

Committee Report

Item No: 1

Reference: DC/17/05423

Case Officer: Gemma Walker

Ward: Bacton & Old Newton.

Ward Member/s: Cllr Jill Wilshaw.

Description of Development

Outline planning application (all matters reserved except access) for development of up to 81 dwellings.

Location

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

Parish: Bacton

Site Area: 4.69ha

Conservation Area:

Listed Building:

Received: 26/10/2017

Expiry Date: 27/01/2018

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: EIA Screening opinion DC/17/04404 confirmed the application is not EIA development

Applicant: Endurance Estates Strategic Land Ltd

Agent: Mr Robert Barber

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number P17-0236-11 received 26th October 2017 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:

Application forms, Indicative Landscape Master Plan P16-1407 01B, Site Location plan P17-0236-11 Parameter Plan P17-0236-12, Arboricultural Survey, Statement of Community Engagement, Contaminated Land Assessment, Ecology Report, Geophysical survey, Heritage Assessment, Landscape and Ecological Management Plan, Landscape and Visual Appraisal, Method Statement and Risk Assessment, Planning Statement, Utilities and Wastewater Assessment, Transport Statement, Flood Risk Assessment, received 26th October 2017

Access and visibility plan U511/205, received 20th November 2017

Great Crested Newt Survey Report, received 18th December 2017

Drainage ditch network connection plan U511/301, received 11th January 2018

The application, plans and documents submitted by the Applicant (and all consultation responses) can be viewed online at www.midsuffolk.gov.uk

Alternatively, a copy is available to view at the Mid Suffolk District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

There is no planning history relevant to the site however neighbouring sites have relevant applications:

3270/16 Land adjacent to Wyverstone Road, Bacton	Outline application for 64 dwellings	Granted
DC/17/03799 Former Bacton Middle School, Bacton	Outline application for 50 dwellings	Not yet determined

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

The scheme is contrary to the Council’s adopted local plan (in terms of the location of the development outside of the development boundary and some harm to heritage assets). However, the Council cannot demonstrate a 5 year supply of housing and, in accordance with the recent Supreme Court’s judgment in Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2017] UKSC 37 (“Richborough”), the scheme falls to be considered under the second limb of paragraph 14 of the NPPF where the adverse impacts of the scheme have to be balanced against the benefits of the scheme and to demonstrate that it constitutes sustainable

development. Officers are recommending approval of this application as it is considered to be sustainable development and because it is considered that the adverse impacts of the proposal (to include the conflicts with the development plan policies identified in this report) do not “significantly and demonstrably” outweigh the significant public benefits that the scheme will deliver (provision of open market and affordable housing, provision of open space accessible to the public and the economic and social benefits associated with the development of housing) are considered to outweigh the negative aspects of the proposal. For these reasons, it is recommended that planning permission is granted.

Summary of Policies

NPPF - National Planning Policy Framework

Cor1 - CS1 Settlement Hierarchy

Cor2 - CS2 Development in the Countryside & Countryside Villages

Cor4 - CS4 Adapting to Climate Change

Cor5 - CS5 Mid Suffolk’s Environment

Cor6 - CS6 Services and Infrastructure

Cor7 - CS7 Brown Field Target

Cor8 – CS8 Provision and Distribution of Housing

Cor9 - CS9 Density and Mix

FC1 Presumption In Favour Of Sustainable Development

FC1.1 Mid Suffolk Approach To Delivering Sustainable Development

FC2 Provision And Distribution Of Housing

GP1 Design and layout of development

HB1 – Protection of historic buildings

HB14 – Ensuring archaeological remains are not destroyed

H3 – Housing Development in villages

H4 – Proportion of affordable housing in new development

H7 – Restricting housing development unrelated to the needs of the 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

CL5 – Protecting existing woodland

CL8 Protecting wildlife habitats

CL11 – Retaining high quality agricultural land

T9 Parking Standards

T10 Highway considerations in development

T11 Facilities for pedestrians and cyclists

RT4 – Amenity Open Space and Play Areas within Residential Developments

RT12 – Footpaths and Bridleways

The site is also identified (SS0266) in the SHELAA August 2017, and subsequently in the Joint Local Plan Consultation Document August 2017 as potentially suitable for development, having regard to highways and heritage constraints. The SHELAA estimated a yield of 100 dwellings.

Details of Previous Committee / Resolutions and any member site visit

None

Consultations and Representations

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

A: Summary of Consultations

Bacton Parish Council

Object to this planning application and reference the following planning policies for the reasons for the objection:

SB3, HB1, T10

Wyverstone Parish Council

1) This proposed development needs to be considered not in isolation, but in the context of the other two developments which have already been agreed or are in process, next to (on the site of the former Middle School) and on the land opposite that. Such development will fundamentally change the nature of Bacton. The village is currently a linear settlement which means that open countryside can be seen on both sides of Church Road at the junction with Wyverstone Road. The development of this site along with the other two will mean that over 200 houses will be built in one continuous clump where the existing housing is very low density and all enjoy views of open countryside. If other sites south of Church Road are also developed, this situation will be compounded. Although the proposed green spaces and wildlife corridor at this particular site are welcome, cumulatively there would nevertheless be a substantial loss of green space to development at that end of the village.

2) The current infrastructure of the community would not be able to cope with such an increase in inhabitants and traffic handle without substantial loss of amenity to existing residents.

3) The plans do not tie up in any way with the other neighbouring sites in the planning process. In view of the poor pavement layout in Wyverstone Road, at the very least a cycle path and pedestrian access linking Church Road and the proposed new school site should be incorporated. This would allow safe access to the school and cut down on traffic movements.

4) Car Parking for the existing shop, post office and garage is already a problem and further developments will create a major car parking shortage for this area. The proposed additional parking spaces for the shop are welcome but consideration should be given to a more fundamental remodelling of the parking area, possibly incorporating a parking facility accessed from Wyverstone Road, linking to the shops via a controlled pedestrian crossing.

5) Further consideration should also be given to the site access, which is very close to the junction with Wyverstone Road and the car park to the Public House opposite.

6) The proposed development appears "bog standard" and not forward looking in terms of its sustainability, particularly the dependence on the car which is built in to the design.

NHS England

A developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP catchment area would be sought to mitigate the impact.

Natural England

No comments

Anglian Water

The foul drainage from this development is in the catchment of Bacton Finningham Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity connection regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Highways England

No objection

Historic England

This application proposes development of up to 81 new dwellings immediately west of the grade II* Bacton Manor. Because of the role the application site plays in the setting of Bacton Manor development would result in harm to the significance of the listed Manor in terms of the National Planning Policy Framework and we object to the application. However, Historic England did not find that the application would result in substantial harm.

SCC Highways

Does not object subject to a S278 Agreement and conditions.

SCC Flood and Water

Following additional details:

SCC Flood and Water has subsequently confirmed that insufficient information has been received according to national/local policy & guidance, but have agreed the surface water drainage can be agreed by way of conditions on this occasion.

Initial Comments

Suffolk County Council, Flood and Water Management have reviewed application ref DC/17/05423 and we recommend a holding objection at this time.

The applicant failed to provide sufficient information to satisfy us that they have a viable method for the disposal of surface water in line with NPPG hierarchy.

They have ruled out infiltration without carrying out infiltration tests, but they have provided desktop surveys of the soil condition. However these surveys indicated that soil permeability could be low to medium. Therefore infiltration could be feasible.

They then moved on to a proposed discharge method of discharge to a watercourse, but they have only partially surveyed the extend of the watercourse and where it flow to. The termination point of the survey is at residential properties but does not show where the water goes after.

1. Submit infiltration test results to BRE Digest 365 (min 3 trial pits)
 2. Submit addition evidence that the watercourse that they propose to discharge to has an outfall into a mapped watercourse.
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SCC Archaeology

No grounds to consider refusal of planning permission in order to achieve preservation in situ of any important heritage assets, however any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset.

SCC Fire and Rescue

Request that adequate provision is made for fire hydrants, by the imposition of a suitable condition at the planning application stage.

SCC S106

Education provision, pre-school and libraries contributions will be sought through the CIL funds if planning permission is granted and implemented.

Strategic Housing

No objection - supported as the development will meet the local housing needs as identified in The Ipswich Housing Market Area, Strategic Housing Market Assessment (SHMA) document as updated in 2017 which confirms that there is a continuing need for housing across all tenures and a growing need for affordable housing.

The 2017 SHMA indicates that in Mid Suffolk there is a need for 94 new affordable homes per annum.

Heritage Team

1. The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because it would intrude in and erode the setting of the grade 11* listed Manor House.
2. The Heritage Team recommends that while a degree of development cannot be ruled out, the proposal illustrated should not be supported.

Landscape

Comments following amendments:

The submitted sections include further information regarding the relationship between the Grade II* Bacton Manor, to the east of the site and the Listed Building to the south. The section include detailed mitigation to reduce the impact of the development. The sections include indicative illustrations showing the proposed landscape screening from 0-15years growth. The sections now demonstrate a satisfactory approach to limiting the visual impact of the development on the surrounding heritage assets.

The submitted addendum to the LVA now makes reference to the cumulative impact development will have on Bacton village. The report references additional opportunities of mitigation (para. 2.13) and should be used to inform any future detailed development proposals for the site.

No additional information has been provided regarding the proposed access road to the community parking. Although it is an issue which still needs to be resolved, if the outline application is approved we would expect this point to be revisited.

On the basis of this information the Landscape consultant confirms that there is no objection to the proposal and details can be adequately dealt with at reserved matters stage.

Initial Comments

1. The Landscape and Visual Appraisal lists and refers to the heritage assets surrounding the development site. Para 5.4 of this report indicates that the proposed village green safeguards the setting of a number of Listed Buildings. More information is required within the Landscape and Visual Appraisal to address the relationship and mitigation between the proposed development site and surrounding listed buildings, in

particular the Grade II* Bacton Manor, to the east of the site and the Listed Building to the south. Specific scaled sections, which identify how the visual impact is mitigated would be useful to justify the analysis within the Landscape and Visual Appraisal.

2. The Landscape and Visual Appraisal maps the two neighbouring current outline planning applications (ref. 3270/16, 64no. dwellings and ref. DC/17/03799, 50no. dwellings) but fails to include any analysis of the cumulative impact that the development will have on the landscape and how the proposals will mitigate any negative visual effects of this both within and beyond the village settlement edge.

3. The indicative/illustrative layout includes 6no. parking spaces to serve the village shop. The access road to the spaces severs the open space to the front of the site, eroding some of the benefits the proposed new village provides. Further thought is required to rethink how this could work without compromising the landscape setting and potential future use of the site.

Ecology

Ecology have confirmed that the submitted ecological report (Applied Ecology, October 2017) includes sufficient information to assess the impacts of development on protected and priority species. No objection subject to conditions to secure ecological mitigation and enhancements.

Arboricultural Officer

I have no objection to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although one tree and a section of hedgerow are proposed for removal these are of limited amenity value and their loss will have negligible impact on the appearance and character of the local area.

If you are minded to recommend approval we will also require a detailed Arboricultural Method Statement and Tree Protection Plan in order to help ensure the protection measures proposed are implemented effectively. This information can be dealt with as part of reserved matters and/or under condition.

Environmental Health Land Contamination

No objection

Environmental Health Noise/Odour/Light/Smoke

The application site is close to existing residential dwellings and for this reason there is a risk of loss of amenity during the construction phase of the development. Therefore, recommend a construction management plan condition.

Also recommend a lighting scheme condition to control details.

Environmental Health Sustainability

Recommend a condition to ensure the development meets its environmental obligations.

B: Representations

10 Objections:

Loss of agricultural land

Amount of development proposed

Impact on Listed Building and historic setting

Impact on infrastructure, including drainage

Impact as a result of commuting

Concern about new junction, impact on road traffic numbers and parking

Noise and light pollution

Out of keeping with village and the style of neighbouring properties
Cumulative impact with other development
No need for additional housing in Bacton
Concern about impact on protected species including Great Crested Newts
Impact on outlook from neighbouring properties

Comments:

Applicant has acted upon the majority of the comments received

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The application site is situated to the north of Church Road, Bacton, which forms the southern boundary of the application site. To the west the site is enclosed by Wyverstone Road, abutting two properties, Bury Row Cottage and Rookery Cottage. To the north the site adjoins Bacton Middle School. The school is now closed, however an application has been submitted for the erection of 50 dwellings, although this is yet to be determined.
- 1.2. To the east of the application site is the Grade II* Listed Bacton Manor.
- 1.3. The surrounding area includes a variety of services and facilities, Bacton Primary School, doctor's surgery, The Bull public house and a shop, which is situated adjacent to the application site.
- 1.4. The site itself is a relatively open area of land, with a pond to the south-east corner, and one to the western boundary, adjacent to Rookery Cottage.

2. The Proposal

- 2.1. The proposal is for outline planning permission with all matters reserved, except access. The proposal is for up to 81 dwellings, with associated access and community car parking.
- 2.2. The appearance of the proposal, landscaping, layout and scale will be matters for determination under any reserved matters application. As the description of the proposal is for up to 81 dwellings the quantum of development is also not finalised, and will ultimately form part of the consideration of the layout proposed at reserved matters.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

4. Core Strategy

- 4.1. Core Strategy 2008
Of particular relevance, the site is outside the settlement boundary defined in CS1 Settlement Hierarchy, and falls outside the proposals allowed in the countryside under CS2 Development in the Countryside & Countryside Villages.
- 4.2 The site has not been ruled out for development following the call for sites, SHELAA and new Joint Local Plan Consultation Document, although it is recognised that the Joint Local Plan is at an early stage and has not yet allocated sites.

5. The Principle Of Development

- 5.1. The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".
- 5.2 The NPPF also provides (paragraph 14) that there is "a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". This paragraph continues "for decision-taking this means approving proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted".
- 5.3 The application site is outside the settlement boundary of Bacton, which is classified as a Key Service Centre by the Core Strategy. As such the proposal for the erection houses in the countryside is contrary to Core Strategy Policies CS1 and CS2 and Local Plan Policies H3 and H7.
- 5.4 However paragraph 49 of the NPPF states that:

"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. " Mid Suffolk District Council does not have this housing land supply and as such the 'relevant policies are not considered to be up to date and on this occasion are not considered to justify refusal in this respect. Paragraph 14 of the NPPF states in this respect:

"For decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"
- 5.5 In the light of this the Core Strategy Policies CS1 and CS2 and Local Plan Policy H7 does not justify refusal on this basis. However, the NPPF nevertheless requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. The question

therefore arises whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so?

5.6 Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

"an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. "

5.7 The proposed development is outside the defined settlement boundary of Bacton on greenfield land. 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. 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.

5.8 The site is situated adjacent to The Bull Public House and shop, and only a short distance from the doctor's surgery and primary school. Bacton also has a bus service providing wider access to Eye and Diss, amongst other places so as to provide access to employment and other services.

5.9 Overall the location of the site is considered to be sustainable with regards to access to services. Whilst the site would result in a small amount of loss of agricultural land this is limited and not considered to be of significant weight with regard to the environmental strand of sustainable development and is not a significant and demonstrable adverse impact of the development.

5.10 With regards to the social strand of sustainable development, the proposal would have access to a variety of local services, such that the proposed dwellings would support the local community and vitality of the rural community.

5.11 Furthermore the proposal for the erection of 81 houses would offer benefits to the local economy, to the benefit of the economic strand of sustainable development.

5.12 In the light of the above this proposal is considered to represent sustainable development with merits in each of the three strands of sustainable development set out in the NPPF as to represent a comprehensive benefit in this regard, such that the principle is considered to be acceptable.

6. Site Access, Parking And Highway Safety Considerations

- 6.1. The proposal includes a new access from the site onto Church Road. Suffolk County Council Highways consider that this is acceptable, subject to the imposition of conditions.
- 6.2. Consideration has also been given to the wider road network, and Highways England raise no objection.
- 6.3. In the light of this the proposal is not considered to have an unacceptable impact on highway safety as to consider refusal in this regard. It is therefore considered that the proposal complies with policies T9, T10, T11 and T12 of the saved local plan and the relevant paragraphs in the NPPF in parking, highway and accessibility terms.

7. Design And Layout

- 7.1. The proposal is in outline form with indicative plans submitted. These demonstrate that up to 81 dwellings could be erected on the site, notwithstanding the heritage concerns, which are considered in that section of this report. In the light of this the proposal is not considered to be unacceptable to consider refusal on this basis given that the detailed design and layout of the proposal shall be determined at reserved matters stage.
- 7.2. Therefore, given the nature of the proposals it is considered that there is no conflict with policies CS5, CS9 of the Core Strategy, policies GP1, H13, H14 and H15 of the saved local plan and the relevant paragraphs of the NPPF.

8. Landscape Impact

- 8.1. Following additional information submitted it is considered that the proposal demonstrates that the visual impact of the proposal can be mitigated to limit the harm on the visual amenity of the locality. On the basis of this information the Council's Landscape consultants have confirmed that they have no objection to the proposal and details of this can be adequately dealt with at reserved matters stage. The landscaping does form part of the reserved matters, however a condition to require a comprehensive over-arching strategy is proposed to ensure that this is dealt with strategically and in accordance with the Landscape and Visual Appraisal ("LVA").
- 8.2. There are also permitted and proposed developments in the wider area which should be considered cumulatively with this proposal. The LVA and LVA Addendum considers this and has identified additional opportunities for mitigation, which can be addressed as part of the reserved matters and strategy for landscaping and secured by planning condition.
- 8.3. For the above reasons, it is considered that on balance saved local plan policies GP1 and H13, Core Strategy Policy CS5 and the relevant paragraphs of the NPPF are complied with in landscape terms.

9. Environmental Impacts - Ecology And Land Contamination

- 9.1. The application site is currently open agricultural land (which Defra's mapping has indicated is in Grade 3 which is not the best and most versatile agricultural land) although the application site is part of a much larger agricultural unit, The application site is irregular in shape and its size makes it less well suited to modern agricultural methods. For this reason, it is considered that Policy CL11 is complied with.

- 9.2 There is a pond to the south-eastern corner and one to the western boundary, adjacent to the boundary with Rookery Cottage. Appropriate surveys for protected species, including bats and Great Crested Newts have been undertaken as part of the application. Our Ecologist confirms that these are appropriate and include sufficient information to assess the impacts of the development on protected and priority species and has no objection to the proposal, subject to conditions to secure appropriate mitigation and enhancement.
- 9.3 There are no objections with regards to land contamination.
- 9.4 Further, the proposals, its effects can be sufficiently mitigated in accordance with saved local plan policy CL8, Core Strategy Policy CS5 and relevant paragraphs of the NPPF.

10. Heritage Issues

- 10.1. Both the NPPF and Council's development plan place significant emphasis on safeguarding heritage as an important component of sustainable development. Policy HB1 of the Council's saved local plan places a high priority on the protection of the character and appearance of historic buildings, particularly the setting of Listed Buildings.
- 10.2 With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have "*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*".
- 10.3 The application site is adjacent to the Grade II* Listed Bacton Manor House. Historic England object to the proposal as the development of the application site would change the quality of this site, which makes it contribute positively to the historic significance of the listed building, as an undeveloped field. Historic England also raise concerns about the use of a tree screen on the boundary as they consider that it was intended that the site should be visible when approaching the house. Historic England conclude that the development of this site would result in harm to the significance of the Listed Manor.
- 10.4 Historic England reference paragraph 132 of the NPPF, but do not conclude the level of harm resulting from the proposal, although they do state "Paragraph 134 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against the harmful impact. We leave this matter to the Council but would object to the application".

Paragraph 134 states:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

- 10.5 As such it is considered that Historic England consider the harm to be less than substantial and leave the weighing against public benefit to the Council.
- 10.6 The Heritage Team also conclude that the harm resulting from the proposal is less than substantial, and accept that whilst a degree of development cannot be ruled out the proposal illustrated should not be supported.

- 10.7 Given that the proposal is in outline form only the matters of layout, design, scale and landscaping would all be considered at reserved matters stage and the plans are only indicative. Furthermore, the proposal is for up to 81 dwellings such that the quantum of development proposed could be amended within the reserved matters to address the concerns that the layout would lead to harm.
- 10.8 There is a desirability of avoiding or preventing harm, with great weight to be given to preservation of assets designated at a higher grade, such that there is a strong presumption against any harm. As such although the proposal is recognised as having less than substantial harm in its current form, it would be desirable to prevent or avoid the harm. However, this proposal is in outline, and the concerns raised by both Historic England and the Heritage Team could be addressed at reserved matters stage, such that the proposal could address this.
- 10.9 Furthermore the proposal would deliver the public benefit of new housing in a sustainable location, in which Strategic Housing confirm that there is local housing need as identified in the Strategic Housing Market Assessment updated in 2017. This includes affordable housing and open market housing.
- 10.10 With regards to the comments of the Heritage Team in respect of CIL, this is not considered a benefit of this specific proposal in respect of the weighing balance required by paragraph 134. 10
- 10.11 In the light of all of the above the proposal, given its outline status, description of 'up to' there is sufficient potential at the reserved matters stage to implement amendments to address the concerns raised, minimising the harm as a result, in accordance with the desirability to prevent or avoid harm. Furthermore, as less than substantial harm is identified there are benefits which are considered to outweigh the harm. As such it is not considered that the proposal is unacceptable in this respect to warrant refusal on this basis.

11. Impact On Residential Amenity

- 11.1. The proposal is for outline planning permission with all matters reserved except for access. Policy H16 of the Council's saved local plan sets out that the Council will refuse development which materially reduces the amenity and privacy of adjacent dwellings or erodes the character of the surrounding area and that the cumulative effect of a series of proposals will be taken into account. This requirement is emphasised in the NPPF Core Values in paragraph 17 where it states that all schemes should seek a good standard of amenity for all existing and future occupants of land and buildings.
- 11.2 The Council's Environmental Health team have raised no objections to the proposals subject to the imposition of conditions.
- 11.3 In the light of this and given the size of the application site, and quantum of development proposed it is considered that the proposal can be brought forward (with details of design and layout (amongst other things) reserved for consideration at reserved matters stage) whilst respecting residential amenity and in compliance with the requirements of Local Plan Policy H16 and the relevant paragraphs of the NPPF, such that the proposal is not considered to be unacceptable in this respect.

12. Environment And Flood Risk

- 12.1 SCC Flood and Water had objected to the proposal as they wanted confirmation of the infiltration, although the proposed drainage strategy is designed to be capable of discharging surface water either through infiltration or controlled discharge. Following additional details SCC Flood and Water

has subsequently confirmed that although they would prefer to have details of the infiltration prior to determination they would agree to a condition in respect of this proposal.

- 12.2 Given that a condition could reasonably and acceptably ensure that the proposal does not have an unacceptable impact with regards to surface water drainage it is not considered that the proposal is unacceptable in this regard, and nor should it be considered a reason for refusal.

13. Planning Obligations / CIL

- 13.1. A S106 agreement would be sought for Affordable Housing and to secure the public open space and Landscape and Environmental Management Plan to secure biodiversity management and enhancement strategy.
- 13.2. The proposal would be subject to CIL with regards to contributions to all other matters, including the bus stop infrastructure requested by SCC Highways.
- 13.3. In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

14. Details Of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

- 14.1. The development will lead to additional Council Tax payments. These considerations are not held to be material to the recommendation made on this application, nor its decision.

PART FOUR – CONCLUSION

15. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 15.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 15.2. In this case the officer liaised with the applicant's agents and sought further information to resolve issues raised.

16. Planning Balance

- 16.1. The proposal, being situated outside the settlement boundary for Bacton is contrary to Local Plan Policy. However, as the Council cannot currently demonstrate a five year housing land supply the proposal must be considered against the NPPF requirements for sustainable development. Given the location of the site, its access to local services and facilities, and benefits with regards to the support to these services and provision of additional homes it is considered that the proposal is acceptable in principle.
- 16.2 The site is located adjacent to the Grade II* Listed Bacton Manor and is considered to result in less than substantial harm to the Manor. In accordance with paragraph 134 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal, which in this case

is considered to outweigh the harm. Whilst there is a desirability of avoiding or preventing such harm the Heritage Team conclude that a degree of development cannot be ruled out. As the proposal is for outline planning permission such matters of layout and appearance would be detailed under reserved matters, and avoiding, preventing and minimising harm can be addressed at that stage. As such the proposal for outline planning permission is not considered to be unacceptable in this regard. In reaching this conclusion the Council's duties under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the consultation response from Historic England and the Council's Heritage Team have been carefully considered.

- 16.3 There are other proposed and permitted developments in the vicinity of the application site. The proposal is considered both on its own merits and with regards to the cumulative impact of development. However, in particular given the mitigation and enhancements proposed, and that these could adapt to provide additional mitigation within the extent of development proposed, both individually and cumulatively the proposal is not considered to be unacceptable in this regard.
- 16.4 The proposal is further not considered to result in harm with regards to access, landscape, ecology or amenity such that the proposal is not considered to result in adverse impacts which would significantly and demonstrably outweigh the benefits, such that the recommendation is for approval.

RECOMMENDATION

That authority be delegated to Corporate Manager - Growth & Sustainable Planning to grant outline planning permission:

Subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms

- Affordable Housing
- Public open space
- Landscape and Environmental Management Plan (for biodiversity enhancement strategy)

and that such permission be subject to the conditions as set out below:

- Time limit
- Reserved matters
- Approved plans
- Visibility splay
- Details of access
- Details of means to prevent discharge of surface water from the development onto the highway
- Details of estate roads and footpaths
- Provision of carriageways and footways
- Details of parking
- Details of storage for refuse and recycling
- Surface water management scheme
- Construction management strategy
- Provision of Travel Information Pack
- Submission of copy of European Protected Species Licence
- Lighting design scheme for biodiversity and residential amenity
- Archaeological investigation and reporting
- Sustainability and Energy Strategy
- Fire hydrants
- Arboricultural method statement and tree protection plan