

MID SUFFOLK DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE - 15 April 2015

AGENDA ITEM NO	1
APPLICATION NO	0254/15
PROPOSAL	Hybrid planning application that seeks: (a) Outline planning permission for demolition of all existing buildings and erection of 56 dwellings (including six affordable units) with associated parking, hardstanding and creation of public footway, with all matters reserved except access. (b) Full planning permission for provision of open space (as shown on drawing no 16-23-03).
SITE LOCATION	G R Warehousing site, Old Station Road, Mendlesham
SITE AREA (Ha)	1.8
APPLICANT	GR Warehousing Ltd
RECEIVED	January 22, 2015
EXPIRY DATE	May 22, 2015

REASONS FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

- (1) it is a "Major" application for:-
 - a residential land development for 15 or over dwellings
- (2) the Head of Economy considers the application to be of a controversial nature having regard to the location, planning history, scale and nature of the application

PRE-APPLICATION ADVICE

1. There is an extensive planning history background to consider. For this specific planning application pre application work has been carried out that has included work with representatives of the Parish Council.

SITE AND SURROUNDINGS

2. The application site contains a haulage, warehousing and distribution depot currently in operation, but may be considered in three parts.
 - 1) The northernmost part of the application site was historically developed as part of the Mid Suffolk Light Railway and is slightly elevated compared with the rest of the proposed area for development. This area has a range of buildings along its northern boundary, but is otherwise it is mainly open hardstanding and parking area. An ancillary office to the haulage yard is accommodated in a freestanding building by the entrance to the haulage yard. This part of the

application site is considered to be previously developed land under the definition of such land within the National Planning Policy Framework (NPPF).

2) South and towards the west boundary is a further parcel of land. Informal parking and storage has previously occurred on this land, but its use is unclear and not agreed. There are white posts currently positioned to outline the position where three warehouses are approved under planning permission 0280/88 (see history). This area of the site is not considered to be previously developed land under the definitions of the NPPF at this time. While there is a planning permission approved and technically implemented for warehousing on this land, this permission has not been substantially completed and put into use to alter the status to be considered previously developed. The land may have been used for purposes associated with the GR Warehousing site, such as storing containers, but this has not been approved and a certificate of lawful use has not been issued on this basis. Accordingly this area is not regarded by your officers as previously developed land.

3) South of the operational GR Warehousing site and east towards the highway is another piece of land that is either a paddock or in general agricultural use. This last parcel of land takes up more than half of the available road frontage to the application site. This parcel of land is not previously developed land and there is no implemented planning permission for this land.

To the north and adjacent the site are a community centre and primary school and a sports field. Open countryside is to the west and to the south. To the east, on the opposite side of Old Station Road is Elms Farm, a Grade II* Listed Building. Elms Farm is the nearest residential neighbour to the application site.

Part of the site is "greenfield" in the sense that it is not previously developed. The entire site area is outside the settlement boundary as defined within the 1998 Local Plan. There are no allocations or designations for the site within the Development Plan. There are no recorded constraints in respect of the site, except that the haulage yard element of the application site may be contaminated. Land to the north of the site, playing fields and land associated with the school, is also outside the settlement boundary (except for the school buildings) and furthermore these are designated as visually important open space (VIOS).

The settlement boundary to Mendlesham is some distance away to the north and only comes close to the application site where it is set around existing residential development on the opposite side of the road from the north east corner of the site.

HISTORY

3. The planning history relevant to the application site is:

1356/14	Outline planning application(all Matters Reserved except access) for the demolition of the GR Warehousing warehouse and storage buildings and	Refused 10/10/2014
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redevelopment of the site to erect 56 dwellings with associated open space, parking, hardstanding and the creation of a new public footpath.

0204/15	Erection of 56 Dwellings	Pre App
0735/14	Outline planning application (including access only) for the demolition of the G R Warehousing warehouse and storage buildings and redevelopment of the site to provide 51 dwellings with associated public open space, parking, hardstanding and the creation of a new public footpath.	Withdrawn 09/04/2014
0257/13	Outline planning application (all matters reserved) for the demolition of the G R Warehousing warehouse and storage buildings and redevelopment of the site to provide 51 dwellings with associated public open space, parking, hardstanding and the creation of a new public footpath.	Failed To Determine / Appeal Dismissed
0280/88	Erection of three distribution warehouses	Granted 13/06/1988 This has been implemented and confirmed by letter as having been implemented.
0985/79	Use of part of meadow for hardstanding and new access road to existing haulage site	Granted 11/02/1980

PROPOSAL

4. This is a hybrid planning application;

Outline planning application with all matters reserved except for access. The proposal includes 50 dwellings and 6 affordable housing units, but the size, scale, appearance and location is not part of this application.

Full planning permission for the provision of open space 1800 sq metres. This is an area of land to that forms the south east corner. The approach fixes the location of open space to this corner close to adjacent to Old Station Road and close to Elms Farm.

POLICY**5. Planning Policy Guidance**

See Appendix below.

CONSULTATIONS SUMMARY (Unless otherwise indicated)**6. Parish Council**

After much discussion, Mendlesham Parish Council recommends that this application is accepted. This was not a unanimous decision and we still have reservations and observations that would need to be resolved by the full planning application. This development of 56 units is larger than the residents of Mendlesham want, with up to 20-30 units preferred by a significant majority, as evidenced as part of our emerging Neighbourhood Plan. A large part of this site is previously developed land and government policy is to develop these sites rather than greenfield land if possible. This site currently has planning permission for considerable warehouse expansion and if built out a potential to increase hgv/truck movements up to 182 per 24 hours. This site is next to the village school and very close to residential housing. A large part of this traffic would will also need to access the site via Church Road/ Front Street and both roads are a prominent part of the village conservation area. The opportunity to remove this traffic from the village would be a considerable planning gain.

Our thoughts are as follows:

1. The mix of units of 9 x 2 bed and 38 x 3 beds is reasonable and meets the needs of the Parish as they will appeal to small and growing families.
2. The six affordable houses for local use is welcomed. Whilst this number is much lower than policy guidelines, we do appreciate these are at 65% of local market rent and the site will have some excessive "clean up" costs.
3. There will be an effect on local community amenities with 56 additional families joining the village so the community contribution is essential.
4. Whilst outside the "red line" the site is adjacent to the village boundary so residents could enjoy easy pedestrian access into the centre of the village.
5. The school, community centre and Old Station Road are already extremely busy, particularly at school collection times site and there is already concern about road safety along Old Station Road. The development will substantially increase local road traffic along Old Station Road, with anticipated larger "peaks" during the busy arrival and departure times for the adjoining school. The centrally situated access to this new development is an improvement, but the new residents (along with the existing school population) will have to cross Old Station Road to access the pavement into the village. Therefore some form of pedestrian crossing will be required.
6. We do note the contribution towards education, but with the primary school reporting only 3 spare places likely to be available in September 2015, it is essential that investment in the Primary School is timely and in anticipation of this growth and demand rather than retrospective.
7. Site boundaries, particularly at the front and two sides need good planting to visually smooth and hide this development from the gateway to our village. This is also important so that views of the site do not detract from the surrounding views from and to Mendlesham Wood (one of our visually important open spaces). All existing trees should remain and more quality planting take place at

the front of the site as well as a new hedge along both side boundaries. These should be protected by a TPO and provision made to maintain the new planting scheme indefinitely.

8. The open space at the front of the site is welcomed, but other than for the benefit of Elms Farm, its use and purpose is unclear eg will this be open space for the community to use, a wildlife area or other amenity use? Arrangements also need to be made with regard to the responsibilities and cost of ongoing maintenance.

9. Broadband, high speed connection is available in the village and there should be a definite proposal to deliver it to all 56 units in the development.

10. We still have concerns about the design and layout which will need to be addressed in the full planning application to ensure a high quality development for our rural village and parish. At present we cannot see any provision for visitor parking and roads appear to be of differing widths? We understand that there should be 0.25 visitor spaces per dwelling and if provided it is difficult to see how 56 properties, resident and visitor parking will fit into the site?

This application is for an area outside the Mendlesham village settlement boundary and would normally fall outside national and local planning policy. However in our emerging Neighbourhood Plan we show qualified support for new development that is outside, but adjacent to, the current village boundary. We also understand that the lack of a MSDC five year housing supply will form part of the consideration. Mendlesham has identified that it needs further development to sustain existing services and as a Key Service Centre is also aware that it will be required to accommodate further housing. Further reasonable growth cannot be accommodated within the existing village boundary. We therefore request that this outline application is now approved and hope that as a Parish Council we can be part of discussions regarding design and layout, before a full planning application is submitted.

Anglian Water

Advise that foul drainage and sewerage network has capacity for this site.

English Heritage

Recommend refusal and considers the development causes less than substantial harm, unless the Council considers the public benefit outweighs said harm.

Ramblers Association

Have viewed plans and have no comments to make.

MSDC Environment Health

The Environmental Protection Team has no objection to the proposed development, but recommend a single condition for a contaminated land strategy

SCC Section 106 Obligations Officer

Seeks to secure funding for an additional 3 primary school places and 6 secondary school places at a total cost of £146,673. We would not require any

contribution for the 6 additional pre-school children arising from this development as capacity is available in Mendlesham. As this settlement is covered by mobile library provision we will not be requesting any contributions for libraries. A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions and broadband is encouraged. Other issues are covered by other parts of SCC.

SCC Rights of Way

Please accept this email as confirmation that we have no comments or observations to make in respect of this application affecting Public Footpath 58 which is on the opposite side of the road to the area of development.

SCC Archaeology Section

Recommends standard condition for archaeology programme of works.

SCC - Highways

Awaiting response, to be reported at committee. A verbal update will be given.

Suffolk Fire and Rescue Service

Recommends fire hydrant provision to be conditioned.

MSDC – Economic Development

Refers to previous comments – Does not support loss of employment use.

MSDC – Environmental Health (2)

In respect of 'other' environmental health issues I do not have any objection to the proposed development. However, demolition and construction working can generate noise above usual background levels. To minimise any adverse impact on neighbouring premises I would recommend the following site working hours: 7.30am to 6.00pm Weekdays 7.30am to 1pm Saturday, and no working Sunday or Bank Holidays. Reason: To minimise any adverse impact of noise from demolition and construction activities on neighbouring noise sensitive premises.

MSDC – Tree Officer

There are no trees of significant amenity value affected or required for removal as part of this proposal. However, the existing trees and hedges along the site boundary will help soften and incorporate the development within the landscape if permission is granted. This will require appropriate protection measures, i.e. a protection plan and fencing specification, and can be dealt with as part of reserved matters.

Environment Agency

Awaiting response, to be reported at committee. A verbal update will be given.

LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received.

- Need homes to sustain village
 - Improved road safety
 - Removes HGVs
 - Creates attractive entrance to village
 - Avoid numerous smaller schemes and associated issues and traffic
 - Uses brown field site
 - More homes do not sustain villages, pubs and retail close despite expansions
 - Questionable that younger people should be encouraged to stay in village
 - Suburban development
 - Preference would be commercial redevelopment
 - Not in accord with results of surveys undertaken for Neighbourhood plan, these prefer small site development.
 - Too much development
 - Would result in harm to Listed Building that is not outweighed by public benefit
 - Increases traffic
 - School need funding if approved to support extra children.
 - Need pedestrian crossing.
 - Light and noise pollution
 - Not enough employment to support development in Mendlesham.
- Other issues - Need for development, need of social housing, example of haulages yards in the area, other villages should be developed,

8. There are a number of considerations which will be addressed as follows.

- Principle of Development
- Summary of NPPF Position
- Highway and Access Issues
- Design and Layout
- Residential Amenity
- Landscaping
- Biodiversity
- Environment and Flood risk

● PRINCIPLE OF DEVELOPMENT

There has been extensive planning history in respect of this site. Planning application ref 0257/13 for 51 dwellings was subject to appeal and dismissed. The Inspector considered the following main issues.

- whether the Council can demonstrate a 5 year supply of deliverable housing land, and the consequent policy implications;
- whether the amount of affordable housing proposed is acceptable;
- whether the absence of any contribution towards social infrastructure, open space and education facilities is acceptable;
- the effect of the proposal on the character and appearance of the surrounding area, including the setting of the Grade 2* Listed Elms Farm
- the effect of the proposal on employment provision.

This appeal has weight in terms of both the principle of development as well as

wider Council policy.

The most recent application for 56 dwellings ref 1356/14 was refused planning permission on the following grounds:-

Policies CS1 and CS2 of the Mid Suffolk Core Strategy and their associated pre-ambles make clear that new residential development will not be permitted in the countryside except in exceptional circumstances. Similarly, Policy H7 of the Mid Suffolk Local Plan makes clear that there will be strict control over new housing development unrelated to the needs of the countryside. The proposed residential development is outside of any adopted settlement boundary and the Council maintains a 5 years supply of land. The proposal is therefore considered to represent an unsustainable form of development in a rural location for which no exceptional circumstances or overriding public benefit has been demonstrated justifying departure from adopted development plan policies and the objectives of national policy statements predicated on delivering sustainable development. The proposal is therefore contrary to Policies CS1 and CS2 of the Mid Suffolk Core Strategy of the Local Development Framework (adopted September 2008), Policies FC1 and FC.1 of the Core Strategy 2012 Focused Review, to Policy H7 (Restricting housing development unrelated to the needs of the countryside) of the Mid Suffolk Local Plan 1998, and to the advice and requirements of para 49 of the National Planning Policy Framework.

The development scheme fails to secure the appropriate provision of social infrastructure. On that basis the proposed development would be contrary to policy CS6 of the Mid Suffolk LDF Core Strategy 2008 and contrary to the Council's Supplementary Planning Document for Social Infrastructure including Open Space, Sport and Recreation adopted October 2006. Furthermore the development would be contrary to the National Planning Policy Framework paragraphs 6, 7, 9, 14, 17, 28, 49, 70 and 73 on this basis.

In the absence of adequate public benefit to be considered to offset harm, it is concluded that the development would cause harm to the character of the setting of the Grade II Listed Building, Elms Farm, in that the isolated, rural position from which the farmhouse dominates its associated farmland would be lost without sufficient public benefit to justify. The proposal is therefore contrary to Local Plan Policy HB1, Core Strategy Policy CS5 and paragraphs 128, 129, 131 to 134 and 137 of the National Planning Policy Framework.*

There are no significant benefits demonstrated to result from the loss of the current operational employment site and its redevelopment. Accordingly the proposal is considered to be contrary to policy E6 of the Mid Suffolk Local Plan 1998 and Core Strategy FC3.

In terms of principle for development both the issues covered by the previous appeal and later refusal are addressed below.

Five Year Land Supply

The NPPF states the District Council should have a 5 year land supply plus an appropriate buffer. Mid Suffolk's land supply was a key issue at the appeal 0257/13 and subsequent decision in relation to application 1356/14 above. As

Members will be aware the housing land supply was recalculated for January 2015 and was calculated to be 4.2 years. This undersupply amounts to approximately 400 houses. On this basis Mid Suffolk does not have a 5 year housing land supply and the final year position is being calculated.

Given that Mid Suffolk cannot demonstrate a 5 year housing supply it is considered that Policy CS2 and the housing policies previously applied to this site including Local Plan policy H7 should be not considered to be up to date. Accordingly part of reason one for refusal for 1356/14 can not now be relied upon in your officer's opinion. The NPPF nevertheless requires that the development be considered to be sustainable in order to be acceptable and this is consistent with the previous appeal considerations for 0257/13 and later decision under ref 1356/14.

The Inspector concluded in the previous appeal that *"the adverse impacts of allowing the proposal would significantly and demonstrably outweigh any benefits which might arise from the development. Because of this, the appeal would not have succeeded even if the Council had not been able to demonstrate a deliverable 5 year supply of housing land."*

In conclusion, the Council does not have a 5 year land supply, but the development is still required to be sustainable under the NPPF and not have adverse impacts that outweigh the benefit of development and these matters are considered further below.

Affordable Housing

The previous appeal concluded that affordable housing was necessary for sustainable development and recognised *"where there is a pressing need for affordable housing, the thrust of this policy is that development should provide the maximum amount of affordable housing, up to 35%, subject to the development remaining viable."* The appeal did not establish the level of affordable homes that should be provided, only that the maximum should be achieved up to the point scheme may become unviable. On this basis for this application details of the proposal and relevant costs provided by the applicant have been considered by your Asset Utilisation and Viability officers.

Consequently it has been concluded based on figures provided that the 6 homes of social rent proposed would be the maximum that can be achieved before the scheme becomes unviable. The actual type of homes is unknown as these details do not form part of the outline application.

There is the option to take away monies from other proposed obligations to further fund affordable housing for this site above 6 units, but these potential affordable dwellings would be only be realised at the cost of any other benefit. In any event if all the monies for all the obligations offered by the applicant were used for further affordable units this would only amount in a couple of extra affordable units that would remain significantly short of the 35% target.

There is significant need for affordable housing established for this area. While it is accepted that the amount is dependent on viability, it is not clear to what extent there is any real benefit of just 6 affordable homes being generated from an outline scheme of 56 new homes. On balance it is concluded that insufficient provision of affordable homes being secured across the District is leading to

shortfall, but this must also be considered against the need for general housing land supply overall.

Social infrastructure, open space and education facilities

The appeal Inspector for the earlier scheme for 51 dwellings concluded that the failure of sufficient provision of social infrastructure, open space and education facilities made the previous scheme unsustainable. However, unlike with affordable housing, viability was distinctly not considered sufficient reason to limit or set aside the infrastructure contributions sought to address the proposed increased population burden and needs that would arise from the development. The Inspector concluded *"that this proposal should not be allowed to proceed without the contributions requested, as it would result in a development at odds with the economic and social roles of sustainable development set out in the Framework, and in conflict with CS Policy CS6 and the SPD referred to above."*

Under the last refused scheme 1356/14 the education contribution proposed was £100,000.00. For this current application the full amount of £146,627.00 is offered to secure with a Section 106 agreement and this represents the full amount sought by Suffolk County Council and the identified educational needs.

For social infrastructure and open space £154,484.00 is offered to be secured (previously the contribution offered was £120,000.00). £154,484.00 is below the amount normally sought by the District Council that would normally be around £400k for both parish and wider projects. However, CIL regulations that apply from 6th April 2015 now prevent general pooling of monies across the district and according the amount offered is considered reflective of the level of contribution at a local level for the Parish alone and can not be increased or otherwise risk non-compliance with the CIL regulations. The £154,484.00 offered is considered to be the full amount appropriate for proportional contribution for local social infrastructure for Mendlesham.

On site provision of public open space is also proposed and unlike previous proposals now forms a set location and size area for consideration and to be secured.

The need for such obligations have been robustly tested and have not previously been disputed by the appellant or Inspector. It was concluded by the Appeal Inspector that if the development was to proceed without appropriate contributions such development would be at odds with the NPPF and the Core Strategy. Compared to the previously refused applications it is considered that the applicants have now offered contributions in full to mitigate the burden of development and make the development sustainable.

The effect of the proposal on the character and appearance of the surrounding area, including the setting of the Grade 2* Listed Elms Farm.

In the case of the current application the scheme is in the form of both outline application and full for the larger open space area. This is inline with the previous indicative scheme subject to appeal that proposed development away from Elms Farm Listed Building as far as likely to be possible and this has been now been secured for greater certainly for this current application. On this issue the Inspector for the previously dismissed scheme considered that the likely

impact of the proposal would be less than the impact which would arise if the implemented planning permission for 2,787 sqm of warehousing were to be built out. However, he also considered that there would be very little public benefit arising from the housing development. He concluded that by introducing residential development onto currently undeveloped parts of the site, the proposal would have an adverse impact on the character and appearance of the surrounding area and the limited public benefits would not be sufficient to outweigh the harm to the setting of the Elms Farmhouse.

For this current application both English Heritage and your Heritage officers consider the scheme to remain harmful and refer to the need for public benefit to outweigh such harm. On the issue of public benefit the proposed heads of terms now meet sought contributions and requirements up to the expected policy level for any normal development. The development does not make any truly exceptional case on its own merit for benefits beyond the burden of the development, except for a good size public open space that is secured. However, the change in the Council's position on 5 year supply does result in the weight attached to housing supply in terms of wider public benefit and need for such housing being significantly increased.

On balance the current application is agreed by all parties to cause less than substantial harm and while this is still harm that impacts the character and appearance of the area and setting of Elms Farmhouse, there is now sufficient public benefit including the delivery of housing land to outweigh said harm. Furthermore the area between the Listed Building and the new housing is to be secured for open space and landscaping works safeguarding the setting of the Listed Building to a reasonable measure.

The effect of the proposal on employment provision

The Inspector at the earlier appeal considered the value of the site as an employment site. The view that the site should not be seen as a valued employment site and that there are other sites available was supported in part by the Inspector. However, Core Strategy Focussed Review Policy FC3 and Local Plan Policy E6 were given reasonable weight especially as the Inspector accepted that the District Council did have 5 year housing land supply. This is now not the case and accordingly the degree of weight given to policy E6 is reduced.

While it is considered that there would be a reduction in employment and the benefit of development is not significant as sought by Policy E6, this position is not recommended to be of such weight on its own merits to warrant refusal.

Other matters and conclusion

At the time of the appeal and more recent application the Mendlesham Neighbourhood Plan was at a very initial stage. Now the neighbourhood plan is much further along with a draft document issued. This document while not yet adopted does provide guidance on the community direction for development in the local area and has identified this site for housing development.

During the appeal and previous application the provision of footway link along

the highway was accepted by all parties. The same offer has been made on this occasion and accepted.

NPPF

The National Planning Policy Framework (NPPF) was published on 27th March 2012. It provides that the NPPF *"does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise"*.

The NPPF also provides (paragraph 187) 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. Local planning authorities should work pro-actively with applicants to secure developments that improve the economic, social and environmental conditions of the area."*

Section 7 of the NPPF refers to design. It provides that good design is a key aspect of sustainable development; it should contribute positively to making places better for people. Decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (paragraph 60) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (paragraph 64).

NPPF – Supply of Housing

The NPPF provides that Local Authorities should maintain a five year land supply for residential development. Para 49 goes on to provide

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

• HIGHWAY AND ACCESS ISSUES

The application is for outline planning permission with all matters reserved, except for highway access and full permission for the open space area. The Highways Authority has not objection in principle in all previous applications, providing a direct footway link would be provided between the development and Mendlesham Community Primary Centre and that detailed matters would be dealt with at a reserved matters stage. This shall be secured with an agreement. At the time of writing the consultation response from SCC highways has not been received, but it is not envisaged that their previous position would change

significantly in respect of this application, but shall be will be reported verbally to committee including any conditions.

• DESIGN AND LAYOUT

The application is for the most part outline planning permission with all matters except for access reserved. At this stage there is no reason to seek a refusal on the basis of design and layout. The full application element is for an open space area to secure its use and landscaping can be sought via conditions.

• RESIDENTIAL AMENITY

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. It is considered that this proposal is not likely to give rise to any concerns of unacceptable loss of neighbour amenity by reason of form and design and that such matters could be managed through the reserved matters.

• LANDSCAPING

On balance it is considered that there will be a considerable change to the landscape, but this needs to be judged in context with the current buildings and implemented permission and the overall benefits of developing the site. The problem is that the impact is difficult to consider in full without details and these are reserved at this stage and judgement on this matter is similarly reserved. Some of this consideration is helped by means of the open space area being secured. While this acts as buffer between the Listed Building of Elms Farm, it also allows for positive contribution to the wider landscape.

• BIODIVERSITY

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. There are no recordings of protected species or their habitats in the immediate area.

• ENVIRONMENT AND FLOOD RISK

Policy CS4 of the Core Strategy states that all development proposals will contribute to the delivery of sustainable development and reflect the need to plan for climate change. The development would reduce open ground which rainfall could soak into; open ground being replaced with roofs and hard surfaces. The site is within Flood Zone 1, at the lowest risk of flooding. Nevertheless, due to the size of the development, involving an increase in roof areas and hard surfaces which could create flash flooding, the application has been required to be accompanied by a Flood Risk Assessment (FRA). The Environment Agency have not previously objected to proposals on this site and normally recommend conditions. At the time of writing this report comments from EA have not yet been received and shall be reported verbally to committee. It is considered unlikely that this should form a reason for refusal.

Conclusion

Mid Suffolk District Council does not currently have a 5 year housing land supply and on this basis the Housing policies in the Core Strategy and Focused Review at this time should not be considered as up to date. With consideration of the NPPF, previous proposals and decisions on this site along with the increased mitigation proposed for the burden of the proposed development, the development is now considered to be sustainable and of public benefit sufficiently to outweigh identified harm. The basic principles set out by the previous appeal are considered on balance to be addressed.

Accordingly the recommendation is one of approval.

RECOMMENDATION

That Full and Outline Planning Permission be granted subject to the prior completion of a satisfactory Section 106 planning obligation upon terms to the satisfaction of the Professional Lead Officer to the following heads of terms:-

- Phased delivery of development. Agreed delivery of public open space in accordance with phasing.
- Public rights of way and public open space on site shall be agreed and dedicated as shown on approved drawings.
- Provision of 6 affordable units to be let at a social rent, on a local lettings basis first.
- £154,484 towards social infrastructure and public open space for Mendlesham only
- £146,627 to SCC education for Mendlesham school use.
- £15,000 to SCC Highways towards construction of a new footway linking the site to the primary school and community centre.

And the following conditions to be imposed.

For Housing (Outline) Permission

- Standard Time Limit
- Reserved Matters
- Approved Plans Agreed
- Archaeological Programme of Works Conditions.
- Removal of permitted development rights for any side and front extensions and any alterations that face a highway, no new or enlargement of openings above ground floor including roof lights. (In addition no satellite dishes on forward elevation facing a highway)
- Protection of existing trees and planting
- Materials to be agreed
- Landscape management and implementation to be agreed
- Construction Hours to be agreed
- Highways conditions to be agreed as may be recommended by SCC Highways.
- Flood mitigation, surface water conditions as may be recommended by EA
- Site waste management strategy to be agreed
- Resource efficiency measures to be agreed during construction
- Provision of fire hydrants, number and position to be agreed.
- Strategy for contamination to be agreed

For Open Space (Full) Permission

- Standard Time Limit
- Approved Plans Agreed
- Landscaping to be agreed
- Protection of existing trees and planting
- No external storage.

Philip Isbell
Corporate Manager - Development Management

John Pateman-Gee
Senior Planning Officer

APPENDIX A - PLANNING POLICIES

1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review

- Cor1** - CS1 Settlement Hierarchy
- Cor2** - CS2 Development in the Countryside & Countryside Villages
- Cor5** - CS5 Mid Suffolks Environment
- Cor6** - CS6 Services and Infrastructure
- CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
- CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT
- CSFR-FC3** - SUPPLY OF EMPLOYMENT LAND

2. Mid Suffolk Local Plan

- H7** - RESTRICTING HOUSING DEVELOPMENT
- HB1** - PROTECTION OF HISTORIC BUILDINGS
- E6** - RETENTION OF INDIVIDUAL INDUSTRIAL AND COMMERCIAL SITES
- T10** - HIGHWAY CONSIDERATIONS IN DEVELOPMENT
- GP1** - DESIGN AND LAYOUT OF DEVELOPMENT
- H13** - DESIGN AND LAYOUT OF HOUSING DEVELOPMENT
- H16** - PROTECTING EXISTING RESIDENTIAL AMENITY
- H17** - KEEPING RESIDENTIAL DEVELOPMENT AWAY FROM POLLUTION

3. Planning Policy Statements, Circulars & Other policy

- NPPF** - National Planning Policy Framework

APPENDIX B - NEIGHBOUR REPRESENTATIONS

Letters of representation have been received from a total of **23** interested party(ies).

The following people **objected** to the application



The following people **supported** the application:



The following people **commented** on the application:

