

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 18 November 2015

AGENDA ITEM NO	5
APPLICATION NO	0764/15
PROPOSAL	Application for Outline Planning Permission for the erection of up to 47No. dwellings with attenuation basin
SITE LOCATION	Land on the west side of Broad Road, Bacton
SITE AREA (Ha)	2.79
APPLICANT	Mrs C A Abbott
RECEIVED	March 2, 2015
EXPIRY DATE	August 25, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- it is a "Major" application for a residential land allocation for 15 or over dwellings; and
- the Head of Economy considers the application to be of a controversial nature having regard to comments from the Parish Council, the extent and planning substance of comments received from third parties and the location, scale and / or nature of the application.

PRE-APPLICATION ADVICE

1. No pre-application advice was sought prior to the submission of this application.

SITE AND SURROUNDINGS

2. The site is located outside of the settlement boundary to the east of the centre of Bacton. The site is bounded on the west by a railway line, the south by existing residential properties, the east by Broad Road with existing residential properties on the eastern side and a farm to the north, separated by a tree belt. The site is relatively flat with hedgerows and other planting adjacent to Broad Road.

HISTORY

3. There is no relevant planning history pertaining to the application site. However, the site was submitted as part of the call for sites in the SHLAA 2014. The site was discounted due to it not being well related to the main settlement.

PROPOSAL

4. Outline permission is sought for the erection of up to 47no. dwellings along with an attenuation basin. All matters are reserved.

During the course of the application details of a proposed footpath link have been submitted, including alterations to the public highway to facilitate a footpath beneath the nearby railway bridge across Pound Hill.

POLICY

5. **Planning Policy Guidance**

See Appendix below.

CONSULTATIONS

6. **Bacton Parish Council**

'Further to the Council's initial comment supporting the application subject to there being safe passage for pedestrians to the main part of the village, the Council are now supportive of the application with the inclusion of the proposed pavements and priority scheme under the bridge subject to the following detailed comments.

- Inclusion of a pedestrian access into the development at the corner nearest to the Methodist Chapel
- Provision of street lights at the junction into the development and at the suggested pedestrian access
- Lighting under the railway bridge and consideration to painting the underside of the railway bridge to make it lighter
- An appropriate drainage scheme so that after heavy rainfall, the footpath does not become impassable

The proposal to include a visibility splay that is appropriate for 40mph was considered reasonable given the preliminary data from the traffic survey had indicated the 85th percentile northbound was 38mph, southbound was slower.

The Council wish to see the replacement of any hedgerow removed as a result of the visibility splay by similar natural hedgerow and this to be a condition for the properties along Broad Road to maintain this natural hedge line.'

Cotton Parish Council

'After studying the report on a "Traffic Survey" the Parish Council are still opposed to the application.

The Council challenge the assumptions made regarding speed of traffic along Broad Road, the number of vehicles likely to be using Pound Hill under the railway bridge and the length of time taken for dropping off children at the school. If the survey had been carried out in term time and not at the height of the holiday season it would have been obvious that school traffic is using or parked on the road for a considerable time

There are other planning application that may be submitted in the near future and if approved would make all projections made totally irrelevant.

The propose footpath under the railway bridge does not allow for safe passage of cyclist (or mobility scooters) whilst other vehicles travelling under the bridge. safety

A site meeting between S.C.C. Councillor Stringer, Parish Council Chairman Peter Gibbs and Suffolk County Council's Chief Highways Engineer, at the site revealed that the safety margins for farm vehicles and buses passing under the bridge are inadequate. High vehicles that are unable to pass under the bridge and use the alternative route along Turkey Hall Lane have to use the whole width of Pound Hill to turn safely into or out of the road adding to site line problems.

Since the Council's last response the road under the bridge has once again flooded'

Officer note: Further comments have been submitted by Cotton Parish Council following previous rounds of consultation. Comments are available as part of the committee agenda.

Suffolk County Council - Highways

Suffolk County Council Highways have considered the plans and supporting information that has been submitted in relation to the application. Their conclusion is that the proposed development can be considered acceptable in highway terms with appropriate mitigation.

SCC Highways also request 106 contributions to improve north and south bound bus stops and to provide a new bus shelter/new base. Request for bus stops total £10,000. Contributions are also requested for

maintenance contributions to a public right of way totalling £4392.

Full comments are available in the committee agenda.

MSDC - Environmental Health - Noise/Odour/Light/Smoke/Emissions

Comment is made in relation to the potential noise from the nearby railway line on residential amenity from noise and vibration. Officers note that external and internal noise levels are likely to exceed the relevant limits. In particular, any dwellings located on the western boundary will be significantly and adversely impacted by noise from passenger and freight trains. However, the social and economic benefits may be considered to outweigh the adverse impacts. In which case it is recommended that conditions be applied to ensure reasonable acoustic glazing is installed.

MSDC - Strategic Housing

'The application would be liable to provide affordable housing as follows:

The proposed housing mix across all tenures does not provide a balanced range of dwelling types and sizes for Bacton. A range of one, two, three and four bedroom properties should be offered, with an emphasis on smaller one and two bedroom dwellings, to meet the growing need for such accommodation across all tenures. Smaller, lower priced housing will assist first time buyers and single people, couples and small family units. Accommodation suitable for older people, downsizing from larger dwellings should also be offered. These could be higher specification apartments and/or bungalows.

Affordable Housing – 35% affordable housing is required to include 25% 1-bedroom 2-person properties, 25% 2-bedroom 3 and 4-person properties, 35% 3-bedroom 5-person properties and 15% 4-bedroom 6-person properties. These properties should be constructed to current HCA standards and Lifetime Homes.'

SCC Flood & Water Management

Further information on surface water drainage has been requested prior to determination. Should a suitable scheme be proposed then permission would be subject to recommended conditions.

Officer note: Further information has been submitted by the applicant. Re-consultation comments are awaited. Members shall be updated in late papers.

SCC - Corporate S106

Service Requirement	Contribution per dwelling	Capital Contribution
Education - Primary	£1,036.68	£48,724

Education – Secondary	£3,514.78	£165,195
Education – Sixth Form	£847.10	£39,814
Pre-School Provision	£0	£0
Transport	£212.76	£10,000
Rights of Way	£0	£0
Libraries	£216	£10,152
Waste	£51	£2,397
Total	£5,878.32	£276,282

Network Rail

No objections subject to protection of the adjacent railway line both during construction and post construction, including use of construction machinery and external lighting.

MSDC - Environmental Health - Land Contamination

The applicant has undertaken a desk top contamination survey. A further contamination survey has been undertaken and submitted to Environmental Health for comment following a request for further information. At the time of writing consultation comments are outstanding.

Suffolk County Council - Senior Ecologist

The site contains habitat for protected species. Based on finding of an investigative survey there are no objections subject to recommended conditions.

Suffolk County Council - Landscape Development Officer

The Landscape Officer considers that the site is relatively well contained by existing planting and surrounding development. The wider landscape impacts are limited. No objections subject to conditions.

Suffolk County Council - Archaeological Service

No objections subject to conditions

The Environment Agency

No objections subject to requirement to consider the application in relation to potential impacts on climate change.

MSDC - Waste Manager

No objections at this stage.

Anglian Water

No objections subject to conditions

Natural England

No comment

MSDC - Building Control

No objections

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

Objections:

- Highway safety issues under railway bridge
- Out of keeping with the character and appearance of the area
- The addition of street lights will adversely affect existing residents on Broad Road
- Parking issues at Bacton Primary School
- Broad Road is a dangerous road
- Unsustainable location
- Capacity at the local GP
- The site is of high ecological value
- Estate style development would detract from the character of Cotton
- Bacton Primary School capacity limited
- Impact on amenity during construction
- Broad Road does not have capacity for proposed development
- Drainage within the site
- Flooding under the railway crossing
- Restriction of highway preventing use for agricultural and emergency vehicles
- Low demand for houses in the area
- Noise , vibration and safety issues from railway line
- Broadband connectivity is poor
- Water pressure is poor
- Attenuation basin would create a hazard
- Overdevelopment
- Footpath will not be utilised
- Chicane system will create traffic queues in both directions
- Recent appeal decision at Blacksmiths Road

ASSESSMENT

8. The application is considered in relation to the following key issues:

- Principle of development
- Sustainability
- Design and layout
- Highway safety
- Flood and surface water drainage
- Residential amenity/noise
- Section 106 contributions

Principle of development

The Council acknowledges that it is unable to demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the Framework. Accordingly, in accordance with paragraph 49 of the Framework, the proposal should be considered in the context of the presumption in favour of sustainable development. For the purposes of decision taking, that means granting planning permission unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole.

The Core Strategy Focused Review (CSFR) Policy FC 1 sets out the Council's presumption in favour of sustainable development. This is qualified by supporting text that states that the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or specific policies in that Framework indicate that development should be restricted.

The proposed development is outside of the defined settlement boundary of Bacton on greenfield land. Bacton is defined as a key service centre in Core Strategy Policy CS1 where a range of services and facilities are available to support new residential development. The application site is located on the eastern side of the village where access to services and facilities is currently be limited by a lack of footpath under the railway crossing which crosses Pound Hill.

Whether the proposed development would be well related to services and facilities is a key consideration when assessing the sustainability of the site. In order to improve links with the rest of the village a new pedestrian footpath has been proposed. This would provide a footpath link into the main village which would require amendments to the public highway to create a priority passing point. It is necessary to consider this in relation to Local Plan Policy T10 that requires any new development not to have an adverse impact on highway safety.

Whilst the site is in the countryside and Local Plan Policy H7 requires that any development protects the intrinsic character of the countryside, the NPPF requires that the site is assessed in relation to the material adverse

impacts that the location would cause and whether the development meets the requirements of sustainable development in the wider sense.

Local Plan Policy H16 requires that where new development would be exposed to excessive noise levels from nearby premises it should be refused. The site would be located adjacent to a railway line. Any development should take into account potential impact from noise and vibration from trains passing the site.

The provision of a footpath link is considered to overcome any in principle objections to the development not being well related to the main village, subject to this being demonstrated as being a safe and practical solution. The principle of providing a notable addition to the Council's 5 year land supply at a site abutting a key service centre is supported. Support of the application is subject to it demonstrating that the development would not result in significant harm in relation to the character and appearance of the area, would provide good access to local services and facilities without reliance on the private motor car and would not result in an adverse impact on highway safety.

Sustainability

Core Strategy CS1 defines Bacton as a key service centre where it is expected that the principle of new residential development within its defined boundary could be supported. Core Strategy CS1 sets out the new residential development shall be encouraged within the settlement boundaries of town and key service centres. Core Strategy Policy CS2 states that new residential development will only be allowed in the countryside in exceptional circumstances. In light of the Council's lack of 5 year land supply, development is required to be assessed in relation to the NPPF's presumption in favour of sustainable development. The location of the site abutting a key service centre is an important consideration to be taken into account when assessing the sustainability of the development.

The existing site is located approx. 1km from Bacton Primary School. Access to the village centre is via Pound Hill which is currently restricted by a railway bridge with no pedestrian footpath. The application proposes to provide a footpath link beneath the bridge, involving the reduction in the width of the carriageway and the introduction of a priority passing point.

The proposed footpath would link with existing footpath to provide a continuous, relatively flat footpath, with street lighting. Although approx. 1km from the south-east corner of the site to Bacton Primary School, for example, it is considered that the footpath would allow the development to be well related to the existing services and facilities in a key service centre. In relation to the requirements of the NPPF it is therefore considered that the development is acceptable in terms of sustainability.

Design and layout

Local Plan Policy H15, Core Strategy CS5 and NPPF para. 56 – 58 require any new development to have regard to the character and appearance of the surrounding area and to respect local distinctiveness. The application seeks outline permission only. Details of the design, layout and appearance of the development would be subject of an application for reserved matters if outline permission is granted.

The proposed development would result in the loss of an area of open land. However, the wider landscape impact is considered to be limited due to the site being largely contained the topography and existing development in the area.

The indicative site layout shows that up to 47no. dwellings can be provided at a density of approx. 22per hectare (excluding public space) along with the provision of a flood attenuation basin in the south western corner of the site. This is considered to be appropriate to the location abutting the edge of a village.

Highway Safety

Local Plan Policy T9, T10 and T11 require that any new development shall not have an adverse impact on highway safety and make suitable provision for sustainable transport. The proposed development is indicated as providing 1no. new access onto the public highway along with the provision of a new pedestrian footpath and associated alterations to the highway layout beneath the railway bridge.

The proposed development has been considered by Suffolk County Council Highways. Based on the submitted information it is considered that a safe access can reasonably be provided, although the provision of visibility splays is likely to result in the loss of part of the existing hedgerow abutting Broad Road. Details of a replacement are recommended to be secured by condition if permission is granted. Consultation comments have been carefully considered. However, SCC Highways have assessed the site in relation to the provision of the proposed footpath and raise no objections to the proposed layout or design of the footpath and associated works to the highway. It is recommended that further detail be secured by condition if permission is granted. However, the provision of a footpath and associated highway works are not considered to give rise to significant harm that would justify refusal of the application.

Flood and surface water drainage

The site is located within Flood Zone 1 with the lowest likelihood of flooding. Based on comments from SCC Flood and Surface Water Drainage there is a risk that groundwater flooding could occur dependent upon details of surface water drainage. A Flood Risk Assessment has

been undertaken which proposes that it is reasonable that an acceptable scheme of surface water can be achieved utilising the proposed attenuation basin. At the time of writing this is subject of reconsultation. Comments from SCC Floods on the Flood Risk Assessment are outstanding at the time of writing. Members shall be updated when comments have been received.

Residential amenity/noise

Local Plan Policy H16 requires that any new residential development shall not have an adverse impact on the residential amenity of existing dwellings and shall respect the character and appearance of the area.

Consultation responses have been carefully considered. The proposed development would be located to the north of existing properties on Pound Hill and would be located on the opposite side of Broad Road from existing dwellings. The indicative layout of the proposed development shows that new dwellings could be approx. 20m, at its closest point, from the front of dwellings on Broad Road. Based on this it is considered reasonable that residential development can be provided without causing significant adverse impact on the residential amenity of existing properties.

The indicative layout shows that residential property would be located adjacent to a railway line. The railway line forms part of the Norwich to London railway line. The application has been considered by MSDC Environmental Health. Whilst it is acknowledged that dwellings could be subject to adverse impact from the noise and vibration of passing trains, no objections have been raised subject to the provision of appropriate acoustic glazing. Considering the indicative layout of the proposal and comments from MSDC Environmental Health it is considered reasonable that a design and layout can be achieved that avoids significant adverse impact on residential amenity that would be caused by the nearby railway line.

Section 106 contributions

The application proposes residential development of up to 47no. units and is therefore liable to provide financial and social infrastructure contributions towards the provision of services and facilities directly related to the needs of the development. The content of any section 106 agreement is required to comply with CIL Regulation 122.

At this stage, details of the house type and tenure are not defined. However, Local Plan Altered Policy H4 requires that 35% of the proposed dwellings be affordable housing. Details of the local need for affordable housing, including the type and tenure are provided within the committee agenda. It is recommended that if permission be resolved to be granted that this is subject to the applicant entering into a section 106 agreement to provide the necessary affordable housing, the mix design and layout of

which would be agreed as part of any subsequent reserved matters application.

The proposed development would provide a mix of dwellings which can reasonably be expected to increase demand for the provision of local open space and social infrastructure. There are not any specific open space or sport based projects directly related to the proposed development that have not already been subject of contributions from other section 106 agreements. Therefore contributions are restricted by CIL. Considering the proximity of the site to the existing play area located to the north of St Mary's Close, it is not considered to be reasonably necessary to provide on-site play equipment. However, the proposed development includes a flood attenuation basin and associated open space. Comments from SCC Ecologist have set out that this area would be of ecological importance. It is considered reasonable to allocate contributions towards the provision of ecological enhancement in the area surrounding the attenuation basin.

Suffolk County Council Infrastructure has provided comments on the need for contributions to support existing services and facilities in the village. These are set out above and are considered to be compliant with CIL 122 regulations.

Suffolk County Council Highways have requested contributions towards the provision of bus stops and maintenance of a nearby public right of way totalling £14,392. It is considered that these have not been subject of more than 5no. other contributions and are therefore CIL compliant.

To ensure the provision of a footpath link it is considered reasonable to include it in any 106 agreement that may be agreed. Details of the footpath would be required to be built to a standard as agreed with SCC Highways and include the provision of suitable lighting.

Conclusion

The principle of residential development is required to be considered in relation to the NPPF and a presumption in favour of sustainable development. Comments received from statutory consultees and third parties have been given careful consideration in relation to the material considerations of the case. The site is located outside of a settlement boundary but the proposed development includes a new footpath link that is considered to allow the development to be well related to services and facilities in the main village. The details of the proposed highway alterations necessary to facilitate a new footpath are considered to be acceptable and protect highway safety. Although outside of the settlement boundary, the proposed development is not considered to give rise to significant adverse impacts that cannot reasonably be overcome by conditions or further details in any subsequent application for reserved matters.

RECOMMENDATION

That authority be delegated to The Corporate Manager for Development Management to grant outline planning permission subject to the prior completion of a Section 106 on terms to his satisfaction to secure the following head of terms and that such permission be subject to the conditions as set out below:

- Contribution towards the provision of Suffolk County Council Infrastructure including the following:
 - Education – Primary: £48,724
 - Education – Secondary: £165,195
 - Education – Sixth Form: £39,814
 - Transport: £10,000
 - Rights of Way: £4,392
 - Libraries: £10,152
 - Waste: £2,397
- The provision of on-site ecological improvements
- The provision of 35% affordable housing
- Provision of off-site footpath link

Conditions:

1. Standard time limit
2. A reserved matters application to be submitted and agreed in relation to access, layout, appearance and landscaping
3. Approved plans to be agreed
4. Details of provision of a footpath link at the south eastern corner of the site onto Broad Road
5. Scheme of archaeological investigation to be agreed
6. A scheme of surface water drainage to be agreed
7. Highways – Provision of footpath link
8. Highways – Details of access to be agreed
9. Highways – Provision of visibility splays to be agreed
10. Highways – Bin storage areas to be agreed
11. Highways – Details of estate roads to be agreed
12. Highways – Provision of carriageways and footpath prior to occupation
13. Highways – Delivery plan during construction to be agreed
14. Highways – Details of parking and turning areas to be agreed
15. Details for provision of acoustic glazing to be agreed
16. Contamination survey to be undertaken
17. Details of external lighting
18. Details of tree protection for existing trees
19. An environmental management plan to be agreed
20. A landscape and ecological management plan to be agreed
21. Construction hours to be agreed
22. Provision of fire hydrants, number and position to be agreed

Philip Isbell
Corporate Manager - Development Management

Mark Pickrell
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

- Cor1** - CS1 Settlement Hierarchy
- Cor2** - CS2 Development in the Countryside & Countryside Villages
- Cor5** - CS5 Mid Suffolks Environment
- Cor8** - CS8 Provision and Distribution of Housing
- Cor9** - CS9 Density and Mix
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- CSFR-FC2** - PROVISION AND DISTRIBUTION OF HOUSING
- Cor6** - CS6 Services and Infrastructure
- Cor7** - CS7 Brown Field Target
- Cor4** - CS4 Adapting to Climate Change

2. Mid Suffolk Local Plan

- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- H13** - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
- H14** - A RANGE OF HOUSE TYPES TO MEET DIFFERENT ACCOMMODATION NEEDS
- H15** - DEVELOPMENT TO REFLECT LOCAL CHARACTERISTICS
- H4** - PROPORTION OF AFFORDABLE HOUSING IN NEW HOUSING DEVELOPMENT
- H7** - RESTRICTING HOUSING DEVELOPMENT
- T9** - PARKING STANDARDS
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
- T11** - FACILITIES FOR PEDESTRIANS AND CYCLISTS
- H3** - HOUSING DEVELOPMENT IN VILLAGES
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- H3** - HOUSING DEVELOPMENT IN VILLAGES

3. Planning Policy Statements, Circulars & Other policy

- NPPF** - National Planning Policy Framework
- SPD-OSSI** - Open Space & Social Infrastructure

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representation have been received from a total of **14** interested parties.

The following people **objected** to the application

The following people **supported** the application:

The following people **commented** on the application: