

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

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

Neighbourhood Plan: No

Case Summary

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

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

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

Key Issues

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

Recommendation

A) Subject to completion of a Section 106 agreement within 4 months of a resolution to **APPROVE** to cover affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, permission be granted subject to certain conditions. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

B) If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, contrary to Policies LP05, LP13, LP21, LP22, LP23, LP27 & LP28 of the Local Plan.

THE SITE & APPLICATION

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

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

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

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

SUPPORTING CASE

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

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

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

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

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

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

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

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

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

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

PLANNING HISTORY (Relevant)

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

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

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

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

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

CONSULTATIONS

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

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

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

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

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

District Emergency Planning Officer: NO OBJECTION

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

Anglian Water: NO OBJECTION

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

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

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

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

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

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

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

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

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

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

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

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

Cadent Gas: NO OBJECTION in principle.

Natural England: NO OBJECTION

Network Rail: NO OBJECTION

REPRESENTATIONS

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

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

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

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

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

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

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

LP02 - Residential Development on Windfall Sites (Strategic Policy)

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

LP05 - Implementation (Strategic Policy)

LP06 - Climate Change (Strategic Policy)

LP13 - Transportation (Strategic Policy)

LP14 - Parking Provision in New Development

LP18 - Design & Sustainable Development (Strategic Policy)

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

LP21 - Environment, Design and Amenity (Strategic Policy)

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

LP23 - Green Infrastructure (Strategic Policy)

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

LP28 - Affordable Housing Policy (Strategic Policy)

LP30 - Adaptable & Accessible Homes (Strategic Policy)

LP41 - Downham Market (Strategic Policy)

NATIONAL GUIDANCE

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

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

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

Principle of Development:

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

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

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

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

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

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

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

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

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

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

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

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

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

Form and Character:

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

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

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

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

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

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

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

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

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

Impact on Neighbour Amenity:

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

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

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

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

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

Highway Safety:

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

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

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

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

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

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

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

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

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

Waste Management

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

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

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

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

Public Open Space

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

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

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

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

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

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

Affordable Housing:

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

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

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

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

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

Impact on The Willows Nature Reserve:

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

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

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

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

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

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

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

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

Ecology:

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

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

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

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

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

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

Impact on trees:

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

This course of action has been agreed by the applicants.

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

Drainage issues:

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

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

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

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

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

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

Other material considerations:

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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

RECOMMENDATION

A) Subject to completion of a Section 106 agreement within 4 months of a resolution to **APPROVE** to cover affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, permission be granted subject to certain conditions. If the agreement is not completed within 4 months of the committee resolution, but reasonable progress has been made, delegated authority is granted to the Assistant Director/Planning Control Manager to continue negotiation and complete the agreement and issue the decision.

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

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: Prior to the commencement of groundworks, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

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

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

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

- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 6 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following as a minimum and accord with Section 6 of the Ecological Impact Assessment:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) A precautionary working method statement to avoid the risk of impacts to amphibians and reptiles
 - f) Pre-construction check for badgers and water voles not more than three months before commencement of works
 - g) Details of security/construction lighting including the design, location, orientation and level of illuminance which must specify the avoidance of illuminating ecological features such as hedges, garden boundaries and mature tree to maintain dark corridors
 - h) Responsible persons and lines of communication.
 - i) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person where required.

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

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

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

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

- 7 Condition: No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall detail the management and details of enhancement measures to be installed including the number, type and location of bird boxes and hedgehog links and the location and species composition of hedge-planting/establishment identified within Section 7 of the Ecological Impact Assessment in addition to those recommended by the LPA (email dated 03/11/2023). This must include a spatial plan of where enhancements are located.
- 7 Reason: In order to safeguard the ecological interests of the site in accordance with Policy LP19 of the Local Plan (2021 – 2024) and Section 15 of the NPPF. The details are required prior to commencement to ensure the ecological interests of the site are not prejudiced by the construction process.
- 8 Condition: No development shall take place until an ecological design strategy (EDS) addressing mitigation and decompensation has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance.
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B) If in the opinion of the Assistant Director/Planning Control Manager no reasonable progress is made to complete the legal agreement within 4 months of the date of the committee resolution, the application is **REFUSED** on the failure to secure affordable housing provision, maintenance as a private road, off-site contribution towards play equipment/maintenance etc. fee towards maintenance of The Willows Nature Reserve plus payment of GIRAMS fee, contrary to Policies LP05, LP13, LP21, LP22, LP23, LP27 & LP28 of the Local Plan.