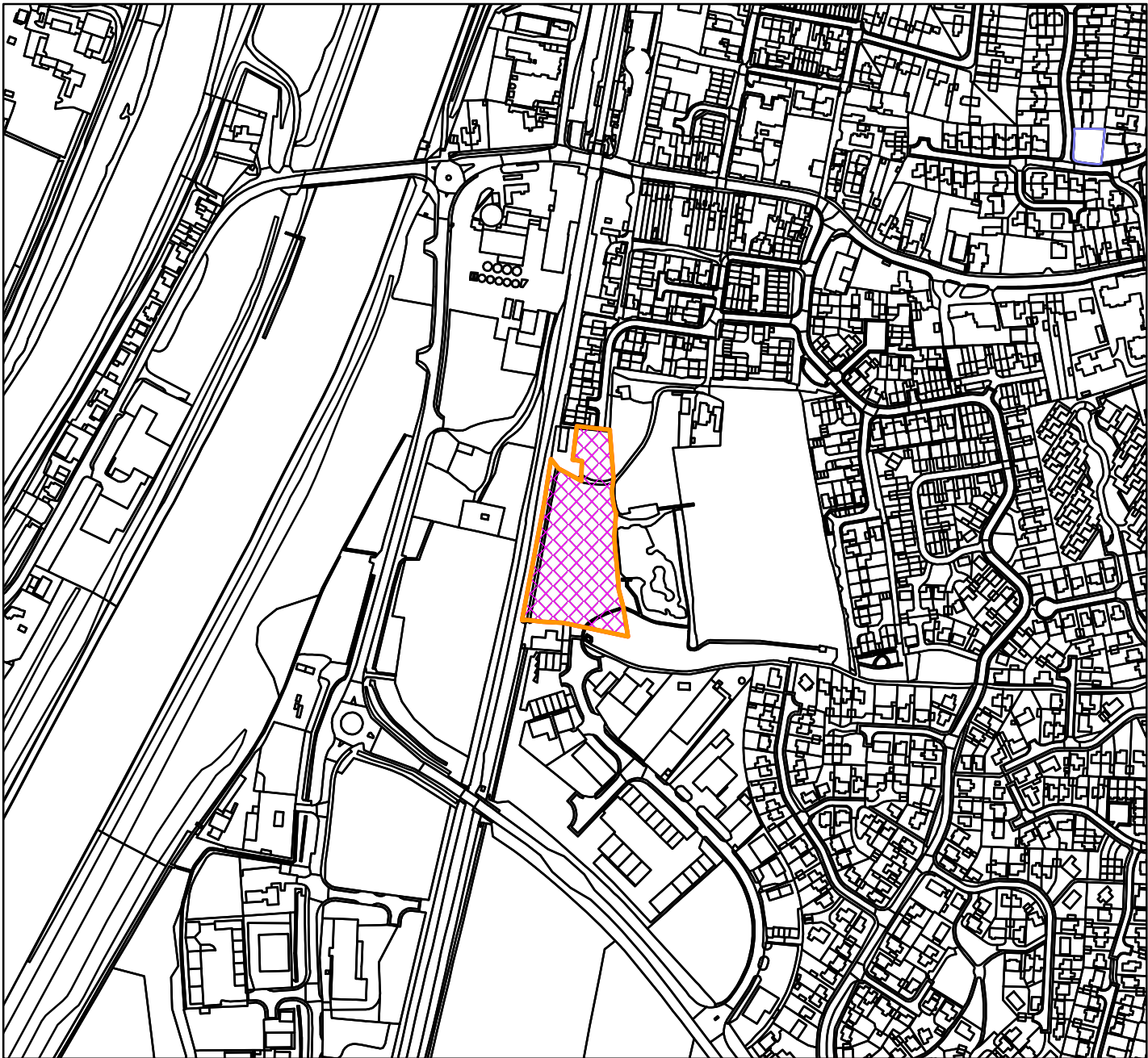
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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/06/2026
MSA Number	0100024314



Land South of Railway Road Downham Market PE38 9ED



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Ordnance Survey AC0000819234

Scale: 1:5,000

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/06/2026
MSA Number	0100024314

Parish:	Downham Market	
Proposal:	Erection of 26 Dwellings (Use Class C3)	
Location:	Land South of Railway Road Downham Market Norfolk PE38 9ED	
Applicant:	Degfont (UK) Ltd	
Case No:	23/01141/FM (Full Application - Major Development)	
Case Officer:	Mr K Wilkinson	Date for Determination: 26 October 2023 Extension of Time Expiry Date: 31 July 2026

Reason for Referral to Planning Committee – On the instruction of The Planning Committee Sifting Panel

Neighbourhood Plan: No

Case Summary

The application site lies to the south of Railway Road, Downham Market. It comprises an area of approx. 1h of unmaintained scrubland and some peripheral trees bounded by the railway line to the west, Sovereign Way industrial estate to the south, The Willows Nature Reserve (County Wildlife Site) to the east and residential development on Daisy Lane to the north with Railway Road beyond, plus a commercial workshop (TLH Autocare) adjoining the NW corner of the site.

The site lies within the development area of the town and there is a history of previous approvals for residential development over the past two decades.

This proposal seeks full permission for the construction of 26 dwellings.

Key Issues

Principle of development
 Form and character
 Impact on neighbour amenity
 Highway safety
 Waste management
 Public Open Space
 Affordable housing
 Impact upon The Willows Nature Reserve
 Ecology
 Impact on trees
 Drainage issues
 Other material considerations

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23/01141/FM

Recommendation

A) Subject to completion of a Section 106 agreement within 4 months of a resolution to **APPROVE** to cover affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, permission be granted subject to certain conditions. 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 provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, contrary to Policies LP05, LP13, LP21, LP22, LP23, LP27 & LP28 of the Local Plan.

THE SITE & APPLICATION

The application site comprises an area of approx. 1h of unmaintained scrubland and some mature peripheral trees bounded by the railway line to the west, Sovereign Way industrial estate to the south, The Willows (County Wildlife Site) to the east and residential development on Daisy Lane to the north with Railway Road beyond, plus a commercial workshop (TLH Autocare) adjoining the NW corner of the site.

The site lies within the development area of the town and there is a history of previous approvals for residential development.

This proposal seeks full permission for the construction of 26 dwellings.

These comprise: a block of 2 x 1 bed flats plus 2 x 2 bed flats, 4 x 2 bed houses and 18 x 3 bed houses; all two storeys in pairs of semis, terraced blocks plus a detached unit.

SUPPORTING CASE

The following statement has been submitted by the agents in support of the development proposed:

“The application site has been identified across its history for residential development. In the now superseded Local Plan (1998) the site was identified for residential development and has had earlier planning permissions for the construction of up to 32 dwellings. Today, the site falls within the settlement boundaries of Downham Market in a highly sustainable location. It offers a deliverable windfall opportunity to provide a residential development within settlement boundaries.

The scheme will also make a positive contribution towards increasing the supply of housing in the Borough and will help to reduce the pressure to develop new housing on greenfield

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sites located on the edge of settlements in the future. It will also have the additional benefit of remediating a previously contaminated site in the interest of delivery and boosting housing supply.

Compared to earlier consents, the proposals seek a reduced density of 26 dwellings to deliver a high-quality mix of units which have been designed to respect the local vernacular. The site layout has been designed to provide landscaped frontages with landscaped parking layouts to create treelined street scene. The layout has incorporated a significant landscaped buffer to the Willows Nature Reserve.

Working with the Norfolk Wildlife Trust, the applicant has agreed to provide new signage for the Willows Nature Reserve. This signage will include informational boards at main entry points from the development. In addition, the application has agreed to financial contributions towards the maintenance of the Willows Nature Reserve. The applicant has also worked pragmatically with the Internal Drainage Board and Lead Local Flood Authority to ensure surface water flows and flood risk can be adequately managed without impacting the Willows Nature Reserve.

The applicant has also worked pragmatically with the Strategic Housing Team. They have agreed to provide 2 X 1 bed units and 2 X 2 bed units as affordable rent. This is an increased amount of affordable housing provisioning compared to the Local Planning Authority's own independent viability assessment recommendations. In addition, it provides for an increased number of smaller units which the Strategic Housing Team advised were in need during discussions.

Working in conjunction with the Norfolk Designing Out Crime Officer, the applicant has deployed established principles of 'Crime Prevention through Environmental Design'. These efforts have resulted in the Designing Out Crime Officer advising there is no reason why this proposed development would not easily achieve the Secured by Design Gold Award.

The applicant has agreed to indemnify the Waste Collection Authority against any damage caused by waste collection vehicles. This will ensure that the authority is not liable for the cost of repairing any damage arising from the operation of waste collection services. The indemnity will apply throughout occupation phases of the development. Accordingly, the interests of the Waste Collection Authority are appropriately protected.

In summary, this planning application seeks to deliver 26 high quality homes on an underutilised plot of land that is located within the settlement of Downham Market. The design of the proposal is sympathetic to local surroundings. The proposals make use of a material palette and architectural features appropriate to the application sites local surroundings. It will provide affordable housing, deliver contributions to the Willows Nature Reserve, landscaped areas. The applicant sincerely hopes that members will move to approve the proposals."

PLANNING HISTORY (Relevant)

06/02632/OM: Application Permitted: 04/05/07 - Outline Application: residential development (Delegated)

07/01703/OM: Application Withdrawn: 13/11/07 - Construction of 60 one and two bedroom retirement apartments

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14/01652/OM: Application Permitted: 23/06/15 - Outline application for up to 32 dwellings, all matters reserved apart from access (Committee)

17/01536/RMM: Application Permitted: 21/08/19 - Reserved Matters Application: Construction of 31 dwellings (Delegated)

17/01537/F: Application Permitted: 13/08/19 - Variation of condition 24 of planning permission 14/01652/OM (Outline application for 32 dwellings): To amend access on previously approved drawings (Delegated)

CONSULTATIONS

Town Council: OBJECTION – (Initial scheme) The Town Council recommends refusal of this application for the following reasons: Highway Issues – traffic generation, vehicular access, highway safety. Capacity of physical infrastructure – drainage and water systems. This area is known to flood as is known locally as ‘the Fenland bog.’ Loss or effect on trees Adverse impact on nature conservation interests and biodiversity

(Amended scheme) the matters previously raised in relation to lack of recreational areas, crime prevention, ecological impact on The Willows, highways, drainage and flood risk have not been fully addressed.

Local Highway Authority (NCC): NO OBJECTION - The applicant has advised the proposed estate road will be retained as private. Having reviewed the amended drawings, it is noted the proposed access road remains designed not strictly in accordance with adoptable standard. However, based on the proposed layout in drawing 1383-AL(2)003-RevAi substantiating adverse comment to the application is likely to be difficult.

Norfolk County Council: NO OBJECTION – Education and library contributions may be sought via CIL.

Environment Agency: NO OBJECTION - The Environment Agency’s Risk of Flooding from Surface Water (RoFSW) mapping was recently updated. The updated RoFSW shows the site to be at medium risk of flooding from surface water. Surface water flooding is not within our direct remit or expertise but is nevertheless an important consideration for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to this issue.

District Emergency Planning Officer: NO OBJECTION

Stoke Ferry Internal Drainage Board: NO OBJECTION subject to byelaw consent to discharge.

Anglian Water: NO OBJECTION

Environmental Health & Housing – CSNN: NO OBJECTION subject to conditions relating to compliance with noise assessment report, air source heat pumps, construction management scheme and external lighting details.

Environmental Health & Housing - Environmental Quality: NO OBJECTION subject to a suite of contamination conditions. Air Quality: When based on the latest Defra (2024) background levels in this area e.g. NO₂ (6.1µg/m³) and PM₁₀ (10.9µg/m³), the additional

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traffic as confirmed by the air quality assessment from RSK (April 2023) would not require further assessment due to pollutant levels as unlikely to exceed the objectives.

Waste & Recycling Manager: OBJECTION confirms that the previous comments in respect of waste collections remain valid and that the arrangements for the collection of waste by a third party remain valid due to the inaccessibility of the site due to the unadopted estate road. This may be dealt with by condition.

The estate roads at Daisy Lane development were built prior to the Waste and Related Services Contract 2013 where due to the risk profile of estate road construction economic operators were not willing to collect from roads that were not built to adoptable standards and then adopted by the Highway Authority. They however have had to accept historic risk on pre-existing sites.

(Amended scheme) – On the basis of a scheme for waste bin collection being resolved prior to first occupation and collection points demonstrated for Plots 19-26, able to withdraw earlier objection.

Greenspace Officer: OBJECTION initially raised relating to drainage issues and waterlogging plus impact on trees.

(Amended scheme) – **NO OBJECTION** subject to maintenance funding for The Willows.

Norfolk Constabulary: NO OBJECTION advice offered on pursuit of Secured by Design accreditation.

Norfolk Wildlife Trust: NO OBJECTION subject to mitigation and conditions plus maintenance funding for The Willows.

Arboricultural Officer: NO OBJECTION subject to conditions relating to Arboricultural Impact Assessment plus hard and soft landscaping details.

Senior Ecologist: NO OBJECTION subject to mitigation conditions and maintenance payment for The Willows.

Cadent Gas: NO OBJECTION in principle.

Natural England: NO OBJECTION

Network Rail: NO OBJECTION

REPRESENTATIONS

A total of **ONE HUNDRED AND TWENTY-THREE** items of correspondence received (in response to four rounds of consultation following amendments between August 2024 to February 2026), raising **OBJECTION** to the proposed development on the following summarised grounds:

- This housing is not needed
- Access issues already due to on-street parking in the area
- Should be accessed via Trafalgar industrial estate
- Boundary query relating to The Willows
- Surface water drainage and flood risk

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- Impact on infrastructure – doctors, schools etc.
- Impact upon The Willows/trees/wildlife
- Noise, air quality and dust during construction period
- Design out of character
- Anti-social behaviour already in The Willows
- Concerns for safety of children close to railway line, open water on The Willows and industrial estate

KLWNBUG The Norfolk and Fens Cycling Campaign: welcome the inclusion of an all-weather cycleway link to the Sovereign Way Industrial Estate but sadly feel we object because the link to The Willows to the east should also be a cycleway, not merely a path, and the plans should include clear signposting of the southern cycleway via Sovereign Way and Hamilton Way as the best walking and cycling route to the town centre, and access to NCN 11 at Denver via Regent Road, while the northern exit to Daisy Way is signed as the best route to the rail station.

If you are minded to agree this proposal, please attach a standard highway condition for walking and cycling route signage at the northern and southern exits of the site.

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)

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)

LP23 - Green Infrastructure (Strategic Policy)

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

LP28 - Affordable Housing Policy (Strategic Policy)

LP30 - Adaptable & Accessible Homes (Strategic Policy)

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LP41 - Downham Market (Strategic Policy)

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

- Principle of development
- Form and character
- Impact on neighbour amenity
- Highway safety
- Waste management
- Public Open Space
- Affordable housing
- Impact upon The Willows Nature Reserve
- Ecology
- Impact on trees
- Drainage issues
- Other material considerations

Principle of Development:

The application site is within the development boundary for Downham Market. The principle of residential development is considered acceptable, subject to being in accordance with the overarching aims of the Local Plan, as outlined by Policy LP02 which sets out the following criteria within development boundaries:

‘1. Residential development within the development boundaries of settlements in Tiers 1-6 of the Settlement Hierarchy in Policy LP01 – Spatial Strategy and Settlement Hierarchy, as defined on the Policies Map, will be supported, provided it complies with other relevant policies in the development plan, and meets the following criteria:

a. It results in a sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement in accordance with design and sustainable policies LP18, LP21, LP22;

b. It has regard to the size, type, tenure and range of housing that supports the needs of communities in accordance with housing policies LP28, LP29, LP30;

c. It will not cause significant adverse impacts on services and infrastructure, and the local infrastructure is sufficient to accommodate the demands of the development in accordance with Policy LP05; and

d. Its context makes a positive contribution to the local environment and landscape setting in accordance with environment policies LP06, LP15, LP16, LP19, LP23, LP26;

e. It does not result in an unacceptable impact on highway safety, or residual, cumulative impacts on the road network which would be severe in accordance with transport Policy LP13; and

f. The development maximises opportunities to reduce the need to travel and encourages sustainable and active travel modes of transport in accordance with Policy LP13.’

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Consideration of criteria a-e takes place throughout the following report.

In regard to criterion c, given the scale of development relative to the overall settlement of Downham Market, no significant impacts on services or infrastructure are likely. Funding for local services, including those requested by Norfolk County Council could be sought through CIL in line with Policy LP05.

Criterion f is considered to be met by virtue of the location of development, within the main built-up settlement of Downham Market, a Tier 1 settlement. The site is well-positioned for access to facilities available within the town, being within 300m of the railway station and approx. 1km from the town centre. Indicative guidance from Central Government mooted in the draft new NPPF, supports development of housing close to railway stations/hubs.

It must also be noted that the principle of development has been previously established with a development of 31 dwellings most recently permitted under a combination of outline and reserved matters approvals (14/01652/OM & 17/01536/RMM respectively), however, that has now lapsed (expired August 2021).

Once again, the principle of residential development is considered to be acceptable and accords with Policies LP01, LP02, LP04 & LP41 of the Local Plan.

Form and Character:

As stated above, the site is an unkempt parcel of land between the railway line, a County Wildlife Site (CWS), an industrial estate and a residential estate. It is accessed via the latter and would be seen as a logical extension of the more contemporary housing development.

The new dwellings comprise: a block of 2 x 1 bed flats plus 2 x 2 bed flats, 4 x 2 bed houses and 18 x 3 bed houses; all two storeys in pairs of semis, terraced blocks plus a detached unit. Eave heights are 5.1-5.2m with ridge heights varying between 7.7m to 8.6m. Depth of units are 10.2m with varying widths between 11.4 – 22m dependent upon the number of dwellings per block.

The road layout is similar to the previous approval given the tapered linear shape of the site, but the main cul-de-sac has been pulled further away from the CWS and the central play area removed. The initial scheme was for 29 no. dwellings (31 no. previously approved), but this has been negotiated down to 26 no. which gives a less cramped form with improved inter-relationships and garden spaces.

The houses are mostly fronting onto the road with associated allocated parking at the front (broken up with box hedging and structured tree planting). The introduction of trees on active road frontages is positively encouraged in the National Design Guide.

A parking area serving the southern-most two terraced blocks has natural surveillance by the associated dwellings and this also includes/affects a footway link to the industrial estate and existing footway to the east. A new footpath link is also proposed leading from the estate to existing network in The Willows. There is therefore good connectivity provided within the site layout.

The appearance of the dwellings has been the subject of change/negotiation during the processing of this application. The initial submission failed to recognise the characteristics to the locality; however, the current scheme has introduced contrasting brick features plus detailing and is more sympathetic to the town whilst not slavishly replicating those on the

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adjoining estate. The exact choice of facing materials would be secured via condition, but the indicative cream and red/brown bricks complement the existing palette in this part of the town.

In terms of form and character, the proposal now respects and enhances the locality and rates fairly highly when judged against the criteria of the National Design Guide.

Overall, the proposed design is considered acceptable in line with Policies LP18 and LP21 of the Local Plan.

Impact on Neighbour Amenity:

Internal relationships between dwellings are sufficient to allow each dwelling a reasonable degree of privacy, with no direct overlooking. Close boarded fencing provides privacy at ground floor level and between plots, with boundary walls plus metal railings used to create improved street scenes to the public realm.

The application is accompanied by a noise assessment report which addresses the inter-relationships between the proposed dwellings and adjoining railway line (varying between 24m – 29m from rear elevations and 17m to side elevation) plus the commercial workshop. This has been appraised by CSNN colleagues who agree with the mitigation measures proposed which would meet current standards of amenity for proposed residents.

These measures contained in the noise assessment report include the provision of a 1.8m high acoustic fence on the common boundary between Plot 1 and the block of flats and the commercial unit plus garden boundaries adjoining the railway line; acoustic façade specifications for walls and roofs; plus acoustic façade specifications for glazing and ventilators on dwellings facing the railway line.

This may be secured by condition along with a Construction Management Plan plus external lighting scheme details.

The proposed impacts on residential amenity and neighbour amenity are considered acceptable in line with Policies LP18 and LP21 of the Local Plan.

Highway Safety:

The layout of the development has been the subject of change since submission as reported above. During negotiations it was indicated by the Local Highway Authority that the road would not be adopted as it appeared that the estate roads serving this site - Daisy Lane, Brickfields Lane and Clover Lane – completed some years ago not been formally adopted. The road, and detailed drainage scheme, was therefore designed with the expectation of it being maintained as a private road.

Whilst the layout is not strictly in accordance with adoptable standards (e.g. demarcation/transition from turning head into private drives, carriageway width 300mm narrower for shared surface and visibility across private landscaped areas not verges), no objection is raised from the LHA as these matters are considered to be marginal and, as stated above, this is proposed to be retained as a private road. (This has repercussions for waste management which will be addressed later in this report.)

For clarity, it appears that the previous developers of the adjoining estate – Avant Homes (formerly Gladedale) have not to date had the road network adopted. It is understood that the Section 38 Agreement is currently within the maintenance period following completion of

the practical works. The estate roads are therefore not yet formally adopted, with approximately 9 months of the maintenance period remaining before final adoption can be progressed, subject to the usual inspections and approvals by the Local Highway Authority.

However, as stated above, the applicants have committed to making this a private road and maintaining it as such thereafter. This may be secured via Section 106 agreement.

The northern half of the site continues the specifications on the linking estate road then becomes a shared surface in the southern part. There are ample turning and manoeuvring spaces to accommodate service vehicles demonstrated by tracking plans. Parking provision for the dwellings meets current standards in accordance with Policy LP14 of the Local Plan.

The layout also offers connectivity with the industrial estate to the south and adjoining footpath networks thus encouraging sustainable and active travel modes of transport. Whilst this is a standard footpath width opposed to cycle path specification (as sought by KLWNBUG), this encourages cyclists to respect that they are entering a residential area which is its primary function.

The development would not result in an unacceptable impact on highway safety, or residual, cumulative impacts on the road network which would be 'severe' in accordance with transport Policy LP13.

The proposed development could therefore be considered acceptable and would comply with Policies LP13, LP14 and LP21 plus criterion 2 e) of Policy LP02 of the Local Plan.

Waste Management

As stated above, the road network connecting this site to the Highway has not been adopted to date, however, those properties on Daisy Lane, Brickfields Lane and Clover Lane all have their waste collected by the Council. Those roads were built prior to the Waste and Related Services Contract 2013 where, due to the risk profile of estate road construction, economic operators were not willing to collect from roads that were not built to adoptable standards and then adopted by the Highway Authority. However, they have had to accept historic risk on pre-existing sites.

Notwithstanding this, the applicant has liaised proactively with our Waste and Recycling Manager. He has confirmed that the initial objection could be removed subject to a scheme to cover waste management being agreed. This could take the form of a waiver or indemnity should damage occur from vehicular turning on this access road, given that the road is to remain as private and not adopted by the Local Highway Authority.

Also, additional collection points for bins adjoining the turning head to serve the southernmost two terraced blocks. This can be secured via condition to ensure appropriate dragging distances are achieved.

The development can therefore comply with Policy LP21 of the Local Plan subject to the above mitigation measures being secured.

Public Open Space

Policy LP22 requires developments of between 20 and 99 dwellings to provide 'suitably equipped' children's play space. Applying the standard of 17m² of open space per dwelling results in a minimum requirement of 442m², which would ordinarily be delivered on site through provision of a Local Area for Play (LAP).

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Paragraph 4 of Policy LP22 provides flexibility in certain circumstances, including where opportunities exist to enhance existing local facilities.

In this case, the application does not propose on-site public open space. Instead, the applicants have agreed a financial contribution towards improvements at the existing play area adjoining Foxglove Court, located approximately 260 metres east of the site (via footpath). Fields in Trust guidance advises that a Local Equipped Area for Play should be located within 400 metres of dwellings. This therefore meets the accessibility criterion.

Liaison with our Greenspace Officer has resulted in a request for financial contribution equivalent to the cost of providing a LAP on site. This equates to £15,000, based on the cost of three pieces of play equipment together with fencing, surfacing, installation and associated works. Seeking a financial contribution equivalent to the on-site policy requirement is considered to meet the relevant planning tests and has been applied elsewhere in the borough.

This solution also negates initial concerns raised in connection with having a play space close to the body of water in The Willows Nature Reserve.

Subject to legal agreement, the proposal would comply with Policy LP22 of the Local Plan and the NPPF in regard to provision of open space.

Affordable Housing:

The site area and number of dwellings proposed trigger the thresholds of Policy LP28 of the Council's adopted Local Plan.

At present a 20% provision is required on sites capable of accommodating 10 or more dwellings and/or 0.33ha in Downham Market. The affordable housing provision is split into 70% of the affordable homes being made available for rent and 30% low-cost home ownership, including Shared Ownership, First Homes or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

In this instance 5.2 units are required to meet the 20% required by Policy LP28, however a financial viability assessment has been submitted with the application which has been the subject of review by our consultant. This concludes that the proposal can only support the provision of 4 no. affordable units. These will comprise the block of four flats (2 x 2 bed units & 2 x 1 bed units) for affordable rent.

Whilst housing policy indicates that the maximum cluster size for a development of this scale would normally be 2no. units, the proposal to have a block of 4no. flats would be easier to manage and will be more attractive to a Registered Provider of Affordable Housing. This approach has the support of our Housing Development Officer in this instance.

Subject to this provision being secured via S.106 agreement, the proposal effectively complies with Policy LP28 and the NPPF in regard to affordable housing.

Impact on The Willows Nature Reserve:

Extensive ecological assessment has been undertaken in connection with this site and also its impacts upon the adjoining land in response to concerns raised initially by our Senior Ecologist and Norfolk Wildlife Trust.

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The Willows Nature Reserve is a County Wildlife Site (CWS) and is therefore afforded protection by the NPPF and Policy LP19 of the Local Plan. Concerns have also been raised by the Town Council and third parties regarding the impact of this development upon the CWS. These same concerns were raised when residential development was approved to the north and east of The Willows and the industrial estate to the south.

However, it must be acknowledged that this is a long standing allocated residential site which has had previous permissions and remains supported in principle under the current Development Plan.

Previously, under outline approval ref: 14/01652/OM, a financial contribution (£50 per dwelling) towards the maintenance of The Willows was secured via Section 106 agreement. Whilst the viability of this current scheme is marginal as discussed above, a fee of £60 per dwelling is now proposed in a consistent approach to mitigation.

The applicants have also agreed to erect an information board/sign on the footpath link into the CWS to educate new residents and visitors as to the sensitivities and values of this asset. Details of the content, appearance and positioning is to be controlled via condition.

These mitigation measures go some way to meet the concerns of the NWT, Senior Ecologist and Greenspace Officer.

It must be noted that Policy LP19(2) states inter alia that County Wildlife Sites will be conserved from development unless the need for, and public benefits of the development, outweigh the loss of interest or significance. The borough-wide need for housing is significant in this instance.

With the mitigation measures proposed, the development can accord with the provisions of the NPPF and Policy LP19 of the Local Plan.

Ecology:

As stated above, extensive ecological assessment has been undertaken in connection with this site and also its impacts upon the adjoining land.

An Ecological Impact Assessment (EclA) accompanies the application plus additional survey work. This concludes that there are no evidence of water voles or badgers within the site, but the overgrown nature of the land are optimal for both, so conditions will be required to secure pre-construction surveys for badger and water vole.

Breeding birds would be affected so mitigation of bird boxes is recommended and once again secured via condition, and it is also our ecologist's recommendation to prevent works being undertaken within the breeding bird season.

A Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (IACPC) has been submitted in support of this application. This provides sufficient evidence that the tests of derogation can be met. A condition to secure a District Level Licence for great crested newts will be required as an IACPC is not in itself a licence, only confirmation that Natural England are willing to accept the site in the DDL scheme. A non-licenced method statement will still be required to avoid impacts to newts on site during site clearance works. This should be secured via condition.

A licence for great crested newts, Construction Environmental Management Plan, Landscape & Ecological Management Plan, Ecological Design Strategy plus signage can all be secured via conditions and be compliant with Policy LP19 of the Local Plan.

With regards to Biodiversity Net Gain (BNG), this application was submitted prior to the introduction of BNG requirements.

Impact on trees:

There are mature trees to the east of the site and in the adjoining CWS (comprising mostly aspen plus a willow, ash and field maple) and to the west alongside the drain adjacent to the railway line. Whilst certain assessment works were submitted with the application, given the overgrown state of the site, parts are inaccessible. The evolution of the surface water drainage solution may also have implications for new peripheral planting. From what is accessible, there would not appear to be any significant adverse impacts upon keeping those trees to the eastern side of the development site, however, our Arboricultural Officer has suggested that a detailed Arboricultural Impact Assessment and hard and soft landscaping details are agreed via pre-commencement conditions. This also helps with the ecological implications as a Crack Willow is intended to be retained which may have value.

This course of action has been agreed by the applicants.

With appropriate protection and landscaping measures in place to be agreed prior to commencement, the proposal is capable of complying with Policies LP18, LP19 & LP21 of the Local Plan.

Drainage issues:

Surface water drainage is an issue in this area due to the topography with the land falling from east to west towards the railway line.

This has been the subject of detailed assessment in liaison with both the Internal Drainage Board and our consultant drainage engineers.

The scheme now demonstrates how surface water can be accommodated within the confines of the application site, stored in a subterranean crated system and released into the drainage system adjoining the western boundary at an appropriate rate to avoid downstream issues. This now has the backing of both our consultants and the IDB. Its construction to accord with these details and its future maintenance may be secured via condition. Byelaw consent will be required for discharging into the IDB maintained drains, but this is controlled via the Land Drainage Act 1991 which is likely to be consented based on the scheme agreed.

In conjunction with the drainage assessment, modelling has also been undertaken with regards to the prospective impact of flooding/overtopping from The Willows given that this site lies lower than the nature reserve. This demonstrates that the drainage elements proposed would do a suitable job of maintaining the previous overland flow route while preventing any notable detrimental effects to the area.

With regards to foul water drainage, it is proposed to link the development to the existing mains drainage to the north in Daisy Lane. Anglian Water raise no objection to this proposal as there is capacity in the Downham Market Water Recycling Centre.

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Overall, the flood risk implications of the development are considered acceptable and comply with the requirements of the NPPF (2024) and Policies LP06, LP18, LP21 and LP25 of the Local Plan.

Other material considerations:

Contamination - The applicant has provided a Phase 1 report which generally characterises the site and reviews the previous investigation reports. However, as the intrusive investigation is over 5 years old, and the site has been unsecured and subject to fly-tipping, there is the potential that changes could have happened on site. The report recommends that during site clearance a watching brief should be undertaken by a suitably qualified asbestos surveyor to identify any further asbestos containing materials on site. The report also recommends additional trial pit investigation on site to assess any changes in the data, and groundwater monitoring to assess risks to controlled waters on site. In order to ensure that current site conditions are assessed and that the recommended additional work is carried out, Environmental Quality recommend a suite of conditions to ensure the site remains safe for its lifetime in regard to land contamination, in line with LP21.

Air quality – The additional traffic as confirmed by the air quality assessment submitted with this application would not require further assessment due to pollutant levels being unlikely to exceed the objectives. Environmental Quality raise no objection, and the proposal complies with Policy LP21 of the Local Plan.

Climate change - The application proposes houses with air source heat pumps and the supporting statement outlines a fabric first approach. EV charging will be provided as per building regulations requirements. As a whole, the proposal is considered to comply with the aims of Policy LP06.

Gas main easement – There is a deep lying 180mm gas pipeline in the SW corner of the site connecting a Gas Governor at the head of Sovereign Way to a Gas Distribution Station on the western side of the railway line. A 6m easement applies and the exact route will require investigation with trial holes with Cadent Gas in attendance prior to works commencing on Plots 19-22. This is similar to the previous reserved matters approval where fencing encroached within this zone; grassed treatment is acceptable to Cadent Gas, but no planting of trees or structures could be placed within the gardens over the pipeline. With regards to planting, this may be covered in the deeds of the affected properties as it does not constitute development; however, Permitted Development rights may be removed via condition for Plots 21 & 22 to control any outbuildings or extensions. The applicants are aware of these requirements and responsibilities, and agree to the proposed condition.

Adaptable and accessible homes – The proposal complies with Policy LP30 of the Local Plan.

GIRAMS – The GIRAMS fee, mitigating against in-combination recreational disturbance impacts may be secured via the S.106 legal agreement - £315.58 per dwelling from 1st April 2026. Impacts on the protected sites scoped into the strategy can therefore be ruled out in line with Policy LP27.

Third party objections – Most of the concerns raised have been addressed in the above assessment. However, one issue requires additional comment:

Cycle and pedestrian route signage as suggested by KLWNBUG has not been sought by the Local Highway Authority in this instance.

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CONCLUSION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that an application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application seeks consent for the construction of 26 new dwellings in a highly sustainable location within the Development Boundary for Downham Market, in a position that is supported by Policy LP02 of the Local Plan. There has also been a history of previous residential development approvals on this site over the past two decades.

The site would provide dwellings with a housing mix ranging from one-bedroomed flats to three-bedroomed houses. A block of four flats is proposed on site as affordable units to be secured via S.106 legal agreement. That legal agreement would also secure the maintenance of the estate road being private rather than adopted. A financial contribution towards improvements to the existing play area at Foxglove Court would also be secured, to off-set the deficit on this site plus payment of the GIRAMS tariff and a maintenance contribution towards the upkeep of The Willows Nature Reserve would also be part of this legal agreement.

All other technical matters of planning importance may be secured via condition.

Overall, the proposal would comply with the National Design Guide, NPPF (2024), Policies LP01, LP02, LP04, LP05, LP06, LP13, LP14, LP18, LP19, LP21, LP22, LP27, LP28 and LP41 of the Local Plan.

RECOMMENDATION

A) Subject to completion of a Section 106 agreement within 4 months of a resolution to **APPROVE** to cover affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, permission be granted subject to certain conditions. 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.

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: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the

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approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM).

2 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

2 Condition: Prior to the commencement of groundworks, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

4 Condition: The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

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property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5 Condition: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 4.

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 6 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 Section 6 of the Ecological Impact Assessment:
- 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 method statement to avoid the risk of impacts to amphibians and reptiles
 - f) Pre-construction check for badgers and water voles not more than three months before commencement of works
 - g) 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
 - h) Responsible persons and lines of communication.
 - i) 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.

- 6 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Local Plan (2021 – 2024) and Section 15 of the NPPF. The details

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are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.

- 7 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall detail the management and details of enhancement measures to be installed including the number, type and location of bird boxes and hedgehog links and the location and species composition of hedge-planting/establishment identified within Section 7 of the Ecological Impact Assessment in addition to those recommended by the LPA (email dated 03/11/2023). This must include a spatial plan of where enhancements are located.
- 7 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the 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.
- 8 Condition: No development shall take place until an ecological design strategy (EDS) addressing mitigation and decompensation 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.

- 8 Reason: In order to ensure the development does not result in the loss of habitat for protected species and to deliver measurable net gain in biodiversity on the site in accordance with Paragraph 174 of the NPPF and Policy LP19 of the Local Plan (2021-2040). The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 9 Condition: No site clearance works shall take place between 1st March and 31st August inclusive.

In the event that any bird nests or actively breeding pairs are encountered outside that period, works will not re-commence on site until a further survey has been submitted to, and agreed in writing by, the LPA confirming that any nesting attempts are concluded and any chicks in nests have fledged.

- 9 Reason: To define the terms of this permission as all British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981 and in order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Local Plan (2021-2040) and Section 15 of the NPPF.
- 10 Condition: Any works which will impact Great Crested Newts, which include vegetation clearance, shall not in in any circumstances commence unless a District Level Licence issued by Natural England authorizing the proposed development to go ahead has been submitted to, and approved in writing by, the Local Planning Authority.
- 10 Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.
- 11 Condition: Prior to the first occupation of the development hereby approved, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of any lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality plus impact upon ecology in accordance with the NPPF and Policies LP19 & LP21 of the Local Plan (2021-2040).
- 12 Condition: Notwithstanding the submitted Tree Protection Plans (drawing number 24.1847.020 & 24.1847.021), no works or development shall take place on site until a revised scheme for the protection of the retained trees (section 5.5, BS 5837:2012, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. All tree works and protection shall be carried out in in accordance with the approved scheme, which shall include:
 - a) a site layout plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (section 4.6 of BS5837:2012) of every retained tree on site superimposed on the layout plan. The positions of all trees to be removed shall be indicated on this plan.
 - b) a schedule of tree works for all the retained trees in paragraphs (a) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Recommendations for tree work.
 - c) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers, (section 6.2 of BS5837:2012), to form a construction exclusion zone, (only the standard default tree protection fencing (Figure 2) is suitable on this site), and the type and extent of ground protection (section 6.2.3 of BS5837:2012) or any other physical tree protection measures, such as tree boxes. These details are to be identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). Barrier and ground protection offsets must be dimensioned from existing fixed points on the site to enable accurate setting out. The position of barriers and any ground protection should be shown as a polygon representing the actual alignment of the protection.

d) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 7.7 of BS5837:2012), the details of the working methods to be employed with regard to site logistics including, the proposed access and delivery of materials to the site; space for storing materials spoil and fuel, and the mixing of cement; contractor car parking; site huts, temporary latrines (including their drainage), and any other temporary structures.

e) the details of a scheme of supervision for the above arboricultural measures by a suitably qualified Arboriculturalist.

The development shall be implemented in accordance with the details/scheme agreed.

- 12 Reason: In order to define and safeguard the trees to be retained in accordance with the provisions of Policies LP18 & LP19 of the Local Plan (2021-2040). This needs to be a pre-commencement condition as the protection measures will need to be in place at the start of development.
- 13 Condition: Notwithstanding the submitted details, prior to the commencement of development, full details of both hard and soft landscape works shall have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include finished levels or contours, hard surface materials and boundary treatments. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities where appropriate.
- 13 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF and Policies LP18, LP19 & LP21 of the Local Plan (2021-2040). This needs to be pre-commencement to ensure adequate measures are in place to prevent adverse effects upon existing trees within and adjoining the site.
- 14 Condition: All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 14 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and Policies LP18 & LP21 of the Local Plan (2021-2040).
- 15 Condition: Prior to commencement of development a detailed construction management scheme must be submitted to and approved by the Local Planning Authority; this must include proposed timescales and hours of the construction phase, deliveries/collections and any piling. The scheme shall also provide the location of any fixed machinery, their sound power levels, the location and layout of the contractor compound, the location of contractor parking, the location and layout of the materials storage area, machinery storage area and waste & recycling storage area, proposed attenuation and mitigation methods to protect residents from noise, dust, vibrations, lighting and litter and communication methods to the wider community regarding the

construction phases and likely disruptions. If piling is required, full assessment of noise and vibration impacts should be included. The scheme shall be implemented as approved.

- 15 Reason: To ensure that the amenities of neighbouring properties are safeguarded in accordance with the NPPF and Policy LP21 of the Local Plan (2021-2040). This needs to be a pre-commencement condition to allow these matters to be addressed and agreed before development starts.

- 16 Condition: All dwellings/plots shall be constructed to include the noise mitigation measures highlighted in the Noise Assessment Report, Report Ref. 2061577-RSKA-RP-001-(02), revised on 28 October 2025, specifically within:

8.4 - Acoustic fences, 1.8 metres in height, along the western boundaries of the residential areas, as presented in Appendices 2 and 3;
8.2.1 - Acoustic Façade Specifications – Wall and Roof;
8.2.2 - Acoustic Façade Specifications – Type 1;
8.2.3 - Acoustic Façade Specifications – Type 2;
Appendix 4 – Façade Mitigation Map;
Appendix 2 – Daytime Noise Contour Map;
Appendix 3 – Night-time Noise Contour Map.

- 16 Reason: In order to safeguard the residential amenity of future occupiers of the development and to accord with Policy LP21 of the Local Plan (2021-2040).

- 17 Condition: Prior to the commencement of development, a waste management plan shall be submitted to, and agreed in writing by, the Local Planning Authority.

The development shall be implemented and thereafter maintained in accordance with the waste management plan agreed.

- 17 Reason: To secure an appropriate waste management scheme to serve future residents and accord with Policy LP21 of the Local Plan (2021-2040). This needs to be a pre-commencement condition as the practicalities of waste disposal needs to be addressed at the earliest opportunity and is a fundamental requirement.

- 18 Condition: Prior to occupation of Plots 19-26 inclusive, waste bin collection points shall be provided in accordance with details that have been submitted to, and agreed in writing by the Local Planning Authority. The collection points shall be retained for that purpose as agreed thereafter.

- 18 Reason: To ensure that appropriate waste disposal facilities are provided to serve these dwellings in accordance with Policy LP21 of the Local Plan (2021-2040).

- 19 Condition: The surface water drainage shall be implemented in accordance with the following details hereby approved, unless otherwise approved in writing by the Local Planning Authority:

- Flood Risk Assessment (ref. WHS10228, January 2026 prepared by Wallingford HydroSolutions Ltd.)
- Drainage Calculations (Rev H, 26.02.2026, prepared by Will Rudd Davidson)
- Maintenance Responsibility Statement (ref. G8114 02, 28.01.2026 prepared Will Rudd Davidson)

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- Deed of Easement – Drainage (G8114 02-WRD-EX-ZZ-DR-C-5005 Rev P05)
 - Drainage Layout (G8114 02-WRD-EX-ZZ-DR-C-50001 Rev P10)
 - Post-Development Overland Flow (G8114 02-WRD-EX-ZZ-DR-C-45002 Rev P04)
 - Pre-Development Overland Flow (G8114 02-WRD-EX-ZZ-DR-C-45001 Rev P02)
 - External Levels Layout (G8114 02-WRD-EX-ZZ-DR-C-15000 Rev P09)
 - Residential Roof values
 - Low Traffic Roads Values
 - Individual Driveway values
 - Downstream Defender Select: Design Data (Hydro International)
 - Proposed Site Plan (AL(2)003 Rev AK).
- 19 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and Policy LP21 of the Local Plan (2021-2040).
- 20 Condition: Before the occupation of no more than 18no. dwellings, the approved access road, parking and turning areas shall be constructed as approved to the satisfaction of the Local Planning Authority, and maintained thereafter in that condition.
- 20 Reason: To ensure satisfactory development of the site and to accord with Policies LP14 & LP21 of the Local Plan (2021-2040).
- 21 Condition: Prior to the first occupation of Plots 13-18 inclusive of the development hereby permitted, the visibility splay of the drive serving these units shall be provided in full accordance with the details indicated on the approved plan. The splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 21 Reason: In the interests of highway safety and to accord with Policy LP21 of the Local Plan (2021-2040).
- 22 Condition: Prior to occupation of the development hereby approved, details of the size, appearance, content and positioning of an information sign relating to The Willows Nature Reserve shall have been submitted to, and agreed in writing by, the Local Planning Authority. The sign shall be erected prior to occupation of no more than 8no. dwellings, and shall be retained and maintained thereafter as agreed.
- 22 Reason: To define the terms of this permission in the interests of imparting educational information to assist in the protection and maintenance of the adjoining nature reserve, and to accord with Policies LP19 & LP21 of the Local Plan (2021-2040).
- 23 Condition: No development shall take place on any external surface of the development hereby permitted until details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 23 Reason: To ensure a satisfactory external appearance and grouping of materials in accordance with the principles of the NPPF.
- 24 Condition: On Plots 21 & 22, notwithstanding the provisions of Schedule 2, Part 1, Classes A, E & F plus Part 2, Class A of the Town and Country Planning (General

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Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, any building or enclosure, swimming or other pool, hard surfacing, fence, gate, wall or other means of enclosure within the curtilage shall not be allowed without the granting of specific planning permission.

- 24 Reason: In order that the Local Planning Authority may retain control of development to safeguard an adjacent gas pipeline which could be adversely affected if otherwise allowed by the mentioned Order.
- 25 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans:

AL(2)001 Site Location Plan with Existing Levels (Dated 10.16) (Received 27.07.23)
 AL(2)003 Proposed Site Plan Rev. AK (Dated 28.01.26) (Received 03.02.26)
 AL(3)001 Proposed Ground Floor Plan House Types A & B Rev.C (Dated 03.07.24) (Received 27.08.24)
 AL(3)002 Proposed 1st Floor plan House types A&B Rev.C (Dated 03.07.24)
 AL(3)003 Proposed Roof Plan House Types A & B Rev.B (Dated 03.07.24) (Received 27.08.24)
 AL(3)004 Proposed Ground Floor Plan House Types A & C Rev.C (Dated 03.07.24) (Received 27.08.24)
 AL(3)005 Proposed 1st Floor plan House types A & C Rev.D (Dated 05.07.24) (Received 27.08.24)
 AL(3)006 Proposed Roof Plan House types A & C Rev.C (Dated 03.07.24) (Received 27.08.24)
 AL(3)007 Proposed Ground Plan House Types A & F Rev.B (Dated 15.02.24) (Received 27.08.24)
 AL(3)008 Proposed 1st Floor Plan House types A & F Rev.A (Dated 15.02.24) (Received 27.08.24)
 AL(3)009 Proposed Roof Plan House Types A & F Rev.B (Dated 15.02.24) (Received 27.08.24)
 AL(3)010 Proposed Floor Plans house type A (Semi) Rev.C (Dated 03.07.24) (Received 27.08.24)
 AL(3)011 Proposed Roof Plans house type A (Semi) Rev.D (Dated 03.07.24) (Received 27.08.24)
 AL(3)012 Proposed Ground Floor Plans Flat types 1 & 2 Rev.C (Dated 04.04.24) (Received 27.08.24)
 AL(3)013 Proposed 1st Floor Plans Flat Types 1 & 2 Rev.C (Dated 04.04.24) (Received 27.08.24)
 AL(3)014 Proposed Roof Plan Flat types 1 & 2 Rev.B (Dated 11.03.24) (Received 29.08.24)
 AL(3)015 Proposed Floor Plans and Roof Plans House Type D (Dated 16.11.22) (Received 27.08.24)
 AL(4)001 Proposed Elevations House Type A & B Rev.D (Dated 03.07.24) (Received 27.08.24)
 AL(4)003 Proposed Elevations House Type A (Terrace) Rev.E (Dated 05.07.24) (Received 27.08.24)
 AL(4)004 Proposed Elevations House Types A & F Rev.B (Dated 19.03.24) (Received 27.08.24)
 AL(4)006 Proposed Elevations House Type D Rev.A (Dated 08.03.24) (Received 27.08.24)
 AL(4)007 Proposed Elevations Flat Types 1 and 2 Rev. B (Dated 19.03.24) (Received 27.08.24)

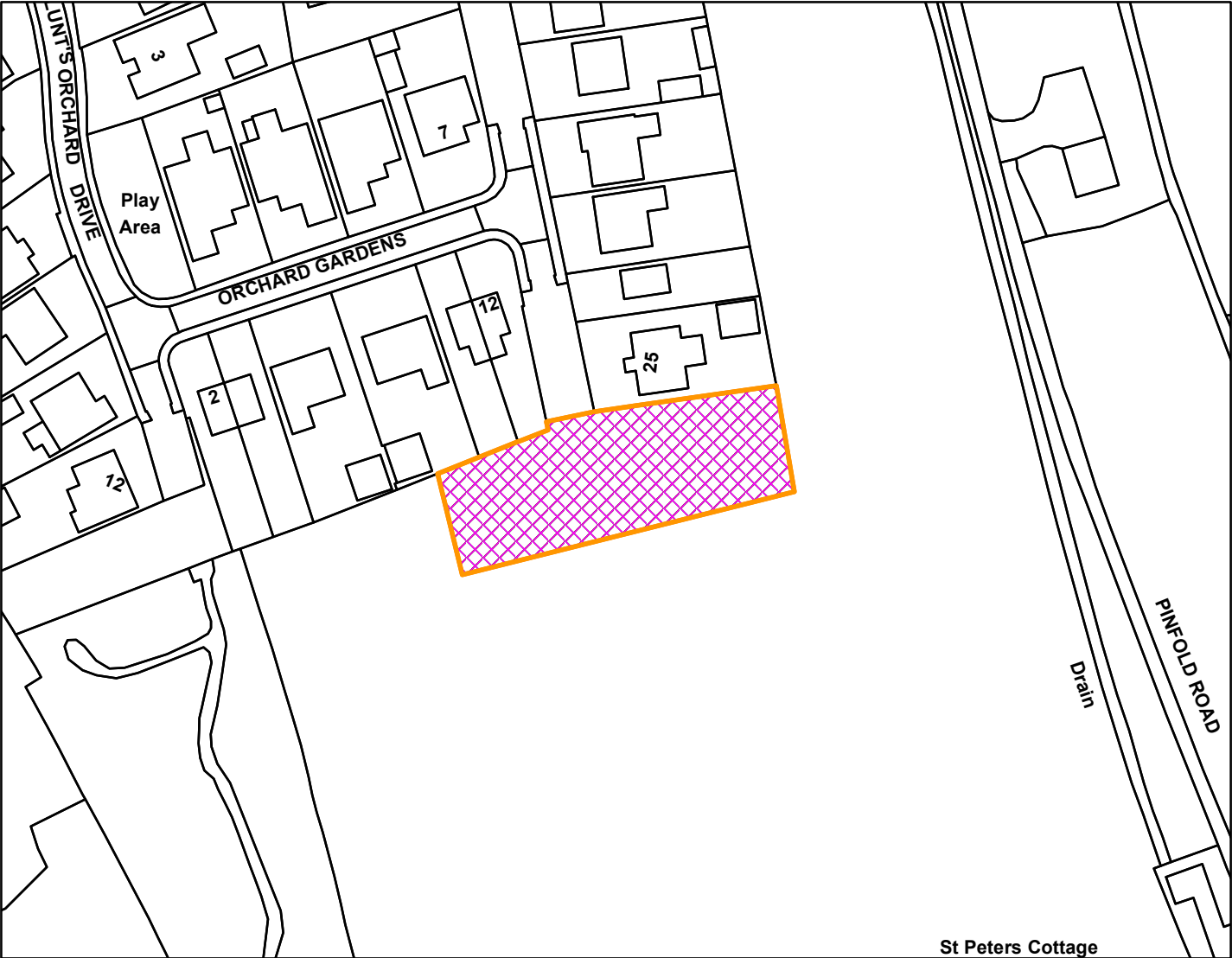
AL(4)008 Proposed Elevations House Type A (Semi) Rev.B (Dated 03.07.24)
(Received 27.08.24)
AL(4)009 Proposed Elevations House Type A (Semi) Rev.A (Dated 08.03.24)
(Received 27.08.24).

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

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 provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, contrary to Policies LP05, LP13, LP21, LP22, LP23, LP27 & LP28 of the Local Plan.

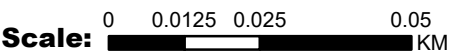


Land To The Rear/side of 12 And 25 Orchard Gardens Upwell PE14 9EQ



St Peters Cottage

Legend

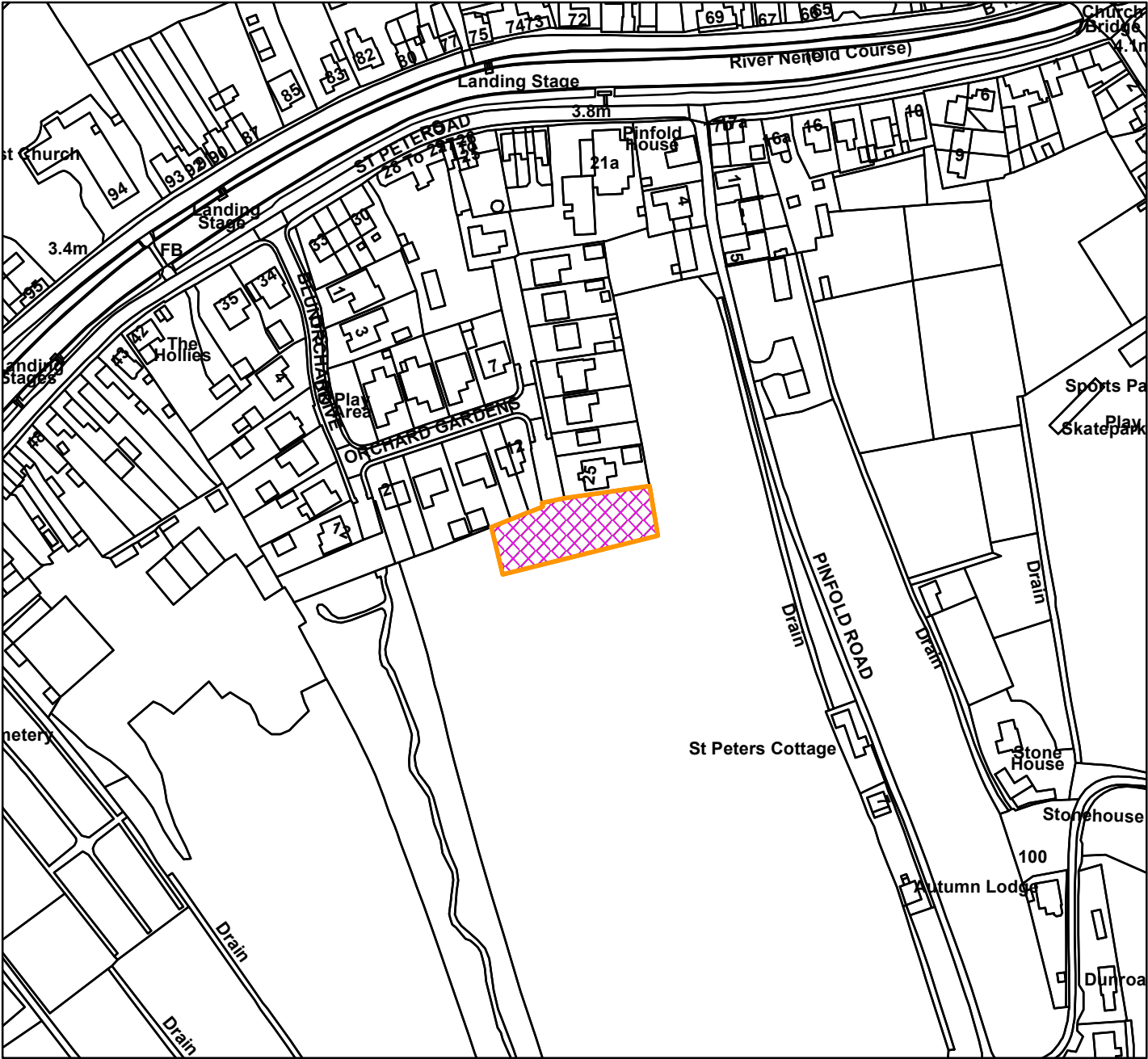


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Ordnance Survey AC0000819234

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/06/2026
MSA Number	0100024314



Land To The Rear/side of 12 And 25 Orchard Gardens Upwell PE14 9EQ



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Ordnance Survey AC0000819234

Scale: 1:2,500

Organisation	BCKLWN
Department	Department
Comments	Not Set
Date	15/06/2026
MSA Number	0100024314

Parish:	Upwell	
Proposal:	Residential Development - Construction of 2 self build dwellings	
Location:	Land To The Rear/side of 12 And 25 Orchard Gardens Upwell Norfolk PE14 9EQ	
Applicant:	Mr and Mrs J Spikings	
Case No:	26/00313/O (Outline Application)	
Case Officer:	Helena Su	Date for Determination: 20 April 2026 Extension of Time Expiry Date: 10 July 2026

Reason for Referral to Planning Committee –

The Applicant is Councillor Spikings

Neighbourhood Plan: Yes

Case Summary

The application seeks outline planning permission with all matters reserved, for the construction of two self-build and custom dwellinghouses at land to the south of Orchard Gardens in Upwell. Matters which are reserved for consideration during a 'Reserved Matters' application are: access, scale, landscaping, layout and appearance.

The application site comprises approximately 0.15ha of grade 1 agricultural land to the south of Orchard Gardens in Upwell.

Key Issues

Principle of development

Form and character

Impact on neighbour amenity

Flood risk and drainage

Ecology

Any other matters requiring consideration prior to determination of the application

Recommendation:

A. APPROVE - subject to completion of a s106 to secure self-build and custom and habitat mitigation fee (GIRAMS). 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 self-build and custom dwellings and habitat mitigation fee (GIRAMS) in line with Policies LP19 and LP31 of the Local Plan.

THE APPLICATION

The application seeks outline planning permission, with access, for the construction of two self-build and custom dwellinghouses at land to the south of Orchard Gardens in Upwell. Matters which are reserved for consideration during a 'Reserved Matters' application are: access, scale, landscaping, layout and appearance.

The application site comprises approximately 0.15ha of grade 1 agricultural land to the south of Orchard Gardens in Upwell.

Blunts Garden, a privately maintained woodlands, is located approximately 39m west of the application site. Upwell Conservation Area is located approximately 78m to the north of the application site.

The site is located to the south of Orchard Gardens, which was an allocation (Policy G104.4) for up to 25 dwellings under the previous local plan (Site Allocations and Development Management Document 2016). Orchard Gardens comprises a mix of two-storey dwellings and bungalows.

The site lies within the Neighbourhood Plan area of Upwell Neighbourhood Plan.

APPLICANT/AGENT SUPPORTING CASE

Under the Town and Country Planning Act, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the King's Lynn and West Norfolk Local Plan and the Upwell Neighbourhood Plan.

A significant material consideration is the Council's current inability to demonstrate a sufficient supply of self-build and custom housebuilding plots, despite its statutory duty under the Self-build and Custom Housebuilding Act 2015 (as amended) to meet identified demand. This ongoing shortfall highlights a clear gap in the delivery of housing choice across the Borough.

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The proposal offers an immediate and measurable contribution toward addressing this deficit. The delivery of two serviced self-build plots would directly assist the Council in meeting its statutory obligations and aligns with the National Planning Policy Framework (NPPF), which requires local planning authorities to support opportunities for individuals seeking to build their own homes.

Beyond its numerical contribution, the scheme would help diversify housing delivery, encourage high-quality bespoke design, and support greater participation in the housing market. Self-build housing can deliver clear social and economic benefits, including locally responsive development and strengthened community cohesion.

In spatial terms, the site is sustainably located and well-related to the existing settlement. Although outside the defined development boundary, it directly adjoins the built form of Upwell and represents a logical and modest extension to the village. The site is within convenient reach of local services and facilities, consistent with the principles of sustainable development. The proposal also accords with the objectives of the neighbourhood plan, including delivering an appropriate housing mix.

Whilst submitted in outline, the indicative layout demonstrates that two dwellings can be comfortably accommodated without overdevelopment. The scale and form of the plots would support dwellings comparable to those nearby, ensuring the character of the area is respected and residential amenity is protected.

It is also material that the Local Planning Authority's professional officers have recommended approval, confirming that the proposal is acceptable in planning terms. Any limited conflict with development plan policy, particularly in respect of the settlement boundary, is outweighed by the clear and demonstrable public benefits, most notably the contribution toward addressing the Council's identified shortfall in self-build provision.

In conclusion, the proposal represents a sustainable and appropriately scaled form of development that will deliver two high-quality self-build plots in a suitable and accessible location. It would have minimal impact on the surrounding area while making a positive contribution toward housing supply, choice, and statutory compliance. The planning balance therefore lies firmly in favour of granting outline planning permission.

PLANNING HISTORY

Relevant to Orchard Garden (Allocation G104.4 under the Site Allocations and Development Management Document 2016) -

15/01496/OM: Application Permitted: 20/06/16 - Outline application with some matters reserved for 25 dwellings consisting of 18 houses and 7 bungalows. Access, road and plot layout committed (COMMITTEE DECISION)

16/01753/RM: Application Permitted: 11/01/17 - Reserved Matters Application: Affordable housing for plots 6,7, 10, 11 and 13

17/00811/RM: Application Permitted: 19/06/17 - Reserved Matters Application for plot 9 (15/01496/OM: Outline application with some matters reserved for 25 dwellings consisting of 18 houses and 7 bungalows. Access, road and plot layout committed)

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17/01328/RM: Application Permitted: 11/08/17 - Reserved Matters Application: Proposed dwelling

15/01496/VAR1A: Application Permitted: 10/10/17 - Modification to Planning Obligation reference LC/S106/16/42 related to planning application reference 15/01496/OM

17/02055/RM: Application Permitted: 20/12/17 - Reserved Matters Application: Proposed dwelling - Plot 9

18/00265/RM: Application Permitted: 03/04/18 - RESERVED MATTERS APPLICATION: Affordable Housing Plot 13.

18/00326/RM: Application Permitted: 17/04/18 - Reserved Matters Application: Construction of 1 dwelling for plot 23

18/00590/RM: Application Permitted: 22/05/18 - Reserved Matters Application for proposed dwelling - Plot 16

18/01217/RM: Application Permitted: 14/09/18 - Reserved matters application for dwelling - Plot 8

18/01229/RM: Application Permitted: 20/09/18 - Reserved matters application for proposed dwelling - Plot 17

18/01487/RM: Application Permitted: 11/10/18 - Reserved Matters Application: Construction of a dwelling for plot No. 15

18/01547/RM: Application Permitted: 08/04/19 - Reserved Matters Application for one dwelling - Plot 23

19/00130/F: Application Permitted: 20/03/19 - Erection of house and detached garage

19/00270/RM: Application Permitted: 08/05/19 - Reserved Matters Application for proposed dwelling - Plot 18

19/00438/RM: Application Permitted: 03/05/19 - RESERVED MATTERS: Erection of dwelling (Plot 19)

19/00472/RM: Application Permitted: 18/06/19 - Reserved Matters Application for plots 21-22

19/01213/F: Application Permitted: 15/08/19 - Construction of house and detached garage.

19/01508/F: Application Permitted: 17/10/19 - Construction of house and detached garage

19/01577/F: Application Permitted: 29/10/19 - Construction of Bungalow and Garage

22/01277/F: Application Permitted: 28/09/23 - Conversion of existing detached garage to ancillary accommodation

24/00443/F: Application Permitted: 01/07/24 - Proposed detached dwelling (COMMITTEE DECISION)

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RESPONSE TO CONSULTATION

Parish Council: OBJECTION

The Upwell Parish Council Planning Group does not support the application for the following reasons:

Proposed site is outside the development area. Upwell Neighbourhood Plan: Environment & Nature Policy EN2 Agricultural Land. New development will only be permitted on Grade 1 Agricultural Land if : (a) There are overriding community benefits resulting from the development. The Upwell Parish Council Planning Group does not regard the provision of these two proposed dwellings as having overriding community benefits by encroaching into Agricultural land. The parcel of land on which the proposed site development lies is still a sizeable piece of land suitable for commercial Agricultural use.

The development site falls within a 'Special Area of Concern ' as designated by the Churchfield & Plawfield Internal Drainage Board, because of surface water drainage concerns. Surface water disposal was a great concern during the construction of the adjoining estate build.

Capacity of physical infrastructure in the public drainage or water systems. It is recognised that the existing mains sewer system serving the adjoining Blunt Estate is currently not fit for purpose, additional dwellings will exasperate any existing problems.

The proposed dwellings will result in the loss of outlook for adjacent dwellings. It is noted that the owner of Number 25 especially submitted a non-material planning variation during construction of his dwelling, to install clear glazing as opposed to obscure glazing to the south facing fenestration, in order to achieve & appreciate views over open countryside. This proposal if approved would now result in Number 25 having an overlooking/loss of privacy issue to one of the proposed dwellings, as a result of the clear glazing being installed.

The proposal of two dwellings being added on as an appendage to the existing estate does not fit well with the existing street scene.

There is no footway lighting within the existing estate, further development beyond the existing estate gives rise for pedestrian safety & security.

Highways Authority: NO OBJECTION

In terms of highway considerations, at this stage, we have no objection to the principle of the development. However, the applicant would need to provide an appropriate design at a reserved matters stage to address the following points in accordance with the adopted standards:

- i) Visibility splays.
- ii) Access
- iii) Parking provision in accordance with adopted standard.

Middle Level Commissioners: NO OBJECTION TO PRINCIPLE OF DEVELOPMENT

Having reviewed the subject documents, Middle Level Commissioners are responsible for managing the Well Creek navigation, while Churchfield and Plawfield Internal Drainage Board are responsible for managing other strategic watercourses locally. There is no MLC or

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IDB infrastructure near the site and neither MLC nor the IDB object to the principle of the outline development.

Anglia Water: PRE-COMMENCEMENT CONDITION REQUESTED FOR USED WATER (FOUL DRAINAGE) NETWORK AND SURFACE WATER DISPOSAL

West Walton WRC is within the acceptance parameters and can accommodate the flows from the proposed growth.

However, Anglian Water objects to a connection to the vacuum sewerage system due to the risk of flooding and pollution, but suggest a pre-commencement condition to overcome this. Furthermore, it is unclear to Anglian Water how the applicant proposes to manage surface water runoff from the development and requests a condition for this too.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The application is for the construction of 2 dwellings
The applicant has provided a screening assessment indicating no known contamination.
We have reviewed our files and the site is on land not seen developed for the duration of our records. The surrounding landscape is largely agricultural and residential.

No significant potential sources of contamination are identified in our records, or in the information provided by the applicant.

We have no objection regarding contaminated land.

Emergency Planning Officer:

Because of its location in an area that during an extreme flood event could become isolated from safe access and egress routes (ie become a dry island), the Emergency Planning Officer would suggest that the occupiers:

' Should sign up to the Environment Agency flood warning system (0345 988 1188 or www.gov.uk/flood)

' A flood evacuation plan should be prepared (more details at www.gov.uk/flood):

- o This will include actions to take on receipt of the different warning levels.
- o Evacuation procedures eg isolating services and taking valuables etc
- o Evacuation routes

Norfolk Constabulary - Secured by Design: Recommends design features. Full comments are available on public access dated 20 May 2026.

REPRESENTATIONS

TWENTY-TWO OBJECTION comments and **TWO SUPPORT** comments.

OBJECTION comments summarised -

- The land is agricultural and not in the Parish plan for development. If these two plots are approved, it would set precedent for further development will take over the whole field.

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- Existing infrastructure and services in Upwell are current struggling. Electric supply, road network, healthcare provision, water and drainage. Relevant consultees for these services should be consulted on the application.
- Additional traffic on the roads. Existing roads of Orchard Gardens are not designed for extra traffic, construction traffic, emergency vehicles, refuse lorries and delivery vans.
- Change to rural character if development is allowed. Orchard Garden is a small, quiet, semi-rural estate. Development would erode the rural edge and alter the character of the area.
- Impact on neighbours privacy, loss of light, outlook and residential amenity.
- The proposed executive housing would be out of keeping with the scale, character and need of the local community.
- Original 25 plots built here were sold and share legal responsibilities including drainage infrastructure, play area, access and maintenance, shared features.
- Impact on wildlife and Blunts Orchard Trust which is a protected wildlife site.
- Potential protected species impact. The application site includes farmland and field margins that may provide suitable habitat for protected species. Concerned the ecological survey may not fully capture current wildlife activity on the site or include a comprehensive and seasonally appropriate survey.
- Query about the operations of The Hollies (Upwell) Ltd who manage the estate.
- The Applicant is a Councillor. Request the application is determined by Planning Committee than delegated to ensure transparency and maintain public confidence in the planning process.
- Self-build does not override conflict with the development plan.

SUPPORT comments summarised -

- Development would meet the national objective for house building.
- Two additional dwellings would have little harm or impact to wildlife.
- Self-build is an advantage of the proposal.
- Traffic movements would be insignificant.
- Upwell is a key rural location and the plots are in a sustainable location with links to March, Wisbech and surrounding areas. The site is close to local amenities and a school.

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)

LP03 - Neighbourhood Plans (Strategic Policy)

LP06 - Climate Change (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)

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LP21 - Environment, Design and Amenity (Strategic Policy)

LP25 - Sites in Areas of Flood Risk (Strategic Policy)

LP31 - Custom and Self-Build Housing (Strategic Policy)

NEIGHBOURHOOD PLAN POLICIES

Housing Policy H3: Design

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
- Impact on neighbour amenity
- Flood risk and drainage
- Ecology
- Any other matters requiring consideration prior to determination of the application

Principle of Development:

Upwell is classified as a Tier 4 (Key Rural Service Centre) under the settlement hierarchy of policy LP01 of the Local Plan 2021-2040.

The application site adjoins the development boundary of Upwell, which is located to the north of the site.

Policy LP02 of the Local Plan 2021-2040 sets out that *in tier 1-4 settlements, as defined by Policy LP01 - Spatial Strategy and Settlement Hierarchy, proposals for new residential development outside of, but adjoining development boundaries, as defined on the Policies Map, will be supported provided they comply with other relevant policies of the development plan, and meet the criteria set out under Part 1 and 2 of this Policy.*

The development of this area of land adjoining the development boundary accords with criteria part 1 and 2 of LP02. As an Outline application with all matters reserved, details are indicative only. Details at 'Reserved Matters' stage could comply with parts 1a, d, and 2a of the policy. Full impacts regarding impact on character and landscape will be discussed in detail further in the report.

Comments made within representations related to services and the impact of this development have been noted. However, the proposal, for two dwellings, is not considered to result in services becoming overwhelmed. Impacts on local infrastructure (drainage, highway safety etc) could be managed through the submission of details as part of reserved

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matters and through the use of suitably worded conditions. Part 1c, e, f and 2b of the policy is therefore met.

Considering the additional development to the east of the site and comments of the Conservation Team, there is no harm to the setting of the adjoining conservation area in accordance with LP02 part 2d.

The development would not result in Upwell being linked to other settlements in accordance with part 2e.

Part 2b is not applicable because the proposal relates to only two dwellings on a site area of approximately 0.15ha, and therefore no affordable housing contribution is required under Policy LP28. The policy's section on Delivering Affordable Housing on Phased Development states that affordable housing may be sought on windfall sites where the proposal forms part of a larger site which, if developed as a whole, would trigger an affordable housing requirement.

To determine this, the Officer must consider land ownership, planning history, and whether the proposal represents an extension to an existing consented development. Affordable housing may be required if:

- the application site is in the same ownership as adjacent land at the time of the application or within five years of the date planning permission is granted;
- there is evidence of previous applications within the past five years for development of a larger site of which the current site forms a part;
- the site forms an extension to a development granted permission within the last five years that is capable of being implemented, or forms an extension to a development currently under construction.

Planning permission for the development known as Orchard Gardens was granted by the Planning Committee in January 2016 (ref. 15/01496/OM). The applicant was Maxey Ground & Co LLP, and one of the three landowners listed on the Certificate of Ownership had an association with the applicant (a Member of Borough Council). Although the current application shares ownership with adjacent land, the earlier permission was granted more than five years ago.

More recently, planning application 24/00443/F was reported to the Planning Committee due to the applicant's interest in the land. However, given the total site area of the current proposal (approximately 0.156ha) and the number of dwellings involved, it does not constitute phased development under LP28.

Consequently, the proposal falls outside the timeframe set by Policy LP28 and the NPPF for assessing phased development or site subdivision. As a result, the scheme is not required to provide affordable housing.

Lastly, the accessibility of the dwellings required under policy LP30 would be finalised at reserved matters.

Neighbourhood Plan EN2 states that:

New development will only be permitted on Grade 1 agricultural land if:

- a) There are overriding community benefits resulting from the development; or*
- b) There are no reasonably available sites within Upwell Parish appropriate for the proposed development on:*

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- i. Previously developed land;*
- ii. Land not in agricultural use; or*
- iii. Land which is not viable for commercial agricultural use.*

Upwell Parish Council have objected to the proposal as the site comprises approximately 0.15ha of Grade 1 agricultural land and there are no overriding community benefits of the scheme.

The units proposed are identified as 'self-build' dwellings and paragraph 73(b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Policy LP31 of the Local Plan 2021-2040 supports self-build housebuilding where they would respect the local character and comply with other relevant policies in the plan; and can be controlled by a S106 agreement.

The Borough Council has a legal duty to give suitable permissions to provide enough serviced plots of land to meet the demand for custom and self-build housebuilding in its area. At the current time the Council is experiencing some difficulty in demonstrating that it has met the need for Custom and Self-Build (CSB) due to a change in legislation. However, this does not mean that planning permission should automatically be granted - it is just one of a range of material considerations in assessing a planning application.

The CSB nature of the proposal would therefore provide a moderate contribution to the supply of these types of housing and would provide community benefit, in accordance with policy EN2. Furthermore, the size of the site is a relatively small when considering the plentiful amount of grade 1 quality land in the Parish of Upwell and the Council's administrative boundary.

To conclude, the principle of development would comply with policy LP02 of the Local Plan 2021-2040 and policy EN2 of the Neighbourhood Plan. The self-build and custom nature would also weigh in favour of the proposal.

Form and Character:

Policies LP18, LP19 and LP21 of the Local Plan 2021-2040 seek to ensure that all development in the borough is high quality design and conserve and enhance the amenity of the wider environment, reinforcing the distinctive character areas identified in King's Lynn and West Norfolk Landscape Character Assessment. This involves assessing the scale, height, massing, materials and layout of a development to ensure it responds sensitively and sympathetically to the local setting and pattern of adjacent streets including spaces between buildings through high quality design and use of materials.

Furthermore, LP31 of the Local Plan 2021-2040 supports custom and self-build dwellings where they respect local character and comply with other relevant policies in the plan.

This is reiterated in paragraph 135 of the NPPF which states that planning decisions should ensure development will function well and add to the overall quality of the area for its lifetime, are visually attractive, sympathetic to local character and history, maintain a strong sense of place, optimise the potential of the site, and create safe, inclusive and accessible places.

Finally, paragraph 187 of the NPPF seeks to ensure planning policies and decision should contribute and enhance the natural and local environment by protecting and enhancing

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valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

Policy H3 of Upwell's Neighbourhood Plan seeks to ensure "all development will be designed to a high quality, reinforcing and complementing local distinctiveness and character, as captured in Appendix A (and any conservation area character statement where relevant). Design which fails to have regard to local context and does not preserve, complement or enhance the character and quality of its immediate area and the wider Parish will not be acceptable. Proposals should therefore be of an appropriate density, height, variety, scale and layout. This is not intended to discourage innovation, which will be welcomed... New residential development plots should not be over-developed and should ensure that the building footprint, including any outbuildings, provides for sufficient amenity space."

As an Outline application, full details related to appearance, scale, layout and landscaping are reserved for later consideration.

Third party representations and the Parish Council however believe that the proposal would be out of keeping, being viewed as an 'appendage' of Orchard Gardens estate.

Indicative plans illustrate two generously sized plots served by a central access, continuing southwards from the existing brick-weaved entrance at Orchard Gardens. The layout identifies the potential positioning of a dwelling and a detached garage on each plot, with garages located to the north and the dwellings set further south. No details regarding the scale of the dwellings are provided at this stage.

The plots lie immediately south of existing two storey houses. While two storey development may integrate well with the established street scene, particularly when read alongside adjoining plots, site specific constraints, especially on Plot 2, suggest that a bungalow or one and a half storey dwelling could be more appropriate. However, this would be subject to details to be submitted at Reserved Matters. The garages are shown indicatively as single-storey structures, which aligns with the character of ancillary buildings elsewhere within Orchard Gardens.

Whilst the proposal would extend built form further south from the Orchard Gardens estate, this is not considered harmful to form and character as there is development in depth along St Peters Road. Views of the site would be from Pinfold Road (east - southeast) and Stonehouse Road (south) and would not appear to be an alien extension to an existing housing estate.

Subject to further details related to scale, appearance, layout and landscaping, the principle of developing this site, which is immediately south of an existing housing estate, would not have a harmful impact on the overall character and appearance of this part of Upwell.

Regarding form and character, insofar as the details provided on the indicative plan, the proposal would not be contrary to policies LP18 and LP21 of the Local Plan 2021-2040 and provision of the NPPF.

Impact on Neighbour Amenity:

The immediate neighbours of the application site are to the north. These neighbours are No 25, No 12, No 10 and No 8 Orchard Gardens.

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At its closest point, the rear elevations of No 8, 10 and 12 would be approximately 16.6m from their south boundary, shared with plot 1. Subject to details related to scale and layout, impacts related to shadowing, overlooking and outlook could be made acceptable.

Although the plans are indicative only, the Officer raised concerns with the Planning Agent regarding the impact that plot 2 would have on No 25, which is located approximately 1.6m from their south boundary.

Along the south elevation of No 25, there are two ground-floor full length windows, serving as secondary windows to an open plan living, kitchen and dining room, with additional windows and bi-fold doors for these rooms also located on the east and west elevations. On the first floor, there is a high-level window on the south elevation which currently serves a study space but was initially approved to serve a bedroom under planning application 19/00130/F, as confirmed through third-party representations and a site visit to the neighbours property. To the west of the high-level window, is a full-length window, joined with the ground floor window, serves the atrium space and staircase. Further to the east is a first-floor balcony, accessed via a bedroom.

The Planning Agent was asked to submit plans to demonstrate that a suitable scheme could be submitted at Reserved Matters which would not result in a detrimental impact to No 25 due to the proximity of No 25's dwellinghouse to the southern boundary, which would be shared with plot 2.

Two sets of indicative plans showing different site layouts to plot 2, with a section plan of No 25's balcony and indicative scale and height of buildings of plot 2 were provided.

The first set of indicative plans showed the siting of the dwelling, approximately 12m south of the lounge/atrium windows with a driveway in between. A small garage was shown positioned within the northeast corner of the plot. The angle view from the balcony was also shown on the indicative plans.

Based on this indicative layout, the Officer remained concerned regarding overlooking from No 25's balcony to the rear garden area of plot 2. Although the indicative plans demonstrated that the dwelling could be sited sufficiently away from the windows on the south elevation to avoid direct conflict, No 25's balcony would have clear views into the rear garden area of Plot 2, resulting in an unacceptable loss of privacy for future occupiers.

A second indicative plan was submitted following this feedback. These plans showed the siting of the dwelling approximately 12m from the lounge/atrium window, with the garage positioned along the north side of the plot, adjacent to No 25's balcony. A section plan showing the garage and neighbours balcony demonstrated that this arrange would provide a degree of screening from views from the balcony, thereby reducing the extent of overlooking.

In addition to the indicative details provided with the second submission, the Officer also considered the 'fallback' position of a 2m fence being erected along the northern boundary of Plot 2 under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015. It was also noted that the windows along the southern elevation of No. 25 are not the sole windows serving the relevant habitable rooms, and that views from the balcony could be addressed at Reserved Matters stage.

Taking all these considerations into account, while there were initial concerns regarding the impact of Plot 2 on the amenity of No. 25, it is considered that a scheme could come forward

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at Reserved Matters stage that would avoid detrimental impacts on the adjoining neighbours of both Plots 1 and 2 and of those of the occupiers of the proposed plot.

Given the site's position to the south of existing dwellings, some shadowing impact is expected, the extent of which will depend on the detailed design submitted at Reserved Matters stage. Shadowing would be more pronounced during winter months, as is typical, while during the warmer months it is likely that any overshadowing would not significantly affect neighbouring properties.

As noted above, a 2m boundary treatment could be erected along the shared boundary between Plot 2 and No. 25, which would cast some shadow over the secondary windows on No. 25's south flank wall. A dwelling positioned approximately 12 metres from the boundary would result in only a minor degree of shadowing, depending on its scale. A garage located to the north of the site would also produce only limited shadowing. When considered alongside the fact that an outbuilding up to 4 metres in height could be erected 2 metres from the boundary under permitted development rights, also resulting in some overshadowing, the overall loss of sunlight is not considered to be harmful.

In terms of impact to neighbours, and on future occupiers, the development could be made acceptable when considering Policy LP21 of the Local Plan 2021-2040 at Reserved Matters stage.

Flood Risk and Drainage:

Third parties have commented that the village suffers from drainage issues and that Orchard Drove itself experiences low water pressure.

The application site lies within Flood Zone 1 and is identified as part of a "Dry Island." It is not shown to be at risk of flooding as a result of climate change. The development would be classified as a 'more vulnerable' type of development, and the Environment Agency considers flood zone 1 is an appropriate location for this type of development in their standing advice.

It is important for Members to consider that under section 106 of the Water Industry Act 1991, developers have an absolute right to connect to the public sewer, and Anglian Water cannot refuse connection on the grounds of lack of capacity. Under section 94, Anglian Water has a statutory duty to "effectually drain" its area and must upgrade its network as necessary to accommodate new development, with costs recovered through sewerage charges.

Anglian Water (AW) has confirmed that while the receiving Water Recycling Centre has sufficient treatment capacity, the additional foul flows from the development would currently pose "an unacceptable risk of flooding and pollution" due to limitations within the vacuum sewerage system, and that no sustainable point of connection is presently available. Their objection is based on the need for a Pre-Development Enquiry to assess available vacuum pots, pressure capacity, and any downstream upgrade requirements, all of which would be developer funded. They also object to the proposed surface water arrangements, noting that no drainage strategy has been submitted and that surface water cannot be discharged into the vacuum system, with no Anglian Water surface water sewers available in this location.

Notwithstanding these concerns, AW advises that the issues could be addressed through pre-commencement conditions requiring detailed foul and surface water drainage strategies, including any necessary upgrades, prior to occupation. The Internal Drainage Board and

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Middle Level Commissioners similarly request a pre-commencement condition to ensure the impact on their local drains is fully understood before development proceeds.

It is clearly set out in paragraph 201 of the NPPF that the planning system should not duplicate the statutory regime for wastewater, and the Council is entitled to assume that AW will fulfil its statutory duties. The Supreme Court in *Barratt Homes v Welsh Water* confirms the right to connect under section 106 of the Water Industry Act 1991 was held to be immediate and unconditional, with environmental impacts being matters for the undertaker to manage through its statutory duties and the planning system, not by delaying or preventing connection.

The requirement to connect is a technical matter for the Water Industry Act Section 106 application and does not override the developer's statutory rights and is not reasonable or necessary to control through planning. However, the provision of satisfactory foul and surface water drainage details are reasonable, hence the imposition of a pre-commencement condition.

Regarding flood risk and drainage, subject to conditions the proposal would comply with policy LP06, LP18, LP21 and LP25 of the Local Plan 2021-2040 and the NPPF.

Ecology - Biodiversity Net Gain and Norfolk GIRAMS:

Third party comments have raised concerns regarding the impact the proposal would have on local wildlife and Blunts Orchard, which is a privately maintained wildlife site, located approximately 39m to the west of the application site.

Whilst third parties believe Blunts Orchard is a protected site, it has not been adopted nationally by Natural England and is operated by a private trust, The Blunts Trust. The Multi-Agency Geographic Information for the Countryside (MAGIC) map, managed by Natural England, shows that Blunts Orchard is not a protected site but contains priority habitat in the form of woodlands.

The Council's Senior Ecologist has commented that given the limited scale of the proposal, and existing use of the land as arable land, the impact from the development would be limited. Any impact would be as a result of recreational impact from future occupiers. However, Blunts Orchard is currently used by a number of local residents, including dog walkers, utilising the footpath through the orchard, and the addition of an additional two households would have a neutral impact.

The Senior Ecologist commented that other impacts would likely result from lighting which would point in the direction of Blunts Orchard. This, however, could be controlled via condition, requiring a lighting scheme to be submitted for external lighting prior to their installation.

Lastly, whilst third parties believe ecology reports should have formed part of the submission, the Council's Senior Ecologist consider that this would be overly onerous given the site comprises arable land which experiences regular disturbance from being farmed, adjacent to a housing estate, and is a sufficient distance from Blunts Orchard and nearby ditches.

As CSB dwellings, the proposal would be exempt from providing Biodiversity Net Gain (BNG) under Schedule 7A of the Town and Country Planning Act 1990. Notwithstanding exemption from providing 10 per cent biodiversity net gain, the development has a duty to

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deliver gain under the NPPF. Whilst no details have been submitted, this could be submitted as part of the Reserved Matters as part of a landscaping scheme.

Whilst the site falls within the Wash and Brecks Zone of Influences, it is not within close proximity to these zones and therefore a bespoke appropriate assessment is not required. The development proposes a net of two dwellinghouses. As such a mitigation fee of £315.58 per dwelling (from 1 April 2026) would be required to be paid to offset recreational impacts to Zones of Influence (Zols) (a total of £631.16). No payment has been made to offset the recreational impacts to these zones, but contributions would form part of the S106 agreement, should the application be approved.

In conclusion, the small scale extension of the housing estate by the provision of two additional plots, would have limited impact on ecology and would accord with Policy LP19 and LP23 of the Local Plan 2021-2040 and the NPPF.

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

Highway Safety:

Access is a reserved matter. However, plans show the plots would be accessed via an extension to an existing road at Orchard Drove. At this stage, the Local Highway Authority have no objection to the principle of the development. At Reserved Matters, details relate to visibility splays, access, and parking provision would be required.

Consultee Comments:

No objections were raised by Environmental Quality team, regarding contamination of the land. Furthermore, Norfolk Constabulary (Secured by Design) has provided the applicant with design guidance to support the creation of securely designed dwellings.

Specific comments and issues:

The Applicant is a Borough Councillor. In accordance with the Planning Scheme of Delegation, the application is to be determined by Planning Committee.

Third parties speculate comments that further housing development will occur should this proposal be approved. The recommendation is based on the details submitted as part of this application. Any further application would be assessed separately and on its own merit.

Lastly, there are third party representations related to the shared maintenance of Orchard Gardens under 'The Hollies LTD'. These related to civil matters which are not related to the Planning regime.

CONCLUSION:

The application is for Outline consent, with all matters reserved, for two custom and self-build dwellinghouses to the south of Orchard Gardens, Upwell.

Paragraph 48 of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

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The application site adjoins the development boundary is considered to be acceptable when considering the criteria of policy LP02.

Whilst the application site comprises 0.15ha of grade 1 agricultural land, the benefits of the scheme, in providing two self-build and custom dwellings, is a community benefit which would outweigh the minor conflict with the neighbourhood plan policy which seeks to protect the loss of the agricultural land.

Furthermore, the objections raised by the Parish Council and third-party representations relate to form and character, impact on neighbour amenities, and local infrastructure, which have either been addressed by consultation comments, or could be addressed by a Reserved Matters application and through the impositions of conditions.

The application is therefore recommended for approval as the scheme would comply with policies LP02, LP06, LP18, LP19 and LP21 of the Local Plan 2021-2040 and the NPPF.

RECOMMENDATION:

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

- 1 Condition: Approval of the details of the means of access, layout, scale, landscaping, and appearance of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority before any development is commenced.
- 1 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted to the Local Planning Authority in writing and shall be carried out as approved.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 3 Condition: Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 4 Condition: The development hereby permitted shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the latest such matter to be approved.
- 4 Reason: To comply with Section 92 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 5 Condition: No development shall commence until full details of the foul and surface water drainage arrangements for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.

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- 5 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF and policies LP18 and LP25 of the Local Plan 2021-2040.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

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 self-build and custom dwellings and habitat mitigation fee (GIRAMS) in line with Policies LP19 and LP31 of the Local Plan.

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Previous Committee:	01/06/2026
Upcoming Committee:	06/07/2026

APPLICATIONS DETERMINED UNDER DELEGATED POWERS

PURPOSE OF REPORT

(1) To inform Members of the number of decisions issued between the production of the 1 June 2026 Planning Committee Agenda and the 6 July 2026 agenda. There were 89 total decisions issued with 87 issued under delegated powers and 2 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 16 May 2026 and 24 June 2026.

	Total	Approved	Refused	Under 8 Weeks	Under 13 Weeks	Performance %	National Target	Planning Committee Decision	
								Approved	Refused
Major	3	3	0		2	66.7%	60%	0	0
Minor	29	20	9	26		89.7%	80%	0	1
Other	57	51	6	55		96.5%	80%	0	1
Total	89	74	15	81	2			0	2

Planning Committee made 2 of the 89 decisions (2.2%)