

## **Committee Report**

**Item No:** 7b

**Reference:** DC/19/00646

**Case Officer:** Vincent Pearce

**Ward:** Bacton

**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 (all matters reserved) - erection of up to 65 dwellings with attenuation basin

### **Location**

Land on the west side of Broad Road Bacton Suffolk

**Parish:** Bacton

**Expiry Date:** subject to extension of time

**Application Type:** Outline (all matters reserved)

**Development Type:** Small Scale Major Dwellings

**Applicant:** Mr and Mrs G. J. And C. A. Abbott

**Agent:** Edward Gittins & Associates

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## **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 development for 15 or more dwellings.

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

None.

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

### **Summary of Policies**

NPPF National Planning Policy Framework 2019

Core Strategy Focused Review 2012:

FC01 - Presumption In Favour of Sustainable Development

FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development

FC02 - Provision and Distribution of Housing

Core Strategy 2008:

CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
CS09 – Density and Mix

Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development  
HB14 – Archaeological remains  
H4 - Affordable housing  
H7 – Restricting housing in 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 2000

Neighbourhood Plan Status:  
No Neighbourhood Plan and no neighbourhood plan being prepared.

**Planning History**

0764/15 - Application for Outline Planning Permission for the erection of up to 47 dwellings with attenuation basin – granted 5 April 2016. S106 Agreement signed April 2016. The permission was not implemented and has now expired.

DC/17/02461 - Application for the modification of a Section 106 planning obligation (to phase the time period for provision of affordable housing) associated with 0764/15 – granted November 2017. Deed of variation to 2016 S106 agreement signed November 2017.

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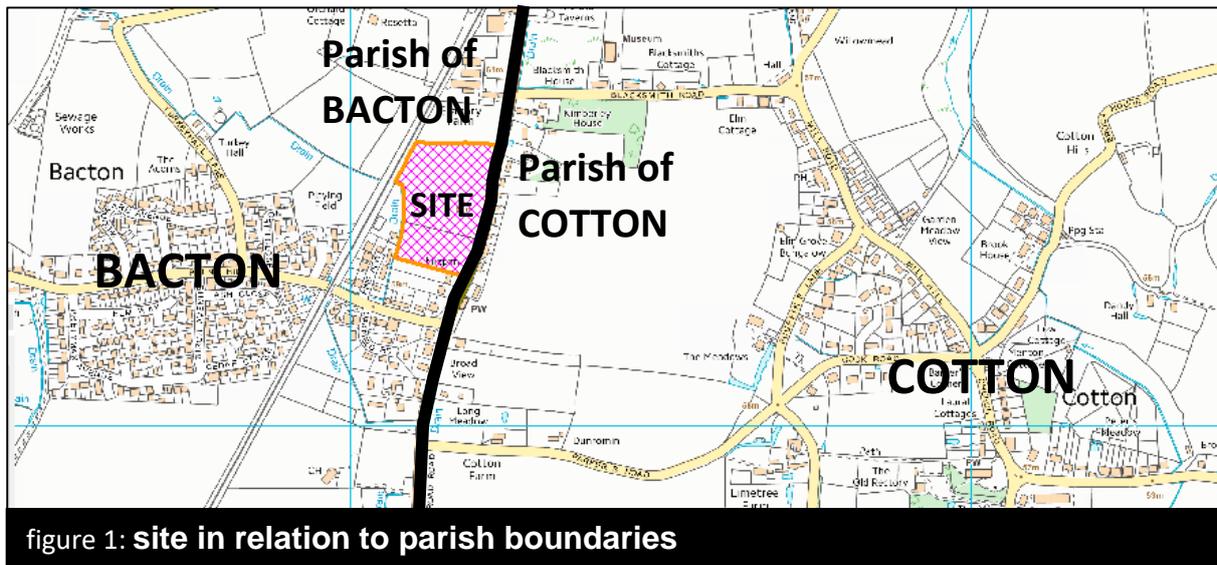
## Consultations and Representations

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

### A: Summary of Consultations

**Bacton Parish Council** [the site lies entirely within Bacton]

NO response has been received from Bacton Parish Council



**Cotton Parish Council** [the site although outside of Cotton is immediately adjacent to the parish boundary between Bacton and Cotton]

Opposes the application on the following grounds:

- Proposals to improve the railway under-bridge will in reality not solve the hazards presented by this access route to Bacton's central facilities (and that access will be essential to the fundamental sustainability of the site). There is simply not enough width or height under the bridge to ensure safe movement by any significantly sized vehicle, pedestrian and cyclist. There is insufficient space for a roadway and a parallel pathway. If a safe solution to the problem of the under-bridge had been available it would have been actioned long ago; building more houses on the "wrong" side of the bridge will achieve nothing other than to make the problems worse.

*Officer comment:*

*Despite the Parish Council's scepticism in respect of the effectiveness and deliverability of the proposed improvements works they are considered necessary by the local highway authority. Indeed, they require the works to be secured by S106 Agreement. On the basis that the works are supported by SCC on safety grounds it is considered that the works will provide village-wide accessibility benefits even though they are necessitated by a requirement to link the proposed development to facilities on the west of the bridge. As the responsible local highway authority SCC will be aware of the capacity of the underside of the bridge to accommodate the nature of the works agreed by them. It should be noted that sometimes highway projects are not 'actioned' due to a lack of funding or competing priorities. The highway works here, if permission is granted, will be funded by development [S106].*

- Further completed and approved housing developments in Bacton, Finningham and other nearby settlements have increased traffic volumes on Station Road and Broad Road since the 2015 planning permission. Cotton's own traffic data, gathered by the Parish Council's Vehicle Activated Speed sign, have demonstrated a consistent pattern of excessive speeds on those routes. The speed of travel, volume of vehicles and the hazards presented by the under-bridge is a dangerous cocktail which the construction of more houses will do nothing to alleviate.

*Officer comment:*

*The proposed highway works have been carefully considered in the context of local conditions by SCC. The works will allow for better traffic management in the vicinity of the bridge*

- The failure to build the 47 houses approved by the (contested) planning approval in 2015 is not a reason to approve a larger number of houses on the same site. 65 unbuilt houses is no better for the District Council's land-supply problem (if it has one) than 47 unbuilt houses. It is more likely to be a clear indication that the site is unsuitable for any number of houses because of the inaccessibility by foot, cycle and public transport of the basic amenities available in Bacton.

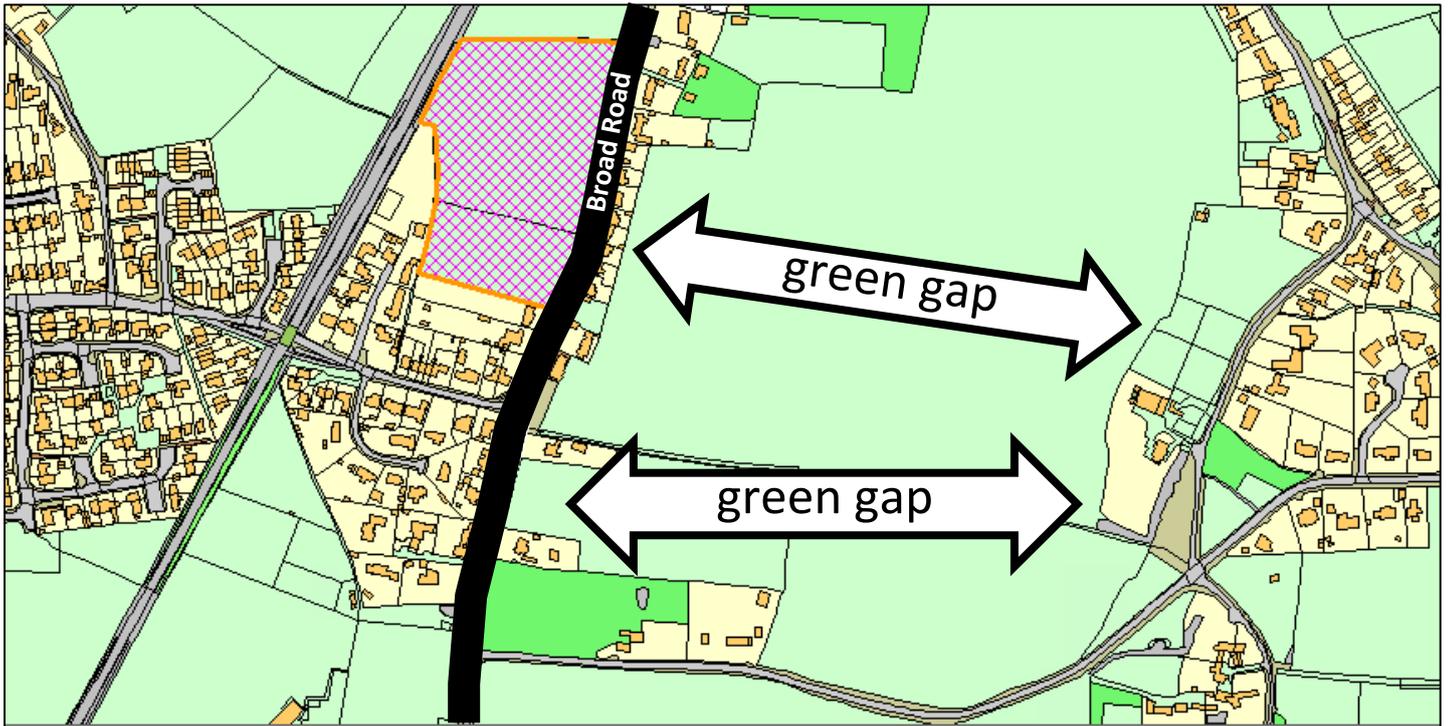
*Officer comment:*

*The current application is being considered on its own individual planning merits as is required. The fact that the 47 unit did not come forward does not absolve the Council as local planning authority from having to exercise its duty to determine this application for 65 units. If approved a 65 dwelling scheme is more likely to support necessary infrastructure improvements. [assuming that in all other respects the proposal is acceptable].*

- It continues to be essential to the character of the countryside to maintain a physical separation between Bacton and Cotton; construction of 65 houses on this site will reduce that separation to vanishing point.
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*Officer comment:*

*Whilst the desire of Cotton Parish Council to maintain a physical separation between the villages of Cotton and Bacton is understood the site itself is on the west side of Broad Road to the north of existing built form in Bacton. Cotton lies to the east of Broad Road. Coalescence would only be a risk if development was to spread eastwards across Broad Road from behind existing ribbon development on the east-side towards Cotton or vice versa. [say along Parkers Road or land to its north]. Currently there is an approximate 454m gap [just over ¼ mile] between Broad Road and the closest part of the western edge of the village of Cotton. That gap will remain without any new encroachment were this development to be approved.*



**figure 2: Green gap between Bacton and Cotton**

- Because of the position of the site, its development is not sustainable; access to Bacton's facilities is not realistic and Cotton does not offer an alternative range of facilities.

*Officer comment:*

*The footway works required by SCC and as recommended to be secured via S106 Agreement enable improved pedestrian connectivity between the main part of the village of Bacton to the west of the rail bridge and the other part to the east [including the application site]. As the site is adjacent to the settlement boundary of Bacton which is itself a key service centre the site is considered to be sustainable.*

These grounds for opposition include and complement those stated in relation to the previous application for this site in 2015, which should also be considered:

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“The Parish Council acknowledged the planning application is in Bacton Parish but that there are many knock-on implications for the residents of Cotton and other neighbouring communities and road users.

Reasoning based on the National Planning Policy Framework for sustainable development:

#### 1. Conserving and enhancing natural environments

- The area covered by this application is an open piece of countryside dividing the villages of Cotton and Bacton. As such it is the buffer between the two villages and is the outline of the natural boundary. (This issue was specifically held as a matter of value in the recent findings of a planning appeal for some nearby land in Cotton).

*Officer comment:*

*This piece of land does not divide the two settlements. It is existing ribbon development on both sides of Broad Road that represents the transition from built up Bacton to the countryside beyond the ribbon of buildings that lines the east side of Broad Road. This is then the green gap that skirts Cotton to the east.*

- The housing development would be out of character of the local rural ribbon development and would give the area an urban look with curbing, pavements and street lighting it currently does not have nor want.

*Officer comment:*

*Whilst it is undoubtedly true that the proposed development will not reflect the character of ribbon development on the east side of Broad Road. It will however have a frontage to the road. It is less true to say that such a character exists on the west side where the village of Bacton has spread eastwards beyond the railway in a cluster of built-form. It is accepted that the site is at present open land although it would be difficult to say that it reads as part of the open countryside wedged as it is between the railway lines, Broad Road , sporadic development to the north and part of the village to the south..*

- Most of the local villages have much casual flow of pedestrians, cyclists and car users, with many opportunities to ‘stop and chat’. This development will be a car-based housing estate of residents having to journey to anything they attend. It is unlikely the residents will be part of either Cotton or Bacton communities by default.

*Officer comment:*

*The proposal includes a large area of public open space where people can meet and chat and there is no inherent reason why new residents of the development should not stop and chat to others on their travels by foot around the village as the village centre is just a short walk away. Indeed, it is closer to the centre of the village than many of the houses on the village’s built-up western extremities.*

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## 2. Re-use of brownfield sites

- Bacton has other sites available for development which are nearer the centre of the settlement and nearer to public services.
- There is also a centrally located brownfield site, which has received considerable local support recently for development.

*Officer comment:*

*This site has already benefitted from planning permission for residential development and is available.*

## 3. Fullest possible use of public transport, walking, cycling

- The proposed development is detached from Bacton village centre by at least 1.5km.

*officer comment:*

*The site is 589m from the centre of Bacton [as measured from the mid-point of the site frontage along Broad Road under the bridge and along Pound Hill. [approx. ½ km] [approx. 644yards] this equates to a 7-minute walk.*

- There is minimal public transport available to mitigate the use of private motor cars.
- Foot access to the village centre services is dangerous and will still be so with the proposed footpath beside a road where speeding is acknowledged to be an issue.
- The railway under-bridge has been the subject of considerable local debate. It is a traffic hazard for vehicles in that it has obstructed sight lines, a dip under the railway which causes flooding and a height restriction. For pedestrians and cyclists this railway bridge is dangerous, for car drivers it is hazardous and in peak times causes congestion.
- During school term time the increasingly busy junior school attracts enormous vehicle congestion on a busy road at the start and close of the school day. Additional vehicles and children will make this area more dangerous than it already is.
- Foot access to the countryside will involve the crossing of a busy road as above.
- Cycling will similarly be hazardous for young cyclists and 'a reasonably safe cycle area for a confident cyclist' according to the Highway and Transport Review. It is, therefore, unlikely cycling will be a chosen means to get to the school.
- The application acknowledges most access to and from the development will be by private car.

*Officer comment:*

*The proposal is supported by SCC as local highway authority from a highway safety and capacity perspective. The proposed highway works represent an enhancement of safety and accessibility*

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#### 4. Community and cultural facilities to meet local needs

- There are no easily accessed facilities in Bacton other than those requiring a car journey. The church, village hall and school in Bacton all have considerable parking difficulties.
- Considerable extra pressure will be placed on already-stretched GP and other community health services.
- Cotton has nearer facilities at the village Hall and Pub, both of which would require the crossing of an unlit B class road and a walk down a country lane with no street lighting or footpath. Cotton has no other facilities other than a church.

*Officer comment:*

*The proposal is liable for C.I.L. and as a result bids can be made to improve local facilities within this Key Service Centre. [remembering that such centres are considered to be a suitable focus for new development beyond Towns]*

#### 5. Viable infrastructure

- Because of the detached nature of the development there is no easily accessible infrastructure. The road network combined with an inherently dangerous railway under-bridge would make this a detached community with no local infrastructure other than a local car sales site.

*Officer comment:*

*As above and previously*

#### 6. Sustainable modes of transport

- Most residents in this community will be served by their own private cars. The location of the site makes this a given, which is acknowledged by the Highway and Transport Review.

*Officer comment:*

*Bacton as a key service centre is by definition a sustainable location*

#### 7. Mixed developments with houses commensurate with planned need

- Sadly no housing needs assessment has been produced for Bacton so it is difficult to see if this development satisfies any perceived need.

*Officer comment:*

*Settlement Hierarchy Policy for key service centres does not require local need to be identified. This development will however, if approved, deliver the potential for much needed affordable housing for those in housing need.*

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8. All housing should enhance the quality of the area

- The planned development is two agricultural fields sandwiched between a busy railway line on an embankment and a busy B class road. The railway line is designated to run faster and therefore louder trains very soon and the road is likely to become busier and noisier too. To install a substantial housing development into this mix will not enhance the quality of this rural area.
- Living in such a development will not be part of tranquil rural village life.
- Cotton specifically does not have any street lighting, it is likely a concentrated housing development will attract considerable electric lighting, further detracting from the countryside and skylines of the locality.

*Officer comment:*

*Living in a village, particularly one that is a key service centre, does not in itself guarantee a tranquil rural environment. Housing can already be found close to the railway line in Bacton. The Council's environmental health service is satisfied that noise can be adequately attenuated for the future occupiers through careful orientation/positioning of buildings and noise insulation. The local highway authority does not necessarily require estate lighting and this would be a matter for further discussion at Reserved Matters stage were an outline planning permission to be forthcoming.*

9. Incorporate green spaces and support transport networks

- This development has no accessible green spaces other than private gardens.
- There are no regular wide-ranging support transport networks. The bus service is limited and not easy for commuting to nearby urban areas of employment.
- There is very limited employment locally.

*Officer comment:*

*Green space is included as will be described in the relevant presentation to Committee*

10. Reducing Flood Risk

- This area of Cotton has a complicated network of ditches, drains and culverts made more difficult because of the railway embankment.
  - Long-term residents, home owners and land owners speak of various flooding incidents in the immediate area over a long period of time.
  - Houses in Broad Road have been built over filled-in ditches and over-piped drains, there is therefore of great concern that any development would upset the current water levels and drainage system such that people's houses, agricultural land or the road itself would be put in peril.
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*Officer comment:*

*Drainage will be provided to the satisfaction of SCC Water and Floods and final detail will only be devised once the nature of Reserved Matters is known. Outline planning permission has previously been granted for residential development of this site.*

11. Permission not to be given unless character of area is enhanced and the way it functions

- Cotton Parish Council is of the view that this development will not enhance either the villages of Cotton or Bacton.
- There are better and more appropriate sites available for development in Bacton, ones which have received local public support and would fulfil the criteria for 'sustainable development' more appropriately.
- The development physically is separated from the Key Service Centre to which it belongs and it is not in context with the important rural divide between the two communities

12. Applicants should work closely with those affected

- Sadly, there has been no informal contact between the developer and Cotton Parish Council about this development.
- Clearly Cotton residents will be impacted proportionately more than Bacton residents.
- The added access point(s) onto Broad Road and the additional traffic added to the already dangerous railway under-bridge will affect all the local residents and businesses and road users from much further away.

13. Ensure there are sufficient school places available

- With a significant increase in houses locally there must be a knock-on effect to the local schools, presumably this will be factored into the planning process, more importantly the impact of additional cars used to convey children to and from Bacton Primary School will make a difficult and dangerous traffic hazard even worse. County Council calculations indicate that 13 extra primary school pupils will need to find school places if 65 houses are built.

14. Access to sports and recreational facilities

- There are no such facilities proposed on the development.
- The nearest facilities are very basic ones in Cotton or more comprehensive ones in Bacton but those will involve a tricky walk or cycle journey. More likely a trip in the car.

*Officer comment:*

*SCC has identified infrastructure needs to be secured by way of S106 Agreement. Others can potentially be delivered through C.I.L.*

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Extracts from the Highway and Transportation Review submitted as part of the Planning Application, shown together with comments from Cotton Parish Council.

1. 'The development is 1.5km from Bacton Village Centre' - this illustrates the distance residents would be from local services and the greater likelihood of them using motor cars rather than other means.
  2. Reasonably busy at peak times - this is a subjective assessment, locals would argue it is reasonably busy at all times and even busier at peak times.
  3. Average vehicle speed seemed higher than the speed limit - locals would agree with this assessment citing the fact that the local Constabulary would not authorise Community Speed Watch because the road is too dangerous. The increased use of Broad Road by emergency vehicles at speed because of the rearrangements of Police operational bases, also the increasing use of the road by speeding leisure motorcyclists is increasing average speeds and noise year on year.
  4. Pound Hill the only route to the village (Bacton) - this is correct, implicit in that is the need to negotiate the railway under-bridge which is described in the sections above.
  5. Possibly two access points- the number of access points to the development is not shown in the application but a second access point is inferred in this report. Any access point will bring with it dangers, two would double those dangers.
  6. For 47 houses 38 vehicle movements in peak times - local experience is that each household will have at least two cars, an assessment of 38 vehicle movements at peak times seems a gross underestimate. Any increased vehicle turnings will bring additional noise, pollution and danger.
  7. We consider that as the road into and out of Bacton is unlikely to be very heavily trafficked that a one way working system be introduced - this road is very busy at peak times, particularly boosted at school times. A one way system of any sort would be a major traffic hazard for local people and the many drivers who use this as a rat-run to and from the A14.
  8. The site is just about within walking distance of the village centre and some residents might walk - the conditional words in this statement 'just about' and 'some' are clear indications that the author of the report anticipates most journeys will be by car.
  9. Reasonably safe cycle area for a confident cyclist - as above, the conditional words used to describe the safety of pedal cyclists using these roads indicates the dangers of cycling on a busy B road and designated lorry route and trying to safely negotiate the railway crossing.
  10. Overall the site does not score too highly in relation to its accessibility profile as most residents would be reliant on private mean of travel.- this gross understatement just about sums it up!"
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## **SCC Highways**

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

The proposed visibility splays for the accesses are sufficient for this application. The proposal for 65 dwellings would create approximately 40 vehicle movements within the peak hour (1 vehicle every 1.5 minutes) therefore the additional vehicles from the development will not have a severe impact on the capacity of the highway network in the area.

The closest bus stop is 150m from the centre of the site with minimal public transport services.

There is a proposal to create a footway from/to Pound Hill therefore provided links for pedestrians and school and the amenities within the village.

The development would not have a severe impact on the highway network (NPPF para 109) therefore we do not object to the proposal.

## **BMSDC Strategic Housing**

This is an open market development and should provide 22 affordable housing units which = 35%. This is included in the proposal so is policy compliant.

Market homes:

We would want to see a good mix of property types and sizes on the scheme. In recognition of the number of over 55's we have in Mid Suffolk, and the projected increase in number of households over 65, we would expect to see at least 8 of the dwellings in the form of bungalows, either 2 or 3 bedrooms and 20% of the open market homes as 2 bed houses. This is to reflect the dwelling types secured on the other recent planning permissions in Bacton over the last 2 years.

Affordable housing:

The proposed affordable housing mix for this site is acceptable and based on my previous pre-application advice.

## **SCC Flood and Water**

A number of technical issues are currently being explored.

## **BMSDC Environmental Health**

As with the last application made, the Environmental Noise Report (Document reference R124.1.19-Broad Road Bacton-1918551-GJK) identifies the main source of noise affecting the site as train movements along the railway line on the western boundary.

The report is based on the indicative plan document: Mark Perkins Partnership illustrative site plan No: 1047/SK/03 dated December 2018. Submitted as part of the Outline planning application.

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The conclusion of the report is that that in some locations, the average external daytime and night-time noise levels are likely to exceed the limits, suggested by BS 8233:2014 as being acceptable for external and internal living spaces. In particular, any dwellings located on the western boundary will be significantly and adversely impacted by noise from passenger and freight trains.

In mitigation Sharps Redmore recommend a high standard of acoustic double glazing and alternative acoustic ventilation where required to meet the requirements of BS8233:2014. This combined with careful design of site layout and screening gardens with solid (acoustic) fencing, where this is appropriate, will achieve a reasonable noise climate for habitation.

I would advise you that these mitigation measures can be regarded as appropriate if you consider there are significant wider social and economic benefits of the development.

Due to the application being in outline these matters would need to be considered further in any subsequent detailed application. I would therefore recommend a condition accordingly.

### **SCC Strategic Development**

Education:

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

The primary school strategy for the village is to deliver a new primary school on land which is part of the former Middle School site in Bacton.

The County Council will require proportionate developer contributions for the build costs for a new school from this proposed development, which will need to be secured by way of a planning obligation. A proportionate developer contribution, based on the 16 primary age pupils forecast to arise from the proposed development is calculated as follows

£6.9m construction cost (excluding land) for a 420 place (2 forms of entry) new primary school

$\text{£6.9m}/420\text{places} = \text{£16,429 per pupil place}$

From 65 dwellings it is forecast that 16 primary age pupils will arise.

Therefore,  $16\text{ pupils} \times \text{£16,429 per place} = \text{£262,864 (2018/19 costs)}$ .

Based on existing secondary school forecasts, SCC will have no surplus places available at the local schools. On this basis, at the secondary school level a future CIL funding bid of at least £279,981 (2018/19 costs) will be made.

School transport contribution – 12 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  $\text{£960} \times 12\text{ pupils} \times 5\text{ years} = \text{£57,600}$ , increased by the RPI.

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If the District Council considers that planning permission should be granted for up to 65 dwellings, this must be on the basis that s106 developer funding is secured by way of a planning obligation for the proportionate build costs of the new primary school and secondary school transport costs. Contributions required are as follows:

a) Primary School Build Contribution – £262,864, increased by the BCIS.

b) Secondary School Transport Contribution – £57,600, increased by the RPI.

Pre-school:

From these development proposals SCC would anticipate up to 11 pre-school children arising which is equivalent to 7 FTE places (30 hours per week), at a cost per place of £8,333.

However, in the Bacton and Old Newton Ward there is currently a surplus of places

Libraries:

A CIL contribution of £216 per dwelling is sought i.e. £14,040.

### **MSBDC Sustainability**

It is acknowledged that the application is for outline permission but considering the number of dwellings proposed some consideration of this topic area is expected. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability. We request a condition be added should permission be granted.

### **NHS England**

There is one GP practice within 2km of the site and will impact the main surgery. These practices do not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP catchment area would be sought to mitigate the impact.

### **MSBDC Air Quality**

No objection.

### **SCC Fire and Rescue**

No objection.

### **Environment Agency**

No comment.

### **Natural England**

No comment.

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## **Suffolk Police**

Concerns around this development are:

- a) The amount of garages allocated which are set too far back and could allow an offender to enter these areas undetected.
- b) The number of flying freeholds (undercrofts) incorporated which are proven generators of crime.
- c) To view the internal layout of proposed properties to ascertain if there will be active rooms to look onto vehicle parking spaces at the side of properties.
- d) To ascertain the exact details of all the perimeter areas, with those having hedges preferably comprising defensive vegetation.
- e) Clarification how the western perimeter of the development will comprise, particularly around the western side of the attenuation basin where it runs alongside the main Norwich to London railway line.

## **B: Representations**

10 objections have been received based on the following grounds (summarised):

- \*Local infrastructure impacts
  - \*Cumulative impact of other approved developments
  - \*Unsafe vehicle access
  - \*Unsafe proposed pedestrian link to village
  - \*Inadequate pedestrian/cyclist/pushchair/wheelchair/mobility scooter movement through the bridge on Pound Hill from the site and into the village.
  - \*Construction related amenity impacts
  - \*Light pollution
  - \*Biodiversity impacts
  - \*Property devaluation
  - \*Boundary Issues
  - \*Conflict with local plan
  - \*Design
  - \*Drainage
  - \*Health & Safety
  - \*Inadequate public transport provisions
  - \*Landscape Impact
  - \*Loss of Open Space
  - \*Loss of Outlook
  - \*Out of Character with the Area
  - \*Sustainability
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## **PART THREE – ASSESSMENT OF APPLICATION**

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

- 1.1 The 2.79ha site is located outside of - but immediately adjacent to, the defined settlement boundary on the eastern fringe of Bacton. Bacton is defined as a 'Key Service Centre'. The site is bounded on the west by a rail line, the south by existing residential properties, the east by Broad Road with residential properties on the eastern side and a farm to the north, separated by a tree belt. The site is relatively flat with hedgerows and other planting adjacent to Broad Road.
- 1.1.1 The site is not in or near an area designated for special landscape significance or Conservation Area. The site is well removed from any listed buildings. The site is in Flood Zone 1.

### **2. The Proposal**

- 2.1 The application seeks outline planning permission, with all matters reserved, for up to 65 dwellings. An indicative layout plan (1047/sk03 dated DEC 18) supports the application which features:
- Single vehicle access point from Broad Road, opposite Fuchsia Cottage and Fairlands.
  - Affordable mix: 1 x 1 bed, 3 x 2 bed, 2 x 3 bed units; Market mix not detailed.
  - Conventional estate type layout, generally laid out around a series of cul-de-sacs.
  - 23 dwellings per hectare density.
  - Attenuation pond sited in the northwest corner adjacent the rail line.
  - Retention of boundary hedgerows.
  - 2m wide footpath link proposed to the western side of Broad Road and northern side of Pound Hill.
  - Existing 1m wide Pound Hill footpath to be widened to 2m.
  - Upgrade works at the Pound Hill rail underpass, reducing the carriageway width from 5.5m to 3.5m and the incorporation of a priority passing point.
- 2.2 The current layout is very similar to the layout considered as part of outline application 0764/15. The key difference, other than the increase in density, is the indicative location of the attenuation pond, located northwest of its original location. Although access is not a matter for consideration, it is noted that the sole vehicle access point is in the same location as that shown (indicatively) previously. The highway improvement works, including footpath and carriageway changes at the Pound Hill underpass, are the same as those agreed with the Highways Authority as a condition of outline consent 0764/15.

- 2.3 Outline consent 0764/15 expired in April 2019. It is however a material consideration that continues to attract considerable weight.

### **3. Housing Land Supply**

- 3.1 Mid Suffolk benefits from a five-year housing supply. This said, there is a need for Council to determine whether relevant development policies generally conform to the NPPF. Where they do not, they will carry less statutory weight; and if the most important policies for determining the application are out of date when taken in the round, the “tilted balance” would be engaged regardless of the land supply position. However, as will be discussed, the positive and sustainable credentials of the proposal indicate that permission should be granted regardless of whether the balance to be struck is “tilted” or not.
- 3.2 A 65 dwelling development will boost the local housing supply. Even though the district has a five-year housing supply, the additional housing stock is an element of the scheme that offers a benefit in the context of the social dimension of sustainable development. Paragraph 59 of the NPPF makes it clear that a Government objective is to significantly boost the supply of homes. The delivery of 65 dwellings supports the national housing objective. This element of the scheme attracts positive planning weight, albeit less than what would be attached if the district did not have a five-year housing supply.

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

- 4.1 Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.
- 4.2 Policy CS2 of the Core Strategy restricts development in the countryside to defined categories. The proposed development does not fall within any of the listed categories. Policy H7 of the Local Plan 1998 seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.
- 4.3 The proposal site is located in the countryside and is therefore inconsistent with policies CS1, CS2 and H7.
- 4.4 However, the exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary, as does saved Policy H7. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF does not engage.

- 4.5 Having regard to the advanced age of the Mid Suffolk settlement boundaries and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to the above policies is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 4.6 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy FC01 and FC01\_1 of the Core Strategy and are also the most up-to-date elements of the Mid Suffolk development plan, adopted in 2012. These policies are consistent with the NPPF, carry greater statutory weight and provide the principal assessment framework.
- 4.7 Whilst the site lies outside of the Defined Settlement Boundary in what is therefore in policy terms, countryside, it must be accepted that two of its edges actually touch the settlement boundary. Bacton is defined in the settlement hierarchy as a Key Service Centre. These are locations that are considered to represent the main focus for development outside of Towns. [Stowmarket, Needham Market & Eye]. As a Key Service Centre development is not expected to accommodate a purely local need. This is an important policy position to be aware of as a number of Cotton Parish Council's objections relate to the development not serving a local need and/or the developer not demonstrating a local need for such development. Such a test is not required.
- 4.7 How the proposal performs against the three mutually dependent dimensions of sustainable development is assessed in detail below.

## **5. Economic Dimension**

- 5.1 The NPPF advises that significant weight should be placed on the need to support economic growth through the planning system. The provision of 65 dwellings will give rise to considerable employment during the construction phase of the development owing to the scale of the development. Job creation, associated with a likely three year plus build out period, is a direct economic benefit. Future occupiers of the development will use local services and facilities in Bacton, and therefore there will be longer term benefits to the community from local spending. The direct and longer-term benefits attract positive weight in favour of the scheme.

## **6. Social Dimension**

- 6.1 The provision of 43 market dwellings even at a time when the Council can demonstrate a five-year supply of housing land constitutes a positive in social terms. Although the mix of market housing is not provided, the applicant suggests the response will be one *'reflecting a greater emphasis on smaller family and first- and second-time buyer properties'*. This response is welcomed, with details to be consistent with this intent expected at the appropriate reserved matters stage, should outline consent be granted.

Incorporation of some bungalows, as recommended by the Strategic Housing Officer, is urged.

- 6.2 The application proposes the delivery of 22 affordable dwellings distributed appropriately across the site, compliant with Local Plan Policy altered H4 (35%). The proposed mix has been arrived at following pre-application dialogue between the applicant and Council's Strategic Housing Officer. The quantum and mix of the scheme's affordable housing element represent a significant social planning benefit.
- 6.3 Objectors are concerned with the strain that will be placed on local services, in particular schools and the medical system. It is well-established industry practice that CIL contributions are used to ensure existing infrastructure capacity is enhanced to accommodate additional demand. Additional infrastructure requirements are a consequence of the development, but it is not an adverse social impact. As per industry practice, CIL contributions are to be used to manage future infrastructure demand. In addition to CIL contributions, a significant monetary contribution will be sought to cover proportionate build costs of a new local primary school. A secondary school transport contribution will also be sought via planning obligation. These contributions will result in direct social benefits to the local community.

## **7. Environmental Dimension**

### *Access to Services and Facilities*

- 7.1 In recommending to the Planning Committee in 2015 the grant of the 47 dwelling outline consent 0764/15, officers deemed the site to be well related to the village subject to the provision of the Broad Road/Pound Hill footpath link. There is no reason for your officers to depart from this position in regard to the current 65 dwelling scheme. As noted above, the current scheme proposes the exact same footpath link as that agreed as a condition of outline consent 0764/15. The services in Bacton that will be accessed by the new pedestrian connection are the same as those considered in 2015. The services include Bacton Primary School, The Bull Inn, Londis Supermarket, St Mary's Church and bus stops offering connections to Eye, Stowmarket and Bury St Edmunds. The new footpath link and doubling of the width of the existing Pound Hill footpath, provides excellent accessibility for pedestrians, wheelchair users, pram users and those on mobility scooters. Subject to the securing of the proposed footpath works, the site is deemed a sustainable location for housing.

### *Impact on the Landscape*

- 7.2 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

- 7.3 Paragraph 170 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.
- 7.4 The development will result in an urbanising effect, an inevitable landscape outcome when developing an undeveloped site with a conventional residential layout. However, the site is flanked on its southern and eastern sides by residential development. Its northern side is well screened by mature vegetation. The rail line offers a natural boundary to the west. The indicative layout suggests retention of the perimeter hedgerows (the required Broad Road visibility splays can be incorporated without significant hedgerow removal), a response consistent with Policy CS05. The site context is such that the urbanising effect will be localised.
- 7.5 Some concern is raised by objectors that the development will result in the loss of an important visual gap between Bacton and Cotton. The development plan does not identify the site as forming part of a locally important open space or visual gap. Development will be limited to the west of the ribbon development along Broad Road. For this reason, and having regard to the relevant policy regime regarding this landscape, officers do not agree that the visual gap between the villages will be compromised in a manner that could be construed as being so adverse as to represent an unacceptable planning outcome.
- 7.6 These observations indicate that landscape harm will not be significant, the same conclusion as that reached in assessing outline application 0764/15. Landscaping will be a critical element of the scheme as the design evolves and should be considered carefully at the reserved 'landscaping' stage, should outline consent be granted.
- 7.7 Clearly the current scheme proposes a higher density than the previously approved 47 dwelling development. The proposed density remains a relatively modest 23 dwellings per hectare, a level that is respectful and appropriate at an edge-of-village location.

#### *Impact on Heritage Assets*

- 7.8 Officers agree with the Planning Statement which observes that the nearest designated heritage assets are well removed from the site. As a result, Council's Heritage Team has not been consulted. It is concluded that the scheme will not cause material heritage harm. As per the previous outline consent, archaeology matters are best addressed by condition.

#### *Residential Amenity*

- 7.9 External amenity impacts can only be considered in the full knowledge of all detailed design elements, including siting and scale. Officers note the amenity concerns raised, however these simply cannot be scrutinised in any detail in the absence of the required plans and elevations. Residential amenity is therefore most appropriately evaluated at the reserved matters stage of the development process.

- 7.10 The above said, in light of what is shown on the indicative layout plan, there is nothing before officers to suggest the 2.79ha site cannot sustain 65 dwellings in a manner that safeguards the amenity of neighbouring residents. There are few if any site constraints that constrain the ability of the site to deliver a development that suitably respects residential amenity.
- 7.11 Although layout is not a matter for consideration, some comment is warranted in respect to the applicant's approach to the rail line interface. The current scheme offers a substantially improved rail interface than what was presented, albeit indicatively, as part of the previous outline scheme. The re-siting of the attenuation pond adjacent the rail line has allowed for a significantly greater separation distance between the rail line and the nearest dwellings, reflective of a more site responsive design.
- 7.12 The applicant's Environmental Noise Report offers limited assessment value as it acknowledges the current layout is indicative only and may be subject to change. Should the Committee be minded to grant outline consent, it is an expectation of officers that a detailed acoustic assessment is provided at reserved matters to demonstrate the (western) rail line and (northern) pig unit interfaces represent appropriate planning outcomes. An acoustic condition (17) was imposed on the previous outline consent. Officers consider it more appropriate to defer this consideration to the relevant reserved matter, rather than manage it via an outline condition.

#### *Highway Safety*

- 7.13 Access, vehicle and pedestrian, is not a matter for consideration. This said, it is prudent to turn one's mind to the acceptability, in highway safety terms, of the proposed footpath connection and related highway works between the site and the village. The Highways Authority considered this detail as part of the previous outline consent. The Highways Authority does not raise objection to the proposed highway improvement works and recommend, as it did in respect to outline consent 0764/15, the securing of the works by planning condition. Officers again support the recommended conditional approach. Officers note that a good number of residents are critical of the proposed Pound Hill priority passing point. However, the Highways Authority has previously agreed to this arrangement and its position of support remains unchanged.
- 7.14 As is often the case with developments of scale like that proposed, local residents are concerned regarding the inevitable increase in traffic on the local road network. Again, the Highways Authority does not raise a concern in this regard, observing that 65 dwellings would create approximately 40 vehicle movements within the peak hour and conclude *'therefore the additional vehicles from the development will not have a severe impact on the capacity of the highway network in the area'*.

- 7.15 Paragraph 109 of the NPPF states 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. Given the advice of the Highways Authority: *'the development would not have a severe impact on the highway network'*; the substantial weight that is attached to it, and an absence of substantiated evidence to the contrary, a reason for refusal based on highway safety grounds is not sustainable.

#### *Biodiversity*

- 7.16 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.
- 7.17 An updated ecology report (to that undertaken in 2014/2015) supports the application, recommending a suite of ecological enhancements and mitigation measures. These can be secured by planning condition, as per the approach adopted by the previous outline consent. The scheme is consistent with Policy CS5.

#### *Agricultural Land*

- 7.18 The subject site is agricultural land in arable production. The site is small in comparison to the large swathe of agricultural land around the village. The proposal does not involve a significant loss of the best and most versatile agricultural land. It must also be noted that neither local policy nor the NPPF indicate that permission should necessarily be refused where there is a loss of high quality agricultural land.

## **8. Other Matters**

- 8.1 A number of matters raised through referral responses and resident submissions are beyond the scope of an outline application assessment. Detailed design matters such as those raised by Suffolk Police and sustainability measures are most appropriately considered at the reserved matters stage.
- 8.2 A number of conditions placed on the previous outline consent are considered to be more appropriately dealt with through the relevant reserved matter approvals process. Conditions are therefore not recommended in respect to landscaping, illumination details, delivery time restrictions, fire hydrants, bin storage and access related requirements (noting access is a matter reserved for subsequent consideration).

## **9. Planning Obligations / CIL**

- 9.1 The scheme will be liable for a CIL charge.
- 9.2 Should outline permission be granted the following additional planning obligations are recommended, as part of a section 106 agreement:
- (a) provision and maintenance of public open space with equipped play (incl. attenuation pond); and,
  - (b) site delivery of 35% affordable housing (22 units), to the size and tenure as advised by your housing officers; and,
  - (c) highways improvements including new footpath and Pound Hill underpass modifications; and,
  - (d) primary school build contribution – £279,981; and,
  - (e) secondary school transport contribution – £57,600.

The remainder of the infrastructure contributions fall within the CIL charging regime.

## **PART FOUR – CONCLUSION**

### **10. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015**

- 10.1 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.
- 10.2 Council officers have worked with the applicant through the life of the application.

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

- 11.1 There are no known legal implications derived from the determination of this application.

### **12. Planning Balance**

- 12.1 The previous outline consent has expired meaning the planning merits of the current application are to be considered afresh. Although no longer extant and considered at a time when the district could not demonstrate a five plus year housing supply, the outline consent is a material consideration attached considerable weight. Aside from the increase in density and change in layout regarding the location of the attenuation pond, the current indicative scheme is largely the same as that considered previously.

- 12.2 The site is outside the settlement boundary. However conflict with development plan policies that limit development in the countryside is attached very limited weight as these policies are not consistent with the NPPF and are out-of-date.
- 12.3 Principal social and economic benefits derive principally from the boost to local housing supply and affordable units, albeit acknowledging the district does have a five plus year housing supply. This said, the local housing benefit is consistent with paragraph 59 of the NPPF, which clearly supports significantly boosting the supply of homes across the country.
- 12.4 The site is a sustainable location for housing, noting pedestrian connectivity with nearby amenities will be significantly enhanced once the proposed off-site footpath link and footpath upgrades are constructed. This link will not only benefit future occupiers of the development, it will benefit many existing residents on the eastern fringe of the village, a positive sustainability outcome attached significant weight. Car dependency will be moderated, limiting environmental harm. Biodiversity and the natural environment will not be adversely impacted, consistent with paragraphs 170 and 174 of the NPPF.
- 12.5 The site is not isolated; it is well related to the body of the village. The projection into open countryside will not be pronounced because the site has a strong physical relationship to the village. Provided perimeter landscaping is retained and strengthened, and a mix of building heights is incorporated, landscape harm will be less than moderate. Any heritage character harm is deemed indiscernible.
- 12.6 Residential amenity is not for consideration as this cannot be assessed in detail until siting/design details are known. There is scope to safeguard future internal amenity through the adoption of a design that responds positively to the rail line interface. Landscaping is a reserved matter and therefore landscaping conditions are not recommended.
- 12.7 The Highways Authority does not object to the scheme in respect to impacts on network capacity or the proposed off-site highway improvement works. Vehicle access is a matter reserved for subsequent consideration, therefore access related conditions are not recommended.
- 12.8 CIL contributions will be used to ensure existing infrastructure capacity is enhanced to meet additional demand. Additional monetary contributions will be sought to cover proportionate build costs for a new local primary school and secondary school transport. These represent social benefits. Archaeology and drainage matters are adequately managed by planning conditions.
- 12.9 Policy conflicts are limited and where they do occur, largely relate to out-of-date policies. The proposal constitutes sustainable development for which the NPPF and local development plan policies carry a presumption in favour, and therefore the application is recommended for approval.

## **RECOMMENDATION**

- (1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Corporate Manager - Planning for Growth to secure:
  - a) Provision and maintenance of public open space with equipped play (attenuation pond);
  - b) On site delivery of 35% affordable housing (22 units);
  - c) Highways improvements including off-site footpath link and Pound Hill underpass modifications;
  - d) Primary school build contribution – £262,864;
  - e) Secondary school transport contribution – £57,600.
  
- (2) That the Chief Planning Officer be authorised to grant Outline Planning Permission for the erection of up to 65 dwellings with attenuation basin subject to conditions including:
  - Standard time limit
  - Full Reserved Matters [access, landscaping, layout, appearance, scale] supported with cross sections, levels, attenuation report, boundary enclosure details, lighting details, parking details, sustainability measures to be incorporated into the development, safety measures for attenuation pond area
  - Submission of all reserved matters within 18 months
  - Commencement within 18 months of RM approval
  - Highways – Provision of footpath link
  - Highways – Details of estate roads to be agreed
  - Highways – Provision of carriageways and footpath prior to occupation
  - Highways – Delivery plan during construction to be agreed
  - A scheme of surface water drainage to be agreed
  - Ecological management plan to be agreed
  - Programme of archaeological work
  - No occupation until archaeological assessment complete
  - Remove permitted development rights
  - Submission of materials

### Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Scheme of archaeological investigation

- (3) That in the event of the Planning Obligations referred to in Resolution (1) above not being secured that the Corporate Manager- Planning for Growth be authorised to refuse outline planning permission on appropriate grounds.