

# Comments for Planning Application DC/21/03292

## Application Summary

Application Number: DC/21/03292

Address: Land South Of Birch Avenue Bacton Suffolk IP14 4NT

Proposal: 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

Case Officer: Bron Curtis

## Customer Details

Name: Mrs Tina Newell

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

## Comment Details

Commenter Type: Parish Clerk

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Bacton Parish Council would like to offer SUPPORT to this application and would ask assurance is given that the entry from Pulhams Lane will lead to a public right of way, that consideration be given to the layout with attention to the siting of affordable homes and confirmation plots 78,81 and 82 will be single storey dwellings, as suggested in the outline application to avoid any loss of amenity to current residents.

Philip Isbell – Chief Planning Officer  
Sustainable Communities

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

Website: [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk)



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## OUTLINE PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

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**Correspondence Address:**

Cheffins Planning  
Clifton House  
1 - 2 Clifton Road  
Cambridge  
CB1 7EA

**Applicant:**

Ms Ros Howe  
C/o Agent

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**Date Application Received:** 17-Dec-18

**Application Reference:** DC/18/05514

**Date Registered:** 03-Jul-19

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**Proposal & Location of Development:**

Outline Planning Application (with access with all other matters reserved) Residential development of up to 85 dwellings and access, siting for a new community building including an independent access, and a children's play area.

Land South Of, Pretyman Avenue, Bacton, Suffolk

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**Section A – Plans & Documents:**

This decision refers to drawing no./entitled 005a received 28/06/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Tree Protection Plan 18-035-TS01 - Received 17/12/2018  
Defined Red Line Plan 005 a - Received 28/06/2019  
Site Plan 5587 003 M - Received 16/08/2019  
Tree Protection Plan 18-035-TS02 - Received 17/12/2018  
Tree Protection Plan 18-035-TS03 - Received 17/12/2018  
Tree Protection Plan 18-035-TS04 - Received 17/12/2018

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**Section B:**

Mid Suffolk District Council as Local Planning Authority, hereby give notice that **OUTLINE PLANNING PERMISSION HAS BEEN GRANTED** in accordance with the application particulars and plans listed in section A subject to the following conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: TIME LIMIT FOR RESERVED MATTERS APPLICATION

Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matter to be approved.

Reason - Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF RESERVED MATTERS

Before any development is commenced, approval of the details of the appearance, scale and layout of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained in writing from the Local Planning Authority.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development in accordance with the character and appearance of the neighbourhood and in accordance with the Development Plan. This condition is required to be agreed prior to the commencement of any development in accordance with proper planning principles to allow public engagement on the outstanding reserved matters and ensure no significant adverse harm results.

3. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

4. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS: PRE-COMMENCEMENT CONDITION: APPROVAL OF PHASING OF DEVELOPMENT

Before any development is commenced, and concurrently with the submission of reserved matters, a scheme for the carrying out of the development in successive phases shall be submitted to the Local Planning Authority for approval. No development forming part of any phase other than the first, of any scheme subsequently approved in writing, shall be commenced until 75% of the development in the preceding phase has been occupied.

Reason - To enable the Local Planning Authority to secure an orderly and well designed development provided in appropriate phases to ensure minimal detriment to residential

amenity, the environment and highway safety prior to the commencement of such development.

5. ACTION REQUIRED CONCURRENT WITH RESERVED MATTERS: MIX AND TYPE OF HOUSING

Concurrent with the submission of the first reserved matters application(s) details of the mix and type of housing shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the details of the housing type and mix are provided to inform each reserved matters stage.

6. ACTION REQUIRED PRIOR TO DEVELOPMENT ABOVE SLAB LEVEL: PROVISION OF PARKING FOR NEIGHBOURING RESIDENTS

Prior to the commencement of any development above slab level the parking provided for use by neighbouring residents as detailed on plan 5587 003 M shall be made available for use and thereafter retained as such and used for no other purpose.

Reason: To provide parking for neighbouring residents to limit the impact of on-street parking.

7. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF ROADS AND FOOTPATHS.

Before the development is commenced, details of the estate roads and footpaths, including layout, levels, gradients, surfacing and means of surface water drainage and a timetable for said works, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety in accordance with the timetable agreed.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

8. SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS.

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least basecourse level or better in accordance with the approved details.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - HIGHWAYS: PROVISION OF PARKING AND TURNING.

Prior to the commencement of development details of the areas to be provided for the loading, unloading, manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into first use/occupied and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

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. This condition is required to be implemented prior to the commencement of any other part of the approved development to ensure highway safety is secured early for the development. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety should proper layout not be achieved.

10. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS:  
HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED.

Prior to the commencement of any works to the access, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained and maintained thereafter in its approved form.

Reason - To prevent hazards caused by flowing water or ice on the highway.

11. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION REQUIREMENTS

Before the development hereby permitted is commenced a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

Construction of the development shall not be carried out other than in accordance with the approved plan.

The Construction Management Plan shall include the following matters:

- . Haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- . Provision of boundary hoarding and lighting
- . Details of the storage of construction materials on site, including details of their siting and maximum storage height.
- . Details of proposed means of dust suppression
- . Details of measures to prevent mud from vehicles leaving the site during construction
- . Details of deliveries times to the site during construction phase
- . Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
- . Programme of works (including measures for traffic management and operating hours)
- . Parking and turning for vehicles of site personnel, operatives and visitors
- . Loading and unloading of plant and materials
- . Storage of plant and materials
- . Details of any protection measures for footpaths surrounding the site

- . Details of any means of access to the site during construction.
- . Details of the scheduled timing/phasing of development for the overall construction period.
- . Details of the siting of any on site compounds and portaloos.
- . Details of the method of any demolition to take place, including the recycling and disposal of said materials resulting from demolition.

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

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase and in the interests of neighbouring residential amenity.

## 12. ACTION REQUIRED PRIOR TO OCCUPATION: TRAVEL PLAN

Not less than 3 months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised Travel Planning and a multi-modal travel voucher.

Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP) in accordance with the requirements in the Travel Plan (dated December 2018).

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives S03 and S06 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012). Note: The Resident Travel Pack should be produced in accordance with Suffolk County Council's Travel Plan Guidance ([www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers))

## 13. ACTION REQUIRED PRIOR TO OCCUPATION: TRAVEL PLAN WEBSITE

Prior to first occupation of any dwelling, a suitable website that provides the sustainable transport content identified in the Travel Plan Addendum (dated February 2019) must be implemented.

Evidence of the implementation of this website with details of how it will be managed and funded for a minimum of five years must be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the publication of the website.

Reason: In the interest of sustainable development as set out in the NPPF, and Strategic Objectives S03 and S06 of the Mid Suffolk Core Strategy Development Plan Document (2008) and Core Strategy Focused Review (2012).

## 14. ACTION REQUIRED PRIOR TO FIRST OCCUPATION OF DEVELOPMENT: REFUSE BINS AND COLLECTION AREAS

Prior to the first occupation of the development details of the areas to be provided for storage of Refuse/Recycling bins and any associated collection areas shall be submitted to and approved, in writing, by the Local Planning Authority. The approved areas for each dwelling(s) shall be provided in their entirety before the first occupation of the associated dwelling 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.

15. ACTION REQUIRED: RESERVED MATTERS SURFACE WATER DRAINAGE

Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be in accordance with the approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to 5.5l/s for all events up to the critical 1 in 100 year rainfall events- including climate change as specified in the FRA;
- c. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- d. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- e. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- f. details of the implementation, maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority

The scheme shall be fully implemented as approved.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development.

16. ACTION REQUIRED: DETAILS OF SUDS

The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act.

17. ACTION REQUIRED PRIOR TO COMMENCEMENT: CONSTRUCTION SURFACE WATER MANAGEMENT PLAN

No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include:

- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses

18. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT -  
ARCHAEOLOGICAL WORKS

No development shall take place within the area of residential development and associated works/landscaping [as shown on Dwg 5587-003M Site Plan] until implementation has been secured of the programme of archaeological work set out in the approved Written Scheme of Investigation for this area [ref RPS 2020; report no. 26309 - "Area A"], and details of the archaeological contractor and works timetable have been provided to the LPA in a supplementary Area-specific Specification. Work in Area A will be undertaken in accordance with the approved Written Scheme of Investigation.

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.

REASON:

To safeguard archaeological assets within the approved residential 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).



19. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT -  
ARCHAEOLOGICAL WORKS

No building shall be occupied within the residential development 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 Specification 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 residential 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).

20. ACTION REQUIRED PRIOR TO THE COMMENCEMENT OF DEVELOPMENT -  
ARCHAEOLOGICAL WORKS

No development shall take place within the area of the Community Building and associated works/landscaping [as shown on Dwg 5587-003M Site Plan] until implementation has been secured of the programme of archaeological work set out in the approved Written Scheme of Investigation for this area [ref RPS 2020; report no. 26309 - "Area B"], and details of the archaeological contractor and works timetable have been provided to the LPA in a supplementary Area-specific specification. Work in Area B will be undertaken in accordance with the approved Written Scheme of Investigation.

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.

REASON:

To safeguard archaeological assets within the approved Community Building 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).

21. ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT -  
ARCHAEOLOGICAL WORKS

No building shall be occupied within the Community Building development area 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 Specification 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 Community Building 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).

**22. ACTION REQUIRED: ARBORICULTURAL REPORT IMPLEMENTATION**

The recommendations from the arboricultural report submitted with this application shall be implemented in full accordance with the details set out therein.

Reason: To ensure appropriate arboricultural protection, works and mitigation.

**23. UNEXPECTED CONTAMINATION**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority.

The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

**24. ACTION REQUIRED IN ACCORDANCE PRIOR TO OCCUPATION: FIRE HYDRANTS**

Prior to the first occupation of the site, details of the provision of fire hydrants shall be submitted to and approved, in writing, by the Local Planning Authority.

The fire hydrants shall be implemented in accordance with these details in their entirety and in accordance with the timetable as may be agreed.

Reason - To ensure the site is suitably served by fire hydrants.

**25. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT: SUSTAINABILITY MEASURES**

Prior to the commencement of development a scheme for sustainability efficiency measures, including but not limited to renewable energy, low carbon energy, insulation and electric charging points, shall be submitted to and approved in writing by the Local Planning Authority.

Such measures as may be agreed shall be implemented in full prior to the first occupation of each dwelling.

Reason: To provide sustainable energy and low carbon development in accordance with the requirements of CS3 and the NPPF.

26. 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 Ecological Impact Assessment (Greenlight Environmental Consultancy Ltd, December 2018) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

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

27. PRIOR TO OCCUPATION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior occupation of the development.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

28. PRIOR TO OCCUPATION: BIODIVERSITY ENHANCEMENT STRATEGY

Prior to the first use or occupation of the site a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

29. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

30. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: ACOUSTIC BUND AND FENCING

Prior to the first occupation of the hereby permitted development the acoustic bund and fencing to the eastern boundary of the site adjoining the railway line shall be implemented in full accordance with the details submitted.

Reason: To ensure protection of residential amenity.

31. LIMITATION ON HEIGHT OF DEVELOPMENT

No housing in full or in part, unless single storey only, shall be proposed at any point within 20 metres of the northern site boundary.

Reason: To protect neighbouring residential amenity.

## **SUMMARY OF POLICIES WHICH ARE RELEVANT TO THE DECISION:**

NPPF - National Planning Policy Framework  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC02 - Provision And Distribution Of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
CS09 - Density and Mix  
GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CL08 - Protecting wildlife habitats

## **NOTES:**

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. In this case the applicant took advantage of the Council's pre-application service prior to making the application.

2. . 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 2003  
. Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment may be 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 section 50 license under the New Roads and Street Works Act

3. Informatve Notes

The granting of planning permission is separate to any consents that may be required in relation to Public Rights of Way, including the authorisation of gates.

These consents are to be obtained from the Public Rights of Way & Access Team at Suffolk County Council, as the Highway Authority.

To apply to carry out work on the Public Right of Way or seek a temporary closure, visit <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way/> or telephone 0345 606 6071.

To apply for structures, such as gates, on a Public Rights of Way, visit <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.

4. 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.

Please note the email sent by PROW team regarding the existing footpath network and 'Claim' footpaths in the area. No works are to be undertaken on any PROW without gaining permission from Suffolk County Council.

5. Orientation of Properties at Reserved Matters

As detailed during the planning committee the layout at reserved matters should have regard to paragraph 148 to 150 of the NPPF with particular regards to considering the orientation.

Babergh and Mid Suffolk District Councils have adopted Community Infrastructure Levy (CIL) charging which affects planning permissions granted on or after 11th April 2016 and permitted development commenced on or after 11th April 2016. If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling or holiday let of any size your development may be liable to pay CIL and you must submit relevant documents to our Infrastructure Team telling us more about your development, who will pay CIL and when the development will start. You will receive advice on the amount you have to pay and what you have to do and you can find more information about CIL on our websites here:

[CIL in Babergh](#) and [CIL in Mid Suffolk](#) or by contacting the Infrastructure Team on: [infrastructure@baberghmidsuffolk.gov.uk](mailto:infrastructure@baberghmidsuffolk.gov.uk)

This relates to document reference: DC/18/05514

**Signed: Philip Isbell**

**Dated: 12th June 2020**

**Chief Planning Officer  
Sustainable Communities**

## **Important Notes to be read in conjunction with your Decision Notice**

### **Please read carefully**

This decision notice refers only to the decision made by the Local Planning Authority under the Town and Country Planning Acts and DOES NOT include any other consent or approval required under enactment, bylaw, order or regulation.

**Please note: depending upon what conditions have been attached to the decision, action may be required on your part before you can begin your development.** Planning conditions usually require that you write to the Local Planning Authority and obtain confirmation that you have discharged your obligations. You should read your decision notice in detail and make a note of the requirements placed on you by any conditions. **If you proceed with your development without complying with these conditions you may invalidate your permission and put your development at risk.**

### **Discharging your obligations under a condition:**

You should formally apply to discharge your conditions and the relevant application forms are available on the Council's website. The Local Planning Authority has 8 weeks to write to you after you submit the details to discharge your conditions. You should always account for this time in your schedule as the Local Planning Authority cannot guarantee that conditions can be discharged quicker than this. A fee is applicable for the discharge of planning conditions.

### **Building Control:**

You are reminded that the carrying out of building works requires approval under the Building Regulations in many cases as well as a grant of planning permission. If you are in doubt as to whether or not the work, the subject of this planning permission, requires such approval, then you are invited to contact the Building Control Section of Babergh and Mid Suffolk District Councils.



## Appeals to the Secretary of State

1. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or consent, or to grant permission or consent subject to condition, they may appeal to the Secretary of State for Communities and Local Government. The applicant's right of appeal is in accordance with the appropriate statutory provisions which follow:

Planning Applications: Section 78 Town and Country Planning Act 1990

Listed Building Applications: Section 20 Planning (Listed Buildings and Conservation Areas) Act 1990

Advertisement Applications: Section 78 Town and Country Planning Act 1990  
Regulation 15

Town and Country Planning (Control of Advertisements) Regulations 2007

Notice of appeal in the case of applications for advertisement consent must be served within eight weeks of receipt of this notice. Notice of Householder and Minor Commercial Appeals must be served within 12 weeks, in all other cases, notice of appeal must be served within six months of this notice. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice, whichever period expires earlier.

Appeals must be made on a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at <https://www.gov.uk/government/publications/modelnotification-notice-to-be-sent-to-an-applicant-when-permission-is-refused>

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he/she will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him/her that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by it, having regard to the statutory requirements\*, to the provisions of the Development Order, and to any directions given under the Order. The Secretary of State does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him/her.

2. If permission or consent to develop land or carry out works is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonable beneficial use by the carrying out of any development or works which has been or would be permitted they may serve on the Council of the district in which the land is situated, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Section 137 of the Town and Country Planning Act 1990 or Section 32 Planning (Listed Buildings and Conservation Areas) Act 1990.

\*The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70 and 72(1) of the Act.

FAO Bellway Homes

c/o Strutt & Parker  
66-68 Hills Road  
Cambridge  
CB2 1LA

1 Stratford Place  
Mountfitchet Road  
London  
E20 1EJ  
T – 07734 648 158  
E – [david.brierley1@networkrail.co.uk](mailto:david.brierley1@networkrail.co.uk)

**17/01/2021**

*Mid-Suffolk Planning Ref: DC/21/03292*

Dear Sav,

**Network Rail Response to Strutt & Parker Letter (dated 10<sup>th</sup> December 2021):**

- **RE: DC/21/03292 – Reserved Matters application for 85 dwellings on land south of Birch Avenue, Bacton - Network Rail holding objection.**

**Context**

Network Rail write this letter in response to the Strutt & Parker's letter dated 10<sup>th</sup> December 2021 (who are acting as agent for developer Bellway Homes) and Network Rail continues to object to the application DC/21/03292. This objection is due to significant safety concerns, being the dangers that this development at present introduces to the public footpath level crossing at Bacton (the level crossing near Birch Avenue and Cedar Close).

However, to provide context, Network Rail nationally does support the principle of development and will continue to seek acceptable mitigation(s) to the dangers this development will create at the level crossing to allow our objection to be withdrawn. This objection is therefore reasonable and is in line with all tests of Paragraph 57 of the National Planning Policy Framework (2021) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

However, for clarity, we demonstrate that each test is met below:

- a) The current objection is necessary to prevent permission until a suitable obligation(s) can be agreed so that the development is acceptable in planning terms against the risk to lives of the public from the dangers that this development introduces to the level crossing – Please see below and Level Crossing Report (attached).
- b) This development will be the cause of a significant increase in volume and change in character of traffic over the level crossing, creating additional risk and so Network Rail's request for suitable obligation(s) is directly related to this development.
- c) Network Rail has provided fair and reasonable recommendations in relation to the scale and kind of the proposed development to make the development acceptable in planning terms – Please see Recommendations below and Level Crossing Report (attached).

## Outline

This letter focuses on the following sub-sections:

- A- Comments on 29<sup>th</sup> November meeting minutes/review
- B- Comments on 3<sup>rd</sup> December meeting minutes/review
- C- Transport and Works Act Order (TWAO) Comments Response
- D- Level Crossing Report Summary
- E- Recommendations

### A- Comments on 29<sup>th</sup> November meeting minutes/review

1. Network Rail's objection is against the dangers this 85 homes development, at present, introduces to the level crossing whether the community centre is developed or not. This is not an objection only to the development of a community centre.
2. Network Rail will continue to seek acceptable mitigation(s), which with support of the Level Crossing Report (attached) and recommendations listed further below, against the level crossing dangers that this development will introduce. Furthermore, signage and information packs really do not provide sufficient mitigation(s) to a railway line level crossing that carries trains traveling over 100mph.
3. We welcome the opportunity to work with Bellway Homes, Strutt & Parker, Mid-Suffolk & Barbergh District Council, Suffolk County Council and other suitable stakeholders to address these dangers and find agreeable mitigation(s).
4. An update and context response for the TWAO comments for this level crossing is provided in sub-section ('C') below.

### B- Comments on 3<sup>rd</sup> December meeting minutes/review

5. Although the previous application(s) wrongly did not consult Network Rail, it must be stated that this and/or any future application is also required to consult Network Rail when as stated under The Town and Country Planning (Development Management Procedure) (England) Order 2015, Schedule 4, Paragraph (j) a:

*“Development which is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway”*

Consultee: *“The operator of the network [i.e., Network Rail] which includes or consists of the railway in question, and the Secretary of State for Transport”*

Therefore, any consideration or belief that had this application been more than 10 metres from the railway removed the requirement for Network Rail and the Secretary of State for Transport to be consulted is incorrect. Furthermore, if this position is continued, we would like to highlight it could be misinterpreted as deliberate attempt to ignore planning regulations, which at this moment we do not believe is/was the case.

### C- Transport and Works Act Order (TWAO) Comments and Response

6. Suffolk County Council is obliged to consider any future Rail Crossing Diversion or Extinguishment application made to it on its own merits and is not entitled to fetter its discretion based on a previous procedure initiated under different legislation and for which different statutory requirements and non-statutory guidance applied.
7. The risk at the level crossing is set to change significantly from that which existed or was foreseeable at the time of the Transport and Works Act Order public inquiry.
8. Amongst its suggested mitigations, Network Rail has proposed alternative options not related to the TWAO proposal – *See Recommendations and attached Report.*
9. Network Rail takes risk assessment and mitigation at its level crossings seriously. Our approach, and the impact of the development on the nature of the risks at the level crossing, are set out in our Level Crossing Report (see attached).

### D- Level Crossing Report Summary

10. This Level Crossing Report sets out the changes in railway safety risk that would result from the construction of 85 new homes, adjacent to Bacton footpath crossing, without suitable mitigation(s) to the level crossing.
11. The current risk at the level crossing is because there are two railway lines that pass over the crossing, carrying a line speed of 100mph with overhead electrification (25kV) located in a residential surrounding with local attractions (i.e., football club and open fields) over the crossing from the residential area – Including the proposed development location.
  - a. This creates a current ACLRM score of C6 (Orange-Yellow), which is high but not the highest risk (e.g., red) – *See attached Report.*
12. However, applying stated reasonable statistic assumptions (see report) from the proposed development at Bacton, Network Rail has estimated that approximately 200 residents will live on the new housing estate (based on 85 dwellings) This number will include approximately 58 dependent children and there will also be approximately 52 pet dogs.
  - a. This report also considers 'Vulnerable Users', listed below, and the increase in risk from these user groups.
    - i. Children
    - ii. Dog walkers and encumbered users
    - iii. Older crossing users
13. These assumptions have been used to inform a range of conservative scenarios that Network Rail has modelled for Bacton level crossing. They are:
  - a. 170 pedestrians traverse a day at Bacton Level crossing

- b. A pedestrian traverse can be defined as the single passage over the crossing of one pedestrian user. For example, an individual who crosses the railway at the start and end of a “there and back” walk would account for two pedestrian traverses.

14. The increase in risk caused by the 85 homes development to All Level Crossing Risk Model (ALCRM) is summarised below:

Level Crossing	Current ALCRM Risk Score	Modelled ALCRM Risk Score	Notes
Bacton FPS	C6	C2	C2 is classed as high risk

15. To illustrate the increase in risk, on Network Rail’s Anglia (GE) Route there are 253 footpath level crossings. Bacton FPS is currently ranked 78th in terms of risk. However, with the proposed development this would increase to become the 8th highest risk footpath crossing, an increase that Network Rail would not be prepared to accept.

- a. Therefore, either closure of the crossing or the introduction of suitable technology (determined by Network Rail) funded by the developer delivering the development is required – see Recommendations below.

#### E- Recommendations

16. The proposal ref: DC/21/03292 will add significantly to the risk on the railway network.

17. To mitigate the impact of the development, Network Rail proposes the following options, the highest preference first:

- a. Extinguish the level crossing and divert users onto the existing public road network. This will eliminate the risk of a fatality on the level crossing. Improvements to footways on the existing highway network may be required or desirable to provide suitable walking arrangements for all users.
  - o Estimated cost: £100,000 to £200,000 in respect of legal order and highway improvements.
- b. Extinguish the level crossing and divert users onto a new stepped footbridge constructed at or near the current level crossing. This will retain off-road connectivity in the area and remove the need to enhance the existing public road network in connection with closure of the crossing. The nature of the approaches to the level crossing suggest that a ramped footbridge will not be required. Land may need to be acquired which will add to the cost.
  - o Estimated cost of stepped footbridge (discounting land): £1.2 million (based on developing designs for Network Rail GRP ‘Flow’ footbridge – product is not yet approved).
- c. Extinguish the level crossing and divert users onto a new ramped footbridge or subway constructed at or near the current level crossing. This will retain step-free off-road connectivity in the area and remove the need to enhance the existing

public road network in connection with closure of the crossing. Land may need to be acquired which will add to the cost.

- Estimated cost of ramped footbridge (discounting land): £3.5m.
- Estimated cost of subway: £5m
- d. Install Miniature Stop Lights (MSL). These provide a visual and audible warning of approaching trains. They do not eliminate the risk of a fatality but they will partially mitigate the risk to be introduced at the crossing. Because of the proximity of railway signals etc.
  - Estimated cost up to the value of £1.4 million (still requires feasibility study).
- All the above costs are estimated; a feasibility study would need to be carried out to determine accurate costs for each option. A Diversity Impact Assessment would also be required.

It is Network Rail's preference that one of the above mitigations be completed prior to occupation of the first unit on the development site.

The closure of level crossings is consistent with the Office of Rail and Road's (ORR's) regulatory requirement for Network Rail to "maximise the reduction in risks of accidents at level crossings."

Network Rail is available to provide further level crossing safety expertise, explanation and support should it be required. Please do not hesitate to contact us if you have any questions. Please contact me on the 07734 648 158 or, email me at [David.Brierley1@networkrail.co.uk](mailto:David.Brierley1@networkrail.co.uk) if you have any queries on this matter or require any further information.

We look forward to engaging with all stakeholders on this objection to this development and implementing necessary obligation(s).

Yours Sincerely,

David Brierley  
**Town Planner**

**From:** GHI PROW Planning

**Sent:** 08 September 2021 15:04

**Subject:** RE: MSDC Planning Re-consultation Request - DC/21/03292 \*Land South Of Birch Avenue, Bacton

## **PUBLIC RIGHTS OF WAY AND ACCESS RESPONSE**

**REF: DC/21/03292**

Thank you for your consultation concerning the above application.

As the developer is aware from previous correspondence, the proposed site does contain a public right of way (PROW): Bacton Public Footpath 13 and also a claimed route. Both are depicted on site plans.

**We accept this proposal but ask that the following is taken into account:**

1. PROW are divided into the following classifications:

- Public Footpath – only for use on foot or with a mobility vehicle
- Public Bridleway – use as per a public footpath, and on horseback or by bicycle
- Restricted Byway – use as per a bridleway, and by a ‘non-motorised vehicle’, e.g. a horse and carriage
- Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact [DefinitiveMaps@suffolk.gov.uk](mailto:DefinitiveMaps@suffolk.gov.uk).

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. **The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW.** It **DOES NOT** give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW, or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and->

[responsibilities/](#) or telephone 0345 606 6071. **PLEASE NOTE** that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

- To apply for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team - contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.

4. **To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible** to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> **PLEASE NOTE** that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.
5. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.
6. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.
7. **There may be a requirement to enhance the PROW network relating to this development. If this is the case, a separate response will contain any further information.**

**In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at [www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/](http://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/).**

Thank you for taking the time to consider this response.

Public Rights of Way Team  
Growth, Highways and Infrastructure  
Suffolk County Council