

Committee Report

Item 7C

Reference: DC/19/01554

Case Officer: Alex Scott

Ward: Walsham-le-Willows

Ward Member/s: Cllr Richard Meyer

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Description of Development

Outline Planning Application (some matters reserved) - Erection of 52 No. dwellings and creation of new access road (re -submission of refused planning application DC/18/00465)

Location

Land Off Hunston Road, Badwell Ash, ,

Parish: Badwell Ash

Expiry Date: 26/07/2019

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: Mr & Mrs Sutton

Agent: Hollins Architects And Surveyors

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

Details of Previous Committee / Resolutions and any member site visit

The current application follows previous application Ref: DC/18/00465, for a similar development on the site. The application was considered by Members at committee on the 7th November 2018. Members resolved to refuse outline planning permission for the following reasons:

1 – Settlement Pattern and Landscape Character

The proposed development is not considered to integrate as a functional part of the existing settlement, is not considered to be in keeping with the village's existing settlement pattern, and in the absence of a comprehensive scheme of landscape planting fails to demonstrate that the development would not result in adverse harm to the existing landscape quality and character of the locality. Furthermore, by reason of its location and prominence dwellings sited would consequently be likely intrusive and result in visual detriment to the rural character and landscape. On this basis the development is contrary to policy CS5 Core Strategy 2008, Focus Review 2012 policy FC1.1, Local Plan policies H7, H13, GP1 and the NPPF

including Chapter 12 "Achieving well designed places" and Chapter 15 "Conserving and enhancing the natural environment".

2 - Ecology

The proposed development, if approved, would likely significantly impact priority species, biodiversity interest and networks across the site and beyond that mitigation is not considered capable of assuring adequate protection given the site area and scale of the proposed development. On this basis the development is contrary to policy CS5 Core Strategy 2008, Local Plan policy CL8 and provisions of Chapter 15 "Conserving and enhancing the natural environment" including paras 170 and 174.

3 – Pedestrian Safety

The proposed development by reason of its location would lead to pedestrians using Hunston Road where there is no footpath or footway available to access the rest of the village. This represents a risk in respect of highway safety and would be contrary to policy T10 of the Mid Suffolk Local Plan 1998 that gives regard to the provision of safe access to and egress from the site and the suitability of existing roads giving access to development in terms of safe and free flow of traffic and pedestrian safety.

Has a Committee Call In request been received from a Council Member?

No

Details of Pre-Application Advice

None

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC02 - Provision And Distribution Of Housing
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution

T09 - Parking Standards
T10 - Highway Considerations in Development
RT04 - Amenity open space and play areas within residential development
RT12 - Footpaths and Bridleways
RT13 - Water-based Recreation
CL02 - Development within special landscape areas
CL08 - Protecting wildlife habitats

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Badwell Ash Parish Clerk

Object - The planning application is outside the village boundary; The development is considered too large for the village; The access is of great concern being on a bend at the brow of the hill creating a blind spot for existing traffic; The existing village does not have the infrastructure to cope with the addition of 52 extra houses; Environmental concerns - such as the existing toad crossing for breeding purposes, the existing orchids and moths found on the site were of great concern should this site be developed; Concern about increased transport taking children to outlying schools as there is now no village school; The Councillors noted the Fire and Rescue service's comments regarding not enough water pressure on the site; The Councillors noted the NHS comments that they do not have the capacity to deal with the extra homes

Hunston Parish Clerk

The Parish does not support the submitted application for the following reasons: No low cost housing proposed; local infrastructure is limited (Transport, GP, Schools); the fronting highway cannot support the increase in traffic which would result; Pedestrians would have to use the road, in the absence of footways; The proposed access is on the brow of a Hill, with poor visibility.

SCC - Highways

No objection in principle, should comments be taken forward at reserved matters stage - Subject to conditions.

Environmental Health - Land Contamination

No objection to the proposed development from the perspective of land contamination - Request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the minimum precautions are undertaken until such time as the LPA responds to the notification. Also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Environmental Health - Noise/Odour/Light/Smoke

No objection in principle - Concerns about the likelihood of loss of amenity to surrounding residential dwellings during the groundworks and construction phases of the development - Recommend conditions in this regard.

Environmental Health - Air Quality

Confirm the likelihood of the existing good air quality being compromised by the proposed development is sufficiently low for EH to raise no objection to the development.

Environmental Health - Sustainability Issues

Pleased to see that the applicant has made mention of sustainability measures and aims to be 30% more energy efficient than building regulation standards.

Recommend a condition obligating the applicant to the 30% improvement in energy use over Part L requirements.

Heritage Team

Heritage does not wish to offer comment on this proposal.

Landscape - Place Services

Concerns raised with regards the proposed site location and impact on landscape character - do not consider current proposed landscape mitigation planting sufficient.

Ecology - Place Services

No objection subject to securing biodiversity mitigation and enhancement measures.

Suffolk Wildlife Trust

Agree with EPS recommendations - No further comment from SWT.

Natural England

Natural England has no comments to make on this application.

Arboricultural Officer

No objection in principle to this application subject to it being undertaken in accordance with the protection measures outlined in the accompanying arboricultural report. Although a number of trees are proposed for removal none of these are high quality 'category A' specimens and their loss will not have a significant impact in the wider landscape. Arboricultural Method Statement and Tree Protection Plan required by way of condition.

SCC - Flood & Water Management

Recommend approval of this application subject to conditions.

The Environment Agency

No objection - Subject to imposition of conditions - Consider the previous use of the site as a sand and gravel quarry pit to be potentially contaminative. The site is considered to be of moderate sensitivity and could present potential pollutant / contaminant linkages to controlled waters.

Development Contributions Manager,

Apart from the site-specific s106 developer contribution for school transport costs infrastructure mitigation will form the basis of a future bid to Mid Suffolk District Council for CIL funds if planning permission is granted and implemented.

NHS England (50+ Dwellings/C2/Care Or Nursing Homes)

This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Stanton Surgery and both Stanton Health Centre and Ixworth Surgery, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council.

Anglian Water

No objections raised.

Strategic Housing (Affordable/Major Dwel/G+T)

Proposed mix for Affordable Housing: 18 of the proposed dwellings on the development will be for affordable housing, equating to 35% of the total number of dwellings proposed for the development. The proposed affordable housing mix is for:

Affordable Rent = 14

6 x 1 bed 2 person flats @ 50sqm;

4 x 2 bed 4 person flats @ 70sqm

2 x 2 bed 4 person houses @ 79sqm

2 x 3 bed 6 person houses @ 102sqm

Shared Ownership = 4

3 x 2 bed 4 person houses @ 79sqm

1 x 3 bed 5 person house @ 93 sqm

There have been no space standards provided therefore these have been detailed above. Any future design and layout information should clearly specify the intended sizes of all dwellings.

In terms of tenure we have detailed above that we are seeking 75% of the affordable homes to be for affordable rent and the other 25% for shared ownership. The above mix is requested and to be included in the S106 agreement.

MSDC - Waste Manager (Major Developments)

No objection subject to conditions.

SCC - Fire & Rescue

Recommend that fire hydrants be installed within this development on a suitable route for laying hose, i.e. avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Recommend that proper consideration be given to the provision of an automatic fire sprinkler system.

SCC - Travel Plan Co-ordinator

No comment to make with this application.

EDF - Dev Affecting Their Property

No comments received.

Public Realm

Public Realm have no specific comments to make on this planning application at this stage due to the level of information provided. The amount of open space provision is suitable for a development of this size and we will make more detailed comments on the open space provision once the detailed information on its design becomes available. It is unclear as to whether this open space will be managed locally but that would be the preferred solution as the open space largely serves the development.

Communities (Major Development)

Information not currently sufficient to be able to give a detailed comment.

SCC - Archaeological Service

No archaeological conditions are required - This site was used as a quarry. Aerial photography from 2000 (Google earth) show that any archaeology will have been completely destroyed.

B: Representations

49 letters raising concern or objection to the proposal have been received from third parties. Comments received 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 pubic 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 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;
- Other issues which are not material to planning, relating to private matters between relevant parties

In addition 32 letters have been received in support of the proposal and 1 letter neither raising concern or support has also been received.

PLANNING HISTORY

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: REF 07.11.2018
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's office, 2 sanitary block units, access loop roads and a new vehicular access point	DECISION: REF
REF: 0663/99/	VARIATION OF CONDITIONS 1 & 2 OF PLANNING PERMISSION 680/96 TO ALLOW THE SITE TO BE RESTORED BY 31/10/99 AND RESTORATION OF THE AREA BE CARRIED OUT TO LEVELS SHOWN ON PLAN LAF/BADB61/2 DATED JUNE 1999. VARIATION OF CONDITION 8 OF PLANNING PERMISSION 588/88 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 OF CONDITION 3 OF PLANNING PERMISSION MS/588/88. 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 FROM 26 ACRES (10,53ha) OF LAND AND USE OF VEHICULAR ACCESS (PREVIOUSLY PERMITTED BY PLANNING PERMISSION 588/88 AS VARIED BY 129/91)	DECISION: GTD 21.10.1996
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 application 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, although it does affect the setting of an SLA 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 seeks outline permission for up to 52 dwellings. All matters (with the exception of access) are reserved.
- 2.2. An indicative layout shows a development of an estate style form, served by a single access point off Hunston Road and looped internal service road with short turning heads. Dwelling types include a mix of detached, semi-detached and terraced properties.
- 2.3. The proposal includes on-site delivery of 18 no. affordable homes (35% of the total number proposed) and a section 106 agreement is currently being drafted in the interest of securing this provision.

- 2.4. A landscaped attenuation pond, necessary to implement the proposed Surface Water Drainage Strategy, is proposed to the rear of the development and would sit adjacent the existing established lake/pond. In addition to the landscaping to the attenuation pond, landscaping is proposed to the southern boundary.
- 2.5. Matters relating to Layout, Scale and Appearance of the site and buildings are presently reserved, however the applicant indicates that the final design of the dwellings will be influenced by the local vernacular, to be in keeping with surrounding properties.

3. The Principle Of Development

- 3.1. The starting point for determination of any planning application is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF).
- 3.2. The proposal site is outside of the settlement boundary for Badwell Ash. Although the proposal site has had a prior industrial land use, for the extraction of Gravel, and may be viewed as having been previously developed, for planning purposes the site is formally defined as greenfield land. Relevant local plan policies are policy H7 which seeks to restrict housing development unrelated to the needs of the countryside, and core strategy policy CS1 which identifies a settlement hierarchy and CS2 which also seeks to resist development in the countryside other than those listed in the policy. The NPPF has changed direction since these policies were adopted as detailed further below, so as to affect the weight of these policies in determining this application.
- 3.3. The Core Strategy Focused Review (2012) identified this change in line with the National Planning Policy Framework. Reflecting this policies FC1 – Presumption in favour of sustainable development and FC1.1 – Mid Suffolk approach to delivering sustainable development identify a more positive approach to proposed development.
- 3.4. The NPPF identifies in paragraph 213 that the weight attributed to policies should be according to their degree of consistency with the NPPF. The closer the aims of the policy are to the NPPF the greater the weight that can be attributed to them.
- 3.5. The NPPF also identifies that planning decisions should apply the presumption in favour of sustainable development (paragraph 11): “For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ii. 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.”
- 3.6. Footnote 7 of the NPPF identifies out-of-date includes the situation where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In this instance the Council cannot current evidence a sufficient

land supply and so policies most important for determining the application are out-of-date. The Council has consulted on a Draft MSDC Housing Land Supply Position Statement 2018/2019. This identifies a housing land supply position of 5.32 years (with a 20% buffer), but given its draft status is given no weight in this recommendation.

- 3.7. The policies most important for determining the application are policy H7 of the local plan, CS1 and CS2 of the Core Strategy and FC2 of the Core Strategy Focused Review. These are considered to be out-of-date as a result of the five year land supply position, however notwithstanding this are not consistent with the aims of the NPPF and therefore accorded less weight. This position was identified in the appeal decision for appeal APP/W3520/W/18/3194926 at land at east side of Green Road, Woolpit (September 2018) which is a material consideration. Policy FC1 of the Core Strategy Focused Review repeated the requirements of the former paragraph 14 of the NPPF (2012), which is replaced now with paragraph 11 (NPPF 2019) which is the more relevant consideration, and so this policy is given less weight. Policy FC1.1 seeking to conserve and enhance the local character of different parts of the district, is up-to-date and relevant to this application. These two policies seek to promote the principles of sustainable development.
- 3.8. The presumption in favour of sustainable development should apply in this instance given the above considerations, except for the provisions of paragraph 177 of the NPPF.
- 3.9. It cannot be ignored that the policies most important for determining the application do not accord with the NPPF. Therefore less weight will still be given to these policies as identified above. Whilst tension with the development plan exists and is noted, that tension is considered to be less significant as a consequence, in light of the lesser weight afforded to the most important development plan policies relevant to this application where they are not consistent with the NPPF.
- 3.10. Therefore an assessment against the development plan is made, considering the material consideration of the NPPF and the purpose of the planning system to contribute to the achievement of sustainable development.
- 3.11. The development plan and NPPF share the same approach of contributing to the achievement of sustainable development.
- 3.12. There are three overarching objectives to achieve sustainable development, which are interdependent and need to be pursued as a whole so that opportunities can be taken to secure net gains across different objectives. These objectives are social, environmental and economic. The merits of the scheme against these objectives and the up-to-date requirements of the development plan are considered below, and a conclusion will be drawn as to whether the development is considered to contribute to the achievement of sustainable development.
- 3.13. In addition to the NPPF sustainability balancing exercise referred to above, the proposed development is considered to relate to the existing settlement pattern of the village, to the north and abuts the village settlement boundary. The proposed dwelling is not, therefore, considered to be isolated, as per the meaning in paragraph 79 of the NPPF.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. As noted in the introduction to this report, the site is located adjacent to the south-east of the settlement boundary of Badwell Ash and the site part abuts the existing settlement boundary. The proposal site is within close proximity of the existing village and its existing paved footpath network, allowing future occupants access to existing village services and facilities (Shop, Pub, Village Hall and Church) which are all within reasonable walking and cycling distance.
- 4.2. Although it is noted that Badwell Ash Primary School has closed, there is a free bus service available to nearby primary and secondary schools. Two bus stops (including bus shelter) are located a short walk (100m) north of the site on Hunston Road, accessible via the existing footpath network. Bus services are also available on week days to Bury St Edmunds and Diss.
- 4.3. Your officers consider the site to be a sustainable location for housing given the accessible village services and facilities, within walking distance, and the available bus services, also within walking distance. It is accepted that there would be some reliance on the private car as a mode of transport, and this is unavoidable in such a rural location, however the close proximity of services and facilities, and access thereto, would significantly reduce the necessity for private car journeys.
- 4.4. The site is therefore considered to be well connected and a sustainable location for this further development and is considered to promote inclusive communities as required by paragraph 91 of the NPPF.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. Access is a matter sought for approval. Vehicle access to the site is proposed via a single access point off Hunston Road.
- 5.2. Paragraph 108 of the National Planning Policy Framework (NPPF) states, inter alia, that in assessing specific applications for development it should be ensured that: safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.3. Furthermore, paragraph 109 of the NPPF provides that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.4. The Local Highway Authority has been consulted and raises no objection to the proposed site access. It is considered that safe highway visibility, to Local Highway Authority standards, can be achieved. It is also considered that the local highway network can accommodate the anticipated increase in traffic generated by the proposed development.
- 5.5. The indicative layout provided with the application is considered sufficient to demonstrate, to the satisfaction of your officers, that sufficient on-site parking can be provided on the site, clear of the existing highway and the estate roads indicated, in accordance with existing parking standards provided by the LHA. Further detail regarding estate road layout and location of parking spaces will be considered at a reserved matters stage, should members be minded to approve the current outline application.

- 5.6. There is no evidence before your officers to suggest unacceptable highway safety outcomes will result provided the conditions recommended by the LHA are complied with. The proposal is, therefore, considered to be in accordance with the provisions of Paragraphs 108 and 109 of the NPPF and development plan policy T10.

6. Design And Layout [Impact On Street Scene]

- 6.1. 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.
- 6.2. 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.
- 6.3. 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.
- 6.4. The NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development.
- 6.5. Design, layout and appearance are reserved matters. Dwelling design will be encouraged at a reserved matters stage that reflects the Suffolk vernacular style of architecture and adopts a traditional palette of material finishes, as is indicated in the Design and Access Statement.

7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 7.1. Policy CS5 of the Development Plan seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.
- 7.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3. The site itself does not lie within an area of special landscape character designation, such as an Area of Outstanding Natural Beauty or Special Landscape Area, although it should be acknowledged that the site does affect the setting of an SLA, on the opposite side of Hunston Road, to the North-West.
- 7.4. The Suffolk Landscape Character Assessment identifies the site as being part of the Ancient Plateau Claylands. Some of the key characteristics of this LCA include:

- Flat or gently rolling arable landscape of clay soils dissected by small river valleys.
- Field pattern of ancient enclosure – random patterns in the south but often co-axial in the north. Small patches of straight-edged fields associated with the late enclosure of woods and greens
- Dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin.
- Villages often associated with medieval greens or tyes.
- Farmstead buildings are predominantly timber-framed, the houses colour-washed and the barns blackened with tar. Roofs are frequently tiled, though thatched houses can be locally significant.
- Scattered ancient woodland parcels containing a mix of oak, lime, cherry, hazel, hornbeam, ash and holly.
- Hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees.
- Network of winding lanes and paths often associated with hedges create visual intimacy.

- 7.5. The submitted Landscape Statement is considered to contain suitable information to ensure that potential adverse impacts of the proposed development are avoided, reduced or mitigated.
- 7.6. The Landscape Statement considers the effects the development might have upon the character of the Ancient Plateau Claylands. The Statement notes that the new housing will form a consolidated block of settlement rather than a ribbon development, a preferred outcome as ribbon development can have a considerable impact on a wider landscape characterised by clustered villages, such as the Ancient Plateau Claylands.
- 7.7. The development proposal has been amended since the previous submission, now retaining the scrub vegetation in the top north-east corner of the site, retaining the existing green character of the approach road, retaining this existing green space, and helping to screen the development from Hunston Road when departing the village.
- 7.8. The indicative layout shows very little in the way of overall landscaping at this point, although it must be acknowledged that landscaping is a reserved matter. It should be noted that additional landscape planting is indicated to the open boundaries of the site, when compared to the previous submission. As per the Landscape Consultant's advice and consistent with the recommendations in the supporting Landscape Statement, a comprehensive landscaping strategy will be essential to ensure that landscape character harm is mitigated to an appropriate degree.
- 7.9. The proposal would result in an element of harm to the existing landscape and this is unavoidable given the rural character of the site and the urbanising effect that any residential development would have. Should a comprehensive scheme of soft landscape planting be proposed, as per the current indicative plans, the resultant harm is considered to be moderate and will lessen over time as planting matures. The landscape harm must be weighed in the planning balance.
- 7.10. Policy CS5 of the development plan requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 7.11. Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

- 7.12. The NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 7.13. An Ecology Report supports the application. The Council's Ecological Consultants (Place Services - Ecology) concur with the findings and raise no objection provided the mitigation measures in the report are adhered to.
- 7.14. The Suffolk Wildlife Trust concur with the findings and recommendations of the Council's Ecological Consultants and view the proposed retention of woodland to the Hunston Road frontage to be positive and a significant improvement to the previous scheme, which proposed its loss.
- 7.15. A number of residents, together with 'Froglife' a national wildlife charity, are concerned with potential impacts on the Common Toad (*Bufo bufo*), as the site forms part of an area known for hibernation and spawning of the toad and is nearby a patrolled toad crossing (a registered site with the Department of Transport). In response, the Ecology Report suggests the implementation of an amphibian fence, sited on the fringe of open ground and woodland/scrub. The fence should encompass the site and incorporate multiple exist funnels. The proposed woodland planting will provide terrestrial habitats of merit for local amphibians including the toad. In addition, the Ecology Report asserts that the proposed attenuation pond will provide water quality to enable prolific breeding conditions for amphibians. The woodland refuge 'stands' referred above will provide conditions for increased food supply for amphibians including the toad. The trunks of the stands will provide ideal winter refuge for the toad. Provided these measures are implemented, the impact on the Common Toad by the development should be limited.
- 7.16. A number of residents have alleged that rare Orchids, attracting rare Moths, may be present on site, however no incontrovertible evidence supporting this allegation has been produced and the issue has been raised with the applicants agents and consultants and the Council's Ecological Consultants, none of which have raised concern in this regard.
- 7.17. The Council's Arboricultural Officer has reviewed the supporting arboricultural information and raises no objection to the proposed tree removal. The proposed conditions put forward by the Arboricultural Officer, including detailed Arboricultural Method Statement and Tree Protection Plan, are agreed.

8. Land Contamination

- 8.1. The applicant has provided a full Phase 1 land contamination assessment with the application.
- 8.2. Council Land Contamination specialists have assessed the application proposal and the submitted report and raise no objection to the proposed development from the perspective of land contamination, subject to informal notes being added to any decision issued advising the developer to make contact with the Council in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

9. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 9.1. Policy HB1 of the Development Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 9.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 9.3. Where policies are out of date, the NPPF provides that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 9.4. The NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.5. The NPPF states that 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.
- 9.6. Council's Heritage Team does not object to the application. The nearest listed building is a sufficient distance from the development site to ensure that impacts on the significance of the listed setting will be very limited. As noted earlier in the report, the site is not in or adjoin a Conservation Area.
- 9.7. The County Archaeological Service has considered the application and does not consider any archaeological works are necessary to be secured, due to the former Quarry Use of the Site, which will have already destroyed any buried heritage assets which may have existed.

10. Impact on Residential Amenity

- 10.1. Policy H13 of the Development Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Plan seeks to protect the existing amenity of residential areas.
- 10.2. The NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.3. The separation distance between the site and the nearest neighbouring residential properties is such that amenity impacts can be readily managed at the reserved matters stage of the development process. Internal amenity levels can also be adequately achieved and will be considered at reserved matters. The standard amenity related conditions (light, smoke, construction management plan etc) suggested by the Environmental Health Officer are supported.

- 10.4. There is nothing forming part of the application that suggests the development cannot accord with local policies H13 and H16 and the NPPF.

11. Flooding and Drainage

- 11.1. The site is located in Environment Agency Flood Zone 1 and is therefore not considered to be at significant risk of flooding. The County flood and drainage officer has reviewed the supporting Flood Risk Assessment and raises no objection to the application subject to the imposition of specified conditions. The Flood Risk Assessment includes a soakage test and found an area on the eastern boundary which displayed good rates of percolation, hence the proposed location of the infiltration basin at that point. Should the attenuation pond be exceeded the FRA advises that the pond would overtop into the adjacent lake at a level of around 2.5m below the site, so posing no threat to the development or neighbouring properties.
- 11.2 Foul water will connect to the Anglian Water network via gravity. Residents raise concern regarding the capacity of the existing sewer system. If an upgrade is deemed required by Anglian Water, the upgrade will be undertaken and proportionate costs will be borne by the applicant.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1. For the reasons as set out in section 3, above, existing development plan policies relating to the supply of housing, including Policy CS2, CS11 and CS15, must be considered not up-to-date in accordance with the NPPF.
- 12.2. Where policies cannot be considered up-to-date, the NPPF cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.
- 12.3. Your officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development – the ‘tilted balance’ approach.
- 12.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.
- 12.5. The proposal will bring with it economic and social benefits, the most notable being the boost to the housing supply and increase in much needed affordable housing stock. Environmental benefits include habitat creation through additional woodland planting and habitat corridors. The site is considered to be in a sustainable location, within walking distance of existing village facilities, and with public transport links available to further facilities in local centres nearby.
- 12.6 Your officers consider the proposed development can be absorbed in a visual landscape to an acceptable degree. There will, however, be an unavoidable degree of harm resulting from the loss of open countryside. Even taking into account the mitigation offered by substantial

landscape planting that will be required by condition, landscape harm falls on the negative side of the planning balance. The proposal site would not, however, result in the loss of productive agricultural land, due to the former Quarry land use. Heritage effects will be limited given the separation distance to the nearest designated heritage assets and the fact that the proposal would not result in the loss of any below ground heritage assets.

- 12.7. The Local Highway Authority does not object to the proposed access arrangement. Network capacity at this location is sufficient to absorb the likely traffic generated by the development.
- 12.8. To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. All of these statements apply.
- 12.9. The proposal offers significant social and economic benefits. These benefits are considered sufficient to outweigh any less significant environmental disbenefits associated with the landscape harm that will result from the physical change of the site from open countryside to developed land.
- 12.10. On balance, the proposal constitutes sustainable development for which the NPPF carries a presumption in favour. It is recommended that outline permission be granted.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer - Growth & Sustainable Planning to Grant Outline Planning Permission:

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Acting Chief Planning Officer – Planning for Growth to secure:

- Onsite delivery of 35% Affordable Housing
Affordable Rent = 14
6 x 1 bed 2 person flats @ 50sqm;
4 x 2 bed 4 person flats @ 70sqm
2 x 2 bed 4 person houses @ 79sqm
2 x 3 bed 6 person houses @ 102sqm

Shared Ownership = 4
3 x 2 bed 4 person houses @ 79sqm
1 x 3 bed 5 person house @ 93 sqm
- Onsite Public Open Space including management of the space to be agreed and requirement for public access at all times
- A financial contribution towards Primary and Secondary School Transport costs to the nearest schools.

(2) That the Acting Chief Planning Officer – Planning for Growth be authorised to Grant Outline Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Acting Chief Planning Officer:

- Standard time limit – Outline
- Reserved Matters Required (Including market housing mix)
- Approved Plans and Documents (Plans and Documents submitted that form this application)
- Timetable for implementation and retention of Landscaping
- Those required by SCC Local Highway Authority
- Energy efficiency measures to be secured and agreed, as indicated
- Those required by the Council's Ecological Consultants
- Those required by MSDC Tree Officer
- Those required by SCC Local Lead Flood Authority
- Those required by the Environment Agency
- Those required by MSDC Waste Management
- Those required by MSDC Environmental Protection Officers during construction phase of development
- Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)

(3) And the following informative notes as summarised and those as may be deemed necessary by the Acting Chief Planning Officer:

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- Land Contamination Note
- Protected Species Note

(4) That in the event of the Planning obligations referred to in Resolution (1) above not being secured that the Acting Chief Planning Officer – Planning for Growth be authorised to refuse the application on appropriate grounds.

(5) That in the event of the Planning obligations referred to in Resolution (1) above not being secured within 6 months that the Acting Chief Planning Officer – Planning for Growth be authorised to refuse the application on appropriate grounds.