

<b>Parish:</b>	<b>Northwold</b>	
<b>Proposal:</b>	<b>Phased development of 10 dwellings built to Passivhaus standards, using existing entrance from Jensons Way</b>	
<b>Location:</b>	<b>Jensons Way Whittington Norfolk</b>	
<b>Applicant:</b>	<b>Councillor Tony White</b>	
<b>Case No:</b>	<b>21/02103/FM (Full Application - Major Development)</b>	
<b>Case Officer:</b>	<b>Lucy Smith</b>	<b>Date for Determination: 4 February 2022 Extension of Time Expiry Date: 13 May 2022</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Ryves and deferred at 7<sup>th</sup> March Planning Committee

**Neighbourhood Plan:** No

### Members Update

This application was deferred on 7th March to allow consideration of an amended site plan provided prior to the meeting. An updated response from the Local Highway Authority has been received and is discussed within the text below (updates shown in bold). Additional information has also been provided in regards to the noise survey and comments received from CSNN.

### Case Summary

The application seeks full planning permission for the construction of 10 new dwellings to the rear of dwellings fronting Jensons Way, Whittington.

### Key Issues

Principle of Development  
 Planning History  
 Highway Safety and Access  
 Design and Impact on Form and Character  
 Impact on Neighbours and Residential Amenity  
 Affordable Housing  
 Other Material Considerations

### Recommendation

**REFUSE**

## THE APPLICATION

The application seeks full planning permission for the construction of 10 new dwellings to the rear of dwellings fronting Jenson's Way, Whittington.

The site comprises approximately 0.85ha of agricultural land and stretches from the rear of houses fronting Jenson's Way to the south to the A134 to the North.

An application for a similar scheme was refused under application 21/00460/FM in June 2021.

**This application was deferred at March Planning Committee to allow consideration of amended highways plans. The Agent has also provided a noise assessment in line with CSNN's objections. Updates are set out in bold throughout the Officer's Report**

## SUPPORTING CASE

**An in depth statement was received from the Agent as part of Late Correspondence for Planning Committee on 7th March. The points raised are summarised as follows:**

**\*Concern over lack of response on Highway Plans** –*Note: this plan has now been consulted on and is discussed on response below.*

- **The Applicant is willing to assist in the provision of speed mitigation measures on Methwold Road if deemed necessary**
- **Response to CSNN objection** - *Note: a Noise Survey has since been submitted and is discussed below*
- **Our central argument is that Passivhaus buildings perform in the top 0.03% of all dwellings, outperforming 99.97% of all other dwellings in England, and is thus an objective display of building quality.**
- **This is not subjective, or an opinion, the proposed houses are demonstrably of exceptional quality, and require expert craftsmanship, materials, and quality control. The officer does not engage with the Passivhaus aspect of the design, or acknowledge the benefits that such a design and quality provides.**
- **The policy argument goes further, drawing on the collective benefit to the borough in terms of energy-use in the housing-stock, and the pursuit of Net Zero by 2035.**
- **These homes, including the 2 affordable units, will allow people to save significant sums on their heating bills, eradicating fuel-poverty in a time of escalating fuel prices and scarcity.**
- **The officer's comments re DM3 suggest a building that consumes only 10% of the energy of a modern, building regulations compliant house is not of exceptional quality.**
- **The officer's comments also suggest increasing the number of super-insulated, fuel-efficient dwellings in the borough's housing stock, is not of benefit to the wider community**
- **The Planning Committee may disagree with these two statements, and consider these dwellings, and their ability to eradicate fuel-poverty, as demonstrating exceptional quality, and providing a benefit to the borough's housing stock, as per DM3**

## **RELEVANT PLANNING HISTORY:**

21/00460/FM: Application Refused: 28/06/21 - Phased development of 10 dwellings on land on Whittington Hill, using existing entrance and adopted entrance from Methwold Road - Jensons Way - Appeal Withdrawn 03/08/21; DELEGATED DECISION

20/00081/PREAPP: INFORMAL - Likely to refuse: 24/09/20 - PRE-APPLICATION ADVICE (OUTLINE WITH CONSULTATIONS AND A MEETING WITH A PLANNING OFFICER): 10 dwellings - Land Off Methwold Road

16/01159/RM: Application Permitted: 05/10/16 - RESERVED MATTERS: Construction of 5 dwellings including a site access road and all associated site works - Land South of Ashlee Methwold Road - COMMITTEE DECISION

16/00413/O: Application Permitted: 13/06/16 - OUTLINE APPLICATION SOME MATTERS RESERVED: Construction of 5 dwellings including a site access road and all associated siteworks - Land South East of Ashlee - COMMITTEE DECISION

## **RESPONSE TO CONSULTATION:**

**Parish Council: NO OBJECTION** – stating the following comments:

‘This application was discussed at our meeting last week and the Parish Council wish to say that they do not object but have made the following comments to be considered:-  
The developer to pay for speed reduction on the A134 from the roundabout to the entrance to the estate and there are concerns over what “Social Housing” on the application means – are these to be available for rent or are they classed as affordable housing therefore privately owned.’

**Local Highway Authority: NO OBJECTION** to amended plans, subject to conditions, stating the following comments:

**With reference to previous correspondence and the revised layout shown on drawing 201 Rev D (now Revision E showing noise mitigation measures), in relation to highway matters, I can confirm that the County Council would have no objection subject to imposing appropriate conditions.**

**However, the applicant should be aware that I would seek to have further discussions in due course regarding the positions of the proposed pinch points and inclusion of the 20mph gateway signage. The pinch point currently located adjacent to the turning head should be moved south in front of plot 5, the centreline radius of the bends through the chicane should be 20m and the pinch point at this location removed. The southern most pinch point should be located mid-way between the 20mph gateway and the first bend. You should also be aware that the kerbing across the junction will need to be removed and give way lines / tactile paving will need to be shown on future engineering drawings for the proposed estate road.**

**With regard the visibility splays / footway widening, I note condition 5 of permission 16/00413/NMA\_1 states the access shall be constructed in accordance with drawing 1318/ENG/021 rev E. This drawing clearly states the frontage footway shall be widened to the full extent of the required visibility splays, which are dimensioned on the drawing. Unfortunately the approved planning drawing is different in this respect to the subsequent Highways plan included in the Small Highway Works Agreement and the junction was not constructed in accordance with the drawing referenced in**

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the NMA planning permission. Nonetheless, I would expect the footway to be a minimum of 1.8m and widened to the full extent of the required visibility splays as previously required.

**Recommended conditions relating to the following:**

- **detailed plans and setting out of roads, footways and foul and surface water drainage**
- **on site parking for contractors during construction**
- **details of offsite highway improvement works to widen footpath to be agreed and implemented prior to occupation**

**CSNN: NO OBJECTION** to amended scheme including submission of noise report. Stating the following comments:

**The report has demonstrated that providing the recommendations over glazing and fencing are followed that the development will be sufficiently protected from road noise from the A134 and other environmental noise.**

**Recommended conditions relating to the imposition of mitigation measures as recommended within the report.**

**Environmental Quality: NO OBJECTION** with regard to Air Quality or Contaminated Land. Conditions are recommended to control additional details of proposed Electrical Vehicle charging provisions, Construction Environmental Management Plan (CEMP) in relation to Construction Dust, and Unexpected Contamination.

**Environment Agency NO COMMENT**

**Housing Officer – NO OBJECTION** - A Section 106 agreement would be required to ensure onsite provision of Affordable Housing.

**Historic Environment Service: NO OBJECTION** in principle, recommended archaeological investigation conditions with the following comments:

‘Although little is known about the archaeological remains in the area of the proposed development site, it does lie close to the edge of the fen, an area rich in resources and densely settled from the prehistoric to the medieval periods. There are a few finds of Prehistoric and especially Roman material in the locality. Consequently there is potential that heritage assets with archaeological interest (buried archaeological remains) will be present at the site and that their significance will be affected by the proposed development.

Consequently we request that the results of an archaeological evaluation are submitted in support of any planning application in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 194. In this instance that is primarily because the development will be phased and the archaeological investigations really need to be completed for the whole development area at the same time. That would also reduce the mitigation costs for the developer.

In this case the archaeological evaluation should commence with trial trenching. A brief for this is available from Norfolk County Council Historic Environment Service. Please note that we now charge for our services. Subject to the results of this evaluation, archaeological conditions may be required.’

*Note: Following re-consultation as a result of lack of archaeological investigation, the Historic Environment Service stated the following:*

‘Archaeological mitigation can be secured by condition, it just reduces the applicant’s options if significant remains are encountered.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological mitigatory work in accordance with National Planning Policy Framework. Ministry of Housing, Communities and Local Government (2021). para. 205.’

**NORFOLK FIRE & RESCUE SERVICE** NO OBJECTION, the proposal should meet the necessary Building Regs requirements and a condition is recommended to ensure the provision of at least one fire hydrant.

**CPRE Norfolk** OBJECTION - based on the principle of development, sustainable development and the impact on the countryside

## **REPRESENTATIONS:**

**TWENTY ONE** letters of **OBJECTION**, the comments summarised as follows:

- No change from previous application
- Overlooking and loss of privacy as a result of position of windows
- Highway safety and impact of increasing traffic from Jenson's Way
- No need for additional houses in the village
- Access to services - schools and doctors surgeries at full capacity
- Loss of outlook and loss of agricultural fields
- Inconsistent details on existing access point compared to width shown on plan and impact on highway safety
- Impact on wildlife
- Jenson's Way is unadopted and owned by the residents, the access and roadway could therefore lead to a loss of property values
- Maintenance of Jenson's Way is currently controlled by existing occupants and future occupants would change liability
- Loss of light to houses in Jenson's Way
- Noise and disturbance (including light pollution) of houses in Jenson's Way as a result of increased use of proposed access
- Query over leisure area stated to be previously approved and not built out
- Impact of lack of main sewerage and impact of access of larger vehicles to empty septic tanks etc.
- Proximity of housing to pig farm and charcoal factory and the potential impact on these existing businesses
- Potential for future development as a result of spur road into blue land
- **SAM data provided by third party representation which indicates the proportion of vehicles speeding along the B1112, raising concern over highway safety associated with the development. The table provides a breakdown of 42 speeding offences along the B1112 since January 2021.**
- **No agreement or modelling of highway layout shown in relation to proposed traffic calming measures.**
- **No further development should take place in blue land**

- **Lack of green space and open land for recreation, this could be provided in blue land for benefit of community**
- **Loss of privacy and overlooking from windows on side elevations and cost of implanting privacy measures to overcome this impact**

**THREE** letters of **SUPPORT**, the comments summarised as follows:

- In keeping with houses in the wider vicinity
- Houses will support local businesses

**Cllr Ryves: Comments received summarised as follows:**

**Cllr Ryves provided comments raising concern over the incidence of excess road speeds along the B1112 and the potential impact of additional dwellings along this route.**

**Figures from 2021 show 43% of vehicles travelled at the legal limit, 56.5% from 40-70mph. 2 vehicles were travelling at 90-95mph. This is indicative of the ineffectiveness of the speed controls introduced in 2020.**

**Cllr Ryves disagrees with the statement from the agent relating to the ‘demonstrable benefit’ and speed reduction at the entrance of the site as a result of the tightening of the entrance point.**

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS11** - Transport

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

**DM1** – Presumption in Favour of Sustainable Development

**DM2** – Development Boundaries

**DM3** - Development in the Smaller Villages and Hamlets

**DM9** - Community Facilities

**DM15** – Environment, Design and Amenity

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The key issues in this case are:

Planning History  
Principle of Development  
Highway Safety and Access  
Design and Impact on Form and Character  
Impact on Neighbours and Residential Amenity  
Affordable Housing  
Other Material Considerations

### **Planning History**

Application 21/00460/FM was refused under delegated powers in June 2021. The application proposed a similar scheme of 10 new dwellings in a similar layout on site. The reasons for refusal were as follows:

- 1 - The application site is located on the outskirts of Whittington which is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and the entire settlement is therefore subject to countryside protection policies. By reason of the site's location, to the rear of frontage dwellings and therefore not meeting the definition of a small gap in an otherwise continuously built up frontage, the proposal fails to comply with Policy DM3 of the SADMPP (2016). No additional justification has been provided and the application therefore comprises urban encroachment into an area of land defined as countryside and would be considered contrary to Paragraph 78 of the NPPF (2019), Policies CS06 and CS08 of the Core Strategy (2011) and Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (2016) which seek to protect areas in the open countryside from unjustified development.
- 2 - Plots 9 & 10 are positioned with side elevations facing the A134 and with acoustic fencing spanning the length of the boundary with this principal route. This lack of active frontage, combined with the visual impact of substantial fencing along a key route, is considered to be contrary to the form and character of the street scene and will have an adverse urbanising impact on the countryside which would be harmful to character and appearance of the area and is considered contrary to the NPPF (2019), Core Strategy Policies CS01, CS02, CS06 and CS08 and SADMPP Policies DM1, DM2 and DM3 which support sustainable patterns of development and protect the character of an area
- 3 - Insufficient detail has been provided to demonstrate that the site complies with the standards required by the Local Highway Authority and the site therefore cannot demonstrate a safe access or turning area for service or emergency vehicles. The application is therefore considered contrary to Paragraphs 108 & 110 of the NPPF (2019), Policies CS08 and CS11 of the Core Strategy (2011) and Policy DM15 and DM17 of the Site Allocations and Development Management Policies Plan (2016)

The current scheme seeks to address those reasons for refusal.

### **Principle of Development**

The proposal is for the construction of 10 No. dwellings on a site in Whittington. The application site is proposed to be accessed via the B112 to the south, with the rear of the site (north) directly adjacent to the A134.

Whittington is categorised as a Smaller Village and Hamlet in the settlement hierarchy of Policy CS02 of the Core Strategy (2011) and as a result the entire settlement is considered to be within the wider countryside for the purposes of planning policy.

Policy DM3 of the Site Allocations and Development Management Policies Plan (2016) supports the construction of new dwellings in Smaller Villages and Hamlets where the development comprises the sensitive infilling of small gaps in an otherwise continuously built-up frontage, where the development is appropriate in scale and character of the group of buildings and its surroundings, and where it does not fill a gap which provides a positive contribution to the street scene.

The application site comprises part of a wider agricultural field located to the rear of a row of 5 new dwellings fronting the B1112. Whilst there is residential development further to the west of the site and an industrial unit further to the east, the application site would not be considered to comprise either a small gap or a continuously built up frontage for the purposes of Policy DM3. The principle of residential development on site is therefore not acceptable.

In the interests of sustainability, the SADMPP and specifically Policy DM3 restricts development in Smaller Villages and Hamlets to very modest housing growth in the form of infill development discussed above. This is in the interests of sustainability and to ensure that the majority of growth in rural areas is located where it can benefit from and support rural services and facilities. In this instance, Whittington has very limited services and facilities and the proposed dwellings are therefore not considered to be in a sustainable location for the purposes of planning policy or paragraph 79 of the NPPF (2021). Whilst the Agent has put forward 'PassivHaus' principles and innovative design as additional justification for the dwellings, the development is not considered to be innovative or of exceptional quality and therefore the conflict with the Local Plan and the National Planning Policy Framework remains. The sustainability credentials of 'passivHaus' are not sufficient to justify the development of a greenfield site in this location which is fundamentally contrary to the Local Plan.

The applicant suggests that as the proposal site is within the parish of Northwold and Whittington, that the subject site should be considered as 'adjacent to' Northwold for the purposes of Para 79 of the NPPF (2021) in regards to the future occupants being able to make use of the facilities in Northwold. The application site, which is its own settlement as per the settlement hierarchy in CS02, is in excess of 3km from the outskirts of Northwold (A Joint KRSC) and cannot reasonably be considered adjacent to this settlement or the services it provides.

No additional justification has been provided to overcome the principle policy objections above. No information suggests that the dwellings would meet an identified local need for the purposes of para 78 of the NPPF (2021).

The Borough Council can currently demonstrate a housing land supply of 7.96 years and proposals should therefore be considered against the policies of the current local plan. The construction of 10 dwellings in this position comprises an un-sustainable form of development in the countryside which is contrary to both the NPPF (2021) and policies Cs01, Cs02, Cs06, Cs08 of the Core Strategy (2011) and Policies DM2 and DM3 of the SADMPP (2016).



## Highway Safety and Access

The Local Highway Authority previously submitted a holding objection due to a lack of detail and concerns of the drawing of the proposed site access and layout plans. Discussions between the Agent and the Local Highway Authority since the deferral of the application have resulted in an amended plan being submitted, to which the Local Highway Authority raise no objection in principle, subject to further discussions relating to details works relating to the location of the pinch points. Kerbing across the junction will need to be removed and give way lines / tactile paving will need to be shown on future engineering drawings for the proposed estate road. This allows the removal of Reason 3 for the previous application and also Reason 3 noted within the report for March Planning Committee.

With reference to proposed visibility splays, the footways at the front of the site are required to be extended and widened to the full extent of the visibility splays, as previously required under ref 16/00413/NMA\_1. This allows easier control of visibility splays in perpetuity. The Local Highway Authority recommended that conditions relating to the submission of detailed plans and construction timings are appended to any approval.

Third party representations provided traffic and speed data along the B1112, stating concern over the average speed of vehicles and the impact of the development on overall highway safety. These comments are noted and have been passed to the Local Highway Authority for comment. However, the amendments to the proposed access points are considered to meet the required standards for visibility splays based on the methodology outlined in the Design Manual for Roads and Bridges and Manual for Streets that are both produced by the Department of Transport.

Overall, subject to the conditions requested by the Local Highway Authority, the application can demonstrate highway layouts in accordance with the relevant standards. Members should consider the concerns raised by neighbouring dwellings in relation to the speed of traffic along this road and the potential impact of the increased use of the junction. However, the Local Highway Authority does not object on highway safety grounds as the application provides a safe access and is therefore considered to comply with the NPPF (2021) and Policies CS08, CS11 and DM15 of the development plan.

## Design and Impact on Form and Character

The proposed dwellings are set around a central access road with an existing access between two dwellings to the south of the site.

The proposed dwellings are large two storey units with a mix of both 3 bedroom semi-detached pairs and detached four bedroom dwellings, each with single garages to the side of the plots. Each dwelling has soldier course detailing and a central porch projection.

The application site is on the outskirts of Whittington which has an overall rural character and comprises a range of houses of various scales and types. An existing cul-de-sac to the west of the site comprises a large group of semi-detached dwellings which are equally spaced around a central access road. The remainder of Whittington is mixed frontage development, with the majority of dwellings in the vicinity fronting main roads and with limited instances of any development in depth.

As a housing development on the outskirts of a smaller village and hamlet, the proposal site is visible on approach from the east/south east and the extent of development in depth will be apparent across fields as viewed from the A134.

In regards to the visual appearance from the A134, whilst there is residential development further to the west and to the north of the site, the existing residential development around Normans Drive is the last in a row of frontage dwellings on this side of the A134. The open character of the application site and the land either side provide a clear change in character when travelling away from the village and provide a gap between the village and the nearby industrial charcoal unit.

**Alongside amended plans submitted to address the highway concerns, amendments were also made to site boundaries in line with the comments from CSNN to add fencing to the north portion of the site. A band of trees has also been added to proposed plans between the site and the A134 (on the outside of the acoustic fence) to address concerns around the visual impact of the proposal. Full details of the landscape area would need to be provided via condition.**

**Whilst the band of trees/planting proposed along the north edge of the site would soften the appearance from the immediate north of the site, the extent of planting provided is not considered likely to provide such a significant benefit to the visual appearance of the site to negate the remaining concerns and the urbanising impact discussed above.**

**Whilst boundary treatments could be partially screened by trees and/or hedgerows, the close boarded fencing around the full extent of the site required by the noise report would be highly visible on approach along the A134 from either direction. When combined with the extent and scale of housing proposed in this rural location, the proposal would have an adverse impact on the intrinsic character of the countryside which would ultimately be harmful to the character and appearance of the area. The application is therefore considered contrary to the NPPF (2021), Core Strategy Policies CS01, CS02, CS06 and CS08 and SADMPP Policies DM1, DM2 and DM3 which support sustainable patterns of development and protect the character of an area.**

### **Impact on Neighbours and Residential Amenity**

In regards to overlooking and loss of privacy, windows on the first floor side elevations of the semi-detached units serve bedrooms. The position of Plot 1 will therefore allow a viewpoint from the first-floor bedroom towards the rear elevations and private amenity space of the existing dwellings to the south of the site. Whilst this is noted, the proposed dwelling is in excess of 35m north of the rear elevation of the dwellings fronting the B1112. The proposed bedroom window is therefore considered unlikely to lead to such a significant adverse impact as to warrant refusal of the application on this basis.

Remaining bedroom windows in the side elevations of plots 2, 7 & 8 will look towards the blank gable ends of the adjoining plots and are considered unlikely to lead to any significant loss of privacy for the proposed dwellings.

However, if unmitigated, the layout of the proposed development is considered likely to lead to adverse impacts in relation to noise and disturbance from the A134, specifically on Plots 9&10 but potentially also on the outdoor amenity space of the remaining plots.

Plots 9 & 10 are located with rear elevations and therefore rear private amenity space adjacent to the A134m, **screened by supplemental planting and acoustic fencing. Plot**

**10 is** approximately 150m from the change in speed limit from 60 to 40mph. The distance from Plot 9 to the edge of this key strategic route measures less than 10m.

**A Noise Survey has been submitted which outlines measures to be put in place to limit the impact of the adjacent highway on the amenity of the closest units.**

**Both plots 9 & 10 have two bedroom windows at first floor and open plan Kitchen/Dining rooms facing directly towards this adjacent highway which carries significant levels of traffic and therefore has the potential to lead to adverse impacts and noise and disturbance on these habitable rooms and the outdoor private amenity space. Whilst the sound insulation and triple glazing associated with the proposed 'passiveHaus' credentials are noted, this will have no impact on the outdoor private amenity space which also needs to be considered.**

**In line with the submitted noise report, the Agent has submitted amended plans proposing acoustic fencing along the north boundary of the site to screen some of the impact from the adjacent road on Plots 9 and 10. The Noise report also proposes standard close boarding fencing to the remaining site boundaries, although this is not shown on the proposed plans and full details would therefore need to be controlled via planning condition.**

**The CSNN Team removed their objections following receipt of the noise report, subject to conditions relating to implementation in line with mitigation measures outlined within the document. With mitigation measures proposed, including sound insulated glazing, acoustic fencing along the boundaries of plots 9 and 10 and close boarded fencing on all other plot boundaries, both internal and external areas across the site are considered likely to meet the relevant British Standards.**

**Paragraph 130 of the NPPF (2021) makes it clear that both design and the amenity of existing future users should be considered as part of planning decisions. Whilst the acoustic fencing reduces the sound levels to what is an acceptable level, the impact on the countryside will be increased as a result of the expanses of close boarded fencing. This can only be partially mitigated through new planting. The fourth reason for refusal included on the previously deferred report can therefore be withdrawn. However, the visual impact of the close boarded fencing proposed should be considered.**

### **Affordable Housing**

The site area and number of dwellings proposed triggers the thresholds of the Council's affordable housing policy as per CS09 of the Council's adopted Core Strategy.

At present a 20% provision is required on sites capable of accommodating 5 or more dwellings and/or 0.165ha in Whittington. The affordable housing provision is then further split into 70% of the affordable homes being made available for rent and the other 30% for shared ownership 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 2 units would be required, 1 for rent and 1 for First Homes.

The applicant has provided plans to demonstrate the onsite provision of two 3 bedroom semi-detached units. A s106 agreement would be required to ensure on site provision in accordance with Policy CS09.

### **Other material impacts:**

With 10 dwellings proposed, the application falls below the threshold to provide public open space. DM16 states that whilst there is no definitive figure for sites of this size, proposals should contain enough space to ensure a high standard layout and amenity and integrate houses into the surrounding landscape.

The application site is within the Impact Risk Zone for Boughton Fen SSSI. Natural England have stated no comments, with the proposal unlikely to lead to significant impacts on designated sites or landscapes. No evidence has been provided to suggest that there are protected species on or around the site and the proposal is considered unlikely to lead to any significant impact on protected species.

No drainage details have been included as part of this application. It is considered that these details could be conditioned.

### **Specific comments or issues:**

The agent notes extant consent for other residential development across Whittington in their supporting statement. The applications referred to each were considered to represent infilling of a continuously built-up frontage which, as outlined above, does not apply in this instance.

The supporting statement also notes that home working is increasingly common and therefore that the development could be sustainable despite the lack of services in the immediate vicinity. Whilst this is noted, the ability for residents to work from home is not considered to pose such significant benefits to warrant the approval of an application which is fundamentally contrary to the Borough Council's Local Plan.

An existing charcoal factory is located approximately 200m to the east of the application site and has been granted consent to extend under application ref 21/00794/FM. Consideration of the impact on neighbours took place in association as part of that decision and acoustic fencing on this nearby site will sufficiently limit any impact of this adjacent use on the properties proposed under this application.

Comments were received from the Historic Environment Service (HES) relating to the potential for archaeological remains to be present on site and a request for trial trenching was requested prior to the determination of this application. Whilst no such details have been provided, it is considered that pre-commencement conditions will suitably control the submission of additional details and the undertaking of archaeological investigations prior to the commencement of development on site. Subject to conditions, the application is therefore considered unlikely to lead to adverse impacts to heritage assets with archaeological significant and complies with Para 194 of the NPPF (2021) and Policies CS12 and DM15 of the Local Plan.

## **CONCLUSION**

**The National Planning Policy Framework sets out that all planning decisions should be made in accordance with the Development Plan unless material considerations suggest otherwise.**

Policies CS01 and CS02 of the King's Lynn and West Norfolk Local Development Framework Core Strategy 2011 (CS) set out the overarching approach to the location of

development in the Borough. Together they seek to direct development to the most accessible locations while preventing the encroachment of development into the countryside.

Policy DM3 of the SADMPP (2016) supports the construction of new dwellings in Smaller Villages and Hamlets where the proposal meets the definition of infill development. As development in depth, to the rear of existing frontage dwellings and with open land to both the east and west, the proposal is not considered to comprise the infilling of a small gap in an otherwise continuously built-up frontage.

The principle of development on site is contrary to Policies DM2 and DM3 of the Local Plan and no justification has been provided which outweighs this conflict.

**Amended plans received throughout the course of this application have resolved the highway safety concerns raised by the Local Highway Authority who raise no objection subject to conditions relating to the laying out of roads/footways and the provision of off site highway improvement works. Safe access can therefore be provided in accordance with Policies CS08, CS11 and DM15 of the development plan. This overcomes the third reason for refusal on the previous application.**

Noise mitigation measures in the form of acoustic fencing around Plots 9 and 10 have been put forward to limit the noise and disturbance impacts of the adjacent traffic on the future occupiers of these units, in line with the recommendations of the noise survey provided. The sound insulation and triple glazing associated with the proposed 'passiveHaus' construction will reduce the internal noise impact. However, members should consider the overall impact of the siting and design of the dwellings proposed and the associated urbanising impact on the countryside as well as whether the overall scheme represents a good standard of design and provides a good standard of amenity for future occupiers in line with Paragraph 130(f) of the NPPF (2021) and Policy DM15 of the SADMPP (2016).

Overall, the proposal constitutes the construction of 10 new dwellings, as part of an open market estate development, on land which is considered to be within the wider countryside without justification and therefore contrary to both the NPPF and the Development Plan. Whilst the small section of planting proposed along the north boundary is noted and could be controlled via condition, the visual impact of the development in depth is considered likely to give rise to adverse urbanising impacts on the intrinsic character and beauty of the countryside and is considered contrary to Policies CS02, CS06 and CS08 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

The application is therefore recommended for refusal for the following reasons.

#### **RECOMMENDATION:**

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

- 1 The application site is located on the outskirts of Whittington which is categorised as a Smaller Village and Hamlet in CS02 of the Core Strategy (2011) and the entire settlement is therefore subject to countryside protection policies. By reason of the site's location, to the rear of frontage dwellings and therefore not meeting the definition of a small gap in an otherwise continuously built up frontage, the proposal fails to comply with Policy DM3 of the SADMPP (2016). No additional justification has been provided and the application therefore comprises urban encroachment into an area of land defined as countryside and would be considered contrary to Paragraph 79 of the NPPF

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(2021), Policies CS06 and CS08 of the Core Strategy (2011) and Policies DM2 and DM3 of the Site Allocations and Development Management Policies Plan (2016) which seek to protect areas in the open countryside from unjustified development.

- 2 The proposal constitutes the construction of 10 no. new dwellings, as part of an open market estate development which extends into open agricultural land to the rear of existing dwellings. The extent of development in depth, when combined with the necessary expanses of boundary treatments and overall layout of the site is considered to be contrary to the form and character of the street scene and the development is considered likely to give rise to an adverse and overly urbanising impact on the countryside which would be harmful to character and appearance of the area and is considered contrary to the NPPF (2021), Core Strategy Policies CS01, CS02, CS06 and CS08 and SADMPP Policies DM1, DM2 and DM3 which support sustainable patterns of development and protect the character of an area