

Bacton Parish Council comments: DC/21/01930 Land North of Church Road Bacton

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.

15 July 2021

Comments for Planning Application DC/21/01930

Application Summary

Application Number: DC/21/01930

Address: Land To The North Of Church Road Bacton Suffolk

Proposal: Submission of Details (Reserved Matters) following Outline Approval DC/17/05423.

Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings

Case Officer: Bradly Heffer

Customer Details

Name: Mrs Tina Newell

Address: 25 Shakespeare Road, Stowmarket, Suffolk IP14 1TU

Comment Details

Commenter Type: Parish Clerk

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Bacton Parish Council discussed this application at length and agreed to OBJECT with the following comment:

The Parish Council value the original consultation with the developers but because it did not continue prior to the submission of the application the Council have to make the following comments: The Council are dissatisfied 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; concerns were expressed over the location of the play area noting the Rowntree Foundation report; the location of the affordable housing is in a cluster and would be better distributed throughout the development; there is no integration with current and future developments, a link to the potential new development at Wyverstone road could be considered; the informal parking opportunities (on street parking) shows one vehicle in a space which is likely to encourage further on street parking; a suggestion for streetlights would be for these to be lower level lighting on more interesting columns; highways technical notes concerning traffic flows - the figures do not reconcile with the number of dwellings served on this site; concern regarding the junction's capability to manage the number of vehicles as presented in the report; the drainage plan shows water beyond the lagoons will end up going down the existing drainage on the opposite side of Church Road which will result in flooding.

From: Kate Webster

Sent: 08 July 2021 18:30

Subject: Re: Consultation response request DC/21/01930 - Land To The North Of Church Road, Bacton

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.

Kate Webster

Clerk to Wyverstone Parish Council

APPLICATION FOR RESERVED MATTERS - DC/21/01930

Proposal: 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 Church Road, Bacton

At a meeting held on 27th April 2021, Wyverstone Parish Council voted to object to this application, would like to reiterate its previous objection to the original outline application and make the following further comments.

- The proposed amount of green space gives little benefit among such high-density housing and certainly does not make up for the loss of views of the open countryside which the site and surrounding area currently enjoys. Rather than creating a pleasant 'village green' type of feature, most of the space appears to be taken up with the attenuation basin.
- Whilst the inclusion of some social housing is welcome, these units should be distributed equally throughout the entire site, rather than confined to just one particular area which is likely to create a 'them and us' situation.
- No provision has been made to create extra parking spaces for the village shop. An increase in residents and therefore shoppers, will increase the need for parking which is already a problem. The planned access to the development in Wyverstone Road is opposite a stretch of road currently used for parking and this will be lost. The proposed position of the entrance is likely to exacerbate traffic and parking issues near what is already a dangerous and busy junction.
- Apart from a children's play and kick about area, there appears to be no other tangible provision for the community, an issue which should be addressed when agreeing the S106 obligations.



Developments Affecting Trunk Roads and Special Roads

Highways England Planning Response (HEPR 16-01)

Formal Recommendation to an Application for Planning Permission

From: Martin Fellows
Operations (East)
planningee@highwaysengland.co.uk

To: Babergh Mid Suffolk Council

CC: growthandplanning@highwaysengland.co.uk

Council's Reference: DC/21/01930

Referring to the planning application referenced above, dated 16 June 2021, Submission of Details (Reserved Matters) following Outline Approval DC/17/05423 Appearance, Landscaping, Layout and Scale for erection of up to 81 no dwellings, Land to the North of Church Road, Bacton, Suffolk. Notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;
- ~~b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);~~
- ~~c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);~~
- ~~d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).~~

Highways Act Section 175B is / is not relevant to this application.¹

¹ Where relevant, further information will be provided within Annex A.

Date: 7 July 2021

Signature:

Name: Mark Norman

Position: Spatial Planning Manager

Highways England:

Woodlands, Manton Lane

Bedford MK41 7LW

Mark.norman@highwaysengland.co.uk

Annex A

HIGHWAYS ENGLAND has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

This response represents our formal recommendations with regard DC/21/01930 and has been prepared by Mark Norman.

Given that the reserved matters relate to matters unlikely to affect the SRN we have no comments to make on this application.

From: Cattier, Sophie
Sent: 07 July 2021 15:40
Subject: Land To The North Of Church Road, Bacton, Suffolk - DC/21/01930

Dear Mr Heffer

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND TO THE NORTH OF CHURCH ROAD, BACTON, SUFFOLK
Application No. DC/21/01930**

Thank you for your letter of 16 June 2021 regarding further information on the above application for planning permission.

In our previous advice, dated 29 April 2021, we highlighted that the eastern boundary of the application site should be carefully considered to minimise harm to the significance of Bacton Manor. We suggested that a thick tree screen be planted along the eastern boundary to soften the edge of the development and help reduce the sense of new building immediately against Bacton Manor's western boundary. The amended plans have not addressed this and therefore we refer you to our previous advice.

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

Yours sincerely

Sophie

Sophie Cattier | Assistant Inspector of Historic Buildings and Areas
Direct Line: 01223 582740

Historic England | Brooklands
24 Brooklands Avenue | Cambridge | CB2 8BU
www.historicengland.org.uk

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[What's new in the East of England?](#)

Are you an organisation that has used or considered using our Enhanced Advisory Services (EAS)? Click the following link to [SmartSurvey](#) to take part in a short 10 minute review of our services if you'd like to have your say. We'd welcome your views.



Historic England



Historic England

Mr Bradley Heffer
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Direct Dial: 01223 582740

Our ref: P01419390

29 April 2021

Dear Mr Heffer

**T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**LAND TO THE NORTH OF CHURCH ROAD, BACTON, SUFFOLK
Application No. DC/21/01930**

Thank you for your letter of 9 April 2021 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

Significance of the Historic Environment

The current house originated in the early 18th century when built by the Pretymann family. It has a fine principle frontage facing the village street, behind which are formal rooms of scale and distinction with a series of historic features and a main staircase of high quality. The rear range dates from the later 19th century with further modern extension to it.

As an early 18th century painting of the house shows, the gardens in which the Manor sat were bounded on both east and west sides by avenues of trees which allowed clear views into the fields adjacent. While adjacent field were not parkland to the house, might have been in arable cultivation which include the proposed development site, were visible from the immediate setting of the house and considered in formal views of it.

Impact of the proposals

Historic England were consulted on Outline planning permission for up to 81 dwellings (ref DC/17/05423) and objected to the development in our letter of 07 November 2017. In that letter we stated that the land should not be developed and that a planting screen between the site boundary and Bacton Manor was not appropriate as this would obstruct the clear views across the open field. Outline permission was granted at appeal and Historic England are now being consulted on Reserved Matters including layout and landscaping.



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.





Development along the eastern boundary of the application site should be carefully considered to minimise harm to the significance of Bacton Manor which historically sat in open countryside. From the Illustrative plan produced at appeal we understand that a larger gap was indicated between the site and Bacton Manor than what is currently being proposed. We would suggest that a thick tree screen be planted along the eastern boundary to soften the edge of the development and help reduce the sense of new building immediately against Bacton Manor's western boundary.

Policy Context,

The National Planning Policy Framework (NPPF) identifies that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). Paragraph 122 of the NPPF, in particular parts d and e state that planning decisions should take into account the area's prevailing character and setting and that securing well designed and healthy places is important. Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 also states that when considering impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm. There are approximately 500,000 listed buildings in England and we would stress that Bacton Manor is listed at grade II* which puts it in the top 5.8% of listed buildings nationally. Paragraph 194 states that any harm to, or loss of, significance of a designated heritage asset should require clear and convincing justification. Paragraph 200 states that local planning authorities should look for opportunities within the setting of designated heritage assets to enhance or better reveal their significance

The Historic Environment Good Practice Advice Note 3: The Setting of Heritage Assets provides more detail on this subject. It provides general advice on understanding setting and a staged approach to making decisions on setting issues.

Historic England's Position

Historic England considers that the eastern boundary should be heavily planted with a tree screen to provide a gap and to soften the development boundary. This would help mitigate the harm to the historic significance of Bacon Manor. As set out in our setting guidance setting is also influenced by other environmental factors such as noise and light and a thick tree screen would help reduce this.

Recommendation

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. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 122, 184, 192, 193, 194 and 200 of the NPPF.





Historic England

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Yours sincerely

Sophie Cattier

Assistant Inspector of Historic Buildings and Areas
E-mail: sophie.cattier@HistoricEngland.org.uk



Historic England, Brooklands, 24 Brooklands Avenue, Cambridge CB2 8BU
Telephone 01223 58 2749 HistoricEngland.org.uk

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From: Planning Liaison <planningliaison@anglianwater.co.uk>
Sent: 29 April 2021 09:31
To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>
Subject: Land To The North Of Church Road Bacton Suffolk - DC/21/01930

Dear Bradly Heffer,

Our Reference: PLN-0119947

Please see below our response for the Reserved Matters application- Land To The North Of Church Road Bacton Suffolk - DC/21/01930

Surface Water

We have reviewed the applicant's submitted surface water drainage information (Flood Risk Assessment/Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

Please do not hesitate to contact the Planning & Capacity Team on the number below or via email should you have any questions related to our planning application response.

Kind Regards,
Sushil



Planning & Capacity Team

Development Services
Telephone: 07929 786 955

Anglian Water Services Limited

Thorpe Wood House, Thorpe Wood, Peterborough,
Cambridgeshire, PE3 6WT



**Ipswich and East Suffolk
Clinical Commissioning Group**

Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

Email address: planning.apps@suffolk.nhs.uk
Telephone Number – 01473 770000

Your Ref: DC/21/01930

Our Ref: IESCCG/000421/BAC

Planning Services
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich
Suffolk, IP1 2BX

30/04/2021

Dear Sirs,

Proposal: 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

1. I refer to your consultation letter on the above planning application and advise that, following a review of the applicants' submission the following comments are with regard to the primary healthcare provision on behalf of Ipswich & East Suffolk Clinical Commissioning Group (CCG).

Background

2. The proposal comprises a development of up to 81 residential dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The CCG would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through the Community Infrastructure Levy (CIL).

Review of Planning Application

3. There is one GP practice within a 2km radius of the proposed development, this practice has a main within a close proximity to proposed development. 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.

Healthcare Needs Arising From the Proposed Development

4. At the earliest stage in the planning process it is recommended that work is undertaken with Ipswich and East Suffolk CCG and Public Health England to understand the current and future dental needs of the development and surrounding areas giving consideration to the current dental provision, current oral health status of the area and predicted population growth to ensure that there is sufficient and appropriate dental services that are accessible to meet the needs of the development but also address existing gaps and inequalities.

Encourage oral health preventative advice at every opportunity when planning a development, ensuring that oral health is everybody's business, integrating this into the community and including this in the health hubs to encourage and enable residents to invest in their own oral healthcare at every stage of their life.

Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Suffolk and North East Essex is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Suffolk and North East Essex Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91. The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes and funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

The health impact assessment (HIA) submitted with the planning application will be used to assess the application. This HIA will be cross-referenced with local health evidence/needs assessments and commissioners/providers own strategies so to ensure that the proposal impacts positively on health and wellbeing whilst any unintended consequences arising are suitably mitigated against.

The primary healthcare services directly impacted by the proposed development and the current capacity position is shown in Table 1.

Table 1: Summary of capacity position for healthcare services closest to the proposed development.

Premises	Weighted List Size ¹	NIA (m ²) ²	Capacity ³	Spare Capacity (NIA m ²) ⁴
Mendlesham Health Centre (and branch Bacton Surgery)	8,006	510.00	7,445	-39
Total	8,006	510.00	7,445	-39

Notes:

1. The weighted list size of the GP Practice based on the Carr-Hill formula, this figure more accurately reflects the need of a practice in terms of resource and space and may be slightly lower or higher than the actual patient list.
2. Current Net Internal Area occupied by the Practice.
3. Based on 120m² per 1750 patients (this is considered the current optimal list size for a single GP within the East DCO) Space requirement aligned to DH guidance within "Health Building Note 11-01: facilities for Primary and Community Care Services"
4. Based on existing weighted list size.

5. This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Mendlesham Health Centre, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.
6. Mendlesham Health Centre is currently building an extension to the practice which has been approved by NHS England East of England Region. This project is partly funded through CIL and a successful CIL Bid was made for £239,145.65. This project will create more clinical space in the Health Centre and will accommodate the planned growth in the area.

Developer Contribution required to meet the Cost of Additional Capital Funding for Health Service Provision Arising

7. In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.
8. Assuming the above is considered in conjunction with the current application process, Ipswich and East Suffolk CCG would not wish to raise an objection to the proposed development.
9. Ipswich and East Suffolk CCG is satisfied that the basis of a request for CIL contributions is consistent with the Position Statement produced by Babergh and Mid Suffolk District Councils

Ipswich and East Suffolk CCG look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Yours faithfully

Chris Crisell

Estates Project Manager

Ipswich and East Suffolk Clinical Commissioning Group

Your Ref:DC/21/01930
Our Ref: SCC/CON/2799/21
Date: 30 July 2021



All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Bradly Heffer

Dear Bradly

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/01930

PROPOSAL: 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

Notice is hereby given that the County Council as Highway Authority make the following comments:

All the comments from our response dated 22nd April have been addressed except the proposed footway widths. The layout shows footway widths of 1.8m where our preferred is 2.0m. There is a conflict between the current Suffolk Design Guide (SDG) and Manual for Streets; The SDG was adopted in 1993 and still specifies 1.8m and the pre-application advice did not mention the requirement so we will accept these widths for this site.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Parking Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 22268/PAL/01A for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Cycle storage Condition: The areas to be provided for secure cycle parking as shown on drawing number 22268/PAL/01A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that the provision for cycle parking is provided in line with sustainable transport policies.

Bin Condition: The areas to be provided for presentation and storage of Refuse/Recycling bins as shown on drawing number 22268/HSL/01A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

NOTES

The Local Planning Authority recommends that developers of housing estates should enter into formal agreement with the Highway Authority under Section 38 of the Highways Act 1980 relating to the construction and subsequent adoption of Estate Roads.

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

Yours sincerely,

Samantha Harvey

Principal Engineer

Growth, Highways and Infrastructure

All planning enquiries should be sent to the Local Planning Authority.

Email: planning@babberghmidsuffolk.gov.uk

The Planning Department
MidSuffolk District Council
Planning Section
1st Floor, Endeavour House
8 Russell Road
Ipswich
Suffolk
IP1 2BX

For the attention of: Bradly Heffer

Dear Bradly

TOWN AND COUNTRY PLANNING ACT 1990

CONSULTATION RETURN: DC/21/01930

PROPOSAL: 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

Notice is hereby given that the County Council as Highway Authority make the following comments:

Conditions for outline planning permission 17/05423 (on Appeal) relating to highways are as follows:

- Condition 5 - Provision of Visibility Splays
- Condition 6 - Provision of Rods and Footpaths
- Condition 7 - Provision of Electric Vehicle Charging Points
- Condition 8 - Provision of Travel Pack Information
- Condition 9 - New Bus Stop on Wyverstone Road
- Condition 10 - New footway link (70th occupation) from the site to Wyverstone Road
- Condition 11 - Construction Management Plan

Comments on the Layout

- Dimensions of the proposed roads and footways have not been supplied. By scaling, the widths are to Suffolk Design Guide. However, we recommend the footway widths are increased to 2.0m (as outlined in Manual for Streets).
- the shared surface roads are to have a maintenance strip 1m wide each side of the carriageway which allows the highway to be maintained and erection of street lighting. If these strips are to be considered for utility services plant, the strips need to be widened to 2m.
- The design principle of footways separated by landscaped verges and swales is acceptable as it allows sufficient opportunities for pedestrians to cross the road; The layout does not give adequate pedestrian crossing points near Plots 81, 17, 79, 70, 71, 74, 34.
- The verge between Plots 1 to 5 are showing trees in the verge between the road and footway, this is acceptable only if the verges are 3m wide minimum. These trees will also be within the forward visibility and the visibility splays of the private accesses which is not acceptable

- Department for Transport Local Transport Note 1/20 (LTN1/20) was published in July of this year where 'cycling will play a far bigger part in our transport system from now on'. This national guidance aims to help cycling become a form of mass transit. It states 'Cycling must no longer be treated as marginal, or an afterthought'. There is a cycle link between the site's road and Church Road but not within the site. We recommend this is revisited.
- Dimensions of the parking spaces and garages have not been specified; a standard car parking space is 2.5m x 5.0m and a standard garage is 3.0m x 7.0m. By scaling, they are to the correct size.
- For house types without garages, garden sheds or similar storage facilities will be required to accommodate secure cycle storage.
- Plots 75, 76 are 4-bed-roomed dwellings with triple parking layout. This layout is only acceptable on private drives as indicated in Suffolk Guidance for Parking 2019.
- The parking plan indicates additional parking for vehicles on the shared surface roads which are 4.1m wide and they are parking on the maintenance strip. We recommend additional parking laybys in these areas or widen the road to allow parking on-street.

We can recommend conditions once the above points have been addressed. We look forward to receiving further information.

Yours sincerely,

Samantha Harvey
Senior Development Management Engineer
Growth, Highways and Infrastructure

Dear Bradly,

Thank you for consulting me about the reserved matters application. On reviewing the documents I have no comment to make.

Kind regards

Chris Ward

Travel Plan Officer

Transport Strategy

Strategic Development - Growth, Highways and Infrastructure

Suffolk County Council

Endeavour House, 8 Russell Road, Ipswich, IP1 2BX

web : <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/>

From: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Sent: 17 Jun 2021 12:05:22

To:

Cc:

Subject: FW: 2021-06-17 JS Reply Land To The North Of, Church Road, Bacton Ref DC/21/01930

Attachments:

From: GHI Floods Planning <floods.planning@suffolk.gov.uk>

Sent: 17 June 2021 07:33

To: BMSDC Planning Area Team Yellow <planningyellow@babberghmidsuffolk.gov.uk>

Cc: Bradly Heffer <Bradly.Heffer@babberghmidsuffolk.gov.uk>

Subject: 2021-06-17 JS Reply Land To The North Of, Church Road, Bacton Ref DC/21/01930

Dear Bradly Heffer,

Subject: Land To The North Of, Church Road, Bacton Ref DC/21/01930 - Reserved Matters Application

Suffolk County Council, as Lead Local Flood Authority (LLFA), have reviewed application ref DC/21/1930.

The following submitted documents have been reviewed and we recommend approval at this time:

- Site Location Plan Ref 22268/SLP/01
- Landscape Masterplan JBA20_158-SK01 C
- Detailed soft landscape proposals JBA20_158-01B, 02B, 03B & 04B
- Flood Risk Assessment Addendum Ref CCE/U512/FRA-ADD-01

We would like to make the applicant aware of the following informatives.

- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board district catchment is subject to payment of a surface water developer contribution
- Any works to lay new surface water drainage pipes underneath the public highway will need a licence under section 50 of the New Roads and Street Works Act
- Any works to a main river may require an environmental permit

Kind Regards

Jason Skilton

Flood & Water Engineer

Suffolk County Council

Growth, Highway & Infrastructure

Endeavour House, 8 Russell Rd, Ipswich , Suffolk IP1 2BX

****Note I am remote working for the time being****

Your ref: DC/21/01930/RM
Our ref: 52627
Date: 29th April 2021
Enquiries: Marcus Shingler
Tel: 01473 263074
Email: Marcus.Shingler@suffolk.gov.uk

By email only:

Gemma.Walker@baberghmidsuffolk.gov.uk

Dear Gemma,

Bacton: land to the north of Church Road – reserved matters consultation.

I refer to the above application for reserved matters. As you will be aware the outline scheme was refused planning permission and subsequently won on appeal (reference APP/W3520/W/18/3209219 – DC/17/05423)

I have no comments to make on the reserved matters application but have copied to colleagues.

Yours sincerely,

M. Shingler

Marcus Shingler MRTPI AMICE
Development Contributions Consultant
Growth, Highways & Infrastructure Directorate

cc Sam Harvey, Suffolk County Council (Highways)
Jason Skilton, Suffolk County Council (LLFA)
Suffolk Archaeological Service

Growth, Highways and Infrastructure
Bury Resource Centre
Hollow Road
Bury St Edmunds
Suffolk
IP32 7AY

Philip Isbell
Corporate Manager - Development Manager
Planning Services
Babergh and Mid Suffolk District Councils
Endeavour House
8 Russell Road
Ipswich IP1 2BX

Enquiries to: Matthew Baker
Direct Line: 01284 741329
Email: Matthew.Baker@suffolk.gov.uk
Web: <http://www.suffolk.gov.uk>

Our Ref: 2021_01930
Date: 7th July 2021

For the Attention of Bradly Heffer

Dear Mr Isbell

Planning Application DC/21/01930/RM – Land to the North of Church Road, Bacton: Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). Prehistoric and Roman period activity is present to the north-east of the site (HER ref no. WYV 010). The site may also preserve finds and features from at least the medieval period due to its location close to the road and the Medieval Moat (BAC 009) near the Manor House and other Find spots of Medieval Material (WYV 020).

A DBA and geophysical survey have been conducted over the site (DBA July 2017 and Survey report June 2017). Although very few definite features of archaeological origin were revealed by the geophysical survey the sites proximity to the known archaeology above means that further investigation is necessary and that there is still potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In this case the following two conditions would be appropriate:

1. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance

with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

2. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under part 1 and the provision made for analysis, publication and dissemination of results and archive deposition.

REASON:

To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Core Strategy Objective SO 4 of Mid Suffolk District Council Core Strategy Development Plan Document (2008) and the National Planning Policy Framework (2019).

INFORMATIVE:

The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service.

I would be pleased to offer guidance on the archaeological work required and, in our role as advisor to Mid Suffolk District Council, the SCC Archaeological Service will, on request of the applicant, provide a specification for the archaeological work required at this site. In this case, an archaeological evaluation will be required to establish the potential of the site and decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.

Further details on our advisory services and charges can be found on our website: <http://www.suffolk.gov.uk/archaeology/>

Please do get in touch if there is anything that you would like to discuss or you require any further information.

Yours sincerely,

Matthew Baker

Archaeological Officer
Suffolk County Council Archaeological Service

-----Original Message-----

From: Water Hydrants

Sent: 12 April 2021 14:53

Subject: FW: MSDC Planning Consultation Request - DC/21/01930

Fire Ref.: F310978

FAO: Bradly Heffer

Good Afternoon,

Hope you are well.

Thank you for your letter informing us of the Reserved Matters.

Please ensure that there is a Condition pertaining to the installation of Fire Hydrants included in the Decision Notice, as requested by our original comments for planning application DC/17/05423, which we note was published and the application Refused, but Granted under Appeal.

If you have any queries, please let us know.

Kind regards,

A Stordy

BSC

Admin to Water Officer

Engineering

Fire and Public Safety Directorate

Suffolk County Council

Consultee Comments for Planning Application DC/21/01930

Application Summary

Application Number: DC/21/01930

Address: Land To The North Of Church Road Bacton Suffolk

Proposal: Submission of Details (Reserved Matters) following Outline Approval DC/17/05423.

Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings

Case Officer: Bradly Heffer

Consultee Details

Name: Paul Harrison

Address: Endeavour House, Russell Road, Ipswich IP1 2BX

Email: Not Available

On Behalf Of: Heritage Team

Comments

BMSDC Heritage consultation response

Bradly

I have contributed to pre-application advice on these proposals under the reference DC 20 04791.

The proposals have been amended in various ways. My comments here focus on amendments affecting units to the southern frontage of the site, which will appear in the setting of the listed Manor House.

Appearance

The range of materials in plots 1-5 and 9-11 is amended to include clay plain tiles instead of concrete, and black pantiles instead of grey; an orange brick is proposed instead of red. In my view these amendments represent an improvement in the quality of materials in this important frontage. The range of materials, design, and detailing reflect local architectural tradition, which will allow the development to better relate to nearby buildings, including historic buildings.

Landscaping

There appears to be no material amendment in landscaping. The Inspector expected the scheme to achieve separation between the site and the Manor. I would defer to the landscape advisor on whether the proposal will achieve that.

Layout

Plots 9 and 10 are now amended to become a larger unit as plot 9. 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 Inspectors expectations. The unit in plot 9 is oriented on a different line, breaking up a rather regular, symmetrical frontage to give a more organic appearance to the group of dwellings addressing the central space, which is welcomed.

Scale

The amendment of the layout results in a larger unit at plot 9, but at two storeys its scale is unlikely to appear out keeping with the surroundings. The scale of buildings at the southern edge, where they are most likely to appear in views with the listed Manor House, 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 Inspectors reasoning and decision.

Paul Harrison
BMSDC Heritage
6.7.2021

From: Nathan Pittam
Sent: 07 May 2021 12:53
Subject: FW: DC/21/01930. Air Quality

EP Reference 291691
DC/21/01930. Air Quality
Land to the north of, Church Road, Bacton, STOWMARKET, Suffolk.
Submission of Details (Reserved Matters) following Outline Approval
DC/17/05423.Appearance, Landscaping, Layout and Scale for erection of up to
81no dwellings.

Many thanks for your request for comments in relation to the above submission. I can confirm that I have no comments to make with respect to Local Air Quality Management

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

From: Nathan Pittam <Nathan.Pittam@babberghmidsuffolk.gov.uk>
Sent: 29 April 2021 08:34
To: Bradly Heffer <Bradly.Heffer@babberghmidsuffolk.gov.uk>
Cc: BMSDC Planning Area Team Blue <planningblue@babberghmidsuffolk.gov.uk>
Subject: DC/21/01930. Land Contamination

Dear Bradly

EP Reference 291686
DC/21/01930. Land Contamination
Land to the north of, Church Road, Bacton, STOWMARKET, Suffolk.
Submission of Details (Reserved Matters) following Outline Approval DC/17/05423.
Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings.

Many thanks for your request for comments in relation to the above submission. I can confirm that I have no comments to make in relation to land contamination in addition to those made at the outline stage.

Kind regards

Nathan

Nathan Pittam BSc. (Hons.) PhD
Senior Environmental Management Officer

Babergh and Mid Suffolk District Councils – Working Together

Email: Nathan.pittam@babberghmidsuffolk.gov.uk

Work: 01449 724715

websites: www.babergh.gov.uk www.midsuffolk.gov.uk

Environmental Health -
Noise/Odour/Light/Smoke

APPLICATION FOR RESERVED MATTERS - DC/21/01930

Proposal: 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

Thank you for the opportunity to comment on this application.

Having reviewed the documents submitted and the proposed layout of the site, Environmental Protection have no objections in principle to this application. However, Construction site activities have the potential to cause disruption to nearby existing residential premises. As such I ask that the following are added as conditions to any permissions granted:

**1) ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT:
CONSTRUCTION MANAGEMENT TO BE AGREED**

Prior to the commencement of development details of the construction methodology shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:-

- a) Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- b) Details of how construction and worker traffic and parking shall be managed.
- c) Details of any protection measures for footpaths surrounding the site.
- d) Details of any means of access to the site during construction.
- e) Details of the scheduled timing/phasing of development for the overall construction period.
- f) Details of any wheel washing to be undertaken, management and location it is intended to take place.
- g) Details of the siting of any on site compounds and portaloos.
- h) Details of the method of the recycling and disposal of said waste from site. (No waste to be burnt on site)

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

2) ON GOING CONSTRUCTION -HOURS OF WORK

Noise Intrusive work during the construction of the development must only take place between the following hours:

Monday to Friday between 08:00hrs and 18:00hrs

Saturday between 09:00hrs and 13:00hrs

No work to be undertaken on Sunday, bank or public holidays

Note: The above restrictions shall also apply to site deliveries and collections.

3) LIGHTS

Any external lighting during construction activities associated with the development shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation.

Reason – To minimise detriment to nearby residential amenity

Andy

Andy Rutson-Edwards, MCIEH AMIOA

Senior Environmental Protection Officer

Babergh and Mid Suffolk District Council - Working Together

Tel: 01449 724727

Email andy.rutson-edwards@baberghmidsuffolk.gov.uk

www.babergh.gov.uk www.midsuffolk.gov.uk

From: Peter Chisnall
Sent: 30 April 2021 15:04
Subject: DC/21/01930

Dear Bradley,

APPLICATION FOR RESERVED MATTERS - DC/21/01930

Proposal: 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

Many thanks for your request to comment on the Sustainability/Climate Change related aspects of this application.

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. 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, taking into account the requirements to mitigate and adapt to future climate change.

I have viewed the Applicant's documents, notably the Planning, Energy and Design statements.

I have no objection to this application and should it be permitted I would suggest the following condition.

A Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, and NPPF) including details on environmentally friendly materials, construction techniques minimisation of carbon emissions and running costs and reduced use of potable water (suggested maximum of 105ltr per person per day).

With developments constructed with levels of insulation, fabric measures and low carbon building services just equal or slightly better the current building regulations' Part L requirements it is likely that they will need to be retrofitted within a few years. This is to meet; the National milestones, the Future Homes Standard, meaning dwellings are zero-carbon ready and targets leading up to zero carbon emissions by 2050. The other issue is that the properties will be more expensive to heat than properties built to these higher standards.

With all future Sustainability and Energy Strategy the Council is requiring the applicant to indicate the retrofit measures required and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those

measures are included now at the initial building stage. The applicant may wish to do this to inform prospective and future owners of the properties.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/parking-guidance/>

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF.

Guidance can be found at the following locations:

<https://www.midsuffolk.gov.uk/environment/environmentalmanagement/planningrequirements/>

The UK Govt indicated in January the steps that will be taken to have interim Part L Buildings Regulations with improved Fabric Efficiency requirements in place by 2022 as a precursor to even higher requirements in the Future Homes Standard in 2025. Developments will be expected to take this into account.

Regards,

Pete

Peter Chisnall, CEnv, MIEMA, CEnvH, MCIEH

Environmental Management Officer

Babergh and Mid Suffolk District Council - Working Together



Planning Services
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

08/07/2021

For the attention of: Bradley Heffer

Ref: DC/21/01930; Land To The North Of, Church Road, Bacton, Suffolk

Thank you for consulting us on the application for approval of reserved matters following grant of Outline Approval DC/17/05423. Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings.

This response focuses on the submitted details and plans relevant to landscaping and public open space. The document submitted:

Agents Cover Letter	
Landscape Masterplan	JBA20/158-SK01_RevC
Place Making Layout	22268/PML/01_RevA
Open Space Layout	22268/OS/01_RevA
Boundary Treatment Layout	22268/BTL/01_RevA
Hard Surfacing Layout	22268/HSL/01_RevA
Detailed Soft Landscape Proposals	BBA20/158-01 to 4_RevB
Indicative Site Sections	JBA20/158-06 & 7_RevA

Further to our previous letter dated 01/06/2021 we welcome the revised information submitted and the clarification in the agents cover letter but noted several discrepancies. We have the following comments and recommendations:

1. A schedule of plants was not supplied therefore we were unable to confirm the native hedge mix was amended. Only the 4 planting plans were submitted, not the overview plan with the schedule.
2. The softworks plan still show *Viburnum tinus* being used as a hedge species despite the agent's response to Point 5 of our previous letter stated "Agreed. Plans updated".
3. Points 6 and 10 regarding the earthworks within the play space have not been amended on either the softworks plan or Masterplan RevC.
4. We welcome the extra information regarding a 1m access strip as point 7, however the softworks plan does not reflect this change nor does it show the ground treatment for this area. We also note that the boundary treatment plan shows 1.2m post and rail fence and a 1.2m timber gate to enable access to the buffer to the north. We would recommend that the southern end should also be fenced and gated.

We would raise concerns due to the location between two tall fence lines the area may become prone to fly tipping, has a potential for antisocial behaviour and could be a security risk. As such we would suggest that the feature be assessed by the secure by design officer.

Subject to comments from SBD if a more secure approach is required a 1.8m high closeboarded fence and matching gate and an additional gate of the same specification would be acceptable. There should be wildlife gaps provided at both ends.

5. We welcome the clarification of point 9. The use of riven paving for the main pedestrian access to the dwellings is acceptable. When submitting further details under planning condition, subject to gaining approval, specification should ensure that adequate run off is achieved to avoid standing water.
6. We noted the planting had been strengthened and species have been chosen to maximise the mitigation alongside the boundary with the listed property to the east. These amendments are acceptable; however, some flexibility should be given to ensure that the exact placement is subject to assessment on site. That is to say that that final arrangement should be subject to assessing/agreeing placement when viewed from the listed property with comment from the heritage officer.
7. It should be noted that the change in arrangement of the proposal now also sees the dwellings of Plots 11 and 12 at a distance of 7.5m from this boundary with the listed property.
8. We noticed there were several properties with awkward or small garden space. As a guide we would expect to see dwellings up to 3 bedrooms with a minimum of 50m² of private garden space and those over 3 bedrooms to be 100m² or greater.
9. We would suggest that comment be sought from SDB and Urban Design on location of plot 26.

If minded for approval we would suggest the following conditions should be considered:

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPING SCHEME.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan should include plant species, quantity, location, and sizes of the proposed planting. The plans should clearly show the position of new fencing and gates in relation to existing and proposed planting. Tree pit details will also need to be provided for the different planting environments proposed i.e. planted in hard landscaping, close to road boundaries and within the public open space (POS).

Reason: In the interests of visual amenity and the character and appearance of the area.

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan and associated work schedule for a minimum of 5 years. Both new and existing planting will be required to be included in the plan, along with surface treatments, SuDS features and all other landscape assets (i.e. street furniture).

Reason: - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

If you have any queries regarding the above matters, please let me know.

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
Landscape Consultant

Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this matter.





Planning Services
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich
IP1 2BX

01/06/2021

For the attention of: Bradley Heffer

Ref: DC/21/01930; Land To The North Of, Church Road, Bacton, Suffolk

Thank you for consulting us on the application for approval of reserved matters following grant of Outline Approval DC/17/05423. Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings.

This response focuses on the submitted details and plans relevant to landscaping and public open space. The document submitted:

Landscape Masterplan	JBA20/158-SK01_RevA
Place Making Layout	22268/PML/01
Boundary Treatment details and Layout	22268/BTD/01 & 22268/BTL/01
Hard Surfacing Layout	22268/HSL/01
Detailed Soft Landscape Proposals	BBA20/158-01-05

We welcome the information submitted, however we have some concerns and recommendations outlined below and advise they taken into consideration prior to approval:

Soft Landscape scheme

1. A detailed planting plan and schedule was submitted; however, we have the following recommendations:
 - a. Recommend clarification be sought on protection measures for the native mixed hedge, native shrub mix and trees.
 - b. We would suggest the following be added to the planting specification and landscape management plan.

Dead, damaged, or straggly branches shall be removed after planting. All transplants in hedge and native mixes shall be fitted with individual protection ie shrub shelters, spiral guards as specified, or alternatively the planting areas shall be protected with rabbit-proof fencing. All shrub shelters / spiral guards shall be black or green, adequately supported and installed to allow for expansion. Ideally these should be monitored and removed once established or at the end of the 5-year management period.
2. Free standing hedges should be accompanied by a 3-strand galvanised wire and tanalised softwood timber post fence, to BS1722- 2: 2006. The fence should be erected through the centre of the staggered row of hedge. This is to prevent access through the site by pedestrians until the hedges are fully established.

3. The Following mix would be preferable for mixed native hedges and buffer planting:
 - 60% Hawthorn (*Crataegus monogyna*)
 - 20% Field maple (*Acer campestre*)
 - 10% Hazel (*Corylus Avellana*)
 - 5% Trees (wild cherry, oak or hornbeam)
 - 5% made of holly, spindle, crab apple, dogwood, blackthorn and guelder rose (only a few % each IF they are present in the locality).
4. The Place Making Drawing identifies a view from the Shop Green to the Manor which is desirable to preserve. This could be obscured by tree planting to the Eastern Boundary and some proposed trees in the southern POS. The location of these should be reviewed. No details of existing vegetation on the eastern boundary is given to help inform our comment on this matter.
5. We recommend removing *Viburnum tinus* as a hedge plant. The species can be severely damaged by *Viburnum* beetle and often produces an unpleasant smell particularly when the foliage is wet. Planting in small groups 3-5 is acceptable when mixed with other planting is acceptable.
6. The earthworks in the Northern POS abuts the proposed pedestrian link. There is a potential for a maintenance issue with grass cutting and for soil to be washed onto the path. We would therefore request that this detail be revisited.
7. No information was provided regarding access and maintenance of the buffer planting/wildlife corridor to the western boundary.

Boundary treatments

8. Details of 2m High green screen to eastern boundary have not been provided on the Boundary Treatment Details 22268/BTD/01. Clarification is sought.

Hard Landscape Scheme

9. We would recommend that all private driveways be laid as block paving.
10. We noted that there is are planned ground level changes in the POS to the north. One of the areas of earthworks is within the canopy of a retained tree. Whilst retained trees are marked on the plans, there is no information on Root Protection Areas. Defer to Arboricultural team for comment.
11. We noted that a timber bollard has been included at both ends of the of the new pedestrian links onto Wyverstone Road and Church Road. These bollards have been placed into the centre of the paths. The placement of which should meet DDA requirements. Defer to Highways for comment.
12. In sufficient details of private paved areas have been provided. These need to be clearly marked on the plan and details of the construction method provided.
13. Limited topographical information was supplied for the roadside swales and attenuation Basins in the POS to the South. Ideally, we would like to see sections through these areas detailing gradients and materials. Details of how levels are treated around pedestrian and vehicle areas are also important. The pedestrian/cycle path to Church road has attenuation areas to both sides. Clarification on how the path would be useable in the event of the attenuation basins filling should be sought.
14. We noted that that while Hedgehog holes were provided in the fence lines, not all garden spaces were included.

15. Proposals for play equipment have been included in the submitted documents. We recommend play equipment including natural elements such as the glacier boulders should be subject to post installation inspection by an appropriately qualified person and should be completed before the equipment's first use.

Other

16. We noted there were no ground-level biodiversity enhancements shown on the drawings such as hibernacula. Defer to ecologist for comment.

Considering the above comments, we suggest the following conditions should be considered:

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPING SCHEME.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment for the site, which shall include any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication BS 5837:2012 Trees in relation to design, demolition and construction. The soft landscaping plan should include plant species, quantity, location and sizes of the proposed planting. The plans should clearly show the position of new fencing and gates in relation to existing and proposed planting. Tree pit details will also need to be provided for the different planting environments proposed i.e. planted in hard landscaping, close to road boundaries and within the public open space (POS).

Reason: In the interests of visual amenity and the character and appearance of the area.

ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: LANDSCAPE MANAGEMENT PLAN.

No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan and associated work schedule for a minimum of 5 years. Both new and existing planting will be required to be included in the plan, along with surface treatments, SuDS features and all other landscape assets (i.e. street furniture).

Reason: - To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

If you have any queries regarding the above matters, please let me know.

Kind regards,

Kim Howell BA (Hons) DipLA CMLI
Landscape Consultant

Place Services provide landscape advice on behalf of Babergh and Mid Suffolk District Councils.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



07 June 2021

Bradly Heffer
Mid Suffolk District Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

By email only

Thank you for requesting advice on this outline application from Place Services' ecological advice service. This service provides advice to planning officers to inform Mid Suffolk District Council planning decisions with regard to potential ecological impacts from development. Any additional information, queries or comments on this advice that the applicant or other interested parties may have, must be directed to the Planning Officer who will seek further advice from us where appropriate and necessary.

Application: DC/21/01930
Location: Land To The North Of Church Road Bacton Suffolk
Proposal: Submission of Details (Reserved Matters) following Outline Approval DC/17/05423. Appearance, Landscaping, Layout and Scale for erection of up to 81no dwellings.

Dear Brad,

Thank you for re-consulting Place Services on the above outline application.

No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reassessed the following documents provided by the applicant at outline stage (DC/17/05423), relating to the likely impacts of development on designated sites, protected & Priority species and habitats:

- Preliminary Ecological Appraisal (Applied Ecology Ltd, March 2017),
- Great crested newt (*Triturus cristatus*) (GCN) eDNA surveys (April 2017),
- GCN overnight trapping (Applied Ecology Ltd, May 2017),
- Bat activity surveys (Applied Ecology Ltd, September 2017)

Furthermore, we reviewed the following documents provided by the applicant for this application, which update the existing ecological information and set out measures to conserve and enhance protected & Priority species and habitats:

- Updated PEA – January 2021 (James Blake Associates Ltd, March 2021).
- Ecological Mitigation and Enhancement Strategy (James Blake Associates Ltd, May 2021)
- Biodiversity Net Gain Calculation, including Defra's Biodiversity Metric 2.0 (James Blake Associates Ltd, May 2021)
- Bat Emergence and Return to Roost Survey of T7 (James Blake Associates Ltd, June 2021)



In addition, we have reviewed the submitted revised details and plans relevant to the soft landscaping. This includes:

- Landscape Masterplan JBA20/158-SK01 – RevC (James Blake Associates Ltd, June 2021)
- Detailed Soft Landscape Proposals JBA20/158-01-05 – Rev B (James Blake Associates Ltd, June 2021)
- Measured Work Schedule, Detailed Soft Landscape Proposals for Plots & POS (James Blake Associates Ltd, June 2021)

We are satisfied that sufficient ecological information is now available for determination of this application.

This is because the further Bat Emergence and Return to Roost Survey of a Crack Willow (T7) confirmed that bats were likely absent from this tree. In addition, the applicant has submitted the Impact Assessment and Conservation Payment Certificate (IACPC), which has been countersigned by Natural England to demonstrate evidence of site registration for the Great Crested Newt District Level Licencing (DLL) scheme. A copy of the site licence should then be submitted to the Local Planning Authority prior to any ground works which could affect Great Crested Newt, which should be secured as a condition of any consent prior to commencement.

In terms of the revised Ecological Mitigation and Enhancement Strategy, it is indicated that we support the mitigation strategy for protected & Priority species and habitats. In addition, we still approve of the proposed details and aftercare measures for the bespoke enhancement measures, with locations set out within the Detailed Soft Landscaping proposals. Furthermore, it is indicated that we support the conclusions of the Biodiversity Net Gain Assessment and we are pleased to see that measurable biodiversity net gains can be achieved for this application, in line with paragraph 170d of the NPPF 2019. This demonstrates that a total of 20.41% for habitat units and a 13.91% gain for hedgerows/linear features could be obtained for this development, which is greater than the minimum biodiversity net gain requirement proposed within the emerging Environmental Bill.

In terms of the landscaping design, it is also indicated that we support the planting specification proposed within the Detailed Soft Landscape Proposals. Furthermore, it is indicated we generally support the aftercare details set out within the Measured Work Schedule at an ecological perspective. However, we query whether specific management measures will be required for the marginal planting around the SuDs area, as this does not appear to have been referenced within the plans.

It is also indicated that we still approved of the Proposed Private Street Lighting (WLC Lighting Ltd, March 2021). This demonstrates that lighting will be situated at a low height and directed away from Environmentally Sensitive Zones. In addition, Warm White lights will be used at 3000k, which will minimise impacts to light sensitive bat species. It will also reduce the attraction effects on insects from the lights, which will avoid significant reductions of prey availability for bat species. Therefore, subject to the Proposed Private Street Lighting being secured and implemented in full, we are satisfied that impacts to roosting, foraging and commuting bats will be avoided for this development.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.



Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

“All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Updated PEA – January 2021 (James Blake Associates Ltd, March 2021) and the Ecological Mitigation and Enhancement Strategy (James Blake Associates Ltd, May 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

2. PRIOR TO COMMENCEMENT: SUBMISSION OF A COPY OF NATURAL ENGLAND MITIGATION LICENCE FOR GREAT CRESTED NEWT

“Any works which will impact the breeding or resting place of Great Crested Newt, shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- b) a GCN District Level Licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or*
- c) a statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.”*

Reason: To conserve protected species and allow the LPA to discharge its duties under the Conservation of *Habitats* and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s17 Crime & Disorder Act 1998.

Please contact us with any queries.

Yours sincerely,

Hamish Jackson ACIEEM BSc (Hons)

Ecological Consultant

placeservicesecology@essex.gov.uk



Place Services provide ecological advice on behalf of Mid Suffolk District Council

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

-----Original Message-----

From: BMSDC Public Realm Consultation Mailbox <consultpublicrealm@baberghmidsuffolk.gov.uk>

Sent: 16 April 2021 14:58

To: BMSDC Planning Area Team Yellow <planningyellow@baberghmidsuffolk.gov.uk>

Subject: RE: MSDC Planning Consultation Request - DC/21/01930

Public Realm Officers support the proposed treatment of the public open space and play provision within this development. There are no objections to these proposals.

Regards

David Hughes
Public Realm Officer



Appeal Decision

Inquiry opened on 11 June 2019

Site visits made on 11 & 18 June 2019

by D M Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 30th July 2019

Appeal Ref: APP/W3520/W/18/3209219

Land north of Church Road, Bacton, Stowmarket, Suffolk.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Endurance Estates Strategic Land Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/17/05423, dated 26 October 2017, was refused by notice dated 15 February 2018.
 - The development proposed is an outline planning application (all matters reserved except access) for development of up to 81 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline planning application (all matters reserved except access) for development of up to 81 dwellings at land north of Church Road, Bacton, Stowmarket, Suffolk in accordance with the terms of the application, Ref DC/17/05423, dated 26 October 2017, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The Inquiry sat for 5 days on 11, 12, 13, 14 and 18 June 2019. As the full extent of the appeal site can be readily viewed from the public domain in Church and Wyverstone Roads and with the agreement of the main parties, an accompanied site visit was not deemed necessary. I carried out two unaccompanied visits to the locality of the appeal site during the course of the Inquiry.
3. Although the application was submitted in outline with only access to be determined at this stage, it was accompanied by illustrative master and parameter plans and a raft of supporting technical documentation in relation to highways, flood risk, contaminated land and ecology. This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
4. Statements of Common Ground (SOCG) relating to highways, education, archaeology, flood risk and planning matters were submitted prior to the start of the Inquiry, I have had regard to these in reaching my decision.
5. A signed and dated agreement and Unilateral Undertaking (UU) under s106 of the Town and Country Planning Act were submitted on the final day of the Inquiry. Amongst other things these contain provisions for affordable housing,

- primary education and the approval by the Council of details of open spaces and play areas and their subsequent management. All the proposed contributions would need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I will return to later in my report.
6. Various appeal decisions were referred to in the evidence and at the Inquiry. However, there was no suggestion that the facts of any one case were so aligned with the facts here that the previous decision indicated that this appeal should be either allowed or dismissed. I have therefore had regard to the various decisions insofar as they are relevant to my consideration of this appeal.
 7. The proposal was considered by the Council's Planning Committee in February 2018 when Members resolved to refuse planning permission, against the Case Officer's recommendation. This was at a time when the Council considered it did not have a 5-year housing land supply (HLS) as detailed in the *National Planning Policy Framework* ("the Framework"). Since that time the Council published its latest Housing Land Supply Position Statement in March 2019 which confirms that the Council can now demonstrate a 5-year HLS¹. Other than pointing to the fragility of the situation, the appellant accepts the Council's position.
 8. I have been invited to consider an amended scheme (scheme B) for up to 66 dwellings which was submitted with the appeal. The salient changes to the original scheme are an increased provision of public open space, a greater distance and degree of separation with Bacton Manor (the Manor), the removal of the community car park and an amended access point from Wyverstone Road. The submission of Scheme B is without prejudice to Scheme A which remains the appellant's preferred option. Scheme B has been subject to a full public consultation exercise in October 2018.
 9. The appeal process should not be used to evolve a scheme and it is important that the facts before me are essentially the ones considered by the Council and other interested parties. However, in this instance I am satisfied that local people as well as the Council have had sufficient time to comment on the amended schemes. On that basis, I am satisfied that no one would be prejudiced if I were to take scheme B into account. Scheme C is simply a hybrid of scheme A and scheme B i.e. 81 dwellings served from Wyverstone Road. Given that matters pertaining to the revised access have been covered in relation to scheme B, there would again be no injustice if I were to consider that scheme also.

Main Issues

10. Although there was broad agreement on a range of matters at the Inquiry, the main parties hold differing views regarding the degree of heritage and landscape harm, the weight to be attributed to the various benefits of the scheme, the consistency of the relevant development plan policies with the Framework and the resulting planning balance. Against this background, and in view of the evidence submitted in writing and presented orally at the Inquiry, I consider the main issues can best be expressed as:

- (i) The weight which should be given to the most important policies;

¹ 5.06 years revised up to 5.24 years following an adjustment to reflect the release of the latest ONS affordability ratios.

- (ii) The effect on the character and appearance of the area;
- (iii) The effect on the setting of nearby heritage assets, and
- (iv) Whether the appeal proposals should benefit from the presumption in favour of sustainable development as defined in the Framework.

Reasons

Planning policy context

11. Section 38(6) of the Planning and Compulsory Purchase Act (the Act) 2004 requires that these applications be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.
12. Paragraph 11 of the Framework explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.
13. The development plan for the area comprises a combination of the "*Mid Suffolk Core Strategy Development Plan Document 2008*" (the CS), the "*Mid-Suffolk Core Strategy Focused Review 2012*" (the CSFR), 'saved' policies of the "*Mid-Suffolk Local Plan 1998*" (the LP). Although the appeal site lies within what is generally understood to be the village of Bacton, it is just outside the existing settlement boundary. However, as with other consented schemes in the vicinity², the Council does not oppose the scheme on the basis of its being outside the settlement boundary. The suitability of the appeal site for residential development was considered by the Council as part of the 2016 and 2017 Strategic Housing Land Availability Assessments (SHLAA's). The summary to those assessments concluded that the site was potentially suitable for development subject to further investigation of heritage and highway issues.
14. The main parties agreed that those policies that are most important for determining the application are cited in the Reason for Refusal. LP Policy GP1 sets out a range of criteria which relate to the layout of development. LP Policy HB1 is a heritage policy that generally reiterates the statutory duty in relation to heritage assets. LP Policy H16 is concerned with the protection of residential amenity and states that the Council will resist the loss of open spaces which contribute to the character or appearance of an area and which are important for recreation or amenity purposes. CS Policy CS5 provides that all development will maintain and enhance the environment and retain local distinctiveness.

² LPA refs: DC/17/03799 (50 dwellings) & 3270/16 (64 dwellings)

Weight to be given to the most important policies

15. In view of advice in paragraph 11 d) of the Framework, it is necessary to consider how consistent the aforementioned policies are with the Framework, to assess what weight should be attached to them. Paragraph 213 explains that due weight should be given to relevant policies according to their degree of consistency with the Framework, the closer the policies in the plan to those in the Framework, the greater the weight that may be given. For the purposes of this exercise, the Wavendon judgement³ confirms that *"an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision"*.
16. The first point to make is that the LP is now of some vintage with Policies GP1, HB1 and H16 pre-dating the Framework by some considerable margin. However, as paragraph 213 makes clear, policies should not be considered out of date simply because they were adopted prior to the publication of the Framework.
17. Policy GP1 is consistent with the aims of the Framework to foster good design. However, despite its inclusion in the refusal reasoning, the Council's opposition to the scheme does not rely on any specific allegation of poor design. This is logical given that the matters to which GP1 pertains would fall to be considered at the reserved matters stage. I do not therefore consider that GP1 passes the 'most important' test.
18. LP Policy H16 is concerned with protecting existing residential amenity and character of *'primarily residential areas'*. The second limb to the policy states that the *'loss of open spaces which contribute to the character or appearance of an area and which are important for recreation or amenity purposes'* (my emphasis) will be resisted. From reading the supporting text I do not consider this policy was ever intended to be used in the context of a visually contained, arable field that has no public access to it. Even if I am wrong about that, I do not consider the appeal site is 'important' for amenity purposes given its ordinary everyday meaning. The Framework does also not contain such a blanket policy in relation to amenity. Subsequently the policy fails both the 'most important' and consistency test.
19. Whilst the general thrust of LP Policy HB1 and CSFR Policy FC.1.1 might well be consistent with the Framework, that is not enough in my view. These policies do not allow for the weighing of public benefits against any heritage harm, something which has been established practice for a number of years now. Whilst the CSFR post-dates the original Framework, as a matter of simple judgment, Policy FC1.1 cannot be seen as being in conformity with it for the above reason.
20. As I myself and other colleagues have found in the Stowupland, Woolpit and Claydons decisions⁴, CS Policy CS5 in requiring development actually to maintain and enhance the historic environment goes beyond the statutory duty and paragraph 185 of the Framework, the latter of which requires decision makers to *"take account of the desirability of sustaining and enhancing the*

³ Wavendon Properties v Secretary of State for Housing Communities Local Government and Milton Keynes Council [2019] EWHC 1524 (Admin).

⁴ PINS Refs: APP/W3520/W/17/3184908, APP/W3520/W/18/3194926 & APP/W3520/W/18/3200941

significance of heritage assets". Blanket protection for the natural or historic environment cannot therefore be seen as being consistent with the Framework.

21. Because of these inconsistencies and irrespective of the Council's HLS position, I consider that the policies most important for determining the application are out-of-date. The fact that the Council itself recently came to the same view in relation to Policies GP1, H16, CS5 and FC1.1 adds further weight to my findings above⁵. As a result, the weight which can be attributed to these policies has to be commensurately reduced and the default position identified in paragraph 11 d) of the Framework is engaged.

Character and appearance

22. In summary, the site covers a flat, arable field some 4.69 ha in area between the Manor to the east, Church Road to the south and Wyverstone Road to the west. The northern and north-eastern boundary is defined by an established hedgerow and belt of trees beyond which lies open countryside. The eastern boundary is defined by a post and wire fence between the site and the Manor. The southern and south-western boundaries facing Church Road and the pond area are defined by a managed hedgerow. The western boundary is formed of existing hedgerows between the site and low-density housing dotted along Wyverstone Road. In view of the above and even allowing for seasonal fluctuations in the height of the boundary hedges, the site has a degree of visual containment.
23. Bacton is a dual-focal, rural village that developed around Tailors Green and Shop Green. It contains clusters of historic buildings around both, the latter being located close to the appeal site. The bulk of the village is located further east in the form of post-war housing. The area between these two distinct areas has a semi-rural character and includes parcels of open land that extend up to Church Road. There is no dispute that the appeal site is the last remaining area of open land, in a ribbon of development that extends along the northern side of Church Road between the two greens. In my view, it contributes to a pleasant open, rural setting to the north of Church Road albeit substantially enclosed behind mature hedgerows at the time of my visit.
24. At the national level, the site is located within National Character Area (NCA) 83: South Norfolk and High Suffolk Clayland where defining characteristics include, amongst other things, an undulating agricultural landscape with irregular field patterns situated on a clay plateau dissected by various river valleys. The NCA does identify villages with multiple nuclei as one of the characteristics that *'helps to define the area.'* At the local level, the site is within *Plateau Claylands* landscape type where one of the stated aims is to *'retain, enhance and restore the distinctive landscape and settlement character'*⁶.
25. The Place Services document⁷ which was the focus of much discussion at the Inquiry identifies that the open land within Bacton is important in understanding *"the polyfocal character of the historic settlement pattern. The retention of this undeveloped land is therefore highly important and it is recommended that development in the intervening area should be resisted"*.

⁵ LPA ref: DC/19/00338

⁶ Babergh and Mid Suffolk District Council Landscape Guidance 2015

⁷ Full title: Heritage and Settlement Sensitivity Assessment for Babergh and Mid Suffolk District Councils March 2018.

26. When assessing the weight to be attached to this document, it is important to consider its purpose and status. It is not a detailed landscape study rather a broad-brush heritage assessment forming part of the evidence base for the emerging local plan. Its purpose is therefore to highlight heritage issues rather than to determine what response should be made to those issues. I do not believe it was ever intended to be treated as a determining factor in development management decisions without a further, detailed landscape assessment, which the appellant has undertaken. Moreover, the document insofar as it deals with Bacton does contain a number of inaccuracies one of which is the suggestion that the Manor was '*deliberately*' sited between the two greens. The document also advises against infilling on either side of the Manor, failing to acknowledge that the area to the east has already been infilled.
27. The Council accept that 20th Century development has diluted the historic settlement pattern of Bacton. It is pertinent that two other housing sites have recently been approved nearby, one of which would partially bound the proposed development to the north. This demonstrates to me that hitherto the Council has not viewed the settlement pattern of Bacton as inviolable. In short Bacton will continue to evolve as it has done so, on and off, for millennia.
28. Drawing on, amongst others the Place Services document, the Council was keen to make much mileage at the Inquiry about the potential disruption to the clustered or poly-focal settlement pattern. Allied to that, is the argument advanced at appeal that the site constitutes a '*valued landscape*' within the terms of paragraph 170 of the Framework. In my view the appellant is quite entitled to point out that these matters were not discussed at the Committee meeting nor do they feature in the reason for refusal. The minutes provided by the Council support the appellant's concerns in that regard. Consequently, there has been a significant widening of the Council's case at the appeal stage. It is also germane that landscape matters were not raised in either the 2016 or 2017 SHLAAs. Whilst the Council is clearly not bound by the results of high-level assessments such as these, given the Council's focus on landscape matters as part of its evidence, there is a reasonable expectation that these issues might have been picked up in the SHLAA's.
29. Whilst it might be possible that some well-informed, local people might take pleasure from understanding the site's role in sustaining Bacton's '*loosely clustered settlement pattern with multiple nuclei*', I consider this point is over-played. For the vast majority of lay-people the value the site is as an area of currently open land within the framework of the village. It does not benefit from a Green Gap, Special Landscape Area or Visually Important Open Space allocation in the LP nor is it subject to any formal landscape designation. Whilst the absence of the aforementioned does not preclude the site from being a valued landscape, with cognisance of the Stroud judgement⁸, I consider there needs to be some "*demonstrable physical attribute rather than just popularity*" for it to be considered in those terms. I have noted the differing views of the two expert witnesses on this matter who have both provided detailed assessments of the site guided by the GLVIA 3⁹ criteria. On the basis of all the available evidence, including two site visits of my own, the latter with the

⁸ Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) Case No CO/4082/2014

⁹ Guidelines for Landscape and Visual Impact Assessment 2013

benefit of having heard the evidence of the relevant expert witnesses, I consider the appeal site to be an ordinary attractive landscape lacking the requisite aesthetic qualities or physical attribute necessary to justify the valued landscape accolade. Accordingly, I do not consider it as deserving of protection under paragraph 170 of the Framework.

30. Whilst there would inevitably be a change in the character of the land and further dilution of the original settlement pattern, the Indicative Masterplan shows that development would incorporate a large swathe of open land in the southern third of the site with the houses being set back approximately 72 metres from the road side along a similar building line to the Manor. I consider that with careful treatment this area could take on the appearance and function of a traditional village green, another characteristic of the area, thus maintaining and contributing to the existing area of openness along Church Road. There would be other areas of public open space totalling some 38% of the appeal site which would largely encircle the housing which could be confined to the northern and central portion of the site. Combined with those existing open areas on the southern side of Church Road, I am satisfied that the indicative layout, subject to the relocation of the site access to Wyverstone Road, would respect the settlement pattern such that the two historic sections of the village would remain distinguishable from one another. Returning to the Place Services document, there would not be any 'infilling' in the usual sense of the word and Bacton's dual-focal character would not be unacceptably harmed.
31. The extent to which the proposed dwellings would be visible beyond the site would depend on details which have been reserved for future determination. Nonetheless, there can be no doubt that the scheme whatever its final form would result in a marked and permanent change to an open arable landscape which would have a significant visual effect within the site boundaries. However, as that would be the case with any greenfield site, it is not a reason to dismiss the scheme out of hand.
32. In terms of wider visual effects, the visualisations demonstrate that the dwellings are likely to be visible from a number local receptor points along Church Road, Shop Green, the southern section of Wyverstone Road around the bus shelter. The visualisations also demonstrate that the recessive siting of the houses together with a suitable landscaping scheme including careful management of the boundary hedging would help to mitigate the visual effects of the development such that it would not be unduly prominent. In longer distance views, the development would be seldom seen. The exception might be local public footpaths but even from here the houses would simply be seen against the general townscape of Bacton.
33. 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. The proposal would nonetheless

result in some limited conflict with LP Policies GP1 and H16 as well as CSFR Policy FC1.1 insofar as they seek to maintain and enhance the natural environment.

Heritage assets

34. The duty under Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. This section is clearly engaged insofar as the Manor (Grade II*), The Bull Inn, Ivy Cottage and Tudor House (Grade II) are concerned.
35. There is no disagreement that the appeal site forms part of the wider setting of all four listed buildings. The setting of a heritage asset is defined in the Framework as "*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*".
36. The heritage witnesses differed in their assessments of the appeal site's contribution towards the significance of the Manor. Predicated partly on a belief that there is a designed or intended relationship between the two, the Council argued that the appeal site makes a '*strong contribution*' to the visual and perceptual appreciations of the Manor. A corollary of that is the conclusion that the development would cause '*moderate to high*' less than substantial harm.
37. The Manor is without doubt a striking building that acts as a local focal point, best viewed from Church Road. There can be no doubt that the principle components of its significance are derived from its fabric and aesthetic qualities especially the façade and frontage area which are of the highest order and rightly reflected in the Manor's position in the top 5% of all listed buildings nationally. However, the appeal scheme does not involve any change to the building itself, its immediate setting or the way in which it is appreciated from Church Road.
38. Much has been made of the significance of the building's location between Shop and Tailor's Green. However, it is important to note that the Manor replaced an earlier medieval building on the site which pre-dated the formation of Bacton's two village greens. Consequently, I do not subscribe to the view that the Manor was deliberately positioned between the two greens to emphasize its status. Even if that were true, the area to the east has now been largely infilled and therefore the significance of any intended siting in this regard has already been compromised.
39. It is true that the appeal site was until relatively recently owned by the Manor and formed part of a much wider land holding. This historical association contributes to an understanding of the agricultural nature of the estate, but as a parcel of incidental farmland, I am not persuaded the site contributes much more than that. I am sceptical about whether too much can be inferred from the 1741 painting which is known to contain fictitious elements. Beyond demonstrating the accepted ownership link and agricultural use, the historic maps add little to what is generally understood about the Manor and its

surroundings and certainly are not conclusive as to any intended or designed relationship.

40. The Manor itself does not appear to have been orientated to obtain views over the appeal site. Its western elevation is largely devoid of architectural detailing and as I saw from my site visit, landscaping severely restricts longer distance views from the west. These factors do not indicate to me that the visual link between the Manor and the appeal site is of particular importance either historically or in more recent times. I acknowledge that depending on the height of the hedgerows and the time of year, the appeal site does allow for some filtered glimpses of the building's western elevation and roofscape from Shop Green. Nonetheless other than appearing as a large building looming in the distance, I do not consider these views are critical to one's appreciation of the asset. Taking all these matters in the round, I consider the appeal site makes a limited contribution to the setting of the Manor.
41. The effects of the development on all the assets would be mostly visual. The construction of a housing estate on the appeal site would inevitably erode the rural setting of all four buildings. There is a consensus between the heritage experts that the harm to The Bull Inn, Ivy Cottage and Tudor House, all located opposite the site on the southern side of Church Road, would be very limited and I see no reason to take a contrary view.
42. 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. I recognise that the comings and goings of vehicles along the access from Church Road could detract from views of the Manor across the open space. To that end, it could be argued there would be some infringement on its manorial status and semi-rural setting. Although, any such harm in this regard would be limited, I consider that any approval should be conditional on access being taken from Wyverstone Road as presented in Scheme C. Subject to the above and bearing in mind that the same scheme shows how the houses could be set-back along a similar building line to the Manor, I am satisfied that the development would not unduly challenge its dominance or standing.
43. Overall, the enjoyment and the significance of the heritage assets for most people stems from a visual appreciation of the buildings as well-preserved and attractive examples of 16th-18th Century architecture. These principle components would not be harmed by the development. There would be some harm resulting from the encroachment of modern development into the gap between the Manor and Shop Green and the loss of an historically associated, open agricultural landscape on the building's western flank. However, the illustrative layout would appreciably reduce the potential impact upon the setting of all four buildings by safeguarding those important public views from Shop Green and Church Road whilst providing new areas of public open space offering enhanced views of the assets. In these circumstances I consider that the impact would be lessened dramatically and would lie towards the bottom end of the 'less than substantial' range.

44. In coming to that view, I am mindful of the comments of Historic England and the Council's Conservation Officer both of whom concluded that the development would cause 'less than substantial' harm to the setting of the Manor. I do not disagree. Given my findings above, Paragraph 196 of the Framework states that I should weigh the harm against the public benefits of the proposal, an exercise I undertake below.

Whether the presumption in favour of sustainable development applies

45. In accordance with guidance contained in the Framework, there are 2 separate balancing exercises which need to be undertaken in this case, both of which have to take account of benefits which would arise from the appeal proposal. The first is the balance relating to paragraph 196 of the Framework, which requires any 'less than substantial' harm to the significance of a designated asset to be weighed against the public benefits of the proposal.
46. I undertake this balance in the context of the guidance in paragraph 193 of the Framework, which makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I have already concluded, that the harm to the significance of the Manor and three other listed buildings would be towards the lower end of the range. With cognisance of the Barnwell Manor and Mordue judgements¹⁰ that harm must be given "*considerable importance and weight*".
47. To be set against this harm, would be the public benefits arising from the contribution towards the Council's housing stock in terms of both market and affordable provision. The latter being particularly welcome given the bleak affordability data for the district. These benefits would be consistent with the social dimension of sustainable development and the Framework's aim to boost significantly the supply of housing. I concur with both planning witnesses that significant weight should be attached to these benefits.
48. The development would provide new publicly accessible areas of open space which are way in exceedance of policy requirements. Given the shortage of such areas in this ever-expanding part of Bacton, this must weigh heavily in the balance given that the Framework views healthy communities as a key part of sustainable development. I again attach significant weight to this benefit.
49. 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.
50. The economic benefits that are set out in Appendix 2 of Mr Hodgson's proof were not challenged in any meaningful way at the Inquiry. These include the creation of 90 jobs and £11.2m for the local economy during the construction period, between £1.9-£2.3m of additional household expenditure pa plus additional revenue from Council Tax and the New Homes Bonus. Although I acknowledge that some of these benefits would not be unique to this proposal;

¹⁰ Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage, National Trust and SSCLG [2014] EWCA Civ 137 & Jones v Mordue, SSCLG & South Northamptonshire Council [2015] EWCA Civ 1243.

nevertheless, they would be tangible and would satisfy the economic role of sustainable development. Accordingly, I attach moderate to significant weight to these benefits.

51. Other potential benefits include pedestrian improvements through new connections and off-site highway works, biodiversity gains and an upgrade to the bus stop on Wyerstone Road. Collectively I attached limited weight to these benefits. Overall, the collective public benefits attract substantial weight sufficient to outweigh the harm I have identified to heritage assets. Consequently, the proposal passes the "paragraph 196" test.
52. I now turn to the second balancing exercise which needs to be undertaken. In view of my earlier conclusions that development plan policies referred to in the reason for refusal are out-of-date and should carry less than full weight because of inconsistencies with Framework policies, this is the tilted balance set out in paragraph 11 d). The first limb of this paragraph relates to the situation where specific policies in the Framework indicate development should be restricted, such as where designated heritage assets are concerned. I have already addressed this matter above. The second limb states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
53. From the conclusions I have already reached on the main issues I consider that the proposed development would result in some adverse landscape and heritage impacts, but that these would be limited in their extent. Nonetheless collectively these harms carry significant weight. There are no other matters which weigh against this development, which could not satisfactorily be addressed by conditions, planning obligation or at reserved matters stage.
54. Turning then to the benefits of this proposal, I have already detailed, above, that there would be significant social and economic benefits arising from the provision of up to 81 new dwellings including 28 affordable homes. Although the Council can demonstrate a narrow 5-year HLS, that does not place a ceiling on further sustainable development. In addition, there would be an array of social, economic, ecological and public access improvements. Collectively all the identified benefits carry substantial weight. Based on the foregoing, the adverse impacts of the proposal would not significantly and demonstrably outweigh the substantial benefits which would arise from this development. I am thus satisfied that the appeal scheme would constitute sustainable development.

Other Matters

55. Local residents have expressed a wide range of concerns including but not limited to the following: loss of protected species, effect on heritage assets, land stability, inadequate drainage, highway safety/congestion and the effect of the living conditions of neighbouring occupiers. 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.

Planning Obligations

56. The Framework sets out policy tests for planning obligations; obligations must be necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. The same tests are enshrined in the statutory tests set out in the Regulation 122 of the CIL regulations. In this case two agreements have been submitted; a s106 agreement dealing with obligations to Mid Suffolk District Council and a UU in respect of a primary education contribution to Suffolk County Council (SCC).
57. Both documents provide that if my decision letter concludes that any provision is incompatible with any one of the tests then the relevant obligation shall cease to have effect. The disputed education obligation comprises a contribution of £3,853.58 per dwelling to SCC to provide a new primary school on the former Bacton middle school site. It is agreed that owing to constraints at the existing site and the level of growth planned for Bacton, this is the most appropriate solution. The relocation project has been included in SCC's 2019-2022 capital programme. However, it is how that project should be funded that is the issue given that the Council is a CIL charging authority. Under the Council's CIL Regulation 123 list includes, amongst other things, the '*provision of primary school places at existing schools*'. It is clear from the supporting documentation that, save for a small number of strategic sites, the Council's intention was that primary education would be funded through CIL. Of the various items on the Reg 123 list, primary education is shown as being a top priority.
58. The main area of dispute is whether a relocated school would be '*new*' or whether it would be simply re-provided in an expanded form on another site as suggested by the appellant. Having heard from the expert witnesses, it struck me that there was merit in both arguments. For example, the appellant's position that rebuilding an existing school on the same site over a period of years would not be considered a new school is persuasive and in practical terms similar to that proposed here. On the other hand, I understand the view of SCC who contend that as the school would be provided on a new site, in new buildings, it must be considered new.
59. This ambiguity could have been clarified had the Council published the Supplementary Planning Document (SPD) which in the words of the Examining Inspector should have been produced "*without delay*" following adoption of the CIL charging schedule. When pressed on the matter, the Council were not able to explain why that document has still not been produced some 3.5 years later. In the absence of an SPD, I have used my own personal judgement as to what constitutes a new/existing school guided by the definitions provided by Mr McManus¹¹.
60. In my view a school that relocates to a new location a short distance from its existing site cannot be considered new. It would retain the same name, the same pupils, teachers and governors as well as desks, chairs, books and computers. In short, it would still be Bacton Primary School, an '*existing*' school. If a second school were to be provided in Bacton then that would be an entirely different proposition. Consequently, I am satisfied that the provision of a replacement school can be funded through the CIL. In those circumstances,

¹¹ Paragraph 81 of Mr McManus's Statement.

a separate s106 contribution would amount to “double dipping” something which the CIL Regulation 123 warns against by preventing the collection of s106 contributions for items which are already identified on the Council’s 123 list. Accordingly, the primary education contribution does not meet the statutory tests.

61. I recognise the importance of consistency in such matters and I have had regard to those appeal decisions that have been brought to my attention by Mr McManus¹². However, I have only limited information before me of those cases and as such I cannot be sure they are comparable to the particular circumstances in this case. Moreover, based on the passages provided, it does not appear that the education contribution in those cases was contested and therefore the Inspectors are unlikely to have had the benefit of hearing opposing submissions. I understand that SCC claims to have received legal advice to the effect that CIL money could not be used to fund the new school project. However, since that advice has not been provided, I can ascribe very little weight to it.
62. 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.

Conditions

63. The Council has suggested a number of planning conditions which I have considered against the advice in the “*Planning Practice Guidance*” (PPG). In some instances I have amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.
64. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details. For reasons given in paragraphs 30 and 42 of this decision, I have specified that the scheme should be brought forward in general accordance with Scheme C.
65. Conditions regarding visibility spays, internal estate roads and footpaths are necessary in the interests of highway safety ^[5 & 6]. Electric charging points, bus stop improvements, a pedestrian link to Wyverstone Road and travel packs are all necessary to assist in the move to a low carbon future and to promote sustainable forms of transport ^[7, 8, 9 & 10]. A construction method statement is necessary to protect the amenity of nearby residents and businesses ^[11]. A condition regarding the provision of a satisfactory surface water drainage system is necessary to ensure satisfactory drainage of the site in the interests of flood prevention ^[12]. Water and energy efficiency measures are necessary to comply with the Council’s sustainability objectives ^[13].

¹² APP/W3520/W/18/3200941, APP/H3510/W/16/3149242, APP/W3520/W/17/3172098 & APP/W3520/W/18/3194926.

66. A condition is necessary to ensure that reasonable steps are taken to ensure the development has access to high-quality telecommunications in accordance with paragraph 112 of the Framework ^[14]. I have imposed a condition relating to tree protection measures to ensure trees are not damaged during the construction period ^[15]. An archaeology condition is necessary to protect any archaeological assets that may be present ^[17]. A materials condition is necessary to ensure the appearance of the development is acceptable ^[18]. Finally, details of the housing mix are necessary to ensure the development can best meet local housing needs ^[19].
67. I am not persuaded that details pertaining to bin storage could not be resolved at the reserved matters stage. The suggested condition is therefore unnecessary. As landscaping is a reserved matter, a separate condition is also unnecessary. I have however imposed a condition to secure the timing of the relevant landscaping works ^[16]. The appellant's Ecological Report which found no evidence of rare or notable plant or animal species on the appeal site, has not been challenged by cogent evidence. Accordingly, and bearing in mind that a LEMP is covered by the S106 agreement, separate ecology conditions are deemed unnecessary. Fire hydrants are a matter which would be dealt with by the Highway Authority as part of the road adoption process. I have omitted the suggested condition accordingly.
68. Conditions 6, 11, 12, 15 and 17 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were included in the SOCG and address matters that are of an importance or effect and need to be resolved before construction begins.

Overall conclusion

69. 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.
70. 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 and set out in the schedule below.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) 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.
- 5) Before the access is brought into use visibility splays shall be provided as shown on Drawing No. U511/210 and thereafter retained.
- 6) The development shall not commence until details of the access, estate roads, footpaths and footways, (including layout, levels, gradients and surfacing) including as timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained.
- 7) Prior to first occupation, the dwellings hereby approved shall be provided with an electric vehicle charging point. Once provided the charging points shall be retained thereafter.
- 8) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Travel Information Pack (TIP) as identified in the Transport Statement (dated August 2017). Not less than 3 months prior to the first occupation of any dwelling, the contents of the TIP shall be submitted to and approved in writing by the Local Planning Authority.
- 9) Prior to the occupation of the first dwelling a scheme to deliver a new northbound bus stop (including raised bus stop kerbs and flag), on Wyverstone Road in the vicinity of the site shall be completed and available for use by the public. The scheme shall be implemented in accordance with details that have previously been agreed by the Local Planning Authority.
- 10) Prior to the occupation of the 70th dwelling a scheme to deliver a new footway link from the site to Wyverstone Road as generally shown on approved indicative masterplan shall be completed and available for use by the public. The scheme shall be implemented in accordance with details that have previously been agreed in writing by the Local Planning Authority. Once provided the link shall be retained.
- 11) The development shall not commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of:

- i) The proposed hours and days of working;
- ii) Routing of construction traffic;
- iii) Waste management measures;
- iv) On site provision for construction worker and contractor vehicle parking
- v) Details of site compounds, offices and areas to be used for the storage of materials;
- vi) Methods and details of the suppression of dust and noise during construction; and
- vii) Details of a wheel washing facility and its management.

The development shall be carried out in accordance with the statement so approved.

- 12) The development shall not commence until a scheme for the proposed method of surface water drainage, in general accordance with approved Flood Risk Assessment CCE/U511/FRA-02, has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage facilities shall be constructed in accordance with the approved details before the development is first occupied and shall be retained and maintained thereafter in accordance with the scheme as approved.
- 13) No development above slab level shall commence until a scheme for the provision and implementation of sustainability, water, energy and resource efficiency measures has been submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme shall be constructed, and the measures provided and made available for use in accordance with such timetable as may be agreed. Once provided the measures shall be retained thereafter.
- 14) No development above slab level shall take place until details of the means by which the dwellings hereby approved can be connected to super-fast broadband have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
- 15) The tree protection measures detailed on drawing no. BHA_182_02, Appendix 5 of the Arboricultural Survey, Impact Assessment and Protection Plan ref E.2116 and detailed in the Landscape and Ecological Management Plan Ref: P16-1407_02A shall be adhered to throughout the period of construction.
- 16) All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years

from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

- 17) The development shall not commence until a scheme of archaeological investigation / resource management; that includes post excavation analysis and publication has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved scheme.
- 18) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning. Development shall be carried out in accordance with the approved details.
- 19) Concurrent with the reserved matters application, details of the mix of type and size of the market dwellings to be provided shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT

Rupert Warren QC

He called:

Mr Andrew Hodgson BA (Hons) BTP MRTPI

Mr Jamie Roberts MPlan MRTPI

Ms Gail Stoten BA MCIFA FSA

Mr Andy Cook BA(Hons) MLD CMLI MIEMA CENV

Mr Michael Carr BA(Hons) DipLA MA/PG DipUD

Mr Jan Kinsman CENG MICE BSc(ENG) ACGI

Pegasus Group (Planning)

Pegasus Group (Housing Land Supply)

Pegasus Group (Heritage)

Pegasus Group (Landscape)

Pegasus Group (Design)

Education Witness

FOR THE LOCAL PLANNING AUTHORITY

Mr Asitha Ranatunga of Counsel

He called:

Mr Graham Robinson BSc MA MRPTI

Mr Laurie Handcock MA MSc

Ms Michelle Bolger CMLI DipLA BA PGCE BA

Mr Alex Roberts BSc (Joint Hons) AssocRTPI

Mr Neil McManus

Instructed by the Council

DLP Planning Ltd

Iceni Projects Ltd (Heritage)

Expert Landscape Consultancy

Strategic Planning & Research Unit

Suffolk County Council

INTERESTED PERSONS

Mr David Chambers

Ms June Spreckley

Owner of Bacton Manor

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appeal Notification Letter dated 5.9.18
- 2 Council's Opening Statement
- 3 Education Statement of Common Ground including Appendix 1
- 4 West Berkshire CIL List
- 5 Mid Suffolk CIL List
- 6 Draft CIL Regulations 2019
- 7 Cawrey Ltd v SSCLG, Hinckley & Bosworth BC [2016] EWHC 1198 (Admin)
- 8 SSCLG v Hopkins Homes Ltd [2016] EWCA Civ 168
- 9 Wavendon Properties Ltd v SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)
- 10 Email from Historic England dated 5.6.19
- 11 Consultation response from Place Services 30.11.2017
- 12 Appellant's Opening Statement
- 13 Mr Michael Carr & Mr Andrew Hodgson Errata List
- 14 Signed Statement of Common Ground
- 15 Securing developer contributions for education 2019 DoE.
- 16 Appellant's Witness List
- 17 Draft Settlement Plan for Bacton
- 18 Enlargements of 1741 painting of Bacton Manor
- 19 List of Recommended Conditions
- 20 S106 Agreement dated 18 June 2019
- 21 Signed Unilateral Undertaking dated 18 June 2019
- 22 Council's Closing Statement
- 23 Appellant's Closing Statement