

## **Committee Report**

**Item 7A**

**Reference:** DC/18/05514

**Case Officer:** Gemma Walker

**Ward:** Bacton and Old Newton

**Ward Member:** Cllr Andrew Mellen

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## **RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS**

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### **Description of Development**

Outline planning application (some matters reserved) - residential development of up to 85 dwellings and access, siting for a new community building including an independent access, and a children's play area.

### **Location**

Land South of Pretyman Avenue, Bacton Suffolk

**Parish:** Bacton

**Expiry Date:** 19/03/2019

**Application Type:** Outline Planning Permission

**Development Type:** Major Large Scale - Dwellings

**Applicant:** Ms Ros Howe

**Agent:** Cheffins Planning

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

It is a 'Major' application for:

- a residential development for 15 or more dwellings.

### **Details of Previous Committee/Resolutions and Member Site Visit**

Member site visit 20<sup>th</sup> March 2019.

The application was presented at Development Control Committee B on 27<sup>th</sup> March 2019, and it was resolved to defer the determination of the application subject to further amendments being sought in respect of:

*1. Access: explore second entrance over MSDC owned land and in respect of need for farm access.*

Access has been amended and the farm access no longer proposed through the site, this will revert to the track on the western boundary of the site.

*2. Public transport: travel plan with current bus services*

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The travel plan has been updated.

*3. Railway Crossing: location of play area adjacent, whether this remains open*

No confirmation of whether the closure of this crossing will happen has been received.

*4. Village Hall: Other sites could deliver this, what is the need, and what happens if this is not delivered on site.*

Details on the requirements expected to be sought through S106 in this respect are detailed in paragraph 12.

*5. Number: 100 considered too many for the site, given the access through an existing residential area and a reduction should be explored due to these highway issues.*

The proposal has been amended to reduce development from 100 to 85 dwellings.

The application has subsequently been subject to further consultation on this basis, which is detailed below.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF National Planning Policy Framework 2018

FC01 - Presumption In Favour of Sustainable Development

FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside and Countryside Villages

CS05 - Mid Suffolk's Environment

CS06 - Services and Infrastructure

CS09 – Density and Mix

GP01 - Design and layout of development

HB14 - Ensuring archaeological remains are not destroyed

H07 - Restricting housing development unrelated to needs of countryside

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

T09 - Parking Standards

T10 - Highway Considerations in Development

CL08 - Protecting wildlife habitats

## Supplementary Planning Documents:

Suffolk Adopted Parking Standards (2015)  
Suffolk Design Guide

## **PLANNING HISTORY**

The Draft Strategic Housing and Economic Land Availability Assessment (SHELAA) - August 2017 discounts the site (site SS0518) as being suitable for residential development for the reason that it is poorly related to the functional settlement.

## **CONSULTATION AND REPRESENTATIONS**

During the course of the application consultation and representations from third parties have been received as follows.

### **A: Summary of Consultations**

Detailed below are comments from consultations prior to the application being presented at committee in March, following which amendments were made including to the access, SuDs, location of the pumping station, but not including any reduction in the number of units as requested by Committee and re-consultation undertaken accordingly. Subsequently a proposed reduction in the number of units to 85 has been submitted and re-consultation undertaken again on this basis. As such there are several comments made by consultees, these are detailed in reverse order so that the most recent comments are listed first:

### **Bacton Parish Council**

#### **20<sup>th</sup> August 2019:**

Bacton Parish Council resolved to OBJECT to this application.

Concerns remain over the single access being unsatisfactory.  
The Parish Council wish to OBJECT to this application.

#### **11<sup>th</sup> July 2019:**

Council considered the re-consultation and agreed the new proposal does not satisfy the matters on the MSDC Development Control committee action sheet.

Concerns continue with access; although a second access is proposed the siting for a new village hall is only a proposal and is not to be decided upon in this application therefore the proposed second access only serves as an emergency access. This practically means only one access to the development which would be through the existing residential area.

Bacton Parish Council received confirmation that the bus service in Bacton is to have its subsidy cut by SCC. This could result in no buses servicing the village, therefore no evidence can be seen that liaison with SCC Passenger Transport Unit has taken place. No bus service will mean a further increase in the use of motor vehicles increasing congestion, air pollution, and noise.

Whilst the proposal offers siting for a new village hall there has been no public consultation with the residents of Bacton to confirm what is being offered, when it is offered, how is it offered or if it is required and therefore cannot be considered in this application.

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After discussion and taking into account the comments of Bacton residents Bacton Parish Council resolved to OBJECT to this application.

**24<sup>th</sup> January 2019:**

After discussion and consideration Bacton Parish Council proposed to support this application subject to the Highways Authority being satisfied with the sole access, and position of the access, to the application site.

**NHS England**

**23<sup>rd</sup> July 2019**

There is 1 GP branch practice within close proximity of the proposed development and this branch has a main that would be affected by the development. This practice does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CII processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

**Anglian Water**

**6<sup>th</sup> August 2019**

No further comments

**16<sup>th</sup> January 2019**

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Bacton-Finingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows via a gravity discharge regime to manhole 5001 only, without further consultation with Anglian Water.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

**SCC Highways**

**16<sup>th</sup> August 2019**

The County Council as Highway Authority have no further comments regarding this application as the reduction in dwellings from 100 to 85 will have no material impact on the highway network during the peak hour period.

**10<sup>th</sup> July 2019**

Following the resolution by the DC Committee to defer their decision on this site, the developer has amended the site layout to provide an emergency access and separate the access for the community area from the residential development.

Suffolk Design Guide states access arrangements for developments are to have two points of access for sites with over 150 dwellings. Although the proposal is for upto 100 dwellings, the

layout shown on Drawing No 5587/003K shows an additional emergency access off Pretymen Avenue with a separate access for the community centre. This improved layout will ensure the traffic accessing the community will be separate from the residential element of the site.

Also concerns were raised regarding parking on the existing cul-de-sac serving properties 40 - 48 on Pretymen Avenue. Most of the dwellings have off street parking however, the site is providing additional visitor parking within the site to accommodate any loss of kerbside parking. Generally, parking is permitted on the highway where it is not causing an obstruction and becomes a safety issue. Therefore, it would be beneficial for all for waiting restrictions to be implemented on the junctions of Pound Hill/Pretymen Avenue and the Pretymen Avenue adjacent to properties 40 and 48 for 10m in each direction as junction protection. This will enforce Rule 243 of the Highway Code.

Taking all the above and our previous comments on this site into account, it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe ( paragraph 109 NPPF).

Recommends conditions.

### **19 February 2019**

We have reviewed the Transport Assessment and the data supplied with this application, the summary of our findings are as follows:

The maximum 85<sup>th</sup> percentile speed recorded on Pound Hill is 35mph and the required visibility for the access on the highway can be met.

The existing weekday average 2-way flow of traffic on Pound Hill is 3323 vehicles. The estimated total additional vehicle trips in the AM peak hour is 71 vehicles and PM peak hour is 72 vehicles (approximately 1 vehicle every minute) therefore the additional vehicles from the development will not have a severe impact on the surrounding road and junctions.

There is one slight and injury accident recorded on Pound Hill near Pretymen Avenue junction therefore there are no specific highway safety concerns in the vicinity of the site.

Taking all the above into account, it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109 NPPF).

#### *Contributions*

*Public Transport* - A pair of new stops are required on Pound Hill near the western junction of Pretymen Avenue. The stops need wheelchair accessible kerbs (there should also be a suitable pedestrian crossing point to the bus stop on the north side). Ideally, these works could be carried out under a S278 agreement with SCC however, if not, the county may consider a CIL contribution for these improvements; estimated cost is £25,000 towards these works.

*Travel Plan* - In regards to the Section 106 contribution for Suffolk County Council to engage with the schools for a five year period, the following contribution will be required (subject to agreement and participation from the schools):

£8,500 (£1,700 per annum for five years) for each school identified (Bacton Primary, Hartismere School and Stowupland High)

Total contribution needed £25,500

Breakdown of annual contribution:

SCC Staff resource per annum £1230

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Up to four school visits per annum £200

Promotional resource budget (Walk to School Week, Bike Week, etc) £270

Also Suffolk County Council can design and produce a Resident Travel pack that complies with the requirements of the planning condition. If the applicant would like to take up this service, a further Section 106 contribution of £1,400 will be required.

### **SCC Public Rights of Way**

**3<sup>rd</sup> January 2019**

Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 - Defra October 2009, para 7.2) and that public rights of way should be protected.

Public Footpath 13 is recorded through the proposed development area.

Please Note the attached application for a claim to add 3 public footpaths to the definitive map. One of the claimed routes runs along Pulham's Lane outside the western boundary of the proposed development, another is further south and does not affect the site, the third claim runs through the site parallel to the railway line as far as the level crossing. The formal application will be investigated in due course: in the meantime the claimed routes should be treated as if they are public rights of way. Whilst we do not have any objections to this proposal, the following informative notes apply.

### **SCC Fire and Rescue**

**9<sup>th</sup> January 2019**

No objection.

### **SCC Strategic Development**

**6<sup>th</sup> August 2019**

SCC anticipates the following minimum pupil yields from a development of 85 dwellings, namely:

- a) Primary school age range, 5-11: 21 pupils. Cost per place is £19,611 (2019/20 costs).
- b) Secondary school age range, 11-16: 16 pupils. Cost per place is £22,738 (2019/20 costs).
- c) Secondary school age range, 16+: 4 pupils. Costs per place is £22,738 (2019/20 costs).

The local catchment schools are Bacton Primary School, and Stowupland High School.

The primary school strategy is to deliver a new primary school on the former Middle School site on land off Wyverstone Road, Bacton which is owned by the county council.

The County Council will require proportionate developer contributions for the build costs of the new primary school from this proposed development, which will need to be secured by way of a planning obligation. On this basis, SCC will require a capital contribution of 21 places x £19,611 per place = £411,831 (2019/20 costs) to spend on primary school provision.

Based on existing secondary school forecasts, SCC will have no surplus places available at the local secondary school. The secondary school strategy is to expand Stowupland High School to increase the pupil admission number for ages 11 – 16 and sixth form provision. On this basis, at the secondary school level a future CIL funding bid of at least £363,808 (2019/20 costs) will be made and at the sixth form level a future CIL funding bid of at least £90,952 (2019/20 costs) will be made.

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If the Council considers that planning permission should be granted for the proposed development, this must be on the basis that s106 developer funding is secured by way of a planning obligation for the site-specific costs of secondary school transport. Contribution required is as follows:

a) School transport contribution – 16 secondary-age pupils are forecast to arise from the proposed development. Developer contributions are sought to fund school transport provision for a minimum of five years for secondary-age pupils. Annual school transport cost per pupil is £960. Therefore, contribution is £960 x 16 pupils x 5 years = £76,800, increased by the RPI.

From these development proposals SCC would anticipate up to 14 pre-school children arising, which is equivalent to 8 FTE places (one FTE place is 30 hours per week).

This proposed development is in the ward of Bacton and Old Newton, where there is an existing surplus of places.

### **SCC Flood and Water**

#### **8<sup>th</sup> August 2019**

Suffolk County Council, Flood and Water Management have reviewed application ref DC/18/05514. We have no further comment to make at this time.

#### **29<sup>th</sup> January 2019**

No objection subject to conditions.

### **SCC Archaeology**

#### **31<sup>st</sup> July 2019**

As previous recommendation.

#### **21<sup>st</sup> December 2019**

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The development site is located close to a medieval moated site (BAC 006) and to the south east of the medieval Church of St Mary (BAC 014). Multi-period finds scatters have also been recorded surrounding the proposed development area (BAC 027). The site also received geophysical investigation (Archaeological Solutions, 2018), which revealed large anomalies in the vicinity. Thus, there is potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), 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 Police**

Recommends detailed design changes to enhance passive surveillance and general security and safety for future occupants and public users.

### **BMSDC – Heritage Team**

#### **1<sup>st</sup> August 2019**

No comments.

#### **11<sup>th</sup> January 2019**

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No comments.

**Public Realm**  
**1<sup>st</sup> August 2019**

The Public Realm Team note the reduction in the planned number of dwellings in this development and a corresponding increase in public open space. Our earlier comments are still applicable – future public open space maintenance should be undertaken at a local level as it will largely serve the residents of this development.

**10<sup>th</sup> July 2019**

The Public Realm team welcome the provision of public open space within this development and the provision of a Local Play Area (LEAP). It is expected that a local solution to the maintenance of the public open space will be forthcoming as the new open spaces serve the immediate community.

**Place Services – Landscape**

**9<sup>th</sup> August 2019**

Based on the revised application description and amended site plan, we have no further comments to make. Therefore our comments dates 22/07/2019 still stand.

**15<sup>th</sup> January 2019**

The application site forms part of an agricultural field, bounded to the west by a bridleway and a farm access lane, to the north by the rear gardens of properties on Pretymen Avenue, and to the east by the railway line. Since our last consultation response a landscape and visual impact assessment (LVIA) has been submitted, which is in accordance with the Guidelines for Landscape and Visual Impact Assessment' (GLVIA3) – Landscape Institute and the Institute of Environmental Management and Assessment 2013. It concluded that the site has a medium sensitivity to change and that the effects will be moderate. This is considered appropriate due to the site's good landscape condition and character but also its enclosed nature.

As the Mid Suffolk District Core Strategy (Adopted September 2008) states, Bacton has the 'potential to accommodate development that is sympathetic to local character and of an appropriate scale and nature in relation to local housing and employment needs.' The proposed development is not deemed to be inappropriate in scale and the landscape mitigation measures proposed in the LVIA are deemed suitable for the site and its context. However, as the application progresses the following landscape and design recommendations should be considered to ensure a high quality scheme is achieved:

There are some concerns regarding the proposed buffer on the northern boundary of the development. By implementing this buffer, back gardens may be more easily accessible to intruders and there is also the possibility that it becomes a 'dead space' that is prone to fly tipping. For these reasons we would advise that the buffer is an appropriate width and that there is passive surveillance over the space. It may be that the development layout needs to be re-imagined to ensure this is achievable. With this in mind, we would advise that an LPA Urban Design officer is consulted to provide comment.

Carry out advance planting along the southern and northern boundaries of the development. The planting design and species mixes proposed should be carefully chosen to reflect the character of the site and its surroundings.

Ensure the indicative drainage pond area is sufficient for its purpose and is easily accessed for long term management. Properties will need to overlook the space and site boundary.

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Plot boundaries that meet the public realm should be proposed as brick walls instead of close board fencing. This should be complemented by soft landscaping, preferably in the form of trees, shrubs and plants rather than grass verges.

Street trees should be located within the public realm and not under private ownership. This will ensure trees remain and that management and maintenance is undertaken to a reasonable standard.

Recommend conditions.

### **Strategic Housing**

**14<sup>th</sup> August 2019**

The application has listed the proposed affordable housing as: -

- 4 x 1 bed 2-person flats @ 50 sqm – the applicant has changed these following my request to ensure they comply with NDSS.
- 17 x 2 bed 4-person houses @ 79 sqm – as above
- 2 x 2 bed 4-person houses @ 79 sqm – as above
- 4 x 3 bed 5-person houses @ 93 sqm – as above
- 5 x 2 bed 4-person bungalows @ 70.5 sqm. Complies with NDSS requirements

There is no comment on the mix of tenures within the affordable housing provision, but we would seek the following: -

Rented: - 22 dwellings

- 4 x 1 bed flats
- 3 x 2 bed bungalows
- 13 x 2 bed houses
- 2 x 3 bed houses

Shared Ownership: - 8 dwellings

- 2 x 2 bed bungalows
- 4 x 2 bed houses
- 2 x 3 bed houses

The location of the affordable homes has changed from the Drawing 003 Revision E. On drawing 003 revision G, of the 35 affordable homes to be provided, 11 are located on the north west segment, 2 in the centre of the scheme and the remainder (15) in the south east corner so the applicant has amended in accordance with my request.

The above mix is agreed and to be included in the S106 agreement. As a result of the changes to the sizes and layout of the affordable housing I have no objection to this application.

### **BMSDC Arboricultural**

**7<sup>th</sup> January 2019**

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a small number of trees are proposed for removal they are of limited amenity value and are not of sufficient landscape importance to warrant being a constraint.

### **BMSDC Air Quality**

**15<sup>th</sup> January**

No objection.

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## **BMSDC Sustainability**

**13<sup>th</sup> August 2019**

Nothing further to add to previous comments.

**10<sup>th</sup> January 2019**

We have reviewed the application, the references to sustainability/energy/carbon are very scant and so we do not have anything which we can assess and hence pass comment. Therefore we must recommend refusal. We acknowledge this is an outline application but due to the importance of sustainability climate change etc we require some thought and commitment to this topic even at this early stage.

## **Place Services Ecology**

**14<sup>th</sup> August 2019**

We have reassessed the Ecological Impact Assessment (Greenlight Environmental Consultancy Ltd, December 2018), provided by the applicant, relating to the likely impacts of development on designated sites, Protected & Priority species/habitats.

We have also reviewed the revised the description of the proposal and amended site plan - (drawing number 5587-003 Rev L).

We are satisfied that there is sufficient ecological information available for determination. Consequently, it is recommended that the Ecology - Place Services initial consultation response (04<sup>th</sup> January 2019) should still be followed.

**4<sup>th</sup> January 2019**

The ecological mitigation and enhancement measures identified in the Ecological Impact Assessment (Greenlight Environmental Consultancy Ltd, December 2018) should be secured and implemented. This is necessary to conserve Protected and Priority species.

We note the presence of small population of Barbastelles bats using the Western hedgerow as a foraging and commuting route. Barbastelles are listed under Annex II & IV of the Habitats Directive and therefore should be attributed with greater conservation effort. However, we consider that the design of the development will maintain this foraging route if lighting avoids this western hedgerow boundary. Therefore, an appropriate wildlife friendly lighting design must be undertaken for this development prior to occupation.

In addition, it is recommended that a Skylark Mitigation Strategy should be implemented for this application. This is because the Ecological Impact Assessment (Greenlight Environmental Consultancy Ltd, December 2018) identifies that approximately two skylarks were likely to be present within the red line boundary. Therefore, to compensate for the loss of ground nesting habitats, a total of 4 skylark plots (two plots per Skylark territory lost) should be provided within nearby arable land for this application. The plots should follow the recommend measures contained within the ecological assessment and must be maintained for a period of 10 years.

If an appropriate location for the Skylarks can be provided within land owned by the applicant then this compensation measure can be secured as a condition of any consent. If this cannot be undertaken then the Skylark Plots must be secured via unilateral legal agreement.

Impacts will be minimised such that the proposal is acceptable subject to conditions.

## **BMSDC Environmental Health – Contamination**

**8<sup>th</sup> August 2019**

Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA

are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

**8<sup>th</sup> January 2019**

No objection.

### **B: Representations**

A number of representations were received in respect of this application at each stage of the consultation, these are summarised as follows:

Cumulative impact on village given number of dwellings approved or at appeal to date

Highway safety concerns/increase in traffic

Strain on infrastructure

Distance to services will mean high car dependency

Affordable housing smaller than national standard

Affordable housing cluster exceeds 15 dwellings and contravenes standard

Loss of sunlight, outlook and privacy

Construction traffic will disrupt residents

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The 4.77ha site is located south of Pretymen Avenue, beyond the southern fringe of Bacton. Bacton is designated as a 'Key Service Centre'. The site's northern boundary adjoins the village's defined settlement boundary.
- 1.2. The site comprises agricultural land in arable use. Residential development (Pretymen Avenue and Birch Avenue estate) is to the north, with the site's northern boundary bordered by the rear gardens of properties fronting Pretymen Avenue. A row of power lines run across the northern boundary. The site's western boundary is demarcated by a track and mature trees, classified as a bridleway from its junction with Pound Hill to the start of the development site. The eastern boundary is bounded by the Norwich to Liverpool Street rail line. The southern boundary is open. Arable fields are beyond the western and southern site boundaries. Beyond the rail-line to the east are sports playing fields and a clubhouse for Bacton United FC. There are some trees on the perimeter, two in the north-west corner and a small group adjacent to the Birch Avenue open space.
- 1.3. The main vehicular access to this site is from an existing access road located towards the western end of Pretymen Avenue. An additional access from the corner of Pretymen Avenue/Birch Avenue is proposed to access the community centre and provide an additional emergency access to the proposed dwellings.
- 1.4. The site is not in, adjoining or within proximity of a Conservation Area, nor is there a Conservation Area in Bacton. The site is also not in a Special Area of Conservation or Special Landscape Area. Listed buildings are clustered around Church Road and The Street, the closest being approximately 200m from the site.
- 1.5. The site is in Flood Zone 1.

## **2. The Proposal**

2.1 Outline planning permission is sought for the erection of up to 85 dwellings incorporating 35% affordable housing. All matters are reserved except access. An indicative layout plan features the following:

- Residential density:

	Whole site area	Residential site area
85 dwellings (current proposal)	17.8dph	25.9 dph
100 dwellings (now superseded)	20.1 dph	29.4 dph

- A proposed new village hall/community centre, including car parking.
- A new play area adjacent to the village hall.
- Landscaped public open space areas to the western and southern boundaries and north-eastern corner of the site.
- Provision of a 10m wide gap between the rear boundaries of the existing and proposed properties to the north.
- Relocation and undergrounding of the northern electricity lines.
- Bungalows to be provided along the northern boundary with long rear gardens.
- Perimeter landscaping.
- Attenuation pond to the western edge of the site.
- Acoustic fencing and earth bund along the eastern boundary adjoining the rail line.
- Vehicular access provided from an existing road link which is located in the south western part of Pretzman Avenue. 2.4m x 43m visibility splays achieved at the junction of the link with Pretzman Avenue. The visibility splays at the junction from Pretzman Avenue with Pound Hill and Church Road are to remain unaltered.
- Vehicular access to the proposed community centre from the corner of Pretzman Avenue/Birch Avenue, including emergency access to the wider site.
- Replacement parking for properties situated adjacent to the access point.

## **3. Principle of Development**

- 3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.
- 3.2 The NPPF requires the approval of proposals that accord with an up to date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 213 of the NPPF.
- 3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. Weight can be attributed to policies based on their compliance with the requirements of the NPPF.
- 3.4 Core Strategy CS01 identifies the application site as falling within the countryside. Policy CS02 places strict control over development within countryside and seeks to

prevent the creation of new market dwellings within it. Local Plan policy H07 has similar aims. Together the policies attach a level of negative weight to the application.

- 3.5 The NPPF contains a similar policy, outlined at paragraph 79, which seeks to avoid the creation of isolated new homes within the countryside. Recent court decisions have clarified that the definition of isolation within the policy refers to physical isolation. Given the proximity of existing residential development, the application cannot be considered to be isolated. Furthermore, appeal decisions have confirmed that due to the restrictive nature of CS1 and CS2, without the consideration given to sustainability as the NPPF, is such that the weight to CS1 and CS2 is considered to be reduced.
- 3.6 The relevant policies have been assessed under paragraph 213 of the NPPF to determine their degree of consistency with the NPPF. In respect of the Focussed Review, Core Strategy and Local Plan, it cannot be considered that the policies contained therein that speak to the delivery of housing can be held in full accordance with the NPPF. Policies with regards to sustainability, in particular FC1.1, do however accord with the over-arching principles of the NPPF and are given weight accordingly.
- 3.7 Therefore, the weight attributed to those policies is limited and the identified conflict with these policies and fact the site lies outside of established settlement boundaries cannot be considered to be determinative factors on which this application turns.
- 3.8 Consequently, paragraph 11(d) of the NPPF is engaged. It requires that planning permission be granted unless:
  - i. "The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. 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."
- 3.9 Paragraph 10 of the NPPF is applicable in this circumstance. It requires that the presumption of sustainable development is pursued within the decision-making process. Paragraph 8 of the NPPF defines the objectives of sustainable development, with particular emphasis on the economic, social and environmental benefits or harms of a given application.
- 3.10 How the proposal performs against the three mutually dependent dimensions of sustainable development is assessed in detail below:

#### **4. Sustainability of the Proposal**

- 4.1 Economic Dimension:
- 4.2 The provision of up to 85 dwellings will give rise to significant employment during the construction phase of the development. This is especially notable as The New Anglia 'Strategic Economic Plan' (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.
- 4.3 Future occupiers of the development would also be likely to use local services and facilities in Bacton, making a positive contribution to their vitality and viability. The economic benefits extend over the longer term, are significant, and therefore weigh positively in the planning balance.

4.4 Social Dimension:

- 4.5 The provision of additional housing, even at a time when the Council can demonstrate the required housing supply is a positive social benefit. The housing supply position cannot be seen as a cap on development.
- 4.6 Of further benefit is the diversity of housing types indicated, which will meet the needs of families, young couples, singles and retirees. The inclusion of bungalows is particularly welcomed in social terms, offering both market and affordable units. Bungalows are particularly suited to the aging population as well as those with limited mobility, in support of paragraph 10 of the NPPF.
- 4.7 The addition of 35% affordable homes will make a positive contribution to the district's housing affordability. The level of affordable housing provision is compliant with Policy H4. Paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The addition of 30 affordable homes furthers paragraph 59 of the NPPF.
- 4.8 The application is also proposing a serviced village hall site and a play area. Landscaped public open space areas are also proposed. These scheme elements offer significant benefits to the local Bacton community. The provision of social and recreational facilities that will serve community needs is a positive response to, and consistent with, paragraph 92 of the NPPF. Contributions will be secured via a S106 agreement towards education facilities.
- 4.9 The social benefits are extensive, are attached significant weight and are favourable considerations in the planning balance.

4.10 Environmental Dimension:

*Access to Services and Facilities*

- 4.11 The application is supported by a Travel Plan, in addition to that required by SCC for the school travel plan, that makes a strong case in respect to the sustainability credentials of the site in terms of accessibility to local services. A Key Service Centre, Bacton features a church, primary school and doctors surgery along with several other facilities such as post office, garage, public house and recreational facilities. As noted in the Travel Plan, existing footway facilities are provided from the site, running northwards to connect with Pretymen Avenue and Birch Avenue providing a continuous footway into the village. Bacton Primary School is within 800m of the site, connected by an existing footway, easily accessed by both pedestrians and cyclists. The majority of services are within convenient walking and cycling distance of the site. Importantly, the pedestrian routes are designated footways and lit, providing a safe and sustainable network connection.
- 4.12 In addition to the principal access, a secondary access is proposed to the north-east of the site which will serve as a secondary pedestrian/cycle and emergency access connection to Pretymen Avenue/Birch Avenue to the north. It is noteworthy that an extensive internal footway network is proposed as part of the development. An additional route is enabled by the bridleway along the western site boundary which provides a route to the primary school and the facilities to the west of the site. This

path is segregated from the road thereby offering a safe route to the school. For these reasons the scheme will result in improved pedestrian/cyclist connectivity.

- 4.13 The siting of the proposed community centre has been well considered, located adjacent to the existing public open space adjoining Pretyman Avenue. Following the amendment to provide access to this part of the site from the corner of Pretyman Avenue/Birch Avenue this will be easily accessible for residents in the village, with the public open space area providing an excellent pedestrian access direct to the community facility.
- 4.14 The nearest bus stops on Pound Hill and B1113 (at the T-junction) are approximately 600m from the site and therefore, like the local facilities, within easy walking and cycling distance. The bus services connect to Diss and Stowmarket via Route 456. The service runs Mondays to Saturdays, providing both a school and shopper/leisure service. An additional service is operated by 'Fareline Bus & Coach Services' which provides a once weekly (on Wednesdays) service to Bury St Edmunds and Eye (Route 320). The bus service offers sustainable connections to Diss, Eye and Stowmarket.
- 4.15 Concerns from the locality community with regards to the bus services and their continued service are noted. However, even with a more limited bus service the application site would still offer pedestrian access to the majority of the facilities required for day to day living, such that whilst an important service, this is not considered to significantly affect the consideration of sustainability in this regard. Furthermore additional houses creating additional demand would support the bus service, and as part of the travel plan put forward the Travel Plan Co-Ordinator would work with bus operators to increase their bus services.
- 4.16 *Impact on the Landscape*  
Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 4.17 The site is not within the boundary of a protected landscape. The application is supported by a comprehensive Landscape and Visual Impact Appraisal (LVIA) that has been reviewed by the Landscape Consultant. The Landscape Consultant agrees with the conclusions of the LVIA which asserts that the site has a medium sensitivity to change and that the effects will be moderate. The Consultant agrees with the recommended landscape mitigation measures that are proposed and suggests some further more detailed design refinements. The design detail is not a matter for this outline stage. The design matters will be carefully considered at the appropriate reserved matters stage.
- 4.18 The site will result in a change in character, an inevitable landscape outcome given its current undeveloped condition. The landscape effects of the change are however relatively localised and will not be significantly adverse. The site benefits from a suburban backdrop to the north. The eastern rail line offers effective visual containment and serves as a natural development boundary along this edge of the site. The proposed eastern earth bund will offer additional visual containment. The new hard edge settlement boundary to the south is not an unacceptable landscape outcome noting it is considerably softened by the extent of southern landscape planting that is proposed. The design and layout has been carefully considered in landscape terms, with landscaped open space corridors to much of the periphery. The proposed lower density of development indicated at between 17.8 and 25.9 dph (as paragraph 2.1 above) is a respectful response to the site's edge of settlement location. Core Strategy CS09 requires that "Housing Development should make the best use of land by

achieving densities of at least 30 dwellings per hectare, unless there are special circumstances that require a different treatment. Lower densities may be justified in villages to take account of the character and appearance of the existing built environment". Given the site location at the edge of the settlement, and that the proposed reduction in units is as a result of the request of the Committee this is considered to be appropriate and offer benefits with regards to the landscape character.

- 4.19 Landscaping conditions have been recommended by referral parties. Such conditions are more appropriately considered at the landscaping reserved matters stage, but would nonetheless offer appropriate mitigation of the proposal at the relevant stage, limiting the harm of the proposal.

#### *Impact on Heritage Assets*

- 4.20 There are no designated heritage assets within close proximity of the site. Bacton does not feature a conservation area. The setting of the nearest listed buildings (to the east on the B1113 and to the northwest off Church Road) will be unaffected by the scheme. Noteworthy is the absence of any comments from Council's Heritage Team. Officers find no harm in regard to heritage matters.

### **5.0 Archaeology**

- 5.1 The application is supported by a desktop archaeological survey and a geo-physical survey, both reviewed by SCC Archaeology (SCCA). SCCA note that the site is near to a medieval moated site, to the south east there is the medieval Church of St Mary, and that there are archaeological finds recorded in the surrounding area. SCCA concludes there is potential for the discovery of below ground heritage assets of archaeological importance within the site. SCCA does not object to the scheme, but recommends via planning condition the need to ensure a programme of archaeological work is undertaken prior to development commencing. This is an industry-standard approach and is supported.

### **6.0 Residential Amenity**

- 6.1 Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. These saved policies are consistent with paragraph 127 of the NPPF which seeks to secure a high standard of amenity for all existing and future occupants of land and buildings, and therefore they are up-to-date and attached significant weight.
- 6.2 The applicant has gone to some length to ensure the sensitive amenity interface to the north is appropriately addressed. The indicative layout plan shows a 10m deep open space buffer. The gap between the proposed dwellings and the existing northern dwellings is set aside as rear gardens and associated landscaping. A particularly welcome aspect of the scheme in residential amenity terms is the undergrounding of the power lines at this sensitive amenity interface. These works will result in an improved amenity outcome in this regard for the existing residents who occupy the southern side of Pretymen Avenue. Some objectors raise concern regarding loss of outlook, privacy and sunlight. Officers do not consider that the residential amenity levels for residents in Pretymen Avenue will be unduly compromised. There will be a change in outlook however this is not to be unexpected at the edge of a Key Service Centre. The indicative plan shows clearly that residential amenity levels for

neighbouring residents can be maintained, and this will be further considered at reserved matters stage.

- 6.3 The eastern interface is a potentially sensitive one for future occupants of the development owing to the proximity of the rail line. However, again, the applicant has arrived at a design that responds to this constraint. The siting and layout of the proposed dwellings limits their direct exposure to the rail line. Mitigating measures have been incorporated including an earth bund, acoustic fence and landscaping buffer. For these reasons officers are comfortable with the eastern residential interface.
- 6.4 The proposal does not conflict with saved Policy H13 and H16 or paragraph 127 of the NPPF.

## **7.0 Access and Parking**

- 7.1 Access is a matter sought for approval. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is up-to-date and afforded considerable weight.
- 7.2 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.3 Following the recommendation of the Committee an additional access to the community centre is proposed at the corner of Pretyman Avenue/Birch Avenue, this also provides pedestrian, cycle and emergency vehicle access to the wider site.
- 7.4 The Highways Authority has reviewed the supporting Transport Assessment and states *'it is our opinion that this development should not be prevented or refused on highways grounds as there are no unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe (paragraph 109 NPPF).'*
- 7.5 The Highways Authority recommends a number of standard conditions to ensure highway safety outcomes are appropriately managed and these are imposed as recommended. Some localised highway improvements are required and these can be secured by s278 agreement. The proposal will not conflict with Policy T10 provided the aforementioned conditions and agreements are secured and implemented.
- 7.6 Concerns have been raised in respect of construction traffic in Pretyman Avenue and Birch Avenue both with regards to highways issues and amenity. A construction management condition is proposed, including construction working hours, to secure appropriate control in this respect.
- 7.7 The internal layout of the site is currently indicative only, and the opportunity would exist at the reserved matters stage to assess how the final design performs in respect to the quantum of parking spaces, turning areas and internal road layout. Noting attention will be paid to the level of parking proposed for the new village hall. Performance against the Suffolk Adopted Parking Standards (2015) is a matter for the detailed design stage. Parking areas either side of the vehicle access are proposed to

offset the impact on the on-street parking network that will result from the loss of the uncontrolled parking spaces that currently exist at the end of the link road. This is a welcome highway safety response and the applicant is to be commended in this regard.

## **8.0 Flood Risk**

- 8.1 The land is located in Flood Zone 1. There is no evidence of flood risk. Drainage details are capable of being adequately managed by condition, noting that SCC Flood and Water do not object to the scheme.

## **9.0 Land Contamination**

- 9.1 The application is supported by a Phase 1 Contaminated Land Survey. The Council's Environmental Protection Team has reviewed the information and raise no objection.

## **10.0 Biodiversity**

- 10.1 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 10.2 The application is supported by an ecology report that has been reviewed by the Ecology Consultant. The consultant agrees with the ecological enhancements recommended in the report and these are to be imposed as suggested. This will include, amongst other matters, the submission and implementation of a wildlife-friendly lighting design to mitigate effects on the local population of Barbastelles bats, a Skylark Mitigation Strategy and the provision of four skylark plots in nearby arable land.

## **11.0 Arboricultural Impacts**

- 11.1 The proposal results in very little vegetation removal. The substantial landscape planting that is proposed will result in a net gain in arboricultural (and biodiversity) terms. The Council's Arboricultural Officer does not object to the loss of on-site vegetation.

## **12. Planning Obligations / CIL**

- 12.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.

- 12.2 Planning obligations would be sought for the following:

To provide, manage and maintain the public open space and Local Equipped Area for Play (LEAP).

For the provision of 35% affordable housing and mix

SCC Travel Plan Contribution

Education contributions as requested by SCC to be used towards the site acquisition and build costs of a new primary school in the locality to serve the new pupils of the proposed development.

Skylark mitigation

A serviced site including parking for the community hall.

- 12.3 Concern was raised by the committee in respect of the village hall, in particular that other sites could deliver this, whether there was a need and what would happen if this is not delivered on site.
- 12.5 The proposal offers a village hall/community centre, there is no other limit on this so could be used for a variety of community uses. By means of the S106 agreement the developer will be required to make a serviced site available to the community for a period of time. If after this time no user has come forward the obligation would fall away.
- 12.6 After this time the developer would usually be free to make further planning applications on this land as they wish, however given the community benefit offered and that this is a consideration in the assessment of this proposal it is considered appropriate to continue to secure the site for community use in the future, as such a further requirement of the S106 would be for this to be made available as open space in the event the community centre does not come forward.
- 12.7 It is possible that other sites could deliver a community centre as opposed to this site, however the offer of this would be secured by S106 as would the subsequent future use of the land as open space, if the community centre did not come forward.

### **13. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)**

- 13.1 Section 143 of the Localism Act 2011 on local financial considerations requires consideration to be given to the financial benefits a development would bring to the council through grant income, such as New Homes Bonus, Community Infrastructure Levy, Council Tax and Business Rates. However, the financial benefits this scheme would deliver need to be weighed against the different issues raised and form part of the balance when considering the merits of the application.
- 13.2 Granting this development will result in the following financial benefits:
- New Homes Bonus
  - Council Tax
  - CIL

## **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 Council officers have worked with the applicant through the life of the application and following the recommendations from Committee sought to amend the application accordingly.

### **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.

### **16. Planning Balance**

- 16.1 The application would result in the creation of up to 85 new dwellings and, as outlined in the report above, these would be located within the countryside as defined by the adopted Development Plan, contrary to CS01 and CS02. However, the age of the policies contained within the adopted Development Plan and their lack of overall conformity with the NPPF means they cannot be held to carry full material weight such that this application should be refused on this basis. The NPPF therefore requires an assessment be made of the application against the objectives of sustainable development, social, economic and environmental, as set out at paragraph 8 of the NPPF.
- 16.2 The development's social and economic benefits are compelling. The addition of up to 85 dwellings will boost the housing supply. The provision of 30 affordable homes is a significant social benefit. The scale of the scheme will result in sustained job creation over an extended period. Residents of the dwellings will enhance the vitality and vibrancy of the village's services, further supported in respect of the proposed community hall site. Substantial weight is attached to these planning benefits.
- 16.3 The site has excellent pedestrian and cycling connectivity to local facilities in a Key Service Centre. These networks will be enhanced by the scheme through the inclusion of additional dedicated pedestrian and cycling connections. Bus services are nearby and bus stop improvements offer a net gain in sustainable transport accessibility terms. A safe pedestrian and cyclist route to the primary school is welcomed. Car dependency will be low. The environmental benefits, in the context of paragraph 148 of the NPPF which supports the transition to a low carbon future in a changing climate, are persuasive.
- 16.4 The change in character from rural to urban will be obvious and direct however landscape harm is moderated by the development's visual and functional relationship to the body of the village. Landscape effects are localised owing to the suburban backdrop and rail line to the east and mitigation can be secured in respect of landscaping. The development will read as a natural extension to the village. There are no streetscene impacts as such, given the site context, tucked away behind the Pretymen Avenue estate. The Council's Landscape Consultant raises no objection. The scheme does not give rise to any adverse effects on designated or non-designated heritage assets. The Council's Heritage Team raise no objection. Although only indicative, the development layout responds very well to the opportunities and constraints of the site.
- 16.5 Whilst the SHELAA discounts the site as being suitable for residential because it is poorly related to the functional settlement this relates to strategic planning decisions for settlements, and is not a policy based consideration on which this decision turns.

- 16.6 The extension of the link road as the primary vehicle access to the development satisfies the Highways Authority and a further access is proposed to the community centre and for emergency access to the wider site. Residential amenity of neighbouring residents is respected and internal amenity for future occupants of the development can be secured to the appropriate level. Ecology, drainage and archaeology matters can all be managed by planning conditions, noting an absence of objection from the relevant referral parties.
- 16.7 The benefits of the scheme are substantial. Some elements of the scheme do not amount to harm and these are neutral considerations. The identified harm is not more than moderate. The bulk of the identified policy conflict relates to policies that are not up-to-date. Officers therefore conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF as a whole and that the proposal represents sustainable development. On this basis outline planning permission is recommended subject to the completion of a Section 106 Agreement to secure the items set out at Section 12 of this report.

### **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer – Sustainable Communities to grant Planning Permission for the above development:

**(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer – Sustainable Communities to secure:**

(a) Provision, management and maintenance of public open space including LEAP, outdoor gym and SUDs.

(b) 35% Affordable housing provision and mix

(c) SCC Travel Plan contribution and travel pack

(d) School Contributions

Build cost contribution (BCIS linked) of £411,831 (2019/2020 costs)

The developer contributions will be secured for a period of up to 10 years and returned if not spent.

(e) Skylark Mitigation Strategy

(f) Serviced site and parking for community hall

**(2) That the Chief Planning Officer – Sustainable Communities be authorised to grant Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer including:**

- Standard time limit
- Reserved matters outline
- Approved plans
- Phasing of development
- Mix and type of housing to be agreed
- Provision of private resident replacement parking

- Highways - details of estate roads
- Highways – carriageways and footways
- Highways - provision and retention of manoeuvring and parking areas
- Highways - surface water discharge details
- Highways - Construction Management Plan
- Highways - Travel plan including website and travel plan pack
- Highways – Refuse/recycling bin storage
- Details of sustainable urban drainage system components and piped networks
- Surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Construction Surface Water Management Plan
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Arboricultural Report implementation
- Unexpected contamination
- Fire hydrant provision details
- Sustainable efficiency measures
- Ecology Report recommendations
- Secure mitigation and ecology enhancement measures
- Landscape Ecological Management Plan
- Biodiversity Enhancement Strategy
- Wildlife Sensitive Lighting Design Scheme
- Construction Management Plan
- Acoustic fencing and bund

**(3) And the following informative notes as summarised and as may be deemed necessary by the Chief Planning Officer:**

- Pro active working statement
- SCC Highways notes
- SCC PROW notes

**4) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Chief Planning Officer – Sustainable Communities be authorised to refuse the application on appropriate grounds.**

**(5) That in the event of the Planning obligations referred to in Resolution (1) above not being secured within 6 months that the Chief Planning Officer – Sustainable Communities be authorised to refuse the application on appropriate grounds.**