

<b>Parish:</b>	<b>West Walton</b>	
<b>Proposal:</b>	<b>2No. Proposed new dwellings and associated works</b>	
<b>Location:</b>	<b>Land North of County Cottage Mill Road West Walton Wisbech PE14 7EU</b>	
<b>Applicant:</b>	<b>Child and Clark</b>	
<b>Case No:</b>	<b>22/01829/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Clare Harpham</b>	<b>Date for Determination: 9 December 2022 Extension of Time Expiry Date: 16 January 2023</b>

**Reason for Referral to Planning Committee** – Councillor Kirk has requested that the application be determined by the Planning Committee

**Neighbourhood Plan:** No

**Case Summary**

Full planning permission is sought for the construction of two large detached dwellings and their associated works, which include a detached garage with gym for Plot 1 and an attached garage with games room for Plot 2 at Mill Road, West Walton. The plans show an associated shared access onto Mill Road.

The site is currently an agricultural field and lies outside the development boundary of West Walton.

**Key Issues**

- Principle of Development
- Form and Character and Impact on Countryside
- Neighbour Amenity
- Highway Safety
- Flood Risk
- Other material considerations

**Recommendation**

**REFUSE**

## **THE APPLICATION**

The application site is located to the eastern side of Mill Road, West Walton approximately 0.3km north of the development boundary as identified within the Site Allocations and Development Management Policies Plan (SADMPP) 2016.

The site comprises a parcel of agricultural land with a width of approximately 88m which is currently laid to grass but open to the rear of the site to a very large agricultural field (east and north). The front roadside boundary has a drainage ditch and is open in nature, with access to the field on the southern corner immediately north of County Cottage. To the north and south of the site is some sporadic housing and agricultural land, with a farm complex and associated buildings opposite.

The proposal is for full planning permission for two detached dwellings within very large plots with associated works.

## **SUPPORTING CASE**

This site lies outside of the defined settlement boundary for West Walton however is within a cluster of existing development. The proposal will provide housing for two local families (some members of which have been West Walton residents for over a decade) where there currently is very little opportunity for them to purchase appropriate housing within the settlement boundary of West Walton. The development will infill a gap within an existing cluster of housing, reinforcing the community in this particular satellite settlement and the future residents of properties will access services and facilities within West Walton/Walton Highway village centre.

The applicants are keen for their families to grow up with the benefits of their village life.

The dwellings will be positioned across the site frontage, in line with the remainder of the street scene. There is a variation of architectural styles and sizes of dwellings within the vicinity of the site and the scheme has been designed to include the most prevalent features. The dwellings will have a high-quality appearance which includes characteristic features of the surrounding properties, such as dormer windows and chimneys. They also include agricultural style detailing, as seen in the full height glazing, which is reflective of the existing use of the site and the land to the rear.

There are generous gaps provided between the dwellings to allow for the views of the open countryside beyond the site to be retained, thereby respecting the character and setting of the area.

## **PLANNING HISTORY**

22/01829/F: Application Withdrawn: - 2No. Proposed new dwellings and associated works - County Cottage Mill Road West Walton

## **RESPONSE TO CONSULTATION**

### **Parish Council: OBJECT**

The application is for two dwellings outside the planning boundary.  
The proposed designs of both dwellings are not in keeping with the street scene.

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There is no pavement for pedestrian access to the village.

**Highways Authority: NO OBJECTION**

Having visited the site, I believe that ultimately the point of access would be safe and parking and turning for vehicles would be provided in accordance with parking standards for Norfolk.

However, the NPPF supports through section 9 Promoting Sustainable Transport & para 112, in particular points to the need to 'give priority first to pedestrian and cycle movements' and 'so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use'...

Sustainable transport policies are also provided at local level through Norfolk's Transport Plan for 2026 (see Appendix F). Policy 5 of this document states 'New development should be well located and connected to existing facilities so as to minimise the need to travel and reduce reliance on the private car or the need for new infrastructure'.

The proposed development site is remote from schooling, town centre shopping, health provision and has restricted employment opportunities with limited scope for improving access by foot, cycle and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car and this should be considered as part of the overall assessment of the site. Should the application be approved, conditions are recommended.

**Environment Agency: NO OBJECTION**

It is strongly recommended that the mitigation within the FRA by Ellingham Consulting is adhered to. In accordance with the NPPF development must not be permitted if there are reasonably available sites appropriate for the proposed development in areas with lower risk of flooding. It is for the LPA to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower risk as required by the Sequential Test and the NPPF.

**Natural England:** No comments received at the time of writing the report.

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

The applicant has provided a screening assessment stating no known contamination. We have reviewed our files and the site is land that has not been developed for the duration of our records. Historic maps dated 1904-1939 and earlier show a drain and pond located on the site, this has been filled by maps dated 1945-1970. The surrounding landscape is largely agricultural and residential.

The information submitted does not indicate the presence of significant land contamination. However, the presence of a filled drain and pond on site and the unknown nature of the fill material means it is possible that some unexpected contamination could be present. Therefore, a condition is recommended to cover the potential for unknown contamination.

**Emergency Planning:** Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

**Housing Enabling Officer:** As the site area is under 0.5hectares and 2 units are proposed, I confirm in this instance that no affordable housing contribution will be sought.

**UK Power Networks:** Advice provided regarding electrical lines and plant.

**National Grid Gas:** Comment made regarding further assessment being required.

Based on the location the site is within the High-Risk zone from National Grid Gas Transmission plc apparatus and therefore you **MUST NOT PROCEED** without further assessment from Asset Protection.

**Cadent Gas: NO OBJECTION**

To prevent damage to our assets or interference with our rights, please add an informative to the decision notice relating to the submission of details of planned works for review.

**REPRESENTATIONS**

**FOURTEEN** letters of **SUPPORT** covering the following:-

- Will enhance the look of the village
- Provide infill along Mill Road
- Improve a wasted area of land
- Would allow for substantial property with large garden which are unavailable as developers minimise plot sizes to maximise profits and ensure the dwelling is affordable to the majority
- Applicants are a respected couple who contribute to village life, would allow them to have dwelling of their choice

**LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS09** - Housing Distribution

**CS11** - Transport

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

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

**DM2** – Development Boundaries

**DM6** - Housing Needs of Rural Workers

**DM15** – Environment, Design and Amenity

**DM17** - Parking Provision in New Development

## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

National Design Guide 2019

## **PLANNING CONSIDERATIONS**

The main issues to consider when determining this application are as follows:

Principle of Development

Form and Character and Impact on Countryside

Neighbour Amenity

Highway Safety

Flood Risk

Other material considerations

Crime and Disorder

### **Principle of Development**

West Walton is categorised as a Joint Key Rural Service Centre along with Walton Highway in Policy CS02 of the Core Strategy 2011 (CS) and therefore benefits from a settlement boundary to guide development to the most sustainable positions. This application site lies approximately 300m north of the development boundary for West Walton, as identified by Inset Map G120 of the Site Allocations and Development Management Policies Plan (SADMPP) 2016. The site, which is located on the eastern side of Mill Road, is therefore considered to be within the wider countryside for the purposes of Policy DM2 SADMPP. Policy DM2 states that areas outside development boundaries will be treated as countryside where new development will be more restricted and will be limited to that identified as suitable in rural areas by other policies in the plan. This proposal does not meet any of the requirements of these other policies. This stance is reinforced by paragraph 174 of the NPPF 2021 which recognises the intrinsic character and beauty of the countryside and supports the protection of the countryside. In addition Local Plan Policy CS06 of the Core Strategy 2011 states that ‘Beyond the villages and in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all.’

The proposal does not fulfil the overarching objectives for sustainable development within the NPPF, that relate to economic, social and environmental requirements. The proposed dwellings are not isolated in the sense that they would be sited in proximity to a small grouping of existing dwellings and therefore paragraph 80 does not apply, however paragraph 79 of the NPPF states that in order ‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...’

The proposed development would be located approximately 0.3km from the western edge of the development boundary of West Walton and its associated services and it is also clear that with no pavement the site feels disconnected from any services and facilities and would be heavily reliant upon the use of the private motor vehicle (least sustainable form of

transport). There are no clear circumstances that would justify new dwellings in this unsustainable location.

The Parish Council object to residential development in this location for the reason that the proposed residential development is located outside the development boundary and also that there is no pedestrian access to the village as there are no pavements.

Therefore the fact that the proposed development is not considered to represent sustainable development due to its location and the fact that it is located within the countryside without adequate justification means that the proposal is considered to be contrary to the overarching objectives of the NPPF with regard to sustainable development, Policies CS01, CS02, and CS06 of the Core Strategy 2011, and Policies DM2 and DM6 of the SADMPP 2016.

### **Form and Character and Impact on Countryside**

As stated, the application site comprises a parcel of agricultural land that is currently laid to grass, but forms part of a much wider field located to the rear and north of the application site. The site frontage measures approx. 88m of open agricultural land between sporadic dwellings located along Mill Road, with no screening such as hedging in place.

The two storey semi-detached dwellings to the north have a roof pitch that runs perpendicular to the road, with flying hips and lowered eaves that reduces the mass of the dwelling. To the south are more traditional style semi-detached dwellings with hipped roof and dormer windows to the first floor. Opposite are some farm buildings and an associated farmhouse. Whilst the design of the existing development in the locality is varied in nature, the proposed development would be very large in scale and would therefore visually dominate the neighbouring forms of development.

The proposed dwellings, whilst between existing sporadic development, would have very large gardens with the application site measuring approximately 0.5 hectares and the proposed dwellings being very large in scale, with substantial glazing and rear balconies. The Parish Council have also objected to the design of both dwellings considering them not to be in keeping with the existing street scene.

Plot 1 would have a double fronted central section which would measure 12.1m in width, with subservient side projections that overall would give a proposed width of 18.9m. The combination of the central hall projection at the front and including the rear two-storey projection would give a combined depth of 14.2m. This plot would also have a large detached garage with internal staircase to a gym above.

Plot 2 would have two gables facing towards the road, one of which would project slightly. The main two storey element would be 14m in width with a single storey projection to the southern side which links up to a 1.5 storey garage which would project 10.5m to the front of the dwelling. The overall width of the built form when viewed from Mill Road from one side of the dwelling to the side of the projecting garage would be 22.6m. The front and rear projection to the proposed dwelling would result in a depth of 15m for the dwelling and if the projecting garage (with games room above) is included this would give an overall depth to the proposed development of 24.5m.

The site slopes down away from the road with the levels ranging from 2.5m AOD to the front of the site and 1.9m AOD at the rear. Both dwellings would have a height of 9.5m, although it is proposed to raise the finished floor levels to 2.9m AOD (approx. 0.4m above the level of Mill Road) in order to allow for flood risk mitigation which states finished floor levels should be raised to 1.0m above the lowest land levels. This would in turn raise the height of the

proposed dwellings to almost 10 metres above the current road levels. This raising of the finished floor levels, as well as the excessive size of the proposed dwellings would exacerbate the visual impact of the proposed dwellings within this open fen landscape.

Overall, it is considered that the proposed development would contribute to the consolidation of the sporadic development along Mill Road to the detriment of the rural character and appearance of Mill Road. The design and scale of the proposed dwellings, lack of existing screening, and their very large associated gardens with associated domestic paraphernalia would be visually prominent and would consequently have a detrimental visual impact upon the character and appearance of the locality and the surrounding countryside which is very open in nature and which would be contrary to paragraph 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.

### **Neighbour Amenity**

The amenity of the neighbours to the north and south have been considered.

Plot 1 will be located to the south of Hacienda, a two-storey semi-detached dwelling which has ground floor windows in its southern side elevation which are not fully screened by the existing boundary hedge.

The proposed dwelling would be located between 7.6m (the single storey snug projection) and 12.2m (the two storey rear projection) away from the shared boundary and the two storey element of the proposal would be located approx. 16.2m from the neighbours southern elevation. The proposed distance between the proposal and the neighbours side elevation, in combination with the fact that most of the neighbours ground floor windows are set back behind the proposed dwelling, means that the proposal is not likely to cause overshadowing to the degree that would warrant a refusal. The proposed side windows within the northern elevation would serve an en-suite and ground floor snug and therefore would not cause any material overlooking towards the neighbour to the north.

Plot 2 will be located to the north of County Cottage, a two-storey semi-detached dwelling and there would be no material impact with regard to overshadowing of this dwelling due to the orientation of the proposal which is sited to the north.

The first-floor windows within the southern elevation of Plot 2 would serve an en-suite and a high-level window which serves a proposed bedroom. In addition, the proposed windows would be located 18m from the shared boundary and therefore would not cause any material overlooking.

As well as assessing the impact of the proposal on the existing neighbours to the north and south, the potential impact on amenity between the proposed dwellings has been assessed.

There are proposed first floor windows within plot 1 which serve bedroom 2 which face south towards plot 2. These are located approx. 17.6m from the shared boundary and in excess of 20m from the proposed dwelling within plot 2 and therefore would not cause any material overlooking. The rear balcony within plot 1 would also be open to the southern elevation, however it is located approx. 28m from the shared boundary and so would not cause any material overlooking.

The first-floor windows within the northern elevation of Plot 2 would serve two en-suites and so would not cause any material overlooking. The dormer windows within the garage projection are located approx. 27m from the shared boundary and would also look towards the front of plot 1 and so would not cause any material overlooking.

Consequently, the proposal is not considered to have any material impact with regard to neighbour amenity and would comply with Policy CS08 of the CS and Policy DM15 of the SADMPP.

### **Highway Safety**

There are no objections from the highways officer with regard to the point of access and the on-site parking and turning which accords with parking standards for Norfolk. However, it has been noted by the highways officer that the proposed development site is remote from schooling, town centre shopping; health provision and has restricted employment opportunities with limited scope for improving access by foot, cycle and public transport. The distance from service centre provision precludes any realistic opportunity of encouraging a modal shift away from the private car which is contrary to sustainability principles within the NPPF.

As already stated, the proposal has no footpath provision into the village which the Parish Council have also noted in their objection.

### **Flood Risk**

The application site is located within Flood Zone 3 and a tidal breach mapping area where the site could flood up to 1m should the tidal defences be breached. Consequently, it is proposed to set finished floor levels at 1.0m above the lowest land level which would set finished floor levels at 2.9m AOD, which is 0.4m above the level of Mill Road. There are no objections from the Environment Agency with regard to the proposed flood risk mitigation, however it is for the LPA to steer development towards areas at the lowest risk of flooding. The majority of West Walton is within Flood Zone 3, however there are areas of Flood Zone 1 and 2 within the village, particularly close to the Church. Whilst there are areas within a lower flood zone, there does not seem to be any available plots which could accommodate two dwellings and therefore the application is considered to pass the sequential test. Whilst the application may pass the sequential test it must also pass the Exception Test as identified within Table 3: Flood Risk Vulnerability and Flood Zone Compatibility table.

Paragraph 164 of the NPPF states that 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 into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Both elements of the exception test should be satisfied for developments to be permitted as stated within para 165. Whilst the mitigation submitted demonstrates that the development could be made safe for its lifetime, it is not considered that the location of the proposal, outside the development boundary and within a rural landscape would provide sustainability benefits which would outweigh the flood risk and therefore the proposal fails the Exception Test.

The proposal is therefore contrary to paras. 164 and 165 of the NPPF 2021 and Policy CS08 of the Core Strategy 2011.

### **Other material considerations**

It was not considered that an ecology survey was necessary with this application given the current site conditions as agricultural land in line with Natural England's standing advice.

There were no objections to the proposal on the basis of land contamination.



The Housing Enabling Officer has stated that due to the number of dwellings proposed and the site area, no affordable housing contribution would be sought in this instance.

The application site is in a location which is within a High-Risk Zone for possible National Grid Gas Transmission apparatus and therefore should consent be granted, no works should proceed until further assessment is done from Asset Protection to ensure the works are safe. This is a separate process from planning consent, and it is the applicants' responsibility to ensure works are safe to proceed, prior to commencement.

The provision of an additional two dwellings could provide additional funds through the community infrastructure levy (CIL), however it is noted that the development would be for at least one self-build dwelling, which are exempt from the community infrastructure levy unless sold within a prescribed time period.

### **Crime and Disorder**

There are no specific crime and disorder issues arising from this proposed development.

### **CONCLUSION**

The application site is outside the development boundary and within the countryside as identified within the SADMPP 2016. The development is not considered to represent sustainable development as identified within para 79 of the NPPF 2021 and it is considered it would consolidate sporadic development which would erode the rural character of Mill Road. The design and scale of the proposed dwellings are also considered to be out of character with the locality and would have a detrimental visual impact upon the locality and surrounding countryside which is open in nature. The application is also considered to fail the Exception Test as it is not considered that there are sustainability benefits to the proposal that would outweigh its location in an area of high flood risk.

The application is therefore considered to be contrary to the principles of the NPPF 2021, Policies CS01, CS02, CS06 and CS08 of the Core Strategy 2011, and Policies DM2 and DM15 of the SADMPP 2016 and as such Members are recommended to refuse the application.

### **RECOMMENDATION:**

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

- 1 The site lies outside of the development boundary for West Walton as identified by the Site Allocations and Development Management Policies Plan 2016, where development is restricted to that identified as sustainable in rural areas. The proposal constitutes the inappropriate residential development of agricultural land in the countryside, and its location as well as the existing road conditions, would result in the site being disconnected from local service provision and would result in a form of development contrary to the overarching objectives of the NPPF with regard to achieving sustainable development. The development is therefore considered contrary to the overarching aims of the NPPF 2021, Policies CS01, CS02, CS06 and CS08 of the Core Strategy 2011, and Policy DM2 of the Site Allocations and Development Management Policies Plan 2016

- 2 Mill Road is characterised by sporadic linear development, with undeveloped gaps between the limited numbers of dwellings being a key characteristic of the locality. The proposed development would contribute to the consolidation of the sporadic development in the locality to the detriment of the rural character and appearance of Mill Road. In addition, the design and scale of the proposed dwellings and their very large associated gardens with accompanying domestic paraphernalia would have a detrimental visual impact upon the character and appearance of the locality and the surrounding countryside which is very open in nature and which would be contrary to paragraph 174 of the NPPF, Policy CS06 of the Core Strategy 2011 and Policy DM15 of the SADMPP 2016.
- 3 The application site falls within Flood Zone 3 of the Strategic Flood Risk Assessment 2018 and passes the sequential test; therefore, the exception test is required. The proposal does not represent development where the sustainability benefits outweigh the flood risk and therefore the Exception Test is failed. The proposed development is therefore contrary to paras. 164 and 165 of the NPPF 2021 and Policy CS08 of the King's Lynn and West Norfolk Core Strategy 2011.