

## **Committee Report**

**Item 8A**

**Reference:** DC/21/01930  
**Case Officer:** Bradly Heffer

**Ward:** Bacton.

**Ward Member/s:** Cllr Andrew Mellen.

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## **RECOMMENDATION – APPROVAL OF RESERVED MATTERS WITH CONDITIONS**

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### **Description of Development**

Submission of Details (Reserved Matters) following Outline Approval DC/17/05423. Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings

### **Location**

Land To The North Of, Church Road, Bacton, Suffolk

**Expiry Date:** 20/08/2021

**Application Type:** RES - Reserved Matters

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

**Applicant:** Taylor Wimpey

**Agent:** None

**Parish:** Bacton

**Site Area:** 4.66 hectares

### **Density of Development:**

Gross Density (Total Site): 17.4 dwellings per hectare

Net Density (Developed Site, excluding open space and SuDs): 31.8 dwellings per hectare

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes – DC/20/04791

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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/s:

The proposal falls within the major development category.

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

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### **Summary of Policies**

NPPF - National Planning Policy Framework

### **Adopted Core Strategy**

CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
CS07 - Brown Field Target  
CS09 - Density and Mix

### **Adopted Core Strategy – Focused Review**

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing

### **Adopted Local Plan**

SB02 – Development appropriate to its setting  
GP01 - Design and layout of development  
H03 - Housing development in villages  
H04- Proportion of Affordable Housing  
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  
CL08 - Protecting wildlife habitats  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
T11 - Facilities for pedestrians and cyclists  
RT04 – Amenity open space and play areas within residential development

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

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

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

##### **Town/Parish Council (Appendix 3)**

**Bacton Parish Council** comments as follows:

*'Bacton Parish Council recognises that the applicants have endeavoured to address some of the issues raised since the first iteration of their application but considers that many of the Council's original objections remain.'*

- *The Council are disappointed to see the multi-functional attenuation basins taking up most of the green space, an area which could otherwise be developed to benefit all residents of Bacton and the wider community.*
- *The Council is concerned about the location of the play area noting the Rowntree Foundation report. It is currently out of view of the dwellings in one corner of the site therefore encouraging anti-social behaviour. Also, it only occupies an area of 300 square metres which is a relatively small space given the total area of the development.*
- *Despite some minor changes, the affordable housing is still relatively clustered together in the north-eastern corner of the site. The Council feels it would be better distributed more widely throughout the development to avoid the risk of social isolation.*
- *Whilst there have been some changes for visitor parking, the current plan shows only two spaces located at the northern end of the development and further informal parking is not distributed well with some positioned on bends in the road.*
- *The Council has suggested that streetlights should be at a low level and feature more traditional mountings.*
- *The safety of cyclists, children and their accompanying adults in negotiating Church Road concerns the Council as there is still no proposal for a safe crossing to access the only primary and pre-school in the village.*
- *The Council considers that the figures in the highways technical report concerning traffic flows at the junction of Wyverstone Road and Church Road at Shop Green do not reconcile with the number of dwellings served on this and adjacent approved sites scheduled for construction in the next few years. This leads to a major concern that the report does not fully recognise the potential inability of the junction to safely manage the anticipated number of vehicle movements.*
- *Finally, the Council notes that the drainage plan shows water passing beyond the lagoons will be using the drainage ditch on the opposite side of Church Road which might result in overwhelming its capacity as already evidenced in recent winter flooding.'*

**Wyverstone Parish Council** has commented on the submission as follows:

*'Wyverstone Parish Council have discussed this application at length and our previous views, a copy of which I attach, have not changed. In short, WPC feels that there are far too many houses on too small a plot, poor distribution of housing type, poor access and parking provision vis a vis the nearby village shop, little attention paid to landscaping and environment'*

#### **National Consultee (Appendix 4)**

**Highways England** has advised it has no objection to the proposal.

**Historic England** has concerns regarding the application on heritage grounds and suggests that a thick tree belt is planted to reduce the level of harm to Bacton Manor.

**Anglian Water Authority** has advised that as the proposed method of surface water drainage does not relate to its assets, the LPA should refer to the LLFA for guidance.

The **NHS Clinical Commissioning Group** has advised that the proposal is not of a size that would attract a specific s106 planning obligation. Mitigation of impact would be sought through CIL.

### **County Council Responses (Appendix 5)**

**SCC Highway Authority** has no objection to the proposals subject to the imposition of conditions.

**SCC Travel Plan** officer has no comment.

**SCC Lead Local Flood Authority** has advised no objection to the proposals. A number of informatives are recommended for inclusion on a reserved matters approval.

**SCC Development Contributions** have no comment to make.

**SCC Archaeology** has identified that the site lies in an area of archaeological potential and have requested the inclusion of two conditions if the reserved matters submission is approved.

*Officer comment: it is noted that in allowing the appeal against the Council's refusal of outline planning permission, a condition was imposed in relation to archaeology. It is therefore not necessary to impose further archaeological conditions at this stage. That said, it is understood that the applicant is in contact with the Archaeology team in order to agree an approach to site investigation etc.*

**SCC Fire and Rescue Service** has requested the inclusion of a condition requiring the installation of fire hydrants.

### **Internal Consultee Responses (Appendix 6)**

The **Heritage Team** identifies that comments were provided at pre-application stage. The appearance of the development in relation to the setting of the nearby listed building is considered to be appropriate. No objections are raised to the proposal.

**Environmental Health – Air Quality Officer** has no comment to make on this submission.

**Environmental Health – Land Contamination Officer** has no comment.

**Environmental Health – Noise Officer** has recommended conditions to mitigate possible impacts during the construction phase of the development, including agreement on construction management.

*Officer comment: in relation to construction management, hours of working etc. a condition requiring agreement was imposed by the Inspector.*

**Environmental Health – Sustainability Officer** has recommended the imposition of a condition on a grant of reserved matters approval.

**Place Services Landscape** has recommended the inclusion of two conditions on an approval of reserved matters.

**Place Services Ecology** has confirmed no objection to the proposals and has recommended the inclusion of conditions.

**Public Realm** officers support the proposed treatment of the public open space and play provision within this development.

The comments of the **Strategic Housing** officer were not available at the time this report was written and Members will be updated at the meeting.

## **B: Representations**

At the time of writing this report 8 letters/emails/online comments have been received. It is the officer opinion that this represents 7 objections, and 1 support comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Affects Local Ecology/Wildlife
- Harm to Listed Building setting
- Health and Safety
- Increase in anti-social behaviour
- Increased traffic/highway issues
- Overdevelopment of site
- Overlooking
- Strain on existing community facilities
- Sustainability
- Application lacking information
- Boundary Issues
- Development too high
- Drainage/Flooding
- Fear of crime
- Increase in pollution
- Landscape Impacts
- Light pollution
- Loss of outlook/privacy
- Noise/Building work
- Out of character/design
- Trees
- Inadequate parking provision

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> DC/17/04404	Screening Opinion (EIA) - Regulation 6 Request for a screening opinion for the development of up to eighty-one dwellings with associated access, open space and infrastructure.	<b>DECISION:</b> EAN 08.09.2017
<b>REF:</b> DC/17/05423	Outline planning application (all matters reserved except access) for development of up to 81 dwellings.	<b>DECISION:</b> REF 15.02.2018

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## PART THREE – ASSESSMENT OF APPLICATION

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### 1. The Site and Surroundings

- 1.1. The site for this proposal is an irregularly-shaped area of agricultural land with an overall given area of 4.66 hectares. The site is located towards the western end of Bacton – the southern boundary adjacent to Church Road and the western boundary adjacent to Wyverstone Road, also abutting two properties identified as Rookery Cottage and Bury Road Cottage. The northern boundary is adjacent to the grounds of Bacton Middle School, which is now closed (although outline planning permission has been granted for 50no. dwellings and sports pitches under application ref. DC/17/03799). The site is relatively level and its boundaries inter alia contain established field hedging and trees. A pond feature is located adjacent to the boundary of the site with Rookery Cottage.
- 1.2. To the east of the site is a Grade II\* listed building and associated curtilage, identified as Bacton Manor. The wider area contains a number of facilities including shop (located adjacent to the site to the west), garage and public house.

### 2. The Proposal

- 2.1. This reserved matters submission seeks approval for details of the appearance, landscaping, layout and scale in relation to the provision of 81no. dwellings on the identified site, which has a given area of 4.66 hectares. Members should note that the means of vehicular access to the site was not reserved at the time of the outline application submission. Therefore, full planning permission has been granted for this element of the development – following the grant of appeal by the Planning Inspectorate. It is also noted that the Inspector saw fit to impose the following condition (04) as part of the grant of planning permission:

*The development hereby permitted shall be carried out in general accordance with the details shown on the submitted plan numbers: P17-0236\_11, Rev C, U511/210 and P17-0236\_16.*

- 2.2. As a planning judgement, therefore, it is considered that the submission of reserved matters, in so far as layout of development is concerned, was expected to be in ‘...general accordance...’ with the details shown on the identified drawings.
- 2.3. Vehicular access to the site takes place off Wyverstone Road, leading to a development of loose perimeter blocks of dwellings, served by a main spine road through the site, off which would be a series of culs-de-sac. The submitted plans also show a significant portion of the southern end of the site, adjacent to the frontage with Church Road, being utilised as open space.
- 2.4. In terms of built form the dwellings would consist of a mix of 2, 3, 4 and 5 bed units, all of two storey height. The buildings would take the form of detached and semi-detached units, with some use of terracing at the northern end of the site. Of the 81no. total number of units 53no. would be for market sale, 21no. for affordable rent and 7no. for shared ownership. Each dwelling would

have either on-site parking provision, or space within a nearby court or row. Visitor spaces would also be provided.

- 2.5 Submitted information in support of the proposal includes a place-making plan which identifies a series of three nodal points on the main spine road, where it is intended that frontages to dwellings would be designed as a composition, in order to introduce visual interest and unity. The plan also identifies the key frontage of the development, that faces the proposed open space to the south of the site and also affects the setting of the adjacent listed building. Elsewhere, key views outside and within the development are also identified.
- 2.6 As well as the proposed buildings on the site, the submitted plans show the provision of open space areas to the south and north of the site, and the retention of pond features. These would be part of the overall surface water drainage proposed for the site, which would be by way of SUDS. In this regard, it is noted that the plans show the use of swales alongside roads within the site.
- 2.7 The proposed architecture for the dwellings (and associated garaging) takes a traditional form, and utilises materials such as brick, render and boarding on walls, in combination with tiles on roofs.
- 2.8 In order to provide Members with further context, the following extracts are taken from the Design Statement submitted with the application:

*'...The design process has also included a comprehensive and thorough assessment of the site and its immediate context, the development of a clear set of principles to guide the design of the site. The plans and design approach together with the supporting illustrative strategies demonstrate how the vision for the site can be delivered to meet the 3 key NPPF objectives of sustainable design...The proposals respect the local character but also move the community towards a more sustainable future, through an increase in housing choice. Development will accord with the principles of high-quality design and best practice to create a townscape that is both varied, and yet sympathetic to its environment. The aim is to achieve a development with a strong identity and distinct sense of place, whilst at the same time integrating with the existing community...'*

### **3. The Principle Of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'*
- 3.2 The site for this proposal is located on land that is currently unallocated for development, as defined in the adopted development plan. However, within the emerging Joint Local Plan, the site is one of four sites in the settlement that are proposed for residential development (site ref. LA105). The JLP identifies that the site is appropriate for the provision of approximately 81no. dwellings (with associated infrastructure). Furthermore the JLP advises that the development would be expected to comply with the relevant Plan policies and contributions towards education and healthcare provision. In identifying the above, officers are mindful that limited weight may be attached to the policies in the JLP at this stage (the Plan being at examination stage). That said, it is useful as context for Members as it does indicate future intention for the use of the site in planning terms.
- 3.3 Notwithstanding the above summary of the policy position, in the case of the determination of this reserved matters proposal, it is considered that the outline planning permission granted by the

Planning Inspectorate via the appeal against the Council's refusal of outline planning application ref. DC/17/05423 (appeal ref. APP/W3520/W/18/3209219) clearly establishes the acceptability of residential development taking place on the identified site and is the starting point for the decision now to be taken. Members are not tasked with re-considering the planning permission from scratch; rather they are considering those details reserved under the planning permission for determination at this later stage. The principle of development is therefore effectively fixed, subject to the conditions attached to the outline planning permission, as deemed necessary by the Planning Inspectorate. In this regard the concluding remarks of the Inspector are included below for Members' information:

*'...I am required to determine this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. Although I have identified some limited conflict with the development plan in respect of heritage and landscape, I have found that the development would be sustainable in the terms of the Framework and therefore benefits from the presumption in favour of sustainable development. I consider this to be a significant material consideration sufficient to outweigh the development plan conflict. I therefore conclude that the proposal should be allowed, for the scheme for up to 81 dwellings, and subject to the imposition of a number of conditions, as discussed at the Inquiry...'*

#### **4. Nearby Services and Connections Assessment Of Proposal**

- 4.1. At the appeal stage, the Inspector found that *'...There is no dispute that the appeal site is located in an accessible and sustainable location within the confines of a Key Service Centre, with good access to local services and facilities, and with sustainable transport choices providing access to higher order services in Stowmarket. This would be consistent with the aim of the Framework to locate development where the need to travel is minimised and residents have a genuine choice of transport modes...'*

#### **5. Site Access, Parking And Highway Safety Considerations**

- 5.1. As mentioned, the means of vehicular access to the site was not a reserved matter at outline application stage, and full planning permission has been granted for this element of the development. The final details of the access are controlled by condition imposed by the Inspector at appeal.
- 5.2. In addition, and in full acknowledgement of comments that have been received, highway impacts were an issue considered at the outline planning application stage. In refusing the outline application a reason for refusal on highway grounds was not posited by the Council. Furthermore, as part of the Inspector's decision letter, the following comment was made in this regard:

*'...Local residents have expressed a wide range of concerns including...highway safety/congestion...However, it is evident from the Committee Report that these matters were carefully considered by the Council at the application stage. whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council and specialist consultees on these matters...'*

- 5.3. As regards parking provision within the scheme, 2/3 bed units would have a minimum of 2no. spaces each, and 4+ units would have a minimum of 3no.spaces. Members are advised that there are 218no. defined spaces shown in total. The spaces are arranged so that allocated spaces would be mainly within the curtilage of individual dwellings, courts or adjacent frontage (153no. spaces), garages (43no. spaces), carport/link (2no. spaces) and visitor spaces (20no.spaces).

There are two instances on site where 'triple parking' occurs, on plot no.s 12 and 13. That said, the units are served off a private drive, and the adopted guidance document recognises that '...This layout of parking on a development site in some circumstances may be acceptable on private streets...' (*section 4.1*) Overall, the scheme is considered to meet the required parking standards of the Council for this type of development. In relation to secure cycle parking, it is noted that where dwellings would not have an on-plot garaging facility, they would benefit from the provision of an outbuilding in the rear garden. Therefore cycles may be stored safely by occupiers of the dwellings.

- 5.4 Lastly, it is noted that as part of the outline application (appeal) stage approval, conditions were imposed by the Inspector that inter alia required, prior to first occupation, dwellings to be provided with electric charging points and a Travel Information Pack. Additionally, a new northbound bus stop on Wyverstone Road is also to be provided prior to first occupation. Also, prior to the occupation of the 70<sup>th</sup> dwelling, a new footway link is to be provided from the site to Wyverstone Road (as generally shown the approved indicative masterplan).

## **6. Design And Layout [Impact On Street Scene]**

- 6.1. As advised elsewhere, in allowing the appeal the Planning Inspector saw fit to impose a condition that requires the development to be in '...general accordance...' with an indicative plan. This plan shows a layout of development consisting of perimeter blocks, and a linear group of units served by a spine road and a series of culs-de-sac. The access point to the site is shown as being off Wyverstone Road. In addition, a large area of open space is shown to the front of the site, and a natural play area located adjacent to the northern boundary.
- 6.2 It is your officers' view that the layout of development as shown in the reserved matters does reflect that established at outline stage, and can be considered to be in general accordance, which is a conditional requirement of the outline permission granted. The organisation of the site in terms of location of dwellings, road network, open space provision etc. develops the approach taken with the indicative plan.
- 6.3 The key frontage to the site, and the main public 'face' of the scheme is considered to be the dwellings that face across the southern area of open space. In addition, this would be the edge of the development that would also impact on the setting of Bacton Manor. In this regard i.e. the consideration of impact on setting, the following comments have been received from the Council's Heritage Officer:

*'...The southern edge of the development is roughly aligned with the notional 'building line' suggested by the Manor House, and the layout suggests a central open space in the settlement, in line with the Inspector's expectations. The scale of buildings on the southern edge, where they are most likely to appear in views with the listed Manor House, is kept to two storeys, which will avoid challenging the prominence of the Manor. In my view the proposals would satisfactorily limit impact on the settings of the Manor and of other nearby listed buildings in line with the Inspector's reasoning and decision.'*

- 6.4 The spatial arrangement of dwellings towards the south of the site is looser and less dense, reflective of the general character of development in the locality. In addition, the treatment of the open space area to the front of these dwellings, as well as additional planting on the boundaries of the site, would mean that views of the built form would be filtered, to some degree. The denser area of development would be located to the north and this is reflected in the use of terraces and semi-detached units. Acknowledging the form of this part of the development, it is borne in mind that outline planning permission is established for 81no. units to be located on the site. In

addition, there would be a variation in the character of the space created across the site, which is considered to contribute to visual interest.

- 6.5 In relation to the design of the proposed dwellings, this follows a traditional architectural approach, which is considered to be an appropriate response to site context, given the relevant constraints such as setting of listed buildings etc. All buildings would be two-storey height, and would incorporate pitched roofs (as would associated single storey garage buildings). It is noted that the Heritage Officer has commented on the appearance of the development as follows:

*'...The range of materials, design, and detailing reflect local architectural tradition, which will allow the development to relate well to nearby buildings, including historic buildings...'*

In your officers' view the use of various features in this instance are an appropriate response to local character, bearing in mind the acknowledged constraint presented by the listed building setting.

- 6.6 Construction materials would include brick, render and boarding for walls, and tiled roofs – all of which are within the Suffolk vernacular palette. Members are advised that following the submission of the proposals, officers have worked collaboratively with the applicant, in order to secure detailed design improvements to the buildings including cills/window heads, plinth details around buildings, relief of exposed flank walls by use of windows or other features etc.

## **7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 7.1. The development of the identified site for residential development will clearly change its appearance and, hence, impact in the wider landscape. At appeal, the Inspector commented on this issue as follows:

*'...Overall, there would be some localised visual effects arising from the loss of the appeal site's open and undeveloped character. There would also be some erosion of the amenity value derived from views across the appeal site as well as limited harm to the settlement pattern of Bacton. However, to a greater or lesser extent these effects would be common to any greenfield site. The illustrative layout demonstrates that the development could be brought forward in a way that would mitigate the visual and landscape harm by leaving a large swathe of open space at the southern end of the site and relocating the access away from Church Road. Whilst this would not eliminate all the negative effects, I consider that the residual level of harm to the character and appearance of the area would be limited...'*

- 7.2 Members will note that the reserved matters proposal reflects the scheme submitted at outline application stage, whereby a substantial open area is located at the southern end of the site – thereby retaining the open frontage – and the point of vehicular access is established away from Church Road. An area of open land would also be retained adjacent to the northern boundary of the site, again reflecting the outline indicative scheme. Explanatory details within the reserved matters submission advise that the northern edge of the site would form part of a 'wildlife corridor': explained thus *'...a green corridor of varying width between 5 – 15m runs unbroken along the northern and eastern edge of the development. The green link consists of wildflower meadow planting, proposed native trees and retained native trees and vegetation which serves to connect the northern and southern open spaces provision an ecologically rich wildlife corridor. The area also encompasses wildflower seeded swales to contribute to the site's surface water drainage, enhancing the sustainability of the development...'* In your officers' view this approach is encouraged as it enables the creation of a landscape network through the site which would also

be of ecological benefit. The features also enable a visual soft buffer between the site and the adjacent listed building curtilage; this is considered to be a positive response to comments of the landscape officer and link to the heritage officer's comments on this point.

- 7.3 In addition, the scheme proposes that the existing pond feature located in a central position within the site would also be enhanced through various works and would become a permanent open water feature with associated planting and features to encourage wildlife. Within the residential areas themselves, frontages would be planted with hedging or herbaceous shrub and turf, or fully planted to soften the built form. The submitted plans also show the provision of trees at points within the road and footpath network.
- 7.4 In relation to ecological issues arising from the development, the Council's Ecology consultant has reviewed the information submitted at the outline application stage, as well as the updated information that has been submitted in support of this reserved matters submission. The Consultant concludes that measurable biodiversity net gains can be achieved, in accordance with the requirement of the NPPF. Inter alia, it is noted that the Consultant supports the approach taken to lighting on the site whereby this would be lower level and directed away from environmentally sensitive areas.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1. Members will note that the various consultation responses that have been received do not raise any particular issues in relation to land contamination, flood risk, drainage or waste. The land currently appears utilised for agricultural purposes and therefore is not classified as a brownfield site. The outline application submission included a Contaminated Land Assessment which was considered by Environmental Health Officers and it was concluded that sufficient control could be exercised through highlighting the developer's responsibility in the event that unexpected contamination was found. The Inspector's decision letter does not reference this point, so it is recommended that a suitably-worded note is added to a reserved matters approval.
- 8.2 In regard to flood risk, the site is located wholly within a Flood Zone 1 area, and therefore is assessed as having a less than 1 in 1000 annual probability of river or sea flooding. As the site area for the development exceeds 1 hectare, a Flood Risk Assessment is required and this was submitted at the time of the outline application. This current reserved matters submission includes further drainage information that has been considered by consultees including the Lead Local Flood Authority.
- 8.3 The drainage proposals for the site take the form of SuDS and Members are advised that the matter of surface water drainage was also an issue controlled by condition as part of the appeal approval. This condition requires that the surface water drainage scheme is in '...general accordance...' with the Flood Risk Assessment that was submitted at the outline application stage. In this regard, it is noted that the Lead Local Flood Authority does not object to the proposals.
- 8.4 In regard to waste, the application submission includes a refuse strategy, including details of individual on-plot storage areas, collection points etc.

## **9. Heritage Issues [Including The Impact On The Setting Of Neighbouring Listed Buildings]**

- 9.1. When the outline application (ref. DC/17/05423) was determined at Committee, it was presented with an officer recommendation of approval. However, Members subsequently resolved to refuse permission for the following reason:

*'The development fails to demonstrate that housing in principle could be achieved on site without harm to the setting of the nearby Listed Buildings, including Bacton Manor that is Grade II\*, and removal of open space that serves as part of the local character an amenity for the village. The benefits that the scheme offers do not outweigh the risk and extent of harm identified. Contrary to policies GP1, HB1, H16 of the Mid Suffolk Local Plan (1998), CS5 of the Core Strategy (2008), FC1.1 of the Core Strategy Focused Review (2012) and paragraphs 6, 7, 14, 17, 64, 65 and 131 to 134 of the NPPF.'*

- 9.2 Therefore an issue raised at the time was the impact of the development on the setting of the listed Bacton Manor, which is located to the east of the site. In this regard, the Inspector commented as follows:

*'...In terms of the Manor, the illustrative layout plan and visualisations show that it would be possible to bring the development forward in a way that maintains a large area of public open space in the southern third of the site which along with the management of the existing hedgerows would safeguard and in all likelihood enhance the visual exposure of the building from Shop Green and other vantage points to the west...'*

- 9.3 An integral element of the development that reduces its overall impact on heritage assets is the area of open space to the south of the site. This approach is reflected in this reserved matters submission. In addition the submission proposes the augmentation of the soft boundary between the site and the curtilage of Bacton Manor. This particular element is identified in the consultation responses that have been received from Historic England, as well as the Council's own Heritage officers, as a way of reducing the overall impact of the development on setting.
- 9.4 Members are aware of the NPPF requirement (para. 202) whereby *'...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use...'*
- 9.5 In allowing the outline application at appeal, the Inspector considered this issue and found that the public benefits did indeed outweigh harm; finding that the indicative layout would significantly reduce impact, and this impact would *'...lie towards the bottom end of the 'less than substantial' range...'* As the current reserved matters proposal is considered to follow the parameters of the indicative layout, the perceived level of harm would not increase above those identified at the appeal stage.

## **10. Impact On Residential Amenity**

- 10.1 The location of the site is such that it is directly abutted on part of its western boundary by two properties, namely Bury Row Cottage and Rookery Cottage. In this regard it is of course imperative that the amenity of the occupiers of these dwellings is not adversely impacted by the proposed development. The submitted plans show the location of a row of dwellings behind the shared boundary of the site with these dwellings. A proposed feature to be created along the boundary (within the application site) is the inclusion of a 5 metre wide (minimum) wildlife corridor that would include the existing hedgerow, together with proposed buffer planting – including the provision of extra heavy standard trees. These would be at 6 metres high when planted and would mature to be over 20 metres.
- 10.2 As well as the above landscaping feature, the position of the new dwellings is such that a back-to-back distance of approximately 32/33 metres would be achieved between these and the rear of the identified dwellings. In combination, it is considered that the aspects of the development

described above would adequately protect the amenity of the identified properties, in full recognition of the fact that the outlook from the rear curtilages of these dwellings will undoubtedly change as a result of the development taking place.

- 10.3 Similarly, the site abuts the curtilage of Bacton Manor to the east, and the impact of the proposed development on the amenity of this property is an important consideration. In this regard, the nearest houses to the shared boundary would be positioned approximately 9 metres away, and would present their flank elevations towards the boundary. In neither case would openings be positioned at first floor level. In addition, the submitted drawings show the provision of extra heavy standard tree planting on the boundary, together with supplementary planting. Again, the combination of these features would, it is considered, ameliorate the impact of the development in this location to an acceptable degree.
- 10.4 In relation to other dwellings located within the vicinity of the site, the distance of these in relation to new build elements means that the main impact will arise from a change in outlook, together with the increase in movements etc. that would inevitably arise from the introduction of a volume residential development into the area. In relation to these issues, the acceptability of the development, in principle, is clearly established in planning terms.

## **11. Planning Obligations / CIL**

- 11.1. Members are advised that, during the appeal process following the Council's refusal of the outline planning application, a s106 agreement was completed that would secure the mitigation required in the event that the proposal were approved by the Inspector. In his decision letter he comments on the agreement and identifies that obligations in relation to affordable housing (35%), open space and a landscape and ecological management plan (LEMP) would meet the statutory tests. It is also noted that a clause in the agreement relating to provision of a community car park was also considered. The Inspector found that an obligation to this effect would not meet the relevant tests. It was also considered by the Inspector that mitigation of impact on education could be funded through CIL.
- 11.2 For Members' information the Inspector's comments in this regard are included below:

*'...I am satisfied that the obligations contained in the S106 agreement covering affordable housing, open space and a landscape and ecological management plan (LEMP) meet the statutory tests. I am however less satisfied with the requirement to provide a community car park. The evidence underpinning this requirement is scant and none of the main parties were able to advance a compelling argument for its inclusion at the Inquiry. That being the case, I do not believe it is necessary to make the development acceptable. The obligation does not therefore meet the relevant tests...'*

## **12. Parish Council Comments**

- 12.1 The comments that have been received from Bacton and Wyverstone Parish Councils are fully acknowledged and appreciated. Taking each of the points raised the following comments are made:

Bacton Parish Council

- The design of the attenuation features is such that they would not be significant depressions in the space and it is considered wouldn't adversely affect the overall usability of the space as a local amenity resource.

- The location of the play area reflects that shown on the indicative plan. It is also pertinent to note that the land to the north does not have the benefit of outline planning permission for residential development and therefore, if this development were realised, the location of the facility would be in a central location relative to both developments.
- Visitor parking meets the Council's requirements in terms of numbers.
- The details of streetlighting would be a matter for the Highway Authority to consider and no objection is raised to the submission in this regard by that Authority.
- The highway impacts of the development were considered as part of the outline application. Furthermore the Highway Authority has not identified a requirement for a crossing as described.
- The LLFA has not objected to the drainage proposals.

Wyverstone Parish Council

- The issues raised touch on points of principle which were rehearsed at the outline application and subsequent appeal stage. Specifically, in relation to housing type distribution it is considered that the submission is responsive to the site characteristics and constraints.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The grant of outline planning permission, via appeal, against the Council's refusal of application DC/17/05423 established the acceptability in principle of 81no. dwellings being erected on the identified site. On this basis the principle and nature of the development is fixed; Members are not required to re-consider the permission from scratch and officers are satisfied that the development will continue to deliver the anticipated benefits and within the envelope of impacts already considered.
- 13.2 As a planning judgement, given the fact that the outline planning permission established the acceptability of the development taking place on the identified site, it now falls for the details of the proposed development to be considered under this reserved matters submission.
- 13.3 The proposal as presented to Committee is not the first iteration of the plans; ongoing liaison has taken place with the applicant's agent to address issues of townscape improvement, as well as other issues arising from consultee responses. The aim has been to ensure that a volume residential development can be provided on the site that is respectful of the constraints that exist and the challenges (and opportunities) that are presented by the site's topography. In both cases it is considered that the scheme presented to Members achieves an appropriate standard. The layout of the proposal is considered to be of merit in townscape terms, creating a legible development with properly defined public and private areas. In addition, the form of buildings reflects a traditional approach which is considered to be an appropriate design response in the context of the surroundings. The use of design and landscape in order to create differing character areas would mean that the development had its own visual identity. Importantly, the reserved matters submission follows the parameters of the indicative plan submitted at the outline application stage; this being a conditional requirement imposed by the Inspector.
- 13.4 In consideration of the proposals, the objections and concerns expressed by the Parish Councils, and local residents, are fully acknowledged and appreciated. The development of the land will clearly be a fundamental alteration, and the agreed means of access will generate additional traffic movements. That said, the principle is established through the Appeal approval and the

submission is considered to follow the development parameters established at that time. The application for reserved matters approval put forward for consideration by Members is judged by your officers to be an appropriate scheme, that is worthy of a positive recommendation.

## **RECOMMENDATION**

**That the reserved matters are APPROVED subject to the following summarised conditions and those as may be deemed necessary by the Chief Planning Officer:-**

- Reserved matters permission given in accordance with the terms of the outline planning permission relating to this site and the conditions attached thereto remain in force, except where discharged or superseded by the reserved matters approval.
- Approved Plans (Plans submitted and as subsequently amended that form this application).
- Submission of a detailed hard and soft landscaping scheme including details for the landscaping proposals for the SuDS features.
- Details of a landscape Management Plan to be submitted.
- Ecological mitigation in accordance with the Ecological Appraisal recommendations.
- Submission of mitigation licence for Great Crested Newts
- Vehicle parking, cycle parking and bin collection points to be provided in accordance with the detailed plans provided prior to development brought into use and thereafter retained as such

Plus any further conditions as may be deemed necessary by the Chief Planning Officer

**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles
- Environmental Health at the District Council contacted in the event of unexpected ground conditions / contamination being encountered during construction.
- Informatives from the Lead Local Flood Authority