

Committee Report

Committee Date: 26 April 2017

Item No: 4

Reference: B/16/01718

Case Officer: Steven Stroud, Senior Planning Officer

Description of Development: Outline Application - all matters reserved except means of access - Redevelopment of former Monks Eleigh C of E Primary School site for residential development (Class C3) comprising up to 17 dwellings maximum; formation of new vehicular means of access off Church Field to replace existing together with associated landscape and related improvements.

Location: Former Monks Eleigh School, Church Field, Monks Eleigh, IP7 7JH

Parish: Monks Eleigh

Ward: North Cosford

Ward Member: Cllr. Clive Arthey

Site Area: 0.7

Conservation Area: Not in Conservation Area

Received: 20/12/2016

Expiry Date: 03/07/2017

Application Type: Outline Planning Permission

Environmental Impact Assessment: Not Required

Applicant: Suffolk County Council (Project Lead - School Organisation)

Agent: Cornerstone Property Assets Limited

SUMMARY

The proposal has been assessed with due regard to adopted development plan policies, the National Planning Policy Framework, and all other material considerations. The officers recommend approval of this application, subject to resolution of outstanding matters relating to ecology. It is recommended that Members delegate authority to the Corporate Manager to grant planning permission subject to a positive resolution in that regard.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

1. The application is referred to committee for the following reason/s:
 - It is a “Major” application for:-
 - a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

2. No planning history is considered relevant to the determination of this application.

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

5. Summary of Consultations:

Monks Eleigh Parish Council

"The Council noted the concerns/observations submitted by a parishioner with regards to access into Churchfield. Reports on the issue of volume of transport was also noted particularly that since the school had closed there had been less traffic in this area, but at the time when the school was open there would have been a similar amount of traffic and parking as is proposed would occur with the proposed new housing development. However, the Parish Council do have reservations about the three accesses onto Churchfield, rather than the one access."

Suffolk County Council - Highways

No objection: "Further to receipt of the amended site boundary plan, notice is hereby given that the County Council as Highway Authority withdraws its objection subject to the imposition of... conditions."

Suffolk County Council - Floods and Drainage

No objection is raised, however the proposal for a pumped drainage system would be contrary to local and national planning policies. Nevertheless, and where the applicants have presented a 'last resort', conditions are recommended to be imposed on any permission granted.

Suffolk County Council - Archaeology

No objection; recommend standard condition(s).

Suffolk County Council - Developer Contributions (CIL and s106)

No objection; identified infrastructure requirements will form the basis of a future bid to Babergh District Council for CIL funds if planning permission is granted and implemented.

BMSDC - Infrastructure

"Community Infrastructure Levy (CIL) is assessed upon grant of Reserve Matters permission. Residential development in this area is subject to the CIL Residential rate of £115 (indexed). Affordable Housing requirements will need to be secured via a s106 Agreement."

BMSDC - Land Contamination

No objection.

BMSDC - Arboriculture

No objection.

Sport England

No objection; subject to conditions/s106 agreement relating to the need to secure a financial contribution towards off-site provision or enhancement to playing field provision in the locality.

Suffolk Constabulary

Do not wish to offer comments.

Anglian Water

No in-principle objection; recommend conditions. However, the supporting detail relating to surface water drainage is unacceptable.

Officer Comment - The applicant has extensively revised their evidence base and proposal in respect of SW drainage. Anglian Water have been re-consulted however no comments in respect of those amendments have been received to date.

Place Services - Ecology

Holding objection; Insufficient information is available at present to fully understand potential impacts in respect of bats. *"It is therefore not possible to determine the application yet, but if the Planning Committee are 'minded to approve', I would support this being delegated to officer level for ecology issues pending the results of further bat surveys. This will allow these to be undertaken and inform the appropriate mitigation and licence application and I will provide detailed comments when the results are available."*

Suffolk Wildlife Trust

Advise that further bat surveys are required.

Representations

6. Those representations received are summarised below:

- Highways concerns: width of Church Field and entrances onto the highway from dwellings shown on layout;
- Layout concerns;
- Overlooking concerns;
- Church Field should be widened and southern boundary set back;
- On-street parking issues.

All comments and representations received have been noted and taken into account when reaching the recommendation for Members.

The Site and Surroundings

7. The application site relates to a former school maintained by the Suffolk County Council and amounts to some 0.7ha. The former school building and related hard and soft features remain in situ along with a vehicular access from Church Field.

The site lies within the settlement boundary (BUAB) of Monks Eleigh, which is a Hinterland Village in accordance with the development plan. It is within a Special Landscape Area and an area of high archaeological potential.

Church Field, which is a 30mph residential road, bounds the site to the south along with residential development which is adjacent to the west, south and east. Open countryside lies to the north.

The Proposal

8. Outline planning permission with all matters reserved (i.e. scale, layout, appearance, and landscaping) save for access, is sought for the erection of up to 17 no. dwellings and associated works.

The primary access to the development would be from Church Field, subject to improvements to the existing. Two additional access points forming driveways for dwellings fronting Church Field have also been indicated.

The illustrative layout plan shows one estate road from Church Field, creating a cul-de-sac of residential development comprising 17 no. dwellings. A total of 51 no. parking spaces (44 no. for dwellings and 7 no. general visitor spaces) have also been illustrated, which would meet the minimum standards set out by the local highway authority.

The indicative residential mix is as follows:

- 2 no. 1 bed-2 person flats;
- 4 no. 2 bed-4 person houses;
- 2 no. 3 bed-5 person houses;
- 4 no. 3 bed-6 person houses;
- 2 no. 4 bed-7 person houses;
- 2 no. 4 bed-7 person 2.5 storey houses;
- 1 no. 5 bed-7 person 2.5 storey house.

In accordance and compliant with the development plan, the applicant has agreed that 35% of the dwellings to be provided on site shall be affordable.

Where all matters save for access are reserved, the Local Planning Authority is, in general terms, tasked with considering the acceptability of the access points to the application site from the public highway, and the principle of the development applied for in this location.

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-taking purposes.

CORE STRATEGY

10. The following policies are especially relevant to this application:-

- **CS1** - Presumption in Favour of Sustainable Development in Babergh
- **CS2** - Settlement Pattern Policy
- **CS3** - Strategy for Growth and Development
- **CS11** - Core and Hinterland Villages
- **CS12** - Sustainable Design and Construction Standards
- **CS13** - Renewable/Low Carbon Energy
- **CS15** - Sustainable Development in Babergh
- **CS18** - Mix and Types of Dwellings
- **CS19** - Affordable Homes
- **CS21** - Infrastructure Provision

SAVED POLICIES IN THE LOCAL PLAN

11. The following policies are also applicable to this proposal:-

- **CN01** - Design Standards
- **HS32** - Public Open Space (Sites up to 1.5ha)
- **TP15** - Parking Standards

Main Considerations

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

The following are identified as the *main* considerations in assessing this application:

The Principle of Development

13. In accordance with policy CS2 of the Core Strategy, the application site is located within the BUAB of Monks Eleigh, which is defined as a 'Hinterland Village' for planning purposes. The policy states *inter alia*, that Hinterland Villages will accommodate some development to help meet the needs within them and that all proposals must be assessed against policy CS11.

Policy CS11 of the Core Strategy states that development in Hinterland Villages will be approved where proposals score positively against policy CS15 and are able to demonstrate, to the satisfaction of the Local Planning Authority, that a number of other criteria-based matters listed under that policy have been met.

However, the Rural Development and Core Strategy Policy CS11 Supplementary Planning Document (2014) is clear that where an application site is within an established BUAB, as in this case, the principle of development has *already* been established, subject to assessment against other material planning considerations.

This report will therefore now proceed to assess those other material considerations.

The Use of Brownfield Land

14. The Glossary to the NPPF defines 'previously developed land' - i.e. brownfield land - as: "*land which is or was occupied by a permanent structure, including the curtilage of the developed land... and any associated fixed surface infrastructure*".

Paragraphs 17 and 111 of the NPPF place a requirement upon decision-takers to encourage the effective re-use of brownfield land; that such land should in effect be prioritised for development. Whilst the weight to be applied to such a consideration is in some ways limited by the word 'encourage' it is nonetheless a factor that gives additional weighting to the acceptability of the proposed development in this instance.

Design, Layout and Impacts upon the Character and Appearance of the Area

15. Policy CN01 of the Local Plan requires all new development to be of an appropriate scale, form and design, with particular regard to the scale, form and nature of surrounding development and the local environment.

Policy CS15 of the Core Strategy requires, inter alia, that new development should be well designed and of an appropriate size/scale, layout and character in relation to its setting and to the village. Development should also respect the landscape, landscape features, streetscape/townscape heritage assets, important spaces and historic views of the locality.

Saved policy CR04 states that development within Special Landscape Areas (SLAs) will only be permitted where it maintains or enhances the special landscape qualities of the area and is designed and sited to harmonise with the landscape setting.

Delivering quality urban design is also a core aim of the NPPF which states (at paragraph 56) that good design is a key aspect of sustainable development and is indivisible from good planning. At paragraph 64 the NPPF further states that permission should be refused for poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.

In this instance matters relating to scale, layout, appearance, and landscaping would be reserved for a later date should Members be minded to approve the application before them. However, it is good practice for an applicant to demonstrate that the site can be developed in an acceptable way. To this end the applicant has submitted an indicative layout, indicative site visualisations and a detailed Design and Access Statement that provide an indication as to how the development might occur, with supporting rationale.

The submitted details reflect a scheme of dwellings of varying scales, forms and detailed designs that provide visual interest and would generally accord with the local vernacular. The SLA covers the whole of the area constraining the application site, and beyond. Although the application site (along with a large part of the village) falls within the SLA, its potential impact upon landscape character is considered very limited given the location of the site which is bounded by other residential development and mature, established landscaping.

On that basis, and subject to a suitably designed and landscape-led approach at 'Reserved Matters' (in-line with those indicated on the supplied drawings), it is not considered that the development would adversely affect the landscape characteristics of the SLA, or the appreciation of the more open and verdant areas within the wider locality.

Therefore, having had regard for those submitted, indicative details and the nature of the site and surrounding environs, it is considered that the principle of development is acceptable in this instance. Detailed considerations regarding the function and presentation of the development can be considered at the Reserved Matters stage, where the developer would be required to adhere to the principles of the Building for Life 12 urban design guide (required under the Core Strategy) and encouraged to make use of design review as part of a pre-application process.

Site Access, Parking and Highway Safety Considerations

16. The key policies to consider from the development plan are CS15 of the Babergh Core Strategy and policy TP15 of the Babergh Local Plan. These policies seek development that is well laid out in terms of site access and highway safety, traffic flow and the environment.

Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all, and also makes it clear that proposals must only be refused where residual cumulative impacts on highway safety would be 'severe'.

Members should also note and apply significant weight to the Written Ministerial Statement of 25th March 2015 which states, inter alia, "*Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.*"

The proposal provides for the creation of up to 17 no. new dwellings which would be a material change from the previous use of the site which served as a school.

The concerns raised by the Parish Council and local residents have been considered carefully, alongside the professional and expert opinion provided by the local highway authority where the relevant engineer has provided the following points:

- *"The proposed condition requiring details of parking will ensure that adequate off-road parking is provided so that additional on-street parking should be limited (if any) and should not be unacceptable. Existing properties appear to all have adequate parking with reference to Suffolk Guidance for Parking: Technical Guidance 2015.*
- *The width of Church Field is adequate for passing and with the new accesses additional effective width should be provided for those lengths. The removal of vegetation to provide visibility splays will also make the street feel wider. As can be seen on the plan, Church Field is wide enough for a car and HGV to pass without mounting the footway.*
- *The parking spaces can be made long enough that there should be no problem manoeuvring into and out of them by cars.*
- *The number of vehicle movements generated will be insignificant in overall terms. I find no evidence that would lead me to conclude that the traffic impact would be unacceptable or warrant refusal."*

Whilst the plan provided by the applicant which showed a car and HGV passing (amended drawings have removed this illustration) was perhaps 'aspirational', your officers in any event endorse the professional comments provided by the LHA.

Furthermore, having regard to the configuration and presentation of the immediate highway network, it is considered that traffic speeds along Church Field are very likely to be low. Moreover, such vehicular movements would be largely undertaken by drivers who could be reasonably expected to be familiar with local area, given its suburban setting within a Hinterland settlement.

On that basis, whilst two additional driveways have been identified on the layout plan that connect to Church Field, opposite to existing dwellings, this is not considered to be an unacceptable situation; if anything, the formation of two new access points would likely displace on-street parking from that area.

In respect of highway safety, the application is therefore considered favourably and would not conflict with the aims of paragraph 32 of the National Planning Policy Framework, to only prevent development on transport grounds where the residual cumulative impacts are severe.

Impact On Residential Amenity

17. One of the core planning principles within paragraph 17 of the NPPF is that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by policy CN01 of the Local Plan.

The application is in outline with the scale/orientation of buildings and layout reserved. The indicative layout demonstrates that there would be sufficient space to ensure residential amenity is safeguarded for existing neighbours and future residents. It illustrates that this can be achieved with clear building lines and adequate separation distances between proposed development and the existing properties in Church Field and adjacent dwellings to the west and east. The proximal distances between properties would not be unexpected in a suburban setting such as this.

Resilience to Climate Change

18. Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. This is echoed in Policy CS15 of the Core Strategy, which states that development should be designed to a high standard in terms of its sustainability.

A key issue when considering 'resilience' is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain or high energy prices. In this instance the application site is considered to fall within 'Flood Zone 1' and as such there is a very low probability (less than 1 in 1000 annually) of river or sea flooding.

However, due to the scale and nature of the proposal a detailed surface water/flood strategy has been provided by the applicant, and this has been subject to a number of revisions following extensive discussions between officers and the SCC Floods team.

Whilst the use of a pumping station to deal with surface water drainage is not ideal, when having regard for national/local requirements and an hierarchical approach to sustainable drainage options, the applicant has nevertheless adequately demonstrated that all other options and opportunities have been exhausted. Consequently, SCC raise no objection to the development, subject to the imposition of planning conditions.

With regards to building performance, it is considered that whilst the necessary information to meet the requirements of Core Strategy Policy CS13 have not been provided as a part of the application, it would be acceptable to address this via the imposition of a planning condition/information supplied concurrent with Reserved Matters; and there is no reason to believe that such requirements cannot be met.

Biodiversity And Protected Species

19. In assessing this application due regard has been given to, *inter alia*, the provisions of the Natural Environment and Rural Communities Act 2006, and the provisions of Conservation of Habitats and Species Regulations 2010, Conservation of Habitats and Species (Amendment) Regulations 2012, and the Wildlife and Countryside Act 1981 (as amended) in relation to protected species.

Given the likely presence of bats within the school building(s), the Council's ecological consultant has raised concern in respect the level of information provided and the extent of surveys required to adequately, and robustly, identify and mitigate against the impacts of demolition.

Consequently, a holding objection is raised subject to further surveys that can be carried out as the season progresses. In the interests of expediency, Members will note that where this is the only outstanding matter to be resolved, it is recommended that authority for determination be delegated to officers to avoid this being re-presented at a later Committee.

Planning Obligations / Affordable Housing / CIL

20. The development will be assessed for any CIL liability shortly after the date of decision, should planning permission be granted. As the development will comprise affordable dwellings the scheme may claim some relief. This will be determined by the Infrastructure Team at the relevant time.

In addition, Suffolk County Council have outlined the monies that they would be making a bid for in order to mitigate the impact of the development, when the extent of liability has been determined.

Sport England have identified the need to secure a financial contribution of £25,000 towards off-site provision or enhancement to playing field provision in the locality. This is to mitigate against the loss of the playing field attached to the school. The applicant has agreed this contribution.

In addition, a number of areas of public/open space are likely to fall within the site and would not readily fall under the likely management or responsibility of the individual property occupiers. In such an event, and in the interests of proper planning and amenity, it is considered reasonable to secure the ongoing provision and management of those areas; and this can be secured by planning obligation.

Policy CS19 of the Core Strategy seeks to promote inclusive and mixed communities and requires that all residential development provides a provision for affordable housing; ordinarily this would equate to 35% of the total homes to be provided on the site. The applicant has agreed to this and where other obligations are being sought and the scheme is in outline form, this will be secure through the legal agreement.

In accordance with the Community Infrastructure Levy Regulations, 2010, the obligations recommended to be secured by way of a planning obligation deed are (a) necessary to make the Development acceptable in planning terms (b) directly related to the Development and (c) fairly and reasonably relate in scale and kind to the Development.

PART FOUR – CONCLUSION

Planning Balance

22. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

When taken as a whole, and as a matter of planning judgment, the proposal is considered to adhere to the development plan (where those applicable policies are considered to be consistent with the NPPF), and other material planning considerations including the NPPF. The proposal is consequently considered to represent a sustainable form of development, where there exists a presumption in favour of such development in accordance with paragraph 14 of the NPPF and Policy CS1 of the Core Strategy.

The presumption in favour of sustainable development is further reinforced by advice relating to decision taking in the NPPF. Paragraph 186 of the Framework requires local planning authorities to "*approach decision taking in a positive way to foster the delivery of sustainable development*". Paragraph 187 states that local planning authorities "*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*".

In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm. A positive recommendation to Members is then presented below.

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

23. 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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In this case it was

necessary to work with the applicant in respect of matters including drainage and ecology. Subsequently the Local Planning Authority was able to reach a decision having had regard for all material planning considerations and statutory duties.

Identification of any Legal Implications of the decision

24. The application has been considered in respect of the current development plan policies and relevant planning legislation. 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 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Crime and Disorder Act 1998

RECOMMENDATION

(1) That the Corporate Manager – Growth and Sustainable Planning be authorised to secure a planning obligation under Section 106 of the Town and Country Planning Act, 1990, to provide:-

- 35% Affordable Housing (on site);
- £25k, as required by Sport England;
- Arrangements for ongoing management of public spaces.

(2) That, subject to the completion of the Planning Obligation in Recommendation (1) above, and subject to the adequate resolution of outstanding ecological issues, the Corporate Manager – Growth and Sustainable Planning be authorised to grant Planning Permission subject to conditions including:-

- Stand time limit and Reserved Matters Conditions;
- Approved Plans: SLP and Layout (only in so far as relating to access);
- Quantum of total dwellings fixed to 17 no.;
- Development to accord with agreed ecological details as may be required;
- Levels details;
- Detailed hard/soft landscaping with reserved matters;
- External lighting details with reserved matters;
- Sustainability/energy/emissions details with reserved matters;
- External facing materials samples/details;
- Construction management plan;
- Fire hydrants details;
- As requested by SCC Floods;
- As requested by SCC Highways;
- As requested by SCC Archaeology;
- As requested (and applicable) by Anglian Water;
- Waste management/recycling details;
- Arboricultural method statement/tree protection details.

- (3) That, in the event of the Planning Obligation referred to in Recommendation (1) above not being secured the Corporate Manager – Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including:-
- Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to Policies CS19 and CS21 of the Core Strategy.
- (4) In the event that, notwithstanding Recommendations (1) and (3) above, ecological matters are not resolved to the satisfaction of the Corporate Manager – Growth and Sustainable Planning, that authority be delegated to him to refuse planning permission, for the following reason (summarised):
- Lack of information and/or measures to mitigate impacts upon protected and/or priority species, contrary to local and national planning policies.