

Committee Report

Item No: 7A

Reference: DC/22/05701

Case Officer: Alex Scott

Ward: Walsham-le-Willows.

Ward Member/s: Cllr Richard Meyer.

RECOMMENDATION – APPROVE RESERVED MATTERS WITH CONDITIONS

Description of Development

Application for Approval of Reserved Matters following grant of Outline Approval DC/19/01554 - Submission of details for the erection of 52No dwellings, with associated landscaping, drainage and ecological works.

Location

Land East Of, Hunston Road, Badwell Ash, Suffolk

Expiry Date: 15/02/2023

Application Type: RES - Reserved Matters

Development Type: Major Small Scale - Dwellings

Applicant: Mulberry Homes

Agent: Mr James Bailey

Parish: Badwell Ash

Site Area: 2.5 ha

Density of Development:

Gross Density (Total Site): 20.8 dph

Net Density (Developed Site, excluding open space and SuDs): 34.2 dph

Details of Previous Committee / Resolutions and any member site visit: Outline Planning Application ref: DC/19/0554 was considered and granted by members of MSDC Development Control Committee A on 24th July 2019 – The application was approved as per the officer's recommendation with an additional condition to secure a footway connection through the site to meet the existing access to the village.

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

Has the application been subject to Pre-Application Advice: Yes - Ref: DC/22/03083 -

Advice given on 1st August 2022.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for residential development of 15 or more dwellings.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy and Guidance

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

MSDC Core Strategy Focused Review Policies

FC1 - Presumption in favour of Sustainable Development

FC1.1 - Mid Suffolk approach to delivering Sustainable Development

FC2 - Provision and distribution of Housing

MSDC Core Strategy Policies

CS1 - Settlement Hierarchy

CS2 - Development in the Countryside & Countryside Villages

CS3 - Reduce Contributions to Climate Change

CS4 - Adapting to Climate Change

CS5 - Mid Suffolk's Environment

CS6 - Services and Infrastructure

CS9 - Density and Mix

MSDC Local Plan Policies

GP1 - Design and layout of development

HB1 - Protection of historic buildings

HB14 - Ensuring archaeological remains are not destroyed

Altered H4 - Proportion of Affordable Housing

H7 - Restricting housing development unrelated to needs of countryside

H13 - Design and layout of housing development

H14 - A range of house types to meet different accommodation needs

H15 - Development to reflect local characteristics

H16 - Protecting existing residential amenity

H17 - Keeping residential development away from pollution

CL2 - Development within special landscape areas

CL8 - Protecting wildlife habitats

T9 - Parking Standards

T10 - Highway Considerations in Development

RT4 - Amenity open space and play areas within residential development

RT12 - Footpaths and Bridleways
RT13 - Water-based Recreation

Emerging Joint Local Plan Policies

SP01 - Housing Needs
SP02 - Affordable Housing
SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 - Landscape
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP26 - Water resources and infrastructure
LP27 - Flood Risk and Vulnerability
LP29 - Safe, Suitable and Active Transport
LP32 - Developer Contributions and Planning Obligations

The Councils have commenced consultation (starting 16th March 2023) on the Joint Local Plan (JLP) modifications. During the emergence of the JLP policies were afforded limited weight in the decision making process, at the present time due to the continued emergence of the policies through this consultation, these policies are afforded some added weight in the decision-making process.

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 1: Designated neighbourhood area

Stage 2: Preparing a draft neighbourhood plan
Stage 3: Pre-submission publicity and consultation
Stage 4: Submission of a neighbourhood plan
Stage 5: Independent Examination
Stage 6: Referendum
Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has no significant weight.

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

[Click here to view Consultee Comments online](#)

Parish Councils

Badwell Ash Parish Council - Comments Received : 20.12.2022

Recommend Approval, subject to confirmation that:

- Post and rail fences will be provided adjacent to fishing lake, as safeguard to POS;
- The proposed main road through the development will be adopted by SCC Highways;
- Fire hydrants will be included as part of the development;
- Low energy, bollard style, solar lighting will be added to roads and footpaths, reduced to 30% post-midnight;
- Faux chimney pots will be included for aesthetic reasons;
- A Stop sign and other infrastructure will be added to the entrance/exit onto Hunston Road;
- Non-engineered paths will be provided throughout green spaces;
- Woodland screening to be maintained adjacent to public highway to NW;
- 'Bowl' area adjacent to public footpath to be planted with mixed natural deciduous trees and to remain a natural habitat and not used as a play area or public amenity;
- Further discussion between PC and developers and ecologist in connection with green spaces;
- No intention to use boreholes on site and nothing that might impact the water table;
- Working hours on site set as 09:00 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays;
- Support discussions regarding Toads and Wildlife.

Badwell Ash Parish Council - Comments Received : 15.02.2023

Further comments:

- Fire Hydrants should be made a condition;
- Pleased to note plans for a woodland trail and sensory garden, as opposed to 'hardware playground';
- Public footpath/right of way must remain accessible and safe to use at all times and should be marked accordingly.

Hunston Parish Council - Comments Received : 07.12.2022

Have always opposed the development on safety and traffic grounds - No further comments.

National Consultees

Environment Agency - Comments Received : 14.12.2022

Have inspected the documents as submitted and have no additional comments - Previous comments given at outline stage remain valid.

Environment Agency - Comments Received : 06.02.2023

Have reviewed the further information submitted and require further information in regards to pollution protection for groundwater, without this information the EA are unable to provide more detailed comments.

The surface water drainage scheme includes a soakaway basin. The applicant should provide the following additional information to give confidence that this feature will not pose a pollution risk to controlled waters receptors:

- (i) Evidence that the basin will not be constructed in contaminated ground
- (ii) Evidence that the basin will maintain an adequate unsaturated zone thickness above peak seasonal groundwater levels
- (iii) A SUDs water quality risk assessment for discharges to ground water (an assessment for discharges to surface waters is provide in Section 3.5)

Natural England - Comments Received : 02.12.2022 & 06.02.2023

No comments to make on this reserved matters application.

Anglian Water - Comments Received : 25.11.2022

The Water Recycling Centre, which would receive the foul drainage from this development, currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

AW have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that this proposal may result in a increased risk of flooding in the downstream network. AW require a pumped rate for any pumped connection into the existing network, to be clearly documented so that we can assess the impact of the additional flows into the network. AW have used the document named Surface water report part 1.

Anglian Water - Comments Received : 27.03.2023

We have reviewed the Surface water report part 1 to part 3. Please be advised that Anglian Water has no surface water sewers within the area of the proposed development site. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

Historic England - Comments Received : 22.11.2022 & 23.01.2023

In this case HE are not offering advice - This should not be interpreted as comment on the merits of the application - HE suggest the LPA seek the views of their specialist conservation and archaeological advisers.

County Council Responses

SCC - Highways - Comments Received : 30.11.2022

The submitted details are generally acceptable, however the location of one of the proposed speed restraints is not acceptable to the Highway Authority if the roads are to be adopted under a Section 38 Agreement - The raised speed restraint between plots 5 and 27 is located on a bend and we consider that the ramps increase the risk of loss of control accidents in poor weather/ surface conditions for motorcycles and cycles in this location. We are satisfied that the bend would control vehicle speeds in this location so the speed restraint should be removed - Once this amendment is made, we will be in a position recommend any relevant planning conditions for the proposal.

SCC - Highways - Comments Received : 02.02.2023

No objection - Subject to compliance with suggested: On site manoeuvring and Parking; Refuse and Recycle Bins; EV Charging Infrastructure Details.

SCC - Travel Officer - Comments Received : 02.12.2022

As the development is below the threshold we have for travel plans, the travel plans team have no comments to make.

SCC - Public Rights of Way - Comments Received : 20.02.2023

Object to this proposal for the following reasons:

- Various site plans submitted on 16th January 2023 do not depict the definitive alignment of Badwell Ash Public Footpath 11 (it should be noted that the drawing 'Proposed vehicular & pedestrian route plan' would not open);
- This includes the 'Proposed Site Layout' 'Dwg No: 1001; Rev: J', dated 08/2022. That plan depicts a purple dashed line which the key labels as 'Approximate route of existing PROW';
- Plans must show the definitive line of PROW and not an approximate route;
- By not plotting the definitive alignment of FP11 it is difficult to know if the access road will impact in any way, even minor, on the definitive alignment of Badwell Ash Public Footpath 11;
- We are aware that the developer requested a detailed plot of public rights of way for this site in 2020;
- Once relevant plans have been amended to include the definitive alignment of Badwell Ash Public Footpath 11 then this objection will be removed and any issues commented on.

SCC - Lead Local Flood Authority - Comments Received : 18.01.2023

Recommend Approval on the basis of amended information received.

SCC - Developer Contributions - Comments Received : 18.11.2022 & 19.01.2023

There is a completed planning obligation dated 13 January 2020 attached to the outline permission under reference DC/19/01554. The planning obligations previously secured under the first planning permission must be binding upon this application if Mid Suffolk District Council resolve to approve and grant a further planning permission.

SCC - Fire and Rescue - Comments Received : 21.11.2022 & 18.01.2023

Please ensure a condition for installation of Fire Hydrants is added to the reserved matters.

Internal Consultee Responses

MSDC - Heritage - Comments Received : 07.12.2022 & 06.02.2023

The Heritage Team does not intend to provide comments on this application.

MSDC - Ecology Consultants (Place Services) - Comments Received : 07.02.2023

Support the Ecological Enhancement Strategy (Brindle & Green, January 2023) and the Hard and Soft Landscape Plan Drawing reference BG22.279.11-BRGR-ZZ-ZZ-DR-L-00001-13 (Brindle & Green, January 2023) (from an ecological perspective) and recommend these biodiversity enhancements are secured as approved documents for implementation in full.

MSDC - Landscape Consultants (Place Services) - Comments Received : 09.12.2022

Do not recommend approval of the Reserved Matters at this time.

MSDC - Landscape Consultants (Place Services) - Comments Received : 14.02.2023

Consider ongoing concerns, and further details required, can be addressed and secured by way of condition.

MSDC - Landscape Consultants (Place Services) - Comments Received : 08.03.2023

Welcome the amendments to date though not all concerns have been addressed - Therefore still recommend the outstanding details are secured by condition.

MSDC - Landscape Consultants (Place Services) - Comments Received : 11.04.2023

Welcome the amendments and additional information supplied, however the following have not been fully addressed: Further detailed information regarding proposed non-adopted paving; Changes to eastern boundary of Plot 9 and access route to Plot 8 to ensure security and privacy - close board fence advised; Site boundary fence, adjacent to the native mixed hedge should be 1.1 metre high post and rail; and Changes to proposed visual appearance and amenity of the SuDS basin, involving additional planting, required.

MSDC - Environmental Protection - Land Contamination Issues - Comments Received : 08.12.2022 & 19.01.2023

No comments to make with respect to land contamination - Confirm that all such issues were adequately addressed at the outline permission stage - Unless unexpected ground conditions are encountered during construction: nothing further to add with respect to land contamination at this development.

MSDC - Environmental Protection - Air Quality Issues - Comments Received : 23.11.2022 & 19.01.2023

No objections with regard to air quality.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - Comments Received : 23.01.2023

Note latest site layout plan shows a pumping station - There is a potential that noise from this pumping station will have a detrimental affect on future occupiers of Plots 14-21 – Are unable to recommend that this reserved matters application is approved until a noise assessment is carried out, submitted to and approved by the LPA. The assessment shall be carried out by a competent person.

MSDC - Environmental Protection - Noise/Odour/Light/Smoke Issues - Comments Received : 10.02.2023

Have reviewed the, NIA report by Spectrum, ref RK3509/23041/Rev 0 dated 01 February 2023 - The report is robust in its calculations and the conclusions within the context of BS4142 - The night time background levels are very low with a representative LA90 of 19dB - Suitable character corrections have been added giving a calculated level of 8dB over the assessed b/g level on site - However, as the report states in section six, whilst this level exceeds the BS4142 ideal, (no more than a 5dB exceedance), contextually the level is still well below the WHO night time recommended maximum levels - Concur with the conclusions made within the report and have no objections to this reserved matters application being granted permission.

MSDC - Arboricultural Officer - Comments Received : 18.11.2022

Confirm information submitted is sufficient to meet the arboricultural requirements of Reserved Matters for this application.

MSDC - Public Realm - Comments Received : 23.11.2022

Holding Objection - No play area proposed - Advise this should be proposed and provided to the North-West of the development - Note this area would have the advantage of houses facing it and would lend itself to various natural play elements - Expect that management of the Public Open Space (POS) and play area would be by a local solution - Nicholas Elliott.

MSDC - Public Realm - Comments Received : 24.01.2023

We welcome the addition of the Sensory play area to the site - However, we note that this area contains a bark mulch path, something specifically recommended against in the consultation response from Place Services Landscape of 9th December - Where equipment is provided play provision should be inclusive and provided in safe locations within the site, however the opportunity to introduce 'risky' play elements and structures that encourages activities such as climbing, sliding, balancing, jumping from heights and hanging upside down could be introduced - Public Realm officers would like to see the replacement of the mulch path in the POS with something more accessible to all, and the inclusion of some elements of "risky play" as recommended by Place Services - Finally we would again draw attention to our comment on the original application to which this is re-consultation on reserved matters - in that comment we made clear that we would expect that the management of the POS and any play area on this development would be managed by a local solution, as we would not wish it to be transferred to the District Council.

MSDC - Public Realm - Comments Received : 30.03.2023

Officers welcome the change of the mulch path around the Sensory play area to a more accessible and hard wearing surface.

MSDC - Strategic Housing - Comments Received : 17.01.2023

Agree with the applicant's mix, size and location of affordable housing dwellings as proposed:

Total number of affordable housing dwellings = 18 = 35%

Total dwellings for Affordable Rent = 14 dwellings

Total dwellings for Shared Ownership = 4

MSDC - Waste Manager - Comments Received : 18.12.2022 & 08.02.2023

Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around the site - The road surface and construction must be suitable for a RCV to drive on.

Please amend the following presentation points - Plot 34 and 35 should be relocated to the end of the private drive at the point nearest to the main road - Plot 42,41, 36 and 37 to be at the end of the private drive - Plots 43, 44, 45, and 51 to be at the end of the private drive by the visitors parking bay.

There are no drawing of the bin stores to see if they are suitable for housing a set of 1100l bins of four sets of bins and a glass bin. Is there a clear route from the bin store to the road? bin should have a clear path to be taken to the refuse collection vehicle. Bin store for plots 18-21 can the RCV reverse into this area to make collections alternatively can the bin store be located near to the road for ease of collection?

MSDC - Waste Manager - Comments Received : 18.12.2022

No objection - subject to conditions.

Other Consultee Responses

Mid Suffolk Disability Forum - Comments Received : 04.12.2022 & 26.01.2023

The Mid Suffolk Disability Forum would wish to remind the applicant that all dwellings should meet Part M4 of the Building Regulations in this planning application - All dwellings should be visitable and meet Part M4(1), and at least 50% of the dwellings should meet the 'accessible and adaptable' standard Part M4(2) - The Mid Suffolk Disability Forum is disappointed to note that there do not appear to be any bungalows in this development to assist people with mobility problems and to assist people who wish to downsize from larger dwellings - Every effort should be made to ensure all footpaths are wide enough for wheelchair users, with a minimum width of 1500mm, and that any dropped kerbs are absolutely level with roads for ease of access - Surfaces should be firm, durable and level. No loose gravel, cobbles or uneven setts should be used.

B: Representations

At the time of writing this report at least 16 letters/emails/online comments have been received. It is the officer opinion that this represents 16 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- General dislike of the proposal;
- The village has have enough development over the past few years and does not need any more;
- The planning application is outside the village boundary;
- The proposal would result in the loss of values open space at the edge of the village, at present used by ,local residents for Dog Walking etc.;
- The development is considered too large for the village;
- The development represents poor design and layout;
- The access is on a bend at the brow of the hill creating a blind spot for existing traffic - Concern with regards highway safety;
- The fronting highway cannot support the increase in traffic which would result;
- Pedestrians would have to use the road, in the absence of footways - Concern with regards pedestrian safety;

- The existing village does not have the infrastructure to cope with the addition of 52 extra houses (No School, GP or sustainable public transport links);
- Concern about increased transport taking children to outlying schools as there is now no village school;
- Concern with regards impact on Toads, which live on site and cross the road in the location of the proposed access;
- Concern that the proposal will result in the loss of rare orchids and moths (some representations allege the land owner has already destroyed rare orchids on site);
- There is not enough water pressure on the site;
- Note NHS comments, at outline stage, that they do not have the capacity to deal with the extra homes;
- Although affordable housing is proposed, no low cost market housing is proposed to give children of residents the opportunity to remain in the village

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

| | | |
|-------------------------|--|--|
| REF: DC/19/01554 | Outline Planning Application - Erection of 52 No. dwellings and creation of new access road (re -submission of refused planning application DC/18/00465) | DECISION: Granted (GTD) 14.01.2020 |
| REF: DC/18/00465 | Outline Planning Application - Erection of 52 No. dwellings and construction of new access (all matters reserved with the exception of the new access). | DECISION: Refused (REF) 07.11.2018 |
| REF: 3766/15 | Retention of use of land as fishing lake with car parking and construction of new visibility splays at existing access point. (Continuation of use already commenced). | DECISION: GTD 23.12.2015 |
| REF: 0215/11 | Change of use of land from former sand and gravel pit, now restored, to use as a 40 pitch touring caravan park with construction of wardens' office, 2 sanitary block units, access loop roads and a new vehicular access point | DECISION: REF 04.10.2011 |
| REF: 0663/99/ | Variation of conditions 1 and 2 of planning permission 0680/96, to allow the site to be restored by 31/10/99 and restoration of the area to be carried out to levels shown on plan Ref: LAF/BADB61/2, dated June 1999; and Variation of condition 8 of Planning Permission 0588/88 relating to tree planting, shrubs and hedges. | DECISION: GTD 05.11.1999 |

| | | |
|----------------------|--|------------------------------------|
| REF: 0389/98/ | Continuation of extraction of Sand and Gravel, and restoration of land, in variation to Condition 3 of Planning Permission 0588/88. Permission is sought to continue quarrying until 31/10/1998 and to restore by 30/4/1999. | DECISION: GTD 05.08.1998 |
| REF: 0680/96/ | Continued use of Sand, Gravel and Hoggin extraction, from 26 Acres (10.53ha) of land, and continued use of vehicular access (Previously permitted by Planning Permission 0588/88, as varied by 0129/91). | DECISION: GTD 21.10.1996 |
| REF: 0129/91/ | Extraction of sand and gravel without complying with conditions 15,17 and 19 of Planning Permission 0588/88. | DECISION: GTD 17.06.1991 |
| REF: 0588/88 | Extraction of sand and gravel upon land | DECISION: GTD 14.06.1989 |

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site extends to approximately 2.5 hectares and comprises undeveloped greenfield land (formerly a quarry and now filled in) located on the eastern side of Hunston Road, at the southern fringe of Badwell Ash, which is designated as a Primary Village in the Core Strategy.
- 1.2. Established woodland is located west and north of the site beyond which is residential housing that forms the body of the village. To the west on the opposite side of Hunston Road is established woodland and residential properties set well back from the road. To the east of the site is an established lake, a remnant of the former gravel pit, with agricultural land further eastward, all of which (inclusive of the site) forms one landholding. To the south is Westley Way Lane, separated from the site by an open field. The site is not occupied by any buildings. The topography of the site is undulating and slopes from the top northwest corner down towards the established lake in the south-east corner.
- 1.3. The site does not lie within a Special Landscape Area (as locally designated in the current development plan), although it is within the setting of an SLA, which is located on the opposite side of Hunston Road.
- 1.4. The site does not lie within, or affect the setting of a Conservation Area. The application site does not contain any listed buildings or non-designated heritage assets, nor are there any assets present immediately adjacent to the proposed development area. The nearest designated heritage asset is a Grade II listed building at Mill House, on the opposite side of Hunston Road.

- 1.5. The site lies completely within Environment Agency Flood Zone 1 and, as such, is not considered to be at significant risk of flooding. EA flood Zones 2 and 3 lie adjacent to the southwest of the site, adjacent to Westley Way.
- 1.6. The formal route of a Public Right of Way (public footpath 11) forms the north west boundary of the site and extends adjacent to the proposed site access at Hunston Road and extends past the site, linking to Westley Way in the south. It has been observed that there are other informal walking routes used by the public through the site beginning from the wooded area to the far north west corner of the site.

2. The Proposal

- 2.1. The application is submitted further to outline planning permission ref: DC/19/01554, granted in January 2020, and seeks approval of reserved matters relating to the Layout, Scale, Appearance and Landscaping of 52 no. dwellings.
- 2.2. The application proposes delivery of 34 market housing units and 18 affordable housing units, as well as well as approximately 0.98 hectares of open space (split into three parts: to the frontage of the site, either side of the access estate road, comprising existing and proposed wooded areas; and to the south-centre and of the site, adjacent to the existing adjacent Pond, predominantly comprising the proposed surface water attenuation basin). The proposal would also deliver onsite play infrastructure, as well as improvements and formalisation of public rights of way and other footpaths available for public use across the site.
- 2.3. A surface water attenuation basin is proposed to the south-centre of the site, adjacent to the existing Pond, on adjacent land, which is intended to both serve as a Sustainable Surface Water Drainage (SuDs) and as an amenity feature.
- 2.3. The proposed net density of housing development would be 34.2 dwellings per hectare, with back to back distances of not less than 18 metres.
- 2.4. The proposed dwelling types are broken down as follows (all dwellings proposed are two - storey in scale):

Market Dwellings

| | |
|-----------------------------|-----------------|
| Three bedroom terraced | = 3 no. |
| Three bedroom semi-detached | = 12 no. |
| Three bedroom detached | = 2 no. |
| Four bedroom detached | = 17 no. |
| TOTAL | = 34 no. |

Affordable Dwellings

| | |
|--------------------------------|-----------------|
| One bedroom apartments (flats) | = 6 no. |
| Two bedroom apartments (flats) | = 6 no. |
| Two bedroom semi-detached | = 4 no. |
| Three bedroom semi-detached | = 2 no. |
| TOTAL | = 18 no. |

- 2.6. The proposed dwellings would be provided in a range of types and styles. Proposed external facing material would be a mix of facing: weathered red brick; multi cream brick; and 'Ivory' coloured roughcast render. Roofing materials would be concrete interlocking flat plain tiles in a

mix of a mix of dark red and dark grey colour. All windows would be light ivory in colour and gutters and downpipes would be black UPVC.

3. The Principle of Development

- 3.1. The principle of the proposed development, for the erection of 52 dwellings on the site, is considered to have been established by way of extant outline planning permission ref: DC/19/01554, granted on 14th January 2020.
- 3.2. It is noted that the site is proposed to be allocated (at policy LS01) in the emerging Joint Local Plan (JLP), however site allocations were not carried forward following Inspection of the JLP. The plan was modified to a Part 1 Local Plan, to be followed by a Part 2 Plan, and associated policies map alterations and as such can be afforded no significant weight at this time.
- 3.3. The proposed housing mix currently presented is: 11.5% one bedroom, 19.3% two bedroom, 36.5% three bedroom, and 32.7% four bedroom. Whilst there are proportionately less one and two bedroom properties proposed, than three and four bedroom properties, the proposed mix, and number of one and two bedroom properties proposed, is considered consistent with the requirements of current, adopted plan policy CS9.

4. Sustainability

- 4.1. This proposal is expected to meet the Council's current sustainability expectations, as set out in development plan policies CS3 and CS4.
- 4.2. The application states that the development will be constructed with carbon reduction measures used throughout, and well insulated homes, with water saving measures.
- 4.3. The applicant proposes that the development will incorporate the following environmentally sustainable measures:
 - 1) Ground source heat pumps to all dwellings.
 - 2) Heating Controls: Zone controls to be provided to system. Timing devices to control heating periods are to be incorporated together with interlock controls to switch off when no heat is required.
 - 3) Electric car charging points for each dwelling.
 - 4) Water butts - each dwelling is to have a water butt connected to the rainwater downpipe within the rear gardens.
- 4.4. The above provisions are considered appropriate and to satisfy the requirements of development plan policies CS3 and CS4.

5. Layout, Design and impact on existing Village character

- 5.1. Development Plan Policy CS5 requires development to be of a high quality design that respects the local distinctiveness and the built heritage of Mid Suffolk, enhancing the character and appearance of the district.

- 5.2. Policy H13 of the Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.
- 5.3. Policy GP1 of the Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.
- 5.4. The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 5.5. The proposed layout is considered to create a welcoming, quality, pedestrian-friendly residential environment. Back gardens meet back gardens or the landscaped boundaries of the site, and the design and orientation of dwellings is considered to avoid unsupervised spaces. The proposed open spaces and landscaped boundaries provide green corridors to accord with landscaping recommendations, as well as creating a soft buffer to the adjoining countryside.
- 5.6. It is considered that opportunities for pedestrian connections across the site, linking village to countryside have been explored, consistent with the outline approval.
- 5.7. The proposed housing density of 20.8 dwellings per hectare, whilst lower than the average density of at least 30dph sought by CS9, is considered to be appropriate here, accounting for the character and appearance of the locality and local circumstances, as accepted by CS9. This lower density is considered to be acceptable in this location, at the countryside edge of the village, adjacent to the less dense edge of settlement properties. The proposed density, is therefore considered to be appropriate to the existing character and density of development to its immediate surrounds, and appropriate to the landscape character of the locality.
- 5.8. The layout proposes a wide range of house types, with 12 total design variations proposed, with an appropriate character range within the development.

6. Affordable Housing

- 6.1. The Section 106 agreement (signed and sealed prior to issue of the outline permission) sets out the agreed affordable housing size, mix and tenure for the development, approved in association with the outline planning permission. This is set out below:

Affordable Rent = 14

- 6 x 1 bed 2 person flats @ 50sqm
- 6 x 2 bed 4 person flats @ 70sqm
- 1 x 2 bed 4 person houses @ 79sqm
- 1 x 3 bed 5 person houses @ 93sqm

Shared Ownership = 4

- 3 x 2 bed 4 person houses @ 79sqm
- 1 x 3 bed 5 person house @ 93 sqm

- 6.2. It is considered that the mix, size and location of affordable housing dwellings proposed by way of the current application is consistent with the above requirements at outline stage and is therefore acceptable in principle.

- 6.3. Your strategic housing officers have been consulted on the current proposal and have confirmed their agreement, in writing, to the mix, size and location of affordable housing dwellings currently proposed by the applicant.

7. Landscaping

- 7.1. Your Landscape consultants, at Place Services, have assessed the current detailed landscaping proposals provided by the applicant and, whilst satisfied with the majority of the detail proposed, have requested the following further details, in order to be fully satisfied with the detailed proposal currently presented:
- Further detailed information regarding proposed non-adopted paving;
 - Changes to eastern boundary of Plot 9, and access route to Plot 8, to ensure security and privacy - close board fence advised;
 - Amendments to site boundary fence, adjacent to the native mixed hedge - should be 1.1 metre high post and rail fence; and
 - Changes to proposed visual appearance and amenity of the SuDS basin, involving additional planting, required.
- 7.2. Your officers are generally satisfied with the detail and quality of the hard and soft landscaping currently proposed by the applicant and recommend that the outstanding matters raised by your consultants are addressed by way of condition(s).

8. Site Access, Parking and Highway Safety Considerations

- 8.1. The proposed means of access has already been considered and accepted as part of the outline planning permission, subject to conditions.
- 8.2. It is considered that sufficient on-site parking, and visitor parking, has been proposed, in accordance with current Advisory Parking Standards provided by Suffolk County Council. It is noted that tandem parking (three car parking spaces in a row, one behind the other) has been avoided, and that provision has been made for secure cycle parking throughout the development.
- 8.3. SCC-Highways have been consulted on the current layout proposal and are satisfied with the detail currently proposed, subject to compliance with suggested conditions.
- 8.4. The concerns raised by the Council's Waste Manager are considered to have been addressed by way of conditions 13 and 21, already applied to the outline planning permission (ref: DC/19/01554).

9. Public Right(s) of Way

- 9.1. Suffolk County Council's Rights of Way Officer has assessed the reserved matters proposal and raised a holding objection, in their response received on 20th February 2023, for reasons as listed above, in the consultation summary section of the report, in relation to Badwell Ash Public Footpath 11.

- 9.2. The applicant subsequently submitted further information to address the concerns raised, on 21st March 2023, and formal re-consultation with SCC-Public Rights of Way was carried out on the same day, for 3 weeks. No response to that subsequent consultation has, however, been received.
- 9.3. In the absence of a formal re-consultation response from SCC Public Rights of Way, your officers' assessment is that the applicant has sufficiently addressed the concerns previously raised, sufficient to enable approval of the current application, in this regard.

10. Impact on Residential Amenity

- 10.1. Saved Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for existing and future land users.
- 10.2. It considered that the proposed dwellings have been laid out with adequate back to back distances, avoiding significant impacts in terms residential amenity, with regards domination, overlooking and loss of privacy.
- 10.3. Furthermore, your Environmental Protection Officers have assessed the application proposal, including the noise assessment provided with the application, and are satisfied that the detailed proposal would not result in harm with regards impact on residential amenity.

11. Ecology and Biodiversity

- 11.1. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all competent authorities (public bodies) to have regard to the Habitats Directive in the exercise of its functions.
- 11.2. Your Ecology consultants at Place Services have assessed the current detailed proposal and support the ecological enhancement strategy and current landscaping scheme proposed by the applicant, from an ecological perspective.
- 11.3. Should approval be granted it is recommended that the proposed, and agreed, biodiversity enhancements are secured by way of condition.
- 11.4. It is noted that the site affects the habitat of Bufo Bufo Toads, a local priority species, and that the Toads traverse part of the site, and Hunston Road, on their migration route to the breeding ponds situated at the Badwell Ash Holiday Lodges, across Hunston Road, to the north-west of the site. It is understood that the applicant has been working proactively with the Parish Council and the local Toad Patrol group to find a design and layout solution that will ensure the development meets the needs of the Toads, in this respect.

12. Land Contamination

- 12.1. Paragraph 183 of the NPPF provides that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 185 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 12.2. A comprehensive contamination report was submitted in support of the outline planning application, which was assessed by your land contamination specialists in Environmental Protection, who previously raised no objection with regards land contamination issues, subject to the LPA being contacted in the event of unexpected ground conditions being encountered during construction and that minimum precautions (as suggested) being undertaken until such time as the LPA responds to the notification. The developer should also be aware that responsibility for safe development of the site lies with them.
- 12.3. On the basis of the above, the proposal site is not considered to present a significant risk to future occupants by way of contamination, subject to further assessment of ground conditions by the developer during construction.
- 12.4. Your land contamination specialists have been consulted on the current application and have not raised objection, with regards land contamination, subject to the development being carried out as advised.

13. Flood Risk and Surface Water Drainage

- 13.1. The site is shown to lie outside of Environment Agency Flood Zones 2 and 3, although these do lie in proximity to the south and south-west of the site. The site is not, however, considered to be at significant risk of flooding, as previously considered and approved at outline planning stage.
- 13.2. The comments from the EA are noted, however no objection was raised by the EA at outline stage, subject to conditions which were included. Indeed condition 18 in the outline planning secures details of the SUDS including consideration of climate change, construction surface water management, and measures for managing pollution and impacts on water quality.
- 13.3. The Lead Local Flood Authority (LLFA) at Suffolk County Council has been consulted on the current proposal and, following receipt of additional and amended information, are satisfied that the applicant has sufficiently addressed the requirements of condition 19 of the outline planning permission and proposed a sustainable drainage solution with regards to the collection, conveyance, storage, and discharge of surface water that incorporate the four SUDs pillars (Quality, quantity, biodiversity, and amenity).
- 13.4. The proposal is not, therefore, considered to be at significant risk of flooding and would not demonstrably result in increased flood risk on the site or elsewhere, consistent with the requirements of NPPF Paragraph 169.

14. Impact on Water Courses

- 14.1. Anglian Water have been consulted on the current reserved matters application and advise, in their formal consultation response of 25th November 2022, that the relevant Water Recycling Centre (Badwell Ash Water Recycling Centre) currently does not have capacity to treat flows, as a result of the proposed development. Anglian Water advise that they are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity.
- 14.2. Anglian Water advise that that are unable to reserve capacity within the Water Recycling Centre and that available capacity can be reduced at any time due to growth, environmental and regulation driven changes.
- 14.2. Anglian Water also advise that they have reviewed the applicant's submitted foul drainage strategy documentation and consider that the impact on the public foul sewerage network has not been adequately addressed at this stage. Anglian Water have found that the proposal may result in an increased risk of flooding in the downstream network. Anglian Water require a pumped rate for any pumped connection into the existing network, to be clearly documented so that they can assess the impact of the additional flows into the network.
- 14.3. Whilst the concerns raised by Anglian Water at this juncture are acknowledged, your officers advise that the matters raised relate specifically to the principle of the development proposal, which has already been accepted and approved under outline planning permission ref: DC/19/01554 and, as such, it is not appropriate to considered refusal of the current reserved matters application, which relates specifically to the Layout, Scale, Appearance, and Landscaping of the development, on such grounds. As referred to above, Anglian Water are obliged to accept foul flows as a result of the proposed development and will take the necessary steps to ensure that there is sufficient treatment capacity prior to the development coming into beneficial end use.

15. Parish Council Comments

- 15.1. It is considered that comments made by Badwell Ash Parish Council in their formal responses of 20th December 2022 and 15th February 2023 have either already been addressed by the applicant by way of further information received or will be secured by way of condition.

PART FOUR – CONCLUSION

16. Planning Balance and Conclusion

- 16.1. The principle of development has been agreed for the number of dwellings proposed as well as the access arrangements and off-site highway works. The resultant development provides an environment that is not considered to be excessively car dominated, has good supervision and

details a variety of dwelling styles and materials that provides interest to a range of streetscapes. All statutory consultees offer no significant objection to the scheme that cannot be addressed by way of existing or further conditions. The proposals are well connected to the existing village and its range of services and facilities, which it would help support. The proposal will create a new landscaped edge to the village and provide green public open space assets for the community to benefit from. Overall the development is considered to provide an attractive place with a range of house types to meet both affordable and housing needs at all levels.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to APPROVE Reserved Matters, subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Reserved Matters Approved in Conjunction with Outline Planning Permission;
- Approved Plans and Documents;
- Submission of Further Landscape Details;
- Development in accordance with Ecological Report Recommendations;
- Electric Vehicle (EV) Charging details prior to commencement;
- Fire Hydrants prior to occupation.

(Please see decision notice for those already imposed as part of Outline Planning Permission Ref: DC/19/01554).