

<b>Parish:</b>	<b>Docking</b>	
<b>Proposal:</b>	<b>Full Planning Application: Erection of 5 no. single storey dwellings, garages, vehicular/pedestrian access, landscaping, and associated infrastructure; together with change of use of parts of site to residential curtilages (for existing dwellings)</b>	
<b>Location:</b>	<b>Land E of Bennet Mews S And W of Sandy Lane Sandy Lane Docking Norfolk</b>	
<b>Applicant:</b>	<b>Vello Ltd.</b>	
<b>Case No:</b>	<b>25/01391/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Jack Ibbotson</b>	<b>Date for Determination: 3 December 2025 Extension of Time Expiry Date: 27 February 2026</b>

**Reason for Referral to Planning Committee** – Sifting Panel Referral.

**Neighbourhood Plan:** No - Docking Neighbourhood Plan has not yet been made although has been considered below as an emerging plan.

### **Case Summary**

Full Planning permission is sought for the erection of five single storey dwellings together with change of use of parts of the site to residential curtilages (for existing dwellings) at land adjacent to, but outside of the development boundary of Docking.

The development would see four open market dwellings and one affordable dwelling constructed.

The proposal has been amended since its original submission from 6 dwellings to 5 dwellings. This would now result in total of 9 dwellings using the existing private access which is the maximum allowed under NCC Highways policy.

### **Key Issues**

Principle of Development  
Design, Impact upon Heritage and Landscape  
Access and Highway Safety  
Impact upon Neighbour Amenity  
Flood Risk and Drainage  
Affordable Housing

## Recommendation

**A. APPROVE** - subject to completion of a s106 to secure Affordable Housing. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

**B.** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure Affordable Housing in line with Policy LP28 of the Local Plan.

## THE APPLICATION

The application site is a field located to the north of Docking. The site would be accessed via an existing private drive located on the western section of Sandy Lane within close proximity to the junction with Station Road. The site adjoins Docking development boundary on the west and northern boundaries and more recent residential development runs along the eastern site boundary. The southern boundary of the site and field is an established hedgerow including hedgerow trees separating it to further agricultural land to the south. Docking Conservation Area is also located to the north and west of the site. There are a number of attractive unlisted heritage assets within close proximity of the site.

Full planning permission is sought for the erection of five single storey dwellings, which is an amendment from the original six dwelling proposal. The amendment has seen the site area reduced slightly to approximately 1.1 hectares and now includes the provision of a bin storage area within an area owned by the applicant to the side of the front garden of Hawthorns, Sandy Lane, close to the public highway. This bin storage area is proposed to be used on bin collection days. In addition, parts of the site are proposed to be changed from agricultural to garden curtilage of neighbouring properties. This would see the gardens of houses along the north and part of the west boundary expanded.

The site lies on an east-west axis. Access would be gained from Sandy Lane to the west, with the private access drive running along the northern portion of the site boundary to the east with five dwellings along the southern half of the site.

Four of the proposed dwellings (plots two to five) would be open market dwellings. Plot one is proposed as an affordable rental dwelling. The four market dwellings would be large single storey, three-bedroom dwellings, with private drives and garages set within large curtilages.

The affordable dwelling has been reduced to a relatively modest size bungalow in line with Strategic Housing Comments to ensure this unit is deliverable. This unit would meet the M4(2) building standards (accessibility) and also meets the Nationally Described Space Standard (NDSS) minimum gross internal area.

The dwellings would be constructed from a variety of traditional materials (clay pantiles, Norfolk soft red brickwork, flint set within brick quoins, painted timber windows, painted timber weather board, small sections of white render.

## SUPPORTING CASE

The application has been made to accord with all the provisions of the Local Plan and (emerging) Neighbourhood Plan, in particular Policy LP02 (Residential development on windfall sites).

The site represents a 'rounding off' of the settlement's built form. The site is not an important visual space within the street scene, nor one that makes a contribution to the appearance or rural character of the area (either landscape or Conservation Area). Development of the site – especially by single storey dwellings of a sympathetic and characterful form - would not dilute or undermine settlement planning policy or the specific characteristics of this part of Docking; nor would it set a precedent for any future expansion of the village southwards.

Particularly in the context of the approach expounded by Policy LP02.

The applicant is a local housebuilder, and has recently completed the adjacent bungalow (Skylark) on Sandy Lane. This illustrates commitment to high quality, well-designed, and sustainable homes in Docking.

In proposing bungalows, the application meets the provisions of Policy LP29 (Housing for the Elderly and Specialist Care), and also reflects Government guidance, seeking that Councils take better account of the needs of their older residents when planning for new homes in their area.

The application includes an affordable dwelling. The design and tenure meet the requirements of the Housing Officer, including meeting the M4(2) standard.

AW's response is noted. However, we contend:

- The Water Industry Act 1991 provides a **statutory duty/obligation** for AW to make the necessary management plans, provision of waste water treatment/recycling infrastructure, and the connection of new dwellings thereto;
- LPAs are not obliged to follow AW's recommendations on planning applications (especially as AW is a non-statutory consultee). Such advice is a material consideration to be assessed in the overall consideration/planning balance exercise (benefit v. adverse impacts) undertaken by LPAs, in determining applications in the context of planning law;
- LPAs should not - in determining applications and applying conditions of planning permission – duplicate other/parallel statutory or permitting regimes (Water Industry Act, water quality, pollution control regimes, etc.);
- Any concerns over lack of capacity, in the planning balance, are outweighed by: (a) the parallel statutory regime and confidence that it should be effective; and (b) benefits of the scheme;
- There should be no distinction between developments served by different WRCs, insofar as the determination of planning applications is concerned.

The applicant undertook considerable pre-application engagement, with the Parish Council and local residents. And has amended the scheme in response to application consultation, including reducing the dwellings from 6 to 5.

The Parish Council's comments are noted. However, construction traffic can be managed; AW's position is addressed above. The development is of a relatively low density (to reflect local character).

There have been no objections from other consultees.

In conclusion, these proposals meet – in full - the provisions of the NPPF, and newly-adopted Local Plan. The NPPF makes it clear that there is a presumption in favour of sustainable development, and that such proposals should be approved, where they accord with the Development Plan, without delay. Such circumstances are applicable here; we believe that the application should therefore be granted planning permission, subject to appropriate conditions and a S.106 agreement (to address affordable housing and GIRAMS). (11/01/2026)

## **PLANNING HISTORY**

2/01/0340/F: Application Permitted: 21/05/01 - Construction of 4 terraced dwellings - Land South of Greensleeves Station Road

## **RESPONSE TO CONSULTATION**

### **Parish Council – OBJECTION:**

- Over-development of Docking especially in context of so much recent development -.
- The field is a Local Green Space.
- Infrastructure is insufficient in Docking to support more housing with limited surgery and school spaces.
- Parking and traffic would be further impacted from overcrowding.
- There are significant parishioner and neighbour objections.
- Sandy Lane is far too narrow to accommodate further traffic.

### **Anglian Water - OBJECTION:**

31/12/2025 - There are no additional drainage documents since our last response, therefore we have no further comments to add to our previous response objecting to the development.

Anglian Water objects to the proposed development due to the intended connection to the public foul drainage network.

This site is located within the catchment of the Heacham Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Heacham WRC.

Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm.

Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this

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Water Recycling Centre (WRC) for AMP 8 (2025-2030). However, we may seek to promote investment through our future business plans.

Anglian Water is the statutory undertaker responsible for the provision of water and wastewater services and has a duty to ensure that new development does not compromise the integrity of existing infrastructure or pose risks to our existing customers and/or the environment.

The capacity at WRCs and sewerage networks is a material consideration in planning decisions. National and local planning policies require that development must not contribute to or be adversely affected by unacceptable levels of water pollution and it should be demonstrated that adequate infrastructure capacity is available or can be provided.

Policy LP18 3.k. of King's Lynn and West Norfolks Local Plan, adopted 2025 states "development proposals will be required to demonstrate evidence that there is, or will be, sufficient wastewater infrastructure capacity to accommodate the development".

Under Section 106 of the Water Industry Act 1991, development with planning consent has the absolute right to connect regardless of any capacity constraints. The Supreme Court decision in *Barratt Homes v Welsh Water* [2009] concluded that the planning system was the only mechanism available to prevent premature occupation and control the risk of flooding and pollution. This is entirely independent of our obligations under Section 106 of the Water Industry Act.

Heacham Water Recycling Centre (WRC) operates under a numeric environmental permit issued by the Environment Agency. This permit includes a defined limit on Dry Weather Flow (DWF)—the volume of treated effluent that can be discharged to the receiving watercourse.

These limits are set by the Environment Agency (EA) to ensure that the receiving water environment is not detrimentally impacted. They are based on a range of environmental factors, including the sensitivity and ecological status of the watercourse.

While Anglian Water does not model the specific environmental effects of individual planning applications, the limits set within our permits are designed to protect the water environment.

The EA assesses the impact of these limits when granting and reviewing permits. Therefore, any additional flow that would cause the WRC to exceed its permitted DWF is an unacceptable risk to the environment.

Unfortunately there is currently no solution other than to deliver a capital scheme at the works.

If the applicant were to propose alternative private means of foul disposal, such as by utilising a package treatment plant or septic tank for example with no connection into the Anglian Water network, this would overcome our wastewater treatment objection.

Should the applicant choose to propose this, Anglian Water would like to be formally reconsulted, to ensure satisfactory foul drainage from the development and to safeguard the receiving water body.

In regard to surface water disposal Anglian Water Have not objected. They have also stated that apart from the lack of capacity at Heacham WRC there is sufficient capacity within the sewerage network to which the development would connect, however, this network would connect to Heacham WRC.

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## **CSNN – OBJECTION:**

CSNN object on the basis of the objection of Anglian Water.

An objection to the use of wood burners due to the impact upon air quality, health and pollution.

An objection to the position of the turning head being part of the drive of one of the dwellings (Plot 4) and the impact that turning cars would have upon amenity.

The findings of the noise impact assessment are accepted by CSNN. The proposed noise attenuation fence along the south side of the access is supported, a request is made for an additional fence to the north side (on the boundary with Dragonfly Sandy Lane).

Air source heat pumps are noted as the heating system proposed. It is requested that a condition is attached to ensure full details are submitted.

**Waste Team – OBJECTION** (Consultation relates to the original 6 dwelling scheme without a storage area for bins now proposed.)

Household Contract Waste shall be collected from the curtilage of each property, i.e. the location where the property boundary meets the public highway.

Objection as adequate arrangements for the collection of waste and recycling had not been made.

BCKLWN would not direct a RCV up an unadopted road on a new development.

## **Local Highway Authority – NO OBJECTION:**

Following the amendment of the scheme to five dwellings, which would result in a total of nine dwellings using the site access, the Local Highway Authority has confirmed that they do not object to the principle of the development and that the private drive would not need to be improved/constructed to an adoptable standard, nor would a management agreement be required for ongoing maintenance. This is because the NCC Highways policy allows up to nine dwellings to be accessed from a private drive.

The Local Highway Authority has requested conditions be attached to any permission in relation to highway permitted development rights, width of access, visibility splay, laying out of roads and parking, off site highway improvement, and an informative in regard to the applicants other responsibilities in relation to highways outside of planning control.

## **Norfolk Fire and Rescue Service – NO OBJECTION:**

Request that a condition is added to any permission requiring the provision of at least one fire hydrant, connected to the potable water supply.

## **Norfolk Constabulary – COMMENTS MADE:**

Generally supportive of the proposal. Advice given on Secured by Design features.

### **Environmental Quality – Contaminated Land – NO OBJECTION:**

Soil sampling completed and risk of contamination is low. A condition is recommended should unexpected contamination be found on site to control how this is remediated.

### **Environmental Quality – Air Quality: COMMENTS MADE**

Environmental Quality does not object to the principle of this development, but further information is requested to satisfy policies LP06 and LP18 subject to any relevant condition(s).

The site area is relatively large and where a more detailed sustainability and climate change statement is required under LP06 that critically shows how the development will minimise its emissions.

The use of wood burners would result in particulate matter emissions (PM2.5) which would result in air pollution. Control over wood burners under the Building Regulations and other legislation is limited. Consideration should be given to limiting the impact of these heat sources such as requiring the highest emission standard appliances, and also the provision of suitable dry wood storage to reduce PM2.5 emissions.

### **Norfolk County Council Minerals and Waste Planning – NO OBJECTION.**

### **Norfolk County Council Local Lead Flood Authority – NO COMMENT:**

Standing Advice given with no site-specific comment or advice due to small scale nature of development.

### **Norfolk County Council Historic Environment Service – NO OBJECTION:**

Artefacts of Roman and Medieval date have been found in the vicinity of the application site. If planning permission is granted, this is requested to be subject to conditions requiring a programme of archaeological mitigatory work in accordance with National Planning Policy Framework (2024), Section 16: Conserving and enhancing the historic environment, paragraph 211.

### **Conservation Officer – NO OBJECTION:**

No objection to the amended scheme.

The site is close to the Docking Conservation Area and important unlisted buildings that rely upon a rural setting for some of their significance.

However, since the date of the adoption of the conservation area statement, further development has been allowed along the edges of this piece of land which has enclosed it on two out of three sides. This has, in itself had an impact upon the rural quality of this part of the conservation area.

The site is well screened to the south with an existing hedgerow and on the other two sides with more recent development. Given this new development and existing screening, the development proposed in this application would not be harmful to the character of this part of the conservation area.

However, it would be useful if the existing hedgerow to the south of the site could be enhanced to ensure that views into the site are further screened and filtered.

#### **STRATEGIC HOUSING - NO OBJECTION:**

In this instance as the site area exceeds 0.5ha and 5 units are proposed, LP28 is triggered and an affordable contribution of 1 unit of affordable housing would be required. This should be delivered as 1 built unit for rent. It is noted the applicant is proposing 1 x 3 bed 5 person bungalow as the affordable unit which is acceptable.

The bungalow should also meet M4(2) standards as a minimum.

The affordable unit must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

A S.106 Agreement will be required to secure the affordable housing contribution.

#### **Ecologist - NO OBJECTION:**

The updated BNG statement confirms that the 3.04 Area & 1.65 Hedgerow Units will be delivered through the purchase of Habitat Bank Units.

If minded to grant permission a condition to require the Biodiversity Gain Plan and a BNG informative are recommended.

#### **Arboriculturist – NO OBJECTION:**

The proposal appears to make best use of the site, incorporating solar gain and protecting existing trees along the southern boundary.

The elderly oak trees (T1 and T2) identified as veterans are valuable features, and their retention is welcomed. The impact assessment and indicative tree protection proposals show that the trees can be successfully retained and protected alongside development. However, the assessment lacks the level of details required and a condition is required to secure this information.

The Landscape Proposals drawing is indicative and lacks detail.

A condition should be included for all landscaping works to be completed prior to first occupation.

#### **REPRESENTATIONS**

**SEVEN** comments in **OBJECTION** have been received setting out the following issues:-

- 5 large houses (as opposed to 6) are not needed in the village. Affordable, smaller housing is what is required.
- Other planning permissions are yet to be built.
- Second homes or holiday lets would not benefit the village
- Additional dwellings would have an unacceptable impact upon local services, including schools, medical services.
- The village has already seen significant development
- Anglian Water have objected to the scheme as there is insufficient foul water capacity and there are issues with fresh water supply.
- Highway safety would be compromised on the existing narrow access and roads with increased traffic.

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- Development on the land would result in harm to a meadow and harm trees and hedgerows
- the hedgerow on Sandy Lane has been cut back to accommodate the visibility splay
- The proposal would be overdevelopment
- Land is in part owned by the Crown Estate

**TWO** letters of **SUPPORT** have been received setting out the following points –

- It is inevitable that the land would be developed so better to have a low density scheme come forward.

## **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)

**LP20** - Environmental Assets- Historic Environment (Strategic Policy)

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

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

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

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

## **NEIGHBOURHOOD PLAN POLICIES**

Docking Neighbourhood Plan has not yet been made although has been considered below as an emerging plan.

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

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## **PLANNING CONSIDERATIONS**

### **The main considerations are:**

- Principle of Development
- Design, Impact upon Heritage and Landscape
- Access and Highway Safety
- Impact upon the Amenity of the Area
- Flood Risk and Drainage
- Affordable Housing
- Any other matters requiring consideration prior to determination of the application

### **Principle of Development:**

In regard to the principle of residential development Policy LP01 defines Docking as a Tier 4 'Key Rural Service Centre'. These are larger villages that provide a good range of services that meet the daily needs of their residents and other nearby villages.

Paragraph 83 of the NPPF 2024 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

The site is outside but adjoining the settlement boundary of Docking. As such, part 2 of Policy LP02 (Residential Development on Windfall Sites) is relevant and supports residential development in such locations subject to complying with other relevant Local Plan Policies and meeting Policy LP02 part 2 criteria.

The development of this area of land adjoining the development boundary accords with criteria part 1 and 2 of LP02. This is because the relatively low heights of buildings, low densities and good quality design and materials in this edge of centre location, subject to landscaping, would be well integrated within the wider character of the area. With development on three sides the development would not have an adverse impact on the character of the countryside.

Comments made within representations related to services and the impact of this development would have been noted. However, the small scale of the development (now five dwellings) is not considered to result in services becoming overwhelmed and new residential development may support existing services through the addition of new residents to the village.

The development would be subject to Community Infrastructure Levy to contribute to infrastructure requirements. Additionally, an onsite affordable house would be provide. Further comment on wastewater treatment is set out below, but in principle the proposal is considered to comply with Policy LP02 part 1c and 2b.

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 Docking being linked to other settlements in accordance with part 2e.

Part 3 of Policy LP02 sets out that developments of not more than 25 dwellings in key rural service centres can be considered as windfall development rather than through local Plan housing allocations, which this proposal is consistent with the revised five dwelling proposal. The proposal is therefore in accordance with Policy LP02.

Docking does not have a neighbourhood plan although it is noted that this is being produced. Policies of the emerging Neighbourhood plan are a material consideration but can currently be given limited weight as the Neighbourhood plan is not made and is currently under independent examination.

Neither the emerging neighbourhood plan nor the Local Plan includes housing allocations within Docking. The proposed windfall development would go towards meeting the windfall requirement of Docking (Local Plan indicates 11 dwellings within the plan period).

Residents have set out in objections whether there is a need for dwellings, and that the village has seen previous development. Whilst the Local Authority has in excess of 5 years of housing land supply, there is not a maximum figure in terms of new dwellings subject to other material considerations.

Therefore, it is considered the principle of residential development in this location and of this extent is generally in accordance with Policy LP01 and LP02 of the Local Plan (2021 – 2040) and the NPPF.

### **Design, Impact upon Heritage and Landscape:**

Policies LP02, LP18 (Design and Sustainable Development) and LP21 (Environment Design and Amenity) of the Local Plan, and Paragraph 135 of the NPPF are all relevant in terms of design, scale, form of development and the impact it has upon the character of an area.

As the site is adjacent to Docking Conservation area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As amended) is relevant which places a duty on the Local Planning Authority to pay special attention to the 'desirability of preserving or enhancing the character or appearance of that area' in the exercise of their planning function. Policy LP20 (Historic Environment) of the Local Plan is also relevant.

As set out by the Conservation Officer, due to the proximity to the Docking Conservation Area including important unlisted buildings which rely upon a rural setting for some of their significance the works have been assessed in relation to the above duty.

In design terms of form and character Policy 6 (Design) of the emerging Docking Neighbourhood Plan is relevant. This sets out seven-character areas, the site is within a character area described as 'Edge Development' (CA2).

The key principles of these design policies can be summarised as requiring development to contribute to the overall quality of the area through high quality design. This should be achieved through good quality architecture, layout and landscaping. Consideration should be given to the character and history of the area, and that places should be distinctive through the use of street layout, materials etc.

Additionally, safety, accessibility and health are important elements of high-quality design. The density of new development is required by the NPPF and Policy LP18 to be efficient, whilst reflecting the form and character of the surroundings.

The proposed development would have an impact upon the countryside. However, the layout of the scheme with large gardens, space for landscaping, and the provision of extended gardens at neighbouring residential dwellings would not be harmful. The existing screening hedge on the southern boundary is to be reinforced, and space for landscaping within the site would mean that this development would result in a relatively verdant layout and would not have an adverse visual impact upon the area.

The design of the dwellings incorporates materials, finishes and forms which are typical of the wider area and would be of a good quality.

Given that this site is at the edge of the settlement and the constraint of the private access, it is considered that this is an appropriate density of development.

The proposal is therefore considered to be in accordance with paragraph 135 of the NPPF, Policies LP18, 20 and 21 of the Local Plan and the emerging Neighbourhood Plan.

### **Access and Highway Safety:**

Highway safety and access, as well as the limited width and capacity of Sandy Lane have been raised as objections by the Parish Council and within letters of objection.

The application has been amended to reduce the number of dwellings included in this development to five dwellings. When combined with the four dwellings that already use the application site's proposed access, there would be a total of nine dwellings using the existing access.

In regard to safety both in terms of the existing road network and layout of the proposed private drive, the scheme is considered to be acceptable by the Local Highways Authority.

Norfolk County Council's guidance document sets out the position of the Local Highways Authority in relation to the number of dwellings using a private driveway where a maximum of nine dwellings can use an access. NCC as Local Highways Authority have confirmed that private driveways do not need to be subject to a management agreement where the number of dwellings is nine or fewer.

NCC Highways has set out that the development would not lead to any adverse implications upon the adjacent highway or highway users subject to conditions to secure the access, access visibility, on-site parking & turning arrangements proposed.

The proposed layout is acceptable given the reduced total number of dwellings and the site having adequate turning space, parking space and garaging.

Therefore, whilst acknowledging the objections raised in response to the amended application, taking into account the response of the Local Highway Authority the proposal is considered to be acceptable in highways terms and complies with relevant planning policy, specifically the provisions of the NPPF, Policy LP13 of the Local Plan, County Council Guidance and the emerging Neighbourhood Plan Policy 6 (Design) and relevant design code (DC.05).

### **Impact on Neighbour Amenity:**

The proposed housing by virtue of their separation to neighbouring dwellings, and their orientation facing away from the nearest dwellings would not result in harm to the amenity of neighbours through overlooking or overshadowing. The dwellings would have main views to the rear over fields, and to the front over the access road and rear/side gardens of neighbours on the north. The separation distance between properties and their design mean that each dwelling would have sufficient amenity and would not reduce privacy of neighbouring residents.

A noise impact assessment (NIA) has been conducted and concludes that the development would not result in adverse impacts subject to the inclusion of an acoustic fence along the access drive to reduce the noise level within the garden of Hawthorns, Sandy Lane.

The CSNN Team has objected to the development and one of the reasons set out in their comments is that a similar fence should be included along the northern access road to protect the amenity of the property to the north of the access. However, given that the noise survey has not identified this neighbouring property as being adversely impacted, and that in general the predicted noise levels from the additional car passes is 'not significant' taking into account relevant guidelines (IEMA Guidelines) it is not reasonable to require an acoustic fence on the opposite site of the boundary. The CSNN comment regarding the position of the turning head is noted, however considering the small number of dwellings and length of driveway, this would not cause significant amenity impact and is not considered a reason for refusal.

The proposal is therefore considered to comply with Policy LP21 part 2 b. (Environment Design and Amenity) of the Local Plan.

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

The site is within an area categorised by the Environment Agency as being within Flood Zone 1. The application is supported by a site-specific flood risk assessment and drainage strategy. The site is at lower risk of flooding and therefore directing development towards locations such as this would comply with the provisions of the NPPF para. 170 which seeks to steer development away from areas at highest risk.

The development would result in a green field site seeing development including new hard surfacing. The applicant has submitted a drainage strategy to mitigate this increased surface water runoff and volume.

The site is not currently considered at risk of surface water flooding, and within the drainage strategy the use of SUDs features would be within the redline site boundary. The site investigations have shown that infiltration drainage features are viable, and as can be seen in the amended site layout the position of drainage features would be integrated in the landscape proposal.

In regard to foul water, an objection has been received from Anglian Water (although not a statutory consultee). CSNN and third-party responses have also raised foul water issues. In response, the agent has set out that there is a statutory Right to Connect under Section 106 of the Water Industry Act 1991.

In Anglian Water's initial response, they set out that the immediate sewage pipe network in this area has capacity but the water recycling centre at Heacham does not have additional capacity. The LPA sought additional information and evidence on this point with the

response included above. The Anglian Water response lacks detailed evidence to back up or otherwise demonstrate a specific impact from this scheme.

Anglian Water has set out that the only solution is to increase capacity at the Heacham WRC and that they no current plans to do this, although in post 2030 plans this could be included in their capital investment program. Anglian Water has set out that they do not model individual developments impacts so no indication is given as to what impact this development would have. The Anglian Water response has not set out how far the current capacity has been exceeded, and how this in turn has, or would cause environmental harm.

Heacham is a Key Rural Service Centre and a fundamental part in the delivery of housing and economic growth within the Borough. Despite requests, Anglian Water were not able to provide sufficient evidence base or justification or indeed a reasonably practicable timeframe to allow any necessary upgrades to be undertaken to the Heacham WRC to ensure capacity for this development and so no 'pre-occupation' condition or similar could be justified as necessary. Anglian Water cannot place a moratorium on development as a result.

Considering the relatively small scale of development and the lack of evidence to show that this proposal would have an environmental impact, the principle of foul drainage connection to mains sewer is considered acceptable in this case.

The foul and surface water implications of the development are therefore considered acceptable, subject to detailed conditions relating to surface water drainage ensuring the details of installed infrastructure is acceptable and the proposal would comply with the NPPF and Policies LP18 and LP21 of the Local Plan.

### **Affordable Housing:**

The site area and number of dwellings proposed trigger the thresholds of the Council's affordable housing policy as per Policy LP28 of the Council's Local Plan. At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Docking.

The Applicants proposed policy compliant contributions (1 on site unit).

A S.106 Agreement is required to secure the affordable housing contribution.

The affordable units must be transferred to a Registered Provider of Affordable Housing agreed by the Council at a price that requires no form of public subsidy.

Subject to completion of the S106, the proposal would comply with the NPPF (2024) and Policy LP28 of the Local Plan.

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

#### **Ecology and Trees**

The application is supported by information setting out has been considered by the Council's Ecologist and Arboriculturist. The application would provide biodiversity net gain through off site credits.

The ecologist has concluded that no protected species or habitats would be harmed by the development and that the proposed biodiversity enhancement through offsite credits is acceptable.

The Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy (GIRAMS) is a strategic partnership between the Borough of Kings Lynn and West Norfolk, Breckland Council, Broadland and South Norfolk District Council, Great Yarmouth Borough Council, North Norfolk District Council and Norwich County Council. The aim of GIRAMS is to ensure no adverse effects are caused to Habitats Sites (also called European sites) across Norfolk, either alone or in-combination from qualifying developments. A payment has been made which is considered to address these recreational pressures from growth and the resultant impact on designated habitat sites within Norfolk.

In regard to trees, the space given within the scheme would ensure that all trees can be retained. Landscaping conditions are suggested to ensure the trees are protected and the landscape scheme is controlled.

The proposal is therefore considered to be in accordance with Policy LP19 (Environmental Assets) of the Local Plan and NPPF.

### **Waste and Recycling**

In regard to waste and recycling, the site plan has been amended to include a bin storage area to the side of Hawthorns on the access road. This is to overcome the objection from the Borough Council's Waste and Recycling Officer who had objected to the scheme on the basis that no new private access would be served by Council operated waste collection vehicles (whether or not it is constructed to an adoptable standard).

The proposal has been amended to provide a bin store close to the public highway for bins to be moved to on bin day only. Bins would be stored for the remaining period at the properties.

This is a compromised position as residents would need to move bins a relatively large distance up to 100m. However, on balance this is not considered unacceptable. Bins could be presented at the public road on collection day, albeit via a less convenient process. The proposal is therefore considered to accord with Policy LP18 and LP21 of the Local Plan and the NPPF.

### **Noise and Air Quality**

Comments from the Air Quality officer are noted in regard to woodburners. Compliance with Building Regulations is a separate requirement and the specific type of wood burner would not warrant refusal of this application. The comments have been provided to the Applicant for their review.

In accordance with the comments of CSNN condition to control Air Source Heat pump specifications are added to protect the amenity of future occupants and neighbouring residents.

The proposal would not harm the amenity of neighbouring residents or result in unacceptable levels of pollution and therefore are considered to accord with the NPPF and policy LP06, LP18, and LP21 of the Local Plan.

### **Historic Environment**

In regard to archeology comments and the fact that artefacts of roman and medieval date have been found in the vicinity conditions are recommended to control archaeological

mitigation. Subject to conditions, archaeological implications comply with the NPPF and Policy LP20 of the Local Plan.

The development is considered to be in accordance with Policy LP06. By virtue of its limited scale (5 dwellings) there is a proportionate level of information required to be submitted which has been included in statements supporting the scheme. Significantly in terms of reducing CO2 emissions, the location is sustainable with good walking and cycling links to the village which should reduce the need to travel by car for shorter trips.

### **Access rights**

In representations concerns about the ongoing maintenance of the access and right of access for new dwellings have been raised by other residents. This is considered to be a civil matter. The application form includes ownership certificates which state that notice was served on those with an interest in the land.

### **Open Space**

It is also noted that the Parish Council's objection includes that the development would result in the loss of open space. Protection of open space would be at the heart of any planning decision, however, the land in question is not allocated as open space or any other use or designation within the emerging neighbourhood plan which would preclude it from being considered acceptable in principle for development.

## **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 permission for five dwellings including an affordable dwelling within a site which is adjoining the development boundary of Docking, in a position which is considered to be sustainable when assessed against the criteria of Policy LP02 of the Local Plan and is in accordance with the NPPF.

The reduction in the number of proposed dwellings means that the total number of dwellings using the private access would be in accordance with Norfolk County Council Highway guidance for development accessed by private roads. The site is considered to offer safe access and would be acceptable by active travel modes in accordance with Policy LP13 of the Local Plan.

The lack of detailed evidence or specific harm set out to support the objection of Anglian Water in relation to foul water drainage means that on balance this application is considered acceptable in relation to drainage.

A S106 legal agreement is required to control on and off-site affordable housing and the GIRAMS tariff

Overall, the proposal would comply with the NPPF (2024), Policies LP02, LP06, LP13, LP14, LP18, LP19, LP20, LP21, LP22, LP28 of the Local Plan. Limited weight is given to the emerging neighbourhood plan, but in general the proposal would not be contrary to relevant policies.



## RECOMMENDATION:

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: -  
2020658-02 Revision G - Initial Site layout concept  
2020302-05 Revision A Plots 3 & 5 as Proposed  
2020302-06 Revision A - Plot 2 as Proposed  
2020302-07 Revision C - Plot 1 as Proposed  
2020302-08 Revision A - Plot 4 as Proposed  
2020302-10 Revision A - Block Plan as Existing  
2020302-11 Revision B - Block Plan as Proposed  
2020302-09 Revision B - Location Plan  
2020302-12 - Garages  
0574 C101 Revision P2 - Visibility Splay Plan  
0574 C102 P2
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: The development shall not be brought into use until a scheme for the provision of fire hydrants has been implemented in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.
- 3 Reason: In order to ensure that water supplies are available in the event of an emergency in accordance with the NPPF and policy LP18 of the Local Plan 2021 - 2040.
- 4 Condition: No development shall take place until an archaeological written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and
  - 1) The programme and methodology of site investigation and recording,
  - 2) The programme for post investigation assessment,
  - 3) Provision to be made for analysis of the site investigation and recording,
  - 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation,
  - 5) Provision to be made for archive deposition of the analysis and records of the site investigation
  - 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation and

7) any further project designs as addenda to the approved WSI covering subsequent phases of mitigation as required.

- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy LP20 of the Local Plan 2021 - 2040. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 5 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 4 and any addenda to that WSI covering subsequent phases of mitigation.
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy LP20 of the Local Plan 2021 - 2040.
- 6 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF and policy LP20 of the Local Plan 2021 - 2040.
- 7 Condition: The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Metric dated 17/12/2025 and prepared by Dr GW Hopkins FRES CEnv MCIEEM "
- 7 Reason: To ensure the development delivers a Biodiversity Net Gain on site in accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 and policy LP19 of the Kings Lynn and West Norfolk Borough Council Local Plan.
- 8 Condition: No works or development shall take place until a 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. This scheme 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 and on neighbouring or nearby ground to the 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, 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 should 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.

The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

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.

- 8 Reason: To ensure that the existing trees are properly given full consideration and protected during the development of the site in accordance with the NPPF and policy LP19 of the Local Plan 2021 - 2040. This needs to be a pre-commencement condition given the potential for trees to be lost during development.
- 9 Condition: Notwithstanding the submitted landscaping proposals, prior to the first occupation of the development hereby approved, 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, refuse or other storage units, street furniture, structures and other minor artefacts. 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. Details should be included of gap filling along the southern boundary of the site.
- 9 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, LP20 and 21 of the Local Plan 2021 - 2040.
- 10 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.
- 10 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF and policies LP18, LP19, LP20 and 21 of the Local Plan 2021 – 2040
- 11 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 current best practice, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

- 11 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 in accordance with the NPPF and policies LP18 and 21 of the Local Plan 2021 - 2040.
- 12 Condition: Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates/bollard/chain/other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 12 Reason: In the interests of highway safety and traffic movement in accordance with Policy LP13 of the Local Plan and the NPPF.
- 13 Condition: Notwithstanding the submitted details unless otherwise agreed in writing by the Local Planning Authority the proposed private drive shall be maintained in perpetuity at a minimum width of 4.2 metres for its complete length and shall be constructed perpendicular to the highway carriageway for a minimum length of 10 metres as measured from the near edge of the highway carriageway.
- 13 Reason: In the interests of highway safety and traffic movement in accordance with Policy LP13 of the Local Plan and the NPPF.
- 14 Condition: Prior to the first occupation of the development hereby permitted visibility splay(s) shall be provided in full accordance with the details indicated on the approved plan (C101 Rev P2). The splay(s) shall thereafter be maintained at all times free from any obstruction exceeding 0.225 metres above the level of the adjacent highway carriageway.
- 14 Reason: In the interests of highway safety in accordance with Policy LP13 of the Local Plan and the NPPF.
- 15 Condition: Prior to the first occupation of the development hereby permitted the proposed access / on-site car parking / turning / waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 15 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 16 Condition: Notwithstanding the details indicated on the submitted drawings no works above slab level shall commence on site unless otherwise agreed in writing until detailed drawings for the off-site highway improvement works as indicated on Drawing No.(s) C100 Rev P3 have been submitted to and approved in writing by the Local Planning Authority.

- 16 Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 17 Condition: Prior to the first occupation/use of the development hereby permitted the off-site highway improvement works (including Public Rights of Way works) referred to in condition 16 shall be completed to the written satisfaction of the Local Planning Authority.
- 17 Reason: To ensure that the highway network is adequate to cater for the development proposed in accordance with Policy LP13 of the Local Plan 2021 - 2040.
- 18 Condition: Prior to the first occupation of the development hereby approved, the acoustic fence as specified within the Noise Impact Assessment at part 5.6.7 figure 5.3 (reference IEC/4777/01/AVH) shall be installed in accordance with submitted details. The acoustic fence shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
- 18 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021 - 2040.
- 19 Condition: No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (where applicable):

- i. Details of the design of the scheme in conjunction with the landscaping plan.
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed details.

- 19 Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 182 of NPPF and Policies LP18, 21 and 25 of the Local Plan 2021 - 2040.
- 20 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.
- 20 Reason: In the interests of the amenities of the locality in accordance with the principles of the NPPF and policy LP21 of the Local Plan 2021 - 2040.

- B)** If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure Affordable Housing in line with Policy LP28 of the Local Plan.