

BRISTON - PF/19/1648 - Erection of 9 dwellings with garages (3 no. two-storey detached dwellings, 2 no. two-storey semi-detached dwellings and 4 no. semi-detached chalet bungalows, associated access road and driveways; Holly House, The Lane, Briston, NR24 2JX for Options for Homes Limited

Minor Development

- Target Date: 22 October 2020

Case Officer: Mrs L Starling

Full Planning Permission

CONSTRAINTS

- LDF - Residential Area
- Section 106 Planning Obligations
- Proposed Residential Use Allocation
- LDF - Settlement Boundary
- SFRA - Areas Susceptible to Groundwater Flooding
- Landscape Character Area
- Unclassified Road

RELEVANT PLANNING HISTORY

CDA/15/1746: Holly House, The Lane, Briston, Melton Constable, NR24 2JX - Discharge of conditions 4 (ext. wall materials),5 (boundary wall materials),6 (air source heat pumps), 7 (ext. lighting), 8 (surface water), 9 (CEMP), 10 (landscaping), 13 (tree protection), 16 (proposed management & maintenance), & 17, 18, 19, 20, 21 (all highways) of planning permission PF/15/1746 - Condition Discharge Reply 12/07/2018

PF/15/1746 PF - Holly House, The Lane, Briston, Melton Constable, NR24 2JX - Erection of 12 shared ownership dwellings and garages - Approved 06/04/2017

PF/15/0352 PF - Holly House, The Lane, Briston, Melton Constable, NR24 2JX - Erection of twelve shared ownership dwellings with garages - Refused 09/07/2015

PF/14/0992 PF - Holly House, The Lane, Briston, Melton Constable, NR24 2JX - Erection of twelve shared ownership dwellings and garages - Withdrawn by Applicant 03/11/2014

THE APPLICATION

Planning permission is sought for the erection of 9 open market dwellings with attached garages to be constructed on land to the rear of Holly House, The Lane, Briston. The site has an area of approximately 0.42 hectares and is a long, narrow rectangular area of heavily overgrown land approximately 150 metres in length by 30 metres in width. The land was used until around 2010 as orchard land in connection with Holly House. A substantial native hedge runs along the southern boundary which separates the site from Orchard Close. The site would be accessed through a small residential estate and served by a new single point of access off Bure Road immediately to the south at the junction with Orchard Close.

The scheme would provide market housing in a linear pattern (with Plot 1 located to the western corner) comprising of the following mix of dwellings;

Plot 1 - detached 3-bedroom house with attached double garage

Plots 2 & 3 - pair of semi-detached 2-bedroom houses with attached single garages

Plots 4 & 5 - detached 3-bedroom houses with attached single garages

Plots 6 & 7 - semi-detached 3-bedroom one and a half storey chalet bungalows with attached single garage

Plots 8 & 9 - Semi-detached 2-bedroom one and a half storey chalet bungalows with attached single garage

Amended plans/details were received in August 2020 in response to concerns raised by officers to elements of the originally submitted proposal and have been subject to a full re-consultation and publicity. The revisions relate primarily to proposed site layout, design, elevation and floor plan changes for individual plots and, the substitution of detached with attached garaging.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor Stenton in light of her agreement with the objections raised by Briston Parish Council and local residents to the originally submitted scheme and revised application as follows;

- The site access is considered unacceptable due to it exiting onto the narrow part of The Lane. Access to the site should be provided alongside Holly House and out onto The Lane, given that this point of The Lane is much wider than where the access is currently proposed.
- Concerns that the developer will grub up all the hedge along the Bure Close side of the site. This is an old hedge and home to much wildlife, as well as giving excellent insulation/noise reducing properties between the proposed development and existing dwellings in Bure Close and Orchard Close.

PARISH/TOWN COUNCIL

Briston Parish Council

Objection/concerns relating to the access to the site. The access route onto Orchard Close is extremely narrow and unsuited to taking more traffic. The access from Orchard Close onto The Lane is also narrow here and as a busy village road unsuited to more traffic. A more acceptable access would be through the grounds of Holly House and onto The Lane as the road is much wider at this point.

In addition to concerns raised regarding the access with regard to the application as first submitted the PC had the following objections

- Houses, not bungalows being built opposite the existing properties on Orchard Close would lead to loss of privacy for the residents in Orchard Close.
- Concerns that the open space may be built on by the developer at a later date and would hope that as a condition of planning for this development this space is handed over to the local authority.
- Concerns about the effect on the environment as there seems to be no provision for retaining existing trees and in particular the boundary hedge onto Orchard Close. The PC hope that as a condition of planning, this hedge is protected and as many of the trees as feasible.

REPRESENTATIONS

Proposals as first submitted

9 letters of objection raising the following concerns

- Impact of scheme on highway safety, in particular increase in traffic using Bure Road and junction of Bure Road/Orchard Close.
- Hedge to rear of site should be retained (no less than 3 metres in height) to protect privacy of properties on Orchard Close and residents.
- Whilst a reduction from 12 to 9 dwellings is welcomed, concern that scheme still includes houses and not all bungalows opposite Orchard Close.
- Recommendations in AIA/CEMP should be conditioned/adhered to in respect of protecting trees, hedging and wildlife.
- Details of air source heat pumps should be agreed by condition to avoid noise/amenity issues for surrounding properties.
- Open space shown to east has potential to be developed in the future and makes proposed housing numbers such that developer contributions are not applicable (previously approved scheme subject to a S106 agreement for shared 50% equity/affordable dwellings, play area/park provision and North Norfolk SAC payment). Impact upon the residential amenities of the occupants of surrounding properties, particularly relating to noise disturbance and loss of privacy to properties on Bure Road adjacent to the proposed site entrance, Baldwin's Close and Orchard Close.
- Lack of capacity at medical centre to serve future residents and impact upon existing drainage problems.
- Potential for scheme to lead to future development of open land to the north
- Site should be accessed via Holly House (The Lane) to the west.

Proposals as amended

No representations received.

CONSULTATIONS

County Council (Highway)

No objections, subject to the imposition of the conditions requested for the previously approved scheme. These relate to access and parking/turning provision, the need to secure a scheme detailing provision for on-site parking for construction workers for the duration of the construction period and detailed drawings relating to off-site highway improvement works (including Public Rights of Way works).

Landscape Officer

No objection. Request conditions relating to Construction Environment Management Plan (CEMP) - which should also include all of the habitats on site; hard and soft landscape scheme to include mitigation/enhancement opportunities for biodiversity (such as bat and bird boxes, native planting, mammal access points in fences); retention of hedgerows and no external lighting to be erected without prior written approval.

Environmental Health

No objections, subject to conditions.

Planning Policy Manager

Considers objection to application as first submitted is now unsustainable when considering all aspects of the application, including the bringing forward of new market dwellings in Briston.

The amended scheme addresses some of the previous concerns regarding improved design and site layout and now provides a scheme that offers more generous plot sizes than the previously approved (2015) scheme and utilises the land across the whole site.

The applicant has attempted to positively address issues such as adaptability, broadband connectivity and sustainable construction as part of the scheme.

The site has not been brought forward since its allocation in 2011 and as such the proposed development is to be welcomed.

Concerns that the application does not provide the number of dwellings in line with the site allocation and Core Strategy policy, and as a consequence of the unsubstantiated decision to limit density the development does not provide any affordable housing.

Anglian Water

No comments as the application is not a major development. Advise as to the applicant's responsibility to check for any Anglian Water assets which cross/are within close proximity to the site, any encroachment zones should also be reflected in site layout, diverting or crossing over any AW assets will require their permission.

Natural England

Confirmed they have no comments to make given the proposals would be unlikely to significantly impact upon any statutory designated nature conservation sites or landscapes. Standing advice referred to in respect of other matters.

Strategic Housing

(Comments on application as first submitted. No further comments provided on amended plans)

Object. The application is for 9 homes of which none appear to be affordable but open market dwellings.

Briston is a Service Village and so, in line with policy HO2, on developments of 2 or more units 50% of these should be affordable. The developer has not submitted to a viability assessment to justify the lack of affordable housing in the development.

There is a proven housing need for the provision of more affordable housing in Briston, with 696 applicants on the Housing Register who have a housing need and would consider housing in Briston. Of these, 68 applicants are in Bands 1 or 2, the highest need.

With regard to the proposed housing mix, the proposed development consists of: 3 x 3 bed houses (detached), 3 x 3 bed houses (semi-detached) and 4 x 2 bed bungalows (chalet). Analysis of the housing list shows that the recommended mix for four homes (44%) based on need would be: affordable rent 2 x 1 bed, 2 persons houses, flats or bungalows (one of which should be Cat 2 of part M) and 2 x 2 bed 4 person bungalows or houses (one of which should be Cat 2 of part M).

The proposed development does meet some of the applicable development control housing policy requirements such as HO1 required 40% of dwellings have two bedrooms or fewer - Proposed 4 out of 9 (44%) and required 20% suitable for elderly infirm or disabled – four of the homes are bungalows, however, these are chalet bungalows where one of the bedrooms is upstairs bedroom.

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, approval 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):

SS 1 - Spatial Strategy for North Norfolk

SS 3 - Housing

SS 4 - Environment

SS 6 - Access and Infrastructure

HO 1 - Dwelling mix and type

HO 2 - Provision of affordable housing

HO 3 - Affordable housing in the Countryside

HO 7 - Making the most efficient use of land (Housing density)

EN 2 - Protection and enhancement of landscape and settlement character

EN 4 - Design

EN 9 - Biodiversity and geology

EN 10 – Development and Flood risk

CT 5 - The transport impact of new development

CT 6 - Parking provision

Site Allocations Development Plan Document

North Norfolk Design Guide (SPD)

National Planning Policy Framework (NPPF):

Section 2 – Achieving sustainable development

Section 4 – Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

MAIN ISSUES FOR CONSIDERATION

- Principle
- Affordable housing
- Design, layout and housing mix
- Landscape, biodiversity and trees
- Highways
- Residential amenity
- Environmental considerations

APPRAISAL

Principle

The site is within the defined settlement boundary for Briston which is a designated as a Service Village under policy SS 1 of the Core Strategy and adjoins a designated residential area. It is allocated for housing in the Housing Allocations Development Plan Document (DPD) as site BR 124 and its redevelopment for housing has been accepted previously in the context of the current development plan, with planning permission granted in 2017 (ref: PF/15/1746) for 12 dwellings and garages to be constructed on the site. Six of the dwellings

in that scheme would have been co-ownership provided through a Joint Equity Scheme (a form of Intermediate affordable housing), with the other six being market dwellings.

The agent has confirmed that the pre-commencement conditions attached to that permission discharged in 2018 (under ref: CDA/15/1746) and some works commenced on site including the installation of access gates, digging of trial holes for soils testing, excavating of soakaways and some drainage works, with the applicant's intention at the time to complete the development. Funding issues prevented this from taking place, but as pre-commencement conditions have been discharged and a 'material operation' has been carried out it is considered likely that the 2015 permission is extant.

The proposed development is therefore considered to be acceptable in principle and complies with Core Strategy policy SS 1

Affordable housing

Since the site's allocation in the 2011 Site Allocations DPD and the granting of planning permission in 2017, there have been changes in national planning policy with regards provision of affordable housing on smaller sites through revisions to the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance. Discussions took place in 2019 between the Council and the developer in terms of the implications of these changes in respect of the site and the issues encountered in respect of its development.

At this time, given that the developer was proposing to construct 9 dwellings (the extant permission was for 12 dwellings and the allocations DPD stated that the site was suitable for around 10 dwellings), as the development would not fall within the definition of 'major development' (10 or more dwellings or a site of 0.5 hectares or more) it was accepted there would be no requirement to provide affordable housing either on-site or off-site via a financial contribution.

These changes to the NPPF are considered to be a material planning consideration in the assessment of the current application, given that the NPPF post-dates the Council's housing policies and allocations DPD in this respect. As the proposed scheme is not major development, whilst regrettable, it is acknowledged that the refusal of the application on the basis of lack of affordable housing provision, cannot be justified.

The site layout as first submitted excluded areas of land which it is considered could have had potential to accommodate additional dwellings in the future rather than being included as part of the scheme which would have thereby triggered the requirement for affordable housing. Whilst the proposed development would have a density less than the 30 dwellings per hectare required under Policy HO 7, the scheme would however offer a less cramped form of development, than the approved 2015 scheme which to accommodate 12 dwellings had a somewhat compromised layout. The amended layout is also such that there is no realistic opportunity to provide further dwellings on the site.

Design, housing density and housing mix

In respect of housing mix and type, Policy HO 1 of the Core Strategy requires that for development of more or more dwellings, 40% (equating to 4 of the 9 dwellings proposed) should comprise of not more than 2 no. bedrooms and have an internal floor area of no more than 70 sq. metres. As amended the 4 of the 9 dwellings would have 2 bedrooms or less and two of them would comply with the 70 sq.m requirement. The other two smaller dwellings would only slightly exceed this requirement having floor areas of 77 sq. metres. Therefore, on balance, it is considered this, along with the fact that the scheme would help to provide a mix of 2 and 3 bedroom properties and taking into account the sustainable location of the site, in this instance refusal of the application on this ground alone would be difficult to justify.

Furthermore, whilst the density of the development at 22 dwellings per hectare would be less than the 30 dwellings per hectare required by Policy HO 7, given the constraints of the site in terms of its linear nature, the relationships with existing properties, the indicative density (being suitable for approximately 10 dwellings) stated in the Site Allocations DPD, along with the character and pattern of existing surrounding development and open land to the north, the density being proposed is considered appropriate in this location.

Whilst Policy HO 1 also requires that 20% of the proposed dwellings (which would equate to 2 of the 9) be suitable or adaptable for disabled/elderly occupation to provide, given that 4 of the 9 would be bungalows (albeit chalet style with some bedroom accommodation in the roof space), it is considered that these could be adapted if needed to provide accessible accommodation.

In visual terms, the design, layout, scale and massing of the dwellings proposed is considered acceptable given the context of development surrounding the site, with the access point and layout helping to provide a natural conclusion to the small residential estate through which it would be accessed.

It is therefore considered that the proposals as amended would result in development which would be in keeping with its context and would protect the character and appearance of the wider area in accordance with Policies SS3, HO1, HO7 and EN4 of the North Norfolk Core Strategy and Section 12 of the NPPF.

Landscape, biodiversity and trees

The previously approved scheme and the current application recognised the importance of protecting the trees, hedgerows and wildlife habitats present on the site by adopting a layout with the proposed dwellings having their rear gardens backing onto Orchard Close and Baldwin's Close to the south.

Subject to conditions as recommended by the Landscape Officer, it is considered that the scheme would have no unacceptable impacts on landscape features on or adjacent to the site.

With regard to biodiversity, conditions to ensure a sensitive construction methodology, a landscaping scheme that incorporates additional tree planting, ecological enhancement features (e.g. bat and bird boxes, native planting, mammal access points in fences) and requiring details of external lighting would mean there would be no net loss of biodiversity and may result in enhancements

On that basis, it is therefore considered that the scheme would accord with the requirements of Policies SS4, EN2, EN9 and EN13 of the Core Strategy and Section 15 of the NPPF.

Highways

The proposed development would be served via a shared single access at the corner of Bure Road/Orchard Close. Concerns have been raised by both the Parish Council and local residents that proposed access is unsuitable to cater for additional traffic due to being extremely narrow, with similar concerns raised in respect increased traffic using The Lanes/Bure Road.

The Highway Authority however, have no objections on highway safety grounds to the access as proposed or the revised on-site parking/turning arrangements. Furthermore, significant weight has to be attached to the fact that the position of the access remains in the same location as previously approved and as is suggested in the Site Allocations DPD

Therefore, subject to the imposition of the requested highway conditions, it is considered that the scheme would safeguard highway safety in accordance with Policies CT5 and CT6 of the Core Strategy.

Residential amenity

Residential properties on Orchard Close, Baldwin's Close and Bure Road which are a mixture of close-knit detached, semi-detached and terraced houses and bungalows lie to the south of the site. Older detached properties lie to the east (fronting onto The Loke), and to the west, including Holly House, there are detached properties on larger plots fronting onto The Lane. The site is also bounded directly to the north by agricultural/open land.

Whilst the reduction in the number of dwellings proposed is considered by some residents as beneficial to the amenities of the area, concerns have been raised from the Parish Council and residents that the redevelopment of the site in the manner proposed would cause harm to the residential amenities of the occupants of neighbouring properties, particularly those located on Baldwin's Close, Orchard Close and Bure Road, and that the inclusion of houses is out of keeping with the character of the area.

Whilst it is acknowledged that a mixture of house types is being proposed (with some being two-storey or chalet style with first floor accommodation), it is considered that the scheme has been designed in a manner which would comply with the minimum separation distances recommended by the Basic Amenity Criteria in the North Norfolk Design Guide in respect of protecting the occupants of neighbouring properties from unacceptable loss of light, privacy or disturbance.

Furthermore, the design, orientation and siting of the proposed dwellings is such that it is considered that adequate levels of privacy and amenity would be afforded to the occupants of the proposed dwellings, with each of the properties served by adequate levels of amenity space.

It is therefore considered that the scheme as amended would adequately protect the residential amenities of the occupants of both the existing neighbouring properties, as well as providing adequate levels of amenities of the future occupants of the proposed dwellings. As such, the scheme is considered to comply with Policy EN4 of the Core Strategy in respect of protecting residential amenity.

Environmental considerations

The site is situated in Flood Risk Zone 1 where any risks from flooding are unlikely.

It is proposed that foul water will connect into the existing foul sewer with Anglian Water consent.

No objections have also been raised by the Council's Environmental Health Officer on environmental grounds to the revised proposals subject to the imposition of conditions.

Other considerations

As part of the Policy BR 124 within the Site Allocations DPD, the 2015 permission was approved subject to a S106 agreement which included a Special Areas of Conservation (SAC) payment. This payment was required on a number of allocated sites to allow for the provision of monitoring and where necessary, to provide mitigation against the any impacts of increased visitor pressure on European Sites. Given that a S106 agreement is not required as part of the current application, Eastlaw have confirmed the SAC/SPA payment which would be required (equating to £50 per dwelling) can be paid direct to the Council prior to the issuing of any decision. The Applicants agreement to the payment of this has been sought.

Conclusion

It is considered that the proposed scheme would be acceptable in terms of principle, housing density and mix. The design of the dwellings and layout proposed are considered acceptable in the context of the development in surrounding vicinity, and would not raise any significant

landscape or environmental concerns. The scheme is also not considered to result in significant detriment to the residential amenities of neighbouring or future occupiers, and highway safety would be adequately safeguarded.

RECOMMENDATION

APPROVAL subject to the receipt of the SAC payment and conditions relating to the matters listed below and any other considered necessary by the Head of Planning:

- Time limit for implementation
- External materials
- Air source heat pumps
- Removal of PD rights for openings/windows,
- CEMP
- Hard and soft landscaping
- Retention of hedgerows (minimum 3m in height to south and 2.4m to the north)
- Tree protection and retention
- Highways and parking
- External lighting

Final wording of conditions to be delegated to the Head of Planning