

**FAKENHAM - PF/19/0487 - Erection of a pair of one bedroom semi-detached affordable dwellings; Land North of 77, St Peters Road, Fakenham for Victory Housing Trust**

**Minor Development**

**- Target Date: 27 May 2019**

Case Officer: Miss J Smith

Full Planning Permission

**CONSTRAINTS**

Residential Area

Settlement Boundary

**RELEVANT PLANNING HISTORY for Land North of 77, St Peters Road, Fakenham**

None relevant

**THE APPLICATION**

The application seeks planning permission for the erection of a pair of two storey one bedroom semi-detached dwellings with private gardens, with associated parking and bin storage. The site is located on land currently used as play space. The applicant is prepared to enter into a Section 106 Agreement to provide a new play area elsewhere within the St Peters Road estate.

The dwellings would comprise of red facing brickwork under a red pantile roof with UPVC joinery to match that of the existing dwellings in the vicinity.

Access to the site would be via St Peters Road to the south of the site through an area designated as parking provision for residents within St Peters Road. There is no loss of parking provision.

**REASONS FOR REFERRAL TO COMMITTEE**

At the request of the former Ward Members Councillors Roy Reynolds and Annie Claussen-Reynolds having regard to the concerns raised by the Town Council as to the use of the children's play area.

**PARISH/TOWN COUNCIL**

Fakenham Town Council: Object on the grounds that this land is a well-used play area with equipment which was deemed necessary by North Norfolk District Council (NNDC) when the estate was built.

**REPRESENTATIONS**

1 Letter of objection has been received on the following grounds:

- Potential loss of light and overlooking.
- New trees may result in impact upon dwelling.
- Loss of children splay space.

**CONSULTATIONS**

County Council (Highway): No objections subject to condition

Environmental Health: No comment

**HUMAN RIGHTS IMPLICATIONS**

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, refusal of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

#### CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

#### POLICIES

North Norfolk Core Strategy (Adopted September 2008):

Policy SS 1: Spatial Strategy for North Norfolk.

Policy SS 3: Housing.

Policy SS 8: Fakenham.

Policy EN 4: Design.

Policy CT 1: Open space designations.

Policy CT 5: The transport impact on new development.

Policy CT 6: Parking provision.

National Planning Policy Framework (NPPF) February 2019:

Section 2 – Achieving sustainable development

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 12 – Achieving well designed places

#### MAIN ISSUES FOR CONSIDERATION

1. Background
2. Principle of development
3. Loss of Open Space
4. Design
5. Residential Amenity
6. Parking and Highway Safety

#### APPRAISAL

##### 1. Background

The application was considered at the Development Committee meeting of the 6 June 2019 where members agreed to delegate authority to the Head of Planning to approve the planning application subject to the imposition of appropriate conditions relating to materials, landscaping and car parking, and including the completion of a Section 106 agreement to provide off site play space within the St Peter's Road estate.

The provision of offsite play space has not been attained by the applicant nor has a Section 106 been entered into. As a result, the application is now recommended for refusal as it is contrary to Policy CT 1 of the adopted Core Strategy, as detailed in the following report.

##### 2. Principle of development

The site is situated within the development boundary for Fakenham as defined by the North Norfolk Local Development Framework Core Strategy in an area identified as being primarily in residential use. In this area Core Strategy Policies SS 1 and SS 3 would allow the principle of residential development subject to complying with other Core Strategy policies.

##### 3. Loss of Open Space

Policy CT 1 of the Core Strategy states that development proposals which result in the whole or partial loss of open space will not be permitted unless:

- the space does not contribute to the character of the settlement; and
- is surplus to requirement (taking account of all the functions it can perform), or
- where provision of equal or greater benefit is provided in the locality.

This policy is no longer in strict conformity with the National Planning Policy Framework, Section 8 of the NPPF which states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

The existing play area is located within a discreet and secluded location within St Peters Road estate and, whilst well maintained, the equipment appears tired. Additionally, due to the secluded nature of the site good natural surveillance of the play area is not realised. In this context, the existing play area is not considered to contribute to the character of the settlement in accordance with Policy CT 1 of the adopted Core Strategy. No formal assessment of the requirement for the play space has been made but the applicant has recognised that there is evidence to support the ongoing provision of play space within the estate, albeit they consider a better located site could be found. Whilst the applicant has agreed to enter into a legal agreement (Section 106) with the Council to provide a new play area of an equivalent or better quality elsewhere within St Peters Road estate, this has not been secured as required by the Committee decision of 6 June 2019.

As a result, the proposal is not considered to comply with Policy CT 1 of the adopted Core Strategy and Paragraph 97 of the NPPF.

#### 4. Design

The scale, height and massing of the proposed dwellings is considered appropriate for the location. The use of pitched roofs with red facing brickwork set under a red pantile roof would also be in keeping with the design of neighbouring residential properties and would continue the character of the estate development prevalent in this area. It is considered that the application accords with the requirements of Policy EN 4 of the adopted Core Strategy.

#### 5. Residential Amenity

Section 3.3.10 of the North Norfolk Design Guide (NNDG) requires that the area of the plot given over to private amenity space should be no less than the footprint of the dwelling. The private garden area provided for each dwelling is considered to meet this requirement.

In terms of the relationship to neighbouring properties this is considered to be acceptable:

- There are no first floor windows proposed within the east or west elevations of the proposed dwellings (the gable ends).
- The first floor windows within the north elevation of the application dwellings would serve secondary bedrooms. The distance between these windows and the dwellings to the north would be between (approximately) 26 and 31 metres. The proposal is considered to meet the minimum separation distance requirements between primary and secondary windows as required by Section 3.3.10 of the NNDG.
- The first floor windows within the south elevation would serve bathrooms and hallways. The bathroom windows will be conditioned to be obscure glazed. The hallways contain smaller single light windows which are not considered to give rise to significant

- overlooking or loss of privacy to the dwellings to the south of the site.
- The siting of the proposed dwellings continues the building line of other properties in St Peter's Road ensuring no overlooking or loss of privacy to these properties.
  - The rear elevation of the proposed dwellings sits at a slight angle to the boundary and the garden of 4 Dairy Close. In addition, the neighbouring properties garden extends beyond the boundary of the proposed dwellings. As a result, some overlooking of the garden of 4 Dairy Farm Close may arise. However, this is limited to the bottom end of the garden and not the spaces closer to the dwelling where more privacy may be expected. In addition, the proposed new dwellings would be some 8 metres from the boundary with No. 4 Dairy Farm Close.

It is considered that the application accords with Policy EN 4 of the adopted Core Strategy regarding residential amenity.

#### 6. Parking and Highways Safety

Core Strategy Policy CT 6 requires a minimum of 1.5 spaces for a one bedroom dwelling. Three parking spaces are provided which is considered to meet the requirements of Policy CT 6. No objection has been raised by the Highway Authority in regard to safe access and turning arrangements. It is considered that the application accords with Policies CT 5 and CT 6 of the adopted Core Strategy.

#### Conclusion

The proposed scheme is situated within the settlement boundary of Fakenham as defined by the North Norfolk Core Strategy in an area identified as being primarily in residential use. The proposal is considered to comply with Policy EN 4 in terms of design and residential amenity and Policies CT 5 and CT 6 with regards the access and parking provision. The provision of equivalent satisfactory alternative play provision within St Peters Road estate has not been provided by the applicant nor has a Section 106 been entered into to secure such provision. As a result, the application fails to comply with Policy CT 1 of the adopted Core Strategy and Section 8 of the NPPF. As such the development is considered to be contrary to policy CT 1 of the adopted North Norfolk Core Strategy and is therefore recommend for refusal.

### **RECOMMENDATION**

#### **Refuse planning permission on the following grounds:**

The application results in a net loss of protected open space and fails to mitigate against this loss as replacement open space has not been secured elsewhere within the St Peters Road estate, contrary to Policy CT 1 of the adopted Core Strategy and Paragraph 97 of the NPPF (February 2019).