

**AGENDA ITEM NO: 9/1(b)**

<b>Parish:</b>	<b>East Winch</b>	
<b>Proposal:</b>	<b>Outline application with some matters reserved for the construction of 5 new self/custom build sustainable homes within a site off the A47 at East Winch</b>	
<b>Location:</b>	<b>Braemore Lynn Road East Winch King's Lynn PE32 1NP</b>	
<b>Applicant:</b>	<b>Mr Jasbir Singh Anota</b>	
<b>Case No:</b>	<b>25/00590/O (Outline Application)</b>	
<b>Case Officer:</b>	<b>Mrs C Dorgan</b>	<b>Date for Determination: 10 June 2025 Extension of Time Expiry Date: 5 March 2026</b>

**Reason for Referral to Planning Committee** – Related to Cllr Anota and deferred by Planning Committee on 3rd November 2025 meeting.

**Neighbourhood Plan:** No

**Members Update**

**Members will recall that this application was deferred from the 3rd November 2025 Planning Committee for three months, in order to allow the applicant additional time to address highways and noise concerns. At the meeting Members debated whether the issues were insurmountable, with some suggesting the application was incomplete and required further work.**

**The application has been brought back to Committee now for determination, four months from the date on which it was deferred. This was considered reasonable as the applicant asked for an additional month to secure the required information.**

**Additional information has been submitted, and subsequent responses from statutory consultees received. For ease of reference, amendments to the November report are presented in emboldened text below.**

**Case Summary**

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application.

The proposed development is for five custom and self-build dwellings with associated detached garages and driveways, and private gardens. Access is proposed via a shared single access onto the A47. The site is currently in the form of grassland.

The application site is approximately 0.4ha in size and lies to the north of the A47, in the village of East Winch. East Winch is categorised as a Rural Village in the adopted Local Plan. The site lies outside of the development boundary as designated on the Planning Policies Map.

## **Key Issues**

Principle of Development  
Highways / Access  
Form and Character  
Noise Impact  
Neighbour Amenity  
Flood Risk  
Ecology  
Trees/ Landscaping  
Other Material Considerations

## **Recommendation**

**REFUSE**

## **THE APPLICATION**

### **Case Summary**

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application.

The application site is approximately 0.4ha in size and lies to the north of the A47, in the village of East Winch. East Winch is categorised as a Rural Village in the adopted Local Plan. The site lies outside of the development boundary as designated on the Planning Policies Map.

The proposed development is for 5 custom and self-build dwellings with associated detached garages and driveways, and private gardens. Four of the dwellings would front onto the A47, with the fifth dwelling positioned directly behind these. Access is proposed via a shared single access onto the A47. The site is currently in the form of grassland.

In terms of the scale of the development, the dwellings proposed are large two storey detached dwellings with a footprint width of over 14m and a ridge height of 8.1m. Indicative garages are also shown, with a double garage having a footprint of 6.1m by 6.7m and a ridge height of 5.4m. The single garage shows a proposed depth of 7.4m with a ridge height of 4.4m. In terms of land levels the site falls away from the front to the rear and also east to west.

The application has undergone a number of consultations following the receipt of amended plans. A key change to the scheme, during the application process, was the removal of the proposed footpath across the site leading north onto Station Road.

## **SUPPORTING CASE**

National Planning Policy Framework para.116. 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'

The Outline application does not include design as this is to be carried out at the reserved matters stage, for custom and self-build it cannot be prescribed in advance, however an acoustic report cannot comment on the current design, which limits the acoustic report to just a record of on-site decibel levels.

#### Considerations.

- 1) On approach from east and west the proposed entrance has the fewest obstacles for a clear vision.
- 2) The visibility is clear in both directions in all states of traffic.
- 3) The enlargement of the Bus Layby will increase safety, bearing in mind the traffic movements will not be great.
- 4) For the Excel bus users from the proposal have a very safe route.
- 5) Commercial vehicles will not block the flow of traffic on the A47 when visiting the site.
- 6) Refuse vehicles can/ could enter and leave the site and in addition operators will not be risking an accident walking on the carriageway like they are elsewhere.
- 7) The site is relatively quiet acoustic measurements indicate the only site in East Winch to have an acoustic survey is being done.
- 8) This proposal if approved will offer an opportunity for people who wish to live within the countryside yet have excellent transport facilities. School Buses call nearby for students.
- 9) Village facilities include Carpenter's Arms, Village Hall, Village Post Office with Store and the RSPCA Centre.

#### Traffic Considerations.

The applicant has engaged a consulting company specialising in providing with a Road Safety Audit. On several occasions they have submitted options for safety measures to National Highways in answer to issues they have raised, and on each occasion, NH have added another issue. We have arrived at a proposal which is safe and in answer to their last rejection we have sent a 'forensic' response, raising HE issues which do not make sense, e.g. criticism of the existing positions for bus laybys, and suggesting Station Road as a better access, which would not be practical it would result in the cutting off of the garden areas belonging to Braemore and Braemore Barn from the houses. Entry onto the site will not be impede the A47 as there will be two-way width with a footway for the first section, the only housing site in East Winch to have this. The proposal has the clearest visibility splay on the north side of East Winch.

The latest correspondence sent by the applicant to NH has not been considered in context with the reality of the traffic in East Winch or in a 'fair and consistent manner' with similar applications, namely 05/00968/F & 23/01750/F for five houses within the same postcode at the west which have no RSA or acoustic survey required by NH or the BCKLWN.

The proposal now is that this will be the only site on the A47 in East Winch where the refuse lorry and other commercial vehicles can leave the A47 enter the site pick up the refuse and return to the A47 without reversing, a traffic flow diagram has been submitted, in addition it has been proposed that the bus layby be extended allowing greater space for the bus to enter and exit. Traffic movements from the site are likely to be reasonable and the site traffic will give-way to the bus as per the Highway Code, a no right turn or no entry sign can be erected to reinforce this. Other bus laybys in East Winch have similar arrangements but have less space. The people who live on the proposed site will have the safest access to the east-bound Excel bus stop.

## **PLANNING HISTORY**

23/00666/O: Application Withdrawn: 25/07/23 - Outline application for five two storey energy efficient homes – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

16/01102/F: Application Permitted (Planning Committee determination): 04/08/16 - Change of use from business premises into residential annexe (retrospective) – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

2/93/0380/F: Application Permitted (Delegated determination): 18/05/93 - Extension and alterations to dwelling – Braemore, Lynn Road, East Winch, King's Lynn PE32 1NP

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECTION**

**The Parish Council have sought to make their views clear, that they object to the planning application. Furthermore, with reference to discussions at the Planning Committee meeting on 3rd November they wish to state that –**

**The proposal is not a linear development.**

**The earlier approved scheme on Station Road is accessed via Station Road and not the A47.**

**The former Crown Inn pub surrendered its licence in 1919 and has been a small-holding ever since.**

Original comments:

After discussions the Parish Council reconsidered their previous opinion and wish to register an **OBJECTION** to this application for the following reasons, which the planners should note.

1. The application is outside the development area
2. Access to the development is via the A47. It is close to the junction of Station Road and on a stretch of the A47 with difficult problems of vision with traffic movements.
3. The Council are concerned about clearance of grey and surface water. They believe that reliance would have to be put on the old main drainage which would be unable to cope, and the site would have to resort to soak aways and tanks.
4. Station Road is subject to flooding due to the restricted culverts under the road, which become easily blocked.

### **National Highways: OBJECTION**

**Notice is hereby given that National Highways' formal recommendation is that we: d) recommend that the application be refused.**

**The proposed development seeks to upgrade a field access to accommodate a development of up to no. 5 dwellings. As a result of the proposed development, the access point needs to be upgraded to a simple priority junction. The proposed development is located to the east of East Winch, on the north side of the A47.**

**The applicant has provided a Road Safety Audit in support of the proposed upgraded access. The RSA raised concerns regarding the access for the development not identifying vehicles being unable to enter and exit the site in forward gear, or when there are conflicts with a vehicle waiting to exit whilst another vehicle enters the site which could result in unacceptable highway safety issues. In response, the designer's**

response was to extend the bus stop layby to provide additional space for turning vehicles. This design proposal is not acceptable and cannot be taken forward as a solution to the risks identified.

In addition, the application has not addressed previous comments regarding the design of the access. Most notably, the visibility splay crosses the bus layby, contrary to CD129 paragraph 3.7 stating 'the separation between a lay-by and an at-grade junction or access (excluding field accesses) on the same side of the road, both upstream and downstream, shall be at least 3.75V metres where V is the design speed in kph'. Paragraph 3.1 makes it clear that this relates to bus laybys as well as general purpose laybys. This issue has been raised before and is fundamental to the acceptance of any access strategy and requires a Departure of Standards application if the access is to remain in the proposed location. The design considerations, Departure from Standards applications and any subsequent acceptance from National Highways is required prior to determination of this application to ensure a safe access to the proposed development site is achievable and deliverable. It is understood that there have been no further submissions in regards to this.

Further to this, National Highways Safety colleagues have raised concerns about the location of the access in terms of it being unexpected. The proposed development is located outside of the 'built up' area, in particular when travelling along the A47 west National Highways Planning Response (NHPR 25-01) January 2025 4 bound. As a consequence, may increase the risk of shunt collisions or side impact collisions with traffic turning in or out of the access.

Although we acknowledge this application seeks outline permission with all matters reserved, the site location plan does not currently identify how the site can be safely accessed, given the interaction with the bus stop layby. It is recommended that the applicant considers alternative solutions such as achieving access from Station Road or consideration in to relocating the bus stop to outside of the visibility splay.

Consequently, for the reasons identified above, National Highways recommend that this application is refused due to not identifying a safe access contrary to the NPPF paragraph 115.

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

No objection subject to compliance with the Board's Byelaws.

#### **Environmental Health & Housing - Environmental Quality: NO OBJECTION**

The applicant has provided a screening assessment indicating no known contamination. We have reviewed our files and the site is not seen developed other than some small outbuildings on the north of site seen first in aerial photography dated 1999. The surrounding landscape is largely residential and agricultural. East Winch Common SSSI is located south of the site across the A47. No potential sources of contamination are identified in our records, or in the information provided by the applicant. We have no objection regarding contaminated land.

#### **Strategic Housing: NO OBJECTION**

The site area and number of dwellings proposed trigger the thresholds of the Councils affordable housing policy as per LP28 of the Councils adopted Local Plan. At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in East Winch. The affordable housing provision is split into 70% of the affordable homes

being made available for rent and 30% low cost home ownership, including Shared Ownership, First Homes or any other intermediate product that meets the intermediate definition within NPPF, meets an identified need in the Borough and is agreed by the Council.

However, NPPF states that affordable housing should not be sought on developments of fewer than 10 dwellings and/or 0.5ha other than in designated rural areas. On sites on 6-9 dwellings and less than 0.5ha, a financial contribution based on £71,000 per equivalent whole affordable dwelling will be sought.

In this instance as the site area is under 0.5ha and 5 units are proposed; no affordable units are required.

**Ecologist: NO OBJECTION** subject to conditions.

The application has claimed an exemption from Biodiversity Net Gain under the Self build and custom build exemption. This exemption should be secured via a condition. A GIRAMS sHRA has been submitted. Once the Planning Officer has reviewed and completed this form it can be saved as the LPA record of HRA. I have no objection to the proposed development pending the completion of the sHRA. However, if you are minded to grant consent please include conditions on the decision notice.

**Natural England: NO OBJECTION** subject to GIRAMS payment.

DESIGNATED SITES [EUROPEAN] – NO OBJECTION SUBJECT TO SECURING APPROPRIATE MITIGATION This advice relates to proposed developments that falls within the 'zone of influence' (ZOI) for one or more European designated sites, such as Norfolk GIRAMS. It is anticipated that new residential development within this ZOI is 'likely to have a significant effect', when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment. Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development. This advice should be taken as Natural England's formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.

**Arboricultural Officer: OBJECTION**

The application is supported by an Arboricultural Report. However, there remain concerns regarding the proposed layout. Although this is an outline application, the means of access is included for consideration, and the indicative layout will result in a very poor relationship with existing trees. In particular, the easternmost dwelling is shown unrealistically and unacceptably close to trees along the eastern boundary. This is also true of the rear gardens and their relationship to the to the hedgerow feature adjoining the A47, which includes several maturing poplar trees that have not been individually identified.

Development within the minimum Root Protection Areas of retained trees is also indicated. The proximity of dwellings and any access driveways to these trees would likely result in future pressure for their removal and an unsatisfactory living environment for future occupants.

Furthermore, the long-term retention and management of the southern hedgerow buffer remain unresolved. The layout cannot therefore be supported in its current form on arboricultural grounds.

**Community Safety and Neighbour Nuisance: NO OBJECTION subject to conditions.**

**No objection, subject to the following conditions:**

- The dwelling houses shall be located a minimum of 9m in distance from the A47 carriageway.
- Rear amenity areas shall be fully enclosed by 2.5m high acoustic fences.
- All garages shall be adjacent to and attached to their respective dwellings along the southernmost elevation.
- For each specific plot, an overheating risk assessment shall be carried out by a suitably qualified thermal engineer to identify if any of the proposed dwellings would be reliant on open windows to mitigate overheating.
- Following completion of the overheating risk assessment, an Acoustics, Ventilation and Overheating Residential Design Guide (AVO Guide) Level 2 site noise risk assessment must be submitted.
- Dwelling sound insulation measures must be applied as per figure 10 in the ENVIRONMENTAL NOISE ASSESSMENT (ENA).
- Full details of the air ventilation systems shall be submitted and agreed.
- Construction site hours.
- External lighting scheme.

**Waste and Recycling: OBJECTION**

Insufficient information has been included in the outline application. However, with any such application it would be appropriate to have a swept path analysis for the purposes of determining the safety of any access and egress. Any stopping on the edge of the highway which obstructs or is obstructed by the use of the Bus Stop is unsatisfactory and unsafe. We are aware of consultation has included Highways England. We are obliged to object.

Any proposal which includes the access and egress of a waste collection vehicle on to the site must demonstrate adequacy of arrangements by use of a swept path analysis and in the absence of such we are obliged to object.

**Norfolk Constabulary:**

Detailed comments provided related to Secured by Design for the proposed scheme.

**REPRESENTATIONS THREE OBJECTIONS** received, and these are summarised below.

- Vehicular access proposed will reduce safety for drivers using Station Road, Common Road and Walton Road. Already a difficult and slow area of traffic and the proposed access will intensify these problems.
- Queries regarding the land ownership/ access of proposed track. Proposed fencing blocks off access for neighbour. Footpath needs to be rerouted away from the neighbours land.
- Pond does contain fish and toads. Resident and breeding wildlife alongside animals such as deer.
- Flood risk.

- New access would delay traffic flow and increase risks to highway safety. Will also impact on use of bus stop.
- Noise levels from construction impact on residents.
- Loss of view.
- Pedestrian route proposed would mean a loss of privacy for neighbouring dwellings.
- Local services would be overwhelmed, especially foul sewerage.

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

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

**LP02** - Residential Development on Windfall Sites (Strategic Policy)

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

**LP11** - Strategic Road and Major Road Network (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)

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

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

## **NATIONAL GUIDANCE**

### **National Planning Policy Framework (NPPF)**

Planning Practice Guidance (PPG)

National Design Guide 2021

## **PLANNING CONSIDERATIONS**

The main considerations are:

### **Key Issues**

- Principle of Development
- Highways / Access
- Form and Character
- Noise Impact
- Neighbour Amenity
- Flood Risk
- Ecology
- Trees/ Landscaping

- Other Material Considerations

### **Principle of Development:**

The application site lies towards the east of the village, on the edge of the built extent of East Winch. Access is proposed directly off the A47 (Lynn Road). The site currently consists of an area of rough grazing with some trees and hedging around the site boundaries particularly along the southern boundary. There is an established pond to the north. To the west of the site is a detached dwelling, to the south is the A47 (Lynn Road) with an area of woodland opposite the site. To the east of the site is also a wooded area.

East Winch is categorised as a tier 5 settlement in the Local Plan as a 'Rural Village'. However, the site is outside of the settlement boundary for East Winch as shown on the Local Plan Policies Map, although does directly adjoin it. Policy LP02 of the Local Plan states:

*5. In tiers 5 and 6 of the settlement hierarchy, residential development will not normally be supported outside development boundaries, unless allocated through the Local Plan or a Neighbourhood Plan. That is except at Tier 5 settlements that have a housing requirement identified in Appendix I to Policy LP03 – Neighbourhood Plans, for which there are no opportunities within the development boundaries and which the relevant Neighbourhood Plan does not address through allocations. In such circumstances, small scale development of up to 5 dwellings will be supported here this is necessary to meet that housing requirement, and subject to the criteria under Parts 1 and 2 of this policy.*

There is no Neighbourhood Plan for East Winch. Appendix I of the Local Plan lists a windfall figure of only 2 dwellings for the plan period. The proposed number of units is clearly well above the 5 referred to in policy LP02 above.

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 units proposed are identified as 'self-build' dwellings and paragraph 73(b) of the NPPF 2024 seeks opportunities to support small sites to come forward for self-build and custom build housing. Local Plan Policy LP31 supports self-build housebuilding and reads:

#### *Policy LP31 – Custom and Self-Build Housing*

- 1. Proposals for self-build and custom housebuilding will be supported where they respect local character and comply with other relevant policies in the plan.*
- 2. On multi-plot sites, proposals will be encouraged to make a proportion of serviced dwelling plots available to self and custom housebuilders, for which consideration should be given to the sizes of plots identified as required on the Self Build Register.*
- 3. The delivery of plots for custom and self-build housing will be secured by a planning condition or S106 agreement.*

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

The self-build nature has substantive positive weight and the location of the application site is adjacent to the development boundary, however, the scheme should also meet the criteria detailed in Local Plan Policy LP02. The number of units exceeds the housing requirement identified in Appendix I (to Policy LP03) and the scheme fails to meet the criteria listed under parts 1 and 2 of this policy.

Whilst custom and self-build development may be acceptable in principle, there are other in principle matters outlined above and detailed below within this report which outweigh this need for custom and self-build housing. Specifically, the failure to meet the criteria in Policy LP02. As such the scheme fails to accord with the NPPF, and Local Plan Policies LP01, LP02 and LP31.

### **Highways/ Access:**

Policy LP11 of the adopted Local Plan states:

*The Strategic Road Network within the Borough, comprising the A10, A17, A47, A134, A148, A149, A1101 & A1122 and shown on the Policies Map, will be protected as follows outside of the settlements specified within Strategic Policy LP01:*

- a. New development, apart from specific plan allocations, will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of the Strategic and Major Road Network;*
- b. New development served by a side road which connects to a road forming part of the Strategic and Major Road Network will only be permitted provided that it will not result in any unacceptable impact on highway safety, capacity, access or that the residual cumulative impacts from development, on the existing road network, would be considered severe.*

The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Given that the access would lead directly onto the A47 (Lynn Road) which forms part of the Strategic Road Network, the proposed development would be directly contrary to Policy LP11.

Objections have been received from the Parish Council and neighbouring residents regarding the vehicular access proposed. The objections raise concerns regarding road safety, the speed of traffic, increased traffic flow and increased risks to highway safety. They also raise the potential impact on the use of the adjacent bus stop.

The access proposed is directly off the A47 (Lynn Road), and as part of the Strategic Road Network, National Highways is the appropriate highway authority. The applicant has submitted information to National Highways on numerous occasions throughout the application process, and five consultations have taken place to date. National Highways recommend that planning permission is refused. Their full response is provided above.

**The proposed development seeks to upgrade a field access to accommodate a development of up to no. 5 dwellings. As a result of the proposed development, the access point needs to be upgraded to a simple priority junction.**

**National Highways has stated that the applicant has not presented an acceptable design solution for where there are conflicts with vehicles entering and exiting the site at the same time, and also where a vehicle cannot leave the site in forward gear. The appellant's response was to extend the bus stop layby to provide additional space for turning vehicles. This design proposal is not acceptable and cannot be taken forward as a solution to the risks identified.**

In addition, the visibility splays are not acceptable with one crossing the bus layby. This has been made clear to the applicant and is fundamental to an acceptable scheme. **If the applicant sought to retain the access in this position a Departure of Standards application would be required.**

Further to this, National Highways has raised concerns about the location of the access points outside of the 'built up' area (in particular when travelling along the A47 west bound) and the consequence of this being an increase to the risk of collisions as a result of turning traffic.

The design considerations, Departure from Standards applications and any subsequent acceptance from National Highways is required prior to determination of this application to ensure a safe access to the proposed development site is achievable and deliverable. **It is understood that there have been no further submissions in regards to this.** The site location plan does not currently identify how the site can be safely accessed, given the interaction with the bus stop layby. It is recommended that the applicant considers alternative solutions such as achieving access from Station Road or consideration in relocating the bus stop to outside of the visibility splay.

**The Waste and Recycling Officer has also raised concerns that it is appropriate that a swept path analysis is submitted for the purposes of determining the safety of any access and egress of waste vehicles into the site. Any stopping on the edge of the highway which obstructs or is obstructed by the use of the bus stop is unsatisfactory and unsafe. In the absence of this information the Waste and Recycling Officer is obliged to object. These concerns are on the basis of highway safety and therefore form part of the ongoing objection on this matter.**

The policy position is clear. The applicant has had **continued** opportunities to resolve the outstanding issues and a safe access cannot be demonstrated. The application is fundamentally contrary to the NPPF (paragraph 115) and Local Plan LP11. The scheme as proposed also fails to meet the requirements of Policies LP02, LP13 and LP18.

**It is important to note that Members are not at this time in a position to approve the planning application. Should the Local Planning Authority propose not to determine the application in accordance with the National Highways comments it is required that the Council consults the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via [transportplanning@dft.gov.uk](mailto:transportplanning@dft.gov.uk). The LPA may not determine the application until the consultation process is complete in accordance with the outcomes of Article 5 of that direction.**

#### **Form and Character:**

The development proposes five new large detached dwellings, accessed via a single shared access off the A47. Four of the dwellings would front onto the A47, with the fifth dwelling positioned directly behind these. The dwelling to the rear would take the form of back land development. The applicant describes this site as an 'infill' form of development, however there is only built form to the west of the application site with woodland to the east. This is not an 'infill' site.

In terms of land levels the site falls away from the front to the rear and also east to west. On the southern boundary of the site, at the point at which the access is proposed the land level is 12.9mAOD which then falls away to 12.3mAOD to the rear of the site. The land level on the southern boundary at the farthest point east is at 14.2mAOD which falls to 12.2mAOD to the rear.

The form and character of the built form in East Winch varies. To the west is a large detached dwelling and associated buildings (Braemore House), with three recently constructed detached dwellings to the northwest fronting onto Station Road. However, the pattern of development in East Winch is predominantly that of frontage development. This is clearly an edge of village site with areas of woodland to the east and to the south of the site reinforcing this rural character. As such consideration should be given to this rural location, and any scheme should seek to protect existing landscaping within the site and provide quality landscaping throughout the site. The proposed dwellings should relate to this locality in terms of the scale and appearance as well as the site layout. This application seeks consent for the layout and scale of the proposed development. The site layout as proposed is somewhat contrived and the Council is of the view that anything other than frontage development is considered contrary to the form and character in this edge of village location. As such it fails to meet the requirements of LP02 in that it does not 'respect and enhance local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement' (part 1a of LP02).

In terms of the scale of the development, the dwellings proposed are large two storey detached dwellings with a footprint width of over 14m and a ridge height of 8.1m. Indicative garages are also shown, with a double garage having a footprint of 6.1m by 6.7m and a ridge height of 5.4m. The single garage shows a proposed depth of 7.4m with a ridge height of 4.4m. Two storey detached dwellings are not out of keeping with the locality and therefore the scale of the dwellings and garages proposed are acceptable.

The applicant states in the Design and Access Statement that the development would be barely visible in the street scene behind the existing trees and hedging. The Arboricultural report does identify the removal of one tree on the southern boundary of the site, adjacent to the A47. One other tree is proposed to be removed within the site. The existing hedging along the southern boundary is proposed to be retained and reinforced with additional planting.

In summary, whilst in design terms, the site could come forward for a modest form of residential development that would not be contrary to the form and character of the locality. The scheme proposed is not considered appropriate and would be contrary to the NPPF and Local Plan Policies LP02, LP18 and LP21.

**At Planning Committee on 3rd November 2025, Members discussed whether they considered the form and character of the proposal was acceptable. While the Officer recommendation remains consistent (that the proposal is contrary to the development plan), Members are asked to confirm their stance on this during the debate at the Planning Committee meeting.**

#### **Noise Impact:**

Paragraph 135 of the NPPF states:

*'Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development...*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'*

Paragraph 198 of the NPPF says:

*'Planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life...'*

**The proposed dwellings are within close proximity of the A47 (Lynn Road). Further to the Planning Committee of 3rd November 2025 the applicant has submitted an environmental noise assessment for the site to identify the background noise levels for the locality and the traffic impacts of the A47. The Community Safety and Neighbour Nuisance Officer has stated that based on this assessment they would have no objection to the scheme subject to a series of detailed conditions. These conditions include that the dwellings shall be a minimum distance of 9m from the A47 carriageway, that the rear amenity areas shall be fully enclosed by 2.5m high acoustic fences and that the garages shall be adjacent to and attached to their respective dwellings along the southernmost elevation (to act as an additional barrier between the amenity space and the A47). In addition, further information is required regarding ventilation for the dwellings, to ensure that if any of the proposed dwellings would be reliant on open windows to mitigate overheating, that this would not result in unacceptable noise levels.**

**These conditions would inform the design/build noise control measures required to protect the residential amenity of all future occupiers of the dwellings where possible.**

The applicant has stated that the screen of hedges along the south would reduce traffic noise, and that noise is not a problem for residents of Braemore which also fronts onto the A47 (Lynn Road).

**Based upon the information submitted, and subject to the proposed conditions, the scheme is in accordance with the NPPF, National Design Guide, the Noise Policy Statement for England (Department for Environment, Food & Rural Affairs, 2010) and Local Plan Policies LP18 and LP21.**

#### **Neighbour Amenity:**

The site layout, scale of development and access proposed would be unlikely to result in a detrimental impact on existing neighbouring residents. The design of the proposed dwellings are to be determined at reserved matter, at which time the relationship between the proposed dwellings and those existing should be considered with regard to window placements, internal layouts, boundary treatments and landscaping. The site is of a sufficient size that the site layout and scale of development could be appropriately designed.

The Community Safety and Neighbour Nuisance Officer has stated that should the development be permitted a condition should be attached to control construction site hours. However, it is not considered this is reasonable given the location of the site alongside the A47. It is also recommended that an external lighting condition is required for the site.

The development proposed would, in regard to impacting neighbour amenity issues, be in accordance with the NPPF and Local Plan Policy LP18 and LP21.

### **Flood Risk:**

The application site lies within Flood Zone 1 and is at the lowest risk of flooding. The application form states that the development would be connected to the main sewer. This is likely to drain to the East Winch sewerage treatment works, within which there is sufficient capacity at this time.

The Parish Council has raised concerns regarding the clearance of grey and surface water, and to whether the old main drainage would be able to cope. If not the site would have to resort to soakaways and tanks. The Parish Council also state that Station Road is subject to flooding due to the restricted culverts under the road, which become easily blocked.

A drainage scheme has not been submitted as part of the planning application; however it would be possible to secure foul and surface water drainage details via a condition attached to the consent.

The proposed development is in accordance with the NPPF and Local Plan Policies LP18 and LP21.

### **Ecology:**

The site is comprised of modified grassland with some trees and native hedging. Third party objections to the scheme raise concerns regarding the impact of the development on local biodiversity. The applicant has submitted a Preliminary Ecological Appraisal which identifies that the proposed development would not have a significant impact on species or habitats beyond site level. No further survey work is required. The Appraisal includes necessary enhancement and mitigation measures which should be conditioned should the development gain consent. These include; management of the grassland, restricted lighting, installation of one bat box per dwelling, installation of a swift box, installation of two sparrow terraces, hedgehog holes, sensitive habitat clearance outside of nesting bird season and installation of minimum two bee bricks for each property.

The application site falls within the Impact Risk Zone for European Protected Sites, and as such the applicant is required to submit the GIRAMS HRA and the mitigation sum of £304.17 per dwelling (£1,520.85 in total). The applicant has submitted the HRA and the applicant would be required to pay the GIRAMS fee in full should the application be approved. (The fee has not been paid to date).

The General Biodiversity Net Gain (BNG) condition would not apply to this development as based on the information provided it would be exempt under the Self Build and Custom Build exemption. It is appropriate that should consent be granted a condition or a unilateral undertaking tying the applicant to the self-build exemption would be applied to the planning permission.

The proposed development is in accordance with the NPPF and Local Plan Policies LP18, LP21 and LP27.

### **Trees / Landscaping:**

The applicant has submitted an Arboricultural Report alongside the planning application. The Arboricultural Officer has considered the application and the report and raises concerns regarding the proposed site layout. The proposed layout would result in a very poor relationship with existing category B trees and in particular, the easternmost dwelling is positioned too closely to trees along the eastern boundary. This is also true of the rear gardens and their relationship to the existing hedgerow along the southern boundary of the

site adjoining the A47. This hedgerow includes several maturing poplar trees that have not been individually identified. It is also indicated there would be development within the minimum Root Protection Areas of retained trees. The proximity of dwellings and any access driveways to these trees would likely result in future pressure for their removal and an unsatisfactory living environment for future occupants. Furthermore, the long-term retention and management of the southern hedgerow remains unresolved.

As such, the layout cannot be supported in its current form and the proposal is contrary to the NPPF and Local Plan Policies LP18 and LP19.

**At Planning Committee on 3rd November 2025, Members discussed whether they considered the proposal would have an unacceptable impact on the existing trees and hedgerow. While the Officer recommendation remains consistent (that the proposal is contrary to the development plan), Members are asked to confirm their stance on this during the debate at the Planning Committee meeting.**

#### **Other Material Considerations:**

Contaminated Land - No potential sources of contamination are identified in the Council's records, nor in the information provided by the applicant.

Affordable Housing – Given the site area is under 0.5ha and 5 units are proposed there are no affordable housing requirements for this scheme in accordance with LP28 (Affordable Housing) of the Local Plan 2021-2040.

Climate Change - Policy LP06 of the Local Plan requires development to recognise and contribute to the importance of, and future proofing against climate change and to support the Government target of becoming a net zero economy by 2050. The applicant has drawn attention to the location of the site within close proximity of the bus stop, as an ability to use an alternative mode of transport. The dwellings would be developed in accordance with building control standards of energy efficiency. No additional information has been submitted.

Amended scheme - The original proposal submitted included a footpath to the rear of the current application site on to Station Road. This was then removed from the proposed scheme. However, references are made to this within the third party representations.

The 'right to a view' for neighbouring residents is not a material planning consideration in the determination of applications.

#### **CONCLUSION:**

The application seeks outline planning consent with access, layout and scale. The appearance and landscaping would be determined as part of a reserved matters application. The proposed development is for five custom and self-build dwellings with associated detached garages and driveways, and private gardens.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development proposed includes a vehicular access directly onto the A47, a strategic road. The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Therefore, the proposed development would be in direct conflict with Policies LP02, LP11 and LP13.

Members will recall the application was initially considered at the Planning Committee meeting in November 2025, but that Members deferred the application for three months to allow the applicant sufficient time to address the reasons for refusal. The applicant then further requested a fourth month which was agreed. However, at the time of writing this report National Highways maintain their objection to the scheme. This reason for the refusal of the scheme remains relevant. National Highways, as statutory consultee, is required (prior to determination of this application) to ensure a safe access to the proposed development site is achievable and deliverable. To date the site location plan submitted does not currently identify how the site can be safely accessed and National Highways recommend the application is refused.

This application is for five self-build and custom dwellings on Lynn Road (A47) in East Winch, a tier 5 settlement. The application site lies immediately outside the development boundary of the village on land designated as countryside. While the Council can currently demonstrate sufficient housing supply and delivery, the Council are currently failing in their legal duty to provide sufficient self-build and custom dwellings. The self-build and custom nature of the proposal is therefore a material consideration which would be afforded weight in the determination of the application. In this case however, the need for the custom and self-build units does not outweigh the conflicts with other Local Plan policies.

The site is located adjacent to the development boundary and would be connected to the wider village. However, this is a rural village with limited local services and facilities. The proposed site layout does not reflect the pattern of development in the locality and as such is not considered acceptable for this edge of village location, and would be contrary to Local Plan Policies LP02, LP18 and LP21.

While the applicant has submitted an Arboricultural Report, the Arboricultural Officer remains concerned that the development as proposed is within too close a proximity to the existing trees and hedgerows. Not only may the development directly cause damage to the retained trees but would also likely result in future pressure for the removal of trees and hedgerows and an unsatisfactory living environment for future occupants.

The need for custom and self-build units does not outweigh these planning considerations. As such, the application is recommended for refusal for the reasons given above. The development is contrary to the NPPF, and Local Plan Policies, LP01, LP02, LP11, LP13, LP18, LP19, LP21 and LP31.

## **RECOMMENDATION:**

**REFUSE** for the following reason(s):

- 1 The plans submitted show the vehicular access directly onto the A47, a strategic road. The site lies outside of the development boundary for East Winch and is not a Local Plan allocation. Local Plan Policy LP11 is clear that 'new development will not be permitted if it would include the provision of vehicle access leading directly onto a road forming part of the Strategic and Major Road Network'. The proposed development is therefore in direct conflict with this policy.

Furthermore, Local Plan Policy LP02 requires that new development does not result in an unacceptable impact on highway safety, or residual, cumulative impacts on the road network which would be severe (in accordance with Policy LP13). The applicant has failed to demonstrate that a safe access can be provided onto the A47 (Lynn Road).

The proposed development is contrary to the NPPF and Local Plan Policies LP02, LP13 and LP21.

- 2 Policy LP02 of the Local Plan controls residential development on windfall sites. The policy requires that development results in a sustainable design of development which respects and enhances local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the settlement. It also requires that the development would make a positive contribution to the local environment.

The established pattern of development in the village of East Winch is that of ribbon development, fronting onto the highways. While the development as proposed seeks to position four dwellings fronting onto the A47 (Lynn Road), the fifth dwelling is proposed to the rear of these. This represents backland development and is contrary to the established form and character of the locality.

Notwithstanding the weight attributed to the delivery of the custom and self-build housing, this does not outweigh the conflict with Policy LP02. The development proposed fails to accord with the NPPF, and Local Plan Policies LP02, LP18 in respect of design and sustainable development, LP21 with regard to environment and design, and LP31 in respect of custom and self-build housing.

- 3 The site layout, as demonstrated on plans submitted, would result in a very poor relationship between the development proposed and the existing trees and hedgerows on the site. The proximity of the dwellings, their driveways and amenity space, as well as the access arrangements, to the trees may result in disruption to their root protection areas and thereby cause damage to the trees. The development would likely result in future pressure for the removal of trees and hedgerows and an unsatisfactory living environment for future occupants. This is contrary to the NPPF and Local Plan Policies LP18 and LP19.