

Updated Committee Report

Item No: 8E

Reference: DC/21/03292

Case Officer: Bron Curtis

Ward: Bacton & Old Newton.

Ward Member: Cllr Andrew Mellen.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of 85no dwellings (including 30no Affordable Housing dwellings) including vehicular access from Birch Avenue, open space provision, community facility provision, soft landscaping, biodiversity enhancements, SuDS and parking provision

Location

Land South of Birch Avenue, Bacton, Suffolk, IP14 4NT

Expiry Date: 10/09/2021

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Bellway Homes

Agent: Mr Sav Patel

Parish: Bacton

Site Area: 4.90ha

Density of Development:

Gross Density (Total Site): 17dph

Details of Previous Committee / Resolutions and any member site visit:

The Committee has previously considered this application and have resolved to grant planning permission subject to the consultation response from Network Rail with no new issues raised. Please see below for further details.

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

Has the application been subject to Pre-Application Advice: Yes (Reference DC/20/05112)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

CLASSIFICATION: Official

The proposal is an application for the provision of more than 15 dwellings.

PART TWO – POLICIES AND UPDATED CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development
FC2 - Provision And Distribution Of Housing

CS1 - Settlement Hierarchy
CS2 - Development in the Countryside & Countryside Villages
CS5 - Mid Suffolk's Environment
CS6 - Services and Infrastructure
CS9 - Density and Mix

GP1 - Design and layout of development
HB14 - Ensuring archaeological remains are not destroyed
H7 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
T9 - Parking Standards
T10 - Highway Considerations in Development
CL8 - Protecting wildlife habitats

Supplementary Planning and other documents:

Suffolk Adopted Parking Standards (2015)
Suffolk Design Guide

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations

Network Rail: Object

- Support principle of development and seek suitable mitigation to allow objection to be withdrawn.
- The development will cause a significant increase in volume and change in character of traffic over the level crossing.
- Network Rail has provided recommendations to make the development acceptable in planning terms.
- The development will increase the risk level of the level crossing due to the likely increase in crossing users, including vulnerable users.

- Either closure of the crossing or the introduction of suitable technology is required.
- Recommended mitigation (in order of preference):
 1. Extinguish level crossing and divert traffic onto existing public highway network.
 2. Extinguish level crossing and divert traffic onto stepped footbridge.
 3. Extinguish level crossing and divert traffic onto ramped footbridge or subway.
 4. Install Miniature Stop Lights to provide a visual and audible warning of approaching trains.

Suffolk County Council Rights of Way Manager: To be reported verbally

PART THREE – UPDATED ASSESSMENT OF APPLICATION

1. Site and proposal

1.1. The site is an area of agricultural land located to the south of an existing estate of dwellings comprising Birch Avenue, Pretyman Avenue and other residential roads on the southern side of the centre of Bacton village. Bacton is designated as a 'Key Service Centre'. The site's northern boundary adjoins the village's existing defined settlement boundary.

1.2. A public right of way leads from the existing estate at Birch Avenue, across part of the northern section of site and across a level crossing of the Norwich to London rail line which abuts the eastern boundary of the site. The right of way leads to sports playing fields and a clubhouse for Bacton United FC on the eastern side of the railway line.

1.3 The application seeks permission for the development comprising 85 dwellings (including 30 affordable dwellings), a new vehicular access from Birch Avenue, internal roadways and footways, open space, LEAP play area, SuDS and landscaping. The scheme also includes provision of land within the site for a community building (the erection of the building itself is not part of this proposal).

2. Safety associated with public right of way and railway level crossing

2.1 The development lies within close proximity of the railway line, necessitating consultation with Network Rail due to the likely material increase in users of the level crossing as a result of the proposed development. Following the initial resolution of the Committee Network Rail were consulted and returned a holding objection raising concerns relating to the safety of users of the level crossing and the impact of the new development in increasing use of the level crossing.

2.2 A number of meetings between MSDC officers, SCC officers, the agent, applicant and Network Rail have been carried out to understand the issues and seek to find a mutually acceptable solution.

2.3 It is material to note that an existing public right of way traverses the level crossing. SCC are responsible for the ongoing accessibility of the right of way and Network Rail are responsible for the safety of users of the level crossing. The level crossing was recently the subject of proposed extinguishment by Network Rail under the Transport and Works Act due to safety concerns. This extinguishment was rejected due to the lack of suitable alternative route and there were a number of objections from the local community to the proposed extinguishment of the right of way. It remains therefore that the impact of the development must be considered in context with the existing public right of way and the concerns of Network Rail. Members

2.4 The proposed development will result in more residents on the western side of the railway line who may choose to use the right of way for purposes including recreation, dog walking, to access the playing fields and football club. Whilst Network Rail do not object to the principle of the proposed development

they do consider this increase in residential population would increase the risk score of the level crossing and therefore the likelihood of an incident.

2.5 The Planning Committee should consider whether the comments of Network Rail materially affect their previous resolution and, if so, how to respond to that. The Committee may choose to acknowledge the Network Rail comments and conclude the previous resolution remains unaffected. Or, the Committee may consider it necessary and reasonable to seek mitigation for the impacts of the development on the safety of the level crossing.

2.6 Network Rail set out a number of mitigation options to address the increased risk score of the level crossing. Extinguishment of the right of way has already been explored by the recent Transport and Works Act decision and is not considered a reasonable solution. The options of a footbridge or subway are not considered to be reasonable given the existing proportional increase in resident population on the western side of the railway line as a result of the proposed development. Should the Committee consider mitigation to be necessary, a scheme of mitigation comprising elements such as lighting, signage and enclosure of the level crossing, could reasonably be secured by condition so as to improve both accessibility and safety for all users.

PART FOUR – UPDATED CONCLUSION

3. Planning Balance and Conclusion

3.1 The consultation response from Network rail identifies concerns relating to the increased risk to users of the right of way / level crossing arising from the increased population residing in the dwellings of the proposed development.

3.2 Officers do not considered that the comments from Network Rail materially change the acceptability of the principle of the proposed development or the substance of the Committee's previous resolution to grant planning permission.

3.3 The Committee may restate their previous resolution or may considered it necessary and reasonable to add a condition to secure an appropriate mitigation to improve the safety of the level crossing whilst ensuring its retention for existing and new users.

UPDATED RECOMMENDATION – OPTION #1

(1) That authority be delegated to the Chief Planning Officer to consult Network Rail and subject to no new issues being raised, to grant full planning permission subject to the following conditions and those as may be deemed necessary by the Chief Planning Officer:

- **Time limit**
- **Approved plans**
- **Phasing**
- **Access layout**
- **Bin storage and presentation as approved plans**
- **Estate roads and footpaths**
- **Provision of footways**
- **Parking and turning areas as approved plans**

- Cycle storage and EV charging details to be agreed
- Visibility splays
- Residents travel pack to be agreed and provided
- Sound attenuation measures
- Construction management plan
- No burning on site
- Dust control scheme
- Carry out in accordance with arboricultural report
- Delivery of landscaping
- Fire hydrants
- Sustainability and energy scheme to be agreed
- Archaeology
- Skylark mitigation
- CEMP
- Biodiversity enhancement
- Wildlife sensitive lighting
- Implementation of SuDS in accordance with details submitted
- Cycle Link to Pretyman Avenue
- Notwithstanding details received, plans for the northern landscape buffer to achieve 5 metres depth unless otherwise agreed shall be agreed by the LPA, including detailed access arrangements and thereafter these details shall be retained on to be agreed and its management
- One bungalow to achieve M4(3) building regs secured for one unit.

AND

(2) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- Affordable housing
- On site open space provision and specification (including LEAP), delivery and management in perpetuity
- Community centre land
- Education

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

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles

(4) That in the event of the Planning obligation above not being secured

within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.

UPDATED RECOMMENDATION – OPTION #2

(1) That authority be delegated to the Chief Planning Officer to consult Network Rail and subject to no new issues being raised, to grant full planning permission subject to the following conditions and those as may be deemed necessary by the Chief Planning Officer:

- **Time limit**
- **Approved plans**
- **Phasing**
- **Access layout**
- **Bin storage and presentation as approved plans**
- **Estate roads and footpaths**
- **Provision of footways**
- **Parking and turning areas as approved plans**
- **Cycle storage and EV charging details to be agreed**
- **Visibility splays**
- **Residents travel pack to be agreed and provided**
- **Sound attenuation measures**
- **Construction management plan**
- **No burning on site**
- **Dust control scheme**
- **Carry out in accordance with arboricultural report**
- **Delivery of landscaping**
- **Fire hydrants**
- **Sustainability and energy scheme to be agreed**
- **Archaeology**
- **Skylark mitigation**
- **CEMP**
- **Biodiversity enhancement**
- **Wildlife sensitive lighting**
- **Implementation of SuDS in accordance with details submitted**
- **Cycle Link to Pretyman Avenue**
- **Notwithstanding details received, plans for the northern landscape buffer to achieve 5 metres depth unless otherwise agreed shall be agreed by the LPA, including detailed access arrangements and thereafter these details shall be retained on to be agreed and its management**
- **One bungalow to achieve M4(3) building regs secured for one unit.**
- **Scheme of level crossing safety mitigation to be agreed**

AND

(2) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- **Affordable housing**
- **On site open space provision and specification (including LEAP), delivery and management in perpetuity**
- **Community centre land**
- **Education**

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

- **Pro active working statement**
- **SCC Highways notes**
- **Support for sustainable development principles**

(4) That in the event of the Planning obligation above not being secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds.