

Committee Report

Committee Date: 26 April 2017

Item No: 3

Reference: B/16/01216

Case Officer: Lynda Bacon

Description of Development: Submission of details under O.P.P. B/11/00745/OUT - For the erection of 30 No. dwellings and associated works: Details submitted regarding access to the site; the appearance, layout and scale of the development and the landscaping of the site (Condition 2) with accompanying details relating to sustainability measures (Condition 21). As amended by sustainability information received 12 December 2016 and 14 March 2017; revised Layout Plan Drawing No. CLS/03F; revised Access Layout SK03 Rev P3 and revised house types (Plots 8 - 17) received 27 January 2017 and as amplified by Photo Voltaic panel information received 4 April 2017.

Location: Land south of Sproughton VC Primary School, Church Lane, Sproughton

Parish: Sproughton

Ward: Brook

Ward Member/s: Cllr B Gasper and Cllr N Ridley

Site Area: 1.33

Conservation Area: Not in Conservation Area

Listed Building: Not Listed

Received: 02/09/2016 06:01:38

Expiry Date: 07/02/2017

Application Type: Reserved Matters

Development Type:

Environmental Impact Assessment: N/A

Applicant: Bennett Homes

Agent:

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

GARAGES DG/01 and SG/01 received 26 September 2016.

GARAGE (PLOT 3) DG/01 Revision A received 10 April 2017.

PLOT 1 FLI_01-FLIXTON Revision A received 20 September 2016.
PLOT 2 & (21 HANDED) HAU/01-HAUGHLEY Revision B received 4 April 2017.
PLOT 4 & (5 HANDED) HAU/02-HAUGHLEY Revision A received 20 September 2016.
PLOT 18 KEL/01-Kelling Revision A received 20 September 2016.
PLOT 22 LIN/03-LINCOLN Revision B received 4 April 2017.
PLOT 23 FLI_02-FLIXTON Revision A received 20 September 2016.
PLOT 28 & 24 (HANDED) BEY/02-BEYTON Revision A received 20 September 2016.
PLOT 30 BEY_01-BEYTON Revision A received 20 September 2016.
PLOTS 3 & 27 LIN_01-LINCOLN Revision A received 26 September 2016.
PLOTS 6 & 7 EII_01-ELLINGHAM Revision A received 20 September 2016.
PLOTS 19 & 20 ELLINGHAM & LANGRICK ELL-LAN/01 Revision A received 20 September 2016.
PLOTS 25 (26&29 HANDED) OUL/01-OULTON Revision A received 20 September 2016.

Floor Plans and Elevations Plots 8 - 17 received 27 January 2017.
Site Layout Plan Drawing No. CLS/03F received 27 January 2017.
Development Access Layout Drawing No. 2963 SK03 Revision P3 received 27 January 2017.

Layout PV Panel Location Plan received 4 April 2017.
Sustainability information: 10% Reduction Feasibility Study; Part G Water Calculation;
Compliance information and Predicted Energy Assessment received 12 December 2016 and
MAT1 Green Guide Ratings information received 14 March 2017.

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval/refusal of this application. The proposal represents the sustainable development of an allocated site pursuant to the grant of outline planning permission under reference B/11/00745/OUT.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- It is a “Major” application for: -
 - a residential land allocation for 15 or over dwellings.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

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

B/16/01216	Submission of details under O.P.P. B/11/00745/OUT - For the erection of 30 No. dwellings and associated works: Details submitted regarding access to the site; the appearance, layout and scale of the development and the landscaping of the site (Condition 2) with accompanying details relating to sustainability measures (Condition 21). As amended by sustainability information received 12 December 2016, revised Layout Plan Drawing No. CLS/03F; revised Access Layout SK03 Rev P3 and revised house types (Plots 8 - 17) received 27 January 2017 and as amplified by Photo Voltaic panel information received 4 April 2017.	Current Application
B/16/00226	Application under Section 106BA - Removal of the affordable housing obligation.	Refused 21/03/2016
B/11/00746	Change of use of agricultural land to public open space as amended by Tree Survey and Extended Phase 1 Habitat Survey received 31.01.2012 and as further amended by Archaeological Evaluation, Geophysical Survey Report and Envirocheck Reports received on 18.01.2013 and as amplified by letter received on 18.01.2013. As further amended by revised Design and Access Statement extract received on 19.04.2013, revised Surface Water Drainage Strategy received 01.07.2013 and revised site location	Granted 19/12/2014

plan received on 18.12.2013.

B/11/00745	Outline - Erection of 30 No. dwellings as amended by Tree Survey and Extended Phase 1 Habitat Survey received 31.01.2012, as amended by Archaeological Evaluation, Geophysical Survey Report, and Envirocheck Reports received on 18.01.2013 and as amplified by part site layout Plan and letter received on 18.01.2013.As further amended by revised Design and Access Statement extract (page No.10) received on 19.04.2013 and revised Surface Water Drainage Strategy and letter received 01.07.2013.	Granted 19/12/2014 14:58:22
B/09/01013	Outline - Erection of 30 no. dwellings (including 10 no. affordable dwellings) and construction of vehicular access.	Withdrawn 08/10/2014
B/09/01012	Change of use of agricultural land to public open space.	Withdrawn 08/10/2014
B/80/00821	Outline - residential development, vehicular access and estate road	29/08/1980
W/6234	Outline - residential development	Refused 30/07/1964
W/997	Outline - Residential development	Granted

Details of Previous Committee / Resolutions

2. At Planning Committee on 7th August 2013 Members resolved to grant outline planning permission (B/11/00745/OUT) in respect of the erection of 30 No. dwellings and to grant full planning permission (B/11/00746/FUL) for the change of use of agricultural land to public open space.

Details of Member site visit

3. None

Details of any Pre Application Advice

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations

Sproughton Parish Council: Initial comments submitted recommending approval subject to;

- the affordable housing requirement proposed under the outline permission being met;
- that further clarification is sought regarding the maintenance and use of the adjacent public open space;
- the Arboriculturist Report is supported;
- that conditions Nos. 7 (new footway provision) and 8 (visibility splays) of the outline permission are met in consultation with the Parish Council.

The Parish Council subsequently confirmed that Sproughton Parish Council is particularly concerned about the affordable housing element of the proposed development, and is aware of the developer's application for the affordable housing element of the application to be removed. The Parish Council is of the view that the detailed design of the affordable homes needs to be considered at this stage.

Local Highway Authority: Initially advised that the information as originally submitted was not acceptable in highway terms to be able to discharge the conditions in respect of Access or Layout.

In respect of the revised Layout Plan Drawing No. CLS/03F and the revised Access Layout 2963.SK03 Rev P3 received 27 January 2017, the LHA have subsequently confirmed that the revised drawings are now acceptable in highway terms in relation to the submission of details.

The LHA goes on to explain that drawing Number 2963.SK03/P3 does not show a footway along the school and site frontage. The applicant has advised the LHA that to build a footway along that frontage would have a significant detrimental effect on the existing trees and hedgerows. It is therefore not shown on the submitted drawings. The LHA have consulted with their Landscape Officer and his views are the same. The LHA suggest that the footways which are proposed (and shown on the drawings) extend to the southern boundary of the school so that in future it may be possible for the school to allow access through the school site if deemed appropriate or desirable.

Suffolk County Council Archaeology: This site lies in an area of archaeological potential recorded on the County Historic Environment Record. A Mesolithic site is recorded to the south-east (SPT 002), with a number of Bronze Age cinerary urns located to the north-east (SPT 005). The cropmark remains of a Bronze Age burial mound has also been identified to the north-west (SPT 049). The site has good potential for the discovery of important unknown archaeological sites and features given the landscape setting overlooking the valley of the River Gipping, which is topographically favourable for early occupation. A first phase of archaeological evaluation at the site has detected several pits and linear features. As a result, there is potential for further remains to be encountered and the proposed works will damage or destroy any archaeological remains which do exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In this case, it is suggested that two planning conditions are imposed to secure the implementation of a programme of archaeological work and the subsequent archive deposition of the assessment and results.

Environmental Health – Sustainability Issues: After clarification from the agents to this application it is confirmed that we are satisfied that the condition relating to sustainability can be discharged based on the commitments made by the applicants team ie: The Green Guide ratings as provided with an allowance of a drop in rating by 1 level only should issue arise in relation to obtaining materials; a commitment to all timber used on site being FSC certified and obtaining COC certificates to prove this; 112ltrs water use per person per day and a 10% reduction in emissions. However, It should also be noted that we are disappointed that the applicant is not considering installing PV to the smaller dwellings.

Strategic Housing: No comment received.

Arboricultural Officer: No comment received.

Public Realm: No comment received.

Representations

6. Summary of neighbour and other representations

- Serious concerns with the proposed access. Church Lane is a narrow road with vehicles parked on both sides of the road. The exit from Church Lane into Lower Street is difficult due to a blind corner. With the inevitable increase of heavy traffic delivering to the site, congestion will increase when parents are delivering and collecting their children from the school. Access for emergency vehicles will be affected. The number of vehicles parked at random in Samford Place will increase, making it impossible for residents to get in or out at these times.
- The Primary School and children using Church Lane will suffer greatly from the upheaval of constant traffic, not just from the Lorries during the building period but from the extra cars using the road after building is completed. Possibility of an extra 3-4 cars per household using Church Lane, which being a no-through road, means that they will have no option but to pass the school.
- Sproughton Primary School is full so where will pupils from this new estate attend school?
- Village infrastructure, including foul and surface water drainage systems and local Doctors, cannot meet the extra demands made by 30 new families moving in.
- How do the developers propose to construct a new access road without harming the present oak trees or their roots, especially since they have TPO's on them?
- The fields have always been used for crops, and is used as public foot path for dog walkers on a daily basis.

- Contractors lorries and equipment will have to access Church Lane via the B1113 as in the other direction there is a weak bridge permitting nothing over 7.5 ton. The bus service had to stop coming down Church Lane to Gipping Way because of the parked cars.
- There is a stream running down the side of the field which gets blocked and sometimes floods in heavy rain, as does the road.
- This is not sustainable to the Village and will have an environmental effect on all the Village. More houses will take away the feeling of living in a small community.
- The Playing Field Management Committee (PFMC) administers Sproughton Playing Field Charitable Trust on behalf of the village, and as the Playing Field is the principal neighbour to the proposed development, the PFMC would welcome an open dialogue with both Babergh District Council and Bennett Homes, to ensure any plans on the provision and maintenance of any additional playing field space / new open space or play facilities are coordinated in an appropriate way.
- How will the new playing field will be accessed / fenced off? The new playing field gives a green space in front of the largest properties and directly opposite the existing football pitch goal mouth. What plans are in place to protect the houses? Although generous, the new playing field space is not big enough to be of practicable use as a second football pitch.
- There are no documents showing how the new playing field will be administered / maintained / managed on a day to day basis. Nor documents showing how the S106 open space development money will be spent. No provision for affordable housing.
- Why does the new path stop? Why doesn't it join either the school or the existing playing field?
- There is the worrying potential for expansion into the designated green space between the valley at the South / South East and the A14.

The Site and Surroundings

7. The application site is situated to the south of Sproughton Primary School and to the west of Church Lane. The site is enclosed to the north, east and south by an application site for 1.75 hectares of public open space proposed by application B/11/00746/FUL. The site currently comprises an agricultural field of Grade 3 quality. The access to the site is off Church Lane. To the north of the site is Sproughton Primary School and village recreational facilities including a playing field, bowling green and tennis courts. To the East of the site are residential dwellings, the nearest neighbouring dwellings are 47 – 63 Church Lane are located on the opposite side of Church Lane. To the south and west of the site is agricultural land with a small pumping station also located adjacent to Church Lane.

The application site is located within the countryside, in close proximity to the southern extent of the built up area boundary for Sproughton. The site is also within the Special Landscape Area. There are also a number of TPO trees adjacent to the site; including five significant trees to either side of the proposed access road within the frontage of the adjacent public open space site. Just outside the site to both the south and the south west are further TPO trees. The front of the site is located within flood zone 2. There is also the possibility of contaminated land within the site, to the south of the existing pumping station. The majority of the site is located within the Cordon Sanitare for the Church Lane sewage treatment works.

Saved Policy HS24 of the Babergh Local Plan Alteration No.2 (2006) allocates the site for 30 houses.

The Proposal

8. Planning permission is sought for the approval of all those matters reserved for subsequent approval, following the grant of outline planning permission under reference B/11/00745/OUT for the erection of 30 dwellings and associated works. The reserved matters relate to the proposed site access; the appearance, layout and scale of the development, and landscaping of the site.

Site Access: A new minor access road situated opposite Gipping Road, off Church Lane will be created to form a crossroads that includes the construction of a block paved raised speed table. The access will be provided with 2.4m x 43m visibility splays in both directions. Pedestrian access in to the site will be via a 2m wide footpath to the north of the site, which links to the estate road and a new footpath to the playing field. 1.8m wide footpaths and shared surfaces to properties will be provided within the site.

Appearance, Layout and Scale: The application provides for 20 No. houses that will be available for purchase on the open market consisting mainly of detached and semi-detached two-storey properties and comprising 16 No. 4 bedroom units and 4 No. 3 bedroom units. The application also provides 10 No. units that will be available as affordable housing as secured by the legal agreement completed under the outline planning permission (as per Deed of Variation dated 4th January 2017). The affordable housing comprises the following property and tenure type:

Affordable Housing:

- 2 No. x 1 bed flats for rent (plots 12/13)
- 7 No. x 2 bed houses for shared equity (plots 8-11 and plots 14-16)
- 1 No. x 3 bed house for shared equity (plot 17).

Landscaping: The submitted landscaping details include grassed front gardens, new tree, shrub and ground cover planting as per the submitted site layout plan.

Condition 21 of the outline planning permission also requires this reserved matters application to include the submission of a comprehensive sustainability statement that addresses matters such as reducing/minimising energy usage, provision of recycling facilities, low energy construction materials and water re-use for approval in writing.

NATIONAL PLANNING POLICY FRAMEWORK

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

- Paragraph 6 explains that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- Paragraph 7 details the three roles of sustainable development as economic, social and environmental and that development should seek to provide enhancements to these roles.
- Paragraph 8 states that the three roles of sustainable development should be sought jointly and not in isolation.
- Paragraphs 11 – 16 sets out the presumption in favour of sustainable development.
- Paragraph 17 lists the 12 core planning principles. Most notable are that development should secure high quality design, high level of amenity, support the transition to a low carbon future and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- Paragraph 32 requires all decisions should take account of whether safe and suitable access to the site can be achieved for all people.
Paragraph 47 explains how local planning authorities should boost the supply of housing and Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- Paragraph 55 sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and not be considered isolated.
- Paragraphs 56 – 65 explains the Government's approach to achieving good design. Whilst Paragraphs 93 – 104 provides guidance to meet the challenge of climate change and flooding.
- Paragraph 150 explains that Local Plans are key to the delivery of sustainable development and that planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise (para 196 & 197).

CORE STRATEGY

10. CS1 - Presumption in favour of sustainable development
 CS2 - Settlement pattern policy
 CS3 - Strategy for growth and development
 CS11 - Strategy for development for core and hinterland villages
 CS12 – Sustainable design and construction standards
 CS13 – Renewable/low carbon energy
 CS15 - Implementing sustainable development in Babergh
 CS18 – Mix and types of dwellings
 CS19 – Affordable Homes

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS /AREA ACTION PLAN

11. None

SAVED POLICIES IN THE LOCAL PLAN

12. CR04 – Special Landscape Areas
HS24 – Allocation – Church Lane, Sproughton
HS31 – Public Open Space
CN01 - Design Standards
TP15 - Parking Standards

Main Considerations

13. From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.
14. The principle of developing the site for 30 dwellings has been established under the outline permission granted on 19 December 2014 (Ref: B/11/00745/OUT). Outline planning permission was granted as it was considered that the principle of residential development was acceptable within the context of Saved Policy HS24 of the Local Plan. The outline planning permission was granted subject to the completion of a s106 legal agreement securing delivery of affordable housing, open space and a financial contributions towards the provision of secondary school education and early years childcare.
15. The main considerations in assessing this reserved matters application is therefore limited to the specific design and access arrangements being proposed and not the principle of the development.
16. In terms of design, the area is characterised by a mix of property design and types. Whilst the construction materials remain to be agreed, the dwellings proposed are of a traditional appearance, scale and proportions. The built form is compatible with the adjacent residential developments and the layout of the development provides parking and private amenity space for each property. A detailed landscaping proposal has been prepared which retains and supplements existing boundary planting and includes a new native hedgerow to the eastern boundary and shrub/ground cover planting within the gardens of individual properties. The proposed landscaping belt between the residential dwellings and the countryside will ensure that views from the countryside into the site are limited and provide a soft division between the countryside and the village in this location. This will ensure the protection of the Special Landscape Area.
17. It is considered that the proposal delivers a well-conceived layout of built form and spaces to compliment the wider surrounding area and that the proposal would be of an acceptable quality providing a good environment for future residents and connectivity with the existing area. The proposal therefore adheres to the guidance in the Local Plan and NPPF. The reserved matters submitted in relation to the appearance, layout, scale and landscaping of the development are considered acceptable.

18. The proposed access arrangements have been reviewed by the Local Highway Authority and amendments have been secured in response to initial comments received from the LHA. The reserved matters submitted in relation to access to the development are considered acceptable.
19. It should also be noted that other conditions of the outline permission, including a number of highway conditions, remain to be discharged under separate submission in due course.

Sustainability Assessment Of Proposal

20. Sustainability information has been submitted pursuant to Condition 21 which confirms the chosen method of reducing carbon emissions is the installation of photovoltaic panels at 4 of the open market properties; that the development offers a commitment of using 112 litres per person per day; that timber used on site will be FSC certified and materials used will be as per the agreed Green Guide ratings. The sustainability information has been reviewed by the Council's Environmental Management Officer and the submitted details are considered to be satisfactory to discharge the requirements of Condition 21.

Environmental Impacts - Trees, Ecology, Flooding and Land Contamination

21. Environmental impacts in respect of the TPO'd trees and ecology were considered at the outline application stage and the development is required to be carried out in accordance with the agreed arboricultural report and habitat survey, as secured by conditions of the outline permission. Flooding issues and the potential for land contamination were also considered and satisfactorily resolved at outline stage.

Impact On Residential Amenity

22. The impact of the proposal on the residential amenity of existing residents was considered at outline application stage and it was further considered that given the distance between existing and proposed development, there would be no loss of privacy to the neighbouring dwellings resulting from the proposed development. It was also acknowledged that there would be an increase in noise and disturbance from an intensification of the use of Church Lane by the occupiers of the proposed 30 dwellings. However, it was further considered that Church Lane is already used by traffic from other housing estates and the additional traffic would not have a severe impact on the existing dwellings so as to justify refusal of the application.
 23. The submitted site layout plan shows that 30 houses can be located on the site with adequate space for private amenity areas and without overlooking or loss of privacy to occupiers of the proposed dwellings.
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PART FOUR – CONCLUSION

Planning Balance

24. When taken as a whole and as a matter of planning judgement, the proposal is considered to adhere to the development plan and NPPF and therefore can be considered sustainable development. There is a presumption in favour of sustainable development. The application is therefore recommended for approval.

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

25. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
26. In this case the planning authority has worked with the applicant to overcome any issues arising during the processing of the application.

Identification of any Legal Implications of the decision

27. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
- Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That planning permission be granted subject to conditions including;

- Provision of footpath linking development to southern school boundary