

Committee Report

Item No: 1

Reference: DC/17/03799

Case Officer: Gemma Walker

Ward: Badwell Ash

Ward Member/s: Cllr Roy Barker

Description of Development

Application for Outline Planning Permission (Access to be considered) Erection of up to 50 dwellings, construction of estate roads and car parking, provision of open space, including the provision of grass and 3G football pitches, landscaping, and construction of access to Wyverstone Road (following demolition of existing buildings)

Location

Former Bacton Community Middle School (In The Parish Of Wyverstone), Wyverstone Road, Bacton, Stowmarket IP14 4LH

Parish: Bacton

Site Area: 4ha

Conservation Area:

Listed Building: Affects Setting of Grade II*

Received: 24/07/2017

Expiry Date: 14/02/2018

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment:

Applicant: Suffolk County Council

Agent: Cornerstone Property Assets Limited

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number HBS-DR-A 000 P9 received 1st June 2018 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

HBS-DR-A-005 Existing site plan, received 24th July 2017

HBS-DR-E-(63)-100 P1 MUGA Lighting Plan, received 12th December 2017

171075-SK-100 REV P3 Highway Access Layout, received 9th March 2018
HBS-DR-A001 P9 Site Plan received 1st June 2018

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

This application has been previously presented at committee in March 2018 and was deferred to review the application in respect of viability and affordable housing requirements, education and Section 106 requirements. Your Officers met with the applicant and representatives of Suffolk County Council to discuss and explore these issues. The application has been revised thereafter and a verbal update will be given.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

3270/16 Land adjacent to Wyverstone Road, Bacton	Outline application for 64 dwellings	Granted
DC/17/05423 Church Road, Bacton	Outline application for up to 81 dwellings	Refused

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
Cor1 - CS1 Settlement Hierarchy
Cor2 - CS2 Development in the Countryside & Countryside Villages
Cor4 - CS4 Adapting to Climate Change
Cor5 - CS5 Mid Suffolk’s Environment
Cor6 - CS6 Services and Infrastructure
Cor7 - CS7 Brown Field Target

Cor8 - CSB Provision and Distribution of Housing
Cor9 - CS9 Density and Mix
FC1 Presumption In Favour Of Sustainable Development
FC1.1 Mid Suffolk Approach To Delivering Sustainable Development
FC2 Provision And Distribution Of Housing
GP1 Design and layout of development
H3 – Housing Development in villages
H4 – Proportion of affordable housing in new development
H13 Design and layout of housing development
H14 A range of house types to meet different accommodation needs
H15 Development to reflect local characteristics
H16 Protecting existing residential amenity
H17 Keeping residential development away from pollution
CL8 Protecting wildlife habitats
T9 Parking Standards
T10 Highway considerations in development
T11 Facilities for pedestrians and cyclists

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Wyverstone Parish Council

Following amended plans:

In view of the revised plans for the pitch, they would like to reiterate their previous comments regarding the type of sports which were:

We understand that it has been proposed that the MUGA would have a 3G playing surface. We believe that this is unsuitable as it would restrict the use of the facility to football only and due to its size would really only be suitable for young children.

The feedback we have received from local residents is that any MUGA should be suitable for a range of sports (e.g. tennis, netball etc) and so should have a suitably versatile surface.

Initial comments:

In principle, Wyverstone Parish Council approves the use of the site of the former Bacton Community School for the use of housing; a new primary school; sporting facilities and open spaces.

Bacton Parish Council

The council are in agreement to submit the following response: The progress made is pleasing compared with the original proposals. Council would appreciate access to green space and games area as soon as the first dwelling is under occupation.

Following amended plans:

Re-consultation request on application for Outline Planning Permission (Access to be considered) Erection of up to 50 dwellings, construction of estate roads and car parking, provision of open space and 3G football pitches, landscaping and construction of access to Wyverstone Road (following demolition of existing buildings) with land reserved for the construction of a Primary School Location: Former Bacton Community Middle School (In the Parish of Wyverstone) Wyverstone Road, Bacton, Stowmarket IP14 4LH. The Council resolved to submit the following comment: Bacton Parish Council ask for confirmation that the proposed school is of sufficient size to teach 420 pupils, the relocation of Bacton pre-school has been considered and accounted for, and that the hall is sufficient in size to accommodate the use of the school and the wider community.

Historic England

The grade 11* Bacton Manor originated in the early 18th century when built by the Pretymen family. It has a fine principle frontage facing the village street, behind which are formal rooms of scale and distinction with a series of historic features and a main staircase of high quality. The rear range dates from the later 19th century, while in the 20th century further extension of little historic value was added for the previous use. The medieval parish church at Wyverstone is situated in the centre of the village.

The application site is situated between these two listed building, both of which fall within the remit of Historic England to advise the Council. While there is existing building on the site part of it is green space. This contributes to the significance of these historic buildings by forming part of the open land around them. There are buildings between the church and the application site so it is already some degree separated from the open countryside. There are views from the grounds of the Manor towards the site and if approaching the Manor from the north west the application site forms part of that setting.

Even with replacement of the existing building on this site the new development would bring building further eastwards into the open greenspace which is currently playing fields because the open area has been transferred to the western part of the site adjoining Wyverstone Road. If the new building were located on the western side and the open ground to the east it would better preserve the wider setting of the Manor and Church.

The National Planning Policy Framework (NPPF) identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of heritage assets can be harmed or lost by development in their setting (paragraph 132), that the conservation of heritage assets is a core principle of the planning system and that clear and convincing justification is needed for any harm (paragraphs 17 and 132). Furthermore, paragraph 137 states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the heritage assets should be treated favourably.

We have considered this application in terms of this policy and while we do not consider it would result in harm to the significance of Wyverstone parish church and Bacton Manor so as to merit an objection to the

granting of consent we would recommend the Council consider amending the design to place the open greenspace on the eastern part of the site as we consider this would better conserve their settings.

Recommendation

Historic England has concerns regarding the application on heritage grounds. We recommend the Council consider amending the design to place the open greenspace on the eastern part of the site as we consider this would better conserve their settings. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Sport England

Sport England is now supportive of the above planning application, which is considered to meet exception E5 of our playing fields policy, taking into account the revised site plan recently submitted, which includes the addition of the pathway linking the proposed artificial grass pitch to the proposed car parking area.

Our support is subject to the imposition of the planning conditions requested in our email dated 19 December 2017:

1. Hours of Use condition (Sport England would recommend 0900-2200 Monday to Friday, 0900-2000 Saturday-Sunday)
2. Before the 3G pitch is brought into use, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall include measures to ensure the surface is replaced at the appropriate time (usually 10-12 years). The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the artificial pitch.

Reason: To ensure that a new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Development Plan Policy

Highways England

No objection

NHS England

A developer contribution via the CIL process towards capital funding to increase capacity within the GP catchment area would be sought to mitigate the impact of this proposal.

Anglian Water

No objection

SCC Highways

Although the existing mature oak tree to the west of the access is within the visibility splay, it will be retained due to its environmental value. The distance from the access to the tree gives sufficient visibility behind and in front of the tree.

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend conditions.

SCC Strategic Development

Based on existing forecasts we will have about 10 surplus places available at the catchment primary school but no surplus places available at the catchment secondary school. On this basis a minimum funding bid of £36,543 (2017/18 costs) for primary school provision will be sought. For secondary school provision, a minimum funding bid of at least £205,009 (2017/18 costs) will be sought.

Pre-school and libraries would also be subject to contributions sought through CIL.

SCC Flood and Water

No objection subject to the imposition of conditions.

SCC Archaeology

Due to the high potential of the site geophysical and metal detecting surveys have been carried out already. These have not revealed a continuation of the adjacent Roman and Iron Age sites. Therefore, it is now reasonable that further archaeological work should be secured by condition.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Suffolk Wildlife Trust

We note that the Great Crested Newt Survey Report (Levan Ecology, June 2017) recommends the retention of the pond, but we would request that the production and implementation of a robust, detailed mitigation strategy for great crested newts be secured by condition should consent be granted.

With regards to the potential for bat roosts in the trees to be removed from the site, we note that Hamson Barron Smith and TSA Ecology have recommended further bat surveys are required on a number of trees should they require removal. Examination of the Arboricultural Impact Assessment (AGB Environmental, July 2017) and the Proposed Site Plan (drawing ref. HBS-DR-A001 Rev. PS) indicates that one tree of moderate suitability for roosting bats (assessed as Category 1 by the ecological consultant) requires removal to allow for the development. It must be ensured that the identified surveys are undertaken prior to the commencement of any works on site.

We also note the recommendation that if work is delayed until after May 2018, or there is a phased demolition which runs into this period, then further bat surveys on the buildings will be required. In addition to this we recommend that as this is an outline application, should permission be granted, it must be ensured that up to date ecological assessment information is provided at the time of any reserved matters application.

Ecology

No objections subject to conditions to secure mitigation and enhancements.

Landscape:

Following amendments:

If the application is approved, we would recommend a landscape maintenance and management plan is submitted. This should be for a minimum of 3 years, to support plant establishment. SuDS features such as the proposed attenuation lagoon and others with landscape should also be included. This is required to ensure appropriate management and functionality is carried out and maintained.

The new dimensions of the MUGA pitch are appropriate for the size of the site; therefore ensuring part of the existing hedgerow is not removed or lost. The landscape visual impact assessment and lighting scheme drawings successfully convey that there is no light disturbance after 10pm, and lighting does not spread or directly fall onto existing or proposed residencies at any time.

Heritage

1. The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because it would extend built development in the setting of the listed Manor House.
2. The Heritage Team recommends that the layout be revised so as to avoid or minimise harm.

Strategic Leisure

Although the new information provided has been helpful regarding the size and floodlighting for the new muga, it's FA standard of compliance relates only to football, although lighting levels should be suitable for other sports at recreational/club level. Requires confirmation. It should also be noted that it does not refer to the nature of the artificial turf provided, but probably assumes football specific 3G. Although this may ultimately be the preferred surface, the local community had referred to it being multi-purpose i.e. It may need a more generic sand dressed/or similar surface to cater for other sports. This will require confirmation by the future operator of the pitch - yet to be determined.

There will also need further detail to confirm that the pitch could be divided i.e. Used as 2 halves, therefore the lights need to be able to be switched in pairs to enable this.

Arboricultural Officer

I have no objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although a small number of trees are proposed for removal these are of limited amenity value or lack long-term viability and their loss will have negligible impact on the appearance and character of the local area.

Environmental Health – Land Contamination

I would have no objections to the proposed development from the perspective of land contamination. I would request that we are contacted in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

Environmental Health Noise/Odour/Light/Smoke

With regard to the lighting aspect, I note it is proposed that the lighting of the pitch will have a 10 pm curfew during both summer and winter months. I would recommend this is controlled by condition.

Environmental Health – Other Issues

Whilst I have no objection in principle to this application, I am concerned about the provision of football pitches in relatively close proximity to the proposed residential dwellings. Careful consideration will need to be made of how use of these pitches will be constructed, managed, and other measures to minimise loss of amenity due to noise and (if proposed) light. I would strongly suggest that careful regard be given to separation distance between the pitches and residential use (I would suggest at least 50m) should be considered. Further details on the pitch design and proposed level of use, plus a potential noise assessment (depending on design) would be needed.

I also have some concerns regarding the likelihood of loss of amenity to surrounding residential dwellings during the demolition and construction phases of the development.

Recommend conditions for hours of construction, construction management plan and illumination plan

Environmental Health – Sustainability

We have no objection to the location, scale and type of development but ask that a suitably worded condition is included should permission be granted to address policies CS3 and S08 such as:

Before any development is commenced a Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day). This document shall be submitted to, and approved in writing by, the Local Planning Authority.

Suffolk Constabulary

Provide comments to be considered as part of any reserved matters proposal.

Suffolk Fire and Rescue

Require condition for the provision of fire hydrants.

Waste Services

No objection

Viability

Assessed that the scheme is viable and can afford 26% affordable housing (13 units) and CIL. However, the proposal represents enabling development and SCC have confirmed that the capital receipt from Phase 1 will be ringfenced for the new primary school. If the new primary school is not required, the funds will be used for school building and improvement projects.

On this basis a reduction in the level of affordable housing has been proposed, to support the delivery of a new school in Bacton, a level of 20% has been offered (10 units).

B: Representations

Objections:

Cumulative impact with other proposals
Impact of increased traffic
Loss of privacy
Lack of infrastructure
Loss of biodiversity
Impact on flooding and surface water drainage

Support multi-use games area but would like community centre/sports facility

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is located to the north of Bacton, being situated to the east of Wyverstone Road. Currently the site consists of the school building and associated land of the, now closed, Bacton Middle School. The site itself is just outside the boundary for Bacton, being situated within Wyverstone parish.
- 1.2. The surrounding area is predominantly currently open land, with Bacton to the south, although to the west, on the other side of Wyverstone Road, permission has been granted for 64 dwellings.

2. The Proposal

- 2.1. The proposal is to demolish the existing school buildings, and erect up to 50 dwellings, with a football pitch.
- 2.2. Part of the land is shown as reserved for a new school building if required, however this is not part of this application. Nonetheless the land is part of SCC forward plan to provide a school if needed and they advise that, based on the current levels of development in the locality, the need for the school has been more or less established. SCC have also confirmed that the capital sales receipt from the application site is currently being ring-fenced by SCC for a new primary school in Bacton, if the need is confirmed. If the need does not, however, emerge as expected the receipt would be used by SCC to deliver other education improvement in the District. This cascade of considerations is not relevant to the determination of the proposed application beyond the evaluation of the level of provision of affordable housing, which is assessed in the relevant section below.
- 2.3. The indicative plan shows the dwellings situated to the rear (east) of the site, on the existing playing fields, whilst the front (west) would remain open at the current time, being reserved by SCC for the provision of a primary school, if required at a later date. As noted above this element cannot form part of the consideration of this application and any later proposals for the development of this part of the site would be subject to separate consideration if and when any such a redevelopment application is made.
- 2.4. The proposal is in outline form including the proposed access and all other matters are reserved.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1. Of particular relevance, the site is outside the settlement boundary defined on CS1 Settlement Hierarchy, and falls outside the proposals allowed in the countryside under CS2 Development in the Countryside & Countryside Villages.

5. The Principle Of Development

- 5.1. The National Planning Policy Framework (NPPF) was published in July 2018. The NPPF does not change the statutory status of the development plan as the starting point for decision making, stating “where a planning application conflicts with an up to date development plan permission should not normally be granted. Local Planning Authorities may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.
- 5.2. The NPPF also provides (paragraph 11) that there is a presumption in favour of sustainable development. This paragraph continues “for decision-taking this means approving development proposals that accord with an up to date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
- the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”
- 5.3. The application site is outside the settlement boundary of Bacton, which is classified as a Key Service Centre by the Core Strategy. As such the proposal for the erection houses in the countryside is contrary in principle to Core Strategy Policies CS1 and CS2 and saved Local Plan Policy H7.
- 5.4. Paragraph 11 of the NPPF recommends approving proposals that accord with an up to date local plan. It further states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission, unless the NPPF provides specific protection or impacts outweigh the benefits. Footnote 7 sets out that this includes circumstances in which the local planning authority cannot demonstrate a five-year supply of deliverable sites. Mid Suffolk can currently demonstrate a five-year supply of housing land, such that the policies should not be considered out of date in this regard.
- 5.5. Notwithstanding the consideration with regards to housing land supply the Local Plan was published in 1998 prior to the first publication of the NPPF and some 20 years prior to the most recently issued NPPF and is not considered to entirely accord with the principles set out in the NPPF.
- 5.6. Furthermore the new Local Plan is being progressed and has undergone initial consultation on the current evidence base. This evidence based includes a Strategic Housing and Economic Land Availability Assessment (SHELAA) which considers this site as potentially suitable for residential development.
- 5.7. In the light of this and given that the NPPF is a material planning consideration it is not considered that the proposal should be refused simply by reason of its location under the 1998 Local Plan without appropriate consideration of the proposal with regards to the requirements of the NPPF and sustainable development.
- 5.8. Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social role – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental role – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy. "

- 5.9 Core Strategy policy CS1 defines Bacton as a key service centre where it is expected that the principle of new residential development within its defined boundary could be supported. Core Strategy policy CS1 sets out that new residential development shall be directed to the settlement boundaries of towns and key service centres. The location of the site abutting a key service centre is material consideration to be taken into account when assessing the overall sustainability of the development.
- 5.10 The site is situated close to the shop in Bacton, within easy walking distance of The Bull Public House and only a short distance from the doctors' surgery and primary school, all of which are accessible by means of a footpath and within walking distance. Bacton also has a bus service providing wider access to towns, so as to provide sustainable access to employment and other services in compliance with the desire to minimise waste and pollution and move to a low carbon economy. These factors are positive to a finding of sustainability of location.
- 5.11 With regards to the social strand of sustainable development, the proposal would have access to a variety of local services, such that the expected occupants of the dwellings would support the local community and enhance the vitality of this rural community. The provision of the proposed floodlit pitch would also offer benefits to the community.
- 5.12 In addition the proposal for the erection of 81 houses would offer benefits to the local economy, by reason of the construction activity, to the benefit of the economic strand of sustainable development.
- 5.13 In the light of the above this proposal is considered to represent sustainable development with merits in each of the three strands of sustainable development set out in the NPPF.
- 5.14 In the light of all of the above it is considered in this instance that the location of the site beyond the adjacent settlement boundary in the 1998 plan is not of itself sufficient reason to warrant refusal of the application in principle.

6. Site Access, Parking And Highway Safety Considerations

- 6.1 The proposal includes access to the site, the details of which have been agreed by SCC Highways, who are agreeable to the proposed access detail subject to conditions. They note that the proposed visibility splay would include a mature oak tree within its area, however they consider the visibility is acceptable whilst the tree is retained.

- 6.2 As an outline proposal the details of the estate roads and parking is indicative, such that the comments made by SCC are noted, and this will inform the detailed design of the proposal at reserved matters stage. Sufficient space is available on site for parking, turning and access such that the proposal is not considered to result in harm to consider refusal in this respect.

7. Design And Layout

- 7.1. The proposal is in outline form with indicative plans submitted. These demonstrate that up to 50 dwellings and the proposed football pitch could be provided on the application site without causing unacceptable harm to interests of acknowledged importance. In the light of this the proposal is not considered to be unacceptable such as to warrant refusal on the basis of design and layout given that such details are to be submitted under reserved matters.

8. Landscape Impact

- 8.1. The application site currently hosts the disused middle school, and the proposal includes its demolition. The indicative plans show the proposed dwellings situated on the currently open part of the site, formerly playing fields for the school, whilst the front part of the site would remain open. As such the proposal as shown on the indicative plans would result in the extension of built development into the open countryside. However, the proposal includes mitigation such that there will be a limited impact on the countryside setting. Site landscaping will form part of the reserved matters details, however a landscape and planting strategy can be sought by way of condition at this stage. This is appropriate and will ensure that the recommendations from the Design and Access Statement and Landscape and Visual Impact Assessment are carried through into detail and will also inform the landscaping proposed.

9. Environmental Impacts - Trees, Ecology And Land Contamination

- 9.1. The application site currently includes the disused middle school building and associated playing fields. The presence of Great Crested Newts has been confirmed in the pond on the site and there are trees with bat potential. However, the proposal includes mitigation measures and enhancements for biodiversity, such that the proposal is not considered to have an unacceptable impact or risk of harm to protected species sufficient to consider refusal on this basis subject to conditions.
- 9.2. The proposal does include the removal of a small number of trees, however these are of limited amenity value or lack long term viability such that their loss is not considered to have an unacceptable impact. The proposal will further require the agreement of landscaping details by way of the reserved matters, such that replacement landscape planting can be secured as part of this aspect.
- 9.3. The proposal is not considered to risk harm with regards to land contamination.

10. Heritage Issues

- 10.1. The application site is situated between the Grade II* Bacton Manor and the medieval parish church at Wyverstone. The site currently includes the, now closed, school building, and associated playing fields, which contribute to the setting of the buildings in respect of providing open land around them, although Historic England also recognise that there are buildings between the Church and the Manor, which provide separation.

- 10.2 Historic England consider that locating the new housing to the western side and open ground to the east of the site would better preserve the wider setting of the Manor and Church. This application is outline, with all matters reserved except access, such that this detail would be dealt with under reserved matters applications.
- 10.3 As such whilst the proposal would result in less than substantial harm to the heritage assets, the advice in paragraph 196 is to weigh the benefits against this harm. Given that the proposal would provide new dwellings, including affordable housing, and provide a playing pitch in a sustainable location it is considered that there are public benefits which outweigh this less than substantial harm. As such the principle of development on this site is not considered unacceptable, with regards to the impact on heritage assets, however the layout, appearance, scale, and landscaping will need to ensure that the design appropriately considers these impacts at the reserved matters stage.

11. Impact On Residential Amenity

- 11.1. The proposal is for outline planning permission with all matters reserved except for access. In the light of this and given the size of the application site, and quantum of development proposed it is considered that the proposal can be brought forward whilst respecting residential amenity and in compliance with the requirements of Local Plan Policy H16, such that the proposal is not considered to be unacceptable in this respect.

12. Planning Obligations / CIL

- 12.1 The proposal is for the erection of up to 50 dwellings. The viability assessment carried out by a consultant on behalf of the Council confirms that the development proposed is viable with 26% affordable housing (13 units) and with CIL.
- 12.2 Local Plan Policy H4 (altered 2006) states that the Council will “seek to negotiate an element of affordable housing of up to 35% of the total provision of housing on appropriate sites. Negotiations with developers will take account of the identified local needs, the economics and viability of development and the availability of local services.”
- 12.3 SCC intends to retain land for a school on this site, which according to the latest information provided is expected to be needed. SCC have also confirmed that the capital sales receipt from the application site is currently being ring-fenced by SCC for a new primary school in Bacton, if the need is confirmed. If that education need does not emerge as expected the receipt would then be used by SCC to deliver other education improvement in the District. This in itself is not relevant to the determination of the proposed application except with regards to the level of affordable housing proposed as although the viability assessment sets out that 26% is achievable the applicant proposes a level of 20% (10 units) to support the delivery of the new primary school, or other education in the district.
- 12.4 Whilst the level of affordables proposed is lower than the expectations of altered H4 it is still within the remit of this policy to negotiate a reduced level based on viability and on the availability of local services. This is consistent with the advice of the NPPF. Given that the reduction in affordables is principally based on the viability of the proposal, and the further level of reduction (of 3 units) would support the delivery of school infrastructure it is not considered that this would be sufficient reason to refuse the proposal.

- 12.5 In order to safeguard the affordable housing contribution in the event that this education purpose is not satisfied within 5 years a suitable obligation to allow that contribution to fall back to the District is therefore recommended.
- 12.6 The proposal would be subject to CIL with regards to contributions to all other matters.
- 12.7 In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

13. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 13.1 The development will lead to financial benefits including additional Council Tax payments. These considerations are not held to be material to the recommendation made on this application, nor its decision.

PART FOUR – CONCLUSION

14. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 14.1. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 14.2. In this case the officer liaised with the applicant's agents and sought further information during the course of consideration to address issues raised.

15. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

- 15.1. There are no known legal implications derived from the determination of this application.
- 15.2 The application has been considered in respect of the current development plan policies and relevant planning legislation.

16. Planning Balance

- 16.1 The proposal, being situated outside the settlement boundary for Bacton is contrary to Local Plan Policy. However, given the status of the Local Plan with regards to the NPPF, the SHELAA for the emerging Local Plan and the sustainability features of the site it is not considered that the proposal is unacceptable in principle such as to warrant refusal on locational grounds.
- 16.2 The site is located between the Grade II* Listed Bacton Manor and Wyverstone Church and is considered to result in less than substantial harm to heritage assets. In accordance with paragraph 196 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal including housing, affordable housing, and the playing pitch, which in this case are considered to outweigh the harm.

- 16.3 There are other proposed and permitted residential developments in the vicinity of the application site. The proposal is considered both on its own merits and with regards to the cumulative impact of development. Both individually and cumulatively the proposal is not considered to be unacceptable in this regard.
- 16.4 The proposal is further not considered to result in harm with regards to access, landscape, ecology or amenity such that the proposal is not considered to result in adverse impacts which would significantly and demonstrably outweigh the benefits.
- 16.5 Whilst the proposal includes a reduced amount of affordable housing given that this would be to support the delivery of a new primary school for Bacton, or education within the district it is considered sufficient to outweigh the limited loss of the affordable housing, when having appropriate education infrastructure in place can support delivery of houses in the future.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant outline planning permission subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms

- Affordable Housing 20%
- Phasing of development including provision of pitch and parking
- Residue of affordable housing contribution (6%) safeguarded for affordable housing purposes unless spent on education purposes within the District within 5 years

and that such permission be subject to the conditions as set out below:

- Time Limit
- Reserved Matters
- Approved Plans
- Mitigation strategy for great crested newts
- Bat surveys concurrent with reserved matters
- Updated ecological surveys with reserved matters
- Ecological mitigation measures implemented in full
- Submission of European Protected Species Licence
- Pitch lighting operation times to be agreed
- Pitch surface details to be agreed
- Pitch lighting details to be agreed
- Hours of pitch use
- Pitch management and maintenance scheme to be agreed
- Archaeological investigation and recording
- Surface water drainage scheme details, implementation, maintenance and management
- Sustainable urban drainage scheme information provided
- Construction surface water management plan
- Lighting design scheme
- Landscape management and maintenance plan to be agreed
- Landscape and Planting Strategy to be agreed
- Fire hydrants
- Construction working hours
- Construction management plan to be agreed
- Sustainability and Energy Strategy
- Implementation of tree protection measures
- Provision of visibility splays
- Details of estate roads and footpaths
- Provision of carriageways and footways
- Means to prevent discharge of surface water from the development onto the highway
- Footway widening and improvement works