

Committee Report

Item No: 6

Reference: DC/17/03267

Case Officer: Gemma Walker

Ward: Bacton & Old Newton

Ward Member/s: Cllr Jill Wilshaw

Description of Development

Outline Planning Application (Access to be considered) - Erection of 23 dwellings (including 8 affordable homes).

Location

Land Adjacent, Greenacres, Old Newton, Suffolk

Parish: Old Newton with Dagworth

Site Area: 8000 m²

Conservation Area: No

Listed Building: No

Received: 27/06/2017

Expiry Date: 30/11/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: N/A

Applicant: Mr & Mrs R Wrinch

Agent: Philip Cobbold Planning Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Site Location Plan prepared by Phil Cobbold Planning Ltd as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form – Received 27/06/2017

Traffic Statement prepared by Richard Carter, Highway and Traffic Consultant – Received 27/06/2017

Site Location Plan – Received 27/06/2017

Existing Level Survey drawing number TSES-20195-007-01 – Received 27/06/2017

Preliminary Scheme Design drawing number 3773-02B – Received 27/06/2017

Design and Access, Local Validation Requirement and Planning Statement prepared by Phil Cobbold Planning Ltd – Received 27/06/2017

Contamination Report – Received 27/06/2017

Flood Risk Assessment – Received 27/06/2017

Desk Based Contaminated Land Assessment prepared by Nott Group – Received 30/10/2017

Extended Phase 1 Survey on Land prepared by Hillier Ecology Ltd – Received 13/11/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

It is a “Major” application for:

- a residential development for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

There is no relevant planning application history.

Previous Committee / Resolutions and Any Member Site Visit

None

Pre-Application Advice

Discussions held with various planning officers who confirmed:

- Old Newton was a sustainable village and that the site was suitable for development;
- Scale and density of development as shown on the indicative layout plan were acceptable.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Old Newton with Dagworth and Gipping Parish Council

The transport report complies to the highways standards however, parishioners believe the proposed entrance will not be practical for HGVs to enable them to swing into the site. Visibility is already reduced due to parked cars on the junction with the B1113. Vehicles parking on the road makes it that two-way traffic is not achievable for existing residents making any additional vehicle movement onto a potential building site virtually impossible. Mutton meadow also does not have accessibility for fire engines or ambulances presently as there are no turning spaces which would also make access for building materials and deliveries to site virtually impossible. Residents are extremely concerned. Cllrs felt that the

papers on the website do not clearly identify what access is being looked at for this application. At construction stage the vehicles proposed to access the site are not suitable and it was agreed that accessibility will be compromised.

It is feared that the proposed access will have the potential to be used as a rat run - the outline road that will link Mutton Meadow to Greenacres, was suggested that this should not be a through route for vehicles, central bollards would prevent a rat run, but give both pedestrians and cycles freedom. Cllrs felt that an alternative access other than through Greenacres and Mutton Meadow is felt in need of consideration.

The report states there are 29 dwellings in Greenacres. There are actually 50, some of the properties are flats, which makes the calculation of the transport report not relevant as there is almost double the numbers of estimated vehicles. It also means that the proposed development was only communicated to 29 properties and many of the residents have had no direct communication or letters about the application. Residents are upset and concerned regarding the loss of privacy and the impact this development will have on the existing properties and property prices. Parking spaces identified to be removed when there is already not enough space is not acceptable to residents and no footpaths being installed are also not acceptable and a concern.

The Grass meadow is currently a wonderful wildlife habitat and residents feel it would be a crime to destroy this green space. Parishioners felt that the ecological survey is not representative and does not assess effectively what is known to be in existence on the site.

Public transport is virtually non-existent to and from the village with only 1 bus coming through the village at present for access to Stowmarket, there are no safe cycle paths and no post office, suggesting that parishioners can walk to neighbouring post office facilities is also not acceptable to residents. The doctors amenities at Bacton and Mendlesham will be compromised as other villages are also having to consider applications and it is feared that the current service cannot withstand so much development. Old Newton Primary School is already over-subscribed for September. The application is felt that it does not reflect accurately the actual amenities and infrastructure available within our village presently.

Cllrs would expect to have more to say on detail such as footways, street lighting, preservation of existing public footpath, and consideration of nearby residents. The parish council would also like to see some developer contribution toward extending the Church Road footpath on the north side toward the Downs footpath / the primary school.

Cllrs felt that access is the main consideration and the close proximity of the proposed new properties to the existing properties. As it stands there is insufficient information for access to this land to be developed. It was proposed and seconded to object to this application on the grounds discussed by the public in attendance at the meeting and on the access to the site not being acceptable. All Cllrs voted unanimously to object to this application at this stage.

Environmental Health

No objection.

Waste Services

No objection subject to revised layout to accommodate 32 tonne dustcart turning area opposite plot 3.

SCC – Strategic Development – Resource Management

The details of site specific contribution requirements related to the proposed scheme are set out below:

Education

Based on existing forecasts SCC will have no surplus places available at the catchment primary and secondary schools. On this basis SCC will seek CIL funding for at least £166,413 (2017/18 costs) to mitigate the impact of the development.

Pre-school provision

In the ward of Bacton and Old Newton there is currently a surplus of places predicted in September 2017. Therefore, a contribution for early years is not required for this development.

SCC - Suffolk Fire and Rescue Service

Fire hydrant provision required and to be addressed by planning condition at the detailed planning application stage of the approvals process.

SCC - Highways

Provided suitable arrangements are made by the applicant to either divert Footpath 47 via the correct legal process or to ensure it is free of obstruction on its current alignment, notice is hereby given that the County Council as Highways Authority, recommends that any permission which that Planning Authority may give should include the conditions shown below.

The parking provision for the development may give the minimum number of parking places required but experience has shown that residents tend to park as close as possible to the entrance of their house. Therefore, it is considered the parking provision is not 'convenient' and may lead to parking on footways, verges and service strips. Also, unsupervised cars left in parking courts, which are not visible from dwellings, can be prime targets for vandals and thieves. We recommend allocated parking spaces are located within the curtilage.

Officer note: Proposal is outline and the parking can be addressed at reserved matters.

SCC – Rights of Way

Government guidance considers that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 - Defra October 2009, para 7.2) and that public rights of way should be protected.

The proposal as submitted would have a direct effect on a public right of way; Old Newton Public Footpath 47 (FP47) is recorded through the site. Please refer to the attached digital plot of the public footpath, which is as near as can be ascertained. FP47 has not been shown on the site plan apart from the southern end where it exits the development.

Plots numbers 20,21 and 22 appear to be proposed over the definitive alignment of FP47.

The proposed estate road will cross FP47.

The Rights of Way and Access Team therefore objects to the proposal as submitted on the basis that:

The proposal as submitted will illegally obstruct FP47

If the proposal is to divert FP47 onto estate footway, this would be unacceptable. FP47 is a popular and well used route, including an annual charity walk. Diverting onto a footway will result in the loss of the amenity and characteristic value of the footpath.

Nothing should be done to stop up or divert the Public Right of Way without following the due legal process including confirmation of any orders and the provision of any new path. If you wish to build upon, block, divert or extinguish a public right of way within the red lined area marked in the application, an order must be made.

Officer Note: Following the above comments advice was sought from Communities Officer – Public Rights of Way:

This Council's advice to applicants who wish to divert a public right of way to enable development to take place is as follows:

“The use of roads and estate roads for alternative routes should be avoided wherever possible. There is a preference for alternative footpaths, bridleways or restricted byways to be provided which pass through landscaped or open space areas away from vehicular traffic.”

This accords with Circular 1/09 paragraph 7.8. A proposal to divert onto an estate footway should be seen as a last resort if there is no other acceptable alternative. It is also important that any development proposal, or diversion proposal, does not result in a 'corridor' effect. A minimum width of 1.5 metres is required for a new route when the existing route is not already recorded at a greater width. Where a route passes or will pass between two boundaries or is within and adjacent to a garden boundary a minimum width of 2 metres will be required.

If it is not possible to produce a suitable/viable layout without diverting the footpath then the advice above should be followed to ensure that there is not an unacceptable impact on the amenity value and character of the footpath. The footpath is a very direct route from Old Newton to Stowupland.

Section 257 of the TCPA 1990 provides that a competent authority may by order stop up or divert a footpath under section 257 of the Town and Country Planning Act 1990 after planning permission has been granted if it is necessary to do so in order to enable development to be carried out, or prior to planning permission being granted if (1) an application for planning permission has been made under Part 3 of that Act and (2) if the application were granted it would be necessary to authorise the stopping up or diversion of the footpath to which the order relates in order to enable the development to be carried out.

In coming to a decision the Council must weigh the disadvantage or loss likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing highway against the advantages of the proposed order (Circular 1/09 paragraph 7.15). An order cannot be confirmed until planning permission has been granted.

An application to divert a footpath cannot normally be based on an outline permission as it's not possible from an outline permission to determine whether it is necessary to divert the footpath to allow development to take place, and it must be necessary, not simply preferable or desirable.

It cannot be assumed that because planning permission has been granted that a diversion order for the diversion of the right of way will invariably be made or confirmed. Having granted planning permission for a development affecting a right of way, however, an authority must have good reason to justify a decision either not to make or not to confirm an order (Circular 1/09 paragraph 7.15). It is in the applicant's interests to produce a layout that will not lead to objection from the County Council, or indeed from anyone else. If the District Council made a diversion order and the County Council objected to the order it would have to be determined by a Public Inquiry, which would obviously introduce significant delays and uncertainty to the development of the site, and in any event, the District Council would not normally make an order if a proposal is opposed by the County Council.

SCC - Travel Plan Co-ordinator

Confirm a Travel Plan would not be required for this development, due to its size and rural location affecting the accessibility to sustainable transport. No objection to the development.

Ecology

After review of the submitted ecological report (Hiller Ecology, November 2017). It is deemed that sufficient information has been provided to assess the impacts of development on protected and priority species, subject to a Biodiversity Mitigation Method Statement.

A precautionary Biodiversity Mitigation Method Statement should be supplied to provide mitigation measures to avoid the killing/injury of protected and priority species, during the construction phase. In particular, the method statement should consider mitigation measures for great crested newts, reptiles, common toads and hedgehogs. The reasonable enhancement measures identified in the ecological report (Hiller ecology, December 2017) should be secured and implemented in full. This will contribute to the aim of biodiversity net-gain. In addition, it is recommended that a Lighting Design Scheme be conditioned prior to occupation to reduce the impact of lighting on the boundary hedgerows, which may be used by foraging and commuting bats.

Landscape

In terms of the likely visual impact, the proposals will have a minimal impact on the semi-rural setting of the surrounding landscape. The proposed development acts as a continuation of the existing residential close. The main development constraint is the requirement to retain the natural landscape character and appearance, and mitigate the impact on the outward facing rural setting.

The following points highlight our key recommendations for the submitted proposals and will need to be submitted as part of a planning condition, if the outline application is approved.

- 1) A landscape master plan needs to be produced to indicate soft landscape, planting locations, and how the proposals will mitigate the visual impact of the development.
- 2) A detailed planting and boundary plan will need to be produced to mitigate/reduce the impact of the proposed development edge will have on the open countryside setting to the south and east of the site.

Suffolk Wildlife Trust

Object based on lack of ecological information. *(Subsequent to the SWT response being received, ecological appraisal was provided.)*

Anglian Water

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

The foul drainage from this development is in the catchment of Old Newton Water Recycling Centre that will have available capacity for these flows.

The sewerage system at present has available capacity for these flows via a gravity connection regime. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

SCC Flood and Water

We recommend a holding objection at this time:

The reason why we are recommending a holding objection is because the applicant has not provided evidence that they have a method for the disposal for the surface water in line with national/local planning policy and guidance.

Officer Note: SCC Flood and Water Officer have subsequently agreed that a recommendation could be made to committee allowing the application to be considered and then the drainage matter resolved.

B: Representations

Summary of Objections

- * Lack of parking, loss of part of existing car park
- * Dangerous walk to the school
- * Insufficient road capacity.
- * No play facilities in village apart from play area in the field.
- * Slow worms on subject land.
- * Property devaluation.
- * Refuse lorries and emergency services already obstructed.
- * Inadequate notification to Greenacres residents.
- * Noise, disturbance, overlooking, loss of privacy.
- * Lack of ecological appraisal.
- * Inaccurate traffic report – 50 units not 29, 42% more than stated.
- * Unable to park safely for our children.
- * The application contains inaccurate information, including: school is currently over subscribed; no post office; road to the school is not a suitable cycle route for primary school aged children; bus route is minimal and cannot be described as adequate; land is not agricultural, unless you can consider the removal of long grass on an annual/bi-annual basis.

PART THREE – ASSESSMENT OF APPLICATION

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.

1. The Site and Surroundings

1.1. The site comprises an agricultural field (grade 3) located to the south-east of residential estates, Greenacres and Mutton Meadow. The site is on the south-eastern periphery of Old Newton village and is bordered on its west and north sides by residential development and on its south and east sides by agricultural fields.

1.2. The site is located in the countryside outside of the settlement boundary of Old Newton, a designated Primary Village. Public Footpath 47 traverses the site in a north/south direction.

1.3. The site is not in a Conservation Area, Special Area of Conservation or Special Landscape Area. The nearest listed building is Grade II, located at 24, 26, 28 Pond Farmhouse, situated on the southern side of Church Road. The listed building is approximately 85m east of the subject site.

2. The Proposal

2.1. The proposal is for outline permission for 23 dwellings, 8 of which will be affordable housing. Access, both vehicular and pedestrian, will be obtained from Greenacres to the west and Mutton Meadow to the north. The appearance, scale, layout and landscaping will be secured as part of the Reserved Matters. The indicative layout suggests mix of two, three and four bedroom dwellings.

2.2. The indicative layout includes a tree lined public open space located relatively central to the site, occupying approximately 15% of the developable site area.

3. National Planning Policy Framework

3.1. 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.

3.2. The following parts of the NPPF are considered to be applicable to this scheme:

Para 6: Achieving sustainable development

Para 7: Three dimensions to sustainable development

Para 11 - 15: The presumption in favour of sustainable development

Para 17: Core planning principles

Para 32 and 34: Transport movements

Para 47: Delivering a wide choice of high quality homes (including the need to have a 5-year deliverable supply of housing)

Para 49: All housing proposals should be considered in the context of the presumption in favour of sustainable development.

Para 55: To promote sustainable development in rural areas.

Para 56 & 60: Requiring good design

Para 64: Development of poor design must not be supported.

Para 69: Promoting healthy communities

Para 70: Delivery of social, recreational, and cultural facilities that the community needs.

Para 72: Provision of school places. Para 73: Access to high quality open space. Para 100: Development and flood risk

Para 103: Development and increasing flood risk elsewhere

Para 109: Planning system should contribute to and enhance the natural and local environment.

Para 112 & 117-119: Development affecting protected wildlife

Para 123: Planning and noise.

Paras 128 & 129: Describing the significance of a designated heritage asset.

Para 131: Determining planning applications that affect heritage assets.

Para 132: Significance of heritage assets.

Para 134: Development and less than substantial harm

Para 186: Approaching decision taking in a positive way.

Para 187: Local Planning Authorities should find solutions rather than problems in decision taking.

Para 196: Plan led planning system.

Para 197: Assessing and determining application applying the presumption in favour of sustainable development.

Paras 203 -206 - Planning conditions and obligations.

Paras 211 - 212: Using development plans and the NPPF in decision making.

Paras 214 - 215: The weight attached to development plan policies having regards to their consistency with the NPPF.

Para 216 - Weight given to policies in emerging plans

4. Core Strategy

4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to this scheme:

FC1 - Presumption in favour of sustainable development.

FC1.1 - Mid Suffolk's approach to delivering sustainable development

FC2 - Provision and distribution of housing.

4.2. The following parts of the Core Strategy 2008 are considered to be applicable to this scheme:

CS1 - Settlement hierarchy

CS2 - Development in the countryside & countryside villages

CS4 - Adapting to climate change.

CS5 - Mid Suffolk's environment

CS6 - Services and infrastructure

CS9 - Density and mix

5. Stowmarket Area Action Plan

5.1 Summary of relevant policies contained in the Stowmarket Area Action Plan 2013:

- Policy 4.1: Presumption in favour of sustainable development
- Policy 4.2: Providing a landscape setting for Stowmarket
- Policy 6.1: Housing and Waste Storage
- Policy 6.4: Development in the villages
- Policy 8.1: Developer contributions to a sustainable transport network
- Policy 9.5: Historic Environment
- Policy 10.3: Improving the quality of open spaces
- Policy 11.1: Developer contributions to infrastructure delivery

6. Saved Policies in the Local Plans

6.1 Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998 relevant to the proposal:

- Policy GP1: Design and layout of new developments
- Policy HB14: Ensuring that Archaeological remains are not destroyed
- Policy H7: Restricting housing development unrelated to the needs of the countryside
- Policy H13: Design and layout of development
- Policy H15: Development to reflect local characteristics.
- Policy H16: Protecting existing residential amenity
- Policy H17: Keeping residential development away from pollution
- Policy CL8: Protecting wildlife
- Policy CL11: Retaining high quality agricultural land
- Policy T9: Parking standards
- Policy T10: Highway consideration in developments
- Policy RT4: Amenity open space and play areas within residential development
- Policy RT12: Footpaths and bridleways

7. Principle of Development

7.1. The National Planning Policy Framework (NPPF) requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraph 47). For sites to be considered deliverable they have to be available, suitable, achievable and viable.

7.2. 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 (as stated in paragraph 49 of the NPPF). Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 also applies where a proposal is in accordance with the development plan, where it should be granted permission without delay (unless material considerations indicate otherwise).

7.3. The precise meaning of '*relevant policies for the supply of housing*' has been the subject of much case law, with inconsistent results. However, in May 2017 the Supreme Court gave judgment in a case involving Suffolk Coastal District Council which has clarified the position. The Supreme Court overruled earlier decisions of the High Court and the Court of appeal in this and other cases, ruling that a "narrow" interpretation of this expression is correct; i.e. it means policies identifying the numbers and location of housing, rather than the "wider" definition which adds policies which have the indirect effect of inhibiting the supply of housing, for example, countryside protection policies. However, the Supreme Court made it clear that the argument over the meaning of this expression is not the real issue. The absence of a five year housing land supply triggers the application of paragraph 14 of the NPPF, as defined above.

7.4. In accordance with Planning Practice Guidance (PPG) paragraph 030 (Reference ID: 3-030-20140306) the starting point for calculating the 5 year land supply should be the housing requirement figures in up-to-date adopted Local Plans. It goes on to state that '*...considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light....Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints...*'

7.5. The Council adopted its Core Strategy Focussed Review in December 2012, having been tested and examined as a post-NPPF development plan. The Council published the Ipswich and Waveney Housing Market Areas Strategic Housing Market Assessment (SHMA) in May 2017 which is important new evidence for the emerging Babergh and Mid Suffolk Joint Local Plan. Therefore, the 5 year land supply has been calculated for both the adopted Core Strategy based figures and the new SHMA based figures. For determining relevant planning applications, it will be for the decision taker to consider appropriate weight to be given to these assessments and the relevant policies of the development plan.

7.6. A summary of the current MSDC 5 year land supply position is as follows:

- Core Strategy based supply for 2017 to 2022 = 3.9 years
- SHMA based supply for 2017 to 2022 = 3.9 years

7.7. The NPPF requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 7 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

- An economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- A social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

7.8 In light of all of the above, this report will consider the proposal against the three strands of sustainable development, and also give due consideration to the provisions and weight recommended to be applied to the policies within the development plan, in the context of the authority not being able to demonstrate a 5 year land supply.

8. Sustainability of the Proposal

8.1. Policy CS1 of the Core Strategy identifies a settlement hierarchy as to sequentially direct development, forming part of a strategy to provide for a sustainable level of growth. The Policy identifies categories of settlement within the district, with Towns representing the most preferable location for development, followed by the Key Service Centres, Primary then Secondary Villages. The countryside is identified as the areas outside of those categories of settlement referred to above.

8.2. Policy CS2 of the Core Strategy restricts development in the countryside to defined categories, including, rural exception housing, consisting of the following:

- agricultural workers dwellings;
- possible conversion of rural buildings;
- replacement dwellings;
- affordable housing on exception sites;
- sites for Gypsies and Travellers and travelling showpeople.

8.3. Policy H7 of the Local Plan seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance.

8.4. The proposal site is located in the Countryside, where Policy CS1 and CS2 of the Core Strategy states that only development for rural exception housing will be permitted. The proposal does not represent rural exception housing for the purposes of the Core Strategy, and is therefore inconsistent with policies CS1, CS2 and H7.

8.5. However, in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing, including Policy CS1 and CS2 of the Core Strategy and H7 of the Local Plan cannot be considered up-to-date.

8.6. In this case, despite its location in the countryside, the site is in a sustainable location due to the accessibility to services and facilities, including by sustainable modes of transport, as detailed below, and is therefore acceptable in principle.

8.7. The three dimensions of sustainable development, in the context of the proposed development, are assessed in detail below.

9. Economic Dimension

9.1. The provision of 23 dwellings will give rise to employment during the construction phase of the development. Furthermore, future occupiers of the development would be likely to use local services and facilities. Both factors will be of benefit to the local economy, furthering the economic dimension of sustainable development.

10. Social Dimension

10.1. In respect to the provision of new housing, the development would provide a benefit in helping to meet the current housing shortfall in the district through the delivery of 23 additional dwellings, 8 of which would be much needed affordable dwellings.

10.2. The matter of the sustainability of the site in terms of access to local services and facilities is discussed further below.

11. Environmental Dimension

11.1. Access to Services and Facilities

11.1.2 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of rural communities*', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.

11.1.3. The site is located in the countryside, however, it lies adjacent to the Old Newton settlement boundary. Old Newton is served by some services and facilities, including a church, primary school, restaurant, store, community centre, recreation field, bowls club and Thurlow's Yard commercial estate.

11.1.4. The reasonable access to services and facilities is reflected in Old Newton being designated a 'Primary Village' in the Core Strategy settlement hierarchy. However, whilst the settlement is served by some services and facilities, it is reasonable to suggest that journeys out of the village would be a requirement for some residents in order to access many day-to-day services.

11.1.5. The nearest settlements offering a reasonable degree of services and facilities to meet every day needs of future occupiers are the towns of Haughley and Stowmarket, situated approximately 1.2 miles and 1.8 miles respectively from the proposal site. Both of these towns are designated 'Key Service Centres'. Vehicle trips to these centres would be relatively short.

11.1.6. Moreover, there are bus services connecting Old Newton with Haughley, Stowmarket and Bury St Edmunds. The bus stops are a short walk from the application site, located on Stowmarket Road. This provides a viable opportunity for residents to commute to other settlements for onward rail travel, and employment uses. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.

11.2 In the light of all of the above the principle of the proposal is considered to comply with the requirements of the NPPF in respect of sustainable development so as to be acceptable in this regard.

12. Impact on the Landscape

12.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

12.2. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

12.3. The Suffolk Landscape Character Assessment defines the site and surrounding area to the east as part of the Rolling Valley Farmlands & Furze landscape. Key characteristics identified include valleys with prominent river terraces of sandy soil; small areas of gorse heathland in a clayland setting; straight boundaries associated with late enclosure; co- axial field systems and the focus for larger settlements.

12.4. The application site comprises open agricultural land. The western and northern sides are subject to residential development, while open countryside is located to the east and south.

12.5. Whilst the introduction of the dwellings would extend development into the countryside, officers consider, due to the position of existing residential development, the proposed dwellings would be mostly seen in the context of existing residential development, representing somewhat of a 'squaring off' of the existing body of the village. This 'squaring off' effect mitigates the impact on the setting of the village and its well-established settlement boundary.

12.6. Furthermore, whilst development would remain visible, the incorporation of planting and landscaping, as would be expected at the reserved matters stage of the development process, would assist in reducing the level of visibility and harm to landscape character.

12.7. The Council's Landscape Consultant concludes the proposal will have a minimal impact on the semi-rural setting. The Landscape Consultant recommends a landscape masterplan and boundary planting plan. These matters can be secured by way of condition.

13. Impact on the Character and Appearance of the Area

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

13.2. Policy CS9 of the Core Strategy seeks average densities of at least 30 dwellings per hectare unless there are special circumstances that require a different treatment.

13.3. Policy H13 of the Local Plan requires new housing development to be expected to achieve a high standard of design and layout and be of a scale and density appropriate to the site and its surroundings, whilst Policy H15 of the Local Plan similarly requires new housing to be consistent with the pattern and form of development in the area and its setting.

13.4. Policy GP1 of the Local Plan states that proposals comprising poor design and layout will be refused, requiring proposals to meet a number of design criteria including maintenance or enhancement of the surroundings and use of compatible materials.

13.5. Paragraph 56 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development

13.6. The built form of the area is predominately linear, with residential development extending along Church Road and Stowmarket Road, however 'cul-de-sac' type development at Greenacres and Mutton Meadow provide some character variation.

13.7. The application site is accessed by two new single points of access, from Greenacres to the west and Mutton Meadow to the north. The indicative layout displays a form that is consistent with Greenacres and Mutton Meadow and therefore remains in keeping with the character and appearance of the area.

13.8. The application proposes new housing at a density of approximately 28 dwellings per hectare (dph), generally consistent with that sought under Policy CS9.

13.9. The scale of development in the area is varied with examples of single, one and a half and two storey development, as such, the proposal, similarly comprising this range of scales would be in keeping with existing development and can be appropriately addressed as part of the reserved matters.

13.10. The proposal is of an acceptable design and will give rise to an acceptable impact upon the built and natural environment, consistent with the above policies and the environmental dimension of sustainable development.

14. Impact on Heritage Assets

14.1. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.

14.2. Policy 9.5 of the Stowmarket Area Action Plan seeks to protect the historic the historic environment of Stowmarket and surrounding villages.

14.3. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.

14.4. Where policies are out of date, paragraph 14 of the NPPF says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or specific policies indicate development should be restricted. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.

14.5. Paragraph 129 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

14.6. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

14.7. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.

14.8. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.

14.9. The nearest heritage asset is a Grade II listed building located at 24, 26, 28 Pond Farmhouse, situated on the southern side of Church Road northeast of the subject site. The proposal would not materially harm the setting and significance of this building owing principally to the separation distance coupled with the intervening development between the subject site and the heritage asset.

14.10. The proposed scheme would lead to a neutral impact to the setting of the nearest heritage asset, consistent with Core Strategy Policy CS5, Local Plan Policy HB1 and SAAP Policy 9.5.

15. Residential Amenity

15.1. Policy H13 of the Local Plan seeks to ensure new housing development protects the amenity of neighbouring residents. Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas.

15.2. Paragraph 17 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.

15.3. The indicative layout demonstrates the site is capable of accommodating a residential layout totalling 23 dwellings that will not unduly compromise the residential amenity of future occupiers of the development or occupiers of neighbouring dwellings. More specifically, suitable distances between dwellings can be achieved to ensure no unacceptable loss of daylight, sunlight, or overlooking to the existing residents would ensue.

16. Highway Safety

16.1. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including; the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles.

16.2. The Policy is supplemented by Policy T9 of the Local Plan, requiring proposals to provide areas of parking and manoeuvring in accordance with the parking standards adopted by the district.

16.3. Paragraph 32 of the NPPF confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that paragraph 32 should not be interpreted to mean that anything other than a severe

impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).

16.4. Residents object to the scheme, advising that the development would lead to an increase in congestion, on-street parking, and traffic in Old Newton. Residents of Mutton Meadow are particularly concerned with the change to the existing car park where the proposed northern access point is to be located.

16.5. The road network is considered suitable to cope with the increase traffic. The development would not significantly change the character of the surrounding highway and therefore would not have a severe impact on local road users.

16.6. The internal layout of the site is currently indicative only, and the opportunity would exist at reserved matters stage to design the layout to meet the necessary highways standards. Due to the size of the site and the number of dwellings proposed (23) there is scope to provide a residential development with the necessary road, footway, turning areas and parking spaces.

16.7 The Local Highway Authority raises no objection to the proposal subject to conditions and consideration of the parking layout, which can be addressed at the reserved matters stage.

17. Public Right of Way

17.1. Policy RT12 of the Local Plan seeks to safeguard the footpath and bridleway network and, where appropriate, will support proposals to secure its improvement and modification, including extensions and extinguishments.

17.2. Paragraph 75 of the NPPF seeks to protect and enhance public rights of way and access.

17.3 As shown on the indicative plan the layout would require the diversion of FP47 onto the estate roads, which the SCC Public Rights of Way Officer confirms is not acceptable, however they also confirm that the footpath could be diverted.

17.4 Advice from this Councils Public Rights of Way Officer is that the use of roads and estate roads should be avoided and there is a preference for alternative routes to be provided which pass through landscaped or open space areas away from vehicular traffic.

17.5 The footpath runs from the north-western boundary diagonally across the site to the southern boundary. The indicative design submitted would require a diversion of the footpath along the estate road, which has been set out by both the Rights of Way Officers as unacceptable. However, this plan is indicative and the proposal includes an area of open space, such that the design could be amended to result in the footpath utilising the open space.

17.6 To reiterate the PROW officer advice:

“Section 257 of the TCPA 1990 provides that a competent authority may by order stop up or divert a footpath under section 257 of the Town and Country Planning Act 1990 after planning permission has been granted if it is necessary to do so in order to enable development to be carried out, or prior to planning permission being granted if (1) an application for planning permission has been made under Part 3 of that Act and (2) if the application were granted it would be necessary to authorise the stopping up or diversion of the footpath to which the order relates in order to enable the development to be carried out.

In coming to a decision the Council must weigh the disadvantage or loss likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing

highway against the advantages of the proposed order (Circular 1/09 paragraph 7.15). An order cannot be confirmed until planning permission has been granted.

An application to divert a footpath cannot normally be based on an outline permission as it's not possible from an outline permission to determine whether it is necessary to divert the footpath to allow development to take place, and it must be necessary, not simply preferable or desirable."

17.7 In the light of this, and in particular the outline nature of the proposal in combination with the potential for the footpath to be provided on open space without an unacceptable impact on the amenity value and character of the footpath it is not considered that the proposal is unacceptable to warrant refusal on this basis.

18. Flood Risk

18.1. The site lies in Flood Zone 1, where flooding from rivers and the sea is very unlikely. There is less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year.

18.2. SCC Flood and Water Management Team has a holding objection to this proposal because the applicant has not provided evidence that they have a method for the disposal for the surface water in line with national/local planning policy and guidance. However, they are agreeable to the relevant information being sought following a recommendation to this effect and the decision being made by the Committee.

19. Land Contamination

19.1. The application is supported by a Phase 1 Contaminated Land Survey. The Councils Environmental Protection Team have reviewed the information and raises no objection to the proposal.

20. Archaeology

20.1. Planning conditions securing a programme of archaeological work are considered appropriate given the lack of recent development of the site.

21. Trees

21.2. The site does not contain any trees of significance. As noted elsewhere in this report, landscaping and planting is proposed to mitigate the landscape impact of the development.

22. Biodiversity

22.1. Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.

22.2. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to '*have regard to the Habitats Directive in the exercise of its functions.*' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

22.3. Residents noted the absence of an ecological report to support the original application. SWT object to the proposal in the absence of an ecological report. The applicant has since provided an ecological appraisal that has been reviewed by Council's Ecology Consultant. The Ecology Consultant raises no objection to the proposal, subject to the imposition of conditions securing those recommendations as outlined in the submitted ecology report, details of a lighting design scheme and submission of a biodiversity mitigation method statement. These conditions are proposed as recommended.

23. Loss of Agricultural Land

23.1. Policy CL11 of the Local Plan seeks to conserve the districts best and most versatile agricultural land.

23.2. The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long- term limitations on agricultural use. Land is graded on a scale of 1-5, with Grade 1 deemed excellent quality and Grade 5 deemed very poor quality agricultural land.

23.3. The application site is Grade 3 agricultural land. However, the proposal site comprises a very modest parcel of land in the context of the quantum of agricultural land in the district, and therefore the loss of this parcel of agricultural land will give rise to very limited harm in agricultural productivity terms.

24 Waste Management

24.1 Waste Services does not object to the proposal provided a minor layout revision is undertaken to allow 32 tonne dustcarts to access the bend opposite plot 3. This detailed layout matter can be readily addressed at the reserved matters stage of the development process.

25. CIL and Planning Obligations

25.1. The Community Infrastructure Levy is a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area.

25.2. Mid Suffolk District Council adopted a CIL Charging Schedule On 21st January 2016 and started charging CIL on planning permissions granted from 11th April 2016. Mid Suffolk are required by Regulation 123 to publish a list of infrastructure projects or types of infrastructure that it intends will be, or may be, wholly or partly funded by CIL.

25.3. The current Mid Suffolk 123 List, dated January 2016, includes the following as being capable of being funded by CIL rather than through planning obligations:

- Provision of passenger transport
- Provision of library facilities
- Provision of additional pre-school places at existing establishments
- Provision of primary school places at existing schools
- Provision of secondary, sixth form and further education places
- Provision of waste infrastructure
- Provision of health facilities

25.4. With particular regard to education provision, Suffolk County Council forecast that there will be no surplus places available at the catchment primary or secondary schools to accommodate children arising from the proposal. CIL funding will therefore be sought.

25.5. The information below would form the basis of a future bid from Suffolk County Council to the District Council for CIL funds if planning permission is granted and implemented. This will be reviewed when a reserved matters application is submitted.

- Primary School Provision - 6 pupils at a Cost of £12,181 per place
- Secondary School Provision, age range 11-16 - 4 pupils at a cost of £18,355 per place
- Secondary School Provision, age range 16+ - 1 pupil at a cost of £19,907 per place

25.6. Additionally, Suffolk County Council seek a contribution of £216 per dwelling (£4968) for improvements to the local library provision.

25.7. A management plan for the principal public open space will be secured via a S106 agreement whereby the developer will establish a management company to manage the land or some other arrangement agreed with the Local Planning Authority.

25.8. The development seeks to secure 35% affordable housing, in accordance with Altered Policy H4. The mix and tenure will be secured through the reserved matters application and through the S106 agreement.

26. Details of Financial Benefits / Implications (S155 Housing and Planning Act 2016)

26.1. The development will lead to:

- Council Tax payments from the dwellings when built;
- Planning Delivery Grant from Central Government for delivering the dwellings;
- CIL calculated at £115 per square metre of residential for area.

PART FOUR – CONCLUSION

27. Statement Required By Article 35 of the Town and Country Planning (Development Management Procedure) Order 2015

27.1. 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.

27.2. In this case the Local Planning Authority requested additional details to address the ecology and other issues raised by consultees.

28. Planning Balance

28.1. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF. 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 (as stated in paragraph 49 of the NPPF).

28.2. Where policies cannot be considered up-to-date, the NPPF (paragraph 14) cites the presumption in favour of sustainable development and states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

28.3. Officers conclude that specific policies do not indicate development should be restricted. Therefore, the proposal should proceed to be determined in accordance with the presumption in favour of sustainable development.

28.4. The NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement.

28.5. In this case the adverse environmental impact, associated with harm to the landscape arising from the introduction of development to an otherwise undeveloped parcel of agricultural land and loss of agricultural land does not significantly and demonstrably outweigh the benefits of the development, including the benefit in helping to meet the current housing shortfall in the district. The proposal would thereby represent sustainable development and should be granted in accordance with the presumption in favour of sustainable development.

28.6. The application is therefore recommended for approval.

RECOMMENDATION

(1) That subject to an acceptable drainage scheme being provided to the satisfaction of the Local Lead Flood Authority, that authority be delegated to the Corporate Manager - Growth and Sustainable Planning to grant planning permission, subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

- Secure 35% Affordable units including mix and tenure
- Provision of footway links
- Provision and management of Public Open Space

(2) and that such permission is subject to conditions including:

- * Standard time limit
- * Submission of reserved matters
- * Approved plans
- * Land contamination condition
- * Landscaping scheme including tree protection measures
- * Implementation of landscaping scheme
- * Secure and implement sustainability and energy strategy
- * Secure written scheme of investigation and implementation of programmed of archaeological work
- * Submit and agree site investigation and post investigation assessment (archaeology)
- * Secure provision of fire hydrants
- * Implement Ecological Mitigation measures
- * Concurrent with Reserved Matters to secure biodiversity method mitigation statement
- * Lighting Design Scheme to be agreed and implemented
- * Details of estate roads and footpaths
- * Agree and implement construction of carriageways and footways
- * Details of means to prevent discharge of surface water onto highway
- * Agree and implement parking, cycling, and manoeuvring areas
- * Storage of refuse/recycling
- * Construction Management Plan including deliveries management plan
- * Details of materials
- * Details and position of footway
- * Conditions as required by SCC Flood and Water pursuant to the additional information

3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured, or if an acceptable drainage scheme is not submitted that the Corporate Manager- Planning for Growth be authorised to refuse planning permission on appropriate grounds.