

**Hindringham PF/20/1345 – Construction of 11 no. dwellings with associated parking, landscaping and infrastructure: Land South of Wells Road, Hindringham.**

**Major Development**

- Target Date: 03 Nov 2020

- Extension of Time agreed till 26 Nov 2021

Case Officer: Mr G Lyon

Full Planning Permission

**REASON FOR DEFERRAL**

The application was initially brought to Development Committee on 29 July 2021.

At the meeting of the 29<sup>th</sup> July, the Development Committee resolved unanimously:

That consideration of this application be deferred until Anglian Water is able to prove to the satisfaction of Hindringham Parish Council that the foul water drainage system is capable of handling the volume of effluent and water and that maintenance work has been carried out, and to seek a revision to the scheme to achieve an improved layout.

A copy of the 29 July 2021 Committee Report and Minutes of the meeting are attached at **Appendix 1**.

**THIS PROPOSAL (AMENDMENTS)**

This application remains consistent with the proposal brought to Development Committee on 29 July 2021 with only the following amendments:

- Removal of 1 x Shared Ownership Dwelling
- Revised layout to ensure amenity space is enhanced and additional habitat planting is proposed within the scheme

**CONSULTATION RESPONSES**

The following consultation comments were received through the 14-day consultation period

**Hindringham Parish Council – Object**

In regard layout, the Parish Council consider the application is still too large to be considered contrary to the principles of Policy HO 3 of the North Norfolk Core Strategy and question the viability argument put forward by the applicant.

In regard foul water, whilst Anglian Water have been on site the issues have not been resolved. The issues still need to be addressed.

**Anglian Water - No objection**

The foul network has capacity for the flows.

The CCTV work looked at the extent of the network to the pumping station and concluded that both the network and the pumping station are in good working order.

**Lead Local Flood Authority (LLFA) (NCC) – No objection**

No comment

**Conservation and Design (NNDC) – No objection**

No additional comments

## **Housing Strategy and Delivery (NNDC) - Support**

As at 7th October 2021 there are 92 households on the council's housing list with a local connection to Hindringham and the adjoining parishes, of these 79 households are in Bands A – C which are the households with the strongest local connections. There are 20 households age 60+ and six households which include a wheelchair user.

Broadland Development Services plan to develop 11 homes on the site. There will be four market homes and seven for affordable rent. For the affordable homes Broadland Development Services propose:

- 2 x one-bed bungalows (two person)
- 3 x two-bed bungalows (four person)
- 2 x three-bed (five person) houses

This provides a range of property sizes to help meet the identified local housing need. The large proportion of bungalows is welcome because these homes are more suited to the needs of older households and households which include a wheelchair user.

Housing Strategy supports the development. The homes will provide a much needed addition to the supply of affordable homes to meet local need from Hindringham and the adjoining parishes.

## **REPRESENTATIONS**

One additional objection has been raised through the consultation period highlighting the following:

- The proposed changes do not overcome previous objections raised
- No open space contributions
- Narrow road
- Does not comply with the NPPF
- Limited services and facilities
- Victory Housing have sold some affordable houses at the Elms and these were on the market for some time due to the local occupancy restrictions.

## **LOCAL MEMBER COMMENTS**

Cllr. Kershaw (Sustainable Growth and Employment Portfolio Holder, Priory Ward) made the following comments on 18 October 2021:

*Regarding the revised application I remain very unhappy with the situation regarding waste water and raw sewerage entering the River Stiffkey when there is any significant rain. I cannot approve the application until this situation is resolved and note from the comments that Anglian Water have made they do not see that there is any problem. This is not what I have witnessed. When this application came before the Development Committee it was refused unanimously due to this issue.*

*I would be prepared to call this in if the application proceed for the same reasons as last time.*

## **OFFICER ASSESSMENT**

This report only focuses upon the changes to the layout and the revised comments from Anglian Water. Members should consider this report in addition to the report which was presented to Members on 29 July 2021.

**Main issues to consider:**

- 1. Resolution 1 - Revision to the scheme to achieve an improved layout**
- 2. Resolution 2 - Anglian Water is able to prove to the satisfaction of Hindringham Parish Council that the foul water drainage system is capable of handling the volume of effluent and water and that maintenance work has been carried out**
- 3. Local Housing Need**
- 4. Housing Mix and Type**
- 5. Residential Amenity**
- 6. Ecology – Newts**
- 7. Planning Balance**

**1. Resolution 1 – Revision to the scheme to achieve an improved layout**

The proposed layout has been amended and subject to a 14-day re-consultation period. The altered layout reduces the number of dwellings from 12 (four market dwellings, seven affordable rent and one shared ownership) to 11 (removing the one shared ownership).

This is not considered to have an impact upon the viability of the scheme and it is the view of the Council's District Valuer that the 4 market dwellings would still be required to provide the 7 affordable rented properties.

In regard to the layout itself, the removal of a dwelling has seemingly increased the amenity space for plots 8, 9, 10 and 11, and consequently reduced amenity space for plots 2, 3, 4, 5, 6 and 7 with plot 1 unaffected. Overall the proposal appears to be less dense and provides room for an additional pocket of habitat planting.

Officers consider that the proposed amendments are in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

**2. Resolution 2 - Anglian Water is able to prove to the satisfaction of Hindringham Parish Council that the foul water drainage system is capable of handling the volume of effluent and water and that maintenance work has been carried out**

Anglian Water carried out CCTV inspections of the foul network from the site to the pumping station. The conclusion of this was that the network and pumping station are both in good working order. The CCTV work did highlight that some manhole chambers had tree roots in, which were subsequently removed, albeit these did not affect flows. Anglian Water re-iterate that the proposed development has capacity for these flows.

The Parish Council are still not satisfied with this response. Anglian Water do acknowledge that there may be incidents of surface water getting into the foul network, but that control of this water is outside of the authority of Anglian Water.

In regard surface water, Members will be aware that this application demonstrates that surface water will not increase as a result of this development. This is supported by the Lead Local Flood Authority.

Although the referral reason states that this application should not be brought back to the Development Committee until the Parish Council are satisfied, this matter ultimately needs to be considered and determined by the Development Committee as decision maker.

It is important to mention here that the applicant has sought legal advice, which essentially emphasises that the views of statutory consultees should be given '*great or considerable weight*'. It also emphasises that it is a matter for the local planning authority to be satisfied that the development is acceptable and, whilst the views of the Parish Council are important, they are not the decision maker. If the application were refused on the grounds previously deferred the applicant has set out that they would have to appeal and an application for costs would be explored.

Officers are satisfied that the foul network has capacity to take the flows. It should also be noted that Anglian Water comments above are for 12 dwellings and this has been reduced to 11, further reducing the proposed foul network flows.

### **3. Local Housing Need**

As at 7th October 2021 there are 92 households on the council's housing list with a local connection to Hindringham and the adjoining parishes, of these 79 households are in Bands A – C which are the households with the strongest local connections. There are 20 households age 60+ and six households which include a wheelchair user.

The strong local connection has increased from 66 households, as previously reported, to 79 households. As such there is still a very strong case for affordable, exception housing to meet this identified local need, meeting the requirement of Policy HO 3 of the adopted North Norfolk Core Strategy.

### **4. Housing Mix and Type**

The Core Strategy has identified, within section 3, a deficit of smaller starter homes of one or two bedrooms in size. Policy HO 1 'Dwelling Mix and Type' therefore expects schemes of more than five dwellings to have at least 40% with a floor space of 70 sqm or less, and only one or two bedrooms. In addition, 20% of the dwellings shall be suitable or easily adaptable for occupation by the elderly, infirm or disabled. Where calculations result in a part dwelling required, the figure will be rounded upwards.

For a scheme of 11 dwellings, Policy H01 would require a minimum of 5 dwellings of two bedrooms or less and 5 with 70sqm or less floor space to provide suitable starter homes. Also, 3 dwellings should be either suitable or easily adaptable for occupation by the elderly, infirm or disabled (calculations rounded up as per policy requirements).

Plots 5-8 and 11 are bungalows which have either 1 or 2 bedrooms and are also within the guideline of 70sqm or less floorspace. This meets the 40% required. These five bungalows are also ideal for the elderly or infirm as they have a bath and walk-in shower, and no stairs. Therefore, the application is fully compliant with Policy HO 1 of the adopted North Norfolk Core Strategy.

### **5. Residential Amenity**

The proposed layout changes are not considered to alter the impact upon neighbouring residential amenity.

It was noted previously, that although the layout did not meet the strict separation distances within the North Norfolk Design Guide, there is room within the guidance to deviate from these standards. However, the removal of a plot on the site provides for an improvement on the previous layout in regard to residential amenity.

Officers consider the proposed revisions to be in accordance with Policy EN 4 of the North Norfolk Core Strategy and the supporting guidance within the North Norfolk Design Guide.

## **6. Ecology – Newts**

The applicant has submitted a statement to respond to comments in regard to smooth newts being identified in neighbouring garden ponds. Smooth newts are protected under the Wildlife and Countryside Act 1981 but, unlike great crested newts, smooth newts are not protected against development and the presence or absence of smooth newts within proximity to the application site is not a material planning consideration.

A Reptile Survey was undertaken on the site from March- April 2021 and identified that the significance of the site for reptiles was considered to be low.

It was previously considered, in the report to Committee on the 29<sup>th</sup> July, that subject to conditions (related to matters not including newts) that the proposals were considered to be in accordance with Policies EN 2 and EN 9 of the adopted North Norfolk Core Strategy. The proposal remains in accordance with these policy requirements.

## **7. Planning Balance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 sets out that decisions must be taken in accordance with the Development Plan unless material considerations indicate otherwise. The proposal in this case represents a departure from the Development Plan, specifically in regard to Policies SS 2, HO 3, CT 2, EN 2, EN 4 and EN 9 of the adopted North Norfolk Core Strategy.

In respect of conflict with Policy HO 3 and Policy SS 2 of the adopted Core Strategy, the proposal is not located within 100m of the boundary of a Principal or Secondary Settlement, and furthermore the proposal is for more than 10 dwellings.

Notwithstanding this departure the application has been subject to a Viability Assessment, which demonstrated that four market homes are required to facilitate the delivery of seven affordable dwellings and one shared ownership dwelling. The removal of the shared ownership dwelling is considered by the independent valuer not to have an impact upon the overall viability of the scheme and the four market dwellings are still required to cross-subsidise the 7 affordable rented properties.

It can be clearly demonstrated that there is an identified unmet need for affordable homes within Hindringham; there are currently 79 households which have strong local connections. The housing proposed can be secured in perpetuity in order to help meet the needs of the parish. This is given significant weight in the decision making process.

The proposal also represents a departure from Policy CT 2 as off-site contributions for open space cannot be met through this proposal and has been demonstrated through a robust Viability Assessment. Should Open Space contributions be required this would result in either the loss of an affordable home being sold on the open market or the changing of the types of affordable housing proposed with an increased number being shared ownership.

The application does not fully comply with Policies EN 2, EN 4 and EN 9 with regards to design, ecology and landscaping in the short term due to the loss of the frontage hedge. However, in the long term, adequate mitigation measures have been proposed to restore the biodiversity of the site, and would result in a greater length of hedge planting and an additional area of habitat planting to restore the balance. Through the revised changes, an additional habitat planting area has been added to the layout of the proposal, further enhancing the biodiversity on the site.

Whilst there is a departure from the Development Plan, the material considerations in this case are as follows:

- The provision of seven affordable homes meeting an identified unmet need for residents with a local connection. The affordable homes will be secured as Affordable Rented properties in perpetuity.
- The provision of 4 market dwellings providing additional housing to the local community.
- The high environmental standards proposed with air source heat pumps, Photovoltaic panels and a 'fabric first approach' to the construction;
- Job creation during construction;
- Support to the local rural economy, services and facilities within the area due to the future occupation of dwellings.

It is considered that the delivery of affordable housing which meets an unmet local need is in the wider public interest and is a corporate priority attracting substantial weight in favour. As such, on balance, Officers consider that the material planning considerations in favour of this proposal outweigh the departure from the Development Plan.

## **RECOMMENDATION:**

### **Part 1:**

Delegate authority to the Assistant Director for Planning to **APPROVE** subject to:

#### **1) Satisfactory completion of a S106 Planning Obligation to cover the following:**

- 7 (Seven) Affordable Rented Dwellings
- SPA / SAC visitor impact mitigation contributions which would be £185.97 per dwelling totalling £2,045.67.

#### **2) The imposition of the appropriate conditions to include:**

1. Time Limit – three years beginning with the date on which this permission is granted
2. The development shall be undertaken in strict accordance with the plans
3. Materials to be in accordance with submitted details.
4. Off-site Highways works prior to the occupation of the dwellings
5. Road and footways have first been constructed in accordance with the details provided.
6. Verge adjacent highway to be levelled and laid to grass
7. On-site car parking and turning areas to be provided.

8. Dwellings constructed in accordance with policy EN 6 to ensure Energy Efficiency.
9. Air Source Heat Pumps in accordance with submitted specification leaflet.
10. Details of mock chimneys to be provided.
11. The development shall be undertaken in accordance with section 5 of the submitted FRA.
12. Drainage scheme to be constructed and maintained in accordance with submitted details.
13. Tree Protection Measures to be implemented.
14. Soft landscaping in accordance with the Landscaping Schedule and Management Plan.
15. Minimum height of new hedge planting to the south and east boundaries.
16. To adhere to the mitigation and enhancement measures outlined in the Ecological Report.
17. Provision of small mammal commuting corridors.
18. Tree replacement if any are lost or damaged.
19. Bathroom windows to be obscure glazed.
20. External lighting to include measures to minimise the impact on the landscape.
21. Removal of PD rights.

And any other conditions considered to be necessary by the Assistant Director of Planning

**Part 2:**

**That the application be refused if a suitable section 106 agreement is not completed within 4 months of the date of resolution to approve, and in the opinion of the Head of Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**