

BACTON – PF/23/1612 - Hybrid planning application seeking:

- 1. Detailed/full planning permission for 47 dwellings (affordable homes), associated infrastructure and open space on 2.80 hectares of land (northern part of field between Coast Road and Mill Lane) and access/highways works; and**
- 2. Outline planning permission (all matters reserved) for village open space and car parking on 0.65 hectares of land (southern part of field along Coast Road frontage)**

Major Development

Target Date: 7th November 2023

Extension of time: 6th June 2024

Case Officer: Mr Joseph Barrow

Full Planning Permission

THE APPLICATION

This hybrid application seeks full planning consent for the erection of 47 affordable homes, landscaped open space, access roads, driveways, footway provision and attenuation ponds on land to the north and east of Bacton Village Hall. It also seeks outline consent for the creation of village open space, car parking and footpath provision on land to the south of the Village Hall.

RELEVANT SITE CONSTRAINTS

Residential Use Allocation BACT03 – Land Adjacent to Beach Road (part)

The western half (approximate) of the site and the site for the outline application lies within Bacton's settlement boundary in policy terms.

The eastern half (approximate) of the site lies within the countryside in policy terms.

The north west corner of the site lies within a Major Hazard Outer Zone –

Agricultural Land Classification: Grade 1

The eastern half (approximate) of the site lies within the Undeveloped Coast in policy terms.

Gas Pipe Buffer Zone: 500m BPA Zone

Landscape Character Assessment - Within Coastal Plain – Bacton to Waxham Landscape Type

The area of land to the south of the village hall (the outline application area) is within the Open Land Area in policy terms

The site lies within the Zone of Influence of a number of habitats site for the purposes of the Norfolk-wide GIRAMS

RELEVANT PLANNING HISTORY

None. Pre-application advice has however been given in 2022 and 2023.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Cllr. Pauline Porter due to the scale of the development and concerns about the impact on local infrastructure/services.

The Assistant Director – Planning also wished to bring the application before development committee.

HUMAN RIGHTS IMPLICATIONS

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 above matters, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER

The application raises no significant crime and disorder issues.

EQUALITY AND DIVERSITY ISSUES

The application raises no significant equality and diversity issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application.

Local finance considerations are not considered to be material to this case.

CONSULTATIONS:

Health and Safety Executive (HSE) – Do not advise against

Norfolk Constabulary Designing Out Crime Officer - No Objection to the proposed layout for either application. Recommended that natural surveillance of the parking areas could be enhanced.

Norfolk Fire and Rescue Service Fire Safety Officer - No Objection providing the proposal meets the requirements of current Building Regulations.

British Pipeline Agency - No comments as BPA pipelines are not affected.

The Norfolk and Waveney Health and Care Partnership - No Objection subject to the securing of a financial contribution to assist in mitigating the impacts of the proposal. The requested contribution is £54,936.

Norfolk County Council (Planning Obligations) - No Objection subject to financial contributions being secured via legal agreement for library provision and education.

Norfolk County Council Historic Environment Service - No Objection subject to conditions requiring mitigatory archaeological work.

Norfolk County Council (Minerals and Waste) - No Objection.

Natural England - No Objection subject to the securing of appropriate mitigation for recreational impacts upon designated sites in line with the Norfolk-Wide GIRAMS.

Norfolk County Council Highway Authority - No Objection to the majority of the scheme, with an objection raised against the lack of 2m footway across the site frontage.

Norfolk County Council Lead Local Flood Authority - No Objection to the full planning

application subject to a 'build-to condition'. No objection to the outline application subject to conditions.

Bacton Parish Council - Objects. With regards to the outline element it is considered important to ensure that a developer cannot backtrack and the open space and car park are delivered.

As the PC does not have the funds to support the project they have a detailed list of requirements which it is felt must be fulfilled and agreed by the developer if the planning permission was granted in advance. These are as follows:

- Confirmation of access to the site and that there is a useable entrance with sufficient visibility splay.
- The entrance to the car park must have a height and width barrier.
- Surface to be either brick weave or tarmac for the designated car parking zones. These spaces need to be marked out with islands to separate them and to stop the area being utilised as a race track.
- Security cameras in place and operational for both the car park and at the village hall.
- A pay and display unit/system which automatically fines cars for overstaying. All income derived from this system must be paid to the Parish Council.
- Signage – wording to be confirmed.
- Electric and timed drop down security barriers.
- 4 rubbish bins.
- A 10 year maintenance payment of approximately £10,000 to ensure the longevity of the asset. To be paid to the Parish Council which will be ring fenced and expenditure clearly accounted for.

Comments on the full planning application are as follows:

- Considered not to comply with Policy SS 4 of the North Norfolk Core Strategy (CS).
- High reliance on private car use.
- This proposal is not appropriate to the economic, social and environmental well-being of the village and is not desirable for the understanding and enjoyment of the area.
- Considered not to comply with Policies EN 2, EN 4, EN 9 and EN 13 of the CS.
- Significant transport implications of the development due to very few buses and no trains.

REPRESENTATIONS:

28 received with **objections** on the following summarised grounds:

- Potential for unauthorised parking in the surrounding area/village hall car park.
- Inappropriate noise relationship between the village hall and the development.
- Potential security implications for the village hall.
- Inadequate foul drainage.
- Overstretched medical facilities.
- Loss of farmland.
- Concerns about the housing not being for locals.
- Potential flooding concerns.
- Insufficient local amenities.
- Local school too small for the development.
- Very limited bus service leading to high reliance on private cars.
- Shops and pubs have closed and the village is lacking in such facilities.
- Detrimental impact upon neighbouring holiday units.
- Traffic concerns.

- Insufficient footpath provision.
- Inappropriate extension beyond the allocated site.
- Loss of openness and village character.
- Inappropriate building design.
- Loss of privacy for adjacent properties.
- Lack of employment for local people.
- Lack of pedestrian connectivity on to Mill Lane.
- Concerns about street lighting.

RELEVANT PLANNING POLICIES:

North Norfolk Core Strategy (2008):

SS 1 – Spatial Strategy

SS 2 – Development in the Countryside

SS 3 – Housing

SS 4 – Environment

SS 6 – Access and Infrastructure

HO 1 – House 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 3 – Undeveloped Coast

EN 4 – Design

EN 6 – Sustainable Construction and Energy Efficiency

EN 9 – Biodiversity and Geology

EN 13 – Pollution and Hazard Prevention and Minimisation

CT 1 – Open Space Designations

CT 2 – Developer Contributions

CT 3 – Provision and Retention of Local Facilities and Services

CT 5 – Transport Impact of New Development

CT 6 – Parking Provision

Site Allocations Development Plan Document (Feb 2011)

BACT03 – Land Adjacent to Beach Road (allocates 1.3 hectares for residential development of approximately 20 dwellings and 0.6 hectares of public open space).

Material Considerations

National Planning Policy Framework (NPPF):

Chapter 2 – Achieving Sustainable Development

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 8 – Promoting Healthy and Safe Communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving Well-Designed and Beautiful Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

Supplementary Planning Documents

North Norfolk Design Guide SPD (2008))
North Norfolk Landscape Character Assessment SPD (2021)

Officer Assessment:

Main Issues:

1. Principle of development:
2. Design and layout of the development and its effect on the character and appearance of the area
3. Amenity
4. Highway Safety
5. Ecology and Biodiversity
6. Planning Obligations

Site Description

At present the land is Grade 1 agricultural land, comprised of a field that wraps around the village hall. The northern portion of the overall site (hereafter referred to as the 'residential development') fronts the B1159 Coast Road to the west, the fish and chip shop and holiday chalet development to the north, and dwellings beyond Mill Lane to the east. The south-east corner of the field would remain undeveloped.

As shown in Figure 1 below, the application site is covered by various constraint areas in policy terms. The western half of the site for the proposed residential development is with Bacton's Settlement boundary and is also a site allocated for residential development of up to 20 dwellings with open space (BACT03 of the Site Allocations DPD). The eastern half of the site for the residential development is within the countryside in policy terms. The area subject of the outline application is also with the settlement boundary but is a designated Open Land Area.

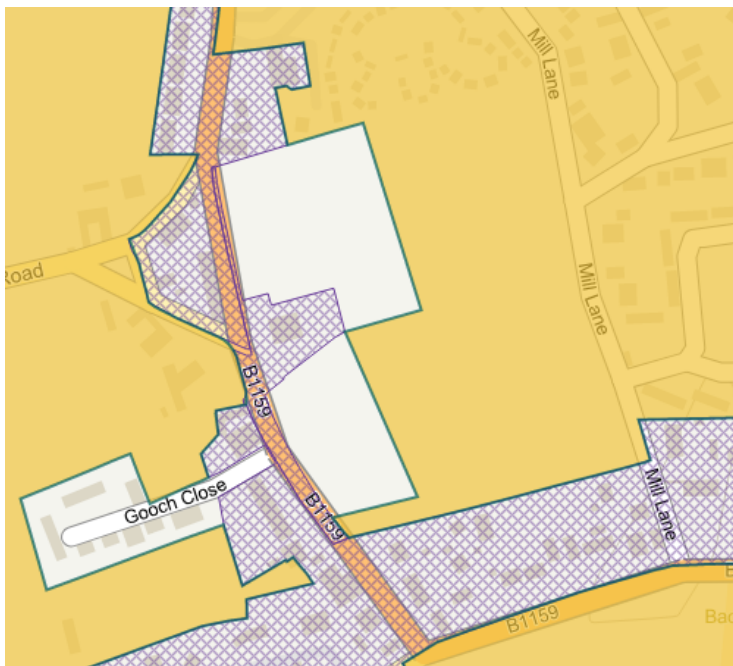


Figure 1 - The site's main policy constraints. Yellow = Countryside, Purple = Residential Area, Green Line = Settlement Boundary

1. Principle of Development

Full planning application

Core Strategy (CS) Policy SS 1 sets out that the majority of the new development in North Norfolk will take place in the towns and larger villages as defined as Principal and Secondary Settlements. A small amount of new development will be focused on several designated Service and Coastal Service Villages. The rest of the district, including all settlements that do not fall under the above classification, are designated as Countryside.

In this case, of the residential dwellings proposed, approximately half are proposed within the allocated site to the east of the overall development area. The remaining units would be within the Countryside locations, although a key aspect of this proposal is that all of the proposed units are to be affordable homes.

New build dwellings are not generally acceptable within the area designated as Countryside. Affordable housing is however a type of development listed in policy SS 2 as being acceptable in this area where it accords with the Council's rural exception policy. Policy HO 3 indicates proposal for affordable housing development will be permitted in the Countryside only where 4 criteria are met which are:

- the proposal would help to meet a proven local housing need for affordable housing as demonstrated in the Strategic Housing Market Assessment and waiting list information, and
- for schemes of 10 or more dwellings the site is situated within 100m of the boundary of a Principal or Secondary Settlement or one of the defined Service Villages or Coastal Service Villages, or,
- for schemes of 10 dwellings or fewer the site adjoins an existing group of ten or more dwellings; and is not situated within a 1 kilometre radius of any other scheme which has been permitted under this policy, and
- the affordable housing provided is made available to people in local housing need at an affordable cost for the life of the property (the Council will ensure that any planning permission granted is subject to appropriate conditions and/or planning obligations to secure its affordability in perpetuity).

The proposal would help to meet a proven local housing need, and the site falls within 100m of the settlement boundary of Bacton which is designated as a Coastal Service Village. The third bullet point is not considered relevant in this case, and the scheme would comply with the fourth bullet point.

Whilst the proposal as a whole seeks permission for more dwellings than what is set out in Site Allocation DPD Policy BACT03, the proposed development within the allocated part of the site accords with the allocation policy expectations. The residential development beyond the allocation site and beyond the settlement boundary can be viewed akin to an exceptions housing proposal attached to an allocated housing site.

Despite spanning two different policy areas, Officers consider that the proposed full planning application is acceptable in principle, in accordance with Policies SS 1, SS 2, SS 3, HO 2, HO 3 of the CS and BACT03 of the Site Allocations DPD.

Outline planning application

The outline planning application seeks to develop the parcel of land on the east side of Coast Road and south of the village hall to an area of public open space, with car parking area, and a footpath connection from the southern corner of the site into the residential development to the north, behind the village hall. This area of land is designated as an Open land Area within the CS, and as such, in line with Policy CT 1, development should only be permitted 'where it enhances the open character or recreational use of the land.'

An indicative layout has been submitted showing retention of the agricultural access to the south of the site, with an achievable footpath layout, as well as a suitable car parking area, and open space area.

The details of this development can be more accurately considered at reserved matters stage, and it is considered that the outline element of the application is in accordance with Policy BACT03 of the Site Allocations DPD, and Policies SS 6, CT 1 and CT 3 of the CS.

2. Design and layout

Full planning application

Housing Density

Policy HO 7 requires new residential developments to optimise the density of the site in a manner that protects or enhances the character the area. Paragraph 128 of the NPPF sets out that developments should make efficient use of land.

The site area for the residential development is approximately 2.8ha, with 47 dwellings proposed on that area, equating to approximately 16.8 dwellings per hectare. This falls short of the target of 30 per hectare set out within Policy HO 7 but the allocation of the site for housing under BACT03 proposed 20 dwellings across a 1.9 hectare site equating to 10.5 dwellings per hectare.

Whilst the proposal as a whole is contrary to the aims of Policy HO 7, the development area includes attenuation ponds to the front, and an area of landscaped open space wrapping around the south and east of the residential units. Nonetheless, the amount of development now proposed across the larger site is higher in density than was envisaged at allocation stage.

It is also considered important that the site retains an element of openness, given its positive contribution to the character and appearance of the area. The provision of the landscaped area provides an important visual buffer, at the expense of additional density. The dwellings proposed would also benefit from substantial gardens, improving the standard of the accommodation offering.

On balance, Officers consider the density of development to be acceptable.

Dwelling Mix and Type

Policy HO 1 requires that all new housing developments, of five or more dwellings, at least 40% of the total number of dwellings at not be more than 70 sq.m internal floor space and incorporate two bedrooms or fewer, and demonstrate that at least 20% of dwellings would be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

Of the 47 units proposed, 3 are 1-bed bungalows, 3 are 1-bed houses, 5 are 2-bed bungalows, and 16 are 2-bed houses, totalling 27 units with 2 bedrooms or fewer. Of these units, only 5 of them would have not more than 70 sq m internal floor space. It is considered that at least 20% of the dwellings proposed would be suitable or easily adaptable for occupation by the elderly, infirm or disabled.

Officers note that, whilst the proposal is a departure from Policy HO1, this is a 100% affordable housing scheme where sized of dwellings is designed to meet identified local needs. Officers consider this to be a matter attracting weight in the planning balance.

Site Layout and Landscaping

Upon entering the site from Coast Road, the road layout travels east and loops back to a T-junction. There are a number of cul-de-sacs on the outside of this loop. Most of the construction is focused in the northern portion of the site, with six dwellings adjacent to the village hall on the south side of the road being the outliers.

Footpath connectivity around the site is good, with a full loop inside the road, and a path connecting to Coast Road at the site's entrance along the north side of the development's road. Four pedestrian crossings are provided within the site, ensuring access to the landscaped area to the east and south of the properties. There is also footpath connectivity to the north-west corner of the site, and into the area subject of the outline planning application to the south.

As mentioned previously, the development masterplan details a substantial area of landscaping to the south and east of the properties, with attenuation ponds and planting to the site frontage. Delivering this landscaping has the impact of reducing densities overall, but respects the rural character of a site which is partially within both the Countryside and Undeveloped Coast in policy terms.

The proposal would accord with the aims of Core Strategy Policies EN 2 and EN 3.

Dwelling Design and Materials

The scheme includes a variety of bungalows and 2 storey properties, with some detached, some semi-detached, as well as a single run of 3 terraced properties. Across the site the materials palette is cohesive, with red brick used throughout. 10 of the units will have black cedar lap cladding to the front, with a further 12 units having chalk render to their front elevations. 9 of the units will have terracotta pantiles to their roofs, with the remaining units making use of dark grey pantiles. Anthracite uPVC fenestration is proposed throughout the development, with black uPVC rainwater goods, black entrance doors, garage doors, and fascias / soffits / bargeboards also.

It is considered that the design of the units, and their locations within the development are appropriate. The materials palette is complementary to one another, and the units would each be appropriate next to each other. The scheme also includes enough variation to avoid monotony in its design, achieved through different scales, forms, and materials, ensuring there is visual interest as one progresses through the site.

The proposal would accord with the aims of Core Strategy Policy EN 4.

Permitted development rights removal

The Council are satisfied that the design submitted as part of the application is of a high standard, and creates an overall product which contains variety, visual interest, but a cohesive and complementary overall design. It is also noted that many of the plots have relationships with other units that could be impacted significantly by development that could normally be carried out under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consequently, a condition is attached to this recommendation to remove permitted development rights under Schedule 2 Part 1 of the GPDO. This is to ensure that the Council can retain the site's prevailing character over time, as well as protecting against development that could negatively impact residential amenity.

Conclusion

Despite not achieving the target density specified within Policy HO7 of the CS, the proposal would deliver a scheme that would respect its partial Countryside Location, as well as the Undeveloped coast.

Whilst not complying with Policies HO 1 and HO 7, it is considered that the scheme proposed is of a sufficiently high design standard, with appropriate consideration given to the context in which the site is located. The scheme is considered to comply with Policies EN 2, EN 3 and EN 4 and, the North Norfolk Design Guide.

Outline planning application

All matters are reserved with this application, however the proposed use of the land is considered appropriate, and would not detract from the character and appearance of the area.

Subject to appropriate design details being submitted through the subsequent reserved matters application, the proposal is considered acceptable in terms of impact upon the character and appearance of the area at outline stage.

3. Amenity

Full planning application

The site is neighboured by two potential sources of noise for any new dwellings - a fish and chip shop to the north-west corner of the site, and the village hall and car park to the south-west corner.

The nearest dwelling to the chip shop is approximately 15m away, with a small hedgerow and planting area separating the two. The acoustic and odour impacts have been considered through the submission of a technical report and consultation with the Council's Environmental Protection team, with no objection raised.

With regard to the relationship with the village hall, the development includes the erection of acoustic fencing along the entirety of the northern and eastern boundary between the hall and its car park, and the residential development. This would be secured by a condition. It is again considered that this relationship is acceptable in terms of minimising disturbance.

Within the site the dwellings are positioned and aligned in a way so as to maintain privacy and limit harmful overlooking. It is noted that there are some relationships which fall short when considered against the separation distances as outlined in the North Norfolk Design Guide (namely plots 29 & 30 and 39 & 40). That said, any impacted rooms subject to these relationships benefit from alternative outlooks and sources of light, and in both cases driveways are positioned between the units.

With regard to the relationships of the proposed units with existing development, the relationship is clearly acceptable to the east, west, and south, given the large separation distances that are present. However, Units 7 and 8 are within 10m of the northern boundary, with unit 47 approximately 8.2m away, and unit 41 approximately only 5.5m away. To the north of the development site lies a fish and chip shop on the western edge of the boundary, with tourism chalets for the remainder of the site's width. Of the 4 units specified, only one of them is a two-storey design (unit 8), with only side-facing first floor bathroom windows providing an outlook over the boundary. The choice to use bungalows in this sensitive area otherwise, is a reasonable step to preserve the amenity relationship for both the tourism units, and the proposed dwellings. The hedgerow along the northern boundary will provide screening, as will the proposed 1.8m high close board fence.

Properties also afford views over the landscaping area to the east and south enabling natural surveillance. Gardens are well-defined and generous, with properties having clear defensible spaces.

Overall, the layout is considered to be acceptable in terms of its impact upon residential amenity in accordance with Policy EN 4 and the North Norfolk Design Guide SPD.

Outline planning application

It is considered that use of the land south of the village hall for car parking, a footpath, and public open space would not be harmful to the levels of residential amenity in the area, subject to appropriate design as reserved matters stage. The application is therefore considered acceptable in terms of amenity, having regard to Policy EN 4 and the North Norfolk Design Guide SPD.

4. Highway Safety

Full planning application

The layout of the site as proposed would take the form of one two-way tarmac road around the site, with 4no. traffic calming tables, and additional car parking facilities on the outside of the loop. All dwellings would benefit from at least a two-car driveway, with three-car driveways and garages also proposed for some of the higher occupancy units.

There are to be 6 no. cul-de-sacs around the outside of the development providing vehicular access to various properties which would not be constructed adjacent to the main road. Each of these benefits from a turning area of an appropriate size.

It is understood that, with conditions, all of the junctions within the site, and connecting the site to the wider highway network, can deliver appropriate visibility standards. The road layout is also such that refuse and emergency vehicles would be able to travel around the site as necessary.

In terms of transport sustainability the site would benefit from pedestrian access to the Village Hall, food takeaways to the north, a convenience store to the north, café to the south, as well as the primary school. Bus stops are also 140m/180m away from the site, outside the aforementioned shops to the north. The transport statement submitted in support of the scheme also confirms that cycle and motorcycle parking provision will accord with Norfolk County Council's Parking Standards document.

Following ongoing consultation with the local highway authority many areas of concern have now been suitably addressed, either at this stage or through conditions to be imposed if permission is granted. The only outstanding issue that has not been resolved is request by the highway authority for the provision of a 2m wide footway on the east side of Coast Road from the agricultural field access in the south, all the way to the chip shop in the north.

The developer considers that that delivery of this standard of footpath in this location is not feasible because;

1. The area in front of the village hall is not within their control, and;
2. Delivery would involve significant and costly earthworks across the site frontage, detracting from the site's visual appeal.

At present, the footpath in question is approximately 1.6m in width for the majority of the distance along the site frontage – a shortfall of 40cm. Whilst adequate and appropriate provision for pedestrians is important this has been weighed against the issues raised by the developer and the benefits of the scheme as a whole.

Following discussions, the layout as proposed provides a footpath link from the residential development into the public open space to the south of the village hall, connecting to Coast Road's footway in the southern corner. Furthermore, an additional footpath has also been proposed exiting the site in the north-west corner. The effect of these two paths is future residents of the site could access both north and south without the need to use the roadside footway. The footway adjacent to Coast Road is also not to be altered (other than new gaps for the site access and other crossings where required).

On balance, despite the local highway authority maintaining an objection based upon the lack of 2m wide footway, it is considered that the alternative footpaths provide a sensible and realistic alternative for residents. With no other causes for concern, it is considered that the application is acceptable in terms of its impact upon highway safety, having regard to Policies CT 5 and CT 6 of the CS, and paragraphs 114 and 116 of the NPPF.

Outline planning application

The indicative layout provided at this time shows an acceptable location and amount of parking to be provided. There are also unlikely to be any other negative impacts upon highway safety as a result of the scheme, subject to appropriate design at reserved matters stage. The application is therefore considered acceptable in terms of highway safety, with regard to Policies CT 5 and CT 6 of the CS.

5. Ecology and Biodiversity

Full planning application

Protected species

An Ecology Assessment has been submitted as part of this application, which considers the site's ability to support protected species. The land is currently arable, and the hedgerows to the north and west of the site are not considered to be priority hedgerows. The assessment summarises that the loss of the arable area and margins are considered to be of very low ecological significance.

Some bats were observed on the land using it for foraging as part of a much larger sustenance area, and nesting birds are to be protected through the use of restrictions about when works can be carried out. It is also recommended that any lighting scheme is wildlife friendly.

Otherwise, the document considers enhancement measures. These focus on the areas of soft landscaping to the east and south of the homes to be constructed. Recommendations are made relating to species to be planted, as well as the installation of bat and bird boxes on buildings throughout the development.

Subject to securing appropriate landscaping, as well as mitigation for nesting birds, and enhancements as suggested, this application is considered acceptable in terms of protected species and ecological impacts and therefore complies with Policy EN 9.

Recreational impacts on habitats sites

Norfolk Local Planning Authorities have worked collaboratively to adopt and deliver a Green Infrastructure and Recreational Impact Avoidance and Mitigation (GIRAM) Strategy to ensure that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, to European sites, will not result in any likely significant effects which cannot be mitigated. The application site lies within the defined Zones of Influence of a number of designated sites

In line with the RAM strategy a mechanism has been secured to ensure the appropriate financial contribution per dwelling (or equivalent) prior to occupation as part of this proposal at the time planning permission is approved.

It is considered that the proposed mitigation contribution of £221.17 per dwelling (£10,394.99 in total) which will be secured as part of the Section 106 agreement is sufficient to conclude that the project will not have an adverse effect on the integrity of the above identified European sites from recreational disturbance, when considered alone or 'in combination' with other development.

On that basis the proposal also complies with Policy EN 9.

Outline planning application

The outline application is unlikely to have any negative impacts upon ecology or biodiversity.

It is therefore considered that it is an acceptable application in this regard, according with Policy EN 9.

6. Planning Obligations

Full planning application

Policy CT 2 indicates that on schemes of 10 or more dwellings where there is not sufficient capacity in infrastructure, services, community facilities or open space, improvements which are necessary to make that development acceptable will be secured by planning conditions or obligations, and these must be phased so as to be in place in accordance with an agreed time frame or prior to the occupation of an agreed number of units.

Contributions are required in order to address the impacts of the proposed development on local services and infrastructure. These are as follows:

Open Space

The North Norfolk Open Space Assessment sets out the quantum of open space typologies required from proposed development based on the number of dwellings and equivalent people ratios. Depending on the scale of development, some require delivery of on-site open space whilst others may require a financial contribution to deliver off-site improvements. For this proposal, based on 6no. 1-bed, 21no. 2-bed dwellings, 18 3-bed dwellings and 2 4-bed dwellings the required open space contributions are as follows:

- Allotments – £14,950
- Amenity green space – on-site provision of approximately 2,491 sqm (£0 as sufficient area provided on site)
- Parks and recreation grounds – £114,016
- Play space (Children) – £18,820
- Play space (Youth) – £7,651
- Natural green space – On-site provision of approximately 2,491 sqm (£0 as sufficient area provided on site)
- **TOTAL - £155,438**

Local Infrastructure

In terms of other contributions, the following are required based on the scale of development:

- Education – **£297,117.20**
- Libraries – **£4,700**
- Fire Hydrants – 1no. per 50 dwellings (to be secured by conditions)
- Monitoring Fee – £500 per obligation
- Primary & Community Care capital cost - **£54,936**
- Total - **£357,253.20**

N.B. Norfolk County Council has made it clear that their Planning Obligations Standards are changing as of April 2024. At the time of writing they have been reconsulted to provide updated figures. For clarity, the previous stated figures are those detailed above

GIRAMS

A financial contribution totalling **£10,394.99** – based on 47 dwellings – to provide mitigation in accordance with the Norfolk GIRAMS

These contributions would be secured through an agreement under Section 106 of the Town and Country Planning Act 1990 with appropriate index linking.

Total S106 Contributions of **£523,086.19**

The developer has indicated that these financial obligations can be provided.

Outline planning application

The outline application would not be subject to financial obligations but its delivery and timing of delivery would likely need to be secured through S106 Obligation.

Other considerations

Major hazard zone – A small part of the northwest corner of the site would be within the outer zone of the Bacton gas Terminal Major Hazard Zone. This area is restricted to a very small corner of the north west of the site, with only a small triangular area of footpath and landscaping included within the constraint area. No dwellings, or their garden areas, are within the Major Hazard Zone. The Health and Safety Executive were consulted, and they do not advise against the grant of permission.

It is therefore considered that the application accords with Policy EN 13 of the CS.

Planning Balance and Conclusion:

This proposal brings forward residential development on part of an allocated site. 47 affordable homes are to be delivered, along with various contributions as specified above. There is an objection from the local highway authority in relation to pedestrian pathways and Officers note

the proposal is not fully policy compliant in relation to density of development and size of dwellings.

Notwithstanding the areas where the proposal amounts to a departure from the development plan, Officers consider there are material considerations in favour of the proposal which would be capable of attracting significant weight sufficient to justify the development proposed.

In addition to the benefit of 47 new homes which will help to support the local economy, the proposal will provide short-term benefits through construction jobs. The benefits attract modest weight in the planning balance.

The Council is currently unable to demonstrate a five year deliverable housing land supply (currently requires 2,400 dwellings for the period 2023-2028 or 480 dwellings per annum). The proposal would provide 47 much needed affordable dwellings which amounts circa 10% of one year's housing supply. Whilst this alone would not solve the housing supply shortfall, it is a notable addition and attracts weight in favour.

Where the Council is unable to demonstrate a five year supply of housing then, under NPPF (Framework) paragraph 11 d) the "titled is applied". Notwithstanding the highway objection, Officers consider that the adverse impacts of the development do not "significantly or demonstrably outweigh the benefits" of the proposal when assessed against the policies in the Framework taken as a whole.

The delivery of a significant number of affordable dwellings outweigh the relatively minor policy conflicts identified.

Consequently, having regard to all of the above, Officers recommended that this application be approved, subject to conditions, and a Section 106 legal agreement.

RECOMMENDATION

APPROVAL subject to:

1. The satisfactory completion of an agreement under section 106 of the Town and Country Planning Act 1990 to provide the developer contributions listed below and to secure the dwellings as affordable housing:

- Allotments – £14,950
- Parks and Recreation Grounds – £114,016
- Play Space (Children) - £18,820
- Play Space (Youth) – £7,651
- Education – £297,117.20
- Libraries – £4,700
- Primary & Community Care Capital Cost - £54,936
- GIRAMS - £10,394.99
- Monitoring Fee – £500 per obligation

Securing delivery of the open space and car park for the outline application in conjunction with delivery of affordable dwellings

2. The imposition of conditions to cover the matters listed below and any others considered necessary by the Assistant Director – Planning).

Conditions:

FULL APPLICATION

1. Time limit
2. Approved plans
3. Submission of the reserved matters
4. Materials
5. Fire hydrant provision
6. Vehicular access improvements
7. Visibility splay provision
8. Provision and retention of car parking areas
9. PD removal
10. Archaeological written scheme of investigation
11. Bird nesting season
12. Soft landscaping details
13. Replacement of trees and shrubs
14. Ecological enhancements
15. Build-to condition relating to flooding
16. Air source heat pump details
17. Noise/dust/smoke construction management plan
18. Highways

OUTLINE APPLICATION

1. Submission of reserved matters (all)
2. Time Limit for Commencement of Development
3. Replacement of trees and shrubs
4. Lighting Scheme

Plus any other conditions considered to be necessary by the Assistant Director – Planning. Final wording of conditions to be delegated to the Assistant Director – Planning

3. **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 Assistant Director - Planning, there is no realistic prospect of a suitable section 106 agreement being completed within a reasonable timescale.**