

## **Committee Report**

**Item No: 4**

**Reference:** DC/18/00192

**Case Officer:** Jack Wilkinson

**Ward:** Debenham

**Ward Members:** Cllr Kathie Guthrie

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### **Description of Development**

Outline planning application (access to be considered) - use of land for the erection of up to 8 dwellings. Provision of open space. Formation of vehicular access to Little London Hill. Provision of pedestrian link to Derry Brook Lane.

### **Location**

Land bounded by Derry Brook Lane and Little London Hill, Debenham

**Parish:** Debenham

**Site Area:** 0.95ha

**Conservation Area:** Not in Conservation Area

**Listed Building:** Not listed

**Received:** 12/01/18

**Expiry Date:** 13/03/18

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**Application Type:** Outline Planning Permission

**Development Type:** Small Scale Major Dwellings

**Environmental Impact Assessment:** N/A

**Applicant:** Park Properties (Anglia) Ltd

**Agent:** East Coast Planning Services Ltd

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## **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This decision refers to the Site Location Plan - received 12/01/18 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:

Planning Application Form - received 12/01/18

Site location plan - received 12/01/18

Topographical survey - received 12/01/18

Reptile survey - received 12/01/18

Flood risk assessment and drainage strategy - received 12/01/18

Ground investigation - received 12/01/18

Planning statement - received 12/01/18

Proposed site layout December 2017 - received 12/01/18

Tree survey - received 12/01/18

Land contamination assessment - received 12/01/18  
Ecological appraisal - received 12/01/18

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

- The application seeks to address the Planning Committee's refusal of an outline planning application for 25 dwellings on 13 December 2017. The application has been called in by the local ward member due to its controversial nature.

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## **PART TWO – APPLICATION BACKGROUND**

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### **History**

The site forms part of a broader site that was subject to an outline planning application (0030/17) refused in December in 2017. The outline application was for 25 dwellings and formation of vehicular access to Little London Hill. The application was refused by the Planning Committee, contrary to the officer recommendation of approval, for the following reason:

*'The proposed development by reason of its location would lead to pedestrians using Little London Hill where there is no footpath or footway available to access the rest of the village. This represents a risk in respect of highway safety and would be contrary to policy T10 of the Mid Suffolk Local Plan 1998 that gives regard to the provision of safe access to and egress from the site and the suitability of existing roads giving access to development in terms of safe and free flow of traffic and pedestrian safety. Opportunities to create a footpath or footway are not available for the entire route given ownership and other constraints. It is concluded that the benefits of the development would not outweigh the highway safety matter identified with consideration to the NPPF'*

### **All Policies Identified as Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

FC01 - Presumption In Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change  
CS04 - Adapting to Climate Change  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure  
GP01 - Design and layout of development  
HB01 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
RT04 - Amenity open space and play areas within residential development  
RT12 - Footpaths and Bridleways  
CL08 - Protecting wildlife habitats  
Suffolk Design Guide  
National Planning Policy Framework (NPPF)

#### Supplementary Planning Documents

- Suffolk Adopted Parking Standards (2015)

#### **Previous Committee / Resolutions and Any Member Site Visit**

Outline planning application 0030/17 refused in December in 2017 contrary to officer recommendation.

#### **Pre-Application Advice**

No pre-application discussions held between the applicant and Council officers.

#### **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**

##### **Debenham Parish Council**

Apart from the reduced number of dwellings, which is likely to be increased in the event of and following a favourable decision, the small changes proposed with the new plan do not sufficiently mitigate the highways issues and concerns which had resulted in the refusal of the previous planning application (0030/17) for this site. Although there appears to be an attempt in addressing some of the flooding issues, the site has not been identified as suitable for development on the Neighbourhood Plan and the type and mix of houses being proposed would not meet the needs of the village.

##### **SCC Highways**

Sufficient visibility is to be provided for the pedestrian link which accesses onto Derry Brook Lane. Applicant to consider removing some hedging/vegetation along the boundary to

improve visibility for pedestrians. Otherwise, no objection subject to standard highways conditions.

#### **BMSDC – Heritage Team**

No comments.

#### **SCC - Archaeological Service**

The proposed development area lies on a south facing slope, overlooking the historic settlement of Debenham and the River Deben (DBN 131), and is situated in a topographically favourable location for early occupation. A medieval moated site is recorded to the west of the proposed development area (DBN 0004) and multi-periods finds scatters have also been identified in the immediate vicinity of the site (DBN 022, 029, 073, 167). As a result, there is high potential for encountering below ground heritage assets at this location and the proposed work will damage or destroy and archaeological remains which exist.

Although this site has not been systematically evaluated for archaeological remains, we would not object to this work being secured through a condition on planning consent. However, a World War II operations base is also recorded at the site (DBN 142), with information available in the County Historic Environment Record. The applicant should assess this feature and the impacts of development on it, and present any proposals for how it will be managed.

Subject to clarification of this matter prior to determination of the application there would be no grounds to consider refusal of permission in order to achieve preservation in situ of any important archaeological heritage assets. Two standard archaeological conditions are recommended.

#### **Environmental Health - Land Contamination**

No objection.

#### **Place Services - Ecology**

The Ecologist has reviewed the Ecological Impact Assessment and Reptile Survey (MHE Consulting Ltd, July 2016) submitted by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species. The Ecologist has also reviewed Suffolk Wildlife Trust's comments for this application, and is satisfied that there is sufficient ecological information available for determination. The above details will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

The mitigation and enhancement measures identified in the Ecological Impact Assessment and Reptile Survey (MHE Consulting Ltd, July 2016) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority species.

The applicant will need to provide an appropriate Reptile Mitigation Strategy at Reserved Matters stage, following the recommendations of the reptile survey. Further surveys for Water Voles and Otters will also have to be provided. This will identify whether Water Voles are present and affected by the proposed works and will reassess the status of the identified Otter holt.

From reviewing the Ecological Impact Assessment and Scheme Summary (Ashenden Architecture Ltd, December 2017) it appears that the trees with bat potential will be retained within the proposed development. To ensure clarity, the Construction Environmental Management Plan shall identify these trees and ensure they are protected during the construction stage.

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In addition, there is an impact pathway for changes in water quality in the Derry Brook, a tributary of the River Deben, as a result of development. Therefore, a HRA Appropriate Assessment record should be undertaken to ensure that no adverse effects on integrity of the Deben Estuary SPA/Ramsar sites are caused as a result of the development. The applicant will need to supply a Silt Management Plan to avoid silt run off into the Derry Brook at Reserved Matters stage. The proposal is acceptable subject to conditions.

### **Natural England**

No comments.

### **Environment Agency**

Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality - considerations for planning applications. paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

The first presumption should be to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works. A private means of foul effluent disposal is only acceptable when foul mains drainage is not feasible (in terms of cost and/or practicality).

The submitted Flood Risk Assessment and Drainage Strategy indicates that a connection will be made to the public sewer. Providing this is the case, we have no objection to the proposals.

### **Suffolk Wildlife Trust**

States that the application fails to demonstrate that the proposed development will not result in an adverse impact on Protected and UK and Suffolk Priority species (reptiles; otter and water vole). Recognises surveys have identified some potential evidence of species, but seeks further surveys and mitigation that officers consider can be the subject of condition given the land available to the application for such mitigation if needed.

### **SCC Flood and Water**

No objection subject to standard conditions.

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## **B: Representations**

12 objections received based on the following grounds:

- Highway safety – Little London Hill not suitable for increase in traffic
- Highway safety – unsafe proposed access points
- School highway safety issues
- Inadequate infrastructure
- Extra surface water draining into a small stream
- Heavy construction traffic on a road
- Increased flood risk
- Site not recommended by Debenham Neighbourhood Plan
- Car dependent development
- Outside settlement boundary

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## **PART THREE – ASSESSMENT OF APPLICATION**

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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 application concerns an area of land extending to 0.95ha on the north-western edge of the village of Debenham. Debenham is defined as a 'Key Service Centre' in the Mid Suffolk Core Strategy 2008. The site has a frontage to both Little London Hill and Derry Brook Lane, both of which are unclassified roads.
- 1.2. The site is described as being in agricultural use and appears to be used as a low-key smallholding. There are several single storey sheds occupying the land.
- 1.3. The site is outside, but adjoining, the defined settlement boundary and outside the designated Conservation Area. There are no listed buildings within close proximity of the subject site. The nearest listed building is at 16/18 Chancery Lane.
- 1.4. The land falls gently towards the River Deben which runs along the site's southern boundary. There are trees across the site of varying quality. Vehicular access is taken from Little London Hill with a footbridge crossing the Deben giving access from Derry Brook Lane. The nearest bus stop (serving 7 bus routes) is located on Aspoll Road approximately 220m east of the site.
- 1.5. The majority of the site lies in Flood Zone 1. Part of the site adjacent to the river on its southern boundary is located in Flood Zones 2 and 3. No dwellings would be within these areas.

## **2. The Proposal**

- 2.1 Outline planning permission with all matters reserved except access is sought for up to 8 dwellings.
- 2.2 An indicative layout has been provided to demonstrate how the site could develop if outline permission is granted. As noted in the supporting Planning Statement, the purpose of the indicative layout plan is simply to illustrate that the quantum of development, that being 8 dwellings, can be accommodated at the site in an acceptable form. Key elements of the indicative layout are as follows:
- Creation of new single access point from Little London Hill, associated road widening (to 5m) and incorporation of 2.4m x 43m visibility splays (requiring some tree removal)
  - Mix of detached and semi-detached dwellings together with detached garaging.
  - Retention of majority of trees along the southern and western portions of the site.
  - Two storey dwellings envisaged.
  - Significant area of public open space provided on the southern part of the site, for the purposes of flood risk mitigation and enhancing biodiversity.
  - A pedestrian/cycle link is proposed to the eastern side of the proposed public open space area, terminating at Derry Brook Lane opposite the footpath connecting to Hitcham Road.
  - Stopping up of the existing access onto Little London Hill immediately north of 'Village End'.
  - No affordable housing provision as the proposal does not meet the threshold of more than 10 dwellings or 1000sqm gross internal floor area.

## **3. National Planning Policy Framework**

- 3.1 The updated National Planning Policy Framework (NPPF2) dated 24<sup>th</sup> July 2018 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 paragraphs of the NPPF2 are considered applicable:

Para 7: Achieving sustainable development

Para 8: Three dimensions to sustainable development

Para 11 – 14: The presumption in favour of sustainable development

Para 15 – 19: Plan making

Para 20 – 23: Strategic policies

Para 28 – 30: Non-strategic policies

Para 47 – 50: Determination of planning applications

Para 54 – 57: Planning conditions and obligations

Para 73 – 76: Maintaining supply and delivery (including the need to have a 5-year deliverable supply of housing)

Para 77 – 79: Delivering rural homes

Para 83 – 84: Supporting a prosperous rural economy

Para 96 – 101: Open space and recreation

Para 102 – 111: Promoting sustainable transport

Para 117 – 121: Making effective use of land

Para 122 – 123: Housing density  
Para 124 – 132: Achieving well-designed places  
Para 155 – 165: Planning and flood risk  
Para 170 – 173: Conserving and enhancing the natural environment  
Para 174 – 177: Habitats and biodiversity  
Para 178 – 183: Ground conditions and pollution  
Para 184 – 188: Conserving and enhancing the historic environment  
Para 189 – 192: Proposals affecting heritage assets  
Para 193 – 202: Considering potential impacts

#### **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. Supplementary Planning Documents**

- 5.1 Suffolk Adopted Parking Standards (2015)

#### **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. Housing Land Supply**

- 7.1 The National Planning Policy Framework (NPPF2) 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 73). For sites to be considered deliverable they have to be available, suitable, achievable and viable.
- 7.2 The Council published the Strategic Housing Market Assessment (SHMA) in May 2017 which is significant 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. A summary of the current MSDC 5 year land supply position (announced July 2018 in the Annual Monitoring Report (AMR) is as follows:
- Mid Suffolk CS based land supply = 6.5 years
  - Mid Suffolk SHMA based land supply = 6.4 years
- 7.3 The NPPF2 requires that development be sustainable and that adverse impacts do not outweigh the benefits to be acceptable in principle. Paragraph 8 of the NPPF2 sets out three dimensions for sustainable development, economic, social and environmental:
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.4 In light of all of the above, this report will consider the proposal against the weight of the policies within the development plan following the announcement of MSDC's housing land supply position, but also the three strands of sustainable development set out in the NPPF2 taken as a whole.

## **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:
- agricultural workers dwellings;
  - possible conversion of rural buildings;
  - replacement dwellings;
  - affordable housing on exception sites;
  - sites for Gypsies and Travellers and travelling show people.
- 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. However, this policy would be in direct conflict with the provisions of NPPF2 and weigh given to this policy must be considered against the NPPF2 and consideration given to the age of the policy.
- 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 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 In this case and for the reasons detailed in the assessment sections below, despite its countryside location, the site is in a sustainable location due to the accessibility to services and facilities being abutting the settlement boundary, including by sustainable modes of transport 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 up to 8 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. The New Anglia 'Strategic Economic Plan' (April, 2014) acknowledges that house building is a powerful stimulus for growth and supports around 1.5 jobs directly and 2.4 additional jobs in the wider economy for every home built.

## **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 additional dwellings. The scheme will provide a mix of dwelling types and sizes to meet the needs of the local community in and around Debenham, and to ensure that a vibrant and sustainable community is provided.
- 10.2 The scheme will support the village's health, social and cultural well-being by providing significant CIL payments to fund the provision of health facilities, library facilities, etc. as appropriate.
- 10.3 The matter of the sustainability of the site in terms of access to local services and facilities is discussed further below.

## **11. Environmental Dimension**

### *Access to Services and Facilities*

- 11.1 Paragraph 78 of the NPPF2 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.
- 11.2 The site is located in the countryside, however, it lies adjacent the Debenham settlement boundary. Debenham is a designated Key Service Centre, served by a good range of local services and facilities, all of which are within convenient walking distance of the subject site.
- 11.3 A pedestrian and cycleway link is proposed to Derry Brook Lane, providing effective pedestrian and cycling connectivity to the village's amenities. This was a key issue for the Planning Committee in refusing the previous development proposal at the site. The proposed pedestrian/cycle link is a very deliberate design response which has been incorporated to ensure pedestrians and cyclists do not use Little London Hill to access the village, owing to the narrowness of the lane and absence of footpaths. Future occupants are much more likely to use the Derry Brook Lane connection as it links directly with a footpath network serving the village via Hitcham Road and Henniker Road. It is acknowledged there is an absence of footpaths along Great Back Lane however this is not fatal to the application. The lane can be traversed on foot, as it clearly is by the existing resident population. The narrow width of the lane, like numerous country village lanes, provides for a low speed environment, limiting pedestrian safety risk. Officers consider the revised design response has paid very careful attention to the previous reason for refusal and is a substantial improvement upon the previously refused development in terms of pedestrian and cyclist safety, in support of local Policy T10, underpinned by the comments expressed by the LLHA.
- 11.4 Public transport accessibility from the site is good with bus stops available on Aspoll Road. The accessible bus network provides a viable option for residents to commute to other settlements for employment etc. As such, there is the opportunity for residents to choose more sustainable modes of transport than the private vehicle.
- 11.5 It is noted the previous application was not refused on grounds of the site not being in a sustainable location. It is concluded that the site represents a sustainable location for new housing.

### *Impact on the Landscape*

- 11.6 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.
- 11.7 Paragraph 170 – 173 and 184 – 188 of the NPPF2 respectively state 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.
- 11.8 As observed in the supporting Planning Statement, the site is not in an area of special character designation such as an Area of Outstanding Natural Beauty or

Special Landscape Area. Officers agree with the Planning Statement contention that the site does not make any significant contribution in its undeveloped form to the character and appearance of the area, or to the setting of the village, such that it should be protected from development.

- 11.9 The proposed density is relatively low, adopting an open setting through incorporation of very generous back gardens for some dwellings and the sizable public open space area to the south. Large portions of the site will remain undeveloped. The site is in visual terms very well contained. Moreover, the proposed housing will be largely screened from the public domain by virtue of the existing retained vegetation on site. Built form will be visible from a short length of Derry Brook Lane. Built form visible from a public vantage point does not necessarily result in adverse character harm. In this instance, the visual impact on the broader landscape will be limited. A comprehensive landscaping scheme would be secured at the reserved matters stage to ensure landscape character impacts are further mitigated. It is noted that none of the objections received to date have raised concern regarding landscape character effects. The proposal responds positively to Policy CS5.

#### *Impact on the Character and Appearance of the Area*

- 11.10 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.
- 11.11 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.
- 11.12 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.
- 11.13 Paragraph 127 of the NPPF attaches great importance to the design of the built environment, stating that good design is a key aspect of sustainable development
- 11.14 Detailed design is a reserved matter. Notwithstanding, the Planning Statement notes that design cues will be taken from the local traditional housing stock, a welcome and respectful design response.

#### *Impact on Heritage Assets*

- 11.15 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.
- 11.16 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.
- 11.17 In this case there are specific NPPF2 policies relating to designated heritage assets that should be considered.

- 11.18 Paragraph 185 of the NPPF2 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.
- 11.19 Paragraph 193 - 194 of the NPPF2 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.
- 11.20 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.
- 11.21 The nearest designated heritage asset is at 16/18 Chancery Lane. The separation distance and intervening buildings ensures the site makes no contribution to the setting of this Grade II listed building.
- 11.22 The Debenham Conservation Area boundary is approximately 80m to the south-east of the site, on the eastern side of Great Back Lane. The site makes no contribution to the significance of the setting of the Conservation Area. Council's Heritage Team raise no objection regarding heritage impacts. It is concluded there will be no impact on the valued character and appearance of the Conservation Area.
- 11.23 The proposal does not conflict with Policy HB1 or paragraphs 185 and 193 - 194 of the NPPF2.

#### *Residential Amenity*

- 11.24 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.
- 11.25 Paragraph 127 of the NPPF2 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.
- 11.26 The indicative layout demonstrates the site is readily capable of accommodating 8 dwellings in a manner 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. It is noted that no objections have been received from residents in respect to potential loss of sunlight / daylight, visual bulk, overshadowing or loss of privacy. The proposal accords with the aspirations of local Policies H13 and H16 and paragraph 127 of the NPPF2.
- 11.27 Conditions are recommended regarding a Construction Management Plan and limiting construction hours to ensure the safeguarding of neighbouring residents' amenity.

### *Highway Safety, Access and Parking*

- 11.28 Access is a matter sought for approval. 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.
- 11.29 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.
- 11.30 Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 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 the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (*Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)*).
- 11.31 The majority of submissions received object to the scheme on traffic grounds, in particular the new access and reliance on vehicle connectivity to the village via Little London Hill. However, the LLHA raises no objection to the proposed access arrangement nor the anticipated increase in traffic generated by the proposal on the local road network. The issue of pedestrian connectivity and safety is discussed at paragraph 11.3 of this report. In the absence of an objection from the LLHA a reason for refusal based on highway safety grounds cannot be sustained.
- 11.32 The internal layout of the site is currently indicative only, and the opportunity would exist at the reserved matters stage to assess how the final design performs in respect to the quantum of parking spaces, turning areas, road and footway layout. Performance against the Suffolk Adopted Parking Standards (2015) is a matter for the detailed design stage. Notwithstanding, the site is sufficiently proportioned to accommodate the parking needs for an 8 dwelling development, including visitor parking. There is nothing before officers to suggest a parking-compliant development could not be achieved.

### *Flood Risk*

- 11.33 The majority of submissions received object to the scheme due to the likely increase in flood issues that will arise with the construction of additional dwellings. The land where the dwellings are sited is located in Flood Zone 1. The application is supported by a Flood Risk Assessment (FRA) which concludes: 'It is considered that the risk of flooding to the site has been adequately considered and therefore development of the site with the proposed mitigation measures does not pose an unacceptable flood risk either to occupants of the site or to others off site.'
- 11.34 The supporting FRA has been reviewed by the Environment Agency and the LLFA neither of whom raise objection to the proposal. It is noted the Planning Committee did not refuse the previous 25 dwelling development on flood related grounds.
- 11.35 Drainage details are an item to be managed at reserved matters, in consultation with the LLFA.

### *Trees*

- 11.36 The application is supported by a tree survey and Arboricultural Report. Many of the 'C' category trees are proposed for removal. It is intended that all of the Category A and B trees will be retained where possible. The loss of the 'C' category trees will have a limited landscape character impact and their removal will be offset by a comprehensive landscape planting scheme that will be required at the reserved matters stage. A reason for refusal on grounds relating to loss of trees cannot be sustained.

### *Land Contamination*

- 11.37 The application is supported by a Phase 1 Contaminated Land Survey. The Council's Environmental Protection Team have reviewed the information and raise no objection.

### *Archaeology*

- 11.38 SCC Archaeological Service recommend two conditions to mitigate archaeological impact. The Service note the presence of a World War II operations base recorded at the site and recommend that an assessment of potential effects on any remains should be provided prior to determination of the application. Officers consider this matter is most appropriately managed at the reserved matters stage of the development process. There is nothing before Council to suggest the impact on the operations base cannot be adequately addressed through the Archaeological Service's standard 'programme of archaeological work' planning condition.

### *Biodiversity*

- 11.39 Policy CS5 of the Core Strategy requires development to protect, manage and enhance Mid Suffolk's biodiversity.
- 11.40 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.
- 11.41 An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The consultant confirms a holding objection based on potential impacts on Deben Estuary SPA and Ramsar. This matter can be readily addressed by planning condition.
- 11.42 The Suffolk Wildlife Trust raise concerns regarding impacts on hedgehogs, bats, water vole, reptiles and otters. The Trust is concerned with mitigation measures that are proposed in the supporting Ecology Report but are not detailed in the design. It is not appropriate to manage detailed design matters at the outline stage. The drafting of items such as a reptile mitigation strategy should be undertaken once the final layout and design has been confirmed, not before.

### *Public Open Space*

- 11.43 A management plan for the public open space area is required and it is most appropriate to secure this by way of a planning condition whereby the developer will

establish a management company to manage the land or some other arrangement agreed with the Council. There is no proposal for the maintenance and management of the open space area to be transferred to the Council.

## **12. Planning Obligations / CIL**

- 12.1 The application is liable to CIL which would be managed through the standard independent CIL process triggered at the reserved matters stage.

## **PART FOUR – CONCLUSION**

### **13. Planning Balance**

- 13.1 The Council can currently demonstrate a five year housing land supply in the district, as required by the former NPPF and recently refreshed NPPF2. Relevant policies for the supply of housing should therefore be considered with more weight (as stated in paragraph 73 of the NPPF2). However, the Local Plan is not a completely up to date plan in full accordance with the NPPF. In officers view this means that the Council cannot rely on its Local Plan and needs to assess planning applications in the context of Government advice in paragraph 11 of the Revised NPPF [2018] [was paragraph 14 of the previous NPPF]

“For decision takers this means where

...the policies which are most important for determining the application are out-of-date, granting permission unless

- (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or,  
(ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole”

- 13.2 The NPPF2 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.
- 13.3 The proposal will bring with it economic and social benefits. The site is a sustainable location, within walking distance of a good range of local services, as expected from a Key Service Centre. Car dependency will be relatively low, certainly less than for residents in further outlying, rural villages.
- 13.4 The proposed development is visually well related to the village, set adjacent the settlement boundary. Visual intrusion into the countryside will be limited given the development is set against the backdrop of the body of the village. The development will not be isolated in a visual or social sense. Landscape harm will be very limited. There will be no adverse effects on the setting of listed buildings or on the setting of the nearby Conservation Area.
- 13.5 The proposal addresses the previous reason for refusal concerning pedestrian and cyclist connectivity to the village. Unlike the previous proposal, the subject scheme provides a pedestrian/cyclist link to Derry Brook Lane and the existing village footpath network beyond. It will be highly unlikely that pedestrians and cyclists from the development will utilise Little London Hill to access the local village amenities.

- 13.6 Highway safety outcomes are appropriately safeguarded, with the LLHA raising no objection to the proposed new vehicle access to Little London Road.
- 13.7 Flood risks are within acceptable parameters noting objections have not been received from statutory consultees. Outstanding biodiversity and archaeology issues are most appropriately managed at the reserved matters stage.
- 13.8 There are no compelling reasons to withhold the grant of outline planning permission given the benefit and no significant planning harm. The proposal constitutes sustainable development for which the NPPF carries a presumption in favour while mindful of the status of the development plan and its weight at this stage. In terms of balance it is concluded to recommend the application for approval.

## **RECOMMENDATION**

(1) That the Corporate Manager - Planning for Growth be authorised to grant Planning Permission subject to conditions including:

- Standard time limit
- Reserved matters outline
- Highways- restriction on access road gradient
- Highways- road widening, footway provision and warning signs
- Highways- Details of estate roads
- Highways- Road serving dwellings completed to base course prior to occupation
- Highways- vehicular access from Little London Hill only
- Highways- provision and retention of manoeuvring and parking areas
- Highways- visibility splays
- Highways- restriction on development in visibility splays
- Surface water details
- Details of surface water drainage scheme
- Details of implementation, maintenance, and management of surface water drainage scheme
- Details of sustainable urban drainage system components and piped networks
- Details of construction surface water management
- Details of foul water drainage scheme
- Landscaping scheme concurrent with reserved matters and including tree protection measures
- Implementation of landscaping scheme
- Programme of archaeological work
- No occupation until archaeological assessment complete
- Fire hydrant provision details
- Sustainable efficiency measures
- Ecology - Construction Environment Management Plan
- Secure mitigation and ecology enhancement measures
- Lighting scheme – biodiversity
- Construction Management Plan including hours of work
- Withdrawal PD rights
- Provision, management and maintenance of Public Open Space.
- Secured public link to Derry Brook Lane.

### Notes

Section 38 of the Highways Act 1980

Section 278 of the Highways Act 1980

Scheme of archaeological investigation