

PLANNING COMMITTEE

27 July 2026

SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE PUBLICATION OF THE AGENDA AND ERRATA

Item No. 9/1(a) 25/01783/FM

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Update from Applicant: As requested by members, the proposed development was considered at the Regeneration and Development Panel meeting held on 22nd July 2026. The Applicant has submitted the following note summarising the discussion in relation to that item:

This note summarises the discussion held at the Regeneration and Development Panel in relation to the proposed Active Travel Hub at King's Lynn Enterprise Park following an update and presentation by James Grant – Principal Project Manager

Concerns raised and responses to satisfy Panel concerns

1. Behavioural change and likely use

Members questioned whether the hub would be used, given weather conditions, existing car dependency and no guaranteed user numbers on day one.

Principal project manager reassured Panel confirming that the hub is explicitly designed to support behavioural change over time, providing attractive alternatives to town-centre car use and the flexibility to adapt as transport technologies and habits evolve. Usage is expected to grow through promotion, integration with public transport and ongoing engagement rather than fixed forecasts, and the Panel was advised that this is consistent with wider active travel practice and Town Deal objectives.

2. Bus services and connectivity

Concerns were raised about bus frequency and the impact of service quality on the hub's usefulness.

Principal project manager reassured Panel that active dialogue with Norfolk County Council and bus operators, noting that the existing X1 route passes the Nar Ouse Way which is directly outside the site. Further improvements to frequency and options for carrying bikes on buses will be explored to strengthen connectivity, and the Panel was reassured that bus integration will continue to be developed alongside the hub.

3. Parking capacity, layout and vehicle sizes

Members queried whether the proposed parking layout is sufficient and suitable for modern vehicles, and whether expansion is possible.

Principal project manager reassured Panel that Phase one provides 43 spaces and bay dimensions that exceed British Parking Association minimums, deliberately sized for larger vehicles. Future phases can be brought forward and additional funding, ensuring flexibility to respond to demand and changing vehicle profiles.

4. Safety, security and anti-social behaviour

Concerns focused on secure bike storage, CCTV coverage, access control and potential anti-social behaviour.

Principal project manager reassured Panel that the scheme includes CCTV inside and outside the hub, controlled entry systems with fail-safe arrangements, and ongoing involvement of business operations and security teams. Operational details (cleaning regimes, opening hours, toilet access) will be finalised by the council in consultation with operational teams to maintain a safe and trusted environment, and the Panel was advised that these measures are intended to build user confidence, particularly for higher-value bicycles.

5. Charging regimes and affordability

Members expressed concern that parking charges or complex access models could deter

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use and undermine the behavioural aims, with strong views favouring low barriers to entry. Principal project manager reassured Panel that the Charging models are still under development, with a clear intention to keep barriers to use as low as possible. Membership options will be considered primarily for security and access control rather than revenue generation, and the infrastructure is deliberately flexible so that charging and incentives can be adjusted over time in response to behaviour, funding and wider transport policy.

6. Funding, phasing and future hubs

Questions were raised about funding for later phases and the risk that phase one alone might not deliver the full vision.

The Principal project manager reassured Panel that Phase one funding covers the initial hub and car park. The project is being delivered to “shovel-ready” standard to support future bids for external funding from strategic authorities. The longer-term vision is a network of hubs integrated with the emerging King’s Lynn master plan and Local Cycling and Walking Infrastructure Plan, with King’s Lynn Enterprise Park acting as a first anchor hub.

7. Planning, drainage and flood risk

Members sought assurance that technical and statutory bodies had no outstanding objections.

All relevant drainage and flood risk authorities have reviewed the proposals and raised no new concerns, recognising the wider flood context of King’s Lynn. The committee’s decision is therefore focused on the car park and building siting rather than unresolved technical issues.

Conclusion

Following discussion, members recognised the Active Travel Hub at King’s Lynn Enterprise Park as:

- A key component of the Town Deal’s active, convenient connectivity priorities and the emerging King’s Lynn master plan.
- An important step towards sustainable transport and active travel leadership in West Norfolk.
- A practical means of supporting growth at the Enterprise Park, alleviating town-centre parking pressure and reducing congestion on key approaches.

Following clarification from the Principal Project Manager, the Regeneration and Development Panel was supportive of the scheme proceeding, subject to planning consent, recognising both its immediate value and its importance as part of a wider active travel vision for the borough. There was a clear desire to commence construction promptly within the current funding window to realise the benefits of the hub and demonstrate commitment to the wider active travel network.

A copy of the relevant minute from the Regeneration and Development Panel meeting is attached below for information.

RD22 KING’S LYNN ENTERPRISE ZONE - ACTIVE TRAVEL HUB UPDATE

The Deputy Leader and Portfolio Holder for Business introduced the item and reminded Members that it had previously considered the matter on two occasions, most recently in March 2026 when the recommendations were approved. The Deputy Leader and Portfolio Holder for Business explained that, during its consideration of the application, the Planning Committee had raised questions relating to operational matters and requested that the item be referred back to the Panel for further scrutiny. It was explained that this additional review had been undertaken in the interests of openness and transparency and provided the Panel with a further opportunity to examine the proposals before progressing the matter.

The Principal Project Manager presented an update on the Kings Lynn Enterprise Zone Active Travel Hub which addressed planning committee concerns about usage, design,

safety, and operations.

The Principal Project Manager advised Members that the presentation being delivered was substantially the same as the version published with the agenda. It was noted that only minor amendments had been made to the circulated presentation, and Members were informed that the final version would be included with the minutes.

The Chair thanked the Principal Project Manager and the Deputy Leader and Portfolio Holder for Business for the report and presentation and invited questions and comments from Members, as summarised below.

Councillor Heneghan asked whether it was possible to expand the site and raised concerns around antisocial behaviour and additionally asked whether CCTV would be installed. The Principal Project Manager confirmed that the initial phase of the Active Travel Hub would provide 43 parking spaces, with capacity for additional spaces to be delivered in the future should demand increase. Comprehensive CCTV coverage, secure access controls and automatic entry systems would be installed to deter anti-social behaviour and protect users' property.

The Assistant Director for Environment and Planning reminded those members of the Regeneration and Development Panel sitting on the Planning Committee, to remember the rules around predetermination, and to take care in any comments made. In addition in response to a question from Councillor Blunt, he also advised that if there was a vote on the matter, his view was that they ought to err on the side of caution, and not take part in any vote.

Members raised concerns about the impact of parking charges on hub usage and the Principal Project Manager confirmed that charging and membership models, were still under development.

Councillor Heneghan expressed the need for integrated bus services. In response to questions and comments from Members, the Principal Project Manager explained the project was designed to be well-positioned for future funding opportunities, with flexibility for expansion, coach parking, and integration with bus and cycle hire schemes.

In response to questions and comments from Councillor Bubb, the Principal Project Manager confirmed that operational details such as cleaning regimes, car park dimensions and provision for larger vehicles were still under development.

Councillor Colwell expressed support for the application. Councillor Colwell suggested that further engagement be undertaken with bus operators to explore opportunities for accommodating standard bicycles on bus services.

Councillor Ratcliffe addressed the Panel under Standing Order 34B and expressed support for the application. Councillor Ratcliffe suggested a review of the spacing and design of cycle parking (including two-tier racks and Sheffield stands) in the Active Travel Hub to ensure accessibility and consult with local cycling organisations for best practice advice.

Councillor Heneghan expressed support for the application and thanked the Principal Project Manager for their enthusiasm towards the scheme.

The Chair expressed support for the application but highlighted the need to consider the potential impact of parking charges on future hub usage.

The Deputy Leader and Portfolio Holder for Business thanked Members for their comments.

RESOLVED: That the Regeneration and Development Panel expressed general support for the King's Lynn Enterprise Park Active Travel Hub.

Assistant Director's comment:

All planning applications should be determined in accordance with the Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, unless material considerations indicate otherwise. The NPPF also makes it clear that development proposals that accord with an up-to-date development plan should be approved without delay.

The Committee Report sets out that the proposed development is in full compliance with local and national planning policy and that there are no material considerations that would indicate that the development should not be approved. There are no objections from statutory consultees and the proposed development benefits from considerable support from local and regional sustainable travel policies.

Many of the matters raised and discussed at the Regeneration and Development Panel meeting related to non-material planning considerations, such as the financial sustainability of the scheme, and very detailed operational matters. That said it is noted that a planning condition is proposed requiring the applicant to submit and secure approval to an Operational Management Plan prior to the scheme coming into operation, which would cover material issues such as suitable lighting and CCTV coverage.

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Update: The application was called in by the former local ward member Stuart Dark. Mr Dark has since resigned his post as a councillor. However, given the nature of the application and the level of public interest it is considered appropriate that the application is debated and determined at Planning Committee.

Parish Council: The Parish Council ask that the application is delayed, requesting additional time to appoint a planning consultant to represent the interests of the village. Furthermore, former Councillor Dark has resigned and the by-election for Snettisham to elect a new member does not take place until 6th August. A delay would enable the village to be represented by the new elected member.

Assistant Director's Comments: The Parish Council comments are noted, however their comments have been received and considered in full. Furthermore, Mr Dark and the Parish Council are both registered to speak at Planning Committee to represent the local community. There is insufficient justification to delay the application.

There are amendments to the conditions which are set out below. These provide clarity and encompass the requirements of the EA and the Environmental Quality Team.

AMENDED CONDITIONS:

Conditions 5, 16 and 17 should be amended as follows-

5 Condition. The development hereby permitted shall be carried out in accordance with the following approved plans -

7057-CF-ZZ-XX-DR-A-0502 P6 INDICATIVE SITE PLAN WITH BOUNDARY MARKED (received 9 June 26) in so far as ~~site boundary and~~ access only.

7057-CF-ZZ-XX-DR-A-0500 P2 SITE LOCATION PLAN (received 2 March 26).

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

16 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 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~~ **controlled 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).

16 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.

17 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, **controlled waters** 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.

17 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.

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Conservation Officer: The Conservation Officer wishes to clarify that there is still an **OBJECTION**, however the level of harm is classified as a low level of less than substantial harm.

Assistant Director's Comment: There is some confusion in that there is reference in the report to both the Assistant Conservation officer and Conservation officer in the report. To clarify there is an objection from Conservation, but the harm identified is classed as a low level of 'less than substantial harm' (using the NPPF terminology). This is to be weighed in the balance.

CORRECTION – On Page 92, The Planning Officer's report refers to the proposed materials as being cladding atop a brick plinth with brick detailing. The materials are in fact to be reclaimed or tumbled red multi-brick, with brick detailing atop a brick plinth.

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Applicant: Keith Baker [agent] had taken a very clear position, which we fully supported in its entirety. We see no justified reason to alter that given your intransigence against clear local community benefit.

We work closely with many LPA's for the common good of all concerned and normally there is a path that can be found, if all matters are considered equally fairly, logically, and on their own merits. It baffles me why not here.

We'll place this matter in the hands of the various Council Members of the Planning Committee and just hope an appeal will not be necessary.

King's Lynn Civic Society: "King's Lynn Civic Society write to express our great concern about this scheme – which relates to a site where regard to the planning system seems to have long been overlooked.

In our view, the key reason we have planning legislation is to try to shape development decisions so that they provide for the long-term common good and the wellbeing of current and future generations.

In that spirit, KLCS have long argued that this site is at an important position on a main approach to the town centre that deserves to be sensitively developed. We broadly supported a previous plan for 95 dwellings on the site in 2017 (Ref: 16/01225/RMM) (although we felt the Edward Benefer frontage needed to include a more significant landscape buffer). We never understood why this permitted scheme didn't proceed or how, three years later, the current applicant came to be using the site for self-storage without planning consent.

Since 2021, the applicant has submitted a series of plans and proposals for the site, that whilst perhaps offering some minor public benefit (self-storage lock-ups?), in our view have all failed to offer sustainable development for a prominent, centrally located site in King's Lynn, adjacent to a major gateway into the town.

The applicant has repeatedly ignored planning protocol – submitting a series of retrospective applications – this scheme simply being the most recent. It is impossible to see how it can be argued that a row of hot boxes requiring almost exclusive access by car and offering minimal townscape or environmental benefits can be regarded as ‘sustainable development’ for King’s Lynn.

We recognise that a number of the units are occupied – demonstrating that through location, scale or affordability, a number of operators appear to find them attractive for use. We feel that the growing North Lynn community is generally poorly served with attractive ‘local centre’ shop units – and perhaps uptake of these units underlines that observation.

But we already have empty shop units in North Lynn, and many in the town centre, and provision of additional retail accommodation of questionable standard will exacerbate that problem (and others). If our planning system is overtaken and controlled by development practice which fails to follow planning protocol and adhere to basic tenets of good planning (townscape amenity, environmental and transport sustainability), we might as well not have an application process and local authority planning departments at all.”

Assistant Director’s Comments:

The comments are noted and have largely been addressed within the Officer’s report.

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Applicant’s Supporting Statement:

This application represents the final stage of the improvements I have been making to the outside of my property.

The existing boundary wall has been in poor condition for many years and has clearly been patched and repaired on numerous occasions, long before I became the owner. Whilst it has served its purpose, it has now reached the end of its useful life. Likewise, the existing Leylandii hedge is well past its best. It is sparse in places, unattractive and no longer provides the quality of boundary treatment that this prominent location deserves.

As the property is the first house visitors see as they enter Stoke Ferry across the bridge, I feel it has an important contribution to make to the appearance of the village. I would like the entrance to Stoke Ferry to present a more attractive and welcoming first impression, while respecting the character of the Conservation Area.

The proposed metal railings have not been chosen at random. Similar traditional railings already exist further along Bridge Road, and I believe they are entirely in keeping with the character of this part of the village. Their open design will also create a lighter and more attractive frontage than the existing overgrown hedge.

The landscaping is a key element of the proposal. The planters will be planted with Ceanothus, an evergreen shrub that will provide year-round greenery together with vibrant blue flowers, softening the appearance of the railings and adding colour and interest to the street scene. Whilst these shrubs become established, the 1.8-metre trellis will provide the privacy and security currently afforded by the existing hedge. Once the planting has matured, the trellis will be removed, leaving the established shrubs to form a permanent, softer green boundary that balances security and privacy while preserving the special character of the Conservation Area.

My aim is not simply to replace a failing wall and hedge, but to create a high-quality frontage that enhances the street scene, provides a more attractive gateway into Stoke Ferry, and maintains greenery within the Conservation Area. I believe the proposal will make a positive contribution to the appearance of Bridge Road and provide a softer, more attractive setting for both residents and visitors entering or leaving the village.

I respectfully ask Members to support this application. I believe it will improve both my property and the wider street scene, while preserving the character of Stoke Ferry's Conservation Area.

Assistant Director's Comment:

The comments are noted and have largely been addressed within the Officer's report.

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Senior Ecologist:

Protected Habitats

The PEA records other neutral grassland, scattered trees and ditch. Further botany surveys were recommended to be undertaken in the optimal period (April to October) to determine if the grassland on site has any important plant species present and if it should be classified as a higher distinctiveness habitat. The result of that survey is reported within 'Phase 2 Botanical Survey Report' and concludes the grassland is regionally important.

The development will lead to the likely complete destruction of important habitat in the form of an MG5 Lowland Meadow qualifying as a Section 41 Habitat of Principle Importance (HPI). Any retained examples of this habitat currently planned or integrated into future iterations of site design are likely to be managed sub-optimally/subject to urban effects and will likely experience degradation over the lifetime of the development.

Habitats of Principal Importance (HPI) are those included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act (NERC) 2006. Under section 40 of the NERC Act public authorities must have regard to the conservation of biodiversity in England, including consideration of the Section 41 lists, when carrying out their normal functions.

This application includes a habitat listed under Section 41 which will be lost to the proposed development. There is no indication that the mitigation hierarchy has been considered or that the design is sensitive to the presence of this habitat. There is a significant amount of developed surface which includes the houses themselves, turning areas, additional visitor parking, large parking areas in front of garages as well as patios within the garden which demonstrate a lack of ecological sensitivity within the proposals. This is also evident in the fact that the ecological surveys are all dated in 2026 while the indicative design is dated August 2025, suggesting the ecological sensitivities played no part in the design which was already in place prior to the surveys. The neutral grassland will be destroyed entirely which could have adverse impacts at the regional level. The design is therefore unacceptable under LP19 and the NPPF.

Biodiversity net gain

The proposals are exempt from mandatory biodiversity net gain under a self-build and custom build exemption. However, every development has a duty under the NPPF (as above in para 192) to deliver measurable net gain in biodiversity. No quantitative assessment of habitat within the baseline and habitat within the post development site has been undertaken. However, it is clear that the

development would deliver a significant net loss in biodiversity. The Statutory Metric is a standard tool used to undertake this type of assessment and should be used to understand the significance of the losses proposed. The applicant can either submit a Metric or submit the area data for habitat onsite predevelopment and habitats post development so that the LPA may undertake a Metric assessment.

Protected Species - Water vole

Water vole surveys were carried out on 24 April, 05 May and 14 July. The ditch is recorded as dry on all three visits. Historic water burrows on the southern bank are reported and evidence of rabbit was identified during these surveys. On balance the report concludes that the risk from the development to this species is low given the lack of suitable habitat, lack of recent evidence of water vole and lack of water within the channel. Precautionary methods are recommended and should be a condition of any consent. The report outlines opportunities to enhance the southern bank to increase the suitability for water vole which the applicant could consider.

Given the limitations to access, a pre-construction check is recommended and is required prior to any works with 5m of the water course.

Great Crested Newts

The PEA concluded that further surveys were required for great crested newts (GCN). No further information regarding GCN has been submitted. The ditch closest to the site was reported to be dry in April, May and July which covers most of the GCN breeding season. However, there are several other ditches and ponds within 250m which could support the species. The site could therefore still support the species in their terrestrial phase. Further information is still required to assess the potential impact on GCN.

Other protected species

There is the potential for residual risks to reptiles, badgers, foraging bats and hedgehog in the absence of mitigation. Precautionary measures and mitigation are proposed to avoid impacts to the species and would need to be a condition of any consent.

Agent: Summarised comments as follows:

Refusal Reason 1: Location of Development

RESPONSE - FURTHER INFORMATION AND VITAL NEW MATERIAL PLANNING CONSIDERATION:

It is understood that the Local Planning Authority (LPA) is now unable to claim a 5-year housing land supply position due to the housing numbers from the West Winch proposal no longer being counted on figures. This renders local plan policies that restrict housing development due to location out of date and paragraph 11 of the NPPF is triggered. The tilted planning balance therefore applies and only if the harm of the scheme significantly and demonstrably outweighs the benefits should it be refused. The LPA also concedes it is not meeting self-build demand on their self-build register, a statutory duty under the Self and Custom Build Act.

An appeal decision under reference 3360479 was allowed on 23 June 2025 was for outline consent for a single self-build plot in Wilden, Bedford. Although it is a different administrative area, it is the general principle of how an application should be assessed in terms of location when an LPA is not meeting self-build demand on their register AND does not enjoy a 5-year housing land supply position simultaneously.

The Inspector explained that Policy 7S of the Local Plan concerns development in the countryside and that the site was outside the defined Settlement Policy Area (SPA) for Wilden and as a result it was in open countryside in policy terms. At paragraph 12, the Inspector found that the site was not well related to any settlement and did not therefore attract support from Policy 7S. Whilst they also found that the surrounding roads did not have footpaths and were unlit, they considered that this

would not preclude walking and cycling as alternative modes of transport to local villages, weather and light conditions permitting. In line with paragraph 110 of the NPPF the Inspector noted that the fact that journeys will also be undertaken by private motor vehicles, particularly to the larger centres, was not inconsistent with the NPPF which indicates that opportunities to maximise sustainable transport would vary between urban and rural centres, and that this should be taken into account on decision taking.

They found that taken as a whole, whilst there were some opportunities to access services and facilities necessary for day to day living by means other than the private motor vehicles, the site was not well related to any settlements and contrary to the spatial strategy for Bedford and consequently due to conflict with Policies 3S, 4S and 7S the site was not a suitable location for the proposed dwelling.

With regard to self-build, the Inspector noted that legislation required that local authorities hold a register of those seeking such a plot and must give permission for enough serviced plots to meet that demand for each base period. The Council's case was that there was a shortfall of 21 plots, which the appellant disputed, considering the shortfall to be greater than the Council alleged. The Inspectors position was that irrespective of this, there was agreement that insufficient permissions had been granted relative to the statutory and as a result this was a material consideration weighing in favour of the appeal.

In undertaking the planning balance, the Inspector found that there was conflict with the spatial strategy and the NPPF as the development was not well-related to any settlement and conflicted with the objective that development in the countryside should contribute to maintaining the vitality of the rural community. Their view was these identified conflicts therefore attracted significant weight.

However, they went on to detail that the Council was unable to demonstrate a five-year housing land supply and that whilst there was dispute over the degree to which the Council could not do so, the tilted balance was engaged. Inspector Bell-Williamson explained that whilst the proposal was only for a single dwelling, this remained an important contribution to addressing the relatively large deficit in housing land supply. Furthermore, it would contribute to meeting the shortfall in self and custom build housing "which the Framework promotes in terms of meeting a range of housing needs". Resultantly, the benefits of the proposal "attract significant weight" and taken together were sufficient for the Inspector to conclude that the adverse impacts of granting permission in this case do not significantly and demonstrably outweigh the harms and that the appeal should succeed.

This appeal demonstrates that when taken 'together', that the lack of five-year housing land supply and the statutory duty failure are what tipped the balance in favour of the benefits significantly and demonstrably outweighing the harms.

Refusal Reason 2: Flood Risk

RESPONSE:

Paragraph 178 states: The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

It is a) above that it is claimed fails the test. The LPA is not achieving self-build demand on their Register which is a statutory duty under the self and custom build act. Provision of up to 4 no self-build dwellings is considered a wider public benefit. The officer report confirms that the Sequential

Test is passed as the development could be made safe for its lifetime without increasing flood risk elsewhere and concedes that there are no other sites currently available for residential development of an equivalent scale within Hay Green in a lower risk of flooding. At the same time, there is a shortfall in self-build provision for an Objectively Assessed Need (OAN) from the Council's own self-build register and this Local Housing Need which is a statutory requirement is a pertinent consideration when considering wider public sustainability benefits. Providing up to 4 no self-build dwellings on this site which could be made safe for its lifetime, without increasing flood risk elsewhere in a location where there are no other sites at a lower risk of flooding is considered to meet party a) of the Exception Test.

In a similar way, wider public benefits were required when less than substantial harm was identified to a heritage asset when outline planning permission was secured on 9th June this year under appeal reference 3320506 (Council Application Ref 22/01076/O) for 4 no. self-build plots on the edge of the village of Docking in the Borough of King's Lynn & West Norfolk. See attached appeal decision.

The Inspector agreed the Council had failed in its statutory duty to deliver enough plots to meet the demand on its Self-Build Register and that there was a significant shortfall.

The Inspector therefore gave 'significant weight' to the delivery of much needed self-build and custom housebuilding plots, even finding this sufficient to outweigh the 'less than substantial' harm to a designated heritage asset and non-accordance with the development plan (given the location of the site outside the settlement boundary of Docking). Provision of self-build dwellings at the time of a shortfall was considered to constitute the wider public benefits. In the same way, self-build provision on the proposal site is considered to meet an identified Local Housing Need: self-build housing at a time demand is not being met on the LPA register.

In addition, the applicant could also provide a contribution under a S106 agreement to offset flood risk elsewhere if desired.

Finally, the site-specific Flood Risk Assessment does indeed indicate mitigation measures raising Finished Floor Levels by 0.8m above existing ground levels plus 300mm of flood resilient construction above FFL. It is important to note here that the proposal site lies in an area below road level and using the topographical survey, you can see that the floor levels would be 400mm above road level so would have a lesser visual impact in the wider landscape area than the 0.8m rise in ground levels.

Refusal Reason 3 - Ecology

RESPONSE:

All the further assessments have now been submitted and can be consulted on.

Refusal Reason 4 - GIRAMS

RESPONSE:

The applicant has made the payment today for £315.58 per dwelling x 4 (£1262.32 in total). I attach the Section 111 form completed for your attention and see the receipt in the attached email from the applicant.

Recommendation:

Due to the following new material planning considerations:

- in terms of 5-year housing land supply no longer being met;
- the appeal decision in relation to wider public benefits for flood risk in terms of Local Housing Need and how lack of self-build demand being met is seen as the wider public benefit;

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- the ecology reports being sent in and requiring consultation; and
- the GIRAMS payment now being made

We therefore request this application is deferred until after the ecology surveys have been consulted on and the tilted planning balance is applied in the assessment. It will also give you time to digest and assess my responses above in full.

Assistant Director's comments: These comments are in response to the matters raised in the same numerical order:

1. The published 5-year housing land supply for the 2025-6 monitoring period is calculated at 6.2 years for decision-making purposes. The trajectory includes 100 dwellings at West Winch (13/01615/OM, with delivery scheduled to commence from 2029/30). Even in a scenario that these 100 dwellings were deducted from the 5 YHLS, this would only have the effect of reducing the 5 YHLS to 6.1 years (i.e. still very comfortable).
2. The appeals referred to are somewhat dated and we have several recent appeal decisions in the borough which clearly set out the weight to be attached to self-build development and the requirement to still accord with up-to-date Development Plan policies.
3. Whilst received very late, the additional survey work has been assessed by our Senior Ecologist who maintains an objection (please see above) and the reason for refusal is maintained.
4. The GIRAMS payment is indeed confirmed and as a result Reason for Refusal 4 can now be deleted from the recommendation.

Amended Recommendation:

Reason for Refusal 4 to be deleted from the recommendation.

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One additional third-party objection comment, summarised:

- The activity of carpentry/timber fencing of the previous owner of the site ceased long before 2019.
- The site is effectively dormant (there is no ongoing carpentry activity) neither the applicant, nor anyone else has hardly been on site for many months certainly in excess of a year -- other than to do routine maintenance-including recently on Sunday. Hence the times of activity noted in the report and attributed to the Planning Agent are erroneous.
- Believes that the use of the site for anything other than agricultural purposes would not be in keeping with the current character of this part of Fitton Road and the amenity of neighbouring properties.
- Since there is currently no activity and no details have been provided by the applicant or his agent with respect to employees or employment, it is unclear how the application can be justified on the back of providing employment.
- Carpentry operations are notoriously noisy and dusty. Concerned that conditions is a post planning approval report and implementation to control these aspects. These are small barns with no apparent noise insulation in situ currently, there may also be ventilation issues, which means that effectively at certain times, operating with the doors open is the only practical way of working - hence making noise abatement almost impractical/impossible.
- Comments about the historic behaviour of the Applicant to neighbours when conducting commercial activities, noise and hours of operation.

- Requests that Committee consider a management scheme is submitted for approval prior to the commencement of any woodworking activities on site, with any carpentry to be carried out in compliance with the approved scheme.
- Condition 4 restricts the use of the site but there have been previous breaches of planning control resulting in enforcement investigation and action.

Assistant Director's Comments:

The comments are noted and have largely been addressed within the Officer's report.

The request of a management plan is covered by condition 2 which reads:

Within two months of the date of this planning permission, a management scheme to protect neighbouring residents from noise, odour, dust and waste issues will be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include measures to reduce the potential negative impacts of the workshop activities and demonstrate methods that will be used to control emissions of noise, odour and dust, and will state the arrangements in place for the storage and collection of waste from the workshop. The scheme shall be implemented as approved and thereafter maintained as such.

Any comments related to the character of the Applicant is not material to the determination of the planning application.

Should activities that happen beyond the approved use as carpenter's workshop under Use Class E(g)(iii) occur, the Council can act if necessary.