

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

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

**Neighbourhood Plan:** Yes

### **Case Summary**

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

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

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

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

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

The site lies within Flood Zone 1.

## **Key Issues**

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

Form and Character

Residential Amenity

Highway Issues

Open Space, Landscaping and Trees

Habitats and Biodiversity

Flood Risk and Drainage

Housing

Climate Change

Crime and Disorder

Other Material Considerations

## **Recommendation**

**APPROVE**

## **THE APPLICATION**

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

The outline consent has conditions covering:

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

A S106 Agreement secured against the outline consent covers:

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

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

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

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

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

This can be further broken down into:

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

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

Materials comprise of a mixture of:

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

Boundary treatments comprise of a mixture of:

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

Scale:

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

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

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

Access is from Cheney Hill as per the outline consent.

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

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

The remaining 8 properties have no garage or car port.

14no. visitor parking bays are proposed.

## **SUPPORTING CASE**

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

### *The Site Allocation:*

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

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

### *A Policy Compliant Scheme:*

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

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

### *High Quality Design:*

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

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

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

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**28 July 2025**

## PLANNING HISTORY

This part of allocation:

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

Remainder of allocation:

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

## RESPONSE TO CONSULTATION

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

### Parish Council: OBJECT

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

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

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

### *Specific concerns include:*

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

### *Reaffirmation of Previous Objections:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Reptiles
- Breeding birds
- Bat activity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Waste Management (BCKLWN): OBJECT**

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

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

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

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

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

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

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

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

**Police Architectural Liaison Officer: NO OBJECTION**

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

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

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

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

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

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## REPRESENTATIONS

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

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

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

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

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

**LP05** - Implementation (Strategic Policy)

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

**LP13** - Transportation (Strategic Policy)

**LP14** - Parking Provision in New Development

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

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

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

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

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

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

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

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

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

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

## **NEIGHBOURHOOD PLAN POLICIES**

**Policy 2:** Housing Mix

**Policy 5:** Design Principles

**Policy 6:** Residential Car Parking

**Policy 7:** Garage Provision

**Policy 13:** Dark Skies

**Policy 19:** Cycleways

## **NATIONAL GUIDANCE**

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

## **PLANNING CONSIDERATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Form and Character:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Residential Amenity:**

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

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



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

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

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

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

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

### **Highway Issues:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Trees:*

Seventeen individual trees:

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

Three groups of trees:

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

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

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

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

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

**Habitats and Biodiversity:**

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

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

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

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

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

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

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

#### *Protected Species:*

Previous ecology assessments were undertaken as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Housing:**

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

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

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

### **Climate Change**

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

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

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

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

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

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

### **Crime and Disorder:**

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

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

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

### **Other Material Considerations**

The outline consent has conditions covering:

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

A S106 Agreement secured against the outline consent covers:

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

### **Specific Comments:**

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

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



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

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

## **PLANNING BALANCE and CONCLUSION:**

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

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

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

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

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

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

## **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos:  
202 TCA XX ZZZ DR A 01100 Rev.P015 Masterplan Phase 1  
202 TCA XX ZZZ DR A 01101 Rev.P013 Masterplan Accommodation Phase 1

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

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

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

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

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

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

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

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

- Provision of a permanent information board on site indicating the importance of biodiversity enhancements provided on-site i.e. hedgehog holes, bat and bird boxes. The leaflets shall be provided within sales packs of the development properties and the information board shall be erected on site prior to the first occupation of any dwelling hereby permitted.
- 7 Reason: In order to mitigate the impacts on protected sites in accordance with the NPPF and Development Plan Policies LP19 and G47.1.
  - 8 Condition: All hard and soft landscape works shall be carried out in accordance with the approved landscaping plans excluding any streetlights. The works shall be carried out prior to the first occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
  - 8 Reason: To ensure the provision of attractive residential landscape and public amenity in accordance with the NPPF, Development Plan Policies LP06, LP18, LP19, LP21 and G47.1 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 9 Condition: Prior to the first occupation of each dwelling of the development hereby permitted the proposed on-site access and car parking serving that dwelling shall be laid out, levelled, surfaced and drained in accordance with the approved plans and thereafter be retained available for that specific purpose.
  - 9 Reason: To ensure the permanent availability of parking / manoeuvring area in the interests of highway safety in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 6 and 7.
  - 10 Condition: Prior to the first occupation of each dwelling that does not benefit from an enclosed garage in the development hereby permitted details of enclosed cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved with the approved infrastructure serving each dwelling installed prior to occupation of that dwelling.
  - 10 Reason: To ensure appropriate cycle storage is provided in accordance with the NPPF, Development Plan Policy LP14 and Heacham Neighbourhood Plan Policies 5 and 11.
  - 11 Condition: Prior to the installation of any air source heat pump(s) a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the make, model and sound power levels of the proposed unit(s), the siting of the unit(s) and the distances from the proposed unit(s) to the boundaries with neighbouring dwellings, plus provide details of anti-vibration mounts, and noise attenuation measures. The scheme shall be implemented as approved and thereafter maintained as such.
  - 11 Reason: In the interests of the amenity of the locality in accordance with the NPPF, Development Plan Policy 21.
  - 12 Condition: Prior to the first occupation of any dwelling hereby permitted details of a suitable electric vehicle charging scheme for each dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as

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

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